

## **ADVISORY AGAINST "BLUE WHALE CHALLENGE"**

### **INTRODUCTION**

This Advisory is issued to protect the physical, moral, spiritual, intellectual and social well-being of the youth, in light of reported incidents concerning "Blue Whale Challenge" targeting minors.

"Blue Whale Challenge", also known as the "Blue Whale Suicide Game", is a social media phenomenon, similar to the "Ice Bucket Challenge", that is spread through secretive social media groups. The game allegedly consists of a series of tasks assigned to players (also known as challengers) by administrators (also known as curators), where the final challenge requires the players to commit suicide.

Serving as "administrator" or "curator" of the "Blue Whale Challenge" targeting minors may be considered as an act of child abuse.

### **RELEVANT LAWS**

#### **1. United Nations Declaration on the Rights of the Child**

The Declaration of the Rights of the Child<sup>1</sup> recognizes basic rights to which every child is entitled. It defines a child as "*every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier*".<sup>2</sup> It states that a "*child has the right to the protection of the law against such interference or attacks*".<sup>3</sup> To this end, signatories must protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse.<sup>4</sup>

#### **2. Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act"**

Pursuant to its commitment under the Convention on the Rights of the Child, the Philippines enacted Republic Act No. 7610 or the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act," (RA 7610) declaring the policy of

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<sup>1</sup>UN General Assembly Resolution 1386(XIV) of 20 November 1959.

<sup>2</sup> Convention on the Rights of the Child. Part I, Article 1.

<sup>3</sup> Article 16 (2), Ibid.

<sup>4</sup> Article 19, Ibid.

the State "to provide special protection to children from all forms of abuse, neglect, cruelty exploitation and discrimination and other conditions, prejudicial their development."<sup>5</sup> This applies the policy of *parens patriae*, wherein the State shall formulate rules and programmes to prevent, prosecute and punish any act tending to perpetrate such abuses. The State is also bound to provide counselling, rehabilitation and care for the victims.

As the general law for child abuse, RA 7610 defines child abuse as any maltreatment of a child including:

1. "Psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment;
2. Any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being;  
x xx." <sup>6</sup>

Corollary, Section 10 provides:

"Section 10. *Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child's Development.* –

- (a) **Any person** who shall commit any other acts of **child abuse**, cruelty or exploitation or to be responsible for other conditions prejudicial to the child's development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period.

xxx"

### **3. Republic Act No. 10175 or the "Cybercrime Prevention Act of 2012"**

The commission of child abuse in cyberspace is also punishable under Republic Act No. 10175 or the "Cybercrime Prevention Act". Section 6 of the law imposes a penalty one degree higher to that imposed by the Revised Penal Code and/or other Special Laws if the crime is committed by, through and with the use of information and communications technologies.<sup>7</sup> An "administrator" or "curator" of the "Blue Whale Challenge" can be prosecuted for violation of the Cybercrime Law. This is without prejudice to the offender's liability under other special laws.<sup>8</sup>

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<sup>5</sup> Section 2, Republic Act No. 7610 or the Special Protection of Children against Abuse, Exploitation and Discrimination Act.

<sup>6</sup> Section 3, Ibid.

<sup>7</sup> Section 6 of Republic Act No. 10175 or the "Cybercrime Prevention Act of 2012"

<sup>8</sup> Section 7, *Id.*

## ADVISORY

In view of the foregoing, the following points are stated:

### **1. SCHOOL AUTHORITIES AND PARENTS SHOULD GUARD MINORS FROM THE DANGERS OF THE INTERNET AND EDUCATE THEM OF INTERNET ETIQUETTES.**

In *Vivares et. al. vs. St. Theresa's College*<sup>9</sup>, the Supreme Court recognized the need for monitoring the cyber activities of minors, to wit:

"Responsible social networking or observance of the "netiquettes" on the part of teenagers has been the concern of many due to the widespread notion that teenagers can sometimes go too far since they generally lack the people skills or general wisdom to conduct themselves sensibly in a public forum."

Minors are the ones most vulnerable to become victims because of their general trait of curiosity and gullibility. In view of the risks that minors are exposed to in their online activities, school authorities and parents having custody or control over them carry a burden to exercise proper supervision and to educate them on proper "netiquette".

Parents and guardians should also involve themselves in the interpersonal relations of minors. They should discuss internet usage freely with their child/ward, without making it appear that they are monitoring them, and suggest to them safety measures to prevent becoming a victim of cybercrimes.

Minors are generally in the age when they feel pressured to be accepted by society. Parents and guardians thus have the responsibility of giving support to minors, and help them not to succumb to peer pressure, especially in doing anything that make them feel unsafe.

### **2. ANY PERSON WITH KNOWLEDGE OF PERSONS ACTING AS ADMINISTRATORS OR CURATORS OF "BLUE WHALE CHALLENGE" SHOULD IMMEDIATELY REPORT AND ASK FOR THE ASSISTANCE OF AUTHORITIES**

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<sup>9</sup> G.R. No. 202666, September 29, 2014.

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This Advisory is issued by the Department of Justice - Office of Cybercrime, in line with its mandate to educate the public and ensure that the near limitless potential of cyberspace is safeguarded from malicious individuals. All are hereby enjoined to disseminate and faithfully observe this Advisory.

  
**VITALIANO N. AGUIRRE II**  
*Secretary*

Department of Justice

CN : O201709106



**Press Release**  
**24 August 2017**

**DOJ Advisory against "Blue Whale Challenge"**

The Department of Justice (DOJ) – Office of Cybercrime (OOC) issued today an Advisory against "Blue Whale Challenge", following reports of minor victims committing suicide as part of the said challenge.

"The welfare of our children is of our paramount concern. It is our collective duty to protect our most vulnerable sector. Let us join hands in ensuring the safety and well-being of the future vanguards of our society," said Justice Secretary Vitaliano N. Aguirre II.

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A copy of the Advisory can be downloaded at [www.doj.gov.ph](http://www.doj.gov.ph)