



**United Nations Human Rights Council
Universal Periodic Review
Philippines**

Submission of Jubilee Campaign USA, Inc
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Jubilee Campaign promotes the human rights and religious liberty of ethnic and religious minorities; advocates the release of prisoners of conscience imprisoned on account of their faith; advocates for and assists refugees fleeing religious based persecution; and protects and promotes the dignity and safety of children from bodily harm and sexual exploitation. Jubilee Campaign holds special consultative status with ECOSOC at the United Nations.

A Vital Voice for Those Suffering in Silence

9689-C Main Street · Fairfax, VA 22031-3746 TEL: (703) 503-0791 FAX: (703) 503-0792 Email: jubilee@jubileecampaign.org

P.O. Box 700 · Addlestone · Surrey, KT15 9BW · United Kingdom

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**United Nations Human Rights Council
Universal Periodic Review of Member State Philippines (Officially Republic of the
Philippines)**

Jubilee Campaign USA, Inc., in special consultative status with ECOSOC, submits this analysis of religious freedom and human rights in the Republic of the Philippines (Philippines) as a contribution to the Universal Periodic Review of UNHRC member-state Philippines.

A. Human Trafficking - Sex Tourism

1. Human trafficking is simultaneously one of the most despicable and one of the most endemic social problems facing the world today and the Philippines are no exception. Human trafficking represents a serious security threat, contributes to the spread of AIDS and other diseases, contributes to the spread of criminal enterprise and lawlessness, and seriously violates the basic human rights of those individuals who are trafficked.

2. The Philippines serve as a major hub of sex tourism attracting wealthy men from all around the world, particularly those who wish to evade their home countries laws regarding sexual acts with minors. Between 60,000 and 100,000 Filipino children have entered the sex industry under fraudulent or coercive circumstances amounting to human trafficking.¹ Some organizations claim that half a million Filipino women work in the sex industry.² Many of these women enter the sex industry under fraudulent or coercive circumstances amounting to human trafficking, which is illegal in the Philippines under Republic Act No. 9208 the “Anti-trafficking Trafficking in Persons Act of 2003.”³

3. Traffickers attempt to redefine their activities in culturally acceptable ways such as matchmaking or philanthropic endeavors. Severe and widespread poverty strengthens claims by human traffickers that trafficking these individuals saved them from starvation or protected them from violence. The involvement of family members in both the initial trafficking process as well as later coercive acts also confuses the issue. Despite the challenges, this trade must be recognized and opposed as an undeniable violation of human rights.

4. Article 34 of the UN Convention on the Rights of the Child, which the Philippines ratified without reservation obligates States to “undertake to protect the child from all forms of sexual exploitation and sexual abuse.”⁴ Article 19 recognizes that the state has the responsibility to protect children from abuse, sexual or otherwise, even when parents or legal guardians are in some way involved. Jubilee Campaign urges the Philippines to

¹ “How Many Sex Tourists, How Many Victims” Fr. Shay Cullen. PREDA Foundation. 12 Oct 2011 *Accessed:* 28 November 2011. *Available at:* <http://www.preda.org/main/archives/2011/r11101201.html>

² “USA cracks down on sex tourism in Philippines. What???” Pravda.ru 4 October 2011. *Accessed:* 28 November 2011. *Available at:* http://english.pravda.ru/society/sex/04-10-2011/119226-sex_tourism_philippines-0/

³ “Anti-Trafficking in Persons Act of 2003” Chan Robles Virtual law Library *Accessed:* 28 Nov 2011 *Available at:* <http://www.chanrobles.com/republicactno9208.html>

⁴ “Convention on the Rights of the Child” Office of the High Commissioner for Human Rights *Accessed:* 28 November 2011. *Available at:* <http://www2.ohchr.org/english/law/crc.htm>

take all appropriate measures in accordance with their international obligations to protect children from sexual slavery and human trafficking.

B. Impunity for Sex Trafficking

1. The plight of child sex slaves in the Philippines is exacerbated by a general trend of corruption and impunity which favors the foreign sex tourists and the local upperclass. Police ignore initial reports of crimes or penalize the victims, evidence is lost and cases are overturned on technicalities.

2. Jubilee Campaign notes several of these trends in the case of Leslie Jaucien, an underage girl and her sister sold to two American-Filipino men by Leslie's step-mother. When Leslie Jaucien initially escaped, she took a laptop containing pornographic pictures of her sister and herself as proof of the crimes committed against her. Upon taking the laptop to the police, Leslie was arrested for stealing the laptop and returned to the house of her captors.

3. PREDA Foundation, a Filipino organization that defends children who are or have been sexually abused, stepped in and filed a formal complaint. A warrant was obtained and Police arrested the captors, seizing the laptop as well as other materials containing pornographic images of the two girls. This evidence was 'lost' before the trial resulting in a dismissal of the case. PREDA refiled against the two men on the grounds that one of the underage girls was pregnant and thus statutory rape had occurred. Before this case could move forward the two men fled the country.⁵

4. The case of Angelica, another girl being aided by PREDA Foundation, shows the same trend even when the criminal does not have another nation to flee to. The individual accused of raping 13-year old Angelica was fully acquitted on all counts. Despite clear evidence, the judge found minor technical reasons for dismissing every single charge against the accused.

5. Fr. Shay Cullen, the founder of PREDA noted in an Op-Ed that: "Bribery is usually assumed then such cases are decided in favor of the accused despite strong evidence." Fr. Shay also said: "It's estimated that a child abuser has up to a hundred victims before being caught.... Impunity is the norm when it comes to child sexual abuse cases. The child rapists, traffickers, sex abusers and assassins are seldom caught, charged or convicted."⁶

C. General Impunity

1. In addition to ignoring sexual crimes, violent acts against journalists or those who criticize the ruling class are committed with impunity. Police even participate in violent crimes and mass killings with no effective prosecutions against them.

⁵ "A Bright Shining Moment" Fr. Shay Cullen, PREDA Foundation. 29 June 2011 *Accessed:* 28 Nov 2011
Available at: <http://www.preda.org/main/archives/2011/r11062901.html>

⁶ "Seeking Justice, End to Impunity" Fr. Shay Cullen, PREDA Foundation. 24 Nov 2011 *Accessed:* 28 Nov 2011
Available at: <http://www.preda.org/main/archives/2011/r11112301.html>

2. The murder of Fr. Fausto Tentorio on 17 October 2011 features this practice on an individual level. An outspoken supporter of indigenous rights and the coordinator of the Tribal Filipino Program, Fr. Tentorio criticized powerful mining interests for encroaching on tribal lands. Fr. Tentorio refused to back down despite several death threats. The method of his murder indicates that a paid assassin was involved and there are no indications of a genuine effort to find the assassin, much less prosecute.⁷

3. The mass killing of 57 people, including 32 journalists, on 23 November 2009 serves as example of large-scale violence with impunity. Two years later, effective prosecutions have still not taken place and hopes of justice are fading. The attack allegedly attempted to prevent political rivals of the dominant political bloc from entering local elections.⁸

4. These and many other incidents demonstrate a very serious lack of respect for rule of law in the Philippines. The Philippines should take urgent measures to seriously prosecute where there is evidence of violent crimes.

D. Summary of Recommendations

1. The Philippines should take widespread and urgent measures to combat the sex slave trade in accordance with their own laws.

2. The Philippines should take particular measures to combat child sex slavery in accordance with their obligations under international covenants.

3. The Philippines should take all necessary measures to reform their justice system and end impunity for those who commit heinous crimes such as murder or sexual crimes particularly against children.

4. The Philippines should address the issue of bribery, which results in disappearing evidence and violation of judicial impartiality.

5. The Philippines should remove and potentially prosecute any officials whose misconduct encourages or increases the current climate of impunity.

⁷ “The Murder of Father Tentorio” Fr. Shay Cullen. PREDA Foundation. 19 Oct 2011 *Accessed:* 28 Nov 2011
Available at: <http://www.preda.org/main/archives/2011/r11101901.html>

⁸ “Seeking Justice, End to Impunity” Fr. Shay Cullen, PREDA Foundation. 24 Nov 2011 *Accessed:* 28 Nov 2011
Available at: <http://www.preda.org/main/archives/2011/r11112301.html>