

SEVENTEENTH CONGRESS OF THE)
REPUBLIC OF THE PHILIPPINES)
Second Regular Session)

SENATE

P. S. RES. NO. 599

18 FEB -1 2014

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

RESOLUTION
CALLING ON THE SENATE TO IMMEDIATELY CONSTITUTE AND
CONVENE THE CONGRESSIONAL OVERSIGHT COMMITTEE ON
REPUBLIC ACT NO. 9775, OTHERWISE KNOWN AS THE “ANTI-CHILD
PORNOGRAPHY ACT OF 2009”

WHEREAS, Article 2, Section 13 of the 1987 Constitution recognizes the vital role of the youth in nation-building and requires the State to promote and protect their physical, moral, spiritual, intellectual, and social well-being;

WHEREAS, the Philippines is State Party to the United Nations Convention on the Rights of the Child and is bound to enact or strengthen laws that promote the best interest of children, and protect them from abuse, violence and exploitation, within the home, in schools, and in various other platforms including in the internet;

WHEREAS, during the Fourteenth Congress, Republic Act No. 9775, the Anti-Child Pornography Act of 2009, was enacted to “guarantee the fundamental rights of every child from all forms of neglect, cruelty and other conditions prejudicial to his/her development and protect every child from all forms of exploitation and abuse” including the use of a child in explicit sexual activities;

WHEREAS, Section 24 of the same Act provides for the creation of a Congressional Oversight Committee to “monitor and ensure the effective implementation of this Act, determine inherent weakness and loopholes in the law, and recommend the necessary remedial legislation or administrative measures”;

WHEREAS, the United Nations Children’s Fund (UNICEF), in its 2017 State of the World’s Children Report, cited the intensifying risks caused by the digital age on childhood, “such as bullying and fuelling new forms of child abuse and exploitation, such as ‘made-to-order’ child sexual abuse material and live streaming of child sexual abuse”¹;

¹ UNICEF. *The State of the World’s Children 2017: Children in a Digital World*. Available at https://www.unicef.org/publications/files/SOWC_2017_ENG_WEB.pdf (Last accessed 30 January 2018.)

WHEREAS, while, in the Report's Foreword, UNICEF Executive Director Anthony Lake noted that the debate about the impact of digital technology on the welfare of children has, by this time, become academic since it is now "a fact of our lives", he went on to cite, as an illustrative example of what constitutes a "for worse still" influence or effect thereof, the case of "[a]n eight-year-old girl in the Philippines [who was] forced to perform live-stream sex acts by a neighbour who operates a child sexual abuse website;"²

WHEREAS, Executive Director Lake also noted that the Report "explores the undeniably dark side of the internet and digital technology, [including] ... Dark web transactions and currencies that can make it easier to conceal trafficking and other illegal activities that harm children",³ which is expounded on elsewhere in the Report, where it states that "[n]ew technologies – like cryptocurrencies and the Dark web – are fuelling live streaming of child sexual abuse and other harmful content, and challenging the ability of law enforcement to keep up;"⁴

WHEREAS, according to the Report, "[r]esearchers now typically organize the wide range of risks encountered online into three categories – content, contact and conduct risks," *i.e.*: (a) "Content Risks" are "[w]here a child is exposed to unwelcome and inappropriate content", including "sexual, pornographic and violent images..."; (b) "Contact Risks" are "[w]here a child participates in risky communication, such as with an adult seeking inappropriate contact or soliciting a child for sexual purposes ..."; and (c) "Conduct Risks" are "[w]here a child behaves in a way that contributes to risky content or contact", including "children ... posting or distributing sexual images, including material they have produced themselves";⁵

WHEREAS, the Report noted that "[t]he private sector – especially in the technology and telecommunication industries – has a special responsibility and a unique ability to shape the impact of digital technology on children", and, in light thereof, made recommendations as to what the private sector can do – both to enhance children's access to the benefits of such new technologies and to address the harms that can befall them – such as by stating that "[t]he power and influence of the private sector should be leveraged to advance industry-wide ethical standards on data and privacy, as well as other practices that benefit and protect children online," and that technology and internet companies, in particular, "should take steps to prevent their networks and services from being used by offenders to collect and distribute child sexual abuse images or commit other violations against children";⁶

WHEREAS, UNICEF Country Representative Lotta Sylwander was quoted saying that "Child pornography is a billion-dollar industry, and Filipino children are the ones being traded and exploited online. Children who are made to perform sex acts

² *Ibid.*, Foreword at p. v.

³ *Ibid.*, Foreword at p. vi.

⁴ *Ibid.*, p. 2.

⁵ *Ibid.*, p. 72.

⁶ *Ibid.*, at p. 3.

in front of a web camera will never get their childhood back. We must all work together to protect our children”⁷;

WHEREAS, Senior Supt. Villamor Tuliao, chief of the anti-trafficking in persons division of the PNP Women and Children Protection Center (WCPC) likewise “expressed alarm at the rising number of incidents of online sex exploitation of children”⁸;

WHEREAS, several members of the Senate have previously filed Resolutions calling on the Senate to conduct an inquiry into the continued proliferation of child pornography in the country in spite of existing laws penalizing such bestial acts⁹;

WHEREAS, there is, thus, an urgent need to convene the Congressional Oversight Committee on R.A. No. 9775, in order to determine what needs to be done to ensure, among others, that: (a) law enforcement agencies are able to keep up with the challenges posed by new and emerging technologies; (b) children and their parents are themselves aware of, and capacitated to guard against, the harms posed by the exposure of children to digital technology, including the dangers posed by the three main online risk categories; and (c) the private sector is effectively being tapped and motivated to help combat the online exploitation and abuse of children, including through the provision of adequate incentives and mechanisms to facilitate their cooperation, and penalties for their undue failure to assist and cooperate with law enforcement agencies in combating these heinous crimes;

NOW THEREFORE, BE IT RESOLVED, as it is hereby resolved, to call on the Senate to immediately constitute and convene the Congressional Oversight Committee on Republic Act No. 9775 to look into the implementation of the said Act, with the end in view of proposing necessary remedial measures to further strengthen the country’s fight against the exploitation of Filipino children in online pornography.

Adopted,


LEILA M. DE LIMA

⁷ Rappler. “Philippines top global source of child pornography – Unicef”. 13 December 2017. Available at <https://www.rappler.com/nation/191219-philippines-top-global-source-child-pornography-unicef> (Last accessed 10 January 2018).

⁸ Philippine Daily Inquirer. “Unending bane of child porn”. 17 December 2017. Available at <http://opinion.inquirer.net/109533/unending-bane-child-porn> (Last accessed 10 January 2018).

⁹ P.S. Res. No. 237 filed by Senator Grace Poe, P.S. Res. No. 379 filed by Senator Leila de Lima, and P.S. Res. No. 376 filed by Senator Nancy Binay.