



# General Assembly

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## Human Rights Council

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Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the sale, sexual exploitation and sexual abuse of children, Mama Fatima Singhateh, on her visit to the Philippines**

**Comments by the State\***

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\* The present document is being issued without formal editing.



## **Comments from the Philippines to the report of the Special Rapporteur following her visit to the Philippines in 2022**

Section 4(d) of the Anti-Trafficking in Persons Act, specifically penalizes trafficking in persons for purposes of sex tourism, to wit:

Section 4. Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit by means of a threat, or use of force, or other forms of coercion, or through abduction, fraud, deception, abuse of power or of position, or through taking advantage of the vulnerability of the person, or by giving or receiving of payment or benefit to obtain the consent of a person having control over another person, any of the following acts:

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation;

If the abovementioned prohibited act is committed against children, the Anti -Trafficking in Persons Act classifies the same as child trafficking punishable by life imprisonment for the offender(s). The second paragraph of Section 3(a) of the Anti - Trafficking in Persons Act provides the following definition for child trafficking:

“The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes, shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.”

Moreover, Section 5 of the Anti - Trafficking in Persons Act stipulates that tourism establishments face penalties if their operations promote or facilitate trafficking in persons, including child trafficking, thus:

Section 5. Acts that Promote Trafficking in Persons. - The following acts which promote or facilitate trafficking in persons, shall be unlawful:

(a) To knowingly lease or sublease, use or allow to be used any house, building, tourism enterprise, or any similar establishment; or any vehicle or carrier by land, sea, and air; or any of their computer system or computer hardware, other computer-related devices, or any digital platform and application, for the purpose of promoting trafficking in persons;

The penalty for the above prohibited act is 15 years of imprisonment and fines.

Note that the Special Protection of Children Against Abuse, Exploitation, and Discrimination Act, i.e., Republic Act No. 7610 (s. 1992), criminalizes the sale of children. While the law employs the term "child trafficking" instead of "sale of children," it is essential to emphasize that the act of selling or buying children is unequivocally punishable under this law. Sections 7 and 8 explicitly articulate the following:

Section 7. Child Trafficking. - Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal (period of imprisonment is 12 years and one day to 20 years) to reclusion perpetua (period of imprisonment is 20 years and one day to 40 years). The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

Section 8. Attempt to Commit Child Trafficking. - There is an attempt to commit child trafficking under Section 7 of this Act:

(a) When a child travels alone to a foreign country without valid reason therefor and without clearance issued by the Department of Social Welfare and Development or written permit or justification from the child's parents or legal guardian;

(b) When a pregnant mother executes an affidavit of consent for adoption for a consideration;

(c) When a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking;

(d) When a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; or

(e) When a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day-care centers, or other child-caring institutions who can be offered for the purpose of child trafficking.

A penalty lower by two degrees that prescribed for the consummated felony under Section 7 hereof shall be imposed upon the principals of the attempt to commit child trafficking under this Act.

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