

United Nations Study on Violence against Children

**Response to the questionnaire received from the
Government of the Philippines**

I. LEGAL FRAMEWORK

This part of the questionnaire aims to determine how your country's legal framework addresses violence against children, including prevention of violence, protection of children from violence, redress for victims of violence, penalties for perpetrators and reintegration and rehabilitation of victims.

International human rights instruments

- 1. Describe any developments with respect to violence against children, which have resulted from your country's acceptance of international human rights instruments, including, for example, the Convention on the Rights of the Child and its optional protocols, the Palermo Protocol or regional human rights instruments. * Provide information on cases concerning violence against children in which your country's courts or tribunals have referred to international or regional human rights standards.**
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The Philippines is a State Party to a number of international human rights instruments, relevant among which are the following:

- a. International Covenant on Civil and Political Rights
- b. International Covenant on Economic, Social and Cultural Rights
- c. Convention on the Rights of the Child including its Optional Protocols on the Sale, Child Prostitution and Child Pornography, and the Involvement of Children in Armed Conflict
- d. ILO Convention No. 139 Concerning the Minimum Age for Admission to Employment
- e. ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor
- f. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime

Having ratified several international human rights instruments, efforts were undertaken to harmonize domestic legislation with the standards provided in various international instruments. After the ratification of the Convention on the Rights of the Child, a number of legislations were passed to conform to the requirements of the CRC. Relevant among those are as follows:

- a. RA 6809 – An Act Lowering the Age of Majority from Twenty-One to Eighteen Years Amending for the

- Purpose Executive Order No. 209, and For Other Purposes
- b. RA 6972 – Barangay Level Total development and Protection of Children Act
 - c. RA 7610 – Special Protection of Children Against Child Abuse, Exploitation and Discrimination
 - d. RA 7624 – An Act Integrating Drug Prevention and Control in the Intermediate Secondary Curricula as well as in the Non-Formal, Informal and Indigenous Learning Systems and For Other Purposes
 - e. RA 7658 – An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings
 - f. RA 8043 – Inter-Country Adoption Act
 - g. RA 8353 – Anti-Rape Law
 - h. RA 8369 – Family Courts Act
 - i. RA 8552 – Domestic Adoption Act
 - j. RA 9262 – Violence Against Women and Their Children

An annotated list of the aforementioned legislations is attached (ANNEX A) for reference

The ratification by the Philippine government of the Protocol against Trafficking in Persons and ILO Convention No 182 had likewise resulted in the enactment of the following:

- a. RA 9208 – Anti-Trafficking in Persons Act
- b. RA 9231 - An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child

There is no data on cases regarding violence related to which the Philippine courts have directly cited international instruments or standards. However, there are other cases such as those on adoption as well as on discrimination in education and employment decided by the Philippine Supreme Court, which cited international standards, Since the Philippine legal state of affairs is replete with legislative enactments regarding violence against children, The Supreme Court use these domestic legislative enactments as bases for its resolution.

Legal provisions on violence against children

- 2. Describe how forms of violence against children are addressed in your country's constitution, legislation and subsidiary legislation, and, where appropriate, customary law.*
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A. The Philippine Constitution

Article XV (The Family), Sec. 3 explicitly states the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

B. Legislation

1. The Child and Youth Welfare Code (Presidential Decree No. 603)

Article 3 (Rights of the Child), Sec. 8 stipulates that every child has the right to protection against exploitation, improper influences, hazards and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

Chapter 2 (Working Children), Art. 107 (Employment of Children Below Sixteen years) provides that children below sixteen years of age may be employed to perform light work which is not harmful to their safety, health or normal development and which is not prejudicial to their studies.

Article 59 (as amended by RA 7610 as regards penalty) thereof attaches criminal liability to any person who:

- Conceals or abandons the child with intent to make such child lose his civil status
- Abandons the child under such circumstances as to deprive him of the love, care and protection he needs
- Sells or abandons the child to another persons for valuable consideration
- Neglects the child by not giving him the education which the family's station in life and financial conditions permit
- Fails or refuses, without justifiable grounds, to enroll the child
- Causes, abets, or permits the truancy of the child from the school where he is enrolled

- Improperly exploits the child by using him, directly or indirectly, such as for purposes of begging and other acts which are inimical to his interest and welfare
- Inflicts cruel and unusual punishment upon the child or deliberately subjects him to indignities and other excessive chastisement that embarrass or humiliate him
- Permits the child to possess, handle or carry a deadly weapon, regardless of ownership
- Allows or requires the child to drive without a license or with a license which the parent knows to have been illegally procured

2. Special Protection of Children Against Child Abuse, Exploitation and Discrimination (RA 7610), as amended by RA 7658 and RA 9231

This Act declares that it shall be the policy of the state to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development

It serves to punish the following acts: Child Prostitution and Other Sexual Abuse (**Art. III, Section 5, pars. a and b and Section 6**); Child Trafficking (**Art. IV, Secs. 7 and 8**); Obscene Publication and Indecent shows (**Art. V, Sec. 9**); Other Acts of Abuse (**Art. VI, Sec. 10, par. a, b, c, d & e**); Sanctions for Establishments or Enterprises (**Art. VII, Sec. 11**); Working Children (**Section 16**), Subjecting Children of Indigenous Cultural Communities to any or all forms of Discrimination (**Art. IX, Sec. 20**)

3. The Anti-Rape Law of 1997 (RA 8353)

This provides for mandatory death penalty if the crime of Rape is committed with any of the following aggravating/qualifying circumstances, among others, a) When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim; and b) When the victim is a child below seven (7) years old.

It further, classifies the crime of Rape as a Crime Against Persons (no longer a private crime or crime against chastity).

4. Anti-Trafficking in Persons Act (RA 9208)

Section 3 of the said law defines trafficking in persons as “the recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a persons having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.”

“The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph”.

This Act punishes certain acts of trafficking, acts that promote trafficking in persons, use of trafficked persons for prostitution and violation of confidentiality. It provides legal protection and establishes mechanisms for the support of trafficked persons as follows:

- Considers trafficked persons as victims rather than as offenders
- Recognizes the right to privacy of trafficked persons during investigation, prosecution and trial
- Gives trafficked persons preferential entitlement under the government’s Witness Protection Program
- Provides protection and assistance to trafficked persons who are foreign nationals
- Mandates government agencies to establish and implement preventive, protective and rehabilitative programs for trafficked persons
- Establishes a trust fund to be used exclusively for prevention, protection, rehabilitation, and reintegration programs
- Creates the Inter-Agency Council Against Trafficking in Persons which is mandated, among others, to formulate a Comprehensive and Integrated Program to prevent and suppress trafficking in persons including reintegration program and develop a mechanism for the timely, coordinated and effective response to trafficking cases

5. Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child (RA 9231)

Punishes the following:

- Violation on employment of children below 15 years of age, hours of work and prohibition on employment of children in certain advertisements
- Violation on Prohibition against worst forms of child labor/hazardous work
- Violation on engaging children in all forms of slavery, for prostitution and for pornography
- Violation on use of children for production and trafficking of drugs

6. Violence Against Women and Their Children Act (RA 9262)

Under this enactment, it is reiterated that the State values the dignity of women and children and guarantees full respect for human rights. It also recognizes the need to protect the family and its members particularly women and children, from violence and threats to their personal safety and security

The law defines "Violence against women and their children" as "any act or a series of acts committed by any person against a woman who is his wife, former wife, or against a woman with whom the person has or had sexual or dating relationship, or with whom he has a common child, or against her child whether legitimate or illegitimate, within or without the family abode, which result in or is likely to result in physical, sexual, psychological harm or suffering, or economic abuse including threats of such acts, battery, assault, coercion, harassment or arbitrary deprivation of liberty."

It includes, but is not limited to Physical Violence; Sexual Violence; Psychological Violence; and Economic Abuse, committed against women and their children. Furthermore, certain acts of violence against women and their children are enumerated and made punishable.

7. Revised Penal Code (Act 3815)

The Revised Penal Code defines and punishes the following relevant crimes:

- **Article 267** – Kidnapping and Serious Illegal Detention
 - **Article 268** – Slight Illegal Detention
 - **Article 270** – Kidnapping and Failure to Return a Minor
 - **Article 271** – Inducing a Minor to Abandon His Home
 - **Article 272** – Slavery
 - **Article 273** – Exploitation of Minor
 - **Article 276** – Abandoning a Minor
 - **Article 277** – Abandonment of minor by a persons entrusted with his custody and indifference of parents
 - **Article 278** – Exploitation of Minors
 - **Article 335** – Rape (as amended by RA 8353)
 - **Article 336** – Acts of Lasciviousness
 - **Article 337** – Qualified Seduction
 - **Article 338** – Simple Seduction
 - **Article 339** – Acts of Lasciviousness with the consent of the offended party
 - **Article 340** – Corruption of Minors
 - **Article 341** – White Slave Trade
 - **Article 342** – Forcible Abduction
 - **Article 343** – Consented Abduction
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3. Provide details of any specific legislative provisions on:

- ***Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment, and sexual abuse;***
 - ***Protection of children from all forms of violence;***
 - ***Redress, including compensation, for child victims of violence;***
 - ***Penalties for perpetrators of violence against children;***
 - ***Reintegration and rehabilitation of child victims of violence.***
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A. Prevention of all forms of physical, sexual and mental violence, injury or abuse, neglect or negligent treatment

- **RA 7610 (Section 4)** mandates the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD) to formulate a Comprehensive Program Against Child Abuse, Exploitation and Discrimination. It has developed the Comprehensive Program on Child Protection, which includes, as one of its components, the prevention of abuse and exploitation of children.
- **RA 9208 (Section 21)** mandates the Inter-Agency Council Against Trafficking (IACAT) to formulate a comprehensive and integrated program to prevent and suppress trafficking in persons. It also calls government agencies to implement preventive, protective and rehabilitative programs for trafficked persons (Section 16)
- **RA 9262 (Section 32)** mandates government agencies and local government units to establish programs such as, but not limited to, education and information campaign and seminars or symposia on the nature, causes, incidence and consequences of such violence particularly towards educating the public on its social impacts. It further provides that it shall be the duty of the concerned government agencies and LGUs to ensure the sustained education and training of their officers and personnel on the prevention of violence against women and their children.
- **Pursuant to RA 7610 and RA 8353, the Department of Education issued DECS Memorandum No. 201, s. 1998 - Integrating Republic Act 8353, the Anti-Rape Law of 1997 in the Basic Education Curriculum.** In response to this, the Bureau of Elementary Education developed instructional/curriculum materials to prevent, if not totally stop child abuse. These instructional materials in book form entitled **Iwasan: Pang-aabuso sa mga Bata** were printed in collaboration with UNICEF.

In response to Proclamation No. 731 declaring the 2nd week of February of every year as National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation, the DepEd issued Memo No. 14 s. 2003 asserting the year's theme "Ating Mga Anak Mahalin Abusong Sekswal Sugpuin".

It gave emphasis on the role of the family in curbing the problem of sexual abuse and exploitation.

B. Protection of children from all forms of violence

- As mentioned earlier, **a Comprehensive Program on Child Protection was developed by the Special Committee for the Protection of Children (created through Executive Order No. 275) pursuant to the mandate provided under section 4 of RA 7610.**
- **RA 9208 (Sec. 16)**, provides for specific preventive, protective and rehabilitative programs for trafficked persons that will be implemented by identified agencies, as follows:
 - DFA shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs.
 - DSWD shall implement rehabilitative and protective programs for trafficked persons.
 - DOLE shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
 - DOJ shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGO's and volunteer groups.
 - NCRFW shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.
 - BI shall strictly administer and enforce immigration and alien administration laws. It shall adopt measure for the apprehension of suspected traffickers both at the place of

arrival and departure and shall ensure compliance by the Filipino fiances/fiancees and spouses of foreign nationals with the guidance and counselling requirement as provided for in the Act.

- PNP shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals and persons suspected to be engaged in trafficking.
 - POEA shall implement an effective pre-employment orientation seminars and pre-departure counselling programs to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.
 - DILG shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.
 - LGU's shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases.
- **R.A. No. 9208 (Section 17)** states that trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking, enumerated in the Act or in obedience to the order made by the trafficker in relation thereto. **Section 18 of R.A. No. 9208** entitles the trafficked persons to the benefits under the Witness Protection Program.
 - **R.A. No. 6981** establishes the government's Witness Protection Program which seeks to encourage a person who has witnessed or has knowledge of the commission of a crime to testify before a court or quasi-judicial body, or before an investigating authority, by protecting him from reprisals and from economic dislocation.
 - **EO 56** authorizes the DSWD to take protective custody of child prostitutes and sexually exploited children. RA 7610 (Section 28) provides that the offended party shall be immediately placed under the protective custody of the DSWD.

- **RA 9262 (Sec. 8)** provides for the issuance of “Protection Orders”. A protection order is an order issued for the purpose of preventing further acts of violence against a woman or her child and granting other necessary relief. The relief granted under a protection order should serve the purpose of safeguarding the victim from further harm, minimizing any disruption in the victim’s daily life, and facilitating the opportunity and ability of the victim to independently regain control over her life. A protection order may be issued by the Punong Barangay or by the courts. It may be temporary or permanent.

C. Redress, including compensation, for child victims of violence

- **Under RA 7610 (Sec. 27)**, complaints for violations of the law may be filed by the offended party; parents or guardian; ascendant or collateral relative within the third degree of consanguinity; officer, social worker or representative of a licensed child-caring institution; officer or social worker of the DSWD; barangay chairman; or at least three (3) concerned, responsible citizens where the violation occurred. Complaints for violation of RA 9231 may also be filed by any person enumerated under Sec. 27 of RA 7610.
- **For violations of RA 9208**, complaints may be filed by any person who has personal knowledge of the commission of any offense under the Act; the trafficked person; the parents; the spouse, siblings; children; or legal guardian. **Section 7** of the same law, similarly provides for the protection of the privacy of the trafficked person and the confidentiality of the proceedings. **Sec. 13** gives the trafficked person an option to file a separate civil action for the recovery of civil damages and exempts him/her from payment of filing fees for said action.
- Under **R.A. 9231 (Section 9)**, the same is granted to victims of child labor.
- **Under RA 9262 (Sec. 9)** petition for protection orders may be filed by any of the following: the offended party; parents or guardians of the offended party; ascendants or collateral relatives within the fourth civil degree or consanguinity or affinity; officers or social workers of the DSWD or social workers of local government units; police officers, preferably those in charge of women and children’s desks; Punong

Barangay or Barangay Kagawad; lawyer, counselor, therapist, or healthcare provider of the petitioner; or at least two (2) concerned, responsible citizens of the city or municipality where the violence against women and their children occurred and who has personal knowledge of the offense committed.

- **The Revised Rules on Criminal Procedure promulgated by the Philippine Supreme Court (effective December 1, 2000, per A.M. No. 00-5-03-SC)** provides the manner by which criminal actions may be instituted, prosecuted and tried.
- **Under R.A. 8369, otherwise known as the Family Courts Act of 1997 (Sec. 5 [j], [k])**, complaints for violations of RA 7610 and cases of domestic violence are filed with the Family Courts. In all other cases, the case may be filed either at the Regional Trial Courts or other lower courts depending on the penalty imposed for specific violation.
- **R.A. 7309 otherwise known as An Act Creating the Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes, creates** a Board of Claims under the Department of Justice that will receive, evaluate, process and investigate applications for claims/compensation for those who have been unjustly detained, accused, convicted or imprisoned, those who were victims of arbitrary or illegal detention, or those who were victims of violent crimes. Violent crimes include rape and offenses committed with malice, which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity.
- **RA 8505 (Sec. 5)**, otherwise known as **“An Act Providing Assistance and Protection for Rape Victims, Establishing for the Purpose a Rape Crisis Center in every Province and City, Authorizing the Appropriation of Funds therefore, and For Other Purposes”**, provides for protective measures for rape victims like protecting their privacy rights

D. Penalties for perpetrators of violence against children

- Under RA 7610 (Article III, Section 5), various penalties on child prostitution and other sexual abuse are provided. Article V provide the penalties for obscene publications and indecent shows while Article VI defines penalties for other acts or abuse. Article VII provides for sanctions for establishments or enterprises which promote or facilitate various acts of child abuse. Finally, Article VIII defines the penalties for violations of its provisions on working children.
- RA 9208 (penalties? C/O DOJ)
- RA 9231 -Violation on employment of children below 15 years of age, hours of work and prohibition on employment of children in certain advertisements:
 - Imprisonment of 6 months and 1 day to 6 years; or
 - Fine of not less than P50, 000 but not more than P300, 000; or
 - Both fine and imprisonment

Violation on Prohibition against worst forms of child labor/hazardous work:

- Imprisonment of 12 years and 1 day to 20 years; or
- Fine of not less than P100, 000 but not more than P1 Million; or
- Both fine and imprisonment

Violation on engaging children in all forms of slavery, for prostitution and for pornography:

- Penalty in accordance with penalty provided by RA 9208 (Anti-Trafficking in Persons Act of 2003); penalty shall be imposed in the maximum period.

Violation on use of children for production and trafficking of drugs

- Penalty in accordance with RA 9165 (Comprehensive Dangerous Drugs act of 2002); penalty shall be imposed in its maximum period

If corporation commits violation, the board of directors, trustees and officers including the president, treasurer and secretary shall be penalized accordingly

If parents and legal guardians violate:

- Fine of not less than P10, 000 but not more than P100, 000;or
- Community service for not less than 30 days but not more than one (1) year (maximum length of community service if violation is 3 times); or
- Both fine and community service
- If violation is more than 3 times, community service and imprisonment of 30 days but not more than 1 year or both at the discretion of the court

The DOLE to order closure of any establishment found to have committed violations more than 3 times

- RA 9262 (penalties? C/O DOJ)
- RA 8353 provides for mandatory death penalty if the crime of Rape is committed with any of the following aggravating/qualifying circumstances:
 - When the victim is under eighteen (18) years of age and the offender is a parent, ascendant, step-parent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim;
 - When the victim is a child below seven (7) years old.
- The Revised Penal Code also provides relevant penalties as cited in various laws.

C. Reintegration and rehabilitation of child victims of violence.

- The Comprehensive Program on Child Protection provides for measures to address the reintegration and rehabilitation of victims.
- **Under RA 9208 (Sec. 21 [h]),** the IACAT is mandated to formulate a program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, TESDA, CHED,

LGUs and NGOs. It further provides that to ensure recovery, rehabilitation and reintegration into the mainstream society, concerned government agencies shall make available the following services to trafficked persons: emergency shelter or appropriate housing; counseling; free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person; medical or psychological services; livelihood and skills training; and educational assistance to a trafficked person (Sec. 23).

- **RA 9208 (Sec. 15)** creates a Trust Fund out of the fines and the proceeds of properties of the traffickers confiscated and forfeited by the government to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society.
- **Under RA 9231 (Sec. 7)**, a similar Trust Fund is created in the case of working children.
- **Under RA 9262 (Sec. 40)**, the DSWD and LGUs shall provide victims temporary shelters, provide counseling, psychosocial services and/or, recovery, rehabilitation programs and livelihood assistance.
- **RA 8505** provides for services and programs to ensure the recovery and reintegration of rape victims into the mainstream of society.

4. *Indicate whether any specific legislative provisions address all forms of violence including physical, sexual and psychological violence, injury or abuse, neglect or negligent treatment and sexual exploitation against children which take place in:*

- *The family/home;*
 - *Schools and pre-school care and education (both formal and non-formal, state and private);*
 - *Military schools;*
 - *Institutions including care, residential, health and mental health;*
 - *The context of law and public order enforcement including in detention facilities or prisons*
 - *The neighborhood, street and the community, including in rural areas;*
 - *The workplace (informal and formal);*
 - *Sports and sporting facilities.*
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As a general rule, the place where violence against children is committed is immaterial or irrelevant. The laws punish violations or acts committed in any place, subject of course to the principle of territoriality in criminal laws. The following are special provisions under Philippine legislative enactments governing special circumstances attendant in cases of violence against children.

- **RA 7610 (Sec. 31)** imposes the maximum penalty when the perpetrator is an ascendant, parent, guardian, stepparent or collateral relative within the second degree of consanguinity or affinity, or a public officer or employee.
- **RA 7877, otherwise known as “The Anti-Sexual Harassment Act of 1995”**, provides that the State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students of those undergoing training, instruction or education. All forms of sexual harassment in the employment, education or training environment are declared unlawful.
- **RA 8353** imposes the death penalty for rape committed against a person under 18, and the offender is a parent, ascendant, stepparent, guardian, relative by consanguinity or affinity within the third civil degree, or the common-law spouse of the parent of the victim; or when the victim is under the custody of the police or military authorities or law enforcement or penal institution; or when the rape is committed in full view of the spouse, parent, any of the children or other relatives within the third civil degree of consanguinity; or when committed by any member of the Armed Forces of the Philippines or para-military units thereof or the Philippine National Police or any law enforcement agency or penal institution, when the offender took advantage of his position to facilitate his commission of the crime.
- **RA 9208 (Sec. 6)** increases the penalty to the maximum if trafficking is committed by a member of the military or law enforcement agencies, or when the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies, or when the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person.

- **EO 209 (Family Code of the Philippines, Sec. 231)** provides that the court in an action filed for the purpose or in a related case may also suspend parental authority if the parent or the person exercising the same has committed any of the following acts: treats the child with excessive harshness or cruelty; gives the child corrupting orders, counsel or example; compels the child to beg; or subjects the child or allows him to be subjected to acts of lasciviousness. **Under Section 232 thereof**, if the person exercising parental authority has subjected the child or allowed him to be subjected to sexual abuse, such person shall be permanently deprived by the court of such authority.
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5. *Indicate if corporal punishment of children, in any setting, including in the family, is explicitly prohibited in your legal system. Provide details of any legal defenses available to those who administer corporal punishment to children, including in the family. Provide information on penalties applicable to those who administer corporal punishment to children, including in the family.*

As a general rule, PD 603 (Sec. 45) provides that parents have the right to discipline the child as may be necessary for the formation of his good character, and may therefore require from him obedience to just and reasonable rules, suggestions or admonitions. This is however subject to a limitation because, parents may, however, be held liable if they inflict cruel and unusual punishment upon the child or deliberately subjects him to indignities and other excessive chastisement that embarrass or humiliate him as provided under Section 59 of the same decree.

E. O. 29 otherwise known as The Family Code (Sec. 233) prohibits the school administrator, teacher or individual engaged in childcare and exercising special parental authority from inflicting corporal punishment upon the child.

DECS Service Manual provides authority to maintain discipline. This is specifically stated in Unit IV – Regulations Directly Affecting Pupils/Students. Chapter 3 – School Discipline, Sections 1 to 3 to wit:

1.1.1 – (General rule) School officials and teachers shall have the right to impose appropriate and reasonable disciplinary measures in case of minor offenses or infractions of good discipline. However, (exception) no cruel physically harmful

punishment shall be imposed or applied against any pupil or student.

1.1.2 - Suspension/Expulsion - The use of corporal punishment by teachers (slapping, jerking or pushing pupils/students about) imposing manual work or degrading tasks as penalty, meting out cruel and unusual punishments of any nature, holding up a pupil/student to unnecessary humiliations, the use of epithets and expressions tending to destroy the pupil/student's self respect and the permanent confiscation of the personal property of pupils/students are forbidden.

6. Provide information on whether the penal code permits corporal punishment and/or capital punishment as a sentence for crimes committed by under 18 year olds

A. Capital Punishment

Under the **Revised Penal Code (Art. 47)**, the **death penalty shall not be imposed upon a person below 18 years of age at the time of the commission of the crime.** In the imposition of penalties when the offender is a minor under eighteen years old, Article 68 provides for the following rules to be observed:

- a) Upon a person under fifteen but over nine years of age, who is not exempted from liability by reason of the court having declared that he acted with discernment, a discretionary penalty shall be imposed, but always lower by two degrees at least than that prescribed by law for the crime which he committed.
- b) Upon a person over fifteen and under eighteen years of age the penalty next lower than the prescribed by law shall be imposed, but always in the proper period.

B. Corporal Punishment

No less than the **1987 Philippine Constitution in its Art III, Sec. 19** prohibits the imposition of excessive fines, or the infliction of cruel or degrading treatment or punishment. The employment of physical, psychological or degrading punishment against any prisoner or detainee is likewise prohibited.

Under the **Revised Penal Code (Art. 235)**, the proper penalty shall be imposed upon any public officer or employee who shall overdo himself in the correction or handling of a prisoner or detention prisoner under his charge by the imposition of punishment not authorized by the regulations, or by inflicting such punishment in a cruel and humiliating manner.

7. Provide details on whether bullying/hazing and sexual harassment are explicitly addressed by legislation.

- **RA 7877, otherwise known as “The Anti-Sexual Harassment Act of 1995”** provides that the State shall value the dignity of every individual, enhance the development of its human resources, guarantee full respect for human rights, and uphold the dignity of workers, employees, applicants for employment, students of those undergoing training, instruction or education. Towards this end, all forms of sexual harassment in the employment, education or training environment are declared unlawful.

Under the said law, work, education or training related sexual harassment is committed by an employer, employee, manager, supervisor, agent of the employer, teacher, instructor, professor, coach, trainor, or any other person, who, having authority, influence or moral ascendancy over another in a work or training or education environment, demands, requests, or otherwise requires any sexual favor from the other, regardless of whether the demand, request or requirement for submission is accepted by the object of said act.

In a work-related or employment environment, sexual harassment is committed when:

- 1) The sexual favor is made as a condition in the hiring or in the employment, reemployment, or continued employment of said individual, or in granting said individual favorable compensation, terms, conditions, promotions or privileges; or the refusal to grant the sexual favor results in the limiting, segregating or classifying the employee, which in any way would discriminate, deprive or otherwise adversely affect said employee;

- 2) The above acts would impair the employee's rights or privileges under existing labor laws; or
- 3) The above acts would result in an intimidating, hostile, or offensive environment for the employee.

In an education or training environment, sexual harassment is committed:

- 1) Against one who is under the care, custody or supervision of the offender;
- 2) Against one whose education, training, apprenticeship or tutorship is entrusted to the offender;
- 3) When the sexual favor is made a condition to the giving of a passing grade, or the granting of honors, and scholarships or the payment of a stipend, allowance or other benefits, privileges or conditions; or
- 4) When the sexual advances result in an intimidating, hostile or offensive environment for the student, trainee or apprentice.

In the same law, it is provided, that any person who directs, or induces another to commit any act of sexual harassment as herein defined, or who cooperates in the commission thereof by another without which it would not have been committed, shall also be held liable under this Act.

Any person who violates the provisions of this Act shall upon conviction, be penalized by imprisonment of not less than one month nor more than six months or a fine of not less than Ten thousand pesos nor more than Twenty thousand pesos, or both such fine and imprisonment at the discretion of the court.

- **Hazing is prohibited under Republic Act No. 8049, otherwise known as "An Act Regulating Hazing and other Forms of Initiation Rites in Fraternities, Sororities and Organizations and Providing Penalties Therefore"**

Under the said law, hazing is defined as an initiation rite or practice as a prerequisite for admission into membership in a fraternity, sorority or organization by placing the recruit, neophyte or applicant in some embarrassing or humiliating situations such as forcing him to do menial, silly, foolish and similar tasks or activities otherwise subjecting him to physical or psychological suffering or injury. The term organization shall include any club, or the Armed Forces of the Philippines, Philippines National Police, Philippine Military Academy or officer

in cadet corps of the Citizens' Military Training or Citizens Army Training.

No hazing or any initiation rites in any form or manner shall be allowed without prior notice to the school authorities or head organization seven days before the conduct of such initiation. Such notice shall indicate the period of initiation activities which shall not exceed three days, the names of those to be subjected to such activities and shall contain an undertaking that no physical violence be employed by any body during such initiation rites. The head of the school or organization or their representatives must assign at least two representatives of the school or organization to be present during the initiation. It is the duty of such representatives to see to it that no physical harm of any kind shall be inflicted upon a recruit, a neophyte or applicant.

If the person subjected to hazing or other forms of initiation rites suffer any physical injury or dies as a result thereof, the officers and members of the fraternity, sorority or organization who actually participated in the infliction of physical harm shall be liable as principals.

The maximum penalty provided shall be imposed in any of the following instances:

- a) When the recruitment is accompanied by force, violence, threat, intimidation or deceit on the person of the recruit who refuses to join;
- b) When the recruit, neophyte or applicant initially consents to join but upon learning that hazing will be committed on his person, is prevented from quitting;
- c) When the recruit, neophyte or applicant having undergone hazing is prevented from reporting the unlawful act to his parents or guardians, to the proper school authorities or to the police authorities, through force, violence, threat or intimidation;
- d) When the hazing is committed outside of the school institution; or
- e) When the victim is below 12 years of age at the time of the hazing.

8. *Provide information on the way in which harmful or violent traditional practices, including but not limited to female genital mutilation, child marriage or honour crime are addressed in your country.*

- The **Revised Penal Code (Art. 262)** penalizes intentional mutilation of another by depriving him, either totally or partially, of some essential organ for reproduction and any other intentional mutilation.
- Marriage between persons where one party is, or both parties are below 18 is a void marriage.

9. *Provide information on the applicability of specific provisions to address all forms of violence against children to non-citizens and stateless children, including asylum seekers and displaced children. If specific provisions do not apply to such children, provide details of protection offered to them.*

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- The Philippines **follows the principle of territoriality under Public International Law (i.e., the state has absolute, but not necessarily exclusive power to prescribe, adjudicate and enforce rules for conduct that occurs within its territory)** in the application of criminal laws except in those cases stated in Article 2 of the Revised Penal Code. Thus, **regardless of a person's nationality or citizenship, if living or sojourning in the Philippines, the laws obtaining in the country will cover him.** Additionally, Philippine criminal law is binding on all persons who live or sojourn in the Philippine territory (Art. 14, Civil Code).

The law uses the word " child, person", not "Filipino child nor Filipino person" thus, all children are considered protected.

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10. *Provide information on any difference in the definition of violence and the applicable legal framework according to:*
- *The sex or sexual orientation of the victim and/or of the perpetrator;*
 - *The age of the victim and /or of the perpetrator;*
 - *The relationship between the victim and the perpetrator, including, but not limited to infanticide, sexual violence in*

marriage, incest and sexual abuse within the family, and physical chastisement.

NO ANSWER YET.

11. Provide information on any recent comprehensive review of the legal framework to address violence against children.

A comprehensive review of the implementation or enforcement of the various legislations that address violence against children has yet to be undertaken. Informal reviews, though, indicated that there are sufficient protective laws for Filipino children. The implementation/enforcement of these laws is, however, seriously undermined by limited resources that may be reflective of the need for intensified advocacy so that the concerns of children are given due priority that will manifest in increased resource allocation.

The Council for the Welfare of children recently reviewed the existing legislations/policies vis-à-vis the provisions of the Convention on the Rights of the Child. The review indicated the need to revise or enhance implementing policies in consonance with the provisions of existing laws. Still, the following legislative agenda need to be pursued

- a. **Establishment of a Comprehensive Juvenile Justice System** – CICAL have varying needs that require human, effective and fair treatment at all stages of the legal proceedings – from apprehension, investigation, prosecution, adjudication to follow-up care. Emphasis should be on the promotion of the well-being and rehabilitation of juvenile offenders rather than on exacting retribution. The establishment of a Comprehensive Juvenile Justice System is deemed urgent and necessary to fill the gaps in the treatment of CICAL. It should include the following salient features:
 - Adoption of Restorative Justice Framework
 - Detention as a last resort;
 - “Diversion” proceedings in appropriate cases;
 - Higher minimum age of criminal responsibility
 - Measures or mechanisms to establish and prove the age of a child at the earliest opportunity to spare them from the imposition of the capital punishment;

- Strengthening/Institutionalization of juvenile justice delinquency prevention program, and
 - Creation of a special body that will focus on ensuring the implementation and monitoring of the system
- b. **Amendment of R.A. No. 7610** – In the light of the new laws on children, there is a need to study the efficacy of the provisions of R.A. 7610 to address the emerging issues on child protection particularly of children in commercial sexual exploitation and identify areas for amendment. Classifying pedophilia as a crime should likewise be advocated for.
- c. **Amendment of the Family Code** – The current law does not allow legitimizing children born to under-age parents. The only remedy which under-age parents avail of to give legitimate status to their children is adoption. Considering the costs involved, parents are discouraged to consider such option and often resort to falsification of documents. Worse, they let children remain with an illegitimate status.
- d. **Prohibition of production, possession and dissemination of child pornography**- There is no specific legislation on the matter.

12. Provide information on any studies and surveys, which have been undertaken to assess the impact of legal measures to address violence against children.

Other than the policy review which was done by the CWC, the following are the most recent studies on legal measures to address VAC: **Legal Outcomes of Sexually Abused Children Evaluated at the Philippine General Hospital Child Protection Unit, c2002; Philippines: A Different Childhood - The Apprehension and Detention of Child Suspects and Offenders, c2003 and, An Interdisciplinary Analysis of Philippine Jurisprudence on Child Sexual Abuse.** Highlights of these studies are provided in the Attached list of researches.

Courts tasked with addressing violence against children

13. Identify those parts of the court structure in your country tasked with addressing violence against children. Indicate if your family or juvenile courts have specific responsibility for this issue

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- Under the Judiciary Reorganization Act of 1980 (Sec 23), the Philippine Supreme Court may designate certain branches of the Regional Trial Courts to handle exclusively xxx juvenile and domestic relations cases xxx, which do not fall under the jurisdiction of quasi-judicial bodies, and agencies xxx . **Certain branches of Regional Trial Courts are therefore, constituted as Family Courts.** And accordingly,

- Republic Act 8369 or the Family Courts Act of 1997 established Family Courts under its Section 3, to wit:

Section 3. *Establishment of Family Courts* --- There shall be established a Family Court in every province and city in the country. In case where the city is the capital or the province, the Family Court shall be established in the municipality, which has the highest population.

And pertinently, under Section 5 of the said Act. Section 5. *Jurisdiction of Family Courts* --- The Family Courts **shall have exclusive original jurisdiction to hear and decide the following cases:**

Xxx

(j) Violations of R.A. 7610, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act," as amended by Republic Act No. 7658; and

(k) cases of domestic violence against

xxx

(2) *Children* – which include the commission of all forms of abuse, neglect, cruelty, exploitation, violence, and discrimination and all other conditions prejudicial to their development.

Minimum age for sexual activity

14. Provide information on any legislatively defined minimum age required for valid consent to sexual activity. Is this age different for girls and boys? Is this age different in respect of heterosexual and homosexual activities?

- **There is no law that specifically pegs a minimum age for sexual consent.** Although there are various laws that make reference to certain ages where consent is material or immaterial. There are offenses or acts wherein consent of the victim or the object of the crime is not deemed a valid or material when the one who gave the consent is of a certain age.
- Under the **Revised Penal Code**, there are certain acts committed against one's chastity, that even though committed with the consent of the victim are nonetheless penalized.

Under **Art. 266-A**, the crime of **Rape** is committed **even though none of the elements of force, threat, intimidation or fraudulent machination are present, as long as the offended party is under the age of 12 or is demented.** Pertinently, **RA 8353 imposes death penalty when the victim of rape is below 7 years old.**

If the offended party is of an age between 12 and 18, other corresponding crimes are defined and punished by the Revised Penal Code, even though the consent of the offended party was given.

Art 337 punishes **Qualified Seduction** which is the seduction of a virgin over twelve years and under eighteen years of age, committed by any person in public authority, priest, home servant, domestic, guardian, teacher, or any person who, in any capacity shall be entrusted with the education or custody of the woman seduced.

Art 338 punishes **Simple Seduction** which is the seduction of a woman who is single or a widow of good repute over twelve but under eighteen years of age, committed by means of deceit. **Art. 339**, likewise penalizes other **acts of lasciviousness** committed by the same persons and under the same circumstances as provided in Art 337 and 338.

Art. 343 punishes **Consented Abduction** which is defined as the abduction of a virgin over twelve and under eighteen years of age, carried out with her consent and with lewd designs.

15. Provide information on the minimum age of marriage for women and men.

- Under the **Family Code, (Article 5)**, any male or female of the age of eighteen years or upwards can marry, provided no legal impediment is present. Consequently, under Article 35 of the same Code, marriages contracted by any party below eighteen years of age, even with the consent of the parents or guardians, are void and have no legal effect.

Under **Article 14** of the same law, however, parental consent is, required for marriages where either or both of the contracting parties, are between the ages of 18 and 21, unless emancipated by a previous marriage. Additionally, **Article 15** of the same Code provides that any contracting party between the age of 21 and 25 shall be obliged to ask their parents or guardian for advice upon the intended marriage.

Sexual exploitation of children

16. Provide information on legislation and other measures to prevent the commercial sexual exploitation of children, including through prostitution and other unlawful sexual activities. Provide details on means to ensure that child victims of such exploitation are not criminalized. Provide information on legislation or other measures to prohibit all forms of sale or trafficking in children, including by their parents.

- Under Republic Act No. 7610 An Act providing for the stronger deterrence and special protection against child abuse, exploitation and discrimination, providing penalties for its violations, and other purposes.

Article II Sec. 4 states that there shall be a comprehensive program to be formulated by the Department of Justice and Department of Social Welfare and Development in coordination with other government agencies and private sector concerned, to protect children against child prostitution, and other sexual abuse; child trafficking, obscene publications and indecent

shows, other acts of abuse, and circumstances which endanger survival and normal development.

Article III Secs. 5-6 define and provide for the imposition of penalties for the commission of Child Prostitution and other Sexual abuse; and attempt to commit Prostitution. Under the said provisions, children whether male or female, who for money, profit or any other consideration or due to the coercion or influence of any adult, syndicate, or group, indulge in sexual intercourse or lascivious conduct are deemed to be children exploited in prostitution and other sexual abuse.

Those who engage in or promote, facilitate or induce child prostitution shall be penalized accordingly. Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuse shall also be held liable. Provided that when the victim is under twelve years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code for rape or lascivious conduct, as the case may be. Likewise, to be held liable are those who derive profit or advantage there from, whether as manager or owner of the establishment where the prostitution takes place or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

There is an attempt to commit child prostitution when any person who, not being a relative of a child, is found alone with the said child inside the room or cubicle of a house, an inn, hotel, motel, pension house, apartelle or other similar establishments, vessel, vehicle or any other hidden or secluded area under circumstances which would lead a reasonable person to believe that the child is about to be exploited in prostitution and other sexual abuse. There is also an attempt to commit child prostitution when any person is receiving services from a child in a sauna parlor or bath, massage clinic, health club and other similar establishments.

Article IV Secs. 7-8 defines and provide for the imposition of penalties for the commission of Child Trafficking and attempt to commit Child Trafficking.

Under the said provisions of law, the prohibited act of child trafficking is committed when any person shall engage in trading

and dealing with children, including but not limited to, the act of buying and selling of a child for money or for another consideration, or barter.

There is an attempt to commit child trafficking when a child travels alone to a foreign country without valid reason therefore and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child's parents or legal guardian; when a pregnant mother executes an affidavit of consent for adoption for a consideration; when a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking; when a doctor, hospital or clinic official or employee, nurse midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or when a person engages in the act of finding children among low income families, hospitals, clinics, nurseries, daycare centers or other child-caring institutions who can be offered for the purpose of child trafficking.

Article VI Sec. 10 provide for the imposition of penalties for the commission of other Acts of Neglect, Abuse, Cruelty, or Exploitation and other conditions prejudicial to the Child's Development.

Under this article and section, an person who shall keep or have in his company a minor, 12 years or under or who is ten years his junior in any public or private place, hotel, motel, beer joint, discotheque, cabaret, pension house sauna or massage parlor, beach and/or other tourist resort or similar places shall suffer the prescribed penalties under the law. Any person who shall induce, deliver or offer a minor to anyone prohibited by the said Act to keep or have in his company a minor as provided for in relevant paragraphs shall also be held liable. Likewise to be held liable is any person, owner or manager or one entrusted with the operation of nay public or private place of accommodation, whether for occupancy, food, drink or otherwise, including residential places, who allows any person to take along with him to such place or places any minor described pertinently in this Act.

- **Under Republic Act No. 9208 An Act to institute policies to eliminate trafficking in persons especially women and children, establishing the necessary institutional mechanisms for the protection and support of trafficked persons, providing penalties for its violations and for other purposes.**

Sec. 2 provides that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give the highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

Sec. 4 states that it shall be unlawful for any person by any means, natural or juridical to commit Acts of Trafficking in Persons. Under the said law, the following are considered acts of trafficking in persons

- To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage;
- To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

- (e) To maintain or hire a person to engage in prostitution or pornography;
- (f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;
- (g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and
- (h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

Sec. 5 states that acts, which promote or facilitate trafficking in persons shall be unlawful. The following are provided in the law as acts, which promote or facilitate trafficking in persons:

- (a) To knowingly lease or sublease, use or allow to be used any house, building or establishment for the purpose of promoting trafficking in persons;
- (b) To produce, print and issue or distribute unissued, tampered or fake counseling certificates, registration stickers and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;
- (c) To advertise, publish, print, broadcast or distribute, or cause the advertisement, publication, printing, broadcasting or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;
- (d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;
- (e) To facilitate, assist or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking in persons;
- (f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and

(g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.

Sec. 7 states that at any stage of the investigation, prosecution and trial of an offense under this Act, law enforcement officers, prosecutors, judges, court personnel and medical practitioners, as well as parties to the case, shall recognize the right to privacy of the trafficked person and the accused.

Sec. 8 states that any person who has personal knowledge of the commission of any offense under this Act, the trafficked person, the parents, spouse, siblings, children or legal guardian may file a complaint for trafficking.

Sec. 16 states that the government shall establish and implement preventive, protective and rehabilitative programs for trafficked persons. For this purpose, the following agencies are mandated to implement the following programs.

- a) DFA shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly in the formulation of policies and implementation of relevant programs.
- b) DSWD shall implement rehabilitative and protective programs for trafficked persons.
- c) DOLE shall ensure the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas. It shall likewise monitor, document and report cases of trafficking in persons involving employers and labor recruiters.
- d) DOJ shall ensure the prosecution of persons accused of trafficking and designate and train special prosecutors who shall handle and prosecute cases of trafficking. It shall also establish a mechanism for free legal assistance for trafficked persons, in coordination with the DSWD, Integrated Bar of the Philippines (IBP) and other NGO's and volunteer groups.
- e) NCRFW shall actively participate and coordinate in the formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies. It shall likewise advocate for the

- inclusion of the issue of trafficking in persons in both its local and international advocacy for women's issues.
- f) BI shall strictly administer and enforce immigration and alien administration laws. It shall adopt measure for the apprehension of suspected traffickers both at the place of arrival and departure and shall ensure compliance by the Filipino finances/finacees and spouses of foreign nationals with the guidance and counseling requirement as provided for in this act.
 - g) PNP shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals and persons suspected to be engaged in trafficking.
 - h) POEA shall implement an effective pre-employment orientation seminars and pre-departure counseling programs to applicants for overseas employment. It shall likewise formulate a system of providing free legal assistance to trafficked persons.
 - i) DILG shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons.
 - j) LGU's shall monitor and document cases of trafficking in persons in their areas of jurisdiction, effect the cancellation of licenses of establishments which violate the provisions of this Act and ensure effective prosecution of such cases.

Additionally, NGOs and other concerned agencies shall encourage and support community based initiatives, which address trafficking in persons. It is also provided in the law that in implementing the said Act, the agencies concerned may seek and enlist the assistance of NGOs, people's organizations, civic organizations and other volunteer groups.

Sec. 17 states the legal protection to Trafficked persons. Trafficked persons shall be recognized as victims of the act or acts of trafficking and as such shall not be penalized for crimes directly related to the acts of trafficking, enumerated in this act or in obedience to the order made by the trafficker in relation thereto.

Sec. 23 states the Mandatory services which shall be made available by the concerned government offices to Trafficked persons, to ensure recovery, rehabilitation and reintegration into the mainstream of society. These services are as follows:

- (a) Emergency shelter or appropriate housing;
- (b) Counseling;
- (c) Free legal services, which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person;
- (d) Medical or psychological services;
- (e) Livelihood and skills training; and
- (f) Educational assistance to a trafficked child.

Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the trafficked persons shall be adopted and carried out.

Sec. 24 outlines the other services for Trafficked persons as follows:

- (a) Legal Assistance. - Trafficked persons shall be considered under the category "Overseas Filipino in Distress" and may avail of the legal assistance created by Republic Act No. 8042, subject to the guidelines as provided by law.
- (b) Overseas Filipino Resource Centers. - The services available to overseas Filipinos as provided for by Republic Act No. 8042 shall also be extended to trafficked persons regardless of their immigration status in the host country.
- (c) The Country Team Approach. - The country team approach under Executive Order No. 74 of 1993, shall be the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons insofar as the promotion of their welfare, dignity and fundamental rights are concerned.

Pornography and harmful information

17. Provide information on legislation and other measures to prohibit the production, possession and dissemination of child pornography. In particular, please provide information on any controls on pornography produced and/or disseminated via the Internet.

- Under R.A. 7610, certain presumptions regarding factual circumstances, which may exist in recording sessions of child pornography, have been created in favor of a finding an existence of child abuse. Under its **Article V, Section 9**, any

person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, pose or model in obscene publications or pornographic materials or to sell or distribute the said materials shall be made penalized accordingly. If the child used as a performer, subject, seller or distributor is below 12 years of age, the penalty shall be imposed in its maximum period. Any ascendant, guardian or person entrusted in any capacity with care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show in any other acts covered by this section shall suffer the appropriate penalty.

P.D. 1987, which created the Videogram Regulatory Board, guarded against pornography regardless of the age of the victim. However, in R.A. 9239 which created the Optical Media Board and superseded P.D. 1987, since it is the medium which is sought to be regulated by the law, and not the content, said function has ceased to exist. Nevertheless, the Optical Media Board has continued to do raids based on the Article 201 of the Revised Penal Code (Act 3815).

Meanwhile, the Philippine Information Agency (PIA) provided assistance in disseminating media guidelines on the coverage involving children and related legislations during workshops among the media practitioners for radio, TV and print in Bicol, Baguio, Cebu and Davao. PIA regional and provincial representatives are members to local CWC and assistance is also provided to information dissemination.

18. Provide information on any legislation or guidelines to protect children from injurious information and material transmitted through the media, Internet, videos, electronic games, etc. (other legislation?)

The Optical Media Board, in coordination with the Movie and Television Review and Classification Board are currently in the process of revising the Guidelines on the adoption of classification labels for the purpose of guiding parents on the suitability of optical disc content.

Reporting obligations relating to violence against children

19. Provide information on legislation, regulations or administrative directives requiring reporting of all forms of violence against and abuse of children in all settings to appropriate bodies. If reporting legislation, regulations or administrative directives exist, please indicate whether all citizens are required to report, or whether the obligation falls on certain professional groups only. Provide details of any sanctions for non-reporting.

All citizens of the Philippines has the right and moral obligation to report to law enforcement officers and duly constituted authorities or his representatives, any violation or infraction of laws being committed in his presence. He can even arrest the perpetrator as authorized by law through "Citizen Arrest". He can be held criminally and/or administratively liable for failing to report and/or respond in a crime he witnessed.

Complaints procedures

20. Provide information on any complaints procedures relating to all forms of violence against children perpetrated in:

- *The family/ home;*
 - *Schools and pre-school care and education (both formal and non-formal, state and private);*
 - *Military schools;*
 - *Institutions, state and private, including care, residential, health and mental health;*
 - *The context of law and public order enforcement including in detention facilities or prisons;*
 - *The neighbourhood, street and the community, including in rural areas;*
 - *The workplace (informal and formal);*
 - *Sports and sporting facilities.*
-

Procedures for the protection of children's rights encompass different levels and categories of interventions. These procedures include the following:

• **CHILD LABORERS/WORKPLACE**

A. Detection and Reporting

Detection of child workers relies heavily on the participation of the community. Since most child workers are hidden, it is hard for the government, given its limited resources, to track down all

of them for possible intervention. Many concerned citizens and non-governmental organizations conduct their own investigations or undercover operations to detect and monitor the presence of child workers. Anyone with sufficient knowledge of any violation committed against a child worker may report the same to any of the following agencies, organizations or groups: 1) DOLE; 2) DSWD; 3) Local/Barangay Council for the Protection of Children; 4) PNP; 5) NBI; 6) CHR; 7) DOJ; etc.

B. Information Verification

Reports of child labor cases reaching the different agencies are eventually reported to two key government agencies, which take the lead role in responding to cases of child labor and in coordinating the efforts of all concerned agencies and organizations. These are the DOLE (AND?) for children working in the formal sector such as the street children and prostituted children.

Upon receipt of reports, the DOLE and/or the DSWD shall proceed to validate the report in order to identify the appropriate intervention that should be made. Specific interventions are effected depending on the assessment of the case. The DOLE and the DSWD may seek the assistance of the PNP or the NBI in conducting inspection and surveillance.

In formal work establishments, the DOLE may make use of its visitorial and inspection powers to confirm reports received regarding employer violations. Such powers are contained in Article 128 of the Labor Code, which provides that:

Art. 128 Visitorial and Enforcement Power – a. The Secretary of Labor or his duly authorized representatives, including labor regulation officers, shall have access to employers records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy therefrom, to question any employee and investigate any fact, condition or matter which may be necessary to determine violations or which may aid in the enforcement of this code and of any labor law, wage order or rules and regulations issued pursuant thereto.

C. Removal and Rescue

Once enough evidence is gathered confirming reports of child abuse and exploitation, there is a need to determine whether or not it is for the child's best interest to be removed from the home or establishment where the child is found. Negotiations

with the child's employer must necessarily follow for the smooth, safe and non-traumatic removal of the child. Nevertheless, if the negotiation is deemed futile from the start because of the hostile atmosphere between the parties, a rescue operation is undertaken, with the objectives of rescuing the child worker, arresting the violator, and seizing objects or documents which may be used as evidence against the latter.

D. Custody and Rehabilitation

Since rescue operations often lead to dislocation of the child workers, protective custody is immediately given to the children by the DSWD, through its centers for children or other licensed institutions, which have facilities for temporary shelter. The DSWD shall give the children intake and medical evaluations, counseling, psychological services and other rehabilitative services, to help them deal with probable trauma and emotional disturbance. Child laborers needing more specialized medical or psychological services are referred to the Department of Health. The parents, relatives or guardians of the children are then contacted for the eventual return of the children to their families, except if it is found out that parents or guardians themselves are responsible for the abuse and exploitation of their children. In the latter case, petitions for the commitment of the children to the DSWD or any licensed child placement agency, and also petitions for the suspension or termination of parental authority, are filed in court by the DSWD in order to secure prolonged custody over the children.

E. Recovery of wages and other monetary benefits

After the child workers are rescued and given protective custody, cases for the enforcement of their rights or for the redress of their grievances necessarily follow. For children working in the formal sector where an employer-employee relationship is present, cases for the recovery of wages and other monetary benefits may be brought against the employer. The children need not be physically present in the hearing of their claims in case they wish to go back to their homes. Instead, they may execute "powers of attorney" to ensure that the complaints are pursued and that due compensation are given them.

Claims for work-related injury and welfare benefits are filed with the Social Security System. On the other hand, recovery of wages, rates of pay, hours of work and other terms and

conditions of employment are filed either with the Regional Director of the Labor Arbiter.

F. Administrative Sanctions

After appropriate inspection and investigation, the DOLE shall evaluate the degree of exploitation and other violations committed by a work establishment or recruitment agency. Based on its findings, after appropriate hearing, it may order the stoppage of work or the suspension of the operations of the work establishment, and the cancellation of the license of the recruitment agency.

G. Criminal Prosecution

Protection of the rights of the child workers will not be complete without the attainment of justice. For the attainment of justice, conviction of the offenders must be ensured through the cooperation of the different members of the criminal justice system beginning with the law enforcement pillar. Thus, immediately after a rescue operation, or upon receipt of reports, the law enforcement agencies should secure the individual sworn statements of the child workers and gather other vital evidence for the filing of appropriate criminal charges. They shall then coordinate with concerned agencies such as the Child Rights Center of the Commission on Human Rights and the Task Force on Child Protection of the Department of Justice regarding the extension of legal assistance. Such agencies, together with the social workers of DSWD, shall properly orient the children regarding the prosecution of their cases and adequately prepare them as witnesses.

- **ABUSED CHILDREN (regardless of place where abuse committed)**

As mandated by the **RA 7610 (Sec. 4)**, "Any person who learns of facts or circumstance that give rise to the belief that a child has suffered abuse may report the same, either orally or in writing, to the DSWD, to the Philippine National Police or other law enforcement agency or to a Barangay Council for the Protection of Children. The head of any public or private hospital, medical clinic, and similar institution, as well as the attending physician and nurse, shall report, either orally or in writing the examination and/or treatment of a child who appears to have suffered abuse within forty-eight (48) hours from knowledge of the same as provided for by Article 166 of PD 603.

Section 5 of RA 7610 mentioned that it shall be the duty of all teachers and administrators in public schools, probation officers, government lawyers, law enforcement officers, barangay officials, corrections officers and other government officials and employees whose work involves dealing with children to report all incidents of possible child abuse to the DSWD. To encourage reporting, several hotlines where one can report cases of child abuse have been also set up in order to provide rescue operations to children. The creation of the Sagip Batang Manggagawa (SBM), by the Department of Labor and Employment and the Bantay Bata 163 program by the ABS-CBN serve as a vital initiative for detecting, monitoring and rescuing children who are abused and exploited. There are also 24-hour crisis intervention units in all DSWD Field Offices, which can receive, report and provide immediate intervention on the as necessary.

- Regardless of crimes perpetrated and victims affected whether they are women, children, young and old, the Philippine National Police (PNP) has one and the same procedure being observed and practiced in all police office/stations. The specific procedures are contained in the PNP Operational Procedure (POP). (CAN WE GET COPY?) The only difference is that we have the Women and Children Complaint Desks in all city and municipal police stations who specializes on investigation and/or handling of cases victimizing women and children.

21. Indicate whether children or persons acting on their behalf can access these procedures. Indicate whether legal aid is available to facilitate submission of complaints, and the circumstances in which legal aid will be available.

The Public Attorney's Office (PAO) under the Department of Justice of the government provides free services not only for the accused but also to the victims who cannot afford to hire a lawyer.

22. Describe steps, which have been taken to raise awareness of possibilities to submit complaints about violence against children.

Several advocacy activities have been conducted to inform the general public about the laws and procedures in filing complaints about VAC. Orientation on the detailed procedures were also the

focused of various trainings for law enforcers; agency workers both at the national and local levels; employees of private corporations; local officials; para-professionals; families/parents; and children. Handbooks and other information materials were developed and disseminated. Information were likewise incorporated in the curriculum of basic education.

23. Provide information on any special procedural or evidentiary rules, which may apply in proceedings with respect to violence against children.

The Philippine Supreme Court promulgated the **Rule on Examination of Child Witness**, this is a special rule for children who will be brought to court. Under its Section 1, unless otherwise provided, this Rule shall govern the examination of child witnesses who are victims of crime, accused of crime and witnesses to crime. It shall apply in all criminal proceedings and non-criminal proceedings involving child witnesses. The objectives of this Rule are to create and maintain an environment that will allow children to give reliable and complete evidence, minimize trauma to children, encourage children to testify in legal proceedings and facilitate the ascertainment of truth. This Rule shall be liberally construed to uphold the best interests of the child and to promote maximum accommodation of child witnesses without prejudice to the constitutional rights of the accused.

The rule provides for the participation of a facilitator which means a person appointed by the court to pose questions to a child; a guardian *ad litem* who is a person appointed by the court where the case is pending for a child who is a victim of, accused of, or a witness to a crime to protect the best interests of the child; a support person, who is a person chosen by the child to accompany him to testify at or attend a judicial proceeding or deposition to provide emotional support for him. An interpreter is also involved to allow communication to the child in a level due to his or her developmental characteristics and in a language known to the child.

The Courtroom environment is also a consideration of the Rule. The courts are likewise encouraged to provide a waiting area for children that is separate from waiting areas used by other persons. Under Section 13 of the said Rule, to create a more comfortable environment for the child, the court may, in its discretion, direct and supervise the location, movement and deportment of all persons in the courtroom including the parties, their counsel, child, witnesses, support persons, guardian *ad litem*, facilitator and court

personnel. The child may be allowed to testify from a place other than the witness chair. The judge need not wear his judicial robe. The court may also order that the testimony of the child be taken during the time of day when the child is well-rested.

The court shall also permit a child to use testimonial aids such as dolls, anatomically correct dolls, puppets, drawings, mannequins, or any other appropriate demonstrative device to assist him. While testifying, a child shall be allowed to have an item of his own choosing such as a blanket, toy or doll.

The prosecutor, counsel or the guardian *ad litem* may apply for an order that the testimony of the child be taken in a room outside the courtroom and be televised to the courtroom by live-link television. The prosecutor or the guardian *ad litem* may apply for an order that the chair of the child or that a screen or other device be placed in the courtroom in such a manner that the child cannot see the accused while testifying. The prosecutor, counsel or guardian *ad litem* may apply for an order that a deposition be taken of the testimony of the child and that it be recorded and preserved on videotape. The judge shall preside at the videotaped deposition of a child.

The court may admit videotaped and audiotape in-depth investigative or disclosure interview as evidence under the following conditions:

- a) the child witness is unable to testify in court on grounds and under conditions established under this rule
- b) The interview of the child was conducted by duly trained members of a multi disciplinary team or representatives of law enforcement or child protective services in situations where child abuse is suspected so as to determine whether child abuse occurred.

There is also the so-called sexual abuse shield rule under Section 30 of this Rule wherein evidence offered to prove that the alleged victim engaged in other sexual behavior; and evidence offered to prove the sexual predisposition of the alleged victim are inadmissible.

Any record regarding a child shall be confidential and kept under seal. Privacy of the child is protected under this Rule, publication of the child's identity made by any person shall be considered as contemptuous. The one responsible, then shall be held liable to the contempt power of the court.

Under Section 31 par. (e) of this Rule, a child has a right at any court proceeding not to testify regarding personal identifying information and any other information that could endanger his physical safety or his family. Under par (f) any videotape or audiotape of a child produced under the provisions of this Rule, or otherwise made part of the court record shall be destroyed after 5 years have elapsed from date of entry of judgment.

The ordinary provisions of the Rules of Court on deposition, conditional examination of witnesses, and evidence shall be applied in suppletory character.

24. Provide information on the usual outcome of complaints of violence against children (e.g. compensation, punishment of perpetrators, perpetrator rehabilitation, family therapy).

The information requested will require a special study of voluminous cases filed before the lower courts. There are appealed cases that have reached the Supreme Court, which may also be surveyed. This will also require quite considerable period for research.

However, **regarding child labor cases**, from 1993 to 2003, the total amount of Php338,411.28 was restituted which benefited 306 workers of who 267 were minors. For the same period, there were four (4) convictions of owners/employers of establishments such as KTV bars, piggery farm and a manufacturing company.

25. Provide information on the usual outcome of legal proceedings in which children and juveniles are found guilty of perpetrating violence (e.g. imprisonment, corporal punishment, community service, perpetrator rehabilitation, family therapy). (still no sufficient answer)

This will need a special study.

These are post-judgment information, which may be properly applied by the agencies of the Executive Branch (e.g.MTRC, BJMP and DSWD) and NGO's on Children. (MORE INFORMATION PLEASE)

II. INSTITUTIONAL FRAMEWORK AND RESOURCES TO ADDRESS VIOLENCE AGAINST CHILDREN

The aim of this section is to establish if your country has an institution coordinating multi-sectoral activities concerning violence against children, which include prevention, protection, redress, reintegration and rehabilitation.,

26. Are there any Governmental authorities, structures and mechanisms, including at federal, state/provincial, municipal and local level which are currently responsible for addressing violence against children? If YES, identify these authorities, structures and mechanisms and describe how coordination is ensured.

The Child and Welfare Code provided for the creation of the Council for the Welfare of Children (CWC) which is tasked to formulate, implement and enforce all policies, programs and projects relative to the protection and promotion of the total development of children and youth. The Council is chaired by the DSWD Secretary with representatives of all major departments as members together with three private individuals, including a youth representative. In 2000, the Early Childhood Care and Development Act (RA No. 8980) was passed providing for the creation of the National Early Childhood and Development Coordinating Council as part of the CWC.

Sectoral Task Forces and Sub-Task Forces were organized to study the specific areas of children's concerns; formulate strategies and responses; monitor the situation of projects that are being pilot-tested; evaluate programs and projects; and, generate reports. The Sector Task Forces focus on the five major areas of the CRC, to wit:

- a. Family care and alternative parental arrangements;
- b. Basic health, nutrition, social security and safe environment;
- c. Basic education, leisure, recreation and cultural activities;
- d. Protection of children in especially difficult circumstances; and,
- e. Fundamental civil rights.

The chairpersons and members of each Task Force come from concerned government and non-government agencies. In addition, Sub-Task Forces are organized to discuss emerging issues and concerns. The Task Force on Children in Need of Special Protection is supported by the following Sub-Task Forces:

- a. Sub-Task Force on Indigenous Children;
- b. Sub-Task Force on Disabled Children;
- c. Sub-Task Force on Various Circumstances of Disability;
- d. Sub-Task Force on HIV/AIDS;
- e. Sub-Task Force on Sexually Abused Child and Commercial Sexual Exploitation of Children;
- f. Sub-Task Force on Girl Children;
- g. Sub-Task Force on Children in Conflict with the Law;
- h. Sub-Task Force on Children in Worst Form of Child Labor;
- i. Sub-Task Force on Muslim Children

Outside the CWC, there are other inter-agency bodies and councils which were created by virtue of the laws on children-victims of violence. These inter-agency bodies include the Special Committee for the Protection of Children which was created to oversee the implementation of a comprehensive program on child protection rights and coordinate government and NGO efforts to protect the children-victims of various forms of abuses; Inter-Agency Council Against Trafficking (IACAT) which is tasked to oversee implementation of R.A. 9208; the Inter-Agency Council on Violence Against Women and their Children (IAC-VAWC) which is tasked to oversee implementation of R.A. 9262; and, the Inter-Agency Committee on Children Involved in Armed Conflict which is tasked to formulate and ensure implementation of a comprehensive program framework for children in armed conflict. There are other inter-agency bodies which were organized for purposes of program implementation such as the IAC of the National Streetchildren Program as well as of the National Child Labor Program.

In addition to the inter-agency bodies, most line agencies have specific units that attend to issues and concerns on child protection. For instance, the Department of Health (DOH) established the Women and Children Protection Unit (WCPU) in its hospitals; the Department of Justice formed a Task Force on Children's Protection; the Philippine National Police (PNP) put-up women and children complain desks in all their stations and the Family, Juvenile and Gender Sensitivity Division; the Women and Children Concern Office (WACCO) and the Women's Crisis and Child Protection Center (WCCPC); the National Bureau of Investigation (NBI) have a Violence Against Women and Children Division (VWCD).

At the sub-national level, the CWC has set-up a Regional Sub-Committee for the Welfare of Children (RSCWC) in all the 16 regions of the country. The RSCWC is responsible for the

integration of efforts that address children's concerns at the regional level.

At the local levels, the primary bodies that are responsible for the protection of children are the Local Councils for the Protection of Children (LCPC), the creation of which is mandated by P. D. 603 as well as the Barangay Human Rights Action Center (BHRAC). As of October 2004, 78 percent of the 41,974 barangays have organized an LCPC. Similarly, 70 percent of the 55 provinces; 71 percent of 82 cities and 77 percent of 1,501 municipalities have counterpart LCPCs.

27. Is there a lead Government authority tasked with responsibility for addressing violence against children?

If YES, provide details.

The CWC and other inter-agency committee/councils as described under question no. 26.

28. Are specific financial and/or human resources allocated by your country to address violence generally?

If YES, indicate the extent of these allocations.

Budgetary allocation to address violence, in general, are included in the General Appropriations Act under the social development programs and services of various government agencies. It would require a special study to come up with the specific allocation in this regard.

29. Does your country allocate specific financial and/or human resources to activities to address violence against children?

If YES, provide details.

Based on the findings of the study entitled "Resource Allocation Trends for Children", budgetary allocation for child protection had been very minimal at Php2.09 billion for the period 1996-2000.

This amount represents .078 percent of the total budget for the said period. With the East Asian financial crisis, the budgetary allocation even decreased.

The Study noted, though, that budgetary allocations for child protection are integrated in other regular social development programs. However, the Study also revealed that the budgetary allocation for basic education ranged from a low of 9.8 percent of the annual national budget in 1996 to a high of 13.2 percent in 1998. From 1996 to 2000, total budget for basic education amounted to Php318.17 billion which represents about 12 percent of the total budget. Though the budgetary allocation for basic education has increased at an average of 19 percent, said allocation is way below the requirements of the sector.

Budgetary Allocation for Children's Protection: 1996-2000 (In Thousand Pesos)

AGENCY	2000	1999	1998	1997	1996	TOTAL
Office of the President	92,288					92,288
DILG-OSEC	59,038	18,532				77,570
DILG-Phil. Public Safety College	80	42	18	39		179
DOJ-Special Committee on the Protection of Children	1,210	2,302	4,752			8,264
NBI	25,945	23,775	25,418	16,510	15,521	107,169
DOLE-Community Action on Child Labor	10,518	7,561	9,024	7,047	4,235	38,385
DOH-OSEC		14,969	12,491	12,094		39,281
DOH-Dangerous Drugs Board	70,551	58,611	98,425	65,530	52,111	345,228
DND-Office of Civil Defense	124,717	42,808	44,594	51,874	28,551	292,544
DSWD-OSEC	104,735	86,272	236,433	250,049	242,667	920,156
DSWD-CIDSS*	1,000	7,111	7,111	7,111		22,333
Council for the Welfare of Children	17,042	15,319	24,389	11,913	17,151	85,814
Inter-Country Adoption Board	5,417	8,130	5,834	5,087	4,407	28,875
National Council for the Welfare of Disabled Persons	6,565	5,924	6,298	5,282	5,197	29,266
TOTAL	519,106	291,083	474,787	432,536	369,840	2,087,352
TOTAL GAA	629,000,000	593,580,491	537,433,273	493,469,067	416,139,474	2,669,622,305
% of GAA	0.082	0.049	0.088	0.088	0.089	0.078

On the other hand, the budgetary allocation of health has dramatically decreased from 1998-2000. Total budget for health amounted to Php2.08 billion from 1996 -2000, the amount of which represented about 0.5 of the total budget for the same period. It was estimated that each child got only Php0.000015 worth of health services in 2000. Similarly, the budget for nutrition declined

from 0.16 percent in 1998 to 0.06 in 2000. The total budget for 2000 amounted to Php397 million which is grossly inadequate considering the requirement of Php3.4 billion as estimated by the National Nutrition Council.

In view of the limited resources, advocacy and innovative resource generation activities have become inherent strategies among the various child-welfare institutions. The private sectors have been actively involved both as donors and resource mobilizers. Some of the innovative resource generation activities include the conduct of telethon, Bantay-Bata advocacy shows, benefit shows, the Children's Hour which involved donating the amount of one-hour salary in a month; and coin banks in commercial establishments. Leagues of corporate foundations and religious groups have also initiated adopt-a-barangay or adopt-a-school programs and other community-based programs.

30. Do international or bilateral donors provide resources to your country for activities to address violence against children?

If YES, indicate the extent of these resources and the way in which they are used.

Official development assistance for social protection of Filipino children are primarily from the UNICEF. Other social protection programs are supported by World Bank, AusAid, Asian Development Bank, UNDP. (WOULD NEED DATA FROM NEDA)

31. Does your country provide any assistance to other countries' efforts to respond to the problem of violence against children?

If YES, provide details.

The Philippines provide technical assistance by way of trainings, sharing of innovative approaches/experiences, information exchange and other capability building activities.

32.If your country has a national human rights institution, such as a human rights commission or ombudsman, or a child-specific human rights institution, does it have any role or competence in the area of violence against children, including receiving complaints?

If YES, provide details.

The Commission on Human Rights of the Philippines has the mandate to protect and promote the rights of children, and as such it can receive complaints on violence against children. The Commission has a Child Rights Center that investigates human rights violations against children, initiates legal action, and monitors and reports on all violations of the Convention on the Rights of the Child involving civil rights and freedoms, and special protection. The Center develops and implements awareness programs on children's rights, conducts studies in aid of legislation and for the more effective ways to implement existing national and international laws and treaties.

33.Are there any particular parliamentary structures (for example special committees) to address violence against children?

If YES, provide details.

Please refer to answers to question no. 26.

34.Have there been any recent parliamentary initiatives to address violence against children?

If YES, please give details.

RA 9262 (Anti-Violence Against Women and their Children Act of 2004) and RA 9208 (Anti-Trafficking in Persons Act of 2003).

III. ROLE OF CIVIL SOCIETY IN ADDRESSING VIOLENCE AGAINST CHILDREN

The aim of this section is to elicit information on civil society activities relating to violence against children.

35. Describe significant civil society initiatives addressing violence against children in your country, including the types of institutions involved (such as academic institutions, professional associations, women's associations, student associations, community-based groups, faith-based groups, child and youth-led groups, trade unions, employer's organizations, national non-governmental organizations, international non-governmental organizations) and the major activities engaged in (including advocacy, awareness raising, research, prevention, rehabilitation and treatment of children harmed by violence, provision of services, provision of resources).

Non-government organizations have played very significant roles in the protection of Filipino Children. As of there are child welfare NGOs as accredited by the DSWD. The NGOs have provided lead in various advocacies for the passage of legislations; undertaken continuing campaigns to increase awareness regarding the rights of children and the relevant national laws as well as to resource generation activities; implemented various preventive, rehabilitative and reintegration services as well as adopted innovative approaches for child protection. They are also represented in the various child-related inter-agency bodies of the government at all levels. As of there are child-focused NGOs as accredited by DSWD.

Initiatives of some NGOs are as follows:

The **GITIB, Inc.** has a project on children education and biodiversity in 3 barangays of Misamis Occidental. The project gives environmental and cultural education to pre-school children. In the past few months, CRC was integrated in the children's curriculum to supplement the necessary information and campaign on anti child trafficking. Aside from this, they are also giving awareness education for the parents of the children in 6 barangays of the Municipalities of Tudela, Sinacaban and Clarin, and Cities of Tangub and Ozamis regarding the overview of CRC and Anti-Child Trafficking. During the launching campaign on Education for All and United Nations Literacy Decade , they included the children's concerns.

GITIB, Inc. is still planning a project for the urban children of Ozamis City. Based on the experiences in the awareness education

in various communities, the domestic violence is still present at home, school and entire community as well as gender disparities.

The **Medical Action Group's (MAG)** contributions and interventions on child protection focus on the health aspect of children. They provide trainings to children in detention, uplift the health status of children in the community and are a member of the Commission on the Welfare of Children in the Commission on Human Rights. They also undertake advocacy against torture on children.

The **Christian Children's Fund (CCF)** is represented in the Local/Barangay Council for the Protection of Children (LCPC/BCPC).

Childhope addresses the issue of violence against children through its Street Education Program which implements the following activities:

As a preventive measure, street children are given Alternative Education Sessions on Personal Safety and Protective Behavior; UN Convention on the Rights of the Child; Paralegal Education; and, Gender Sensitivity. These sessions aim to enable street children to protect themselves and other children while living / working on the streets. By educating them about their rights and the resources available to them in cases of violence and/or abuse, street children develop confidence in relating with the police and other figures of authority, learn to approach different agencies for services/help and become more assertive and expressive of their rights. Through preventive education, children are able to distinguish when adults cross the line between being authoritative or abusive, and are able to protect themselves from being victims of abuse, be it sexual, physical or verbal.

The Paralegal Component of the Street Education Program provides the following services to children when necessary: Police visit for case follow-up; Police visit for exposure; Police visit for coordination; Facilitation of release from precinct / jail; Assistance in obtaining medical / psychological examination (medico-legal); Assistance in making a police statement; Assistance in filing a case; and, Referral to a rehabilitation center.

The Program's Paralegal Services component works to ensure that children who are in conflict with the law are provided with the appropriate assistance and that their rights as children are observed during the management of their cases.

The Program also reaches out to other civil organizations in promoting the rights and welfare of street children. Advocacy and networking activities are undertaken to address academic institutions, local government units, business sectors, professional groups and other local and international non-government organizations and to encourage them to participate in the advancement of children's rights.

Childhope Asia Philippines also provides the following training modules to address the needs of individuals and/or organizations working with street children who are victims of violence:

- *Basic Training on Psychosocial Intervention for Street Children Service Providers*
- *Child Sexual Abuse and Exploitation: Prevention and Basic Psychosocial Interventions*
- *Seminar Workshop for Social Workers Handling Child Abuse*
- *Protective Behavior Against Sexual Abuse Among Children*
- *Methods and Techniques on Protective Behavior / Personal Safety Against Child Sexual Abuse Among Street children Including Trafficking*
- *Social Workers and the Juvenile courts*
- *Teamwork of Social Workers and Police to Assist Children in Conflict with the Law*
- *Community Mobilization for Advocacy and Prevention of Child Sexual Abuse and Exploitation; Of Trafficking; Of Drug Abuse*
- *Intervention Programs for the Street Girl Children Focusing on Child's Rights and Empowerment, Recovery and Protection*
- *Organizing Barangay Council for the Protection of Children*

The **Kabataan Consortium** has been a strong advocate against violence against children in Davao from the late 1990's to the present. A product of that advocacy was the legislation of a local ordinance known as the Davao City Children's Welfare Code of 1994. Mainly instigated by child focused NGOs, the ordinance was the first of its kind in Mindanao. In 2001, 9 NGOs with programs for children bonded as a consortium called Kabataan Center for Human Rights of Children and Young People. The Kabataan Consortium has been lobbying for the amendment of the code to make it more attuned to the fast changing times and has been in the forefront in the campaign against various atrocities on children like the continuing Summary Killings, Prostitution of Children, trafficking and pornography.

Bahay Tuluyan's major activities include healing and recovery of children harmed by violence, provision of services and empowerment of children exposed to violence through child to child approach. It also undertakes research and advocacy in relation to all forms of child rights abuses with emphasis on community education regarding the CRC, especially among children and youth.

Terre des Hommes in the Philippines' projects deal with street children, children victims of labor malpractice, summary executions, etc.

Asia Against Child Trafficking undertakes regional campaign to fight child trafficking in Southeast Asia. It is composed of organizations based in Indonesia, Philippines, Thailand, Cambodia, Burma, Vietnam, and Lao PDR which joins the outrage of people's movement, children, private sector and governments in Southeast Asia against the existence of child trafficking as one of the most blatant violations of children's rights in the region. Major activities include launching advocacy and public information, conducting community education, advocating for the strengthening of child protection network, lobbying for laws, conducting researches, assisting in capacity building of partner groups/agencies and extending direct services program through its campaign members to trafficked children and survivors. Specific to the Philippines, the secretariat takes charge of extending training to development workers, social workers, law enforcers, educators, health professionals, children and young people and to other sectors primarily on the issue of child trafficking. It also extends training on Convention on the Rights of the Child (CRC). Asia ACTs also organizes seminar in relation to drafting the guidelines on human rights for trafficked children in Southeast Asia. It also extends training on advocacy and campaign management not only to partners in the Southeast Asia but also to other organizations in South Asia.

The private sectors have been actively involved both as donors and resource mobilizers. Some of the innovative resource generation activities include the conduct of telethon, Bantay-Bata advocacy shows, benefit shows, the Children's Hour which involved donating the amount of one-hour salary in a month; and coin banks in commercial establishments. Leagues of corporate foundations and religious groups have also initiated adopt-a-barangay or adopt-a-school programs and other community-based programs.

36. Describe the support provided by your Government for these activities and the efforts made to coordinate civil society and government initiatives.

In view of the limited government resources, government support to civil society groups involved in VAC is usually in terms of technical assistance.

37. Describe the role played by the media in addressing violence against children.

The media has been both a boon and bane for the campaign to stop violence against children. In many instances, the media highlights the advocacy against violence on children, ensuring that messages on child protection reach the broadest number of people. Admittedly, the media have been instrumental in increasing awareness about the rights of the child, the causes and effects of violence against children and the mechanism for rescue. But in a lot of cases, media have not followed existing guidelines in dealing with children-victim of violence by sensationalizing reports of rape and other forms of violence against children. The media's graphic presentation of child-victims may be, inadvertently, desensitizing the public about violence.

Moreover, the media has to strengthen its self-regulatory functions to limit access of children to pornographic or violent-ridden print materials and other information/shows that are disseminated through electronic games, videos, cable, among others. In particular, a lot of tabloids which contain adult photos and languages are rampant and easily bought or, sometimes, even being sold by children. As earlier mentioned, there is a need also to advocate for the passage of a law prohibiting the production, possession and dissemination of child pornography.

IV. CHILDREN AS ACTORS IN ADDRESSING VIOLENCE

This section is designed to extract information on children's activities to address violence.

38. Provide information on the involvement and consultation of children in designing activities, and in implementation and monitoring of programmes and policies to address violence against them. Provide details, including ages and other details of the children involved.

Regular consultations among children are conducted to draw out their opinions and recommendations on how the State is complying with the provisions of the CRC. Recently, regional consultations were organized by the NGO Coalition involving around 200 hundred 10-17 year old children to listen to their own assessment of the situation and how the various responses have affected them. The participants were mostly trained children leaders and officers of the different NGO Coalition members.

In addition to these consultations, annual assessment and planning sessions related to children's issues are undertaken. The context of these assessments is more local rather than national. In the case of Plan International, for example, the participation of children in participatory rapid appraisals lead to the drawing up of child-centered community development plans that are eventually integrated with the over-all community development plans.

Countless advocacy activities are undertaken by children that, on the whole, serve to promote their rights. These take the form of theatre presentations in schools, as well as, the bigger communities portraying, among other themes, the abusive situations children face. In a few areas, there are radio programs run by children. Peer education is also being undertaken.

A number of children leaders sit in Barangay/Local Councils for the Protection of Children, Provincial Councils for the Protection of Children or even at the Regional Councils for the Protection of Children. A National Coalition of Children's Associations in the Philippines (NaCCAP) exists and pursues the priority agenda of education and child labor. The National Anti-Poverty Commission (NAPC) of the government includes some officers of the NaCCAP. They occupy the positions of Commissioner, and alternate representatives for Luzon, Visayas and Mindanao in the children's basic sector. This sector was instrumental in certain accomplishments such as the : a) passage of resolution in Congress on birth registration, b) issuance of a DepEd circular on the non-

collection of tuition/other fees as prerequisites for enrolment in public schools, c) "Patak Para sa Buhay" water systems for 100 water-less municipalities, and d) participation in various national and international conferences, as well as, representation in international bodies such as the NGO Advisory Group on the UN Study on Violence Against Children.

While it is true that significant gains have been achieved in terms of promoting direct and meaningful children's participation, these are limited in scope. Most often, opportunities for children to participate are confined to areas where big NGOs operate or where networks of NGOs are active. Certain mechanisms are in place that could provide the same impetus and opportunities like the Local Councils for the Protection of Children. Unfortunately, the functionality of such bodies have yet to be enhanced in many areas.

Financial resources and technical expertise are basically the resources made available to support children's participation not solely in activities addressing violence but relating to the CRC, in general. These resources come from both the government and the private sectors, particularly the NGOs. As a general practice, NGO-led children oriented activities are funded by NGOs while those organized by the government are funded by public funds. Activities co-funded by both government and NGOs are an exception rather than the rule. In many cases, international bodies such as UNICEF extend support both financially and technically. How much has been and how much is being "invested", however, is something that has yet to be studied.

39. Describe the involvement, if any, of children in designing special procedural or evidentiary rules applying in court proceedings with respect to hearings concerning violence against children. Provide details including ages and other details of the children involved.

Children are not involved in designing special procedural or evidentiary rules of court. However, experts who work on children's cases are involved/tapped instead. In drafting rules of court (including those related to children) the Supreme Court relies on special committees chaired by one of the Associate Justices.

40. Describe the amount and type of resources made available to support children's participation in activities to address violence against children.

Data is not readily available since a lot of government resources made available to support children's participation are released to the local government units or field offices. On the other hand, it would need a special study to account for the resources provided by the NGOs for children's participation.

V. POLICIES AND PROGRAMMES TO ADDRESS VIOLENCE AGAINST CHILDREN

A comprehensive policy for dealing with violence against children is one that addresses multiple forms of violence against children, that works across the different settings in which violence occurs, and which includes components for prevention, protection, victim medical, psychological, legal and social assistance, victim rehabilitation and reintegration, and perpetrator interventions. Such policy is distinguished from specific programmes that address selected sub-types of violence against children or its effects in specific populations and settings.

41. Does your Government have a comprehensive policy concerning violence against children?

If YES, provide details and describe any gender-specific provisions included in the policy.

In compliance with R.A. No. 7610, the DSWD and DOJ jointly organized a Special Committee for the Protection of Children. The Committee formulated the Comprehensive Program on Child Protection which has three major components; i.e., Prevention; Reporting, Rescue, Investigation and Judicial Involvement of Children; and, Rescue, Recovery and Reintegration.

The Prevention Components focuses on the following major strategies:

- a. Prioritization of education in child abuse prevention programs – Prevention focus on educating the various stakeholders about personal safety, child development; parent-child relationship and children's rights.
- b. Provision of support system for families and care-givers especially families at risks – This entails improving access to family-focused and community-based basic

- services such as livelihood and early childhood care and development.
- c. Establishment of effective, built-in screening and detection programs for children at risk and for abused children within basic social services at the barangay, city and municipal levels. Capabilities of ECCD implementers at the LGU levels shall be enhanced to integrate mechanisms for early detection and referral of disability and child abuse;
 - d. Integration of child abuse prevention with other family support programs and initiatives for children.
 - e. Establish and activate community "child watch".

The Rescue Component shall entail a Multi-disciplinary Team Approach. It will involve various improvements in the juvenile justice system that include legislative reforms based on restorative justice approach; training and continuing education of the five pillars of the justice system; research and improvement of the database and monitoring system; improvement of the correctional and rehabilitation facilities; and, installation of a diversion program at all levels.

Moreover, the following strategies shall be adopted:

- a. Reporting of and Responding to individual cases involving children will involve the adoption of differing approaches in dealing with children as victims and with children as witness
- b. Unifying procedures for investigation and preparation of a child to face the court. Also, a core of duty holders shall be appointed as guardian to provide support to children and represent them;
- c. Defining agency jurisdiction and coordinating actions through a Child Abuse Network that will adopt a simplified process.
- d. Clarification of the roles of the local government units towards facilitating the organization of functional local councils for the protection of children and establishing barangay-level reporting system.
- e. Improving monitoring, feedback and evaluation procedures and system from the LGU to the national level that will allow the assessment of the efficacy of programs.

Recovery and reintegration of children begins at the center which provides a therapeutic environment that includes individual

and group counseling/therapy, theater arts, play therapy, leadership training, socio-cultural activities and sports. The center-based services shall be complemented with the following strategies:

- a. Improvement of the psycho-social recovery and reintegration of rescued children into their families and communities. This includes the enhancement of support services for families; development of rehabilitation programs for the perpetrators and adoption of indigenous approaches in conflict resolution.
- b. Family and community empowerment by strengthening existing community structures such as the LCPC, organizing foster care, capability building of leaders, developing family-enrichment programs and organizing support systems in the community;
- c. Conduct of/Replication of innovative, center-based as well as community-based psycho-social interventions
- d. Enhancement of the technical capacities of program managers, supervisors, social workers and other service providers.

42.Does your Government deliver, or provide direct support for delivery by other agencies, of specific programmes aimed at preventing and responding to violence against children?

If YES, please provide available summary reports, or URLs, of these programmes, and indicate, using the table below, which settings and types of violence are addressed by these programmes:

The national government delivers special services to address VAC that include residential care. The delivery of basic services, however, has been devolved to the local government units. The government likewise support the delivery of VAC-related services by NGOs, primarily through the provision of technical assistance.

43.Does your Government monitor the impact of these policies and programmes directed towards violence against children?

If YES, describe the monitoring systems and provide a URL or other reference where the system and outcomes are described in greater details.

As part of its function, the CWC is the central agency that is responsible for monitoring the impact of policies and programs on children needing special protection

The CWC coordinated the development of a Macro Monitoring System for Children with guidance from a Technical Advisory Group (TAG). The primary objective of the system is to generate information on the status of the implementation of the Convention of the Right of Children (CRC) in order to support the production of the Annual Status of Filipino Children report and the Philippine Implementation Report on the CRC which is prepared every five years.

The steps in developing the system included the identification of the indicators for each of the CRC conventions. The indicators were then validated in a series of consultation workshops participated in by various stakeholders, particularly, the CWC task forces. The sources of the basic data elements for each indicator was then identified under the assumption that these can be generated from either the administrative reports or partner/cooperating agencies or from censuses and surveys conducted by the statistical system.

The implementation assumes that the system can be implemented through the CWC secretariat and its partner/cooperating agencies. The implementation assumptions of the system were validated by several pilot-testing efforts conducted jointly by the CWC secretariat and its partner/cooperating agencies.

The report discusses the monitoring framework and design principles followed by the presentation of the translation of the CRC rights into monitoring indicators. Then the indicators are cast into data generation/reporting tables with basic data elements and corresponding sources identified.

On their part, the DSWD created the Inter-Agency Technical Working Group on Social Welfare and Development (SWD) Data Network. This is to primarily correct duplicated SWD data. To test the viability and attainability of this project, a UNICEF-funded pilot study was conducted in DSWD-NCR to generate unduplicated data on sexual abuse cases. Statistics on the profile of victims and its perpetrators are among the basic output of the database system. The data network can be used as basis for policymaking, planning, program development, advocacy, networking and other usage. This tool will generate unduplicated data on sexually abused children and women as well as its categories including rape, incest, acts of lasciviousness, etc.

In order to monitor the social welfare and development agencies, the DSWD issued Memorandum Circular No. 3, series of 2004 entitled "Guidelines in Monitoring Social Welfare and Development Agencies" whose primary objective is to ensure compliance to set standards for the implementation of SWD services such as center based, street based, residential and community based services including those on protection of children. Through monitoring, gaps and concern as well as best practices are identified which serves as significant inputs to the formulation and enrichment of policies and standards as well as in the provision of technical assistance, when indicated. It becomes a basis for supporting appropriate action and to sustain acceptable level of operation and service delivery to the target claim holders.

Also, the DSWD is enhancing its standards for quality service delivery to promote and protect the social well being and best interest of the Filipinos. Hence, these standards were formulated and are deemed as important tool for the LGUs to gauge the quality of SWD service delivery at any level of local implementation. Further, these establish a basis for national and local collaboration, technical assistance and resource augmentation.

These standards are applied in the context of system framework and the rights-based approach considering relevant laws and policies. The SWD service delivery system is viewed as an integration of the LGU's subsystems of operation that influences or contributes to the quality of delivery of SWD services.

Meanwhile, the Philippine Center on Transnational Crime (PCTC) is one of the active members of the Inter-Agency Executive Committee of the UN Global Programme Against Trafficking in Human Beings in the Philippines. It is tasked to establish and operationalize a central database on human trafficking as provided by Executive Order No. 62. The database aims to integrate and store human trafficking incidences and cases gathered or received from concerned agencies of government, NGOs and private citizens to include the victims themselves. This database hopes to facilitate the monitoring of the illegal activities as well as aid in the conduct of police interdiction efforts and in the conduct of strategic researches and studies.

44. Does your Government participate in any internationally coordinated activities concerning violence against children?

If YES, please provide details.

- ***United Nations Convention on the Rights of the Child***

The Philippines became 31st State party to the convention by virtue of Senate Resolution No. 109 approved on July 1990. It submitted reports on the implementation to the UN Committee on the Rights of the Child on September 12, 1993 covering the first two years of the Convention in the Philippines. On January 10-11, 1995, the Philippine Report was officially presented before the UN Committee by a Philippine panel composed of eight (8) top-ranking government officials (who are all member-representatives of the Council for the Welfare of Children), two (2) Congressmen, and two (2) representatives from non-government organizations (NGOs) involved in children welfare. The Second Country Report (1995-2000) is expected to be completed in the first quarter of 2002.

- ***World Congress Against Commercial Sexual Exploitation of Children in 1996 (Stockholm Declaration Agenda)***

Its primary purposes is to create awareness and to draw international attention to the problems of commercial sexual exploitation of children and to promote the development of national plans to combat all forms of such abuse in the specific contexts in which they occur. The Congress bring together a wide range of national and international leaders, professionals and activists, representative of governments, inter-governmental and non-governmental organizations, law enforcement agencies, academic institutions, health professionals and members of media from all over the world.

The CWC through its Sub-Task Force against Sexual Abuse and Commercial Sexual Exploitation of Children, in close collaboration with the UN Children's Fund spearheaded the completion of the Five-Year (2000-2004) Framework of Action Against Commercial Sexual Exploitation of Children. Children and youth from government and non-government organizations actively contributed to this initiative in order to assure their participation in any action intended for them, and the same remain evident and sustained at all levels as espoused in this Framework. This document shall serve as the roadmap for any

action, initiative or any endeavor that will be pursued by the LGUs, NGOs, the private sectors and the national government agencies from prevention to rehabilitation of children once they become victims of commercial sexual exploitation or any forms of sexual abuse.

- ***Oslo Agenda on Child Labour***

It draws up and implements a time-bound programme of action to prevent and eliminate all forms of child labour, starting with the most intolerable (extreme) forms. The conference was based on broadly accepted international instruments, particularly the Convention on the Rights of the Child and the ILO Minimum Age Convention (No. 138, 1973) and the Forced Labour Convention (No. 29, 1930), and on a framework consisting of the Plan of Action from the World Summit for Children (1990) and the Jomtien Declaration on Education for All (1990). The conference was a close follow-up to the Amsterdam Child Labour Conference.

- ***Beijing Platform of Action for Women and the Girl Child***

The group works for the advancement of the goals for equality, development, peace and are determined to prevent and eliminate all forms of violence against women and girls enshrined in the Charter of the United Nations, to the Universal Declaration of Human Rights and other international human rights instruments, in particular the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, as well as the Declaration on the Elimination of Violence against Women and the Declaration on the Right to Development.

- ***The Hague Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption***

The objectives of the Hague Convention is to establish safeguards to ensure that Intercountry adoptions take place in the best interests of the child and with respect for his or her fundamental rights as recognized in international law.

- ***Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)***

It is intended to serve as international guidelines for the assessment of persons who allege torture and ill treatment, for investigating cases of alleged torture and for reporting findings to the judiciary or any other investigative body. This manual includes principles for the effective investigation and documentation of torture, and other cruel, inhuman or degrading treatment or punishment. The manual and principles are the result of three years of analysis, research and drafting, undertaken by more than 75 experts in law, health and human rights, representing 40 organizations or institutions from 15 countries.

- ***Observance of the "International Decade for a Culture of Peace and Non-Violence for the Children of the World"***

The Government joins the United Nations in the Observance of the "International Decade for a Culture of Peace and Non-Violence for the Children of the World" for the period 2001-2010 by issuing and adopting the Resolution No. 763 which gives opportunity for the advancing of its programs and services for children in situation of armed conflict as well as its efforts in promoting the best interest of the children. Through this, the Philippines shares the vision of the UN for a culture of peace with values, attitudes and behaviors that reflect and inspire social interaction and sharing based on the principles of freedom, justice and democracy that reject violence, and endeavor to prevent conflicts by tackling their root causes to solve problems through dialogue and negotiation.

- ***International Labour Organization Convention 138 (Concerning the Minimum Age for Admission to Employment) and 182 (Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor)***

It calls for the strengthening of enforcement of existing Philippine Laws on child labor particularly in regard to the minimum age of employment and the protection of children against the worst forms of child labor. It also explore among other issues the scope of domestic work, the legislative and regulatory framework relevant to domestic work, the typical working conditions of domestic workers, common labor violations

and abuses, and the organizations addressing the issues of domestic work and trafficking. The vulnerabilities of domestic workers to forced labor and trafficking will be addressed specifically, since the aim of the ILO is the protection of domestic workers from those forms of abuse.

- ***Workshop on Disarmament, Demobilization, Reintegration and Rehabilitation: Children Involved in Armed Conflict in East Asia and the Pacific Region***

The regional workshop was co-organized by the UNICEF-EAPRO and the Southeast Asia Coalition the Stop the Use of Child Soldiers and was held in Bangkok, Thailand on March 22-24, 2004 whose purpose is to develop a standard framework on the DDRR of child soldiers for inter-agency cooperation, and develop, expand the coverage and replicate DDRR programs in areas where child soldiers are identified to exist. Also, it foster close inter-agency cooperation between members of the coalition and between various sectors and stakeholders (including children) involved in the prevention, protection and DDRR programs through the conduct of capacity building measures, information exchange, and sharing of experiences.

- ***ASEAN Declaration on Transnational Crime***

The Philippine government in support to the group hosted the Manila Declaration on the Prevention and Control of Transnational Crime, which aim to strengthen regional cooperation in combating trafficking in persons and other types of transnational crime such as terrorism, illicit drug trafficking, arms smuggling, money laundering, traffic in persons and piracy. In addition, in March 2000, it co-hosted the Asian Regional Initiative against Trafficking in Persons – Particularly Women and Children (ARIAT).

- ***Fourth ASEAN Ministers Meeting for Social Welfare and Development***

The meeting was held in Singapore on August 1-3, 2001 to better reflect the increasing importance of integrating social development with national policies and plans of the ASEAN countries. It is also responsible for ASEAN cooperation in the areas of social welfare, population, children and family. The Ministers adopted the Declaration on the Commitment to Children in ASEAN. The key focus of the Declaration is on supporting the family in its role as primary caregiver and

nurturer of children. It also reaffirms the commitment by the Ministers to child survival, development, protection and participation as called for by the 1993 ASEAN Plan of Action on Children and the Hanoi Plan of Action.

- ***Regional Preparatory Meeting for the 2nd World Congress on the CSEC***

One of the major objectives of the meeting was the development of a compendium on “good practices” and case studies on commercial sexual exploitation of children in selected countries that were disseminated in the 2nd congress. The Philippines has been selected as one of the countries included in the compendium or publication of good practices, which was presented during the preparatory meeting. It was convened by UN-ESCAP and was held in Bangkok, Thailand on October 2001.

- ***World Declaration on Education for All***

The world community adopted an expanded vision of what basic education means, calling for a learning environment in which everyone would have the chance to acquire the basic elements which serve as a foundation for further learning and enable full participation in society. This vision implied both accesses to education for everybody, and meeting the diverse learning needs of children, youth and adults. It focused on learning societies, and saw broader and deeper partnerships at every level as the way forward. Focus was placed squarely at the national level and on the responsibility of national governments towards education.

VI. DATA COLLECTION, ANALYSIS AND RESEARCH

This section aims to provide an overview of information systems and information about violence against children that may be used to inform, plan and monitor policy, legal and programmatic interventions concerning violence against children.

45. Over the past five years, has there been any victimization, epidemiological or other population-based surveys of any forms of violence against children in your country?

If YES, provide details or references, or attach.

Results of the researches and other studies have paved the way for different sectors and institutions to address problems on children. Researches in the past five years mostly focused on various types of child labor, including their involvement in the sex and drug trade; the conditions of children in conflict with the law as well as sexually abused children and children-victims of trafficking. Annex C provides an annotated list of these researches.

A lot of the studies involved surveys as well as participatory researches. These various researches focused on the circumstances of their abuse/exploitation, the factors that caused said abuse/exploitation as well as the effects on their development. Causes of abuses/exploitation of children were determined as the interplay of economic, socio-cultural, personality, behavioral and political factors. Recommendations included the need for strong political will, a responsive network, critical media, committed leadership, professional and committed workers and an effective management and support system.

Several studies also focused on assessment of innovative approaches and/or best practices which included community-based treatment, psycho-social interventions and the application of resiliency and indigenization testing. Consequently, various handbooks or manuals were developed. The results of the researches were also utilized as bases for policy development, capability building of programs for social workers, psychologists, house parents, street educators day care workers and other disciplines working for the sector which include children with disabilities.

Efforts were exerted to provide concrete rehabilitative programs specifically for the youth that have been detained and imprisoned. Analysis of the existing norms and standards on juvenile justice at the international and domestic scenes has stirred all the key actors

and stakeholders to take more organized and concrete actions to make the juvenile justice system appropriate and sensitive to the psychological make-up of Filipino children.

46. Have there been any small-scale or representative interview studies with parents and children on violent victimisation of children?

If so, please give details.

Please see attached annotated list.

47. Over the past five years, has your Government conducted or commissioned any scientific research projects on the problem of violence against children?

If YES, indicate the subject of this research and where the findings of these projects may be consulted in more detail.

Please see attached annotated list.

48. Have studies or surveys been undertaken into the impact of legal measures to address violence against children?

If YES, provide details or references, or attach.

Please see attached annotated list.

49. Does your Government have a system for formal inquiries into all child deaths in which it is known or suspected that violence may have played any part?

Provide details.

Yes. Deaths under questionable circumstances are submitted for autopsy or medico legal examination.

50. Are regular (e.g. annual) reports published describing the statistical profile of the known or suspected violent deaths investigated by the system?

If YES, what proportion of all homicide deaths are under the age 18?

Data are available but not consolidated and published. This will be considered as an enhancement of the existing monitoring system.

51. If reports on the national profile of known and suspected violent deaths are published by your Government, indicate how the data is broken down for the purpose of reporting (check all that apply):

Not applicable.

52. Provide the total number of reported cases of violence against children in 2000, 2001, 2002 and 2003.

SEX	Y E A R			
	2000	2001	2002	2003
Both Sexes	11,045	9,448	10,045	10,044
Male	2,688	2,686	2,770	2,768
Female	8,357	6,762	7,275	7,276

Source: Department of Social Welfare and Development

53. Provide the total number of convictions and reported cases for the various categories of crimes of violence recorded against children in 2000, 2001, 2002 and 2003.

Date not readily available. Will require special study.

VII. AWARENESS, ADVOCACY AND TRAINING

This section is aimed at gathering information on any awareness-raising, advocacy and training activities relating to violence against children which may have been conducted by your Government.

54. Over the last five years has your Government conducted or commissioned any campaigns for raising awareness of and preventing violence against children?

If YES, please describe any recent campaigns, including the settings and types of violence that were the subjects of the campaigns and the target audience (general public, caregivers, teachers, etc.).

With the issuance of the various legislations regarding the protection of children, series of advocacy activities were conducted from the national to the local levels. Basically, these advocacy activities focused on the orientations about the rights of the child as well as the provisions of the new laws. Special events such as the yearly celebration of the Children’s month every October, were held and which included campaigns against child labor through the celebration of the Global March. Print media as well as radio and television shows were used for the dissemination of information regarding the rights and legislations about children needing special protection. Community-based orientation were like conducted by both government and non-government organizations

The growing awareness regarding the special groups of children facilitated the passage of several laws as earlier mentioned and the increased reports on cases of violence against children.

55. How were the campaign messages and information disseminated (check all that apply)?

Print media	✓
Radio	✓
Television	✓
Theatre	✓
Schools	✓

56. Over the last five years, has your Government provided, commissioned or sponsored training programmes in the area of violence against children?

If YES, indicate which of the following areas were addressed by the last such training programmes and which provider groups received training (check all that apply).

Various groups of professionals and para-professionals were provided with orientation/trainings. Trainings on prevention usually focused on the rights of children and the responsibilities of parents/alternative caregivers; prevention of domestic/family violence; and parent effectiveness.

On the other hand, the trainings on protection focused on the mechanisms for early detection, referral and rescue of children-victims of violence. Personnel and officials involved in the justice system were given trainings also on the guidelines or procedures in handling cases of violence against children as well as the provisions of related laws, including the appropriate penalties.

Rehabilitation trainings aimed to strengthen case management; provision of residential care, legal services, psycho-social treatment, counseling, community-based responses and alternative education . Lastly, local government officials and staff underwent orientation on the rights of the child as well as the mechanics of ensuring child-friendly communities, including the organization of local councils for the protection of children

Checklist of Trainings by Type of Participants and Program Area

Provider	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including pediatricians, nurses, psychiatrists and dentists)	√	√	√	√	
Public health practitioners	√	√	√	√	
Social workers and Psychologists	√	√	√	√	√
Teachers and other educators	√	√			
Court officials (including judges)	√	√	√		√
Police	√	√	√		√
Prison officers	√	√	√	√	√
Juvenile: offenders personnel, Institution personnel,	√	√	√		√
Parents	√	√			
Children	√	√			
Local government officials and staff	√	√			

P R E F A C E

The United Nations' General Assembly mandated the conduct of a study on violence against children (VAC). The Study aims to promote ideas for action that will prevent and reduce VAC and suggest ways in which these can be strengthened at the local, national and international levels. It will draw together existing researches and information about the forms, causes and impact of VAC. For this purpose, a call was made for public submission of country reports.

A questionnaire was developed and forwarded to the UN member-countries. The questionnaire covered seven sections; i.e., Legal Framework; Institutional Framework and Resources; Role of Civil Society; Children as Actors in Addressing Violence; Policies and Programmes; Data Collection, Analysis and Research; and, Awareness, Advocacy and Training.

As the coordinative body on children concerns, the Council for the Welfare of Children took the lead in accomplishing the questionnaire. As an initial step, the CWC convened an inter-agency consultation on 9 August 2004 to discuss the procedures in undertaking the Philippine study. As a result, a National Steering Committee was formed with each member taking charge of accomplishing one section of the questionnaire through wider consultation with concerned government agencies and non-government organizations.

Aside from directly accomplishing the questionnaire, the Committee agreed to consolidate the various responses into a full report. The draft report was further presented to the Committee for review and was later adopted by the ____ in its meeting last _____.

The task does not end here. A second look at the situation of violence against Filipino children will hopefully accelerate a concerted and integrated effort to address this issue.

INTRODUCTION

Carino-brutal, a Filipino-Spanish term which literally means “caring-brutal”. A term which some Filipinos used to justify violence against children ... that hurting children is a way of disciplining, a sign of caring. And, sadly, a lot of Filipinos would understand and even accept it as a valid reason. It is also a term of contradictions that may characterize the dilemma that confronts a lot of Filipino families as to how they value their children.

Filipinos have always considered children as treasures or blessings because they are the future of the nation. It is for this reason that the Philippines guarantee the rights of the Filipino children. But for a lot of Filipino children, being a treasure has taken a different meaning as their future came too early with them being forced to share in the responsibilities of adults even at young age. These circumstances are often characterized by violence against children.

Of the 2,704 adolescent respondents, 86% claimed to receive any form of psychological, physical and sexual abuse, violence or neglect at least once in their lifetime. As a child, 60 percent reported to be psychologically traumatized, 83% were physically maltreated, 12% were sexually molested, 2 percent were forced to have sex and 5% felt neglected in terms of basic needs.

Baseline Surveys for the National Objectives for Health Philippines 2000
Department of Health, Manila Philippines

The reported cases of Filipino children who are in need of special protection had been increasing. Although the increase may be a result of the improvement in the reporting system and/or a growing awareness of children’s rights rather than being indicative of a worsening situation, the problem merits priority attention because of the depth of its ill effects.

Violence against Filipino children are committed through physical and psychological abuse/deprivation that manifest in the worst forms of child labor, child, child prostitution, begging in the streets, abandonment, trafficking and /or recruitment as soldiers or couriers in armed conflict areas.

Most instance or forms of violence against Filipino children are attributed to poverty. But attributing violence primarily to poverty without examining its different dimensions other than inadequate income perpetuates the bias against the poor. Poverty in the Philippines is characterized by a chronic or cyclical condition of deprivation of basic services that include education basic education, health and nutrition services, livelihood or employment opportunities, durable housing and clothing. Poverty has affected several generations of a lot of Filipino families the compounded results of which are inadequate parental capabilities, strained family

relationship and corrupted values. Thus, the increasing reported cases of violence against children are the social manifestations of the historical roots of poverty.

In the Philippines, children who are victim of violence are categorized as children needing special protection (CNSP). The CNSP are further grouped into sub-sectors according to their circumstances or nature of violations/offenses that they experienced rather than by the setting. Thus, CNSP includes child labor; children-victims of sexual abuse and commercial sexual exploitation; abandoned and neglected or children without primary caregivers; children of indigenous cultural groups, child-victims of disasters; children in situations of armed conflict; street children; and, children in conflict with the law.

For purposes of this report, the circumstances of violence against Filipino children are presented by setting. It should be noted, however, that, in most instances, the initial experiences of violence occur at home or in the family that lead children to move on to another setting. Without proper parental care, these children move to the community at large or the street where they are susceptible to abuse and exploitation.

Violence in the home and in the family: Some 16 percent of households, which were covered by a survey in 1993, have children below 12 years old who were left unattended or with no adult supervision.

With 28.4 percent or 5,139,56 of Filipino families being poor in 2000, poverty has been considered as a major reason for violence in the home. Though being poor does not readily result to violence, the pressure of providing for the basic needs of the family has led a lot of parents to neglect or leave their children unattended for a certain portion of the day. Limited economic opportunities in the rural areas have forced a lot of parents to seek work in urban areas or abroad. Thus, the number of solo parents had increased through the years. The parent who is left behind takes the full responsibility for child-rearing and, sometimes, even that of earning an income since employment in the cities is not easily available after all nor pay enough to pay for the cost of living in the city, at the same time, send back money to the family. Eventually, both parents go to the urban areas to earn enough income, leaving their children to relatives. In recent years, more mothers seek work in urban areas or abroad as there are more employment opportunities for female service workers. Thus, children are left to the care of the fathers who are not traditionally prepared for child rearing. These various circumstances have created strain in family relationships that often lead to domestic violence with children as the victims. Children-victims of domestic violence are subjected to physical, verbal and emotional abuses. Physical abuses can even involve sexual abuses. The number of reported incest sexual abuses had increased from 514 in 1996 to 1,681 in 2000 (DSWD). The prolonged separation from their wives or absence of mothers in the home has been used by some fathers to justify sexual abuse of their daughter/s.

Other types of sexual abuse are those of acts of lasciviousness and rape cases. There has been an increase in reported cases of sexual abuse mainly because of the increasing awareness regarding the various government and non-government agencies to where the children can report.

Violence in work situations: Poverty had lured a lot of children to work even in hazardous conditions. Based on Republic Act No. 7610, child labor in the Philippines is the employment of children below 15 years of age or the employment of those 15 years of age or over but below 18 years of age in hazardous or exploitative situations. The Philippine-ILO Indicative Framework for Action has identified the following as the major forms of hazardous child labor: child victims of trafficking; children engaged in mining and quarrying; children in home-based enterprises especially sub-contracting arrangements; children in domestic service; children in commercial agricultural plantations, including sugar and vegetable production; children in pyrotechnics production; children in deep sea diving and fishing; and, children in prostitution.

The National Survey on Children, which was conducted by the National Statistics Office (NSO), revealed an increase in the number of working children from 3.6 million in 1995 to 4 million in 2001. The 4 million working children were aged 5-17 years old, representing 16.2 percent of the total number of children in the said age group. About 60 percent of them were exposed to hazardous working environment.

Table 1: Child Labor Trends in the Philippines (1994-1995 and 2000-2001)

Indicators	1994-1995	2000-2001
Total no. of children, 5-17 years old	22,382,000	24,851,000
No. of working children, 5-17 years old	3,577,999	4,018,000
Proportion of working children to total	16 percent	16.2 percent
Distribution of working children		
• Rural	67.1 percent	70 percent
• Urban	32.9 percent	30 percent
Distribution of working children by gender		
• Male	65.4 percent	63.4 percent
• Female	34.6 percent	36.6 percent
Distribution of working children by age		
• 5-9 years old	6 percent	6.1 percent
• 10-14 years old	44.7 percent	48.1 percent
• 15-17 years old	49.3 percent	45.8 percent

Source: NSO, Survey of Children 1994-1995 and Survey on Working Children 2000-2001

Although the boys comprise the larger share of working children, it should be noted that the proportion of working girls increased. More than 50 percent of the working children were engaged in agriculture, hunting and forestry while 15 percent were in trade-related activities. About 2.4 million or 59 percent of the children did

not receive any pay. Being young, they are also prone to other forms of exploitation, maltreatment and abuse.

Results noted that domestic work demands a lot of time from children. Unclear terms of work since the onset of employment were common. Work hours ranged from 5-16 hours. The respondents experienced work-related illnesses due to exhaustion, deprivation of opportunities to go to school and physical and verbal abuses. The children were vulnerable to sexual abuse and they have no access to help and intervention. The children tolerated the difficulties they faced rather than be unemployed.

Girl Child Labour in Domestic Service in the Philippines
Roland Pacis; Levinson Alcantary, Gloria Elena Labrador
Visayan Forum Foundation, Inc.; Institute for Labour Studies, DOLE

About 37 percent of the children work from 5-8 hours a day while approximately 9 percent worked for more than 8 hours and about one-fourth worked even in the evenings.

They suffer from exhaustion, stress, risks, danger, illnesses and fall hazards. They are exposed to heat, noise, radiation, pressures and fall hazards. About 23 percent of working children suffer from work related injuries. Only 22 percent of them continue to attend school but their work reportedly had adverse effect on school performance since they are prone to absenteeism and tardiness thus, got low grades. Many are working in

the informal sector that are beyond the reach or difficult to detect by authorities.

Among the worst or the worst form of child labor is commercial sexual exploitation of children (CSEC). Since it is a highly illegal activity, it is hard to obtain data as to the number of prostituted children. As of 2002, there were 284 reported CSEC cases. The study entitled "Commercial Sexual Exploitation of Children in the Philippines: A Situation Analysis", which was commissioned by the Department of Social Welfare and Development (DSWD) and UNICEF, showed that children-victims were mostly females aged 13-18 years old. Most of the children were out-of-school and belonged to large families. They were lured or deceived into the sex trade. The respondents cited poverty, lack of parental care, history of abuse as well as community factors such as vices, lack of youth programs, presence of gangs and propensity for materialistic or consumerist behaviour as the major factors that force the children to commercial sex.

The Philippines is faced with the serious problem of child trafficking which is committed for the purpose of labor, usually, in factories and as domestic workers; for sexual exploitation and for illegal activities such as begging, drug trading and illegal adoption. Children of poor families in the rural areas are usually the target for child trafficking.

Violence in the community and on the streets: In urban areas, children who are forced to work to augment their family income usually spend a substantial part of their time in the streets near entertainment areas, bus terminals, ports, parks and any other areas where they can find work. They engage in vending, shoe-shining,

begging, watching/washing cars, making deliveries and other odd jobs. Some other children were forced in the streets because of family problems and/or peer influence.

It is difficult to get a headcount of street children since they are usually mobile or transient. A recent study conducted by Dr. Exaltacion E. Lamberte, as commissioned by UNICEF, revealed that there were about 246,011 street children in 22 major cities in the country. About 80 percent are boys and 95 percent still have parents.

Street children are susceptible to malnutrition, vehicular accidents, injuries illnesses, drug or substance abuse , sexual exploitation, gambling and harassment by police or other extortionists. They also tend to join gangs as a form of protection.

A lot of children are also involved in drug trading in their communities by serving as runners, lookouts or barkers as well as by doing repacking or cleaning up of paraphernalia . In Cebu City alone, it was estimated that about 1,300 children were engaged in such. Respondents in the said study entitled "Children's Involvement in the Production, Sales and Trafficking of Drugs in Cebu City" reported that their environment were conducive for their involvement in drug trading particularly since their barangay officials were also involved in said illegal activities. The need for money was the major reason that drove them to work in drug trading. Most of the children-respondents were drug users themselves and even one-third of them had parents who were also involved.

Consequently, some children got physically or verbally abused both by the drug leader and law enforcers when they get caught. Some of them have been imprisoned but since they are minors, they were eventually released. This is also the reason why drug pushers prefer to hire children, aside from the fact that they are obedient and not easily detected.

There are about 2.5 million children in cultural communities which are among the most disadvantaged or marginalized sectors in the country. They mostly live in remote areas usually accessible only by foot. They have limited access to basic social services and often suffer from discrimination

Violence against children in conflict with the law:

A UNICEF-commissioned study entitled "Situation Analysis on Children in Conflict with the Law and Juvenile Justice System," conducted by the Ateneo Law School in 1997, revealed that the Filipino child in conflict with the law is usually male; between the ages of 14 and 17; elementary graduate, middle child from a low-income family with four to six members; charged with property-related crimes (robbery and theft); and, exposed to drugs or gang influence.

The Progress of the Philippines toward the Year 2000 World Summit Goals for Children (UNICEF, 1997) recorded a total of 1,380 children in conflict with the law in 1996, of whom 1,254 were detained and 126 were sentenced. The situation worsened in succeeding years. The Philippine National Police (PNP) reported 4,845 cases of children in conflict with the law in 2000 and 5,905 cases in 2001.

Violence in schools: Data/Information on violence against children in school is not available. Though corporal punishments are strictly prohibited in school, there are a few reported cases of physical and verbal abuses. Some of these cases involved bullying by classmates that result to injuries or even illegal hazing conducted by fraternities, some of which result to death. Other reported cases of violence in school involved the teachers who impose physical punishments or verbal abuses such as scolding in public. There are also a few reported cases of sexual abuses or harassment committed by school teachers or officials.

Violence in alternative care: Violence against children in alternative care are monitored by the DSWD in accordance with their mandate on licensing and accreditation of social welfare institutions. Although there is no consolidated report on the various forms of violence in alternative care, there were limited reports of house parents or staff who committed some physical or verbal abuses against their wards. Oftentimes, these are attributed to the inadequate skills of house parents or staff to handle so many children or manage “unacceptable” behaviour that are manifestations of the difficult or traumatic experiences of the children. These “misbehaviour” includes some conflicts among the children themselves particularly among those who have difficulty adjusting to a structured setting as well as in establishing good relationships because of several years of abuse and exploitation.

Violence in media: There is a growing concern in civil society regarding the uncontrolled or unregulated supply of pornographic materials in public that are accessible to children. In the sidewalks, children can easily buy tabloids that feature pictures and articles that are not suitable to them. Similarly, the availability of cable television, internet connections and video discs make it increasingly difficult for parents to regulate or monitor the information that children are getting. Ironically, extended hours spent in front of the television and/or computer has become an alternative form of “socialization” for children whose parents are too busy earning an income. In some cases of violence committed by children themselves, they related that they were re-enacting a movie or show that they have just watched.

Violence in unstable setting:

The 2002 State of the Filipino Children reported that children were recruited by armed rebel groups serve as combatants, couriers, guides, medical aides, or spies. Children in situation of armed conflict comprised 13-18 percent of armed rebel groups.

Development aggression and the outbreak of armed conflict have also resulted in the displacement of thousands of Filipinos, many of which are children from the poorest families. The Armed Forces of the Philippines estimates the number of children involved in armed conflict at 13 percent of the total rebel population. During the encounters of government military troops and armed groups, casualties and those who were captured were mostly children. It has also been observed that most of these children involved in armed conflict come from indigenous people's communities. Armed conflict has resulted to injuries or disabilities and even death as well as caused serious emotional trauma among children. Prolonged armed conflict have seriously affected the children in evacuation centers where basic services were inadequate, resulting to malnutrition, illnesses, death, disrupted education and various forms of psycho-social problems.

Disasters caused by natural calamities have also caused displacement, mostly among poor families. Again, displaced children suffer from malnutrition and illnesses that sometimes lead to death as well as disrupted education.

LEGAL FRAMEWORK

The rights of children are recognized by the State as enshrined in the 1935 and 1987 Philippine Constitution. Specifically, Article XV, Section 3 of the 1987 Constitution explicitly states the right of children to assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development.

Even way back in 1974, the Child and Youth Welfare Code (Presidential Decree No. 603) has been enacted. P.D. 603 codifies all laws regarding the rights and responsibilities of children and their parents as well as those of the home, church, Samahan, Education and the State. Special categories of children have been recognized that include the neglected and abandoned, physically and mentally disabled and youth offenders. The Code also provided for the creation of the Council for the Welfare of Children (CWC) as a coordinative body.

Eventually, the Code underwent several amendments in consonance with the provisions of the Family Code and in response to emerging concerns.

The Philippines is also a State Party to a number of international human rights instruments, relevant among which are the following:

- a. International Covenant on Civil and Political Rights;

- b. International Covenant on Economic, Social and Cultural Rights;
- c. Convention on the Rights of the Child including its Optional Protocols on the Sale, Child Prostitution and Child Pornography, and the Involvement of Children in Armed Conflict;
- d. ILO Convention No. 139 Concerning the Minimum Age for Admission to Employment;
- e. ILO Convention No. 182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor;
- f. Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, Supplementing the UN Convention Against Transnational Organized Crime;

Having ratified the aforementioned international human rights instruments, domestic legislations were harmonized with the standards provided in these various international instruments. After the ratification of the Convention on the Rights of the Child, a number of legislations were passed to conform to the requirements of the CRC. Relevant among those are as follows: (Please refer to Annex A for an annotated list of these laws.)

- a) Republic Act (R.A.) No. 6809 – An Act Lowering the Age of Majority from Twenty-One to Eighteen Years Amending for the Purpose Executive Order No. 209, and For Other Purposes;
- b) RA 6972 – Barangay Level Total development and Protection of Children Act;
- c) RA 7610 – Special Protection of Children Against Child Abuse, Exploitation and Discrimination;
- d) RA 7624 – An Act Integrating Drug Prevention and Control in the Intermediate Secondary Curricula as well as in the Non-Formal, Informal and Indigenous Learning Systems and For Other Purposes;
- e) RA 7658 – An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings;
- f) RA 8043 – Inter-Country Adoption Act;
- g) RA 8353 – Anti-Rape Law;
- h) RA 8369 – Family Courts Act ;
- i) RA 8552 – Domestic Adoption Act;
- j) RA 9262 – Violence Against Women and Their Children.

The ratification by the Philippine government of the Protocol against Trafficking in Persons and ILO Convention No 182 has likewise resulted in the enactment of the following:

- a) RA 9208 – Anti-Trafficking in Persons Act
- b) RA 9231 - An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child

Since the Philippine legal stage of affairs is replete with legislative enactments regarding violence against children, records of the Supreme Court on related cases cited some of the aforementioned domestic legislative enactments as bases for its resolution. There were also some cases decided by the Philippine Supreme Court that have cited international standards but these were those that dealt with issues on adoption and discrimination in education and employment.

The aforementioned enactments have greatly enhanced the protective services for children. Specifically, the laws provided clearer definition of the forms or circumstances of violence against children which are indicative of the broadened perspective about the rights of the child. R.A. 7610 expands the definition of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development. R. A. 9208 defines the trafficking whereas R.A. 9231 described the various forms of child labor. On the other hand, R.A. 8353 reclassifies rape as a crime against person rather than just a crime against chastity whereas R.A. 9262 defines the various acts of violence against women and children to include physical, sexual and psychological violence as well as economic abuse.

By redefining the various forms of offenses/violence, there are stronger legislative bases to seek redress for the victims. For one, said definitions established a common understanding of abuse/exploitation that led to more unified action.

Various legislations also provided for stronger penalties against the perpetrators that were intended to serve as deterrents. Also, some laws expanded the liabilities to include those parties who perpetuate, connive, facilitate or conceals child abuse/exploitation. R.A. 7610 and R.A. 9208 are examples of penalty laws that primarily focus on strengthening punishments of perpetrators. Some laws provide greater penalties if a crime is committed by parents or collateral relative within the specified degree of consanguinity (R.A. 7610 and R.A. 8353) or if it is committed by a law enforcer or a member of the military (R.A. 8353 and R.A. 9208).

A related development along this line is the greater authority vested on the State to take protective custody of children that include pursuing legal sanctions in their behalf. This is a major stride since, previously, a lot of families/parents desist from pursuing legal action against the perpetrators primarily because of economic, social and cultural reasons.

Along with the redefinition and provision of stronger penalties, several laws provided for the adoption and implementation of a comprehensive program that include a continuum of services from prevention, protection, rehabilitation and reintegration. Most of the provisions related to prevention refer to the conduct of advocacy and information dissemination and training activities. The provisions related to protection include the installation of monitoring system; conduct of surveillance/investigative activities; creation or establishment of early response

teams, units and procedural guidelines as well as establishment or identification of protective shelters.

Almost all of the aforementioned laws defined the procedure for seeking redress by way of defining who are authorized to file complaints. Significantly, most of the laws expanded the authorized complainants besides the victims and their parents to include other relatives, barangay chairperson, social workers of child caring institutions and even responsible citizens. Said provisions emphasize the social responsibility of various sectors in protecting the children. Another milestone provision on redress is the creation of the Board of Claims under the Department of Justice which will receive, evaluate, process and investigate applications for claims/compensation for those who have been unjustly detained, accused, convicted or imprisoned, those who were victims of arbitrary or illegal detention, or those who were victims of violent crimes.

For purposes of rehabilitation or reintegration, the provision of a comprehensive set of services is mandated to include housing or shelter, counseling; medical, educational, legal and livelihood assistance. As designed, these rehabilitative/reintegrative services are responsive to the multi-dimensional causes of violence against children.

To implement the comprehensive protective program, the laws also provided for the creation of various inter-agency mechanisms to ensure the complementation of various services that are responsive to the multi-dimensional problems of children needing special protection. The Special Committee for the Protection of Children and the Inter-Agency Council Against Child Trafficking were some of the inter-agency mechanisms that were created by the aforementioned laws. Moreover, the roles of the local government units were strengthened particularly with the provision of R.A. 8505 that mandated the establishment of

The application of the aforementioned laws covers all types of settings as well. Thus, the law punishes violations or acts committed in any place. The Anti-Sexual Harassment Act or R.A. 7877 is, however, relevant to forms of harassment only in employment, education or training environment. Moreover, the Family Code explicitly prohibits against corporal punishment in the school. Similarly, R.A. 8049 prohibits hazing in school and/or organizations to include military institutions.

The legal provisions to address all forms of violence against children are applicable to all persons living or sojourning in Philippine territory. The Philippines follows the principle of territoriality under the Public International Law (i.e., the state has absolute, but not necessarily exclusive power to prescribe, adjudicate and enforce rules for conduct that occurs within its territory) in the application of criminal laws except in those cases stated in Article 2 of the Revised Penal Code.

Thus, regardless of a person's nationality or citizenship, if living or sojourning in the Philippines, the laws obtaining in the country will cover her/him.

A comprehensive review of the implementation or enforcement of the various legislations that address violence against children has yet to be undertaken. Informal reviews, though, indicated that there are sufficient protective laws for Filipino children. The implementation/enforcement of these laws is, however, seriously undermined by limited resources that may be reflective of the need for intensified advocacy so that the concerns of children are given due priority that will manifest in increased resource allocation.

The Council for the Welfare of children recently reviewed the existing legislations/policies vis-à-vis the provisions of the Convention on the Rights of the Child. The review indicated the need to revise or enhance implementing policies in consonance with the provisions of existing laws. Still, the following legislative agenda need to be pursued

- a. ***Establishment of a Comprehensive Juvenile Justice System*** – CICL have varying needs that require human, effective and fair treatment at all stages of the legal proceedings – from apprehension, investigation, prosecution, adjudication to follow-up care. Emphasis should be on the promotion of the well-being and rehabilitation of juvenile offenders rather than on exacting retribution. The establishment of a Comprehensive Juvenile Justice System is deemed urgent and necessary to fill the gaps in the treatment of CICL. It should include the following salient features:
 - Adoption of Restorative Justice Framework
 - Detention as a last resort;
 - “Diversion” proceedings in appropriate cases;
 - Higher minimum age of criminal responsibility
 - Measures or mechanisms to establish and prove the age of a child at the earliest opportunity to spare them from the imposition of the capital punishment;
 - Strengthening/Institutionalization of juvenile justice delinquency prevention program, and
 - Creation of a special body that will focus on ensuring the implementation and monitoring of the system
- b. ***Amendment of R.A. No. 7610*** – In the light of the new laws on children, there is a need to study the efficacy of the provisions of R.A. 7610 to address the emerging issues on child protection particularly of children in commercial sexual exploitation and identify areas for

amendment. Classifying pedophilia as a crime should likewise be advocated for.

- c. *Amendment of the Family Code* – The current law does not allow legitimizing children born to under-age parents. The only remedy which under-age parents avail of to give legitimate status to their children is adoption. Considering the costs involved, parents are discouraged to consider such option and often resort to falsification of documents. Worse, they let children remain with an illegitimate status.
- d. *Prohibition of production, possession and dissemination of child pornography*- There is no specific legislation on the matter. Under R.A. 7610, however certain presumptions regarding factual circumstances which may exist in recording sessions of child pornography have been created in favor of a finding an existence of child abuse. P.D. 1987, which created the Videogram Regulatory Board, guarded against pornography regardless of the age of the victim. However, in R.A. 9239 which created the Optical Media Board and superseded P.D. 1987, since it is the medium which is sought to be regulated by the law, and not the content, said function has ceased to exist. Nevertheless, the Optical Media Board has continued to do raids based on the Article 201 of the Revised Penal Code (Act 3815).

POLICIES AND PROGRAMS

The Medium-Term Philippine Development Plan (MTPDP) 2005-2010 and the President's Policy Direction laid out five main strategies which includes the protection and empowerment of the vulnerable groups, including disadvantaged children and their families. Further, the MTPDP has integrated the Millennium Development Goals which include child-related indicators.

To complement the MTPDP, there are four national plans or framework that guides the various programs and projects for protection of children. These are as follows:

- a. *The Philippine National Strategic Framework for Plan Development for Children or Child 21* is a long-term framework for a period of 25 years and covers a long-term vision for the Filipino children that describe the kind of society we want them to have. As a strategic framework, it serves as a common reference that will guide the

different stakeholders in preparing their respective plans and program so as to maximize the impact of interventions towards promoting and safeguarding the rights of Filipino children. It defines the objectives at every stage of the child's development, making sure that there are programs and interventions at every stage of the life cycle. Through this, the convergence of services of different sectors would be achieved in the context of the most critical stage where interventions are most needed.

- b. ***Comprehensive Program Framework for Children Involved in Armed Conflict-*** This program aims to promote the concept of children as zones of peace. It is specifically aims to create an understanding of children in armed conflict. It also entails the mobilization of both the government and the civil society to protect children. Likewise, it wants to protect children from recruitment by armed groups by addressing the problem of widespread poverty and inadequacy of social services in identified priority areas. Lastly, it provides for the rescue, rehabilitate and reintegrate into the mainstream children who are victims of armed conflict.
- c. ***Framework of Action Against the Commercial Sexual Exploitation of Children (FA-CSEC)*** It sets out broad program objectives and strategic actions that will serve as guide to the various stakeholders in promoting child rights and preventing and/or controlling the growth of commercial sexual exploitation of children. The FA-CSEC focuses on the responsibility of the State and all sectors of society in working towards upholding children's right to protection against commercial sexual exploitation. It is anchored on the UN Convention on the Rights of the Child and the 1996 Stockholm Declaration and Agenda for Action Against Commercial Sexual Exploitation of Children. It affirms the vision and the philosophy laid down in the Philippine Plan of Action for Children (PPAC) and its successor plan, the Philippine National development Plan for Children, 2000-2025 (Child 21). It also fits in with the GOP-UNICEF Fifth Country Program for children (CPC V), 1998-2003.
- d. ***The Medium-Term Strategic Framework on the Girl Child-*** The girl-child is viewed through a gender and development (GAD) perspective which highlights the distinct as well as the complementary roles and responsibilities of the two genders. Focus on the girl child is seen as a step toward addressing issues of inequity or inequality that have neglected their development and growth over a long period of time. Also, it highlights the gender perspective of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

as applied to the rights of the child spelled out in the Convention on the Rights of the Child (CRC). This linkage of the CRC-CEDAW tenets is operationalized through the life-cycle approach adopted by Child 21, beginning from the earliest stages of life of the girl child, through her childhood and into adulthood to ensure that gender concerns are mainstreamed across all child-focused policies, programs and services.

An inventory of the agency policies issued in the past four years showed that most of them were from the DSWD, being the lead agency mandated to address violence against children. (Please refer to Table 2 for the summary list and to Annex B for an annotated list of agency policies.) Most of the agency policies formed part of the implementing rules and regulations of various laws. Also, most of them provide for general guidelines that apply across the different settings. In terms of prevention, it may be noted that these were relevant to the family, school and workplace. The Guidelines for the residential services cover the whole range of services from protection to reintegration.

In compliance with R.A. No. 7610, the DSWD and DOJ jointly organized a Special Committee for the Protection of Children. The Committee formulated the Comprehensive Program on Child Protection which has three major components; i.e., Prevention; Reporting, Rescue, Investigation and Judicial Involvement of Children; and, Rescue, Recovery and Reintegration.

The Prevention Components focuses on the following major strategies:

- a. Prioritization of education in child abuse prevention programs – Prevention focus on educating the various stakeholders about personal safety, child development; parent-child relationship and children’s rights.
- b. Provision of support system for families and care-givers especially families at risks – This entails improving access to family-focused and community-based basic services such as livelihood and early childhood care and development.
- c. Establishment of effective, built-in screening and detection programs for children at risk and for abused children within basic social services at the barangay, city and municipal levels. Capabilities of ECCD implementers at the LGU levels shall be enhanced to integrate mechanisms for early detection and referral of disability and child abuse;
- d. Integration of child abuse prevention with other family support programs and initiatives for children.
- e. Establish and activate community “child watch”.

The Rescue Component shall entail a Multi-disciplinary Team Approach. It will involve various improvements in the juvenile justice system that include legislative reforms based on restorative justice approach; training and continuing education of the five pillars of the justice system; research and improvement of the database and monitoring system; improvement of the correctional and rehabilitation facilities; and, installation of a diversion program at all levels.

Moreover, the following strategies shall be adopted:

- a. Reporting of and Responding to individual cases involving children will involve the adoption of differing approaches in dealing with children as victims and with children as witness
- b. Unifying procedures for investigation and preparation of a child to face the court. Also, a core of duty holders shall be appointed as guardian to provide support to children and represent them;
- c. Defining agency jurisdiction and coordinating actions through a Child Abuse Network that will adopt a simplified process.
- d. Clarification of the roles of the local government units towards facilitating the organization of functional local councils for the protection of children and establishing barangay-level reporting system.
- e. Improving monitoring, feedback and evaluation procedures and system from the LGU to the national level that will allow the assessment of the efficacy of programs.

Recovery and reintegration of children begins at the center which provides a therapeutic environment that includes individual and group counseling/therapy, theater arts, play therapy, leadership training, socio-cultural activities and sports. The center-based services shall be complemented with the following strategies:

- a. Improvement of the psycho-social recovery and reintegration of rescued children into their families and communities. This includes the enhancement of support services for families; development of rehabilitation programs for the perpetrators and adoption of indigenous approaches in conflict resolution.
- b. Family and community empowerment by strengthening existing community structures such as the LCPC, organizing foster care, capability building of leaders, developing family-enrichment programs and organizing support systems in the community;
- c. Conduct of/Replication of innovative, center-based as well as community-based psycho-social interventions
- d. Enhancement of the technical capacities of program managers, supervisors, social workers and other service providers.

Admittedly, though, the full implementation of the comprehensive program for the protection of Filipino children is seriously constrained by inadequate resources of the national and local levels, to which most of the basic child-focused services were devolved. Based on the findings of the study entitled “Resource Allocation Trends for Children”, budgetary allocation for child protection had been very minimal at Php2.09 billion for the period 1996-2000. This amount represents .078 percent of the total budget for the said period. With the East Asian financial crisis, the budgetary allocation even decreased.

Table 3: Budgetary Allocation for Children’s Protection: 1996-2000 (In Thousand Pesos)

AGENCY	2000	1999	1998	1997	1996	TOTAL
Office of the President	92,288					92,288
DILG-OSEC	59,038	18,532				77,570
DILG-Phil. Public Safety College	80	42	18	39		179
DOJ-Special Committee on the Protection of Children	1,210	2,302	4,752			8,264
NBI	25,945	23,775	25,418	16,510	15,521	107,169
DOLE-Community Action on Child Labor	10,518	7,561	9,024	7,047	4,235	38,385
DOH-OSEC		14,969	12,491	12,094		39,281
DOH-Dangerous Drugs Board	70,551	58,611	98,425	65,530	52,111	345,228
DND-Office of Civil Defense	124,717	42,808	44,594	51,874	28,551	292,544
DSWD-OSEC	104,735	86,272	236,433	250,049	242,667	920,156
DSWD-CIDSS*	1,000	7,111	7,111	7,111		22,333
Council for the Welfare of Children	17,042	15,319	24,389	11,913	17,151	85,814
Inter-Country Adoption Board	5,417	8,130	5,834	5,087	4,407	28,875
National Council for the Welfare of Disabled Persons	6,565	5,924	6,298	5,282	5,197	29,266
TOTAL	519,106	291,083	474,787	432,536	369,840	2,087,352
TOTAL GAA	629,000,000	593,580,491	537,433,273	493,469,067	416,139,474	2,669,622,305
% of GAA	0.082	0.049	0.088	0.088	0.089	0.078

The Study noted, though, that budgetary allocations for child protection are integrated in other regular social development programs. However, the Study also revealed that the budgetary allocation for basic education ranged from a low of 9.8 percent of the annual national budget in 1996 to a high of 13.2 percent in 1998. From 1996 to 2000, total budget for basic education amounted to Php318.17 billion which represents about 12 percent of the total budget. Though the budgetary allocation for basic education has increased at an average of 19 percent, said allocation is way below the requirements of the sector.

On the other hand, the budgetary allocation of health has dramatically decreased from 1998-2000. Total budget for health amounted to Php2.08 billion from 1996 -2000, the amount of which represented about 0.5 of the total budget for the same period. It was estimated that each child got only Php0.000015 worth of health services in 2000. Similarly, the budget for nutrition declined from 0.16 percent in 1998 to 0.06 in 2000. The total budget for 2000 amounted to Php397 million which is grossly inadequate considering the requirement of Php3.4 billion as estimated by the National Nutrition Council.

In view of the limited resources, advocacy and innovative resource generation activities have become inherent strategies among the various child-welfare institutions. The private sectors have been actively involved both as donors and resource mobilizers. Some of the innovative resource generation activities include the conduct of telephone, Bantay-Bata advocacy shows, benefit shows, the Children's Hour which involved donating the amount of one-hour salary in a month; and coin banks in commercial establishments. Leagues of corporate foundations and religious groups have also initiated adopt-a-barangay or adopt-a-school programs.

ADVOCACY AND TRAINING

With the issuance of the various legislations regarding the protection of children, series of advocacy activities were conducted from the national to the local levels. Basically, these advocacy activities focused on the orientations about the rights of the child as well as the provisions of the new laws. Special events such as the yearly celebration of the Children's month every October, were held and which included campaigns against child labor through the celebration of the Global March. Print media as well as radio and television shows were used for the dissemination of information regarding the rights and legislations about children needing special protection. Community-based orientation were like conducted by both government and non-government organizations

The growing awareness regarding the special groups of children facilitated the passage of several laws as earlier mentioned and the increased reports on cases of violence against children.

In terms of training, various groups of professionals and para-professionals were provided with orientation/trainings. Trainings on prevention usually focused on the rights of children and the responsibilities of parents/alternative caregivers; prevention of domestic/family violence; and parent effectiveness.

On the other hand, the trainings on protection focused on the mechanisms for early detection, referral and rescue of children-victims of violence. Personnel and officials involved in the justice system were given trainings also on the guidelines or procedures in handling cases of violence against children as well as the provisions of related laws, including the appropriate penalties.

Rehabilitation trainings aimed to strengthen case management; provision of residential care, legal services, psycho-social treatment, counseling, community-based responses and alternative education . Lastly, local government officials and staff underwent orientation on the rights of the child as well as the mechanics of ensuring child-friendly communities, including the organization of local councils for the protection of children

Table 4: Checklist of Trainings by Type of Participants and Program Area

Provider	Prevention	Protection	Redress	Rehabilitation	Penalties
Medical Professionals (including pediatricians, nurses, psychiatrists and dentists)	√	√	√	√	
Public health practitioners	√	√	√	√	
Social workers and Psychologists	√	√	√	√	√
Teachers and other educators	√	√			
Court officials (including judges)	√	√	√		√
Police	√	√	√		√
Prison officers	√	√	√	√	√
Juvenile: offenders personnel, Institution personnel,	√	√	√		√
Parents	√	√			
Children	√	√			
Local government officials and staff	√	√			

RESEARCHES

Results of the researches and other studies have paved the way for different sectors and institutions to address problems on children. Researches in the past five years mostly focused on various types of child labor, including their involvement in the sex and drug trade; the conditions of children in conflict with the law as well as sexually abused children and children-victims of trafficking. Annex C provides an annotated list of these researches.

A lot of the studies involved surveys as well as participatory researches. These various researches focused on the circumstances of their abuse/exploitation, the factors that caused said abuse/exploitation as well as the effects on their development. Causes of abuses/exploitation of children were determined as the interplay of economic, socio-cultural, personality, behavioral and political factors. Recommendations included the need for strong political will, a responsive network, critical media, committed leadership, professional and committed workers and an effective management and support system.

Several studies also focused on assessment of innovative approaches and/or best practices which included community-based treatment, psycho-social interventions and the application of resiliency and indigenization testing. Consequently, various handbooks or manuals were developed. The results of the researches were also utilized as bases for policy development, capability building of programs for social workers, psychologists, house parents, street educators day care workers and other disciplines working for the sector which include children with disabilities.

Efforts were exerted to provide concrete rehabilitative programs specifically for the youth that have been detained and imprisoned. Analysis of the existing norms and standards on juvenile justice at the international and domestic scenes has stirred all the key actors and stakeholders to take more organized and concrete actions to make the juvenile justice system appropriate and sensitive to the psychological make-up of Filipino children. (Please refer to Annex C for an annotated list of researches.)

INSTITUTIONAL FRAMEWORK

Government Institutions

The Child and Welfare Code provided for the creation of the Council for the Welfare of Children (CWC) which is tasked to formulate, implement and enforce all policies, programs and projects relative to the protection and promotion of the total development of children and youth. The Council is chaired by the DSWD Secretary with representatives of all major departments as members together with three private individuals, including a youth representative. In 2000, the Early Childhood Care and Development Act (RA No. 8980) was passed providing for the creation of the National Early Childhood and Development Coordinating Council as part of the CWC.

Sectoral Task Forces and Sub-Task Forces were organized to study the specific areas of children's concerns; formulate strategies and responses; monitor the situation of projects that are being pilot-tested; evaluate programs and projects; and, generate reports. The Sector Task Forces focus on the five major areas of the CRC, to wit:

- a. Family care and alternative parental arrangements;
- b. Basic health, nutrition, social security and safe environment;
- c. Basic education, leisure, recreation and cultural activities;
- d. Protection of children in especially difficult circumstances; and,
- e. Fundamental civil rights.

The chairpersons and members of each Task Force come from concerned government and non-government agencies. In addition, Sub-Task Forces are organized to discuss emerging issues and concerns. The Task Force on Children in Need of Special Protection is supported by the following Sub-Task Forces:

- a. Sub-Task Force on Indigenous Children;
- b. Sub-Task Force on Disabled Children;
- c. Sub-Task Force on Various Circumstances of Disability;
- d. Sub-Task Force on HIV/AIDS;
- e. Sub-Task Force on Sexually Abused Child and Commercial Sexual Exploitation of Children;
- f. Sub-Task Force on Girl Children;
- g. Sub-Task Force on Children in Conflict with the Law;
- h. Sub-Task Force on Children in Worst Form of Child Labor;
- i. Sub-Task Force on Muslim Children

Outside the CWC, there are other inter-agency bodies and councils which were created by virtue of the laws on children-victims of violence. These inter-agency bodies include the Special Committee for the Protection of Children which was created to oversee the implementation of a comprehensive program on child protection rights and coordinate government and NGO efforts to protect the children-victims of various forms of abuses; Inter-Agency Council Against Trafficking (IACAT) which is tasked to oversee implementation of R.A. 9208; the Inter-Agency Council on Violence Against Women and their Children (IAC-VAWC) which is tasked to oversee implementation of R.A. 9262; and, the Inter-Agency Committee on Children Involved in Armed Conflict which is tasked to formulate and ensure implementation of a comprehensive program framework for children in armed conflict. There are other inter-agency bodies which were organized for purposes of program implementation such as the IAC of the National Streetchildren Program as well as of the National Child Labor Program.

In addition to the inter-agency bodies, most line agencies have specific units that attend to issues and concerns on child protection. For instance, the Department of Health (DOH) established the Women and Children Protection Unit (WCPU) in its hospitals; the Department of Justice formed a Task Force on Children's Protection; the Philippine National Police (PNP) put-up women and children complain desks in all their stations and the Family, Juvenile and Gender Sensitivity Division; the Women and Children Concern Office (WACCO) and the Women's Crisis and Child Protection Center (WCCPC); the National Bureau of Investigation (NBI) have a Violence Against Women and Children Division (VWCD).

At the sub-national level, the CWC has set-up a Regional Sub-Committee for the Welfare of Children (RSCWC) in all the 16 regions of the country. The RSCWC is responsible for the integration of efforts that address children's concerns at the regional level.

At the local levels, the primary bodies that are responsible for the protection of children are the Local Councils for the Protection of Children (LCPC), the creation of which is mandated by P. D. 603 as well as the Barangay Human Rights Action Center (BHRAC). As of October 2004, 78 percent of the 41,974 barangays have organized an LCPC. Similarly, 70 percent of the 55 provinces; 71 percent of 82 cities and 77 percent of 1,501 municipalities have counterpart LCPCs.

Role of Civil Society

Non-government organizations have played very significant roles in the protection of Filipino Children. As of October 31, 2004 there are 201 child welfare NGOs as accredited by the DSWD. The NGOs have provided lead in various advocacies for the passage of legislations; undertaken continuing campaigns to

increase awareness regarding the rights of children and the relevant national laws as well as to resource generation activities; implemented various preventive, rehabilitative and reintegration services as well as adopted innovative approaches for child protection. They are also represented in the various child-related inter-agency bodies of the government at all levels.

Initiatives of some NGOs are as follows:

The **GITIB, Inc.** has a project on children education and biodiversity in 3 barangays of Misamis Occidental. The project gives environmental and cultural education to pre-school children. In the past few months, CRC was integrated in the children's curriculum to supplement the necessary information and campaign on anti child trafficking. Aside from this, they are also giving awareness education for the parents of the children in 6 barangays of the Municipalities of Tudela, Sinacaban and Clarin, and Cities of Tangub and Ozamis regarding the overview of CRC and Anti-Child Trafficking. During the launching campaign on Education for All and United Nations Literacy Decade , they included the children's concerns.

GITIB, Inc. is still planning a project for the urban children of Ozamis City. Based on the experiences in the awareness education in various communities, the domestic violence is still present at home, school and entire community as well as gender disparities.

The **Medical Action Group's (MAG)** contributions and interventions on child protection focus on the health aspect of children. They provide trainings to children in detention, uplift the health status of children in the community and are a member of the Commission on the Welfare of Children in the Commission on Human Rights. They also undertake advocacy against torture on children.

The **Christian Children's Fund (CCF)** is represented in the Local/Barangay Council for the Protection of Children (LCPC/BCPC).

Childhope addresses the issue of violence against children through its Street Education Program which implements the following activities:

As a preventive measure, street children are given Alternative Education Sessions on Personal Safety and Protective Behavior; UN Convention on the Rights of the Child; Paralegal Education; and, Gender Sensitivity. These sessions aim to enable street children to protect themselves and other children while living / working on the streets. By educating them about their rights and the resources available to them in cases of violence and/or abuse, street children develop confidence in relating with the police and other figures of authority, learn to approach different agencies for services/help and become more assertive and expressive of their rights. Through preventive education, children are able to

distinguish when adults cross the line between being authoritative or abusive, and are able to protect themselves from being victims of abuse, be it sexual, physical or verbal.

The Paralegal Component of the Street Education Program provides the following services to children when necessary: Police visit for case follow-up; Police visit for exposure; Police visit for coordination; Facilitation of release from precinct / jail; Assistance in obtaining medical / psychological examination (medico-legal); Assistance in making a police statement; Assistance in filing a case; and, Referral to a rehabilitation center.

The Program's Paralegal Services component works to ensure that children who are in conflict with the law are provided with the appropriate assistance and that their rights as children are observed during the management of their cases.

The Program also reaches out to other civil organizations in promoting the rights and welfare of street children. Advocacy and networking activities are undertaken to address academic institutions, local government units, business sectors, professional groups and other local and international non-government organizations and to encourage them to participate in the advancement of children's rights.

Childhope Asia Philippines also provides the following training modules to address the needs of individuals and/or organizations working with street children who are victims of violence:

- Basic Training on Psychosocial Intervention for Street Children Service Providers
- Child Sexual Abuse and Exploitation: Prevention and Basic Psychosocial Interventions
- Seminar Workshop for Social Workers Handling Child Abuse
- Protective Behavior Against Sexual Abuse Among Children
- Methods and Techniques on Protective Behavior / Personal Safety Against Child Sexual Abuse Among Street children Including Trafficking
- Social Workers and the Juvenile courts
- Teamwork of Social Workers and Police to Assist Children in Conflict with the Law
- Community Mobilization for Advocacy and Prevention of Child Sexual Abuse and Exploitation; Of Trafficking; Of Drug Abuse
- Intervention Programs for the Street Girl Children Focusing on Child's Rights and Empowerment, Recovery and Protection
- Organizing Barangay Council for the Protection of Children

The **Kabataan Consortium** has been a strong advocate against violence against children in Davao from the late 1990's to the present. A product of that advocacy was the legislation of a local ordinance known as the Davao City Children's Welfare Code of 1994. Mainly instigated by child focused NGOs, the ordinance was the first of its kind in Mindanao. In 2001, 9 NGOs with programs for children bonded as a consortium called Kabataan Center for Human Rights of Children and Young People. The Kabataan Consortium has been lobbying for the amendment of the code to make it more attuned to the fast changing times and has been in the forefront in the campaign against various atrocities on children like the continuing Summary Killings, Prostitution of Children, trafficking and pornography.

Bahay Tuluyan's major activities include healing and recovery of children harmed by violence, provision of services and empowerment of children exposed to violence through child to child approach. It also undertakes research and advocacy in relation to all forms of child rights abuses with emphasis on community education regarding the CRC, especially among children and youth.

Terre des Hommes in the Philippines' projects deal with street children, children victims of labor malpractice, summary executions, etc.

Asia Against Child Trafficking undertakes regional campaign to fight child trafficking in Southeast Asia. It is composed of organizations based in Indonesia, Philippines, Thailand, Cambodia, Burma, Vietnam, and Lao PDR which joins the outrage of people's movement, children, private sector and governments in Southeast Asia against the existence of child trafficking as one of the most blatant violations of children's rights in the region. Major activities include launching advocacy and public information, conducting community education, advocating for the strengthening of child protection network, lobbying for laws, conducting researches, assisting in capacity building of partner groups/agencies and extending direct services program through its campaign members to trafficked children and survivors. Specific to the Philippines, the secretariat takes charge of extending training to development workers, social workers, law enforcers, educators, health professionals, children and young people and to other sectors primarily on the issue of child trafficking. It also extends training on Convention on the Rights of the Child (CRC). Asia ACTs also organizes seminar in relation to drafting the guidelines on human rights for trafficked children in Southeast Asia. It also extends training on advocacy and campaign management not only to partners in the Southeast Asia but also to other organizations in South Asia.

Role of Media

The media has been both a boon and bane for the campaign to stop violence against children. In many instances, the media highlights the advocacy against

violence on children, ensuring that messages on child protection reach the broadest number of people. Admittedly, the media have been instrumental in increasing awareness about the rights of the child, the causes and effects of violence against children and the mechanism for rescue. But in a lot of cases, media have not followed existing guidelines in dealing with children-victim of violence by sensationalizing reports of rape and other forms of violence against children. The media's graphic presentation of child-victims may be, inadvertently, desensitizing the public about violence.

Moreover, the media has to strengthen its self-regulatory functions to limit access of children to pornographic or violent-ridden print materials and other information/shows that are disseminated through electronic games, videos, cable, among others. In particular, a lot of tabloids which contain adult photos and languages are rampant and easily bought or, sometimes, even being sold by children. As earlier mentioned, there is a need also to advocate for the passage of a law prohibiting the production, possession and dissemination of child pornography.

Children as Actors in Addressing Violence

Regular consultations among children are conducted to draw out their opinions and recommendations on how the State is complying with the provisions of the CRC. Recently, regional consultations were organized by the NGO Coalition involving around 200 hundred 10-17 year old children to listen to their own assessment of the situation and how the various responses have affected them. The participants were mostly trained children leaders and officers of the different NGO Coalition members.

In addition to these consultations, annual assessment and planning sessions related to children's issues are undertaken. The context of these assessments is more local rather than national. In the case of Plan International, for example, the participation of children in participatory rapid appraisals lead to the drawing up of child-centered community development plans that are eventually integrated with the over-all community development plans.

Countless advocacy activities are undertaken by children that, on the whole, serve to promote their rights. These take the form of theatre presentations in schools, as well as, the bigger communities portraying, among other themes, the abusive situations children face. In a few areas, there are radio programs run by children. Peer education is also being undertaken.

A number of children leaders sit in Barangay/Local Councils for the Protection of Children, Provincial Councils for the Protection of Children or even at the Regional Councils for the Protection of Children. A National Coalition of

Children's Associations in the Philippines (NaCCAP) exists and pursues the priority agenda of education and child labor. The National Anti-Poverty Commission (NAPC) of the government includes some officers of the NaCCAP. They occupy the positions of Commissioner, and alternate representatives for Luzon, Visayas and Mindanao in the children's basic sector. This sector was instrumental in certain accomplishments such as the : a) passage of resolution in Congress on birth registration, b) issuance of a DepEd circular on the non-collection of tuition/other fees as prerequisites for enrolment in public schools, c) "Patak Para sa Buhay" water systems for 100 water-less municipalities, and d) participation in various national and international conferences, as well as, representation in international bodies such as the NGO Advisory Group on the UN Study on Violence Against Children.

While it is true that significant gains have been achieved in terms of promoting direct and meaningful children's participation, these are limited in scope. Most often, opportunities for children to participate are confined to areas where big NGOs operate or where networks of NGOs are active. Certain mechanisms are in place that could provide the same impetus and opportunities like the Local Councils for the Protection of Children. Unfortunately, the functionality of such bodies have yet to be enhanced in many areas.

Financial resources and technical expertise are basically the resources made available to support children's participation not solely in activities addressing violence but relating to the CRC, in general. These resources come from both the government and the private sectors, particularly the NGOs. As a general practice, NGO-led children oriented activities are funded by NGOs while those organized by the government are funded by public funds. Activities co-funded by both government and NGOs are an exception rather than the rule. In many cases, international bodies such as UNICEF extend support both financially and technically. How much has been and how much is being "invested", however, is something that has yet to be studied.

MONITORING

The CWC coordinated the development of a Macro Monitoring System for Children with guidance from a Technical Advisory Group (TAG). The primary objective of the system is to generate information on the status of the implementation of the Convention of the Right of Children (CRC) in order to support the production of the Annual Status of Filipino Children report and the Philippine Implementation Report on the CRC which is prepared every five years.

The steps in developing the system included the identification of the indicators for each of the CRC conventions. The indicators were then validated in a series of consultation workshops participated in by various stakeholders, particularly, the CWC task forces. The sources of the basic data elements for each indicator was then identified under the assumption that these can be generated from either the administrative reports or partner/cooperating agencies or from censuses and surveys conducted by the statistical system.

The implementation assumes that the system can be implemented through the CWC secretariat and its partner/cooperating agencies. The implementation assumptions of the system were validated by several pilot-testing efforts conducted jointly by the CWC secretariat and its partner/cooperating agencies.

The report discusses the monitoring framework and design principles followed by the presentation of the translation of the CRC rights into monitoring indicators. Then the indicators are cast into data generation/reporting tables with basic data elements and corresponding sources identified.

On their part, the DSWD created the Inter-Agency Technical Working Group on Social Welfare and Development (SWD) Data Network. This is to primarily correct duplicated SWD data. To test the viability and attainability of this project, a UNICEF-funded pilot study was conducted in DSWD-NCR to generate unduplicated data on sexual abuse cases. Statistics on the profile of victims and its perpetrators are among the basic output of the database system. The data network can be used as basis for policymaking, planning, program development, advocacy, networking and other usage. This tool will generate unduplicated data on sexually abused children and women as well as its categories including rape, incest, acts of lasciviousness, etc.

In order to monitor the social welfare and development agencies, the DSWD issued Memorandum Circular No. 3, series of 2004 entitled "Guidelines in Monitoring Social Welfare and Development Agencies" whose primary objective is to ensure compliance to set standards for the implementation of SWD services such as center based, street based, residential and community based services including those on protection of children. Through monitoring, gaps and concern as well as best practices are identified which serves as significant inputs to the formulation and enrichment of policies and standards as well as in the provision of technical assistance, when indicated. It becomes a basis for supporting appropriate action and to sustain acceptable level of operation and service delivery to the target claim holders.

Also, the DSWD is enhancing its standards for quality service delivery to promote and protect the social well being and best interest of the Filipinos. Hence,

these standards were formulated and are deemed as important tool for the LGUs to gauge the quality of SWD service delivery at any level of local implementation. Further, these establish a basis for national and local collaboration, technical assistance and resource augmentation.

These standards are applied in the context of system framework and the rights-based approach considering relevant laws and policies. The SWD service delivery system is viewed as an integration of the LGU's subsystems of operation that influences or contributes to the quality of delivery of SWD services.

Meanwhile, the Philippine Center on Transnational Crime (PCTC) is one of the active members of the Inter-Agency Executive Committee of the UN Global Programme Against Trafficking in Human Beings in the Philippines. It is tasked to establish and operationalize a central database on human trafficking as provided by Executive Order No. 62. The database aims to integrate and store human trafficking incidences and cases gathered or received from concerned agencies of government, NGOs and private citizens to include the victims themselves. This database hopes to facilitate the monitoring of the illegal activities as well as aid in the conduct of police interdiction efforts and in the conduct of strategic researches and studies.

CHALLENGES

1. There is an urgent need to advocate for the immediate passage of the legislations on the following: *Establishment of a Comprehensive Juvenile Justice System; Amended R.A. No. 7610; Amended Family Code, Prohibition of production, possession and dissemination of child pornography.* The establishment of the Comprehensive Juvenile Justice System will facilitate the resolution of cases on violence against children thus, serve as a stronger deterrent to such violence. The imposition of the death penalty does not seem to sufficiently deter sexual abuse and other forms of violence against children. It has to be coupled with the efficiency of the justice system such that would-be perpetrators would be scared of the high probability of being caught and immediately penalized. The same law would facilitate the resolution of CICL cases as well as serve as a deterrent. Given the slow resolution of their cases, most CICL are further victimized in detention, making it more difficult to rehabilitate and reintegrate them into their communities.
2. There is a need to ensure full implementation of the Comprehensive Program on Child Protection. For this purpose, advocacy for adequate budgetary allocation has to be intensified and may have to propose radical positions such as putting a cap on debt servicing. Protecting our children, after all, should be a strong advocacy statement. Advocacy activities could also invoke

the need to comply with the 20/20 initiative to which the Philippines has committed

3. Various researches have to be popularized and widely disseminated. Among others, the results provide critical data/information that can be cited in advocacy activities. Moreover, the best practices and/or proven innovative approaches/techniques would be useful in enhancing service delivery.
4. Experiences have shown that the protection of Filipino children is greatly enhanced in areas where there are functional LCPCs. The LCPCs provide a frontline mechanism for early detection and response to violence against children. There are sufficient lessons learned that need only to be consolidated to serve as basis in revising the law so as to provide an enabling environment for the organization of LCPCs. Among others, experiences showed the need to restructure the LCPC to allow leadership that is not solely based on position but, more importantly, on the capacity to promote children's rights.
5. While it may be costly and time consuming to undertake a comprehensive review of existing laws and programs, the installation of an efficient monitoring system would allow the tracking of policies, programs and resources. The results of the monitoring would provide the necessary data/information for the adoption of more responsive policies and programs. Since the installation of a distinct or separate monitoring system on child protection may entail a lot of resources, it may be best to integrate this concern in the various existing systems of the different agencies. For one, there is a need to ensure that the local poverty indicator system continues to include or even add child-focused indicators. In this way, the protection of children will be ingrained in the overall development perspective.
6. As revealed by several studies, violence against children are deeply rooted to national development issues such as debt servicing, poverty, inequitable distribution of productive assets, inadequate protection mechanism against negative effects of globalization well as on other national development strategies such as the continued dependence on overseas employment/migration and tourism. In this regard, the various stakeholders have to advocate for the adoption of necessary safeguards to minimize the social cost or adverse results of these economic policies as well as for the integration of child-focused concerns in poverty reduction strategies/programs. The representation of the children's sector in the National Anti-Poverty Commission should be maximized for this purpose.

ANNOTATED LIST OF MAJOR PHILIPPINE LEGISLATION ON VIOLENCE AGAINST CHILDREN

1. *Republic Act No. 9262 known as “An Act Defining Violence Against Women and their Children, Providing fro Protective Measures for Victims, Prescribing Penalties therefor, and for other Purposes”.*

It values the dignity of women and children and guarantees full respect for human rights and it recognizes the need to protect the family and its members, particularly, women and children from violence and threats to their personal safety and security. It also exerts efforts to address violence committed against women and children in keeping with the fundamental freedoms guaranteed under the Constitutions and the provisions of the universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women, Convention on the Rights of the Child and other international human rights instruments to which the Philippines is a party.

2. *Republic Act No. 9231 also known as “An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose RA 7610, as amended, otherwise known as the “Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act”.*

It provides special protection to children form all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labor and its worst forms. It also provides sanctions for their commission and carries out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. It will intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against children are committed by the said parent, guardian, teacher or person having care and custody of the same.

DSWD has already issued Administrative Order No. 70, series of 2003 entitled “Guidelines in the Implementation Social Welfare Services for Children Victims / Survivors of Child Labor” which provide the Department and its implementers of social welfare services in the management of child labor cases. Also, it provides framework for understanding child labor and the management of cases. It also outlines, among others, the programs services and strategies in the management of child labor cases and ensures a systematic operation of data management of child labor cases of the Department.

3. *Republic Act No. 9208 otherwise known as “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for other Purposes”.*

It values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, it gives highest priority to the enactment of measures and development of programs that will promote human dignity, protect the people from any threat of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society. This policy also recognizes the equal rights and inherent Declaration of Human Rights, UN Convention on the

Rights of the Child, UN Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.

4. Republic Act No. 7610 known as “An Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation, and for other Purposes”.

It is a landmark legislation that seeks to protect children against all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development. Section 2 of RA 7610 declares that the Government will provide sanctions for their commission and carry out a program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. Also, it intervenes on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care or custody of the same. Likewise, it protects and rehabilitates children gravely threatened or endangered by the circumstances which affect or will affect their survival and normal development and over which they have no control.

Several AOs were issued by the DSWD, namely Administrative Order No. 149, series of 2001 entitled “Omnibus Guidelines for Minors Traveling Abroad” which provides protection to minors against exploitation, trafficking, improper influence, abuse and other condition prejudicial to their physical, mental, emotional, social and moral development. Another is Administrative Order No. 288, series of 2002 entitled “Supplemental Guidelines to AO No. 149, series of 2001 on Minors Traveling Abroad” which reduces the requirements and acts expeditiously on the application of minors traveling abroad for purposes of reunion or maintenance of children parent relationship without adverse consequences to the applicants and the member of the family. An addition to that is Department Order No. 22, series of 1998 entitled “Policies of the Media Coverage of Victims of Abuse and Exploitation to Ensure that Human Rights and Dignity of the Victims are Protected and Upheld” was issued to provide the guidelines on the conduct of media coverage of victims of abuse, exploitation against women, children, and other disadvantaged sectors and to ensure the protection and promotion of human rights and dignity of the victims during media coverage.

Likewise, Administrative Order No. 148, series of 2001 entitled “Guidelines in the Management of Residential Care Services was conceptualized and acts as an alternative form of family care providing 24-hour group living on a temporary basis to individuals whose needs cannot be adequately met by their own families and relatives over a period of time. Next, is the formulation of Administrative Order No. 141, series of 2002 entitled “Standards in the Implementation of Residential Care Service” which aims to protect the interest and welfare of the center/institution residents; insure that programs and services are geared towards the resident’s healing, recovery and social reintegration; and promote quality programs and services for the target beneficiaries in a residential setting.

Another is the proposed amendment to Administrative 140, series of 2002 entitled “Omnibus Guidelines on the Registration and Licensing of Social Welfare and Development Programs and Services” in which Section 41 of AO 140 were amended so the license of a Social Work Agency may be suspended or revoked based on the following grounds:

- a. that the agency is being used for immoral purposes

- b. that the said agency is insolvent or it is not in a financial position to support and maintain the children therein or to perform the functions for which it was granted license
- c. that the children therein are being neglected or are undernourished
- d. that the place is so unsanitary so as to make it unfit for children, and
- e. that the said agency is located in place or community where children should not be, or is physically dangerous to children or would unduly expose children to crime, vice, immorality, corruption or severe cruelty.

Lastly, Administrative Order No. 55, series of 2003 entitled "Guidelines on the implementation of the Missing Children Program" which provides the implementation procedures and instrumenting for cases of missing children. It also defines the implementing agency's rules and functions for this particular project.

5. *Republic Act No. 8353 also known as "An Act Expanding the Definition of the Crime of Rape, Reclassifying the Same as a Crime against Persons, Amending for the Purpose Act No. 3815, as amended, otherwise known as the Revised Penal Code, and for other Purposes".*

It expands the definition of the crime of rape, reclassifying the same as a Crime Against Persons under the Title Eight of Act No. 3815, as amended otherwise known as the Revised Penal Code.

6. *Republic act No. 7658 otherwise known as "An Act Prohibiting the Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of RA 7610".*

It amended the employment of children below 15 years old unless under direct supervision of their parents or guardian, where only members of employers' family are employed and in non-hazardous occupation. It also limits the employment of minors to 15 years and above.

7. *Republic Act No. 8371 also known as "An Act to Recognize, Protect and Promote the Rights of Indigenous Cultural Communities/Indigenous Peoples, Creating a National Commission on Indigenous Peoples, Establishing Implementing Mechanisms, Appropriating Funds therefore, and for other Purposes".*

It recognizes the vital role of children of IPs in nation building and it supports mechanisms to protect their rights. It also addresses emerging problems of child-recruitment in rebel-infested areas of the Philippines. Also, it protects the rights of ICCs/IPs to their ancestral domains to ensure their economic, social and cultural well being and shall recognize the applicability of customary laws governing property rights to relations in determining the ownership and extent of ancestral domain. It shall institute and establish the necessary mechanisms to enforce and guarantee the realization of these rights, taking into consideration their customs, traditions, values, beliefs, interests and institutions, and to adopt and implement measures to protect their rights to their ancestral domains.

8. *Republic Act no. 8370 otherwise known as "Children's Television Act of 1997".*

It addresses the rights of children to access appropriate information and it creates a National Council for Children's Television that will develop a comprehensive media plan for children, has value formation and intellectual development of children, and to promote high quality programs that protect the interests of children and reflect their needs, concerns and interests without exploiting them.

9. *Republic Act No. 8296 also known as "An Act Declaring Every Second Sunday of December as the National Children's Broadcasting Day".*

It declares 2nd Sunday of December as National Children's Day of Broadcasting in recognition of children's rights to freedom of thought and expression. In observance of this day, television and radio stations nationwide shall allocate a minimum of three hours airtime for programs exclusively for children that promote positive values and enable children to exercise their rights to freedom of thought and expression as stated in the UN Convention on the Rights of the Child. The participation of children as talents or guests should be encouraged.

10. *Republic Act No. 8043 known as "An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children, and for other Purposes".*

It provides safety nets in cases of foreign adoption to protect Filipino children from adoption for the purpose of commercial sexual exploitation and it establishes the rules to govern inter-country adoption of Filipino children. Also, it creates the Inter-Country Adoption Board with the DSWD Secretary as officio chair and six (6) other members to be appointed by the President for a nonrenewable term of six (6) years. In addition to this, it provides every neglected and abandoned child with opportunities for growth and development.

11. *Republic Act No. 8369 also known as "An Act Establishing Family Courts, Granting them Exclusive Original Jurisdiction over Child and Family Cases, Amending Batas Pambansa Bilang 129, as amended, otherwise known as the Judiciary Reorganization Act of 1980, Appropriating Funds therefor and for other Purposes".*

It protects the rights and promotes the welfare of children in keeping with the mandate of the Constitution and the precepts of the United Nations Convention on the Rights of the Child. Also, it will provides a system of adjudication for youthful offenders, which takes into account their peculiar circumstances. Moreover, it recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution and shall preserve the solidarity of the family, provide procedures for the reconciliation of spouses and the amicable settlement of family controversy.

12. *Republic Act No. 8552 also known as "An Act Establishing the Rules and Policies on the Domestic Adoption of Filipino Children and for other Purposes".*

It ensures that every child remains under the care and custody of his/her parent/s and be provided with love, care, understanding and security towards the full and harmonious development of his/her personality. Only when such efforts prove insufficient and no appropriate placement or adoption within the child's extended family is available shall adoption by an unrelated person be considered. In all matters relating to care, custody and adoption of a child, his/her interest shall be the paramount consideration in accordance with the tenets set forth in the UN Convention on the Rights of the Child; UN Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children with Special Reference to Foster Placement and Adoption, Nationally or Internationally; and the Hague Convention on the Protection of Children and Cooperation in Respect of Inter-County Adoption.

DSWD issued Department Order No. 12, series of 2001 entitled "Guidelines in the Pilot Testing of the Adoption Resource and Referral Office" which provides family care to infants and younger abandoned and neglected children and it establishes the ARRO to facilitate the adoption process. Another, is the Administrative Order No. 23, series of 2004 entitles

“Guidelines on Post Adoption Services” which set right the preparations and procedures of post adoption services in compliance to local laws and international commitments governing adoption.

13. *Republic Act No. 7727 also know as “An Act Providing for the Rehabilitation, self Development and Self-Reliance of Disabled Persons and their Integration into the Mainstream of Society and for other Purposes”.*

It guarantees the right of every Filipino citizen including children with disabilities to access services on health and rehabilitation, education, training, and preparation for employment opportunities. It will also develop their skills and potentials to enable them to complete favorably for available opportunities and for the improvement of the total well being of disabled persons and their integration onto the mainstream of society. Also, it will exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to disabled persons.

14. *Republic Act No. 8505 otherwise known as “An Act Providing Assistance and Protection for Rape Victims, Establishing for the Purpose a Rape Crisis Center in Every Province and City, Authorizing the Appropriation of Funds therefore, and for other Purposes”.*

It provides necessary assistance and protection for rape victims. Towards this end, the Government shall coordinate its various agencies and non-government organizations to work hand in hand for the establishment and operation of a rape crisis center in every province and city that shall assist and protect rape victims in the litigation of their cases and their recovery.

DSWD issued Administrative Order No. 67, series of 2003 entitled “Guidelines in the Operationalization of A Rape Crisis Center” that will adequately provide information on the systems and procedures involved in the establishments of Rape Crisis Center in every province and city in a government hospital or health clinic or any suitable place to provide a comprehensive rehabilitation program for rape victims which will serve as basis for other GOs/NGOs in establishing their own facility,.

15. *Republic Act No. 8504 known as “An Act Promulgating Policies and Prescribing Measures for the Prevention and Control of HIV/AIDS Information and Educational Program, Establishing a Comprehensive HIV/AIDS Monitoring System, Strengthening the Philippine National AIDS Council, and for other Purposes”.*

It promotes public awareness about causes, modes of transmission, consequences, means of prevention and control of HIV/AIDS through a comprehensive nationwide educational and information campaign organized and conducted by the Government. Such campaigns shall promote value formation and employ scientifically proven approaches focus on the family as a basic social unit, and are to be carried out in all schools and training centers, workplace, and communities. It shall positively address and seek to eradicate conditions that aggravate the spread of HIV infection, including but not limited to poverty, gender, inequality, prostitution, marginalization, drug abuse and ignorance.

DSWD issued Administrative Order No. 159, series of 2002 entitled “Guidelines on HIV/AIDS Testing of Children Under the Care and Custody of DSWD” in which the policies and guidelines provided shall be adopted by the DSWD Field Offices and its licensed/accredited child caring placing agencies to ensure that every child under their care and custody is protected of their rights relative to compulsory HIV/AIDS testing in response towards the concern of HIV/AIDS infection.

16. *Republic Act No. 9672 otherwise known as “An Act Establishing a Day Care Center in Every Barangay, Instituting Therein a Total Development and Protection of Children Program, Appropriating Funds therefor, and for other Purposes”.*

It defends the rights of children to assistance, including proper care and nutrition, and to provide them with special protection against all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development. Filipino children up to six (6) years of age deserve the best care and attention at the family and community levels. Towards this end, a day care center will be established in every barangay with a total development and protection of children program as provided in this act instituted in every barangay day care center.

DSWD issued two Department Orders namely Department Order 11, series of 2000 or the “Guidelines in the Accreditation of Day Care Centers and Day Care Workers” which set forth the minimum standards and provide guidelines to ensure quality in the delivery of day care service through the accreditation of day care workers and day care centers, and Department Order 11, series of 1998 entitled “Guidelines in the Implementation of Night Care for Young Children of Working Mother in Night Shift” which provides childcare mechanism where mothers working on a night shift could safely leave their children especially the young/helpless. On the other hand, Administrative Order No. 29, series of 2004 entitles “Standards for Day Care, Other ECCD Centers and Service Providers (for Children Aged 0-5.11 years)” which set forth the Day Care Centers, other ECE-ECCD centers and its Service Providers to undergo an accreditation process to ensure that this children who are placed in the centers meet their physical, intellectual, social and emotional needs. Likewise, the DSWD must provide the indicators for the accreditation to ensure effective and quality delivery of the Day Care Service and other ECE-ECCED programs for children aged zero to 5.11 years through various centers and its service providers.

17. *Republic Act No. 7880 otherwise known as “An Act Providing for the Fair and Equitable Allocation of the Department of Education (DepEd) Budget for Capital Outlay”.*

It upholds the primacy of education, to foster patriotism and nationalism. Accelerate social progress, and promote total human liberation and development. Also, it provides for the development of its citizenry as represented by all legislative districts by ensuring them fair and equitable access to the infrastructure and tools necessary for quality education.

18. *Presidential Decree No. 603 known as Child and Youth Welfare Code of 1974.*

The Council for Welfare of Children was created by virtue of Presidential Decree 603, otherwise known as the Child and Youth Welfare Code. The Decree codifies laws on rights and responsibilities of children below 21 and of parents, as well as substantive and procedural provisions on children with respect to the home, church, community, *samahan*, education, and the state. Moreover, special categories of children such as the dependent, neglected and abandoned, the physically and mentally disabled, and youth offenders below 21 are protected by the State under the doctrine of *parens patriae*.

ANNOTATED LIST OF AGENCY POLICIES RELATED TO VAC**A. Department Orders**1. *Department Order No. 65, series of 2004*

The Department of Labor and Employment (DOLE) issued Department Order No. 65, series of 2004 entitled "The Implementing Rules and Regulations for Republic Act No. 9231" which specifies that no child below 15 will be employed, permitted or forced to work especially in the worst forms of child labor in any public or private establishments. Under the said rules, no child below 18 will be allowed to work as model in any advertisement promoting alcoholic beverages, intoxicating drinks, tobacco, gambling, any form of violence, and pornography.

2. *Department Order No. 12, series of 2001*

DSWD issued Department Order No. 12, series of 2001 entitled "Guidelines in the Pilot Testing of the Adoption Resource and Referral Office" which provides family care to infants and younger abandoned and neglected children and it establishes the Adoption Resource and Referral Office to facilitate the adoption process.

3. *Department Order No. 11, series of 2000*

DSWD issued Department Order No. 11, series of 2000 or the "Guidelines in the Accreditation of Day Care Centers and Day Care Workers" which set forth the minimum standards and provide guidelines to ensure quality in the delivery of day care service through the accreditation of day care workers and day care centers.

4. *Department Order No. 22, series of 1998*

Department Order No. 22, series of 1998 entitled "Policies for the Media Coverage of Victims of Abuse and Exploitation to Ensure that Human Rights and Dignity of the Victims are Protected and Upheld" was issued which provides the comprehensive set of guidelines on the conduct of media coverage of victims of abuse, exploitation against women, children, and other disadvantaged sectors and to ensure the protection and promotion of human rights and dignity of the victims during media coverage.

5. *Department Order No. 11, series of 1998*

DSWD issued Department Order No. 11, series of 1998 entitled "Guidelines in the Implementation of Night Care for Young Children of Working Mothers on Night Shift" which provides childcare mechanism where mothers working on a night shift could safely leave their children especially the young/helpless.

6. *Department Order No. 25, series of 1997*

The DSWD issued Department Order No. 25, series of 1997 entitled "Implementing Guidelines of Executive Order #340" which contain the provision of childcare services to government employees.

7. *Department Order No. 18, series of 1994*

DSWD issued Department Order No. 18, series of 1994 entitled “Guidelines for the Special Project on the Psychological Recovery and Social Reintegration of Sexually Abused and Exploited Children” which provides intervention to children who are abandoned, neglected, abused and exploited for their early recovery and reintegration to their families and communities.

B. Administrative Orders

8. *Administrative Order No. 23, series of 2004*

The DSWD issued Administrative Order No. 23, series of 2004 entitled “Guidelines on Post Adoption Services” which set right the preparations and procedures of post adoption services in compliance to local laws and international commitments governing adoption.

9. *Administrative Order No. 70, series of 2003*

DSWD has already issued Administrative Order No. 70, series of 2003 entitled “Guidelines in the Implementation of Social Welfare Services for Children Victims/Survivors of Child Labor” which provide the Department and its implementors of social welfare services in the management of child labor cases. It provides a framework for understanding child labor and the management of cases and outlines the programs, services and strategies in the management of child labor cases and ensures a systematic operation of data management of child labor cases of the Department.

10. *Administrative Order No. 67, series of 2003*

DSWD issued Administrative Order No. 67, series of 2003 entitled “Guidelines in the Operationalization of a Rape Crisis Center” that will adequately provide information on the systems and procedures involved in the establishment of a Rape Crisis Center in every province and city in a government hospital or health clinic or any suitable place to provide a comprehensive rehabilitation program for rape victims which will serve as basis for other GOs/NGOs in establishing their own facility.

11. *Administrative Order No. 55, series of 2003*

Administrative Order No. 55, series of 2003 entitled “Guidelines on the Implementation of the Missing Children Program” which provides the implementation procedures and instrumenting for cases of missing children was adopted. It also defines the implementing agency’s roles and functions for this particular project.

12. *Administrative Order No. 11, series of 2003*

The DSWD issued Administrative Order No. 11, series of 2003 entitled “Guidelines on the Implementation of Peer Counseling Service for Out-of-School Youth” which provides the youth the opportunity to discover and develop personal qualities and lifestyle and promote social responsibility through the peer counselors.

13. *Administrative Order No. 159, series of 2002*

DSWD issued Administrative Order No. 159, series of 2002 entitled “Guidelines on HIV/AIDS Testing of Children Under the Care and Custody of DSWD” in which the policies and guidelines provided shall be adopted by the DSWD Field Offices and its licensed/accredited child caring placing agencies to ensure that every child under their care and custody is protected of their rights relative to compulsory HIV/AIDS testing in response towards the concern of HIV/AIDS infection.

14. *Administrative Order No. 141, series of 2002*

The formulation of Administrative Order No. 141, series of 2002 entitled “Standards in the Implementation of Residential Care Service” which aims to protect the interest and welfare of the center/institution residents; insure that programs and services are geared towards the resident healing, recovery and social reintegration; and promote quality programs and services for the target beneficiaries in a residential setting.

15. *Administrative Order No. 140, series of 2002*

Administrative Order No. 140, series of 2002 entitled “Omnibus Guidelines on the Registration and Licensing of Social Welfare and Development Agencies and Accreditation of Social Welfare and Development Programs and Services” is formulated to amend existing policies and guidelines and to provide a unified direction in recognizing the contribution and regulating the operation of SWD agencies in the Philippines. Section 41 of AO 140 were amended so that a license of a Social Work Agency may be suspended or revoked based on the following grounds: a) that the agency is being used for immoral purposes; b) that said agency is insolvent or it is not in a financial position to support and maintain the children therein or to perform the functions for which it was granted license; c) that the children therein are being neglected or are undernourished; d) that the place is so unsanitary so as to make it unfit for children; and e) that said agency is located in a place or community where children should not be, or is physically dangerous to children or would unduly expose children to crime, vice, immorality, corruption or severe cruelty.

16. *Administrative Order No. 84, series of 2002*

DSWD issued Administrative Order No. 84, series of 2002 entitled “ Procedures in the Handling and Treatment of Children Involved in Armed Conflict” which provide further direction in terms of procedures from rescue to recovery and social reintegration of the children involved in armed conflict.

17. *Administrative Order No. 148, series of 2001*

Administrative Order No. 148, series of 2001 entitled “Guidelines in the Management of Residential Care Services” was conceptualized to provide direction and guidance for those who are involved in the treatment, recovery, rehabilitation and development of the disadvantaged groups. It outlines among others the program and services, general policies on program management as well as center administration. It addresses gaps or absence of policies in program implementation in consonance with existing government policies. Moreover these should enhance professional judgement in the management of residential care program.

ANNOTATED LIST OF RESEARCHES ON VIOLENCE AND CHILDREN (1999-2004)

A. Population Based Surveys

1. **Baseline Surveys for the National Objectives for Health Philippines 2000**

Department of Health, Manila Philippines

The Baseline Surveys for the National Objectives for Health includes 14 surveys conducted in 2000 to gather baseline information that can fill the gaps regarding issues as defined by the National Objectives for Health. This was done through a nationwide survey. Included in these surveys were services and protection objectives. Of the 2,704 adolescent respondents, 86% claimed to receive any form of psychological, physical and sexual abuse, violence or neglect at least once in their lifetime. As a child, 60 percent reported to be psychologically traumatized, 83% were physically maltreated, 12% were sexually molested, 2 percent were forced to have sex and 5% felt neglected in terms of basic needs.

2. **Breaking Rules: Children in Conflict with the Law and the Juvenile Justice Process -**

The Experience in the Philippines, c2004; *Prof. Elisa U. Etamadi; Ching Li Ye; Cresencio Bermudez, Jr.; Mae Fe Ancheta-Templa; Save the Children (UK) Philippines; Adhikain Para sa Karapatang Pambata-Ateneo Human Rights Center*

This research presents the consolidated findings of three researches commissioned by the Save the Children-UK Philippines Programme that looked into the profile of children in conflict with the law, and their situation and experiences in the justice administration process in the three main urban centres in the Philippines-Metro Manila, Cebu City and Davao City. This consolidation research summarises the major findings and recommendations of the three studies. It also articulates its own conclusions and recommendations based on the findings of the three studies. The study also discusses the concept of "restorative justice" and the more specific process called "diversion" as an alternative approach to handling cases of children in conflict with the law.

3. **Working Children in Drugs in the Philippines: A Participatory Action Research for**

Child/Family and Community Empowerment, c2004; *Dr. Emma Porio and Christine Crisol; Urban and Community Studies Program, Department of Sociology and Anthropology, Ateneo de Manila University; International Labour Organization*

This research tackles about the involvement of children and youth in the production, sale and trafficking of illegal drugs in the Philippines, particularly in the impoverished areas in Metro Manila. It describes the increasing participation of children and youth in illicit drugs' trading, trafficking and abuse. It aims to (1) identify and construct a profile of children/youth (including their families, peer networks, and communities) involved in drug-related activities; (2) understand the pattern of recruitment into the drug network; (3) explore how these children could be "weaned" or dislodged from the drug network and become part of the mainstream institution of work, education, and social networks in the community., and (4) identify a strategic set of policy and program interventions to reduce the demand for drugs at the community, peer and child level. Process-based approach was used to gain an understanding on the problem. Some of the vital information were not much known because of the dangerous nature of the emerging phenomenon.

The participatory action-oriented research also focuses on pilot-testing community-based models of intervention for children/youth in drugs in selected communities in Metro Manila. The beneficiaries of the project were 260 children and youth, aged 7-17 years old engaged in drug-related activities. Parents/guardians of the target children, barangay officials, community leaders and members of civil

society groups were also tapped for cooperation in community mobilization, training/advocacy, information and education campaigns. Several other organizations such as the NGOs, GOs, POs and academe collaborated on making the pilot community-based program a success. The study highlighted the significant role of peer networks, families, and community institutions in the rehabilitation and prevention of children/youth from being involved in drug networks.

4. State Violence Against Children in the Philippines, c2004

PREDA Foundation, Inc.; World Organisation Against Torture; In "State Violence in the Philippines: An Alternative Report to the United Nations Human Rights Committee"

The Philippines is obligated under international law to take legislative, administrative, judicial, or other measures to prevent acts of torture and other acts of cruel, inhuman or degrading treatment or punishment. The government is obligated to criminalize acts of torture, including complicity or participation therein. According to this document torture in the Philippines persists despite international and domestic commitments. Some techniques of torture used during 1989 to 2003 are similar to those used during the Martial Law ('70s and early '80s). Those most at risk of being tortured are alleged members of armed and unarmed political opposition groups, criminal suspects, the poor, and those who are suspected of being terrorists. The report also tackled the torture and degrading treatment of children. It notes the gaps in the implementation of legislation that protect the rights of children conflict with the law (CICL). It is recommended that the laws and procedures from the children's arrest be clarified.

5. Human Rights Report for Children 2003, c2004

Kapakanan ng Bata, Inc.; Philippine Human Rights Information Center; Philippine Alliance of Human Rights Advocates In "Human Rights at the Turn of the 21st Century: 2003 Human Rights Report"

Filipino children still suffer from human rights abuses. Today, thousands of children continue to be trafficked, domestically and across borders, for exploitative purposes. Thousands more are subjected to inhuman treatment in jails and juvenile detention centers. Differently-abled children are still discriminated. There is a significant increase in the number of child laborers despite efforts of government and civil society to address the problem. Development Aggression and the outbreak of armed conflict have resulted in the displacement of thousands of Filipinos, many of which are children. Armed groups continue to recruit and use children in armed conflict with impunity. Children are still subject to sexual abuse and exploitation. Millions of children still roam and live in the streets, exposing them people who would abuse and exploit them. The social and economic rights of children to health, education and access to adequate food and to care are far from being enjoyed by majority of Filipino children. These are but a few urgent issues and concerns that the next administration will have to confront for the next six years. This report is but a humble attempt to illustrate the true state of the Filipino child.

6. Child Labor and Schooling in the Philippines, c2004

Chris Sakellariou; School of Humanities and Social Science- Nanyang Technological University

This study used a recent nationwide survey (1999 Annual Poverty Indicator Survey) to analyze the decisions of households as a sequential process, using five binary probit models. The study focuses on the effects of poverty, fertility, composition of the household, and the opportunity-cost of schooling. Demand factors are incorporated into the model. The data distinguishes between children who solely go to school and children who work and go to school. It also differentiates paid and unpaid work. The results confirm the link between poverty and child labor. In addition the study noted that while children from poor households are less likely to enroll in school, they are more likely to work without pay in a family business or farm and are less likely to engage in paid work. Also, results show that the Filipino family assigns roles to its members and larger families may facilitate schooling for at least some of the children. The opportunity-cost

of schooling has a significant effect. The study highlights the importance assigned by parents to the quality of schooling when making decisions. They perceive that the quality of education is directly related to what they get back in return. The study recommends that appropriate targeting mechanisms need to be implemented. Policy and programs must be designed to lessen the financial strain of education to the household and provide incentives for enrolling in school even if children are involved in part-time work.

7. Emerging Issues and Concerns on the Working Youth in Eastern Visayas, c2003

Marieta Bañez-Sumagaysa; University of the Philippines Visayas- Tacloban College

In "5th National Social Science Congress Programme and Book of Abstracts"

The increasing incidence of young workers poses an urgent area of concern. The working youth especially the employed minors are untimely leading adult lives. Among the various ill effects, they suffer from physical and mental disorders as a result of being exposed to environmental, moral and health hazards. Heavy work deprives the youth of educational and similar basic social services that are necessarily contributory factors to a quality life. This paper presents the relevant parts of the Rapid Appraisal Survey results on the employment of children and the youth in twenty seven barangays across fifteen municipalities/cities in the five provinces of Eastern Visayas. Secondary data on the working youth spanning the ages 15 to 19 complemented the empirical findings. This paper attempts to: (a) determine the nature and incidence of young workers; (b) determine the working conditions vis-à-vis occupational risks and hazards; and (c) identify entry points for a community-based action program for the protection of young workers and their attainment of quality life.

8. Kuyaw! Street Adolescents in Street Gangs in Davao City, c2003

TAMBAYAN Center for the Care of Abused Children, Inc.

This research shares the results of a participatory action research conducted by Tambayan Center with the street adolescents themselves exploring and understanding their situations and life issues. It describes the plight of children and young people on the streets and their remarkable feat of survival despite the daily perils they face. It looks into the reasons why they end up on the streets, as well as shares stories of abuse they have experienced both within their homes and on the streets. It demonstrates their resiliency and inherent capacities to move on despite the odds. It also confronts the stigma and discrimination hurled against children and young people on the streets. It narrates their stories, thoughts, opinions, pains, and hopes-in their own voices, from their own points of view.

9. Dangerous Connections: Substance Abuse and Sex Among Adolescents, c2002

Corazon M. Raymundo and Grace T. Cruz; Philippine Population Association In "Philippine Population Review; vol. 2, no. 1 (Jan-Dec 2003)"

This paper looks at three major adolescent risk behaviors: substance use and abuse, involvement in violence and unsafe sexual practices. Using data from the 2002 Young Adult Fertility and Sexuality Study, the paper reveals the nature and extent of these risk behaviors among Filipino adolescents and how these vary across selected background characteristics. Through the multiple risk approach, the analysis explores the extent of interconnections among risk behaviors in the hope of providing a better understanding of the challenges facing today's generation of adolescents and young adults.

10. Girl Child Labour in Domestic Service in the Philippines: Results from A Rapid

Assessment in Metro Manila and Bacolod City, c2002; Roland Pacis; Levinson Alcantara;

Gloria Elena Labrador; Visayan Forum Foundation, Inc.; Institute for Labour Studies-Department of Labor and Employment

The study involved 36 child domestic workers who were interviewed. Supplementing family income is one of their primary reasons in working as a domestic helper. Although fast turnover of employers was noted, most of the respondents preferred their current jobs because they thought they lacked skills and alternatives. Results noted that domestic work demands a lot of time from children. Unclear terms of work since the onset of employment were common. Work hours ranged from 5 to 16 hours. The respondents experienced work-related illnesses due to exhaustion, deprivation of opportunities to go to school, and physical and verbal abuses. The children were vulnerable to sexual abuse and they have no access to help and intervention. The children tolerated the difficulties they faced rather than be unemployed.

Key informants in the study saw the need for a clear policy on children in domestic work. This would entail resolving the issue whether domestic work can be classified as one of the "worst form of child labor." Policies that are geared toward improving the working conditions in domestic work should be promoted. There is a need to enhance networks that would help in institutionalizing girls' participation in advocacy efforts towards their protection. It is recommended that communities should be mobilized in installing support mechanisms that would sustain the income of families in order to prevent the entry of children into domestic work.

11. Asia's Children in Peril: A Regional Study on Child Trafficking (Country Profile: Philippines), c2002; Asia ACTs Against Child Trafficking

This report is included in the sourcebook entitled "Asia's Children in Peril: A Regional Study on Child Trafficking." It examines closely the situation of children, in seven Southeast Asian countries: Lao PDR, Burma, Cambodia, Thailand, Indonesia, Vietnam and Philippines. The study, specifically on child trafficking in the Philippines, gives a brief history of the roots of trafficking in the country-tracing it back to the Spanish colonial regime. The phenomenon of child trafficking, although it has been extant for a long period of time, is still difficult to portray completely mainly because of lack of necessary information, data and statistics. The report tries to give a comprehensive and reliable description of this persisting and worsening problem. A table summarizing laws and provisions, including critiques on them, pertinent to anti-child trafficking in the Philippines is presented. In addition, the report comprised of the following sections: Introduction; Definition of Child Trafficking; Historical Roots of Trafficking; Factors That Help Bring about Child Trafficking; The Trafficked Filipino Child; Purposes of Child Trafficking; Responses to the Child Trafficking Issue; and, Conclusions and Recommendations.

12. Children's Involvement in the Production, Sale and Trafficking of Drugs in Cebu City: A Rapid Assessment, c2002; Atty. Magdalena Lepiten; International Labour Organization-International Programme on the Elimination of Child Labour (ILO-IPEC)

This study, commissioned by the International Program on the Elimination of Child Labour (IPEC) of the International Labour Organization (ILO) focuses on the involvement of children in drug trafficking. It aims to produce quantitative and qualitative data on the participation of children in the production, sale and trafficking of drugs. It also aims to describe the magnitude, character, causes and consequences of children's participation as well as suggest improvements in the methodology for investigating this particular form of child labor. The study employed a new rapid assessment methodology on child labor elaborated jointly by ILO and UNICEF.

13. An Interdisciplinary Analysis of Philippine Jurisprudence on Child Sexual Abuse, c2002; Adhikain Para sa Karapatang Pambata- Ateneo Human Rights Center:UNICEF

This study focuses on child sexual abuse that is subject to criminal responsibility. It aims to provide an insight on how the legal system has developed its jurisprudence on sexually-related crimes involving children and assesses whether or not the Convention on the Rights of the Child (CRC) has had an effect on

the system's treatment of children. It also proposes some recommendations on how case law on sexually abused children can be utilized as a more effective tool in educating the bench and the bar on the rights of the child. The study looks at decided Philippine Supreme Court Cases on child sexual abuse and takes on an interdisciplinary approach; sociological, psychological, and legal aspects. The primary source in this study consists of the final decisions promulgated by the Philippine Supreme Court cases decided between 1901 and 1998 on rape, abduction, seduction, and acts of lasciviousness. A total of 479 cases were surveyed, out of which a representative sampling of cases were chosen for further analysis. Several matrices were designed to extract among others, information on the number of cases for each offense, the average age group of the victims and the familiarity of the accused with the victim. The secondary sources consist of literature relating to psychology and sociology, and legal commentaries on rape and incest, children's rights, and on family law. The laws of rape, abduction, seduction, and acts of lasciviousness are also presented and a short analysis of the same is given to provide a general framework for the study.

14. Kids at Risk: Plight of Child Workers in the Tourism Industry in Cebu, c2001

Divina M. Edralin; Business Management Department, De La Salle University-Manila
In "*DLSU Business & Economics Review*; vol. 13, no.2 (2001-2002)

This research was done with a main goal of helping eliminate child labor in the tourism industry in Cebu. It provides a description of the socio-demographic characteristics of the child sex workers. It also identifies their work situation, determines the joys and pains experienced by the child sex workers and describes the assistance extended to them by various groups. Finally, it recommends courses of action to combat child labor and document actual cases of the experiences of the child sex workers. A survey among 221 firms and a total of 237 child workers from Cebu actually participated in the survey. Out of the 237 respondents, the data of the 53 child workers who indicated that they render sex work was also segregated to highlight their plight.

15. Philippines: Country Report on Street Children, c2003

Childhope Asia Philippines

This country report is based on a paper prepared by Childhope Asia Philippines in consultation with all Filipino participants and City Task Forces for Street Children. It was presented by Nancyline Agaid, Programme Coordinator, Childhope Asia Philippines, during the third regional forum organized by the UK Consortium for Street Children with the aim of bringing together key NGOs and government representatives from selected countries to exchange experiences and formulate recommendations for the promotion and protection of the human rights of street children within each region. The report gives an overview of the situation of street children in the Philippines. It provides estimates on the number of street children in major cities and regions of Philippines. Constraints and challenges that add to the difficulty in resolving the problem on street children are listed. It also enumerates some of the major programmes and activities undertaken by different government and non-government agencies in their effort to alleviate and eventually eliminate the problem. Lastly, recommendations are put forth.

16. Analysis of Rape Cases Committed against Children and Women in the National Capital Region (NCR), Philippines, c2002; Winecito L. Tan; Department of Social Welfare and Development; United Nations Children's Fund

Development; United Nations Children's Fund

This paper aims to demonstrate the possibilities for analysis of rape cases. It aims to attempt evaluation and analysis of data, its quantity and quality by looking into data generation and processing of volumes of administrative cases compiled by various agencies. It also sheds light on other characteristics and nature of the cases thereby helping in the formulation of policies and plans towards prevention and if possible, eliminate such a despicable crime committed to women and children. The paper also serves as a take off point for further work that may be done in monitoring the status of rape cases.

- 17. Torture of Children in Situations of Armed Conflict, c2000**
Elizabeth Protacio-Marcelino, Ph.D.; Maria Teresa C. de la Cruz; Agnes Zenaida V. Camacho; Faye Alma G. Balanon; Program on Psychosocial Trauma and Human Rights, UP Center for Integrative and Development Studies

This book reveals the acts and effects of torture on children in situations of armed conflict. Different forms of abuse are identified from the 415 documented cases of tortured children from 1976 to 1996. The effects of torture to the overall well being of the children is described as well as the different forms of coping the children employed in dealing with the trauma of their harrowing experience.

- 18. Child Labor in the Philippines: A Review of Selected Studies and Policy Papers, c2000;**
Rosario Del Rosario and Melba Bonga; Office of the Vice Chancellor for Research and Development, University of the Philippines: Australian Agency for International Development and United Nations Children's Fund

Child labor is considered as one of the serious problems facing children. It robs them of their childhood and jeopardizes their health and education. It denies them of their precious stages of exploration, discovery and experimentation, which are fundamental to all aspects of their development. In the Philippines, there are at least 3.7 million child workers- a statistical fact that reflects the gravity of the problem of child labor in the country. It also brings into light the inadequacy of actions addressing the plight and status of children who end up as child workers in the Philippines. This book attempts to assess the terrain of child labor in the country and put together the insights and experiences of individuals and organizations who studied this alarming issue between 1986 and 1995. It attempts to synthesize the different studies done on child labor in the span of ten years, which contributed to present initiatives against exploitative child labor. The book provides analysis to the different perspectives and frameworks applied in understanding child labor and identifying key issues which are crucial in raising alarm for more serious and deliberate responses against child labor exploitation in the country.

- 19. Family, child labor and migration: a study of child domestic workers in Metro Manila, c1999;**
Agnes Zenaida Camacho; Published by SAGE Publications

This study explores the complex interrelationship between the family, child work and migration, the role of the family in decision-making and migration process and the economic benefits of labor migration for the child's family. The study is based on interviews with 50 children below 18 years of age, who migrated from the provinces to Metro Manila, the capital city of the Philippines, to work as waged domestic workers. Most respondents felt that it was imperative for them to work and contribute to family income. Migrants tend to go to areas and occupations where other kin or community members have gone; family-based contacts in the recruitment process serve to make the migration process less risky. When asked what they think the government and the society can do for them, the children identified four priorities: higher wages and more benefits, protection from abusive employers, appropriate education programmes and a change in society's low regard for domestic workers.

- 20. A Case Study of Young Workers in the Furniture Industry of Cebu: A Country Report, c1999;**
Elizabeth Remedio; University of San Carlos; International Labour Organization-international Programme on the Elimination of Child Labour (ILO-IPEC)

In 1992, about 259 Philippine companies engaged in the rattan furniture industry and 60 percent of which operate in Cebu. The rattan furniture industry in Cebu started in the early 1900's as a homebased industry before it moved to the factories in the 1930's. It later on attained worldwide recognition because of its higher quality and craftsmanship than products made in other competing countries like Taiwan and HongKong. The industry thus, became known as Cebu rattan furniture industry. During the early years,

seventy percent of Philippine furniture exports come from the rattan furniture industry in Cebu and its market reach the United States, Europe, Canada, Japan, Australia and South America. The industry had its share of problems especially during the global recession but it somehow managed to stay afloat. A brief profile of establishments (respondent establishments) in Cebu that engage in the industry would include an asset size of P 1.5M - P 5M and an average annual sales of P 67M ((P 7.8M lowest and P 333M highest). Subcontracting firms, however, have average asset size of P 158,000 and an average annual sales at P 3.3M. Most of these companies (firm-respondents) employ subcontract workers to meet production demands, lower labor costs and avoid labor disputes. These establishments (firm-respondents) hire males, females and young workers (below 18 years old). Majority of the workers work six days a week, eight hours a day on regular days and 11 hours of work a day on peak seasons. The firms, however, grant certain benefits to workers doing overtime work. The young workers, like the women, do the sanding and polishing job, which is 23 of the total production workforce.

The young workers interviewed are 9-17 years of age (14 as mean age). Majority of these children stay with parents and one-third of them have parents who are themselves employed in the rattan and furniture industry. Only seven of the 40 respondents are in school while the rest (thirty three) have stopped school for lack of finances. Mean family size of respondents is five, average age of children when they stopped schooling is 12 years old and many of them start working at 13. Most of them do piece work with a weekly earning of P 101-P 300 (P 235.65 as average weekly income). Majority of the young workers do eight hours work in a day, half of them do sanding work. The young workers' shared complain is the exposure to dust when sanding, physical stress and low pay. Four of ten children who were injured or taken ill due to work-related accident received medical assistance.

In spite of the P 4,413 a month average family income and P 2,388 monthly expenses, still many of the parent-respondents insist on sending their children to school in order to have a better job and a better future. More than half of them however, believe that the family's standards of living will decline if their children will stopped working.

B. Small Scale or Representative Interview Studies

PUBLISHED STUDIES:

- 21. Handbook for Social Workers on Basic Bio-Psychosocial Help for Children in Need of Special Protection, c2004;** *Program on Psychosocial Trauma and Human Rights- UP Center for Integrative & Development Studies: DSWD; UNICEF Manila*

This handbook is a reference material that is needed to help practitioners in the field. A product of the combined efforts of the UNICEF, DSWD and UP CIDS-PST, it aims to upgrade the capacities of caregivers by providing a concise and practical resource material based on a rights-based approach toward helping and Sikolohiyang Pilipino. Its orientation towards more child-sensitive, holistic and culturally appropriate methodologies for helping, caregivers stands to benefit CNSP in the healing process.

- 22. Teaching Manual: Teaching Peace, Human Rights and Conflict Resolution, c2003**
Program on Psychosocial Trauma and Human Rights- UP Center for Integrative & Development Studies: Notre Dame University; British Embassy Manila

This manual attempts to show the path to peace in the sense that it aims to integrate peace lessons in elementary and secondary classrooms. Broken down into lessons and corresponding activities, this manual is a comprehensive instruction on how to teach peace. Connection to the lives of students is very important and in writing and compiling the lessons and activities, we paid special attention to making peace a

significant part of a child's life. The ideas you will encounter here were expressed in a warm and friendly tone because we firmly believe that learning should be an enjoyable, yet thought-provoking experience.

- 23. Emerging Good Practices: A Documentation of the Experiences and Learning of Save the Children UK's Programme for Abused and Exploited Children, c2003**
Program on Psychosocial Trauma and Human Rights- UP Center for Integrative & Development Studies: Save the Children (UK) Philippines

This book is composed of three working papers that seeks to document the experiences of the partner organizations of Save the Children (UK) Philippines' Program for Abused and Exploited Children (SC-PAEC). It seeks to explore the processes undertaken by the organizations in working with abused and exploited children. It also explores the innovative approaches and methods, the barriers or problems encountered and how these were overcome, the lessons learned by the organizations in the course of their work with children and recommendations in improving their services.

- 24. Painted Gray Faces, Behind Bars and in the Streets: Street Children and the Juvenile Justice System, c2003; Program on Psychosocial Trauma and Human Rights- UP Center for Integrative & Development Studies: Consortium for Street Children**

This book attempts to dispel stereotypes for street children by de-emphasizing the "street" in "street children". The book provides an overview of the situation of Filipino street children and Children in Conflict with the Law (CICL) as well as the status of the Philippine juvenile justice system. Within the context of traditional culture, social organization and local setting, the book provides a demographic and qualitative description of Filipino street children, CICL, and their families. However, rather than just presenting these children within the realm of risks and offenses, the work also emphasizes their resilience.

- 25. Fatigued Beyond their Age: Responses of Selected NGOs to Distressed Youth in the Philippines, c2003; Aleli Bawagan; UP College of Social Work & Community Development; In "5th National Social Science Congress Programme and Book of Abstracts"**

This paper cites the experiences of NGOs involved in residential and community based programs with prostitutes and sexually abused children, children from jail and working children. It will focus on the developmental and empowering services being provided to the youth, reviewing the continuum and interrelationship of the following: preventive and diversion programs in the community; therapy and care in the residential program; and after-care and reintegration in the community. The paper will also proceed to posit recommendations to government, non-government organizations, socio-civic groups and community people's organizations and children/youth organizations.

- 26. Trust and Power: Child Abuse in the Eyes of the Child and the Parent, c2001**
Elizabeth Protacio-Marcelino; Ma. Teresa dela Cruz; Faye Balanon; Jay Yacat and Carolina Francisco; Program on Psychosocial Trauma and Human Rights- UP Center for Integrative & Development Studies; Arci Cultura e Sviluppo; UNICEF Manila

This book recognized this phenomenological problem of defining child abuse and aimed to come up with not only culturally-sensitive definition of child abuse but an understanding as well of this phenomenon from the eyes of the child. It also attempted to define child abuse in the context of its different causes and structural features which may identify cultural attitudes, educational practices and values in society and the family that is conducive to abuse as well as identify positive resources that can be tapped to counteract this or develop action plans that will contribute to the recovery and reintegration of abused children to the community and the prevention of future abuse.

In order to come up with an integrated definition of abuse, different players in the community were identified as the target population namely: the children, parents, other caregivers and community actors. A total of 43 children participated in the participatory sessions. Eighty seven parents participated in 10 focus group discussions (FGDs) to discuss their definitions of child abuse and community programs against child abuse. Fourteen (14) community actors were chosen as key informants.

26. Towards the Development of a Treatment Approach for Children Victims of Incest, 2001;
Alicia Molina; In "Gender Violence: Its Socio-cultural Dimensions", UP Center for Women's Studies and The Ford Foundation

This study describes the characteristics of child survivors of incest and examines the situation that bring about this kind of crime. It also assesses its immediate and long term effects on the child. From an understanding of the incest situation, clinical measures are used to evaluate the effects of incest on child. These measures are then used as basis in formulating a treatment framework. This study involves ten female children, aged 10-13 years old, who are victims of incestuous rape and thus have been placed under the protective custody of one of the government residential homes for abused children in Metro Manila.. Child sexual abuse is a growing concern in our society. Incest, parent-child incest in particular, has been the most documented type because of its prevalence, its violation of the taboo against sex between the parent and child and its potential for wreaking havoc to the nuclear family. The research tries to examine the phenomenon of incest, the situations that lead to it and how the child copes to the violation. It tries to show the reality of incest as to how it affects the child victim to significantly come up with measures that could effectively prevent and address this phenomenon.

27. Working with abused children: From the lenses of resiliency and indigenization, c2001;
Violeta Bautista; Aurorita Roldan; Myra Garces-Bacsal; Program on Psychosocial Trauma and Human Rights- UP Center for Integrative & Development Studies; Save the Children (UK) Philippines

One part of the Study explored the experiences of abused children from resiliency paradigm. The other part sought to identify indigenous psychosocial interventions, which facilitated resiliency among such children. The framework of this study departed from the traditional approach to studying children in difficult situations. Instead of looking at the abused children's experiences from the vulnerability paradigm, the study approached the subject from the lenses of the resiliency paradigm where focus was on the children's strengths, competencies, and inspiring experiences. The study contributed to the development of the data base on abused children from this new paradigm as it, in part, explored the indigenous understanding of resiliency from the narratives of child-victim survivors as well as those of professional care givers who provided them with intervention services. The study was guided by the phenomenological approach in data gathering, relying mostly on life narratives of abused children and interviews and focus group discussions (FGDs) with their case workers. Six agencies participated in the study. Twenty-five children were interviewed. Of these, 11 were categorized as more resilient, 6 as less resilient and 8 were not included in the sample because the problems they had were either not difficult enough or did not concern abuse. From the life narratives of the first two groups of children, the following resiliency themes were identified: acceptance of and adjustment to the demands of difficult life situations, competent functioning in the presence of major life problems, learning from life's adversities, the self as the teacher and the source of valuation, "pagtitiis" (forbearance) and not making a big thing of problems as major modes of coping, finding happiness in the midst of difficulties, ability to maintain sanity in the face of traumatic experiences, good and wholesome character in spite of deprivation, ethical mind set, recovering from past wounds, therapeutic construction of reality, ability to be other-centered and ability to see situations as temporary. The research data on resiliency raised a number of issues on the subject. The study ended with recommendations for research, policy makers, program designers, trainers, practitioners and field workers.

- 28. Examining the Mandatory Death Penalty for Familial Child Rape Perpetrators: A Academic Treatise for Physicians, c2001;** *Dr. Bernadette Madrid; Heather Spader; Rachel Spiegel; Dr. Amelia Fernandez and Dr. Victoria Herrera; UP CM-PGH Child Protection Unit and The Advisory Board Foundation*

Drawing upon the experiences of the PGH-CPU in treating children victimized by familial child rape, this document examines and evaluates the impact of the mandatory death penalty for perpetrators of the crime. It is designed to serve as an open sharing of research and information. Further, it presents clinical "lessons learned" regarding the effect of the death penalty in the processes and outcomes of the cases involved. Through case study review, the document illustrates that conflicting reactions of the victims require that each case be treated uniquely with respect to the death penalty's implications. Frequently, the mandatory death penalty for a family member deters reporting of incidents of abuse, and further stresses and destabilizes family units as well. There is no medical indication requiring the death penalty to be a part of integrated health care plans for abused children in familial rape cases. Moreover, there is no conclusive argument that death penalty deters the crime. Finally, the document presents a non-consensus of the death penalty as an instrument of justice and as a rule of law, in an international context. Concentrating its research on the ASEAN region, the document shows that the Philippines is one of the nations to support the death penalty for familial child rape and the only ASEAN country to implement the mandatory use of the death penalty punishment. The document concludes by expounding on the need for further study on multidisciplinary management of familial child rape perpetrators and alternatives to the mandatory death penalty.

UNPUBLISHED STUDIES

- 29. The World of the Children Involved in the Sex Industry: Reducing the Risks and Harm of Sexual Exploitation, STD and HIV /AIDS in Filipino Children**
Elizabeth Protacio-Marcelino, Ph.D.; Faye A.G. Balanon; Agnes Zenaida Camacho; Michelle Ong; Arlyn Verba and Jay Yacat; Program on Psychosocial Trauma and Human Rights, Center for Integrative and Development Studies, University of the Philippines; US Agency for International Development and PATH Foundation Philippines

This study on the lives of children involved in the sex industry 16 years and below was conducted by the UP-CIDS PST with the support of PATH/USAID. Several research methods were used in this study, included here are: 1) Ethnography; 2) Life story interviews; and 3) Indigenous research methods. The study looked into and presented the extent and distribution of the children involved in the sex industry in the four study sites, namely: (1) Angeles City, Pampanga; (2) Quezon City, Metro Manila; (3) Cebu City, Metro Cebu; (4) Davao City, Metro Davao. The paper also presented the demographic profile of the respondents, the children's relationship with the members of the family and the family's involvement and knowledge on the child's association in the sex industry, how the peer forms a central and salient part in the children's lives, and the conditions of their schooling. One of the objectives of the research is to trace the factors promoting the entry, continued stay, and exit of children in the sex industry. The sex industry is a lucrative business, with the users, suppliers and protectors in connivance with each other this implies that there is a complex, and sometimes, organized network of abuse with each reinforcing each other's interests, thus perpetuating exploitation and abuse. In view of this, the paper discussed the relationship of different types of customers with the child, the children's way of choosing customers, the gender differences in the power relations with their customers, and described the exploitative and abusive relationship between the players in the network and the child. With regard to these, children have several strategies of resistance and protest against abuse and exploitation enumerated in this report. It also discussed the children's responses with issues raised on health and safety, specifically the threat of STD and HIV/AIDS. The last part of the report tackles the special needs regarding STDs and HIV/AIDS prevention, and recommended strategies to reduce the risk and harm of sexual exploitation, STD, and HIV/AIDS in Filipino children.

30. The Local Trafficking of Filipino Girls for Employment: The Case of Girl-Children Trafficked for Entertainment Work, Domestic Service and Factory Work, c2001

Saul de Vries; Ma. Cynthia Agbuya; Dominique Rubia; Julieta Fojas; Institute for Labor Studies-Department of Labor and Employment; UNICEF Manila

This study documented the experiences of twenty- four trafficked girl children ages 14-17 years old. The study looked into the experiences of these girls at various stages of the trafficking process: recruitment/migration, employment, moving out/rescue, and rehabilitation/reintegration. The study recommends the conduct of community-based information campaign towards providing informed choices to parents and children. It calls for the activation of BCPCs to coordinate trafficking prevention activities; provision of incentives to poor parents who send their children to school; requiring barangay clearance to recruit; monitoring of exit and entry points commonly used in child trafficking operations; strengthening of the rescue and labor inspection programs. The study also recommends for the establishment of a legal protection center for working children; the improvement of services of government-run temporary shelters; and formulation of a comprehensive program framework for the problem of child trafficking.

C. Scientific Research Projects on the Problem of Violence Against Children

31. Y-STR analysis for detection and objective confirmation of child sexual abuse.

Frederick Delfin, Bernadette Madrid, Merle Tan and Corazon De Ungria. (For publication in the International Journal of Legal Medicine 2004)

Abstract : We evaluated 26 child sexual assault cases for the incorporation of Y-STR screening in the routine detection and objective confirmation of sexual contact between the child victim and the perpetrator. Various samples, e.g. vaginal or anal swabs from 2-17 year-old patients (25 females, 1 male) were collected 6-72 hours after incident. Due to the limited amounts of DNA in these samples, total DNA was extracted using a one-step procedure and screened with autosomal STRs to detect signs of victim-assailant DNA mixture and with Y-STRs for assailant DNA. Autosomal STRs failed to give signs of victim-assailant DNA mixtures while Y-STRs were detected in 24 of the 26 cases corresponding to a success rate of 92.3%. With the possible presence of both male sperm and/or male epithelial cells in forensic evidence, Y-STR DNA markers were detected regardless of external ejaculation, microscopic detection of sperm cell and post-coital interval of up to 72 hours. While only partial profiles were generated owing to low quantities of male DNA present, Y-STR screening results can serve as an objective evidence of sexual contact in child sexual abuse cases involving victims who do not have any previous sexual history. This type of evidence can corroborate child victim testimony and spare the child victim from further trauma caused by prolonged forensic investigations and court proceedings. Alternatively, Y-STR screening can provide objective proof of non-involvement of an accused with the victim.

D. Studies or Surveys into the Impact of Legal Measures

32. Legal Outcomes of Sexually Abused Children Evaluated at the Philippine General Hospital Child Protection Unit, c2002; Mariella Sugue-Castillo, MD (Cited at the Child

Protection Unit, Philippine General Hospital Annual Report 2003 and presented at the San Diego Maltreatment Conference 2003)

While 61.2% of sexually abused children seen at the Child Protection Unit of the Philippine General Hospital are referred by a mandated receiver of child abuse reports such as DSWD or law enforcement, only 15% of these cases reach court. For those that reach court, almost half of the cases remain unresolved as of the time of the study. The legal process is as protracted one for the victim-survivors of child sexual abuse. The average duration of resolved cases from time of medical evaluation is 1.5 years. For unresolved cases, the average duration is 3.5 years. The volume of cases swamp Family Courts as

well as inadequacies in investigation are the most common reasons for the delay. Cases referred by the police, patients examined within 72 hours from the last incident of abuse, as well as those who disclose CSA involving penetration were most likely to reach court. Moreover the odds of a case reaching court are doubled if the genital examination yields “abnormal “ findings. Other important findings of the study: Crime scene investigations are not done, or at least never cited as evidence in child sexual abuse cases, and almost half of cases with “not guilty” outcome are due to desistance and non-appearance of the child-complainant.

33. Philippines: A Different Childhood - The Apprehension and Detention of Child Suspects and Offenders, c2003; Amnesty International

This report highlights Amnesty International's key concerns regarding the apprehension and detention of children with primary references to the main international legal document in this area: the CRC. The organization is concerned that there are serious and widespread defects in the administration of juvenile justice in the Philippines that must be urgently addressed. In the report, it urges the government of the Philippines to implement a number of recommendations regarding the apprehension and detention of child suspects and offenders.

34. An Interdisciplinary Analysis of Philippine Jurisprudence on Child Sexual Abuse, c2002; Adhikain Para sa Karapatang Pambata- Ateneo Human Rights Center: United Nations Children's Fund

This study focuses on child sexual abuse that is subject to criminal responsibility. It aims to provide an insight on how the legal system has developed its jurisprudence on sexually-related crimes involving children and assesses whether or not the Convention on the Rights of the Child (CRC) has had an effect on the system's treatment of children. It also proposes some recommendations on how case law on sexually abused children can be utilized as a more effective tool in educating the bench and the bar on the rights of the child.

The study looks at decided Philippine Supreme Court Cases on child sexual abuse and takes on an interdisciplinary approach; sociological, psychological, and legal aspects. The primary source in this study consists of the final decisions promulgated by the Philippine Supreme Court cases decided between 1901 and 1998 on rape, abduction, seduction, and acts of lasciviousness. A total of 479 cases were surveyed, out of which a representative sampling of cases were chosen for further analysis. Several matrices were designed to extract among others, information on the number of cases for each offense, the average age group of the victims and the familiarity of the accused with the victim. The secondary sources consist of literature relating to psychology and sociology, and legal commentaries on rape and incest, children's rights, and on family law. The laws of rape, abduction, seduction, and acts of lasciviousness are also presented and a short analysis of the same is given to provide a general framework for the study.