



EXECUTIVE SUMMARY Philippines*



* http://www.ecpat.net/EI/Pdf/A4A_II/A4A2011_EAP_Philippines_FINAL.pdf

Introduction

While the Philippines' economy is now making progress, almost a quarter of the population still lives below the international poverty line of US\$1.25 per day.¹ Poverty within families is one of the factors contributing to commercial sexual exploitation of children (CSEC). Furthermore, family breakdown also results in children living on the streets. It has been estimated that in Manila alone there are 1.5 million street children.² Life on the streets increases the vulnerability of children to all forms of CSEC, in particular, child prostitution, pornography and trafficking for sexual purposes.

Child prostitution remains an immense problem in Philippines. According to the findings of PREDA Foundation based in Olongapo, 60,000³ girls are exploited through prostitution nationwide; a similar figure is confirmed by the John Hopkins University's findings.⁴ Children are exploited through contact in malls⁵ and in homes, where they often begin as domestic workers but are later

pushed into prostitution.⁶ Most providers are tourists and foreign nationals who run bars, clubs⁷ etc. in the Philippines and also some travel agents.⁸ Philippines is a major destination for **global child sex tourism**.⁹

Child trafficking in the Philippines occurs within the country and abroad. The Philippines Department of Social Welfare and Development estimates that, out of 200,000 children living on the streets of Manila, at least one tenth are victims of trafficking.¹⁰ Apart from poverty, the main causes of child trafficking in the Philippines are low economic development in communities of origin, gender inequalities, limited employment opportunities, large family sizes, inadequate awareness among families, and sex tourism.¹¹

Child pornography has grown alarmingly in the Philippines. The offenders are foreigners, mostly Japanese, with collaboration from Filipinos who procure Filipino children for child pornography.¹²

National Plan of Action (NPA)

The government of Philippines initiated its NPA 'National Strategic Framework Plan for Development for Children' (2000-2025) to eliminate sexual abuse and commercial sexual exploitation. The framework complies with the CRC principles, particularly the principle of child participation. The NPA focuses on providing services to child victims of abuse, exploitation and violence and prevention of child pornography and child-trafficking. In

2006, the government elaborated on the child protection element of the NPA for 2005-2010 by updating the Comprehensive Programme on Child Protection (CPCP), which aims to create a protective and caring environment for children registering or reporting of their cases.¹³

The six-year (2004-2010) Strategic Plan of Action against Trafficking, recently updated for the period 2011-2016, is divided into

three major components of interventions: (a) prevention; (b) protection (including law

enforcement and prosecution) and (c) recovery, repatriation and reintegration.

Coordination and Cooperation

The Council for the Welfare of Children (CWC), the governmental agency with the mandate to coordinate the implementation and enforcement of all laws, formulate, monitor and evaluate policies, programs and measures for children, has taken steps to build and sustain relationships with other stakeholders in the protection of children, such as NGOs and faith-based groups¹⁴. In addition, the Inter-Agency Council Against Trafficking (IACAT) contributes to the protection of children through coordination, implementation and oversight of the Anti-Trafficking and Anti-Child Pornography acts respectively.¹⁵

With limited financial/human resources and responsibility for a range of CSEC issues, the fulfillment of the bodies' mandates may be difficult.

At the regional level, the Philippines is active in collaboration with ASEAN members. In 2004, the Philippines government, together with other members of ASEAN, signed a multilateral Treaty on Mutual Legal Assistance in Criminal Matters.¹⁶ The government cooperates on bilateral agreements to investigate and criminalise offenders of crimes of CSEC.¹⁷

Prevention

The government of the Philippines adopts long-term and medium-term strategies to combat CSEC. The medium-term strategies include awareness raising campaigns with the general public to change social norms and stereotyping against victims of CSEC and education and training programs for vulnerable groups and government officials. The long-term strategy includes poverty reduction, addressing social inequality, improving access to education, health and social service. These programs prioritise children who are most vulnerable to CSEC although there are no standards and criteria on identifying children's vulnerability.

Since 1996, the Philippines declared the 2nd week of February as 'National Awareness Week for Prevention of Child Sexual Abuse and Exploitation,' where various activities relating to child trafficking, child prostitution and child pornography are conducted by different stakeholders. The government also set up a new procedure to monitor child pornography, 'the Philippine National Police's (PNP) Internet Child Protection programme,' to raise awareness about CSEC among internet users targeting children from schools and the general public.¹⁸

Protection

The Philippines has been active in mechanisms to protect children from CSEC at international and regional levels by signing and ratifying the international treaties such as the CRC, the OPSC and the Trafficking Protocol. At regional level, the Philippines has adopted the ASEAN Declaration against Trafficking in Persons, Particularly in Women and Children.

Philippines has developed a robust legal framework addressing CSEC, especially in the area of child pornography. However, the implementation of the relevant legislation is sometimes hampered by widespread corruption amongst law enforcement officials, including the judiciary and immigration officials.¹⁹

At the national level, the government of

In addition, Filipino lawmakers are yet to ensure that the legislation needed for the

robust protection of child victims of CSEC is in accordance with the CRC and other relevant UN documents, as noted by the CRC Committee.²⁰

The major piece of legislation addressing CSEC is the Anti-Child Abuse Act (1992). Section 5 of this Act defines CSEC explicitly,²¹ with some provisions of this Act going beyond the requirements of the OPSC.

The Anti-Trafficking Act contained in the Republic Act 9208 of 2003 defines child trafficking as recruitment, transportation, transfer or harboring, or receipt of a person under 18 years of age for the purpose of exploitation.²² Criminal penalties vary depending on the gravity of the cases.²³

The Anti-Child Pornography Act contained in Republic Act 9775 (2009) defines “*any representation, whether visual, audio or written or a combination thereof, by electronic, magnetic, optical or any other means of a child engaged or involved in real or simulated sexual activities.*”²⁴ Most significantly, this Anti-Child Pornography Act, Sections 3 and 4 comply with the standards mentioned in OPSC. With further provisions for witness protection, recovery, and reintegration, this statute is strong, but enforcement must be enhanced. **Regarding sexual exploitation of children through travel and tourism**, Filipino penal

law establishes jurisdiction to punish both foreigners and Filipino nationals who commit CSEC, but there are no extraterritorial provisions to punish Filipinos who abuse children abroad. Ninety-eight percent of the main police stations across the Philippines are equipped with a Women and Children’s Desk (WCD) staffed by female police officers who are trained on child-sensitive and child-friendly investigation procedures. As for the judiciary, the Supreme Court of the Philippines enacted the Rules on Examination of a Child Witness, which are designed to facilitate the testimony of child witnesses, including child victims and witnesses of crimes.²⁵

The strategies for **providing services** to victims of CSEC are immediate services and long-term services. Immediate assistance includes medical and psychological care, providing temporary shelter and legal assistance whereas long-term service includes reintegration into schools, families (presuming they are not offenders) and financial assistance.

Several **training programs with law enforcement personnel** by UNICEF and the Philippine Commission on Human Rights focus on integration of human rights (including the CRC and its additional protocols) in the curriculum for the training of law enforcement officials, military officials, judges and prosecutors.²⁶

Priority Actions Required

National Plan of Action

The Philippines must ensure its NPA on CSEC is up to date, adequately resourced and must carry out regular monitoring to ensure that objectives are being met and the CSEC database is functional.

Coordination and Cooperation

More practical efforts are needed to strengthen cooperation with foreign countries on combating CSEC, particularly with destination countries for trafficked Filipino children and countries of origin of travelling sex offenders and perpetrators of online child pornography.

The Philippines must take all steps to ensure that cooperation is effective between central, regional and barangay level authorities and that they receive sufficient resources to provide effective services.

Prevention

The Philippines should research and implement strategies to reduce demand for sexual services from children and to raise awareness of CSEC dangers with local communities. Regular training on CSEC issues should be delivered to law enforcement personnel, judges, prosecutors, social workers, personnel from the IT and tourism industries, community leaders, etc.

Protection

To comply with its obligations under the OPSC, the Philippines must ensure its new anti-child pornography laws are effectively enforced and enact extraterritorial legislation to ensure that its nationals can be prosecuted for committing CSEC offences abroad. The Philippines must also review the existing crimes reporting mechanisms, such as hotlines, to determine their effectiveness.

Recovery and Reintegration

In line with the new anti-child pornography law, the Philippines must ensure that adequate

support services are specifically tailored and provided to victims of child pornography. The Proposed Guidelines for the Protection of the Rights of Trafficked Persons need to be institutionalized, disseminated and adapted to the local context. After care programmes for child survivors who are reintegrated should also be put in place.

Participation

Build on current progress in supporting children's participation by institutionalizing policy frameworks that support children's participation and by building adults' capacity to promote and support it at all levels.

Endnotes

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