



**Convention on the  
Rights of the Child**

Distr.  
GENERAL

CRC/C/PHL/CO/3-4  
2 October 2009

**Advance Unedited version**  
Original: ENGLISH

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**COMMITTEE ON THE RIGHTS OF THE CHILD**

**Fifty-second session**

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLE 44 OF THE CONVENTION**

**Concluding observations: The Philippines**

1. The Committee considered the third and fourth combined periodic report of the Philippines (CRC/C/PHL/3-4) at its 1428th and 1429th meetings (see CRC/C/SR.1428 and 1429) held on 15 September 2009, and adopted at the 1452nd meeting, held on 2 October 2009, the following concluding observations:

**A. Introduction**

2. The Committee welcomes the submission of the third and fourth combined periodic report, which followed the guidelines for reporting, as well as the written replies to its List of issues (CRC/C/PHL/Q/3-4/Add.1) which allowed for a better understanding of the situation of children in the Philippines.

3. The Committee appreciates the open and constructive dialogue with the high-level delegation of the State party, which included experts from various ministries.

4. The Committee reminds the State party that these concluding observations should be read in conjunction with its concluding observations adopted on 6 June 2008 on the State party's initial report to the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/PHL/CO/1).

## **B. Follow-up measures undertaken and progress achieved by the State party**

5. The Committee welcomes a number of positive developments in the reporting period, aimed at protecting and promoting the rights of children, including:

- (a) The enactment, in August 2009, of the Magna Carta of Women (Republic Act 9710);
- (b) The adoption, in 2006, of the Juvenile Justice and Welfare Act (Republic Act 9344) which establishes a comprehensive juvenile justice and welfare system and creates the Juvenile Justice and Welfare Council under the Department of Justice, and of its Implementing Rules and Regulations (IRR);
- (c) The enactment, in 2006, of Republic Act 9346, prohibiting the imposition of the death penalty; and
- (d) The creation, in February 2006, of the Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD) of the Council for the Welfare of Children, mandated to promote child welfare focusing on armed conflict and displacement.

6. The Committee welcomes the ratification, on 20 November 2007, of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty and the ratification, on 15 April 2008, of the Convention on the Rights of Persons with Disabilities.

## **C. Factors and difficulties impeding the implementation of the Convention**

7. The Committee is aware that the Philippines is an archipelagic state and that this, coupled with the fact that it is particularly prone to natural disasters, in particular typhoons, create objective difficulties and challenges to implementing adequate programmes and services for children, especially for those living in rural and remote areas.

8. The Committee regrets the fact that decades of armed conflict, localised in the South of the Philippines in Mindanao, have had and continue to have a negative impact on the overall human rights situation in the State party, including on the realisation of the rights of the child.

## **D. Main areas of concern and recommendations**

### **1. General measures of implementation (arts. 4, 42 and 44, paragraph 6 of the Convention)**

#### **The Committee's previous recommendations**

9. The Committee notes with satisfaction that certain concerns and recommendations (CRC/C/15/Add.259) expressed after the consideration of the second periodic report of the State party in 2005 have been addressed, in particular with regard to administration of juvenile justice. However, it regrets that many of its recommendations have been insufficiently or only partly addressed.

**10. The Committee urges the State party to make every effort to address the previous recommendations that have been partly, insufficiently or not implemented at all, including those relating to the minimum age of sexual consent, discrimination against children born out of wedlock, child pornography, the prohibition of torture and the prohibition of corporal punishment and other forms of violence in the home, schools, in public and private institutions and in the alternative care system. The Committee also urges the State party to provide adequate follow-up to the recommendations contained in the present concluding observations in its next periodic report.**

### **Legislation**

11. While noting a number of legislative initiatives in the State party, the Committee remains concerned at the lack of legislation with regard to the prohibition of corporal punishment, the prohibition of torture and the status of children born out of wedlock. The Committee also notes the fairly advanced general legal framework adopted by the State party but it remains concerned at the lack of implementation and legal enforcement of legislation pertaining to children, especially the 1992 Child Protection Act (Republic Act 7610).

**12. The Committee recommends that the State party take all necessary measures to ensure the full and effective implementation of its domestic laws in order to better protect the rights of the child and to harmonize its legislation fully with the provisions and principles of the Convention, including through the expeditious adoption of the Anti-Corporal Punishment Act (Bill No. 682), Bill No. 5846 criminalising torture, the Anti-Child Pornography Act (Bill No. 2317) and the Age of Statutory Rape and Acts of Sexual Abuse Act (Bill No. 2172). The Committee also recommends that the State party enact legislation to address the status of children born out of wedlock.**

### **Coordination**

13. The Committee notes that the mandate of the Council for the Welfare of Children (CWC) was affirmed by Executive Order 806 of 8 June 2009 and that the CWC continues to be the focal inter-agency body for children in the Philippines with the mandate to coordinate the implementation and enforcement of all laws, policies, programs and measures for children. The Committee notes the existence of the Presidential Human Rights Committee (PHRC) and its activities regarding implementation of human rights in the Philippines as well. The Committee welcomes the State party's initiatives to address the lack of implementation at the local level through the establishment of Local Councils for the Protection of Children (LCPCs) at *barangay*, municipal, city and provincial levels, as well as of 17 Regional Sub-Committees for the Welfare of Children (RSCWCs), linking the national government with the local government units. However, the Committee expresses its concern at the lack of human and financial resources allocated to the CWC, LCPCs and RSCWCs which may prevent the effective functioning of such mechanisms.

**14. The Committee urges the State party to continue and strengthen its measures to improve the coherence of efforts on behalf of children, especially the effective coordination between existing bodies, namely the CWC and the PHRC, taking into account their specific status and competencies. The Committee recommends that the State party strengthen the**

**authority of the CWC as the main coordination body for children and ensure the allocation of adequate human, financial and technical resources for the CWC in particular as well as the LCPCs and the RSCWCs to ensure the effective functioning of such mechanisms. The Committee also encourages the State party to establish LCPCs in the remaining *barangays*, municipalities, cities and provinces in order to achieve full territorial coverage.**

### **National Plan of Action**

15. The Committee notes with appreciation that the State party has formulated a National Plan of Action (NPAC) for the implementation of the National Strategic Framework for Plan Development for Children 2000-2025 (Child 21). The Committee also appreciates that the State party has sought technical assistance from UNICEF for the implementation of the 6<sup>th</sup> and 7<sup>th</sup> Country Programmes (CPC 6/7) to facilitate the localisation of the NPAC and mainstream child rights in local development planning. However, the Committee remains concerned that the existing resources and mechanisms are insufficient to implement, monitor and evaluate the NPAC, especially at the local level.

16. **The Committee recommends that the State party ensure mainstreaming of the NPAC by providing and clearly identifying specific budget lines for it as well as across all relevant sectoral and regional programmes of the National Budget. It also recommends that the State party set up adequate follow-up mechanisms to ensure full implementation and that these plans are equipped with evaluation and monitoring mechanisms to regularly assess progress achieved and identify possible deficiencies for remedial action, across sectors and regions. The Committee further recommends that local government units (LGUs) in all municipalities, cities and provinces be provided with adequate resources for implementation of the NPAC and the Convention, and that this be done in an open, consultative and participatory way. Furthermore, the Committee recommends that the State party involve non-governmental organizations more actively in the monitoring and evaluation of the NPAC.**

### **Independent monitoring**

17. The Committee notes with appreciation that the Child Rights Center within the Commission on Human Rights of the Philippines (CHRP) is functioning as an Ombudsman for Children with a mandate to receive complaints from children but it is concerned that the Center does not have sufficient human and financial resources nor an adequate legal basis for these activities.

18. **With reference to the Committee's General Comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child (CRC/GC/2002/2), the Committee recommends that the State party provide adequate human and financial resources to the Child Rights Center, through the CHRP, to ensure that the Center can effectively and independently exercise its mandate. The Committee also recommends that the State party support the prompt passing of the CHRP Charter that is awaiting approval by Congress to strengthen the protection and promotion of children's rights.**

### Allocation of resources

19. The Committee welcomes the various poverty reduction strategies and initiatives targeting low-income families and aimed at attaining the Millennium Development Goals (MDGs) and the World Fit For Children goals (WFFC). However, the Committee notes with concern that the budgetary allocations for children's social services, health services and education have decreased in terms of percentage of the national budget. In this regard, the Committee reiterates its deep concern at the fact that the State party allocates more than 30 per cent of its national budget to debt service-interest payment and that the share allocated to debt servicing has increased over the last years. The Committee is also concerned at the negative impact corruption may have on the allocation of already limited resources to effectively improve the promotion and protection of children's rights, including their right to education and health.

20. **The Committee urges the State party to prioritize and increase budgetary allocations for children at national and local levels. The Committee urges the State party, taking into account the Committee's recommendations during its Day of General Discussion in 2007 on "Resources for the Rights of the Child – Responsibility of the States", to:**

a) **Utilise a child right's approach in the elaboration of the State budget by implementing a tracking system for the allocation and use of resources for children throughout the budget, thus providing visibility to the investment on children. The Committee also urges the State party to use this tracking system for impact assessments on how investments in any sector may serve "the best interests of the child", ensuring that the differential impact of such investment on girls and boys is measured;**

b) **Define strategic budgetary lines for disadvantaged or particularly vulnerable children and for those situations that may require affirmative social measures (such as birth registration) and make sure that those budgetary lines are protected even in situations of economic crisis, natural disasters or other emergencies;**

c) **In the context of the decentralization process currently carried out in the State party, ensure transparent and participatory budgeting through public dialogue and participation, especially of children, and for proper accountability by local authorities;**

d) **Enhance its actions to prevent and eliminate corruption in all sectors of society, including by strengthening its policies oriented at transparency and probity; and**

e) **Seek technical assistance for such purposes from, *inter alia*, UNICEF and the World Bank.**

21. The Committee notes with concern that the Philippines, being one of the most highly mineralized countries in the world and a middle income economy in search of foreign investment, has not yet addressed the social and environmental impact, in particular on the situation of children, of its 1995 Mining Act that allows up to 100 per cent foreign-owned companies to

invest without regulation in large scale exploration, development and utilization of minerals, oil and gas. The Committee is especially concerned at reports from non-governmental and international sources that children are being acutely affected as families are removed from mining areas, indigenous people are being deprived of their ancestral lands and highly polluting technology is being utilized.

**22. While mindful of the need for foreign investment, the Committee recommends that the regulatory framework in the country include a requirement for social responsibility and environmental protection making international and national companies aware of and participants in the respect and fulfillment of children's rights.**

### **Data collection**

23. The Committee acknowledges the State party's efforts to improve its data collection system and welcomes, in particular, the development by the CWC of the *Subaybay Bata* Monitoring System (SBMS), linked to the major national government agencies, the development of 143 indicators for the seven major clusters of child rights, as well as the publication of Annual State of the Filipino Children Reports. However, the Committee reiterates its concern at the lack of disaggregated data by region, gender and age and at the insufficient data on children in need of special protection, in particular, children living in extreme poverty, abused and neglected children, children in conflict with the law and children belonging to minorities and indigenous groups.

**24. The Committee recommends that the State party further expand its existing data collection system and ensure that the data is disaggregated by region, gender and age and that it is updated and includes information on children in need of special protection. The Committee further recommends that the State party ensure that the Annual State of the Filipino Children Report is widely disseminated and accessible throughout the country and it encourages the State party to use this report as a basis for assessing progress achieved in the realisation of the rights of the child and to help design policies to implement the Convention and its two Optional Protocols, ensuring in the process that children are heard and consulted.**

### **Dissemination, training and awareness-raising**

25. The Committee welcomes the State party's various initiatives to promote and strengthen knowledge about the Convention, including at the local level, but it is concerned that its awareness-raising campaigns and training activities are insufficient to reach all parts of the country, including rural and remote areas, and to cover all persons working with or for children.

**26. The Committee recommends that the State party continue to strengthen its awareness-raising campaigns and ensure that such campaigns reach the rural and remote areas, including children belonging to indigenous communities and minorities. The Committee also recommends that the State party work closely with the media in respect of such dissemination and awareness-raising and encourage the media to develop more child-oriented products to provide better coverage while respecting the rights of the child, including the child's right to privacy, and to promote children's own participation in media**

programmes. The Committee recommends that the State party promote the adoption of a code of ethics for the media in this respect.

27. The Committee further recommends that the State party continue to develop and strengthen ongoing training programmes on human rights, including children's rights, for all persons working with or for children (e.g. prosecutors, judges, lawyers, law enforcement officials, civil servants, local government officials, teachers, social workers, health personnel and especially children themselves).

#### **Cooperation with civil society**

28. The Committee welcomes the State party's collaboration with a high number of national and international non-governmental organisations in the promotion of the Convention and in the delivery of services and programmes for children and notes that these INGOs and NGOs are often consulted in actions taken by the Government. The Committee encourages the State party to continue to strengthen its cooperation with civil society, including national and international non-governmental organisations, and ensure cooperation on a broad level in all areas related to the promotion and protection of the rights of the child.

## **2. General principles**

**(arts. 2, 3, 6 and 12 of the Convention)**

### **Non-discrimination**

29. While noting efforts by the State party to eliminate discrimination against children, including through the implementation of the Girl Child Plan and a number of programmes targeting indigenous and minority children, the Committee reiterates its concern at discrimination faced by many children, in particular children living in poverty, children with disabilities, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in conflict areas, as regards their access, inter alia, to social and health services and education. The Committee also remains concerned at the *de facto* discrimination still affecting the girl child and impeding the full enjoyment of their rights, mainly due to societal attitudes toward girls and women. The Committee further expresses its concern at the fact that the State party has not yet addressed the situation of children born out of wedlock, who still face discriminatory practices such as their classification as "illegitimate" and their restricted right to inherit.

30. The Committee urges the State party to increase its efforts to eliminate discrimination against children and in particular to:

- (a) **Adopt and implement a comprehensive strategy addressing all forms of discrimination, including multiple forms of discrimination against all vulnerable groups of children and aimed at combating discriminatory social attitudes towards girls, children living in poverty, children with disabilities, indigenous and minority children, including Muslim children living in Mindanao, migrant children, street children and children living in rural areas as well as children living in conflict areas;**

- (b) Ensure that girls have the right to equal treatment and to the full enjoyment of their rights. To this end, the Committee strongly recommends that the State party mainstream the Girl Child Plan and strengthen its implementation, particularly at the local level. The Committee further recommends that the State party ensure that girls who are victims of discriminatory practices have access to justice; and**
- (c) Revise its domestic legislation, so as to ensure children born out of wedlock the right to equal treatment, notably by abolishing their classification as “illegitimate” children and by recognizing their equal rights, including to inheritance.**

**31. The Committee regrets the lack of information in the State report on the measures and programmes relevant to the Convention on the Rights of the Child undertaken by the State party to follow up on the Declaration and Programme of Action adopted at the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, taking into account the Committee’s General Comment No. 1 (2001) on the aims of education. The Committee requests that such specific information be provided in the next periodic report as well as information on the measures taken to follow up on the 2009 Durban Review Conference.**

#### **Right to life, survival and development**

32. The Committee reiterates its serious concern about patterns of violations of children’s right to life, including in the context of the internal armed conflict. The Committee notes that the State party has acknowledged extrajudicial executions as a “very serious concern” and it expresses its deep concern at reported cases of extrajudicial killings, including of children, as highlighted by the Special Rapporteur on extrajudicial, summary or arbitrary executions and other sources and that such extrajudicial killings have been committed by the Philippine armed forces, the Philippine National Police and death squads operating in Davao. The Committee notes some positive initiatives taken by the State party, such as the establishment of the Melo Commission and of Task Force Usig and the promulgation, in October 2007, of the Recourse to the Rule of the Writ of Amparo and the Rule of the Writ of Habeas Data but it is gravely concerned at the low number of prosecutions and the lack of results in bringing perpetrators to justice.

**33. Reiterating its previous concluding observations and referring to article 6 and other relevant articles of the Convention, the Committee urges the State party to make every effort to reinforce protection of the right to life, survival and development of children, inter alia, by taking all necessary measures to prevent extrajudicial killings of children and to thoroughly investigate all alleged cases of killings and bring the perpetrators to justice. In this respect, the Committee also recommends that the State party provide the CHRP with adequate financial resources in order for it to carry out its mandate and investigate reported cases. The Committee requests that specific information be included in the next periodic report, including data on complaints, investigations, prosecutions and convictions.**

#### **Respect for the views of the child**

34. The Committee notes with appreciation the various initiatives and efforts of the State party to promote respect for the views of the child, such as the adoption of the National



Framework for Children's Participation (NFPC) and the involvement of children at both local and national levels, including through the Sangguniang Kabataan (SK) and the Student Councils in schools. The Committee also welcomes the consultation meetings held with children and children's organisations in 2007 during the drafting process of the State party report to the Committee, organised by the CWC, to allow them to express their views and to formulate recommendations for the protection and fulfilment of their rights. However, the Committee is concerned that it is still generally difficult for children, in particular children belonging to the minority and indigenous population, to be heard in the State party, and that their right to be heard in proceedings affecting them may be limited.

**35. In light of article 12 of the Convention and drawing the State party's attention to the Committee's general comment No. 12 (CRC/C/GC/12) on the right of the child to be heard, the Committee encourages the State party to further strengthen its efforts to promote and facilitate, including through legislation, within the family, schools, institutions, the courts and administrative bodies, respect for the views of the child and their participation in all matters affecting them. In this respect, the Committee recommends the State party to draw special attention to minority and indigenous children.**

### **3. Civil rights and freedoms (arts. 7, 8, 13-17, 19 and 37(a) of the Convention)**

#### **Birth registration**

36. The Committee welcomes the efforts by the State party to improve birth registration, including the implementation of the Birth Registration Project (BRP), the establishment of the Barangay Civil Registration System (BCRS) to facilitate registration at the grassroots level as well as the training of *barangay* civil registration agents on the civil registration law and procedures of mobile birth registration. However, the Committee notes with concern that there are 2.6 million unregistered children in the country, most of whom are Muslim and indigenous children living in Mindanao. The Committee is also concerned that birth registration is not free of charge and that fines have to be paid in case of late registration.

**37. The Committee recommends that the State party pursue and strengthen its efforts to develop an efficient and free birth registration system for all children. The Committee urges the State party to strengthen the BCRS in order to make the civil registration system more accessible at the grassroots level. The Committee also urges the State party to ensure allocation of adequate financial, human and other resources to registration centres and to take further measures, including mobile services, to ensure easy access to registration by the population, including in the most remote areas of the country, with particular attention to Muslim and indigenous children living in Mindanao. The Committee further recommends that the State party put in place a mechanism to encourage and provide for late registration free of charge.**

#### **Name and nationality**

38. The Committee welcomes the steps taken by the State party to improve registration of unregistered and undocumented children of Filipino migrant workers born abroad, through the Philippine embassies and consulates in the country where their parents work, through a large

number of government departments and through the Migrant Workers and Other Overseas Filipinos Resource Centers (MWCFCRCs) which conduct awareness-raising sessions with parents on the need and value of birth registration. However, the Committee remains concerned at the high number of unregistered and undocumented children and that such children may be deprived of their right to a name and nationality due to their non-registration.

**39. Reiterating its previous recommendation, the Committee encourages the State party to further facilitate that parents, irrespective of their residence status, can register their children born abroad. The Committee also recommends that the State party ensure that unregistered children without official documentation are allowed to access basic services, such as health and education, upon their return to the Philippines, while waiting to be properly registered.**

#### **Torture or other cruel, inhuman or degrading treatment or punishment**

40. The Committee notes with appreciation that section 5 (a) of the Juvenile Justice and Welfare Act of 2006 prohibits acts of torture or other cruel, inhuman or degrading treatment or punishment in the administration of juvenile justice. However, it regrets that the State party has not enacted legislation prohibiting such crimes in all settings. With reference to recent reports of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other sources of information, the Committee remains deeply concerned at the high number of reported cases of torture, inhuman and degrading treatment of children, particularly children in detention. The Committee is of the view that existing legislation does not provide children with an adequate level of protection against torture and ill-treatment. Furthermore, the Committee is concerned at the low number of cases which have resulted in a prosecution and conviction.

**41. In light of article 37 (a) of the Convention, the Committee urges the State party to expeditiously enact the Anti-Torture Bill No. 5846 in order to prohibit acts of torture and other cruel, inhuman or degrading treatment or punishment of children in all settings. The Committee also calls upon the State party to ensure that all allegations of torture are effectively and promptly investigated, that the perpetrators are prosecuted and punished and that child victims are provided adequate compensation. Furthermore, the Committee recommends that the State party consider ratifying the Optional Protocol to the Convention against Torture. The Committee requests the State party to include in its next periodic report information about the number of cases of torture, inhuman and/or degrading treatment of children reported to the authorities or relevant agencies, the number of perpetrators of such acts who have been sentenced by the courts and the nature of these sentences.**

#### **Corporal punishment**

42. While noting that the Anti-Corporal Punishment Bill which prohibits corporal punishment in all settings is currently under discussion, the Committee reiterates its concern that corporal punishment in the home is not explicitly prohibited by law and that a provision on corporal punishment is not included in the Child and Youth Welfare Code. The Committee also expresses its concern at the prevalence of corporal punishment against children in society, in particular in the home and regrets that no comprehensive study on this issue has been undertaken, as

recommended by the Committee in its previous concluding observations (CRC/C/15/Add.25, para. 42).

**43. The Committee urges the State party to:**

- (a) Enact the Anti-Corporal Punishment Bill to explicitly prohibit by law corporal punishment in all settings, including in the home, schools, alternative childcare, places of work and places of detention;**
- (b) Intensify its awareness-raising campaign to sensitize and educate parents and families, guardians and professionals working with and for children on the harmful effect of such practices, promote the use of alternative and non-violent forms of discipline in a manner consistent with the child's dignity and in accordance with the Convention, especially article 28, paragraph 2;**
- (c) Undertake a comprehensive study on the nature and extent of corporal punishment in different settings; and**
- (d) Take due account of the Committee's General Comment No. 8 on the right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (CRC/C/GC/8).**

**Follow-up to the UN Study on Violence against Children**

**44. With reference to the United Nations Secretary-General's Study on violence against children (A/61/299), the Committee recommends that the State party:**

- (a) Take all necessary measures to implement the United Nations Study on violence against children, taking into account the outcome and recommendations of the Regional Consultation for East Asia and the Pacific held in Bangkok from 14 to 16 June 2005;**
- (b) Prioritize the implementation of the recommendations of the Study to eliminate all forms of violence against children, paying particular attention to the following recommendations:**
  - (i) Prohibit all forms of violence against children;**
  - (ii) Enhance the capacity of all who work with and for children;**
  - (iii) Provide recovery and social reintegration services;**
  - (iv) Create accessible and child-friendly reporting systems and services;**
  - (v) Ensure accountability and end impunity;**
  - (vi) Develop and implement systematic national data collection and research;**
- (c) Use these recommendations as a tool for action, in partnership with civil society and in particular with the involvement of children, to ensure that every child is protected from all forms of physical, sexual and psychological violence and to gain momentum for concrete and, where appropriate, time-bound actions to prevent and respond to such violence and abuse; and**

- (d) **Seek technical assistance from the Special Representative of the Secretary General on violence against children, UNICEF, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO).**

#### **4. Family environment and alternative care**

**(arts. 5, 18 (paras. 1-2), 9-11, 19-21, 25, 27 (para. 4) and 39 of the Convention)**

##### **Family environment**

45. The Committee notes the State party's efforts to improve its legal, judicial and administrative framework. However, the Committee is concerned at the disruption and changes in the family situation due to the high and increasing migration flows and at the high and increasing number of children left behind either by their mother or father working abroad. The Committee further regrets that there is no systematic data on the number of children left behind and that no comprehensive study has been undertaken to assess their situation or the impact of the increasing feminization of migration.

**46. Recalling the concluding observations adopted by the Committee on Migrant Workers (CMW/C/PHL/CO/1, paras. 45-46), the Committee recommends that the State party undertake a comprehensive study on the situation of children of migrant families, with a view to developing adequate strategies to ensure their protection and the full enjoyment of their rights through, *inter alia*, community support programmes, education and information campaigns and schools programmes. The Committee joins the Committee on Migrant Workers (CMW/C/PHL/CO/1, para. 20) in recommending that the State party establish the Shared Government Information System on Migration (SGISM) which would include disaggregated data.**

##### **Children deprived of a family environment**

47. The Committee remains concerned at the high number of institutionalised children, at reported cases of physical and emotional abuse of children in residential care as well as at the lack of quality standards of care and monitoring for alternative care.

**48. The Committee calls on the State party to adopt and implement as a matter of priority the Foster Care Bill No. 263 in order to advance the deinstitutionalisation of children and provide them with a family environment. The Committee also recommends that the State party enhance the standards of care and monitoring of the situation of children placed in foster care or residential care. The Committee further recommends that the State party take into due account the Committee's recommendations during its Day of General Discussion in 2005 on "Children without Parental Care".**

##### **Adoption**

49. The Committee notes that, according to Republic Act 9523, adopted in March 2009, the Department of Social Welfare and Development is authorized to certify that a child is legally available for adoption. However, the Committee is concerned at information that due to the cost

of adoption proceedings, many resort to 'simulation of birth' or the fraudulent registration of birth carried out by non-biological parents to avoid the adoption process. The Committee is also concerned at the lack of information on the framework and conditions for intercountry adoptions as well as disaggregated data on the receiving countries and the gender and age of the children adopted.

**50. The Committee calls on the State party to comply fully with the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, including in respect of data collection. The Committee also recommends that the State party make every effort to ensure that all adoptions fully comply with the principles and provisions of the Convention on the Rights of the Child as well as with other relevant international standards and are conducted in the best interests of the child. The Committee further recommends that the State party take the necessary measures to prevent and combat the so-called 'simulated births', including through conducting an awareness-raising campaign, involving civil society, on the extent of such practices and by punishing those responsible. The Committee requests the State party to provide, in its next periodic report, information on the framework and conditions for intercountry adoptions as well as disaggregated data on the receiving countries and the gender and age of the children adopted.**

#### **Abuse, neglect and maltreatment**

51. The Committee welcomes the measures adopted by the State party to address abuse and maltreatment of children, including through the Anti-Violence Against Women and their Children Act (Republic Act 9262). However, as acknowledged in the State party report, the Committee expresses its deep concern at the increasing number of cases of domestic violence, including physical abuse, neglect and sexual abuse of children, and at the fact that violence within the family is mostly unreported, despite the enactment of this Act. The Committee also reiterates its concern at the alleged cases of sexual abuse of children in religious institutions. While noting the 1992 Child Protection Act (Republic Act 7610) as amended, the Committee is further concerned that cases of domestic violence and abuse of children are not investigated within a child-friendly procedure, that abused children may be victimized in such proceedings and that child witnesses are not protected from intimidation.

**52. The Committee recommends that the State party:**

- (a) Enhance and strengthen the implementation and dissemination of the Anti-Violence Against Women and their Children Act;**
- (b) Undertake a comprehensive study on domestic violence, including abuse, neglect and maltreatment;**
- (c) Take effective measures to prevent and protect children from sexual abuse in religions institutions, including by investigating the magnitude of such cases;**
- (d) Conduct timely and adequate investigations of all cases of child abuse and violence within a child-friendly procedure to bring the perpetrators to justice,**

**provide support services to children in legal proceedings to ensure that abused children are not victimized in such proceedings and strengthen the existing witness protection program to protect child witnesses from intimidation;**

**(e) Ensure the provision of family support services for abusive parents with a view to preventing abuse and neglect; and**

**(f) Ensure that child victims of violence and abuse have access to adequate counselling and multidisciplinary assistance with recovery and reintegration.**

#### **5. Basic health and welfare**

**(arts. 6, 18 (para. 3), 23, 24, 26, 27 (paras. 1-3) of the Convention)**

#### **Children with disabilities**

53. While welcoming the State party's ratification of the Convention on the Rights of Persons with Disabilities in 2008, the Committee expresses its concern at the lack of a comprehensive policy to ensure that children with disabilities have equal access to social, educational, health and other services. The Committee also remains concerned at the high prevalence of disability among Philippine children, due to a number of causes, including malnutrition and unsanitary living conditions as a result of extreme poverty. The Committee is further concerned that those children continue to face de facto discrimination and that they have an invisible role in society.

**54. The Committee recommends that the State party strengthen its measures to protect and promote the rights of children with disabilities, inter alia, by:**

- (a) Developing and implementing a comprehensive policy for the protection and promotion of the rights of children with disabilities and enforcing existing legislation to ensure that children with disabilities have equal access to social, educational, health and other services;**
- (b) Strengthening the existing data base and monitoring system on children with disabilities;**
- (c) Ensuring participation of children with disabilities and members of their families in the planning, implementation and evaluation of programmes;**
- (d) Making every effort to provide programmes and services for all children with disabilities, including mental disabilities, and ensure that such services receive adequate human and financial resources;**
- (e) Carrying out awareness campaigns to sensitise the public about the rights and special needs of children with disabilities and encourage their inclusion in society;**
- (f) Providing training for professional staff working with children with disabilities, such as teachers, social workers, medical, paramedical and related personnel; and**
- (g) Taking into account article 23 of the Convention, the Committee's General Comment No. 9 (CRC/C/GC/9) as well as the Convention on the Rights of Persons with Disabilities.**

## **Health and health services**

55. While noting the State party's National Objectives for Health 2005-2010, a decline in the infant mortality rates (from 43 in 1990 to 23 per 1000 live births in 2007), as well as a slight decline in maternal mortality rates (from 172 in 1997 to 162 per 100,000 live births in 2005), the Committee remains concerned at the high infant and maternal mortality rates as well as regional disparities in achieving progress in terms of mortality rates. The Committee also remains concerned at the deficiencies in registering and reporting newborn deaths and stillbirths. The Committee further reiterates its concern at under-nutrition (under-weight, under-height and thinness) among children, and in general, at children's limited access to quality health services in the remote areas of the country. In addition, the Committee regrets the lack of information in the State party report on the issue of mental health and related services for children and adolescents in need.

56. **The Committee recommends that the State party:**

- a) **Continue to ensure that appropriate resources are allocated for the health sector and develop and implement comprehensive policies and programmes for improving the health situation of children, so as to fully implement the Convention, in particular articles 4, 6 and 24;**
- b) **Strengthen and implement measures to guarantee access to quality prenatal and post-natal services and facilities, including training programmes for midwives and traditional birth attendants, by paying particular attention to the rural and remote areas of the country;**
- c) **Continue to take all necessary measures to lower infant, under-five and maternal mortality rates;**
- d) **With regard to newborn deaths and stillbirths, the Committee recalls its previous recommendation (CRC/C/15/Add.259, para. 28) and recommends that the State party facilitate access to civil registrars, in particular in remote areas;**
- e) **Effectively address the issue of under-nutrition by providing adequate nutritional food and supplements, as well as education on healthy early habits;**
- f) **Develop and implement a comprehensive child and adolescent mental health policy, including mental health promotion, prevention of common mental health problems and outpatient and inpatient services; and**

- g) Continue to cooperate and seek technical assistance in this matter with, inter alia, WHO, UNICEF and the United Nations Population Fund (UNFPA).**

### **Breastfeeding**

57. While noting the efforts by the State party to encourage breastfeeding, the Committee reiterates its concern at the low practice of exclusive breastfeeding. The Committee is also concerned that maternity leave periods are insufficient and at the differences in the criteria for entitlement to maternity leave for workers in the public and private sectors.

58. **The Committee recommends that the State party take the necessary measures to ensure the effective implementation of the Milk Code (E.O 51) and the 2007 rIRR - revised Implementing Rules and Regulations of the Milk Code. Recalling its previous recommendation (CRC/C/15/Add.259, para. 59 (f)), the Committee recommends that the State party further encourage exclusive breastfeeding for six months after birth with modifications for an appropriate infant diet thereafter and take measures to improve the nutritional status of children through education and promotion of healthy feeding practices. The Committee also calls on the State party to review its maternity legislation in order to support women working in both the public and private sectors equally by providing the recommended 14 weeks of paid maternity leave in accordance with the ILO Maternal Protection Convention No. 183.**

### **Environmental health**

59. While noting the legislative and other measures taken by the State party, the Committee reiterates its concern at environmental problems, such as air and water pollution and environmental degradation which have serious consequences for children's health and development. The Committee also remains concerned at the regional disparities with regard to access to safe drinking water and sanitation. While noting that the State party is particularly vulnerable to natural disasters, the Committee is concerned at the lack of information on any action plan or strategy in place to protect and assist children affected by such disasters.

**60. The Committee recommends that the State party:**

- (a) Continue to strengthen its efforts to reduce pollution and environmental degradation by strengthening the implementation of domestic environmental laws;**
- (b) Increase children's knowledge of environmental health issues by introducing environmental health education programmes in schools;**
- (c) Take effective measures to improve access to safe drinking water and sanitation facilities, particularly in the rural areas and slums; and**
- (d) Develop and implement an action plan or strategy on assistance and protection of children affected by natural disasters.**



## **Adolescent health**

61. The Committee remains seriously concerned at the inadequate reproductive health services and information, the low rates of contraceptive use (36 per cent of women relied on modern family planning methods in 2006) and the difficulties in obtaining access to artificial methods of contraception, which contribute to the high rates of teenage pregnancies and maternal deaths existing in the State party. The Committee welcomes the enactment of the Magna Carta of Women but it remains especially concerned at the lack of effective measures to promote the reproductive rights of women and girls and that particular beliefs and religious values are preventing their fulfillment. While noting the low prevalence of HIV in the country, the Committee notes with concern that the Philippine National AIDS Council (PNAC) has characterized the situation of HIV/AIDS as hidden and increasing and it remains concerned at the inadequate level of awareness of HIV/AIDS and sexually transmitted infections (STIs) among Philippine adolescents.

**62. The Committee urges the State party to increase its efforts to establish more child-friendly programmes and services in the area of adolescent health and to obtain valid data on adolescent health concerns through, inter alia, studies on this issue. In this respect, the Committee recommends that the State party:**

- a) **Adopt as a matter of urgency the Reproductive Health Bill awaiting approval by Congress and ensure that the Bill reflect the rights of children and adolescents as enshrined in the Convention;**
- b) **Ensure access to reproductive health counseling and provide all adolescents with accurate and objective information and culturally sensitive services in order to prevent teenage pregnancies, including by providing wide access to a broad variety of contraceptives without any restrictions and improving knowledge and conscience on family planning;**
- c) **Strengthen formal and informal sex education, for girls and boys, focusing on the prevention of early pregnancies, STIs and family planning;**
- d) **Strengthen its HIV/AIDS awareness campaigns and ensure access to age-appropriate HIV/AIDS education and information which target children, inside and outside schools, to equip them with the life skills to deal with and reduce their vulnerability to HIV and STIs;**
- e) **Seek technical cooperation with, among others, WHO, the Joint United Nations Programme on HIV/AIDS and UNFPA; and**
- f) **Take due account of the Committee's general comment No. 3 (CRC/GC/2003/3) on HIV/AIDS and the rights of the child and general comment No. 4 (CRC/GC/2003/4) on adolescent health and development in the context of the Convention on the Rights of the Child.**

**Standard of living**

63. The Committee welcomes the State party's various initiatives and measures to fight poverty, including the Pantawid Pamilyang Pilipino Program or (4Ps), the Accelerated Hunger Mitigation Program (AHMP), the Conditional Cash Transfer (CCT) program and other initiatives elaborated in paragraph 49 of the State party report as well as the State party's participation in the UNICEF Global Study on Child Poverty and Disparities. However, the Committee reiterates its concern at the number of children living below the national poverty line, in particular at children and their families escaping rural poverty and facing a situation of extreme poverty in the cities. The Committee also expresses its concern at the large disparities in the level of standard of living between the different regions as well as in access to basic services.

**64. The Committee reiterates its previous recommendation (CRC/C/15/Add.259, para. 67) that the State party develop and implement a comprehensive national poverty reduction strategy and take all necessary measures to raise the standard of living of children living in poverty, in particular those facing extreme poverty, regardless of where they reside. The Committee underlines that such strategy should include the participation of children. The Committee also requests the State party to increase its efforts to provide material assistance and support to economically disadvantaged children and their families.**

**6. Education, leisure and cultural activities  
(arts. 28, 29 and 31 of the Convention)**

**Education, including vocational training and guidance**

65. The Committee notes with concern the trend in recent years with regard to a deterioration of school enrolment and completion rates and the increasing number of children who drop out of school, especially in the first two grades of primary school, or do not attend school. The Committee also remains concerned that certain vulnerable groups of children, such as children living in poverty, children with disabilities, working children, children in armed conflict, indigenous children, children infected with, or affected by, HIV/AIDS, and street children do not have equal access to education. The Committee reiterates its concern at poor schooling facilities, particularly in the remote *barangays*, including the insufficient number of classroom seats, text books and other schooling supplies. Furthermore, it is concerned that while the number of children in early childhood care has increased slightly, the coverage is still very low (13 per cent of the 3-4 year old children) and children from birth to 3 years old are neglected in this regard.

**66. In light of articles 28 and 29 of the Convention and the Committee's general comment No. 1 (2001) on the aims of education, the Committee urges the State party to allocate the necessary financial, human and technical resources in order to:**

- (a) Take concrete action to reduce the drop-out rates in primary and secondary school, address the reasons behind non-completion of schooling, including cultural traditions and poverty, and increase transition to secondary schools;**
- (b) Urgently take all necessary measures to ensure that primary education is universal, free of direct or indirect costs and accessible for all children and pay particular attention to the schooling opportunities in the most remote *barangays***

**and to the educational needs of children belonging to vulnerable groups, in order to fulfil their right to education;**

- (c) Enhance the quality of education through the improvement of the ratio of teachers to students in primary and secondary schools, ensuring at the same time that teachers are well-trained, fully qualified and well paid;**
- (d) Develop and upgrade the infrastructure of the educational system by building new schools and classrooms, developing text books and other school supplies, enhancing teacher training and adopting innovative and interactive learning methods tailored for children with different learning prerequisites;**
- (e) Develop a comprehensive policy on early childhood education and care and raise awareness of the benefits of preschools and early-learning opportunities among parents;**
- (f) Continue to strengthen promotion of informal learning and vocational education, including for children who have not completed primary or secondary education, and establish vocational schools that systematically prepare children in school for the requirements of the labour market and civic responsibilities; and**
- (g) Seek technical assistance from UNICEF and UNESCO.**

#### **7. Special protection measures**

**(arts. 22, 30, 38, 39, 40, 37(b)-(d), 32-36 of the Convention)**

##### **Refugee children**

67. The Committee regrets the lack of information about the situation of refugee children in the State party and it reiterates its concern at the lack of domestic legislation addressing the specific needs of asylum-seeking and refugee children.

**68. The Committee reiterates its previous recommendation that the State party introduce specific laws and administrative regulations that address the needs of asylum-seeking and refugee children and provide unaccompanied and separated asylum-seeking and refugee children with special procedures. In this respect, the Committee recommends that the State party continue its cooperation with UNHCR.**

##### **Children in armed conflict**

69. The Committee welcomes the continuing implementation of the Comprehensive Programme for Children Involved in Armed Conflict (CP-CIAC), the work of the SA CAACD as well as the various initiatives to address the situation of children affected by armed conflict. The Committee also welcomes the visit by the Special Representative of the Secretary-General for Children and Armed Conflict to the Philippines in December 2008 and the signature, in July 2009, of an action plan by the Moro Islamic Liberation Front (MILF) with concrete and time-bound steps to prevent the recruitment of children and promote their reintegration into civilian life. While noting these positive steps, the Committee reiterates its concerns expressed upon the consideration in May/June 2008 of the State party's initial report on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/PHL/CO/1), in particular the

continued reported recruitment of children by armed groups to serve as combatants, spies, guards, cooks or medics and at the lack of prosecution of perpetrators of such crimes, partly due to the ambiguity of Republic Act 7610, article 10, Sec.22 (b) prohibiting the recruitment of children which does not provide for punitive sanctions for the violations.

70. The Committee also expresses its deep concern at the continuing and increasing displacement of children and their limited access to social and health services, education and to development due to the adverse effects of internal armed conflict. Moreover, the Committee remains concerned at the impact of the internal armed conflict on children not involved in hostilities, in particular children living in Mindanao.

**71. The Committee recalls its recommendations made upon the consideration of the State party's initial report on the Optional Protocol on the involvement of children in armed conflict (CRC/C/OPAC/PHL/CO/1) and it urges the State party to fully implement these recommendations, especially those aimed at the effective implementation of the existing legislation prohibiting and criminalizing the recruitment and involvement of children in hostilities and at the continuation and strengthening of measures aimed at the demobilization, physical and psychological recovery and social reintegration of the victims, including measures to address the situation of displacement of children and to ensure their access to social and health services, education and to development. The Committee also calls on the State party to take the necessary legislative measures to address the ambiguity of Republic Act 7610, article 10, Sec.22 (b) prohibiting the recruitment of children to ensure that the perpetrators of such violations are punished. The Committee further recommends that the State party ensure that children in armed conflict are not treated as children in conflict with the law and that the State party ratify the Rome Statute of the International Criminal Court as well as the Protocol Additional to the Geneva Conventions of 12 August 1949 Relating to the Protection of Victims of International Armed Conflicts (Protocol I).**

#### **Economic exploitation, including child labour**

72. While noting various efforts by the State party to combat child labour, including the Sagip-Batang Manggagawa (SBM) rescue mechanism and the establishment of SBM Quick Action Teams (QATs), the Committee is deeply concerned at the high number of child workers between the age of 5 and 14 in the State party. The Committee is particularly concerned that many of these children work in hazardous or dangerous conditions and are exposed to various forms of sexual and economic exploitation, including the worst forms of child labour.

**73. The Committee urges the State party to intensify its efforts to combat child labour and protect children from all forms of sexual and economic exploitation, including the worst forms of child labour. The Committee recommends that the State party:**

- (a) Strengthen its national legislation prohibiting child labour in accordance with international standards;**
- (b) Effectively implement its domestic labour laws, including the Elimination of the Worst Forms of Child Labor Act (Republic Act 9231), and programmes and ensure that child workers participate in discussions about the solution to this problem;**

- (c) **Improve the labour inspection system, including by increasing the number of labour inspections, in order to safeguard that work performed by children is light work and not exploitative and, in particular, empower the system to monitor and report on the practice of domestic and rural labour by children;**
- (d) **Ensure the imposition of fines and criminal sanctions to persons making use of illegal child labour;**
- (e) **Organize mandatory training for law enforcement officials, prosecutors and judges;**
- (f) **Adopt all appropriate measures to facilitate recovery and access to educational opportunities for former child workers; and**
- (g) **Continue to seek technical assistance from the International Labour Organization/ International Programme on the Elimination of Child Labour.**

### **Street children**

74. The Committee remains seriously concerned at the high number of children living in the streets (nearly 250,000) and their special vulnerability to various forms of violence and abuse, including sexual and economic exploitation. The Committee also notes with concern the continued lack of a systematic and comprehensive strategy to address the need for the prevention, reduction of the number and protection of children living in the streets. The Committee is further concerned at certain rescue operations conducted in various areas of Manila, also referred to as 'rescue of indigents', 'clean-up of street dwellers' or 'round-ups' and the lack of follow-up of such operations.

**75. The Committee recommends that the State party:**

- (a) **Develop a comprehensive strategy to address the root causes of the phenomenon, and to prevent and reduce the number of street children and protect those living in the streets, and translate this strategy into concrete programmes at the local level, addressing the root causes of the problem. The strategy and programmes should be developed with the cooperation of the children themselves, civil society and relevant professionals, especially at the local level;**
- (b) **Place emphasis on ensuring the right of children to education, among other measures by linking it to the Conditional Cash Transfer (CCT) program, so that families, communities and street children themselves commit to children's education with State support;**
- (c) **Ensure that street children are not treated as children in conflict with the law;**
- (d) **Ensure that street children are provided with adequate nutrition, clothing and shelter as well as with social and health services and educational opportunities, such as vocational and life skills training, including through trained street workers and counselors; and**

**(e) Provide street children with adequate recovery and social reintegration services for physical and sexual abuse and promote reunification with their families, when feasible.**

### **Sexual exploitation and abuse**

76. While noting the State party's efforts to address sexual exploitation and abuse of children, such as the launching of the Child Wise Tourism Campaign and the Personal Safety Lessons (PSL) project, the Committee expresses its concern at information that a number of groups are vulnerable to commercial sexual exploitation, including street children, children involved in "prosti-tuition" (e.g. earning for tuition fees), "call girls / boys" (who engage in seasonal prostitution mostly to address the emergency needs of their families or for their own upkeep), and young female overseas Filipino workers (OFWs) who work as "entertainers".

**77. The Committee urges the State party to:**

- a) Conduct a comprehensive study to assess the causes, nature and extent of commercial sexual exploitation and child pornography;**
- b) Review its domestic laws on the protection of children against sexual exploitation, including the use of children for pornography, in order to provide all child victims of such exploitation with equal protection;**
- c) Effectively implement the 1992 Child Protection Act (Republic Act 7610) as amended to ensure that parents are able to promote the welfare and safeguarding of their children; and**
- d) Provide adequate programmes of assistance, recovery and reintegration for sexually exploited children in accordance with the Declaration and Agenda for Action and the Global Commitment adopted at the First, Second and Third World Congresses against Sexual Exploitation of Children.**

### **Sale, trafficking and abduction**

78. While noting the various legislative, administrative and policy measures adopted by the State party, the Committee notes with concern that a high number of women and children continue to be trafficked from, through and within the country for purposes of sexual exploitation and labour. The Committee is particularly concerned at the low number of prosecutions and convictions of traffickers and it is also concerned at existing risk factors contributing to trafficking activities, such as persistent poverty, temporary overseas migration, growing sex tourism, impunity and weak law enforcement in the State party. The Committee is further concerned that, due to the illegal and clandestine nature of child trafficking and the lack of an effective data collection mechanism, it is difficult to ascertain the number of victims and the purpose of trafficking.

**79. The Committee recommends that the State party intensify its efforts to prevent and combat trafficking in human beings, especially women and children, including for purposes of sexual exploitation and labour, inter alia, by:**

- (a) Establishing a strong and systematic monitoring mechanism for gathering data to ascertain the number of victims and the purpose of trafficking;**
- (b) Supporting programmes and information campaigns to prevent trafficking and providing mandatory training for law enforcement officials, prosecutors and judges on the anti-trafficking legislation;**
- (c) Paying particular attention to existing risk factors, such as the growing sex tourism in the region, and continuing to collaborate with the Department of Tourism and tourism service providers in this respect;**
- (d) Implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, particularly by increasing the provision of medical, psychological and legal support to victims; and**
- (e) Considering the ratification of the 1980 Hague Convention on the Civil Aspects of International Child Abduction.**

#### **Administration of juvenile justice**

80. The Committee welcomes the adoption, in 2006, of Republic Act 9344 (Juvenile Justice and Welfare Act or JJWA) which raises the minimum age of criminal responsibility from nine (9) to fifteen (15) years and prohibits and criminalises acts of torture and ill-treatment against children in conflict with the law. However, the Committee is concerned at the slow pace of implementation of the JJWA and, in particular, at the number of detained children and that children in conflict with the law do not effectively have legal safeguards and access to medical care. The Committee also expresses its concern at the limited use of diversion and the alleged widespread practice of pre-trial detention of children. The Committee further regrets the lack of specialised courts and personnel and it expresses its serious concern at the conditions of detention of children, who are often detained, with adults, in overcrowded facilities in poor conditions. In addition, the Committee is concerned at the recent initiatives to lower the age of criminal responsibility of children.

**81. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). The Committee recommends that the State party, while taking into account the Committee's general comment No. 10 on the administration of juvenile justice (CRC/C/GC/10, 2007):**

- (a) **Take all necessary measures to ensure that the age of criminal responsibility is not lowered;**
- (b) **Continue to release children having committed minor offences in accordance with the provisions of the JJWA and the Executive Order No. 633;**
- (c) **Expand the use of alternative measures to deprivation of liberty, such as diversion, probation and counseling and community services;**
- (d) **Take all necessary measures to ensure that children are held in detention only as a last resort and for the shortest possible period of time;**
- (e) **Take effective measures to ensure that when detention is carried out, it is applied in compliance with the law and respects the rights of the child as set forth in the Convention and that children are held separately from adults both in pre-trial detention and after being sentenced;**
- (f) **Take all necessary measures to ensure that children are not ill-treated in detention, that they have the right to maintain contact with their families through correspondence and visits and that cases involving juveniles are brought to trial as quickly as possible;**
- (g) **Ensure that detained children have access to legal counsel and to medical care, immediately after arrest and during all stages of detention;**
- (h) **Adopt measures to ensure that an interpreter is provided free of charge in the case of indigenous children if required and that the child is guaranteed legal assistance, in a culturally sensitive manner, in accordance with the Committee's general comment No. 11 (CRC/C/GC/11);**
- (i) **Continue to undertake training programmes on relevant international standards and widely disseminate the provisions of the JJWA to the general public and in particular to all professionals working with the juvenile justice system, including police officers, so as to enhance understanding, awareness and knowledge of the JJWA; and**
- (j) **Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

#### **Protection of witnesses and victims of crimes**

**82. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and/or witnesses of crimes, e.g. children victims of abuse, domestic violence, armed conflict, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).**

#### **Children belonging to minorities and indigenous peoples**



83. While acknowledging steps taken to address the precarious situation of indigenous children, such as the inclusion for the first time of indigenous people's concerns in the Medium-Term Philippine Development Plan 2004-2010 (MTPDP), the Committee reiterates its concern at the widespread poverty among minorities and indigenous peoples and the limited enjoyment of their human rights, in particular, concerning their access to social and health services and education. The Committee is also concerned at the lack of information in the State party report and during the dialogue with the delegation of the actual impact of the application of the 1997 Indigenous People's Rights Act (IPRA) on children.

**84. Taking into account its general comment No. 11 on indigenous children and their rights under the Convention (CRC/C/GC/11), the Committee recommends that the State party take the necessary steps to ensure that indigenous children and children belonging to minorities fully enjoy all of their human rights equally and without discrimination. In this respect, the Committee recommends that the State party strengthen its efforts to implement the IPRA and develop and implement policies and programmes in order to ensure equal access for indigenous and minority children to culturally appropriate services, including social and health services and education. The Committee also recommends that general comment No. 11 guide the review process of the IPRA and the MTPDP to ensure that the specific rights of children are upheld. The Committee further recommends that the State party strengthen its mechanisms for data collection on minority and indigenous children so as to identify existing gaps and barriers to the enjoyment of their human rights and with a view to developing legislation, policies and programmes to address such gaps and barriers. Furthermore, the Committee recommends that the State party raise awareness in communities and schools of the multicultural nature of the Filipino society and the need for education to be sensitive to traditions, languages and views by different ethnic groups.**

#### **8. Ratification of international human rights instruments**

**85. The Committee encourages the State party to consider ratifying the international human rights instruments to which it is not yet a party, namely the International Convention for the Protection of all Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.**

#### **9. Follow-up and dissemination**

##### **Follow-up**

**86. The Committee recommends that the State party take all appropriate measures to ensure that the present recommendations are fully implemented, inter alia, by transmitting them to the members of the Cabinet, the Congress, the Supreme Court and to local Governments and Parliaments, when applicable, for appropriate consideration and further action.**

## **Dissemination**

**87. The Committee further recommends that the combined third and fourth periodic report, written replies submitted by the State party and related recommendations (concluding observations) it adopted be made widely available in the languages of the country, including through Internet (but not exclusively), to the public at large, civil society organizations, youth groups, professional groups and children, in order to generate debate and awareness of the Convention, its implementation and monitoring.**

## **10. Next Report**

**88. The Committee invites the State party to submit its combined fifth and sixth periodic report by 19 September 2017. This report should not exceed 120 pages (see CRC/C/118). The Committee expects the State party to report every five years thereafter, as foreseen by the Convention.**

**89. The Committee also invites the State party to submit an updated core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, approved by the 5<sup>th</sup> Inter-Committee meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3).**

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