V. Prevention of the sale of children, child prostitution and child pornography (art. 9, paras. 1 and 2)

Measures adopted to prevent offences prohibited under the Protocol

22. The Committee urges the State party to adopt a comprehensive approach to address the root causes of offences under the Optional Protocol and target families and children in the most vulnerable situations. In particular, the Committee recommends that the State party strengthen its poverty reduction strategies and supportive social protection measures for disadvantaged and marginalized families, including child-centred early intervention programmes to support parents in better performing their care and protection responsibilities towards children.

Adoption

23. The Committee notes that the State party has established a strong domestic legal framework to
regulate adoption, particularly through the adoption of Domestic Adoption Act of 1998 (Republic Act 8552), Inter-Country Adoption Act of 1995 (Republic Act 8043) and the amendment of articles 183 up to 193 of the Family Code in February 1998. Notwithstanding this, the Committee remains concerned that the sale of children for purposes of illegal adoption and tampering of the civil registry by individuals to make it appear that a child is their biological offspring or so called ‘birth simulation’ are still prevalent in the State party.

24. The Committee reiterates its previous recommendations (CRC/C/PHL/CO/3-4 para. 50, 2009) and calls on the State party to make every effort to ensure that all adoptions fully comply with the principles and provisions of the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption, the Convention on the Rights of the Child as well as with other relevant international standards. The Committee further recommends that the State party take all necessary measures to prevent and effectively combat ‘simulated births’, including through awareness-raising campaigns on this practice, promoting legal adoption and prosecuting perpetrators of ‘simulation of birth’.

VII. Protection of the rights of child victims (arts. 8 and 9, paras. 3 and 4)

Recovery and reintegration of victims

39. The Committee notes with appreciation that
various laws and regulations establish the rights to recovery, rehabilitation and reintegration of child victims of sale, child prostitution and pornography. In addition, the Committee notes as positive the measures taken by the State party to strengthen services and support for victims through the Department of Social Welfare and Development. The Committee is nevertheless concerned that child-specific services for recovery and reintegration, including specialized medical, psychosocial and psychological care, legal services, emergency shelters and trained professionals remain largely inadequate in the State party and their expansion is severely constrained due to budget limitations. The Committee is further concerned about:

(a) The lack of clear referral procedures and standards for the care and protection of child victims of prostitution and pornography, including the provision of psychosocial support, case assessment based on the ‘best interests’ determination, and follow-up until the child reaches the age of majority;

(b) The absence of monitoring and follow-up procedures to ensure that children rescued from traffickers are not re-trafficked;

(c) Child victims of commercial sexual exploitation experience serious obstacles accessing support and services due to stigma and persistent cultural attitudes surrounding child sexual exploitation; and

(d) The lack of procedures for repatriation and special protection for foreign child victims of
40. The Committee recommends that the State party:
   (a) Allocate adequate human, financial and technical resources, to increase access to child-centred services for child victims of sexual exploitation, including clear referral procedures and access to psychosocial care and support until they reach full recovery;

   (b) Ensure that all child victims of the offences covered by the Optional Protocol are provided with adequate remedy without discrimination and reduce their vulnerability to being re-trafficked and sexually exploited by establishing a strong monitoring and follow-up mechanism;

   (c) Carry out widespread awareness raising and community mobilization to change attitudes towards child victims of sexual exploitation and ensure that children and families become aware of existing assistance and support for child victims; and

   (d) Adopt clear measures to guide the rescue, repatriation, rehabilitation and reintegration of child victims of trafficking, prostitution and pornography, including clear procedures for special assistance and repatriation for foreign child victims based on the 'best interests' determination and follow-up.
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