Child Protection in the Philippines

A Situational Analysis

Save the Children

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Save the Children

- Our vision is a world in which every child attains the right to survival, protection, development and participation.

- Our mission is to inspire breakthroughs in the way the world treats children and to achieve immediate and lasting change in their lives.

- Our values;
  - Accountability
  - Ambition
  - Collaboration
  - Creativity
  - Integrity

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ACRONYMS

ABK	Pag-Aaral ng Bata para sa Kinabukasan or Education for Children's Future
ACADED	Anti-Abuse and Discrimination Division
AFP	Armed Forces of the Philippines
AIDS	Acquired Immune Deficiency Syndrome
AMA	Ang Mapagkalingang Ama (A Caring Father)
AO	Administrative Order
ARMM	Autonomous Region in Muslin Mindanao
ASEAN	Association of Southeast Asian Nations
ASG	Abu Sayyaf Group
Asia ACTs	Asia Acts Against Child Trafficking
BCPC	Barangay Council for the Protection of Children
BSSD	Bahay Silungan sa Daungan (Shelter at the Port)
CAFGU	Citizen Armed Force Geographical Unit
CAR	Cordillera Administrative Region
CDW	Child Domestic Workers
CEDAW	Convention on the Elimination of Discrimination against Women
CEDC	Children in Especially Difficult Circumstances
CFM	Child Friendly Movement
CHR	Commission on Human Rights
CIU	Crisis Intervention Units
CNSP	Children in Need of Special Protection
CPCP	Comprehensive Programme on Child Protection
CPI	Child Protection Initiative
CPIE	Child Protection in Emergencies
CPP-NPA-NDFP	Communist Party of the Philippines-New Peoples Army- National Democratic Front of the Philippines
CWC	Council for the Welfare of Children
DepEd	Department of Education
DILG	Department of Interior and Local Government
DOH	Department of Health
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DRR	Disaster Risk Reduction
DRRRM	Disaster Risk Reduction Resource Manual
DSWD	Department of Social Welfare and Development
E-VAT	Expanded Value Added Tax
ECCD	Early Childhood Care and Development
ECOP	Employers Confederation of the Philippines
ECPAT	End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes
EO	Executive Order
EOCD	Early Childhood Care and Development
ERDA	Educational Research and Development Foundation, Inc.
ERPAT	Empowerment and Reaffirmation of Paternal Ability
FLEMMS	Functional Literacy, Education and Mass Media Survey
GAD	Gender and Development
GRP	Government of the Republic of the Philippines

HIV	Human Immunodeficiency Virus
IACAT	Inter-Agency Council Against Trafficking
IEC	Information and Educational Campaign
ILO	International Labour Organization
INGOs	International Non-Government Organisations
IPEC	International Programme on the Elimination of Child Labour
IRR	Implementing Rules and Regulations
LCPC	Local Councils for the Protection of Children
LDRRMC	Local Disaster Risk Reduction and Management Councils
LGU	Local Government Unit
MDG	Millennium Development Goals
MGB	Mines and Geosciences Bureau
MILF-BIAF	Moro Islamic Liberation Front- Bangsamoro Islamic Liberation Front
MIMAROPA	Mindoro, Marinduque, Romblon, Palawan
MNLF	Moro National Liberation Front
MTPDP	Medium Term Philippine Development Plan
NAIA	Ninoy Aquino International Airport
NBI	National Bureau of Investigation
NCCP	National Coalition for Children's Participation
NCLC	National Child Labor Committee
NCR	National Capital Region
NCSD	National Council for Social Development
NDCC	National Disaster Coordinating Council
NDRRMC	National Disaster Risk Reduction and Management Council
NECCDCC	National Early Childhood Care and Development Coordinating Council
NG	National Government
NGO	Non-Government Organisation
NPAC	National Plan of Action for Children
NPACL	National Programme Against Child Labor
NRRD	National Recovery and Reintegration Database
NSC	National Survey on Children
NSCB	National Statistical Coordinating Board
NSO	National Statistics Office
NTSB	National Training School for Boys
OCD	Office of Civil Defense
OFW	Overseas Filipino Worker
PATD	Philippines Anti-Trafficking in Persons Database
PCTC	Philippine Center on Transnational Crime
PD	Presidential Decree
PES	Parents' Effectiveness Service
PGR	Population Growth Rate
PIA	Philippine Information Agency
PIC	Program Implementation Committee
POEA	Philippine Oversees Employment Administration
PPA	Philippine Ports Authority
PSWDO	Provincial Social Welfare Development Office
PTBP	Philippine Time Bound Program
PTCAs	Parents, Teachers and Community Associations
RA	Republic Act
RCLC	Regional Child Labor Committee

RRCY	Regional Rehabilitation Center for the Youth
RSCC	Reception and Study Center for Children
RSCWC/RCWC	Regional Sub-Committee/Committee for the Welfare of Children
SBM	Sagip-Bata Manggawa
SSRM	Safer Schools Resource Manual
SUMAMPI	Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas
SWAs	Social Work Agencies
SWDAs	Social Welfare and Development Agencies
TUCP	Trade Union Congress of the Philippines
UN CRC	United Nations Committee on the Rights of the Child
UNICEF	United Nations Children's Fund
VF	Visayan Forum
WFC	World Fit for Children

Chapter 1
INTRODUCTION

Save the Children defines child protection as measures and structures to prevent and respond to abuse, neglect, exploitation and violence affecting children in all settings[1]. Such processes are essential to ensuring children's rights to survival, development and well-being in all settings at all times. It is when children are not protected that their rights as well as their families are most threatened. In addition, reaching the most vulnerable and isolated populations helps ensure the health and well-being of all and is indispensible in achieving the Millennium Development Goals (MDG)[2]. For example, children who are most at risk of extreme poverty and hunger are the most vulnerable to violence, exploitation, abuse and discrimination. Marginalised children are also denied access to essential services such as health care and education.

There have been attempts to link child protection with social protection which has now become a trend especially among member countries of the Association of Southeast Asian Nations (ASEAN).[3] Social protection refers to policies and programmes designed to reduce poverty and vulnerability[4]. It has also been demonstrated that an investment on child protection, which can be considered an integrated part of social protection, could be an efficient means to reducing poverty and increasing future growth[5]. Ensuring that children are provided access to basic education, health, and nutrition services enhances their potential to earn income in the future. In this sense, social protection for children increases the likelihood of breaking the intergenerational transmission of poverty[6].

However, child protection work involves not only developing systems and mechanisms that provide meaningful protection for all children in the longer term but also strengthening the capacity of a variety of actors to protect children. It is only through the concerted efforts of individuals and groups, adults as well as children, that child protection can become effective and sustainable.

The Save the Children Child Protection Initiative (CPI) became operational in May 2009 and aims to facilitate the delivery of better and larger programmes that meet children's protection needs in Asia and globally. The CPI has identified specific priority result areas for the period 2010-2015 which include:

- Children without appropriate care[7]
- Child protection in emergencies
- Child labour.

Whilst a broad range of issues are included in the scope of the work of the CPI, the following sub-themes are also a priority for CPI attention and resources:

a. Children on the move: The term 'Children on the Move' is used to refer to 'those children moving for a variety of reasons, voluntarily or involuntarily, within or between countries, with or without their parents or other primary caregivers, and whose movement might place them at risk (or at an increased risk) of inadequate care, economic or sexual exploitation, abuse, neglect and violence'.

1 *Update on the Child Protection Initiative*

2 *Update on the Child Protection Initiative*

3 *Social protection for children in difficult situations: Lessons from Indonesia and ASEAN*

4 *http://www.adb.org/SocialProtection/default.asp*

5 *Crawford, PI. Child protection: Theoretical background. Chapter 14.*

6 *Philippine Institute for Development Studies. (2009). Global Study on Child Poverty and Disparity: The Case of the Philippines. Discussion Paper Series 2009-07.*

7 *'Children without appropriate care' are children who are not receiving suitable, continuous and quality care, nurture and guidance at a physical, emotional, social and psychological level from either their families or from other primary carers who are meant to replace the family environment and who are responsible for their well being and development. This definition includes children within their own families, children in alternative care, and children who have become separated, either voluntarily or involuntarily, from their families, including children on the move. It also refers to children in deve loped, developing, fragile and emergency contexts.*

Children on the Move is an umbrella definition which brings together a series of categories of children to highlight their common protection needs, these include, for example: children who have been trafficked, children who migrate (e.g. to pursue better life opportunities, look for work or education or to escape exploitative or abusive situations at home or because of other protection needs); and children displaced by conflict and natural disasters.[8]

b. Sexual violence against children in or after emergencies;

c. Children associated to armed conflicts or armed groups;

d. Family separation in declared emergencies.

These priority sub-themes were selected in recognition of the particular vulnerabilities faced by children in such situations, and of the particular strengths and expertise of Save the Children.

Save the Children in the Philippines seeks to prioritise across the following strategy areas: children in residential care, children in armed conflict and disasters, children in situations of migration (including for trafficking purposes), and children in exploitative and hazardous work conditions.

This situational analysis was commissioned by the CPI as a preliminary exercise to develop evidence-based recommendations to guide Save the Children in the Philippines to develop interventions under the CPI priority result areas, building on existing programmes and technical expertise.

Specifically this study aimed to a) conduct a rapid assessment of the situation of children in the Philippines in relation to the CPI priority result areas; b) identify gaps in existing policies, programmes and services; and c) provide a set of recommendations for Save the Children child protection interventions.

The following components have been identified as elements of an effective child protection system:

1. **Legal and policy framework,** including regulations and standards compliant with the United Nations Convention on the Rights of the Child 1989 (UNCRC), other international standards and good practice.

2. **Effective regulation and oversight** to ensure that standards are upheld at all levels. Some argue that this component necessitates the existence of a specific agency or ombudsperson dedicated to child protection and/or child welfare, with the mandate, means, authority and responsibility to ensure that the system works effectively.

3. **Preventive and responsive services**, including both the institutions and structures (formal and informal, government and nongovernmental) that deliver the services, and the processes through which services are delivered. These include case management systems, other information systems, and appropriate budgeting and management. In a formalised system, this will have as a core element, a social work system providing a response to specific child protection issues and cases.

[8] *Save the Children Alliance definition 2009 developed by the Working Group on Children on the Move*

4. **Effective coordination** – particularly on case management – between relevant government and non-governmental actors and between sectors at different levels.

5. **Knowledge and data** on child protection issues and good practices to inform evidence-based policy development and advocacy.

6. **A skilled child protection workforce** that can respond and expand to meet the specific protection issues arising in emergencies. Practitioners with minimum skills in social or community work who can be trained quickly and have a core understanding of child protection issues. A workforce should also include those with data management skills and policy-makers able to develop appropriate policy and legislative measures which rapidly respond to the immediate risks that children face.

7. **Children's voices and participation.**

8. **An aware and supportive public.**

9. **Adequate funding** for all of the elements listed above, and appropriate budgeting processes that cover both long- and short-term needs for child protection systems.

This study looks into the following elements of effective child protection systems: a) knowledge about the root causes to and the extent of violence against children in the identified priority area; b) appropriate policies and regulations; c) prevention measures; d) provision of necessary treatment, rehabilitation and compensation to child victims; and e) ways to monitor and measure progress.

Informed by a Child Rights Situational Analysis framework, the following aspects were examined for each of the priority areas:

- The nature, extent, geographical distribution and prevalence
- Which children are in need of (or are at the risk of needing) care and protection
- The chief factors that put these children at risk, covering both the immediate and root causes of harm
- The views of children themselves on their situation and what should be done to improve it.

Research documents, case studies, census data and other statistical information that cover the period 2000-2009 were actively sought and collected. Meanwhile, a total of 9 key informants[9] from selected NGOs and other organisations identified by Save the Children in the Philippines served as key resource persons for particular CPI areas.

[9] *see Appendix for the names of the key informants and their respective institutions and a copy of the key informant interview guide*

Chapter 2

OVERVIEW OF CHILD PROTECTION IN THE PHILIPPINES

The study covers the period 2000-2009, which coincides with the term of Gloria Macapagal-Arroyo. This decade may be considered as a very trying period for the Philippines, and continues to be so as the country faces the challenges of a ever ballooning population, massive poverty, the increasing disparity between the rich and the poor, growing lack of livelihood opportunities, continuing exodus of skilled workers, political instability, a bureaucracy riddled by corruption, and pockets of civilian strife and armed conflict.

Based on census data in 2000, the population grew from 76.95 million to about 92.23 in 2009.[10] While the population growth rate (PGR) dropped to a record low 1.91 percent, the country still has the fourth highest PGR in the Southeast Asian region[11]. Further analysis shows that the highest population growth rates were recorded in the poorest areas like the Autonomous Region of Muslim Mindanao (ARMM) and Region 12 (SOCCSKSARGEN)[12].

	2001	2002	2003	2004	2005	2006	2007	2008	2009
Population Growth Rate	2.06	2.05	2.02	2.01	2.00	1.96	1.96	1.93	1.91

Poverty incidence rose to 26.9 percent for families in 2006 compared to 24.4 percent in 2003.[13] Out of 100 Filipinos, 33 were poor in 2006, compared to 30 in 2003. To support a family of five in the National Capital Region (NCR), sole breadwinners need at least a monthly income of PhP 8,254 (USD 183.85) for food and non-food needs.[14] The minimum monthly income is pegged at only PhP 7,000 (USD 157.58).[15]

In 2006, about 36 million were estimated to be children under 18 years old.[16] This accounted for 41.73 percent of the total population at the time (around 86.264 million) who need support or are dependent on the adult population. Children were found to be among those considered the poorest among the basic sectors. In the 2003 National Nutrition Survey,[17] about 18 percent of children surveyed from 6,683 households reported having missed meals because there was no food or no money to buy food, 15.1 percent reported that they were hungry but did not eat because there was no food or money while about 5.2 percent did not eat for a whole day because of lack of food or money. Children from poor and impoverished regions also suffer from lack of access to basic and quality education, health, and basic services. They are also the hardest hit in times of disasters and other emergency situations.

This poverty situation is difficult to reconcile with the Arroyo Government's pronouncements of economic growth from 2003-2006.[18] Growth in Gross Domestic Product (GDP) does not always translate to poverty reduction. Data also show that this growth was not enough to take 26.9 percent of Filipino families out of poverty because prices of commodities increased faster than the

10 *http://www.census.gov.ph/data/sectordata/popproj_tab1r.html*

11 *http://www.un.org/esa/population/publications/wpp2006/WPP2006_Highlights_ rev.pdf*

12 *http://www.census.gov.ph/data census2007/index.html*

13 *http://www.nscb.gov.ph/pressreleases/2008/PR-200803-SS2-02_pov.asp*

14 *http://www.nscb.gov.ph/pressreleases/2007/Jun21_PR-200706-SS1-03_Pov.asp*

15 *1 dollar = 44.422 pesos as of June 20, 2008*

16 *Data taken from the State of the World's Children Report 2008 http://www.unicef.org/sowc08/index.php. The National Statistics Office has yet to release figures from the 2010 census.*

17 *2003 National Nutrition Survey, Food and Nutrition Research Institute*

18 *http://www.nscb.gov.ph/secstat/d_accounts.asp*

increase in their income which remained below the poverty line.[19] Inflation rate was higher between 2003 and 2006 (6.61) than between 2000 and 2003 (4.42).

The country is also facing a worsening fiscal crisis. President Arroyo aggressively pushed for the passage of the expanded value added tax (E-VAT) law in 2005. The Government claimed that the additional revenues generated will be used for social services. But the finance department has already earmarked 100 percent of E-VAT proceeds for 2005 towards debt servicing, 70 percent in 2006, 60 percent in 2008, and 50 percent by 2010.[20]

The National Government (NG) debt has grown to an average of PhP 3.85 trillion (USD 86.67 billion) from 2001-2006.[21] As of October 2007, the country's debt is pegged at USD 86 billion (PhP 3.798 trillion). Freedom from Debt Coalition[22] touted President Arroyo as the largest borrower of all the post-Marcos regimes with an average gross borrowing of USD 69.56 billion (PhP 3.09 trillion pesos). She also holds the record of paying the largest (an average of PhP 2.83 trillion in debt payments). This seems to be the Arroyo strategy in confronting the debt problem: borrowing aggressively to repay old debts. In fact, government spending in 2007 registered 39.18 percent (PhP 612.80 billion) on debt servicing alone.[23] Adding the expenditures in interest payments and principal amortisations, the sum would account for a whopping 78.86 percent of total government spending.

This focus on debt servicing was done at the expense of public spending on education, health and social services. Combined government expenditure for these sectors amounted to only 15.2 percent or USD 5.30 billion (PhP 237.76 billion) in 2007. This inadequate prioritisation on education and health may contribute to the reasons why the Philippines may not reach the MDGs that focus on universal access to basic education and maternal health.[24]

Table 1. Comparisons of Basic Child Indicators Compared to Government Spending

Year	Infant Mortality rate	Government spending on Health	Net enrolment ratio (primary school)		Government spending on Education	Government spending on Debt servicing
			Male	Female		
2000	29.52	3.4			13.95	
2001	28.7	3.3	92	93	14.03	
2002	28.7	3.4	91	94	17.79	
2003	24.98	2.9	92	94	17.22	
2004	23.51	1.7	92	94	14.9	30.1
2005	23.51	1.4	92	94	14.7	34.1
2006	22.81	1.3	90	92	13.9	32.3

Meanwhile, at the World Summit for Social Development held in Copenhagen in 1995, the 20/20 Initiative was crafted. This initiative proposed that to achieve universal coverage of basic social services, 20 percent of budgetary expenditure in developing countries and 20 percent of aid flows should, on average, be allocated to social services. However, on average, basic social services account for only 8.6 percent of the Philippines national budget, in contrast to the combined debt service and defence budgets which account for about 40.6 percent.

[19] *The U.P. Centennial: Do U.P. Graduates Know How To Use Statistics? By Romulo A. Virola, Statistically Speaking, http://www.nscb.gov.ph/headlines/StatsSpeak/2008/041408_upStats.asp*

[20] *www.bulatlat.com/news/5-30/5-30-evat.htm*

[21] *Debt Snapshot, Freedom from Debt Coalition, http://www.fdc.ph*

[22] *Freedom from Debt Coalition or FDC is a nationwide multi-sectoral coalition more popularly known as a "debt watchdog."*

[23] *Debt Snapshot, Freedom from Debt Coalition, http://www.fdc.ph*

[24] *Factsheet on the Millennium Development Goals, National Statistics Coordinating Board,*

The country still faces an inadequate number of public school facilities and lack of qualified teachers. The same story seems to run in the health sector. More teachers and health professionals are migrating to the United States, Europe and the Middle East for better prospects. The best teachers in English, Science and Math are leaving in droves, and many of those remaining in the country are those often ill-trained or inexperienced.[25] In the health sector, most experienced nurses, including faculty members of schools and colleges of nursing who would have taught/trained current/future student nurses, as well as doctors who have shifted into nursing, are leaving behind a much-weakened health system. The number of hospitals closing down or scaling down operations has also increased over the last few years.[26] The lack of government support has pushed some public hospitals to demand payments from patients. Reports of patients being detained in government hospitals have also surfaced.

This inadequate funding support contributed to the rising costs of education, which have pushed children out of schools. Data from the 2003 Functional Literacy, Education and Mass Media Survey (FLEMMS) revealed that out-of-school children and youth (age 6-24) cited employment or looking for work as the top reason for not attending school. Employment data show that 36 million of the 55.4 million population 15 years old and over have entered the labour force in April 2006.[27] Notice that there are no disaggregated data for children 15- under 18 who have entered the labour force. Also, this count does not include children in the informal labour sector. This push towards work has exposed many children to vulnerable and dangerous situations such as trafficking, working in hazardous environments, or becoming involved in criminal activities.

While total employment in April 2006 grew by 2.5 percent (33.0 million), the total unemployed persons numbered 2.93 million in 2006, up by 0.7 percent over the previous year's record of 2.91 million. This translates to an unemployment rate of 8.2 percent. The incidence of underemployment went down to 25.4 percent in April 2006 from 26.1 percent in the previous year. The continuing lack of adequately paying jobs and livelihoods have pushed many Filipinos to look for greener pastures abroad. There are no data available for children from 15-18 years old who are working abroad.

Remittances from the OFWs have shored up the economy by contributing an estimated total of PhP 85.4 billion (USD 1.90 billion) from April to September 2005, compared to the 2004 estimate of PhP 79.3 billion (USD 1.77 billion). However, services and resources allotted for the migrant sector have not been very responsive to their needs[28] and the needs of their families, especially the children.

An emerging concern due to the massive overseas employment is the phenomenon of children left behind[29]. Millions of children today grow up with a parent or both parents living and working away from home. Few actions are made to support the increasing number of children left behind to cope, remain safe, and have a healthy childhood as they grow up in this "new" type of family setting. Nor are there enough efforts to support the individual parents left behind to care for the children or to the alternative care givers like grandparents, aunts, and friends. There is a prevailing assumption that given their new financial capacities, these children and families of migrant workers are in situations that are better than the rest. But experiences show that this is not always the case and long-term separation from parents without having

[25] *http://www.bulatlat.com/news/6-17/6-17-titsers.htm*

[26] *http://www.iht.com/articles/2006/05/24/news/manila.php*

[27] *http://www.nscb.gov.ph/secstat/d_labor.asp*

[28] *Philippine Human Rights Watch Ten Point Agenda for the Protection and Empowerment of the Migrant Sector http://www.pmrw.org/agenda.asp*

[29] *http://www.asia-acts.org/website/index.php?option=com_content&view=article&id=74&Itemid=93*

these children supported by other able and caring adults can be detrimental for children's development, sense of well-being, and their future.

Another major government response to these fiscal problems is to attract foreign capital through tourism and direct foreign investment. In 2007 alone, the tourism industry generated foreign exchange receipts estimated at USD 2.9 billion, USD 2.23 million worth of investments and USD 77.7 thousand worth of jobs.[30] Domestic tourism also rose spurred by President Arroyo's holiday economics.[31] Women's groups have linked tourism to the spread of prostitution.[32] Places with the most number of sex workers are also primary tourist areas. Sex tourism has become rampant, and many areas in Southeast Asia, including the Philippines, are seen as popular sex tour destinations. According to the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT), children have been preyed upon not only by paedophiles but also by those who are afraid of contracting Human immunodeficiency virus (HIV) and Acquired immune deficiency syndrome (AIDS) from older women and therefore prefer children as sex partners.

Meanwhile, in 2007, the total foreign direct investments reached PhP 212.5 billion (USD 4.73 billion), posting a 29.8 percent growth compared to 2006. The following industries received the major chunks of investment pledges: electricity, private services, mining, construction, and finance and real estate. Between 2004 and 2007, foreign investors pumped USD1.4 billion into the country's mining industry.[33] In order to sustain these investments, the government has been developing generous incentives which include tax exemptions and holidays, simplified application procedures, and assurance of low labour costs. For example, foreign-owned companies have been allowed to operate large scale mining facilities and pesticides-dependent mono-crop plantations in Mindanao. These have led to the displacement of hundreds of families from their communities. There are even reports of military involvement in suppressing the protest of displaced communities. In the ensuing violence, an estimated total of 2,380 children were affected by militarisation and development aggression[34] in early 2008.[35]

As political stability is valued by foreign investors and creditors, the Arroyo government has adopted a hard line stance against individuals and groups considered as disturbing the peace. After aligning herself with the United States War on Terror, President Arroyo has prioritised the enactment of the Human Security Act, which poses serious threats to political and civil rights in the country.[36] Extra-judicial killings of media men, militant activists and union leaders have also increased. The human rights group, Karapatan, has estimated the number of executions at 800 since 2001. Rights groups have long been campaigning for the government to stop these killings. It was only when business groups, foreign investors and the international community sent strong warning signals did the government take heed.

Increased militarisation in the countryside has resulted in thousands of children and families displaced from their war-torn communities or harmed after being caught in the crossfire. Children are also either recruited to take up arms or tortured for being suspected agents of the insurgents. To this date, local governments have not done anything to respond to the issue of summary executions of youth and children under 18 suspected to be members of gangs despite the serious concerns noted by the Committee in 2005.[37]

[30] *http://www.pia.gov.ph/?m=12&fi=p080117.htm&no=28*

[31] *Holiday economics is the term coined for the practice of shifting holiday observances. This is now an official government policy after President Gloria Macapagal-Arroyo signed Republic Act 9492 into law in July 25, 2007. .http://newsinfo.inquirer.net/breakingnews/nation/view_article.php?article_id=78742*

[32] *http://www.manilastandardtoday.com/?page=business04_mar29_2006*

[33] *http://www.atimes.com/atimes/Southeast_Asia/JB22Ae01.html*

[34] *Development aggression may also refer to structural violence perpetuated by the State in the name of development*

[35] *Monitoring report of KABIBA Alliance http://www.reliefweb.int/rw/rwb.nsf/db900sid/MUMA-7EM7YE?OpenDocument*

[36] *http://hrw.org/english/docs/2007/07/16/philip16404.htm*

[37] *Concluding Observations: Philippines, Committee on the Rights of the Child, June 2005, par. 26, p. 6.*

All these problems are compounded by widespread corruption in all levels of government. While the Arroyo administration vows to fight against graft and corruption, a total of six corruption scandals have been exposed in the seven years of the Arroyo regime costing an estimated PhP 7.3 billion (USD 162.5 million). A former government official turned whistleblower, who testified against the alleged shady deal in a multi-million broadband deal, revealed that a 20 percent kickback in all government deals is deemed acceptable by the bureaucracy. In Transparency International's Corruption Perception Index (CPI) in 2006, the Philippines ranked as the 8th most corrupt nation with a score of 2.5.

In its pursuit of largely development and economic goals, the Arroyo regime implemented policies in the last seven years without full cognizance of their potential negative impact on the promotion, protection and fulfilment of the basic human rights of all its citizens, especially children and young people.

GENERAL PROTECTION FRAMEWORK IN THE PHILIPPINES
EXISTING LAWS AND POLICIES

Child protection needs a clear foundation in national legislation. In its concluding observations to the Philippine Government in 2007, the United Nations Committee on the Rights of the Child (CRC) has noted the fairly advanced general legal framework for child protection in the Philippines.[38] Table 2 summarises some of the laws enacted from 2000 to 2009.

Table 2. Child protection laws enacted from 2000-2009

Law	Title	Description	Year Enacted
Republic Act No. 8972	Solo Parents Welfare Act	Provides for benefits and privileges to solo parents and their children	2000
Republic Act No. 8980	Early Childhood Care and Development (ECCD) Act		2000
Republic Act No. 9231	"An Act Providing For The Elimination Of The Worst Forms Of Child Labor And Affording Stronger Protection For The Working Child"		2003
Republic Act No. 9208	Anti-Trafficking in Persons Act	Creates the Inter-Agency Council Against Trafficking (IACAT) Considers as trafficking the adoption of children for prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage	2003

[38] *Concluding Observations: Philippines, Committee on the Rights of the Child, October 2009,*

Law	Title	Description	Year Enacted
Republic Act No. 9262	Anti-Violence Against Women and Their Children Act of 2004	Gives the protection of the law to women and children suffering from domestic abuse	2004
Republic Act No. 9255	an Act Allowing Illegitimate Children to Use the Surname of their Father	Amends the Family Code of the Philippines	2004
Republic Act No. 9344	Juvenile Justice and Welfare Act	Establishes a comprehensive juvenile justice and welfare system and creates the Juvenile Justice and Welfare Council under the Department of Justice, and of its Implementing Rules and Regulations (IRR)	2006
Republic Act No. 9346		Prohibits the imposition of the death penalty	2006
Republic Act No. 9710	Magna Carta of Women		2009
Republic Act No. 9775	Anti-Child Pornography Act	Provides the full legal armour against producers, transmitters, sellers and users of child pornography in whatever form, as well as the means of production, dissemination and consumption, in public and private spaces	2009
Republic Act No. 9745	An Act Penalizing Torture and Other Cruel, Inhuman and Degrading Punishment	Recognizes torture committed against children as punishable by law	2009

Republic Act 7610 or Child Abuse Act. Entitled "An Act Providing For Stronger Deterrence And Special Protection Against Child Abuse, Exploitation And Discrimination, Providing Penalties For Its Violation And For Other Purposes", RA 7610 is the policy to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development; provide sanctions for their commission and carry out a programme for prevention and deterrence of and crisis intervention in situation of child abuse, exploitation and discrimination. This was signed into law in 1992, and provides the general framework unto which all child protection laws in the Philippines are subsequently framed.

However, the CRC also voiced concerns over the lack of legislation with regard to the prohibition of corporal punishment and the status of children born out of wedlock[39]. As of this writing, RA 9858 was already passed to enable children born out of wedlock to parents who were not allowed by law to marry for being minors to qualify for legitimation[40]. While couples who had children when

[39] *Concluding Observations: Philippines, Committee on the Rights of the Child, October 2009,*

[40] *http://www.lawphil.net/statutes/repacts/ra2009/ra_9858_2009.html*

they were below the marrying age would not need to go through the process of having to adopt their own offspring, legitimation becomes automatic only upon the marriage of the parents. Unfortunately, the law is still silent on the status of children born of:

- couples who are not legally married, or of common-law marriages;
- bigamous marriages;
- adulterous relations between the parents;
- marriages that are void from the beginning under Article 35 of the Family Code, except where the marriage of the parents is void for lack of authority on the part of the solemnising officer, but the parties or either of them had believed in good faith that the solemnising officer had authority, in which case the marriage will be considered valid and the children will be considered legitimate (Article 35, par. 2);
- marriages that are incestuous and void from the beginning under Article 37;
- void marriages for reasons of public policy under Article 38.

Meanwhile, a version of a law prohibiting corporal punishment passed the House of Representatives in 2010 but failed to make headway in the Senate as the 14th Congress drew to a close.[41]

The following section describes the national policy frameworks currently in force that shape the direction of child protection in the Philippines: Child 21 and the National Plan of Action for Children (NPAC).

Child 21: The Philippine National Strategic Framework for Plan Development for Children or Child 21 sets a vision for Filipino children's welfare and development in the year 2025. It provides a road map, rather than a comprehensive or detailed plan, for national government, local government units, private initiatives and non-governmental organisations to use when planning priorities for action and in allocating and utilising resources to promote the rights of Filipino children. The vision of Child 21 was that the services of these stakeholders would converge on the child and on the protection of his or her rights throughout his or her life cycle.

As a rights-based framework, Child 21 identified protection as one of the rights categories. Interestingly, the term Children in Need of Special Protection (CNSP) was used to replace the category Children in Especially Difficult Circumstances (CEDC), a trend that seemed to emerge in national and international child rights legal documents in this decade. We could remember that the CEDC as a term which was heavily criticised for the tendency to isolate the focus of possible rights issues on particular conditions deemed to be dysfunctional or marginal.[42] While the term CNSP may also potentially lead people to view them as a distinct group apart from other children, the intention is both to address the ways in which they may be marginalised from general forms of provision, and to provide for the specific services which may be needed in order to overcome their problems, as these children often have needs beyond those of children in ordinary situations.

National Plan of Action for Children (2005): The National Plan of Action for Children (NPAC) has been drawn in an attempt to concretise the vision in Child 21[43]. NPAC seeks to harmonise with the Millennium Development Goals (MDG) and World Fit for Children (WFC) goals and targets.

The NPAC considers children in need of special protection as a special sector of children in requiring unique interventions. The following are considered to be

[41] *http://www.pinasglobal.com/2/2010/08/pambansa/anti-corporal-punishment-act-of-2008-muling-isusulong-sa-kongreso/*

[42] *See dela Cruz et al (2001) for more discussion.*

[43] *The Filipino Child of the Millenium: National Plan of Action for Children 2005-2010.*

in need of special protection: a) children who experience violence, abuse and exploitation; b) children in situations of commercial sexual exploitation; and c) children in emergency and difficult circumstances.

In particular, the NPAC prescribes: a) broad nationwide interventions, cutting across life stages; b) interventions specific to a particular life stage; and sector-specific interventions. In terms of protection, NPAC is aligned with the Comprehensive Program on the Protection of Children, a joint effort by the Department of Justice and the Department of Social Welfare and Development.

Localising the NPAC. The success of the NPAC depends on a large extent to its adoption at the local government level. However, localising the policies, programmes and services continues to be a challenge. Existing mechanisms for localisation do not work well. While local government units (LGUs) are urged to formulate local development plans for children, annual investment plans for children, local codes for children, and annual local state of the children reports, only a minority of the LGUs have complied. Monitoring by the Department of Interior and Local Government (DILG) should focus on ensuring that the local plans, investments and programmes are implemented accordingly and that they reach the target groups of children. Lack of awareness of local chief executives on new policies and programmes and lack of capacity of local government personnel are some of the factors that prevent policies and programmes from reaching the target groups.

An effort to encourage compliance from LGUs is the search for "child-friendly" cities and municipalities. Initiated by the Council for the Welfare of Children (CWC), the Presidential Award for the Most Child-Friendly Cities and Municipalities was launched in November 1999 to promote the Child Friendly Movement (CFM). However, the United Nations Children's Fund (UNICEF) study on child-friendly cities in the Philippines observed that cities dubbed as child-friendly varied greatly in fulfilling expectations.[44] It also cautioned against a tendency among LGUs to rest on their laurels once they were recognised for their efforts. It is clear that the State Party should continue to explore other strategies that may help LGUs internalise these processes even without the external rewards.

The goal of the child-friendly awards is not just to encourage LGU compliance but more importantly to truly benefit children. Thus, the local chief executives need to understand what the child-friendly concept truly means, and what it entails in terms of developing programmes and budget allocations for children. As such, assessments should consider not only reports from the LGUs but also the views of community beneficiaries. It should also include successful efforts to involve children in planning and developing policies and programmes for children and in actions to address violence against children, such as summary executions, corporal punishment, and other forms of violence in all settings.

Comprehensive Programme on Child Protection (CPCP)[45]: With CPCP, it is envisioned that by 2010, all identified CNSP will have been provided with appropriate interventions including rescue, recovery, healing, and reintegration services; and legal and judicial protective measures. Children at risk shall also be prevented from becoming victims of various forms of abuse, neglect, exploitation, and violence by making available and improving basic social services such as education, health, and nutrition.

[44] *UNICEF & Innocenti Research Centre, Making Philippine Cities Child Friendly: Voices of Children in Poor Communities, 2005*

[45] *Special Committee on the Protection of Children, Department of Justice http://www.doj.gov.ph/files/Filipino_children.pdf*

COORDINATION AND INTEGRATION

The Council for the Welfare of Children (CWC) is the focal inter-agency body of the Philippine government for children's concerns. It is tasked to: a) coordinate and monitor the implementation of the NPAC/Child 21; b) formulate and advocate policies on children; and c) monitor the State's implementation of the CRC. One of the main strengths of the CWC is to serve as the conduit of the seven line agencies, two coordinating bodies and other individuals that make up the CWC Board. It is also very open to collaboration with NGOs and other civil society organisations. This created many opportunities for different NGOs to engage and work with the government.

At the CWC itself, there is the National Task Force for Children in Need of Special Protection. This government task force is composed of the chairpersons of the sub-task forces for the different categories of children. The Special Committee for the Protection of Children, composed of 9 Government agencies and 3 NGOs, receives reports on regular basis from the Task Force on Child Protection on the nature of child abuse cases. These different inter-agency and multi-sectoral task forces function under the CWC Technical Management Committee which recommends policies to the Council Board.

With the passage of RA 8980 or the Early Childhood Care and Development (ECCD) Act of 2000, CWC was mandated to serve as the National Early Childhood Care and Development Coordinating Council (NECCDCC) as well. As such, it is expected to promulgate policies and guidelines for the nationwide implementation of ECCD Program. The Regional Sub-Committee/Committee for the Welfare of Children (RSCWC/RCWC) was designated as subnational extension of the national CWC, based on the implementing rules and regulations of RA 8980. At the regional level, 17 RSCWC/RCWC function as the focal institution and facilitate collaborative efforts in child protection. In addition, they also link up collective efforts between the national government and the local government units (LGUs).

However, CWC is challenged in fulfilling its other obligations, such as policy formulation and advocacy, and monitoring of the implementation of the UN CRC, due to a number of factors: a) inadequate funding support; b) inadequate personnel; and c) the lack of clout to actually influence other government agencies. In 1987, the CWC was transferred from the Department of Social Welfare and Development (DSWD) to the Office of the President in order to "strengthen its functions and mandate".[46] However, it was returned to the DSWD in 2007, with the position of the Executive Director downgraded from its previous Undersecretary level, a move which may diminish its status as an inter-agency, multi-sectoral monitoring body. With its roles and functions, the CWC must have a strong and assertive leadership in order to influence the different agencies in all matters pertaining to children. The different line agencies need to work more actively to enable CWC to perform this role.

Meanwhile, the DSWD has also established the Crisis Intervention Units (CIU) on a nationwide scale. Another government agency, the Department of Justice (DOJ), has a Special Committee for the Protection of Children which drafted the CPCP. A DOJ-attached agency, the National Bureau of Investigation (NBI), has a Task Force on Child Protection, and also an Anti-Abuse and Discrimination Division (ACADED).

[46] *DSWD Annual Report, 2006.*

BUDGET ALLOCATIONS FOR CHILDREN

As long as debt servicing is given high priority in government budgetary allocations and expenditures, support for programmes and services will never be enough to meet the proposed goals of the Philippines vis-à-vis international agreements. Spending for basic social services amounted to only 20 percent to 30 percent in both regional and local levels. Data about actual spending for children under-18 were inaccessible. The lack of a clear system for budgetary allocations for children may have prompted the State to cite in its report to the CRC the system used by several international NGOs (INGOs) with programmes in the Philippines, such as Plan Philippines, as a possible model on how to allocate budget for children based on the major cluster of rights[47]. This absence of budgetary allocations and expenditures for children reflects a general lack of value for children's welfare. This is maybe one of the main factors why programmes do not have a significant impact on the lives of children and households.

While the budget shares of children-targeted and family-targeted programmess in DSWD were somewhat protected from 2000-2001, the per capita spending declined on the average in real terms.

Table 3. Real Per Capita DSWD Expenditures, 2000-2001[48]

	2000	2001
Women	0.64	0.57
Children	10.05	8.74
Family	3.68	2.99
Untargeted	2.28	1.37

Meanwhile, it is interesting to note that the clientele of the DSWD has dramatically shifted towards services to families from 2004-2007[49]. After families, the next biggest groups of DSWD clients are children and women with the youth and the disabled/senior citizens as the smallest groups. However, the DSWD has been serving much less than 1 per cent of the total population of the last four groups: women, children, youth and the elderly.

Available data from the Council of the Welfare of Children indicate that around 50% of its budget in 2008 and 2009 focused on the coordination for plan and policy formulation, and, monitoring and evaluation of enforcement of laws and policy implementations. Another 25 percent went to advocacy and resource mobilisation, and the remaining 25 percent was spent on technical assistance to strengthen the capabilities of intermediaries such as RSCWCs and LGUs.

MONITORING AND DATA COLLECTION SYSTEM

While numerous efforts have been taken to develop and mainstream a monitoring system (Subaybay Bata Monitoring System[50]), a comprehensive report has yet to be produced. Information on children is not updated and data collection seems to be more on an ad hoc basis. Data available from the country's primary statistical agencies, National Statistics Office (NSO) and the National Statistical Coordinating Board (NSCB), are not disaggregated by age, gender, ethnic group, rural or urban, and other relevant categories.

[47] *Government of the Philippines Report to the UN CRC, September 2007.*

[48] *Manasan, R. & Villanueva, E. (2005). The impact of fiscal restraint on budget allocations for women's programs. Policy Notes 2005-04.*

[49] *Virola, R.A. Statistics on violence against women and children: A morally rejuvenating Philippine society? Statistically Speaking. http://www.nscb.gov.ph/headlines/StatsSpeak/2008/090808_rav_wedc.asp#table4*

[50] *The Subaybay Bata Monitoring System was initiated by the CWC to gather data on the implementation of the UN CRC by the national government line agencies. It has 143 indicators that cover the seven major clusters of children's rights. The output of this system is an annual State of the Filipino Children Report.*

PREVENTIVE MEASURES

Preventive measures include information campaigns and training on child rights and child protection, support to parents and caregivers, and inspection and monitoring services. The CPCP adopts an approach that includes actions and interventions that will (i) sensitise families, communities and LGUs on the CRC; (ii) facilitate effective access of children at risk to relevant early and basic education and vocational training; (iii) equip children with knowledge and life skills to protect themselves; (iv) promote responsible and effective parenting education among families of CNSP; (v) support livelihood activities and facilitate access to credit and employment opportunities; (vi) establish effective built-in screening and monitoring mechanisms for children at risk within basic social services at barangay, city, and municipal levels; (vii) organise, activate, and strengthen local councils for the protection of children (LCPC), particularly at barangay level and (viii) upgrade technical competencies of programme managers, supervisors, social workers, and other service providers in helping children.

Promoting awareness of UN CRC. To date, there are no measures that adequately determine the level of awareness and understanding of the UN CRC among Filipinos. Available data, such as those cited in the State reports to the UNCRC[51], are not direct measures of how the UN CRC was disseminated by the State Party. In fact, children and adult participants in the three consultations conducted by the NGO Coalition have observed that the awareness and knowledge of the UN CRC are shared only by children and adults who have been involved in children's rights work. Most of their knowledge about rights came from trainings and workshops organised by the NGOs.

On the other hand, UNICEF builds the capacity of local governments in coming up with local ordinances and allocated budgets for women and children[52]. Tools such as Crafting a Children's Code and Moving Forward with Gender and Development (GAD) are used by local councils that enact local laws and budgets. Currently, UNICEF is providing technical assistance in the development of a GAD Code for the Autonomous Region for Muslim Mindanao.

UNICEF also provides orientation to local officials on the Convention on the Rights of the Child (CRC) and Convention on the Elimination of Discrimination against Women (CEDAW). It builds their capacity to respond to these two international instruments through planning, budgeting, legislation and reporting.

Promoting access to early education. The Department of Social Welfare and Development (DSWD) used to provide for public day care centres. It has since become the responsibility of local government units (LGUs) by virtue of the 1991 Local Government Code. Since then, the DSWD has focused on accreditation standards setting, compliance monitoring, provision of technical assistance and/or capability building. There are also day care centres that are operated by NGOs, faith-based organisations, parents' groups and private individuals. Day care centres are designed to provide supplemental parental care to children of working mothers during part of the day. It can accommodate 30 children at a time; with morning and afternoon sessions, a centre's capacity doubles to 60. Some factories and government agencies and corporations also provide worksite-based child care centres for their employees.

[51] *Government of the Philippines Report to the UN Committee on the Rights of the Child, September 2007*

[52] *http://www.unicef.org/philippines/aboutus_13424.html*

Promoting responsible parenting. The government, through the DSWD, has implemented training and capability building programmes targeted at parents (Parents' Effectiveness Service or PES) and Parents, Teachers and Community Associations (PTCAs). However, it was noticed that PES sessions are attended mostly by mothers. Thus, specially designed modules for fathers were developed: the Empowerment and Reaffirmation of Paternal Ability (ERPAT) and Ang Mapagkalingang Ama (AMA) or the Nurturing Father.

Organising LCPC. Another strategy is the organisation of local councils for the protection of children (LCPC) at all levels of local government, especially at the *barangay* level. The *barangay* is the primary implementing structure closest to children. This unit, however, has to implement many other duties in compliance to a multitude of directives coming from the local chief executive and national level agencies. There is an urgent need to support *barangays* to directly respond to the needs of children. While organising rates are high, their functionality remains in question. In most cases, the activities of the BCPCs depend on the priorities of the local chief (*barangay* captain), who also sits as chair of the BCPC. The programmes take off or falter depending on his/her interest. Wherever children's concerns are not the main priority, the BCPCs are not convened, or if convened at all, are non-functional. In many cases, civil society groups undertake initiatives without much *barangay* support. The same is true at the municipal, city or provincial levels.

Upgrading competencies of child care providers. UNICEF has also helped the Philippine Government in the capacity-building of child care providers[53]. It has assisted in the following:

- Scaling up gender-sensitive capacity building for day care workers and teachers to guarantee effective and gender-fair teaching-learning practices in day care centres and schools.
- Designing recovery, rehabilitation and reintegration services for abused children to address the special needs of girls.
- Building the capacity of health sector workers, male and females to provide women access to prenatal care and health facilities with more skilled birth attendants.
- Promoting youth participation, which addresses the specific barriers that girls children face from participating actively at home, in school, in the community and in the larger society.

PROGRAMMES AND SERVICES FOR CHILDREN, FAMILIES AND COMMUNITIES

The CPCP also requires services that will (i) strengthen and expand monitoring and rescue mechanisms such as *Sagip-Bata Manggawa* (SBM) and *Bantay Banta*, among others, and link them with the LCPCs; (ii) improve psychosocial recovery and healing services and social reintegration programmes; (iii) promote alternative family care for children without families or children deprived of a family environment; (iv) empower families and communities to facilitate psychosocial recovery, healing and social reintegration.

Rescue mechanisms. In general, the Crisis Intervention Unit (CIU), a special unit of the DSWD, provides integrated services such as immediate rescue and protection, augmentation assistance during disasters, provision of direct financial and material assistance, and referrals for medical, legal, psychosocial, temporary shelter, and other services to clients[54]. Rescued children are provided Critical Incident Stress Debriefing. Then they are referred to appropriate centres for temporary shelter and protective custody.

[53] *http://www.unicef.org/philippines/aboutus_13424.html*

[54] *Administrative Order No. 5 Series of 2008, Omnibus Guidelines on the Management Of DSWD-Operated Crisis Intervention Units.*

For child pornography cases, rescue operations are handled by the National Bureau of Investigation in cooperation with the appropriate local government unit and their social welfare and development offices[55].

Meanwhile, government operations to rescue street children in Manila have been heavily criticised for being ineffective, indiscriminate, and involuntary, done for the wrong reasons, and seen by the supposed beneficiaries as arrests[56], and thus become child protection issues as well.

Rescue mechanisms for the following child protection issues are discussed in separate chapters: children in exploitative and hazardous working conditions (Chapter 4); children in trafficking situations (Chapter 5); children in disasters (Chapter 6) and children in armed conflict (Chapter 7).

Psychosocial recovery and healing services and social reintegration. A review conducted in 2000 categorised the available services into: centre-based, street-based and community-based services[57]. Centre-based services provide any of the following services: a) skills training, values formation and alternative education or tutorials; b) legal assistance, case work and psychological/psychiatric services; and c) recreation, sports and even livelihood opportunities. Street-based services usually offer "street education," which adopts a protective approach that includes counselling, referral to health centres, health education, first aid, and advocacy for prevention.

[55] *Implementing Rules and Guidelines of RA 9775*

[56] *Scerri, C. (2009). Sagip o Huli?: Rescue of Street Children in Caloocan, Manila, Pasay and Quezon Cities. Bahay Tuluyan.*

[57] *Protacio-Marcelino, E., Dela Cruz, T., Balanon, F., Camacaho, A. & Yacat, J. (2000). Child Abuse in the Philippines: An Integrated Literature Review and Annotated Bibliography.*

Chapter 3
CHILDREN IN RESIDENTIAL CARE

About one year and eight months ago, an unidentified man handed a one-day-old baby girl to a Tacloban City resident. The girl is just one of the many abandoned children now in the care of one of the Department of Social Welfare and Development (DSWD) regional offices.

In the Philippines, residential care remains to be the primary response to child abandonment, neglect and abuse. Residential care, or care provided in any non-family-based group setting, such as places of safety for emergency care, transit centres in emergency situations, and all other short and long-term residential care facilities including group homes, is only one of the many forms of alternative care. Other forms of alternative care include:

- Kinship care: family-based care within the child's extended family or with close friends of the family known to the child, whether formal or informal in nature;
- Foster care: situations where children are placed by a competent authority for the purpose of alternative care in the domestic environment of a family other than the children's own family, that has been selected, qualified, approved and supervised for providing such care;
- Other forms of family-based or family-like care placements;
- Supervised independent living arrangements for children.

Of the four priority areas included in this study, children in residential care received the least amount of attention in terms of research and documentation. In 2003, a total of 2,732 children were reported to have been deprived of a family environment and separated from parents[58]. Of this number, about 98.31% or 2,686 children were brought to institutions. Males comprised the majority (1,655) compared to females (1,031). The data was silent as to what happened to the remaining 46 children who were not brought to institutions. No data beyond 2003 is currently available.

The reasons for admission include economic difficulties and family problems such as separation, neglect and abuse, abandonment and death of parents[59]. The length of stay of children ranges from six months to three years. The rate of discharge for male children is higher than for female children, especially those aged 6-12 years. However, older male children tend to stay longer.

Among the factors hindering discharges are uncooperative parents, inadequate support for parents, slow judicial process particularly for court-related cases, limited manpower and unskilled staff.

Forty-two percent of the 8,338 children admitted in 1998-2002 have been reunited with their families, 9 percent were transferred to other residential facilities for long-term care, 5 percent were placed for adoption, and 2 percent for an independent living programme. The remaining 42 percent were discharged for a variety of reasons, such as death and leaving the centre without permission/runaway.

[58] *Written replies by the Government of the Philippines concerning the list of issues received by the CRC relating to the consideration of the Second Periodic Report of the Philippines, 22 April 2005.*

[59] *Philippines – Country Report on Alternative Care, 2003.*

The DSWD administers residential care facilities not only for children but also for abused women, substance abusers, mentally ill, elderly and persons with disabilities, as well as community-based centres. Community-based centres provide preventive and rehabilitative services for children, youth, persons with disabilities, senior citizens and victims of disasters and natural calamities. This chapter focuses only on residential care of children who are abandoned or neglected. Separate discussions for residential care services for children rescued from exploitative or hazardous work conditions (Chapter 3), children rescued from trafficking (Chapter 4), and children in armed conflict situations (Chapter 5) were included in other chapters.

In 2002, a review of these residential care programmes outlined areas for improvement in how the DSWD manages these centres and institutions.[60] These include: adopting a "programme supervision" model for residential care (supervision of all centres not just those operated directly by DSWD); increased use of volunteers at residential centres; reforms to the licensing and accreditation of residential centres operated by NGOs; and increased use of NGOs to operate centers and institutions (transferring ownership). Some of these recommendations have been implemented: increased use of volunteers as house parents in centres, development of improved standards for licensing and accreditation of all residential centre operators have been implemented.

As of 2008, there were about 61 residential care facilities being managed by the DSWD. These are:

- **Reception and Study Center for Children (RSCC)** - A child-caring facility that provides psychosocial services to children 0 to 6 years of age. The RSCC aims to help the child achieve child survival, development and protection.
- **Haven for Children** - A facility that provides rehabilitation services for boys aged 7- 13 years who are recovering from substance abuse.
- **Nayon ng Kabataan** - A child-caring facility that provides care and treatment for children aged 7 to 17 years old who have behavioural problems and whose needs are not met by their parents and guardians.
- **Home/Center for Girls** - A child-caring facility that provides protection, care, treatment and rehabilitation services to abused and exploited girls below 18 years old.
- **Home for Boys** - A child-caring facility that provides protection, care, treatment and rehabilitation services to abused and exploited boys below 18 years old.
- **Lingap Center** - A transitional home for street children aged 7 to17 years who are abandoned or whose parents cannot at the time provide for their needs adequately.
- **Marillac Hills** (Also known as National Training School for Girls) - A child-caring facility that provides care and rehabilitation to female children in conflict with the law, abused and exploited girls below 18 years old.
- **National Training School for Boys (NTSB)** - A rehabilitation facility that provides care and rehabilitation services to male children in conflict with the law who are below 18 years old.
- **Regional Rehabilitation Center for the Youth (RRCY)** - A rehabilitation facility that provides care and rehabilitation services to male children in conflict with the law who are below 18 years old.
- **Youth Hostel** - A facility that provides temporary shelter to youth aged 13- 16 Years-old who are pursuing secondary formal education technical education away from their family.

[60] *See Hoffman, J. (2002). Technical Assistance on DSWD Institutions and Centers: Final Report*

These facilities have an average capacity of 50 beds, except for the National Centre for the Mentally Challenged (Elsie Gaches Village) with 400-490 beds, and another two for abandoned and sexually abused children that have 125 beds each. However, current admissions exceed the capacity of these centres.

Meanwhile, as of 2007, DSWD has licensed a total of 2,135 Social Welfare Development Agencies (SWDAs) and Social Work Agencies (SWAs). Of this number, 264 have been accredited with 145 providing residential care service. The majority of these institutions cater to abandoned, neglected and abused children with an average capacity of 30-40 beds.

Contrary to popular belief, most children in residential care are not orphans, but have one or both parents alive, as well as other relatives who could care for them. They are likely to be separated indefinitely from their families and communities. Children are primarily placed in residential care by their families because they are too poor to look after them. Families often feel it is the only way to ensure that their children get an education and enough food and other essentials. For example, parents bring their children to religious convents in the hope that the institution would take them in. Some parents convince their children to consider a religious vocation so as to ensure board and lodging, and education for them in the future.

Available data bear this out. In SOS Children's Village Manila, located in a highly urbanised area, only 35 percent of the children in care are orphans; about 45 percent of children are abandoned and neglected by their parents, and 15 percent are born out of wedlock and their mothers are in their teen-age years or unmarried and with no means of survival[61]. From economic woes to outright collapse of families, there is a worrying trend that more and more children are left to government's social services and to non-governmental child-care agencies.

There are no reliable and updated national figures regarding the numbers of children presently living in residential care. While it was reported that up to 100 children are abandoned and turned over to the DWSD every two months,[62] there is no way to verify these numbers.

The residential care literature cites discrimination against certain groups of children – children with physical and/or mental disabilities, children from minority ethnic groups, children of single mothers and those from broken families – leads to these children being disproportionately represented in institutions[63]. While stories abound of differently abled children being left on the door steps of strangers and even media institutions (the most recent case was a boy with severe developmental dysfunctions found in front of station of one of the country's largest media networks)[64], there are no exact figures to support the anecdotal information.

In some countries, more girls are abandoned into institutional care than boys. Available data in the Philippines show a different picture. For example, in 2007, about 878 abandoned children (487 boys and 391 girls) were served by DSWD[65]. About 36 percent are children aged 1 to 5 years. Meanwhile, children who suffered from neglect numbered to 2,249 (1127 boys and 1122 girls). Children aged 1 to 5 years also made up the largest group.

If residential care is still considered a viable intervention for abandoned and neglected children then an examination of the geographic distribution of DSWD's residential care facilities would reveal a glaring disparity in those who

[61] *1988-2005, CV Statistics on Children & Youth, SOS Manila Pedagogical Team.*

[62] *http://www.usnewslasvegas.com/national/pia-pushes-for-foster-care-act-of-2010-to-protect-abandoned-children/*

[63] *Csaky, C. (2009). Keeping Children Out of Harmful Institutions. The Save the Children Fund.*

[64] *The boy was brought to a nearby public hospital and was diagnosed as suffering from severe developmental retardation. He was turned over to the appropriate DSWD agency with strict medical supervision. Desptie their best efforts, however, the young boy expired the next day. As of this writing, the identities of the parents and family of the boy are still unknown.*

[65] *Virola, R.A. Statistics on violence against women and children: A morally rejuvenating Philippine society? Statistically Speaking http://www.nscb.gov.ph/headlines/StatsSpeak/2008/090808_rav_wedc.asp#table5*

would have access to these interventions. For example, none of the residential care facilities were present in two regions: Region IV-B (MIMAROPA) and Autonomous Region of Muslim Mindanao (ARMM). Interestingly, the National Capital Region is overrepresented, with half of the residential types located in the region.

Table 4. Regional distribution of DSWD Residential Care Facilities

	RSCC	Haven for Children	Nayon ng Kabataan	Home for Girls	Home for Boys	Lingap Center	Marillac Hills	NTSB	RCCY	Youth Hostel
Region I (Ilocos Region)				•					•	
Region II (Cagayan Valley)	•									
Region III (Central Luzon)	•			•		•			•	
Region IV-A (Calabarzon)				•				•		
Region IV-B (Mimaropa)										
Region V (Bicol Region)	•			•	•					
Region VI (Western Visayas)				•					•	
Region VII (Central Visayas)	•			•						
Region VIII (Eastern Visayas)	•			•				•		
Region IX (Zamboanga Peninsula)	•			•		•		•	•	
Region X (Northern Mindanao)	•			•				•		
Region XI (Davao Region)	•			•				•		
Region XII (Socsargen)										
Region XIII (Caraga)	•			•						
National Capital Region (NCR)	•	•	•	•				•		
ARMM (Autonomous Region in Muslim Mindanao)										
CAR (Cordillera Administrative Region)	•									

EXISTING LAWS AND POLICIES

In June 2009, the UN General Assembly adopted the Guidelines for the Alternative Care of Children[66] which seek in particular to:

- Support efforts to keep children in, or return them to, the care of their family or, failing this, to find another appropriate and permanent solution, including adoption and kafala of Islamic law;
- Ensure that, while such permanent solutions are being sought, or in cases where they are not possible or are not in the best interests of the child, the most suitable forms of alternative care are identified and provided, under conditions that promote the child's full and harmonious development;
- Assist and encourage governments to better implement their responsibilities and obligations in these respects, bearing in mind the economic, social and cultural conditions prevailing in each State; and Guide policies, decisions and activities of all concerned with social protection and child welfare in both the public and private sectors, including civil society.

Prior to the Guidelines, efforts have been made by the Government to improve the policies governing residential care. Executive Order No. 15 series of 1998 as amended by Executive Order No: 221 dated June 30, 2003 authorises the DSWD to set standards, accredit and provide consultative services to public and private institutions, organisations and persons engaged in social welfare and development activities.

Likewise, Administrative Order (AO) No. 140 series of 2002 as amended by AO NO.6 series of 2005 also known as the Omnibus Guidelines on the Registration and Licensing of Social Welfare and Development Agencies and Accreditation of Social Welfare and Development Programs and Services was developed to enforce standards in the registration, licensing and accreditation of agencies engaged in social welfare and development activities for purposes of authorising, regulating and monitoring the operation of such agencies in the Philippines.

Memorandum Circular (Me) No. 24 series of 2004 also known as Procedures for the Selection of Residential Care Centers of Excellence serve as reference to the implementation of AO No. 1 series of 2004 entitled "Indicators for Residential Care Centers of Excellence" which was prepared in line with the Department's effort to improve service delivery and provide the best quality care for the clients being served. Primarily the nomination and assessment conducted was focused on DSWD residential care facilities considering that the DSWD is the lead agency on social welfare concerns and to be in the forefront of demonstrating and providing the best quality care for the sectors it serves.

Further, AO No. 11 series of 2007 also known as Revised Standards on Residential Care Service presents the ladderised standards on the operation of a residential care facility using the indicators for "must", "desired" and "exemplary" standards. The standards are developed encompassing the five (5) work areas of operations as a residential care facility namely: (1) Administration and Organization; (2) Program Management; (3) Case Management; (4) Helping Strategies/Interventions; and (5) Physical Structures and Safety.

To further implement its de-institutionalisation scheme, the DSWD issued a set of guidelines on the transfer of DSWD residents to other SWAs in 2008[67]. The guidelines also provide for the protection of the welfare and best interests of the children, for example, it was explicitly stated that siblings should not be separated.

[66] *http://www.unicef.org/aids/files/UN_Guidelines_for_alternative_care_of_children.pdf*

[67] *DSWD, Guidelines on the Transfer of DSWD Residents to other Social Welfare Agencies, 2008. http://www.dswd.gov.ph/phocadownload/laws/AONo22008.pdf*

However, the Foster Care bill, which seeks to strengthen and propagate the system of foster parenting in the country to care for abandoned, abused and neglected children, has yet to be passed in both houses of Congress. A present version of the bill[68] considers "foster care" as an initial step towards the foster child's return and reintegration to his or her biological family, or possible placement with an adoptive family. An abandoned, neglected or orphaned minor may be placed under foster care, provided that the child does not have a family that is willing and capable of caring for him or her. The child may also be a victim of sexual or physical abuse, has development or physical disabilities, or has other special needs.

COORDINATION AND INTEGRATION

The DSWD is the primary welfare agency of the government mandated to set standards, accredit and provide consultative services to public and private institutions, organisations and persons engaged in social welfare activities, and monitor performance and compliance to standards by institutions, organisations and persons engaged in social welfare activities, both public and private.

BUDGET ALLOCATIONS AND EXPENDITURES

Standards setting, licensure and accreditation services only get a very small portion of the total DSWD budget (0.24 percent in 2008 and 0.13 percent in 2009). In 2008, the bulk of the budget was allocated to direct services to community and centre-based clients (46 percent). However, in 2009, the largest portion shifted to training and capability-building services and resource augmentation provided to intermediaries (83.9 percent). Only about 14.7 percent of the DSWD's budget went to direct services. This shift somewhat emphasised DSWD's role change from primary service provider to capacity-builder, relinquishing the former role to LGUs. Furthermore, this budget cut also signalled the push for de-institutionalisation at least from within DSWD agencies and institutions. In order to increase contributions from non-government sources, a number of opportunities, including: (a) increased local cost sharing by Local Government Units (LGUs); (b) contiguous LGUs providing joint support for regional centres; (c) contracting NGOs to manage centres; and (d) funding for repair and rehabilitation of centres are being examined.

Meanwhile, private welfare agencies generate funds mostly from international funding agencies and the private sector to run their residential care facilities as these institutions are not subsidised by the government.

MONITORING AND DATA COLLECTION

Aside from being a service provider, DSWD is also a regulatory office, where it is mandated to register, license and accredit Social Welfare and Development Agencies (SWDAs) and Social Work Agencies (SWAs) providing social welfare and development programmes and services to the poor, the disadvantaged and marginalised individuals.

The license and accreditation certificates issued by the Department to the concerned Social Work Agency is an assurance that these SWAs have met the required standards and are capable of providing quality service to its target beneficiaries. Further, through this initiative, the Department will pursue its efforts in strengthening partnership and collaboration with SWAs through the development of standards, programmes and interventions appropriate to

[68] *Senate Bill 2486, the Foster Care Act of 2010 http://www.senate.gov.ph/lis/bill_res.aspx?congress=15&q=SBN-2486*

the type of residents being served, and provision of technical assistance and capability building among others.

This is also in preparation for the devolution of DSWD programme and services to concerned LGUs and the provision of appropriate programmes and services to clients with special needs that are not available in DSWD facilities.

PREVENTIVE MEASURES

DSWD's AO No. 3 Series of 2008 encourages all residential care facilities managed by DSWD, LGUs or NGOs to strive towards achieving excellence and determine their exemplary performance on the delivery of programmes and services to their respective clientele based-on the set standards. It also recognises and provides awards/incentives to DSWD, LGU and NGO residential care facility/ies proclaimed as Centers of Excellence.

PROGRAMMES AND SERVICES FOR CHILDREN

The different residential care facilities of DSWD offer a similar set of services to children and youth. The services are described as including the following: **social services** (case management); **homelife services** (provision of food, personal care and other needs); **educational services** (school attendance for school-age residents, tutorial services); **dietary services** (provision of appropriate meals); **health services** (provision of physical and dental examinations upon admission including psychological and psychiatric evaluation); **recreational and other cultural activities**; and **spiritual enhancement** (Bible reading and attendance in masses). Meanwhile, only the RSCC, as an organisation that caters to children 0-6, offer **placement services**.

Case management is handled by professional (licensed) social workers in all centres, with an average of 30 cases of children in government centres, while the caseload is less than 30 in private agencies. Teams composed of psychologists, medical doctors, nurses and house-parents provide support services to facilitate the children's healing and recovery. Depending on the circumstances, other professionals are also involved, such as lawyers, psychiatrists and physical or occupational therapists.

An alternative to residential care is the foster family care. Foster care is touted to be a promising alternative to the overburdened residential centres and group homes. However, there seem to be a dearth of any discussion about the existing efforts in foster care.

ISSUES AND CHALLENGES TO CHILDREN'S RIGHTS AND CHILD DEVELOPMENT

Evidence from listening to children leads to the conviction that many features of institutional care present several issues and challenges to the promotion of children's rights. Some of these include children's experience of abuse and maltreatment, stigma and discrimination, developmental delays, attachment issues, and others.

Abuse and maltreatment: Children in some institutions face violence from care-givers and other children. The extent and nature of such abuse and maltreatment at the hands of staff that provide the services is often not revealed by children for fear of recrimination. In the regional consultation workshops,

several children participants reported the existence of physical, mental and emotional abuse by house parents. [69]

While corporal punishment is prohibited in residential institutions under section 1.4 of the Standards in the Implementation of Residential Care Services (Administrative Order No. 141) (2002), it could be possible that staff may 'discipline' children with beatings or restraints, or by locking them up. In some institutions, children with disabilities may face violence in the guise of treatment. In 2009, two young girls who sought shelter in a government centre after they were raped accused a male social worker in Mandaue City of molesting them.[70]

In 2007, a suspected American paedophile was arrested in the United States for taking nude photos of young boys from an orphanage in a municipality in Davao Oriental[71]. US authorities confiscated his digital camera and laptop for containing nude photos of kids from the orphanage.

Three boys in the House of Joy orphanage confirmed that detained suspected paedophile Paul Carlock fondled their sex organs and took photos of them naked. Carlock is a retired policeman and went to the Philippines to volunteer as Christian missionary. The kids fondly called Carlock as "Kuya Paul the Clown." He first arrived in the orphanage in 2004 and stayed in the orphanage for two weeks on that same year. In 2007, he stayed in the orphanage for two months. The orphanage houses at least 40 orphaned and abused young children.

After the incident, the DSWD issued a reminder that foreigners should not be allowed to sleep in orphanages to ensure protection of the orphans from possible abuse.

Exploitation and trafficking of children in institutions. While it is especially difficult to obtain statistical data on the exploitation and trafficking of children in institutions, there is evidence to suggest this is a widespread and growing concern[72]. An existing modus operandi is that children placed in institutions are, in effect, then 'trafficked' under the guise of inter-country adoption. Children, including those with parents, are being recruited into institutions for the purposes of financial gain via inter-country adoption. Unscrupulous adoption agencies collude with care institutions to coerce or deceive parents into giving up their children so that they can be adopted overseas.

In December 2009, a Singaporean lady was nabbed by local police in connection to the discovery of nine unregistered infants under the care of an unlicensed orphanage operating in Pililia, Rizal. The authorities believed that the babies were fattened up, vaccinated and provided with genuine or fake birth certificates before being transferred to Jala Jala, another Rizal town, and flown to a commercial adoption agency in Singapore owned by the arrested lady.

Stigma and discrimination: Children who are or have been in residential care are frequently stigmatised and discriminated against at school, and even by the local community. For example, pregnant teens may become targets of discrimination.

Developmental delays: Research has demonstrated that young children who are institutionalised before the age of six months may suffer long-term developmental delay.[73] [74] But young children who have experienced residential care after 6 months as an emergency measure are more likely to recover

[69] *NCR-Luzon NGO Consultation on the UNCRC Implementation. April 2008.*

[70] *Abused twice over: Social worker molested us – 2 rape victims. http://globalnation.inquirer.net/cebudailynews/news/view/20090811-219756/Social-worker-molested-us--2-rape-victims*

[71] *http://www.gmanews.tv/story/67958/dswd-bans-foreigners-from-sleeping-in-orphanages*

[72] *Van Reisen, M. & Stefanovic, A. (2004). Lost Kids, Lost Futures: The European Union's response to child trafficking, Terre des Hommes: Geneva.*

[73] *Rutter, M., & The English and Romanian Adoptees Study Team (1998). Developmental catch-up, and deficit, following adoption after severe global early deprivation. Journal of Child Psychology and Psychiatry, 39, 465-476.*

[74] *Marcovitch, S., Goldberg, S., Gold, A., Washington, J., Wasson, C., Krekewich, K., & Handley-Derry, M. (1997). Determinants of behavioural problems in Romanian children adopted in Ontario. International Journal of Behavioral Development, 20, 17-31.*

from their deprived background and catch up on their physical and cognitive development once they have been placed in a caring family environment.

Attachment issues: One of the most often observed impact of institutionalised care is a reduced potential to form secure, long-lasting attachments, and reduced access to individuals who take a real personal interest in the child's problems and achievements. This may be due to a restricted choice of friends, especially from outside the institution or the reduced or no possibility to maintain contact with family members and friends.

Children in institutions may also be exposed to short-term care activities organised or sponsored by well-meaning individuals or groups. However, without the appropriate orientation of these care-givers and the children themselves, children may feel rejected once the caregivers leave and thus feel used as charity objects.

Imposition of religious beliefs: In the Philippines where many charitable institutions are run by religious organisations, institutions are used to provide religious or secular education to poor or orphaned children. In this setting, the imposition of religious beliefs contrary to children's family background is a real concern. For example, almost all DSWD-run residential care provide for spiritual enhancement activities which are described as Bible reading and attendance in masses.

Lack of preparation for adult life: An unintended consequence of long-term institutionalisation is a lack of preparation for adult life when leaving the institution. There may be inadequate resources to assist them in finding accommodation and employment, developing relationships, and getting access to services.

The lack of life options available to children leaving long-term institutional care, in particular, makes them more vulnerable to criminal behaviour as a means of survival. They are also more likely to develop antisocial behaviour, attachment disorders, and to struggle with positive parenting. Generally, children leaving care are more likely to be dependent on the State and other service-providers for their own wellbeing and survival and less able to contribute to economic growth and social development.

CONTRIBUTORY FACTORS THAT PUT CHILDREN AT RISK

Less investment on social services increases child abandonment: Countries that spend less on public health and social services are more likely to have higher numbers of institutionalised children possibly as a consequence of not providing mother child residential care facilities and counselling services to prevent abandonment and rehabilitate parents who are at risk of abusing/neglecting their child. Furthermore, in the absence of adequate health and social services for parents (e.g. mental health and alcohol/drug addiction services) children are likely to remain in institutional care for longer periods of time.

Questions of quality care: While there are national enforceable standards governing the running of children's homes, there is inadequate data on how exactly the DSWD regulates organisations, monitors standards and inspects facilities that are providing care for children. It is very likely that poorly funded and badly managed facilities also provide low material standards of care.

Poorly trained or overloaded caregivers could also do more harm than good. While the use of non-professional caregivers as house parents have somewhat eased the case load of social workers, these paraprofessional caregivers need to undergo regular seminars and trainings to ensure that they are competent and professionally responsive to the needs of the children and also to provide the necessary protection to the children.

Temporary care and serial placements: Since residential care is an expensive intervention, most private agencies can only afford temporary care. As a result, a child is often moved from one temporary care placement to another. In fact, SOS Children's Villages report that most of the children that were referred to them have experienced two or more temporary out-of-home care placements. This serial placement strategy may have a substantial negative effect on the well-being of the child and could foster their deep distrust and disbelief in long-term relationships. Healing could be a long and enduring process, temporary out-of-home care placement may potentially increase children's vulnerability.

CHILDREN'S VIEWS AND THEIR PARTICIPATION

The participation of children who are separated from their families, in making decisions on matters that affect them, has become recognised as an issue of major importance around the world, not least for children's protection and personal development.

Residential care, such as welfare homes, may offer opportunities for participation of children in running the home. Such is the case for Tambayan Center for the Care of Abused Children, Inc., an NGO that works with adolescent street girls in Davao. Tambayan (literally, a place to hang out in) manages a drop-in shelter wherein the children have a hand in drafting and enforcing shelter policies. There is no accessible data to indicate that this is a common practice among NGO-run shelters and centres.

Recently, the DSWD bared the plan to operationalise the existing framework in upholding the participation of children in DSWD centres and institutions for their rehabilitation and recovery. This aims to create an enabling environment in DSWD residential care facilities to facilitate the recovery and healing of children. The pilot implementation will be done in DSWD's Home for Girls and Regional Rehabilitation Center for Youth from 2010-2012.

WHAT SAVE THE CHILDREN CAN DO

Policy advocacy

- Support efforts to deinstitutionalise child care systems through the closure or transformation of existing institutions that are harmful or inappropriate within a reformed care system. This would include the reunification or resettlement of children in long-term or inappropriate residential care.
- Advocate with, and support, governments to develop legislation, policies and practices, in line with the UN Guidelines, including minimum standards for all forms of care, and the registration and inspection of residential care facilities. Holding governments to account in relation to the implementation of laws, policies and practices and monitoring public spending on family-based alternative care.

Support for interventions

- Develop and pilot models of alternative quality family- and community-based care (including kinship care, foster care, independent living, and adoption) as well as appropriate systems for gate keeping, regulation, monitoring and inspection.
- Develop improved case management processes, including care planning for children in care to enable their reunification and reintegration or to place the child in a stable and durable quality family or community-based care placement.

Education, awareness-raising and capacity-building

- Use media work on care issues, including in emergencies, to influence public awareness and support for institutional and family-based care.
- Host or sponsor events to build awareness and support for care reform, to raise awareness of the UN Guidelines, to increase government and donor support for family- and community-based care and supports, and to share best practices.
- Strengthen Save the Children capacity as well as civil society and community motivation and capacity to care and protect children, including support for improved training for social workers, paraprofessionals, and volunteers, as well as parenting education and support to avoid family separation.

Research and documentation

- Research the use of residential care and best practices in alternative forms of care, and family support services as well as discriminatory practices in the placement of children including those affecting children with disabilities, minority ethnic groups, children of unmarried mothers, etc.
- Map the numbers of children in alternative care and the reasons for their placement, and contributing to research on these issues, making sure children's voices are heard.
- Produce high-impact research and policy reports on the use of family and community-based care, including in emergencies, and will have linked this to influential country, regional and global advocacy for policy and practice change including regional and international conferences.
- Build strong partnerships with local and international academics and academic institutions to deliver high-quality research and capacity-building.

Chapter 4

CHILDREN IN EXPLOITATIVE AND HAZARDOUS WORK SITUATIONS

Tamtam[75] is a 17 year old worker in a sugarcane plantation who has endured countless days of working under the scorching heat of the sun. He began working in the plantation cutting and loading sugarcanes since he was 12.

Tamtam is one of the many migratory workers or "sakadas" who are paid on a "pakyaw" or lump-sum basis. His work ranges from weeding of grasses, cultivation, and fertilising to cutting and loading of canes during the harvest/milling season. His fingernails are already disfigured. He often complains of fatigue and chest pains but has no money for check-ups.

In the Philippines, a significant number of children are indiscriminately made to participate in economic activities at very young ages. Unscrupulous employers take advantage of their predicament - luring them to work in industries which are clearly hazardous even by adult standards. The National Survey on Children (NSC) indicated that there were about four million economically active children aged five to 17 years in 2001, which constituted 16.2 percent of the total population of children in the same age group. The results also indicated that 2.2 million (1.4 million males and .8 million females) or 11 percent of all children ages five to 14 were employed. Out of the four million child workers, about 60 percent or 2.4 million were exposed to hazardous working environments.

A study by the National Commission on Child Protection in the Philippines in 2008 revealed that nationwide 2.1 million children aged less than 15 years old were found in workplaces like farms, factories, mines, even red-light districts. The commission recorded 1.8 million child workers in 2007. The Philippines is cited as one of the countries with a significant incidence of child labour in the agricultural sector, according to a report from the US Department of Labor. The report lists the goods produced using child and forced labour in the 77 countries studied.

Working children may be found in diverse sectors of the Philippine economy. Of the country's working children, 64 percent are in agriculture, 16.4 percent are in sales, 9.2 percent are in production work, and 8.8 percent are in service trades. The major areas in the formal sector of the economy where children can be found working are the garments industry, wood-based industry and the food industry. Hiring of apprentices in these industries is common. The rest of the children are in the metal and mining industry. In addition, according to the US Department of Labor's Bureau of International Labor Affairs, the hog, banana, coconut, rice, rubber, sugarcane, tobacco, corn industries in the country use child labour. It also noted that child labour can be found in the gold mining sector, fashion accessories manufacturing, pyrotechnics industry, and pornography.

Most of the attention has focused on the formal sector. The status of children in the informal sector remains hidden and unknown. These largely unrecognised, unrecorded and unregulated small-scale activities constitute the informal sector which, as of January 2005, is said to have employed some over 15 million people.

[75] *The case is based on a study by the Center for Investigative Research and Multimedia Services (CIRMS), Ang Mga Batang Negros: A Study on Child Labor Incidence and Dynamics, 2005.*

Nevertheless, studies show that in this sector, children are mostly found in agriculture, in the garments and handicraft sectors working for subcontractors, in the street-vending trade, in illegal trade such as prostitution, and in domestic or bonded labour wherein children are pledged to landlords in payment of debt.

In 2007, the DOLE reported that some 41,200 children, mostly in the informal sector and in the sugar industry, have been successfully withdrawn from the worst forms of child labour by the DOLE-led, multi-sectoral Philippine Time Bound Program (PTBP). Household workers, sidewalk vendors, and workers in unregistered family-based enterprises are among those that comprise the informal sector.

Based on geographic distribution, about 70 percent of child labourers were found in rural areas and only 30 percent in urban areas. Urban-based child workers were a little older than their rural counterparts: the average age of urban-based child workers is 15 while the rural average age is 14. The regions with the highest incidence of child labour are: Southern Tagalog or Region IV (11.5 percent), Central Visayas or Region VII (9.7 percent), Eastern Visayas or Region VIII (8.7 percent), Bicol or Region V (8.6 percent), Southern Mindanao or Region XI (8.5 percent) and Negros-Panay or Region VI (7.9 percent).

Generally, there are more child male workers than child female workers. The gender ratio showed 173 male child workers for every 100 child female workers. More boys are expected to participate in paid work in poor households while girls are expected to a certain point or to stay at home to help care for the house or their younger siblings. Thus, more female children are engaged in work that is considered to be less economically productive (such as domestic work). As a consequence, boys have higher child labour participation and employment rates while girls have higher enrolment rates.

According to the Philippines Survey on Working Children conducted in 2000 by the National Statistics Office, there were 240,000 children employed in private households. These jobs account for 13.7 percent of paid employment in the Philippines. The 2004 ILO-IPEC report on child domestic labour quoted a figure of 29,000 child domestic workers in the Philippines between the ages of 10 and 14 and 273,000 between 15 and 19 years old. Meanwhile, the Visayan Forum Foundation (VF), a non-government organisation working with child domestic workers for more than a decade, estimates that there are at least one million children in domestic work in the Philippines.[76] The discrepancy in these figures underscores the lack of attention provided to children in domestic labour.

Most child domestic workers are very young and undereducated. They work for almost 24-hours, all week long except when allowed a day off; mostly underpaid, if paid at all. Many also work in bondage - for advances during their recruitment, for salary advances or deductions. Many child domestic workers also report experiencing physical and verbal abuse from their employers. Some reveal they were forced to eat leftovers, or compete for dog food, or sometimes even forced to drink liquid detergent mixed in juice.

In 2009, an 18-year old *kasambahay* (domestic worker) was rescued by the DSWD and the Commission on Human Rights (CHR) from the clutches of her employer, a very rich tycoon, after a fellow kasambahay escaped and told her parents of their daughters' ordeal[77]. The victim reported that she and the other helpers were not allowed to use the telephone or cell phone, talk to fellow house helpers, laugh, sit in their (family's) chairs, look outside the window,

[76] *Visayan Forum Report on Compliance with ILO Convention No.182 on the Worst Forms of Child Labour.*

[77] *Another maid files criminal charges vs Mariano Tan, http://housemaidsabuse.wordpress.com/2009/09/09/another-maid-files-criminal-charges-vs-mariano-tan/*

watch TV, read any material or write, eat at any time, sleep or rest before their tasks were completed. In her extreme hunger, she even scrounged for dog food. However, she received a terrible beating when she was caught.

She has also experienced being choked, kicked, and had her head banged against the wall even for very minor infractions. She was also made to do her chores naked. Her women employers then took photos of her in the nude. When she finally asked permission to leave, she was forced to sign a new contract. She was working for the tycoon and his family since she was 13.

EXISTING LAWS AND POLICIES

The Philippines is a signatory to many international laws and declarations related to child labour. Among these laws are the ILO Convention 138, which sets 16 as the minimum age for employment; ILO 182, which prohibits the worst forms of child labour; and Republic Act 9231 of 2003 which is the local version of ILO 182. The Department of Labor and Employment (DOLE), through Department Order No. 4, prohibits persons below 18 years old to engage in any type of hazardous work. Meanwhile, the law that upholds the rights and dignity of domestic workers has yet to be passed.

In 2009, DOLE finally came out with guidelines for companies facing closure for employing minors under dangerous circumstances, four years after the law banning the worst forms of child labour has been enacted. Department Circular No. 3 provides guidelines for the closure of establishments under Republic Act No. 9231, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child.

Under the circular, a business establishment that violates any of the provisions of RA 9231 more than three times may be ordered closed by the labour secretary or DOLE regional director. However, prior notice and a hearing would be required before a closure order may be issued unless there are grounds for immediate closure. Immediate closure shall apply in the following circumstances: Violation of any provision of RA 9231 which resulted in death, insanity or serious physical injury to a child worker; the establishment employed the child for prostitution or lewd shows; there is imminent danger to the life and limb of the child.

However, the guidelines came two years too late for a 13-year-old boy who died in an accident while working in the shipping firm in Davao City.[78] In a raid done on the shipping compound following the complaint of the boy's father, a team from the DoLE and The Department of Labor and Employment (DOLE) found at least 14 children who were hauling heavy cargos in its compound.

The investigation revealed that the child workers were made to work seven hours a day, from 9 p.m. to 4 a.m., and were paid P50 to P100, depending on the work they accomplished.

COORDINATION AND INTEGRATION

The National Programme Against Child Labor (NPACL) is a comprehensive programme which consolidates the efforts of various social partners to eliminate the worst forms of child labour and to transform the lives of child labourers, their families and communities, towards their sense of self-worth, empowerment and development. The guiding principles of the NPACL include

[78] *Davao shipping firm faces charges over child labor, Philippine Daily Inquirer, March 23, 2007. Retrieved from: http://newsinfo.inquirer.net/breaking-news/regions/view/20070323-56639/Davao_shipping_firm_faces_charges_over_child_labor*

demonstrated caring quality service delivery, continuous learning, competency-building and service innovation, rights-based and needs-driven advocacy and action, partnering, supportiveness, convergence of resources, both financial and human, strong sense of social responsibility, results orientation, diversified resource base. Partners within the National Programme Against Child Labor (NPACL) are hoping that these policies would be instrumental in achieving the 75 percent reduction in local child labour incidence by 2015.

The NPACL is implemented through a multi-sectoral coordinating body in congruence with the goals enunciated in the Medium Term Philippine Development Plan (MTPDP) and the Philippine National Strategic Framework For Plan Development for Children, 2000-2025 (Child 21). Institutional mechanisms of the NPACL at the national and regional levels involving inter-agency efforts have also been established, with the Department of Labor and Employment (DOLE) – Bureau of Women and Young Workers taking the lead role.

The NPACL is being implemented by partners at different levels:

- At the Local Level - The Program Implementation Committee (PIC) is composed of representative(s) from local government units (LGUs), local representatives of the partner agencies, NGOs and community or people's organisations, the working children themselves and their family.

- At the Regional Level - The Regional Child Labor Committee (RCLC) is composed of regional representatives of the partner agencies and the chairperson of the PIC

- At the National Level - The National Child Labor Committee (NCLC) is composed of national representatives from member agencies: Department of Health (DOH), Department of Education (DepEd), Department of Social Welfare and Development (DSWD), Department of Interior and Local Government (DILG), Philippine Information Agency (PIA), Employers Confederation of the Philippines (ECOP), Trade Union Congress of the Philippines (TUCP), National Council for Social Development (NCSD) and the Department of Labor and Employment (DOLE), with its Undersecretary as Chairman.

BUDGET ALLOCATIONS AND EXPENDITURES

The activities designed to eliminate the worst forms of child labour lacked DOLE's support. It was revealed that DOLE has been only allocating about PhP 500,000 (USD 11,363) annually for prevention efforts.

PREVENTIVE MEASURES

The Philippine Time Bound Program (PTBP) is harnessing the collective action of social partners to transform the lives of child labourers, their families and communities towards a sense of self-worth, empowerment and development. The PTBP was realised through the efforts of the ILO and the National Coalition for Children's Participation (NCCP). They pooled their resources, skills and expertise to implement the programme.

Civil society initiatives

The ABK (Pag-Aaral ng Bata para sa Kinabukasan or Education for Children's Future) Initiative is implemented by ChildFund Philippines, Educational Research and Development (ERDA) Foundation, Inc., World Vision Development Foundation, Inc. in order to combat exploitative child labour education, awareness-raising, and capacity building. The project, which is now on its second phase (ABK2), is funded by the US Department of Labor.

The project helped to set up Bantay Bata sa Komunidad or BBK, or community watch groups (CWGs), made up of local leaders, parents, teachers and others chosen by the communities. The voluntary CWG members received training in children's rights and on child labour and helped to identify child participants who were engaged in dangerous work and who did not attend school regularly.

They monitored whether children were in school, and persuaded parents to stop their children doing dangerous work and let them go to school. They also worked with local schools and officials, who took steps to ensure appropriate quality of education. Several CWGs became integrated into the official barangay (local government) structure, thereby making them sustainable.

The project achieved impressive results. Nearly 17,000 girls and boys gave up doing hazardous work – such as making fireworks (usually at home), harvesting sugarcane, deep sea fishing and sex work – and began attending school regularly.

Meanwhile, VF systematically coordinates with school administrations and other partners to assist child domestic workers (CDW) who combine work and study, as a strategy to prevent them from sliding into other worst forms of child labour. This involves strengthening of existing efforts with the schools tapped in the previous programme period in the areas of improving curriculum, providing immediate assistance to students in need, improving Kasambahay centres in schools, and organising activities in tandem with SUMAPI and teachers. The Batangas centre also offers alternative classes and trainings.

PROGRAMMES AND SERVICES FOR CHILDREN, FAMILIES AND COMMUNITIES

At present, the focus of actions in the country is on the elimination of risk to children rather than on ending their participation in all forms of work.[79] Such approach is needed to accommodate the poverty element in child labour and allow the families flexibility in maintaining their essential survival mechanisms while protecting the children involved. Thus, among the emerging strategies now being pursued by the government is the focusing of rescue efforts on the most exploitative forms of child labour or the high-risk children such as the very young (below age 12 or 13), those in hazardous working conditions, or those in bonded labour.

For the rest of the working children, however, until alternatives for survival are set in place, heightened efforts should be exerted to assure that they are in jobs that are not harmful to their health and physical and mental development, that they have opportunities for education and recreation, and that they receive the same conditions of employment and protection as ordinary workers in addition to their rights as children. The protection of existing labour legislation, standards, as well as welfare schemes designed to protect workers' well-being, should be extended to them. At the same time, sufficient and effective programmes of rehabilitation are needed to complement the said strategy.

[79] *http://ipecphils.tripod.com/phillaws/intro.htm#SITUATION*

To realise the foregoing objectives in the area of law enforcement, community groups and local government units have been mobilised to immediately respond to complaints of child abuse and exploitation and to assist the concerned children in obtaining redress for the violation of their rights. Nevertheless, to assure them complete and adequate relief throughout the entire judicial process, the training of significant actors such as labour inspectors, prosecutors, judges, social workers and NGOs for a better comprehension of the laws and legal procedures on children, and for a deeper sensitisation on children's rights still need to be intensified.

The immediate measures required for the protection of child workers, as suggested above, would be ineffective unless accompanied by schemes to address the root causes of child labour. Thus, aside from existing social welfare services to needy families, income generating or community livelihood projects must be strengthened to increase the families' earning power. In like manner, educational programmes that are free, relevant to the needs of the child workers and flexible enough to allow them enough time to carry on traditional but non-hazardous work should be made accessible to them.

The Sagip Batang Manggagawa (Rescue Child Laborers) is an inter-agency programme, which aims to respond to cases of child labour and rescue victims from hazardous and exploitative conditions. The quick reaction teams have also been strengthened and consist of teams of policemen and social workers to rescue children and women victimised by prostitution and sexual exploitation.

In 2006, the Sagip-Batang Manggagawa quick action team (SBMQAT) rescued at least 46 child workers from various sweatshops in the National Capital Region (NCR). The rescued minors included those working as guest relations officers in KTV bars and as house helpers, cutters, factory workers, and delivery boys in sub-standard working conditions. Charges have also been filed against the children's employers for violating Republic Act 9231. The DOLE-NCR has begun summary hearings for the children's employers for underpayment of wages and non-payment of special, legal, holiday pay and night shift differential.

Since 2005, the DOLE-NCR has ordered the closure of 10 establishments in Metro Manila found violating RA 9231.

Civil society intitiatives

The Kasambahay Program is the national initiative of Visayan Forum (VF) that provides direct services and social protection; acts for the empowerment and promotion of self-help organisations; conducts advocacy for legislation and policies, programmes and related services; and offers a Resource Center that documents and consolidates material on child domestic workers.

The Direct Services and Social Protection component consists the continued provision of immediate response to child domestic workers at risk. This involves providing immediate assessment, and removal and interception during trafficking if needed, while making medical, legal, psychosocial, and police assistance readily available by tapping available resources from government agencies, NGOs, workers and employers groups within the National Program Against Child Labor. Send your concerns through our email hotline here.

VF offers psychosocial services in temporary shelters which provide, apart from a place of help and safety in crisis for abused CDWs referred and reached out, the opportunity to develop deeper relationships between care-givers and among

other initially distrustful CDWs, the opportunity to make informed choices in the future, and the opportunities to learn life skills that may help them engage in income generation. Eventually, they are reintegrated to their families or other foster institutions whichever is appropriate. A half-way house in the Manila port is also initially part of the programme to help intercepted, stranded or run-away working children who are victims of trafficking.

The Visayan Forum envisages entering into long-term working arrangements for joint action on domestic work. The recent extension of partnership with the Philippine Ports Authority to five years of continued operation of the halfway house for stranded domestic workers is an example. It is also working closely with the national Social Security System (SSS) and the National Health Insurance System (PhilHealth) where the Visayan Forum has been asked to assist in social security registration and remittances of domestic workers.

The strength of institutionalisation of the organisation of domestic helpers, such as SUMAPI, ensures that self-help mechanisms and support groups of domestic helpers shall continue long into the future. The provision of work contracts, minimum work standards espoused through the Batas Kasambahay would guarantee the legal framework for ensuring minimum standards of work.

ISSUES AND CHALLENGES TO CHILDREN'S RIGHTS AND CHILD DEVELOPMENT

Significant health and safety risks: Most of the country's working children are exposed to very poor working conditions. Children in agriculture are exposed to heavy loads, chemicals used for fertilisers and pesticides, and to natural elements such as rain, sun and strong winds. Those in fishing suffer from ruptured eardrums and shark attacks. On board the fishing vessels, they have to endure congested, unsanitary conditions and poor food which often lead to illnesses.

Factory child workers risk cuts and other injuries from accidents caused by modern machineries and from the lack of protective mechanisms such as gloves and masks. Children in garment factories and in wood industries suffer from back strain, hand cramps, eye strain, headaches and allergies due to dust. Those in the pyrotechnics manufacturing run the additional risk of injury or death caused by the accidental explosion of their products.

Those involved in street trades suffer not only from sickness due to exposure to heat, rain, dust and fumes, but also from the risk of vehicular accidents. Also, child scavengers suffer from tetanus infections, while those engaged in prostitution get constantly exposed to sexually transmitted diseases and maltreatment from sadistic customers.

Child domestic labourers may have to use electrical equipment and other unfamiliar machinery, chemicals, acids, and other materials that are considered health hazards, often with very little protection and no training. In addition, they are expected to be on call 24 hours a day.

Exposure to abuse and violence: Child domestic workers are prone to verbal, physical and sexual violence. The Visayan Forum has documented cases of physical abuse that sometimes result in serious physical injury or even death. In one case a child died six months after her employer forced her to drink acid for unclogging drains; another was burned with an iron by her employer;

yet another child was forced to kneel on a wooden stool for hours with fire extinguishers in both hands.

Economic exploitation: Aside from the substandard working conditions suffered by children at work, they face exploitation by their employers in terms of long hours of work, insufficient rest periods and extremely low wages. On the average, children work from 4 to 6 hours a day, earn below P1,000 per month, and are paid in "pakyaw" or piece rate. A significant number do not even get paid since their contribution to the total production efforts of their families are not recognised by employers. It is estimated that 55.7 percent of the country's working children are unpaid family workers, 38.2 percent are wage and salary workers, and 7.1 percent work on their own account.

Negative psychosocial impact: Child labour not only entails physical repercussions such as stunted growth and diseases, but also certain psycho-social effects. The work, in which many children are engaged in, may distort their values, lead to loss of dignity and self-confidence, and expose them to anti-social behaviour. Children who work in the streets are also exposed to frequent molestation and harassment by peers, adult syndicates and even law enforcers. Educational deprivation: Child labour also takes its toll on the education of the working children. Out of the 70 percent of the country's working children who are still able to go to school, half experience problems of high costs of education (28.7 percent), distance (23.8 percent), and difficulty in catching up with lessons (22.1 percent). Working students complain of low grades (41.4 percent), absenteeism (25.3 percent), and tardiness (26 percent). Working students tend to be chronic drop-outs.

CONTRIBUTORY FACTORS THAT PUT CHILDREN AT RISK

Poverty as a major push factor: Child labour is rooted in poverty and the lack of economic opportunities. Consistently, child labour statistics reveal that poverty incidence among families with child labourers was about twice the national incidence rate. Meanwhile, the lack of economic opportunities in the locality force children to find work even in extreme or hazardous conditions.

In-depth studies of selected sectors such as fishing,[80] and pyrotechnics,[81] [82] all point to poverty and the need to earn additional income for the family contribute to the decision to allow or even compel children to work. Meanwhile, majority of children who render domestic work also come from impoverished households.[83]

Prioritising income over education: Many parents prefer to send their children out to work rather than to school, either because there is no school within a reasonable distance of the family home, or because they cannot do without the income the working child brings in, or because they cannot meet the costs of sending the child to school, or again because they cannot see what use schooling would be to him. Income from child labour, no matter how small, is welcome to very low-income households, whether it be in the rural or urban setting. These households need their children's earnings to augment their households' income. Simply said, child labour is necessary for the survival of the household as resources and economic opportunities are not sufficient to meet the household's minimum basic needs.

The demand for child labour: Another major factor in the increase in the number of working children is the demand for child workers. Employers know

[80] *Remedio, E. (2002). Children in Pa-aling and Kubkub Expeditions: An Assessment Report for the Deep-Sea and Fishing Sector Studies. Manuscript. ILO-IPEC.*

[81] *Ano, D. (2002). A Cursory Assessment Study on the Situation of Child Labor in the Pyrotechnics Industry. Manuscript. ILO-IPEC.*

[82] *Edralin, D. (2002). In Depth Study on the Situation of Child Labour in the Pyrotechnics Industry. ILO-IPEC.*

[83] *Brillantes, R. (1996). Developing Strategic Services for Child Domestic Workers: Using Survey Data on their Working and Living Conditions in Metro-Manila. BWYW-DOLE.*

all too well the advantages of employing children. They represent a docile work force, which could be hired and replaced at a fraction of adult wages. They do not join labour unions and very seldom complain. Above all, employers who hire children gain a competitive advantage in both national and international markets due to the low wages they pay children.

The economic value of children: Many parents view children as an economic investment or as a form of social insurance, particularly in poor households. However, due to poverty, parents expect an early return of their investment, as the need for livelihood support is more pressing at present.

The economic value of children is also viewed through a gendered lens. For example, child domestic work is perceived by some parents as lighter and less arduous task than other employment opportunities available for children in their community. It requires no formal training or special skills or qualification yet it provides the guaranteed and regularincome needed by the household.

CHILDREN'S VIEWS AND PARTICIPATION

In 1995, the Visayan Forum organised the first domestic workers' association in the Philippines, the SUMAPI (Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas). This self-help organisation originated from VF's early efforts to reach out and organise young girls at the Luneta Park where they congregated during their days off every Sunday.

Today SUMAPI is among the largest registered national organisations with roughly 10,000 members nationwide. It is composed of linked core groups acting as support networks based in parks, schools, churches and other transit points for trafficking. Together they raise their voices on behalf of the plight of domestic workers, and they aim to increase protection for child domestics via national laws and codes of conduct. SUMAPI mobilises domestic workers for the yearly Domestic Workers' Day celebration. The nationwide celebrations take place in public parks where domestics organise themselves throughout the year, and members organise trips to Social Security registration booths, counselling centres as well as other government agencies.

The programme is currently moving towards the formalisation and registration of SUMAPI as a workers' group. Strengthening of organised core groups and chapters as a workers group to enhance a meaningful participation of the CDWs in crucial aspects of the programme in line with the over-all strategy and advocacy agenda for CDWs in the Philippines. This involves workshops to process their experiences and perceptions at work; to improve leadership and advocacy capacities, and; to deepening reflection in life during school retreats. Core groups leaders and advocates are identified and trained to become advocates in their immediate spheres of action such as schools, communities, LGUs, etc.

VF also conducts flexible outreach services for child domestic workers in schools, churches, recreational parks, ports, and waiting areas identified as areas of high concentration of child domestic workers. The outreach uses creative methods in counselling and orientation about legal entitlements, social security system registration, and other informational especially of newly recruited CDWs especially during transit. In particular, the programme assists domestic workers to avail of social security (SSS) benefits by conducting regular registration sessions in the field during their days off.

WHAT SAVE THE CHILDREN CAN DO

Strong advocacy and awareness-raising campaign that promotes the acceptance of fundamental principles on children's rights, decent work standards and employment contracts, gender-sensitive and child-centred strategies. The advocacy campaign needs to be directed to child workers, parents, employers, communities, religious groups, media advocates, national government institutions, local government leaders, policy-makers, the general public and other civil society groups.

Chapter 5

CHILDREN IN SITUATIONS OF TRAFFICKING

One late evening, a distressed woman appeared at the doorstep of the Bahay Silungan Sa Daungan (BSSD), a shelter for victims of human trafficking at the Sasa Wharf in Davao City. The woman suspected that her 16-year-old daughter was aboard the SuperFerry vessel that was preparing to leave for Manila. She wanted the ship searched and her daughter prevented from heading for an uncertain fate in the big city. It was 9:30 p.m. The boat was leaving in 15 minutes.

The social worker from Visayan Forum, an NGO focusing on the rights of domestic workers, quickly contacted SuperFerry officials and asked to see the passenger manifest. She did not find the girl's name but saw that of the girl's 21-year-old sister. After a quick scan of the photos of passengers taken at the SuperFerry's boarding gate, the social worker confirmed that the girl had indeed boarded the vessel, using her older sister's identity.

The ship's captain was asked to hold the vessel's departure while she, the victim's mother and some BSSD volunteers as well as port and SuperFerry personnel boarded the vessel and discreetly searched the ship. In minutes, they found the girl, whose identity has been kept confidential. Shortly after 10 p.m., the ship was on its way to Manila.

Each time a vessel leaves Davao City's Sasa Wharf, BSSD social workers reported that they intercept as many as 20 passengers headed for Manila, potential victims of human trafficking syndicates. The Philippines is known as a source, transit and destination country for domestic and cross-border trafficking of women and children for the purpose of sexual exploitation and forced labour. The United Nations estimates that the Philippines has contributed from 600,000 to 800,000 victims of trafficking in persons.

Enticed by the lure of employment in Metro Manila or abroad and pushed by grinding poverty in Mindanao, these victims are coerced or deceived into a variety of exploitative situations in the Philippines or abroad: bonded labour, prostitution or abusive domestic work. Others are exploited for illegal activities (like begging, illegal trade or adoption), organ trading, marital services or for armed conflict. The study also cites a DSWD report that from 1997 to 2002, there was an estimated 95 documented cases of child trafficking mostly from Region IX (Zamboanga Peninsula).

In many cases, the victims are female and minors, as the rescue exemplified. The girl later told BSSD personnel she had been recruited to work for P9,000 a month as a waitress during the day and a karaoke attendant at night in a restaurant somewhere in Luzon. Witnesses said the girl had four other companions who managed to make the voyage to Manila.

However, the lack of a data collection and monitoring system makes it difficult to determine the number of trafficked children. In Cebu, an NGO recorded 534 women and girls who were trafficked for sexual purposes from 1997 to 2000. Another NGO, Antonia de Oviedo, recorded 22 trafficked girls from

1999 to 2002. In Cagayan de Oro City, the Philippine National Police recorded 14 child trafficking cases from 2001-2003, but the exploitative purpose was not identified. The regional office of the DSWD reported four trafficking cases for sexual purposes in 2001 and two cases in 2002.

Available data may not accurately reflect the magnitude of child trafficking in the country. In the period between 2006 and 2007, data from the DSWD indicate that it has served about 806 cases of child trafficking, with incidents of child labour and prostitution (sexual exploitation) comprising more than half of the cases. The large number of cases of trafficking for labour purposes underscores the trafficking dimensions of child labour.[84] Unfortunately, there was no disaggregation by gender.

Table 5. Child Trafficking Cases Served by DSWD, 2006-2007

Number of cases	Total
Victims of child labour	281
Victims of prostitution	264
Other forms of child trafficking	181
Victims of illegal recruitment	24
Victims of pornography	20
Victims of paedophiles	19
Victims of cyber pornography	17
TOTAL	806

Table 6 reveals that trafficking targets mostly female adolescents between the ages 13-17, accounting for almost 80 percent of the cases served by DSWD. However, there are also victims as young as 0-2 years. Trafficking of babies for intercountry adoption also seems to be on the rise. In 2008, a Singaporean owner of an adoption agency, a former mayor and a social worker were arrested in JalaJala, a town in Rizal, for being allegedly involved in baby trafficking. Police discovered nine babies being cared for in an unlicensed and unregistered adoption home in the town (see also Chapter 3).

Table 6. Child Trafficking Cases Served by DSWD by Age and Sex, 2006-2007

Age	Male	Female	Total
0-2	8	3	11
3-5	10	10	20
6-12	25	30	55
13-14	41	266	307
15-17	78	335	413
TOTAL	162	644	806

Most of the children (557 or 69.1 percent) served by DSWD originated from Central Visayas. Cases from the NCR follow with 258. These figures are not surprising since international ports and airports are located in these regions. Central Luzon accounts for the third largest group. Meanwhile, cases from the Zamboanga peninsula account for about 10 percent of the cases. Zamboanga has been identified as the exit point for cross-border trafficking to other Southeast

[84] *Flores-Oebanda, C. (2006) Addressing vulnerability and exploitation of child domestic workers: An open challenge to end a hidden shame. Expert Group Meeting for the Elimination of all Forms of Discrimination and Violence against the Girl Child.*

Asian nations such as Malaysia. Cagayan Valley, where Batanes, the northernmost island, is located, may also serve as exit points to Taiwan. However, the data do not indicate whether the cases are trafficking within the country or across borders.

Table 7. Child Trafficking Cases Served by DSWD by Origin, 2006-2007

Region	Total
Region I (Ilocos Region)	22
Region II (Cagayan Valley)	84
Region III (Central Luzon)	138
Region IV-A (Calabarzon)	12
Region IV-B (Mimaropa)	13
Region V (Bicol Region)	4
Region VI (Western Visayas)	11
Region VII (Central Visayas)	557
Region VIII (Eastern Visayas)	21
Region IX (Zamboanga Peninsula)	93
Region X (Northern Mindanao)	28
Region XI (Davao Region)	36
Region XII (Socsargen)	7
Region XIII (Caraga)	1
National Capital Region (NCR)	258
Autonomous Region in Muslim Mindanao (ARMM)	--
Cordillera Administrative Region (CAR)	7

From July to December 2008, the Social Welfare Attaché Office in Malaysia provided services to 177 distressed Filipinos and victims of trafficking.[85] Among them are 37 or 20 percent male while majority or 140 or 80 percent were female. A total of 54 or 30 percent (9 male and 45 female) were labour trafficking victims while 63 or 35 percent female were victims of sex trafficking. The 51 distressed Filipinos (21 male and 30 female) were either overstaying, sick, old, or pregnant. Nine children born to one Malaysian parent but without proper documentation were considered overstaying aliens and had to be repatriated.

The female victims of labour trafficking were often employed as household helpers. Male labour trafficking victims worked as waiters, farm workers, factory and construction workers. On the other hand, the female victims of sex trafficking are employed in massage parlours, bars and pub houses.

Majority of those served belong to the working group of 20 to 40 years old. Eighty-four of the 177 fall within the 20 to 29 years old age group while 37 represent the 30 to 39 age group. There were 13 that are 19 years old and below. These cases are those that fall under the sex trafficking category.

An emerging issue is the involvement of children in organ trafficking. Organ Trafficking is defined as "the recruitment, transport, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a

[85] *Cabilao, F. (2009). International Social Welfare Services: The Malaysian Experience. Social Welfare and Development Journal, 3(4); 2-11.*

position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation by the removal of organs, (tissues or cells for transplantation)."[86]

Andreas was 16 when his mother begged him to sell a kidney for food for his siblings and beer for her shop in a Manila slum. His case is not an isolated one. Initial results of six days of data-gathering done in 2007 in 3 towns in the Philippines yielded interesting results. Calauag town had 42 organ providers from 6 out of 81 barangays; Lopez town had 98 providers from 40 out of 95 barangays; and Gumaca town had 50 donors from 12 out of 59 barangays.

Attempts to conduct research on the health and other situation of the donors failed because of incomplete donor registries, i.e. with some 10 donors giving the same address. There were no procedures in place to establish true names, ages and addresses of donors. Some hospitals provided incomplete registries of transplants, which did not coincide with the operating room and anaesthesiologist's records, thus understating the total number of transplants involving foreigner recipients. Since the screening process do not rigorously verify the ages of donors, it is very possible that there would be a number of underage donors.

EXISTING LAWS AND POLICIES

Government legislations and initiatives have been in place to safeguard children's rights and welfare in this area. In Article IV Section 7 of Republic Act No. 7610, child trafficking is the act of trading and dealing with children including, but not limited to, the act of buying and selling a child for money, or for any other consideration, or barter. Any person guilty of child trafficking shall suffer a penalty of *reclusion temporal to reclusion perpetua.* The penalty shall be imposed in its maximum period when the victim is under 12 years of age.

The Philippines in March 2003 enacted a comprehensive anti-trafficking law called The Anti-Trafficking in Persons Act of 2003 or the Republic Act No. 3208. This long awaited law defines trafficking in numerous ways. It makes illegal the "recruitment, transportation, transfer or harbouring, or receipt of a person, with or without the person's or victim's consent, within or across national borders for the purpose of exploitation such as sexual exploitation, forced labour services, slavery or practices similar to slavery, and removal or sale of organs or other similar acts."

Also, it makes illegal the threatening of people or using force or other forms of coercion, abduction, fraud, deception, abuse of power or position. Interestingly, introducing for money or other consideration, any Filipina to a foreigner as a possible spouse or offering any Filipina to a foreigner as a prostitute is considered "trafficking in persons." Also "maintaining or hiring a person to engage in prostitution or pornography" is also considered "trafficking in persons."[3]

The penalty structure set up by R.A. 9208 is as follows:

- Qualified Trafficking in Persons (denoting trafficking of persons under the age of 18): life imprisonment and a fine of P2 million to 5 million.
- Trafficking in Persons: 20 years imprisonment and a fine of P1 million to 2 million.
- Promoting Trafficking in Persons: 15 years imprisonment and a fine of P500,000 to 1 million.

[86] *http://www.asia-acts.org/website/index.php?option=com_content&view=article&id=74&Itemid=93*

- Use of Trafficked Persons for Prostitution–first offense: 6 months community service and a fine of P50,000
- subsequent offenses: 1 year imprisonment and a fine of P100,000.

However, despite the presence of a law, traffickers continue to be emboldened. Government lawyers have managed to win only eight cases against persons accused of human trafficking four years since RA No. 9208 was passed. Four of the cases that ended in convictions were in Quezon City and two each in Zamboanga and Batangas.

Slow court proceedings and the victims' lack of interest to pursue charges against suspects have resulted in a low rate of conviction in human trafficking cases. In 2007, only eight convictions were reported to have resulted from the 248 cases filed under the Anti-Trafficking in Persons Act of 2003. The low conviction rate may be attributed to, among others, the victims' refusal to testify against recruiters, which weakens the government's cases. Victims often refuse to blow the whistle on recruiters for fear of reprisal. Even social workers and volunteers have experienced being harassed by recruiters.

COORDINATION AND INTEGRATION

The Inter-Agency Council Against Trafficking or IACAT was created to monitor and coordinate the implementation Republic Act 9208. It also came up with a strategic plan of action that includes prevention, protection, recovery and reintegration. Likewise, Executive Order 220 created the Executive Council to suppress trafficking of women and children.

On the other hand, the Inter-Country Adoption Board was created to act as the central authority on matters related to inter-country adoption in order to protect the Filipino child from trafficking and sale or any other practice in connection with adoption which is harmful, detrimental, and prejudicial to the child. The Task Force on Illegal Recruitment which is headed by the Philippine Oversees Employment Administration (POEA) and composed of the DOJ, PNP and the Presidential Task Force on Anti-Organized Crime respond to cases of illegal recruitment which may include the trafficking and sale of children.

Executive Order 62 created the Philippine Center on Transnational Crime (PCTC) which implements a concerted programme of action on all law enforcement, intelligence and other government agencies for the prevention and control of trafficking of women and children. It also undertakes research and data banking on trafficking (CWC 2006). Likewise, the Department of Tourism has programmes which monitor child abuse and prostitution especially those committed by tourists coming to the country.

To ensure the effective implementation of programmes and services, a Philippine Guidelines for the Protection on the Rights of Trafficked Children was formulated. However, the Philippine Government was placed in Tier 2 in the 2007 U.S. Department of State's Trafficking in Persons Report for not fully complying with the Trafficking Victims Protection Act's minimum standards for the elimination of trafficking but is now making significant efforts to do so. There are also reports of immigration and police officers who are complicit in human trafficking.[87]

[87] *2006 US Department of State Human Rights Report , page 45*

MONITORING AND DATA COLLECTION SYSTEM

The IACAT's initiative was to come up with a reliable database system that would help Philippine law enforcement intercept child trafficking in the country's exit and entry points and assist prosecution in bringing the criminals to justice.

The database, called the Philippines Anti-Trafficking in Persons Database (PATD), was launched in 2009 to provide systematic records keeping and monitoring system of trafficking cases to aid programme development and policy formulation. It covers the services provided to victims, the cases filed with low enforcement agencies and the prosecution services, and is now undergoing pilot-testing in three regions

Meanwhile, the DSWD developed the National Recovery and Reintegration Database (NRRD), another database system for trafficked persons. The NRRD has been pilot-tested in seven regions (Regions I, II, III, IV-A, IV-B, IX, and NCR.

PREVENTIVE MEASURES

Early detection and prevention are essential in stopping the incidences of trafficking and sexual exploitation of women and children.

State initiatives

The Government of the Philippines has been using advocacy, information and education on women's and children's rights among policy makers, communities and other groups. Fourteen government agencies are involved in anti-trafficking efforts, much of which are prevention-oriented. In 2007, the IACAT established an anti-trafficking taskforce at the Ninoy Aquino International Airport (NAIA) to share information on trafficking. The national IACAT also developed a standard orientation module on trafficking in person. This served as a minimum guide in the conduct of community education and awareness raising activities.

Meanwhile, the Philippine Overseas Employment Agency (POEA) has also installed measures to protect OFWs from employer abuse which includes higher minimum wage and minimum employment age, as well as pre-employment seminars, trainings for OFWs and screening of employers. The government also showed an anti-trafficking infomercial on local TV networks.

Officials have made efforts to control "mail-order bride" businesses through increased monitoring. Government offices conduct information campaigns on child labour and sexual exploitation for the hotel industry and other tourism businesses.[88]

The DSWD launched a National Family Violence Prevention Program where families were also informed about the rights of women and children as well as necessary behaviour to protect them. To prevent trafficking in children, social workers have been posted at the airports to monitor the travel of children abroad. Minors travelling unaccompanied must register with the DSWD to ensure that they are travelling for appropriate purposes.[89]

Civil society initiatives

Asia ACTs is a regional campaign to fight child trafficking in Southeast Asia. It is part of the International Campaign against Child Trafficking (IcaCT) coordinated by Terre des Hommes, Germany and the International Federation of Terre des Hommes.

[88] *Trafficking in Persons Report 2003*

[89] *This action plan is an abstract of the action plan which the government of the Philippines submitted during the Asia Regional Initiative Against Trafficking (ARIAT) meeting in March 2000.*

Asia ACTs continuously expands the areas, organisations and events in the countries that join December 12 activities as Day Against Child Trafficking. December 12 marks the adoption of the UN Protocol to Prevent, Punish Trafficking in Persons, especially Women and Children, supplementing the UN Convention against Trans-national Organized Crime in Palermo, Italy. Since the start of the anniversary celebration in 2003, December became a very special month of educational and commemorative activities.

PROGRAMMES AND SERVICES FOR CHILDREN, FAMILIES AND COMMUNITIES

The need for specialised services has been highlighted. Most facilitate the children's rehabilitation once they have been victimised. But even, they acknowledge that the problem is one of prevention and has to be attacked at its source-poverty and recruiters who readily take advantage of vulnerable families (Racelis and Aguirre 2005). Also, parents of children must be educated and their values re-oriented because it was found that some parents themselves were the masterminds for these crimes as a way of easing the families' financial burden (CWC 2006).

State interventions

The reintegration programmes of the Government of the Philippines focus on facilitating the recovery of women and children from traumatic experiences and their return to normal life. This assistance includes, individual and group therapy sessions focusing on overcoming fear, shame, self-denial, guilt and self-blame. These programmes also provide information on options available to victims for work, continuing education, and vocational training in order to help addresses the economic aspects of reintegration process.

The government's "Half-Way Home" programme works with NGOs to repatriate victims and provide them temporary shelter, transportation, counselling and financial assistance. The government trains law enforcement officials on dealing with trafficking victims. Philippine embassies take steps to assist victims abroad. Consular officials in embassies receive awareness training on dealing with trafficking victims. The Philippines' Anti-trafficking law seeks to adhere to the international norm of exercising the human rights standards of treating persons trafficked as victims of a crime, rather than as criminals of the acts related to trafficking.

In the Philippines, the Department of Justice has created the Task Force on Protection of Women Against Exploitation and Abuse and well as the Task Force on Child Protection. These task forces are composed of state prosecutors designated by the Secretary of Justice to address the cases of abuse, exploitation and discrimination committed against women and children.

Civil society interventions

Hotlines are in place to facilitate reporting of cases. Bantay Bata (Child Watch) began in 1991 and allows the public, including children, to call a telephone number to report cases of child abuse and exploitation. The radio, TV and print media are also utilised to inform the public about reporting of the cases of abuse and exploitation.

The Visayan Forum, in partnership with the Philippine Ports Authority, set up strategic halfway houses across the country beginning in the year 2000. These shelters provide 24-hour safety and catchment services for trafficking victims,

such as temporary shelter, travel assistance, quick case referrals and legal services, and telephone hotline counselling.

In these shelters, more than 4,000 victims have availed themselves of custody and safe haven while waiting for the proper inspection of recruiter's permits and records, or simply a return ticket home. Volunteers and staff comb the terminals everyday to provide stranded victims with contact numbers so they can call the hotline during an emergency. Through the programme, the concerted action of the port community has come to full force. This community is composed of government agencies (PPA administration, port police and coast guard, security guards), employers (shipping companies and their crew on ground and on board), and workers (including porters, stevedores, vendors, etc.).

Several NGOs provide grants of financial and technical assistance for those who are interested in starting their own small businesses.

ISSUES AND CHALLENGES TO CHILDREN'S RIGHTS AND CHILD DEVELOPMENT

Children in trafficking situations for labour and sexual purposes face similar issues and challenges as those children who are engaged in worst forms of child labour: threats to health and safety through diseases or injuries; psychosocial impacts; economic exploitation; educational deprivation; exposure to abuse and violence. For example, children trafficked across borders live in constant fear of their lives and safety. Since many of them are undocumented aliens, the perpetrators take control of their usually fake passports, and frequently threatening them of imprisonment.

CONTRIBUTORY FACTORS THAT PUT CHILDREN AT RISK

It is widely accepted that no single reason accounts for why children are trafficked, but rather a wide range of factors and layers of vulnerabilities related to children as individuals, their families, and the socio-economic context in which they live. Child victims of trafficking are rarely affected by only one factor; rather, it is the compounding of several factors that renders them susceptible to being exploited. Despite the fact that the particular factors which can render children vulnerable to trafficking vary between localities and communities, key common elements can be identified.

The following were identified as some of the primary factors that cause the environment of trafficking to flourish in the Philippines.[190] Push factors are those that drive children to be forced or lured into trafficking. Poverty seems to be the prime catalyst and is exacerbated by other factors:

Family breakdown: Families in which there is a lack of care and support for children, which can take place within the context of single-parent families, divorced or separated parents or guardians, child-headed households or families with large numbers of children.

Lack of educational and viable employment opportunities: In rural areas, many families struggle to earn an adequate income, largely due to the lack of employment opportunities. Most children, particularly those from large families, are obligated to help out. Working children may be frequently absent from school, or may drop out altogether, leaving them with low levels of

[90] *The factors are taken from UNICEF Report, Reversing the Trends: Child Trafficking in East and South-East Asia, 2009.*

education. Lack of educational attainment results in fewer work opportunities and choices, resulting in vulnerability to labour exploitation. Such children are frequently vulnerable to exploitation because they are more likely to accept unskilled or lower-skilled employment, such as domestic service or factory work.

Meanwhile, pull factors constitute those elements that attract or lure children into trafficking.

Promise of higher wages: Other countries and big cities are perceived to be more progressive and offer opportunities not available in small towns and villages. This can influence a child to believe that life will improve there because wages are typically higher and a better standard of living is attainable. In the Philippines, stories of girls and women who "made it big" overseas abound, which is succinctly captured by the saying: "Japan, Japan sagot sa kahirapan" (Japan, Japan the answer to poverty), as testament to the success of many Filipinas who worked in Japan.

Demand for child labour: The lower cost in employing child workers, the perceived ability to manipulate and control children who are often unaware of their rights to protection, their lower likelihood of involvement in labour unions, can all contribute to the demand for child labour.

Demand for illegal adoption: The demand for adoption, whether operating within or outside legal and regulated processes, has fuelled the abduction and sale of children, particularly infants. In the Philippines, the adoption process takes a very long and arduous period that many adoptive parents would resort to other means.

Demand for sexual relations with children: Child sex offenders, as well as paedophiles, spur the demand for sex with both boys and girls, which in certain contexts is supplied through the trafficking of children for sexual purposes.

Rapid globalisation is also changing the landscape and dynamics of child trafficking. Two features of globalisation may play a significant role: improved travel and the growing use of new technologies.

Improved travel: Low-cost travel is an emerging feature of globalisation. Interestingly, budget airfare, which significantly lowered the cost of travel from the Philippines to other Asian countries such as Malaysia and Singapore, made it "easier and cheaper" for traffickers to do their deed.

The growing use of new technologies: The interconnectedness of people within and across countries via mobile phones, social networking sites, chat rooms, and e-mail will continue to thrive as the Internet becomes more accessible and communications technology becomes increasingly mobile. Some of the implications of this with respect to trafficking have already been seen. Cases of trafficking of women and girls via contact over the Internet or through cell phones have already been observed.

Meanwhile, efforts to combat child trafficking have been hampered by poor legal and regulatory frameworks, weak law enforcement, under-resourced social welfare services, and limited capacity of service providers.

Limited capacity of service providers and implementers: In the aforementioned case of the Singaporean adoption agency owner accused of trafficking, the police were at a loss as to what law will be used to file charges against the accused. The police inspector used PD 603 of 1974 that punishes the crime of operating a colorum (unlicensed and unregistered) orphanage. This allowed the accused to post bail. If found guilty, the punishment would just be a month in jail and a P200 fine. When confronted about the choice, the police revealed that this was the advice given by the regional office of DSWD. This confusion reveals the lack of capacity of service providers to fully implement the various laws governing child trafficking.

The interplay of these factors, with increasing poverty as the major catalyst, results in conditions favourable to trafficking of children within the country and across borders.

CHILDREN'S VIEWS AND THEIR PARTICIPATION

Asia ACTS believe that only through the participation of children will the regional campaign be successful.

In fact, the Philippine Guidelines for the Protection of Trafficked Children explicitly states that centres that receive children victims of trafficking should have a home-like atmosphere and should not feel like a prison where children do not have the voice to express themselves.

WHAT SAVE THE CHILDREN CAN DO

Research and documentation

- Link data collection on trafficking to migration-related information systems (e.g. institutions which already collect data on migration on a regular basis) and agencies that detect exploitative employment practices.
- Collate and promote best practices on how to prevent and respond to child protection concerns in trafficking situations. Identify research gaps and conduct research to inform policy and programming.

Programming and interventions

- Promote the active participation of children in policy and programming
- Come up with measures that aim to decrease the vulnerability to trafficking and re-trafficking and to increase the livelihood options of families of at risk groups.
- Ensure that victim survivors have access to safe accommodation and to all necessary assistance (e.g. free medical and legal aid, interpreters, contacts with relevant service providers in country of origin, etc.).

Advocacy and networking

- Participate in the prevention of child trafficking through informational campaigns targeting identified at-risk groups as well as potential exploiters of the victims of trafficking.
- Strengthen the coordination among different agencies and institutions that work in preventing, detecting and combating child trafficking in source, transit and destination areas.

Training, education and capability-building

- Provide tools and assistance for capacity building of professionals working with children (teachers, social workers, police, etc) on the protection issues confronting victim-survivors of child trafficking.
- Conduct trainings and other educational activities to help prepare institutions, organisations, groups and individuals to address child trafficking and to correctly deal with the victim-survivors of trafficking.

Chapter 6

CHILDREN IN SITUATIONS OF DISASTERS AND OTHER EMERGENCIES

Seven year old Alyssa nearly lost her father in the flash floods that hit the coastal towns of Real, Infanta and Gen. Nakar (REINA) in Quezon in late 2004. She witnessed his father struggle against the ferocious waves that threatened to swallow him. Her cousin, Aileen, witnessed how the currents snatched her younger sister. Her aunt braved the waters to save her, but lost her life in the process. Aileen's sister would wake up in the middle of the night crying and calling her aunt's name.

The Philippines ranks number 12 among 200 countries and territories whose populations are most at risk from natural hazards according to the United Nations' Mortality Risk Index. Typhoons and flooding are the most prevalent natural hazards since 2000, and these events trigger landslides, mudslides, and storm surges.

The Philippines has long tried to minimise the damage caused by the 20 or so typhoons that hit the archipelago every year. Despite a combination of preparation and mitigation measures, high death tolls and destruction persist. The risk to human life from natural disasters in the Philippines has increased dramatically over the past years. From 1990 to 2000, natural disasters affected the lives of 35 million people.

Nationwide in 2001 to 2005, 2,892 people were killed and 909 others went missing in typhoons and other storms, which caused damage totalling PhP 26.05 billion (USD 521 million), according to the National Disaster Coordinating Council (NDCC).[91] During the past century, bad weather has cost the country about PhP 15 billion (USD 300 million) a year just in infrastructure. This estimate does not include losses to employment and other economic opportunities. The International Red Cross estimated that some 5.9 million Filipinos were killed or injured as a result of natural or manmade calamities from 1991 to 2001. Moreover, data on children affected by natural disasters are not disaggregated and the emergency responses are not yet child-focused. As a result, specific needs of children are not given consideration in disaster responses.

The Moro Gulf Earthquake with 7.6 intensity triggered a tsunami which affected Southern Philippines and resulted to the death of around 3,800 persons and destruction of properties. In 2004, the country experienced twenty-five (25) weather disturbances, four of these occurring successively in November and first week of December and brought massive landslides and flooding in Southern and Central Luzon. More than 1, 000 people have been killed or were missing after mudslides and flash floods devastated three coastal towns in Quezon province.

A devastating mudslide buried alive a thousand children in their classrooms and some in their homes, completely wiping out a whole town in Southern Leyte in 2005. The typhoon that hit Bicol in 2006 left hundreds of families homeless, hungry, and exposed to epidemics.

[91] *National Disaster Coordinating Council website*

In 2009, consecutive typhoons Ondoy and Pepeng wrought destruction to most of Luzon, including Metro Manila. The two typhoons brought to fore the weaknesses of the country's disaster management system. Typhoon Ondoy affected a total of 993,227 families (4,901,234 persons) in 2,018 barangays, 172 municipalities, 16 cities of 26 provinces in Regions I, II, III, IV-A, IV-B, V, VI, IX, XII, ARMM, CAR and NCR. The total number evacuated inside 244 evacuation centres was 15,798 families or 70,124 persons.

It was reported that about 10,000 people are still living in evacuation centres.[92] To make matters worse, 40 percent of evacuation centres were located in areas prone to climate change and flooding, 61 percent of them did not have electricity, 58 percent of evacuees were clueless on their relocation plans.

On the other hand, Typhoon Pepeng affected 954,087 families (4,478,284 persons) in 5,486 barangays, 334 municipalities, and 33 cities in 27 provinces in Regions I, II, III, V, VI, CAR and NCR. The total number evacuated inside 54 evacuation centres was 3,258 families or 14,892 persons.

However, the data collection systems do not provide information about the number of children affected.

EXISTING LAWS AND POLICIES

The inability of the National Disaster Coordinating Council (NDCC) to respond effectively to the twin typhoons Ondoy and Pepeng clearly showed the need to strengthen the government's response to disasters and other emergencies. Thus, in May 2010, a new law, RA 10121, was signed which aims to institutionalize disaster risk management at all levels of government in order to better cope with the various calamities that hit the nation every year.

The law acknowledged that there was a need to "adopt a disaster risk reduction and management approach that is holistic, comprehensive, integrated, and proactive in lessening the socio-economic and environmental impacts of disasters including climate change, and promote the involvement and participation of all sectors and all stakeholders concerned, at all levels, especially the local community."

This Act also provides for the development of policies and plans and the implementation of actions and measures pertaining to all aspects of disaster risk reduction and management, including good governance, risk assessment and early warning, knowledge building and awareness raising, reducing underlying risk factors, and preparedness for effective response and early recovery.

The landmark agreement that is pushing countries and communities to reduce risks of disasters is the UN's International Strategy for Disaster Reduction's Hyogo Framework for Action (2005-2015): Building the Resilience of Nations and Communities which was signed by 168 countries including Philippines.

The HFA stresses that nations and communities needs to ensure that disaster risk reduction is a national and a local priority with strong basis for implementation; identify, assess and monitor disaster risk and enhance early warning; use knowledge, innovation and education to build a culture of safety and resilience at all levels; reduce the underlying risk factor and strengthen disaster preparedness for effective response at all levels.

[92] *http://newsinfo.inquirer.net/inquirerheadlines/nation/view/20100928-294689/P12-B-Ondoy-fund-still-unspent*

COORDINATION AND INTEGRATION

The National Disaster Coordinating Council which was created under PD 1566 was recently renamed as National Disaster Risk Reduction and Management Council by virtue of R.A.10121. The NDRRMC is empowered with policy-making, coordination, integration, supervision, monitoring and evaluation powers. Among the functions of the NDRMC are the development of a national disaster risk reduction and management framework, which shall provide for a comprehensive, all-hazards, multi-sectoral, inter-agency and community-based approach to disaster risk reduction and management.

Under the new law, the Office of Civil Defense (OCD) would remain, headed by an administrator who shall also be executive director of the NDRRMC. At the local government level, the barangay disaster coordinating councils are now abolished and its functions would be assumed by existing barangay development councils, which shall serve as local disaster risk reduction and management councils (LDRRMC).

The LDRRMC would ensure the integration of disaster risk reduction and climate change adaptation into local development plans, programmes and budgets as a strategy in sustainable development and poverty reduction.

While the NDRRMC would still be recommending the declaration and lifting of a state of calamity, the LDRRMC may also make its own recommendation to the local Sanggunian for immediate implementation.

RESOURCE ALLOCATION FOR DISASTER RESPONSE

The present calamity fund appropriated under the annual General Appropriations Act would now be known as the National Disaster Risk Reduction and Management Fund and it shall be used for disaster risk reduction or mitigation, prevention and preparedness activities such as but not limited to training of personnel, procurement of equipment, and capital expenditures.

It can also be utilised for relief, recovery, reconstruction and other work or services in connection with natural or human-induced calamities, which may occur during the budget year or those that occurred in the past two years from the budget year. Of the amount appropriated for NDRRM Fund, 30 percent shall be allocated as Quick Response Fund or standby fund for relief and recovery programmes in order that living conditions of people in communities or areas stricken by disasters, calamities, epidemics, or complex emergencies, may be normalised as quickly as possible.

Available data indicate that national calamity fund decreased from P998.5 million in 2001 to about P700 million from 2003 to 2005.

When a "state of calamity" has been declared by a LGU Board, the local executive may authorise the use of the LGU's Local Disaster Risk Reduction and Management Fund. Under the new law, LGUs are mandated to set aside 5 percent of their estimated annual revenue to support disaster risk management activities, but not limited to pre-disaster preparedness, purchase of life-saving rescue equipment, post disaster activities, and payment of premiums on calamity insurance. In occasions when the local fund has been used up or is not sufficient to respond to a disaster situation, a request for national government assistance can be made.

Other sources of funds within the government bureaucracy can be utilised for disaster management.

PREVENTIVE MEASURES

The new law also provides for the integration of disaster risk reduction education into the school curricula and Sangguniang Kabataan programme and mandatory training for public sector employees. The Department of Education has already come up with a Disaster Risk Reduction Resource Manual (DRRRM) that is responsive to the needs during the occurrence of disasters. The manual aims to provide school administrators, teaching and non-teaching staff with a handy and ready reference on what to do before, during and after the occurrence of a calamity/disaster brought about by both human-induced and natural hazards. More aptly called the Safer Schools Resource Manual (SSRM), the said reference includes various components, particularly, equity of assistance, resource management, impact reduction, disaster prevention and mitigation and organisation of a disaster control group.

Government agencies have developed a range of information and educational campaign (IEC) materials and organised an annual Disaster Consciousness Month.

Early warning, forecasting and monitoring systems have been improved, with at least 10 new radars installed in the typhoon-entry zones in the eastern Bicol region to alert the populace. The Mines and Geosciences Bureau has developed flood and landslide susceptibility maps to identify flood-prone and landslide prone areas.

Table 8. Flood susceptible areas

Location	Number of areas
Abra	3
Bulacan	2
Cagayan	1
Cavite	1
Ilocos Norte	22
Ilocos Sur	32
La Union	3
Metro Manila	15
Mountain Province	1
Rizal	4

Table 9. Landslide susceptible areas

Location	Number of areas
Abra	5
Benguet	2
Cagayan	1
Ilocos Norte	23
Ilocos Sur	30
La Union	2
Mountain Province	2

Disaster mitigation refers to risk reduction measures or activities that address specific hazards. For example, in Marikina City, within Metro Manila and one of the worst-hit areas, a community-based volunteer group has installed flood markers and begun distributing bahangas, six-person rubber rescue boats designed to transport residents through the narrow streets of Metro Manila to higher ground.[93]

In 2009, disaster mitigation officials in Albay have started evacuating close to 10,000 families residing within a radius of six to eight kilometres from the crater of Mayon Volcano after it spewed lava which flowed half a kilometre down-slope upon the order of the governor of Albay. The province of Albay was touted to have the best disaster mitigation, response and rehabilitation programme in the country.

PROGRAMMES FOR CHILDREN, FAMILIES AND COMMUNITIES

There are three phases of disaster response: immediate relief, short-term recovery, and the long-term recovery phase. The first phase is the immediate relief, which often includes medical assistance, food, clean water, and other necessities, such as mosquito nets for the recent flood victims because dengue is very prevalent in Southeast Asia.

The second phase is the short-term recovery, which happens within the first year. This includes temporary housing, temporary schools, initial rebuilding of infrastructure, and services for displaced children and families such as the psychosocial services. During the short-term recovery phase, most families and parents are busy cleaning up their damaged homes or retrieving their belongings, leaving their children at the temporary shelters, which often exacerbates any trauma that the children are facing.

While relocation options are being explored, UNICEF is continuing to support learning activities and child-friendly spaces in the evacuation centres, along with psychosocial support activities, to help children come to terms with their distressing experiences.

UNICEF is also providing education materials for schools, including school kits for children, teaching materials for staff and library sets for schools. As they have often lost everything in the flood, children in evacuation centres get a school kit in a UNICEF backpack, which they can use as a school bag. This includes pens, pencils, crayons, scissors, glue, a ruler and a notebook. They also get a pair of sandals and a water jug.

[93] *Disaster mitigation begins at home, IRIN. http://www.alertnet.org/thenews/newsdesk/IRIN/ebef7769f06275e5-f004ac08b8c51224.htm*

Third, the long-term recovery phase, which usually involves multiple years, includes livelihood restoration and training, scholarships for disaster-affected students, permanent rebuilding of homes, schools, and infrastructure, and psychosocial support. Disaster preparedness is also part of the long-term recovery phase, especially for places that are prone to disasters.

ISSUES AND CHALLENGES TO CHILDREN'S RIGHTS AND CHILD DEVELOPMENT

Children are one of the most vulnerable groups during a disaster. Factors such as their age affect their vulnerability and shape their ability to cope and survive in a disaster context. Children have particular needs that must be met for their healthy growth and development. Exposure to disaster can be a traumatic experience for children, affecting future full development potential.

Health and safety: Health problems surface in the evacuation camps. Colds and respiratory illnesses are common.

Psychosocial distress: During emergencies, children are exposed to a variety of extreme circumstances, some of which are beyond their capacity to cope. It is now accepted that in addition to meeting basic needs, such as food and shelter, it is essential to consider the emotional and developmental support of children. They recover from distressing experiences more quickly when supported by their family and community in a child-friendly environment.

Exploitation and gender-based violence: Sexual violence and exploitation are chronic risks to girls and boys in situations of emergency. In times of social crisis, when their support and protective structures are limited or nonfunctional, children – particularly those who are displaced – are most vulnerable to abuses such as rape, incest, molestation, trafficking and early marriage.

CONTRIBUTORY FACTORS THAT PUT CHILDREN AT RISK

Family separation: Children are at risk of being separated from their primary caregivers during emergencies, either as a direct result of the emergency or as a result of its consequences.

Overcrowding and lack of adequate facilities: Typically, 12 families or about 55 persons crowd in a schoolroom. There is barely enough living space in this 7 x 7-meter room. Evacuees are cramped at a density of one person in less than one square meter of space, way below the recommended 3.5 square meters of space per individual. Evacuees generally sleep on plastic mats over concrete flooring. Families usually share a meal of rice, noodles, and canned goods provided by aid agencies. Typically, there are one or two bathing facilities in a camp. Some evacuees have to wait in line as early as 1:00 am if they want a quick shower.

Loss of educational opportunities: Since schools are used as evacuation centres in times of disasters, classes are suspended for an indefinite period. While school authorities are advised to devise scheduling and shifting strategies that would enable pupils using these evacuation classrooms to revert to regular classes as soon as possible and for the evacuee pupils to hold classes within the premises of the evacuation school, the situation in the school/evacuation camp is usually not conducive for learning.

CHILDREN'S VIEWS AND THEIR PARTICIPATION

In the aftermath of flash floods in the municipalities of Real, Infanta and Gen. Nakar (REINA) in the province of Quezon in 2004, children who joined the activities of Christian Children's Fund (now ChildFund) Philippines Child Centered Spaces shared in various ways their fears and great sense of loss during and after the floods[94]. They feared the loss of their lives and their loved ones. They feared the loss of their homes and personal belongings. They lamented the loss of their school which was a significant space in their lives.

While children's participation in the development process is recognized, the recognition of children's participation in disaster risk reduction is an emerging concern. Although much attention is given to the needs of children in emergencies, it is mostly from the point of view of adults acting on behalf and in the best interest of children. There is less focus on working with, and not working for, children in reducing their vulnerabilities and disaster risk. While much of the supports for children need to be in the context of their family, community and culture, there should be an increased focus in working with children.

There are occasions when children and young people can become drivers of change.[95] In 2006, the Mines and Geosciences Bureau (MGB) conducted a risk assessment of landslide for the Southern Leyte region which determined that, within the Municipality of San Francisco, 8 barangays (villages) were at high risk. These included Sta. Paz Sur and Sta. Paz Norte, which housed a high school and an elementary school, respectively.

Following debates about whether and how to relocate the high school, the headmaster opened the decision to a community-wide referendum to include a vote each for the children of the school. Broadly the students were in favour of the relocation and their parents against it, because the parents were concerned about the children having to travel to school in a different community and the loss of livelihoods with the relocation of a school (e.g. loss of lunch business for local shops). In addition, different political affiliations of the leadership in the two barangays led to confusion over the exact risk communications of the MGB. Student organisations in the high school embarked on an education campaign about the physical processes of landslides, and a great many students wrote to the School Division Superintendent expressing their desire to relocate. The students' proposal won the vote by 101 to 49.

The students and their parents helped construct a temporary tent school over one weekend. The tents, water supply and toilets were provided by the international development agency Plan Philippines, along with a scholarship programme helping poorer students with uniforms and school supplies. The children reported feelings of excitement about the whole process and did not express any regret about the decisions to move, though they did report some difficult conditions in the temporary school. A permanent new school is now being constructed nearby, with co-financing from Plan. The permanent school will include earthquake mitigation measures such as steel ties on the roof. Toilets are also being built in each classroom in preparation for its use as an evacuations shelter.

Children's participation is especially important in situations of disaster. Giving children information and involving them in Disaster Risk Reduction (DRR) activities actually help them build resiliency, gain a sense of security and control

[94] *CCF. (2006). Voices and Spaces of Resilience: Children Rising Above the Flash Floods of REINA.*

[95] *Plan International, "Children and Young People at the Center of Disaster Risk Reduction" for the Global Platform First Session in Geneva, June 2007*

over their situation, and contribute significantly to disaster prevention and response in their community.

The recognition of children's right to participation brings the Save the Children to the fore of demonstrating replicable models on child-centred disaster risk reduction. Child-centred DRR works towards ensuring children's access to appropriate and sufficient information on DRR, instituting process and mechanisms for getting children's perspectives and ensuring that these influence the design and implementation of DRR programmes, and opening venues for children to actively participate in DRR activities according to what they are capable of doing at their specific stage of development. Child-centred DRR also means putting children's best interest as a primary consideration, and ensuring that child-specific needs and concerns, especially those of marginalised groups of children, are primarily addressed. It also strengthens the accountability of government and other duty bearers in preventing, mitigating and responding to disasters.

WHAT SAVE THE CHILDREN HAS BEEN DOING

After about 29 years in the Philippines, Save the Children has already developed an emergency response system. For example, even before Super Typhoon Megi hit, Save the Children has already began pre-storm preparations days in advance and responded quickly. The agency distributed "family kits" of essential supplies for families who lost homes and essential possessions. It immediately activated the crisis management team and initiated contact with other aid agencies and the government, as well as with the UN, to coordinate responses in health and nutrition, water and sanitation, education and child protection. Finally, Save the Children also sent a five-person team to conduct rapid assessments of children's needs in the aftermath of the typhoon.

In 2009, Save the Children has coordinated with Philippine authorities in helping to evacuate thousands of residents to safety in the communities near the lava-oozing Mayon volcano.

As a pioneer of child-centred Disaster Risk Reduction (DRR), Save the Children works with schools to develop and practice emergency simulation exercises and evacuation drills for teachers and students. It encouraged children to play a key role in assessing the risks they face, helping to draw up emergency preparedness plans and maps, taking part in drills and evacuation simulation activities and raising awareness about risks amongst their peers and adults in their community.

It has also worked with community leaders to carry out risk assessment mappings of their neighbourhoods and identified vulnerable households. These leaders have already stockpiled goods like clean clothes and other emergency supplies for situations such as the Mayon Volcano eruption.

In the communities of Guinobatan and Camalig, which are near the volcano, Save the Children has mobilised the volunteer emergency response teams the agency trained.

About 12,000 people from these communities are now in 40 shelters. The emergency response teams are already overseeing two Child Friendly Spaces in evacuation centres, and will set up more of these in the days to come. These spaces give children an opportunity to play in a safe space and receive support amidst the potential trauma of an emergency situation.

Save the Children has worked on disaster risk preparedness in the Philippines since 2003. Together with children and schoolteachers, the agency developed "My Little Book on Disaster Preparedness," which the Philippine government has adopted for use in 65 schools. This series of workbooks contains lessons, stories, games, and activities designed to educate children about different kinds of natural hazards and safety precautions.

WHAT SAVE THE CHILDREN CAN DO

Research and documentation

- Conduct a systematic documentation and evaluation of its DRR programme in Bicol.
- Collate and promote best practices on how to prevent and respond to child protection concerns in local contexts in disaster and other emergency situations. Identify research gaps and conduct research to inform policy and programming.

Programming and interventions

- Replicate Save the Children's experience in disaster risk reduction in Bicol to other disaster-prone areas.
- Ensure all Save the Children child protection in emergencies (CPIE) programming adopts a rights-based approach, by developing inclusive programmes, promoting children's participation, seeking stakeholders' accountability and strengthening local civil society.
- Promote the active participation of children in policy and programming, including in peace building and in the development of child friendly spaces.

Advocacy and networking

- Advocate with and support governments to strengthen legislation, policies, services (and other interventions) to improve the prevention and response to children affected by emergencies.
- Support governments and other key agencies to include a stronger focus on child protection in DRR and emergency preparedness.
- Build on existing community based child protection services, and mobilise local organisations, communities and children to take actions to prevent and respond to CPIE.
- Advocate and mobilise for increased child protection resources.
- Participate in national interagency groups to strengthen the focus on CPIE.
- Build new partnerships with the media, academia and the private sector to sensitise them on child protection in emergencies.

Training, education and capability-building

- Provide tools and assistance for capacity building of professionals working with children (teachers, social workers, police, etc).
- Promote child friendly and inter-sectoral reporting mechanisms and services.
- Promote the integration and harmonisation of humanitarian response with development work on CPIE, in particular by promoting a systems-building approach.
- Build the capacity of Save the Children staff, humanitarian workers, peace building personnel and local partners on quality standards and programming, using internationally adopted guidelines and other materials.

Chapter 7

CHILDREN IN SITUATIONS OF ARMED CONFLICT

The peace agreement in the Mindanao region between the Philippines government and the Moro Islamic Liberation Front (MILF) has yet to be realised. There are reports of an increase in rebel ranks and a lethal mix of militant groups in southern Philippines, foreshadowing the escalation of violence and attacks in these areas. There also has been a resurgence of the Communist New People's Army throughout the country, with reports of increased use of young people as fighters in rebel activity.[96]

Armed confrontations between the CPP-NPA-NDFP and state forces have been increasing since 2003, particularly intensifying in 2005, while those against the MILF-BIAF (and MNLF/ASG) have been decreasing since 2003[97]. It is relevant that during the period covered the Government of the Republic of the Philippines (GRP)-NDFP peace talks were suspended in 2004 while the GRP-MILF talks continued.

During armed conflict, family members can be separated, schools and child care centres closed or destroyed, and the routines children are used to become disrupted. Schools and barangay centres, including health centres, are often temporarily used as military camps and detachments causing parents to have second thoughts about sending their children to school for fear that violence may erupt anytime. In Basilan alone, 14 schools remain closed since July 10, 2007.[98]

Worse, children are the most affected in situations of armed conflict. The military offensive against the rebels in Central Mindanao declared by former President Joseph Estrada in 2000 and in 2003 brought direct threats to life and physical security, lack of food security, threat to privacy of home and presence of danger in public places (Quitoriano 2004).

According to the Annual Consolidation Reports for 2000-2003 of the Disaster Response Monitoring and Information Center of DSWD, 1.2 million persons were adversely affected and displaced by the conflict nation-wide in 2000, and 93 percent were from the Autonomous Region of Muslim Mindanao (ARMM) and Region XII in Central Mindanao. In 2001, 122,373 persons were displaced in Central Mindanao, representing 43 percent of total displaced persons nation-wide. In 2002, 34,824 persons were affected by conflicts in the region, representing 74 percent of all displaced persons nation-wide that year. In February 2003, the government launched a quick offensive against the MILF. By the first quarter of the year, 292,901 persons from the provinces of Cotabato, Maguidanao, and Sultan Kudarat, had been displaced from their homes.

In the first quarter of 2008, an estimated total of 2,380 children were affected by militarisation and development aggression in Talaingod, Davao del Norte; Baganga and Cateel, Davao Oriental; New Bataan, Compostela and Monkayo, Compostela Valley Province; and Barangay Manuel Guianga, Tugbok District, Davao City. [99]

[96] *Philippine Human Rights Information Center (PhilRights), Deadly Play Grounds: The Phenomena of Child Soldiers in the Philippines, 2005.*

[97] *IBON. (2006). Uncounted Lives: Children, Women And Conflict In The Philippines. UNICEF.*

[98] *Documentation by KARAPATAN Children's Rehabilitation Center Daily*

[99] *Bulletin as of December 2007*

The need for humanitarian aid in Central Mindanao became very evident during the third quarter of 2008 as a result of resurgence in the armed conflict between government forces and factions of the Moro Islamic Liberation Front. Over half a million people were displaced during the immediate period from August to September 2008. Because of the prevailing state of insecurity in their communities, large numbers of displaced children and their families continued to seek refuge in cramped, makeshift shelters in evacuation centres, and others stayed with host families in communities surrounding the evacuation camps established by the government. Being the most vulnerable, children were greatly affected by the worsening of the armed conflict and the protracted displacement, conditions which made it more difficult for them to attain their basic rights to survival, protection, and development.

EXISTING LAWS AND POLICIES

The Philippines Government is a State party to CRC and to the Optional Protocol to the CRC on the Involvement of Children in Armed Conflict. The Optional Protocol on the Involvement of Children in Armed Conflict requires ratifying governments to ensure that children under 18 years are not recruited compulsorily into their armed forces.

The Philippines Republic Act 7610, adopted in 1992, in Article X, Sec. 22 (B) declares children as zones of peace and entitles them to protection. The law prohibits the voluntary or forcible recruitment of children under 18 to the armed forces, and other non-State armed opposition groups and their use as guides, couriers, and spies. The Act does not, however, specify penalties for those who violate the law.

It also guarantees the rights of children arrested for reasons related to armed conflict to: ensure children's detention facilities are separated from those of adults except where families are accommodated as family units; free legal assistance, immediate notification of parents or legal guardians concerning the arrest of the child; and release of the child within 24 hours to any social welfare agency, parents, or legal guardians as determined by the court.

The law also provides for the care and humane treatment of rescued or surrendered child soldiers. The Department of Social Welfare and Development (DSWD) is the leading government agency in the rehabilitation/reintegration of child soldiers. RA7610 sets rules and regulations ensuring care and humane treatment of a child taken into custody by government forces in an area of armed conflict. RA7610 and its amendment, RA7658, follow the international community's condemnation of the forced or compulsory recruitment of children into armed forces as among the worst forms of child labour.

Republic Act 9208 prohibits any person, natural or juridical – among others – to "recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad." The law stipulates a penalty of 20 years' imprisonment and a fine of not less than lone million pesos or more than two million pesos for the recruitment, transportation, and adoption of children to engage in armed activities. No such case has yet been filed, however and, despite a range of legal safeguards to protect children in armed conflict, they have yet to be adequately implemented.

Republic Act 8371, or the "Indigenous People's Rights Act", meanwhile provides for the non-recruitment of children of indigenous cultural communities into armed forces under any circumstances.

The 2003 **Republic Act 9208**, or the "Anti-Trafficking in Persons Act", declares as unlawful the recruitment, transport or adoption of a child to engage in armed activities in the Philippines or abroad, and provides the maximum penalty for traffickers if the trafficked person is a child.

In 2000, an inter-agency "Memorandum of Agreement in the Handling and Treatment of Children Involved in Armed Conflict" (MOA) has been signed between the military, police and relevant government agencies. The MOA provides for procedures needed from the time of rescue or surrender of the child up to his or her placement under the protection of the DSWD or the LGU.

Aside from the CRC, the Philippines is a signatory to international agreements that prohibit the employment of children in armed conflicts. Unfortunately, the Armed Forces of the Philippines estimates that around 13 to 18 percent of the total strength of the armed rebel groups in Mindanao are children. The civilian population and relief workers confirm the presence of fighters who are believed to be 13 to 17 years old, 55 percent of them are boys and 45 percent are girls. Many of these children come from poor families and have dropped out from elementary school. They served as couriers, spies or guides (CWC 2006). Unknowingly, their employment in the armed struggle is a form of exploitation and abuse that stifles their best interest and deter their development rights.

COORDINATION AND INTEGRATION

The CWC coordinates the activities related to the concerns of children in armed conflict through the Subcommittee on Children Affected by Armed Conflict and Displacement, another inter-agency body.

MONITORING AND DATA COLLECTION

The CHR's Child Rights Center has been monitoring and assessing the situation of the displaced children through the agency's regional offices, ensuring their rights would be respected and recognised.

Moreover, the CHR designed an "intake form for children" which did focus on children's issues and asked, "specifically whether or not the children displaced or affected by armed conflict have been denied humanitarian access."

BUDGET AND RESOURCE ALLOCATION

Data gathered from the Disaster Response Monitoring and Information Center of the DSWD indicates that relief assistance to the region from 2000 to 2003 was quantitatively small compared to the cost of war (expenses of the AFP and the MILF) and the cost of destruction in terms of lives and property. Per capita spending for each displaced person in 2000 was mere 108 pesos. It rose to 653 pesos per capita in 2001, then to 1,614 pesos per capita in 2002, and slid down to 234 pesos per capita in 2003. Even if calculations are based on the 2002 high end per capita spending of 1,614 pesos, this figure merely translates into four pesos per day. This is perplexing because, according to IBON Facts and Figures, the government has already spent more than 73 billion pesos to prosecute the

war since 1970, which translates to a spending pattern of 7.1 million pesos per day.

Specifically, the Provincial Social Welfare Development Office (PSWDO) of the DSWD is responsible to respond assistance to the province in crisis. In Cotabato, for example, the provincial legislature (Sangguniang Panlalawigan) allocated 10 million pesos calamity fund for year 2003 to PSWDO, but disbursed 12 million pesos in calamity funds for that year. The calamity fund is usually augmented by external sources like the national government, foreign donor agencies, and non-governmental aid agencies.

PREVENTIVE MEASURES

State initiatives

Prevention focuses on the delivery of basic services in areas of armed conflict such as livelihood programmes, educational assistance and alternative learning programmes, health and nutrition, food security, basic facilities and infrastructure, and participation and capacity-building for local governance and community development.

Advocacy and mobilisation aims to create awareness of the issue, educate society through the media, and involve organisations in protecting children from armed conflict and in preventing their recruitment by armed groups. For example, Modules on Child Protection in Times of Emergency have been distributed by the Subcommittee on Children Affected by Armed Conflict and Displacement, an inter-agency body under the Council for the Welfare of the Children of which the CHR is a member. The objective would be "to increase the capacities of local social workers and officers of disaster coordinating councils."

PROGRAMMES AND SERVICES FOR CHILDREN

As shown, government and non-government support were basically in terms of relief goods. Though appropriated, aid resources from government are mainly visible in the evacuation centres. Upon return to their homes, the displaced families are directed to access basic support services supplied by bureaucratic arms of local governments, which under normal conditions find themselves inadequately equipped to respond effectively. Educational and psychosocial interventions on children to ease the trauma of war are still needed.

State initiatives

The programme for reconciliation, reintegration into mainstream society and rehabilitation includes programmes to address the legal status and security of former rebels, as well as community-based assistance programmes to address the economic, social and psychological rehabilitation needs of former rebels, demobilised combatants and civilian victims of the internal armed conflict. Within the OPAPP structure, relevant agencies and instrumentalities working in this component are the National Amnesty Commission which is in charge of addressing the legal status and security of former combatants, and the National Program for Unification and Development Council (NPUDC), tasked with the implementation of programmes for the reconciliation and reintegration of former rebels to address their economic, social and psychological rehabilitation needs. As a signatory to the MOA, the NPUDC is tasked to provide programmes and services for the reconciliation, healing, recovery and reintegration of rescued/surrendered child soldiers in coordination with concerned agencies, especially the DSWD.

Local government attention to children is usually pushed from the outside, and the children are not the direct beneficiaries. The accomplishment records for 2001 to 2003 indicate that much of the local government's initiatives in the area of assistance for children is still limited to capacity-building to duty-bearers like government officials, teachers, social workers, prosecutors and police. Narrative accounts from displaced persons indicate that the impact of these initiatives is not yet felt on the ground, much less felt by the displaced children.

Civil society initiatives

The Philippine Human Rights Information Center (PhilRights) is engaged in mainstreaming Child Rights Programming in two provinces in Mindanao, involving local government units, civil society organisations and children. Coherence and consistency among child-related policies and programmes is also being sought.

Aside from the researches elaborating the condition of child soldiers, PhilRights has also conducted educational discussions to disseminate the information in selected study sites. The two target areas for the information dissemination and advocacy are Lanao del Norte and North Cotabato, where incidence of recruitment of children as soldiers was found. Among the intervention programmes to be formulated in these two areas are: These are: (1) Awareness-Raising and Popular Education Activities; (2) Trainings; (3) Agenda-building and Planning Workshops; (4) Children and Youth camp; (5) Advocacy and Lobby; and (6) Information, Campaign, and Education (EIC) Material Development.

Meanwhile, Community and Family Services International (CFSI), a Philippines-based international humanitarian NGO, uses a blended rather than solely sequenced approach to engagement, participation and action.[100] The process engages IDPs from the moment of displacement and does not reduce the experiences of the affected people into artificial stages. Individuals are empowered to make their own decisions commencing with whether to return to their homes or settle elsewhere. They are assisted to rebuild communities based on expressed need and cultural expectations, and the subsequent outcomes are sustainable. At the completion of the project the intervention had stimulated further initiatives for building social capital and community in affected areas.

ISSUES AND CHALLENGES TO CHILDREN'S RIGHTS AND CHILD DEVELOPMENT

While there may be data on disaster preparedness in the region highlighting food and non-food needs, these data hardly look into the psychosocial effects of armed conflicts especially on children. Further, there seem to be no long-term assessments on the conflicts' impact on poverty, inter-ethnic relations and the coping abilities of the affected population.

Internal displacement: Displacement is a common consequence of armed conflict. It is a time when the people lose their ability to labour for survival and the time when their human rights are either derogated or violated. A baseline study conducted by the Child Rights Center of the Commission of Human Rights of the Philippines validates that the armed conflict in Mindanao has displaced many Filipino children, a majority of them belongs to the poorest families in 433 villages.

[100] *Frederico, M., Picton, C.J., Muncy, S., Ongsiapco, L.M., Santos, C. & Hernandez, V. Building community following displacement due to armed conflict: A case study. International Social Work, 50(2): 171–184.*

Exposure to physical harm and violence: Children, including possible child soldiers, have been killed during military operations to crush opposition forces, particularly members of the Moro Islamic Liberation Front (MILF).

Exposure to threats of violence: Children may be subjected to deliberate verbal, mental and physical threats being members of a community tagged as supporting rebel armed groups, or as individuals with kinship ties to a family member suspected of being a part of these groups.

Psychosocial distress: Children caught in the crossfire live in mortal fear for their lives and their loved ones. The stress of constant evacuation and relocation every time a conflict ensues also exacts a psychological toll. Children are also traumatised as they witnessed the death of, or violence against, their loved ones. Other children with similar experiences developed extreme fear reactions in the presence of military personnel or phobias of motorcycles like those favoured by assassins. Some children grew up harbouring guilt feelings, blaming themselves for the death or anguish of their parent.

Some children also express a sense of hopelessness, and a scepticism over the future due to a deep sense of a lack of control over events.

Disruption of routines: Combat operations disrupt normal routines of play and education of children – more so if the fighting occurs nearby. Children's movements become drastically limited.

Loss of schooling: There is a tendency for internally displaced children to stop schooling for at least the length of their displacement. This could be due to a variety of reasons: the evacuation centre is located far from the school; the family could no longer afford it; or the children have to work to help support the family.

CONTRIBUTORY FACTORS THAT PUT CHILDREN AT RISK

Recruitment into armed groups: Human Rights Watch observes that children most likely to be recruited are: (1) poor; (2) separated from their families; (3) displaced from their homes; (4) living in a combat zone; and (5) with limited access to education[101] . They also come from communities, which have inadequate social services.

Recruitment of children usually takes place in areas where there is less or no government presence at all. Adolescents are reported to be the usual targets for recruitment as soldiers. They are perceived to be trusting and innocent like a child, yet have the strength and stamina of adults. These children are also reported to be more impulsive and aggressive especially when their families have become victims of NPA liquidations or military aggressions.

A UNICEF study found that many children fighting with the MILF are orphans who have been militarily trained, expected to do auxiliary assignments, and defend the community when it is under attack.[102] Meanwhile, it also pointed to a large number of children at risk of being used as porters, cooks, and message carriers. The recruitment and use of children as soldiers by the MILF, the Abu Sayyaf Group and the New People's Army continued from 2005 to 2007.

There are no indications of the Philippine Armed Forces formally recruiting soldiers below the age of 18, although there have been reports of government-

[101] *see Makinano, M. (2002). Child Soldiers in the Philippines. www.childprotection.org.ph*

[102] *UNICEF. Uncounted Lives: Children, Women and Conflict in the Philippines, Children, Women and Conflict in the Philippines: A Needs Assessment of Children and Women Affected by Armed Conflict, 2006.*

backed paramilitary groups recruiting children for military training. There were also reports that children who were captured or rescued from armed groups were subsequently used in CAFGU operations. Vigilante groups in Mindanao, set up by the military as village defence groups, recruited children from indigenous communities.[103] In 2004 children were also reported to have been recruited from ethno-linguistic sub-groups in Davao City, Mindanao, by vigilante groups set up by the military as part of its counter-insurgency efforts against the Communist Party of the Philippines New People's Army (CPP-NPA)[104] in southern Mindanao. Sometimes, they are deployed not just against rebels but also in clan rivalries that take place in parts of Mindanao.

Easy access to arms: Guns are easily accessible in places like Maguindanao. Access to weapons promotes desensitisation to the violence represented by these arms.

Deplorable conditions in evacuation centres: The Commission on Human Rights (CHR) raised the alarm over what it described as the "deplorable" conditions in evacuation centres for children who make up two-thirds of the more than 500,000 people forced from their homes in the ongoing conflict in Mindanao. The difference in the government's responses to natural disasters and the Mindanao conflict was "glaring." In a tent or evacuation centre, Cardona said the "conservative estimate" ratio between children and adults was 2:1, ranging from days-old newborns up to school-age children.

The children could not sleep comfortably at night, the supply of mats was scant, and most had mosquito bites. Those who still managed to go to schools with water facilities were the lucky ones who could take a bath there, but those left at the evacuation centres the entire day ended up either dirty or suffering from skin diseases.

Loss of family livelihood: Dire economic straits may push children to enter paid work. This increases their vulnerability to economic and sexual exploitation, and trafficking.

WHAT SAVE THE CHILDREN HAS BEEN DOING

Save the Children, through its Disaster Preparedness and Response Mindanao (DPR Mindanao) Program, organised the Mindanao Emergency Response Network (MERN) as a product of a long, dynamic mobilisation and organising processes. Much of SC's disaster preparedness and response activities since 2003 have gravitated around MERN both as a recipient of programme support and as a mechanism through which program components are implemented.

MERN was initially set up as loose group of participating non-government organisations (mostly local) that is committed to improve accountability and delivery of aid and other types of intervention with effective coordination as a key strategy. It has developed a Vision, Mission, and Goal, and its own set of Principles of Conduct for Non-government Humanitarian Agencies in Mindanao that is patterned after the one adopted by the International Federation of the Red Cross.

MERN's formation was driven by its potential to position itself as a platform where organisations can share data, information, and analyses, as well as come up with coordinated plans of action to ensure that resources are maximised during emergencies and disasters. Over the years, this is manifested by a more

[103] *Philippine Coalition to Protect Children Involved in Armed Conflict (Protect CIAC) & Southeast Asia Coalition to Stop the Use of Child Soldiers (SEASUCS), Preventing Children's Involvement in Armed Conflicts in the Philippines: A Mapping of Programs and Organisations, November 2007, draft version.*

[104] *Philippine Human Rights Information Centre (PhilRights), Deadly Play Grounds: The Phenomena of Child Soldiers in the Philippines, 2005.*

efficient sharing of information across its members; organisations no longer competing for resources; organisations carefully positioning themselves to avoid duplication of services, MERN's ability to access resources from other donors, among others. It is now recognised by many as a potent network in providing timely and relevant humanitarian response.

In order to facilitate the growth of MERN, Save the Children DPR Mindanao has been conducting various capacity-building and organisational development activities in the past years

Save the Children also partners with MERN in the delivery of initiatives to displaced or recovering communities in the provinces of Lanao del Norte, Lanao del Sur, South Cotabato, North Cotabato, Maguindanao, Sultan Kudarat, Saranggani, Zamboanga del Sur, Sulu, and Basilan. These initiatives include the delivery of relief services, funding support to implement local initiatives for risk-reduction, rehabilitation, and emergency response for disaster-affected communities.

As a network, the goal for MERN is to be an independent coordination mechanism among local NGOs that can deal with other stakeholders in emergency response such as UN Agencies and donor agencies. Save the Children teamed up with organisations such as German Technical Cooperation, Oxfam, Lutheran World Relief, GoP-UNMDP Act for Peace Programme, among others to promote MERN as an implementation mechanism of their respective emergency/rehabilitation projects or for capacity-building activities.

There are efforts to replicate the MERN model to organise the local NGOs working in Caraga Region to participate in emergency response and disaster risk reduction actions.

WHAT SAVE THE CHILDREN CAN DO

Programming and interventions

- Ensure all Save the Children CPIE programming adopts a rights-based approach, by developing inclusive programmes, promoting children's participation, seeking stakeholders' accountability and strengthening local civil society.
- Collate and promote best practices on how to prevent and respond to child protection concerns in local contexts in emergency situations. Identify research gaps and conduct research to inform policy and programming.

Advocacy and networking

- Advocate the government for the implementation of the UNCRC Optional Protocol on Children Affected by Armed Conflict and for other international commitments in collaboration with UNICEF and other NGO networks. Advocate for the implementation of UNSC resolution 1882, especially the trigger for listing parties in conflict who commits sexual violence against children.
- Advocate with and support governments to strengthen legislation, policies, services (and other interventions) to improve the prevention and response to children affected by emergencies.
- Promote child friendly and inter-sectoral reporting mechanisms and services.
- Advocate for a more child friendly MRM with clear links to assistance and reintegration of children associated with armed forces or groups.

- Promote the integration and harmonisation of humanitarian response with development work on CPIE, in particular by promoting a systems-building approach.
- Support governments and other key agencies to include a stronger focus on child protection in DRR and emergency preparedness.
- Build on existing community-based child protection services, and mobilise local organisations, communities and children to take actions to prevent and respond to CPIE.
- Promote the active participation of children in policy and programming, including in peace building and in the development of child friendly spaces.
- Participate in national interagency groups to strengthen the focus on CPIE.
- Build new partnerships with the media, academia and the private sector to sensitise them on child protection in emergencies.
- Advocate and mobilise for increased child protection resources.

Education, training and capability-building

- Provide tools and assistance for capacity building of professionals working with children (teachers, social workers, police, etc).
- Build the capacity of Save the Children staff, humanitarian workers, peace building personnel and local partners on quality standards and programming, using ARC, internationally adopted guidelines and other materials.

Chapter 8
SYNTHESIS AND RECOMMENDATIONS

Providing children with all the necessary support to enjoy their childhood and develop their full potential is not only a duty to which State parties committed while ratifying the Convention on the Rights of the Child; it is the only way for each society to ensure its own progress and development.

Certain groups of children will require specific attention, as their exposure to threats and abuses is high – either because they grow up in an unstable environment, with no sufficient protection networks, or because the adults they deal with do not see their best interests as a top priority. This is particularly true in the Philippines for:

- **children deprived of parental care**, out of which an unspecified number live in residential facilities;
- an undefined number of children – especially young girls – who are **victims of violence** at home, at school, in the neighbourhoods, in institutions and in public security facilities;
- an undefined number of **children who are victims of trafficking**, either in country or abroad, including those that due to their fragile living condition are exposed to this risk;
- an undefined number of **children exploited for labour purposes**, and exposed to hazardous working conditions with or without the knowledge or consent of their parents;
- an unspecified number of **internally displaced and refugee children**, in particular those living in miserable conditions in evacuation centres for a number of years.

The demand for protection addressed to the State authorities is as complex as the variety of lives of all these children. Seen from a child rights perspective, they are – as are all children – holders of universal, indivisible, interdependent and inalienable rights. As stated in the UN Convention on the Rights of the Child, children should be granted these rights according to a principle of non-discrimination.

Due to the intensification of the experience of marginalisation of some groups of children, it may be pertinent to identify and focus on certain priority issues and concerns in child protection:

- Particular concern is invoked by the situation of **children in institutions** who may have been experiencing abuse and exploitation but whose experiences are left undocumented by the apparent lack of attention to their needs and concerns.
- Special attention may need to be paid to **children with disabilities**, whether living in institutions or residing with their families, who seem to be neglected in many discussions of child protection issues.
- Children in the informal sector, especially girls who work as domestic workers in private households, should become a matter of concern for the community and for policy makers, as well as the traditionally accepted forms of **child labour**, in particular in rural areas.
- Last but not least, we should not forget the volatile situation of a large number of **IDP and refugee children**, for whom – in addition to the traumatic consequences of being exposed to conflict situations or losing

loved ones and property in natural disasters – the possibility of settling down in a stabilising environment is denied.

Time and again, the Philippines has been cited as possessing a remarkably strong legislative framework that enables the passing of child protection laws and policies, both at the national and local levels (national plans of action, children's codes, local ordinances). However, the perennial issue that has been evident across all the priority areas is the lack of understanding and capacity of the different stakeholders to enforce, implement and uphold these laws. It is also unfortunate that some of those who are expected to uphold these laws and policies are reported to be the ones who enable the perpetrators to get away with their violations. This is especially true for some police personnel who were accused of being protectors of trafficking rings. Accusations implicating local magistrates of corruption, which is said to account for the low conviction rates in trafficking cases, also abound.

The Philippines is also not lagging in the creation of structures and mechanisms that address child protection issues across the selected priority areas (e.g. Special Committee on Child Protection), CWC Sub-Committee on Children Affected by Armed Conflict and Displacement (SC CAACD), CHR Child Rights Desk, inter-agency bodies, IACAT, LCPCs, etc). However, it is impossible to evaluate how effective these structures and mechanisms are in addressing these issues. While the Philippine Government has been very open to working with civil society groups along certain issues, civil society groups feel that most of the time, the different line agencies rely on their initiatives to implement the plans and strategies set out for each interagency body that was created. It may also be that there is no single agency tasked to oversee all these different coordinating functions. While the Council for the Welfare of Children exists, its diminished status as an adjunct division within the DSWD does not give it the sufficient mettle to influence other government agencies to work on the different programme areas.

The possibility for duty-bearers to perform their role successfully is seriously hampered by the lack of reliable data, moreover of relevant breakdowns, an indispensable instrument for policy planning and the provision of services. A national data collection system that keeps track of the cases of rights violations and informs policies and programmatic responses is still in the pre-testing stage. The absence of such an information system has really hampered the processing of collecting accurate information about children in the Philippines.

While there is no doubt as to the number of professionals who are dedicated to the promotion of child rights and child protection, the issue has always been the adequacy of the skills and competencies of people tasked to ensure the safety and protection of children.

There are a number of existing and available programmes and services for children confronting different protection issues. These are delivered by both government organisations and non-government institutions.

Education and training seem to be the most widely practiced forms of preventive intervention. It is used in both formal (e.g. scholarships) and informal (e.g. street-based education) settings with some reported degree of success. Training programmes for child care workers and other professionals have likewise been generally successful. Notable are the initiatives in training the police and other law enforcers in the sensitive handling of child protection

issues. However, the conduct of these tends to be "donor-driven" or directed by what intervention is currently "in vogue" and not necessarily based on a thorough assessment of training needs.

Interventions that target children have adopted more creative forms of communication. The use of the theatre arts has been reported to be quite effective in communicating to the public a number of diverse protection issues such as child trafficking, violence, corporal punishment, etc. Furthermore, children involved in these productions report improved sense of well being as a result of their participation in these activities. Meanwhile, the use of comics, storybooks and workbooks was also found to be another effective strategy to reach out to children

The diverse range of child protection programmes and services focus on the following: responding to the physical and psychological effects of rights violations; rescue the children victims from their abusers; bring perpetrators to court; reach out to potential victims; and, organise and mobilise the communities in detecting, responding to, and preventing child abuse. There are a number of problems and gaps in the implementation of programmes and services. The following are the most significant:

- Though the Barangay Council for the Protection of Children is one of the first agencies to receive reports of child protection issues, it is not adequately equipped to handle such cases.
- The quality of casework and documentation of cases are not¬ably below par due to the heavy caseload of social workers and other child care workers.

Another strength lies in the opportunities for different forms of participation available to children. The proliferation of a number of children's organisations attests to a significant level of democratic space afforded to children. A shining example would be the organisation of child domestic workers. However, there needs to be a more systematic process of monitoring and documenting these initiatives in order to ensure more meaningful participation of and by children.

Filipino children may experience a significant change in the quality of their life and their sense of well-being, if there is a commitment from all sides (policy makers, professional categories, international agencies, NGOs) to multiply the efforts towards the improvement of protection network. In particular, it is recommended that the action of Save the Children in the short and medium term should be focused on:

- **Strengthening the training duty-bearers on children rights and child protection.** The final aim is to develop critical skills in the exercise of the aid relationship, and set up proper referral systems to assist children (both legally and psychologically) throughout the whole institutional protection path, also with the involvement of NGOs;
- **Promoting of awareness raising campaigns focused on the social inclusion of marginalised children.** A strong change in the collective mind is necessary to stop the often discriminatory attitude towards children falling out of the parameters of 'normality' (disabled children, children coming from broken families, street children, young victims of trafficking and exploitation for sexual purposes). An improved child protection system can take place only in a 'welcoming' environment, where individuals do care for the destiny of persons with special needs as members of the same community;
- **Improvingdata collection and analysis** at all levels, to enhance the planning of innovative intervention centred on expressed needs. In this sense, the consistent and valuable work already done by the several

NGOs active in the sector of child protection should be given appropriate consideration.

The aim of this initial assessment of the situation of children across the different protection areas is to demonstrate core features that may be applicable in work with any group of children in need of protection.[105] The experiences of children across the five areas reveal some shared features or elements: experience of poverty and disadvantage; displacement from communities of origin; and a breakdown of support and care systems.

The experience of poverty and disadvantage: While it may be true that poverty is not necessarily the root cause of the children's vulnerabilities, poverty serves as the catalyst for the host of other issues and problems. For example, the experience of poverty has pushed children to leave their communities in search for better livelihood and employment opportunities, making them targets of traffickers. The sense of marginalisation and injustice due to the experience of poverty makes it easier for armed groups to recruit children. Impoverished communities are the hardest hit in times of natural disasters, and take the longest to recover from the devastation and loss. Poverty forces parents to abandon and neglect their children who in most cases wind up in residential care facilities.

The breakdown of systems of support and care: The breakdown of systems of support and care may also be a function of poverty. However, it could also be brought about by structural factors such as natural disasters wiping out whole communities, or protracted fighting rendering many communities as virtual ghost towns as residents flee to other safer locations.

Unfortunately, certain government priorities and policies weaken community support systems. For example, the continued concentration of government resources in urban centres render rural communities more and more impoverished. Another policy is the active promotion of overseas labour employment which presents significant negative consequences to family and to the already tenuous community ties.

Sadly, programmes and services that are designed to protect children may also unwittingly contribute to the breakdown of community care and support. For example, there are interventions that require children and their families to leave their communities, for example, residential care facilities located in major cities and other urban centres, or evacuation centres located far away from communities of origins.

On the other hand, the absence or loss of systems of support and care may be exactly the reason why children end up in institutions. In the case of trafficked children, they lack the access to their social support.

The isolation and dislocation from communities of origin: Displacement or the sense of dislocation is another shared experience. The experience of dislocation could be at the level of the individual in the case of abandoned and neglected children put into residential care or the dislocation of trafficked children for labour and sexual purposes. Or the experience could be at the collective level as whole communities may experience displacement as in the case of natural disasters or armed conflict.

It is recommended that Save the Children's programming for its protection initiatives focus on approaches that emphasize a **"return to the community."**

[105] *Thematic Programme Planning Guidance for the Protection Objective, Save the Children, 2006*

As the evidence from the five protection areas demonstrate children leave a much weakened community but experience a deep sense of isolation and dislocation that further highlights their experience of vulnerability.

The "Return to the Community" model presents a three-pronged approach to the strengthening of child protection systems: investment on impoverished communities; promotion of community-based responses, systems and mechanisms, and the development of a community of competent and capable advocates and change agents.

Invest on impoverished communities

Save the Children's programming will have to be measured on its ability to "have an impact on the protection and care needs of the poorest 10 percent of children."[106] Impoverished communities are those that lack the access to existing protection systems. In order to achieve this goal, it is recommended that Save the Children:

- conduct a programme review to check and validate if present programmes target the poorest 10 perceent of children, and/or impoverished communities
- realign resources and allocations to programmes and services that target impoverished communities
- conduct advocacy and education campaigns and capacity-building activities with members of impoverished communities

Promote community-based responses, systems and mechanisms

In order to achieve this goal, it is recommended that Save the Children:

- conduct a systematic research that focuses on current community-based protection systems in order to identify what works and other good practices
- take into account community resources in the planning and design of community-based responses, systems and mechanisms
- involve community members in the planning and design of such initiatives so as to promote a sense of community ownership
- conduct capacity-building activities with local community members to equip them with the necessary knowledge and skills to be able to manage these community-based protection systems
- ensure that interventions address the problems of isolation and dislocation by considering the development of a sense of community as one of the targets of programmes and services

Develop a community of competent and capable advocates and change agents

Partnerships, whether at the individual, organisational or community levels, are essential in developing a community of competent and capable advocates and change agents. This could be achieved through the following:

- take the lead or facilitate the building of communities of individuals, organisations and communities who work along common areas of concern;
- support initiatives and efforts that will foster this sense of community among these individuals and groups (eg., provide venue for sharing and exchange of ideas either through regular meetings or annual conferences that celebrate good practices)
- support capacity-building initiatives that would ensure that these individuals and groups adopt a common understanding, language or even a shared set of standards of behaviour (e.g., promote the idea of adopting child protection policies for all individuals and organisations who deal with children in their work)
- encourage the sharing of information through common or linked web portals, database systems for monitoring cases

[106] *Thematic Programme Planning Guidance for the Protection Objective, Save the Children, 2006*

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KEY INFORMANT INTERVIEW

Key informants

NAME	ORGANISATION
Amihan Abueva	Asia Against Child Trafficking
Carla Cuntapay	Head, Social Partnership and Alliance Unit Visayan Forum
Dolores Alforte	Executive Director End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT – Philippines)
Anelie Burgo	Head, Program Management Bureau Department of Social Welfare and Development
Faye Balanon	Office in Charge Psychosocial Support and Children Rights and Resource Center
Jess Far	Child Protection Officer UNICEF Philippines
	Kids for Peace
	Mindanao Emergency Response Network

Interview guide

1. Position and scope of responsibility within organisation

2. Years of service with the organisation – brief job history

3. Organisation vision and mission

4. How long has the organisation been working in this sphere of concern? How has it come to work in this particular arena?

5. What particular services are being offered by the organisation to the children? Why are these services being offered?

6. What particular types of children are being reached by programmes and services? Who are not reached? Why is this so?

7. What are the role of children under your care vis a vis your programmes and services?

8. Do you have a Child Protection Policy? Who drafted the policy?

9. Are there child protection mechanisms in your organisation?

10. In your observation, what particular rights of children (category of children) are being met by duty bearers in your area? How are these met? Who are these duty-bearers?

11. What factors do you think contribute to the realisation of these rights?

12. In general, what is the role of children in these efforts?

13. How do you relate to other duty-bearers in your area?

14. What are the strengths and weaknesses of your organisation in terms of the fulfilment of children's rights?

15. What particular rights of children (refer to category of children) are not being met or being violated? Provide examples. Who are these people?

16. Are there child protection mechanisms in your area/community? What steps are being made to ensure that children's rights are protected? What steps are undertaken if and when children's rights are violated?

17. What factors do you think contribute to the non-realisation/violation of the rights?

18. What can be done to ensure that duty bearers (specify which duty bearer) can be made accountable in ensuring that the rights are promoted?

WE ARE the world's leading independent organisation for children.

OUR VISION is a world in which every child attains the right to survival, protection, development and participation.

OUR MISSION is to inspire breakthroughs in the way the world treats children, and to achieve immediate and lasting change in their lives.

Save the Children