



## **Preliminary observations on the visit to the Philippines by the UN Special Rapporteur on the sale and sexual exploitation of children**

**Mama Fatima Singhateh, 28 November-8 December 2022**

Good morning and thank you all for coming today. At the outset, I would like to extend my gratitude to the Republic of the Philippines for the invitation accorded to me to undertake this country visit from 28 November to 8 December 2022. I appreciate the full cooperation extended to my mandate prior to and during my visit. I came to the Philippines with the objective to assess the situation of the sale and sexual exploitation of children, take stock of the measures adopted by the country to combat the phenomena, and make recommendations to prevent, protect and rehabilitate the child victims and survivors.

During my eleven-day visit, I had the opportunity to meet with representatives from the executive, legislature and judiciary, civil society organizations, community and faith based leaders, child protection service providers, United Nations Agencies, Funds and Programmes, and, members of the international community present in the Philippines.

I am grateful to the officials of the government entities who facilitated the meaningfully structured meetings and contributed to a rich constructive dialogue. I look forward to continuing my engagement and receiving additional information, including the much-needed data and statistics I requested for. I am also grateful to the UN Country Team for their support in the preparations for the mission and the support provided during the mission.

I thank the representatives of civil society organizations, and, especially the children, whose readiness to engage in an open dialogue shed important light on the issue of sale and sexual exploitation of children in the country. I appreciate highly the dedication and commitment of service providers working on the ground to safeguard the rights of the most vulnerable children in the Philippines.

## **Positive steps and developments**

The Philippines has made noteworthy efforts to improve policy, legal and institutional framework in view of protecting children against the many forms of sale and sexual exploitation. The Philippines has ratified some of the major international documents of relevance to my mandate. It has made positive developments in the ambit of legal framework with recent adoptions of Act Prohibiting the practise of children marriage, and Anti-Online Sexual Abuse or Exploitation of Children and Anti-Child Sexual Abuse or Exploitation Materials, 2021. The ongoing efforts through policy and strategic frameworks are also noteworthy. During my visit, I was pleased to learn about the Pink Centre that I note as a good practice which provides one stop medical, psychiatric and social welfare services to victims of domestic violence. I was also encouraged by the dedication and the commitment of the staff and frontline workers at the facilities I visited for children.

For the purpose of my preliminary observations, I have identified the following outlined issues. These preliminary observations will be further elaborated in my final report to be presented to the UN Human Rights Council in March 2024.

### **Child trafficking for the purpose of sexual exploitation**

The Philippines remains a source and destination country for child trafficking, sale, sexual exploitation and forced labour, among others. There is lack of or limited information on the scale of the incidences of child trafficking and how child victims are exploited. Moreover, the definition and distinction under the anti-trafficking provisions are inadequate specifically on sale of children, including for the use of a child in sexual activities for remuneration or other form of consideration, in line with the Optional Protocol to the UN Convention on Rights of Children on the sale of children which the government has ratified. I therefore recommend a distinction in law between the sale of children and child trafficking in line with the UN Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. From the discussions held, it appears that a small number of cases of sale and sexual exploitation are reported, which is suggestive of underreporting and under-identification of victims.

### **Child marriages**

With regard to child marriages, which may amount to sale of children for the purpose of sexual exploitation, forced labour and financial exploitation, it is also

difficult establish the scale of the phenomena without data. However, there are reports that this practice is significant among the indigenous or ethnic communities and children belonging to minority groups, mostly due to their culture, or social exclusion, and poverty, among others. While both girls and boys are affected by the practice of child marriage, girls however face disproportionate impacts. In line with the discussions held, I look forward to further information on how new Act will be implemented and enforced and what measures will be put in place to address many of the reasons why child marriage is prevalent.

### **Illegal adoption**

The problem of illegal adoption of children in the Philippines reflects occurrences in the forms of simulation of birth records. I note alleged reports of birth registration by authorities using and verifying the details of falsified information regarding biological parents. Despite the adoption law, procedural gaps and factors have pushed parents to engage in illegal adoption and sale of their children. More information is needed on what measures are in place to address this problem.

### **Sexual exploitation in the context of travel and tourism**

Explicit legal provision is lacking in the laws to penalise the sexual exploitation of children in travel and tourism. Officials in this sector do not appear to have adequate information on the issues, scope and manifestations of sexual exploitation in the context of travel and tourism, they will require extensive training and sensitisation on this issue.

### **Teenage pregnancy**

The incidence of adolescent pregnancy even outside child marriage remains a concern. I look forward to receiving more information on the exact extent and scope for the purpose of quantifying and assessing the trends.

### **Vulnerable groups**

Additional services can be provided for children from vulnerable groups, particularly the following:

#### ***Children with disabilities***

From the discussions held with interlocutors, there is no specific data on incidences of violence, sexual abuse or trafficking of children with disabilities.

Reportedly, in some institutions, children with disabilities may and have faced violence in the guise of treatment. Support, through psychosocial and counselling support should be provided that meets the needs of children with disability.

### ***Indigenous, ethnic, and minority children***

Socio-economic disparities, poverty and exclusion of indigenous, ethnic communities and minority children, such as *Badjao, Moro* among others, create unequal opportunities and access to social services for children in the most marginalised communities. This exposes them to exploitation, child marriage, trafficking, and sexual exploitation. As poverty alleviation and the lack of inclusive economic growth still remains a challenge for the country to ease the burden on these groups, I strongly recommend that the needs of these children be effectively addressed through easy access to education, health, nutrition and other programmes and services.

### ***LGBTQ and intersex children***

LGBTQ children have recounted experience of the stigma and discrimination they faced, including in public spaces and the physical, psychological and sexual violence they encountered. There are concerns of sexual abuse among intersex children during the course of health interventions or in educational settings. It is essential to raise awareness on stigma-free attitudes towards LGBTQ and intersex children, ensure and accelerate the training of relevant professionals and provide families with adequate counselling and support.

Given the gaps in data and information, I look forward to receiving more information on the situation of out-of-school children and youths, as well as migrant, refugee and asylum seeking children.

### **Prevention and Response**

I had the opportunity to visit homes and shelters for children, at *Bahay Kalinga* in Valenzuela, *Nayonng Kabataan* in Manila, *Eskwela Crisis Intervention Centre* in Bohol, which are rendering services to children in need. The issue of sale and sexual abuse and exploitation of children requires a holistic and multidisciplinary approach for the care, rehabilitation and reintegration of victims. I underscore that there are needs for more support, financial, specialized human resources, including social workers, psychiatrist and medical professionals. I note however that services provided in these institutions are limited to only women and girls

and there are very limited trained and licenced psychiatrists. I would therefore be recommending the establishment of a children's home dedicated to accommodating and caring for all child victims of sexual abuse and exploitation where all the services are provided for under one roof.

### **Gaps and challenges**

#### **Data**

There is a need for a centralised accurate disaggregated data on incidences, different manifestations, number of cases reported and convicted cases of sexual abuse and exploitation of children. It is essential to systematically collect reliable, centralised and disaggregated data by age, gender, ethnicity and disability, including on number of prosecutions and convictions related to child sexual abuse and exploitation.

#### **Manifestations of sexual abuse and exploitations**

While there has been a lot of focus on OCSEA and general trafficking-in-person, attention has not been adequate on matters pertaining to sexual exploitation in the context of travel and tourism as well as transactional sex. Law enforcement and child protection professionals should also increase attention to abuses that are not associated with ICTs.

#### **Detection of Crimes**

In terms of detecting crimes, it appears that many reports are walk-ins and tip off. I have received no information of surveillances that were conducted on the initiative of the police or of patrols in neighbourhoods.

Additionally, to address the walk-ins, there are no trained officials on child protection at the Barangay level to receive and process initial reports of sexual abuse and exploitation. I am concerned that local governance and politics negatively impacts on the child protection structure at the local level due to the regular changes of personnel and officials, who may have received the trainings on child protection, but the turnover rates do not retain their expertise. As per my understanding of the current system, upon the reporting a case at the Barangay level, it is then transferred to the police women and children desk officer. This procedure creates a risk of mistrust, hesitancy in reporting and or proceeding further with the case especially in conservative communities. I therefore strongly recommend the posting of one or two trained police officers

at Barangay level to ensure it is them with whom, the first contact would be made by the reporting victims.

### **Prosecution**

There appears to be a lack of specially trained prosecutor in child protection in the justice sector. This results to prosecutors handling and treating child abuse cases like any other regular criminal case. The prosecution of any child sexual abuse case must be viewed through child protection lenses. I therefore recommend the establishment of a child protection unit within the Prosecution department, or the appointment of child protection focal persons dedicated to handle child abuse cases.

### **Adjudication**

There are no child specific courts or children's court in the Philippines, rather all child related cases are brought before the Family court. This deprives the child of specifically trained adjudicator and slows down the justice delivery process. Because all judges in the Family courts hear all cases including child abuse cases, it also creates inconsistencies in the hearing and adjudication of child protection cases depending on the temperaments and skills of adjudicators. Moreover, the volume of cases in these courts causes delays in the conclusion of child abuse cases with resulting emotional and psychological impact on the victims thereby depriving them access to a child friendly justice system.

Additionally, in spite of the recently revised guidelines that requires the victims' testimony to be completed in a day, this is usually not the case in practice. I therefore strongly encourage the strict application of the one-day rule to reduce the trauma on an already victimised victim of sexual abuse and exploitation.

### **Cooperation**

There is a need for better cooperation and communication between government institutions, specifically social welfare and police at central and regional level as well as between government and the civil society.

There is also a need for cooperation between government and diplomatic channels and Interpol in terms of rescuing and supporting the repatriation of victims of trafficking.

## **Training, and awareness raising**

Sustained specialised training and capacity building is essential for professionals for working with or in contact with children. It is crucial that efforts are accelerated for public and nationwide sensitization and awareness raising on issues surrounding the different manifestations of sale, sexual abuse and sexual exploitation of children.

## **Capacity enhancement**

Greater understanding is necessary in the Philippines of the gender dimension of sale, sexual abuse and exploitation of children amongst professionals and officials working with or in contact with children.

Additionally, sound awareness, expertise building and retention of the experienced staff are also needed among police officers, social workers, teachers, guidance counsellors, medical professionals among others.

Moreover, efforts should be made to intensify and ensure reproductive health education and services for children and youth to address problem of teenage pregnancies and protect them from sexually transmitted infections.

## **Conclusion**

Let me conclude by reiterating that I am grateful to the Government of the Philippines for inviting me to visit the country. The invitation, cooperation and collaboration provided during my visit indicates that there is a commitment to address the scourge of the sale and sexual exploitation of children in light of the needs of the victims and survivors.

I am encouraged by the significant efforts made and work undertaken by the government in the past few years, and I am hopeful that the efforts will be advanced further subsequent to my visit.

I would like to end the mission on the note of optimism that my forthcoming report will assist the country in making further progress as well as in sustaining the important gains made.

Thank you for your kind attention.