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SENATE

P. S. Res. No. 201

RECEIVED BY: _____

A handwritten signature in black ink, appearing to be "L. M. De Lima", written over a horizontal line.

Introduced by **SENATOR LEILA M. DE LIMA**

RESOLUTION

DIRECTING THE SENATE COMMITTEE ON WOMEN, CHILDREN, FAMILY RELATIONS AND GENDER EQUALITY TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, ON THE CONTINUED PROLIFERATION AND RISING INCIDENCE OF CHILD CYBERSEX ABUSE IN THE PHILIPPINES, DESPITE EXISTING LAWS, WITH THE END IN VIEW OF ENSURING THAT THE WELFARE OF THE FILIPINO YOUTH AND CHILDREN ARE PROTECTED THROUGH POSSIBLE LEGISLATION INCREASING OUR CAPABILITY TO DETECT AND TRACK OFFENDERS, IMPROVING OUR COORDINATION EFFORTS WITH FOREIGN LAW ENFORCEMENT, AND HELPING IMPROVE LIVING CONDITIONS IN AREAS THAT ARE MOST VULNERABLE TO CHILD CYBERSEX ABUSE

1 WHEREAS, Article II, Section 13 of the Constitution provides that “[t]he State
2 recognizes the vital role of the youth in nation-building and shall promote and protect
3 their physical, moral, spiritual, intellectual and social well-being”;

4 WHEREAS, Article XV, Section 3 of the same provides that “[t]he State shall
5 defend the right of children to assistance, including proper care and nutrition, and
6 special protection from all forms of neglect, abuse, cruelty, exploitation and other
7 conditions prejudicial to their development”;

8 WHEREAS, the Philippines is a signatory to the United Nations Convention on
9 the Rights of the Child, which recognizes the inherent right to life of every child, and
10 commits the government to ensuring to the maximum extent possible the survival and
11 development of the child;

12 WHEREAS, since the promulgation of Presidential Decree 603, otherwise
13 known as the “Child and Youth Welfare Act” in 1974, the Philippines has

1 institutionalized the fostering of children’s rights, which states that, “[t]he child is one
2 of the most important assets of the nation. Every effort should be exerted to promote
3 his welfare and enhance his opportunities for a useful and happy life”;

4 WHEREAS, consistent with the policy of the State to shield and guard the
5 children against all forms of abuse, exploitation and violence, the Philippines has
6 enacted, through various legislatives efforts, laws such as: Republic Act no. 7610, also
7 known as “Special Protection of Children Against Abuse, Exploitation and
8 Discrimination Act”; Republic Act no. 9775, otherwise known as the “Anti-Child
9 Pornography Act of 2009” to prevent the exploitation of a child in pornographic
10 performances and materials, and the inducement or coercion of a child to engage or
11 be involved in pornography through any kind of means; Republic Act no. 9231, or the
12 “Anti-Child Labor Law”, which specifically prohibits worst forms of child labor which
13 includes the use, offering or exposing of a child for prostitution and unhealthy
14 environment exposing children to physical, emotional or sexual abuse; Republic Act
15 no. 10175, also known as the “Cybercrime Prevention Act of 2012”, which penalizes
16 cybersex and online child pornography; Republic Act No. 10364, also known as
17 “Expanded Anti-Trafficking in Persons Act of 2012”, which likewise bans the offering
18 of a child for prostitution, pornography or pornographic performances, among others;

19 WHEREAS, it is reported that, “[t]he Philippines has become a top global
20 source of child pornography with around 80% of Filipino kids at risk of online sexual
21 abuse or bullying.”,¹ and is now likewise considered to be the “epicenter” of the live-
22 stream sexual abuse trade²;

23 WHEREAS, according to the Global Report Trafficking in Persons UNODC
24 2016) one in three sexual trafficking victims are children;

25 WHEREAS, according to the United Nations Children’s Fund (UNICEF), the
26 Philippine Justice Department receives every month more than 3,000 reports from
27 overseas of possible cybersex trafficking cases³;

¹ Passion, Patty. Rappler. *Philippines top global source pornography*. 13 December 2017. Retrieved from <https://www.rappler.com/nation/191219-philippines-top-global-source-child-pornography-unicef>

² Promchertchoo, Pichayada. Channel NewsAsia. *Live-streaming of child sex abuse spreads in the Philippines*. 28 October 2018. Retrieved from <https://www.channelnewsasia.com/news/asia/philippines-child-sex-abuse-live-streaming-cybersex-exploitation-10769092>

³ *Ibid*

1 WHEREAS, according to the International Justice Mission (IJM), the number
2 of rescue operations related to cybersex trade appallingly increased from 17 in 2015 to
3 51 in just the first nine months of 2018. The report coincided with the alarming
4 decrease in the age of victims involved in cybersex trade, which includes children 12
5 years old or younger. Worse, there was a report that even a three-month old baby was
6 not spared from such abuses. It was further claimed that the younger the child is, the
7 higher the payment⁵;

8 WHEREAS, a study by UNICEF, entitled “Perils and Possibilities: Growing up
9 Online”, estimated that there are approximately 75,000 “child predators” online who
10 are finding every means to get connected to a child in the Philippines. It likewise
11 revealed that there are eight in 10 children who are at risk of online abuse and
12 bullying⁶;

13 WHEREAS, according to the National Director of IJM, Sam Inocencio, parents
14 or operators earn as much as \$80 to \$100 or 4,000 to 5,000 pesos per live show, which
15 mostly depends on the client’s demands. This usually involves unthinkable abusive
16 acts between an adult and a child, between children, or between a child and a sex
17 paraphernalia ⁷;

18 WHEREAS, according to Special Agent Michael Van Alestyn of the FBI Violent
19 Crimes Against Children Unit, this industry continues to flourish as offenders perceive
20 cybersex as “safer”, “services are relatively cheap”, payment is easy via remittance
21 centers, and there is “control over what you purchase”⁸;

22 WHEREAS, last 12 April 2018, a court in Germany sentenced a man to five and
23 a half (5 ½) years in jail for paying to watch children being sexually abused in the
24 Philippines. The man was reported to have paid a total of 10,000 Euros, or around
25 608,000 pesos, to a Filipina who was housing the abused children⁹;

⁵ *Ibid*

⁶ Passion, Patty. Rappler. *When kids don’t know they are victims of sexual abuse*. 9 December 2017. Retrieved from <https://www.rappler.com/nation/190852-kids-sexual-trafficking-rehabilitation>

⁷ Passion, Patty. Rappler. *Even 2-month-old babies can be cybersex victims-watchdog*. 29 June 2017. Retrieved from <https://www.rappler.com/nation/174257-child-cybersex-trafficking-philippines-status>

⁸ ABS-CBN News. *Cybersex ops still prevalent in PH; 80 pct of victims are minors*. 9 February 2019. Retrieved from <https://news.abs-cbn.com/spotlight/02/22/19/cybersex-ops-still-prevalent-in-ph-80-pct-of-victims-are-minors>

⁹ Asia Times. *Man jailed in Germany for child sex abuse in Philippines*. 12 April 2018. Retrieved from <http://www.atimes.com/article/man-jailed-germany-child-sex-abuse-philippines/>

1 WHEREAS, last 14 June 2018, an Australian man named Peter Scully and his
2 Filipina partner have been convicted and sentenced to life imprisonment after being
3 charged with rape and trafficking. It was reported that they lured young girls into their
4 apartment and were afterwards chained on the neck, like dogs¹⁰;

5 WHEREAS, last 24 June 2018, Malabon police and the Women and Children
6 Protection Center rescued two (2) girls and a boy aged two (2) , four (4) and six (6),
7 respectively, from their mother, grandparents and aunt, who allegedly corrupted them
8 to engage in child pornography. Rescuers recovered a sex paraphernalia, laptop, and
9 smartphones which were used by the minors to perform cybersex ¹¹;

10 WHEREAS, a Dutch policeman rescued a total of 18 children, including a baby
11 as young as five months, who were offered for online “made-to-order” sex shows
12 catering to foreign pedophiles¹²;

13 WHEREAS, initial concentration of cybersex industry was found in Central
14 Visayas before it spread to Mindanao, which incidentally are the regions with highest
15 poverty incidence as of 2017¹³;

16 WHEREAS, this 2019, among the “hotspots” for child pornography trades are
17 found in Taguig City, while Iligan City, Cebu, Pampanga and Tarlac¹⁴;

18 WHEREAS, according to Sen. Loren Legarda, “[t]he illegal trade is a complex
19 web. Battling it requires a concerted effort from all sectors of society”¹⁵;

20 WHEREAS, cybersex abuse is now terribly advancing and spreading to
21 different platforms—from social media networks, dating sites and online chat rooms -
22 - thus making the investigation and identification of sexual predators harder;

¹⁰ GMA News Online. *Australian gets life in Philippines child sex abuse*. 14 June 2018. Retrieved from <http://www.gmanetwork.com/news/news/nation/656874/australian-gets-life-in-philippine-child-sex-abuse-case/story/>

¹¹ Cayabyab, Marc Jayson. PhilStar Global. *Family arrested for kids’ cyber sex in Malabon*. Retrieved from <https://www.philstar.com/nation/2018/06/24/1827313/family-arrested-kids-cyber-sex-malabon>

¹² Presse-France, Agence. ABS-CBN News. *Dutch cops bust ‘made-to-order’ Philippine child sex gang*. 22 June 2018. Retrieved from <https://news.abs-cbn.com/news/06/22/18/dutch-cops-bust-made-to-order-philippine-child-sex-gang>

¹³ Philippine Statistics Office. *Poverty Incidence among Population*. Retrieved from <http://pcij.org/stories/stats-on-the-state-of-the-regions-hubs-of-wealth-ponds-of-poverty/>

¹⁴ Cybersex ops still prevalent in PH; 80 pct of victims are minors. *Supra*.

¹⁵ Legarda, Loren. (2014) *Privilege Speech of Senator Loren Legarda*. Senate Session Hall. Retrieved from https://www.senate.gov.ph/press_release/2014/1215_legarda1.asp##targetText=The%20illegal%20human%20trade%20is%20responsible%20use%20of%20the%20Internet.

1 WHEREAS, many victims are exploited by their own families and unable or
2 afraid to speak out, while the encrypted nature of modern technology from messaging
3 to video call apps makes criminals tough to track;¹⁶

4 WHEREAS, according to the Global Slavery Index by Walk Free Foundation,
5 while no exact data exists on the number of child victims of cybersex trafficking, at
6 least 784,000 people in the Philippines - or one in 130 - are estimated to be trapped in
7 modern-day slavery;¹⁷

8 WHEREAS, at least half of the population had internet access as of 2016, up
9 from a quarter in 2010, according to World Bank data. According to the IJM, all but a
10 few cybersex trafficking cases involve children being abused by their relatives or family
11 friends, and half of the victims are aged 12 or younger;¹⁸

12 WHEREAS, in line with the growth of this pernicious industry, the continuous
13 increase of disturbing and disheartening cases of cyber child sex abuse only shows the
14 utmost need for the government to review, assess and expand the implementation of
15 the laws that are supposed to protect the Filipino youth and children;

16 WHEREAS, the pervasive problem of child abuse and sex trafficking in the
17 Philippines calls urgently for more vigilant, tougher and higher penalties to eradicate
18 this growing industry of child exploitation through cyber pornography and
19 consequently ensure that offenders are held accountable, and due justice is delivered
20 to children;

21 WHEREAS, there is also need to coordinate our efforts with our international
22 allies to overcome all obstacles in terms of enforcement, particularly in tracking
23 international offenders who are protected by internet anonymity;

24 WHEREAS, there is urgent need to take notice and act as these types of crime
25 tend to proliferate quickly with the advent of exponential advancement and
26 sophistication of technologies connected to the internet;

¹⁶ Bloomberg, Matt (Thompson Reuters Foundation). ABS-CBN News. *Hidden crime: Global taskforce tackles cybersex child trafficking in the Philippines*. 15 April 2019. Retrieved from: <https://news.abs-cbn.com/news/04/15/19/hidden-crime-global-taskforce-tackles-cybersex-child-trafficking-in-the-philippines>

¹⁷ *Ibid.*

¹⁸ *Ibid.*

1 NOW THEREFORE, BE IT RESOLVED AS IT IS HEREBY RESOLVED, to
2 direct the Senate Committee on Women, Children, Family Relations, and Gender
3 Equality to conduct an inquiry, in aid of legislation, on the continued proliferation and
4 rising incidence of child cybersex abuse in the Philippines despite existing laws, with
5 the end in view of ensuring that the welfare of the Filipino youth and children are
6 protected through possible legislation increasing our capability to detect and track
7 offenders, improving our coordination efforts with foreign law enforcement, and
8 helping improve living conditions in areas that are most vulnerable to child cybersex
9 abuse.

Adopted,


EILA M. DE LIMA