

A CASE STUDY FROM THE PHILIPPINES

CHILD PORNOGRAPHY PAYS THE BILLS IN CORDOVA

Keywords: child pornography; taking video without consent; emotional harm; sexual harm; physical harm; harm to reputation; Facebook; other social networks; online chats; webcam; video; abuser is known; abuser is unknown; abuser is a group of people; investigation initiated; multiple victims; reported to law enforcement; reported to provider; unclear response from provider; state intervention; cyber cafe; domestic violence; child sex abuse; survivors' ages are under 18

THE STORY AND THE VIOLENCE

The small town of Cordova in the Philippines has a population of less than 54,000 people, of which nearly 15% live in poverty. In the last few years, Cordova has come to be known as the "cyber pornography capital" of the country, following several raids in which minor children being exploited for the purposes of online pornography were rescued by NGOs and law enforcement agencies. But the problem of child pornography is not unique to Cordova, and takes place throughout the Philippines.

Child pornography is made in one of three types of operations: family-run operations (involving parents or other relatives of the child); individual operations (where the transaction is negotiated by the minor and generally takes place in an internet cafe or a private residence); and "dens" (more organised, larger-scale operations involving the trafficking of children). Customers of child pornography are most often foreigners, who pay money to operators via money transfer companies in order to engage in online sex shows, where they can then interact with and direct the children as they perform sex acts. These interactions usually take place on online dating websites, public chat rooms, social networking sites, or adult webcam sites. Depending on the type of performance, operators can earn between USD 67 and USD 670 per session. The percentage of this money given to the child is considerably little – if any at all.

The harms experienced by children involved in these operations are numerous. First and foremost, operators of child pornography in the Philippines are most often the parents of young children, which can lead to an abusive and confusing home environment. In order to "groom" them for performances, children are often made to watch various types of pornographic videos. In 2013 the Dutch NGO Terre des Hommes found that children "reported feeling dirty, ashamed and embarrassed both during and after webcam sex performances." They also expressed fear at the prospect of their images being stored on the internet forever. The same report found that children involved in these performances suffered from trauma, psychosocial stress, a feeling of betrayal, social stigmatisation and a sense of powerlessness.

The grim and growing situation cannot be viewed in a vacuum. The poverty rate in the Philippines during the first half of 2013 was 24.9%, and has been shown to be one of the biggest contributing factors to the growing child sex industry. Parents often look the other way, or else are actively involved in their children's entrance into online pornography. In fact, the Terre des Hommes report finds that parents "often appeal to the child's sense of duty to help the family (...) generate money to pay for bills, food, and school-related expenses." All too often, children are not fully aware that they are being victimised, and worse, parents may be unaware of the trauma that this causes to their children.

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SEEKING JUSTICE

As far as the agency of children involved in child pornography is concerned, there is little scope for them to access justice on their own. But the government, law enforcement agencies, and several NGOs have been working hard to curb these crimes. There are several existing laws that can be used for legal recourse. These include the Anti-Child Pornography Act, the Anti-Trafficking in Persons Act, and the Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act. According to a lawyer working on the issue, *one case is simultaneously filed under different laws*, so that if one charge is dismissed, other laws can still be applied. But there are several barriers that make this fight for justice difficult.

Firstly, given that families are often the principal operators of child pornography, gathering testimonies and witnesses is difficult because *children refuse to testify against their parents*. Secondly, in the Philippines *child pornography is an open secret that benefits various sections of a community*. From remittance centres and money transfer agencies such as Western Union to tricycle drivers who collect money for operators, an entire chain of concerned individuals and companies claim ignorance while benefiting from the exploitation.

When it comes to prosecuting cases of online child pornography, there is an *uncertainty around intermediary liability* given that there are many actors involved. Internet platforms where child sex performances take place may not have adequate monitoring systems, refuse to divulge information under their

privacy policies, or not store data for a long enough period of time to be useful for retrospective investigations. Furthermore, given that money transfer agencies, families, and several other individuals and companies are all involved, *law enforcement may be uncertain about who to prosecute*. Because perpetrators are located in different countries, their *anonymity complicates police investigations*. The police themselves have *insufficient training on cyber crimes* to take cases forward. Recently the US Department of Homeland Security pledged its assistance to the fight against child cyber pornography in the Philippines, which will make it easier to charge and arrest perpetrators in various countries in the future.

Another major barrier to justice is that *operators are always one step ahead of law enforcement when it comes to technology*. Even if arrests are made and operators are jailed, new operators very quickly replace them. By coordinating through mobile phones, child pornography dens are able to quickly shift location. With increasing numbers of people having access to personal laptops, performances can take place in hotel rooms and other private locations that are difficult to trace.

Finally, it is crucial to view the rise of online child pornography in the context of *extreme poverty* in the Philippines in general and Cordova in particular. Most families have five to ten members living in cramped quarters, and children often engage in work to help their parents make ends meet. For many families, child pornography is simply an extension of the ways in which they struggle to survive.



Ministry of Foreign Affairs