



(formerly Philippine NGO Coalition on the UNC CRC)

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Joint CSC-CRC UPR NGO Mid-term Report Philippines (2020)

Member-Organizations



About the CSC-CRC

The Civil Society Coalition on the Convention on the Rights of the Child (CSC-CRC), formerly known as the Philippine NGO Coalition on the UN CRC, was established in 1993 by child rights groups which are also current members of the CSC-CRC (i.e., ChildFund Philippines, Consuelo Foundation, ECPAT Philippines, ERDA Foundation, Salinlahi Alliance for Children’s Concerns, and Save the Children) to monitor the implementation of the UN Convention on the Rights of the Child (UN CRC) in the Philippines.

To date, the CSC-CRC is composed of 24 local and international non-government organizations, namely, Association Soeur Emmanuelle (ASMAE), Bahay Tuluyan Foundation, Inc., CAMELEON Association, Inc., Child Hope Asia, CHILDInitiative, Consuelo Foundation, Fundacion Educacion Y Cooperacion (EDUCO), Good Neighbors International Philippines, John J. Carroll Institute on Church and Social Issues (JJCISI), Kindernothilfe Ev. Philippines (KNH), Open Heart Foundation, Philippines Against Child Trafficking (PACT), Plan Philippines, SOS Children’s Villages Philippines, Terre de Hommes Netherlands-Philippines, Talking Hands (My Children’s House of Hope), Unang Hakbang Foundation Inc., VIDES Philippines Volunteers Foundation Inc., World Vision Development Foundation, Inc., and the six original founding organizations.

Through its advocacy and capacity building activities, the CSC-CRC leads civil society efforts towards strengthening government accountability for children’s rights through systematic monitoring of the implementation of the UN CRC in the Philippines. It has been submitting periodic reports to the UN Committee on the Rights of the Child following the Philippines’ ratification of the UN CRC in 1990. It also prepared a submission to the 2nd Cycle of the Universal Periodic Review (UPR) in 2012 and the 3rd Cycle of the Universal Periodic Review (UPR) in 2016 and has contributed to civil society joint submissions/reports to the UPR, and other human rights monitoring mechanisms.

Executive Summary

The submission of the CSC-CRC for the 3rd Cycle of the Universal Periodic Review of the Philippines covers 10 issues under the implementation of international human rights obligations by the Philippine Government. This submission includes the current data and statistics on various pressing issues that were conducted within the period of review.

Human Rights Obligations

1. *Protection of Children Against Online Sexual Abuse and Exploitation* – With the increase in the number of reported cases of children who are victims of online sexual abuse and

exploitation amidst the COVID-19 pandemic, there is an urgency to look into this matter as a very alarming one in the present context.

2. *Violence Against Children* - The Philippine Plan of Action to End Violence Against Children was launched in 2018 as a response to the findings of the National Baseline Study on Violence Against Children (NBSVAC). The current situation in the Philippines with the COVID-19 pandemic has exacerbated the occurrence of violence against children, especially inside the home.
3. *Children with Disabilities* - With the COVID-19 pandemic, the struggles of children with disabilities are doubled. Additionally, there is a lack of disaggregated data on children with disabilities that hinders their access to appropriate services and programs.
4. *Discrimination* - According to the National Baseline Study on Violence Against Children, children experience discrimination because of various factors like skin color, appearance, among others. Despite these concerns, there seems to be a lack of intervention on discrimination experienced by children can be prevented and addressed.
5. *Juvenile Justice* - With the current administration's massive anti-drug campaign, the constant threat in Congress to lower the age of criminal responsibility, and the increasing number of children in conflict with the law, juvenile justice is a pressing concern. Fifteen years have passed since the Juvenile Justice and Welfare Act was enacted but the law has yet to be fully implemented. There is still very little effort in addressing the needs of children at risk and in conflict with the law.
6. *Early Pregnancy* – The high incidence of early pregnancy in the Philippines calls for Congress to consider amending Section 7 of RA 10354 or the Responsible Parenthood and Reproductive Health (RPRH) Law to provide children full access to age-appropriate sexual and reproductive health services and information.
7. *Children Affected by the Anti-illegal Drugs Campaign of the Duterte Administration* – With the war on drugs affecting children and their families, including reported loss of lives of children, the Philippine Government is urged to end all killings especially of children, undertake a thorough investigation and end impunity, and protect all children and ensure that they are not targeted nor adversely affected by the ongoing campaign.
8. *Children in Situations of Armed Conflict* – Republic Act No. 11188 also known as the Special Protection of Children in Situations of Armed Conflict Act was enacted in early 2019. However, with the passing of the new law, it must be assessed whether children are indeed safeguarded from situations of armed conflict.
9. *Children in Street Situations* - As of today, the government still lacks accurate data on children and families in street situations. Additionally, the government must improve

available shelter facilities as it is still an ongoing concern with the prevalence of physical and sexual violence inside and the lack of adequate facilities among others.

10. *Increasing the Age of Statutory Rape* - In the Philippines, the age of sexual consent is 12 years old, the lowest among the countries in Asia. In line with this, various civil society organizations are continuously lobbying to increase it to 16 years old suggesting amendments to Republic Act No. 8352 or the Ani-Rape Law.

Implementation of International Human Rights Obligations

A. *Online Sexual Abuse and Exploitation*

1. Sexual abuse and exploitation is a growing problem in the Philippines. Women and children from rural and impoverished urban centers are identified to be the most vulnerable population. According to the NBSVAC, 1 in 5 Filipino children are victims of different forms of sexual abuse and exploitation.¹ With the growing internet accessibility, the problem of sexual exploitation has also proliferated online and the Philippines has now been identified as a “global hotspot” for online sexual abuse and exploitation of children (OSAEC).² In 2019, 418,422 cyber tips were recorded by the Department of Justice Office of Cybercrime (DOJ-OOC) for OSAEC.³
2. There is a myriad of factors for the proliferation of OSAEC in the country but the following can be cited:⁴
 - High incidence of poverty; familial obligation
 - Cheap and easy access to mobile devices and internet connectivity
 - Prevailing social norms — “my child, my property; there is no physical contact anyway; it’s a private family affair; none of my/your business”
 - The shift in parenting dynamics, with external and internal migration
 - Ability to converse and write in basic English, making it easier for perpetrators to communicate with clients
 - Weak enforcement of existing laws
 - Lack of health and social workers specifically trained to handle/respond to the needs of children victims of OSAEC
 - Barriers on wiretapping and privacy laws

¹ Council for the Welfare of Children and UNICEF (2016). *National Baseline Study on Violence Against Children in the Philippines*. Philippines: UNICEF. Retrieved from <https://www.unicef.org/philippines/reports/national-baseline-study-violence-against-children-philippines>.

² Lumawag, R. (2020). *Philippines global hotspot for online sexual child exploitation*. SunStar. Retrieved from <https://www.sunstar.com.ph/article/1858490/Davao/Local-News/Philippines-global-hotspot-for-online-sexual-child-exploitation>.

³ *What is Online Sexual Abuse and Exploitation of Children?* (n.d.). Retrieved from <https://www.saferkidsph.org/learn-about-osaec/>

⁴ Based on the presentation of Plan International at the Child Rights Network (CRN) session.

- Lack of facilities; not all Local Government Units (LGUs) have adequate and efficient child protection centers or reporting, referral, and response systems
 - Inadequate capacity of law enforcement agencies in the case and evidence management
3. Despite the cited numbers, actual data on the prevalence of OSAEC are difficult to obtain both from the side of the victims and the given limitations of the country's legal system. Child victims are unlikely to report abuse through systems like the Philippine Anti-Trafficking Database, as mandated by the law, have not been operationalized. The mandate on upgrading information, communication, and technology (ICT) infrastructures in the Philippines, which will enable the police to have faster access, preserve evidence and install filtering software, also has not been implemented. These are needed to notify the police and preserve evidence of child sexual abuse material and to install filtering software that blocks child pornography from going online.⁵
 4. At present, the pandemic has alarmingly worsened the problem with a 260% increase in reports of online sexual abuse of children, as reported by the DOJ-OOC.⁶ Children are more at risk of online sexual exploitation and domestic abuse, given the quarantine measures that trap them with their abusers at home. On April 27, the Philippine National Police was able to rescue eight (8) child victims from two separate operations in Cebu and Luzon.⁷ Last August 2020, the House Committee on the Welfare of Children will begin the investigation on the rising cases of online sexual exploitation of children (OSEC) during the coronavirus disease-19 (COVID) pandemic.⁸

5. Recommendations

- a. The Inter-Agency Council Against Trafficking (IACAT) must put the Philippine Anti-Trafficking Database into operation as mandated by the Anti-Trafficking in Persons Act. The National Recovery and Reintegration Database, which was envisioned to provide such data, should be used by service providers at the local level. The DILG and IACAT should further consider conducting a massive information drive and establish referral pathways, including mainstreaming gender awareness in community activities. The Human Trafficking Preventive Education Act, which aims to institutionalize public awareness on Trafficking in Persons (TIP) in schools and communities, should be enacted. There should likewise be local ordinances mandating tourism establishments to develop child protection policies and mechanisms to respond to actual cases of sexual exploitation in travel and tourism.

⁵ UNICEF (2016). *Child protection in the digital age: National responses to online child sexual abuse and exploitation in ASEAN Member States*. Strengthening Child Protection Systems Series, No. 6. Bangkok: UNICEF EAPRO. Retrieved from https://www.unicef.org/eap/sites/unicef.org/eap/files/2018-03/Child_Protection_in_the_Digital_Age.pdf

⁶ *What is Online Sexual Abuse and Exploitation of Children?* (n.d.). Retrieved from <https://www.saferkidsph.org/learn-about-osaec/>

⁷ Rappler (2020). *Trapped with abusers' 7 kids rescued from sex trafficker in Luzon*. Retrieved from <https://rappler.com/nation/trapped-with-abusers-children-rescued-from-sex-trafficker-luzon>.

⁸ *House panel to probe rising cases of online sexual exploitation of children - UNTV News*. (2020, August 10). Retrieved from <https://www.untvweb.com/news/house-panel-to-probe-rising-cases-of-online-sexual-exploitation-of-children/>

- b. The Department of Justice (DOJ) should relentlessly continue investigating, prosecuting, and convicting perpetrators of trafficking in all of its forms, especially forced labor or labor exploitation, and establish an effective and responsive mechanism to ensure the full protection of child victims and witnesses, as well as their families, including the provision of financial support to victims throughout the legal prosecution process. All LGUs in the country should establish local programs and mechanisms to address trafficking, such as the capacity building of all personnel on the Expanded Anti-Trafficking in Persons Act, organization, and strengthening of Local Councils for the Protection of Children and Local Committees against Trafficking and Violence Against Women and Children.
- c. The Philippine Congress should investigate the rising incidence of OSAEC in the country, look into the quality of policy implementation, and review existing and related laws to keep up with the complexity of OSAEC.
- d. The Department of Information and Communication Technology should implement Executive Order 893, series of 2010, on upgrading the ICT infrastructures in the Philippines. An improved ICT system will lead to improved reporting and referral of cases and tracking of perpetrators.
- e. The Council on the Welfare of Children (CWC) and the Department of Social Welfare and Development (DSWD) should conduct a national study on the scope and magnitude of OSAEC in the Philippines to enhance strategies and responses.
- f. For the DSWD and the Department of the Interior and Local Government (DILG) to issue joint guidelines for local government units (LGUs) in establishing community-based quick response teams dedicated to handling cases of sexual exploitation of children; and a comprehensive and proactive community-based healing and recovery program at the barangay level to ensure OSAEC victims are identified and able to access justice and legal remedies.
- g. The Department of Justice must strengthen capacities of law enforcers and prosecutors and increase budget allocation for collecting evidence of OSAEC.
- h. The DSWD, Philippine National Police (PNP), and the Philippines Ports Authority (PPA) should ensure the presence of help desks with competent personnel.
- i. The IACAT should sustain public awareness raising on anti-trafficking, and sexual abuse and exploitation targeting tourist destinations, churches, schools, recreational facilities, private and government housing, etc.

- j. The IACAT should strengthen collaboration with the private sector (i.e. travel and tourism establishments, Internet Service Providers, ICT companies) to combat child trafficking, sexual exploitation, and abuse.

B. Violence Against Children (VAC)

6. The Philippine Government created mechanisms to support the implementation of the Anti-Violence Against Women and their Children Act, strengthened further by the adoption of the PPAEVAC in 2018. A response to the findings of NBSVAC, the formulation of this plan involved the multisectoral effort of government agencies, non-government partners, parents, and children, under the leadership of the Council for the Welfare of Children (CWC) and UNICEF. The Philippine Plan of Action to Eliminate Violence against Children (PPAEVAC) spells out the commitment of the CWC, Department of Education (DepEd), Department of the Interior and Local Government (DILG), Department of Health (DOH), DOJ, and DSWD in the identified key result areas.
7. The Department of Education mandated all schools to implement its Child Protection Policy to protect learners from abuse, bullying, and other forms of violence. However, recent data shows that there is still a high incidence of bullying in schools. According to the results of the Programme for International Student Assessment (PISA) 2018⁹, 65% of students in the Philippines reported experiencing bullying in school at least a few times a month, which is far from the average in OECD countries (23%). 77% of child respondents in a 2019 survey by Educo¹⁰ consisting of students from 3 municipalities across 3 provinces in the Bicol Region also claim that they are bullied by peers in school.
8. The spread of COVID-19 and efforts to contain the virus also increases the risk of violence against children. Loss of income, food insecurity, and closure of schools and daycare centers, accompanied by movement restrictions, put pressure on parents who have to provide for their family's immediate needs. In addition to the increase in physical violence, exposure to sexual violence may also increase as families are forced to stay confined to homes and children are unable to avoid abusive relatives.
9. In a recent rapid assessment by World Vision Philippines¹¹ with 985 respondents from 20 provinces, 61% of the adult respondents confirmed that their livelihoods have been fully or severely affected by the COVID-19 pandemic. All of these increase family stress and conflicts, and lead to increased domestic violence that children witness and to which they are often subjected. 41% of child respondents confirmed that caregivers have used either physical or

⁹ Organisation for Economic Co-operation and Development (2018). *Programme for International Student Assessment (PISA) Results from PISA 2018*. Retrieved from https://www.oecd.org/pisa/publications/PISA2018_CN_PHL.pdf

¹⁰ EDUCO Philippines (2019). *Issue Identification and Baseline Assessment of Child Protection Risks and Vulnerabilities in Matnog Sorsogon, Sagñay Camarines Sur and Caramoran Catanduanes in Bicol Region, Philippines*.

¹¹ World Vision Development Foundation (2020). *Impact of COVID-19 to Children and Their Families*. Retrieved from https://www.worldvision.org.ph/wp-content/uploads/2020/07/WVDF-Rapid-Assessment-Report_COVID-19-Impact-to-Communities.pdf

psychological punishment during this time. Loss of income is also forcing parents and caregivers to consider drastic measures that will impact the well-being of children, as the study shows that 3% of adult respondents said they may send children to work to cope with economic difficulties. These risks could be aggravated by the lack of children's awareness about how to seek help – 19% of children surveyed are not aware or unsure about child protection services.

10. The DILG issued an advisory that calls on all LGUs to ensure the availability of services of *Barangay* (community/village) Violence Against Women Desks and the Barangay Councils for the Welfare of Children (BCPCs) and to make these responsive to the needs of women and children amid the implementation of the community quarantines.¹² The same agency also issued a memorandum circular on the Guidelines in the Functionality of Local Committees on Anti-Trafficking and Violence Against Women and their Children.¹³

11. Recommendations

- a. DILG and the CWC must issue policy guidance to fast track the localization of VAC-related laws and the PPAEVAC, with the corresponding budget allocated for this, as well as for monitoring that should involve children. This should include the activation of online protection and reporting mechanisms for home-based learning settings during the COVID-19 pandemic.
- b. LGUs must maintain the functionality of community-based child protection mechanisms such as community reporting and referral systems, and BCPCs to act on identified child protection risks and incidents.
- c. Maximize the use of TV, radio, handheld two-way radios being issued to barangay police/volunteers, text messaging, and social media to disseminate relevant popularized information to protect children during the community quarantine period.
- d. Continue to capacitate local service providers on handling VAC and CP System strengthening especially in the context of emergencies.

C. Rights of Children with Disabilities

11. Some relevant achievements have been reported by the government in securing the welfare of children with disabilities. The Magna Carta for Persons with Disabilities (PWDs), which includes guidelines on ensuring access and inclusivity in all government initiatives and providing discount and exemption from value-added tax as provided for by law, is continuously implemented. However, these are helpful only to those who have access to the prescribed goods and services. Infrastructure and transportation facilities remain largely inaccessible to children with disabilities and there is no standard classification of disabilities in the country.

¹² DILG Advisory dated April 2, 2020. Subject: Activation of Barangay Violence Against Women Desk and Barangay Council for the protection of Children

¹³ DILG Memorandum Circular No. 2020-006 (20 January 2020). Retrieved from https://dilg.gov.ph/PDF_File/issuances/memo_circulars/dilg-memocircular-2020120_75bad7dc97.pdf

12. In Education, there are still numerous challenges to achieving effective teacher practices which include issues on ineffective operationalization of an inclusive approach to education, teacher's lack of skill in sign language and classroom management, inability to create a safe environment, large class size, inadequate use of materials, and lack of instructional dialogue.¹⁴
13. Aside from the abovementioned, a 2018 UNICEF-commissioned study identifies other key barriers and deprivations that need to be addressed to enable children with disabilities to exercise their rights fully: (1) lack of consistent and common understanding of disability in the country); (2) inclusive programs for children with disabilities not part of DRR schemes (that is, mapping of households with children with disabilities are not a priority in the pre-disaster plan); (3) children with disabilities rarely targeted in national social protection programs despite the strong correlation between disability and poverty in childhood; (4) personal beliefs, misconceptions, and attitudes of parents and caregivers toward disability that limit the family's health-seeking behavior and access to social services; (5) lack of services for children with disabilities at the LGU level; referral pathways for children with disabilities; community-based rehabilitation programs managed by non-government organizations exist, but not implemented on a national scale; and (6) limited number of development pediatricians with the expertise to help children with disabilities.¹⁵

14. Recommendations:

- a. Collect relevant and disaggregated data on children with disabilities. This could involve profiling of this vulnerable group of children at the barangay level. To ensure the efficiency of data collection, the Philippine Statistics Authority (PSA) and DOH should train barangay health workers and field enumerators in the conduct of the survey.
- b. Allocate a specific budget for children with disabilities at the local level and provide appropriate venues where they can avail themselves of programs and services. These include creating a Persons with Disability Affairs Office in all municipalities and setting up health centers near the communities, making them truly accessible, especially to those with mobility constraints.
- c. Continue advocacy to ensure there is political will at the highest levels that trickles down in the system to advance Inclusive Education and call for the immediate passage of the Inclusive Education Bill in both houses.
- d. Strengthen non-discrimination laws and intensify the campaign against bullying, especially since the stigma against persons with disabilities continues to prevail. More focus should be given to the issues and needs of children with disabilities, engaging

¹⁴ Save the Children Philippines (2019). *KASALI in the Philippines: a study on whether and how children with disabilities are included in the classroom and early childhood centers.*

¹⁵ UNICEF (2018). *Children with disabilities: Finding the way to an inclusive service framework.* UNICEF-Philippines Policy Brief No. 2018-06 . Retrieved from <https://reliefweb.int/sites/reliefweb.int/files/resources/CWDSitanPolicyBrief.pdf>.

stakeholders in a coordinated effort to provide these children with opportunities to participate in various processes.

- e. Capacitate and provide support for training and learning materials to teachers and service providers directly involved with CWDs.

D. Right not to be Discriminated

15. Children continue to experience discrimination from adults and their peers. The NBSVAC reveals that children get bullied because of their physical appearance, economic status, and skin color, among other things.¹⁶ Children from informal settlements who have been evicted and relocated to resettlement sites far from their original communities in Metro Manila also reported being discriminated against and called derogatory labels such as “stupid” or “squatter” by their teachers and classmates in their new schools.¹⁷ LGBT children are often forced into stressful circumstances—verbal harassment, neglect, sexual assault—often perpetuated by parents, siblings, or other relatives. These cases go unreported, as children do not know where to report or fear that it would expose them to greater harm (retaliation from perpetrators). Thus, there is a culture of silence, as well as a feeling of rejection from family members.¹⁸ Indigenous children face challenges getting into the mainstream school system, being stereotyped as inferior learners.¹⁹

16. The government’s measures for responding to COVID-19 seem to overlook children. In a study conducted by Save the Children, children who were consulted shared that aside from being quarantined at home with nothing to do, they also feel left out from the government’s plan -- both in the way it is communicated and implemented.

17. Recommendations:

- a. Conduct dialogue toward an inclusive child rights framework, for instance, framing LGBT issues as a critical aspect of children’s rights.
- b. For congress to address policy gaps concerning protecting children from discrimination.
- c. Make available data on nuanced services provided to specific groups of children, aggregated by sex and gender.

E. Juvenile Justice

¹⁶ Council for the Welfare of Children and UNICEF (2016). *National Baseline Study on Violence Against Children in the Philippines*. Philippines: UNICEF. Retrieved from <https://www.unicef.org/philippines/reports/national-baseline-study-violence-against-children-philippines>.

¹⁷ Save the Children Philippines and John J. Carroll Institute on Church and Social Issues (2015). *Securing the Rights of Girls and Boys in Urban Poor Relocation Programs*.

¹⁸ ASEAN SOGIE Caucus (2017). *Bata at Bahaghari: Experiences of LGBT Children*. ASC Discussion Series No. 1. Retrieved from <https://aseansogiecaucus.org/images/resources/publications/Bata%20at%20Bahaghari%20-%20Experiences%20of%20LGBT%20Children%20in%20the%20Philippines.pdf>.

¹⁹ de Santos, J. (2018). *For Lumad schools, even holding class is a struggle*. *Philstar Global*. Retrieved from <https://www.philstar.com/headlines/2018/07/11/1831716/lumad-schools-even-holding-class-struggle>.

18. To address the increasing number of children in conflict with the law (CICL) and complement his anti-drugs campaign, President Rodrigo Duterte expressed his desire to lower the minimum age of criminal responsibility (MACR) from 15 to 9 to ensure the Filipino youth would accept responsibility for their actions and included this proposal in his priority legislative agenda.²⁰ He maintained that the Juvenile Justice and Welfare Act (JJWA) promotes criminality among the youth.²¹ Several legislators subsequently filed bills to this effect and were met with strong opposition from a myriad of child rights groups and networks that mounted advocacy campaigns to block the lowering of the MACR.²² These nationwide advocacy initiatives were strongly supported by non-child focused CSOs, professional groups, students, children, the academe, and faith-based organizations. As a result, in a Pulse Asia survey conducted in 2017, more Filipinos were found to be not in favor of lowering the MACR to any age and preferred to retain it at 15.²³ The discussion on lowering the MACR has been suspended following proposals of some lawmakers to retain it at 15 and look for other ways to address repeat and/or serious offending among children. The president, however, remains resolute on his stand on the matter.
19. The State Party report on the Convention on the Rights of the Child (CRC) presents its efforts to ensure the protection of children in conflict with the law, primarily the issuance of the Juvenile Justice Welfare Act (JJWA) of 2006, which provides for the creation of the Intensive Juvenile Intervention and Support Center; the allocation of funds for *Bahay Pag-Asa*, or BPA (literally, House of Hope),²⁴ a 24-hour child-caring institution funded and managed by LGUs and licensed and/or accredited NGOs; and the supervision of DSWD over the Juvenile Justice and Welfare Council (JJWC). The law requires community-based interventions for CICL who are below the age of criminal responsibility and institutionalizes the use of diversion for them at the *Katarungang Pambarangay* (literally, Community Justice), police, prosecution, and court levels.
20. While the Coalition welcomes the passage of the JJWA, we deem its implementation slow and uncoordinated. This is attributed not only to the lack of capacities of duty-bearers to perform their responsibilities under the law and their misconceptions of JJWA's provisions but, most fundamental of all, to their lack of commitment to supporting the needs of children at risk (CAR) and CICL. Moreover, only 58 BPA centers have been established and are

²⁰ Corrales, N. (2017). *Duterte stand on lowering age of criminal liability 'remains unchanged'*. Retrieved from <https://newsinfo.inquirer.net/894738/duterte-stand-on-lowering-age-of-criminal-liability-remains-unchanged>.

²¹ de Guzman, C. (2017). *Duterte slams Pangilinan's juvenile law: It promotes youth crime*. CNN Philippines. Retrieved from <http://cnnphilippines.com/news/2017/04/03/duterte-hits-pangilinan-law.html>.

²² The Child Rights Network (CRN) and the Philippine Action for Youth Offenders (PAYO) spearheaded the *#ChildrenNotCriminals* campaign, while Salinlahi launched a similar crusade called Unchain Children.

²³ Pulseasia. (2017). *March 2017 Nationwide Survey on the Minimum Age of Criminal Liability and the Death Penalty*. Retrieved from <http://www.pulseasia.ph/march-2017-nationwide-survey-on-the-minimum-age-of-criminal-liability-and-the-death-penalty/>

²⁴ CICL who are above 15 but below eighteen 18 and are awaiting court disposition of their cases receive short-term residential care at the BPA, which includes an intensive juvenile intervention and support center. In communities without a BPA, children are placed in the Regional Rehabilitation Center for Youth (RRCY).

operational.²⁵ While the JJWA directs LGUs to allocate at least one percent of their Internal Revenue Allotment (IRA) to strengthening programs and services for children in communities, especially programs to prevent juvenile delinquency, intervention programs for CAR, and diversion programs for CICL, as of 2017, only 14,425 LGUs had allocated for such investments in their localities. Moreover, only 3 percent of LGUs (or 1,342 of 43,559)²⁶ had appointed licensed social workers.²⁷ There have also been reports of children detained with adult offenders, in deplorable and congested prisons all over the country, which are a clear violation of the JJWA.²⁸

21. Recommendations:

- a. Block all moves to lower the MACR. The JJWA must first be fully implemented before amendments to the law are to be done. There is also a need for comprehensive and regular training to duty bearers (e.g., chairpersons of the barangay and the LCPC staff, police, prosecutors, public attorneys, social workers, judges, the staff of BPA and rehabilitation centers) on the UN CRC and child-related Philippine laws, restorative justice, the JJWA as well as its relevant protocols and guidelines, and good practices in the administration of juvenile justice.
- b. LGUs to include in their Annual Investment Plan (AIP) specific budgets to fund the operations of the BPA and the implementation of their Comprehensive Local Juvenile Intervention Program (CLJIP); ensure that at least one percent (or even more) of their IRA should be allotted to strengthening LCPC programs for CAR and CICL; hire more social workers (e.g., one social worker per barangay) and assign specific social workers to handle cases of CAR and CICL, separate from those who handle cases of child abuse, exploitation, and trafficking; revise the tools of social workers to aid in discernment; and establish a clear referral system to support the needs of CAR, CICL, and their victims.
- c. Children who have been consulted on the issue recommend monitoring and reporting cases of abuse against CICL perpetrated by law enforcers and staff in BPA and rehabilitation centers, and orienting parents and community members on the JJWA and restorative justice. They strongly oppose moves to lower the MACR.

F. Early Pregnancy

22. The incidence of teenage pregnancy is on the rise among girls aged 10 to 14 in the Philippines. A 63% increase in the number of births delivered by the said age group was observed, comparing data from 2011 and 2018. Some 2,250 babies were born to mothers with such a young age in 2018 (POPCOM). Meanwhile, the incidence of teenage pregnancies among

²⁵ Based on the PowerPoint presentation of the Juvenile Justice and Welfare Council (JJWC) during the Juvenile Justice Congress organised by the Humanitarian Legal Assistance Foundation (HLAF) on 2017

²⁶ Philippines Convention on the Rights of the Child State Report 2019

²⁷ Based on the PowerPoint presentation of the Juvenile Justice and Welfare Council (JJWC) during the Juvenile Justice Congress organised by the Humanitarian Legal Assistance Foundation (HLAF) 2017

²⁸ *Ibid.*

women 15 to 19 years old in the country decreased from 182,906 in 2017 to 181,717 in 2018.²⁹

23. In Zamboanga City in Mindanao, for instance, almost a thousand pre-teen and teenage girls either gave birth or are still pregnant as reported in the first quarter of the year 2020. The number includes 470 girls who gave birth and 525 who are pregnant as per the first quarter's data. The figures, reported by the City Health Office (CHO) through the Commission on Population and Development (POPCOM) reflects 9 pregnancies for girls aged 10-14, and 516 for girls aged 15-19; 30 deliveries for girls aged 10-14 and 440 deliveries for girls aged 15-19.³⁰
24. The Supreme Court pronounced some of the provisions in the Responsible Parenthood and Reproductive Health Act (RPRH Law) as unconstitutional. The Supreme Court prohibits minors from accessing modern contraceptives without the written consent of a parent or a legal guardian but allows them to receive reproductive health (RH) counseling and information. A bill has been filed in Congress, in support of a national policy on preventing teenage pregnancies and institutionalizing social protection for teenage parents.
25. Inadequate knowledge of the risks of teenage pregnancy is a major factor in this alarming trend. And while in some areas, youth centers are in operation and adolescent health centers exist, the challenge lies in the resistance of adults, especially in Catholic communities, to the adoption of the RH law and sex education in school. Other individual factors include exposure to risky behaviors on the internet and in their circle of friends.
26. A study of the University of the Philippines Population Institute and the United Nations Population Fund projected that lockdowns due to the COVID 19 pandemic will lead to 178,000 pregnancies among teenagers, who have no access to family planning supplies.³¹
27. The Coalition notes that there are still communities where RH services are not available to teenagers below 18. With no access to modern contraceptives, the tendency for teenage unintended pregnancy is high, and so is the likelihood that the adolescent girl will resort to abortion. In several cases, the prevailing stigma against young mothers causes them to feel ashamed of their condition and conceal their pregnancy, thus missing out on essential prenatal care. This then leads to premature and/or maternal death.

28. Recommendations:

²⁹ Magsino, D. (2020). *More girls aged 10-14 get pregnant in the Philippines –POPCOM*. GMA News Online Retrieved from <https://www.gmanetwork.com/news/news/nation/726028/more-girls-aged-10-14-get-pregnant-in-the-philippines-popcom/story/>

³⁰ Sanchez, D. (2020). *995 adolescent girls give birth, pregnant in Zambo City in Q1 2020*. Philippine Information Agency Retrieved from <https://pia.gov.ph/news/articles/1042903>.

³¹ CNN Philippines Staff (2020). *Nearly 2M Filipino women to get pregnant this year due to COVID-19 lockdowns – POPCOM*. CNN Philippines. Retrieved from <https://www.cnn.ph/news/2020/6/26/two-million-filipinos-pregnant-this-year-popcom.html>.

- a. Intensify comprehensive sexuality education in schools, as well as orientation on responsible parenthood and young pregnant mothers in the communities. For DSWD and DepEd to integrate into their existing modules the strengthening of communication skills of parents and children so that they could discuss adolescent and RH related issues such as puberty and sex with their children and students. The peer education program of DepEd, DSWD, DOH, and Population Commission should likewise be intensified to prevent teenage pregnancies, with the corresponding budget provided for conducting the modules.
- b. Localize the RH law and have an RH code in local areas. This shall include the establishment of reproductive health programs and the allocation of budget by the local government units. Local health service providers should be trained in adolescent-friendly approaches in dealing with children and young people seeking information and accessing reproductive health services. They must not be biased against children wanting to access this information and services. There has to be a safe space in health facilities where children could talk to service providers in confidence about these matters.
- c. With the continuing threat of COVID- 19, LGUs and other concerned national agencies ramp up collective action to prevent the upsurge in early pregnancies through adolescent-friendly sexual and reproductive health programs and services and enhancement of Comprehensive Sexuality Education for learners in the new normal.

G. Children affected by the Anti-illegal Drugs Campaign

29. Children have not been spared from the violence that characterized the Duterte Administration's Anti-illegal drugs campaign. They have been killed, or inadvertently harmed and conveniently labelled as "collateral damage" in anti-illegal drug raids that have been carried out mostly in poor neighborhoods.
30. Recent data from The Philippine Drug Enforcement Agency cites that 5,810 drug suspects were killed during the conduct of police anti-drug operations since 2016.³² There were at least 129 children killed because of these operations but it is believed that the numbers are beyond this, considering there are unreported cases due to threats made to the families of the victims. Of these 129 deaths, 38.5 were carried out by police operations while 61.5% were by unknown assailants. The youngest of these child victims is a 20-month old child.³³ Thousands of children have also been orphaned as a result of the anti-illegal drugs campaign.
31. In October 2018, a case was reported involving a police officer who admitted to raping a 15-year-old daughter of detained drug suspects in exchange for freeing her parents.³⁴ The

³² Tupas, E. (2020). *155 slain in drug war during quarantine*. Philstar Global. Retrieved from <https://www.philstar.com/nation/2020/09/06/2040373/155-slain-drug-war-during-quarantine>.

³³ Nebehay, S. (2020). *Scores of children killed in Philippines' war on drugs: Report*. Reuters. Retrieved from <https://www.reuters.com/article/us-philippines-rights/scores-of-children-killed-in-philippines-war-on-drugs-report-idUSKBN2401BZ>.

³⁴ Child Rights Network (2018). *Child Rights Network demands justice for drug suspects' daughter*. Retrieved from <https://childrightsnetwork.ph/news-articles/child-rights-network-demands-justice-for-drug-suspects-daughter/>

accused police officer said that raping drug suspects or their family members is a common practice among the police force in the campaign against illegal drugs. This disclosure shows the vulnerability of children, especially girls, in this campaign.

32. Some CICL who were arrested by law enforcers due to their involvement in illegal drugs also experienced abuses in the hands of the police or administrators of youth facilities. Additionally, around 129 children died because of the anti-drug campaign of the administration.³⁵ Accessible, affordable, and appropriate drug rehabilitation services for children are few, and community-based rehabilitation programs that have been set up in response to the war on drugs do not follow best practices and are ill-equipped to deal with the special needs of children with substance abuse issues.
33. A 2020 report by Human Rights Watch highlighted the effects of the anti-illegal drugs campaign in the lives of Filipino children beyond the killings and deaths, which include psychological distress, bullying and stigmatization, and deepening poverty.³⁶ Amid these problems and issues children have to face brought about by the administration's anti-drug campaign, the government lacks appropriate interventions and programs that address the needs of affected children. Moreover, affected families are afraid of seeking help from the government as they believe the government itself is responsible for their situation.

34. Recommendations:

- a. Ensure that children are not targeted nor harmed in the implementation of the government's anti-illegal drugs campaign. The PNP must recall and reflect on the commitment of their mandate particularly to protect our children.
- b. Social service professionals (i.e., social workers, health care providers, psychologists) need to coordinate with each other to provide a comprehensive and holistic plan of care for children who were orphaned or who were arrested and brought to youth homes due to drug-related charges.
- c. LGUs also need to establish a clear referral system to link children and families seeking assistance to appropriate service providers, whenever their services are not adequate to meet children's needs.

H. Children in Situations of Armed Conflict

35. The Coalition remains deeply concerned at the continuing and increasing displacement of children and their limited access to basic social services as a result of the adverse effects of internal armed conflict. Ninety-three percent (93%) of armed conflict-related violations

³⁵ Bachelet renews call for accountability in Philippines war on illegal drugs | | UN News. (n.d.). Retrieved from <https://news.un.org/en/story/2020/06/1067462>

³⁶ Human Rights Watch (2020). "Our Happy Family is Gone": Impact of the War on Drugs on Children in the Philippines. Retrieved from <https://www.hrw.org/report/2020/05/27/our-happy-family-gone/impact-war-drugs-children-philippines>

against children occurred in Mindanao, which was also the most conflict-affected area in the Philippines.³⁷

36. The five-month Marawi Siege and related military operations against the Maute Group, the Abu Sayyaf (ASG), and the Bangsamoro Islamic Freedom Fighters (BIFF) have heightened the vulnerability of children. A report from the UN Secretary-General on children in armed conflict in 2018 reported the following: "recruitment and use of 30 children (6 girls, 8 boys, 16 sex unknown) by armed groups, 16 children were used as human shields by BIFF in a single incident; 6 were recruited by the New People's Army (NPA) and 8 by the Maute Group". Moreover, the report said that 33 children were maimed and killed (16 killed, 17 injured; 21 boys, 12 girls). There were also reports of rape of three girls as young as 14 years old by the Maute Group.³⁸
37. Two years after the Marawi siege, nearly two million children still face uncertainties, living in war-torn homes and schools, with their parents not having stable jobs or livelihoods. ³⁹In February–March 2019, the number of displaced children in the affected provinces reached 77,000. There is much concern about the safety and wellbeing of the 3.6 million people living in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), of whom 48.8 percent, or 1.8 million, are children.
38. There were incidents of recruitment and use that affected 18 children, while 12 were killed, and 37 were maimed due to the occurrence of armed conflict. Additionally, there occurred 12 attacks on schools, all of which took place in the year 2019. The continuing challenges that hinder addressing issues and concerns on children in situations of armed conflict in the Philippines are the increased detention of children due to joint AFP-PNP operations, improvised explosive devices (IEDs) and explosive remnants of war (ERW) continue to kill and maim children, and the persistent attacks and threats on schools and protected personnel, particularly in indigenous communities. ⁴⁰
39. Despite these challenges, there is remarkable progress to alleviate the situations of children in situations of armed conflict and these are as follows: 1) [Republic Act 11188](#) or the "Special Protection of Children in Situations of Armed Conflict" was signed into law in January 2019; 2) its corresponding implementing rules and regulations were signed on the 4th of June 2019; 3) inauguration of the Bangsamoro Transition Authority in March 2019; 4) culmination of the

³⁷ United Nations (2017). *Report of the Secretary-General on children and armed conflict in the Philippines*. Retrieved from https://www.un.org/ga/search/view_doc.asp?symbol=S/2017/294&Lang=E&Area=UNDOC.

³⁸ United Nations (2018). *Children and Armed Conflict Report of the Secretary General*. Retrieved from https://www.un.org/ga/search/view_doc.asp?symbol=S/2018/465&Lang=E&Area=UNDOC

³⁹ ZENIT Staff (2019). *Two years after Marawi siege in Philippines, 1.8 million children face threats of conflict in Mindanao*. Retrieved from <https://zenit.org/articles/two-years-after-marawi-siege-in-philippines-1-8-million-children-face-threats-of-conflict-in-mindanao/>.

⁴⁰ Children continue to pay a deadly price during conflicts – UNICEF - Philippines. (n.d.). Retrieved from <https://reliefweb.int/report/philippines/children-continue-pay-deadly-price-during-conflicts-unicef>

peace process between the government and the Moro Islamic Liberation; and 5) lifting of martial law in Mindanao after almost three years.

40. Recommendations

- a. There is a need to ensure the full implementation of the Republic Act 11188 which includes dissemination and application of the Implementing Rules and Regulations for the law and provision of capacity building of duty bearers at the local level.
- b. Strengthen implementation of the existing national protocols on children arrested and detained for alleged association with armed groups.⁴¹
- c. Implement the convention on the prohibition of the use, stockpiling, production, and transfer of Anti-Personnel Mines and on Their Destruction.⁴²
- d. Prioritize the drafting of legislation providing compensation for destroyed and damaged houses and must comply with the November 2019 National Policy Framework on Learners and Schools as Zone of Peace issued by the Department of Education.⁴³
- e. Government to endorse the Safe School Declaration, a global commitment to protect students, teachers, schools from attacks and other effects of armed conflict⁴⁴

I. *Children in Street Situations (CiSS)*

41. There is no clear data on CiSS, with government estimates of their number seemingly deceptively low.⁴⁵ In a 2018 ASMAE study,⁴⁶ the estimated and counted number of children and families in street situations in the City of Manila was 4,033 (1,765 i.e. 44% families and 2,268 i.e. 56% were children). Out of 210 street children, 77 (36.66%) children have experienced being captured or rescued by DSWD/RAC⁴⁷, MPD, MMDA, and barangay officials. A total of 28 (33.36%) children were arrested for vagrancy or being on the streets even after the LGU mandated curfew hours, 17 (22.08%) were littering in the streets, 10 (12.99%) begging, and 8 (10.39%) for sniffing solvent. More male children compared to female children (45 against 35) were apprehended mostly for vagrancy and littering.

42. CiSS and street families also do not own or rent property, therefore are frequently not recognized as residents by the local authorities, despite their long presence in an area, and they are often excluded from government services and become “invisible.”

⁴¹ Philippines - United Nations Office of the Special Representative of the Secretary-General for Children and Armed Conflict | To promote and protect the rights of all children affected by armed conflict. (n.d.). Retrieved from <https://childrenandarmedconflict.un.org/where-we-work/philippines/>

⁴² Ibid.

⁴³ Ibid.

⁴⁴ Ibid.

⁴⁵ For example, the rapid appraisal of street children conducted by DSWD identified 4,000 children in key areas, all of which were highly visible areas. See Department of Social Welfare and Development (2012). *Report street children for rescue via twitter @savestreetkids – DSWD*,” Retrieved from <https://www.dswd.gov.ph/report-streetchildren-for-rescue-via-twitter-savestreetkids-dswd/>.

⁴⁶ ASMAE (2018). *Baseline Study on Street Children in Manila in 3 Districts of Manila*.

⁴⁷ Reception Action Center (RAC) is a government-run shelter for street children in Manila, Philippines.

43. Conditions within government shelters remain a high concern, with children frequently complaining of physical and sexual abuse, inadequate services, and being detained, mostly against their will⁴⁸. Moreover, not all shelters can meet the government-mandated ratio of social workers to CiSS, which is 1:15, owing to insufficient budget. Some shelters estimate the ratios to be up to 10 times more than what is required. The forced removal of children from the streets, without social preparation, and their subsequent placement in locked centers, often outside their city of residence,⁴⁹ without parental knowledge or consent, leads to the disruption of family connections and education.
44. While there are informal foster/adoptive families willing to keep the children, they are unable to make this arrangement legal because of the high threshold for licensing as a legal requirement for foster/adoptive families.⁵⁰ With no monitoring mechanism in place for these informal cases, children are left extremely vulnerable to exploitation and abuse.
45. During the COVID-19 pandemic, CiSS have been particularly affected as the government has not provided safe shelters for them to stay in. They have also been punished for violating curfew. In a rapid survey on the impact of the COVID-19 pandemic on CFISS conducted by Asmae and its partners last June 2020, out of 216 respondents, only 190 or 88% said that they received relief services from the government. As most of the families in street situations are usually not included in the national Census of households since they are homeless, they again were made invisible in the relief efforts of the government, even at the Barangay level.

46. Recommendations:

- a. Clarify the responsibilities of government agencies that have conflicting roles and mandates related to CiSS.
- b. Ensure CiSS' participation in the process of producing the national plan of action. Provide mechanisms to allow them to be included/visible, involved, and help drive change.
- c. Establish more drop-in and night centers for street children to transition gradually into alternative care.
- d. DSWD also needs to monitor shelters it has accredited, and ensure they implement appropriate child protection policies.
- e. Provide support to families to prevent and respond to the issue of CiSS, such as livelihood training, parenting capacity training, substance abuse support, etc.
- f. Establish a system for recognizing, regulating, supporting, and subsidizing informal foster placements to prevent children from going back to institutions in the monitoring and

⁴⁸ See the documentary "Running from Rescue," which provides first-hand testimony of children sharing their experiences in detention.

⁴⁹ For example, in Manila, children are taken to a government-run shelter in Marikina City, which is inaccessible to parents due to the distance and high cost of transport. Moreover, even when parents make contact, the shelters are frequently unable to confirm if a child is in their custody, exacerbating the difficulties for families in locating their children.

⁵⁰ Requirements to qualify as a foster/adoptive family are excessively rigid. These include financial capacity, housing, etc. Bahay Tuluyan has had cases with two professional parents living in their own house and earning two incomes but did not meet the minimum requirements for fostering.

supervision of families. All processes for admitting children into residential care should require the children's participation.

J. Increasing the Age of Statutory Rape (IASR)

47. Statutory rape is defined as sexual relations with a person below the legal age of consent. Consent is generally defined as a voluntary agreement to participate in any sexual activity. In the Philippines, the age of sexual consent is presumed at 12 years old. This means that a child who is 12 to below 18 years old is said to be mature enough to agree to engage in sexual relations. Under [Republic Act No. 8352 or the Anti-Rape Law of 1997](#),⁵¹ sexual relations with a child under 12 years old are considered Statutory Rape or "child rape". The Philippines has the lowest age of sexual consent and statutory rape in Asia (i.e., 12 years old), following Nigeria (11 years). The average age of sexual consent internationally is 16 years old.
48. Sexual abuse is a serious problem affecting boys and girls all over the world. In the Philippines, where rape happens at a rate of one every hour, seven (7) out of ten (10) rape victims are children.⁵² Perpetrators of sexual violence escape from prosecution because evidentiary requirements to prove rape are so complex that victims often decide to drop their cases or not press charges for fear of stigma and the disruption that the long and arduous court proceedings would cause in their lives.
49. The Coalition underscores the urgent need to raise the minimum age to determine statutory rape, which is currently pegged at 12 years old. There have been several bills filed in Congress to raise this to 16 or 18, but none has been enacted. This poses a challenge in protecting vulnerable children and prosecuting their abusers. Increasing age can significantly minimize the suffering of child victims as they fight for justice since they no longer need to go through tedious court hearings and prove consent. Perpetrators can easily get away because of the low age; increasing the age increases the chances of conviction. The Child Rights Network launched the #ENDChildRape campaign to raise the age to determine statutory rape from 12 to at least 16 years and introduce amendments to anti-rape laws.⁵³
50. Currently, there are 106 women and children protection units in 55 provinces and 10 cities out of 81 provinces and 122 cities in the Philippines.⁵⁴ Two committees in the House of Representatives approved last 27 August 2020 a substitute bill raising the age for statutory rape from the current 12 years old to 16 years old.⁵⁵

⁵¹ Rape is governed by Article 335 of the Revised Penal Code (RPC), which was amended on 22 October 1997 by Republic Act 8353, also known as the "Anti-Rape Law of 1997."

⁵² Center for Women's Resources (2017). *With or without death penalty: Rape every 62 minutes will continue*. Retrieved from www.cwrweb.org/node/572

⁵³ End Child Rape. (n.d.). Child Rights Network. Retrieved from <https://childrightsnetwork.ph/advocacies/end-child-rape/>

⁵⁴ Child Protection Network. Retrieved from <https://www.childprotectionnetwork.org/>.

⁵⁵ Mercado, N. (2020). *House panels OK bill raising age for statutory rape from 12 to 16*. Retrieved from <https://newsinfo.inquirer.net/1327919/house-panels-ok-bill-raising-age-for-statutory-rape-from-12-to-16>

51. Recommendations:

- a. The age to determine statutory rape in the Philippines must be increased from 12 to at least 16 years old. Legislative proposals are seeking to increase the age to determine statutory rape in the country through amendments to the Anti-Rape Law of 1997. These measures must be strongly supported.