



Country fact sheet for the CRC

THE PHILIPPINES

REPORT N°	<ul style="list-style-type: none"> ▪ Fifth and Sixth Combined Periodic Report (UNCRC)
PRE-SESSION/SESSION	<ul style="list-style-type: none"> ▪ Pre-session: 87th (September-October 2020) ▪ Session: 87th (May 2021)
LEGAL FRAMEWORK	<p>International framework</p> <ul style="list-style-type: none"> ▪ Convention on the Rights of the Child: ratified in 1990; ▪ Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography: ratified in 2002; ▪ 1993 Hague Convention on Intercountry Adoption: ratified in 1996. <p>National framework</p> <ul style="list-style-type: none"> ▪ Family Code of the Philippines (1988); ▪ The Child and Youth Welfare Code (1974); ▪ Domestic Adoption Act (1998); ▪ Intercountry Adoption Law (1995); ▪ Amended Implementing Rules and Regulations (2007); ▪ Republic Act No. 9523 requiring the Certification of the Department of Social Welfare and Development to declare a child legally available for adoption (2009); ▪ Republic Act No. 9255 allowing illegitimate children to use the surname of their father; ▪ Civil Code of the Philippines (1950); ▪ Civil Register Law (1930); ▪ Foster Care Act (2012); ▪ Simulated Birth Rectification Act (2018).
GENERAL SITUATION OF CHILDREN DEPRIVED OF THEIR FAMILY	<p>Family support and strengthening:</p> <ul style="list-style-type: none"> ▪ The Philippines is now supporting a child-centered family policy agenda, e.g. Philippines National Strategic Framework for Plan Development for Children for the years 2000-2025 and the Philippine Development Plan 2017-2022. These policies aim to reduce poverty, develop childhood care and support families and parents¹. The country also intends to harmonise the continued implementation of core poverty reduction programmes, like the Conditional Cash Transfer programme, Sustainable Livelihood Programme, and <i>Kapit-Bisig Laban sa Kahirapan</i> – Comprehensive and Integrated Delivery of Social Services Programme (KALAHI-CIDDS)². ▪ Most recently, the Department of Social Work and Development (DSWD) stated

¹ See also: Blanco, D V and Panao, R A (2019). 'Caring for the orphan in the Philippines: A Policy-Capacity review'. In Child & Youth Services, Volume 40, 2019 - Issue 1. Available at: <https://www.tandfonline.com/doi/abs/10.1080/0145935X.2018.1551723?journalCode=wcys20>.

² Committee on the Rights of the Child, Fifth and Sixth Periodic Report: The Philippines, CRC/C/PHL/5-6, 1 March 2019.

	<p>that, in its continuous efforts to prevent and respond to the issues on neglect and abandonment, a comprehensive programme on child protection is in place. This involves the rescue of children, placing them in protective custody, providing therapeutic interventions for their healing and recovery, and facilitating their reunion with their families. Health, education, livelihood, work opportunities and other services are also available. For this programme's implementation, the Philippines receives support from international agencies, such as UNICEF.</p> <ul style="list-style-type: none"> ▪ Local Councils for the Protection of Children are organised from village to national level, and are composed of government, NGOs and other stakeholders. The Councils also monitor the implementation of the <i>Day Care Law</i> and the <i>Early Childhood Care and Development Act</i> of 2000, which provide a comprehensive, integrative and sustainable programme for children. The <i>Local Government Code</i> paves the way for the devolution of basic services to the local government units, where the basic services are made accessible to the family and community whenever needed, which include, amongst others, providing family counselling, parent education programmes and livelihood assistance³. ▪ Under the country's laws, surrendered and abandoned children are placed under the legal guardianship of the DSWD.
<p style="text-align: center;">ALTERNATIVE CARE OPTIONS</p>	<p>Foster care:</p> <ul style="list-style-type: none"> ▪ Based on Chapter VI of <i>Presidential Decree No. 603 (Child and Youth Welfare Code)</i>, in 2013, the Philippines published the <i>Implementing Rules and Regulations of Republic Act No. 10165</i>, otherwise known as the <i>Foster Act of 2012</i>. This Act mentions that children must benefit from foster care rather than institutional care. It defines, in particular, the procedures applicable to the recruitment and the training of foster parents, the issuance of authorisations, the search for foster families that respond to the needs of the child as well as the placement and its monitoring. Furthermore, in 2014, the government adopted the <i>Guidelines on Foster Care Services</i>⁴, which further address the recruitment of foster parents, licensing of foster parents and assessment of children eligible for foster care, and provision of subsidy and other incentives. ▪ Thus, any foster care provider falls under the coordination of DSWD. DSWD requires foster homes/families to be licensed⁵. However, foster care is also provided by civil society organisations, such as <i>Kaisahang Buhay Foundation, Inc.</i>⁶, although families are licensed by DSWD. It appears that there can be two types of foster families: <i>volunteer foster families</i> and <i>subsidised foster families</i>. ▪ From 2017 to 2019, there were 2,187 licensed foster parents accredited and assessed by DSWD, while 2,636 children were placed in foster care⁷. From 2012-2015, P41 million (\$804 thousand) was used for the implementation of the <i>Foster Care Act</i>⁸. Finally, in 2015, in Regions VI and VIII (Typhoon Yolanda-affected areas), there was an increase in the number of families qualified for foster care accreditation⁹.

³ Information provided by DSWD, March 2020.

⁴ Available at: https://www.dswd.gov.ph/issuances/MCs/MC_2014-023.pdf.

⁵ Foster Care Association of the Philippines (FCAP) Inc. 'How to Become a Licensed Foster Home/Family in the Philippines'. Available at: <https://www.kbf.ph/services/foster-care/>.

⁶ See: <https://www.kbf.ph/services/>.

⁷ Information provided by DSWD.

⁸ *Supra* 2.

⁹ UNICEF, *Country Office Annual Report 2015*. Available at: <https://www.unicef.org/about/annualreport/>.

Residential care:

- According to a 2011 report from Save the Children¹⁰, residential care seems to be the main response to child abandonment, neglect and abuse. DSWD manages a number of residential facilities (see below). In addition to these, there are a number of privately-run facilities, many of which are faith-based, for which statistics were not accessible – which raises questions about gatekeeping, supervision and monitoring of these facilities and whether there is an accreditation system in place.

- The DSWD is mandated to provide residential care, to children whose needs cannot be adequately met by their own families and relatives for a specified duration. For 2017-2019, the mentioned DSWD residential facilities had the following population¹¹:

- **Reception and Study Centres for Children** that provide alternative care to abandoned, neglected and/or surrendered children 0-6 years of age, and caring for 2,391;
- **Havens for Children** that provide rehabilitation for boys aged 7 to 13 years who are under recovery from substance abuse, and caring for 473;
- **Marilac Hills** that provides care and rehabilitation services for girls aged 7 to 17 years who are abused or exploited, and caring for 1,004;
- **Homes for Girls** available for the rehabilitation and care of girls aged below 18, and caring for 2,492;
- **Center for children with special needs** – Elsie Gatches Village (caring for 1,918); and
- A facility called **Nayon ng Kabataan**, which provides alternative care for 751 abused, orphaned, abandoned, neglected, and exploited children aged 7 to 17 years.

- It is worth mentioning that this reflects a considerable increase from numbers of 2013 in all facilities¹². As stated by DSWD, DSWD-managed residential care has been the major response to child abandonment, neglect and abuse. Over the years, good practices have evolved from experiences in the care of the children that have been found effective in meeting their physical, social and psycho-emotional needs. To further implement its deinstitutionalisation scheme, DSWD issued a set of guidelines on the transfer of DSWD residents to Social Welfare and Development Agencies (SWAs) and provide for the protection of the welfare and best interest of the children¹³.

Quality care:

- In 2007, the DSWD approved the *Revised Standards on Residential Care Service*, which include indicators to measure compliance with these standards. However, despite recognising that residential care should not be a priority form of care, in August 2019, it was announced that the DSWD would establish new residential care facilities, including for children with special needs and street children¹⁴.

- Aside from being a service provider, DSWD is also a regulatory office, mandated to register, license, and accredit Social Welfare and Development Agencies (SWAs) providing social welfare and development programmes and services to the poor, the disadvantaged and marginalised individuals. Further, through this initiative, DSWD pursues its efforts to strengthen partnership and collaboration with SWAs through the development of standards,

¹⁰ Save the Children (2011). *Child Protection in the Philippines. A situational analysis*. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/save%20the%20children%20CP%20in%20the%20philippines%20030311_0.pdf.

¹¹ Information provided by DSWD, March 2020.

¹² Information provided by DSWD, June 2013.

¹³ Information provided by DSWD, March 2020.

¹⁴ 'DSWD to establish new centers and residential care facilities'. *Manila Bulletin*. 31 August 2019. Available at: <https://news.mb.com.ph/2019/08/31/dswd-to-establish-new-centers-and-residential-care-facilities/>.

	<p>programmes and interventions appropriate to the type of residents being served and the provision of technical assistance and capacity-building, among others¹⁵.</p> <ul style="list-style-type: none"> ▪ DSWD’s Administrative Order No. 3 Series of 2008 encourages all residential care facilities managed by DSWD, local government units (LGUs) or NGOs to strive towards achieving excellence, determine their exemplar performance on the delivery of programmes and services to their respective clientele based on the set standards. ▪ The ABSNET (Area-Based Standards Network) is also seen as an effective strategy with the end goal of institutionalising collaboration with the SWAs that are registered, licensed and accredited by DSWD, which constitute the intermediaries for social welfare service delivery. It provides participative and consultative mechanisms in the areas of standard development; registration, licensing and accreditation; capacity-building and technical assistance. ABSNET has become the avenue as well in the promotion of standard guidelines of the DSWD for all SWAs, private and local government alike. ABSNET assists in advocating the registration, licensing and accreditation of SWAs through their involvement in the initial assessment and peer consultations¹⁶.
ADOPTION	<ul style="list-style-type: none"> ▪ A significant step forward was made by the Philippines through the adoption of Law Republic Act 9523 requiring the legal declaration (certification) of the child’s adoptability issued by the DSWD Secretary. It is thanks to this new provisions and the law’s implementing rules and regulations that the declaration of a child’s abandonment and the declaration of a child’s adoptability have become administrative processes. Furthermore, the biological parent(s) who sign(s) a Deed of Voluntary Commitment regarding their child, after due counselling, are now given three months to withdraw their consent. Such requirements are clearly intended to avoid a long-lasting uncertainty of the child’s situation by accelerating his or her permanent placement in a new family environment. ▪ It is also welcome that the country has made ongoing efforts to strengthen the principle of subsidiarity by ensuring effective local and inter-regional matching processes. Indeed, whilst the statistics for intercountry adoption are duly shared and disaggregated, the number of domestic adoptions is however unknown. It is understood, nonetheless, that the country is fully committed to the principle of subsidiarity of intercountry adoption and has given priority to domestic adoption for years since 1995. This must be recognised and pursued. ▪ Furthermore, the Philippine government has addressed the issue of so called ‘simulated births’, which consists in avoiding the whole adoption process by registering non-biological parents as biological parents on birth certificates, and which had been a concern of the Committee on the Rights of the Child when examining the country’s latest report under the UNCRC and under its Optional Protocol on the sale of children. In this regard, the Simulated Birth Rectification Act of 2018 allows for the rectification of simulated births through a simpler administrative proceeding. While Section 21 (b) of the said Act penalises any person who shall cause the fictitious registration of the birth of a child under the name(s) of a person(s) who is not his/her biological parent(s), it also provided for an amnesty for those who did so in the best interest of the child. ▪ In September 2012, the Philippine Central Adoption Authority, the Inter-Country Adoption Board (ICAB), instituted a new rule (also referred to as a ‘conditional moratorium’) limiting the number of new dossiers that it will accept to request the adoption of a child without special needs. The rule does not apply to children in the Waiting Child Programme or

¹⁵ Information provided by DSWD, March 2020.

¹⁶ Information provided by DSWD, March 2020.

	<p>relative adoption cases. ICAB stated that the rule is intended to help reduce wait-times for referrals from approximately two to three years to just 1.5 years¹⁷.</p> <ul style="list-style-type: none"> ▪ The ISS/IRC would also like to highlight the efforts carried out by the Philippine Central Authority in order to find prospective adoptive families who are willing and able to adopt children with special needs such as siblings, older children and children with serious health problems or disabilities through its Hosting Programme. ▪ Finally, and most importantly, the ISS/IRC commends the Philippine Central Authority for the adoption of measures to regulate adoption applications coming from abroad in accordance with Philippine children’s needs. Indeed, the Philippines continues to implement a process of ‘reversal of flows of files’ – a promising practice that is a fundamental component of an adoption system that is based on children’s rights – to ensure that it receives and can assess the files of suitable adoptive parents for Filipino children. In addition, it has been clear in communicating the needs and profiles of Filipino adoptable children and adapting the procedure accordingly for those prospective adopters willing and suitable to adopt them.
<p style="text-align: center;">RISKS & RECOMMENDATIONS</p>	<ul style="list-style-type: none"> ▪ In terms of gatekeeping, whilst a child-centred family policy and related programmes and services have been developed, there appears to still be large numbers of children at risk of neglect and abandonment. The ISS/IRC recommends that a national mapping is undertaken to identify and analyse how these recent instruments and their implementation is reaching the families and children most at risk, and their impact on the prevention of family separation, in order to move forward in closing the gaps in child protection. ▪ As regards alternative forms of care, there remains a high – and increasing since 2013 – numbers of children in residential care, indicating a potential over-reliance on this form of care rather than on family- and community-based care. ▪ Whilst DSWD has made considerable progress in ensuring that residential care facilities comply with high quality standards, there is a need to address remaining questions about the licensing, supervision and monitoring of residential care facilities run by private agencies, which appear to be off the radar and subject to little reporting and monitoring. In addition, the country might reconsider recent statements about the opening of new residential care facilities. ▪ Despite the welcome adoption of the Foster Act 2012, and related guidelines, questions about the resources dedicated to its implementation remain unclear. However, if proper investment in this alternative care option occurs, the number of children placed in institutions should decrease and an increasing number of children could be placed in a family- and community-based environment in line with international principles and standards. ▪ In 2004, ICAB initiated the Hosting Program in order to increase the possibilities for older Filipino children living in institutions to find permanent homes. This type of programmes must be prepared, operate and monitored closely to ensure that they do not place children in a situation of expectations that will finally not be met and thereby create new feelings of abandonment or rejection.
<p style="text-align: center;">POTENTIAL QUESTIONS</p>	<ul style="list-style-type: none"> ▪ Does the country have any plans to map and assess how its comprehensive policies, programmes and services are reaching those children and families most at risk of separation? ▪ Does the country have any strategy in place to ensure that residential care is indeed an option of last resort when determining an alternative care measure for children separated from their families and that no new such facilities should be established? ▪ As for the quality of care – in particular residential care – what is being undertaken to ensure that the high number of privately-ran facilities are identified and also comply with the set of standards developed in the country for the delivery of quality care?

¹⁷ US Department of State, Intercountry adoption: The Philippines, <https://travel.state.gov/content/travel/en/Intercountry-Adoption/Intercountry-Adoption-Country-Information/Philippines.html>.

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| | <ul style="list-style-type: none">▪ What resources does the country plan to allocate to the development and strengthening of foster care programmes across the country, thereby ensuring that this alternative form of care may truly become an alternative to residential care for children temporarily separated from their families?▪ What efforts are being undertaken to strengthen the compilation and sharing of data and statistics for domestic adoption and thereby facilitate an effective mechanism of inter-regional matching?▪ Whilst it is positive that efforts are being undertaken to promote the adoption of children with special needs, older children and groups of siblings, how is it ensured that the 'hosting' programmes in place are carefully prepared and do not create unmet expectations for children?▪ Whilst the new legislation on 'simulated births' is welcome to ensure legal certainty for children, how will the authorities ensure that the 'best interests criteria' is properly assessed and that this legislation is not 'over-used' to avoid the 'regular' adoption process? |
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