



EQUAL JUSTICE AND NON-DISCRIMINATION

SITUATION OF CHILDREN IN THE PHILIPPINES REPORT



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OF
CHILDREN
IN THE PHILIPPINES



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All children have the right to be treated equally and free from discrimination and exclusion.

The right of children to non-discrimination is one of four core principles of the CRC, which states among others that governments must protect children against and prohibit all forms of discrimination or punishment on the basis of their (or their families’) “race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”

Birth registration remains a challenge in the Philippines due to some socio-economic and environmental factors, certain religious norms and practices, and exposure to natural hazards.

Discrimination of children often leads to their exclusion which negatively affects them and their families, and the society they belong to, and which can be passed on across generations. Children who are victims of discrimination and are excluded become hindered from exercising their rights or are deprived of those rights altogether.

Some of the harmful effects of discrimination and exclusion include increased likelihood of depression, anxiety, and other mental health issues, which can be linked to bullying, and deprivation in seeking healthcare and access to education as well as participation in violence, hate crimes, and conflict targeting gender, ethnicity, or religion, among other marginalized groups. When children become victims or perpetrators of violence they may face increased risk of further violence, secondary victimization, and stigma.

Equal justice and non-discrimination of children help promote well-being of children and facilitate their access to essential and nurturing services. Laws, policies, and programs therefore must not discriminate against children, and the institutions mandated to enforce and implement them

must at all times treat, protect, and care for them equally.

Legal identity and civil registration are a widely recognized right by governments and the international community. SDG 16.9, which sets the target to “provide legal identity for all, including birth registration, by 2030”, has been identified as a key enabler or contributor to the achievement of many other SDG targets. This principle, essential for children's rights, equates the ability to prove one's identity to their ability to enjoy the rights of citizenship, protecting their economic, social and human rights.

Birth registration remains a challenge in the Philippines due to some socio-economic and environmental factors, certain religious norms and practices, and exposure to natural hazards. These challenges can create significant barriers to the realization of the civil and political rights of those who are unregistered. Lack of birth registration is a particular risk among the orphans of overseas Filipino workers, children living in GIDAs, IP communities, and for those in areas with increased risks due to natural hazards and conflict events.

Child Rights Situation Analysis

The indicators pertaining to this subdimension are the coverage of birth registration (measured as the proportion of children under 5 years of age whose births have been registered with a civil authority), and the number of children who brought, or on whose behalf a complaint was brought, to independent human rights mechanisms during the year.

As of 2022, six per cent of children under 5 years old in the country have not been registered with the civil authorities, equivalent to at least 664,000 young children at risk of unprotected economic, social, and human rights.

Based on the 2022 NDHS, only 94 per cent of children aged 5 years are said to have been registered with the civil authorities with about 85 per cent possessing a birth certificate. There is no significant disparity between girls and boys, at 94.3 per cent and 93.7 per cent, respectively, and there is little difference between those in urban areas with 95 per cent and rural areas with 92.9 per cent.

The percentage of children whose births had been registered rises with increasing wealth of the household, from 87.3 per cent in the lowest wealth quintile to over 99.5 per cent in the highest. The same pattern is observed in terms of possession of a birth certificate with 70.4 per cent of children in the lowest quintile and 97 per cent of children in the highest quintile possessing a birth certificate.

It must be noted that in the 2020 Census of Population and Housing, a higher proportion was reported at 96.6 per cent of children with some form of birth registration with a civil authority while 3.4 per cent of the children

were either not registered or did not know whether they were registered.

In BARMM, only about eight in every ten children under five years old have their births registered with the civil authorities, leaving two in ten children unregistered. The BARMM region had the lowest proportion of birth registered children at 77.3 per cent far less than that in the other regions which had from 89.5 per cent in Region IX to 99 per cent in Region V, the highest among all regions. The PSA is now working to issue birth certificates to unregistered children, including abandoned children. More notably, a mere 37 per cent of children under 5 years old in BARMM has a birth certificate and 40.8 per cent are registered but do not possess a certification.

Independent human rights mechanisms saw a 272% increase in complaints in 2019 over the 2018 figure, with most brought forward by or on behalf of female children than male children. There are key variations by region, with the highest number of complaints from CALABARZON while the lowest number from MIMAROPA . Interpretations of this data must be dealt with caution as a lower number of received complaints may also suggest that it is more difficult for children to access these mechanisms to register complaints.

Equity & Risk

EQUITY

Gender	<p>Data on registration is not disaggregated by gender. However, it is notable that more girls have brought a complaint to independent human rights mechanisms than boys for 2018 and 2019. This suggests that girls may be more affected by human rights violations in the Philippines.</p> <p>It is also notable that boys are more likely to become involved in violent groups due to targeted recruitment, which can expose them to greater risk of becoming CICL. This in turn results in greater inequity for boys regarding justice, as criminal justice in the Philippines is punitive rather than rehabilitative and restorative.</p>
Disability	<p>This situation analysis has not been able to determine any data which disaggregates by disability under this subdimension. However, one key informant reflected that many children with disabilities simply do not report violations or protection incidents affecting them.</p>
Subnational	<p>The BARMM region has the highest proportion of unregistered children, at 23.02 per cent. This is of concern because lacking registration documents can preclude children and young people from participating in civil activities like political groups and voting, and from registering for social protection programs.</p>

RISKS

Natural hazards	<p>No natural hazard-related risks were identified as yet under this subdimension.</p>
Conflict	<p>Boys are generally more at risk of becoming CICL as they are often the main targets for recruitment into violent groups or illicit activities, for example those pertaining to the drugs trade.</p>
Health Crisis/Pandemic	<p>No health-related risks were identified as yet under this subdimension.</p>
Other risks	<ul style="list-style-type: none"> • With regards to the Juvenile Justice Welfare Act, some sectors want to reduce the criminal age of prosecution to nine particularly for those involved in the drugs industry. <p>This is a significant risk with regard to progress on rights relating to juvenile justice for a highly marginalized minority of children. A number of</p>

government actors are against moves to reduce the age of criminal prosecution as well.

- A risk to progress against corporal punishment is that there is no legislation prohibiting this. Recently proposed legislation failed to be passed into law.

Legislation & Policy Analysis

The implementation of the Responsible Parenthood and Reproductive Health Act of 2012 (Republic Act No. 10354) includes provisions aimed at ensuring that every child born in the Philippines is registered.

This act supports the government's efforts in providing accessible birth registration services, especially in remote and marginalized areas, to ensure that every Filipino child has a legal identity.

With regards to juvenile justice, in 2020 the United Nations Committee on the Rights of the Child requested that the Philippines describe the measures taken to ensure the separation of child offenders from victims and from adult offenders. The State indicated that “the JJWC’s [Juvenile Justice Welfare Council] subnational extension in each of the 17 regions in the country has a monitoring team that conducts monitoring visits to all police lock ups and jails to ensure that the above guidelines are complied with.” It went on, “The regional offices of the JJWC report their findings, propose recommendations to appropriate offices, and make follow through actions.”

Bottleneck Analysis

Demand

CICL are often from marginalized groups, indicating that such individuals are not afforded sufficient support to overcome the marginalizations they face and may resort to illegal activity or harmful coping mechanisms.

CICL are often street youth, those who have used or are using drugs, those with interrupted education and those with limited access to family and social structures to protect them. This indicates that such children and young people face additional barriers which may push them into illegal activity, either as a result of social exclusion or because they have limited other means to make a living.

Supply

In emergency contexts, CICL are often not afforded priority. Where conflict events or natural hazards occur, CICL are often given more limited attention during the

response. This means they can risk falling further behind with regard to social inclusion and risks the realization of their rights across many child rights fields.

Enabling environment

- **Limited data on those with disabilities across all child rights fields means it is hard to determine the extent to which they are excluded or discriminated against.** There is generally very poor disability-disaggregated data within the Philippines.

This makes it difficult to determine the extent to which those with disabilities may be experiencing discrimination - either direct or indirect (for example, through exclusion) - because knowledge sources around disability are so few. The PSA reportedly has limited capacity to conduct data collection in such areas in short time frames, which indicates that UNICEF and other stakeholders trying to promote collection of more disaggregated data must work with the PSA and other data-collection agencies significantly in advance.

- **Limited use of the management information system with regard to criminal justice.** While a management information system has been established which requires users to upload and track data relating to juvenile justice, this is as yet being used by only around 18 per cent of registered users in the Philippines. This represents a bottleneck to deepening understandings around juvenile justice.

DRAFT FOR

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