

Call for Proposal

THE ASSESSMENT OF

CHILD AND FAMILY WELFARE SYSTEM IN THE PHILIPPINES

(Terms of Reference)

I. Background/rationale

Protecting children from abuse, violence, and exploitation is an integral component of protecting their rights to survival, growth and development, and “strengthening of country environments, capacities and responses to prevent and protect children from violence, exploitation, abuse, neglect and the effects of conflict¹” is one of the key objectives of UNICEF Medium Term Strategic Plan (2006-2009) under Focus Area 4. Child protection issues are directly related to the Millennium Declaration, while they also “intersect with every one of the Millennium Development Goals – from poverty reduction to getting children to school, from eliminating gender inequality to educing child mortality.²”

The government of the Philippines has exerted serious efforts to improve the legal and policy framework for child protection. In addition to ratifying the Convention on the Rights of the Child (CRC) and its two optional protocols, it has also enacted a number of laws addressing child protection issues. As early as 1992, an anti child abuse and exploitation law, i.e. Republic Act 7610, came into force, followed by inter-country adoption law in 1995 (Republic Act 8043) and domestic adoption law of 1998 (Republic Act 8552). In the past 5 years, the government has passed a number of other child protection laws in an aim to further strengthen the legal framework for children. These include the anti-trafficking in persons law (Republic Act 9208 of 2003), the law on violence against women and children (Republic Act 9262 of 2003), a law on elimination of worst forms of child labour (Republic Act 9231 of 2003), and most recently the Juvenile Justice and Welfare Law (Republic Act 9344 of 2006). Despite this rather advanced legal framework, full implementation of the laws is still wanting. Lack of information and awareness about the existing laws, especially among the professionals that are responsible for their implementation, limited financial and human resources at different levels including Local Government Units (LGUs), weak technical capacity, corruption, and long delays in resolution of cases are often cited as the main obstacles.

Through these legislations and a number of executive issuances, the government has established several inter-sectoral bodies to coordinate and oversee implementation of the laws. Among these are the Council for the Welfare of Children (CWC) that is responsible for formulating and evaluating policies, coordinating and monitoring implementation of all the laws and programmes for children, with its committee on Children in Need of Special Protection (CNSP), and 6 inter-agency sub-committees³ that work together to address different child protection issues, as well as a committee on Family and Alternative Parental Care. Other inter-sectoral bodies include Special

¹ - UNICEF, Medium Term Strategic Plan 2006-2009, page 7.

² - UNICEF, Child Protection Information Sheets, page 2.

³ - The 6 CNSP sub-committees include child labor, street children, sexual abuse ad commercial sexual exploitation of children, children affected by armed conflict and displacement, children with disabilities, and justice for children.

Committee for the Protection of Children (created by RA 7610), the Inter-Agency Council Against Trafficking (created by RA 9208), the National Child Labor Committee (created in 1992), the Inter-Agency Council on Violence Against Women and their Children (created by RA 9262), the Juvenile Justice and Welfare Council (created by RA 9344), and the Inter-Agency Committee for Children Involved in Armed Conflict (created by Executive Order No.56). While such cross-sectoral bodies with representation from different government agencies and NGOs play an important role in coordinating, policy setting, and monitoring implementation of the laws and programmes, the question remains as to how effective have they been in fulfilling their mandate and meeting the urgent protection needs. Further, does having numerous child protection laws and corresponding coordinating bodies lead to duplication of efforts and impact the efficiency and effectiveness of these mechanisms.

The same concern applies to the national policies and action plans on child protection. The Philippine National Strategic Framework to Plan Development for Children (2000-2025), known as Child 21, provides the overall framework and roadmap for child survival, development, protection and participation in the Philippines. It was designed to fulfill government's commitment to the Millennium Development Goals (MDG) and World Fit for Children (WFC). The other child protection policy frameworks include the Comprehensive Programme for Child Protection (2006-2010), the National Strategic Action Plan on Trafficking in Persons, the Framework of Action against Sexual Abuse and Commercial Sexual Exploitation of Children, the Revised Strategic Framework for the Philippine Plan Against Child Labor (2007 – 2015), the Comprehensive Agreement on Respect for Human Rights and International Humanitarian Law (CARHRIHL), the Comprehensive Programme Framework for Children Involved in Armed Conflict, and the National Strategic Plan of Action to End Violence Against Children. In the absence of a thorough assessment, it is difficult to determine to what extent the existing policy frameworks and action plans have translated into functioning systems and services for the protection of children.

The situation analysis of children in need of special protection in the Philippines reveals that millions of Filipino children are still at risk of or victim of abuse, violence and exploitation. Despite 7.3% GDP growth in 2007, still 26.9% of the population are below the poverty line. This is while glaring disparities continue to widen the gap among different regions and ethnic groups. On-going conflict, rapid urbanization⁴, unemployment, migration, dysfunctional families, and harmful local beliefs and traditions perpetuate the plight of children in need of special protection.

With increasing poverty, more families have to rely on their children's contribution to the family income. It is estimated that 4 million children between the ages of 5-17 years old work at least 4 hours a day but are not necessarily paid⁵. Of this number, 60% or 2.4 million are exposed to hazardous working conditions, with trafficking and child prostitution among the worst forms. The Philippines is recognized as a source, transit, and destination country for cross-border trafficking of women and children for the purpose of sexual exploitation and forced labour. Due to the illegal and clandestine nature of trafficking, and lack of a strong data collection mechanism, it is difficult to specify the number of child victims although government and non-government

⁴ - The Philippines is the fastest urbanizing country in Southeast Asia with 55 million of its 86 million population (64%) living in urban areas.

⁵ - Philippines Child Labour Survey, 2001, ILO-NSO

organizations estimate the number of prostituted children to be between 60,000 to 100,000. So far, there have been only ten convictions for cases of trafficking, while recovery and reintegration services need strengthening.

The number of reported cases of child abuse has been declining from 9,197 in 2004, to 8,336 in 2005, and 7,606 in 2006⁶. However, the downward trend cannot necessarily be attributed to a decrease in the cases of abuse. In the past two years, around 70% of child abuse victims were girls, and about 40% of the reported cases were sexual abuse (i.e. rape, incest, acts of lasciviousness), and sexual exploitation (i.e. child prostitution, pedophilia and pornography). The nature of other forms of child abuse and exploitation, such as child pornography and corporal punishment, is also little understood. The Multiple Cluster Indicator Survey (MICS) conducted by UNICEF in all CPC 6 areas in 2006 revealed that on average 12.9% of the respondent caregivers used severe physical punishment/discipline⁷, while in some areas such as Masbate the figure was as high as 25.7%. As for minor physical punishment/discipline⁸, about 50% of the respondents reported that they resorted to minor physical punishment that could include hitting with a belt or stick.

The Philippines has been beset by armed conflicts for almost four decades. Hundreds of thousands of children living in areas where the armed groups operate have been directly affected by open hostilities⁹. Government basic services in these communities are either sorely deficient or non-existent. The children's education is compromised, as schools in these areas are deprived of basic facilities, and armed fighting can disrupt schooling from hours to months at a time. The Cohort Survival Rate for elementary education in the Autonomous Region of Muslim Mindanao (ARMM) was 35.7% in the study year 2004-2005, i.e. half of the national average¹⁰. Their health situation is equally dismal. For example, vaccination coverage in ARMM is 44%, i.e. 60% below the national average and the lowest in the country¹¹. Likewise, children under five are almost twice at risk of dying before they reach their fifth birthday.

Disparities are also wide among Indigenous People (IPs) that constitute 17% of the population of the Philippines. Based on a rapid field assessment¹², indigenous children are severely affected by poverty, have low birth registration rate, high school drop out rate, are subject to bullying and discrimination at school, and many are engaged in child labour to support their families. Early and arranged marriages are also common among girls.

The number of children displaced by armed conflict in the last 4 years is estimated at around 30,000 to 50,000 every year. Involvement of children in armed conflict is still being reported in the Philippines despite the denials of state and non-state armed forces.

⁶ - Department of Social Welfare and Development

⁷ - Severe discipline was defined as "hitting or slapping the child on the face, head or ears; beating the child with an implement (over and over as hard as one could)"

⁸ - Minor discipline was defined as "shaking the child; spanking, hitting or slapping on the bottom with a bare hand; hitting the child on the bottom or elsewhere on the body with something like a belt, stick, etc.; hitting or slapping him/her on the hand, arm or leg"

⁹ - Based on the Internal Displacement Monitoring Center (IDMC) reports on displacement in the Philippines

¹⁰ - Basic Education Information System (BEIS), Department of Education (DepED)

¹¹ - National Demographic Health Survey (2003)

¹² - Rapid Field Assessment of the Situation of Indigenous Children, Youths and Women in CPC 6 Areas, UNICEF-2007

There is no evidence of systematic or forcible recruitment of children by MILF or NPA, yet children volunteer their support mainly because of poverty, lack of access to services, and the influence of family, peers and community members.

In 2000, the number of street children was estimated at 246,000 in 79 major Philippine cities¹³. Out of this, about 50,000 were considered “highly-visible street children” who spend most of their time on the streets, have little or no family contacts, and are highly vulnerable to a number of risks such as substance abuse, hazardous work, sexual abuse and commercial sexual exploitation, sexually-transmitted diseases (STD) and HIV/AIDS, and involvement in organized crime. To address the plight of street children, a National Network for Street Children (an inter-agency body with 22 local task forces in 32 cities) has been in existence for about 20 years, and a number of preventive and protective services have been provided by NGOs, LGUs, and Department of Social Welfare and Development. The number of the street children, however, appears to be on the rise.

Children in conflict with the law (CICL) likewise fall victim to rights violations. Based on the records of the Philippine National Police, 70% of crimes committed by children are non-serious crimes that could best be handled through non-judicial measures. Unfortunately, children are oftentimes detained with adults in cells that are over-crowded and where sanitation is poor, food is inadequate, and health care and educational programmes are non-existent¹⁴. Despite the passage of the Juvenile Justice and Welfare Act, separation of children from adults in detention facilities has taken place only in Metro Manila and Cebu City. Delays in the hearing of cases in court and the over reliance on detention orders are also among the challenges to be addressed.

In spite of the government policy of de-institutionalizing children in formal care and promoting alternative family arrangements, nearly 11,000 children without primary caregivers are still staying in some 691 residential care facilities registered with the DSWD. The practice of simulated birth is also still rampant despite a law on domestic adoption. The limited data available on persons with disability¹⁵ show that 1.23% of the population were people with disabilities, and that prevalence of disability among boys was slightly higher than girls.

This brief review of some of the critical child protection issues in the Philippines underline the need for strong **family and child welfare system** and services for primary, secondary, and tertiary prevention at all the tiers of the government. Such systems need clear definitions of organizational roles and responsibilities (at different levels), as well as a corps of qualified and well-trained staff, all backed up with adequate resources. They also need to be an integral part of the social welfare system as well as the broader social protection system.

As was indicated above, several components of such systems exist in the Philippines with varying degrees of completeness and integration. However, no comprehensive assessment has so far been carried out to determine the gaps and the way forward.

II. Objectives

13 - Ours to Protect and Nurture, UNICEF, 2000

14 - Philippine Commission on Human Rights – Child Rights Center

15 - 2000 Census

The objectives of the study is to provide an in-depth assessment of the current “Child and Family Welfare System” within the social welfare system in the Philippines at all levels, national, regional and local (Local Government units), and to make policy recommendations on the overall strategy and specific measures in order to strengthen the system. The assessment should be holistic in nature, covering the institutional, organizational, human resource and financial dimension of the Child and Family Welfare system, their effectiveness, efficiency, relevance, adequacy, sustainability, and appropriateness in terms of both prevention and the response to actual incidents of abuse, violence, and exploitation against children, the gaps and their systematic causes.

For the purpose of this study, Child and Family Welfare System is defined as a system that prevents and responds to abuse, violence and exploitation of children, and includes national policies, legal and regulatory frameworks, government structures, professional bodies and networks, and services for primary, secondary and tertiary prevention. Child and family welfare system stresses the role of children, communities and families in preventing and responding to abuse, violence, and exploitation.

III. Methodology and issues to be addressed

To establish a foundation for the study, the research team should first develop an analytical framework for the assessment of Child and Family Welfare System in the Philippines. This will be done by:

1. reviewing the international literature on child and family welfare system as part of the social welfare system, including literature on the experience of countries with comprehensive systems
2. developing a frame of reference for the diagnostic analysis of the child and welfare system in the Philippines. The framework should include coverage and quality of services, as well as all the factors (institutional and organizational arrangements, resources, policies and procedures, etc) that determine the capacity and degree of effectiveness of the systems. The frame of reference will also take note of the national government’s definitions of social protection and its components, social welfare, and social safety nets.

Following this, the main phase of research will start during which the analytical framework will be applied to carry out an in-depth assessment, consisting of:

1. the analysis of effectiveness, efficiency, sustainability, and relevance of current child and family welfare services and programmes for primary, secondary, and tertiary prevention, in both government and non-government sectors, at all levels, i.e. national, regional, and local (examining implications and impact of decentralization). It is important to determine whether the services are accessible, of quality, and meet the most important needs and priorities.
 - Primary Prevention targets the entire population and includes access to basic health and education services. Community involvement is vital in primary prevention, especially in remote communities that might not have access to many services.
 - Secondary prevention targets at-risk populations, and ideally, should take a solution-based or strengths-based approach to engaging families. They may

- deal, for example, with lack of social support, illness or absence of the main provider for the family, history of violence in the family, etc. Examples of secondary interventions are parent education, community awareness raising programmes, life skills education for children, home visitation programmes, or counselling services.
- Tertiary prevention takes place when abuse, violence or exploitation has already occurred. This crisis response also has the aim of preventing further abuse or exploitation. Tertiary interventions involve the police, justice system, forensic medical services, and Child Protection services. Child and family support and therapeutic approaches are also part of tertiary responses¹⁶. At this stage, removing the child from their home, temporarily or permanently is an option if severe maltreatment has occurred, as is eventually reintegrating them into their families where it is safe (for the child) to do.
2. the analysis of systematic factors/causes of the main gaps and shortcomings in the system, including:
- The policy, legal and regulatory framework
 - The mandates and responsibilities (division of labour) of the various governmental agencies involved in child and family welfare system, at different levels
 - The framework for non-governmental agencies' role in the system; stakeholder analysis
 - The mechanisms for horizontal (inter-sectoral) and vertical coordination (e.g. between local and regional levels), including overall planning, data collection and monitoring, joint service delivery and individual case referral, and their robustness in terms of practical implementation; Interagency and inter-professional communication, collaboration and coordination mechanisms, practices and gaps are of great importance.
 - Planning for child and family welfare services, including their integration into the socio-economic plans at national and sub-national levels
 - The human resources of the system, including the number, distribution and quality of key categories of staff and related issues concerning the development of relevant professions, the role and status of different types of professionals, the training of professional staff and incentives for work in the area of child and family welfare;
 - The financial resources available for child and family welfare services from public sources (at different tiers of government) as well as NGOs, the private sector and other sources;
 - Monitoring and evaluation mechanisms, and supervisory bodies
3. Recommendations for strategies and measures to close the gaps and strengthen the system;

The research will involve a review of existing information and data available from previous research and official information sources, supplemented by interviews with officials responsible for managing child and family welfare services, NGO professionals

16 - These services provide the therapeutic and practical supports to child victims and their families that will modify the family environment, with the aim of making the family a safer environment for children.

and leaders/staff of faith-based organization, group discussions with primary service users/beneficiaries, i.e. children and families assisted by these services, as well as professionals working with children (social workers, police, psychosocial counsellors, etc). The research team is expected to collect and study all available research reports, legal, regulatory and policy documents, and other relevant documents.

The team is expected to make field visits to at least two local government units in each island group - Luzon, Visayas, and Mindanao – for data collection through interviews and focus group discussions.

IV. Outputs

The output of the research will consist of two reports:

1. A report on the analytical framework for the research. This first report will be discussed at a technical consultation involving a select group of leading experts and officials, with a view to refining and improving the analytical framework prior to the commencement of the main stage of research. Advice will also be provided by an Advisory Committee (see below).
2. The final report of the in-depth assessment of Child and Family Welfare Systems in the Philippines. The report should be in four sections: (1) a brief introduction; (2) the analysis of the underlying systemic factors; (3) the analysis of the effectiveness of the system; (4) conclusions and practical, feasible recommendations on future strategy and measures for strengthening the child and family welfare system. The draft report will be reviewed by the Advisory Committee and also presented to a workshop of programme partners from government, NGOs, academic sector and researchers with expertise or experience in child and family welfare system. Comments received at the workshop will be used by the research team to improve the draft report. The final report will be reviewed for possible publication jointly by the Department of Social Welfare and Development and UNICEF.

V. Advisory Committee

An Advisory Committee, constituted by a small number of senior officials from relevant Government agencies, NGOs, and UNICEF specialists from Child Protection, Social Policy and Local Development, and Planning, Monitoring and Evaluation will be set up to help guide the research process and the dissemination of the conclusions and recommendations arising from the study so that they reach the most important decision-makers. This Advisory Committee is expected to meet three or four times in the course of the study in order to: (1) offer advice on the analytical framework and research work-plan; (2) identify and help provide access to sources of information; (3) review the draft report and make suggestions for its improvement; and (4) assist in advocacy efforts, notably by facilitating the dissemination and discussion of the final report among key decision-makers.

The senior officials representing the line government agencies will coordinate the operation of the assessment with their respective agencies to ensure full cooperation at all levels, orientation of relevant staff, their participation in data collection processes, provision of access to information and data, and field support as and when required.

VI. Timeline

The study will commence in June 2008. The report on the analytical framework should be prepared by August, with a view to the technical consultation to be held early September. The main part of the research will be conducted between mid-September to December 2008. The first draft report should be submitted by end of December, with a view to its presentation and discussion at the planned workshop in mid January. The final report, incorporating improvements proposed at the workshop, should be submitted to UNICEF by the end of January 2009. The estimated duration of the contract is therefore June 2008 to 31 January 2009.

VII. Supervision

The research team will be under the supervision of Ms. Foroogh Foyouzat, Chief of Child protection section. Guidance will also be provided by the Chief of Social Policy and Local Development, and the Planning, Monitoring and Evaluation Officer of UNICEF Philippines.

VIII. Qualifications or specialized knowledge, experience required:

- Research institution with proven expertise and work record in the fields of child protection, or broader social protection and social research
- Experience of conducting research by a multi-disciplinary team of academicians and professionals from different fields, such as social work, law, finance
- Extensive experience in analyzing the institutional, organizational, human resource and financial dimensions of social welfare systems
- Capacity to conduct research on a national scale
- Work linkages and contacts with other academic institutions and research groups

One international expert, with extensive experience in the analysis of child and family welfare system will also participate in the research, mainly during the preparation of the analytical framework and data analysis. The consultant will be identified and recruited by UNICEF.

The preparation of the analytical framework should be the responsibility of a small team, including the overall research project leader, one other national expert and the international expert. The assessment itself should be conducted by a larger, multi-disciplinary team.

The overall research project leader should be a leading expert in the field, with an advanced university degree in social studies or a related discipline.

The local research institution will be selected on a competitive basis. Research institutes interested in bidding for the contract should present a proposal with the following information:

1. An outline of how the institution proposes to undertake the study, indicating in particular the sources of information in the international literature that would be used to prepare the analytical framework.
2. Information on the previous research and publications produced by the institution in the field of child protection and/or analysis of social welfare systems.

3. Information on the previous experience of the institution in working for other UN agencies, or government agencies
4. Information on the composition of the expert team (excluding the international consultant), indicating the team leader, with CVs attached.
5. A budget indicating the expenditure on experts' fees (excluding the international consultant) and miscellaneous other costs.

Proposals should be submitted to UNICEF by 15 June 2008.

Approved: UNICEF Philippines Country Office