



Convention on the Rights of the Child

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Committee on the Rights of the Child

Consideration of reports submitted by States parties under article 12, paragraph 1, of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography

Initial reports of States parties due in 2004

The Philippines*

[28 August 2009]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

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List of Acronyms

AO	Administrative Order
AIDS	Acquired Immune Deficiency Syndrome
BI	Bureau of Immigrations
BWYW	Bureau of Women and Young Workers
CATWAP	Coalition against Trafficking in Women – Asia Pacific
CHR	Commission on Human Rights
CCNSP	Committee on Children in Need of Special Protection
CRN	Child Rights Network
CSC	Civil Service Commission
CSE	Commercial Sexual Exploitation
CSEC	Commercial Sexual Exploitation of Children
CPTCSA	Center for the Prevention and Treatment of Child Sexual Abuse
CSOs	Civil Society Organizations
CWC	Council for the Welfare of Children
DepEd	Department of Education
DFA	Department of Foreign Affairs
DILG	Department of the Interior and Local Government
DOH	Department of Health
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DOT	Department of Tourism
DSWD	Department of Social Welfare and Development
ECPAT Phil	End Child Prostitution Child Pornography and Trafficking Philippines
HIV	Human Immunodeficiency Virus
IACAT	Inter-Agency Council against Trafficking
IAC–VAWC	Inter-Agency Council on Violence against Women and Children
ICAB	Inter-country Adoption Board
JJWC	Juvenile Justice Welfare Council
LCPC	Local Council on the Protection of Children
LGUs	Local Government Units
MC	Memorandum Circular
MSNAT	Multi-sectoral Network against Trafficking
NBI	National Bureau of Investigation

NCRFW	National Commission on the Role of Filipino Women
NGO	Non-government Organization
OWWA	Overseas Workers Welfare Administration
PACT	Philippines against Child Trafficking
PNAC	Philippine National AIDS Council
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
PPACL	Philippine Program against Child Labor
PSC	Personal Safety Curriculum
RA	Republic Act
RH	Reproductive Health
SBM	Sagip Bata Manggagawa
SC SACSEC	Sub Committee on Sexual Abuse and Commercial Sexual Exploitation of Children
STI	Sexually Transmitted Infection
TIP	Trafficking in Persons
TWG	Trafficking Watch Group
USAID	United States Agency for International Development
UNCTOC	United Nations Convention on Transnational Organized Crime
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
VCCT	Voluntary Confidential Counseling and Testing
VFF	Visayan Forum Foundation

I. Introduction

1. On 23 April 2002, the Philippines ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography of 25 May 2000. The Optional Protocol entered into force on 26 August 2003. As a State party, based on article 12, paragraph 1 of the Optional Protocol, this first report is focused on the measures taken by the Philippine Government to implement the provisions in the Optional Protocol following its entry into force from 2003–2004 to include 2005–2007.

2. The guidelines regarding initial reports contained in (CRC/OP/SA/1) was followed and utilized in putting this report together. Since the Philippines submitted a consolidated document of its third and fourth periodic reports on the implementation of the United Nations Convention on the Rights of the Child in September 2007, several parts of the following provide details to references made in the recent periodic report. Furthermore, some sets of data used in said report will be repeated in this document as prescribed by the above guidelines.

3. The period covered by this report was marked with national challenges to the Philippines. Apart from fulfilling its various commitments, such as the Convention and its two Optional Protocols, the Millennium Development Goals (MDGs) and the vision of CHILD 21 or the Philippine National Strategic Framework for Plan Development for Children (2000–2025) among others, complex and difficult development issues were continuously faced by the nation. Pertinent to this report were: the 2007 estimated population at 88,461,700 which keeps increasing annually at 2.35 per cent based on population trends established for the period 1995–2000; in 2006, more than 28 per cent or 25.2 million Filipino families manage to survive below the poverty line based on the National Statistical Coordination Board (NSCB) poverty incidence – which increased to 26.9 per cent from 24.4 per cent in 2003; the inequality in the distribution of income has grown wider between the higher and lower income groups; and, the unemployment rate remains high at 7.8 per cent and underemployment at 22.0 per cent as of January 2007.

4. There were other critical development concerns faced by the country as a result of the above: the highest population growth rates were in the poorest areas of the country like the Autonomous Region in Muslim Mindanao; increasing overseas Filipino workers; increases in prices of basic commodities coupled with staple food shortages like rice; as of 2003, there were already 9.3 million Filipino people who were undernourished; as of 2007, 36 out of 100 new school children do not finish elementary and 65 do not complete high school; and, more than 1.1 million children still needed immunization from preventable serious diseases. Equally affecting the State's implementation of the provisions of the optional protocol were: the effects of natural calamities and destruction of natural resources to the communities: the patches of on-going arm conflict in remote and poor rural areas of the country and noted incidences of extra-judicial killings of social activists, media people, peasant leaders and workers. The latter two have been major reasons for families and their children to seek alternative places of refuge and abandon their homes and basic sources of livelihood. Furthermore, children exposed to these are rendered more vulnerable to other difficult situations as a result of inadequately addressed trauma and weakened social protection mechanisms among others. These existing conditions and corresponding government priorities and responses directly or indirectly impact on the State party's compliance to the provisions of the Convention and its Optional Protocols particularly on the sale of children, child prostitution and child pornography.

II. Information relevant to the implementation of the Optional Protocol

A. Legal status of the Optional Protocol in domestic law

5. Prior to the ratification of the following international treaties, the Philippine Government has been protecting the Rights of Filipino Children. The primary legislation relevant to the implementation and monitoring of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography is the Special Protection against Child Abuse Act, otherwise known as Republic Act 7610 (RA 7610). Other relevant Acts and materials in this regard have been enclosed.

6. The Philippines is also a State party to the Convention against Transnational Organized Crime and on 14 December 2000 and 28 May 2002, the country ratified the two (Protocols to the said Convention. These are the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air. These Protocols are very complementary, if not, in harmony with the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography in 2002.

7. On May 2003, the Convention and its Optional Protocols have been incorporated into Philippine laws enacted since then. By virtue of Section 2, article II of the Philippine Constitution, the State ‘adopted the generally accepted principles of international law as part of the laws of the land’. In consultation with the appropriate structures of government, the Department of Foreign Affairs (DFA) has determined and established the legal status and applicability of the Optional Protocol in national laws and domestic jurisdiction. These were: the ‘Anti-Trafficking in Persons Act’, ‘Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Anti-Violence Against Women and their Children Act’, and, ‘Juvenile Justice and Welfare Act’.

8. While modest gains have been achieved along the implementation of the relevant laws, there remain gaps in the legislation that require serious consideration to adequately address the situations covered by the provisions of the optional protocol. These are: (a) RA 7610 is vague on the criminal elements regarding pornography (to include use of cyberspace and other information communication technology) and other forms of sexual exploitation of children; (b) lacks clear definition of the age of sexual consent; (c) does not have clear provision for prevention and protection of the sale and trafficking of children in relation to sale of organs and body parts; and, (d) has to have clear provisions that decriminalized the child victims of the crimes mentioned.

9. Considering the above, noted are efforts to harmonize laws in order to make these more responsive. For the 14th Congress (2007–2010), the above have been considered along with the following as priority: (a) the minimum age of sexual consent; (b) child pornography; (c) corporal punishment and other forms of violence in the home, school and the communities; and, (d) discrimination against children born outside marriage. The newly formed Child Rights Network composed of CWC, Philippine Legislators Committee on Population and Development (PLCPD), Plan Philippines, Save the Children Sweden, UNICEF, World Vision, Center for the Promotion, Advocacy and Protection of the Rights of the Child, Christian Children’s Fund, among others have successfully lodged these for hearings and are closely monitoring the progress of Bills drafted in to this day.

B. Governmental and other bodies competent for the implementation of the Optional Protocol

10. As a result, the enactment of the above Laws to implement the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography enhanced the functioning and increased the areas of responsibility of the following:

(a) The Department of Justice (DOJ) is responsible for ensuring the prosecution of persons accused of trafficking, designating and training special prosecutors who shall handle and prosecute cases of trafficking, establishing a mechanism for free legal assistance for trafficked persons in coordination with other national organizations, and, convening the Inter-Agency Council Against Trafficking (IACAT) as Chair. Within the DOJ are three actively participating offices:

(i) The International Affairs Division (IAD) is responsible for international extradition submitted by local authorities and is the principal office handling all requests for extradition of individuals who have fled to the Philippines and all matters relating to mutual legal assistance in criminal matters;

(ii) The National Bureau of Investigation (NBI) is responsible for the conduct of surveillance, monitoring and investigation of recruiters, travel agencies, hotels and other establishments suspected to be engaged in trafficking in persons. It is also mandated to share intelligence information on suspected traffickers to all members of the IACAT, when necessary;

(iii) The Bureau of Immigrations (BI) strictly administers and enforces measures, undertakes surveillance, investigates and arrests of individuals or persons suspected traffickers – local or foreign and coordinates with various law enforcement agencies in this regard.

(b) The Department of Social Welfare and Development (DSWD) is responsible for the development of yearly plans of action and projects to protect children, implementing recovery, healing, reintegration and protective programmes for trafficked persons, providing counselling and temporary shelter to trafficked persons and developing a system for accreditation among NGOs for purposes of establishing centres and programmes for intervention in various levels of the community, and, conducting vigorous advocacy on the enactment of relevant laws, as Co-Chair of the Committee for the Special Protection of Children. Apart from being the Ex-Officio Chair of the Inter-country Adoption Board which safeguards the implementation of the Inter-country Adoption Act, the DSWD is a member of the various committees and sub-committees of Council for the Welfare of Children and relevant other inter-agency councils like the IACAT and the Inter-Agency Council on Violence against Women and Children (IAC-VAWC);

(c) The Department of Foreign Affairs (DFA) is responsible for making available its resources and facilities overseas for trafficked persons regardless of manner of entry, exploring means to further improve its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas particularly in relation to formulation and implementation of relevant policies and programmes to include monitoring of inter-country adoption and ensuring that passports are regulated and issued only for legitimate purposes;

(d) The Department of Labor and Employment (DOLE) is responsible for ensuring the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas, monitoring, documenting and reporting cases of trafficking in persons. Within DOLE are three actively participating offices:

- (i) The Bureau of Women and Young Workers (BWYW) is responsible for empowering women and young workers to be productive members of society, while eliminating abusive and exploitative forms of their employment;
- (ii) The Overseas Workers Welfare Administration (OWWA) is in charge of ensuring the generation of resources and provision of the welfare benefits of Overseas Filipino Workers and their families to include victims of trafficking and illegal recruitment;
- (iii) The Philippine Overseas Employment Administration (POEA) is responsible for implementing effective pre-employment orientation seminars and pre-departure counselling programmes to applicants for overseas employment and undertaking the provision of free legal assistance to victims of trafficking in persons in the guise of overseas employment.
- (e) The Department of the Interior and Local Government (DILG) is responsible for conducting information and advocacy campaign against trafficking and abuses against women and children, monitoring, documenting and maintaining a databank on these cases, guiding Local Government Units (LGUs) and barangays in monitoring perpetrators, violators and recruiters, increasing public awareness, promoting family and community empowerment to prevent and appropriately respond to these cases, maximizing existing mechanisms and organizations to prevent and suppress these violations or crimes;
- (f) The Department of Education (DepEd) has great responsibility to educate students, parents and teachers regarding the issues, develop appropriate programmes and provide services to students vulnerable to Commercial Sexual Exploitation (CSE) and other forms of abuse and to work with other organizations outside the DepEd in ensuring adequate protection, care and support to victims of CSE and other forms of abuses among its constituents and students;
- (g) The Department of Health (DOH) is responsible for making available its resources and facilities in providing health care to victims of trafficking who shall, at all time are held confidential. The DOH develops and enforces Health policies like those relevant to surgical transplants of body organs, health service facilities' practices with regard 'simulated birth' among others;
- (h) The Department of Tourism (DOT) is responsible for implementing advocacy programmes that are designed to pursue on a nationwide and international-scale the "Child Wise Tourism' Program;
- (i) Under the Office of the President of the Republic of the Philippines, the responsibilities of the following agencies have also been affected:
- (i) The National Commission of the Role of Filipino Women (NCRFW) is responsible for assisting the Inter-Agency Council against Trafficking (IACAT) in the advocacy, formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies, and to formulate programmes and projects to eliminate Violence against Women and Children (VAWC) based on their mandate;
- (ii) The Commission on Human Rights (CHR) is responsible for human rights protection and human rights promotion through a nationwide network of 14 regional offices and six sub-regional offices;
- (iii) The Civil Service Commission (CSC) is responsible for ensuring that workplace Anti-VAWC policies and processes are in place in both public and private sectors and to assist in the filing of cases against individuals, groups,

agencies, institutions or establishments that violate the provisions of the Act and related laws;

(iv) The Council for the Welfare of Children (CWC) is the focal agency of the Philippine Government for children's concerns since 1974. CWC is responsible for the coordination and monitoring of the State Parties' commitments for children, drafting policy recommendations and national strategic plans of actions to guide all major stakeholders in their response to children's rights protection nationwide.

C. Measures to disseminate the principles and provisions of the Optional Protocol

11. For the general population, varied activities were undertaken by the State party, through the major mandated agencies, together with the civil society in pursuit of raising the awareness of various members of the society on the principles, standards and provisions of the Committee and the Optional Protocol on the sale of children, child prostitution and child pornography.

12. The DILG has issued memorandum circulars (DILG MCs) relevant and integrated into advocacy activities conducted along the promotion Child Friendly Local Governance. Such are: DILG MC 2002-121, Revised Guidelines on the Organization and Strengthening of the Local Councils for the Protection of Children (LCPC); DILG MC 2005-07, Guidelines in Monitoring the Functionality of the LCPCs; DILG MC 2005-26, Strict Implementation of RA 9208 known as the Anti-Trafficking in Persons Act; DILG MC 2006-172, Strengthening LGUs efforts to combat trafficking in persons – an issuance supplementing MC 2005-26. Yearly issuance of MCs encouraging all LGUs to support the celebration of the following are also done: National Child Sexual Abuse Awareness Week, World AIDS Day, Girl Child Week, Children's Month, and Presidential Awards for Child Friendly Municipalities and Cities.

13. Since 2003, in collaboration with the LGUs, Asia against Child Trafficking (Asia Acts) network and Philippines against Child Trafficking (PACT) network, both civil society alliances of non-governmental organizations, reported collaborative conduct of Community Education sessions nationwide. The intensive Campaign against Trafficking in Persons reached 769 communities all over the country. About 950 village-level sessions have been conducted all over the archipelago. These education and training sessions were designed to bring about a multiplier effect considering that the participants were from various agencies, sectors and stakeholders like young people, barangay leaders, law enforcers, government service providers, health workers, Non-government Organization (NGO) workers, community organizers, child rights advocates and social workers. At present, the organizations continue to conduct Parent Effectiveness sessions to parents of children from day care, residential care, and community-based programmes as part of the on going campaign.

14. Together with the DepEd, the VFF has conducted various Child Labor Forums to popularize RA 9231 (Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child Act) and its Implementing Rules and Regulations as it is related to the provisions of the Optional Protocol – with partners, schools, student organizations nationwide. On 12 December 2004, a nationwide 'People's Caravan against Trafficking' (together with other networks and organizations with stake on the issues of the Optional Protocol) was held. On the same date yearly nationwide mobilization on the Anniversary of the Global March are maximized and used as venues for discussions and updates with the general public on relevant legislative measures, issuances and laws on children.

15. The “18-Day Campaign against Trafficking and Violence against Women” every 25 November to 12 December was declared through Presidential Proclamation 1172 series of 2006. As spearheaded by IACAT and the IACVAWC this event is being observed around significant places of the country to inform the public on the havoc brought about by trafficking and violence and at the same time, elicit action from various stakeholders.

16. The IACAT in partnership with major networks of NGOs the “Filipino Initiative against Trafficking in Persons” the Anti-Trafficking Road Show in early 2005. Together with the Multi-Sectoral Network against Trafficking (MSNAT), PACT and the Coalition against Trafficking in Women-Asia Pacific (CATWAP), the campaign visited nine areas of the country. Existing IEC materials on anti-trafficking developed by partner NGO networks were disseminated to the public and frontline officials during the road show. An anti-trafficking infomercial was also produced and aired in local TV networks in the hotspots. News releases in local newspapers, radio and TV interviews of top level government officials and NGO experts were also conducted. An awareness rally participated in by public, press conference and oath taking of local IACAT officials also took place. Commitment and interest of stakeholders to fight Trafficking in Persons (TIP) were manifested in their support for the anti-trafficking rallies in each road show area. 7 barangays of around 500 constituents were present in Zamboanga City, 5 provinces with almost one thousand (1,000) participants attended in Tacloban City, 28 barangays joined the city wide campaign in Davao City, almost one thousand (1,000) participants from the Oriental Negros province attended the city wide motorcade 200 participants joined the motorcade in Calbayog City.

Table 1

Areas covered by the anti-trafficking road show

<i>Areas visited</i>	<i>Period of implementation</i>
Zamboanga	September 2005
Five Provinces of Region 8	October 2005
Davao City	November 2005
Dumaguete City	February 2005
Calbayog City	March 2006

Source: Proceedings of the National Conference on Anti-Trafficking in Persons, held on 20 September 2006 at the Manila Pavilion Hotel.

17. Modest mileage has been gained so far through these on-going efforts. Apart from Convention and its Optional Protocol on the sale of children, child prostitution and child pornography, the UNCTOC, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and the Protocol against the Smuggling of Migrants by Land, Sea and Air were also contents of the awareness campaigns. These Protocols are very complementary, if not, in harmony with the Optional Protocol on the sale of children, child prostitution and child pornography.

18. These activities are examples of good practices where it is possible for government, NGOs and other civil society organizations (CSOs), national and local government coordination and collaboration around common issues of children. All stakeholders who participated brought in their resources to include women- and man-hours and funds. While the ‘ground work’ was from the civil society organizations to include non-governmental organizations and their partners and network in the areas covered portions of the financial support for so were from international funding agencies to include United States Agency for International Development (USAID).

19. The POEA conducts anti-illegal recruitment nationwide campaigns and distributes anti-illegal recruitment materials. It publishes monthly travel advisories in newspapers of general circulation to include awareness of child trafficking and abduction. The same information campaign continues to be conducted through regular job fairs.

20. It is notable that CSOs have contributed so much in facilitating activities to raise awareness and educate communities on the sale of children, child prostitution and child pornography. To this day, 10 per cent of the 41,955 barangays have been reached by organizations like Asia ACTs, PACT, ECPAT Philippines, and VFF among others.

21. Sustaining and scaling up a nationwide dissemination on the provisions of the Optional Protocol to this day is still a challenge to the State and its civil society partners. Nation-wide programmatic information dissemination requires monitoring and evaluation, and, separate budget allocations. Widespread popularization of the Optional Protocol on the sale of children, child prostitution and child pornography for all Filipino Children has to be considered alongside. These could be another area of collaboration by the mandated organizations of the State party and its civil society partners.

22. In schools, academic institutions and learning centres, similar efforts have been embarked on by various mandated agencies, singly or in partnership with and or in collaboration with CSOs.

23. Apart from having incorporated Human Rights Education (HRE) in the elementary and secondary levels of the education system, both formal and non-formal systems, children and women's rights and their protection are also given emphasis by the DepEd.

(a) The Bureau of Elementary Education in 2003 developed a Handbook on Child Abuse focusing on strengthening awareness of children to prevent child abuse, including sexual abuse. This was printed, distributed and is being used in educating children about their rights with the assistance of UNICEF;

(b) The Staff Development Division under the Human Resource Development Services of the DepEd has been conducting Children's Peace Camp since 2004. Student leaders are trained on peer education and conflict resolution, children's rights and prevention of child abuse;

(c) Together with the CHR, and the Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA) a "National Youth Forum on the Prevention of Child Abuse and Exploitation" was held participated in by around 700 student leaders and teachers committed to advocate and promote human rights and its corresponding responsibilities. Also conducted in 2006 for 60 DepEd Supervisors, Principals and teachers were training of trainers on Personal Safety Lessons. In turn, the trainers trained 467 more teachers benefiting around 24,000 students in turn.

24. A Manual on the Personal Safety Modules has been produced with the support of UNICEF by the CPTCSA with the intention of scaling up and covering all schools under the DepEd, both public and private, all over the country. A decree or policy authorizing all schools and educational systems to train, teach and use the tested modules will hopefully be formalized and signed by the Secretary of the Department of Education.

25. Within the CWC, the Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation of Children (SC SACSEC) where the CPTCSA, DepEd and UNICEF are represented, continuing advocacy dialogues with the Committee on Children in Need of Special Protection (CNSP) and the Technical Management Group (TMG) to engage the CWC Board, where the Secretary of DepEd is represented, to lobby for the passage of the Decree or policy as mentioned earlier.

26. The Personal Safety Curriculum (PSC) entails sustained training and capacity building of all Mentors and teachers (including Guidance Counsellors) in handling and managing prevention education topics but also in protection, recovery and healing interventions relevant to cases of all forms of abuses and violence children may or have experienced in school, community and homes.

27. The VFF, on the other hand, continues to conduct Capacity Building of Parents - Teachers Associations on Developing Interventions against Child Trafficking in the communities they cover in different parts of the country.

28. Through the Early Child Care and Development Program, the 'Rights of the Child' have been integrated in all domains of the Preschool Curriculum. Trainings, seminars and orientations on the 'Instructionalization of Preschool Education' have been conducted for Preschool Coordinators with the Rights of the Children as primary consideration.

29. In terms of dissemination and public awareness, the Educational Systems, public, private and alternative, had the best opportunities for reaching children in the poorest and remotest communities. Fairly modest gains have been made. Considering the urgency to respond and the nature of the issues and concerns of children covered by the provisions of the Optional Protocol and all the related international commitments (to include the recommendations of the United Nations Study on Violence against Children) the State, through its mandated agencies, should consider intensifying continued dissemination to reach all children before the perpetrators do.

30. Furthermore, the DepEd should consider the immediate passage of the Policy, and take on the leadership to set up the requisite mechanisms and budgetary allocation and appropriation to enable PSC help children in all educational systems (including non-formal and alternative learning systems).

31. In the same light, CWC together with the End Violence against Children Network, the National Core Group on Violence against Children (EndVAC), the DepED and the SC SACSEC can initiate actions that will expand the PSC modules to include positive discipline approaches, and setting up mechanisms of redress and complaints of children in all the educational systems and settings.

32. To reach and build the capacity of all mandated and concerned Implementers, Professionals and Child Rights Advocates the Anti-Trafficking Road Show mentioned earlier organized by the IACAT, included two-day training for law enforcers, prosecutors, judges, social workers, representatives from the media, private sector, academe and NGOs. These trainings were designed to enhance their understanding on RA 9208, improve their skills in the investigation and prosecution of trafficking cases, rehabilitation and reintegration of trafficked persons and create linkages between and among the front liners. The table below shows the coverage of the activity in every locality visited by the road show.

Table 2

Beneficiaries of the training activities

<i>Number of training participants per area</i>	<i>Zamboanga</i>	<i>Tacloban</i>	<i>Davao</i>	<i>Dumaguete</i>	<i>Calbayog</i>	<i>Total</i>
Social workers	27	15	11	21	32	53
Health care providers			2		2	2
Local NGOs	1	8	4	21	3	13
Educators/ trainers		3	2	2	4	5
Community Leaders			5			5

<i>Number of training participants per area</i>	<i>Zamboanga</i>	<i>Tacloban</i>	<i>Davao</i>	<i>Dumaguete</i>	<i>Calbayog</i>	<i>Total</i>
Investigators	2	4	7	22	27	13
Police and other law enforcers	10	7	7			24
Prosecutors/ Office of City and Regional Prosecution	5	5	11	9	6	21
Line agencies	16	10	11	13	2	37
Media			1	1	3	1
Private sector partners			1	3		1
Local government unit		6	3		1	9

Source: National Conference on Anti-Trafficking in Persons held on September 20, 2006 at the Manila Pavilion Hotel.

33. As early as 2002, the civil society organizations like the Asia ACTs network and later with PACT networks have carried out 12 province-wide trainings called “Community Educators Training on Anti-Child Trafficking”. Participants came from different agencies and NGOs. The second-level training on community education dubbed as “Strengthening the Child Protection Network” was conducted in October 2004. Quick Reaction Teams (QRTs) were formed in nine provinces in the Philippines where child trafficking is rampant. QRTs in Quezon City and Davao City (these QRTs form part of the present Local Inter-Agency Council against Trafficking in Persons) and a village level QRT in Zamboanga City were also organized. These widespread community educations resulted in many cases of child trafficking uncovered and referred to mandated agencies for investigation, rescue and provision of services.

34. The CWC, through the SC SACSEC conducted the First National Consultation on Child Pornography in 30 June–1 July 2005. This was participated in by more than fifty (>50) national government and CSOs (including media practitioners) with stake on the issue of pornography. The activity served as a venue for dissemination, as well as coming to terms with the situations of children covered by the provisions of the Optional Protocol. Most important, it initiated the drafting of Strategic Framework against Child Pornography.

35. In October to November 2005, ECPAT Philippines pursued the Visayas and Mindanao Regional Consultation on Child Pornography as follow-on activity to the National Consultation to get children’s participation in the drafting of the Strategic Framework against Child Pornography.

36. In June 2006, the CWC, through the SC SACSEC conducted a series of inter-island-group (Luzon, Visayas and Mindanao) consultations on the draft Strategic Framework against Child Pornography as it relates with the provisions of the Optional Protocol. More than 120 attended representing focal organizations from government and civil society including non-traditional partners such as Internet Service Providers, Microsoft Office Representatives, and, Children Advocates. Law Enforcement Agencies – Philippine National Police, and the Victoria Police of Australia were part of the Resource persons during these activities. This effort was implemented with the support of UNICEF.

37. The DOT in cooperation with ILO-IPEC successfully launched a campaign in six regions towards community ownership and responsibility of the advocacy against child labour. The initiative resulted in the attendance of stakeholders responsible in combating child trafficking to the relevant training programmes. The campaign also promoted the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism” and secured commitments from tour operators to create ‘task forces’ that would

monitor the operations of overseas travel agencies that sell the Philippines as a haven for sex tourism. The DOT maintained continuing linkages with hotel security officers for information sharing and surveillance to identify suspected pimps and traffickers. Also, roundtable discussions with members of the local community in some tourist destinations focusing on the ill effects of commercial sexual and trafficking of women and children were conducted. This is an on-going response to date.

38. Child Wise Tourism (CWT) topic is integrated in all of the Philippine Department of Tourism training and education programmes such as Tourism Awareness, Tour Guiding, Tourist Drivers Seminar, Ecotourism and Frontline Skills Trainings which aims not only to raise awareness but also to equip tourism staff coming from various sector with skills to identify and report child sexual exploitation in tourism. Examples of trainings conducted include the “Taxi Drivers As Tourism Front liners Training” among 250 taxi drivers in Davao City and the training among 550 employees of the Sofitel Philippine Plaza Hotel – front desk staff, food servers, hotel managers, chefs/kitchen assistants, room attendants, and security personnel on CWT. Also, trainings on CWT in prime tourist destinations like Puerto Galera and Boracay among people in the travel and tour agency owners and operators, hotel and resort personnel, local government officials, service providers, boatmen and massage parlour associations and law enforcement agencies were also undertaken.

39. In 2004, immediately after the enforcement of RA 9208 otherwise known as the Anti-Trafficking in Persons Act, the DOJ had a Joint Workshop with the VFF on ‘Enforcing the Anti-Trafficking Law’ for law enforcers, prosecutors and those directly engaged in enforcing the law. The development of reporting and information gathering system was initiated.

40. Both organizations pursued further capacity building activities and have conducted the following since:

(a) A Mindanao-wide Consultation Workshop on Prosecuting Anti-Trafficking cases, Series of Seminars on Effective Coordination and Networking against Trafficking in Persons (TIP) carried out with DSWD, Philippine Coast Guard, Philippine Ports Authority, DOLE, and Shipping Industries. This was meant to improve coordination, better identification, prevention and protection of victims (women and children) of internal trafficking and abduction for whatever purpose;

(b) A National Trainers Training on Child Domestic Workers as part of the implementation of the Time Bound Project of the DOLE and ILO-IPEC;

(c) Series of Seminars on Developing Effective Services for Child Domestic Workers, Series of Multi-disciplinary Seminars for Anti-TIP for Mindanao and Luzon, Orientation on the Legal Framework of TIP for Visayas in partnership with PLAN Philippines;

(d) Ordinance Writing Workshops on Developing Local Policies against TIP;

(e) Training of Trainers on Community Education on Human Trafficking;

(f) Legislative Advocacy Workshop on Child Domestic Workers in the Philippines; and

(g) National Training on Trafficking for Shipping Companies in reference with the Ports Projects all over the country.

41. The DSWD conducts child-rights advocacy trainings to its intermediaries as part of Technical Assistance and Capability Building role. Through these activities, the provisions in the Optional Protocol are discussed.

42. Seminars and trainings have been held by the Department of National Defense and the PNP for peacekeepers. Their training module includes one on trafficking.

43. ECPAT Philippines continues to include the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography in the information disseminated during orientation to social workers, travel agents, immigration officers and other partners on Guidelines on Minors Traveling Abroad and other related laws and guidelines.

44. Improved linkages with other NGOs, CSOs and government agencies were noted as a result of these efforts. New and non-traditional organizations have become actively engaged in the response. There is, however, no readily available data with regards the extent of coverage of these sessions, what were the lessons learned, how these have affected practice and the lives of the children reached. A comprehensive resource map of said trained participants is also wanting.

45. The DSWD and the CWC, through the SC SACSEC may want consider, as part of its research agenda and mandated activities, assessing the outcome and or impact of all these trainings and capacity building efforts on the ‘primary implementers’ and their agencies in their areas of operation, and, the quality of the enjoyment of rights of the children they serve. A comprehensive Resource Directory will definitely be most useful in achieving universal accesses to prevention, protection and recovery programmes and services for all concerned, particularly, the children.

D. Mechanisms for coordination and monitoring of the implementation of the provisions of the Optional Protocol

46. Numerous inter-agency and multi-sector mechanisms that have been in place continue to contribute to the coordination and monitoring of the implementation of Laws and Issuances on Children relevant to the implementation of the Convention and provisions of the Optional Protocol.

47. The CWC is the mandated institutional mechanism of the Philippine government responsible for the coordination, implementation and monitoring of the State party’s international and national commitments or obligations to its Children. In 2000, the CWC was tasked to serve as the National Early Childhood Care and Development Coordinating Council (NECCDCC) of the government by virtue of Republic Act 8980 also known as ECCD Act of 2000 based on PD 603. Now, the implementation of the law serves as part of a national prevention response to the issues of children also covered by the provisions in the Optional Protocol and other related laws and issuances on children.

48. As the nation’s lead agency for children, CWC is governed by a Board composed of Cabinet Secretaries or their duly designated representatives from the department of social welfare and development, health, education, interior and local government, justice, labour and employment, agriculture and economic planning; three coordinating bodies; three private individuals (to include a child representative) and two ECCD experts.

49. Within the CWC are structures that have been reorganized in order to be more responsive and effective in addressing the challenges posed by its mandate. At the national level, the Technical Management Group (TMG) composed of various heads of bureaus and services of concerned agencies and heads of identified NGOS reviews, prioritizes and recommends for approval to the Council Board policies, programmes, strategies and approaches on children. Sectoral committees and sub-committees organized around the major clusters of child rights like Special Protection measures, civil rights and freedom, family environment and alternative care, basic health and welfare, education and cultural

activities among others assist the TMG in assessing further more specific areas of children's rights, formulate and recommend policies, and strategies, monitor and evaluate projects as necessary. Throughout the country, the CWC operates through 17 Regional Committee or Sub-committee for the Welfare of Children (RCWC/RSCWC). The vital link between the national government and the local governments, the RCWC/RSCWC is lodged under the Regional Social Development Council (RSDC) one of the committees under the Regional Development Council (RDC). The RCWC/RSCWC receives support from CWC and the UNICEF through its country programmes for children.

50. At the national level, the SC SACSEC closely coordinates the implementation and monitoring of the Optional Protocol to the Convention on the sale of children, child prostitution, and child pornography. SC SACSEC is a member of the Committee on Children in Need of Special Protection (CNSP). The SC SACSEC is responsible for the development of the National Framework of Action against Commercial Sexual Exploitation of Children (FA SACSEC) for 2001 – 2005 as reported to the Committee on the Rights of the Child in the second periodic report under the Convention. This five-year framework is anchored on the Philippine National Strategic Framework for Plan Development for Children 2000–2025 or 'Child 21' and served as a child rights-based response guide and roadmap for actions, initiatives or endeavours pursued by the Local Government Units (LGUs), NGOs, private sectors and the national agencies from the prevention to re-integration of children who became victims of commercial sexual exploitation. The draft of the 2nd Medium Term FA SACSEC 2006–2010 is presently being finalized based on progress made along the issue of Sexual Abuse, Prostitution, Trafficking and Pornography affecting children. The Center for the Promotion, Advocacy and Protection of the Rights of the Child (CPAP RC), a civil society organization serves as Chair of SC SACSEC together with the Philippine National Police as Co-Chair.

51. In 2005, the SC SACSEC initiated the drafting of the Strategic Framework on Addressing Child Pornography through the 1st National Consultation on Child Pornography. This framework on child pornography aims to provide the focus, urgency and effort that the issue deserves, and offer directional guide for the implementation of various initiatives and interventions by all stakeholders dealing with the issue. Together with Child Sexual Abuse strategic framework, this document has been validated nation wide and being finalized for integration into the updated comprehensive FA SACSEC 2006–2010.

52. Now integrated into the CNSP is the former Sub-Task Force on the Girl Child (STF GC). The STF GC was created to address the particular gender related concerns of the Girl and Boy Children as a response to the provisions of the Beijing Declaration on Women and Girls. This inter-agency body developed the Medium-Term Strategic Framework on the Girl Child 2000–2004 (or the Girl Child Plan) which bridged the Philippine Plan for Gender-Responsive Development (PPGD) and the Philippine National Strategic Framework for Plan Development for Children 2000–2025 (Child 21). Taking off from the Convention on the Rights of the Child, the Girl-Child Plan aims to address the discrimination against the girl and boy child and defined the agenda of action for a gender-fair approach to the development of and to mainstream gender-sensitivity in the policies and programmes for the girl and boy children. Lastly, the Girl-Child Plan is the gender companion plan to the National Framework of Action against Sexual Abuse and Commercial Sexual Exploitation of Children (FA SACSEC).

53. However, the Girl-Child Plan and the contents of the Handbook on 'Guidelines for Integrating the Girl –Child Plan in Your Organizations' have to be utilized to the fullest beginning with the sub-structures of the CWC, from national to local. The CWC, through the Committee for Children in Need of Special Protection (CCNSP) may consider drawing up actions that will pursue this together with monitoring indicators of successful mainstreaming and utilization. The CNSP is the mechanism now responsible for putting

together the supplementary report for Children on the State party's implementation of the Convention on the Elimination of Discrimination on Women – to include Girls.

54. Significant gains have been achieved in terms of coordination of multi-sector and inter-agency responses through these sub-mechanisms particularly the SC SACSEC, STF GC and the CCNSP. Other non-traditional partners have demonstrated interest and provided support to the implementation of relevant laws and the provisions of the Optional Protocol. Community based alliances like the Alliance Against Child Pornography – a nation-wide organization of networks of organizations have participated in the campaign to raise awareness on Pornography of Children, provided inputs towards the validation of the Strategic Framework on Addressing Pornography of Children and the FA SACSEC. Most significant, the Alliance has closely partnered with legislative groups in order for relevant draft bills on Pornography of Children be reviewed, made more responsive and given attention for passage.

55. The CWC may want to consider scaling up these gains. The issues and concerns of children covered by the Optional Protocol require very close, intensive and sustained collaboration among stakeholders in order to put an end to these difficult situations of children. The local, regional as well as the national structures of the CWC can consider operational measures that will institutionalize and tighten the active link, support and cooperation with these non-traditional partners across levels throughout the country.

56. In spite of these gains and potentials, current efforts are still inadequate.

57. Since 2003, the CSEC Info System was put in place through pilot communities as part of the Subaybay Bata Monitoring System (SBMS – literally means, child surveillance and monitoring) and other micro monitoring systems for all children's concerns. While the CSEC Info System was designed specifically to monitor and facilitate response provision and design addressing the issues relevant to commercial sexual exploitation of children and the provisions covered by the Optional Protocol, the integration and institutionalization of the CSEC Info System in all the organizations and networks working on the issues covered by the Protocol will still take some time.

58. The DSWD, through its substructure, the Inter-Country Adoption Board (ICAB) and Inter-Country Adoption Placement Committee, and Secretariat, performs functions that secure all the processes involved in the implementation of the Republic Act 8043 or the Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children, and for other Purposes. Apart from setting up policies and guidelines, the collection, maintenance and preservation of confidential information; monitoring, follow-up and facilitation of completion of adoption, accreditation and cancellation of licenses of adoption agencies to operate; and, promotion of development of adoption services are performed. As of this writing, the Implementing Rules and Regulations to the Republic Act 8043 have been amended to better serve the Filipino Children.

59. In September 1995, the Committee for the Special Protection of Children was created through Executive Order 275 "Creating a Committee for the Special Protection of Children from all Forms of Neglect, Abuse, Cruelty, Exploitation, Discrimination and Other Conditions Prejudicial to their Development". This inter-agency committee supports the implementation of the relevant laws to include implementation, assessment and monitoring. Specifically, the Committee directs other agencies to immediately respond to the problems brought to their attention and report to the Committee on actions/s taken; and, monitors the disposition and prosecution of child abuse, trafficking and prostitution cases. In 2001, the National Comprehensive Program for Child Protection (NCPCP) was issued following the direction stated under article II Section 4 of Republic Act 7610, otherwise known as The Special Protection of Children Against Child Abuse Act mandating the DOJ and the DSWD to initiate the drafting of a comprehensive programme for the protection of

children against child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows and other acts of abuse and circumstances which endanger child survival and normal development”. This National Comprehensive Program for Child Protection has been updated for 2006 – 2010 and was launched on 18 June 2007. Consistent to the vision and approaches of Child 21, the NCPCP continues to complement the Framework for Action against the Commercial Sexual Exploitation of Children.

60. In 1999, the Inter-Agency Advisory Committee on Local Policy and Institutional Development (IAAC-LPID) initiated the “Child Friendly Movement” in the communities or barangays. In compliance with Republic Act 7610, The Special Protection of Children against Child Abuse, the movement was meant to ensure nationwide implementation of the law and other relevant measures pertinent to the implementation of Convention of the Rights of the Child. In support of this, the Search for Child-Friendly Cities and Municipalities was launched. This ‘Search’ attempted to institutionalize a child-friendly environment in the promotion of the rights of girls and boys to survival, development, protection and participation. The effort also set the environment for coordinated effort to protect and promote the Rights of Filipino Children beginning with the smallest unit of governance in the country.

61. This effort by the State is commendable. The challenge, however, is how to ensure that all the nominees and awardees sustain the qualifications beyond the life of the Child Friendly Movement. Another is how other Local Government Units, such as the Barangays can be enjoined to possess the said qualifications even without awards.

62. It is highly recommended that in the processes involved in selecting the Child Friendly Cities and Municipalities members of the community and especially the children should be included. The children are the best and living witness to the validity of the performance of a governance unit.

63. The Sagip Bata Manggagawa (SBM) or ‘Rescue the Child Laborer’ the inter-agency quick action mechanism under the Philippine Program Against Child Labor (PPACL) is being implemented since 1994. The SBM aims to respond to cases of child labour in extremely abject conditions. It employs an inter-agency quick action team composed of the DOLE, the PNP and the DSWD for detecting, monitoring and rescuing child labourers in hazardous and exploitative working conditions all over the country. Information and data on rescue operations; number of children rescued, sector of industries the children were found in, status of various interventions to care and support the children are generated. The SBM is just one component of the PPACL. The other component is the Philippine Time-Bound Program that works in six priority sectors of child labour, and, the Elimination of Child Labor in the Tobacco Industry. All three components bring forward a mammoth of information and data that require a central databank that can generate up to date advice for programme and policy reform, and, for national awareness. The SBM and the other components of the Program submit data for integration into the Situation on Children as a member of the various structures of the Council for the Welfare of Children.

64. The Inter-Agency Council against Trafficking (IACAT) was established to coordinate, monitor and oversee the implementation of Republic Act 9208 (RA 9208) the Anti-Trafficking in Persons Act. All 11 members have information and data to collect, keep and manage due to their varying organizational mandates and responses to the issues of trafficking. The very sensitive nature of the issues of children required strict confidentiality and care in management while providing timely information for national programme and policy development. The National Police Commission (NAPOLCOM) is now the caretaker of this vital information. Agencies involved submit data sets and the collation and management are secured by the NAPOLCOM. Sources of data and information also come from local mechanisms established. The Local IACATs at the regional, city, and municipal

levels were created in hotspot areas. These are composed of various government agencies, local government units and non-government organizations (NGOs) to ensure the effective implementation of RA 9208 in the local levels. Local task forces were also established in these areas composed of law enforcement agencies and local prosecution offices to investigate and prosecute trafficking cases.

65. Despite gains and the efforts to organize actions, handling and management of data at source is still a challenge. Without a common understanding of the criminal elements involved, adequate skills in collection and analysis, and the high-speed advancement of information and communication technology, arriving at a national statistics, that is fully disaggregated, where trafficking in persons is concerned will take some more time.

E. The Optional Protocol and the general principles of the Convention

66. As a State party to the Convention on the Rights of the Child, the Philippines exerted efforts to harmonize domestic legislation with the principles, standards and provisions of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography. The Optional Protocol has laid clearer parameters for implementers and child rights advocates and key stakeholders to craft guidelines and bases for code of behaviour, and, critically assess how much further the State can be more responsive to the situations of children covered in its provisions.

Best interest of the child

67. This principle has been pursued by the State in all cases including like criminal proceedings, care, custody, education and property involving children. A number of laws passed and other legal measures issued have made sure that all mandated to protect children, be they judges, lawyers, law enforces, social workers, house parents, local community leaders, and parents among others act in accordance with taking care that “the best interest of the child are a “primary considerations”. Structures and mechanisms have been put in place to ensure implementation, coordination and monitoring the States’ compliance to its commitments to the Convention.

68. The biggest challenge to the State in this regard is how the principle is being realized and monitored in settings such as homes, communities, institutions and agencies caring for children – in all places where the children are, particularly those who are most at risk and vulnerable to and are victims as described by the provisions of the Optional Protocol.

69. Corollary to this is the other challenge of providing adequate and sustained support, either budgetary, capacity building, tools and various forms – to inform, educate and capacitate parents, families, community members, care providers, administrators and policy makers among many, regarding the implementation of the provisions of the Optional Protocol with the ‘best interest of the child’ in mind.

On non-discrimination

70. While any child must be protected from all situations covered in the provisions of the Optional Protocol, studies made and recent reports have indicated that the children most at risk, vulnerable and victimized are those children already in need of special protection. The street children, children deprived of appropriate and adequate parental care, guidance and support (like those whose parents are working away from home – overseas or another locality in the country), those out-of-school for reasons of economy (unemployed or underemployed parents) and security (like the on-going arm conflict in some areas of the country), children from indigenous communities (forced to move out of ancestral homes or due to survival) are among those singles out.

71. The reach of protection of the relevant national laws has yet to fully cover these children particularly those still undocumented or unregistered at birth. They are marked by recruiters or brokers who silently roam the most remote, poor or congested communities. Regardless of where these children are from, geographically and culturally in the Philippines, they are the most victimized when recruited or abducted. When rescued, delays in the provisions of legal and other needed services are experienced by many of them due to the absence of ‘authentic’ proofs of identity as compared to other children with so.

72. The State party, through the National Census and Statistics Office (NCSO), and CSOs like PLAN Philippines have had wide coverage and significant progress since the Birth Registration Program was implemented before the Optional Protocol took effect in the country. The challenge to the Philippine government and partners is the acceleration of the Program to reach all the children faster than the recruiters or brokers do. Considering the ballooning population, the information education campaign and the state of technologies required to secure the Birth Registry gets into the main data bank of the NCSO, the barriers posed to parents by distance to the nearest Birth Registrar, other documentary requisites they are often asked to produce in this regard, and the cost of all the effort – the challenge is great to all parties concerned.

73. Balancing the outcome of economic efforts such as mining and real estate development (converting prime agricultural lands into commercial, industrial and residential) on children living in the affected areas is a very tall order to be faced by the Philippine Government. Many children, particularly those belonging to cultural, indigenous and poor communities have been rendered most vulnerable to the situations covered by the provisions in the Optional Protocol due to changes in their habitat; lose of ancestral domain and means of survival and protection.

74. To make sure that no child will be left out of appropriate protection and support by the relevant laws, all mandated agencies and civil society partners, including children, must establish and share a common understanding of the elements of the criminal acts of violations to the children in reference to the provisions of the Optional Protocol. The DSWD and the CWC, through the SC SACSEC may consider convening a series of discussions with various stakeholders to arrive at standard definitions useful to everyone that will be inclusive and truly representative of the situations of the children as per the Optional Protocol. In turn, a continuous documentation of cases can be compiled to contribute to a representative National Statistics.

On right to life, survival and development, and, respect for the views of the child

75. Children rescued from the situations such as prostitution and child pornography misses out on comprehensive care due to the absence of policy guidelines for examining, testing and treatment that are ethically appropriate, child safe and sensitive. This comprehensive care include voluntary confidential counselling and testing (VCCT), informed consent, reproductive health (RH), sexually transmitted infections (STI), human immune deficiency viral infection (HIV) and Acute Immune Deficiency Syndrome (AIDS) services; making available and accessible cheap or free, paediatric formulations of prophylaxis and Antiretroviral and other medications, redress mechanisms for complaints of children on health and service providers and, most important, participation of children in the whole process of recovery, healing, treatment, care, support and reintegration.

76. The Philippines was first in Asia to enact The Philippine AIDS Prevention and Control Act or RA 8504 in 1998, otherwise known as the AIDS Law. This legislation warrants more explicit provisions in order for the principles and provisions of the Convention be better ensured as expounded in some provisions of the Optional Protocol in relation to situations of STI, HIV, AIDS, and RH. The AIDS Law specifically states in

Section 2, paragraph b item (1): ‘Declaration of Policies’ that “The State shall extend to every person suspected or known to be infected with HIV/AIDS full protection of his/her human rights and civil liberties. Towards this end, (1) compulsory testing shall be considered unlawful unless otherwise provided in this Act”. However, there have been children rescued from prostitution and other forms of commercial sexual exploitation who have been tested for STI and HIV without going through voluntary and confidential counselling and testing (VCCT).

77. For more than 16 years, the Philippine National AIDS Council (PNAC) has been initiating and supporting policy reforms (i.e. Amendments to the AIDS Law and the Reproductive and Responsible Parenting Bill among others), national programmes and services that seeks to protect the rights of children and young people alongside the rest of the population and provide for the most appropriate Continuum of Care for all. The latest AIDS Medium Term Plan of 2006–2010 embodies the bold steps the PNAC is taking to address the growing concerns HIV and AIDS is posing to the country. The full support of the State is desired to scale up the modest gains of the National AIDS Response and contribute to the minimization of violations to the Rights of Filipino Children most at risk, vulnerable to and affected by HIV and AIDS to include those situations covered by the provisions of the Optional Protocol.

78. Apart from being members of the PNAC, the DOH, DSWD, DepEd, CWC and CSOs has drafted and lodged a Bill for the 14th Congress that will secure the rights of children, including those victims of the situations covered by the Optional Protocol to a continuum of comprehensive care from womb to 18 years of age.

79. In February 2007, a Round Table Discussions (RTD) of Counselors and Professionals¹ providing years of services towards the recovery, healing and reintegration of children victims of sexual abuse and commercial sexual exploitation raised the following recommendations for priority actions by concerned government and civil society agencies.

(a) A team of (highly, if not, well trained) service providers with distinct responsibilities and programme of actions as compared to just one service provider has to be formed to adequately respond to a child’s varied psychosocial needs to address the “layered” trauma resulting from the abuse;

(b) A Unified Comprehensive Case Management Protocols and Procedures that includes the active participation of the ‘victimized/abused’ child in the case management processes will have to be designed and put in place;

(c) Set into motion an active data documentation based on a shared standard definitions of cases of children to achieve responsiveness to the child in all sense of the word;

¹ This was one of the activities undertaken in consonance with the *1996 Proclamation No. 731* which declared *the second week of February of every year as “National Awareness Week for the Prevention of Child Sexual Abuse and Exploitation”*. The *Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation of Children (SC SACSEC)* under the *Council for the Welfare of Children (CWC)* convened in 2007, expert practitioners in the field to talk about and examine how the children victims of said situations can best be served and protected while under their care. This came about as a result of information generated for years of children being “re-victimized” and “re-recruited” resulting from inadequate resolution of initial trauma. Furthermore, the RTD was meant to capacitate these Service Providers in the light of increasing demand for their services as a result of the continued campaign against said issues and the incessant efforts to “rescue” children from so. Most important, the activity sought to generate inputs for policy reforms and monitoring.

(d) Resources needed to do the job will have to be available, accessible and appropriate;

(e) Capacities of service and care providers need to be constantly updated and supported. This should consider the time and cost of going back to school, the number of professionals who might need to leave their posts to benefit from so, and best measures possible for the care providers to acquire the needed skills and knowledge to comply with requirements in the best interest of the child;

(f) Enforce the implementation of the Child Protection Policies or the Keeping Children Safe Policy in “Safe Places” for children such as the institutions and Recovery and Healing venues;

(g) Enact legal instruments that will protect the care and service providers as well as the child participating in the process of recovery and healing. At present, only Republic Act 7610 in Section 28 provides for protection of care and service providers from administrative, civil or criminal liabilities while providing custody for the child. Amendments to this provision should include other professionals who are members of the Team and participating in the recovery and healing;

(h) Set up and put in place grievance mechanisms for both the child and the providers of care; and

(i) Design and set into motion a ‘Pre-to-Post Recovery, Healing and Reintegration (RHR) Programme’ in order to make sure the continuing process of RHR of the child. The support of the State, through the mandated agencies, will be important to prevent “re victimization”, protect against stigma and discrimination and monitoring of the long term effects of abuse (sequelae) on the child.

80. As of 2007, through a consultation workshop, children and young people ‘survivors’ of trafficking reviewed the final draft of the Proposed Guidelines for the Protection of the Rights of Trafficked Children. The Asia Acts, in coordination with the Inter Agency Council against Trafficking (IACAT), with the support of UNICEF in the Philippines has been on top of this initiative since August 2005. These Guidelines were approved in 2008.

81. The Guidelines pertain to the standards of care and treatment of trafficked children from the point of detection up to the healing and recovery of the child victim. The gap that exist in terms of practical procedures can guide duty-bearers on how to conduct themselves in a manner that protects, fulfils and facilitates the exercise of the rights of victims or survivors of trafficking in persons that are consistent with international standards will be filled. Furthermore, provisions that outline protection for direct service providers that are not found in other international and regional instruments are also included.

82. The National Framework on Children’s Participation has been approved. This, however, was finalized before the above Proposed Guidelines. Therefore, there is a need to ensure that the former and the latter will be in harmony. The Framework may need to be reviewed later in terms of the application of the Proposed Guidelines and others that will be developed in response to the increasing and emerging cases and issues of children. While these are tools that will strengthen the growing acceptance of the child’s “citizenship” in development concerns affecting their interests and welfare, the State, through its mandated agencies will have to make sure that in whatever the children decide to engage in as “Social Actors” these will not put them in more harm. The relevant laws and other measures will have to be amended to include provisions that protect children’s participation.

F. The extent to which the Optional Protocol contributed to the implementation of provisions of the Convention

Article 1

Definition of the child

83. In harmony with other laws and for better enforcement, the Revised Penal Code need to explicitly define “Minors” as this is applied in other relevant provisions therein. Republic Act (RA) 7610, the primary law referred to by many succeeding laws and measures, defined the child as “a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical mental disability or condition.” This definition, though, has to be continuously disseminated and understood by all Filipinos – children and adults alike in order to facilitate compliance, enforcement and implementation of relevant laws referring to RA 7610’s definition. These are: RA 7658 or the Act that Prohibits the Employment of Children Below Fifteen Years of Age in Public and Private Undertakings, RA 8369 or the Family Courts Act, RA 8370 or the Children’s Television Act, RA 9208 or the Anti Trafficking in Persons Act, RA 9321 or the Elimination of Worst Forms of Child Labor Act, RA 9262 or the Anti-Violence Against Women and Children Act, and, RA 8552 or the Domestic Adoption Act. The Inter-Country Adoption Act or RA 8043 made very clear that the children provided for by the law are those persons below 15 years of age unless sooner emancipated by law. Another relevant law that needs to have a more explicit definition of who is the child is the Comprehensive Drugs Act or RA 9165. This law uses the word “Minor” without definition and to children as persons below 18 years old only with reference to rehabilitation of drug dependents and first time offenders or those over 15 years of age but not more than 18 at the time of commission of the violation of Section 15 of the said law. Considering that the so-called “drug users or dependents” are getting younger and younger everyday, and that more and more children are victimized as couriers, messengers, manufacturers, vendors of drugs and look-outs, this law needs an amendment to include a more standard definition of children at the beginning of the document.

Article 11

Taking children from a country illegally

84. The Revised Penal Code criminalizes and penalizes the following: Under Article 270: ‘Kidnapping and failure to return a minor’, the penalty of reclusion perpetua shall be imposed upon any person who, being entrusted with the custody of a minor person, shall deliberately fail to restore the latter to his parents or guardian; Article 271: “Inducing a minor to abandon his home’, the penalty of prison correctional and a fine shall be imposed upon anyone who shall induce a minor to abandon the home of his parent or guardians or the persons entrusted with his custody.

85. While many incidence of kidnapping has been solved, quite a lot more have remained out of the law enforcements reach due to fear of reprisal of abductors to the families and the possible death of their kidnapped children.

86. With reference to the Philippine Passport Act or RA 8239, Article IV Section 8 (a) of RA 7610, Sections 4, 5 and 6 of the Anti-Trafficking in Persons Act, and the provisions of the Optional Protocol, the ‘Omnibus Guidelines for Minors Traveling Abroad’ issued through Administrative Order (AO) No. 14 in 2005 by the DSWD was amended by AO No. 02 in 2006. This was a response to issues and concerns based on actual experiences of the

field implementers and other stakeholders. The amended guidelines provide the direction for the issuance of travel clearance to minors travelling abroad in so far as specific provisions are concerned. AO No. 02 of 2006 has been the model used by Davao City's² Ordinance No. 2491 that bans minors from travelling alone without parental consent, allowing them to travel only with an adult sibling or a legal guardian. This ordinance covers all forms of travel – both local and international. Minors travelling alone can be stopped from boarding buses, ships and planes if they cannot present a permit to travel certification from the City Social Services Development Office. The permit is the proof of compliance with a number of requirements. Other relevant laws being implemented to deter taking children illegally from the country are the Inter-Country and the Domestic Adoption Acts, RA 8043 and 8552 respectively.

Article 21

Adoption

87. The State has very sound policies in this regard like the Inter-Country and the Domestic Adoption Acts, RA 8043 and RA 8552 respectively. There are, however, concerns that must be remedied by policies in this regard. The whole adoption process, whether international or domestic, needs to be shortened to facilitate the transfer of an abandoned child to a family based care that is more appropriate with their needs. The resolution for the declaration of abandonment still goes through the courts, which delays the process. Thus, an Act Requiring Certification of the DSWD to Declare a Child Legally Available for Adoption Proceedings Amending the Domestic Adoption Act of 1998, the Inter-Country Adoption Act and the Child and Youth Welfare Code, and for other Purposes is being proposed for passage for the 14th Congress. The placement of an abandoned, neglected and children with special needs to adoptive families, whether in the country or abroad should be facilitated. To date, the DSWD is preparing the draft of the Bill on the harmonization of the local and inter-country adoption laws.

Article 32

Child labour

88. While RA 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act remains to be the primary legislation addressing rights violations on Children, to include child labour, RA 9231 or the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child Act was enacted in December 2003 to include provisions relevant to the Optional Protocol. To complement both, RA 9208 or the Anti-Trafficking in Persons Act passed on May 2003. Trafficking of children for purposes of worst forms of labour, particularly for commercial sexual purposes, has been one of the critical fronts being monitored. (Tables 3.a and 3.b illustrate the continuing response of various sectors to address this.)

² Davao City is the biggest city in the Southern Philippines due to land area. It is one of the first Local Government Units with a Children's Welfare Code. It has a very active government and civil society partnerships along Child Rights Protection and a City Inter-Agency council Against Trafficking, among others. Davao City is also where a program and shelter for victims of human trafficking built by the Philippine Port Authority and managed by the Visayan Forum Foundation since 2002. This is just one of the five shelters at the ports all over the country meant for this purpose. The others are in Manila, Batangas City, Matnog and Sorsogon. The latter two are both in the Bicol Province.

Article 33

Drug abuse

89. The involvement of children in drug abuse as user, courier, and look out, labour in the manufacturing, and vendor or dealer has been noted with alarm. As early as 1972, the Dangerous Drugs Act³ was the main law restricting the use and distribution of narcotics and psychotropic drugs. RA 7610 or the Special Protection of Children against Child Abuse, Exploitation and Discrimination Act of 1992 has increased the penalty for the use of children in drug pushing or trafficking to life imprisonment.⁴ In the same year, another law was adopted requiring that information on drug abuse be taught in public schools and in alternative education programmes.⁵ Other measures have been adopted including community-based awareness campaigns and the nationwide “Citizen’s Drug Watch”. This response has helped increase reportage of the public on drug pushing and abuse to authorities. A number of residential facilities for drug users have been set up all over the country. In January 2002, the Comprehensive Drugs Act or RA 9165 repealing RA 6425 otherwise known as the Dangerous Drugs Act of 1972 was passed. RA 9165 provided stronger deterrence to, penalties for criminalized actions defined related to the issue and funds to support the implementation of so. An inter-agency Dangerous Drugs Board composed of 17 members was organized under the Office of the President to act as the policy-making and strategy-formulating body in the planning and formulation of policies and programmes on drug prevention and control. It was expected to develop comprehensive, integrated, unified and balanced national drug abuse prevention and control strategy.⁶ At present, there are 56 Residential Facilities all over the country and three out patient centres submitting updated reports on their treatment and rehabilitation services. The Integrated Central Case Registry and Monitoring System set up by the Board provides for the mechanism’s information and data needs. However, the latter was not readily available for this report to examine in the light of the provisions of the Optional Protocol.

90. To effectively implement the laws, leave nothing to varied interpretations and to protect children further as indicated in the provisions of the Optional Protocol, the following are being lined up for priority consideration by State party stakeholders:

(a) RA 9165 or the Comprehensive Drugs Act as a matter of Declaration of Policy, should indicate reference to relevant international commitments to include: the Convention on the Rights of the Child and this Optional Protocol, the Protocol to the UNCTOC and the ILO Convention 182 on the Worst Forms of Child Labor;

(b) To standardize implementation of the law, as a matter of Definition of Terms, the child must be defined in harmony with RA 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act and other relevant laws for

³ Initial report, para 298.

⁴ Article VI, Section 10 (e) (1).

⁵ This is an Act Integrating Drug Prevention and Control in the Intermediate and Secondary Curricula passed in July 11, 1992.

⁶ Board Resolutions relevant to children have been passed and promulgated. These are: BOARD REGULATION NO. 6 Series of 2003: General Guidelines For The Conduct Of Random Drug Testing For Secondary And Tertiary Students; BOARD REGULATION NO. 4 Series of 2003: Implementing Rules and Regulations Governing Accreditation of Drug Abuse Treatment and Rehabilitation Centers and Accreditation of Center Personnel; BOARD REGULATION NO. 2 Series of 2005: Rules on the Suspension of Sentence of a First Time Minor Drug Offender; BOARD REGULATION No. 1 Series of 2006: Guidelines in the Implementation of the Aftercare Program for Recovering Drug

children. To be consistent, the word “Minor” can be either dropped from the document or be defined as another word for “Child” as defined;

(c) Inclusion of provisions that will provide protection of children against the use of the following and programmes for appropriate healing: “Poor children’s drugs” – Rugby and other solvents (to include those used in marker pens and the like), steroids or performance enhancing drugs used for athletes, and drugs for dieting used by adult weight watchers, among others;

(d) Apart from what the law already provides inclusion of provisions to protect children from the following: planting and harvesting crops used as raw materials to produce drugs (In the Philippine context, marijuana plots/plantations are still being uncovered in remote areas of the country. Children of farmers engaged with this crop and similar others run the risk of being killed in confrontation with Law Enforcers, rival groups or leaders of syndicates who do not want “leakage” of the activity. In the meantime, smoking Marijuana is getting to be a “revived” practice lately among young people.); using drugs to induce children to engage in criminal acts to include prostitution and pornography; as well as, trafficking of children in order to traffic drugs or as payment for drugs; and

(e) Section 3 (c) (6) of RA 7610 should include specific situations such as mentioned above as part of the Definition of the term “circumstances which gravely threaten or endanger the survival and normal development of children”; and, the same be applied under Section 10 (e) of Article VI defining Other Acts of Abuse.

91. Pertinent to all the above is the passage of the RA 9344 or the “Act Establishing a Comprehensive Juvenile Justice and Welfare System” or otherwise known as the Juvenile Justice Welfare Act or JJWA. This created the Juvenile Justice and Welfare Council under the DOJ and appropriated funds for this and other purposes. The law increased the minimum age of criminal responsibility from 9 to 15 years old. It provides under Section 6, “that a child fifteen (15) years of age or under at the time of the commission of the offense shall be exempt from criminal liability; however, the child shall be subjected to an intervention programme, unless he/she has acted with discernment, in which case, the child shall be subjected to the appropriate proceedings in accordance with this Act.” The JJWA prohibits cruel, degrading and inhuman treatment and introduced restorative justice that provides for programmes and services appropriate to the child and his offense.

92. The same law under Section 15 also provided for the establishment of LCPCs in all levels of local government, of which DILG, as a member of the Juvenile Justice Welfare Council (JJWC) shall oversee and coordinate with CWC.

Article 34

Sexual exploitation and abuse

93. The State passed laws to tighten the protection of children from sexual abuse, sexual exploitation and other acts of abuse soon after the ratification of the Convention.

(a) With reference to the Optional Protocol, RA 7610 remains to be the principal legislation addressing both issues referred to by Article 34. Recently enacted laws such as RA 9208 or the Anti-Trafficking in Persons Act and RA 9231 or the Elimination of Worst Forms of Child Labor Act moved on to provide stronger protection to children for the acts mentioned in the provisions of the Optional Protocol. On the other hand, RA 9262 or the Anti-Violence against Women and Children Act provided protection for children of women

in domestic violence from various forms of sexual abuses to include pornography and prostitution;⁷

(b) The following mechanisms were set up to coordinate and monitor implementation of these and other measures to address this issue from various fronts. The Committee for Special Protection of Children developed and has updated the Comprehensive Program in this regard; the SC SACSEC under the CCNSP of the CWC developed and updated the national Framework of Action against CSEC (FA CSEC) from which the Strategic Framework of Action Against Pornography was drafted; the IACAT developed the National Strategic Action Plan against Trafficking 2004–2010 and the members of the Inter-Agency Council on Violence Against Women and Their Children (IACVAWC) were tasked to formulate programmes and projects to eliminate violence against women and their children based on their mandates among others.

94. Modest progress has been made so far in terms of the following: (a) increasing involvement of various sectors of society in the reporting of cases (Members of communities, LCPCs, CSOs, and Children themselves among others; (b) successful prosecution of a number of cases of trafficking; and, (c) increased capabilities of implementers at various components of response i.e. protection, prevention, recovery-healing-reintegration, cooperation and coordination; and, children’s participation.

95. To be “fully” responsive, the State may consider the following areas of concern as part of priority national action:

(a) From the various consultations conducted by the SC SACSEC with different stakeholders from government and CSO partners (including children and young people), a standard definition of the acts of abuses will have to be established, understood, shared, popularized and used by all individuals with stake on the issue to improve detection, reporting, documentation and immediate appropriate handling and management of cases;

(b) Nationwide, programmatic and cost effective dissemination of: relevant international agreements and commitments, national legislations and issuances; research findings; programmes and services to include relevant appropriate technologies (such as the Personal Safety Curriculum and Life Skills Module for Children in Need of Special Protection – in a manner that will be understandable and useful to different types of audiences is needed. This will be strategic in addressing the sensitivity that shrouds the issues concerned (i.e. sex, prostitution and pornography) without shocking the moral sensibilities of the majority of the population. Alongside this effort, the monitoring, assessment and evaluation of the commitments of the State to its children is facilitated;

(c) As the primary legislation responding to article 34, amendments in relevant provisions of RA 7610 should now include definitions of explicit actions as part of the definition of sexual abuse and sexual exploitation in the Philippine context. This will be the legal basis of the standard definitions of acts of abuses that the State and citizens will appropriately respond to;

(d) Particular to child pornography, apart from adopting the relevant provision in the Optional Protocol, pertinent recommendations proposed by the United Nations Special Representative on Child Pornography should be considered as part of a new Bill or amendment to RA 7610.⁸

⁷ Section 3 B (a) and (c) of RA 9262 otherwise known as the Anti-Violence against Women and Children Act.

⁸ Report of the Special Rapporteur to the Committee on the Rights of the Child.

Article 35

Sale of children

96. The Revised Penal Code, Special Protection of Children, Inter-Country Adoption and Domestic Adoption Acts punish the abduction of children, falsification of birth documents and “simulation of birth”. The three latter laws cover: taking a child out of the county illegally, offering money to a pregnant mother in exchange for permission to adopt the child, ‘simulation of birth’ for purposes of trafficking, searching for potential babies to adopt among poor families, hospitals, child minding centres among others, trafficking disguised as adoption, and adoption processed without observing the prescribed requirements and procedures defined by the law.

97. Legal adoption processes take so much time and resources. Many children abandoned, neglected, surrendered and rescued from abusive situations such as described in the provisions in the Optional Protocol wait for quite a very long while to be deemed available for adoption. In the meantime, facilities of the State and registered CSOs continue to experience caring for increasing numbers of children referred to them which in turn bear on the resources of both and the quality of enjoyment of the rights of the children on the other hand. Between domestic and inter-country adoption, the latter seems to present results. This is a concern, considering that all efforts to ensure local adoption should be exhausted and inter-country adoption will only be the last resort.

98. The DSWD is engaged in policy remedies directed towards the 14th Congress such as:

(a) Passage of a Bill ‘Requiring Certification of DSWD to Declare a Child Legally Available for Adoption Proceedings Amending the Domestic Adoption Act of 1998, the Inter-Country Adoption Act and Child and Youth Welfare Code, and For Other Purposes’. This is meant to shorten the adoption process (domestic as well as inter-country) to facilitate transfer of an abandoned child to a family based care more appropriate to her/his development needs;

(b) Re filing of the ‘Act to Strengthen and propagate Foster Care for Abandoned and Neglected Children and Children with Special Needs, Providing Funds Therefore and For Other Purposes’ – the Foster Care Bill as enhanced;

(c) Fast tracking of the harmonization of Inter-Country and Domestic (as amended) Adoption Laws;

(d) In the meanwhile, the preferential attitudes of prospective domestic adoptive parents can be addressed through the programmatic dissemination of laws, research results and pertinent other information and technologies as earlier mentioned. Furthermore, the continuous training of prospective foster and alternative parental care providers and close monitoring of relevant existing laws may require sustained collaboration with local government units and the civil society.

99. Other than the above, the organization, through the Inter-country Adoption Board (ICAB) has recently amended the Implementing Rules and Regulations of the Law. It has been published and is presently being disseminated for implementation by stakeholders to the issue.

Article 36

Other forms of exploitation

100. The Revised Penal Code and RA 7610 have provided for punishments to many acts of abuse to children. However, more potentially abusive situations where children are involved in the Philippine context need to be defined, protected and or penalized and provision thereof are to be included in the amendments of pertinent laws. These are for consideration by the State.

101. Using the National Framework on Children's Participation as framework, the following relevant situations will have to be examined considering the expected rise in the frequency of conduct of these activities. These have potentials for 'grooming' children and young people to active citizenship roles as well as being exposed to opportunities of abuse:

(a) Participation in mass rallies, demonstrations and gatherings exposes children to possible violence and conflict with law enforcers, harsh and violent exchange of words among adults, exposure to natural elements, long hours of march, non availability of resting places, hunger and thirst, missing out from school are just among the few examples that warrant protection of children from. While children's participation in development issues is gaining respect, there should be provisions in all relevant laws that will ensure the protection of this right;

(b) National and Local Elections are part of the Life of the State. Apart from "voting" for children and youth leaders, it has been observed that children have been used for political reasons i.e. campaigns, and other election activities. The extent of their involvement in the whole electoral processes will have to be examined or defined;

(c) Despite the provisions of the Revised Penal Code on Gambling, children are still seen in the various aspects of so. Such are: collectors of "Jueteng" (numbers game) and its variants; betting in cockfights, boxing and other sports arenas – among others. There were allegations that the children engage in these were trafficked from other areas of the country or are forced to travel with the group to help run and manage these activities. Monitoring of these activities and the enforcement of the pertinent laws by enforcers are wanted;

(d) Another potentially dangerous is the easy access of children to electronic games. Many of these programmes have very violent, obscene and or pornographic undertones. Such are: Counter Strike, War Craft and its variants, Anime and its variants among others. Many children are subliminally victimized by violence and pornography through these computer games. Whether at home or in internet cafes, children play. Many urbanized cities with facilities such as these have promulgated Local Government policies to regulate so. There should be a parallel regulation that can be put in place in homes.

102. The Philippines has made fairly modest gains along the implementation of the provisions of the Optional Protocol. However, serious and intensive monitoring of the implementation of the relevant laws will have to be done in order prevent any child from risk of experiencing any of the situations covered in the provisions of the Optional Protocol.

G. Process of preparation of the report

103. The guidelines regarding initial reports contained in the Basic Reference Document (CRC/OP/SA/1) was followed and utilized in putting this report together. The Council for the Welfare of Children (CWC) through its Secretariat constructed a preliminary matrix based on available data from appropriate government agencies with reference to mandates and responses to specific provisions of the said Protocol. A series of interagency committee

meetings confirmed the data collection format and process. More civil society organizations were identified as participants in data and input build-up. The matrix, together with a list of question to aid interpretation of responses to specific provisions of the Optional Protocol was distributed to all concerned agencies by the CWC. These were collected subsequently. Studies, researches and relevant reports were also reviewed. A narrative compilation of the data, inputs and information was put together to form part of the draft. Each draft produced underwent a series of consultations and validation with the different committees under the CWC. These inter-agency structures are composed of government and civil society organizations. Many are members of alliances that submit alternative reports to the Committee on the Rights of the Child on the Philippine Periodic Reports on the State's Implementation of the Convention. Copies of the draft were also shared with other civil society partners for their review and comments.

H. Status of children covered by the provisions of the Optional Protocol

Information and Data on the Children

104. In general, it will take some more time for the Philippines to have a comprehensive, systematic and disaggregated data in the form of National Statistics or representative research on all the issues covered in the Optional Protocol.

105. Beginning 2003, the DSWD has been maintaining disaggregated data on the girls and boys served, especially those in need of special protection, victims of prostitution, pornography and child labour, among others. An inter-agency Technical Working Group on Social Welfare and Development Data (TWG SWDD) Network was created and tasked to o primarily correct duplicated SWDD data. To test the viability and attainability of this project, the UNICEF-funded a pilot study conducted in DSWD-NCR to generate unduplicated data on sexual abuse cases. Statistics on the profile of victims and its perpetrators are among the basic output of the database system. The data network can be used as bases for policy making, planning, programme development, advocacy, networking and other usage. The DSWD complements data with studies they commissioned other organizations to conduct with the support of different agencies.

106. The data though reflects only those who have been served by the DSWD through its various programmes and services. Again, the reach of other organizations and the other data sets will have to be accessed on an organizational basis if needed. The situation of duplication of reporting will again be encountered among these organizations. To respond to the scarcity of data on the profile of children victims of trafficking for labour, sexual exploitation and prostitution, and, child pornography studies on the subject continue to be conducted. Among these are:

(a) The "Rapid Appraisal of Child Pornography in the Philippines" conducted by the University of the Philippines Center for Integrative and Development Studies Psychosocial Trauma and Human Rights Program (UP CIDS-PST) and the UNICEF in 2004, provided a comprehensive appraisal and in-depth understanding of the serious and very real problem of the issue of child pornography in the Philippines. While some data were available, it does not reflect the real number of children victimized by child pornography. The study highlighted the lack of laws and information "available on Child Pornography, and its relationship to the unbeatable advances in information communication technology such as the internet and the cell phones" in the country;

(b) The "Endangered Generation: Child Trafficking in the Philippines for Sexual Purposes" was conducted by ECPAT Philippines in 2004. It described the child victims and perpetrators, the trafficking process and procedures, the dynamics and state of child sexual exploitation, as well as, law enforcement responses in seven high-risk areas in the country.

The data and information were also generated from the actual “stories” of the victims among the children interviewed;

(c) “Girl Child Labour in Domestic Service in the Philippines: Results from A Rapid Assessment in Metro Manila and Bacolod City” was a documentation done by the Visayan Forum Foundation (VFF) and the ILO-IPEC of the experiences of 36 child domestic workers. It brought forward why these children would rather endure the varied abuses they are exposed to just to supplement family income and their feeling of lack of alternatives and marketable skills. It raised the need for clearer policies for children in domestic work particularly towards improving working conditions, classification as worst form of child labour and for communities to install support mechanisms that would sustain the income of families in order to prevent the entry of children into domestic work. This study served to provide evidence needed for a bill to be drafted and programmes to be initiated sans the law;

(d) “Local Trafficking of the Filipino-Girls for Employment: The Case of Girl Children Trafficked for Entertainment Work, Domestic Service and Factory Work” was a study conducted by the Institute for Labour Studies (ILS), the DOLE and UNICEF. It documented the experiences of 24 trafficked children ages 14–17 years old at various stages of the trafficking process. It brought forward the following recommendations: (a) Community-based information campaign towards providing informed choices to parents and children must be pursued, (b) The BCPC must be activated and made functional to facilitate coordination of trafficking prevention and protection activities, (c) Rescue and labour inspection programmes must be strengthened, (d) legal protection centres for working children must be established, as well as, improvement of services of government run temporary shelters, and, (e) the formulation of a comprehensive programme framework against Child Trafficking;

(e) “The World of the Children Involved in the Sex Industry: Reducing the Risks and Harm of Sexual Exploitation, STD and HIV/AIDS in Filipino Children” was conducted by the UP CIDS-PST, Program for Appropriate Technology for Health – AIDS Surveillance and Education Program (PATH-ASEP) of the USAID. It studied the lives of children involved in the Sex Industry and defined factors promoting the entry, continued stay and exit of children in so. It also described the exploitative and abusive relationships between players in the organized network of abusers and the child. The study stressed the need for strategies to reduce the risks and harm of sexual exploitation, sexually transmitted infections (*STIs*), other reproductive tract infections (*RTIs*) and concerns, HIV and AIDS in Filipino Children. To this date, the incidence of *RTIs* and *STIs* among children and young people continue to increase particularly among those who are sexually active and are forced into commercial sex. The findings of this study must continue to be a reference for all those organizations setting up or implementing relevant programmes and services for children. (More detailed information on other relevant studies and researches has been enclosed.)

Reported relevant cases of children

107. In general, the number of cases on child abuse as reported by the DSWD has decreased from 10,045 in 2003 to 7,228 in 2007 since the Optional Protocol took effect in 2003. The figures presented in tables 3a and 3b below respectively reflects only those children being served by the DSWD through its various community-based and centre-based programmes and services and the DOLE through the Sagip Bata Manggagawa (SBM) mechanisms all over the country. Note, however, that there are still children in situations covered in the provisions of the Optional Protocol that have not been reported or documented.

108. Majority of the children reflected in table 3a have either been reached by the DSWD through their direct participation in rescue missions like in the SBM operations or were referred for appropriate interventions by like-minded organizations, communities or individuals.

109. As of 2007, new categories were noted in table 3a. Reflective of present programmes and services being provided by the DSWD, it tells of the improved capacities of the service and care providers to respond to the particular psychosocial needs of the children towards recovery and healing.

110. The heightened campaign against pornography of children has established other existing forms or modes used in the country other than tri-media, such as, information communication technology. The active engagement of relevant local government units, civil society organizations, such as, Internet Service Providers, Microsoft, academic institutions and law enforcement agencies have put forward cases of children and adults victimized through 'cyber pornography'.

Table 3a

Number of reported cases of child abuse served by the Department of Social Welfare and Development (DSWD) by type

<i>Type of abuse</i>	<i>2001</i>	<i>2002</i>	<i>2003</i>	<i>2004</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>
Abandoned	985	1 079	1 134	1 026	936	1 039	878
Neglected	2 285	2 549	2 560	2 627	2 420	1 267	2 249
Emotional abuse*							9*
Sexually abused	3 980	4 129	4 097	3 416	2 939	2 803	2 277
Rape	2 192	2 259	2 395	1 981	1 634	1 526	1 377
Incest	1 245	1 332	1 189	1 084	1 018	921	692
Acts of lasciviousness	543	538	513	351	287	356	208
Sexually exploited	249	284	311	348	267	244	165
Victims of paedophilia	21	32	51	43	19	7	17
Victims of prostitution	224	245	247	294	242	236	121
Victims of pornography	4	7	13	11	6	1	7
Cyber pornography**							20
Physically abused/maltreated	1 445	1 440	1 370	1 214	1 009	796	863
Victims of child labour	412	358	268	333	268	231	285
Illegal recruitment	21	21	30	54	24	14	77
Child trafficking	29	95	66	135	102	146	204
Abduction	-	-	-	-	-	-	-
Victims of armed conflict	42	90	208	44	371	66	184
Involved***							51

Type of abuse	2001	2002	2003	2004	2005	2006	2007
Affected							133
Others****							36
Total	9 448	10 045	10 044	9 197	8 336	7 606	7 228

Source: Department of Social Welfare and Development.

DSWD-PDPB consolidation based on submission of DSWD Field Offices.

January to December 2007 (Primary Unduplicated).

Data reflected are reported cases served by DSWD.

(* , ** , *** , are new categories.

**** are the number of children with multiple traumatic experiences such as sexual abuse, psychological abuse, sexual molestation and exploitation).

111. The State, through the mandated agencies and mechanisms like the DSWD and CWC, SC SACSEC, CSO partners and the Child Rights Network (CRN) contribute further in intensifying the campaign, advocacy and lobbying towards the passage of the Bill on Pornography of Children, which includes provisions on cyber pornography', and the Bill on Minimum Age of Sexual Consent lodged with the 14th Congress presently. The successful prosecution of cases of violations of the above will in fact have additional value to the recovery, healing and reintegration of the children survivors.

112. As a State party to the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, the implementation of the Comprehensive Programme for Children Involved in Armed Conflict under the Office of the Presidential Adviser on the Peace Process (OPAPP), together with the Council for the Welfare of Children (CWC) have given attention to the children who are not only involved but are also affected by the on-going arm conflict in their communities. Table 3.a has included a specific category for acknowledging and providing appropriate services to the latter. A number of known and reported cases of children rescued from prostitution and trafficking originated from areas affected by arm conflict. As already mentioned, this situation of arm conflict among others heightens the risk of vulnerability of children in affected communities to other equally difficult situations as those protected by the provisions of the Optional Protocol on the sale of children, Child prostitution and child Pornography.

113. In aid of the State's continuing efforts to achieve accurate documentation and reporting of cases and arrive at a unified National Statistics that will actively advise reforms on policies, programmes and services for the protection of all Filipino Children, mandated agencies should consider the following:

(a) With regards design and delivery of effective responses and measure implementation of her commitments, the establishment of common denominators on reportable cases must be arrived at and shared by all agencies, organizations, and care and service providers around the country. This will facilitate surveillance, monitoring and reporting of violations as well as provision of immediate and appropriate responses to the victims;

(b) Along side the intensified Monitoring and Evaluation Systems being put into place, an active dissemination of a unified guidance or tool in reporting that has integrated the established common denominators mentioned above to all involved in the protection of children must be embarked on;

(c) The requisite capacities of all those involved in the protection of children to effectively utilize the tools must also be built and updated;

(d) Building on the results of the 2007 project “Developing Systems, Tools and Capacities to Improve Delivery of Recovery and Reintegration Services to Victims of Trafficking” launched by the Department of Social Welfare and Development with the support of the International Labour Organization (ILO) and implemented in Regions 1, 3, 4-A and National Capital Region (NCR), adequate resources like funds, equipments, technical expertise and other appropriate support must be provided by the State through its mandated agencies to scale up, increase coverage and engage more partners or stakeholders to implement the provisions of the Convention and the Optional Protocol;

114. Through the SBM mechanisms of the DOLE all over the country, data reflected in table 3b were children reached through a number of rescue missions conducted particular those in extremely hazardous working situations.

Table 3b

Sagip Batang Manggagawa
Statistical Report 2002–2007

<i>Year</i>	<i>Number of rescue operations</i>	<i>Number of child labourers rescued</i>
2002	106	365
2003	87	406
2004	74	240
2005	63	151
2006	51	218
2007	57	144
Total	438	1 524

Source: Department of Labor and Employment – Bureau of Women and Young Workers.

115. These accomplishments highlight the stakeholders’ full support to Philippine Program against Child Labor (PPACL) at the national, regional and local levels as well as their commitment to work together towards the elimination of child labour, as with the SBM and the situations provided for in the Optional Protocol. Furthermore, the commitment of the staff of the BWYW – the office directly monitoring the work of the SBMs and child labour programme implementers of the DOLE regional offices also contributed to the continuing success of the implementation of the PPACL.

116. Another noted NGO implementing the PPACL is the VFF. In collaboration with the Philippine Ports Authority VFF operates halfway houses at the Manila South Harbor, Sorsogon, Davao and Batangas ports to assist and protect women and children who are victims and potential victims of trafficking. These halfway homes provide information to disembarking migrants about travel, employment, and tracing support networks; 24-hour hotline assistance and reporting desk for stranded children; and temporary shelter, food, and recreation activities. As of March 2007, the programme has assisted a total of 21,987 victims and potential victims of trafficking since July 2001. Of this number, 147 trafficking victims filed criminal cases against the recruiters, traffickers and/or employers. Psychosocial recovery and social reintegration services, especially for girls involved in sexual slavery, are likewise provided. VFF also mobilizes and builds the capacity of partners and other stakeholders through the Anti-Trafficking Taskforce at the Port. To prevent trafficking, VFF advocates in source communities and transit routes by disseminating information through tri-media and lobbying for the passage of local

ordinances. Table 4a and table 4b below paint the pictures of work done by the VFF to prevent and rescue children in the areas they operate from abusive domestic work. These Child Domestic Workers were reached-out and provided with services in National Capital Region, Dumaguete, Bulacan, Cebu, Camarines Norte, Negros Occidental, Davao and Iloilo through the support of the Philippine Time Bound Project. These are just the children VFF and the Philippine Ports Authority were able to reach – those plying by road and the boats.

Table 4a

**Services for victims and potential victims of trafficking in persons
Cumulative report Manila, Davao, Matnog and Batangas**

July 2001–March 2007

<i>General type of intervention</i>	<i>Manila</i>	<i>Davao</i>	<i>Matnog</i>	<i>Batangas</i>	<i>Total</i>
	<i>(July 2001– March 2007)</i>	<i>(May 2002– March 2007)</i>	<i>(November 2003– March 2007)</i>	<i>(January 2004– March 2007)</i>	
Reached out and counselled during regular pier rounding by staff	5 086	2 825	2 406	1 282	11 599
Provided with halfway house services*	3 105	2 835	3 812	636	10 388
Total	8 191	5 660	6 218	1 918	21 987

Source: Visayan Forum Foundation, Inc.

117. These accomplishments involve multi-sector and multi-agencies – a strategy that can confront organized crime against children and women. The DSWD, local government units in and surrounding the halfway homes, the national as well as a number of maritime industry operators together with law enforcement agencies are actively engaged in this effort.

Table 4b

Number of child domestics workers served within the Philippine time bound programme on the worst forms of child labour

By the Visayan Forum Foundation, Inc

<i>Services</i>	<i>June 2004–June 2006</i>
Withdrawn	2 335
Centre base	1 408
NFE/ALS*	237
Vocational	142
Formal	548
Prevented	1 468
Overall total	3 803

Source: Philippine Time Bound Project of the Visayan Forum Foundation, Inc.

(* Non formal Education or Alternative Learning System).

118. There are numerous ‘ports of entries’ that are being used as alternatives and majority of these do not have the required facilities for safe docking, embarkation and disembarkation of passengers. The challenge posed to the State is the institutionalization of this type of service or programme in all the ports of entries (roads, boats or planes) around

the country while uplifting the physical situation of so. It will indeed take some more time for the country to put in place all these structures and systems that can prevent and protect the sale and trafficking of children as protected by the provisions of the Optional Protocol.

119. The VFF is also one among the many organizations implementing projects under the Philippine Time Bound Program, a component of the PPACL. It is a known phenomenon that many child domestic workers have been sold to the recruiters by their parents or guardians are also sexually exploited by their employers and are vulnerable to other forms of abusive situations such as those protected by the provisions of the Optional Protocol. Studies conducted have documented accounts of children enduring these knowing that there are no other alternatives that can help them contribute to their families' needs. There are still many more child domestic workers who continue to suffer silently and needs to be reached and rescued.

120. The Magna Carta for Domestic Workers that aims to institutionalize and uplift the minimum working parameters and standards for the industry has yet to be passed and enacted into law. A heightened campaign advocating and lobbying for the passage and enactment of the law is called for. The support of the State through its mandated agencies, civil society and non-traditional partners is much needed to facilitate this long overdue legislation.

On the prevention of the sale of children through adoption

121. Prior to the Philippine ratification of the of the Optional Protocol on the sale of children, child prostitution and child pornography, the State party, through the DSWD has been enforcing the implementation of the Domestic Adoption Act or Republic Act 8552 (RA 8552) and the Inter-Country Adoption Act or Republic Act 8043 (RA 8043). Thus, since 2002 table 5 presents the status of implementation of RA 8043 and RA 8552 up to 2006.

122. The children served were either abandoned for varied reasons and or surrendered to the DSWD. They are placed in the more than 691 residential facilities registered with the DSWD and more than 3,000 foster families all over the country. Except for Legal Guardianship, regardless of type of alternative parental care, there are fewer boys than girls placed locally. The preference for girl children slowly declined through the years. Regardless of the reasons for gender preferences, these children went through more secured processes that are within the reach and bounds of the State's protection.

Table 5
Status of implementation of inter-country and domestic adoption laws*

<i>Type of alternative parental care</i>	2002		2003		2004		2005		2006		2007		<i>Total</i>		<i>Grand Total</i>
	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>	<i>Boy</i>	<i>Girl</i>	<i>Both gender</i>
1. Adoption															
* Local	842	1 086	794	1 108	747	1 015	641	717	568	646	608	774	3 592	4 572	8 164
* Inter-country	261		324		340		342		343		321	223			1 610
2. Foster care	180	188	281	368	228	298	230	314	230	292	283	280	1 149	1 460	2 609
3. Legal guardianship	48	38	47	65	45	50	40	32	30	29	61	51	220	214	434
4. Foster children adopted by foster family	18	46	33	45	11	17	28	48	18	28	-	-	108	184	292
Total	1 088	1 358	1 155	1 586	1 031	1 380	939	1 111	846	995	1 273	1 328	6 342	7 758	14 100

Source: Department of Social Welfare and Development.

123. In reference to the principles, standards and provisions in the Optional Protocol, the monitoring mechanisms to closely follow through the state of the enjoyment of rights of these children once in any of these alternative parenting arrangements have been put in place. The DSWD has undertaken policy measures and actions to ensure compliance with the provisions of the Convention as well as other international standards and also make sure that the procedures are conducted with the interest of the child in mind. Most relevant among others are:

(a) Administrative Order No. 23 Series of 2004 aims to establish and institutionalize a mechanism for the systematic delivery of post-adoption services. This includes comprehensive counselling, search and reunion, and heritage tours;

(b) Memoranda of Agreement with more than 10 countries to ensure protection and welfare of children being place for inter-country adoption (inter-country adoption is still the last resort). Among the countries are Belgium, Canada, Finland, Ireland, Italy, Israel, Japan, Spain, Sweden and the USA. This was possible as a State party to the 1996 Hague Convention on the Protection of Children and Cooperation in Respect to Inter-Country Adoption;

(c) Hosting and conduct of the regular consultative conferences on child welfare services, particularly on issues regarding inter-country adoption that brings together local and foreign adoption agencies working with the DSWD. The “Global Consultation on Child Welfare Services” has been hosted by the DSWD since 1993. The most recent was held in 2005;

(d) In order to tighten ‘Child Protection’ within the ‘caring facilities’, the DSWD continues to build the capacities of their intermediaries to enable them to qualify for adoptive or foster caring of children.

124. From the figure presented in table 5, one can only reflect on the bigger number of children who have had no opportunity for protection and are surviving on their own or under the ‘care’ of others. The ‘vulnerability’ of these very young persons who are not yet in the system of care i.e. the programmes of DSWD and other accredited facilities are greater than those within. Table 6 shows how many more families have begun to implement ‘child protection within their homes or facilities.

Table 6

Adoptive/foster families developed from 2002–2006
(DSWD and child placing NGOs)

<i>Year</i>	<i>Adoptive families</i>	<i>Foster families</i>
2002	809	487
2003	575	1 080
2004	858	728
2005	740	476
2006	830	736
2007	760	1 207
Total	4 572	4 724

Source: Department of Social Welfare and Development.

125. In 2004, the DSWD issued DSWD MC 22 otherwise known as the ‘Policy on De-Institutionalization of Children’. This provided for alternative family care and other services as a facilitating scheme in the care, recovery, rehabilitation and development of children. With this came the intensive capacity building of prospective adoptive parents and families and retooling of accredited foster parents and families. In the absence of a Foster

Care Act, the DSWD pursues the continuous training, supervision and monitoring of adoptive and foster parents and families.

126. Once the State pursues an intensified and widespread dissemination and information campaign on the provisions of the Optional Protocol the number of children who will require these types of parental care will definitely increase as well. Home or institution based protection and care for children has tremendous financial implications. Ensuring these protection services for children are sustained require immense support from the State. While the proposed Foster Care Bill was also meant to address this, a more comprehensive package that will ensure long lasting quality protection and care for the children, especially those protected by the Optional Protocol will have to be designed and implemented.

127. The Presidential Proclamation No. 72 Series of 2007 declaring the first Saturday of February of every year as “Adoption Consciousness Day” was issued. It is meant to encourage local adoption to preserve the child’s identity and culture at the same time, highlight that inter-country adoption is a last resort for Filipino children who can no longer be placed locally. A potential challenge to DSWD as a result of implementing this after sometime will be to overcome all the present setbacks being experienced to absorb the influx of applications for adoption. Such are the delays in the processing of adoption cases, prolonged stay of children in institutions, the prohibitive costs of legal processes and preferences for the gender of the children among others.

128. While adoption presents permanent placement for children, foster care seems a more appropriate arrangement for children protected by the provisions in the Optional Protocol. There are greater possibilities of reintegration with their biological or original families after rescue and recovery. The option to adopt by foster parents is a recent possibility.

129. Table 6 below shows the number of children awaiting appropriate placements for alternative parental care since 2002.

Table 7

Children served in the Department of Social Welfare and Development (DSWD) and the Reception and Study Center for Children(RSCC) (11)*

2002		2003		2004		2005		2006		2007		Total		Grand total
Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	Boy	Girl	
669	549	587	467	593	430	613	431	621	407	532	375	3 615	2 659	6 274

Source: Department of Social Welfare and Development.

130. Noticeable is the number of boy children over the girl children waiting for a home-based type of care. Regardless of gender, the data tells of: (a) the number of children in all the 691 facilities of the DSWD nationwide; (b) the impact of gender preferences of adoptive parents on all the children; and (c) the delays encountered in the processing of local and international adoption. The policy measures being undertaken by the DSWD like the advocacy and lobbying for the enactment of the proposed Foster Care Bill during the 14th Congress, and the “Policy on De-Institutionalization of Children” among others are still insufficient to fast track the “waiting time” of the increasing number of girl and boy children requiring parental care and protection.

131. As a member of the Inter-Agency council Against Trafficking (IACAT) the DSWD, has provided victim protection and assistance to a total of one thousand and eight hundred and five (1,805) victims of trafficking alone. The services include: counselling; legal services; transportation assistance; family assessment; temporary shelter; referral for medical and dental examination; educational assistance; skills training; among others. Table 8 shows that of the total number of victims served by DSWD, more than half are children aged 17 and below at 1,064 or fifty nine per cent (59 per cent). Note however that there is

still a need to arrive at a sex and age disaggregated table for better analysis and programme and service design and implementation.

Table 8

Victim protection and assistance

DSWD: Number of victims served by age group by year,* 2003–2007

Year	Age group						Grand Total
	Below 12	13–17	18–22	23–28	29–33	34–42	
2003	10	37	39	32	1	3	122
2004	42	7	69	38	4	4	164
2005	208	104	105	41	12	4	474
2006	24	109	30	20	4	2	189
NCR*		392	22	25	24	10	500
2007	49	155	155				
Total	360	704	420	156	45	23	1 805

* National Capital Region.

132. The Government of the Philippines (GOP) has made progress along the implementation of measures relevant to the right of the child to Family Environment and Alternative Care. Prior to ratification of the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography, legislative and policy measures were already in place. However, relevant to the children protected by the provisions of the Optional Protocol, the GOP through the mandated agencies may consider the following in order to be fully responsive:

(a) Strengthen the enforcement and monitoring of quality standards of care in all shelters, homes and institutions – be these state-run or private-run;

(b) Include the existence of a functional “Child Protection Policy” as among the basic priority criteria for accreditation of facilities such as mentioned above. Among others, this Policy should be able to deter any forms of degrading and inhuman treatment of children under their care and instead reinforce non-violent positive disciplinary forms of care to children;

(c) Establish mechanism(s) of redress and complaints for children, within or in their immediate environment. There are still unreported ‘stories’ of experiences of abuse from house parents or staff of facilities being endured by the children due to the lack of child safe mechanisms as mentioned. The prolonged stay of children due to the delays in the processing of their placements or reintegration may expose them to long term abusive situations;

(d) The DSWD, through the Inter-Country Adoption Board (ICAB) may consider designing and implementing a “socialized” payment scheme for the legal and other processes involved to include waiving so if necessary for potential adoptive parents to benefit. Explore and link up with alternative law firms working in this field to develop responsive strategies relevant to concerns regarding the whole process of adoption.

133. In the same period, travel clearances were issued to 71,429 girl and 52,116 boy children. The “Amended Omnibus Guidelines for Minors Traveling Abroad” was enhanced based on actual experiences of field implementers and other stakeholders.

134. The Administrative Order (AO) No. 02 Series of 2006 defined explicitly when a travel clearance is required and shall be issued to a minor travelling alone to a foreign country, or accompanied by a person other than his/her parent. A minor travelling to a

foreign country with either parent or with his/her solo parent or legal guardian does not require travel clearance. Both situations, however, go through a process of submissions of documentary evidences. Although the word “minor” was not defined in the policy, its explanatory reference to Article IV, Section 8a of RA 7610 otherwise known as the Special Protection Against Child Abuse, Exploitation and Discrimination Act, has made clear that the definition of a child refers to ‘a person below eighteen (18) years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty exploitation or discrimination because of a physical mental disability or condition.’”

135. AO No. 2, Series of 2006, is also pursuing Section 5f of Republic Act 8239 otherwise known as ‘Philippine Passport Act’ of 1996. Recently, the implementation of AO No. 2, Series of 2006 has met concerns particularly with children who are subject of custodial negotiations by estranged parents. The DSWD has argued that the process of submission of documentary evidences as required by the Order has served to deter any intentions of any parent to illegally take a child or children subject to above.

136. While there is yet no known or reported case, the DSWD together with the DFA and the Bureau of Immigration (BI) should initiate a review of this and other relevant policy measures that can deter parent(s) travelling outside or into the country with their children who are minors with the intention of brokering or “pimping” the latter for prostitution and or pornography or for all the other situations protected by the provisions in the Optional Protocol. Subsequently, mechanisms have been set up and designed at the gateways for surveillance, monitoring and reporting for children and in their behalf.

With regards the creation of a protective environment

137. The Department of the Interior and Local Government (DILG) has enjoined all Local Government Units (LGUs) at all levels to set up the mechanisms to ensure that policies, programmes and services are in place to pursue the protection of the rights of all the children within their jurisdiction:

(a) One mechanism within the LGU structure is Local Council for the Protection of Children (LCPC). Policies translating national laws must be enacted with budgetary appropriations to deliver programmes and services required to implement these. A ‘functional’ LCPC has all the ingredients mentioned plus actual delivery of programmes, services and primary monitoring in place. An ‘organized’ LCPC means the existence of a policy and the absence of two or all the other ingredients. The 100 per cent functionality of these LCPCs is truly vital as mechanisms that will secure the rights of all Filipino children from all forms of violations and abuses;

(b) As of 2007, LGUs at all levels (Province, Cities, Municipalities and Barangays) are about to reach 100 per cent organization of LCPCs. However, the State has yet a long and challenging road ahead towards accomplishing the much-needed protective environment for children. The following table presents details in this regard:

Table 9

State of local councils for the protection of children

<i>Governance units</i>	<i>Number</i>	<i>LCPC organized</i>	<i>%</i>	<i>LCPC functional</i>	<i>%</i>
Province	81	73	90	49	60
Cities	118	126	95	79	54
Municipalities	1 510	1 365	91	548	36
Barangays*	41 995	40 994	97	8 324	19.8

Source: Department of Interior and Local Government: NBOO.

(c) The *Barangay is the most basic unit of Governance and the primary source of comprehensive protection next to the family of the children. This LGU is the closest to the children. However, the very low number of Barangays with functional LCPCs strongly indicates there is much bigger number of children who are not fully protected by the arms of the laws and issuance for them, who continue to experience abuses, and, are not able to report.

138. In 1990, Republic Act 6972 (RA 6972) otherwise known as the “Barangay Level Total Development and Protection of Children Act” was enacted. The Act mandated every barangay to establish a Day Care Center through which the policy of the State to defend the right of children to assistance, including proper care and nutrition, and special protection against all forms of neglect, abuse, cruelty, exploitation, and other conditions affecting the development of children – will be implemented. Also, it provided, under Section 3 (e) for “a sanctuary for abused, neglected or exploited children either in one child institution in the barangay and or a network of sanctuary homes which will take on children in urgent need of protection due to a situation which endangers the child or which has exposed the child to cruelty and abuse. It empowered the day-care centre, with the help and support of the barangay chairman and their barangay level support systems, to call upon law enforcement agencies when the child needs to be rescued from unbearable home situation.”

139. In 2000, the quality of programmes and services mandated by RA 6972 was pursued further by RA 8990 otherwise known as the Early Childhood Care and Development (ECCD) Act. The RA 8990 institutionalized a comprehensive, integrative and sustainable National System for ECCD involving multi-sector and inter-agency collaboration. Such are: Service providers from government, non-government, professional organizations and academic institutions. This Law expanded the following: (a) coverage – children from conception to age six (6) regardless of ethnic origin, with special needs; (b) services – parents and caregiver education on ECCD and involvement in community development efforts that will improve the quality of life of the children and families. The National ECCD Coordinating Council is the mechanism to coordinate and monitor the implementation of said law. This was organized and lodged at the Council for the Welfare of Children (CWC).

140. The existence of Day Care Centers is part of the outcome of ‘functional’ LCPCs. The number of children and families benefiting from the programmes and services of the Center is another among others. However, despite the laws, only 79 per cent of the total 41,994 barangays nationwide have Day Care Centers based on early 2007 inventory by the DILG. In terms of coverage, only 19.6 per cent of 3–4 year old and 60 per cent of 5 year old children have been reached.

141. Relevant to the implementation of the principles, standards and provisions of the Convention on the Rights of the Child and its two Optional Protocols, the challenge to State, through the DILG and other mandated agencies, is how to enable the LGUs, particularly the Barangays, to take concrete actions to prioritize ‘investments’ on the protection of the enjoyment of rights of their children which generates long lasting development gains or ‘returns’.

142. Having a ‘functional’ Barangay Council for the Protection of Children (BCPC) then means having a primary deterrent and immediate response to all forms of commercial sexual exploitation and other abuses on children. The State therefore will have to fast track the full compliance of all LGUs in the best interest of all the children in their jurisdictions. It is apparent that the low performance has to do with the inadequate knowledge and understanding of the relevant laws by the mandated implementers at all levels and the amount of support provided to the LGUs by the State.

143. Thus, GOP through the DILG and other agencies concerned should consider these as part of the priority areas of action for Institutional Capacity Building and Advocacy that should be scaled up. Furthermore, considering the situations of children being protected by the provisions in the Optional Protocol, a review of the criteria of ‘functionality’ is called

for. In enhancing the present criteria, it is strongly suggested that the State encourage the participation of the members of the community, most importantly, the children, in all the processes involved as guided by the National Framework on Children's Participation.

144. In early 2007, the DSWD installed a Surveillance System to Prevent Child Prostitution in Siargao Island. This particular island is located in the eastern coast of Surigao in Mindanao – in southern Philippines. It is the “surfing capital” of the country and has been tagged as one of the ‘hot spots’ for Commercial Sexual Exploitation of Children (CSEC). Tourists engaged in this sport frequent this area. In cooperation with the LGU of Siargao, the project aims to arrest the growing commercial sex industry in this island, which can possibly perpetuate child prostitution. The LGU has appropriated for the continued implementation of the project.

145. The State will have to come up with data or information to show the extent of progress made by LGUs with functional LCPCs in terms of the measure undertaken to “Keep the Children Safe” in their communities as compared to the quality of the enjoyment of the rights of these children. It is strongly recommended therefore, that indicators to establish this and the actual assessment be conducted in consultation with and participation of the children and members of the communities they cover. Good practices generated from the process will definitely serve to encourage other LGUs to seriously consider organizing a functional LCPC and investing on their children.

On prosecution of cases

146. In June 2006, the country was finally removed from the US Watch List on Trafficking in Persons. Some progress has been made in the area of prosecution. As of this report, more than eight cases for violation of Republic Act 9208 resulted in conviction, punishing at least 10 persons. Among the convicted is a couple who was found guilty of recruiting, maintaining and hiring, on several occasions, women and children on the pretext of and with a promised employment as movie actress/singer but instead peddled them to men for sexual purposes and or engaged them in prostitution. The said spouses were sentenced to suffer four life imprisonment sentences and to pay Two Million Pesos (Php 2,000,000.00) as Fines for each case.

147. The Task Force against Trafficking in Persons of the Department of Justice (DOJ) reported an increasing number of cases from 2003–2007. As the RA 9208 had just been implemented in 2003, 12 cases were received; in 2004, the number increased 5 times, in 2005, dramatically increased to 114, or a total of 186 cases. Up until 2007, at least 40 cases were received by the DOJ. Approximately 30 per cent of the cases from 2003–2005 are still pending in court. The remaining 40 per cent are either pending investigation by the handling prosecutor or pending resolution. The rest were dismissed, dropped or withdrawn. Of the later cases up to 2007, 20 are pending preliminary investigation, while 15 have been filed in court; five cases were dismissed for insufficiency of evidence.

148. Very modest gains indeed have been made in this connection. However, the State, through the mandated agencies, may need to fast track the resolution of the cases by intensifying: (a) capacity building of all concerned in the various aspects of the due process of law; (b) widespread dissemination of the of the law to address misinterpretations; and, (c) establishment of the common understanding of the elements of the crime as covered by the provisions of the Optional Protocol. It is a known fact that the swift resolutions of cases have direct effect on the recovery and healing of children who have been victims of said crimes.

On law enforcement

149. The Philippine National Police (PNP) and the National Bureau of Investigation (NBI) have conducted a total of 25 rescue operations that led to arrest of 56 persons and the rescue of 137 victims for 2003–2005. There were 22 cases filed out of the 25 rescue

operations. For the same period, the PNP and NBI investigated a total of 109 cases. In 2006, the Anti-Human Trafficking Division (AHTRAD) of the NBI received 60 cases. Of these, 14 have been recommended for prosecution six were subjected to inquest proceedings; seven cases were closed, either for insufficiency of evidence or the failure of the complainants to pursue the cases; and 33 cases are still being investigated.

On factors and difficulties affecting degree of fulfilment of the obligations under the Optional Protocol

150. There is a prevailing lack of adequate understanding and awareness of the provisions of the Optional Protocol and the relevant laws by majority of those mandated to implement these. Generating pertinent information from among mandated organizations, both government and civil society and at all levels of governance, with regards status of implementation was faced with difficulties.

151. In the same light, the standards that will: (a) facilitate common understanding of the elements of the crime and subsequent criminal acts of abuses presented by the provisions of Optional Protocol and relevant laws; (b) effect unified and improved enforcement of the laws; (c) encourage better reporting and documentation of cases; and (d) make handling and management of cases appropriate, immediate and sensitive – are lacking and if existing, not yet very well in place. The recently finalized guidelines for handling and managing cases of children victims of trafficking have yet to be widely disseminated.

152. There is still no comprehensive national statistical data on all the issues covered by the Optional Protocol. The ratification of the Optional Protocol came at the same time the CSEC Information System mentioned earlier was being evaluated in terms of sources, collection and collation, management and storage, and utility for all implementers. While the range of indicators with the CSEC Info system then ‘seemed’ comprehensive to account for related emerging issues, translating the requisite of this in the routine functions of all stakeholders proved extremely challenging to this day.

153. The RA 7610, primary law implementing the provisions of the Optional Protocol, is vague in terms of mechanism of support, the definitions of the crimes and criminal acts pertaining to:

- (a) Child pornography – the use of information communication technologies and other emerging forms; and protection and prevention of children accessing these materials;
- (b) Series of abusive actions involved in the process of trafficking of children (that can hold parents and guardians responsible for selling their children or wards to the recruiters, among others);
- (c) Child prostitution – to consider present forms and technologies; and, decriminalization of the child victim;
- (d) Sexual abuse – to consider present realities in the Philippine context;
- (e) Minimum age of sexual consent;
- (f) Definition of mechanisms of redress and complaints for children and subsequent support and protection for them in the process;
- (g) After care programmes and services.

154. There is no law on Child Pornography and Minimum Age of Sexual Consent. The Bills in this regard to include Amendments to the RA 7610, Corporal Punishment and Foster Care has yet to be passed and enacted by the 14th Congress. In the absence of these, the policy measures being undertaken presently will continue to face challenges.

155. Thus, the primary mechanisms for coordination and monitoring such as the Committee for the Special Protection of Children (CSPC) and Committee for Children in

Need of Special Protection (CNSP) under the Council for the Welfare of Children (CWC); Inter-Agency Council against Trafficking (IACAT) and the Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation (SC SACSEC) through the CNSP of CWC has yet to agree on 'the common grounds' of coordination, collaboration and cooperation. Having this in place will lend immensely towards achieving a more comprehensive response to the situations of children being monitored and protected, accessible active data for reporting and programming, maximum utilization of resources (human, monies and technologies), stronger advocacy and lobbying for policy reforms and budgetary allocations, and, unified monitoring systems among others.

156. The Provisions in the Optional Protocol have provided more details to enable the State party to implement obligations to particular articles contained in the Convention on the Rights of the Child. These deals with issues that strike at the sensibilities of a nation that is dominated by Religions with strong moral positions on sex, having sex outside marriage or before prescribed period, sex for money, sex for drugs; and, most of important has certain norms with regard children. This situation has never ceased to challenge the following:

(a) The passage of certain Laws and policy measure that would support the full implementation of the Optional Protocol. Such are: (a) the Responsible Parenting Act (which includes a comprehensive Reproductive Health Provisions for the general population) and the inclusion of Sexuality Education in formal and non-formal learning system all over the country; (b) the Child Pornography Bill; (c) Bill on the Minimum Age of Sexual Consent that is a necessary ingredient for the definitions of abusive acts such as child prostitution, child sexual abuse and child pornography; Minimum Age of Sexual Consent that is a necessary ingredient for the definitions of abusive acts such as child prostitution, child sexual abuse and child pornography; and (d) full implementation of laws such as the AIDS Law amongst others;

(b) Changing the prevailing attitudes affecting practices of quite a number of service and care providers in homes, shelters and institutions providing alternative family environment and care regarding the decisions and actions to separate the children victims of CSEC from the others who were "just abandoned or neglected" or more "normal" due to the perception that "these children might just infect the minds of the others" or "other children might become sexual as a result of their interaction with each other;

(c) Encouraging the bigger number of Local Government Units, such as the barangays, to give premium to the welfare and protection of their children as a priority development concern by setting in place a truly functioning Local Council for the Protection of Children.

157. Despite the number of trained law enforcement officers to deal with the issues covered by the provisions of the Optional Protocol and the relevant laws, the number of cases that require a series of actions to be resolved, the "clandestine" and "security risk" nature of the offenses involved has not ceased to challenge these implementers.

158. While women police officers continue to be trained on all the aspects of child sensitive handling and management of cases, there should be more men trained as well. The Law Enforcement Sector is still largely dominated by men. With the type of interventions required by the provisions of the Optional Protocol, most of these are handled by men.

159. On the other hand, the "easy access to money" and "alternative pleasures" derived by children from the activities involving i.e. pornography and prostitution as against the alternative livelihood opportunities provided for in the recovery, healing and reintegration programmes needs to be examined, addressed and responded to. There are documented cases of children who were rescued, have gone through the process of recovery, healing and reintegration who were later on re-victimized.

160. There is no available information on the progress of the enjoyment of rights of the children rescued, who have gone through recovery and healing programmes and reintegration. An after care programme has yet to be put in place that can provide information on the progress of the children along this line.

On budget allocated

161. There are no budgetary appropriations specific for the implementation of the State's commitments to the provisions of the Optional Protocol. Concerned government agencies draw from the annual regular appropriations for this purpose.

162. Given its mandate to coordinate and monitor the State's responses directed to the implementation of the Convention (now including the two Optional Protocols), CHILD 21, National Plan of Action for Children (NPAC) 2005–2010 and the WFFC goals and targets, the CWC drew upon its budget. From 2004–2006, this amounted to Php 69.7 million. Obviously, the level of budgetary allocation of CWC is inadequate. Along with the DSWD, DOH, DepEd, and other agencies in the Social Services Sector, the CWC will have to lobby for an increase in budgetary allocations in order to strengthen and sustain the mechanisms and processes for the effective implementation of the Convention and the Optional Protocols.

III. Prohibition of the sale of children, child pornography and child prostitution

163. At present, the Philippines enforces the following laws enacted relative to the protection of children from sexual offenses and commercial sexual exploitation pertinent to the provisions in the Optional Protocol:

(a) RA 9262, an Act Defining Violence against Women and their Children Providing for Protective Measures for Victims, Prescribing Penalties Therefore and For other Purposes, 2004;

(b) RA 9208, an Act to Institute to Eliminate Trafficking in Persons Especially Women and Children, Establishing Women and Children, Establishing the Necessary Institutional Mechanism for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes, 2003;

(c) RA 9231, an Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose RA 7610, 2003;

(d) RA 9165, Comprehensive Dangerous Drugs Act, 2002;

(e) RA 8043, an Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children, and for Other Purposes, 1995;

(f) RA 7610, An Act providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination, Providing penalties for Its Violation, and for other Purposes, 1992;

(g) RA 6972, Barangay Level Total Development and Protection of Children Act, 1990;

(h) Executive Order No. 56, Series of 1986, authorizing the Ministry of social Services and Development to Take Protective Custody of Child Prostitutes and Sexually Exploited Children, 1986;

(i) Act 3815, Revised Penal Code.

In the context of sale of children as defined in article 3

164. RA 7610 is the local version of the Special Protection Article found in the Convention on the Rights of the Child and the primary law referred to, invoked and enforced for this purpose. Article 1, Section 3, paragraph (a) defines – “Children” as persons below 18 years of age or those over but are unable to fully take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition. Article IV, Section 7: ‘Child Trafficking’, and Section 8: ‘Attempt to Commit Child Trafficking’ – prohibits and penalizes engagement in trading and dealing with children, but not limited to buying and selling of a child for money, or for any other consideration, or barter. It punishes the following Acts:

- (a) Child Trafficking with Reclusion Temporal to Reclusion perpetual;
- (b) Child Trafficking (when the victim is under 12 years of age) with Penalty Imposed in its Maximum Period;
- (c) Two degrees prescribed for the Consummated Felony under Section 7 of the Revised Penal Code shall be imposed on principals of the Attempt to Commit Child Trafficking with Penalty Lower.

Offering, delivering or accepting, by whatever means, a child for the purpose of:**Sexual exploitation of children**

165. Act 3815, otherwise known as the Revised Penal Code failed to define the child. Instead, it uses the word “Minor” to refer to so. The age of the victim, however, is considered by the law as an element of the crime i.e. below 18 years of age. It punishes the following relevant crimes: Articles 272 (Slavery) and 341 (White Slavery) and penalizes those who engage in the business or shall profit by prostitution or shall enlist the services of any other for the purpose of prostitution. However, the law does not specifically refer to sexual exploitation of children; instead it refers to sexual exploitation or prostitution in general. More specifically, it punishes the following acts:

- (i) Engage in the business;
- (ii) Profit by Prostitution; and
- (iii) Enlist the Services of one by Prison Mayor in its medium and maximum Periods. The prescription of Crimes punishable by correctional penalty shall prescribe in 10 years.

166. RA 7610 provides for prevention of all forms of physical, sexual, mental violence, injury or abuse or negligent treatment and sexual abuse. The law can be considered comprehensive considering that it pre-empts the commission of sexual abuse of children at the same time penalizes any violation during this process. Under Article III, Sections 5: ‘Attempt to Commit Prostitution’ and 6: ‘Child Prostitution and Other Sexual Acts’, the penalty of reclusion temporal in its medium period to reclusion perpetua shall be imposed upon the those who engage in or promote, facilitates or induce child prostitution which include, but are not limited to, the following:

- (i) Acting as procurer of a child prostitute;
- (ii) Inducing a person to be a client of a child prostitute by means of written or oral advertisements or other similar means;
- (iii) Taking advantage of influence or relationships to procure a child as prostitute;

- (iv) Threatening or using violence towards a child to engage him or her as a prostitute; or
- (v) Giving monetary consideration, goods or other pecuniary benefit to a child with the intent to engage such child in prostitution;
- (vi) Act of sexual intercourse or lascivious conduct with a child exploited in prostitution or subjected to other sexual abuses. Lascivious conduct with a child Under 12 years of Age is punishable with Reclusion Temporal Attempt to Commit Prostitution with Penalty Lower by 2 Degrees than that Prescribed for the Consummated Felony Under Section 5 hereof.

Transfer of organs of the child for profit

167. RA 9208 also known as “An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes” – Qualifies the act of Trafficking if the trafficked person is below 18 years of age. Under Section 3, paragraph (a), the removal and sale of organs has been part of the whole definition of ‘Trafficking in Persons’ which “refers to the recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victims consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph. The law punishes the following Acts:

(a) Qualified Trafficking in persons with Life Imprisonment and a fine of P2 Million to P5 Million;

(b) Trafficking in Persons with the penalty of imprisonment of twenty (20) years and a fine of not less than One million pesos (P1,000,000) but not more than Two million pesos (P2,000,000). Trafficking acts prescribes in ten (10) years. If trafficking is committed by a syndicate or on a large scale, it prescribes in 20 years. The prescriptive period begins to run from the day the trafficked person is delivered or released from the conditions of bondage.

Engagement of the child in forced labour

168. Act 3815 or the Revised Penal Code – Under article 273: ‘Exploitation of Child Labor’ – The penalty of “prision correccional” in its minimum and medium period and a fine not exceeding 500 pesos shall be imposed upon anyone who, under the pretext of reimbursing himself of debt incurred by an ascendant, guardian or person entrusted with the custody of a minor, shall, against the latter’s will retain in his service. Article 278: ‘Exploitation of Minors’ – The penalty of “prision correccional” in its minimum and medium periods and a fine shall be imposed upon. Prescription of Crimes punishable by correctional penalty shall prescribe 10 years.

169. RA 7658 otherwise known as the “Act Prohibiting the Employment of Children below 15 years of Age in Public and Private Undertakings” (Amending relevant provisions of Republic Act 7610) defines children as those below 15 years of age. It clearly defines the only two conditions where employment of girls and boys are prohibited. It also requires the

need to secure a work permit from the Department of Labor and Employment (DOLE) for any child who will be engaged in said work.

170. RA 9231, otherwise known as “An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose RA 7610, as Amended, is an amendment of relevant provisions under RA 7610 and is our country’s compliance with the provisions of ILO Convention 182 on the elimination of the worst forms of child labour. Section 2, paragraph 2, defines the term “child” as person less than eighteen (18) years of age. The law punishes the following Acts:

(a) Employment of Children below 15 years of Age, Violation of Hours of Work and Prohibition on Employment of Children on Certain Advertisements with Imprisonment — 6 Months and 1 Day to 6 years Fine — not Less than P50,000 but Not More Than P300,000; or Both Fine and Imprisonment;

(b) Worst Forms of Child Labour/Hazardous Work with Imprisonment — 12 years and 1 Day to 20 Years; or fine — Not Less Than P100,000 But Not More Than 1 Million; Both Fine Imprisonment;

(c) Engaging Children in All Forms of Slavery, for Prostitution and for Pornography with penalty in Accordance with Penalty provided by RA 9208 (Anti-trafficking in persons Act of 2004); Imposed in its maximum Period;

(d) Use of Children for Production Trafficking of Drugs with penalty in and in Accordance with RA 9165 (Comprehensive Dangerous Drugs Act of 2002); Imposed in its maximum Period;

(e) Corporation Commits Violation, of Directors, Trustees, and Officers, including the President, Treasurer, and Secretary with penalty to include the Board Accordingly;

(f) Parents and legal Guardian with Fine – Not Less Than P10,000 But Not More than P100,000. Community Service – Not Less Than 30 Days But Not More Than 1 year (maximum length of Community Service if Violation is 3 Times); or Both Fine and Community Service; If Violation is More Than 3 times, community service and Imprisonment of 30 Days but not More Than 1 Year or Both at the Discretion of the Court;

(g) Establishment Found to have Committed Violations More Than 3 Times the DOLE to order Closure.

Improperly inducing consent, as in intermediary, for the adoption of a child in violation of applicable international legal instruments on adoption

171. RA 8043, otherwise known as “An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children, and for Other Purposes” – Section 3, paragraph (b) defines a “child” as a person below 15 years of age unless sooner emancipated by law. The law provides guidelines for adoption and provides penalties for carrying out illegal adoption. It punishes the following Acts:

(i) Carry out an illegal Adoption with Imprisonment of 6 years and 1 Day to 12 years and a fine of not less than P50,000, but not more than P200,000;

(ii) Violation of Confidentiality with Imprisonment of 1 year and 1 Day to 2 years and a fine of not less than P5,000 but not more than P10,000;

(iii) Committed by a Syndicate/Involves 2 or More Children (Child Trafficking) with Reclusion Perpetua.

172. RA 8043 otherwise known as “An Act Establishing the Rules to Govern Inter-Country Adoption of Filipino Children, and For Other Purposes” was enacted in 1995. The Philippine law mandated that efforts shall be exhausted to put the children for adoption,

domestically, before inter-country adoption should take place. Guidelines have been enforced to ensure that steps will be taken to place in the Philippines before the child is placed for inter-country adoption. This law created an Inter-Country Adoption Board (ICAB) and acts as the central authority in matters relating to inter-country adoption, to ensure that adopted children are not exploited in any way.

(a) The ICAB continues to improve the processes of inter-country adoption. In 2004, it has amended the Implementing Rules and Regulations of RA 8043 to harmonize it with the provisions of the 1993 Hague Convention on the Protection of Children and Cooperation. Likewise, it forged a Memorandum of Agreement with the DFA aimed to monitor the status of Filipino children who have been adopted or are to be adopted. In 2004, the Board co-organized the 7th Global Consultation on Welfare Services and hosted in 2005 the 8th Global Consultation on Child Welfare Services and the 3rd International Conference of Adoptive Families of Filipino Children. All these brought together adoption agencies and authorities from around the world to discuss inter-country adoption matters. ICAB is an attached agency of the DSWD and it partners with all child caring and child placement institutions like the Kaisahang Buhay Foundation, Parenting Foundation and Norfil Foundation among others.

173. Supporting RA 8043 is the Domestic Adoption Act of 1998 or RA 8552 approved on 8 December 1998. Both laws provide for the legal processes of adopting, defining that are capable of adopting and the children who may be adopted. The quite tedious procedures involve documentary processes, thorough background and capacity study of the adoptive parents, a matching process between the child and the adoptive parents, among others.

174. RA 9208, otherwise known as Anti-Trafficking in Persons Act, defines Acts of Trafficking in Person in Section 4 paragraphs (f), (g) and (h) to include adoption of persons for purposes of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage; to adopt by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for purposes of removal or sale of organs of said person to engage the child in armed activities in the Philippines or abroad. Section 6 of the same defined qualified trafficking in persons when the adoption is effected through Republic Act 8043, and said adoption is for the purposes stated above.

Offering, obtaining, procuring or providing a child for child prostitution as defined in article 2

175. Article III, Sections 5: ‘Child Prostitution’ and 6: ‘Attempt to Commit Prostitution’ of Republic Act 7610 punishes the following Acts:

- (a) Engage, Promote, Facilitate or Induce Child Prostitution with Reclusion Temporal;
- (b) Act of Sexual Intercourse or Lascivious Conduct with Reclusion perpetua Prision Correccional;
- (c) Lascivious Conduct, Victim is under 12 years of Age with Reclusion Temporal;
- (d) Attempt to Commit Prostitution with Penalty Lower by 2 Degrees than that Prescribed for the Consummated Felony under Section 5 hereof.

Producing, distributing, disseminating, importing, exporting, offering, selling, or possessing for the above purposes child pornography as defined in article 2

176. Act 3815 or Revised Penal Code punishes the authors, publishers and sellers of obscene literature, those who exhibit indecent or immoral shows, and those who distribute materials considered offensive to the morals of the public as provided under Article 201: ‘Immoral Doctrines, Obscene Publications and Exhibition of Indecent Shows’. However,

the law does not specifically refer to child pornography; instead it refers to pornography in general. The law punishes the following acts:

- (a) Authors, Publishes, Edits, Owns and operates Establishments with Prison Mayor or Fine Ranging from P6,000 to P12,000 or Both Imprisonment and Fine;
- (b) Exhibits Indecent or Immoral Plays, Scenes, Acts or Shows, Whether Live or in Film with Prison mayor or Fine Ranging from P6,000 to P12,000 or Both imprisonment and Fine;
- (c) Sell, Give Away or Exhibit Films, Prints, Engraving, Sculpture or Literature Offensive to morals with “prision mayor” or Fine Ranging from P6,000 to P12,000 or Both imprisonment and Fine.

177. RA 7610 prohibits obscene publications and indecent shows involving children and penalizes those who may be involved in such under Article V, Section 9. The law punishes the following acts:

- (a) Hire, employ, use, persuade, induce or coerce a child to perform in obscene exhibitions and indecent shows, sell or distribute with “prision mayor” in its medium Period;
- (b) Child used as a performer, subject or seller/distributor (Below 12 years of age) with penalty imposed in its maximum period;
- (c) Ascendant, guardian or person entrusted in any capacity with the care of the child, allow child to be employed or to participate in an obscene play, scene, act, movie or show with “prision mayor” in its medium period;
- (d) Offender has been convicted under this Act with maximum period;
- (e) Parents, guardians, ascendants, stepparents, collateral relative, manager of an establishment, or public officer or employee with maximum period;
- (f) Foreign offender will be deported after serving their sentence and barred forever from entering the country.

178. RA 9208, otherwise known as the “Anti-Trafficking in Persons Act”, defines pornography under Section 3, paragraph (h) as any representation, through publication, exhibition, cinematography, indecent shows, information technology, or by whatever means, of a person engaged in real or simulated explicit sexual activities or any representation of the sexual parts of a person for primarily sexual purposes. It is one of the forms of exploitation a trafficked person may experience. The definition however, applies to both adult and child pornography. The act of trafficking is merely qualified if the trafficked person involved is a child. This law, however, is vague in terms of punishable acts where child pornography is concerned.

179. There are bills both in the Senate and the House of Representatives (14th Congress) that stand to increase the protection of children against issues covered by and relevant to the implementation of the provisions of the Optional Protocol. These are:

- (a) The DSWD has engaged in the advocacy for the passage of ‘Anti-Prostitution Bill’ as Senate Bill No. 1862 and House Bill 3885 that seeks to minimize or eradicate prostitution by penalizing establishments and customers who control and profit from the prostitution business. Furthermore, it has also come up with a position paper on the proposed amendment to RA 7610. The position is to include cyber pornography and cyber prostitution as among the activities to be criminalized; to penalize individuals who procure or induce other persons to engage in child exploitation and child prostitution with reclusion temporal in its medium period and reclusion perpetua and to expand article VII, Section 11 to include sanctions for establishment which allow the use of computers/internet for cyber pornography or cyber prostitution purposes;

(b) An “Anti-Prostitution” Bill or Senate Bill 1836 is presently being reviewed in the 14th Congress. This Bill seeks to address the systems of prostitution, impose penalties to the perpetrators, provide for measures and support services for its victims. It is also amending Act 3815 otherwise known as the Revised Penal Code particularly Articles 202 and 341;

(c) The DSWD has filed anew for the 14th Congress the ‘Foster Care’ Bill or an “Act to Strengthen and Propagate Foster Care for Abandoned and Neglected Child and Children with Special Needs, Providing Funds Therefore and For Other Purposes”;

(d) The “Act Requiring Certification of DSWD to Declare a Child Legally Available for Adoption Proceedings Amending the Domestic Adoption Act of 1998, the Inter-Country Adoption Act and the Child and Youth Welfare Code, and For Other Purposes”. This seeks to shorten the adoption process to facilitate the transfer of an abandoned child to a family-based care appropriate to his/her development needs has been filed;

(e) The “Act increasing the penalty for Child Prostitution and Other Sexual Abuse and Child Trafficking Amending Sections 5, 6, 7 and 8 of the RA 7610” is pending in the 14th Congress;

(f) An “Anti-Child Pornography” Bill was filed by Senator Jamby Madrigal in the 13th Congress but failed succeeding deliberations in the Lower House. This Bill included in the definition of the criminal acts that which involves information communication technology. A bill that will also consider the concerns made in this report and the recommendations of the UN Special Representative on Child Pornography as it applies to the State has been filed in the 14th Congress;

(g) An “Act Granting the Magna Carta for Day Care Workers, Providing Funds Therefore, and For Other Purposes” have been proposed for the 14th Congress. This will provide for the just compensation, security of tenure and other benefits of day care workers who extend substitute-parenting services to children aged 3–5 to ensure quality service delivery and protection of the children;

(h) An “Act providing for the Magna Carta of Women”, which includes provisions for the rights of the Girl Child, has been filed for the 14th Congress by Representatives of Pilipina. This bill seeks to facilitate the fulfilment of the State’s Commitments to the Convention on the Elimination of Discrimination against Women;

(i) An “Anti-Child Exploitation” Bill or House Bill 683 has been filed in the 14th Congress. This proposed legislation seeks to modify the definition of the crime of rape involving minor children and rationalizes the penalties therefore. It also amends Act 3815 or otherwise known as Revised Penal Code particularly Articles 266-A and 266-B (Definition of the crime of rape and penalties for so, respectively). The bill particularly cites the Convention and the Optional Protocol as part of the commitments and definition of principles. Most importantly, this legislative measure increased the age of girl and boy victims of statutory rape to 16 years old from 12 years old;

(j) An “Anti-Corporal Punishment” Bill has been drafted and prioritized for the passage during the 14th Congress. This seeks to prohibit all corporal punishment and all other forms of degrading and humiliating punishment of children by promoting non-violent and positive discipline of children. Violence in the homes, schools and communities have driven many children to seek refuge outside these settings. In turn, many of them have fallen prey to perpetrators and situations protected by the provisions of the Optional Protocol.

IV. Penal and criminal procedures

On jurisdiction

180. Under Article 2 on ‘Application of its Provisions’, the Revised Penal Code states that: Except as provided in the treaties and laws of preferential application, the provisions of this Code shall be enforced not only within the Philippine Archipelago, including its atmosphere, its interior waters and maritime zone, but also outside of its jurisdiction, including those who will commit an offense while on a Philippine ship or airship.

181. RA 9231, known as “Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Children Act”, stipulates under Section 16-A as amended, that the Philippine Family courts shall have original jurisdiction for all cases involving offenses punishable under this law. Furthermore, it provides guidance to cities or provinces where there are no family courts yet, that the regional trial courts and the municipal trial courts shall have concurrent jurisdiction depending on the penalties prescribed for the offenses charged.

182. RA 9208, known as “Anti-trafficking in Persons Act”, states in Section 9 that a criminal action arising from violation of this Act shall be filed where the offense was committed, or where any of its elements occurred, or where the trafficked person actually resides at the time of the commission of the offense: Provided, that the court where the criminal action is first filed shall acquire jurisdiction to the exclusion of other courts.

183. Under Section 9, paragraph (g) of the same law, an offender who is a foreigner shall be immediately deported after serving his sentence and be barred permanently from entering the country. Section 19 of the same states that subject to the guidelines issued by the IACAT, trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act: Provided, that they shall be permitted continued presence in the Philippines for a length of time prescribes by the Council as necessary to effect the prosecution of offenders.

On extradition

184. The present Philippine Constitution provides that “ the Philippines renounces war as an instrument of national policy, adopts the generally accepted principles of international law as part of the law of the land and adheres to the policy of peace, equality, justice, freedom, cooperation and amity with all nations.” As such, the Philippines extradition is governed by Presidential Decree 1069 “The Philippine Extradition Law of 1977” and by the applicable extradition treaty(s) in force with one or more foreign States or governments.

185. The Philippine Extradition Law of 1977 (PD 1069) prescribes rules to guide the executive department and the courts in the proper implementation of the extradition treaties to which the Philippines is a signatory. Under Section 2 paragraph b of PD 1069, extradition is defined as: “The removal of an accused from the Philippines with the object of placing him at the disposal of foreign authorities to enable the requesting state or government to hold him in connection with any criminal investigation directed against him or the execution of a penalty imposed on him under the penal or criminal law of the requesting state or government.

186. The GOP has extradition treaties with Australia, Canada, the Federated States of Micronesia, Hong Kong, Peoples Republic of China, Republic of Indonesia, Republic of Korea, Switzerland, the United States of America and the Kingdom of Thailand. In the absence of existing extradition treaties, other procedures have been enforced.

187. The Philippine Rules of Court, although not a law, apply in extradition cases but only insofar as practicable and when not inconsistent with the nature of proceedings. The Mutual Legal Assistance Treaties (MLATs), on the other hand, does not have implementing laws but have been considered self-executionary and therefore even in the absence on any law, these treaties have been enforced. MLATs have been useful in aiding government prosecutors in gathering evidence located overseas even at the investigatory stage. At present, the Philippine government has finalized an “Agreement of Exchange of Information” with Malaysia and Thailand. The “Transfer of Sentenced Person’s Treaty” with Hong Kong and Thailand is being refined.

188. These treaties and MLATs may need to be explored though in terms of their applicability to cases involving those covered by the provisions of the Optional Protocol.

189. Prior the enactment of “The Anti-Trafficking in Persons Act” or RA 9208 in 2004 and the RA 9231 or the Act Eliminating Worst Forms of Child Labor and Affording Stronger Protection for the Working Children in 2003, if there is a request for extradition in connection with the offense of human trafficking, the Philippines contend with the issue of the existence of “dual criminality”⁹ which is a requirement for extraditability. Law enforcement authorities used existing laws to penalize those involved in human trafficking. These laws may be used in determining the presence of ‘dual criminality’ in case there is an extradition request. These laws punish the modes used for committing trafficking in persons:

(a) The “Special Protection of Children against Abuse, Exploitation and Discrimination Act” (RA 7610);

(b) The ‘Migrant Workers and Overseas Filipino Act’ (RA 8042);

(c) “An Act to Declare Unlawful the Practice of Matching Filipino Women for Marriage to Foreign Nationals on a Mail-Order Basis and Other Similar Practices Including the Advertisement, Publication, Printing or Distribution of Brochures, Flyers and other Propaganda materials in Furtherance Thereof and Providing Penalty Therefore” (RA 6955); and

(d) The “Philippine Passport Act of 1996” (RA 8923).

190. For the countries where the State party has no extradition treaty with, the Philippine government extends assistance through “informal cooperation” provided there is an undertaking from the Requesting State to extend the same if the Philippines need it in the future. Since ratification and during the period covered by this initial report on the implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, there has been *NO* request for relevant extradition from the State party.

On seizure and confiscation of goods and proceeds, and closure of premises

191. RA 9208, otherwise known as the Anti-Trafficking in Persons Act, states under Section 14, that apart from the penalty imposed for the violation of this Act, the court shall order the confiscation and forfeiture, in favour of the government, of all the proceeds and

⁹ “Or the conduct approach where what is important is the underlying conduct of the accused. To satisfy ‘dual criminality’, the name by which the crime is described in the two countries need not be the same, nor should the scope of liability for the crimes be similar. ‘Dual criminality must exist at the time of the commission of the act and not at the time of the request. Gaña, Severino H. Jr. *Extradition and Legal Assistance: The Philippine Experience. Paper presented at the 114th International Training Course Visiting Experts Paper.*”

properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act; provided that all awards for damages shall be taken from the personal and separate properties of the offender; provided further, that if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties. If concealed or destroyed, the offender shall be ordered to pay the amount equivalent to the value of the proceeds, property or instruments of the offense.

192. RA 7610, under Article VII, Section 11 stipulates the sanctions for Establishments or Enterprises. It states that for establishments or enterprises that promote, facilitate, or conduct activities Constituting 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. A sign with the words “off limits” shall be conspicuously displayed outside the establishments or enterprises by the DSWD for such period, which shall not be less than one year, as the DSWD may determine. The unauthorized removal of such sign shall be punishable by “prision correccional”.

193. An establishment shall be deemed to promote or facilitate child prostitution and other sexual abuse, child trafficking, obscene publications and indecent shows, and other acts of abuse if the acts constituting the same occur in the premises of said establishment under this Act or in violation of the Revised Penal Code, as amended. An enterprise such as sauna, travel agency, or recruitment agency which: promote the aforementioned act as part of a tour for foreign tourists exhibits children in a lewd or indecent shows; provides child masseurs for adults of the same or opposite sex and said services for activities constituting the aforementioned acts shall be deemed to have committed the acts penalized as mentioned above.

194. RA 9231, otherwise known as An Act Providing for the Elimination of the Worst Forms of Child Labor. Amending RA 7610 states under Section 6, paragraph (g) “that the Secretary of Labor and Employment or his/her duly authorized representative may, after due notice and hearing, order the closure of any business firm or establishment found to have violated any of the provisions of this Act more than three (3) times. He/she shall likewise order the immediate closure of such firm or establishment if:

(a) The violation of any provision of this Act has resulted in the death, insanity or serious physical injury of a child employed in such establishment;

(b) Such firm or establishment is engaged or employed in prostitution or in obscene or lewd shows;

(c) In case of such closure, the employer shall be required to pay the employee(s) the separation pay and other monetary benefits provided for by the law.

195. Despite these laws, the State is challenged by its full implementation. Intensified measures should be undertaken to address the prevailing lack of awareness or inadequate understanding of the Optional Protocol and the relevant laws by all those mandated to implement these. Furthermore, the State should explore alternative sources of funds; one such is from a reprogrammed Debt-Payment Scheme, in order to provide ample budgetary support required to fully implement the laws.

V. Protection of the rights of child victims

On ensuring the best interest of the child victims by the criminal justice system

196. Mechanisms and measures are in place in the Philippines to ensure this. Such are as follows:

(a) The DOJ has created the Task Force on Protection of Women against Exploitation and Abuse and the Task Force on Child Protection. These task forces are composed of state prosecutors designated by the Secretary of Justice to address the cases of abuse, exploitation and discrimination committed against women and children. Hotlines are in place to facilitate reporting of cases;

(b) The Special Committee for the Protection of Children composed of 9 government agencies and three NGOs receive reports on regular bases from the Task Force on Child Protection on the nature of child abuse cases;

(c) The Inter-Country Adoption Board acts as the central authority in matters relating to inter-country adoption, to ensure that adopted children are not exploited in any way;

(d) The Philippine Guidelines for the Protection of the Rights of Children Victims of Trafficking provides for standard procedures that will ensure that:

(i) Criminal investigations are initiated even in cases where the actual age of the victim cannot be established and indicate the means used for this determination;

(ii) Procedures are child sensitive, with special regard to the dignity and worth of the child and her/his cultural background, including the procedures used for investigation, interrogation, trial and cross-examination of child victims and witnesses; the right of a parent or guardian to be present; the right to be represented by a legal adviser or to apply for free aid;

(iii) Child is an active part of the process and informed of what is going on throughout by the service providers, the counsel and all others in charge of the case; and

(iv) Relevant other laws will be applied, if and when the child has committed and offence in the process.

197. The Philippine Juvenile Justice Law now being enforced provides for protection and proper handling of the situation of children in this regard.

198. The DSWD has promoted the adoption of Child Friendly Investigative Studios and the Protocol on Child Friendly Investigative Interview. In line with this, the agency has conducted Trainings of Social Workers and Police Officers on “Child Sensitive Interviewing”. Together with the Philippine National Police (PNP) and National Bureau of Investigation (NBI), seminar workshops on “Child-sensitive investigative interview techniques” have been conducted.

199. To improve law enforcement and rescue, the PNP and the NBI has acquired surveillance and operational equipments, trained officers including medico legal on child-sensitive interview technique. At present, the PNP has trained 230 police investigators on Child Trafficking, Child Pornography and Child Prostitution. It has 1,570 Women and Children’s Desks all over the country manned by trained women police officers. The NBI, through its Violence against Women and Children’s (VAWCD) Division together with the Anti-Human Trafficking Division (AHTRAD) has five ‘one-stop-shops’ in Manila, Baguio City, Tuguegarao City, Cagayan de Oro City and Iloilo City. These are meant to shield

children victims from the trauma of recalling their ‘horrible’ experiences. Said facilities include a therapy room, play room, medical clinic, and interview and investigation room. The latter features a one way mirror and sound proof area with advanced equipments like: hidden camera and a CCTV where the child’s disclosure is videotaped. In other cities of the country, 12 ‘simple woman-and-child investigation rooms’ have been set in place. These were meant to provide children victims of abuses with comfort and privacy during the interview. As part of networking with other agencies, ‘simple woman-and-child investigation Rooms have been set up with PNP at Tagudin, Ilocos Norte; and, the DSWD Provincial Office at Tabuk, Kalinga.

200. The Government’s “Half-Way Home” programme works with NGOs to repatriate victims and provide them temporary shelter, transportation, counselling and financial assistance. The government trains law enforcement officials on dealing with trafficking victims. Philippine embassies take steps to assist victims abroad. Consular officials in embassies receive awareness training on dealing with trafficking victims. The Philippines’ Anti-trafficking law seeks to adhere to the international norm of exercising the human rights standards of treating persons trafficked as victims of a crime, rather than as criminals of the acts related to trafficking.

On reintegration

201. The reintegration programmes of the GOP are focused on facilitating the recovery of women and children from any traumatic experiences and their return to normal life. It consist of individual and group therapy sessions focusing on getting victims out of emotions such as fear, shame, self-denial, guilt and self-blame. This programme also provides information on what options are available to bring victims lives to a normal business. This programme also includes opportunities for continuing education as well as vocational education and training. The livelihood assistance addresses the economic aspects of reintegration process. As a support service, it provides grants of financial and technical assistance for those who are interested in income generating projects.

202. The VFF, with the support of United States Department for East Asian & Pacific Bureau and UNICEF, has Halfway Houses in Manila and Davao Ports. The two halfway houses at the two most active ports in the Philippines is providing temporary shelter, repatriation, referral and telephone hotline counselling services to victims. Seminars and training are also conducted to strengthen the participation and awareness of strategic partners within these ports (such as police, private security agencies, stevedores and shipping line personnel, among others).

203. The DSWD together with the United Nations Office on Drugs and Crime Implements the Support for Victims and Witness of Trafficking in Human Beings in the Philippines. Comprehensive packages of support and assistance have been provided for victims and witnesses of trafficking in persons through selected structures and rehabilitation centres. These are implemented in cooperation with local communities.

204. Another project entitled “Economic and Social Empowerment of Returned Victims of Trafficking in the Philippines” was implemented based on the gains of the former. This is in partnership with the International Labour Organization. Through the provision of technical advice and capacity building, the project aimed at organizing the central referral mechanism for the reintegration of the returned trafficked victims, including the systematic tracking of cases and follow ups to prevent re-victimization. Moreover, the DSWD also implements the International Social Welfare Services for Filipino Nationals, which institutionalizes a system of providing social services to documented or undocumented Filipinos overseas through the deployment of social workers abroad. Among the concerns being responded by deployed social workers is trafficking. Social Workers facilitate repatriation of trafficked victims to the country.

205. Several NGOs provide grants for educational, financial and technical assistance for those who are interested to go back to school or starting their own businesses, such as the organizations involved in the Philippine Time Bound Project with support from various international donors.

VI. Prevention of the sale of children, child prostitution and child pornography

On protecting the rights and interests of child victims of offences prohibited under the Optional Protocol at all stages of the criminal justice process while ensuring the rights of the accused to a fair and impartial trial

206. The RA 8369 or the Family Courts Act of 1997 established family courts in the provinces and cities and gave exclusive jurisdiction over child and family cases. Section 5 stipulates the nature of cases to be covered by the courts, which includes sexual exploitation and sexual abuse of children. Under the Family Courts Act of 1997 or RA 8363, a Social Services and Counseling Division (SSCD) shall be established in each judicial region. The SSCD is tasked to provide access to appropriate social services that the child may need.

207. In December 2000, the Supreme Court adopted the 'Rules on the Examination of a Child Witness'. This applies to both criminal and civil cases, whether the child is the victim, offender or witness. The objectives of the rule are to:

- (a) Create and maintain an environment that will allow children to give reliable and complete evidence;
- (b) Minimize trauma to children;
- (c) Encourage children to testify in legal proceedings; and
- (d) Facilitate the ascertainment of truth.

208. The rules are construed to uphold the best interest of the child and to promote maximum accommodation of child witnesses without prejudice to the constitutional rights of the accused. To assist the child during the legal proceedings, the Rules on Examination of a Child Witness also include the appointment of special advocates for children who may serve as Guardian ad Litem, interpreter, facilitator and/or support person. To allow the child to express her/his views during criminal proceedings, and to lessen the trauma of face-to-face encounters with the offenders, the Rule also establishes procedures for the use of live-link television testimony of criminal cases where the child is a victim or witness, screens, one-way mirrors, videotaped deposition, and other special rules.

209. In the same manner, the Special Committee on the Protection of Children has issued Guidelines for Media Practitioners on the Reporting of Cases involving Children. This has been widely disseminated amongst major Tri-media Practitioners and Networks. RA 7610 and RA 9208 contain special provisions that penalize the act of causing undue publicity and the publication of the identity of the child victim. This is intended to protect the privacy and identity for the child victim.

210. However, these guidelines may need to be continuously disseminated considering the noted rise in violations among new media practitioners in the field at present. Monitoring of the use of these guidelines and the violations of so may have to be intensified.

211. RA 7610 was adopted in 1992 for stronger deterrence and special protection of child victims of sexual exploitation and sexual abuse. Article I Section 2 stipulates that it shall be

the policy of the State to provide special protection to the children; from all forms of sexual exploitation and sexual abuse; provide sanctions for the commission of same and to carry out a programme for its prevention, and rehabilitate the child victim in this regard. As a result, Section I of Executive Order 56 mandates that any minor who is apprehended by any police officer or by duly authorized officer for engaging in prostitution or other illicit conduct should be immediately delivered to the protective custody of the DSWD or its authorized representative within a particular jurisdiction and should be provided suitable programmes for her/his rehabilitation.

212. The Task Force on Child Protection was created with the appointment of 13 state prosecutors in different parts of the country. Their sole responsibility is to prosecute cases involving children as victims. Efforts to improve the handling of cases through the justice system need to be intensified.

213. To ensure the safety of child victims of trafficking in persons, they are entitled to preferential treatment under the Witness Protection Program of the Department of Justice (DOJ). To compensate them for damages, they are also entitled to claim compensation under the Victim Compensation Act. RA 9208 guarantees this. The Revised Rules of Criminal procedures also allow all victims to claim civil damages simultaneously with the criminal case. There is no need to file a separate claim for the payment of civil damages because it is deemed impliedly instituted with the criminal case.

214. There is no data available to show how many of the children victims of prostitution, pornography and or trafficking have benefited from the Victim Compensation Act and have claimed civil damages. There have been concerns raised regarding rules and procedures in accessing these apart from claims that many are not aware of this law. The DOJ should consider disseminating information in this regard in a manner easily understood by the victims and their families.

215. The Philippine General Hospital – Child Protection Unit provides continuum of care for sexually abused girls and sexually exploited children. Starting with a child-sensitive forensic interview, a physical examination by the doctor who is a child protection specialist is conducted, then a child psychiatrist screens the child for possible mental health sequelae of the abusive sexual experience and the social worker conducts home visits to continue the risk assessment. The care continuum organizes the multiple disciplines for the psychosocial recovery of the sexually abused/exploited child, into a unified synergistic approach for a child friendly atmosphere. It includes counselling art therapy, or psychotherapy, educational assistance, livelihood inputs, and residential care.

216. In the same manner, RA 8505, otherwise known as the Rape Victim Assistance and Protection Act of 1998 mandates the establishment and operation of a rape crisis centre in every province and city to be located in a government hospital, health clinic or any suitable place with the DSWD as the lead agency.

217. The Child Help Intervention and Protective Services (CHIPS) of the DSWD provide immediate action on cases of child sexual abuse. Funds were specifically appropriated for the Special Project on the psychosocial Recovery and Social Reintegration of Child Victims of Sexual Abuse and Exploitation. A Home for Girls was established and several private institutions were identified in the different regions to serve as similar facilities providing shelter for girls who have been sexually abused. In 1997, therapy Centers were established to respond to the psychological impact of the abuse through the application of specialized treatment approaches and techniques that would facilitate expression of the feelings and modification of the negative effects of the abuse.

218. Several CSOs and Faith Based Organizations provide for home based care with psychosocial service programmes to children who are into protective custody. Many of these children have been rescued from commercial sexual exploitation and with on-going court cases.

219. It would still take a while before the evaluation results of the project of the DSWD entitled “Developing Systems, Tools and Capacities to Improve Delivery of Recovery and Reintegration Services to Victims of Trafficking”. This 18-month project supported by the International Labour Organization has been on pilot test in Regions 1, 3, 4-A and the National Capital Region. It aims to develop a database system on recovery and reintegration of trafficked victims, among others. A ‘tracking system’ from beginning recovery programme to after reintegration of the victims. While this is directed towards a follow through of women and children victims of trafficking, the system once proven effective, can serve as basis for an expanded tool for Comprehensive Protective Tracking of all the children protected by the provisions in the Optional Protocol who have gone through recovery up to reintegration.

220. Relevant to the issues covered by the provisions in the Optional Protocol, ‘After-Care Programs’ for the children who have been reintegrated in their communities as an integral component of a ‘Comprehensive Protective Tracking System’ will have to be put in place. All within a continuum of protection of the children, the full reintegration and protection from stigma and discrimination will be ensured. Furthermore, possible re-victimization of the children and others in the community can be prevented.

VII. International assistance and cooperation

Prevention

221. The State has benefited from the support of foreign agencies and countries in the implementation of the Convention and its Optional Protocols.

222. An Asia Pacific Child Network (APCN) for data bank and exchange of programmes with other countries has been established. The APCN keeps a vigilant watch and tracks the responses of countries and organizations to issues and progress the children are making in the Region. The resulting proactive responses coming out of the data shared by countries have been noted.

223. The GOP has continuing cooperation with the UNICEF in support of the achievement of goals and objectives for children. Inclusive in the Country Program for Children (CPC) 6 is the plight of children victims of sexual abuse and commercial sexual exploitation of children.

224. The UNICEF continues to be a strong and consistent ally of the Government of the Philippines in the fight against CSEC. Through the *Project on Protective Services for Children Affected by Abuse, Exploitation and Trafficking*, the Child Protection Programme of UNICEF provides technical and financial assistance to the various initiatives of the CWC, the IACAT and the National Child Labor Committee. These include support for the development and finalization of the national plans, capacity building of law enforcers, prosecutor, and social workers for the appropriate handling of CSEC cases, as well as conduct of research on emerging child protection concerns in the Philippines.

225. The Trafficking Watch Group (TWG) was formed, comprising 17 national government agencies and 18 trade unions, civil society organizations and advocacy groups with support from USAID. Members of the Philippine government’s IACAT are represented. The IACAT assist TWG in their efforts to combat trafficking on multiple levels. The TWG has mounted a public education campaign, coordinated task forces, planned interventions and built capacity in national government agencies, organizations and citizen organizations. The group developed a Web site (www.trafficking.org.ph) and a database, along with a series of publications that include primers on Philippine Anti-Trafficking in persons Act in English and local dialects. A sample ordinance against trafficking has been developed and used local governments as a guide to pass ordinances in

provinces such as Bataan, Cavite, Eastern Samar and Leyte – all provinces identified as source, training, transit and destination areas for trafficking victims. Also, the group has trained judges and prosecutors to improve their understanding of the Anti-Trafficking Act and local ordinances.

Physical and psychological recovery, social reintegration and repatriation

226. The project called ‘Support for Victims and Witnesses of Trafficking in Human Beings’ was forged by the GOP through the DSWD with the United Nations Office on Drugs and Crimes (UNODC). This undertaking aims to have available support services for victims and witnesses of cases of human trafficking; establish support structures to prevent re-victimization on a countryside level in all affected provinces; and, facilitate victims’ reintegration into the community. It comprises activities and institutional arrangements for four (4) separate but integrated outputs: (a) restoration of the physical and mental well being of trafficked persons; (b) vocational Training and support for reintegration into the community; (c) support for Victims/Witnesses who assist with prosecution of offenders; and (d) community development and education in selected communities.

227. The Trafficking Watch Group (TWG) provides counselling, access to temporary shelters and economic opportunities to trafficking victims and their families. The group is among the forerunners in drawing attention to the problems that many victims, especially women and children, face in reintegrating themselves into their communities. A manual has been produced to assist them. The TWG is supported by USAID.

228. US Department of Labor has contributed 10 million dollars to the GOP in two different but related projects. First, DOL/ILAB supports the Philippine government – run Philippine Time Bound Program (PTBP) by funding US 5 million dollars to ILO-IPEC to help implement the PTBP. ILO-IPEC works with other local partners.

229. The PTBP is a four-year project, which comprises a set of comprehensive and integrated initiatives to show visible results in the elimination of the worst forms of child labour and promotion of basic education in the country in a 5–10 year period. PTBP covers sexual exploitation, mining and quarrying, fireworks production, deep-sea fishing, work on sugar cane plantations and child domestic work. Trafficking of children for CSE purposes is being treated as a crosscutting issue in the project. The project will withdraw or prevent children from entering CSE and other sectors of exploitative labour. It will provide the children victims with educational opportunities and health services. Alternative income generation opportunities and training will be provided to families as well.

230. The other US\$5 million was granted to World Vision to implement an education initiative component for the children who are removed from situations of prostitution and domestic service in the PTBP. World Vision is working with three local partners, Christian Children’s Fund, Plan International and Education Research and Development Association (ERDA).

231. As an active member of the ASEAN, the Government of the Philippines (GOP) is a signatory to a number of Regional Treaties. Pertinent are the Yokohama Global Commitment, the East Asia and Pacific Commitment and Action Plan against Commercial Sexual Exploitation of Children and the Medan Declaration to Combat Trafficking of Children for Sexual Purposes in Southeast Asia. As a member of the international community, the State has made commitments to the Stockholm Declaration and Agenda of Action against Commercial Sexual Exploitation of Children. Furthermore, the State is a signatory to the ILO Convention 192 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.

232. Also, as an active member of the Association of South East Asian Nations (ASEAN), the Government of the Philippines' has also adopted the Philippine Guidelines for the Protection of Trafficked Children. While it was still its draft form, this became a reference document for the finalization of the ASEAN Guidelines for the Protection of Trafficked Children.

233. The Department of Tourism's (DOT) Child Wise Tourism Program is not only implemented in the country to prevent CSEC in tourism destinations through the conduct of orientation trainings in various tourist destinations of the country including personnel of hotels and other travel and tour facilities. Country efforts are also spread to other cross country initiatives such as the ASEAN Regional Education Campaign, the ASEAN Traveler's Code and the Annual Regional Think Tank Meeting.

234. The Center for International Crime Prevention (CICP) and the United Nations Inter-regional Crime and Justice Research Institute (UNICRI) cooperated with the Philippine Government as part of the efforts to extend technical assistance for capacity building and training of law enforcers, prosecutors, and service providers. The project aimed at improving the information on trafficking in human beings in the Philippines and providing a tool for better domestic policy planning. Its goal was to assess the trafficking flows and the corresponding involvement of organized criminal groups. The programme looked at ways to support other institutional initiatives related to combating human trafficking.

235. The US Department of State East Asian and Pacific Bureau supported the VFF Halfway Houses in Manila and Davao Ports. The two halfway houses at the two most active ports in the Philippines provide temporary shelter, repatriation, referrals and telephone hotline counselling services to victims. Seminars and training are also conducted to strengthen the participation and awareness of strategic partners within these ports such as police, private security agencies.

VIII. Other legal provisions

236. The primary legislations being used to implement the provisions of the Optional Protocol as well as the Convention are vague in terms of the criminal acts that would enforce many relevant abusive situations of children, i.e. Pornography. Enforcement has never ceased to be challenged by this and so with the more important requisites of recovery, healing and reintegration. In this regard, Bills to address these relevant legislative gaps have been lodged with the 14th Congress. Relevant to the Optional Protocol, the following are priority for advocacy and lobbying: As mentioned earlier, these are:

(a) 'Anti-Prostitution Bill' as Senate Bill No. 1862 and House Bill 3885 seeks to minimize or eradicate prostitution by penalizing establishments and customers who control and profit from the prostitution business. Furthermore, it has also come up with a position paper on the proposed amendment to Republic Act 7610. The position is to include cyber pornography and cyber prostitution as among the activities to be criminalized; to penalize individuals who procure or induce other persons to engage in child exploitation and child prostitution with reclusion temporal in its medium period and reclusion "perpetua" and to expand Article VII, Section 11 to include sanctions for establishment which allow the use of computers/internet for cyber pornography or cyber prostitution purposes;

(b) "Anti-Prostitution" Bill or Senate Bill 1836 seeks to address the systems of prostitution, impose penalties to the perpetrators, provide for measures and support services for its victims. It is also amending Act 3815 otherwise known as the Revised Penal Code particularly articles 202 and 341;

(c) The ‘Foster Care’ Bill or an “Act to Strengthen and Propagate Foster Care for Abandoned and Neglected Child and Children with Special Needs, Providing Funds Therefore and For Other Purposes”;

(d) “Act Requiring Certification of DSWD to Declare a Child Legally Available for Adoption Proceedings Amending the Domestic Adoption Act of 1998, the Inter-Country Adoption Act and the Child and Youth Welfare Code, and For Other Purposes” seeks to shorten the adoption process to facilitate the transfer of an abandoned child to a family-based care appropriate to his/her development needs has been filed;

(e) “Act increasing the penalty for Child Prostitution and Other Sexual Abuse and Child Trafficking Amending Sections 5, 6, 7 and 8 of the RA 7610” is pending in the 14th Congress;

(f) “Anti-Child Pornography” Bill or Senate Bill 2317 include in the definition of the criminal acts that which involves information communication technology and the recommendations of the UN Special Representative on Child Pornography as it applies to the State has been filed;

(g) “Act Granting the Magna Carta for Day Care Workers, Providing Funds Therefore, and For Other Purposes” provides for the just compensation, security of tenure and other benefits of day care workers who extend substitute-parenting services to children aged 3–5 to ensure quality service delivery and protection of the children;

(h) “Act providing for the Magna Carta of Women”, which includes provisions for the rights of the Girl Child, seeks to facilitate the fulfilment of the State’s Commitments to the Convention on the Elimination of Discrimination against Women;

(i) “Anti-Child Exploitation” Bill or House Bill 683 seeks to modify the definition of the crime of rape involving minor children and rationalizes the penalties therefore. It also amends Act 3815 or otherwise known as Revised Penal Code particularly Articles 266 – A and 266-B (Definition of the crime of rape and penalties for so, respectively). The bill particularly cites the Convention on the Rights of the Child and the Optional Protocol as part of the commitments and definition of principles. Most importantly, this legislative measure increased the age of girl and boy victims of statutory rape to 16 years old from 12 years old;

(j) “Anti-Corporal Punishment” Bill seeks to prohibit all corporal punishment and all other forms of degrading and humiliating punishment of children by promoting non-violent and positive discipline of children. Violence in the homes, schools and communities have driven many children to seek refuge outside these settings. In turn, many of them have fallen prey to perpetrators and situations protected by the provisions of the Optional Protocol.

237. In order to effectively respond to the mandates of the law despite its flaws, the DSWD AO 2 Series of 2006 or the “Amendments to Omnibus Guidelines for Minors Traveling Abroad” simplifies the process of issuing clearances to minors travelling abroad. Apart from this, the DSWD MC 29 Series of 2005 provided for the “Guidelines in the Implementation of Support Service for Birth Registration of Children in Need of Special Protection and Foundling.” Pursuant to RA 7610, the guidelines aim to institutionalize the birth registration of children in need of special protection or foundling in all DSWD centre/institution/attached agencies and licensed and accredited social work agencies.

238. To complement the above, AO 70, or “Guidelines in the Implementation of Social Welfare Services for Children Victims/Survivors of Child Labor” provide: (a) the Framework in understanding Child Labor and the management of Child Labor cases; (b) Department’s roles in working with a multi-disciplinary implementation team composed of government and non-government organizations; (c) An Outline of the programmes, services

and strategies in the management of child labour cases and ensures a systematic operation of data management of child labour cases of the DSWD.

239. For the sake of our children who are not in the country, the DSWD issued AO 36 or the Guidelines on the Medical Mission Services for Children ensures measures are undertaken to protect Filipino girls and boys who are under a medical mission care in a foreign country from exploitation, abuse and other conditions prejudicial to their physical, mental, emotional, social and moral development.

240. Lastly, AO 55 or the Guidelines on the Implementation of the Missing Children programme. This provides for procedures from the search, rescue, recovery and healing and eventual return of the child to their parents or guardians.

Annex I

National legislation, measures and acts relevant to the protection of the rights of Filipino children prior to ratification of the Convention on the Rights of the Child

1. The Philippine Constitution has mandated the State, based on Section 3, article XV “the obligation to defend the Rights of children to assistance, including proper care and nutrition and special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development”. Furthermore, Section 13, article XV affirms the recognition of the State of “the vital role of the Youth in nation-building and shall promote and protect their physical, moral, spiritual, intellectual and social well-being.” On this solid ground, several laws concerning children were enacted as well as served to implement the provisions of the Convention on the Rights of the Child and other international instruments the country is a State party to.

2. **Republic Act 3815** or the ‘Philippine Criminal Code’, also known as ‘Revised Penal Code’ contains statutes applicable to commercial sexual exploitation of children. In particular, Article 201 imposed a general ban on immoral doctrines, obscene publications, exhibitions and indecent shows. It prohibited and provided penalties for publishing, distributing, exhibiting through various media and selling of films, prints, engravings, sculpture or literature offensive to public morals. Adult and child pornography are treated equally. *Currently, though, there is a gap with regard to pornography using information communication technology such as the computers, Internet and cell phones. Articles 267 to 274 of Chapter 1 and Section 2 entitled Crimes against Liberty and Kidnapping of Minors* respectively, penalizes abduction, illegal or forcible detention, inducing a minor to abandon her/his home and or kidnapping of minors for purposes of trade in human beings regardless of their age and sex, slavery, payment of ascendant’s debts, and for labour or services. Included are specific provisions against abduction of girls below 18 years of age for the purpose of indecent acts. Except for the latter, the use of the word “Minor” was not defined explicitly in the Code. Thus, the appropriate application of the provisions will be dependent on definitions indicated in laws that will refer to this Code.

3. **Presidential Decree 603** of 1977 as amended or the ‘Child and Youth Welfare Code’, spelled out the intent of the Constitution to protect and promote the interest and welfare of one of the nation’s most important assets – children and Youth. This Code made clear that ‘the best interest of children shall be the paramount consideration’ in all actions in their behalf by everyone concerned. As it outlines the rights and responsibilities of the children, the Code asserted that the State should exert all efforts necessary to promote and enhance the welfare of children in the Philippines.

(a) The Council for the Welfare of Children (CWC) was created by virtue of **Presidential Decree 603**, with the enforcement and implementation of this Code as its primary responsibility and also authorized to formulate and evaluate policies, coordinate and monitor the implementation and enforcement of all laws and programmes for children;

(b) The same Code mandated the Department of Interior and Local Government (DILG) to ensure the organization of Local Councils for the Protection of Children (LCPC) – from the Barangay,¹⁰ Municipality, City and the Provincial levels. All of which will coordinate with the CWC and its member agencies and organizations with regards implementation of policies, plans, programmes and services in the best interest of the children within their areas of jurisdiction.

4. Republic **Act 6972** of 1990 or the ‘Barangay Level Total Development and Protection of Children Act’ provided for a community-based implementation of the State’s policy ‘to defend the rights of children to assistance, including proper care and nutrition and to provide special protection against all forms of neglect, abuse, cruelty, exploitation and other conditions’ that will harm their development’ as stated in the Declaration of Policy (Section 2) of the Act. Through the implementation and establishment of day-care programmes and centres in the Barangay, early and immediate interventions can be provided to the children. Section 3 (e) made clear that these day-care programme and centres shall also serve as “sanctuary for abused, neglected or exploited children either in one child institution in the Barangay and or network of sanctuary homes which will take in children in urgent need of protection due to a situation which endangers the child or which exposed the child to cruelty and abuse.”

¹⁰ This is the smallest unit of governance in the country. With the Decentralization, the Barangay has its own elected officials and functional committees that can enact policies or ‘ordinances’ that officials enforce for the welfare and protection of its constituents. These ‘ordinances’ spell out appropriate responses based on national laws. However, content and passage of these can also be independent of State policies provided the welfare and protection of the citizens of the area is foremost. Budget allocations are provided thereof depending on the capacity of the locality

Annex II

National legislation, measures and acts relevant to the protection of the rights of Filipino children prior to ratification of the Optional Protocol on the sale of children, child prostitution and child pornography

As a State party to the Convention on the Rights of the Child, the Philippines enacted the following legislations as expression of its commitment to protect the Rights of Children, prevent all forms of abuses on them to include sexual abuse, abduction, commercial sexual exploitation, trafficking, pornography, and provide for the recovery, healing and reintegration of child victims. These set the environment for coordinated country effort to protect and promote the Rights of Filipino Children that were crucial in the implementation of the provisions in the Protocol to this day.

1. **Republic Act 7610 of 1992** or the Act Providing for Stronger Deterrence and Special Protection against Child Abuse, Exploitation and Discrimination moved on from the Child and Youth Welfare Code by defining further child abuse and specific acts such as child prostitution, child trafficking, child pornography and other acts of abuses. It provides sanctions for the commission of these on the child and mandated the State to carry out a comprehensive programme for ‘prevention and deterrence of and crisis intervention to protect children against child prostitution and other sexual abuses; child trafficking, obscene publications and indecent shows, other acts of abuse and circumstances which endanger survival and normal development’ as prescribed in Section 2 and Section 4 of the Law. Although the Revised Penal Code contains statutes applicable to Commercial Exploitation of Children (CSEC), the principal legislative act is Republic Act 7610 that awarded children extensive protection against CSEC and later amendments have further strengthened this protection.

2. **Republic Act 7658 of 1993** or the Act Prohibiting the Employment of Children below 15 years of Age in Public and Private Undertaking, Amending Section 12 of Republic Act 7610. This law provided general prohibition of employment of children below 15 years of age in any public or private establishments in the Philippines except when: a) the child works directly under the sole responsibility of her/his parents or legal guardian and where only members of the employer’s family are employed; b) the child’s employment or participation in public entertainment or information through cinema, theatre, radio or television is essential. In these exceptional cases where a child may be employed, the employer must secure a work permit from the Department of Labor and Employment. This Act made more explicit the provisions in Republic Act 7610 pertaining to protection of working children.

3. **Republic Act 8043 of 1995** or the Act Establishing the Rules to Govern Inter-country Adoption of Filipino Children, and other Purposes, defined how best the State will ensure the protection and promotion of the rights of every neglected and abandoned child with opportunities for growth and development. Section 2 of the law mandates the State “to take measures to make sure that inter-country adoptions are allowed when the same shall prove beneficial to the child’s best interest, and shall serve and protect his/her fundamental rights.” This Act also serves the purpose of preventing and deterring the sale, trafficking of and further abuse of children overseas in the guise of adoption.

4. **Republic Act 8353 of 1997** or the Anti-Rape Law expanded the definition of the crime of rape, and reclassifies the same as a crime against persons. The law amended relevant provisions in the Revised Penal Code. Article 266-A described ‘when and how rape is committed’ by any person to another including children regardless of sex. Studies on

the lives of children who have been rescued from prostitution and trafficking have strongly indicated experiences of sexual violence prior and or during victimization. Although the law has been invoked successfully for a number of children, others have rescinded while many other children remain to be silent.

5. **Republic Act 8369 of 1997** or the Act Establishing Family Courts, Granting Exclusive Original Jurisdiction over Child and Family Cases mandated the State ‘to establish a Family Court in every province and city in the country and a system of adjudication of cases where children maybe the victim or offenders that takes into account their peculiar circumstances, Section 2 and 3. Section 5 of the law states the that family courts shall have exclusive jurisdiction to hear and decide cases affecting children and families, including violations of the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act (Republic Act 7610) as amended and cases of domestic violence against women and children.

6. **Republic Act 8552 of 1998** or the Domestic Adoption Law provided a ‘waiting period’ for cases of children who went through “simulation of birth” to be legally adopted. However, the extent of dissemination on this Law, and the socio-cultural effects of disclosure on the ‘adopted child’ and adoptive parents continue to challenge the efficacy of this measure. Said legal measure tightens protection of children particularly in cases of adoption for purposes of using ‘adopted’ children as workers in the farm or properties for sale for whatever purpose, sex slaves and many other possible violent and abusive acts that are often far from the reach of the law.

7. **Republic Act 8980 of 2000** or the Early Childhood Care and Development (ECCD) Act institutionalized a National System for ECCD that is comprehensive, integrative and sustainable and has mandated the engagement of various sectors and inter-agency collaboration at all levels. This measure enhanced the areas of responsibilities and structural mechanisms of the Council for the Welfare of Children (CWC) and provided funds therefore.

The above are just among the other legislations enacted and have been cited in the four periodic reports of the State party on the implementation of the Convention on the Rights of the Child.

Annex III

National legislation, measures and acts relevant to the protection of the rights of Filipino children after the ratification of the Optional Protocol on the sale of children, child prostitution and child pornography

1. **Republic Act 9208** of May 2003 or ‘An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing Women and Children, Establishing the Necessary Institutional Mechanism for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes’ instituted policies and mechanisms to eliminate trafficking, protect and support the victims and penalize all those who violate this Act. This law was also part of the country’s commitment to the two Protocols to the United Nations Convention on Transnational Crimes in harmony with the Convention and the Optional Protocol on the sale of children, child prostitution and child pornography.
2. **Republic Act 9231** of December 2003 or ‘An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610’ was based on the provisions of ILO Convention 182. This law enhanced relevant provisions of Republic Act 7610 or the ‘Child Protection Act of 1992’ and included those amended by Republic Act 7658 or the ‘Act Prohibiting the Employment of Children Below 15 Years in Public and Private Undertakings of 1993’ and provided for tighter measures to protect working children.
3. **Republic Act 9262** of 2004 or ‘Act Defining Violence against Women and their Children Providing for Protective Measures for Victims, Prescribing Penalties Therefore and for Other Purposes’ was enacted on 8 March 2004 instituted and established policies and a mechanism to protect women and children from all forms of abuses to include economic abuse and penalizes men found to have committed these acts of violence to their wives, partners and girlfriends. Under Section 3, the definition of ‘forms of sexual violence’ included ‘prostitution of the woman or her child’. Furthermore, the definition of ‘child’ includes ‘not only the biological children of the victim, but also, the children under her care below 18 years old’. Cases found have shown that many children who were rescued from prostitution, trafficking, and child labour came or ran away from homes where domestic and family violence was the norm.
4. **Republic Act 9344** of 2006 or ‘An Act Establishing a Comprehensive Juvenile Justice System, Creating the Juvenile Justice and Welfare Council under the Department of Justice, Appropriating Funds Therefore and For Other Purposes’ raised the minimum age of criminal responsibility from 9 to 15 years of age; provided for measures to appropriately handle and manage the child’s offensive behaviour through the application of Restorative Justice that also prohibits inhumane or degrading treatment or punishment and detention of children below 15 in jails; and, mandated the establishment of diversion programmes for children in conflict with the law. Cases found showed that many children who have been in these said situations have also been trafficked for the purpose of engaging into activities that are against the law, such as courier for drugs, labourer for manufacture of illegal substances, look-outs, robbery and theft among others.

Annex IV

Major government and civil society organizations implementing provisions of the Optional Protocol

Apart from their existing mandates and responsibilities resulting from previously enacted laws and issuances relevant to the implementation of the Convention, the implementation of the Provisions of the Optional Protocol has provided focus and enhanced further the areas of accountabilities and coordinated actions of the following:

Governmental organizations

1. **Department of Justice (DOJ)** is a Member of the following national inter-agency mechanisms: Committee for the Special Protection of Children from all Forms of Neglect, Abuse, Cruelty, Exploitation, Discrimination and Other Conditions Prejudicial to their Development (Executive Order 275 of 1995 or otherwise known as the Committee for the Special Protection of Children) as Chair; Inter-Agency Council Against Trafficking (IACAT) as mandated by Republic Act 9208 as Chair responsible for ensuring the prosecution of persons accused of trafficking, designating and training special prosecutors who shall handle and prosecute cases of trafficking, establishing a mechanism for free legal assistance for trafficked persons in coordination with other national organizations, and for convening the IACAT; and, the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC), as Member. Within the agency is the **International Affairs Division (IAD)** composed of State Prosecutors and State Counsels. It is responsible for international extradition submitted by local authorities and is the principal office handling all requests for extradition of individuals who have fled to the Philippines and all matters relating to mutual legal assistance in criminal matters. Within the IAD is the **Refugee Processing Unit (RPU)** that implements the State obligations pursuant to the 1951 Refugees Convention and its 1967 Protocol. Under the **DOJ** are the following – also responsible agencies:

(i) **National Bureau of Investigation (NBI)** is a Member of the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC). Together with other Law Enforcing Sectors, the NBI is responsible for the conduct of surveillance, monitoring and investigation of recruiters, travel agencies, hotels and other establishments suspected to be engaged in trafficking in persons. It is also mandated to share intelligence information on suspected traffickers to all members of the Inter-Agency Council against Trafficking (IACAT), when necessary. The NBI undertake its role in cooperation and coordination with the law enforcement agencies of other countries and the INTERPOL in the investigation and apprehension of suspected traffickers. The Violence against Women and Children Division (VAWCD) was established in the National Bureau of Investigation (NBI) tasked to investigate cases of children and women including trafficking, prostitution and pornography;

(ii) **Bureau of Immigration (BI)** is a Member of the Committee for the Special Protection of Children and the Inter-Agency Council against Trafficking (IACAT). The BI is responsible for strictly administering, enforcing measures, undertaking surveillance, investigation and arrest of individuals or persons suspected traffickers – local or foreign, coordinating closely with other law enforcement agencies to secure concerted efforts for effective enforcement of the law.

2. **Department of Social Welfare and Development (DSWD)** is a Member of the following national inter-agency mechanisms: the Committee for the Special Protection of Children and the Inter-Agency Council Against Trafficking (IACAT) as Co-Chair, Inter-Country Adoption Board (ICAB) as Ex-Officio Chair, and, the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC). The DSWD is responsible for developing yearly plans of action for children, implementing recovery, healing, reintegration and protective programmes for trafficked persons, providing counselling and temporary shelter to trafficked persons and developing a system for accreditation among NGOs for purposes of establishing centres and programmes for intervention in various levels of the community. DSWD is also member of various committees and sub-committees of the Council for the Welfare of Children (CWC) in policy, programme development, as well as the Sub – Committee on Sexual Abuse and Commercial Sexual Exploitation of Children (SC SACSEC) and Committee on Children in Need of Special Protection (CCNSP) among others. To this day, the agency develops yearly plan of actions for children, makes vigorous advocacy on the enactment of the Anti-Trafficking of Human Persons Act or Republic Act 9208 and the Anti-Child Labor or Republic Act 9231; and, continues to develop projects to protect children. The Inter-Country Adoption Board (ICAB) acts as the central authority on matters relating to inter-country adoption to protect Filipino children from being trafficked, sold or in any other practice in connection with adoption which is harmful, detrimental or prejudicial to the child.

3. **Department of Foreign Affairs (DFA)** is a Member of the following national inter-agency mechanisms: the Committee for the Special Protection of Children, the Inter-Agency Council against Trafficking (IACAT), and, Chair of the Task Force on Passport Irregularities. DFA is responsible for making available its resources and facilities overseas for trafficked persons regardless of manner of entry, exploring means to further improve its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas particularly in relation to formulation and implementation of relevant policies and programmes to include monitoring of inter-country adoption and ensuring that passports are regulated and issued only for legitimate purposes. Within the Department is the **Office of the Undersecretary for Migrant Workers' Affairs (OUMWA)** that works in coordination with various sectors – elected officials, other government agencies, Overseas Filipino Workers (OFWs) and their families, mass media, private organizations, international organizations, NGOs and religious groups to deliver timely assistance to Filipino nationals.

4. **Department of Labor and Employment (DOLE)** is a Member of the following national inter-agency mechanisms: the Committee for the Special Protection of Children, the Inter-Agency Council against Trafficking (IACAT), and, Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC). DOLE is responsible for ensuring the strict implementation and compliance with the rules and guidelines relative to the employment of persons locally and overseas, monitoring, documenting and reporting cases of trafficking in persons. Within DOLE is the **Bureau of Women and Young Workers (BWYW)**. The Bureau is responsible for empowering women and young workers to be productive members of society while eliminating abusive and exploitative forms of their employment. It is in charge of the coordination and monitoring of the Sagip Bata Manggagawa (Rescue the Child Laborer) mechanisms all over the country and the Philippine Time Bound Programme (PTIP) supported by the US Department of Labor through the ILO-IPEC and ABK (Pag-Aral ng mga Bata Para sa Kinabukasan) Initiative. Under the **DOLE** are the following – also responsible agencies:

- (i) The **Overseas Workers Welfare Administration (OWWA)**. It is in charge of ensuring the generation of resources and provision of the welfare benefits of OFWs and their families to include victims of trafficking and illegal recruitment. Furthermore, it is tasked to assist in the information and advocacy campaign among

OFWs to prevent trafficking in persons and the documentation of cases of trafficking;

(ii) The **Philippine Overseas Employment Administration (POEA)** is a Member of the Inter-Agency Council against Trafficking (IACAT). POEA is responsible for implementing an effective pre-employment orientation seminars and pre-departure counselling programmes to applicants for overseas employment; as the agency undertakes the provision of free legal assistance to victims of trafficking in persons in the guise of overseas employment. The Office has launched a nationwide “Anti-Illegal Recruitment Campaign”. The Task Force on Illegal Recruitment was organized to respond to cases of illegal recruitment that may include trafficking and sale of children. Chaired by the Philippine Overseas Employment and Administration (POEA), it is composed of the Department of Justice, Philippine National Police and the Presidential Task Force on Anti-Organized Crime.

5. **Department of Interior and Local Government (DILG)** is a Member of the following national inter-agency mechanisms: the Committee on Special Protection of Children and the Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC). The DILG is responsible for conducting an information/advocacy campaign against trafficking and abuses against women and children, monitoring, documenting and maintaining a databank on these cases, guiding Local Government Units (LGUs) and barangays on how to monitor perpetrators violators and recruiters and increase public awareness, promoting family and community empowerment to prevent and appropriately respond to these cases, maximizing existing mechanisms and organizations to prevent and suppress these violations or crimes. Within the DILG is the **Philippine National Police (PNP)** which is a Member of the following national inter-agency mechanisms: the Inter-Agency Council on Violence Against Women and Their Children (IAC-VAWC) and the Inter-Agency Council Against Trafficking (IACAT). Particular to the provisions of the Optional Protocol, the PNP undertakes surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking in close coordination with various law enforcement agencies i.e. NBI, Philippine Ports Authority, Airport Police and local and barangay officials. The PNP established a system for receiving complaints and calls to assist trafficked persons, and the conduct of rescue operations, among others. **Women and Children’s Desk** was set up in every precinct or police station in the country in response to cases against women and children. Policewomen were trained in handling and managing sensitive cases of children and women and providing emotional support to the child victim operate these. The **Local Government Units (LGUs)**, although not a member of the IACAT, are responsible for disseminating information on trafficking, monitoring and documenting trafficking cases, Cancelling licenses of erring establishments, Coordinating with other agencies to conduct information campaigns against Trafficking, Supporting community initiatives against trafficking, Providing basic social services to trafficking victims and their families, Passing local ordinances to curb trafficking and protect trafficking victims, Maximizing existing mechanisms and organizations to prevent and suppress trafficking, and, Implement the “NO to Trafficking” Project.

6. **Department of Tourism (DOT)** is a Member of the Committee on Special Protection of Children. Although not a Member of the IACAT, the DOT has advocacy programmes that are designed to provide information to tourists for an enjoyable but safe trip to the Philippines. It is responsible for pursuing on a nationwide and international-scale the “Child Wise Tourism’ Program.

7. Under the **Office of the President of the Philippines** are:

(i) The **Commission on Human Rights (CHR)** is a Member of the following national inter-agency mechanisms: the Committee on Special Protection of Children and, the Chair of the Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC). It also undertakes two main programmes – human rights

protection and human rights promotion through a nationwide network of 14 regional offices and 6 sub-regional offices;

(ii) The **National Commission of the Role of Filipino Women (NCRFW)** is a Member of the following national inter-agency mechanisms: the Inter-Agency Council against Trafficking (IACAT) and the Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC). NCRFW is responsible for assisting the IACAT in the advocacy, formulation and monitoring of policies addressing the issue of trafficking in persons in coordination with relevant government agencies, and to formulate programmes and projects to eliminate VAWC based on their mandate.;

(iii) The **Council for the Welfare of Children (CWC)** is a Member of the following national inter-agency mechanisms: the Committee on Special Protection of Children as Secretariat of the Committee, and the Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC);

(iv) The **Civil Service Commission (CSC)** is a Member of the Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC). The CSC responsible for ensuring that workplace anti-VAWC policies and processes are in place in both public and private sectors. The CSC is mandated to assist in the filing of cases against individuals, groups, agencies, institutions or establishments that violate the provisions of the Act among others;

(v) The **Commission of Filipino Overseas** is the agency that is mandated to promote the interest and well being of Filipinos overseas, particularly those of Filipino permanent residents abroad including those in intermarriages. The Commission has been undertaking community awareness and information programmes on the realities of migration since 1987. It also conducts counselling services for Filipinos “bride to be” or spouses on realities and consequences of intermarriages and migration, their rights and obligations and has made available support networks and other information.

8. **Department of Health (DOH)** makes available its resources and facilities in providing health care to victims of trafficking which shall, at all times, be held confidential. The DOH is also a Member of Inter-Agency Council on Violence against Women and Their Children (IAC-VAWC).

9. **Department of Education (DepEd)** is a Member of the Inter-Agency Council on Violence against Women and Children (IAC-VAWC). DepEd is tasked to conduct trainings for teachers on management of children who are victims of survivors of VAWC in the home, develop gender fair curricula in elementary and secondary levels, produce gender responsive instructional materials and integrate in the appropriate subject areas core messages on VAWC, train principals and teachers on the preparation of Barangay Protection Orders in order to better assist victims or survivors in their application for so when the children seeks help, and, develop protocols in handling student, personnel, teachers who are suspected to be victim or survivors or perpetrators of VAWC. The DepEd is expected to establish school-based intervention programmes for VAWC. Although not a Member of the Inter-Agency Council Against Trafficking (IACAT) or the Committee on Special Protection of Children, the DepEd has great responsibility to educate students, parents and teachers regarding the issues, develop appropriate programmes and provide services to students vulnerable to CSEC and other forms of abuse and to work with other organizations outside the DepEd in ensuring adequate protection, care and support to victims of CSEC and other forms of abuses among its constituents and students.

Other governmental organizations

1. **Philippine Center on Transnational Crime (PCTC)** was created through Executive Order 62 in 1999 to formulate and implement concerted programme of action of all law enforcement, intelligence and other government agencies for the prevention and control of trafficking in women and children. Through improved coordination, the Center is likewise directed to undertake research and maintain a databank on trafficking.
2. **Department of Transportation and Communication (DOTC)** is responsible for providing guidelines for land, sea and air transport providers to train their personnel in trafficking in persons. It is also tasked to standardize and follow through the implementation of guidelines for monitoring trafficking in persons in every port or terminal. The **DOTC** is presently being engaged by the Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation (SC SACSEC) and the Alliance against Child Pornography (AACP) in the formulation of guidelines and policies in support of the Anti-Child Pornography Bill.
3. The **Philippine Information Agency (PIA)** is responsible for the enhanced public awareness on trafficking in persons, pertinent laws and possible actions to prevent re-victimization by developing public advocacy programme as well as printing and distributing appropriate information materials.
4. The **Technical Education and Skills Development Authority (TESDA)** is responsible for the provision of skills and entrepreneurial training to trafficked victims and formulation of special programmes to ensure the provision of appropriate skills training for said victims.
5. **Department of Agriculture (DA)** is a Member of the Technical Management Committee (TMC) of the Council for the Welfare of Children (CWC). The **DA** has long been implementing programmes for the most vulnerable women, children and youth among Filipino farmers and fisher folk in response to the growing development issues outlined in the Provisions of the Protocol. In particular, the Fisher folk Children Educational Grant (FCEG) is provided to qualified children of small scale fisher folks to pursue a four-year BS Fisheries course; the Fisheries Scholarship Program is granted to High school graduates who belong to the top of their class in order to pursue BS Fisheries at the University of the Philippines, Central Luzon State University, and Zamboanga State College of Marine Sciences and Technology; support to young farmers' to study agricultural technologies in Japan and for their projects when they return to the Philippines; Farm Youth Empowerment for Rural Development (Lakas Kabataan sa Kanayunan) trains farm youth on organizational development and participatory approaches relative to agricultural modernization and productivity; the Young Farmers Program seeks to encourage young agriculture and fisheries graduates to go into agribusiness; and, assistance to the 4H Clubs in terms of trainings on various agricultural technologies are being provided. These programmes are located in the remotest parts of the country. While these responses address the most basic factors that contribute to the situations of children covered by the Optional Protocol, it must be noted, however, that the impact of these in relation to the enjoyment of the rights of the children has not yet been measured or assessed to date.

Non-governmental organizations (NGOs)/civil society organizations (CSOs)

1. The **Philippine NGO Coalition on the United Nations Convention on the Rights of the Child** is composed of more than 100 Child Rights NGOs all over the country. It is actively participating in the monitoring of the country's implementation of the Convention as well as all the other relevant international and national commitments and legislative measures on children. The Coalition has submitted an alternative report to the Second

Periodic Report of the Philippine Government on status of the implementation of the CRC. Many members of the Coalition were also involved in putting together this Initial Report on the Status of the implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

2. The **Asia ACTs (Asia Against Child Trafficking)** is the regional campaign to fight child trafficking in south East Asia that is part of the International Campaign against Child Trafficking (ICaCT) coordinated by Terre des Home Germany and the International Federation of Terre des Home. In 2001, the organization successfully launched the Campaign Against Child Trafficking by bringing together efforts of NGOs, international agencies, governments and people's organizations in Southeast Asia affected by internal and cross-border human trafficking. This four-year campaign put the crime of child trafficking as an urgent concern of Southeast Asian countries. At the outset of the campaign, Asia ACTs published the source book, "Asia's Children in Peril", which drew attention to the trafficking in children and women as the third most profitable criminal activity in Asia and the rest of the world, next to illegal drugs and arms trafficking. Together with other Philippine organizations, the Asia ACTS helped lobbied for legislative measures. Asia ACTs is an active member of the Philippine NGO Coalition on the **United Nations Convention on the Rights of the Child (UNCRC)**.

3. The **Child Rights Network** was formally launched in October 2007 but has initiated groundwork as early as 2005. Bonded specifically for legislative advocacy and campaign towards passage of Bills on the protection of children, this organization is composed of CSOs with relevant mandates and supportive of the efforts of partner child rights organizations. Among its present members are: Center for the Promotion, Advocacy and Protection of the Rights of the Child (Lunduyan); Child Protection Unit; CWC; Christian Children's Fund; CRIBS; Parenting International; Pediatric Society of the Philippines, PLAN Philippines; PLCPD; Save the Children Sweden in the Philippines; and World Vision.

4. The **Anti-Child Pornography Alliance (ACPA)** is a network of concerned stakeholders that are directly and indirectly involved in providing protection for children. It works closely with local and national government units particularly in areas of policy development. ACPA has spearheaded lobbying and passage of the earlier Bills on anti-child pornography in the 13th Congress. This network of CSOs and FBOs has joined forces with the CRN for the passage of priority Bills on the children lodge in the 14th Congress. One of its structures is the **Committee for Children and Youth Initiatives** that takes care of linkages and activities undertaken among the youth and children. It is led by the **Batingaw Network**., its youth arm.

5. **Child Hope Asia/Philippines (CHAP)** whose principal purpose is to advocate for the cause of street children throughout the world promotes human resource development through training and capacity-building activities that it conducts among staff and volunteers of NGOs in the Philippines and in other Asian countries in collaboration with its partner donors and agencies. Since 1994, CHAP continues to implement its Community Mobilization against Child Prostitution Program in various urban communities in the country such as in cities of Pasay and Caloocan in Metro Manila. Meant to reduce the incidence of prostitution among the street children initially reached, this programme was enhanced to include Prevention of prostitution of children, Protection, Care and Rehabilitation of victims, and Capacity Building of members of the community including the families and the children to participate actively in the provision of the above and to sustain advocacy on the relevant issues of street children. CHAP is an active Member of the Philippine NGO Coalition on the UNCRC.

6. **ECPAT Philippines (End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes)** is a part of a global network of agencies and individuals working together across all sectors of societies towards the elimination of

all forms of commercial sexual exploitation of children through various means and with active participation of young people. The organization is a Member and the organizational representative of the children's sector in the Inter-Agency Council against Trafficking (IACAT). Thus, was also responsible for the formulation of the Comprehensive and Integrated programme to prevent and suppress the trafficking of persons, and promulgation of regulations for effective implementation of the law. ECPAT Philippines is the Campaign focal point of the Philippines against Child Trafficking (PACT) since 2003 – part of Asia ACTs and International Campaign against Child Trafficking (ICaCT). Together with other Philippine organizations and Asia ACTs, ECPAT Philippines helped lobbied for legislative measures against CSEC. ECPAT Philippines is an active Member of the Philippine NGO Coalition on the UNCRC.

7. The **Visayan Forum Foundation, Inc. (VFF)** was established in 1991 and has since then worked for the welfare of marginalized migrants, especially those working in the invisible and informal sectors, like domestic workers and trafficked women and children. The organization has continued to lead national and international efforts in mobilizing social partners as the Philippine and Southeast Asian Secretariat of the Global March Against Child Labor Movement, Convener of the Taskforce on Child Domestic Workers in Asia, Convener of the Multi-Sectoral Network against Trafficking in Persons (MSNAT), Convener of the Anti-Trafficking Taskforce at the Ports, Member of the ILO Convention 182 – National Monitoring Team, and, Vice-Chair of the Philippine NGO Coalition on the UNCRC.

8. The **Center for Overseas Workers** conducts pre-employment information campaigns on the issues of migrant and women's exploitation and provides counseling, referrals and assistance in filing complaints with the Philippine Overseas Employment Administration (POEA).

9. **GABRIELA**, which is the National Alliance of Women's Organizations in the Philippines, is actively involved in massive awareness campaigns to prevent the trafficking of women and girls from the Philippines.

10. **AKAP of the Ateneo Human Rights Center** has been providing legal assistance to children or to persons acting on their behalf, which have become victims of various forms of abuse to include commercial sexual exploitation. It also conducts paralegal seminars and lectures for various groups on issues affecting the rights of the child in order to equip them with knowledge and skills necessary for handling cases of violation of children's rights. AKAP has been very instrumental in the drafting and passage of various laws i.e. the Juvenile Justice and Welfare Act or Republic Act 9344.

Faith-based organizations (FBOs)

1. The **Philippine Scalibrini Migration Center (SMC)** is a non-profit research and Advocacy institute dedicated to the study of human migration and refugee movements from and within Asia. In 1995, PSMC set up the Philippine Migrant Rights Watch to encourage the recognition, protection and fulfilment of Filipino migrants rights both in the Philippines and abroad during the entire migration process. It carries out education, lobbying and monitoring activities toward the above purpose to include recognition, protection and fulfilment of the rights of family members of the Filipino Migrant before departure, during migration and upon return. The Center publishes a monthly Migrants Watch Newsletter, holds regular Public For a on relevant issues. Recently, PSMC hosted the "World Conference of Overseas Filipino Workers (OFWs): Sharing the Future of Filipino Labor Migration" held in Manila last December 16–18, 2004. With its nationwide and overseas Network to include the Apostleship of the SEA-Manila Chaplaincy, Center for Migrant Advocacy Philippines, Episcopal Commission on Migrants and Itinerant People among others, the PMSC has lobbied and push for legislative measures such as: the Overseas

Absentee Voting Act of 2003, amendments to Articles 29 and 30 of the Republic Act 8042, also known as The Migrant Workers and Overseas Filipino Act of 1995 which was meant to protect the Rights of millions of Filipino Workers abroad . The shift in recent policy has resulted in aggressive marketing of Filipinos abroad. This has made Filipinos more vulnerable to exploitation and labour violations (they have become mere commodities in international labour market). In turn, more and more recruiters are victimizing further OFWs. The lobbying is directed towards expediting the final reading of Senate Bill 2646 and support the amendment of Republic Act 8042 with the abrogation of articles 29 and 30. The clamour apart from this is for more jobs and reasonable expectations for the future in the country for all Filipinos. It has set up a website for continuing education, advocacy and update for all OFWs and their families. The site address is www.pmrw.org and the migrantswatch@pmrw.org.

2. The **Third World Movement against the Exploitation of Women (TW-MAE-W)** addresses the issues of exploitation and responds to the needs of sexually exploited people. TW-MAE-W was the first to take up the issue of sex tourism nationally and internationally. It spearheaded the protest against the Japanese sex tours on Human Rights Day, December 10, 1980, its foundation date. In 1981, in response to the “sexploitation” of women, the TW-MAE-W initiated synchronized demonstrations in the Southeast Asian capitals. The TW-MAE-W has since addressed a host of other issues including marriage bureaus, migrant workers, beauty contests, women workers, ethnic rights, child prostitution and the religious oppression of women. The ratification of the Optional Protocol has made it imperative for the organization to work more closely with other Child Rights serving government and non-government organizations.

3. **Laura Vicuña Foundation, Inc. (LVFI)**, organized by the Daughters of Mary Help of Christians, has been providing centre-based and community-based services for children victims of commercial sexual exploitation and sexual abuse in many parts of the country. Its Community Mobilization through Education (COME) Project in Negros Occidental, Children’s associations and parent volunteers’ groups were organized to sustain the community preventive alert system against child labour and abuses in the sugarcane industry. LVFI is as active member of the Sub Committee on Sexual Abuse and Commercial Sexual Exploitation of Children under the Council for the Welfare of Children, and the National Anti-Child Labor Program Education Subgroup of the Philippine Time Bound Project of the Department of Labor and Employment.

Annex V

Studies and research conducted relevant to the provisions of the Optional Protocol

1. “Risk and Protective Factors Related to Child Pornography and Possible Advocacy Strategies against Pornographic Victimization” in 2007 looked into children and parents’ awareness of the issues of child pornography, behaviours especially with regard to internet and technology that may contribute to the victimization of children; and attitudes towards child pornography and other relate variables. This was commissioned to the UP CID PST by the UNICEF and CWC.
2. “An Investigative Study on Child Pornography in the Philippines” is a study in 2007 that provides an overview of the modus operandi used by perpetrators of child pornography in the Philippines but with focus on the cases reported to the PNP in major cities Angeles, Manila, Cebu, and Davao. This was commissioned to the Philippine National Police by the United Nations Children’s Fund and the Council for the Welfare of Children.
3. “A Situational Analysis of the Effects of Tourism on Children in Boracay” is a study in 2005 done by ECPAT with the following objectives: to understand the current nature, magnitude and trends of CSEC, the factors for its proliferation; to identify on-going responses and interventions by government and non-government organization; and to recommend possible action plans for the prevention and elimination of CSEC in the island.
4. The “Rapid Appraisal of Child Pornography in the Philippines” conducted by the University of the Philippines Center for Integrative and Development Studies Psychosocial Trauma and Human Rights Program (UP CIDS-PST) and the UNICEF in 2004, provided a comprehensive appraisal and in-depth understanding of the serious and very real problem of the issue of child pornography in the Philippines. While some data were available, it does not reflect the real number of children victimized by child pornography. The study highlighted the lack of laws and information “available on Child Pornography, and its relationship to the unbeatable advances in information communication technology such as the internet and the cell phones” in the country.
5. The “Endangered Generation: Child Trafficking in the Philippines for Sexual Purposes” was conducted by ECPAT Philippines in 2004. It described the child victims and perpetrators, the trafficking process and procedures, the dynamics and state of child sexual exploitation, as well as, law enforcement responses in seven high-risk areas in the country. The data and information were also generated from the actual “stories” of the victims among the children interviewed.
6. “Girl Child Labour in Domestic Service in the Philippines: Results from A Rapid Assessment in Metro Manila and Bacolod City” was a documentation done by the Visayan Forum Foundation (VFF) and the ILO-IPEC of the experiences of 36 child domestic workers. It brought forward why these children would rather endure the varied abuses they are exposed to just to supplement family income and their feeling of lack of alternatives and marketable skills. It raised the need for clearer policies for children in domestic work particularly towards improving working conditions, classification as worst form of child labour and for communities to install support mechanisms that would sustain the income of families in order to prevent the entry of children into domestic work. This study served to provide evidence needed for a bill to be drafted and programmes to be initiated sans the law.
7. “Local Trafficking of the Filipino-Girls for Employment: The Case of Girl Children Trafficked for Entertainment Work, Domestic Service and Factory Work” was a study

conducted by the Institute for Labour Studies (ILS), the DOLE and UNICEF. It documented the experiences of 24 trafficked children ages 14–17 years old at various stages of the trafficking process. It brought forward the following recommendations: a) Community-based information campaign towards providing informed choices to parents and children must be pursued, (b) The BCPC must be activated and made functional to facilitate coordination of trafficking prevention and protection activities, (c) Rescue and labour inspection programmes must be strengthened, (d) Legal Protection Centers for working children must be established, as well as, improvement of services of government run temporary shelters, and, (e) the formulation of a comprehensive programme framework against Child Trafficking.

8. “The World of the Children Involved in the Sex Industry: Reducing the Risks and Harm of Sexual Exploitation, STD and HIV/AIDS in Filipino Children” was conducted by the UP CIDS-PST, Program for Appropriate Technology for Health – AIDS Surveillance and Education Program (PATH-ASEP) of the USAID. It studied the lives of children involved in the Sex Industry and defined factors promoting the entry, continued stay and exit of children in so. It also described the exploitative and abusive relationships between players in the organized network of abusers and the child. The study stressed the need for strategies to reduce the risks and harm of sexual exploitation, sexually transmitted infections (STIs), other reproductive tract infections (RTIs) and concerns, HIV and AIDS in Filipino Children. To this date, the incidence of RTIs and STIs among children and young people continue to increase particularly among those who are sexually active and are forced into commercial sex. The findings of this study must continue to be a reference for all those organizations setting up or implementing relevant programmes and services for children.

9. “Integrating Indigenous Knowledge and Practices into the Psychosocial Help and Support for Child Survivors of Trafficking and Sexual Abuse” was another study by the UP CIDS and the ILO-IPEC on existing models of standards used to design and implement healing responses for the child survivor. It explained a new model that builds on children’s inherent capability to resist and survive sexual abuse and exploitation. The study discusses healing strategies from indigenous practices in child’s culture based on cultural considerations of the concept of child and childhood. In so doing, full participation of the child in the healing process can be secured. Most important, it promotes children’s participation all through out the process of recovery and reintegration of abused and trafficking survivors.

10. The Adhikain Para sa Karapatang Pambata (AKAP) of the Ateneo Human Rights Center and UNICEF made a study entitled “An Interdisciplinary Analysis of Philippine Jurisprudence on Child Sexual Abuse” in 2002. The study focused on child sexual abuse that is subject to criminal responsibility. It aimed to provide an insight on how the legal system has developed its jurisprudence on sexually related crimes involving girls and boys and assesses whether or not the Convention has had an effect on the Philippine system’s treatment of them. The study proposed some actions on how the cases on sexually abused girls and boys can be utilized as a more effective tool in educating the bench and the bar on the rights of the child. A follow through of said study can generate lessons on the implementation of the proposed actions. In turn would benefit on-going capacity building of the same on the sale, trafficking, pornography and prostitution of children.

11. The “Commercial Sexual Exploitation of Children in the Philippines: A Situational Analysis” was undertaken by UNICEF, AusAID and DSWD as a response to the need for more comprehensive, representative and reliable data on girl and boy victims as basis of setting up a Philippine programme framework and formulating policies geared towards the eradication of all forms of CSEC in the country.

12. “Good Practices in Combating Sexual Abuse and Exploitation of Children – A Case Study on a Multi-Sectoral Approach to Case Management in the Philippines” completed in 2002 through the assistance of DSWD, UNESCAP and Japan Official Development

Assistance is a compendium of good practices in selected participating countries under ESCAP. Identification and documentation of good practices is one of the objectives of the Second World Congress Against Commercial Sexual Exploitation of Children. This study, however, needs further dissemination particularly among service practitioners and programme designers. Lessons learned from experiences of other countries will definitely lend towards the enhancement of present management styles and practices as well as validation of present efforts.

13. “A Policy and Action Research on Filipino Female Children in Especially Difficult Circumstances” completed in 1998 through the University of the Philippines Center for Women’s Studies. The research has put together the stories of more than 2,000 Filipino girl children who were victims of abuse, exploitation, neglect, maltreatment and discrimination for 1996 alone. The study helped the DSWD provide inputs into the crafting of policies relevant to protection and management of cases, as well as, guidelines for recovery, healing and reintegration of the victims.

References

Internet sources (websites of government agencies and NGOs) and data sources and references

Asia Acts	http://www.stopchildtrafficking.info
Anti Child Pornography Alliance (ACPA)	http://acpa.akapbata.org.ph/
Bureau of Immigration	http://www.immigration.gov.ph/
Bureau of Women & Young Workers	http://www.bwyw.dole.gov.ph/
Cebu City	http://www.cebunet.gov.ph/
Center for the Prevention & Treatment of Child Sexual Abuse	http://www.cptcsa.org
Civil Service Commission	http://www.csc.gov.ph/
Coalition against Trafficking in Women – Asia Pacific	http://www.catw-ap.org/
Commission on Human Rights	http://www.chr.gov.ph/
Council for the Welfare of Children	http://www.cwc.gov.ph/
Dangerous Drug Boards	http://www.ddb.gov.ph/
Davao City	http://www.davaocity.gov.ph/
Department of Education	http://www.deped.gov.ph/
Department of Foreign Affairs	http://www.dfa.gov.ph/
Department of the Interior and Local Government	http://www.dilg.gov.ph/
Department of Health	http://www.doh.gov.ph/
Department of Justice	http://www.doj.gov.ph/
Department of Labor and Employment	http://www.dole.gov.ph/
Department of Tourism	http://www.tourism.gov.ph/
Department of Social Welfare and Development	http://www.dswd.gov.ph/
ECPAT Philippines	http://www.childprotection.org.ph/
Institute of Labor Studies	http://www.ilsdole.gov.ph/
National Commission on the Role of Filipino Women	http://www.ncrfw.gov.ph/
National Statistics Office	http://www.census.gov.ph/
Overseas Workers and Welfare Administrations	http://www.owwa.gov.ph/
Philippines Against Child Trafficking	http://www.pact.org.ph/
Philippines Overseas Employment Administration	http://www.poea.gov.ph/
PLAN Philippines	http://www.plan-international.org/wherewework/asia/philippines/

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Bureau of Immigration	http://www.immigration.gov.ph/
Bureau of Women & Young Workers	http://www.bwyw.dole.gov.ph/
Cebu City	http://www.cebucity.gov.ph/
Center for the Prevention & Treatment of Child Sexual Abuse	http://www.cptcsa.org
Civil Service Commission	http://www.csc.gov.ph/
Coalition against Trafficking in Women – Asia Pacific	http://www.catw-ap.org/
Commission on Human Rights	http://www.chr.gov.ph/
Council for the Welfare of Children	http://www.cwc.gov.ph/
Dangerous Drug Boards	http://www.ddb.gov.ph/
Davao City	http://www.davaocity.gov.ph/
Department of Education	http://www.deped.gov.ph/
Department of Foreign Affairs	http://www.dfa.gov.ph/
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