



PHILIPPINE LAWS PROTECTING THE RIGHTS OF A CHILD AGAINST ABUSES AND EXPLOITATIONS

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Abstract: *This study is focused on defining the crimes against child against any abuses and exploitations and their respective punishments. This research aims to study about Philippine laws protecting the child against abuses and exploitation, laws such as P.D. 603, as amended (The Child and Youth Welfare Code), R.A. 7610 (Special Protection Against Child Abuse, Exploitation and Discrimination) and R.A. 9262 (Anti-Violence Against Women and their Children Act of 2004) which are in compliance to the United Nations Convention (UN Convention) on the Right of a Child. The importance of a child to live happy and that there should be no hindrances to his growth are just some of the thoughts I have in mind in coming up with this title.*

I believe that they will be the future of our land. This study used content analysis as a method to gather information and data. It is concluded that the laws that protect the child against abuses and exploitations are based on and for the compliance of the provisions of the UNCRC in which the Philippines signed and eventually ratified. I also concluded that P.D. 603 as amended, R.A. 7610, R.A. 9262 and the Revised Penal Code (RPC) provides protection to the victims of abuses and exploitations and prescribed penalties to those who commit such unlawful and immoral acts which is contrary to law, public policy, morals and good customs.

Every child has the right to be brought up in an atmosphere of morality and rectitude for the enrichment and strengthening of his character (Art.3, P.D. 603) and the right to protection against exploitations, improper influence, hazard and other conditions or circumstances prejudicial to his physical, mental, emotional, social and moral development.

Keywords: Abuse, Protection, Exploitation

INTRODUCTION

The child is one of the most important assets of the nation. Every effort should be exerted to promote his welfare and enhance his opportunities for a useful life. The child is not a mere creature of the State. Hence, his individual traits and aptitudes should be cultivated to utmost insofar as they do not conflict with the law and public policy.



No person shall take advantage of the innocence of a child just to satisfy what he wants. Children can be easily manipulated by people who are more mature than them because of their incapability of thinking well. They are to be protected from any form of abuses that may affect their well-being. I consider the reality that children are the most vulnerable, with regard to commission of a crime, being a suspect and other things detrimental to their growth. That's why it is highly recommended that we take good care of them. Time will come that these children will lead our way to the future, they will serve as the builders of our tomorrow.

The molding of a character of the child starts at home. Consequently, every member of the family should strive to make the home a wholesome and harmonious place as its atmosphere and conditions will greatly influence the child's development. Attachment to the home and strong family ties should be encouraged but not to the extent of making the home isolated and exclusive and unconcerned with the interests of the community and the country. The natural right a duty of the parents in rearing of the child for civic efficiency should receive the aid and support of the government.

Children refers to as person below eighteen (18) years of age or those over but unable to fully take care of themselves from abuse, neglect, cruelty, exploitation or discrimination because of physical or mental disability or condition (R.A. 7610, Sec.10). It is very important that we learn the ideal ways to promote the welfare of a child in order for him to grow. Parenting is essential to a child, for it help him to know the real essence of love, whether a friend or a family. We can't deny the fact that these children need our love and care in which the parents and the people around should provide. Article 19 (1) of the United Nations Convention on the Rights of the Child 1989 (UNCRC) provides that the state shall take appropriate legislation, administration, social educational measures to protect the child from all forms of physical and /or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parents, legal guardians or any other person who has a care of the child. In this article, it mandates the state party to create a protection of a child against any situation that would affect their well-being. It shall be the policy of the state to protect and rehabilitate children gravely or endangered by circumstances which may affect or will affect their survival and normal development and over which they have control.



Laws of a state would be the best solution for a child not to be abused, for it will be a strong basis for everyone. A basis that will somewhat execute the numbers of abusers, and also enumerate the punishments for them. States' legislations with regard to these crimes should be highly prioritized. With these kind of laws or legislations, it will surely a help for every child who has been a victim of cruelties from their parents, with this, it will strengthen the bonds of every family member to act as one and to become one.

STATEMENT OF THE PROBLEM

This research generally aims to study about child abuses and exploitations, specifically the following;

1. What is "child sexual abuse and exploitation".
2. What are the laws of protecting the child against any form of sexual abuses and exploitations.

RESEARCH METHODOLOGY

This chapter presents the research design, data gathering procedure and analysis of data. This research used content analysis method of research which analyzes the content of a document. It is also used to analyze the provisions of the laws which protects the child against sexual abuse and exploitations such as the Child and Youth and Welfare Code (P.D. 603), Special protection Against Child Abuse, Exploitation and Discrimination (R.A. 7610) and Anti-Violence Against Women and Their Children Act (R.A. 9262). This research used books like the Revised Penal Code (RPC), internet sites to gather information like chanrobles.com and lwaphil.net.

DISCUSSIONS AND FINDINGS

1. Child sexual abuse and exploitation.
 - Sexual abuse is a legal concept that describes unwanted or illegal sexual contact. Depending on the applicable laws, the term may be synonymous with, or separate from, sexual assault. Sexual abuse definitions may include acts that may be consensual but illegal, coerced sexual contact occurring under physical or psychological threat, or other types of unwanted contact between the abuser and the victim. Sexual abuse is term used to refer to any incident that causes an individual to feel sex related shame. It includes sexual molestation or abuse,



incest and rape. These terms are used in an expansive sense that includes subtle and isolated incidents as well as flagrant and continuing experiences. They apply to victims of either sex. Incest is between family members and the victim is usually a child under eighteen (18) years old. Sexual molestation or abuse also involves a child victim but its not between members of the same family. Rape involves force or violence and may be directed against a victim of any age. Physical molestation includes flagrant and easily recognized acts of sexual abuse. Some of the most common are oral sex performed by either party, vaginal or anal intercourse and vaginal and anal penetration with fingers and objects. Physical acts of sexual molestation also include manual sex contact or stimulation and masturbation by either individual. In some cases, children are induced to have sexual contact with animals. A little less obvious in fondling or sexualized touching of other areas of the body and inappropriate sexual kissing and hugging (*Ibid*).

- In addition to physical acts, there are kinds of sexual abuse that do not involve contact, voyeurism and exhibitionism are examples. Peering through windows or displaying explicit pornography are clearly voyeuristic, but less obvious is looking through open doors and refusing to respect a family members' privacy in dressing, bathing or using the toilet. Exhibitionism is the counterpart to voyeurism and occurs in many of the same situations. Healthy adults take care to model privacy and protect children from the sight of adult nudity and sounds of adult sexual activity (*Ibid*).
- Verbal abuse is a final type that can also have shaming and damaging impact on the child. Obscene telephone calls can be frightening and shaming, particularly when found in conjunction with an excessively prudish family that refuses to allow age-appropriate sex education or discussion about anything sexual the opposite extreme of a family that allows young children to be exposed to crude sexual jokes, inaccurate sexual information or too much sexual knowledge too soon can be equally damaging. Sexual abuse also includes sexual threats, graphic descriptions and other inappropriate sex talk.

2. Laws of protecting the child against any form of sexual abuses and exploitations.



- The United Nations Convention on the Rights of a Child (UNCRC). The Philippines is one of the countries who ratified and signed this treaty. This is an international treaty, adopted in 1989. The rights apply to all persons under eighteen except in countries where the age of majority is lower. The convention declares the family to be the natural environment for child and states that in all actions concerning children account should be taken of their best interests. It promulgates the child's right to a name and nationality, to privacy, freedom of association, thought, conscience and religion. The obligations of others, especially parents and the state are documented. The state, for example, must provide childcare for those with working parents, education, health care and protection from child sexual exploitation, child abuse and neglect, drug abuse and child labor. The treaty indicates the special protection require by vulnerable children, such as the victims of armed conflict, handicapped and refugee children, and the children of minorities. It is binding on states which ratify it, but there is no mechanism for enforcement (unicef.org). The UN committee on the rights of a child, a body of 18 internationally elected independent experts on children's rights, monitors progress towards implementing these rights. This is part of the monitoring and reporting process that exists in relation to the UNCRC. In assessing country's progress towards implementing UNCRC, the UN Committee takes into account the government's report submissions from non-governmental organizations (NGO's) concerned with children's rights and welfare.
- Philippine Laws like P.D. 603, as amended also known as the Child and Youth Welfare Code. The law recognizes the joint parental authority and responsibility of both parents over their children and who has authority to continue parental authority over the children in cases of death of one or both of the parents, in case of absence and separation of parents.
- R.A. 7610 also known as the Special Protection of Child Against Child Abuse, Exploitation and Discrimination. This law provides special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, provide sanctions from their commission and carry out program for prevention and deterrence of and crisis



intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher, or person having care and custody of the same as stated in section 2 of this law. This law also defines the nature of the crime committed, who can be the perpetrator and circumstances that would risked the child's survival and development.

- R.A. 9262 also known as Anti-Violence Against Women and Their Children Act of 2004). This law is liberally construed to promote the protection and safety of the victims of violence against women and their children. It defines violence against women and children, provides protective measures for the victims and prescribes penalties therefore. It seeks to address the prevalence of violence against women and children (VAWC), abuses on women and their children by their intimate partners like, husband or ex-husband, live-in partner etc. The law classifies violence against women and children as a public crime and defines the forms of the crime. It also provided in this law the way on how violence against women and their children committed.
- The Revised Penal Code (RPC). Article 266 Rape. When a man have sexual intercourse to a woman, though force, threat or intimidation, when the offended party is deprived of reason or otherwise unconscious by means of fraudulent machination or grave abuse of authority or any person who, by circumstances mentioned above, shall commit any act of sexual assault by inserting his penis into another's mouth or anal orifice or any instrument or object, into the genital or anal orifice of another person (Article 266-A, par.2). Under this article, there are two (2) types of rape, by sexual intercourse or the traditional concept which the offender is a male and rape through sexual assaults which can be committed of either sex.
- Art. 273 Exploitation of Child Labor. Art. 278 Exploitation of Minors. Any person who shall cause, employ deliver or induce a person under eighteen years of age to perform any act which endanger her life and safety. Children has the basic right to play. Why should a child be engage in an activity that would risk their lives? This is a clear violation of their rights.



- Art. 340 Corruption of Minors. The offender, under this provision shall promote or facilitate the prostitution or corruption of person under age to satisfy the lust of another. The offender can be a person or a public officer or employee or those in government-owned or controlled corporations. The penalty is imposed to an offender under the provision of this article to protect the interest of the child.

SUMMARY, CONCLUSION AND RECOMMENDATION

SUMMARY

There are laws passed by Congress which, for the compliance to the UNCRC, give protection to the child against sexual abuses and exploitations.

The P.D. 603 recognizes the child as not just a mere creature of the state but the most important assets of the nation. This decree also gives the child all the rights that would promote his welfare and enhance his opportunities for a useful and happy life (Article 1, par.1)

The R.A. 7610. This law provides special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development, provide sanctions for their commission and carry out program for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The state shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed by the said parent, guardian, teacher or person having care and custody of the same as stated in section 2 of this law.

R.A. 9262. This law shall be liberally construed to promote the protection and safety of the victims of violence against women and their children. It defines violence against women and their children, provides protective measures for the victims and prescribes penalties therefore.

The Revised Penal Code. This law gives the definition of a crime and prescribed punishment for such acts. It includes sexual abuses and exploitations that are committed against children and prescribes penalties thereof.



CONCLUSION

The researcher concluded that the laws that protect the child against sexual abuses and exploitations are based on and for the compliance of the provisions of the UNCRC in which the Philippines is a party thereto. The researcher also concluded that P.D. 603, as amended, R.A. 7610, R.A. 6292 and the Revised Penal Code provides protection to the victims of sexual abuse and exploitations and prescribed penalties to those who commits such unlawful acts and immoral acts which runs contrary to law, public morals, policies and good customs.

RECOMMENDATION

Having these provisions of special laws and legislations, the authorities should be strict in implementing these laws so that the numbers of children that are victims of sexual abuses and exploitations would be lessened. There should be a program of the government that would educate the children about their rights against any form of sexual abuse and exploitations and the laws that protects these rights.

REFERENCES

1. The Revised Penal Code. Reyes, Luis B.
2. Barangay Protection Order (BPO), R.A. 9262 Anti-Violence Against Women and their Children.
3. Section 3 (a), R.A. 7610 Special Protection of Children Against Abuse, Exploitation and Discrimination Act of 1992.
4. The Child and Youth Welfare Code
5. Section 2 (a) Rules and Regulations on the reporting investigation of child abuse cases (1993).