

## **UNICEF CONTRIBUTION TO THE THIRD CYCLE UNIVERSAL PERIODIC REVIEW OF THE PHILIPPINES**

### Acceptance of international norms

1. In relation to recommendation 131.7, the Philippines has not signed nor ratified the third OP to CRC on a communication procedure. To date, there are no steps taken to start the ratification process.

### Constitutional and legislative framework

2. In relation to recommendation 129.10, the Philippines continues to exert efforts to improve legislation for the protection of women and children. The Philippines amended and strengthened the Anti-trafficking in Persons Act which now penalizes attempt to commit trafficking in persons and holds accessories to the crime and accomplices liable. The Philippines amended and strengthened the Juvenile Justice and Welfare Act of 2006. The Philippines adopted the Children's Emergency Protection and Relief Act which mandates the establishment of evacuation centers, child friendly spaces, restore civil registry documents to facilitate reunification of separated children, and train emergency responders on child protection.

### Human Rights Education and Training

3. In relation to recommendation 129.2, police officers assigned to the Women and Children Protection Center of the Philippine National Police participated in a 12-day and 18-day training which include lessons on human rights, particularly the CRC and CEDAW. The Department of Justice also conducted multi-disciplinary trainings for frontline service providers, including police officers, on the Case Management Protocol for Children Victims of Abuse, Exploitation and Neglect. However, noting that contact with children is not limited to police officers assigned to the WCPC, it is important to train all police officers on how to handle children as victims, witnesses and offenders especially in light of the new Administration's anti-drugs and criminality campaign.

### Prohibition of torture and cruel, inhuman or degrading treatment

4. In relation to recommendation 129.24, while several bills had been filed in the 16th Congress to prevent corporal punishment and promote positive discipline, none were passed into law. The Department of Education also issued Department Order No. 40, series of 2012 which outlines the child protection policy in schools and developed a practical guide on how to apply the child protection policy and non-violent discipline.
5. In 2015, the Government spearheaded the National Baseline Study on Violence against Children. The results spurred the Government to begin a multi-disciplinary and consultative process to develop a costed and resourced National Plan of Action to address the findings.

### Right to Life, Liberty and Security of the person

#### Violence against women, children and sexual and gender based violence

6. The Philippines has not acted on the CRC Concluding Observation recommendation to address the relatively low age of sexual consent of 12 years. The gender-based discrimination against men and boy victims of rape by imposing a lower penalty compared to the rape of women and girls also remains a concern.

### Trafficking

7. In relation to recommendation 129.22, the Philippines is implementing the Recovery and Reintegration Program for Trafficked Persons, which ensures the provision of adequate recovery services for trafficked persons, including livelihood assistance, financial assistance, and sheltering services. The Philippines is constructing a Victim Processing Center which will serve as a one-stop-shop for rescued victims from the National Capital Region. However, local government units have limited financial and human resources capacities to prevent and respond to trafficking.
8. In relation to recommendation 130.3, the Philippines established three separate inter-agency councils to address domestic violence, human trafficking and child pornography. All three councils have separate strategic action plans that are not coordinated and harmonized. Coordination amongst the councils, national government agencies, local government units and the private sector need enhancement and cooperation, including private sector. The Philippines recognized the growing threat of child on-line exploitation and abuse and is drafting the Strategic National Response Plan to Prevent Online Child Sexual Exploitation 2016-2020. It will serve to coordinate all efforts of the government agencies, civil societies, international organizations, and other relevant stakeholders in addressing online child sexual exploitation and abuse.
9. In relation to recommendation 130.4, the Philippines recognizes the growing problem of online child abuse and exploitation which may come in the form of pornographic images, live web-streaming, webcam sex tourism and sextortion among others. The newly created Department of Information and Communications Technology recently hosted the ASEAN ITU workshop on child on-line protection which seeks to develop a Regional Plan of Action to address online sexual exploitation and abuse of children. The government also held a national consultation for the purpose of integrating the recommendations into the draft National Response Plan.

### Children and Armed Conflict

10. In relation to recommendation 129.25, in 2012, the Armed Forces of the Philippines started the development of a Strategic Plan to identify concrete steps to protect children affected by armed conflict in the course of its military operations. To date, the Strategic Plan remains unsigned.
11. In relation to recommendation 129.1, the Philippines issued Executive Order 138 which creates the Inter-Agency Committee on Children in Armed Conflict to manage and coordinate timely response to cases of grave child rights violations in situations of armed conflict.
12. Also in relation to recommendation 129.25, the Department of National Defense issued Circular Number 1 dated 4 February 2016 on "Child Protection during Armed Conflict Situations" and increases the minimum safe distance between schools/hospitals and military patrols and detachments from 50 meters, as contained in Letter Directive No. 25, to 460 meters, or the effective range of the AFP's standard-issue long firearms.
13. The Philippine has not acted on the recommendation to amend Republic Act No. 7610 to ensure that children associated with armed groups and forces are not prosecuted and are treated in accordance with the memorandum of agreement on the treatment and handling of children involved in armed conflict.

### Administration of Justice

14. In relation to recommendation 129.33, 129.34 and 131.29 The Philippines strengthened the Juvenile Justice and Welfare Act through the passage of Republic Act No.10630 in 2013. The law provided increased resources to enable the Juvenile Justice Welfare Council to fulfil its mandate, provides for community-based and center-based interventions for children below the age of criminal responsibility, and provides for intensive intervention for those children who commit serious crimes and those who have been found to have repeat offenses. It also mandates assistance to victims of crimes committed by children and imposed the maximum penalty for those who exploit children for the commission of criminal offenses. However, despite the provision PhP 400 million allocation under the law, no budget for the establishment of centers and institutions was included in the 2015 national budget. Local governments need to strengthen their implementation of diversion programmes.

15. While the minimum age of criminal responsibility remains at 15 years in the amended Junile Justice and Welfare Act, there are efforts by the newly elected 17th Congress to amend and lower it from 15 years to 9 years. This is an alarming development, noting the parallel efforts to pass legislation to reinstate the death penalty.

#### Rights related to name, identity, nationality

16. In relation to recommendation 129.9, the Philippines issued Presidential Proclamation No. 1106 that declared the years 2015 to 2024 as Civil Registration and Vital Statistics Decade (CRVS) which tasks the Philippine Statistics Authority to uphold the continuous and compulsory recording of births, death, marriages and other acts and events concerning the status of persons; enhance awareness on the importance of civil registry documents; and, produce accurate, complete and updated vital statistics.

#### Right to social Security and to an adequate standard of living

17. In relation to recommendation 129.11, 129.36, 129.37, 129.38 and 129.39 the Philippines updated the poverty targeting system called the Listahanan or the National Household Targeting System for Poverty Reduction. The updated registry contains 15 million households, including 5.1 million households assessed as poor using an enhanced proxy means test. The Philippine uses Listahanan to distribute its resources and services to the poor such as the Conditional Cash Transfer, Sustainable Livelihood Program and the Philhealth Insurance for Indigents. The remote and hard to reach areas were prioritized during the enumeration process. However, unless issues on data privacy are resolved due to the 2012 Data Privacy Act, the use of Listahanan as a targeting mechanism to reach the poor is limited.
18. The Philippine continued to expand the coverage of the Conditional Cash Transfer Program to reach 4.4 million poor families with a budget allocation of Php62.3 billion. A Modified Conditional Cash Transfer program is also implemented to reach poor and vulnerable populations excluded from the original CCT, namely Indigenous Peoples in Geographically Isolated and Disadvantaged Areas, Homeless Street Families, and Families In Need of Special Protection is also being implemented. However, the cash benefits received by the poor families need adjustment because its value has eroded due to inflation.
19. In 2013, a Joint Memorandum Circular was signed between the Department of Health, National Commission on Indigenous Peoples and the Department of Interior and Local Government on the Delivery of Basic Health Services for Indigenous Cultural Communities/Indigenous Peoples. Implementation challenges include clarity of governance, financing, sustainability and accountability between national government agencies and local government units.
20. The Universal Health Care program of the government aims to ensure automatic coverage for the first two poorest quintiles of the population through the Philippine Health Insurance and the Pantawid Pamilyang Pilipino Programme (4Ps). Despite this effort, out of pocket expenditures remain significant mainly because the service coverage of Philhealth remains narrow and the financial coverage is low. Public financing to address prematurity and other causes of newborn deaths was secured through the approval of the Philhealth Prematurity Benefit Package in 2016.

#### Right to Health

21. In relation to recommendation 129.40, the Philippines adopted the Responsible Parenthood and Reproductive Health Act that guarantees universal access to maternal health, family planning and sexual education. However, its constitutionality was challenged and the Supreme Court ruling effectively denies the right of children below the age of 18 to access reproductive health services. The Philippines needs to find ways to strengthen capacity of the health care providers, develop guidelines for the establishment of service delivery networks catering to the sexual and reproductive health needs of adolescents, and harmonize M&E indicators on adolescent health and development programme. In humanitarian situations and conflict-affected areas, programmes related to the provision of sexual and reproductive health for adolescents and young people are not integrated in the broad health and development programmes.

22. In relation to recommendation 129.41, among the health-related MDG, only the goal on under 5 mortality reduction was met. There is hardly any change in the Maternal Mortality Rate of the country over the last 3 decades. Efforts to address MMR only recently gained traction requiring sustained and coherent strategies across the health system. Despite the reduction in under 5 mortality, the Philippines is one of the top ten countries in the world with the most number of stunted children with 4.2 million children under 5 years who are stunted. The Philippines is not fully implementing the Milk Code and the Expanded Breastfeeding Promotion Act. The Philippines needs to increase accreditation of mother-baby friendly hospitals and increase number of workplaces providing lactation support. Lack of regulatory powers by the mandated agencies is a gap. The Department of Labor and Employment and the Civil Service Commission, issued separate guidelines governing the establishment of lactation stations in workplaces in private establishments and government offices in 2015.
23. The Philippines endorsed a National Policy on the Management of Acute Malnutrition and is scaling up severe acute malnutrition services in the country this 2016 including the procurement and provision of essential commodities. This will provide life-saving treatment to children under 5 years with severe acute malnutrition who have 11.6 times increased risk for mortality compared to normal children. Bills to provide a comprehensive package of interventions for the first 1,000 days of a child's life were filed during the 16th Congress but these did not pass and are re-filed in the current, 17th Congress.

### Right to Education

24. According to the 2013 Functional Literacy, Education and Mass Media Survey, one in every ten or about 4 million Filipino children and youth was out-of-school in 2013.
25. In relation to recommendation 129.42, in 2013, the Philippines passed the Enhanced Basic Education Act of 2013 or Republic Act No. 10533 that mandates kindergarten and additional 2 years in senior high school to raise the quality of basic education graduates and making their qualifications at par with global standards. The Department of Education and the Early Childhood Care and Development Council, and local government units are exerting efforts to identify all children (0-17 y/o) in the community and ensure that 3-4 y/o children are attending pre-school and all 5-11 y/o children are attending elementary school. The new administration is laying special attention on expanding the educational access to the most disadvantaged learners in the Philippines, by enhancing the Alternative Learning System programme, which provides a "second chance" for learners who have not or were not able to complete formal elementary/ secondary schools.
26. In relation to recommendation 129.43, the Early Years Act established the Early Childhood Care and Development Council, an inter-sectoral body responsible for establishing the national standards, developing policies and programmes, ensuring compliance ever since it was created in 2013. The Philippines is also increasing access to ECCD services through center-and home-based modalities and improving quality of ECCD services by implementing the National Early Learning Curriculum for 0-4 y/o and new standards and guidelines for center-based ECCD service providers. Currently, the ECCD Council has developed a system for prevention, early identification, referral and intervention of developmental disorders and disabilities in early childhood.
27. The Philippines also adopted the Supervised Neighborhood Playgroups as a modality for providing early childhood care services for 2-4 y/o children who have no access to day care centers such as those in remote and sparsely populated areas, including indigenous communities.
28. In recognition of the cultural and religious diversity of the population, the Department of Education adopted the following measures; (i) Indigenous Peoples Education Curriculum Framework (DepEd Order No. 32, s. 2015); (ii) Mother Tongue Based Learning in early grades; (iii) integration of Arabic Language and Islamic Values in the curriculum for Muslim learners; and special education programmes for differently abled learners. The Early Years Act mandates the Early Childhood Care and Development System (full range of health and nutrition, early education and social services for 0-4 y/o children) to promote the inclusion of children with special needs and advocate respect for cultural and linguistic. However, implementation and coverage of these programs can be further improved.

### Persons living with disabilities

29. In relation to recommendation 130.6, the Philippines will also launching a new social health insurance benefit package for Children with Disabilities, which includes a comprehensive coverage for health and rehabilitation services including the provision of a wide range of assistive devices. The Department of Health is working on a Service Delivery Network models for Children with Disabilities.

### Right to Food, safe drinking water and adequate sanitation

30. In relation to recommendations 129.37, 129.38 and 129.39, the Philippines is implementing a National Sustainable Sanitation Plan, but progress is limited. By the end of 2015, MDG targets on sanitation fell short with only 74% of the population having access to improved sanitation facility, while an estimated 7% of the population continue to defecate in the open.<sup>ii</sup> A significant investment is required to build capacity for national scale up and replicate best practices. The Philippine made significant progress in providing access to safe drinking water to 92% of the population.<sup>iii</sup> Challenge remains in reaching remote and geographically difficult areas, as well as, ensuring consistent water quality, and building community resilience to disaster.

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<sup>i</sup> This recommendation was reiterated by the 1st and 2nd Reports of the Secretary-General on Children and Armed Conflict in the Philippines, and the Concluding Observations on the initial Philippine Report on the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (CRC OP AC) the Concluding Observations on the initial Philippine report on the CRC OP AC.

<sup>ii</sup> UNICEF and World Health Organization, 2015, Progress on sanitation and drinking water – 2015 update and MDG assessment, United States of America.

<sup>iii</sup> UNICEF and World Health Organization, 2015, Progress on sanitation and drinking water – 2015 update and MDG assessment, United States of America.