

Updates from July 2020 – June 2022

In support of the

Still in the Sidelines: Children’s Rights in the Philippines

The monitoring report of the Civil Society Coalition on the Convention on the Rights of the Child (CRC Coalition) on the Implementation of the United Nations Convention on the Rights of the Child (UNCRC) 2009 - 2019

INTRODUCTION

About CRC Coalition

1. The Civil Society Coalition on the Convention on the Rights of the Child (CRC Coalition) submitted its NGO Alternative Report to the United Nations Convention on the Rights of the Child (UNCRC) on 28 February 2020. This NGO Alternative Report is an independent report of the civil society organizations from the Philippine Government Report submitted in 2019. With the postponement of the 8th Pre-Session in September 2020 due to the COVID-19 pandemic, civil society organizations, among other stakeholders, were allowed to submit updates from January-June 2020.
2. In the 91 Session (29 August 2022 – 23 September 2022) of the UN Committee on the Rights of the Child, the Philippines will be one of the nine state parties to be reviewed. Additional information in time for the 91 Session is welcomed on 15 August 2022. This document presents additional information and serves as a supporting document to the NGO Alternative Report 2009-2019 and updates from January-June 2020 on the implementation and commitment of the Philippines to children's rights.
3. This additional information presents updates on key issues affecting children and claiming of their rights from the period July 2020 to June 2022. This update draws information from (a) results of the 2021 Child Situationer developed by CRC Coalition largely based on consultations with children; and (b) thematic cluster updates prepared by CRC Coalition members.
4. The overall context of the additional information contained in this report is the loosening of pandemic restrictions, the gradual reopening of the Philippine economy, and the start of COVID-19 vaccination in the country. It covers the current political and socio-economic context of the Philippines and the child rights prospects in the country after the 2022 Presidential elections. It also provides updates on the following children's issues and concerns: newly enacted laws on children; education during the new normal, COVID-19 and health, environment and disasters, children with disabilities, and attacks on child rights defenders.

Political and Socio-economic Context

5. The impact of COVID-19 in the Philippines and the National Capital Region (NCR) is higher than initially estimated. A recent estimate shows that despite the initial forecast of a 44 percent increase in the poverty rate, it has actually doubled.¹ The economic condition of the country also suffers from recession with the real gross domestic product (GDP) contraction by 0.2 percent and a negative 8.3 percent growth rate. Nationwide, 7 in 10 small and medium enterprises (SMEs) have closed down due

¹ UNICEF, UNDP, and Economic Policy Research Institute, "The Impact of the COVID-19 Crisis on Households in the National Capital Region of the Philippines," (10 December 2020); available at <https://www.unicef.org/philippines/media/2581/file/TheImpactofCOVID-19CrisisonHouseholdsinNCR.pdf>

to the lockdown—referred to as community quarantine—imposed in the country.² Projections from international organizations pegged the growth rate of the country at -10 percent year-on-year and for the Philippines to have the worst recession in the region. This meant that the economic toll will disproportionately affect workers in the informal sectors and push millions of Filipino families into poverty.³ To address the economic impact of COVID-19 on Filipino families, Bayanihan to Heal as One Act (Bayanihan 1) and Bayanihan to Recover as One Act (Bayanihan 2)—the key legislative responses to the pandemic—were enacted with the social amelioration program (SAP) implemented in 2020. A large number of low-income households have received government assistance as part of SAP. Households who are part of the conditional cash transfer of the government (called Pantawid Pamilyang Pilipino Program), however, were unaware of whether what they have received is part of the SAP or not.⁴

6. Vaccination against COVID-19 in the Philippines started in March 2021, starting with health workers, senior citizens, and immunocompromised individuals. More than a year later, about 71 million Filipinos were fully vaccinated against the COVID-19 virus in July 2022, of which 954,000 already have a second booster shot. Vaccination among adolescents aged 12-17 have also started in November 2021. More than 9.6 million adolescents are vaccinated, along with more than 3.7 million children who are fully vaccinated in July 2022.⁵
7. With the roll-out of the vaccination for adolescents and children, schools that were closed during the height of the pandemic are now poised to be opened. In July 2022, the Vice President and Department of Education (DepEd) Secretary Sara Duterte ordered the transition to five days of in-person classes starting in November this year while the school year starts in August. This covers all public and private schools and purely distance learning or blended learning will cease to be implemented.⁶
8. At a time when the government's immediate response is more urgent than ever, especially at the local level, the Supreme Court Ruling on the Mandanas-Garcia case was issued (Executive Order No. 138, s. 2021). This ruling aims to strengthen the autonomy and empowerment of local government units (LGUs), direct the full devolution of certain executive functions, and increase the internal revenue allotment for the LGUs.⁷

² UNICEF, UNDP, and Economic Policy Research Institute, "The Impact of the COVID-19 Crisis on Households in the National Capital Region of the Philippines," (10 December 2020); available at <https://www.unicef.org/philippines/media/2581/file/TheImpactofCOVID-19CrisisonHouseholdsinNCR.pdf>

³ Australian Aid, DSWD, Economic Policy Research Institute, and UNICEF "Effects of COVID-19 on Child Poverty and Efficacy of Child Protection Responses in the Philippines," (1 July 2021); available at <https://www.unicef.org/philippines/media/2791/file/UNIPH-2021-Effects-of-COVID-Child-Poverty-Social-Protction-MainReport-1.pdf>

⁴ The World Bank and Australian Aid, "The Impact of the COVID-19 Crisis on Low Income Households in the Philippines: Deepening Distress despite Rebounding Economy," (29 January 2021); available from <https://documents1.worldbank.org/curated/en/768871611898266913/pdf/The-Impact-of-the-COVID-19-Crisis-on-Low-Income-Households-in-the-Philippines-Deepening-Distress-Despite-Rebounding-Economy.pdf>

⁵ Ma. Teresa Montemayor, "71M Filipinos fully vaxxed vs. Covid, over 950K get 2nd booster," *Philippine News Agency* (12 July 2022); available at <https://www.pna.gov.ph/articles/1178738>

⁶ Daphne Galvez, "DepEd orders all schools to shift to face-to-face classes by November 2," *Inquirer.net* (12 July 2022); available at <https://newsinfo.inquirer.net/1626494/dep-ed-orders-all-schools-to-shift-to-face-to-face-classes-by-november-2>

⁷ EO No. 138, s. 2021, "Full Devolution of Certain Functions of the Executive Branch to Local Governments, Creation of a Committee on Devolution, and for other purposes," (1 June 2021); available at <http://ogp.dbm.gov.ph/index.php/mandanas>

Child Rights Prospects after the 2022 Elections

9. The 2022 Presidential Elections held on 9 May 2022 mark the end of Rodrigo Duterte’s administration and the start of a new administration. Ferdinand Marcos, Jr., son of former President and Dictator Ferdinand Marcos Sr., won the Presidency alongside running mate Sara Duterte, former mayor of the City of Davao and daughter of former President Rodrigo Duterte. Together with the new leaders of the Executive branch of the government, 12 Senators of the Upper House of Congress and more than 253 Representatives of the House of Representatives. The new administration and the 19th Congress officially start on 25 July 2022.
10. Prospects of pushing for children’s rights under the new administration are still uncertain. Save the Children Philippines noted the need for the Marcos administration to use the whole government approach to face the reality that “despite the government’s commitment to fulfilling [children’s rights], the ineffective delivery of program and services needed, as well as limited spaces of children’s participation in decision-making, have made the stakes higher and more pressing especially for children impacted by inequality and discrimination... conflicts, disasters, and emergencies, and climate change.”⁸
11. Based on President Marcos, Jr.’s pronouncements and priorities, his administration aims to focus on the following child-rights issues: (a) strengthening policies and programs on violence against women and children (VAWC); (b) reviewing the implementation of the Kinder to Grade 12 (K to 12) program; and (c) legislative agenda to revive mandatory Reserve Officers’ Training Corps (ROTC) in senior high school. Recognizing the rise of cases of VAWC during the pandemic, the Department of Interior and Local Government (DILG) underscores that it is the priority of the current administration to strengthen protective programs down to the level of *barangays* and community, along with the issue of solo parents.⁹ To address the perceived job mismatches during the implementation of the K to 12 and the school’s system continuity and viability, the President gave the DepEd until July 2023 to finish the review of K to 12—a program that started in 2012 under the administration of President Benigno Aquino, Jr. to catch up with the global standards of education.¹⁰ In his first State of the Nation Address (SONA), the President called on Congress to pass a law to make the ROTC mandatory among Grades 11 and 12 in all private and public schools, making it part of his priority legislative agenda. This move is supported by his ally DepEd Secretary Sara Duterte. According to him, the goal is “motivate, train, organize and mobilize the students for national defense preparedness, including disaster preparedness and capacity building for risk-related situations.” ROTC was made optional in 2002, together with the

⁸ Save the Children, “Statement on the 2022 National Election: Call on Elected Officials to Uphold and Fulfill Children’s Rights,” (2022); available at <https://www.savethechildren.org.ph/our-work/our-stories/story/statement-on-the-2022-national-election/>

⁹ Third Anne Peralta-Malonzo, “Abalos urges LGUs to strengthen programs on VAWC, solo parent,” *Sun Star* (4 August 2022); available at <https://www.sunstar.com.ph/article/1936872/manila/local-news/abalos-urges-lqus-to-strengthen-programs-on-vauc-solo-parent>

¹⁰ CNN Philippines, “Duterte: ‘Final answer’ on K-12 program review due by end of school year 2022-2023,” (26 July 2022); available at <https://www.cnnphilippines.com/news/2022/7/26/DepEd-review-K-12-program-deadline.html>

Literacy Training Service (LTS) and Civil Welfare Training Service (CWTS), after the death of Mark Welson Chua who exposed corruption in the system.¹¹

Updates and Recommendations on Children's Issues and Concerns

Newly enacted laws on children

12. Despite the low prevalence of COVID-19 among children, they are still one of the sectors greatly affected by the pandemic as disruptions in the delivery of public service and essential interventions threaten their rights to survival, development, and protection.¹² This prompted the need to adopt policies that respond to the urgent concerns of children, most especially the vulnerable.
13. In the 18th Congress (July 2019-June 2022), laws prohibiting child marriage, with child referring to any person under 18 (RA 11596), increasing the age to determine statutory rape from below 12 to below 16 years old (RA 11648), and expanding the policy on anti-trafficking in persons to include accountability of internet and financial intermediaries (RA 11862) have been passed. Recently, the Anti-Online Sexual Abuse and Exploitation (OSAEC) bill lapsed into law (RA 11930). These laws strengthen the protection of children from various forms of violence. The passage of these laws also serves as a response to the dramatic increase in the incidence of violence against children during the COVID-19 pandemic where at least one in six children reported violence at home.¹³
14. Other notable newly enacted laws are the Domestic Administrative Adoption and Alternative Child Care Act (RA 11642) which makes domestic adoption proceedings simpler and less costly; the Foundling Recognition and Protection Act (RA 11767) which promotes the rights of deserted or abandoned children; and the Inclusive Education Act (RA 11650) which ensures equal access to education and opportunities for learners with disabilities.

Recommendations

15. Ensure full implementation of existing laws that support children's enjoyment of their rights such as the Kalusugan ng Mag Nanay Act (RA 11148), Early Years Act (RA 10410), Children's Emergency Relief and Protection (RA 10821), Special Protection of Children in Situations of Armed Conflict (RA 11188), Instituting a Policy of Inclusion and Services for Learners with Disabilities in Support of Inclusive Education Act (RA 11650), Alternative Learning System (RA 11510), Enhanced Basic Education (RA 10533), Prohibiting the Practice of Child Marriage (RA 11596), Raising the Age to Determine Statutory Rape (RA 11648), Juvenile Justice and Welfare Act (RA 9334 as amended), Special Protection of Children Against Child Abuse, Exploitation and Discrimination (RA 7610 as

¹¹ Cristina Chi, "Marcos includes return of mandatory ROTC in legislative agenda," *PhilStar* (25 July 2022); available at <https://www.philstar.com/headlines/2022/07/25/2197896/marcos-includes-return-mandatory-rotc-legislative-agenda>

¹² Council for the Welfare of Children, "Quick Data of Children's Situation During the COVID-19 Pandemic," (September 2020); available at <https://drive.google.com/file/d/1ciCGDzoJCu-hATiF90zEQvjTLd0vNdtF/view>

¹³ Save the Children, "The Hidden Impact of COVID-19 on Child Protection and Well-Being," (September 2020); available at https://resourcecentre.savethechildren.net/pdf/the_hidden_impact_of_covid-19_on_child_protection_and_wellbeing.pdf/

amended), and other laws that will ensure the survival, education, protection, participation, and development of children.

16. Draft the implementing rules and regulations (IRR) and enforce the implementation of the newly enacted laws to ensure that the aims of these laws will be upheld. Sufficient and appropriate investment through the allocation of budget and mechanisms through enabling structures must be observed to ensure that these new laws will be implemented. Drafting of the IRR would benefit immensely from opening spaces for the participation of children as the primary stakeholders.

Education during the new normal

17. Distance learning became the new normal in education in the country during the start of the lockdown or community quarantine. In public schools, more than 47,000 classes were suspended which means schooling for more than 27 million students was disrupted in 2020. In school year (SY) 2020-2021, classes were moved from June 2020 to October 2020, and as parents lost their jobs or became unemployed due to the pandemic, about 1.5 million children were left behind.¹⁴ Despite this, DepEd data showed that there were 26.2 million enrollees compared to 27.7 million before the pandemic.¹⁵
18. As a response, DepEd designed the Basic Education–Learning Continuity (BELC) Plan for the SY 2020–2021 which aimed to ensure the safety of students, teachers, and staff without sacrificing the quality of education.¹⁶ This provided learning interventions that teachers can utilize during the pandemic. To help students shift into the sudden changes brought about by the health crisis, distance learning methods have become part of the new normal in education. It is also intended to give quality distance learning by using self-learning modules through digital forms, radio, television, and online platforms. To limit the disruption to education, schools and higher education institutions (HEIs) adopted a shift to blended and distance learning.
19. A major issue challenging the effective implementation of this multimodal learning approach is equity in terms of learners’ access to technology and gadgets. This situation renders difficult the attainment of inclusive and equitable quality education. Another issue is the availability of and capacity for providing learning support at home, and the physical availability of parents/learning facilitators who may be daily wage earners and need to be at work. The new learning modality also brought to the fore the lack of learning partners at home. Parents could not provide learning assistance as most of them were themselves under-educated. It is only recently that complete rates in elementary and junior high school have reached 97% and 86% respectively. Prior to the 2000s completion rates were below 70%. Parents of this generation’s children are among those that have suffered from the inability of past DepEd administrations to keep children in school. Other challenges include struggling to engage in online

¹⁴ E-Net Philippines, “The Right to Education Index (RTEI): Creating positive change in the quality of education in countries and globally,” available at <https://www.rtei.org/documents/694/Philippines - RTEI 2021 Country Brief.pdf>

¹⁵ Department of Education, “DepEd posts 4% increase in enrollment for basic education in SY 2021-2022,” (18 November 2021); available at <https://www.deped.gov.ph/2021/11/18/deped-posts-4-increase-in-enrollment-for-basic-education-in-sy-2021-2022/>

¹⁶ Ma. Teresa Montemayor, “Education goes on amid Covid-19 thru DepEd’s continuity plan,” *Philippine News Agency* (31 December 2020); available at <https://www.pna.gov.ph/articles/1126058>

learning and those with no stable internet access and resources risk being left behind. Students who can adapt to this setup find it cheaper due to the lower cost of transport, arrangement, and the total cost of school-based learning. While learning at home can mean learners having the freedom to plan their time to complete their modules and courses, some find it hard to keep up with the pace due to the style of this learning setup.¹⁷

20. With the sudden shift to online learning, the mental health of children was also at stake. A study by CRC Coalition in December 2021 with children participants from both rural and urban areas shows that the need for them to make necessary adjustments to the new learning setup has drastically affected their mental health, well-being, and relationship with other people. Their mental health is compromised at the expense of continuing education during the pandemic along with added financial pressure (e.g., the need to purchase gadgets, prepaid load, Wi-Fi services).¹⁸
21. Two years of distance learning has also affected children’s learning capacities. In a World Bank Report in 2022, the Philippines is one of the countries with the highest rates of “learning poverty” in the East Asia and Pacific region. This largely translates to nine out of ten Filipino children still struggling to read at the age of 10. As many as 91% of children are not proficient in reading as compared to its neighboring countries. The problem is aggravated by the high rate of out-of-school-youth with about 5% of primary school-aged children not enrolled in school.¹⁹.

Recommendations

22. Children deserve to have a conducive learning environment that is safe and inclusive. This can be done through sufficient budget allocation by the government with the physical reopening of schools in November 2022. Overcrowded classrooms should be addressed, especially in this new normal set-up where physical distancing is of importance.
23. Parents’ involvement in their children’s education should be continued and strengthened. Involving parents in their children’s education will contribute to students’ achievement. This should be partnered with the implementation of the ALS law which also mandates the creation of community learning centers as centers for lifelong learning so that parents are able to upgrade their skills.²⁰. It is high time that we should change the community’s perception that the education of children lies only with their teachers in school. It was tested in this time of pandemic that parents became the teachers of these children and that they need to be capacitated to assume the huge responsibility in distance learning.
24. Increase participation of children in new normal education by providing safe spaces and feedback mechanisms for children to be involved in the process of adapting to new normal education.

¹⁷ ChildHope Philippines, “Getting to Know the Philippines’ New Normal in Education,” (27 October 2021); available at <https://childhope.org.ph/new-normal-in-education/>

¹⁸ CRC Coalition, “Access to Education and Mental Health: Filipino Children’s Well-being in the Time of Pandemic,” (December 2021).

¹⁹ *WB: PH “learning poverty” among highest in the region*, <https://newsinfo.inquirer.net/1632864/wb-ph-learning-poverty-among-highest-in-region#ixzz7bipjps66>

25. Ensure quality education by providing sufficient resources for teachers' capacity building and expanding the schools' capacity to provide inclusive quality learning.

COVID-19 and health

26. The lack of a comprehensive plan of action to guide the development of policies affecting children during the pandemic means that their rights are not fully protected. As a response to the global health pandemic, the Philippines was placed in a lockdown or community quarantine starting on 16 March 2020 to contain the spread of the COVID-19 virus. This included closure of schools and mobility restrictions for non-essential movements, which largely impacted on are children and minors. A comprehensive plan of action could have strengthened the implementation of laws addressing children's needs and concerns to mitigate the adverse impact of COVID-19 and the lockdown on children.²¹ The absence of children's views and/or child rights lens in the Inter-Agency Task Force for the Management of Emerging Infectious Diseases (IATF) proved to be blind as to how health protocols and restrictions impact the situation of children.
27. Hunger in the Philippines rose sharply during the start of the pandemic. The Philippine government's approach to COVID-19 has prioritized health-related responses. While it provided aid to families specifically through the Social Amelioration Programme (SAP) to cushion the blow of the lockdown to families, 3 in 10 families still reported experiencing hunger in the past 30 days seven months into the community quarantine. About 1 in 10 families said that they were suffering from severe hunger. These self-reported hungers are the highest levels recorded in more than 20 years.²² In a consultation conducted by CRC Coalition in November 2021, an urban poor child narrated that she attends burials at the cemetery just to get free food. If there is extra food, she will bring it home to share with her family. Another child participant shared that scavenging appears to be a normal way of living in their community. She said, "If there are leftovers, we will eat them because our parents do not have the income [to buy us food]."²³
28. With the mobility restrictions imposed by the government, children had to stay at home for an extended period. Children are most worried about getting infected by the virus and the consequences of the worsening of the situation in the country. Inside their homes, children felt that they were not listened to and their association with their friends was hampered.²⁴ Research that analyzed the impact of

²¹ Sentro ng Alternatibong Lingap Panlegal (SALIGAN) and Save the Children. "Proceedings of the Research Forum on Children's Rights and COVID-19," *Zoom Presentation* (25-26 November 2020).

²² Social Weather Stations (SWS), "SWS September 17-20, 2020 National Mobile Phone Survey – Report No. 2: Hunger at new record-high 30.7% of families," (27 September 2020); available at <http://www.sws.org.ph/swsmain/artcldisppage/?artcsyscode=ART-20200927135430>

²³ CRC Coalition, "Documentation of Children's Consultation," *Consultation done via Zoom* (November 2021).

²⁴ Sentro ng Alternatibong Lingap Panlegal (SALIGAN) and Save the Children. "Proceedings of the Research Forum on Children's Rights and COVID-19," *Zoom Presentation* (25-26 November 2020).

COVID-19 on Filipino girls aged 13 to 24 years old in 2020, showed that the mental and emotional health of children and youth have been directly affected by the pandemic.²⁵

29. The plan for the gradual reopening of schools comes together with the step of the government for the vaccination of children. Vaccination of children against COVID-19 is imperative to afford them the same protection given to adults. However, child immunization coverage in the country has been sharply declining from 87% in 2014 to only 68% in 2019. This decline exposes children to vaccine-preventable diseases, such as measles and polio. The dengue vaccine controversy in 2016 raised issues of vaccine confidence and access to information of the public.²⁶ In October 2021, inoculation of minors aged 12-17 with medical conditions started.²⁷ The government initially said that they are prioritizing children with co-morbidities until an adequate supply of vaccines becomes available. By January 2022, 58% of the target population of the 12-17 years have been fully vaccinated—this translates to 6.2 million out of the 10.7 million target population.²⁸ The vaccination the government started to expand to younger children aged 5-11 in February 2022.²⁹

Recommendations

30. The formulation and implementation of policies responding to COVID-19 should be informed by the impacts particular to children. The interventions should also be age appropriate and should reflect the unique concerns of children, especially those who bear the grave effect of the pandemic—out-of-school youths, children with disabilities, those belonging to ethnic minorities, and non-binary gender groups. This can be done through the increased representation of children in policy consultations.
31. The impact of COVID-19 on hunger underscored the urgent need for the government to scale up its efforts to tackle undernutrition and malnutrition and to create a conducive policy environment for national and local nutrition planning. During the consultation conducted by CRC Coalition, children highlighted that “food [are] necessities, [it] should not be expensive” and that nutritious food should be made affordable to poor families.
32. The government should treat mental health assistance as a universal health service and give greater attention to mental health issues, considering the mental health issues, especially among children during the pandemic. The Universal Health Care Law should include mental health assistance, such as medicines and services, and the provision of mental health facilities at the local level, especially to those who cannot afford the high fees of mental health services.

²⁵ Plan International Philippines, “Through Her Lens: The Impact of Covid-19 on Filipino Girls and Young Women,” (2020); available at <https://plan-international.org/philippines/publications/through-her-lens-the-impact-of-covid-19-on-filipino-girls-and-young-women/>

²⁶ Gideon Lasco and Vincen Gregory Yu, “Commentary: Communicating COVID-19 vaccines: lessons from the dengue vaccine controversy in the Philippines,” *BMJ Global Health* (2021); available at <https://gh.bmj.com/content/6/3/e005422>

²⁷ Sofia Tomacruz, “Vaccinations for minors aged 12-17 to start with those with comorbidities on October 15,” *Rappler* (29 September 2021); available at <https://www.rappler.com/nation/covid-19-vaccinations-minors-aged-12-17-to-start-those-with-comorbidities/>

²⁸ Cathrine Gonzales, “58% of target population of adolescents in PH fully vaccinated vs COVID-19,” *Inquirer.net* (26 January 2022); available at <https://newsinfo.inquirer.net/1545656/58-of-target-population-of-adolescents-in-ph-fully-vaccinated-vs-covid-19>

²⁹ Gabriel Pabico Lalu, “COVID-19 vaxxing of kids aged 5 to 11 starts on Feb. 4,” *Inquirer.net* (25 January 2022); available at <https://newsinfo.inquirer.net/1544571/covid-19-vaxxing-of-kids-aged-5-to-11-starts-on-feb-4>

33. The government must increase vaccine confidence in the public by fighting misinformation and improving public understanding of the importance and safety of vaccines and continuing the provision of free vaccines to children.

Environment and disasters

34. The Philippines is a country where children are most at risk of climate change. The Children’s Climate Risk Index (CCRI) in August 2021 ranked the country 31st out of 163 countries with a risk score of 7.1 (extremely high). This means that Filipino children are highly exposed to risks such as flooding and typhoons (tropical cyclones) but also to lack or limited access to basic and essential services during disasters.³⁰ Along with children and youth all over the world, a study by The Lancet in 2021 revealed that Filipino children are experiencing eco-anxiety comprising of emotions such as “worry, fear, anger, grief, despair, guilt, shame, and hope linked to the climate crisis.”³¹ Eight in every 10 Filipino children (84 percent) are worried about the impacts of climate change.
35. Despite the enactment of the Children’s Emergency Relief and Protection Act (RA 10821) in 2016, children remain to face uncertainty during disasters. The recent experience of Typhoon Rai (Odette) in December 2021 showed the displacement of families and children in Visayas and Mindanao. UNICEF estimated that more than 846,000 children were affected in several provinces in these islands in the middle of the COVID-19 pandemic. Apart from the COVID-19 virus, they are exposed to risks such as diseases, disruption in learning, and possible abuse and exploitation in cramped shelters—a risk that is proved to be high especially in the aftermath of Typhoon Haiyan (Yolanda) in 2013.³²
36. The Philippine government’s action at the 2021 COP26 Climate Summit in Glasgow include pushing for climate finance (i.e., for developed countries to funnel funds to poor, vulnerable countries such as the Philippines), its commitment to gradually retire coal-fired plants and stop its construction, invest in climate-conscious and green technologies, and stop deforestation.³³ However, youth activists monitoring the Philippine commitment to climate change expressed the need for the country to deliver its promises particularly in cutting down greenhouse emissions of corporations with significant footprints.³⁴ With the change of administration, analysts of President Marcos, Jr.’s first SONA argued

³⁰ UNICEF, “FACT SHEET: COP26 - Children and climate change,” (1 November 2021); available at <https://www.unicef.org/press-releases/fact-sheet-cop26-children-and-climate-change>

³¹ Cristina Eloisa Baclig, “‘Eco-anxiety’: PH children among most stressed by climate crisis,” *Inquirer.net* (27 September 2021); available at <https://newsinfo.inquirer.net/1493438/eco-anxiety-ph-children-among-most-stressed-by-climate-crisis>

³² Kurt Dela Peña, “Unicef on kids after Odette: ‘We can’t leave them behind’,” *Inquirer.net* (3 January 2022); available at <https://newsinfo.inquirer.net/1535410/unicef-on-kids-after-odette-we-cant-leave-them-behind>

³³ Pia Ranada, “What the Philippine delegation did at COP26 climate summit,” *Rappler* (13 November 2021); available at <https://www.rappler.com/newsbreak/in-depth/what-philippine-delegation-did-cop26-climate-summit/>

³⁴ Pauline Macaraeg, “Filipino youth urge global leaders to deliver on climate promises,” *Rappler* (6 November 2021); available at <https://www.rappler.com/environment/filipino-youth-urge-global-leaders-deliver-climate-promises/>

that despite the expressed priority to transition to renewable energy, his call for enactment of laws to diversify sources of energy in the country (especially natural gas) contradicts such commitment.³⁵

Recommendations

37. Formulation of programs and policies should ensure that children are provided with access to basic and essential services before, during, and after disasters. Duty bearers must also be empowered to address the needs of children during the mitigation, response, and recovery periods. The investment must be made in the first two pillars of disaster risk reduction and management (DRRM), which are prevention and mitigation, and preparedness.
38. Preparation for disasters should be of paramount importance. RA 10821 should be fully implemented, and localization of the Comprehensive Emergency Programs for Children should be pursued. At the local level, LGUs should be capacitated on developing DRRM plans, incorporating children's concerns, and harmonizing them with the school DRRM plan. Children expressed the need for LGUs to hold psycho-social sessions for children to lead them to recovery from the disaster-induced trauma.
39. The government should prioritize increasing investment in renewable energy and lower carbon footprint. It should also fulfill its commitment in COP26, revisit its climate change action plan to address the climate crisis urgently, and take into consideration the most recent information about the climate crisis.

Children with disabilities

40. Despite existing laws and policies, children with disabilities still face discrimination and marginalization, especially about access to basic social services. A study conducted in Metro Manila revealed that persons and children with disabilities experience bullying and verbal abuse mostly from people within their communities and non-relatives, with more boys than girls reporting having experienced bullying.³⁶ Almost all study participants feel that only local government officials and law enforcers can protect them from discrimination. However, their low awareness of reporting mechanisms deters them from asking for assistance.
41. Lack of human resources to support government functions in supporting the specific needs of persons with disabilities was also observed. The support that families with persons and children with disabilities receive from LGUs and national agencies is limited to financial assistance during emergencies and food or medical support. Parents were also confused as to where to ask for support for their children with

³⁵ John Leo C. Algo, "[OPINION] Pass or fail? The climate and environment agenda of BBM's SONA," *Rappler* (26 July 2022); available at <https://www.rappler.com/voices/imho/opinion-pass-fail-climate-environment-agenda-bbm-sona/>

³⁶ Save the Children. "Baseline Study Report," *Strengthening the Capacity of Organizations of Persons with Disabilities (OPD) and Other Civil Society Organizations (CSO) Towards Effective Civil Society-Local Government Engagement and Improved Government Accountability for Persons with Disabilities, Especially Children (SCOPE) Project* (2021).

disabilities due to overlapping functions between the social welfare office charged with taking care of children and the local disability affairs office charged with concerns of persons with disabilities.³⁷

42. Despite the enactment of Magna for Disabled Persons (RA 10070) that mandates the establishment of the Persons with Disability Affairs Office (PDAO) in every LGU, a mechanism that will ensure that persons with disabilities including children have access to relevant services and are consulted on their needs, only less than half of LGUs have established a PDAO in December 2021.³⁸ PDAOs play an important role in promoting the rights of persons with disabilities, mapping and reaching out to them, and representing their needs within the LGU. The lack of appropriate inclusive programs for children with disabilities is also traced to the lack of age-, gender-, and disability-disaggregated data, especially at the local level. Most data are collected and stored manually, and there is little evidence that these are used as a basis for policy-making or programming.³⁹
43. Children with disabilities also continue to face barriers to education. Family expenses are allocated mostly to medical needs (e.g., rehabilitation, medicines), thus education tends to take a back seat. Due to school fees, transportation costs, and parents not having time to accompany their children with disabilities to school, parents are often forced to prioritize the education of their children who do not have a disability. For children with intellectual, mental, or learning disabilities, expenses are directed to dietary requirements/life support.⁴⁰
44. The enactment of the Inclusive Education Act (RA 11650) on 11 March 2022 is a welcome development. This ensures learners with disabilities' access to free inclusive early childhood and basic education through formal and informal/alternative delivery systems, and that their learning is supported through Inclusive Learning Resource Centers, a system for identification/referral/intervention; capacity building, and other support to parents and caregivers, and capacity building for teachers, school officials, non-teaching staff and early childhood development workers; and, access to other related services including child protection, and health and medical services. The law also aims to create an inclusive and enabling environment for learners with disabilities by improving understanding of and shaping positive attitudes and behaviors toward disability inclusion within communities, establishing consultative mechanisms to involve learners with disabilities and their representatives in law implementation, and ensuring the full development of learners with disabilities as active members of society. The law also establishes the necessary mechanisms for a well-coordinated delivery of programs and services, including engagement of the private sector; and strengthens existing government structures and mandates in schools and LGUs to promote the rights of learners with disabilities.

³⁷ *Ibid.*

³⁸ Joyce Ann Rocamora, "Over 50% of LGUs in PH have no PWD office: NCDA," *Philippine News Agency* (8 December 2021); available at <https://www.pna.gov.ph/articles/1162167>

³⁹ Save the Children. "Baseline Study Report," *Strengthening the Capacity of Organizations of Persons with Disabilities (OPD) and Other Civil Society Organizations (CSO) Towards Effective Civil Society-Local Government Engagement and Improved Government Accountability for Persons with Disabilities, Especially Children (SCOPE) Project* (2021).

⁴⁰ Save the Children. "Baseline Study Report," *Strengthening the Capacity of Organizations of Persons with Disabilities (OPD) and Other Civil Society Organizations (CSO) Towards Effective Civil Society-Local Government Engagement and Improved Government Accountability for Persons with Disabilities, Especially Children (SCOPE) Project* (2021).

Recommendations

45. National agencies and LGUs must adopt the Disability Inclusive Development framework, instead of a charity approach, in designing policies, programs, and services for children with disabilities. They must adopt mechanisms and institutionalize processes for consulting and involving children with disabilities in identifying and analyzing their needs and in developing programs and services to address these needs. These consultative mechanisms/processes must be inclusive and adapted to various types of disability. All LGUs must activate their PDAO and provide this office with sufficient financial, human, and logistical support to enable it to function effectively.
46. The National Council for Disability Affairs (NCDA)'s Philippine Results-Based Monitoring and Evaluation Framework on Disability for 2017-2022 needs to be reviewed alongside existing international frameworks such as the UN Disability Inclusion Strategy and used as a good reference for LGUs in evidence-based planning and programming for persons with disabilities in their locality. A thorough orientation from the local chief executives down to the village officials must be conducted before any program design or implementation.
47. DepEd, the NCDA, other key national agencies and LGUs must ensure that RA 11650 is fully funded and implemented. Its Implementing Rules and Regulations must be formulated immediately with the meaningful participation of children with disabilities and their parents, organizations of persons with disabilities, and CSOs working in the disability sector. The law must be disseminated widely across all levels and branches of government. Primers on key features of the law that are disability-inclusive and child-friendly must be developed and made accessible through inclusive platforms.

Attack on child rights defenders

48. Under the Duterte government, state-sponsored attacks against child rights defenders have been documented, including extra-judicial killings, threats, harassment and intimidation, red-tagging and vilification, and illegal arrest and detention over malicious and baseless charges. Advocacies for children's rights including criticisms of the Philippine government's programs and policies concerning children, and even humanitarian efforts during the pandemic and disasters, were perceived as acts against the government. The response to COVID-19 has seen the same heavy-handed security approach used in the campaign against illegal drugs and by counter-insurgency measures under the Duterte administration.⁴¹
49. Some child rights defenders who were constantly subjected to malicious red-tagging and vilification are Lindy Trenilla, Sally Ujano, and Gelejurain Ngujo II. Lindy Trenilla, a stalwart child rights defender who has been providing services to Lumad children and families displaced by militarization and armed

⁴¹ UN Human Rights Council, "Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Concluding Observations on the Situation of Human Rights in the Philippines," Forty-fourth session (2020); available at <https://www.ohchr.org/sites/default/files/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

conflict in Mindanao, was charged with fabricated cases of murder and child abuse in 2021.⁴² Salome “Sally” Ujano, the National Coordinator of the Philippines Against Child Trafficking (PACT) and a member of CRC Coalition, is a long-time women’s and children’s rights advocate who was arrested by agents of the Philippine National Police (PNP) on 14 November 2021 in Malolos, Bulacan on rebellion charges filed against her in 2006.⁴³ Two teachers of Lumad community schools, Chad Booc and Gelejurain Ngujo II, together with three others were killed by the military while coming from a community visit in New Bataan, Davao de Oro on 23 February 23, 2022. The military claimed that they were members of the New People’s Army (NPA) killed during an armed encounter.⁴⁴

50. While the 1987 Constitution contains strong human rights provisions, several laws give the authorities wide discretion to detain and charge individuals on the grounds of national security.⁴⁵ Executive Order No. 70 (EO70) signed by Rodrigo Duterte on 4 December 2018 aims to strengthen the counter-insurgency programme with a comprehensive socio-economic development component through the creation of the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC).⁴⁶ Concerns about its implementation appear to be going in the opposite direction, mobilizing the administration from the national to local levels against suspected communist sympathizers, and further sowing suspicions and divisions in communities. Advocacy for economic and social rights comes with the risk of being labeled anti-government and thus pro-insurgency, which may hinder the goal of inclusive and sustainable development.⁴⁷
51. At the height of the pandemic, the passage of the Anti-Terrorism Law (RA 11479) further increased alarm on the perceived legitimized human rights violations against child rights defenders and threats to stifle dissent. With its vague definition of terrorism, the law could embolden the practice of misbranding humanitarian workers and child rights organizations as “terrorist fronts.” It draws flak and opposition from various groups, including child-rights-focused organizations. Thirty-seven petitions were submitted to the Philippine Supreme Court seeking to declare the Anti-Terrorism Law unconstitutional, void, and null.⁴⁸ However, the Supreme Court has denied with finality the more than 30 petitions and declared two provisions as unconstitutional: the qualifier of section 4 of the law for being overbroad and violative of freedom of expression, and the second method for designation under Section 2.⁴⁹

⁴² “Group calls for donations to raise bail of red-tagged social worker,” *Inquirer.net* (1 May 2021); available at <https://newsinfo.inquirer.net/1425776/group-calls-for-donations-to-raise-bail-of-red-tagged-social-worker>

⁴³ Jairo Bolledo, “PNP: Sally Ujano’s arrest lawful implementation of warrant,” *Rappler* (15 November 2021); available at <https://www.rappler.com/nation/pnp-claims-sally-ujano-arrest-result-lawful-implementation-warrant/>

⁴⁴ Froilan Gallardo, “Lumad teacher Chad Booc, 4 others slain in Davao de Oro – military,” *Rappler* (25 February 25 2022); available at, available at (<https://www.rappler.com/nation/lumad-teacher-booc-others-slain-davao-de-oro-military/>)

⁴⁵ “Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Situation of Human Rights in the Philippines, A. Key Human Rights Issues, B. National Security and Civic Space”, (2020); available at <https://www.ohchr.org/sites/default/files/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

⁴⁶ EO No. 70, s. 2018, available at <https://www.officialgazette.gov.ph/downloads/2018/12dec/20181204-EO-70-RRD.pdf>

⁴⁷ “Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General, Situation of Human Rights in the Philippines, A. Key Human Rights Issues, B. National Security and Civic Space,” (2020); available at <https://www.ohchr.org/sites/default/files/Documents/Countries/PH/Philippines-HRC44-AEV.pdf>

⁴⁸ Tetch Torres-Tupas, “37 petitions vs Anti-Terrorism Act now pending before Supreme Court,” *Inquirer.net* (23 October 2020); available at <https://newsinfo.inquirer.net/1351678/37-petitions-vs-anti-terrorism-act-now-pending-before-supreme-court>

⁴⁹ Tetch Torres-Tupas, “It’s final: Only 2 portions of Anti-Terror Law are unconstitutional,” *Inquirer.net* (26 April 2022); available at <https://newsinfo.inquirer.net/1588200/its-final-only-2-portions-of-anti-terror-law-are-unconstitutional>

Recommendations

52. Ensure that the rights to freedom of expression, association, and peaceful assembly are respected and protected. Politically motivated charges against child rights defenders should be dropped and legal measures for their safety and protection should be ensured. Independent investigation must be conducted for the recorded harassment, vilifications, and killings of child rights defenders, and ensure accountability thereof. Malicious red-tagging and vilification of child rights defenders should be ended.
53. Review and repeal EO 70 to abolish the NTF-ELCAC that serves as the platform for baseless red-tagging and the perpetuation thereof. Similarly, review and repeal the provisions of the Anti-Terrorism Law, which stifles the right to freedom of expression, speech, and assembly. Support the passage of the Human Rights Defenders Bill that will provide child rights defenders a safe and enabling environment and due protection to carry out their human rights work and humanitarian and development work.