



**Convention on the
Rights of the Child**

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Committee on the Rights of the Child

**Optional Protocol on the sale of children, child prostitution
and child pornography**

**List of issues concerning information related to the
consideration of the initial report of the Philippines
(CRC/C/OPSC/PHL/1)**

Addendum

Written replies of the Philippines*

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not edited.

**Reply to the issues raised in paragraph 1 (a) of the list of issues
(CRC/C/OPSC/PHL/Q/1)**

1. The Philippines, through the Department of the Social Welfare and Development (DSWD), for the 1st Quarter of CY 2012 has served/provided services (center-based and community-based) to a total of eighty three (83) children (14 male, 69 female):

- Center Based 56 (all female);
- Community based 27 (14 male, 13 female);
- CY 2011 36 cases served (3 male, 33 female);
- CY 2010 48 served (1 male, 47 female).

2. The Philippines, through the Philippine National Police (PNP) consolidated reports nationwide: one case on cyber pornography specifically from Region XIII and eight cases of cyber pornography, specifically 1 case from Region XIII and 8 cases handled by Criminal Investigation and Detection Group (CIDG).

3. The Philippines, through the Philippine Center on Transnational Crime (PCTC):

- Six (6) cases of child pornography/prostitution in 2010 and six cases also in 2011 served by their agency.

Reply to the issues raised in paragraph 1 (b) of the list of issues

Table 1: Number of convictions for violations of the Anti-Trafficking Law passed in 2004 involving minors

<i>2009</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>Total</i>
7	6	11	6	30

Note: This is among the seventy (70) convictions achieved for the period from 2005 to the present.

4. The Philippines through the Department of Justice is currently working on the nationwide implementation of its National Prosecution Service Complaint Information System to allow the efficient generation of offense disaggregated data particularly on the cases of prostituted and sale of children as well as victims of child pornography.

Table 2: Reported data on assistance and rescue operations of alleged trafficked minors (2012 Philippine Government Report for the US Department of State Trafficking in Persons):

<i>Government Agency/Group Involved</i>	<i>Number</i>	<i>Period</i>
1343 Action Line (Commission on Filipinos Overseas)	4	March – Dec 2011
National Bureau of Investigation (NBI)	93	Jan – Dec 2011
Manila North Harbor Task Force Against Trafficking	28	2011
National Inter-Agency Task Force Against Trafficking (NIATFAT)	6	2011
Sea-based Anti-Trafficking Task Force (SBATTF)	96 female 73 male	2011
Department of Labor and Employment	114	September 2011

Note: Interagency monitoring of trafficking cases were established only in 2011

Reply to the issues raised in paragraph 1 (c) of the list of issues

5. Data collection in the Philippines is still done manually by concerned agencies. The Philippine National Police (PNP), the Department of Justice (DOJ), and the Department of Social Welfare and Development (DSWD) have their own reporting forms on children offered, delivered or accepted for prostitution, engagement in forced labor, illegal adoptions, organ transfer, pornography or sale of children. The Philippines is in the process of validating these reports.

Reply to the issues raised in paragraph 1 (d) of the list of issues**(d) Child victims who have been given assistance with reintegration or been paid compensation.**

6. The Philippines, through the Department of Justice, is still in the process of finalizing the data on this item.

Reply to the issues raised in paragraph 2 of the list of issues

7. The Philippines through the Council for the Welfare of Children (CWC) developed the Subabay Bata Macro Monitoring System (Child Macro Monitoring System). It serves as an institutional mechanism for the Council to effectively monitor the government compliance to the provisions of the Convention on the Rights of the Child so as to be able to come up with comprehensive data on (i) the annual Status of Filipino Children report and (ii) for the Philippine Implementation Report on the CRC

8. The steps in developing the system include: 1) identification of the indicators; 2) validation of indicators in a series of consultation workshops participated in by various stakeholders, particularly, the CWC Task Forces; 3) the sources of the basic data elements for each indicator was then identified under the assumption that these can be generated from either the administrative reports of partner/cooperating agencies or from censuses and surveys conducted by the statistical system; 4) the implementation assumes that the system can be implemented through the CWC secretariat and its partner/cooperating agencies and; 5) the implementation assumptions of system were validated by several pilot-testing efforts conducted jointly by the CWC secretariat and its partner/cooperating agencies.

9. Relevant to the above System of data collection, the Philippines through the Asia Acts against Child Trafficking and the Inter-Agency Council Against Trafficking (IACAT) created the Philippine Anti-Trafficking in Persons Database (PATD). The system systematically documents and keeps track all referrals for the provision of appropriate services to trafficked persons, which may include children, including the investigation and prosecution of violations of R.A. No. 9208.

10. Meanwhile, the Philippines through the Department of Justice (DOJ) created the National Justice Information System (NJIS). This newly developed system will interconnect existing information systems of justice sector agencies for the purpose of information sharing and coordination. Existing information systems include the eBlotter Information System of the Philippine National Police (PNP), Border Control System and Derogatory Information System of the Bureau of Immigration (BI), Case Information Management of the National Bureau of Investigation (NBI), National Prosecution Service Complaint Information System of the Department of Justice (DOJ), Case Monitoring System of the Judiciary, Inmate Information System of the Bureau of Corrections (BuCor).

11. The System will also interconnect including data from the Philippine Center for Transnational Crimes (PCTC). In the development of the Operational Plan of the Inter-Agency Council Against Child Pornography (IACACP), it will be assigned a clearing

house in terms of referring cases to concerned offices i.e., Criminal Investigation and Detection Group (CIDG) and National Bureau of Investigation (NBI). The PCTC will log on referred cases to ensure that cases are referred and monitored adopting a uniform reporting template. In cases that more than one agency is handling a specific case, the PCTC will facilitate which agency will continue to handle the case.

Reply to the issues raised in paragraph 3 of the list of issues

12. The Philippines through the Council for the Welfare of Children (CWC) conducted the “Summit of Inter-Agency Councils and Committee” last July 12-13, 2012 aimed at developing and adopting a system of collaboration and coordination between and among Councils and Committees wherein most agencies are members of at least 2 or 3 committees/councils. During the Summit assessment of the roles and functions of CWC vis-a vis the other Councils and Committees to identify overlaps, harmonize mandates, and achieve cost-effectiveness was conducted. The Summit surfaced a recommendation to develop an operational mechanism for coordination and collaboration among Inter-Agency Councils (IACs) particularly along the following areas of concerns:

- Planning, Programming and Implementation;
- Research, Integrated Information Management System, Monitoring and Evaluation;
- Policy Development;
- Advocacy, Communication, Resource Mobilization;
- Capacity Building.

13. As a follow through action to the Summit, the Philippines through the Committee for the Special Protection of Children (CSPC), Interagency Council Against Trafficking (IACAT) and the Juvenile Justice Welfare Council (JJWC) developed a joint Strategic Plan for 2012-2016. The Plan outlined activities which shall be jointly undertaken by the committee/councils for the purpose of improved program coordination, resource allocation and a stronger program impact.

14. Moreover, the Committee for the Special Protection of Children (CSPC), a committee looking into the child abuse cases, formulated the Protocol for Case Management of Child Victims of Abuse, Neglect, and Exploitation for the guidance of all concerned government agencies, non-government organizations, and other stakeholders. A protocol is a set of standards to ensure the protection of the rights of child victims of abuse, neglect, and exploitation and highlights the roles and responsibilities of government agencies and their partners, from reporting or referral of a child abuse case until its termination, ensuring that child victims are dealt with in a most child-sensitive and appropriate manner.

Reply to the issues raised in paragraph 4 of the list of issues

15. The government allocates an annual budget to the legislated councils and committees to pursue programs against child abuse, exploitation and trafficking. It appropriated funds, in the 2011 and the 2012 national budget for the Inter-Agency Council Against Trafficking (IACAT), to include the P25,000,000.00 for the Department of Social Welfare and Development’s anti-trafficking programs.

16. The above mentioned budget ensures that there are available services for trafficked persons, especially for care and support of child victims. These services include psychosocial, medical, legal and economic services that will enable them to recover from the traumatic experience. A multi-sectoral approach is employed in order to maximize existing programs and services for trafficked persons.

17. Efforts of the national government agencies also include capacitating and encouraging local government units to allocate from their local budgets a line item for child protection programs including the matter covered by the Optional Protocol.

18. Technical assistance is given to the Local Councils for the Protection of Children to draft local ordinances and corresponding budgetary allocation for the implementation of programs on child protection.

Reply to the issues raised in the first sentence of paragraph 5 of the list of issues

19. A rapid assessment of the implementation of the 1st National Plan of Action for Children (1st NPAC) spanning the period of 2005 to 2008 was conducted in 2010. Objectives of the rapid assessment were:

(a) Look at how the NPAC and its companion plans — Early Childhood Care and Development Directional Plan and Comprehensive Program for Child Protection — were implemented at the national (secretariat and member agencies and structures) and regional levels;

(b) Review progress made in implementing the proposed interventions per life stage; and

(c) Come up with recommendations on how to fast-track the implementation of the National Plan of Action for Children (NPAC), including possible adjustments in its goals and targets.

20. The rapid assessment involved the following processes:

(a) Review of materials from the National Plan of Action for Children (NPAC) Secretariat, member agencies and the Regional Sub-Committees for the Welfare of Children – which includes the Child 21, NPAC 2005-2010, Comprehensive Programme on Child Protection 2006-2010 and Early Childhood Care and Development Directional Plan 2007-2010 documents; the Third and Fourth Periodic State Report to the United Nations Committee on the Rights of the Child; Country Reports on the Millennium Development Goals and World Fit for Children; State of the Filipino Children Reports; the 2007 Assessment Report on the Regional Committees/Sub-Committees for the Welfare of Children; and reports from several government agencies and non-government organizations with programs and services that directly benefit children;

(b) Interviews with key representatives of the Council for the Welfare of Children were also conducted to identify issues, gaps and challenges in the implementation of the National Plan of Action for Children (NPAC);

(c) Two consultation meetings/workshops were facilitated: one with the Sectoral Representatives of the National Anti-Poverty Commission – Children Basic Sector (NAPC-CBS), and another with representatives of various government agencies and non-government organizations;

(d) Review of the Philippine National Government Organization Coalition Monitoring Report on the Implementation of the Convention on the Rights of the Child 2001-2007 was also undertaken to derive information from the perspectives of civil society organizations and of children from various urban and rural communities.

21. The 1st NPAC was designed to capture plans and programs; its design does not capture outcomes.

22. Admittedly, it is one of the limitations of the 1st NPAC. However, this limitation is already corrected in the 2nd NPAC, hence, the Chapter on Monitoring, Evaluation and

Reporting for Children and the Results matrix: NPAC Goals/MDGs, Targets, and Programs which will be able to determine outcomes.

23. The Comprehensive Program for Child Protection (CPCP) which is a companion document of the National Action Plan for Children (NPAC) has been formulated. The Comprehensive Program for Child Protection (CPCP) is an expansion of the protection component of the National Plan of Action for Children (NPAC) and considers its Plan strategies to minimize if not to end sale and prostitution of children and child pornography.

Reply to the issues raised in the second sentence of paragraph 5 of the list of issues

24. The development of the 2nd National Plan of Action for Children (NPAC) 2011 – 2016 underwent the following processes:

(a) Consultation with the different committees and sub-committees of the CWC which involved both government agencies and non-government organizations;

(b) Cluster consultations with the Regional Sub-Committee for the Welfare of Children (RSCWC) – Luzon, Visayas and Mindanao – attended by members coming from the National Government Agencies (NGAs), Non-Government Organizations (NGOs) and Local Government Units (LGUs);

(c) Consultation with children to get their perspective on the things that the plan should give priority;

(d) Consultation with the different inter-agency councils and committees;

(e) One-on-one consultation with key line agencies;

(f) Meetings with the sub-committees on Commercial Sexual Exploitation of Children (CSEC) and Children Affected by Armed Conflict (CCAC) under the Council for the Welfare of Children (CWC);

(g) Presentation and discussion with the members of the Technical Management Group.

25. The final stage of the process was the adoption of the Council for the Welfare of Children (CWC) Board which happened during its 4th quarter meeting on December 14, 2011.

Reply to the issues raised in paragraph 6 of the list of issues

26. The Council for the Welfare of Children (CWC), together with its partner government agencies, non-government organizations, faith-based groups, local governments continue to celebrate significant children's events that serve as venues to advocate for the promotion and protection of child rights. The annual National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation held every 2nd week of February, had its kick-off activity in one city outside of Metro Manila with support from the local government. The celebration focused on the safety of children and young people from abuse and exploitation emanating from the use and access to internet or cyberspace.

27. In partnership with the Department of Education and other organizations working on children, the Center for the Prevention and Treatment of Child Sexual Abuse, a Non-Government Organizations (NGO) partner is undertaking a Safety School Campaign premised on building a protective environment for children through safety in schools. Specifically, this initiative supports the full implementation of the Department Order No. 45 series of 2009 which is "institutionalization of the Personal Safety Lessons in All Public Elementary and Secondary Schools Nationwide, and the Department Order No. 40 series of 2012 otherwise the "Department of Education Child Protection Policy".

Street children

28. Families and children living on the streets are more prone to different forms sexual exploitation such as prostitution and more exposed to pornographic materials.

29. A preventive program called the “Comprehensive Program for Street Children, Street Families and Indigenous Peoples especially Sama –Badjaus” has been developed and implemented by DSWD, local government units, and other non-government organizations and partners. Its main goal is to have zero children working and/or living on the streets.

30. The program provides a package of services and interventions to respond to the needs and give opportunities for street children, street families and the Bajaus to live productively and in a safe environment. Specific services include the establishment/ setting-up of activity centers, day and night minding centers, camping for street children, relocation project for street families and Bajau, “balik probinsya” (back to province) project, sampaguita planting project, and provision of livelihood assistance/ opportunities through Self-Employment Assistance-Kaunlaran (SEA-K), access to skills training, provision of educational assistance, and other support services available in the community.

31. The Advocacy Component of the Comprehensive Program, handled by the Council for the Welfare of Children together with the Department of the Interior and Local Government (DILG), include strengthening and sustaining the Local Council for the Protection of Children (LCPCs) especially the Barangay Councils for the Protection of Children (BCPCs), consultations with faith-based organizations, provision of incentives to BCPCs in 10 priority areas in (National Capital Region (NCR) to start the work for street children, developing Information, Education and Communication (IEC) materials containing key messages on how to help the street children, popularization of the protocol to reach out to street children, and continuous advocacy and coordination with the Metro Manila Local Chief Executives to ensure support for the implementation of the comprehensive program.

Children in Disasters

32. The Child Protection Working Group (CPWG) chaired by the Council for the Welfare of Children was organized to ensure children’s protection rights, issues and needs are highlighted in times of disasters or emergency situations. Its creation was anchored on the need to coordinate activities aimed at strengthening the protection of children in disaster-stricken areas. It was established to bring together in one forum child protection actors and partners operating in areas affected by the two disasters. The CPWG aims to focus on protection issues of children that results from or have been exacerbated by major disasters. It was also organized to facilitate the development and coordination of child protection strategies and responses, including advocacy with authorities and humanitarian actors.

33. The CPWG initiated a project on the Registration and Family Tracing of Separated and Unaccompanied Children in response to the need to highlight children’s issues and concerns related to TS Ketsana (Ondoy) and TY Parma (Pepeng). The project aimed to validate, refer and monitor the case management activities of the reported cases of children that were affected by the disaster.

34. The project also covered the dead, orphaned and reunited cases as well as other child abuse cases resulting from the impact of Tropical Storm Ketsana and Typhoon Parma.

Children in Armed Conflict

35. The Philippine Government, fully aware of the condition of children in situations of armed conflict, continues its efforts to ensure measures are taken to alleviate their situation,

consistent with its commitment to uphold and adhere to the provisions of the UN Convention on the Rights of the Child. These measures include the establishment of the Monitoring, Reporting, and Response System (MRRS) for Grave Child Rights Violations in Situations of Armed Conflict (MRRS-GCRVSAC). Its primary objective is to protect children in situations of armed conflict by preventing occurrence of grave child rights violations and ensuring the provision of appropriate and timely response in the event of such violations. Through MRRS-GCRVSAC standard data are also generated to serve as the government source of information on all matters pertaining to such violations.

36. The Council for the Welfare of Children is still in the process of establishing the Monitoring, Reporting, and Response System for Grave Child Rights Violation in Situations of Armed Conflict (MRRS-GCRVSAC) from local levels to national levels. Once established, series of orientations with the front line workers in select provinces will be conducted capacitating them what to report (identifying possible GCRV), where to report, and how to report and provide response/interventions to child victims.

37. Once this system becomes operational, the following interventions may be provided to child victims:

- (a) Rescue;
- (b) Medical;
- (c) Psychosocial
- (d) Counseling;
- (e) Rehabilitation;
- (f) Education.

38. Protocol on MRRS-CCRVSAC, which includes placing prime consideration to confidentiality of cases, is already drafted.

Reply to the issues raised in the first sentence of paragraph 7 of the list of issues

39. The country has several laws which criminalize the sale of children, child prostitution and child pornography.

40. R.A. No. 7610 otherwise known as the Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination provides in its following provisions the definition of those who have committed the offense and the penalty under the law:

- Sec.5:

(a) Those who engaged in or promote, facilitate or induce child prostitution which include, but are not limited to, the following:

1. Acting as a procurer of a child prostitute;
2. Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
3. Taking advantage of influence or relationship to procure a child as prostitute;
4. Threatening or using violence towards a child to engage him as a prostitute; or
5. Giving monetary consideration goods or other pecuniary benefit to a child with intent to engage such child in prostitution.

(b) Those who commit the act of sexual intercourse of lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; Provided, That when the victims is under twelve (12) years of age, the perpetrators shall be prosecuted under Article 335, paragraph 3, for rape and Article 336 of Act No. 3815, as amended, the Revised Penal Code, for rape or lascivious conduct, as the case may be: Provided, That the penalty for lascivious conduct when the victim is under twelve (12) years of age shall be reclusion temporal in its medium period; and

(c) Those who derive profit or advantage therefrom, whether as manager or owner of the establishment where the prostitution takes place, or of the sauna, disco, bar, resort, place of entertainment or establishment serving as a cover or which engages in prostitution in addition to the activity for which the license has been issued to said establishment.

- Sec. 7. Child Trafficking – Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.
- Sec. 9. Obscene Publications and Indecent Shows – Any person who shall hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, whether live or in video, or model in obscene publications or pornographic materials or to sell or distribute the said materials shall suffer the penalty of provision mayor in its medium period.
- If the child used as a performer, subject or seller/distributor is below twelve (12) years of age, the penalty shall be imposed in its maximum period.
- Any ascendant, guardian, or person entrusted in any capacity with the care of a child who shall cause and/or allow such child to be employed or to participate in an obscene play, scene, act, movie or show or in any other acts covered by this section shall suffer the penalty of prision mayor in its medium period.
- Sec. 11. Sanctions of Establishments or Enterprises which Promote, Facilitate, or Conduct Activities Constituting Child Prostitution and Other Sexual Abuse, Child Trafficking, Obscene Publications and Indecent Shows, and Other Acts of Abuse. – All establishments and enterprises which promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse shall be immediately closed and their authority or license to operate cancelled, without prejudice to the owner or manager thereof being prosecuted under this Act and/or the Revised Penal Code, as amended, or special laws.

41. R.A. No. 9208 otherwise known as the Anti-Trafficking in Persons Act of 2003 provides the definition of an offense and penalty under the law in its following provisions:

- Sec. 4. Acts of Trafficking in Persons. - It shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;

(b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering,

selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labour or slavery, involuntary servitude or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

(e) To maintain or hire a person to engage in prostitution or pornography;

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;

(g) To recruit, hire, adopt, transport or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and

(h) To recruit, transport or adopt a child to engage in armed activities in the Philippines or abroad.

- Sec. 6. Qualified Trafficking in Persons. - The following are considered as qualified trafficking:

(a) When the trafficked person is a child;

(b) When the adoption is effected through Republic Act No. 8043, otherwise known as the "Inter-Country Adoption Act of 1995" and said adoption is for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage;

(c) When the crime is committed by a syndicate, or in large scale. Trafficking is deemed committed by a syndicate if carried out by a group of three (3) or more persons conspiring or confederating with one another. It is deemed committed in large scale if committed against three (3) or more persons, individually or as a group;

(d) When the offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person or when the offense is committed by a public officer or employee;

(e) When the trafficked person is recruited to engage in prostitution with any member of the military or law enforcement agencies;

(f) When the offender is a member of the military or law enforcement agencies; and

(g) When by reason or on occasion of the act of trafficking in persons, the offended party dies, becomes insane, suffers mutilation or is afflicted with Human Immunodeficiency Virus (HIV) or the Acquired Immune Deficiency Syndrome (AIDS).

42. R.A. 9775 or the Anti-Child Pornography Act of 2009 stipulates the Penal Provisions in its Section 12; Penalties and Sanctions under Section 13; and Confiscation and Forfeiture of the Proceeds and Instruments Derived from Child Pornography in Section 19. The Act also created the Inter-Agency Council Against Child Pornography (IACACP), a the body that coordinates, monitors and oversees the implementation of the law.

43. RA 9995 or the Anti-Photo and Video Voyeurism Act of 2009 provides in its Section 4, the identified and categorized activities considered as Unlawful and prohibited and in its Section 5 the penalties; to wit:

- The penalty of imprisonment of not less than three (3) years but not more than seven (7) years and a fine of not less than One hundred thousand pesos (P100,000.00) but not more than Five hundred thousand pesos (P500,000.00), or both, at the discretion of the court shall be imposed upon any person found guilty of violating Section 4 of this Act.
- If the violator is a juridical person, its license or franchise shall automatically be deemed revoked and the persons liable shall be the officers thereof including the editor and reporter in the case of print media, and the station manager, editor and broadcaster in the case of a broadcast media.
- If the offender is a public officer or employee, or a professional, he/she shall be administratively liable.
- If the offender is an alien, he/she shall be subject to deportation proceedings after serving his/her sentence and payment of fines.

44. R.A. 8484 otherwise known "An Act Regulating the Issuance and use of Access Devices, Prohibiting Fraudulent Acts Committed Relative thereto, Providing Penalties and for other Purposes or the Access Devices Regulation Act of 1998" details punishable offenses in its following stipulations: Sections 9, Prohibited Acts; Section 11, Conspiracy to commit access device fraud; Section 12, Frustrated and attempted access device fraud; Section 13, Accessory to access device fraud and; Section 14, Presumption and prima facie evidence of intent to defraud. Its Section 10 provides for appropriate penalties to wit.

45. Any person committing any of the acts constituting access device fraud enumerated in the immediately preceding section shall be punished with:

(a) a fine of Ten thousand pesos (P10,000.00) or twice the value obtained by the offense, whichever is greater and imprisonment for not less than six (6) years and not more than ten (10) years, in the case of an offense under Section 9 (b)-(e), and (g)-(p) which does not occur after a conviction for another offense under Section 9;

(b) a fine of Ten thousand pesos (P10,000.00) or twice the value obtained by the offense, and imprisonment for not less than ten (10) years and for not more than twelve (12) years, in the case of an offense under Section 9 (a), and (f) of the foregoing section, which does not occur after a conviction for another offense under Section 9; and

(c) a fine of Ten thousand pesos (P10,000.00) or twice the value obtained by the offense, or imprisonment for not less than twelve (12) years and not more than twenty (20) years, or both, in the case of any offense under Section 9, which occurs after a conviction for another offense under said subsection, or an attempt to commit the same.

46. With regards to assistance provided to victims-survivors sale of children, child prostitution and child pornography, the Philippines through the Department of Social Welfare and Development (DSWD) maintains the following residential care unit/ temporary shelters that are accessible in different regions of the Philippines which offers counselling, psycho-social services and /or, recovery, rehabilitation programs and livelihood assistance to victims of child abuses:

(a) Home/Center for Girls - a child-caring facility that provides protection, care, treatment and rehabilitation services to abused and exploited girls below 18 years old;

(b) Marillac Hills (Also known as National Training School for Girls) - a child caring facility that provides care and rehabilitation to female children in conflict with the law, abused and exploited girls below 18 years old;

(c) Reception and Study Center for Children – a child-caring facility that provides psychosocial services to children particularly to girl children 0 to 6 years of age. The RSCC aims to help the child achieve child survival, development and protection.

47. The abovementioned centers provide services under the acronym SHEPHERDS which means: (a) social services; (b) homelife service; (c) education; (d) psychosocial/psychiatric; (e) economic productivity/skills training and socio-cultural; (f) recreational; (g) dental/medical; (h)spiritual.

Reply to the issues raised in the second sentence of paragraph 7 of the list of issues

Child Wise Tourism

48. The Philippines continues to strengthen the implementation of the Child Wise Tourism (CWT) program in adherence to the country's commitment in promoting and protecting child rights. The CWT was launched in the country's premier tourist destinations, Boracay and Puerto Princesa City, Palawan in 2010.

49. Through the Program, the Department of Tourism (DOT) gives premium to family; its tourism facilities follow standards that promote family togetherness and ensure safety of children.

50. Its capacity-building component gives priority to frontline service providers like the police officers, taxi drivers, hotel frontline workers and the local tourism officers.

51. Its awareness campaign component is facilitated through the development of materials that included billboards, stickers, and posters posted in hotels, airlines, airports, and tourism and police offices in main tourist destinations in the Philippines.

52. It's hotline number, 0919-777-7377, is made available to the public for reports of abuse or suspicions that needs to be brought to the attention of the authorities.

53. The implementation of CWT is supported by other government and non-government agencies such as the Department of Justice (DOJ), the Department of Social Welfare Development (DSWD), Philippine National Police and the End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) Philippines, Philippine Chamber of Commerce and Industry, and local government units.

Reply to the issues raised in the first sentence of paragraph 8 of the list of issues

54. Instead of pegging the minimum age for sexual consent, bills on amending the age of statutory rape have been filed in the 15th Congress proposing to increase of age of statutory rape. The bills do not just raise the age of statutory rape from 12 years old to 16 years old, but also protect more children in the age bracket, and stipulates other acts of sexual abuse such as acts of lasciviousness, seduction, corruption of minors, white slavery and abduction with specified minimum ages of applicability.

55. The House of Representatives (HOR) has filed House Bill Nos. 681 and 3049 which are still pending with the Committee on the Revision of Laws, and the Senate has filed Senate Bill Nos. 1513 and 2121 which are also still pending with the Committees on Justice and Human Rights and on Youth, Women and Family Relations with the above specified provisions.

Reply to the issues raised in the second sentence of paragraph 8 of the list of issues

56. Section 5 of Republic Act No. 7610 (Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act) defines those children, who for money, profit, or any other consideration or due to the coercion or influence of any adult, syndicate or group, indulge in sexual intercourse or lascivious conduct, are deemed to be children exploited in prostitution and other sexual abuse. These children are considered victims. The law penalizes said children victimized by the following:

1. Those who engage in or promote, facilitate or induce child prostitution;
2. Those who commit the act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subject to other sexual abuse; and
3. Those who derive profit or advantage from such children.

57. Section 7 of the same law also penalizes any person who engages in child trafficking or trading and dealing with children which includes the act of buying and selling of a child for money, or for any other consideration, or barter.

58. Republic Act No. 9775 (Anti-Child Pornography Act of 2009) provides that the physical, moral, spiritual, intellectual, emotional, psychological and social well-being of children are promoted and protected by the government. Particularly, they are protected from all forms of exploitation and abuse including, but not limited to their use in pornographic performances and materials and their inducement or coercion to engage or be involved in pornography through whatever means.

59. Under the same law, the victim of child pornography and his/her family shall be entitled to protection as well as to the rights and benefits of witnesses under Republic Act No. 6981 (The Witness Protection, Security and Benefit Act). The same law considers him/her as a victim of a violent crime defined under Republic Act No. 7309 (An Act Creating a Board of Claims under the Department of Justice for Victims of Unjust Imprisonment or Detention and Victims of Violent Crimes and for Other Purposes). Section 17 of Republic Act No. 9208 (Anti-trafficking in Persons Act of 2003) provides for the legal protection of trafficked persons, including children. As such, under said laws, children are recognized victims of trafficking and are penalized for crimes directly related to the acts of trafficking or in obedience to the order made by the trafficker. Their consent involving in these acts is irrelevant.

60. Section 58 of Republic Act No. 9344 (Juvenile Justice and Welfare Act of 2006) provides that children are already exempted from prosecution for the crime of prostitution. Under Section 202 of Act No. 3815, as amended, (the Revised Penal Code), the same offense is not applicable to children.

Reply to the issues raised in the first sentence of paragraph 9 of the list of issues

61. Under the Aquino Administration, intensified efforts on timely and adequate investigation and prosecution of violations of the rights of children as well as assistance and protection to children victims throughout the legal and judicial process is given emphasis. Executive Order No. 53, Series of 2011 strengthened and reorganized the Committee for the Special Protection of Children (CSPC) in order to effectively function as the body principally responsible for coordinating and monitoring the investigation and prosecution of cases involving violation of R. A. No. 7610 and other related laws. The Secretary of Justice was designated as the Chairperson of the Committee.

62. The Philippine Department of Justice has also issued Department Circular No. 57 dated 29 July 2012 directing prosecutors to give priority to cases involving the trafficking of persons.

Reply to the issues raised in the second sentence of paragraph 9 of the list of issues.

63. The Philippine Department of Justice has issued Department Circular No. 57 dated 29 July 2012 directing prosecutors to give priority to cases involving the trafficking of persons. Capacity building activities were also afforded to prosecutors and NBI agents on cybercrimes which include Anti-Child Pornography violations. Prosecutors are regularly trained on child-sensitive techniques in the investigation and prosecution of child-related cases.

64. Based on the 2012 Philippine Government Report to the United States Department of State Trafficking in Person Report the following information addressing corruption and complicity in law enforcement efforts pertaining to trafficking of persons which includes child trafficking were related:

1. Ten (10) Administrative cases against fifteen (15) Bureau of Immigration officers for various incidents of facilitation and promotion of illegal departure and trafficking activities;

2. Dismissal of eighteen (19) Immigration Officers for grave misconduct, conduct prejudicial to the best interest of service, dishonesty and gross neglect of duty for facilitating illegal transaction;

3. Administrative and criminal cases against a NBI intelligence officer;

4. Administrative and criminal cases against thirteen (13) Philippine Overseas and Employment Administration (POEA) personnel.

Reply to the issues raised in paragraph 10 of the list of issues

Recovery and Reintegration Program for Trafficked Persons (RRPTP)

65. The Recovery and Reintegration Program for Trafficked Persons (RRPTP) of the Department of Social Welfare and Development (DSWD) is a comprehensive program which ensure that adequate recovery and reintegration services is provided to trafficked persons. Employing a multi-sectoral approach, a complete package of services is provided to victims and survivors covering their psychosocial, social and economic needs.

66. The Philippine Congress appropriated funds in the 2011 and the 2012 national budget to the Inter-Agency Council Against Trafficking (IACAT) to include the P25,000,000.00 for the Department of Social Welfare and Development's anti-trafficking programs.

67. The above mentioned budget ensures that there are available services for trafficked persons, especially for care and support of child victims. The services for trafficked persons refer to the direct assistance and services extended to trafficked persons. These include psychosocial, medical, legal and economic services that enable the clients to recover from the traumatic experience. Multi-sectoral approach maximizes existing programs and services for trafficked persons.

68. Specific activities under this component are the following:

(a) Case Management – the process of analyzing the problems and needs of trafficked persons, planning and implementing interventions and monitoring and evaluating their progress towards their successful recovery and reintegration with their families and into their communities;

(b) Services for Trafficked Persons – this involves the provision of direct service assistance in identifying career opportunities, development of skills and obtaining decent

work or livelihood in order to achieve economic independence and a strong sense of self-worth to victims of trafficking. Specifically, the provision includes:

- (i) provision of financial assistance while awaiting employment;
 - (ii) provision of financial assistance while undergoing skills trainings;
 - (iii) provision of capital assistance; and
 - (iv) referral to employees and/or business partners.
- (c) Support for Victims/Witnesses – refers to the auxiliary services extended to clients with on-going court cases. Said service may be used to defray the clients' expenses for traveling, temporary board and lodging, documentations, and other incidental expenses. This may also include provision of Deoxyribonucleic Acid (DNA) testing for trafficked persons, which may help in the prevention and prosecution of trafficking in persons' cases;
- (d) Shelter for victims-survivors of trafficking – this involves the repair and maintenance of existing centers to accommodate victims-survivors in need of temporary shelters for specialized intervention due to traumatic experience, and on-going court cases. Separate units are constructed for male and female clients.

69. To date, there are 42 residential care unit/temporary shelters maintained by the Department of the Social Welfare and Development (DSWD) for the victims-survivors of trafficking in persons accessible in different regions of the Philippines.

70. These shelters are the following:

- The Haven – is a substitute home care for women that provide direct interventions to women victims of gender based violence or those vulnerable to abuse and exploitation whose ages are from 18-59 years old, who need protective and other services to promote healing and recovery;
- Home/Centers for Girls – A child –caring facility that provides protection, care and treatment, and rehabilitation services to abused and exploited girls below 18 years old;
- Marillac Hills(also known as National Training School for Girls) – A child caring facility that provides care and rehabilitation to female children in conflict with the law, abused and exploited girls below 18 years old;
- Reception and Study Center for Children – a child caring facility that provides psycho-social services to children 0-6 years of age. The RSCC aims to help the child achieved her/his basic rights for child survival, development and protection.

Inter-Agency Council Against Child Pornography

71. The Advocacy Committee or Public Information and Education (PIE) Group is one of the five committees under the Inter-Agency Council Against Child Pornography (IACACP). It is chaired by the Council for the Welfare of Children (CWC) with members from Commission on Human Rights (CHR), (Department of Social Welfare and Development (DSWD), National Telecommunications Commission (NTC), Department of Science and Technology (DOST), Information and Communications and Technology Office (ICTO), Stairway Foundation and End Child Prostitution and Trafficking (ECPAT) Philippines. It is in-charge of the advocacy initiatives of the Council.

72. Its main goal is to increase public awareness of the problem of child pornography and educate the public on the anti-child pornography law. Specifically:

- (i) to enhance the knowledge base on the phenomenon of child pornography;

- (ii) to develop and implement a systematic information dissemination campaign on the issue of child pornography and RA 9775;
- (iii) to develop information, education and communication materials on child pornography and RA 9775;
- (iv) to conduct massive advocacy campaigns in high-risk communities on online pornography and cybersex involving children including parent education on supervising children in the use of internet.

73. The group came up with a three year plan covering 2011-2013. To date, they had developed the following advocacy campaign strategies and materials:

- website (www.iacacp.gov.ph);
- Facebook fan page (Philippine Inter-agency Council Against Child Pornography);
- screen saver (Child Pornography is a serious crime and is punishable by RA 9775. Magreport. (Ang pagsasawalang bahala ang magpapalala);
- logo (Child PorNOgraphy);
- tagline (Child PorNOgraphy: Your silence is acceptance; Tagalog version: Ang pagsasawalang bahala ang magpapalala);
- posters (Dos and Donts for children and parents);
- key messages (text blast with NTC and telephone companies-Say no to pornography. If you know of a victim, report to NBI – (02) 523-8231 to 39; PNP Patrol 166, Philippine National Police (PNP) Angel Net – Smart: 0908-242-1150; Globe – 0906 -336-6171).

Other Initiatives

74. Education and advocacy campaign have been conducted by the DSWD Field Offices through the Social Welfare and Development Forum. It was attended by LCPC/SB Chair on Social Services, regional and provincial Pag-asa Youth Association in the Philippines (PYAP) presidents, Local Government Units focals, Non-Government Organizations point persons, Internet operators, hotel operators, government organizations including the Commission on Human Rights' and Department of Education' focals, Globe and Smart Area Managers and DSWD Field Office staff.

75. Five Thousand copies of R.A. 9775 and its Implementing Rules and Regulations have been printed through the help of United Nations Children's Fund (UNICEF) and have been distributed to the Department of Social Welfare and Development (DSWD) Field Offices including the Autonomous Region in Muslim Mindanao (ARMM).

76. Additional funds in the amount of P96,000.00 were provided to all Department of Social Welfare and Development (DSW) regional offices in 2011 for the conduct of regional policy forum.

77. Continuous conduct of accreditation and issuance of licenses have been undertaken by the Department of Social Welfare and Development (DSWD) to the government and non-government organizations/agency implementing residential and community based programs for children and youth.

Member Agencies of the Inter-Agency Council Against Child Pornography (IACACP) conducted their own capacity Building and Advocacy which include the following:

78. The Commission on Human Rights (CHR) April 27-228-2011- Conducted training workshop on Relevant International Human Rights Instruments and Domestic laws on

Children with special focus on RA 9775. Participants in this training-workshop were the focal investigators, lawyers and information officers of its regional offices.

79. Stairway Foundation is into development the development of a draft RA 9775 localized ordinance. They also hold a theatre play called “Cracked Mirrors” which discusses child sexual abuse and exploitation, including the issue of pornography. They also produced the animation advocacy film “Red Leaves Falling” which is about Child Sex Trafficking and Child Pornography.

80. The National Telecommunications Commission (NTC) has drafted guidelines for Internet Service Providers relative to the Implementation of RA 9775.

81. The Optical Media Board (OMB) inspected 2,230 establishments, 8541 sacks of discs, 5% of which are child pornographic materials, , they conducted Anti-Women and Child Pornography and Anti-Piracy Information Campaign in schools, cities and fun run events.

Investigation

82. Form 10 – Complaint Form for Child Rights Violation- include “Child Pornography” in the nature of Child Rights Violation and Case Type

83. Martus Executive Information System - database of the Commission on Human Rights (CHR) on child rights cases.

84. The IACACP formulated the Three (3) – Year Strategic, a document to be used as a guide by the local government units and other stakeholders in addressing the problem of child pornography. The Strategic Plan has (5) key strategic areas for effective implementation of the Act: (1) Advocacy, (2) Enforcement, Investigation and Prosecution, (3) Victims Assistance and Support, (4) Monitoring Management Information System, and (5) Partnership an Resource.

Reply to the issues raised in paragraph 11 of the list of issues

85. At present, Presidential Decree No. 1069 (Philippine Extradition Law) provides that extradition requests can only be granted when there is an existing extradition treaty between the Philippines and the other State, otherwise, extradition is not possible.

86. However, the remedy available in the absence of an extradition treaty is that the Philippines may use Mutual Legal Assistance (MLA) in Criminal matters to make requests for legal assistance in case there are violations of our laws on children. Under MLA, states may request assistance even in the absence of a treaty between them provided, that the same consideration will be given to the requested state based on the principle of reciprocity among states.

87. RA No. No. 9775 provides for the following:

- Section 22. Child Pornography as a Transnational Crime. - Pursuant to the Convention on transnational Organized Crime, the Department of Justice (DOJ) may execute the request of a foreign state for assistance in the investigation or prosecution of any form of child pornography by: (1) conducting a preliminary investigation against the offender and, if appropriate, to file the necessary charges in court; (2) giving information needed by the foreign state; and (3) to apply for an order of forfeiture of any proceeds or monetary instrument or properly located in the Philippines used in connection with child pornography in the court; Provided, That if the DOJ refuses to act on the request of for delaying the execution thereof: Provided, further, That the principles of mutuality and reciprocity shall, for this purpose, be at all times recognized;

- Section 23. Extradition. - The Department of Justice (DOJ), in consultation with the Department of Foreign Affairs (DFA), shall endeavor to include child pornography among extraditable offenses in future treaties.

Reply to the issues raised in paragraph 12 of the list of issues

88. Under R. A. No. 7309 (Victims Compensation Act), any person who is a victim of violent crimes may file claims for compensation. For purposes of this Act, violent crimes shall include rape and shall likewise refer to offenses committed with malice which resulted in death or serious physical and/or psychological injuries, permanent incapacity or disability, insanity, abortion, serious trauma, or committed with torture, cruelty or barbarity. Children who fall under these conditions are entitled to compensation under this Act.

89. R. A. 9775 provides for the following remedies:

- Section 18. Mandatory Services to Victims of Child Pornography. - To ensure recovery, rehabilitation and reintegration into the mainstream of society concerned government agencies and the LGUs shall make available the following services to victims of any form of child pornography:

- (a) Emergency shelter or appropriate housing;
- (b) Counselling;
- (c) Free legal services, which shall include information about the victim's rights and the procedure for filing of complaints, claims for compensation and such other legal remedies available to them in a language understood by the child;
- (d) Medical or psychological services;
- (e) Livelihood and skills training; and
- (f) Educational assistance.

90. Sustained supervision and follow through mechanism that will track the progress of recovery, rehabilitation and reintegration of the child victims shall be adopted and carried out.

91. DSWD provides direct services such as provision of temporary shelter, provision of counseling, assists in filing and appropriate charge against the suspects /perpetrators, and assists the victim to their return to their respective residence. The following are the details of the existing Programs and Services of DSWD:

(A) Community Based Programs and Services:

1. Preventive Programs:

- (a) Child Protective Services – provision of immediate interventions to a child to ensure his/her protection from abuse, neglect and exploitation;
- (b) National Family Violence Prevention Program – a community-based strategy that aims to prepare the family members protect themselves against violence, exploitation or abuse by providing them training on management and resolution of conflicts within the family. It provides basic information on domestic violence and strategies for prevention through training, organization and strengthening of support groups and community-based structure, public information and advocacy, and family group conference as a preventive and mediation strategy in resolving family conflict;

(c) Parent Effective Service Program – It is a 10 week course on parenting skills enhancement and the promotion of family spirituality for the parents and/or guardians of street children. This aims to provide and/or enhance the knowledge and skills of the parents with particular focus on enhancing family unity, cohesiveness and spirituality;

(d) Food for School Program – is an immediate intervention to address hunger among families through their children enrolled in public elementary schools, DepEd Supervised preschools, and Day Care Centers. It is a form of food subsidy for young learners who belong to poor families, through which a daily ration of one (1) kilo of rice is given to a child for a specific period of time. As long as the child goes to school or to the Day Care Center everyday, the family is assured of rice on its table, everyday.

2. Treatment and Recovery:

(a) Quick Response Team (QRT) – is composed of multi-disciplinary team that provides emergency services to victims on a 24-hour basis such as temporary shelter, counseling, psychotherapy for those severely traumatized, under protective custody, need immediate medical assistance, and legal assistance and support services;

(b) Self-Employment Assistance and Kaunlaran Program (SEA-K)- is the provision of skills and capital assistance to families of child labourers to enable them to become economically productive and contributing members of society.

(B) Center Based Programs and Services:

1. Treatment and Rehabilitation Program – facilitates the restoration, healing and recovery of the victim-survivor from the trauma of neglect and other forms of abuse and exploitation through the provision of emergency shelter and basic needs, psycho-social counseling and other protective services;

2. Group Life and Home Care Program – provides opportunities for victim survivor to regain their self-worth, discipline and control over her and her children's life through attendance to group sessions, provision of food and clothing and non- formal educational activities;

3. Health and Nutrition Program- provision of medical health and nutrition services to victim survivor to help them become healthy and productive. The services include: physical and mental examinations, medical/dental care, psychological and psychiatric evaluation and treatment, hospital confinement when necessary and referrals;

4. Productivity Skills Training- Program – provision of basic training services to the client based on her needs and capability in preparation for future economic independence and gainful employment through relevant skills training and other livelihood development services to victims survivors of violence;

5. Social Services – are interventions that seek to restore/develop the social functioning of the victim-survivor from the time they are admitted to the time of discharge to prepare them for reunification and community re-integration;

6. Homelife Services – provision of basic needs of each client such as food, clothing and shelter, and the development of values and social skills;
 7. Health Services - provision of medical and dental services for treatment, psychological/psychiatric assessment and evaluation as well as special dietary care;
 8. Skills Training/Vocational Training- activities to guide the client towards the choice of employment that is substitute to their talents, needs and situations and provide them training opportunities that would lead them to gainful employment;
 9. Legal Service – assistance to women and children needing legal intervention to enable them to file a case in court and throughout the litigation through coordination and referral with other government agencies, private individuals and group providing legal services;
 10. Recreational and Other Cultural Activities- refer to activities that promote the physical, mental, social and cultural well-being of victim survivor of violence;
 11. Faith and Spiritual Participation- refers to activities that aim to enhance the moral and spiritual life of the victim-survivor;
 12. Community Participation – refers to the involvement of victim-survivor in community activities that promote empowerment and develop their sense of social responsibility.
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