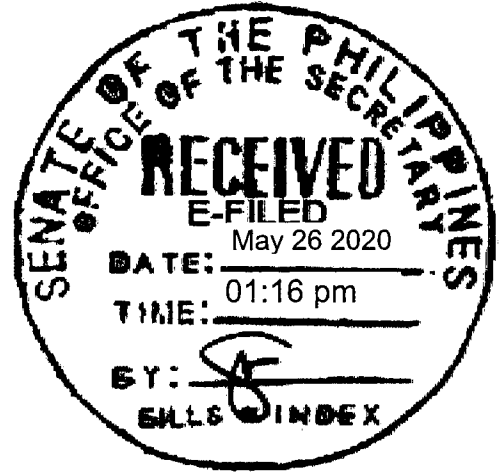


EIGHTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
First Regular Session)

SENATE
P.S. RES. NO. 423



Introduced by SENATOR SONNY ANGARA

RESOLUTION

DIRECTING THE APPROPRIATE SENATE COMMITTEE TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE RISING INCIDENCE OF ONLINE SEXUAL EXPLOITATION OF CHILDREN IN THE PHILIPPINES, WITH THE END IN VIEW OF STRENGTHENING REPUBLIC ACT NO. 7610, OTHERWISE KNOWN AS THE "SPECIAL PROTECTION OF CHILDREN AGAINST ABUSE, EXPLOITATION AND DISCRIMINATION ACT" AND REPUBLIC ACT NO. 9775, OTHERWISE KNOWN AS THE "ANTI-CHILD PORNOGRAPHY ACT OF 2009"

WHEREAS, Section 3, Article XV of the 1987 Constitution provides "[t]he State shall defend the right 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";

WHEREAS, Article 34 of the United Nations Convention on the Rights of Child, to which the Philippines is signatory, mandates states to protect children from all forms of sexual exploitation and sexual abuse;

WHEREAS, on 25 May 2020, the Department of Justice (DOJ) said that since the start of the Enhanced Community Quarantine in March 2020, a 264 percent increase or a total of 279,166 online sexual exploitation of children (OSEC) cases has been reported in the country, which is about three times higher than the reported cases in 2019, when it was 76,561 cases;

WHEREAS, the Child Rights Network has pointed out that there are some gaps in the child protection framework in the Philippines, specifically the "lack of clearly-defined rules delineating the obligations of social media networks (e.g. Facebook and Twitter), Internet cafes/kiosks or lessors of business establishments,

banks, money remittance centers and credit card companies in relation to shutting down online sexual exploitation of children”;

WHEREAS, these loopholes are palpable and manifest, and clearly caused the increasing number of online sexual exploitation of children (OSEC) in the Philippines thereby making the country as the “global epicenter of the live-stream sexual abuse trade”;

WHEREAS, the United Nations Children's Fund (UNICEF) reported that in 2018 alone, 600,000 "sexualized" photos of Filipino children have been bartered and traded, placing the Philippines as one of the top global sources of online child sex abuse materials;

WHEREAS, based on an International Justice Mission (IJM) report released on 21 May 2020, the Philippines is considered as a “global hotspot” for child pornography wherein in most cases, parents and relatives were responsible for facilitating the abuse;

WHEREAS, the Commission on Human Rights said that there is a need to protect the rights of women and children against domestic violence during the COVID-19 lockdown since women and children experiencing abuse are trapped inside their homes together with the perpetrators;

WHEREAS, civil society organizations and child rights groups under the banner of the Child Rights Network have likewise warned of a rising incidence of OSEC in the Philippines during the Enhanced Community Quarantine period;

WHEREAS, last 05 May 2020, the Philippine National Police – Women and Children Protection Center (PNP-WCPC) and the National Bureau of Investigation Anti-Human Trafficking Division (NBI-AHTRAD) nabbed a 41-year-old woman in Caloocan City for allegedly forcing her three children to perform sexual acts online;

WHEREAS, on 15 May 2020, three children in Pampanga, who were allegedly forced by their own mother to perform sexual acts on webcam for paying clients, were rescued by the authorities;

WHEREAS, a *Rappler* article dated 21 May 2020 revealed that OSEC videos and materials tagged as “Kiddie Meals” and “SHS” for senior high school students are being sold by several users in Twitter for as low as ₱100 to as high as ₱500, while there are Twitter accounts that openly sell "an experience" with minors;

WHEREAS, despite the continuous spread of the coronavirus disease, authorities must continue tracking local and international perpetrators especially those who use social media networks and instant messaging applications to disseminate sexualized photos and videos of children;

WHEREAS, the DOJ said that there is no law in the Philippines that directly defines and penalizes OSEC. The department stated that in indicting the suspects, investigators and prosecutors are only depending on various child protection laws, which include Republic Act No. 9775 or the Anti-Child Pornography Act of 2009; R.A. No. 7610 or the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act; R.A. No. 9208 or the Anti-Trafficking in Persons Act of 2003, as amended by R.A. No. 10364; and R.A. 10175 or the Cybercrime Prevention Act of 2012;

WHEREAS, the IJM study recommended that aside from the urgent need to develop the technology to detect livestreamed abuse and to better catch perpetrators of online sexual exploitation of children, the following measures should be pursued: legislation expanding the electronic service providers or ESP reporting requirements, greater inter-agency and international law enforcement collaboration, and increase in OSEC-dedicated staffing, budget, and research;

NOW THEREFORE, BE IT RESOLVED, AS IT IS HEREBY RESOLVED by the Senate of the Philippines, to direct the appropriate Senate Committee to conduct an inquiry, in aid of legislation, on the rising incidence of online sexual exploitation of children in the Philippines, with the end in view of strengthening Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act" and Republic Act No. 9775, otherwise known as the "Anti-Child Pornography Act of 2009".

Adopted,


SONNY ANGARA