

1. Salinlahi Alliance for Children's Concerns presents in this report a situation of Filipino children's rights and human rights from 2012 until the first six months of 2016. During this period, poverty is often experienced by the majority of an estimated 43.34 million Filipino children, comprising largely of children of peasant and urban poor families.
2. Surveys conducted by the Social Weather Stations (SWS) between 2012 and 2016 showed the percentage of those who considered themselves poor; 52% in 2012 and 2013, 54% in 2014 and 50% in 2015, affecting 11 to almost 12 million households annually. Even higher self-rated poverty was reported by Ibon Foundation, with 67% or 2 out of every 3 people considering themselves poor in 2015.
3. The report focused on particular recommendations during the 2<sup>nd</sup> cycle of the UPR which the Philippine government noted or supported but has failed to implement. The rights or areas which were also stated in international treaties and instruments such as the Universal Declaration on Human Rights (UDHR) and the Convention on the Rights of the Child (CRC) are the following:

***Right or Area 22.1 The right to an adequate standard of living***

4. The Pantawid Pamilyang Pilipino Program (4Ps), the flagship anti-poverty program of the Aquino administration with budget allocations derived from multi-lateral financial institutions through government loans, failed to improve the lives of 26.7 million poor Filipinos, especially children who are the supposed direct targets of the so-called human capital investment program.<sup>1</sup>
5. Aside from the long list of conditions such as pregnant women availing pre- and post-natal care, children-beneficiaries aged 0-5 receiving regular health check-ups and deworming, deworming of children-beneficiaries aged 6-14 and children-beneficiaries aged 3-18 enrolling in school and maintaining an attendance of at least 85% of class days every month for PhP 1,400 (maximum) monthly<sup>2</sup>, beneficiaries interviewed by Salinlahi coming from selected regions in the country expressed their dismay over the 'bureaucracy' in selecting beneficiaries despite the National Household Targeting System (Listahanan), irregularities in the amounts received and schedule of monthly cash grants and other discrepancies.
6. Worst, the program is corruption-riddled with Commission on Audit (COA) reports showing irregularities in the release of funds.<sup>3</sup>
7. High poverty rates continue because the government only offered palliative measures. It failed to generate jobs or livelihood and address decades-long landlessness. The country has the worst

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<sup>1</sup> <http://ibon.org/2016/03/aquino-govt-borrowing-billions-for-failed-anti-poverty-programs/>

<sup>2</sup> <http://www.gov.ph/programs/conditional-cash-transfer/>

<sup>3</sup> <http://www.philstar.com/headlines/2014/01/10/1277074/governments-4ps-still-fraught-irregularities-coa>

unemployment rates in Asia.<sup>4</sup> Meanwhile, 9 out of 10 farmers do not own the land they till according to the peasant organization Kilusang Magbubukid ng Pilipinas (KMP).

8. A whopping 1.3 million families are informal settlers recorded in 2012 with only 560,000 in Metro Manila and others living outside the National Capital Region (NCR). Even the United Nations Commission on Human Rights estimated that 1.2 million Filipino children are homeless with 70,000 of them living in the streets of Manila.
9. UNICEF and World Health Organization (WHO) reported in 2012 that an estimated 24 million Filipinos do not have improved sanitation. Almost 8 million Filipinos especially in rural areas still defecate in the open, putting the country in the 3<sup>rd</sup> highest among those without improved sanitation in Asia Pacific.
10. When it comes to potable water, although the country has met the target according to the 2015 Update and MDG assessment of UNICEF and WHO, Greenpeace.org reported that the NCR, Region IV, Region III and Region VII had unsatisfactory ratings for water quality criteria.

#### ***Right or area 24: The right to health***

11. An increase in numbers of underweight children was reported by the latest National Nutritional Surveys of the Food and Nutrition Research Institute (FNRI) under the Department of Science and Technology (DOST), from 20% in 2013 to 21.5% in 2015 which is 'high' according to WHO standards. The survey also reported stunting of 1 in 2 children, with the highest stunting rate of those belonging to poorest families.
12. According to the Department of Health (DOH), malnutrition can be prevented by focusing on the child's nutrition during the first two years of his or her life. However, according to the Global Hunger Index of the International Food Policy and Research Institute, the country alarmingly scored 13.1 in 2014 and 20.1 in 2015.
13. The WHO estimated almost 33,000 neo-natal deaths and more than 56,000 infant deaths in the country last 2013. Premature births and low birth weight of infants were identified as leading causes of neo-natal deaths, linking poor nutrition of women before and during pregnancy. The Philippines, in fact, ranked 5<sup>th</sup> in the countries with most low birth weight infants.<sup>5</sup>
14. The DOH also noted that the prevalence of nutritionally-at-risk pregnant Filipinas remained high at 24.8% in 2013. There was also an increase in the 12.5% undernutrition among lactating mothers in the same year.

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<sup>4</sup> <http://ibon.org/2016/05/amid-growth-ph-unemployment-still-worst-in-asia-ibon/>

<sup>5</sup> UNICEF (April 2013) *IMPROVING CHILD NUTRITION The achievable imperative for global progress*

15. Poor feeding practices and low rates of exclusive breastfeeding also contributed to infant and young children's malnutrition despite legislations such as the Milk Code which is not strongly enforced given the bombardment of formula milk advertisements in the country through different media, especially in urban areas. This is also manifested in several attempts of pharmaceutical companies to amend the National Milk Code, the latest of which was in September of 2012, to their interest of gaining more profit.<sup>6</sup>
16. The Aquino government spent less budget on health compared to expenditures of every Filipinos which resulted to inaccessibility of health care services. According to the Philippine Statistics Authority (PSA), in 2013 every Filipino spends about PhP5,260.00 for health wherein PhP2,961.00 comes from his/her own pocket, PhP994.00 from the government and PhP605.00 from social insurance.
17. In one of the focused group discussions (FGD) conducted by Salinlahi in Muntinlupa City, participants expressed difficulty in accessing government health care services. This is due to the fact that government hospitals cannot provide even the bare minimum health services, much less quality services especially to those considered as indigents. While in Davao del Norte, respondents to the FGD narrated that many of their children die during measles epidemic.<sup>7</sup>
18. Cases such as the above can be observed in many rural communities in the country. But access to health care is difficult even for those who live in the cities including the country's capital, Manila. While subsidies are already minimal to indigents, they still have to prove their indigence in a difficult and bureaucratic process.
19. Inaccessibility of health care services is exacerbated by the fact that most of public hospitals are taking the path of privatization that means higher expenses for health service would make it more difficult for poor families to pay for.<sup>8</sup>
20. Under the Public-Private Partnership (PPP), inadequate health services exacerbate the deplorable state of public health and, consequently, the state of Filipino children's health.<sup>9</sup>

***Right or Area 25: The right to education***

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<sup>6</sup> Association for the Rights of Children in Southeast Asia (ARCSEA), (2012) *POSITION PAPER ON THE CONSOLIDATED BILL AMENDING EO 51*

<sup>7</sup> Salinlahi Alliance for Children's Concerns & Children's Rehabilitation Center (CRC), (2012) *PROTECTING OUR CHILDREN, DEFENDING OUR FUTURE A research on the effects of neo-liberal policies on Filipino Children*

<sup>8</sup> Salinlahi and CRC, *PROTECTING OUR CHILDREN DEFENDING OUR FUTURE*

<sup>9</sup> Salinlahi and CRC, *PROTECTING OUR CHILDREN DEFENDING OUR FUTURE*

21. Many Filipino children are being deprived of their inviolable right to education due to the government's meager annual budget allotment as one of consequent impacts of commercialization of education. With their parents either unemployed or surviving on very low wages, they could hardly support their children's education. Public school education, though free, entails other expenses for frequent school projects and other miscellaneous fees, not including transportation and food expenses of schooling children.
22. As reported in Salinlahi's assessment of six years of the Aquino administration, the 2013 Functional Literacy, Education and Mass Media Survey (FLEMMS) report of the PSA was cited, saying that one in every ten or about 4 million Filipino children and youth was out-of-school in the same year.
23. This number of out-of-school youth is expected to soar in the coming years especially that the K-12 program is being continued by the Duterte administration. Not all public high schools are ready to facilitate senior high program and as a result, millions of students will be forced to enter private schools. Despite the government's voucher program, parents will still have to shoulder bulk of the expenses, nulling the provisions inscribed in the Philippine constitution that the state should provide free basic education. The K-12 has further enshrined that the privilege of attaining education are only for those who can afford it.<sup>10</sup>
24. With the backlogs in facilities and materials, as well as inadequate number of teaching personnel that the government fails to address, K-12 program is nothing but another stumbling block which will further deprive Filipino children of their right to education.
25. More importantly, the K-12 program, which only espouses neoliberal doctrine, is intended to provide cheap and docile labor for the global supply chain. It is designed to make Filipino youths fit for the global job market by emphasizing on skills needed abroad instead of enhancing skills and knowledge necessary for basic national industries especially that the Philippine government is not prioritizing national industrialization in its economic programs and policies.

***Right or Area 30.3: Protection against exploitation***

26. 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. Of those 5.59 million children at work, 3.028 million were considered as child laborers and 2.993 million were reported to be exposed to hazardous child labor. They can be found in haciendas, plantations, mines, and factories, among others. These numbers are based on the 2011 National Statistics Office and International Labor Organization (ILO) survey on children which showed an almost 30% increase in child labor incidence from the last 10 years.

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<sup>10</sup> Salinlahi, *2016 Children's Agenda*

27. The baseline study conducted by the Crispin B. Beltran Resource Center (CBBRC) and the Ecumenical Institute for Labor Education and Research (EILER) in 2014 revealed that child laborers are exposed to different physical, chemical and social hazards in mines and plantations and that children do work equal in amount and quality as those of adults.<sup>11</sup>
28. The study also affirmed that children from poor families are being forced by necessity to augment family income by working, as the areas covered in their research are among those with high incidence of poverty (Camarines Norte, Negros Occidental, Bukidnon, Davao del Norte, Compostela Valley and Agusan del Sur).<sup>12</sup>

***Right or area 12.7 Prohibition of slavery, trafficking***

29. There is also an increasing number of children being preyed into child pornography and other related commercial sexual activities. According to the data released by Philippine National Police- Anti- Cybercrime Group (PNP-ACG) recently, the number of children forced into cyber pornography has increased to 136 in 2015 from 87 children in 2014.
30. Slow-paced relief and rehabilitation efforts of the government after typhoon Haiyan in 2013 prolonged the agony of victims. Psycho-social services for traumatized children were mostly left to humanitarian organizations while attracting foreign and local investors to do the rehabilitation of infrastructures instead of initiating the rebuilding of resilient communities. At the same time, many women and children victims were lured to prostitution to ease their hunger and poverty.<sup>13</sup>
31. This appalling condition also befell the displaced families of the 2013 Zamboanga siege. Reportedly, prostitution became rampant in the evacuation and transitory sites, with women and children engaging in sexual acts for as low as P20.00 through the modus “tira-beinte”.<sup>14</sup>

***Right or area 30.4: Juvenile Justice***

32. Salinlahi is opposing a pending bill in the House of Representatives seeking to lower the minimum age of criminal responsibility (MACR) from 15 to 9 years old despite General Comment No. 10 of the Committee on the Rights of the Child setting 12 years old as the minimum age.

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<sup>11</sup> Crispin B. Beltran Resource Center (CBBRC) and Ecumenical Institute for Labor Education and Research (EILER), (2014), *CHILD LABOR IN MINING AND PLANTATION COMMUNITIES A baseline study for the Bata Balik-Eskwela*

<sup>12</sup> CBBRC and EILER, *CHILD LABOR IN MINING AND PLANTATION COMMUNITIES*

<sup>13</sup> Salinlahi, *2016 Children’s Agenda*

<sup>14</sup> Salinlahi, *2016 Children’s Agenda*

33. This, despite the failure to fully implement Republic Act (RA) 9344 or Juvenile Justice and Welfare Act, providing for rehabilitation for youth offenders and its amendment RA 10630, which provides for a multi-disciplinary team who shall operate the Bahay Pag-Asa or the treatment and rehabilitation facility for juvenile offenders.
34. In a round table discussion of Salinlahi, NGOs providing services for CICL shared their experiences and have mentioned that proper intervention plans have not materialized since 2006.<sup>15</sup>
35. The Juvenile Justice Welfare Council (JJWC) who is mandated to monitor the implementation of the laws mentioned that the government is not properly appropriating funding for the rehabilitation of CICLs, mentioning that only 46 Bahay Pag-Asa are in place all over the country.
36. The NGOs present in the discussion also reported that inhumane and detention-like conditions in CICL rehabilitation centers are continuing.
37. While a representative from the local government discussed that the lack of information and education among local officials and law enforcers contribute to the dismal implementation of the law.<sup>16</sup>
38. Salinlahi and other NGOs stand firm that most CICL come from impoverished families, citing the profiles of CICL handled by the DSWD where most of them come from low-income families and were charged with property related crimes, and should be regarded as victims of state abandonment and neglect.
39. Furthermore, the strengthening of local mechanisms like the BCPC that should work on prevention, protection and immediate response, not just in the issue of CICLs but other child rights issues as well, are not fully instituted despite Presidential Decree 603 and related Department of Interior and Local Government (DILG) memorandum.<sup>17</sup>

## **Conclusion**

40. Filipino children's rights are far from being fully upheld, promoted and realized in the Philippines, despite being signatory to international instruments and treaties such as the UDHR and CRC, and legislation of relevant domestic laws and policies.
41. The Aquino government's core programs to alleviate poverty and provide employment and basic services have not addressed the real causes of the people's problems. The Conditional Cash Transfer (CCT) known as the 4Ps is palliative and serve to encourage dependency on dole-outs.

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<sup>15</sup> Salinlahi, (2016), Minutes of the *WHY 15? A Round Table Discussion Against the Lowering of the Minimum Age of Criminal Responsibility*

<sup>17</sup> Salinlahi, (2016), *Position Paper on Lowering the Minimum Age of Criminal Responsibility of CICL*

The Public-Private Partnership (PPP) program which favors private investors and businesses has not provided the much needed services and employment for the poor.

42. The Aquino government installed various anti-people programs adhering to the neo-liberal dictates of globalization (liberalization of trade/investments, deregulation, and privatization of services) ostensibly for the benefit of merely a few, and which only exacerbate the deplorable living conditions of the poor majority. The worst tragedy however, is that women and children of the marginalized sectors (peasants and workers) are far more deprived, neglected and exploited.
43. The new Duterte administration's continued adherence to policies of liberalization, deregulation and privatization will only continue the adverse impact on the lives of Filipino children and their families.

### **Recommendations**

44. With the upcoming UPR on the Philippines on May 2017, Salinlahi urges the UN Human Rights Council to call on the Philippine government to act on the recommendations of the UPR in 2012 and in particular to:
  - a. To review continuing high 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;
  - b. 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;
  - c. To urge the Philippine government to create a sustainable poverty alleviation program geared towards genuine land reform and national industrialization that will create decent jobs and livelihood especially for poor families other than the 4Ps;
  - d. To discontinue government actions that promote and support privatization and corporatization of the public health system;
  - e. To repeal the Republic Act 10533 (K-12 law) and discontinue commercialization of public education;
  - f. To urge the Philippine government to strongly enforce laws and policies on the prohibition of child labor and further exploitation of children;
  - g. 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;
  - h. To institutionalize through legislation the operation of Barangay Council for the Protection of Children (BCPC) to further promote and protect children's rights in the local level.