



## Universal Periodic Report 2017 (UPR) , 27th session Human Rights Council

### Child Sexual Abuse and Sexual Exploitation in the Philippines

Joined submission between

- Apprentis d'Auteuil Foundation (ECOSOC special consultative status)
- CAMELEON Association Inc. (CAI)
- Center for the Prevention and Treatment of Child Sexual Abuse (CPTCSA)
- Action Against Violence and Exploitation, Inc. (ACTVE)

Posted in Geneva, September 2016

#### Executive summary

Out of 698 students (boys and girls), 12% answered yes to whether they had experienced sexual assault. Rape ranked 4<sup>th</sup> in the sexual assault description.

Based on government records in 2014, 9,445 rape cases were reported, among which 59% only were brought to courts, while many other victims and their families chose not to file cases or even report it. Reasons are slow judicial process (5 to 7 years according to CAMELEON's experience) cultural or social barriers (high level of perpetrators within first circle), economical and psychological pressures on victims, low level of perpetrators sentenced (less than 2% of the perpetrators sentenced according to statistics from several Prosecutors' Offices in Iloilo and Capiz province).

The Philippines are one of the countries in Asia which has the lowest legal age of sexual consent or emancipation at 12 (14 in China, 15 in Cambodia, 17 in Indonesia and 18 in India). This is an obstacle to render justice to the victims who are 13-17 years old since they have to prove that they didn't agree to the sexual intercourse.

In the Philippines, while existing laws are complete and well formulated, their implementation remains a question.

- Official bodies created to protect children (Child Protection Committee, Barangay Council for the Protection of Children (BCPC )) are not functional, missing or not efficient.
- Judges, court rooms are not sufficiently trained or do not have enough resources to treat child related affairs.
- Teachers and educational programs do not sufficiently play their role in prevention and support.

#### Recommendations

33.1. Amend the age of sexual consent or emancipation from 12 years to 16 years for Statutory Rape and remove rape classification or provide the same penalty for vaginal rape and rape by sexual assault.

33.2. Remove subsequent valid marriage between the offender and victim as ground to extinguish criminal action or penalty for rape.

33.3. Enact laws that would aggravate the penalties for perpetrators of sexual abuse who are persons of trust or authority for the children.

33.4. Allocate funds that will ensure the availability and provision of equipment and facilities such as monitors and video cameras in family courts and as well for the trainings of judges and all personnel involved.

33.5. Fill vacancies and appoint trained judges in Family Courts.

33.6. Mandate Regional Trial Courts including public attorneys and prosecutors who conduct preliminary and inquest investigations of cases of child abuse and exploitation to require/undergo trainings on providing child-friendly/child sensitive approaches and legal procedures.

33.7. Mandate the full implementation of the Rule on Examination of Child-Witness, and provide child-victims and child-witnesses with Court-Appointed Guardian ad Litem (CASAGAL).

33.8. Strengthen collaboration among law enforcement agencies and barangay officials in intensifying the arrest of at-large perpetrators.

33.9. Mandate schools to make teachers aware of their responsibility to report cases of sexual abuse and train them on how to do it.

33.10. Enact law to promote positive disciplining and prevent harmful practices of inflicting corporal punishment by parents, teachers, guardians and those exercising parental authority to instill discipline on children.

38.11. Capacitate Council for the Protection of Children in all levels of local government units-

38.12. Ensure active involvement of school representatives in the Barangay Council for the protection of Children.

38.13. Strictly implement the Inclusion of topics on Child Abuse Prevention in the curriculum of primary and secondary schools (Kinder I- Grade XII) of the public and private institutions.

38.14. Enact and Implement yearly training for teachers on prevention and reporting of child sexual abuse cases.

38.15. Organize and enact proper collection of reliable data banking on children's welfare at the levels of the barangays, schools, municipalities and the law enforcement agencies.