



Salinlahi
ALLIANCE FOR CHILDREN'S CONCERNS

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ALTERNATIVE REPORT ON THE PHILIPPINES

SUBMITTED TO THE OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS

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Fourth Cycle of the UPR on the Philippines

SUBMISSION BY:

Salinlahi Alliance for Children's Concerns, Inc. (SALINLAHI)

SALINLAHI is a nonstock, nonprofit national alliance which aims to unite & strengthen the network of various initiatives in response to the needs & the situation of the Filipino child as well as promoting their rights both national and international.

Salinlahi Alliance was established in April 28, 2008. We take our roots from the Salinlahi Foundation, Inc. established on June 14, 1968 born out of the "National Conference of the Filipino Child today: In Crisis" on January 26, 1986, from its main resolution in forming an alliance for children's concerns.

Today, Salinlahi Alliance spearheads the progressive and nationalist alliance of children focused organizations and programs for child rights and children empowerment for genuine and social transformation.

Salinlahi is currently the regional coordinator for Luzon of the Child Rights Network – the country's largest network of organizations pushing for legislative measures for child rights promotion and protection. Salinlahi is also one of the founding members of the Civil Society Coalition on the Convention on the Rights of the Child (CSC-CRC) which monitors the country's implementation of the United Nations Convention on the Rights of the Child (UNCRC).

During the reporting period, Salinlahi along with other child rights organizations has led the campaign to oppose the government's attempt to lower the minimum age of criminal liability. It also became part of the National Technical Advisory Group to support the study of existing therapeutic and rehabilitative services available for child victims of online sexual abuse and exploitation (OSAEC) in the Philippines

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1. Salinlahi Alliance for Children's Concerns presents in this report the situation of Filipino children from 2017 until the first quarter of 2022. During this period, chronic poverty is often experienced by the majority of an estimated 43.34 million Filipino children, largely belonging to marginalized and poor communities.
2. Despite the country being a signatory to the United Nations Conventions on the Rights of the Child (UNCRC) on January 26, 1990 and has forged a number of local laws, the rights of children to survival, development, protection and participation are yet to be fully realized. At the same time, little progress has been made with regard to the country's compliance with the recommendations forwarded to the country during the previous UPR cycles. Worse, the government has been pushing for regressive measures by attempting to lower the minimum age of criminal liability and by turning down the passage of a measure intended to ban the use of corporal punishment for children.
3. Low state funding and privatization of essential social services for children as well as the absence of specific programs to address their concerns during the coronavirus pandemic have further reversed the gains achieved in upholding children's rights and welfare. These factors have resulted to children's increased vulnerability to various forms of abuse, violence and exploitation.

Right to social security and to an adequate standard of living

4. The country suffered from increasing poverty incidence affecting a great portion of its population including children. Reportedly, at least 31.4 percent of Filipino children were living below poverty line¹. The disparities between those in the National Capital Region (NCR) and in other provinces in terms of income and access to basic social services had disproportionate effects to children living in urban and rural communities.
5. The coronavirus pandemic had affected the children, especially those belonging to the 26.1 million Filipinos who experienced extreme poverty. The government has passed Republic Act 11469 or the Bayanihan to Heal as One Act which granted the President additional authority to combat the pandemic. The law created the Social Amelioration Program (SAP) which has provided government aid to around 22 million families, particularly those belonging to low-income families. However, while SAP has played a significant role in providing temporary relief among its poor recipients, the amount given was still inadequate compared to the loss of income and insufficient to prevent negative coping strategies. Alarming, the poorest regions including the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) received lower assistance from the government.² Consequently, children's condition had worsened especially with the lack of immediate economic assistance from the state.
6. The Department of Science and Technology (DOST) conducted the Rapid Nutrition Assessment Survey from November 3 – December 3, 2020 showing that 62.1% of Filipino households had experienced moderate to severe food insecurity with families suffering from inadequate access to food and nutrition which were keys to fighting COVID-19 infection³. During a series of focused group discussions conducted by Salinlahi in some major cities of the National Capital Region (NCR) in 2020, majority of children interviewed have experienced skipping meals especially during the first six (6) months of the pandemic and lockdowns.
7. Reportedly, there were at least 250,000 children living on the streets⁴, who were more vulnerable to various forms of abuse, communicable diseases, forced labor, prostitution and sexual exploitation, and had higher risk of being involved in illegal activities. Children of homeless families were also de-prioritized from government's pandemic aid since the distribution of such required beneficiaries to be official residents or voters of a particular place. Most of the health and food assistance for them were mainly provided by humanitarian organizations. At the same time, street children were almost treated as criminals by authorities who arrested and locked them up in shelters with poor and inadequate health care services.
8. Demolitions were carried out in various communities amid the pandemic including the eviction of

urban dwellers in Tondo, Manila to give way for the construction of high-rise housing project.⁵ The government lifted a resolution that banned the eviction of informal settlers during the pandemic. According to urban poor organization Kadamay, communities with land and housing issues normally experience abuses from law authorities and/or private security personnel.

9. **The worsening poverty and food insecurity are clear proof of the country's failure to comply with Recommendation 133.206 to ensure adequate resources for poverty alleviation programmes, in line with the commitments to pursue an inclusive growth (Viet Nam);**

Right to health

10. The National Nutrition Council (NCC) had found out that at least 30.3% or 3.4 million Filipino children younger than five years old suffered from stunted growth. The Philippines also ranked fifth in the region with the highest prevalence of stunting and is among the top 10 countries globally.
11. Alarmingly, there were at least 29,000 Filipino children who were dying annually due to high prevalence of undernutrition which comprised the 38% of all deaths among Filipino children under five⁶.
12. Especially in rural areas, access to clean and safe water remained a problem in the Philippines. The 2017 National Demographic Health Survey noted that less than 95% of households had access to improved water sources in 10 of the country's 17 regions. The lack of access to improved water facilities has led to numerous health problems, especially in time of the pandemic. In 2019, there has been a 16% increase in cases of dengue fever compared to the previous year. Meanwhile, 31% of the illnesses were water-related including diarrhea which remained as one of the top causes of child mortality in the country.
13. Also, the privatization of water services has led to expensive supply with some poor families spending as high as 10% of their daily earnings for water⁷.
14. In 2018, the Philippine government has signed into law Republic Act 11148 " An Act Scaling Up the National and Local Health and Nutrition Programs Through A Strengthened Integrated Strategy for Maternal, Neonatal, Child Health and Nutrition in the First One Thousand (1000) Days of Life, Appropriating Funds Therefore, and for Other Purposes" , which emphasizes the importance of proper nutrition during the first 1,000 days of life. However, the National Nutrition Council (NCC) received meager budget allocation for 2021, which was insufficient for the programs needed to stamp out malnutrition in the country. The implementation of the law also heavily relied on the willingness of the local government units to properly allocate resources. Moreover, the access of pregnant women and infants to necessary health services had gravely reduced during the pandemic.
15. The pandemic increased the mental health problem even among minors. The extreme lockdown, disruption of classes, prolonged home isolation, among others, resulted to a dramatic rise in the number of children suffering depression and anxiety. Cases of suicide among school-aged children were also recorded.⁸
16. Unwanted pregnancy among adolescents became a concern in the country, which was considerably high compared to its neighbors in Asia and the Pacific.⁹ Aside from poverty, some of the driving factors of teenage pregnancy included the lack of information about sexual and reproductive health and rights, inadequate access to services offered to young people, social pressure to marry at young age and even sexual violence. Pregnant adolescents were less likely to complete their education and had lesser chance in finding better economic opportunities. At the same time, pregnancy during teenage years was also associated with higher health risk. **The country has failed to comply with the Recommendation 133.214 to secure universal access to sexual and reproductive health and rights.**
17. In 2021, the Department of Health (DOH) has released a report showing that child immunization rates against deadly but vaccine-preventable and treatable diseases have declined to 48.5 percent. Nineteen years after the country had been declared polio-free, the Department of Health (DOH) confirmed the re-emergence of at least 16 polio cases by January 2020. COVID-19 consequently

created additional barriers for children's access to immunization programs. At the same time, other health concerns of children were neglected or de-prioritized, especially that local health care systems were focused on COVID-19 and the lockdowns restricted the mobility of health care workers for children.

18. The pandemic further exposed the already weak, fragile and ill-equipped health care system in the Philippines. Despite its huge foreign loans, the Duterte administration spent less budget on health which resulted to an insufficient public health capacity and accessibility. Health care service was too expensive and profit-driven.¹⁰
19. **These examples show that the government failed to comply with Recommendation 133.210 to continue combating poverty and malnutrition, especially among children (Lebanon).**

Right to education

20. Contrary to the commitment made by the country in support to **Recommendation 133.220 in allocating budgetary priority to public education (Bolivarian Republic of Venezuela)**, the Duterte government was not able to provide enough funding for education.
21. Even before the pandemic, millions of Grade 11 and Grade 12 students under the K-12 program experienced unsatisfactory educational services due to lack of facilities, materials, and teaching aids. Due to "mismatched" educational background, majority of the companies were hesitant in hiring K-12 graduates.
22. The pandemic further magnified the problem experienced by the students. The country's educational system shifted to distance learning using various modalities including online learning, modular distance learning and TV/radio-based instruction, despite the lack of preparation, ill-trained school personnel and insufficient state funding. Based on the data released by Department of Education (DepEd) in August 2020, there were around four (4) million students who did not enroll for the school year 2020 – 2021. **(Recommendation 133.22 to intensify efforts to further increase the enrolment of children in school by Brunei Darussalam).**
23. The DepEd also reported that only 49% of the teachers have internet connection of which only 41% own a computer and that 10% of teachers do not have internet signal in their area¹¹. A survey conducted in November 2020 also showed that four out of ten Filipino students do not have gadgets for online learning while parents argued that their expenses increased under the new mode of learning¹².

Prohibition of slavery, trafficking

24. Poverty and lack of economic opportunities also forced a great number of children into child labor in order for them to contribute to their family's income.¹³ The pandemic and the inability of the government to cushion the impact of the crisis put the efforts against child labor further off track. In some reports, several beneficiaries of Strategic Help Desks for Information, Education, Livelihood, and other Developmental Intervention (SHIELD) - a government's program to identify child laborers and provide them and their families with access to appropriate services - were forced to once again stop schooling and have returned to their previous work¹⁴. **(Recommendation 133.245 to increase efforts to combat child labour by Poland)**

Right to protection against abuse and exploitation

25. The Philippines have become the global epicenter of live stream sexual abuse with at least 80% (8 out of 10) of Filipino children are vulnerable to being victims of online sexual abuse or bullying.
26. Since children were virtually locked up inside their homes and through the digitalization of education modalities during the pandemic, cases of online sexual abuse and exploitation of children (OSAEC) dramatically increased¹⁵.
27. In January 2021, the Department of Justice (DOJ) ordered the National Bureau of Investigation (NBI) to investigate the alleged online selling of students' sensual videos and nude photos in order to raise money to buy gadgets meant for distance learning¹⁶. In Marikina, a 13-year old child was

raped by a 31-year old man whom she met through Facebook last July 2020. The victim was lured into personally meeting the perpetrator when the latter promised to give her a smartphone that she could use in her online class¹⁷.

28. **Also, the government has not passed the Anti-OSAEC bill, thus failing to comply with Recommendation 133.237 to strengthen measures aimed at protecting children against violence and all kinds of sexual exploitation (Algeria).**

Right of children against inhuman and degrading treatment or punishment, and against arbitrary arrest, detention or imprisonment

29. In 2019, the decade-long advocacy for the passage of Positive and Non-violent Discipline of Children Bill was passed in congress. However, the landmark bill was vetoed by President Rodrigo Duterte who believed that corporal punishment is still an effective way to discipline children and to make them law-abiding citizens. **(Recommendation 133.235 to intensify efforts to eradicate all forms of violence against children by Spain)**
30. During the period under review, the lower house of congress attempted to amend Republic Act 9344 or the Juvenile Justice and Welfare Act in order to lower the minimum age of criminal responsibility from 15 years old to 9 or 12 years old. However, the campaign against the proposed bill resulted to local and international condemnation, which resulted in the bill being stalled. **(Recommendation 133.164 to maintain the age of criminal responsibility for children as it currently stands by Belgium)**

Conclusion

31. The Philippine government, for the period under review, did not implement to the full extent the recommendations given by the member states. Despite being a signatory to international instruments and treaties, and the legislation of relevant domestic laws and policies, children's rights were widely violated, and children's welfare was disregarded. As mentioned above, Filipino children's rights were far from being fully upheld, promoted and realized in the Philippines, which became more prominent during the pandemic.
32. The huge funds being invested by the government in its poverty alleviation program, like the conditional cash transfer for the indigent families did not significantly lower the number of children suffering from poverty and inequalities. The supposed indicators for its success - such as health and education – also worsened in the years under review.
33. The state showed minimal commitment to international obligations to harmonize UNCRC in the local policies. This was evident during the period under review, which resulted to greater vulnerability of children to abuse, violence and exploitation.

Recommendations:

34. With the upcoming 4th Cycle of the UPR for the Philippines, Salinlahi urges the UN Human Rights Council, and all the UN member states to review the Philippine government's adherence to the previous UPR recommendations concerning the situations and rights of Filipino children.
35. Salinlahi likewise urges the UNHRC to include in the following recommendation to the Philippines:
- Review the worsening incidences of poverty and hunger, poor health and malnutrition, out- of-school youth, child labor and sexual exploitation of children in order to develop appropriate and responsive programs and/or plan of action to address such;
 - To urge the Philippine government to create a sustainable poverty alleviation program geared towards the creation of economic opportunities for the children's parents including the effective implementation of land reform and by ensuring decent employment with livable wages.
 - To urge the Philippine government to allocate budgetary appropriations that follow global standards for basic social services that shall directly benefit poor children and their families such as health, education and housing;

- d. To discontinue government actions that promote and support privatization and commercialization of the public health and education system;
- e. To create a clear pathway on the eventual return of in-person learning and provide appropriate funds thereof;
- f. To repeal Republic Act 10533 (K-12 law) since the additional two years in basic education created additional financial burden to students and the program had been proven ineffective in improving the quality of education system in the country;
- g. To urge the Philippine government to strongly enforce laws and policies on the prohibition of hazardous and exploitative child labor, and formulate effective programs for its prevention and response;
- h. To create a law that intends to address online sexual abuse and exploitation of children which will not only serve as a strong deterrence against the commission of the crime, but will also identify the duties and responsibilities of internet platforms and intermediaries in ensuring safer digital space for children;
- i. To further strengthen programs for the rehabilitation and reintegration of children victims of human trafficking;
- j. To review the current situation of the rehabilitation/intervention program of the government, with accorded budget, facilities and human resources meant for children in conflict with the law.

¹ <https://news.abs-cbn.com/news/11/23/17/almost-half-of-filipino-kids-suffer-from-malnutrition-abuse-unicef>

² <https://www.unicef.org/philippines/media/2796/file/UNIPH-2021-Effects-of-COVID-Child-Poverty-Social-Protection-MainReport-2.pdf>

³ https://cpbrd.congress.gov.ph/images/PDF%20Attachments/Facts%20in%20Figures/FF2021-35_Food_Insecurity.pdf

⁴ <http://www.hope.org.ph/street-children-at-risk.html>

⁵ https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HR01605.pdf

⁶ <https://www.pna.gov.ph/articles/1022736>

⁷ <https://www.ibon.org/ensure-sufficient-safe-and-accessible-water-during-covid-19-crisis/>

⁸ <https://salinlahi.org/salinlahi-to-govt-let-the-filipino-children-play-designate-safe-spaces/>

⁹ <https://psa.gov.ph/content/registered-live-births-philippines-2019>

¹⁰ <https://www.ibon.org/proposed-2021-health-budget-shrinks-neglects-public-health/>

¹¹ https://hrep-website.s3.ap-southeast-1.amazonaws.com/legisdocs/basic_18/HR01817.pdf

¹² <https://www.philstar.com/headlines/2021/03/03/2081545/four-10-filipino-students-lack-distance-learning-tech>

¹³ <https://www.ilo.org/manila/areasofwork/child-labour/lang--en/index.htm>

¹⁴ <https://www.rappler.com/newsbreak/in-depth/gold-trap-covid-19-pushing-more-filipino-children-hazardous-work/>

¹⁵ <https://ph.news.yahoo.com/online-child-abuse-265-ph-140200878.html>

¹⁶ <https://www.rappler.com/nation/doj-order-nbi-probe-alleged-online-sale-lewd-content-students/>

¹⁷ <https://news.abs-cbn.com/news/08/08/20/students-struggling-to-get-gadgets-for-online-classes-fall-victim-to-abuse-sexual-exploitation>