



Global Monitoring

status of action against commercial sexual exploitation of children

PHILIPPINES



2nd EDITION

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This publication was compiled by Veyoma Hevamange with the assistance of Francois-Xavier Souchet, Patchareeboon Sakulpitakphon, Kritsana Pimonsaengsuriya, Junita Upadhyay, Giorgio Berardi, Anjan Bose, Jake Lucchi, Terra Nevitt, Alessia Altamura, Vyintas Lideikis and Mark Capaldi. This report was also developed in collaboration with ECPAT Philippines.

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Design by: Manida Naebklang

ECPAT International
(End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes)
328/1 Phayathai Road, Bangkok 10400, Thailand
www.ecpat.net
info@ecpat.net

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GLOSSARY OF TERMS AND ACRONYMS

- **Asia ACTs** Asia against Child Trafficking
- **CCNSP** Committee for Children in Need of Special Protection
- **CRC** Convention on the Rights of Child
- **CSEC** Commercial Sexual Exploitation of Children
- **CST** Child sex tourism
- **CSPC** Committee for the Special Protection of Children
- **CWC** Council for the Welfare of Children
- **CPCP** the Comprehensive Programme on Child Protection
- **DSWD** Department of Social Welfare and Development of the Philippines
- **ECPAT** End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
- **ILO** International Labour Organization
- **IACAP** Inter-Agency Council against Child Pornography
- **IACAT** Inter-Agency Council against Trafficking in Persons
- **IACVAWC** Inter-Agency Council on Violence against Women and Children
- **LCPCs** Local Councils for the Protection of Children
- **NBI** National Bureau of Investigation
- **OPSC** Optional Protocol on Sale of Children, Child Prostitution and Child Pornography
- **PACT** the Philippines against Child Trafficking (NGO)
- **PSC** Personal Safety Curriculum
- **PSL** Personal Safety Lessons
- **SBMS** The Subaybay Bata Monitoring System
- **SC-SACSEC** Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation
- **UNDP** United Nations Development Programme
- **UNESCAP** United Nations Economic and Social Commission for Asia and the Pacific
- **UNICEF** United Nations Children's Fund
- **WCD** Women and Children's Desk
- **WHO** World Health Organization
- **YPP** Youth Participation Project

FOREWORD

The 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents (CSEC) represents a broad societal alliance that builds on more than twenty years of global action. The First World Congress against Commercial Sexual Exploitation of Children was held in 1996 in Stockholm, Sweden. It marked the first public recognition by governments of the existence of CSEC and resulted in a commitment to an Agenda for Action adopted by 122 governments.

Since 1996, many actors around the world have focused their efforts around this common agenda, and more government and non-government entities have joined in to advance positive change for children and to protect their right to live free from sexual exploitation.

However, the increasing sophistication of resources available to those who seek to exploit children has grown in equal measure. Responding to these challenges, and particularly to new CSEC manifestations such as exploitation using the Internet and mobile technologies, requires new partnerships, and more coordinated and targeted efforts to address a borderless crime.

Experience demonstrates that the level of responsibility and role that a government takes to set and uphold standards of protection determines the nature, quantity and quality of what the country achieves overall for its children. Unfortunately, country actions have not been uniform, and far more urgent work must be done. In particular, the Rio Declaration highlights the increased vulnerability of children in a less stable world.

This is why I welcome the publication of second editions of ECPAT International's Agenda for Action (A4A) Country Reports Monitoring the Status of Action against the Commercial Sexual Exploitation of Children.

We are confident these unique publications will support governments to take prescribed actions to protect children from such heinous violations, which are still perpetrated with impunity in many countries. They also have the potential to stimulate the exchange of experience and knowledge among different actors to create a dialogue that can enhance our collective efforts against CSEC.

Over the years, ECPAT's A4A reports have become a baseline of information on actions taken and a roadmap for addressing gaps in each country based on the framework of the Stockholm Agenda. The reports succeeded in their goal of providing a basis for more systematic assessment of progress on implementation of country commitments. Moreover, we know they provide an important support to the implementation of other international mechanisms that exist to protect children's rights, such as the *Convention on the Rights of the Child (CRC)* and the *Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography*. Today, 193 countries have ratified the CRC, and 143 the OPSC.

Production of such comprehensive publications requires global collaboration. ECPAT International would like to thank all those who participated in the work and contributed their inputs. This includes ECPAT member groups, local experts and organisations, as well as the dedicated staff and interns in the Secretariat of ECPAT International. We acknowledge the generous support of donors who back these efforts. The A4A reports would not have been realised without their support and solidarity.



Kathleen Speake
Executive Director, ECPAT International

Methodology

The Agenda for Action against Commercial Sexual Exploitation of Children provides a detailed framework and categories of actions to be taken by governments in partnership with civil society organizations and other relevant actors for combating commercial sexual crimes against children. Broadly, these actions are focused on: 1) Coordination and Cooperation; 2) Prevention; 3) Protection; 4) Recovery, Rehabilitation and Reintegration; and 5) Child Participation. The Agenda for Action is thus the formal and guiding structure used by governments that have adopted it and committed to work against CSEC. As such, the Agenda for Action is also the main organising framework for reporting on the status of implementation of the Agenda as seen in the World Congress II of 2001, the Mid-Term Review meetings held between 2004 and 2005 and the World Congress III in 2008. It has been used in the same way to structure and guide the research, analysis and preparation of information presented in these reports on the status of implementation of the Agenda in the individual countries.

Preparatory work for this 2nd Edition report involved a review of the literature available on sexual exploitation for each of the countries where ECPAT works. A number of tools were prepared, such as a detailed glossary of CSEC terms, explanatory literature on more difficult themes and concepts and a guide to relevant CSEC-related research tools, to assist researchers in their work and to ensure consistency in the gathering, interpreting and analysing of

information from different sources and parts of the world.

Desktop research has shown a continuing lack of information in the areas of Recovery, Rehabilitation and Reintegration. After extensive efforts to collect information relevant to these areas for each of the countries covered, it was decided that as this information was not consistently available, the reports thus focus only on those areas of the Agenda for Action where verifiable information can be obtained. Thus, the report covers: Coordination and Cooperation; Prevention; Protection and Child and Youth Participation, and where information on recovery, rehabilitation and reintegration, was available, it has been included under the country overview. These 2nd Edition Reports also reflect a greater focus on integrated and inter-sector collaboration for the realisation of the right of the child to protection from sexual exploitation, including the need nationally for comprehensive child protection systems.

Research of secondary sources, including CRC country and alternative reports, OPSC country and alternative reports, the reports of the Special Rapporteurs, as well as research and field studies of ECPAT, governmental and non-governmental organizations, regional bodies and UN agencies, provided the initial information for each report. This information was compiled, reviewed and used to produce first draft reports. In-house and consultant specialists undertook a similar process of review to generate information on

specialised areas of the reports, such as the legal sections. Nevertheless, researchers often encountered a lack of information. While sources also included unpublished reports and field and case reports of ECPAT and other partners, many countries lacked up-to-date data and information on areas relevant to this report.

Despite these limitations, sufficient information was gathered to provide a broad overview of the situation in each country. Subsequently, first drafts were prepared and shared with ECPAT groups, which then supplemented the information with other local sources and analysis (taking care to identify them and source appropriately). Upon receipt of these inputs, a series of questions were generated by the ECPAT International team for deeper discussion, which involved ECPAT groups and specialists invited by them. The information from these discussions was used to finalise inputs to each of the reports. These consultations proved to be invaluable for analysis of the country situation. They also served as a measure for triangulating and

validating information as different actors offered their perspective and analysis based on their direct work.

As previously noted, the information of each country report is organised to correspond to the structure of the Agenda for Action. Thus all the 2nd Edition reports feature updated information in relation to: (i) an overview of the main CSEC manifestations affecting the country; (ii) analysis of the country's National Plan of Action (NPA) against CSEC and its implementation (or the absence of an NPA); (iii) overview and analysis of coordination and cooperation efforts during the period under review; (iv) overview and analysis of prevention efforts; (v) overview and analysis of protection efforts, which includes detailed information on national legislation related to CSEC (see www.ecpat.net for further details); (vi) overview and analysis of country's efforts incorporate participation of children in youth in the development and implementation of efforts to combat CSEC and (vii) priority actions required.



PHILIPPINES

INTRODUCTION

The Philippines is an archipelago in southeast Asia comprising 7,107 islands. With an estimated population of 94.349 million people, the Philippines are one of the most populous countries in the world.¹ About 39% of the population are children.² According to the United Nations Development Programme (UNDP), Human Development Index for the Philippines is 0.638, ranking the country 97th out of 169 listed.³

Despite being one of the wealthiest Asian countries in the 1960s, the Philippines' economy suffered due to damaging economic reforms and mismanagement during the Marcos era. Although democracy was reintroduced in the late 1980s and the economy progressed in the 1990s, the growth slowed down due to the Asian financial crisis of 1997 and the recent global economic downturn.

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.⁴ Poverty within families is one of the factors

contributing to vulnerabilities of children to commercial sexual exploitation (CSEC). Media reports indicate several instances of parents or guardians who sell sexual services of their own children in return for money.⁵ 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.⁶ Life on the streets increases the vulnerability of children to all forms of CSEC, in particular, child prostitution, pornography and trafficking for sexual purposes.

Following the 1996 Stockholm and the 2001 Yokohama global forums on CSEC, the Philippines reaffirmed its commitments at the World Congress III against the Sexual Exploitation of Children and Adolescents, in November 2008 in Brazil. The World Congress III renewed global commitment and galvanized international resolve to combat sexual exploitation of children and adolescents. In total, more than 3,000 people took part in the three-day gathering, including representatives from government, the private sector and civil society as well as 300 children and adolescents from around

Child prostitution

In 2007, it was estimated by PREDA Foundation, an NGO based in Olongapo that assists victims of CSEC, that there are more than 60,000 girls exploited through prostitution nationwide.⁷ A study published by the John Hopkins University the same year estimates the number of the underage exploited in the commercial sex industry in

the Philippines between 60,000 and 75,000.⁸

Although reliable geographical statistics are difficult to find, it is well known that prostitution of children exists in certain areas and locations. Cities such as Sabang, Puerto Galera, Cebu City, Angeles City, and Pasay City serve as the primary locations for

child sex tourism in the Philippines, while the capital city Manila is a less significant destination for child sex tourists.⁹ Particular areas, such as Barangay Kamagayan in Cebu City, or Field Street/Avenue in Angeles City, are notorious for child prostitution.¹⁰

So called “mall prostitution” where boys and girls hang out in malls to be picked up by offenders has also been reported. According to a local NGO, girls in cafés or karaoke TV bars, and boys in malls are often approached by customers who offer them cash or material things in exchange for sex. In both cases, children run the risk of being exposed not only to child prostitution but also of being used for child pornography production.¹¹

Reports indicate that owners of sex bars in the Philippines often use fake identification documents in order to employ minors. Some former child victims have reported being offered jobs as waitresses in “red light” districts and then being coerced into

providing sexual services to customers.¹² Furthermore, it is allegedly common for bar owners to employ girls who are advertised as “cherry girls” (i.e. virgins) commanding a higher price.¹³

Local Filipino males comprise the majority of exploiters of children engaged in prostitution. There is data that nine out of 10 “customers” of child prostitutes in the Philippines are Filipinos¹⁴ Law enforcement authorities of the Philippines claim that 10-15 percent of sexual crimes against children in the Philippines are committed by foreigners.¹⁵

Prostitution of children in the Philippines is in some cases associated with domestic work. A study published in 2007 has found that a number of Filipino child domestic workers reported that some employers who own bars and brothels force them to work as prostitutes.¹⁶

Trafficking of children

According to the US Department of State, the Philippines are mostly a source country, and to a lesser extent a transit and destination country for children subjected to sex trafficking. For sexual purposes, Filipina women (and potentially children) are trafficked to Malaysia, Singapore, South Korean, Hong Kong, Japan, and the Middle East.¹⁷

Internal trafficking of children remains a huge problem in the Philippines. A study published in 2009 has found that domestic child trafficking in the Philippines presents more challenges than cross-border trafficking.¹⁸ Internally, women and children are trafficked from poor farming communities and rural areas to urban areas such as Manila, Angeles City and Cebu City. With regard to the latter, two of the four most common routes for child trafficking

included Cebu as the destination, and the city itself has one of the highest incidence rates of child sex tourism in the country.¹⁹

Similar to other countries, quantitative and reliable data on children trafficked in the Philippines is scarce. However, according to the Philippines Against Child Trafficking (PACT) the number of children trafficked has steadily increased with thousands of new cases being registered.²⁰ More importantly, in a 6-year period between the enactment of Anti-Trafficking in Persons Act of 2003,²¹ prescribing stringent penalties for the trafficking crimes, and 2009, only 15 cases of child trafficking have been successfully prosecuted by the different Filipino courts nationwide.²² According to the US Department of State, the number of successfully prosecuted labor and sex trafficking cases rose from 6 in 2009, to 19

in 2010.²³ However, widespread corruption, an inefficient judicial system, and law enforcement officials' complicity in human trafficking remain the main impediments to further successful prosecutions.²⁴

Whilst the actual dimension of the problem remains unknown, it is estimated that 60,000 to 100,000 children are trafficked annually in the Philippines through both cross-border and internal trafficking.²⁵ 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.²⁶ 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.²⁷

The US Department of State annually releases a *Trafficking in Persons Report* which categorises countries into different "tiers" based on the extent of government action to combat human trafficking. Countries that have the highest level of compliance with the *Trafficking Victims Protection Act's* minimum standards for the elimination of trafficking are placed in **Tier 1**. Those that have made "significant efforts" to meet the standards are placed in **Tier 2** and countries that are not making significant efforts to combat human trafficking are placed in **Tier 3**.²⁸

In the 2011 report, the Philippines were placed in **Tier 2** after spending two consecutive years in the lower category of **Tier 2 Watch List**.²⁹



STOP Sex Trafficking of Children & Young People Campaign

Conducted in partnership between The Body Shop and ECPAT, this three year campaign launched in 2009, seeks to provide immediate relief to child victims with funds raised and to create long-term changes through engaging the public in awareness raising and

lobbying decision makers to strengthen concerted action against child trafficking for sexual purposes.

On 20 August 2009, ECPAT Philippines and The Body Shop held a press launch for the Stop Sex Trafficking of Children & Young People Campaign at the Adarna Café in Quezon City, in Manila. The event highlighted the issue of child trafficking in the Philippines and drew attention to actions taking place at the national level. Amihan Abueva, President

of ECPAT Philippines, held a presentation on ECPAT's ongoing contribution in the fight to suppress the trafficking of Filipino children for sexual purposes.

ECPAT Philippines will use campaign funds to sustain the shelter for victims of human trafficking. The shelter provides basic needs/care, recovery, legal support, education, counseling and other activities aimed at victims' recovery.

Child pornography/ child abuse images

Child pornography is another significant problem in the Philippines. Child pornography operations here range from local small-scale enterprises to large-scale international organized networks operating inside, through, and outside of the Philippines.³⁰ According to the Filipino governmental officials tasked with combating the problem, the Philippines child pornography industry is one of the biggest in the world exceeding US\$1 billion dollars a year.³¹

Foreign nationals from sending sex tourist countries such as Japan, America, Australia, and Britain etc are operating in the Philippines with the assistance of Filipino nationals who procure Filipino children for the purpose of child pornography.³² Japanese nationals are said to be one of the most active in the Filipino child pornography industry.³³ Filipino nationals act as mediators and accomplices of foreign nationals, also as procurers or as business partners in child pornography production.³⁴ Small-scale operations, such as picture-taking and video-

making with the help of mobile phones are usually engaged in by Filipinos. Such images may be produced both for personal use as well as for sharing with others.³⁵ With a full-length child pornography film costing as little as US\$ 10,000 to produce, it takes a little effort for producers to profit from the booming industry in the Philippines.³⁶

Research by UNICEF and Psychosocial Trauma and Human Rights Program UP Center for Integrative and Development Studies indicates that it is not only impoverished children that are lured into the pornography industry. A 2005 study suggested that more Philippine children fall victim to child pornography than is realized, in particular children who have access to the internet, web cams often end up being victimized through webcams, chat and porn sites.³⁷ New forms of child pornography utilizing the internet and mobile phones are on the increase, and internet sex dens around the Philippines had been found to employ children in the exploitative situations often with the help of coercion or trickery.³⁸

Child sex tourism

Sex tourism is a lucrative industry that spans around the globe and in countries such as the Philippines comprises a significant part of the gross domestic product.³⁹ With reportedly 60,000-100,000 minors engaged in child prostitution, the Philippines is a major destination for global child sex tourism.⁴⁰

It is very difficult to profile foreign visitors who have sex with minors and to identify the relative percentages of various nationalities. It is presumed that typically child sex tourists are males who come from all income brackets,⁴¹ and in the case of the

Philippines mostly hailing from Western Europe, Australia, the United States, as well as the wider region of Asia.⁴² Asian businessmen from Japan, China, Taiwan, and increasingly South Korea, comprise the most sexual exploiters who are seeking virgins – a demand highly prevalent in the Philippines.⁴³ Nevertheless, according to the John Hopkins University study, in the period of 2004-2006, it was the US citizens who constituted around 29 percent of offenders and alleged offenders of child sex tourism.⁴⁴ This may be explained by the fact that Asian men use more discrete means to seek their child victims and thus remain

undetected..⁴⁵ Female tourists, although in significantly lower numbers, are also known to purchase sexual services from children in the Philippines.⁴⁶

Foreign nationals also manage bars and clubs that cater to foreign demand for prostitution. For example, in Puerto Galera, an infamous location for child sex tourism, most of the local bars are owned by Europeans, while South Korean nationals are reported to be increasingly obtaining property in Boracay for the purpose of child exploitation.⁴⁷

The major locations for child sex tourism in the Philippines are Sabang and Puerto Galera in Mindoro, Cebu City in the Visayas, Angeles City, Pasay City in Luzon, and Boracay.⁴⁸

Special Filipino sex tours are reportedly offered by various travel companies in the US.⁴⁹ However, not all sex tourists use the services offered by travel agencies. Many paedophile networks share information about contacts and locations inside the country from what is found on the internet or in pornographic magazines.⁵⁰

High-profile child sex offender

On 8 May 2009, an Australian programme development and operations officer with the UN World Health Organization (WHO) in Manila was caught by Filipino police while having sex with a 12-year-old boy in his car.⁵¹ Two weeks after the arrest, it was made known that the Australian government had cancelled the perpetrator's Australian passport, while the WHO stated he was not covered by diplomatic immunity.⁵²

As investigations were under way, speculations also surfaced that the offender may have been involved in a paedophile ring circulating child pornography through diplomatic channels in Southeast Asia in the 1990s, a claim that law enforcement was never able to verify.⁵³

NATIONAL PLAN OF ACTION

The Framework for Action on Sexual Abuse and Commercial Sexual Exploitation of Children is anchored on the National Strategic Framework for Plan Development for Children for the period 2000-2025.⁵⁴ This framework is more popularly known as Child 21 and it is designed to serve as a guide for making plans and programmes for children more focused in accordance with the standards of the CRC.⁵⁵ The framework set out in Child 21 has been translated into four NPAs for the following time periods: 2005-2010; 2011-2015; 2016-2020 and 2021-2025. These NPAs aim at reducing the disparities in development indicators for children and achieving the millennium

development goals.⁵⁶

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). The CPCP aims to build a protective and caring environment for children, who are victims of various forms of abuse, exploitation and violence.⁵⁷

Further revisions and updates are currently being made to the CPCP in order to have it prepared and synchronized with the NPA for the period 2011-2016. An assessment of the five-year implementation of the CPCP

2006-2011 has recently been conducted by the Committee for the Special Protection of Children (CSPC), highlighting the major gains achieved, key lessons learned and major gaps and constraints encountered in programme implementation.⁵⁸ Among positive achievements, CSPC's role in revising the media guidelines for the coverage of child abuse cases, efforts to develop a child offenders' database, its readiness to respond to individual child abuse cases, and its overall support for preparation of guidelines, procedures and policies focused on legal and judicial protection of child victims, should be mentioned.⁵⁹

The new NPA will continue to realize the rights of the Filipino children through the implementation of the CRC, providing a better perspective and focus on children in need of special protection with regard to CSEC issues.⁶⁰

In response to the prevalence of child pornography, the Philippines enacted Republic Act No. 9775, or the Anti-Child Pornography Act of 2009.⁶¹ The Act created the Inter-Agency Council against Child Pornography (IACACP) as the body that is primarily tasked to coordinate, monitor, and oversee the implementation of the Act.

On 12-14 October 2010, representatives of the member-agencies of IACACP and nominated representatives from non-governmental organizations held a strategic planning workshop at the Fontana Convention Center, Angeles City, Pampanga. The purpose of the meeting was to formulate the goals and objectives of IACACP for the period 2010-2012. The Three-Year Strategic Plan is based on the outputs of the planning workshop and the mandate of IACACP as provided in the Act and its implementing rules and regulations. It identifies five key strategic areas for the effective implementation of the Act: (1) public information and education, (2) prosecution and enforcement, (3) victim

support and assistance, (4) complaints and data management, and (5) partnership and resource development.⁶²

With the assistance of UNICEF many efforts have been made by the local municipalities to ensure that the 2005-2010 NPA is translated into plans at the local level. Successful efforts to localize the NPA have been reported in a significant number of provinces, cities, and municipalities.⁶³

The Inter-Agency Council Against Trafficking in Persons (IACAT), in coordination with other government agencies and non-governmental organizations and other stakeholders, initiated the formulation of an integrated strategic plan of action against trafficking. The six-year (2004-2010) Strategic Plan of Action Against Trafficking is divided into three major components of interventions; (a) prevention; (b) protection, including law enforcement and prosecution; and (c) repatriation, recovery and reintegration. The Strategic Plan serves as a blue print for action of all government agencies, local government units, NGOs and other sectors in combating trafficking in persons, especially women and children.⁶⁴

At the local level, the members of the Filipino Regional Inter-Agency Committees Against Trafficking established all over the country have formulated Regional Action Plans Against Trafficking which are now being implemented. Sea-Based and Air-Based Anti-Trafficking Task Forces have also been established under the regional agency to address the specific means of trafficking.⁶⁵

Other non-traditional partners have demonstrated interest and provided support to the implementation of relevant laws and the provisions of the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography (OPSC). Grassroots groups like the Alliance Against Child Pornography – a nation-wide organization of networks were instrumental in the

campaign to raise awareness on Pornography of Children. These groups provided input towards the validation of the Strategic Framework on Addressing Pornography of Children and has closely partnered with

legislative groups in order for relevant draft bills on pornography of children to be reviewed, made more responsive and passed.⁶⁶

COORDINATION AND COOPERATION

Coordination and cooperation are crucial for an efficient and effective fight against CSEC. In accordance with the Stockholm Declaration, close interaction and

cooperation between government and non-government sectors is necessary to effectively plan, implement and evaluate measures to combat CSEC.

Local and national levels

A number of multi-stakeholder bodies have been established in recent years at national and local level to enhance collaborative approaches against CSEC and trafficking or, more generally, on child protection. However, whilst all these mechanisms have allowed a more concerted approach to these issues, it is noted in 2008 State Report to the CRC Committee that ‘the common grounds’ of coordination, collaboration and cooperation need to be strengthened. This would allow for a wider impact, especially in terms of maximisation of resources, advocacy and lobbying for policy reforms and budgetary allocations, and unified monitoring systems.⁶⁷

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,⁶⁸ has taken steps to build and sustain relationships with other stakeholders in the protection of children such as NGOs and faith-based groups.⁶⁹ The CWC mandate is further implemented through its subsidiary bodies: the Committee for Children in Need of Special Protection (CCNSP) and the latter’s Sub-Committee on Sexual Abuse and Commercial Sexual

Exploitation (SC SACSEC) which specifically deals with issues and problems on the exploitation of children for sexual purposes and/or trafficking, including the implementation and monitoring of the OPSC.⁷⁰

The Committee for the Special Protection of Children (CSPC) chaired by the Department of Justice and co-chaired by the Department of Social Welfare and Development also has an important role in building a protective and caring environment for Filipino children who are at risk.⁷¹ The Committee does so through monitoring the implementation of Republic Act 7610, or so-called the Anti-Child Abuse Law. Recently the mandate of the Committee was strengthened through the issuance of the President’s Executive Order, and the Committee now includes, along with the government representatives, members of private organizations supporting children’s welfare.⁷²

In addition, the Inter-Agency Council Against Trafficking (IACAT) operating under the Department of Justice and the Inter-Agency Council Against Child Pornography (IACACP) chaired by the Department of Social Welfare and

Development, contribute to the protection of children through coordination, implementation and oversight of the Anti-Trafficking and Anti-Child Pornography acts respectively. Both agencies include representatives of NGOs on their boards.⁷³

Since 2006, most of the work undertaken by these coordinating structures has revolved around the development, updating and implementation of policies and projects related to CSEC, trafficking and child protection. For example, the SC-SACSEC has contributed to the formulation of guidelines and policies in support of the Anti-Child Pornography Act approved in 2009.⁷⁴ Similarly, the IACAT has carried various initiatives, including designing manuals on Law Enforcement and Prosecution of Trafficking in Persons Cases and on the Recovery and Reintegration of Victim-Survivors of Trafficking, contributing to the development of Guidelines for the Protection of Trafficked Children and supporting the creation of Regional Inter-Agency Committees Against Trafficking. In the past years, a number of IACATs have been established at regional, provincial and city/municipal level (as of 2007, there were in fact 15 Regional IACATs, 15 Provincial IACATs, 17 City IACATs and 34 Municipal IACATs).⁷⁵

The IACAP has been created following the enactment of the 2009 Anti-Child Pornography Act. Comprised of representatives from various government departments and representatives from NGOs, the IACAP has a wide range of responsibilities relating to child pornography including but not limited to: (i) creating programmes and policies to suppress child pornography; (ii) monitoring and evaluating the programmes as well as compliance with the 2009 Act; (iii) creating procedures for effective recovery and reintegration of child victims of pornography; and (iv) assisting in filing cases against those who commit child pornography offences.⁷⁶ Since the Anti-Child Pornography Act and the IACAP only came into existence in November 2009 and have yet to issue any report, its effectiveness remains unclear.

Overall, while the establishment of national structures concerned with CSEC issues is certainly laudable, it remains to be seen how bodies like SA-SACSEC, IACACP, IACAT, and others will perform and complement each other in practice. With limited financial/human resources while facing numerous CSEC issues, the fulfilment of the bodies' mandates may become difficult.

Child Sexualisation in Filipino Media

In April 2011, the Department of Social Welfare and Development of the Philippines filed a complaint against TV5 host Willie Revillame and other TV5 officials, including chairman Manny V. Pangilinan, for allegedly violating Republic Act 7610 or the so-called Anti-Child Abuse Law. Other private persons, including officials of ECPAT Philippines have joined the complaint.⁷⁷

The alleged violation took place during the "Willing Willie" TV show episode of 12 March 2011, where a 6 year old child was made to dance in a provocative manner with tears streaming down his face.⁷⁸ The video clip of the episode spread online causing a major public outcry, prompting the responsible agencies to look in the matter. According to the DSWD officials, the TV episode involved "emotional and psychological cruelty to a child" in a form of humiliation, and "[the] decision to initiate legal proceedings [was] pursuant to [DSWD's] mandate to protect children who are victims of abuse, neglect and exploitation".⁷⁹

The case is still under preliminary investigation and no charges have yet been filed. However, if convicted on the count of child abuse, the TV host could face 6 to 12 years of imprisonment.⁸⁰

At the local level, functions of the CWC are replicated through regional sub-committees for the welfare of children established under the Social Development Committee of the 17 Regional Development Councils of the Philippines.⁸¹ Both the CWC and UNICEF provides assistance in terms of both finance and capacity building to the regional sub-committees. Accordingly, the regional sub-committees are said to be the essential link between national government and the local government units.⁸²

The most local form of government in the Philippines remains a barangay (village) council. These councils are tasked with drafting and implementing plans for the promotion of child welfare in the barangay.⁸³ Some barangay councils have created local councils for the protection of children (LCPCs) with a further view of promoting and protecting children's rights, assisting abused children and monitoring crimes against children. According to the Department of the Interior, if properly set up and strengthened, LCPCs make effective instruments in promoting children's rights and implementing child-related programmes.⁸⁴ Some reports estimate that approximately 24,000 LCPCs had been set up throughout the country.⁸⁵ However, the number of fully functional LCPCs remains unclear, as not all of them meet regularly, have an action plan, or an approved budget for children.⁸⁶

Although there is still no comprehensive national statistical data on CSEC issues, efforts to establish data collection systems have been undertaken in the past few years.

In 2003, the CWC initiated the Subaybay Bata Monitoring System (SBMS, child surveillance and monitoring) consisting of three components: (a) macro monitoring system, (b) micro monitoring system, and (c) project-based monitoring system. The macro monitoring system is designed to monitor the CRC implementation, including specific

cases of sexual abuse and exploitation against children, and to support the production of the annual State of the Filipino Children Report. Sixteen cooperating agencies have been linked to the system, including the major national government agencies and the statistics office. However, certain issues regarding data input have rendered the operation of the macro monitoring system slow.⁸⁷

A micro monitoring system is also reportedly being developed and implemented in cooperation between the National Statistics Office, UNICEF, Plan Philippines, the NGO Coalition on CRC Monitoring, and De La Salle University. This information system will allow the collection of disaggregated local level data on children, including the most vulnerable groups. However, the success of the system will depend on manpower, technical and financial resources allocated to it.⁸⁸

Since 2003, as a part of the Subaybay Bata Monitoring System, the CSEC Info System, a regional initiative by the Inter-Agency Group composed of ECPAT International, the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and UNICEF, was put in place through pilot communities and other micro monitoring systems for all children's concerns. The CSEC Info System was developed to monitor and address commercial sexual exploitation of children, the government encountered significant difficulties in integrating and institutionalizing this database in all the organizations and networks working on these issues.⁸⁹ It appears that progress on this system has stalled since 2006.⁹⁰

With regard to human trafficking, the National Police Commission maintains a databank on individual cases. Sources of data and information come from all eleven members of the IACAT, each of them having varying organizational mandates with regard

to the issues of trafficking, and from local IACATs established at the regional, city, and municipal levels.⁹¹

In 2007, an offenders' database was established by the Special Committee for the Protection of Children under the Department of Justice. The database contains information on child abusers taken from prosecution offices nationwide

and is continuously being updated. The identities of the victims in the database are kept confidential to protect their privacy.⁹² IACAT has also established a victim database under the auspices of the Department of Social Welfare and Development, but integration of these databases, as well as other monitoring systems (See "Deterrence measures" section below), remains a challenge.

Coordination and cooperation at regional and International levels

At a regional and international level, effective cooperation is required between countries and international organizations, including regional organizations, to ensure that a concerted and coordinated approach is taken in eliminating CSEC.

The Philippines is a member state of ASEAN which is a regional organization of 10 South East Asian countries.⁹³ This organization created in 1967 aims to accelerate economic growth and social progress, promote the rule of law, peace and stability within in the region and to develop cooperation between member states on matters in the economic, social, cultural, technical, scientific and administrative fields.⁹⁴

In 2004, the Philippines government, together with other members of ASEAN, has signed a multilateral Treaty on Mutual Legal Assistance in Criminal Matters. This agreement is designed to improve "the effectiveness of the law enforcement authorities... in the prevention, investigation and prosecution of offences through cooperation and mutual legal assistance".⁹⁵ The scope of assistance is defined in Article 1 of the agreement and may include exchange of information, material evidence, testimonies, and other types of cooperation. The agreement will hopefully provide a boost to prosecution of nationals or residents who have allegedly committed crimes, such as

sexual crimes against children abroad.

The Philippines, through Asia Against Child Trafficking (Asia ACTs) and UNICEF, has played a leading role in the development of the ASEAN Guidelines for the Protection of the Rights of Trafficked Children. The guidelines have been adopted by ASEAN Ministers for Social Welfare and Development in December 2007.⁹⁶

In 2005, the Philippines as a member of ASEAN have also embarked on a regional campaign entitled "Combating Child Sex Tourism in Southeast Asia" initiated and implemented by Child Wise (ECPAT Australia). Designed to mobilize responsible travellers and local citizens to report suspected child sex tourism cases on dedicated hotline numbers, deter potential child-sex offenders and create a culture of intolerance toward the sexual exploitation of children,⁹⁷ the campaign has contributed to strengthening the regional collaboration of ASEAN tourism destination and source countries in combating child sex tourism. As a follow up to this initiative, a multi-year programme called "The South East Asian Plan – A Sustainable Regional Response to Preventing the Sexual Exploitation of Children in Tourism Destinations (2009 – 2013)" has been developed. Combining the efforts of a wide range of key stakeholders at the regional, national and local levels, both from public and private sectors, as well as

vulnerable communities, including children and youth, the Five Year Plan will offer a more holistic and comprehensive approach to child sexual exploitation while strengthening vital protections for children vulnerable to exploitation in tourism destinations throughout the region, including the Philippines.⁹⁸

The Filipino government has also cooperated with foreign governments, such as the US, in the arrest and investigation of child sex

offenders. For example, in 2010 the Filipino Department of Justice cooperated with authorities in the US in order to arrest and convict a US national that resorted to child sex tourism in the Philippines.⁹⁹ In this particular case, the Philippines utilized the mutual legal assistance agreement with the US¹⁰⁰ to facilitate the gathering of evidence for the prosecution of the accused who had treated two young Filipina girls as his sexual slaves.¹⁰¹

PREVENTION

The effective prevention of CSEC requires multi-faceted strategies and policies that simultaneously address the different elements of the problem. These strategies should target both vulnerable children and those who engage in sexual activities with children while also addressing the root causes of CSEC such as poverty and lack of education.

Under Filipino law, children are required to undergo six years of compulsory primary education. The government provides free primary and secondary education; however, families are responsible for covering related costs such as transportation and supplies.¹⁰² Although primary school enrolment rates are over 90%, it is reported that actual school attendance is almost certainly lower as many children drop out during the school year.¹⁰³

Long term prevention strategies include improving the status of children who are most vulnerable to CSEC by implementing policies to reduce poverty and social inequality and improving access to education, health and social services. Effective short to medium term strategies include awareness raising campaigns and education and training initiatives for the general public, vulnerable groups and government officials.

The resources, expertise and influence of

the private sector, particularly the tourism and IT industries, should also be engaged in prevention measures, in particular in awareness raising activities.

Furthermore, information, education and outreach programmes should be directed at those engaging in the commercial sexual exploitation of children (eg users of children forced into prostitution) to promote changes in social norms and behavior and reduce the demand for child victims of CSEC.

Since the issuance of Presidential proclamation No 731 in 1996, every second week of February has been declared “National Awareness Week for Prevention of Child Sexual Abuse and Exploitation”.¹⁰⁴ During this week, various activities integrate the problems of child trafficking, child prostitution, and child pornography in order to spur public awareness.

In 2007, the Children and Youth Secretariat of the Anti-Child Pornography Alliance launched “Batingaw”, a nationwide campaign against child pornography. The “Batingaw” campaign focused on educating the children and youth about the negative effects of child abuse images and empowering them through information awareness. The group also declared September 28 as “National

Day of Awareness and Unity against Child Pornography”.¹⁰⁵

In May 2009, UNICEF Philippines in cooperation with the Council for the Welfare of Children (CWC), the Anti Child Pornography Alliance (ACPA), Microsoft Philippines, AKAP-BATA, Kabataan Consortium, Stairway Foundation, Share A Child Movement, ECPAT Philippines and PREDA, launched the ten-day “Silence is Acceptance” awareness campaign asking lawmakers to enhance protection for children in the form of passing the Anti-Child Pornography bill. Follow-up activities to the launch were conducted nationwide to educate children, their families, media, academic, religious and human rights organizations on preventive measures to make cyberspace and other modes of communication safer for children.¹⁰⁶

Moreover, addressing the tremendous rise in the number of children and young people accessing the internet, the Philippine National Police’s Internet Child Protection programme established by the Criminal Investigation and Detection Group, in partnership with Stairway Foundation NGO and with the involvement of the local government units, held online safety training sessions for school children (both elementary and high school), internet service providers, and community leaders. Such sessions provided an opportunity for open discussions among children and youth to share their experiences on the use of internet via social networking sites like Facebook, Twitter, and others. At the same time, these sessions drew participants’ attention to the dangers inherent to the use of the internet and offered advice on appropriate safeguards.¹⁰⁷ The same PNP group is also responsible for launching Angel Net project, the purpose of which is to raise awareness and educate parents on how to protect their children from cyber crimes.¹⁰⁸

Since 2006, the “18-Day Campaign against Trafficking and Violence against Women” is

held starting every November 25. Organized by IACAT and the Inter-Agency Council on Violence against Women and Children (IACVAWC), this event takes place around significant places of the country to inform the public on the issues of trafficking and violence and, at the same time, elicit action from local stakeholders.¹⁰⁹ Additionally, December 12 has been designated the “Day against Human Trafficking” which serves as a key day for awareness raising activities surrounding the trafficking of children for sexual purposes.

The government routinely provides training on anti-trafficking and victim protection to personnel bound for overseas assignments. In 2008, the Department of Foreign Affairs, with assistance from an international NGO, developed a computer-based, anti-trafficking course that enabled the department to train 350 foreign service officers.¹¹⁰

With regard to child trafficking, Asia ACTS, along with other organizations such as ECPAT Philippines and PACT, reportedly conducted community-based education sessions on trafficking in selected barangays. This exercise involved around 800 village communities all over the country through almost 1,000 community-based education sessions.¹¹¹

The Department of Tourism in cooperation with ILO International Programme on the Elimination of Child Labour launched an awareness raising campaign in six Filipino regions towards community ownership and responsibility of the advocacy against child labour. The campaign included training sessions for stakeholders responsible for combating child trafficking, also roundtable discussions with members of the local community in some tourist destinations stressing the ill effects of commercial sexual trafficking of women and children. The campaign also used the opportunity to draw the tour operators’ attention to the Code of Conduct aimed at protecting children from

sexual exploitation in the tourism industry.¹¹²

The Philippines Department of Tourism, responsible for implementing the national and international “Child Wise Tourism” programme, integrated topics related to prevention of child sex tourism in its education programme for related government officials, law enforcement agencies and personnel related to tourism sector. Next to awareness raising, the programme aims to equip tourism staff coming from various sectors (eg hotel staff, taxi drivers, security personnel, etc) with skills to identify and report child sexual exploitation in tourism.¹¹³

The Department of Education has incorporated Human Rights Education in

the elementary and secondary levels of the education system, both formal and non-formal.¹¹⁴ Furthermore, the Center for the Prevention and Treatment of Child Sexual Abuse, in cooperation with UNICEF, has produced a Manual on the Personal Safety Modules by which scales up and covers all schools under the Department, both public and private, all over the country.¹¹⁵ The Personal Safety Curriculum (PSC) entails sustained training and capacity building of all mentors and teachers in handling and managing prevention education topics. In addition, it also addresses issues of protection and recovery relevant to cases of all forms of abuse and violence that children may have experienced in school, community or domestic surroundings.¹¹⁶

Personal Safety Lessons

One of the main programmes of the Center for Prevention and Treatment of Child Sexual Abuse is the prevention programme, which focuses on Personal Safety Lessons (PSL). PSL is a school-based intervention that empowers children to help protect themselves against sexual abuse by providing them age-appropriate information, developing skills, and building self-esteem in order to increase the children’s ability to protect themselves from sexual offenders.

In 2009, the Department of Education issued Order No. 45 mandating the institutionalization of PSL in both public elementary and secondary schools nationwide.¹¹⁷

At present, PSL is being implemented in 10 regions and 19 provinces across the country, and there are 2,307 PSL-trained teachers in 469 schools who teach PSL to approximately 104,000 children. Such progress was achieved through programme replication and financial support from different like-minded organisations such as UNICEF, Consuelo Foundation Inc, Plan Philippines, Zonta Club of Munitinlupa and Environs Foundation Inc, ASMAE Foundation, World Vision Development Foundation, ABK Project, and Cordaid Netherlands.¹¹⁸

Private sector involvement

In an effort to prevent exploitation through child pornography, UNICEF has entered into a partnership with Netopia which is one of the largest internet café services in the Philippines.¹¹⁹ Netopia has committed to

displayed posters in its internet cafes warning children of the dangers in cyberspace.¹²⁰

Similarly, as a part of the Make-IT-Safe campaign launched by ECPAT International,

ECPAT Philippines has signed an agreement with Everything Online, a major cybercafé chain in the Philippines comprising more than 600 Internet cafés, which prompts cybercafés to adopt a code of conduct for the protection of children through the provision of their services. The code provides guidelines on how services of the cafés should be used and advises on measures to be taken which would enable the protection of children from sexual exploitation in IT settings.¹²¹

ECPAT Philippines coordinated four Capacity Building Training Seminars of tourism stakeholders in the islands of Boracay, Bohol and Palawan in 2009-2010. The training workshop on the “Code of Conduct” garnered participation from city and municipal tourism officers and owners/managers of travel and tourism establishments.

In partnership with the Department of Tourism and UNICEF, the Anti-CST campaign dubbed as the “Child-Wise Tourism” campaign was also launched in Boracay on June 4-5, 2010. Throughout the campaign, a total of 300 community members were reached and informed through education and awareness activities, workshops and forums to protect children and women from the dangers of sexual exploitation in tourism. Information materials were also produced and distributed on this occasion.

Additionally, ECPAT Philippines produced 4,000 “Child Sex Tourism” fact sheets, 4,000 “Travel with Care” leaflets and 2,000 “Respect the Rights of Children” pins distributed in Boracay, Puerto Princesa, Palawan and Bohol.

PROTECTION

Comprehensive and effective legislation is essential to protect children from CSEC. Specific laws must be developed, implemented and/or strengthened to combat the various manifestations of CSEC. These laws must be reviewed and updated regularly to incorporate evolving forms of CSEC, such as grooming or viewing and accessing child pornography online, and changes in the international legal framework. As well as enacting legislation that is compliant with international standards and obligations,

national laws must be effectively enforced. Policies and procedures to protect child victims and/or witnesses are also essential.

The Philippines has signed and ratified the principal international treaties relating to child rights 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.

Children's Rights Instruments related to CSEC

International instruments		
Human Rights bodies related to Child Rights	Comments	
Charter Based Bodies		
Working Group of the Universal Periodic Review – Human Rights Council	April 2008 - recommendation to sustain efforts to combat trafficking in women and children.	
Special Rapporteur on the sale of children, child prostitution and child pornography	No country visit so far.	
Special Rapporteur on trafficking in persons, especially in women and children	No country visit so far.	
Treaty Based Bodies		
Committee on the Rights of the Child	2009 – Key conclusions regarding implementation of the CRC: - carry out research into the causes of child vulnerability to CSEC; - amend national laws on CSEC to meet international standards.	
Children's rights Instruments	Date of ratification	Date of submitted reports
Convention on the Rights of the Child - 1989	21/08/1990	2008 -3-4 th periodic report submitted; 2004 – 2 nd periodic report submitted 1994 – 1 st periodic report submitted
Optional Protocol on the sale of children, child prostitution and child pornography – 2000	28/05/2002	2008 – 1 st report submitted. 2010 – concluding observations.
ILO Convention on the Worst Forms of Child Labor - 1999 (No. 182)	28/11/2000	2009 – report submitted.
UN Convention against Transnational Organized Crime - 2000	28/05/2002	
UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and children – 2000 (supplementing the UN Convention against Transnational Organized Crime)	28/05/2002	
Regional Instruments		
ASEAN Declaration Against Trafficking in Persons	Signed 12/12/2008	

The Philippines have developed a robust legal framework addressing CSEC, especially in the field of the protection of children against exploitation for 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.¹²² 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.¹²³

The Anti-Child Abuse Act of 1992 addresses the prostitution of children, Section 5 of the Act defines prostitution and other sexual abuse: any child, male or female, “who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulges in sexual intercourse or lascivious conduct” is deemed to be an exploited child. However, this definition is narrower than the one used by the Trafficking Protocol, to which the Philippines is a party, and which specifically indicates that the consent of a child is irrelevant in cases of exploitation.¹²⁴

Section 5(a) of the Act penalises those who promote, facilitate or induce child prostitution. This would appear to comply with the OPSC requirement that state parties criminalise the acts of obtaining,

procuring, providing and offering a child for the purposes of prostitution.¹²⁵

Furthermore, Section 5(b) criminalizes the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse. In such case, if the child victim is under 12, the offender shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended for rape or lascivious conduct. The punishment is up to life imprisonment.

In some respects the 1992 Act offers protection beyond the standards of the OPSC. For example, Section 6 criminalises attempts at child prostitution which applies where an adult, who is not a relative of a child, is found alone in a hotel room (or similar establishment) in circumstances that would suggest to a reasonable person that the child is about to be sexually exploited. Furthermore, Section 11 stipulates that businesses that are found to promote or facilitate child prostitution may have their licences revoked and be closed down.

However, the 1992 Act does not explicitly state that a child who is a victim of prostitution will be exempted from prosecution. Though children are reportedly not prosecuted under these laws and are typically treated as victims,¹²⁶ the lack of specific legal protection leaves children formally vulnerable.

The law on trafficking in persons is contained in the Republic Act 9208 of 2003 (the Anti-Trafficking Act).¹²⁷ The Anti-Trafficking Act contains a definition of trafficking in children that is in line with the definition under the Trafficking Protocol.

Child trafficking is defined as recruitment, transportation, transfer or harboring, or receipt of a person under 18 years of age for the purpose of exploitation.¹²⁸ Exploitation is defined to include prostitution, other forms of sexual exploitation and slavery.¹²⁹ Sexual exploitation is defined as participation of a person in prostitution or the production of pornographic materials due to threat, force, or other forms of intimidation.¹³⁰ It is expressly stated that the consent of a victim is irrelevant to whether the acts described above constitute trafficking.¹³¹ Furthermore, Section 17 states that trafficked persons shall be treated as victims and not penalized for crimes linked to the act of trafficking.

As well as punishing those who carry out the acts of trafficking described above, the

Anti-Trafficking Act also imposes penalties on those who buy or engage the services of a trafficked person for prostitution; a first offence may be punished with six months of community service and a fine of, while a second offence may be punished with one year's imprisonment and a fine.¹³²

Section 6 of the Anti-Trafficking Act further outlines acts of “qualified” (or aggravated) trafficking, which include, among others: child trafficking; adoption for purposes of prostitution, pornography or sexual exploitation; and trafficking by relatives or those having authority over the trafficked person.¹³³ Offenders engaged in qualified trafficking are subject to increased penalties, and may be punished with life imprisonment and a fine.¹³⁴

It follows that stringent laws are in place that not only comply with the Trafficking Protocol but in some instances offer protection that go beyond international standards.

In November 2009, the Philippines passed the Anti-Child Pornography Act.¹³⁵ It is a comprehensive piece of legislation that meets international best practice and offers protection beyond the minimum requirements of the OPSC.

Implementing Rules and Regulations of Republic Act No. 9775 Act defines pornography as “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”.¹³⁶

This definition of child pornography is fully in line with the requirements of the OPSC.¹³⁷ Section 3(a) of the Anti-Child Pornography Act defines a child as “a person below eighteen (18) years of age or over; but [who] is unable to fully take care of himself/herself from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability condition”. Sections 3(a)(1) and (2) also specify that a

child shall also refer to “a person regardless of age who is presented, depicted or portrayed as a child” and “computer-generated, digitally or manually crafted images or graphics of a person who is represented or who is made to appear to be a child”.

Section 4 lists the prohibited and unlawful acts, including, but not limited to: hiring, inducing, persuading or coercing a child to perform in the creation or production of child pornography; producing, manufacturing or directing child pornography; offering, publishing, transmitting, selling, distributing, broadcasting, promoting, importing or exporting child pornography; and possessing child pornography with the intention to sell, distribute or publish.¹³⁸ Section 4 (d) in relation to possession of child pornography presumes that if an offender has in his/her possession more than three articles of child pornography, there is an intention to distribute.

Above the requirements of the OPSC and in line with the Rio Declaration and Call for Action,¹³⁹ the 2009 Act Section 3 (h) defines and prohibits the grooming of children for sexual purposes. “Grooming” is defined as preparing a child (or someone the offender believes to be a child) for a sexual relationship or a sexual activity by communicating child pornography. It includes online enticement and also enticement by any other means.¹⁴⁰

Furthermore, the Section 4(j) of the 2009 Act, in line with the Rio Declaration and Call for Action,¹⁴¹ prohibits the act of wilfully accessing child pornography.

In line with the Rio Declaration and Call to Action,¹⁴² the 2009 Act imposes obligations also upon private sector actors (internet service providers, private business establishments, internet content hosts) that are well placed to assist in the fight against child pornography.¹⁴³

In relation to internet service providers (ISP), Section 9 of the Act imposes the following obligations: upon discovery that their servers or facilities are being used to commit child pornography offences, ISPs must notify the Philippine National Police or the National Bureau of Investigation within 7 days; ISPs are obliged to preserve evidence for use in criminal proceedings; upon request by law enforcement authorities, ISPs must also give details of users who access or attempt to access websites containing child pornography; and ISPs must install available programs or software designed to filter and block child pornography.

Additionally, mall owners/operators and also owners or lessors of other business establishments have the responsibility to report child pornography offences within 7 days of discovery that their premises are being used to commit such offences.¹⁴⁴ Where there is public display of child pornography there is a deemed presumption that the owner, operator or lessor of the premises knew about the offence and is therefore liable under Section 10 of the other private individuals and corporate bodies that have a responsibility to report child pornography offences once they become aware of it include photo developers, IT professionals, credit card companies, and banks.¹⁴⁵

The Act also requires the appropriate protection to be put in place for child victims of pornography offences. For example, Section 13 elaborates on strict confidentiality in evidence-handling processes, while Sections 14 and 18 guarantee witness protection and recovery and reintegration assistance for victims.

Given that the 2009 Act is still in its infancy, it remains to be seen whether its enforcement will yield significant results in combating child pornography.

Although foreign child sex offenders can be prosecuted under Filipino penal laws for the crimes committed in the Philippines' territory, the Philippines are yet to enact extraterritorial legislation under which Filipino citizens who sexually exploit children in a foreign country could be prosecuted under Filipino penal laws in case that they try to escape prosecution in the country where the alleged acts were committed.

Both the Anti-Child Pornography and Anti-Child Abuse Acts establish Filipino jurisdiction over cases of sexual exploitation of children. Section 16(c) of the former Act and Section 31(d) of the latter address the situation where the perpetrator is a foreigner: in addition to serving their sentences in the Philippines, foreigners will be deported and

barred from entering the country ever again.

Fugitive Filipino citizens who may have sexually exploited children in foreign countries may be extradited to these countries as CSEC related offenses according to the 1977 Philippine Extradition Law, provided they meet the requirements of the latter. Such offenses are only extraditable pursuant to a treaty or convention and the offense has to be in accordance with the double-criminality rule, that is, punishable with imprisonment in the Philippines and the country requesting extradition.¹⁴⁶ However, according to the OPSC, if Filipino authorities receive a request for extradition from another state with which it has no extradition treaty, it may consider this the latter treaty to be a legal basis for extradition.¹⁴⁷

Child protection units

Ninety-eight percent of the main police stations across the Philippines are equipped with a Women and Children's Desk (WCD) manned by female police officers who are trained on child-sensitive and child-friendly investigation procedures. In 2008, it was reported that over 60% of the staff assigned to WCD had received specific training on the investigation of crimes relating to child

pornography and child trafficking.¹⁴⁸ The Women and Children Compliance Officer also undertakes monitoring and surveillance of organised criminal groups involved in illegal recruitment, trafficking and production of offensive materials.¹⁴⁹ There is no child friendly investigation law, only the Rules on Examination of Child Witnesses, issued by the Supreme Court to cover all types of child

protection issues.¹⁵⁰

In practice, government agencies have been involved in promoting the adoption of child friendly interview procedures and have conducted training of social workers and police officers. However, the government needs to do more to improve witness protection programmes, because, under the current system, witnesses tend not to file or pursue legal complaints, and often retract statements.¹⁵¹ They are also subject to threats and sometimes accept offers of payment to settle a matter.¹⁵² There is a Witness Protection Program under the Department of Justice; however, there is no specific program for child victims and it appears to only apply in cases considered by the Department to be highly heinous.¹⁵³

Although not specific to sexual exploitation crimes involving children, it may be noted that the National Bureau of Investigation (NBI) contains two divisions that are tasked with investigating crimes that include trafficking, prostitution and pornography. The two divisions are (i) the Violence against Women and Children Division; and (ii) the Anti-Human Trafficking Division.¹⁵⁴ The NBI also has fourteen woman and child-friendly investigation studios in selected cities across the country.¹⁵⁵

The Task Force on Child Protection was created with the appointment of thirteen state prosecutors in different parts of the country with their sole responsibility being prosecution of cases involving children as victims. It was observed, however, that efforts

to improve the handling of cases through the justice system need to be intensified.¹⁵⁶

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.¹⁵⁷ Under these rules, a facilitator may be involved in posing questions to a child witness; a guardian *ad litem* is appointed by the Court to protect the best interests of a child throughout legal proceedings, and a support person chosen by the child may accompany him/her to provide emotional support during testimony.¹⁵⁸ Courts may take a variety of steps to make the courtroom environment more comfortable for child witnesses, including creating a separate waiting area for children, excluding certain persons from the courtroom, allowing a child to testify from a place other than the witness chair, allowing a child to testify at a time of day when he/she is well-rested, permitting a child to use testimonial aids such as dolls and puppets, and allowing a child to have an item of his or her choosing, such as a blanket or toy.¹⁵⁹ The rules permit a child to testify outside the courtroom and have the testimony broadcast by live-link television, or, if the child testifies in the courtroom, to screen off the area so the child cannot see the accused.¹⁶⁰ The rules also permit the use of audio or video interviews as evidence in certain circumstances.¹⁶¹ Longstanding principles in Philippines Family court law hold that a child's participation in proceedings must be consistent with his or her best interests.¹⁶²

Support services for children

Strategies for the recovery and reintegration of victims of CSEC ought to contain immediate and long term policies. Immediate assistance could include medical and psychological care, provision of shelter and legal assistance whereas longer term assistance could include reintegration into school, a return to family (presuming they are not offenders) and financial assistance. In relation to child victims of trafficking for sexual purposes, it is also important to have in place procedures for repatriation or other special assistance for non-nationals.

The Child Protection Unit of the Philippine General Hospital is tasked with providing care for sexually abused and exploited children. The procedure starts with a child-sensitive forensic interview followed by a physical examination by the doctor who is a child protection specialist. Afterwards, a child psychiatrist screens the child for possible mental health issues resulting from abusive sexual experience and the social worker conducts home visits to continue the risk assessment. The care continuum includes counselling art therapy, or psychotherapy, educational assistance, livelihood inputs, and residential care.¹⁶³ The CSPC is reportedly now drafting a unified Protocol on Case Management that would apply to all stakeholders.¹⁶⁴

To support victims of child trafficking, the Department of Social Welfare and Development has cooperated with UNODC to provide temporary shelter, counselling, rehabilitation and vocational training for both victims and witnesses. It was reported

that this support had reached over 1,500 victims in 2007.¹⁶⁵ The DSWD also commenced another project in 2007 (in cooperation with the ILO) aimed at building the capacity of those providing support services to rescued trafficking victims.¹⁶⁶

In 2008, the DSWD produced the Guidelines on the Reintegration Program for Deportees and Returning Undocumented Overseas Filipino Workers that cover assistance to trafficked victims.¹⁶⁷ In 2009, the Department also launched the project on Integrated Social Protection Project for Survivors of Human Trafficking with the aim to improve access to prevention, protection, reintegration and rehabilitation services with the focus on women victims/survivors of human trafficking and their families both in the Philippines and abroad.¹⁶⁸ The DSWD has also developed the National Referral System on the Recovery and Reintegration of Trafficked Persons and the National Recovery and Reintegration Database, which would enable assistance to concerned agencies tasked with providing better services to trafficked victims.¹⁶⁹

Half-way houses have been opened in strategic port areas at Manila South Harbor, Sorsogon, Davao, Batangas and Matnog (a transit point for internal trafficking in women and girls) to assist and protect women and children who may be vulnerable to trafficking.¹⁷⁰ These half-way houses are operated by a number of NGOs, including the Visayan Forum Foundation (in cooperation with the Philippine Ports Authority and UNICEF). ECPAT

Philippines operates a temporary shelter in Quezon City. In addition to shelter, these homes offer information about travel, employment and support networks. It is reported that psychological and social reintegration services are provided especially to woman and girl victims of labour and sexual exploitation.¹⁷¹ The DSWD provides license to child caring institutions, whether shelter or community based.¹⁷²

Under the Anti-Trafficking Act, foreign nationals who are trafficking victims are entitled to protection and assistance, including being allowed to stay in the Philippines as long as necessary to prosecute

those responsible for committing trafficking offences.¹⁷³

It follows from the discussion above that most of the support services provided in the Philippines are geared towards victims of trafficking and to a lesser extent, victims of prostitution. However, it may be noted that under the recently enacted Anti-Child Pornography Act, there is a responsibility on the government to provide support services for victims of child pornography.¹⁷⁴ Since this law has only just entered into force, it is too early to analyse the level and extent of support services being provided to victims of child pornography.

Training law enforcement personnel

Several training sessions for law enforcers, prosecutors, and judges have been held since 2006 on human and child trafficking, child pornography, and child-sensitive approaches in investigation of crimes against children.¹⁷⁵

The Department of Justice has received support from UNICEF in training a pool of 30 state prosecutors to handle trafficking cases involving women and children. The training focused on gender-sensitive and child-friendly investigation procedures and effective gathering and handling of evidences

against alleged perpetrators. The Philippine National Police have accordingly trained 230 police investigators on the investigation of child trafficking, pornography and prostitution.¹⁷⁶

The Philippine Commission on Human Rights has reportedly facilitated the 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.¹⁷⁷

CHILD AND YOUTH PARTICIPATION

In the Philippines children's participation both in practice and in policy is more advanced than in many parts of the world and remains a normative principle among policy-makers.¹⁷⁸ It offers many good practices on child and youth activism backed by government structures and policy framework which is regarded as exemplary for the region.

In 1974, the government of Philippines had introduced the Child and Youth Welfare Code to facilitate active participation of young people in the civic affairs and to prepare them for their future leadership roles.¹⁷⁹ This was done by establishing local Child Protection Councils at the community level (barangay) and by including a youth representative to each of these councils. Although this was part of a political movement (enforced during the Martial Law to allow state sanctioned associations) and more focused on the welfare than the participation of youth- it provided a framework for institutionalization of processes for the children and youth to express their views and be involved in the local governance structures.¹⁸⁰

After the ratification of the CRC in 1990, these structures were further revised in 1991. Youth assemblies known as the Katipunan ng Kabataan (KK) were formed allowing young people (15-17 years) to register in the KK and giving them a right to vote and be elected into a governing body called the Sangguniang Kabataan (SK). The SK Chairperson assumes a seat in the barangay council, and is given full powers and authority like any member of the council.¹⁸¹ Since the bill is already over a decade old, there has been much discussion and debate on the effectiveness of these mechanisms and structures. A UNICEF commissioned study aimed to provide empirical evidence on the impact of the SKs.¹⁸² The research showed that despite negative perceptions and inherent weaknesses in the system, the SK has great potential to become a true

venue for youth participation in the barangay governance structure.¹⁸³ The study concluded that giving the youth a seat in municipal government, entrusting them with a budget mandated by law, listening to them and providing venues for them to meaningfully take part in shaping local policies and programmes could empower young people and transform them into responsible members of the community.¹⁸⁴ The future of SKs is still being debated, and the outcome remains uncertain.

There are many other exemplary initiatives of children and youth participation such as representation in high level advisory bodies, such as the National Anti-Poverty Commission and a strong movement of children and youth organizations such as the Child Domestic Workers Organization, at the local and national levels.

With regard to children and youth participation against CSEC and trafficking, ECPAT Philippines and other child rights NGOs such as Asia ACTs have been actively promoting young people's leadership in the child protection programmes and policies. In 2007, child victims of trafficking attended a consultation workshop where they reviewed the final draft of the Proposed Guidelines for the Protection of the Rights of Trafficked Children.¹⁸⁵ These guidelines relate to the standards of care and treatment of trafficked children from the point of detection up to the support and recovery of the child victim,¹⁸⁶ but these still need to be institutionalised, disseminated, and adapted to the local context.¹⁸⁷

In addition, community workshops have been organized on key issues with the participation of young people particularly those who are highly vulnerable to CSEC and trafficking as well as involving media to share their opinions and recommendations in combating CSEC.¹⁸⁸ There has also been much emphasis on involving children in the prevention of CSEC through awareness

raising activities and the creation of community level “vigilant committees” to safeguard children against trafficking and sexual exploitation.

At the global level, Filipino children were represented at the World Congress III against Sexual Exploitation of Children and Adolescent in Brazil in November, 2008 along with 300 other children from various countries including Brazil. Prior to this, the Filipino children representatives also participated at the preparatory “East

Asia and the Pacific Children’s Forum and Regional Preparatory Consultation” to the WC III, held in Bangkok, Thailand, in August 2008 along with 15 other child representatives. These opportunities enabled children to have in-depth discussions on CSEC and its adverse impact on children. It also allowed them to share good practices and lessons learnt in promoting children’s participation against CSEC at the local and regional levels and based on these, put forth recommendations to the policy makers to escalate actions against CSEC.

STOP Sex Trafficking of Children & Young People Campaign



An important advocacy component of The Body Shop and ECPAT ‘Stop Sex Trafficking of Children and Young People Campaign’ is the country progress card system, which ECPAT and The Body Shop has created to assess the progress of state action on specific commitments and promises to uphold the rights of the child to protection from sex trafficking and all forms of commercial sexual exploitation. In line with the 2008 Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children from the World Congress III against Sexual Exploitation of Children and Adolescents, this innovative tool provides readers with information on states’ action to combat child trafficking, specifically towards the three goals of the campaign:

1. Community-base prevention programmes to stop child trafficking are reaching at-risk populations;
2. International legal standards for protecting children from trafficking have been incorporated into the national legal framework; and
3. Specialised government services for child victims of trafficking are integrated into national policies.

Philippines: Summary of Progress Card*			
Goal 1: Community-base Prevention Programmes			
Prevention	Collaboration	Awareness raising	Teacher training
		★	★
Goal 2: Legal Framework			
Optional Protocol	Trafficking Protocol	National legislation	Special police units
Goal 3: Specialised Services for Child Victims			
Helpline	Shelters	Medical services	Psychological counselling
★			

Green = significant action taken by state; Yellow = partial action taken by state;
Red = inadequate level of state action; Star = work is undertaken by NGOs

From the global assessment of the Progress Cards, the Philippines is among the 53% of countries reviewed which have made some efforts to stop sex trafficking of children and young people. The Philippines has put in place policies and key national legislation to combat trafficking in children. However, the government must now urgently focus on improving law enforcement, sustaining awareness raising campaigns and ensuring that all child victims of trafficking have access to appropriate and specialised psychosocial recovery services.

* The Philippines Progress Card is available at www.ecpat.net



PRIORITY ACTIONS REQUIRED



National Plan of Action

- The Philippines must ensure its NPA on CSEC is up to date and must carry out regular monitoring to ensure that objectives are being met.
- Adequate resources should be allocated to ensure the implementation of all Plans related to CSEC.
- Financial resources should also be allocated for the creation of functional child rights units within the regional Child Rights Centers and to ensure the database on CSEC is duly implemented.

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 and regional authorities and authorities at barangay level. Resources should also be allocated to ensure the functionality of the Local Councils for the Protection of Children so that programs and services are effectively delivered
- More coordination, collaboration and cooperation is required among the various multi-

Prevention

- The Philippines should research and implement strategies to reduce demand for sexual services from children.
- The Philippines must ensure that regular training on CSEC issues is delivered to law enforcement personnel, judges, prosecutors, social workers, personnel from the IT and tourism industries, community leaders, etc.
- The Philippines must intensify advocacy efforts aimed at specific local communities where CSEC problems persist. This may take place in a form of development of popular information, education, and communication materials to increase the awareness of CSEC.

Protection

- The Philippines must ensure its new anti-child pornography laws are effectively enforced.
- To comply with its obligations under the OPSC, the Philippines must enact extraterritorial legislation to ensure that its nationals can be prosecuted for committing CSEC offences abroad.
- The Government must significantly improve efforts to prosecute, convict, and punish trafficking offenders, including officials complicit in trafficking.
- The Philippines must review the existing crimes reporting mechanisms, such as hotlines, to determine whether they are serving the purpose by bridging the victims to appropriate services.

Recovery and Reintegration

- In line with the new anti-child pornography law, the Philippines must ensure that adequate support services are provided to victims of child pornography. Considering the dynamics and nuances of child pornography abuses, services for recovery and healing of children may have to be tailored to address these particularities. A study exploring the need for such changes should be undertaken.
- The Proposed Guidelines for the Protection of the Rights of Trafficked Persons need to be institutionalized, disseminated and adapted to the local context.
- The government must ensure support to NGO service providers to meet up with standards of care and services to trafficked children.
- In light of the lack of information on the progress of the enjoyment of rights of the children rescued who have gone through recovery and healing programs and reintegration, an after-care program needs to be put in place.

Participation

- Although the progress in children's participation is noteworthy, especially in institutionalizing policy framework, a greater emphasis needs to be placed on building capacities of adults and policy makers in promoting common understanding of the concept of participation and overcoming cultural, attitudinal and conceptual barriers to participation.
- The government needs to back up the institutional commitment by allocating adequate resources for the full realization of children's right to participation, especially focusing on those children who are most marginalized and excluded such as those from the poorest communities, minority groups, those employed in worst forms of labour and those who have been affected by sexual exploitation and trafficking.

ANNEX

The Rio de Janeiro Declaration and Call for Action to Prevent and Stop Sexual Exploitation of Children and Adolescents*

Note: This is a condensed version. The full Rio Declaration and Call to Action also contains: Preamble; A. Review of progress and outstanding challenges; and B. Declaration.

C. Call for Action

We call on all States, with the support of international organizations and civil society, including NGOs, the private sector, adolescents and young people to establish and implement robust frameworks for the protection of children and adolescents from all forms of sexual exploitation, and we call upon them to:

I - International and Regional Instruments

- (1) Continue working towards ratification of relevant international instruments, including as appropriate the United Nations Convention on the Rights of the Child and the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Convention on the Elimination of All Forms of Discrimination against Women.
- (2) Continue working towards ratification of relevant regional instruments, including as appropriate the African Charter on the Rights and Welfare of the Child, the ASEAN Charter,

the Inter-American Conventions on International Traffic in Minors and on the Prevention, Punishment and Eradication of Violence against Women, the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution, and the Council of Europe Conventions on Action against Trafficking in Human Beings, on Cybercrime and on the Protection of Children against Sexual Exploitation and Sexual Abuse, conventions which can be ratified by States that are non-members of the Council of Europe.

- (3) State Parties should take all necessary measures to implement the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, taking into due accounts the conclusions and the recommendations of the Committee on the Rights of the Child in the context of its review of State Parties' reports. All countries are encouraged to use this as an important reference.

II – Forms of Sexual Exploitation and its New Scenarios

Child pornography/child abuse images

- (4) Criminalize the intentional production, distribution, receipt and possession of child pornography, including virtual

images and the sexually exploitative representation of children, as well as the intentional consumption, access and viewing of such materials where there has been no physical contact with a child; legal liability should be extended to entities such as corporations and companies in case the responsibility for or involvement in the production and/or dissemination of materials.

- (5) Undertake specific and targeted actions to prevent and stop child pornography and the use of the Internet and new technologies for the grooming of children into online and off-line abuse and for the production and dissemination of child pornography and other materials. Victim identification, support and care by specialized staff should be made a high priority.
- (6) Conduct educational and awareness-raising campaigns focusing on children, parents, teachers, youth organizations and others working with and for children with a view to improve their understanding of the risks of sexually exploitative use of the Internet, mobile telephones and other new technologies, including information for children on how to protect themselves, how to get help and to report incidences of child pornography and online sexual exploitation.
- (7) Take the necessary legislative measures to require Internet service providers, mobile phone companies, search engines and other relevant actors to report and remove child pornography websites and child sexual abuse images, and develop indicators to monitor results and enhance efforts.
- (8) Call upon Internet service providers, mobile phone companies, Internet cafes and other relevant actors to develop and

implement voluntary Codes of Conduct and other corporate social responsibility mechanisms together with the development of legal tools for enabling the adoption of child protection measures in these businesses.

- (9) Call upon financial institutions to undertake actions to trace and stop the flow of financial transactions undertaken through their services which facilitate access to child pornography.
- (10) Set up a common list of websites, under the auspices of Interpol, containing sexual abuse images, based on uniform standards, whose access will be blocked; the list has to be continuously updated, exchanged on international level, and be used by the provider to perform the access blocking.
- (11) Undertake research and development, in the realm of the private sector, of robust technologies to identify images taken with electronic digital devices and trace and retract them to help identify the perpetrators.
- (12) Promote public/private partnerships to enhance the research and development of robust technologies to investigate and to trace the victims with a view to immediately stop their exploitation and provide them with all the necessary support for full recovery.
- (13) Make technologies easily available, affordable and usable for parents and other caregivers, including to assist with the use of filters to block inappropriate and harmful images of children.

Sexual exploitation of children and adolescents in prostitution

- (14) Address the demand that leads to children being prostituted by making

the purchase of sex or any form of transaction to obtain sexual services from a child a criminal transaction under criminal law, even when the adult is unaware of the child's age.

(15) Provide specialized and appropriate health care for children who have been exploited in prostitution, and support child centered local models of recovery, social work systems, realistic economic alternatives and cooperation among programmes for holistic response.

Sexual exploitation of children and adolescents in travel and tourism.

(16) Encourage and support the tourism, travel and hotel sectors in adopting professional Codes of Conduct, for example by joining and implementing the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism; encourage the use of businesses that put in place appropriate child protection-focused corporate social responsibility strategies; and/or provide other incentives for those participating.

(17) Ensure that all stakeholders pay specific attention to unregulated tourism to prevent domestic and international travellers from sexually exploiting children and adolescents.

(18) Cooperate in the establishment of an international travel notification system, such as the Interpol 'green notice' system, in accordance with applicable law and human rights standards.

(19) Ensure investigation and, where sufficient evidence exists, that appropriate charges are brought and vigorously pursued against the State's nationals who are reported or alleged to have sexually exploited a child in a foreign country.

(20) Prohibit the production and dissemination of material advertising the sexual exploitation of children in tourism; and alert travellers to criminal sanctions that will apply in cases of sexual exploitation of children.

(21) Monitor new and emerging tourist destinations and establish proactive measures to work with private sector partners involved in the development of tourism services on measures to prevent the sexual exploitation of children and adolescents, including the use of socially and environmentally responsible strategies that promote equitable development.

Trafficking and the sexual exploitation of children and adolescents

(22) Mobilize communities, including children and adolescents with a view to engaging them in dialogue on and a critical review of social norms and practices and economic and social conditions that make children vulnerable to trafficking, and establish procedures that involve them in developing strategies and programmes where they participate, where appropriate, in the planning, implementation and monitoring of such programmes.

(23) Pilot and adapt or replicate successful models of community-based prevention and rehabilitation and reintegration programmes for child victims of trafficking.

(24) Establish policies and programmes that address not only cross-border but also internal trafficking of children and that include, among other elements, a standard operating procedure for the safe repatriation and return of children based on the child's view and on a careful assessment of the needs and risks to the child of returning to her/his place of origin to ensure that the best interests of the child are taken into account.

- (25) Continue strengthening cross-border and internal cooperation of law enforcement officials, for example by establishing coordinating units with a mandate to issue clear guidelines for child centered investigation of cases of trafficking of children and for treating trafficked children not as criminals but as victims in need of protection.
- (26) Take legislative and other measures to ensure that a guardian is appointed without delay for every unaccompanied trafficked child, that an effective system of registration and documentation of all trafficked children is established, and that every trafficked child is provided with not only short-term protection but also with the necessary economic and psycho-social support for full and long-lasting recovery and social reintegration (in line with the UNICEF

Guidelines on the Protection of Child Victims of Trafficking and UNHCR Guidelines on Formal Determination of the Best Interests of the Child).

- (27) Undertake and/or support, with the involvement of civil society and children, the regular evaluation of programmes and policies to prevent and stop the trafficking of children and of legislation that may have a conducive impact on trafficking, for example laws on marriage, free education, adoption and migration, birth registration, accordance of citizenship, refugee or other status.

III – Legal Frameworks and Enforcement of the Law

- (28) Define, prohibit and criminalize, in accordance with existing international human rights standards, all acts of sexual exploitation of children and adolescents in their jurisdiction, irrespective of any set age of consent or marriage or cultural practice, even when the adult is unaware of the child's age.
- (29) Establish effective extraterritorial jurisdiction, abolishing the requirement of double criminality for offences of sexual exploitation of children and adolescents, and facilitate mutual legal assistance, in order to achieve effective prosecution of perpetrators and appropriate sanctions. Make all acts of sexual exploitation of children and adolescents an extraditable offence in existing or newly established extradition treaties.
- (30) Designate a lead law enforcement agency, where appropriate to national circumstances, to proactively enforce extraterritorial laws related to sexual exploitation of children and adolescents.
- (31) Ensure that child victims of sexual exploitation are not criminalized or punished for their acts directly related to their exploitation, but are given the status of victim in law and are treated accordingly.
- (32) Establish special gender sensitive units/ children's desks within police forces, involving when appropriate other professionals like health care and social workers and teachers, to address sexual crimes against children, and provide specialized training to judicial and law enforcement personnel.
- (33) Address corruption in law enforcement and the judiciary, as well as other authorities with a duty of care to children, recognizing corruption as a major obstacle to effective law enforcement and protection for children.
- (34) Establish and implement international, regional and national legal mechanisms and programmes for addressing sex offender behaviour and preventing recidivism, including through risk assessment and offender management programmes, the provision of voluntary extended and comprehensive rehabilitation services (in addition to but not in lieu of criminal sanctions

as appropriate), safe reintegration of convicted offenders and the collection and sharing of good practices and establish where appropriate sex offenders registers.

IV – Integrated Cross-Sectoral Policies and National Plans of Action General

- (35) Develop and implement comprehensive National Plans of Action on the sexual exploitation of children and adolescents, or include these in existing relevant planning frameworks, such as National Development Plans and ensure that these Plans are based in a cross-sectoral approach which brings all stakeholders together in a coherent and comprehensive framework for action. These Plans should incorporate gender-sensitive strategies, social protection measures and operational plans, with adequate monitoring and evaluation targeted resources and designated responsible actors, including civil society organizations for implementation of initiatives to prevent and stop the sexual exploitation of children and adolescents and provide support for child victims of sexual exploitation.
- (36) Promote and support multi-sectoral policies and programmes, including community-based programmes, within the framework of a comprehensive national child protection system to address phenomena that contribute to the sexual exploitation of children and adolescents including, for example, discrimination (including on the basis of sex), harmful traditional practices, child marriage and social norms that condone sexual exploitation.
- (37) Promote and fund meaningful child and youth participation at all levels in the design, monitoring and evaluation of policies and programmes, in campaigns and through peer-to-peer youth programmes, aimed at raising

awareness and preventing the sexual exploitation and trafficking of children and adolescents.

- (38) Initiate and support the collection and sharing of reliable information and cross-border cooperation, and contribute to databases on victims and perpetrators, to enhance assistance to children and address the demand for sex with children, in accordance with applicable laws.

Prevention

- (39) Ensure that all children born on their territory are registered immediately and for free after their birth and pay special attention to not yet registered children and children at risk and in marginalized situations.
- (40) Strengthen the role of educational institutions and staff to detect, denounce and help address sexual abuse and exploitation of children in all forms and sources.
- (41) Emphasize prevention of sexual exploitation of children and adolescents, through e.g. awareness raising and educational campaigns, support for parents and eradication of poverty while reinforcing or establishing multi-sectoral referral mechanisms to provide comprehensive support and services to children who have been victimized in sexual exploitation.
- (42) Support children to gain deeper knowledge of their own rights to be free from sexual exploitation, and the options available to help them to address abuse, so that they are empowered, with the partnership of adults, to end sexual exploitation.
- (43) Engage children in meaningful and critical examination of changing contemporary values and norms and their potential to increase vulnerability

to sexual exploitation; and promote education to enhance children's understanding of these issues in relation to sexual exploitation.

- (44) Undertake research on contemporary patterns of socialization of boys and men across different contexts to identify factors that promote and strengthen boys' and men's respect for the rights of girls and women and engage them in action initiatives that inhibit and discourage them from engaging in sexual exploitation of children and adolescents.

Protection of the child

- (45) Increase efforts to address the sexual exploitation of children and adolescents through the development of comprehensive and integrated national child protection systems, including the necessary budget allocations and based on identifications of settings where children are most at risk that aim to protect children from all forms of violence and abuse.
- (46) Establish by 2013 an effective and accessible system for reporting, follow up and support for child victims of suspected or actual incidents of sexual exploitation, for example by instituting mandatory reporting for people in positions of responsibility for the welfare of children.
- (47) Develop or enhance accessibility of existing telephone or web-based help lines, in particular for children in care and justice institutions, to encourage children and require care givers to confidentially report sexual exploitation and seek referral to appropriate services, and ensure that the operators of such reporting mechanisms are adequately trained and supervised.
- (48) Strengthen existing national child protection services or establish new

ones in order to provide all child victims of sexual exploitation, girls and boys, without discrimination, with the necessary economic and psychosocial support for their full physical and psychological recovery and social reintegration, and when appropriate, family reunification and interventions that support and strengthen families to mitigate the risk of further exploitation; such services to be provided by well trained multi-disciplinary teams of professionals.

- (49) Ensure that these services are accessible, appropriately resourced, comprehensive, child- and gender-sensitive, and reach all children without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex (or orientation), and social origin and including children with disabilities, from ethnic minorities, indigenous or Aboriginal children, refugee or asylum-seeking and children in domestic service or living on the streets and children displaced by conflict or emergency situations.
- (50) Develop programs that provide children of sex workers and children living in brothels with support and protection.
- (51) Promote and defend the privacy of the child victims and child perpetrators of sexual exploitation, taking into account relevant national laws and procedures, to protect their identity in investigatory or court proceedings or from disclosure by the media and ensure that these proceedings are child friendly and allow the child to participate in a meaningful way in the process of bringing the perpetrator to justice.
- (52) Ensure that children and adolescents exhibiting acts of sexual violence harmful to others receive appropriate care and attention as a first option through gender-sensitive and child-focused measures and programmes that balance their best interest with

due regard for the safety of others, and ensure compliance with the principle that depriving children of liberty should be pursued only as a measure of last resort, and ensure that those responsible for the care of such children are equipped with relevant and culturally appropriate training and skills.

V – International Cooperation

- (53) Take all necessary steps to strengthen international cooperation by multilateral, regional and bilateral arrangements for the prevention, detection, investigation, prosecution and punishment of those responsible for acts of sexual exploitation of children and adolescents; and for the assistance of child victims in their physical and psychological recovery, social reintegration and, as appropriate, repatriation.
- (54) Establish and/or improve by 2013 concrete mechanisms and/or processes to facilitate coordination at national, regional and international levels for enhanced cooperation among government ministries, funding bodies, UN agencies, NGOs, the private sector, workers' and employers' organizations, the media, children's organizations and other representatives of civil society with a view to enabling and supporting concrete action to prevent and stop the sexual exploitation of children and adolescents.
- (55) Strengthen and improve the effectiveness of existing regional mechanisms for exchange, coordination and monitoring of progress on child protection including against sexual exploitation in order to review progress and strengthen follow-up on the implementation of the recommendations made.
- (56) Provide, when in a position to do so, financial, technical and other assistance through existing multilateral, regional, bilateral and other programmes for addressing the sexual exploitation of children and adolescents; and explore the potential of a fund for child and youth initiatives in this area.
- (57) Develop, where appropriate with the support of UN agencies, NGOs, civil society organizations and the private sector, workers' and employers' organizations, policies and programmes to promote and support corporate social responsibility of enterprises operating inter alia in tourism, travel, transport and financial services, and of communication, media, Internet services, advertising and entertainment sectors; so that child-rights focused policies, standards and codes of conduct are implemented throughout the supply chain and include an independent monitoring mechanism.
- (58) Support and contribute to the Interpol international child abuse images database and nominate a responsible national focal point person or unit to collect and update promptly national data on sexual exploitation of children and adolescents, and systematically share this information with Interpol in order to support cross-border (international) law enforcement action and strengthen its effectiveness, and adopt multilateral agreements especially for police investigation work.
- (59) Undertake national and international coordinated measures to curb and stop the involvement of organized crime

in commercial sexual exploitation of children and bring persons and/or legal entities responsible for this form of organized crime to justice.

VI – Social Responsibility Initiatives

We encourage the private sector, employers' and workers' organizations, to proactively engage in all efforts to prevent and stop the sexual exploitation of children and adolescents, and to use their knowhow, human and financial resources, networks, structures and leveraging power to:

- (60) Integrate child protection, including the prevention of sexual exploitation of children, into new or existing corporate social responsibility policies of enterprises operating inter alia in tourism, travel, transport, agriculture and financial services, and of communication, media, Internet services, advertising and entertainment sectors, and ensure appropriate implementation of such policies and widespread public awareness.
- (61) Incorporate the prevention and protection of children from sexual exploitation in human resources policies, such as Codes of Conduct and other corporate social responsibility mechanisms throughout the supply chain.
- (62) Join efforts with Governments, UN agencies, national and international NGOs, and other stakeholders to prevent the production and dissemination of child pornography, including virtual images and the sexually exploitative representation of children, and stop the use of the Internet and new technologies for the grooming of

children into online and off-line abuse; undertake actions to trace and stop the flow of financial transactions for sexual exploitation of children through the services of financial institutions; support efforts to address the demand for sexual exploitation of children in prostitution and the strengthening of services for children victims and their families, including the establishment of accessible telephone or web-based help lines; and provide support for educational and awareness-raising campaigns targeting children, parents, teachers, youth organizations and others working with and for children, on the risks of sexual exploitation of children, sexually exploitative use of the Internet, mobile phones and other new technologies as well as on protective measures.

VII – Monitoring

- (63) Establish by 2013 independent children's rights institutions such as children's ombudspersons or equivalents or focal points on children's rights in existing human rights institutions or general ombudsperson offices, highlighting the importance for States Parties to the Convention on the Rights of the Child of General Comment No 2 of the Committee on the Rights of the Child; these bodies should play a key role in the independent monitoring of actions taken for the prevention of sexual exploitation of children and adolescents, protection of children from such exploitation and the restoration of the rights of sexually exploited children, in advocating for effective legal frameworks and enforcement and in ensuring, where necessary, that child victims have effective remedies and

redress, including the possibility of filing complaints before these institutions.

We encourage the Committee on the Rights of the Child to:

- (64) Persevere with reviewing progress of States Parties' fulfilment of their obligations to uphold the right of children to protection from sexual exploitation and pay special attention to the recommendations in the Rio Call for Action in its examination of reports under the Convention on the Rights of the Child and its Optional Protocols.
- (65) Adopt as a matter of priority a General Comment on the right of the child to protection from sexual exploitation, trafficking for sexual purposes, and the abduction and sale of children, including detailed guidance to States on the development, implementation and enforcement of national legislation and policies in this regard.
- (66) Continue to work with the Office of the High Commissioner for Human Rights in protecting child rights, and raising awareness of relevant international and regional human rights mechanisms.

We encourage other United Nations human rights treaty bodies, special procedures of the Human Rights Council and special representatives of the United Nations Secretary-General, as well as regional human rights mechanisms, to:

- (67) Pay particular attention to combating the sexual exploitation of children and adolescents, within their respective mandates and during their examination of State Parties' reports, country visits, in their thematic work and/or other activities.

We urge the Human Rights Council to:

- (68) Ensure that the Universal Periodic Review process includes rigorous examination of States' fulfilment of their obligations to children, including preventing and stopping the sexual exploitation of children and adolescents and to respectfully the rights of child victims of such exploitation.

We urge the yet-to-be-appointed Special Representative of the Secretary-General on Violence against Children, the Special Representative of the Secretary-General for Children and Armed Conflict, the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography and the Special Rapporteur on Trafficking in Persons, especially in Women and Children, together with other appropriate mandate holders and in collaboration with the Committee on the Rights of the Child, to:

- (69) Work together to avoid duplication and to maximise their impact in preventing and stopping the sexual exploitation of children and adolescents and, through their work, map experiences in the area of prevention and response to sexual exploitation of children and assess their effectiveness.

We encourage UN agencies, NGOs and human rights institutions to:

- (70) Support and provide information on the extent of and responses to sexual exploitation of children and adolescents to these bodies.
- (71) Work with the media to enhance their role in education and empowerment, and in protecting children from sexual exploitation, and to mitigate the harmful potential of the media, including

through the sexualization of children in advertising.

We call on international financial institutions such as the World Bank and the International Monetary Fund to:

- (72) Review their current macro-economic and poverty reduction strategies with a view to counteracting any negative social impact on children and their families, including loan conditionality which essentially limits social services and access to rights and minimizing the risk for children to sexual exploitation.

We call on religious communities to:

- (73) Reject, in the light of their consensus about the inherent dignity of every person, including children, all forms of violence against children including sexual exploitation of children and adolescents and establish, in that regard, multi-religious cooperation and partnership with other key stakeholders such as governments, children's organizations, UN agencies, NGOs, media and the private sector using their moral authority, social influence and leadership to guide communities in ending sexual exploitation of children and adolescents.

C. Call for Action

(1) We commit ourselves to the most effective follow-up to this Call for Action:

- At the national level, inter alia, by biennial public reporting on the measures taken for the implementation of the Rio Declaration and Call for Action and promoting/initiating discussions on the progress made and the remaining challenges to named responsible mechanisms for monitoring implementation while also integrating such requirements into State reporting to the Committee on the Rights of the Child.
- At the international level, by encouraging and supporting coordinated actions by the relevant human rights treaty bodies, special procedures of the Human Rights Council and Special Representatives of the Secretary-General of the United Nations with a view to maintaining awareness of the Rio Declaration and Call for Action and promoting its implementation.

- (2) Encourage the private sector to join the United Nations Global Compact and communicate their implementation progress with regard to addressing the sexual exploitation of children and adolescents and supporting the realization of this platform for coordinated corporate efforts and sharing of best practices.

ENDNOTES

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ECPAT International

328/1 Phayathai Road
Ratchathewi, Bangkok
10400 THAILAND
Tel: +662 215 3388, 662 611 0972
Fax: +662 215 8272
Email: info@ecpat.net
Website: www.ecpat.net