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### THE FIGHT AGAINST HUMAN TRAFFICKING IN THE PHILIPPINES

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Trafficking in persons is a fundamental and crucially important challenge in the areas of human rights and law enforcement. It is not new—trafficking in persons is in many ways a modern-day form of slavery, which has persisted into the twenty-first century. Trafficking is a problem that has reached staggering dimensions around the globe. Solving this problem and bringing relief to its many victims are possible only through cooperative efforts. This cooperation must not only occur bilaterally and multilaterally among various governments, but also between governments and non-governmental organizations. It must involve governmental coordination on national counter-trafficking strategies as well as coordination at a local level for example, between local police and NGOs that provide services to victims. Destination countries must work with transit and source countries to stem the flow of trafficking; and source countries must work not only to prevent trafficking, but also to help with the reintegration of trafficked victims back into their home society.

#### I. ELIMINATING TRAFFICKING IN PERSONS

The ratification of the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children initiated the US Victims of Trafficking and Violence Protection Act of 2000. The act requires the US Secretary of State to submit a report to Congress with respect to the status of severe forms of trafficking in persons.<sup>1</sup>

The earliest US Department of State Trafficking in Persons (TIP) Report in 2001 placed the Philippines in Tier 2 Category. The report stated that:

*The Philippines is a source, transit, and, to a lesser degree, destination country for trafficked persons. Young Filipina women and girls are trafficked to Japan and many other countries for the purposes of sexual exploitation. Many Filipino overseas contract workers are forced to work in substandard conditions or are subjected to abuse. Mainland Chinese nationals are trafficked through the Philippines to worldwide destinations. A significant number of adults and children also are trafficked domestically from poorer areas to urban centers for the commercial sex industry and domestic work.*

*The Government of the Philippines does not yet fully meet the minimum standards; however, the Government is making significant efforts to combat trafficking. There is no law that specifically prohibits trafficking in persons; however, there are other laws such as the Migrant Workers and Overseas Filipinos Act that could be used to prosecute traffickers. Prosecutions are rare, since the pace of justice is slow and the Government faces serious financial constraints. Corruption is pervasive. Anti-trafficking efforts focus mainly on prevention, the protection of overseas Filipino workers, and assistance to victims. The Government provides assistance such as medical aid, shelter, and financial help to repatriated victims. It also provides extensive training on assisting victims to its diplomatic and consular staffs in destination countries. Persons trafficked to the Philippines are treated as victims and are not prosecuted or immediately deported. The Government enjoys a good relationship with the many domestic NGO's that work on human trafficking issues and is an active participant in regional anti-trafficking initiatives. For example, the*

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<sup>1</sup> US Department of State 2001 TIP Report

*Philippines coordinates with governments in the region on trafficking issues in a number of settings, including the Asia-Pacific Consultations on Refugees, Displaced Persons, and Migrants and the Manila Process on trafficking and irregular migration in east and southeast Asia.*<sup>2</sup>

The Philippines remained in TIER 2 ranking up to the 2003 US Department of State TIP Report.

## II. PHILIPPINE LEGAL FRAMEWORKS

During the 2001 and 2002 US Department of State TIP Report, the Philippines has no specific anti-trafficking law. However, we have a long history of legislation with severe penalties aimed at protecting the rights of the local and migrant workers, children, and women, *inter alia*.

- Presidential Decree No. 442, or the Labor Code of the Philippines enacted in 1974, stands as the law governing employment practices and labour relations in the Philippines. The law defines illegal recruitment and providing penalties therefor. The same sets the minimum age of employment at 15 years and prohibited the employment of persons below 18 years of age in hazardous undertakings. Later on, it was amended in 1986 by Presidential Decree No. 2018, making illegal recruitment a crime of economic sabotage and punishable with life imprisonment.
- Presidential Decree No. 603 (The Child and Youth Welfare Code) permits the employment of children aged 16 years and below only if they perform light work, which is not harmful to their safety, health or normal development, and which is not prejudicial to their studies. Strict rules and regulations were issued on their rates of pay, hours of work and other conditions of employment. An employment permit also has to be secured from the Department of Labor and Employment.
- The 1992 child protection law, Republic Act No. 7610 (Special Protection of Children against Abuse, Exploitation and Discrimination Act) provides for the protection of children against abuse, commercial sexual exploitation, trafficking, and employment in illicit activities.
- Republic Act No. 7658 (amending RA 7610) sets the minimum age of employment at 15 years, and 18 years and above for hazardous work.
- Republic Act 7160 (The Local Government Code of 1991) includes provisions for the proper development and welfare of children at the basic political level, the Barangay. It enjoins local officials to promote and support activities for the protection and total development of children, particularly those below seven years of age, and to adopt measures to prevent and eradicate drug abuse, child abuse, and juvenile delinquency.
- Republic Act No. 8042 or the Migrant Workers and Overseas Filipinos Act of 1995 which institutes the policies of overseas employment and establishes a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes, later on amended by RA 10022.
- Republic Act No. 9231 (19 December 2003 - An Act Providing for the Elimination of the Worst Forms of Child Labor (WFCL) and Affording Stronger Protection for the Working Child) - amends R.A. No. 7610 by embodying the State policy to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and conditions prejudicial to their development, including child labour and its worst forms. It also provides stiffer penalties for their commission. It spells out the WFCL, consistent with Convention No. 182; the hours of work of working children; and ownership, usage and administration of the working child's income. Further, it ensures working children's access to education and training, and immediate legal, medical and psychosocial services.

With the growing international clamour against human trafficking, the Philippines enacted the Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208). It was the first Anti-Trafficking law in Southeast Asia. Republic Act 9208 is a comprehensive law which seeks to institute policies to eliminate trafficking in persons, especially women and children, establishes the necessary institutional mechanism for the protection and support of trafficked persons, and provides penalties for its violations. Salient features of the law are

<sup>2</sup> US Department of State 2001 TIP Report

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outlined below.

The law defines Trafficking in Persons using the definition of trafficking in the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, as a framework. The law defines trafficking in persons as:

“the recruitment, transportation, transfer or harbouring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation or the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery, servitude or the removal or sale of organs. The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.”

The Anti-Trafficking in Persons Act of 2003 punishes the three categories of trafficking acts, enumerated below:

1. Acts of Trafficking in Persons
  - 1.1. Recruiting, transporting, transferring, harbouring, providing or receiving a person by any means for the purposes of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
  - 1.2. Introducing for money or other consideration, any Filipina to a foreigner as a possible spouse or to offer any Filipina to a foreigner as a prostitute;
  - 1.3. Offering or contracting marriage for purposes of acquiring, buying, offering, selling or trading a person to engage in prostitution, or other acts of exploitation;
  - 1.4. Undertaking or organizing tours and travel plans consisting of tourism packages for purposes of utilizing or offering persons for prostitution, pornography or sexual exploitation;
  - 1.5. Maintaining or hiring a person to engage in prostitution or pornography;
  - 1.6. Adopting or facilitating the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
  - 1.7. Recruiting, hiring, adopting, transporting or abducting a person, by means of threat or use of force, fraud, deceit, violence, coercion or intimidation for the purpose of removal or sale of organs;  
or
  - 1.8. Recruiting, transporting or adopting a child to engage in armed activities in the Philippines or abroad.
2. Acts that Promote Trafficking in Persons
  - 2.1. Knowingly leasing or subleasing property for trafficking purposes;
  - 2.2. Producing, printing, issuing or distributing unissued, tampered or fake counselling certificates, registration stickers and other certificates of government used for regulatory and pre-departure requirements for the purpose of promoting trafficking;
  - 2.3. Advertising, publishing, printing, broadcasting or distributing, by any means, any brochure, flyer,

or any propaganda material that promotes trafficking;

- 2.4. Facilitating, assisting or helping in the exit and entry of persons from/to the country at international or domestic airports, territorial boundaries and seaports who are in possession of unissued, tampered or fraudulent travel documents for the purpose of promoting trafficking; or
  - 2.5. Confiscating, concealing, or destroying the passport, travel documents or belongings of trafficked persons, or preventing them from leaving the country or seeking redress from the government and appropriate agencies; or
  - 2.6. Knowingly benefiting, financially or otherwise, or making use of, the labour or services of a person held to a condition of involuntary servitude, forced labour or slavery.
3. Qualified Trafficking in Persons is committed when:
- 3.1. The trafficked person is below 18 years of age;
  - 3.2. An adoption is effected through the Inter Country Adoption Law and the adoption is for prostitution, sexual exploitation, forced labour, slavery, involuntary servitude or debt bondage;
  - 3.3. The act is committed by a syndicate or on a large scale;
  - 3.4. The offender is an ascendant, parent, sibling, guardian or a person who exercises authority over the trafficked person, or when the offence is committed by a public officer or employee;
  - 3.5. The trafficked person is recruited to engage in prostitution for any member of the military or law enforcement agencies;
  - 3.6. The offender is a member of the military or law enforcement agencies; or
  - 3.7. By reason or on occasion of the act of trafficking, the offended party dies, becomes insane, suffers mutilation or is afflicted with HIV or AIDS.
4. Penalties:

<b>ACT</b>	<b>PENALTY</b>
Qualified Trafficking in Persons	Life imprisonment and a fine of P 2 million to P 5 million (Philippine Pesos)
Trafficking in Persons	20 years' imprisonment and a fine of P 1 million to 2 million
Promoting Trafficking in Persons	15 years' imprisonment and a fine of P 500 Thousand to P 1 million
Use of Trafficked Persons for Prostitution	First Offence: 6 months' community service and a fine of P 50 Thousand Subsequent Offence: 1 year's imprisonment and a fine of P 100 Thousand

5. Trafficking in Persons Distinguished from Human Smuggling

### TRAFFICKING IN PERSONS

Usually involves coercion

Characterized by subsequent exploitation after the illegal entry of a person into a foreign country

Considered a human rights issue

### HUMAN SMUGGLING

Usually does not involve coercion

Characterized by facilitating, for a fee, the illegal entry of a person into a foreign country

Considered a migration concern

## III. PHILIPPINES RANKED TIER 2 WATCHLIST

In spite of the enactment of the above-stated law, the 2004 US Department of State TIP Report downgraded the Philippines (from TIER 2 Ranking in 2003) to TIER 2 Watch List category. The report stated that:

*“The Government of the Philippines does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The Philippines is placed on Tier 2 Watch List due to the government's failure to provide evidence of increasing efforts to combat severe forms of trafficking, particularly in terms of its weak implementation of the anti-trafficking law and a lack of progress in law enforcement. The government recognizes that trafficking is a problem and has been engaged internationally to combat it. Despite limited resources, the government supports several programs in the areas of prevention and protection. In 2003, the government passed anti-trafficking legislation that protects women and children from sexual exploitation and forced labor. The Philippine government should take immediate corrective action through the prosecution of traffickers, aggressive implementation of the new law, and the arrest and prosecution of officials involved in trafficking.”*

The downgrade of the Philippines into TIER 2 Watch List and the possibility of a further downgrade to TIER 3 category, alarmed the government. Since, pursuant to US Victims of Trafficking and Violence Protection Act of 2000, the governments of countries with the ranking of TIER 3 Category could be subjected to certain sanctions, notably withholding of non-humanitarian, non-trade-related assistance. (Countries that receive no such assistance would be subject to withholding of funding for participation in educational and cultural exchange programmes). Consistent with the Act, such governments also would face U.S. opposition to assistance (except for humanitarian, trade-related, and certain development-related assistance) from international financial institutions, specifically the International Monetary Fund and multilateral development banks such as the World Bank.

## IV. SPECIAL INVESTIGATION TECHNIQUES

Investigations of human trafficking offences and their networks can be quite complex, particularly given that they must often be conducted across borders. Ensuring effective cooperation and coordination between government agencies, law enforcers and stakeholders must therefore be part of any strategy to address the problem of human trafficking.

The Inter-Agency Council Against Trafficking (IACAT) is the body mandated by law to coordinate and monitor the implementation of Republic Act No. 9208, or the Anti-Trafficking in Persons Act of 2003, as amended, with the Department of Justice as Chair, and the Department of Social Welfare and Development as co-Chair.

It was formed under section 20 of R.A. 9208, and is composed of the following government agencies and non-government sectoral representatives, as members:

- Secretary, Department of Foreign Affairs
- Secretary, Department of Labor and Employment
- Secretary, Department of the Interior and Local Government

- Administrator, Philippine Overseas Employment Administration
- Commissioner, Bureau of Immigration
- Chief, Philippine National Police
- Chairperson, Philippine Commission on Women
- Chairperson, Commission on Filipinos Overseas
- Executive Director, Philippine Center for Transnational Crimes
- Coalition Against Trafficking In Women – Asia Pacific (NGO representing the women sector)
- Blas F. Ople Policy Center and Training Institute (NGO representing the OFWs sector); and
- International Justice Mission (NGO representing the children sector).

The IACAT has the following powers and functions:

- Formulate a comprehensive and integrated programme to prevent and suppress the trafficking in persons;
- Promulgate rules and regulations as may be necessary for the effective implementation of this Act;
- Monitor and oversee the strict implementation of this Act;
- Coordinate the programmes and projects of the various member agencies to effectively address the issues and problems attendant to trafficking in persons;
- Coordinate the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the LGUs, concerned agencies, and NGOs;
- Direct other agencies to immediately respond to the problems brought to their attention and report to the Council on action taken;
- Assist in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of this Act;
- Formulate a programme for the reintegration of trafficked persons in cooperation with DOLE, DSWD, Technical Education and Skills Development Authority (TESDA), Commission on Higher Education (CHED), LGUs and NGOs;
- Secure from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations such assistance as may be needed to effectively implement this Act;
- Complement the shared government information system for migration established under Republic Act No. 8042, otherwise known as the “Migrant Workers and Overseas Filipinos Act of 1995” with data on cases of trafficking in persons, and ensure that the proper agencies conduct a continuing research and study on the patterns and scheme of trafficking in persons which shall form the basis for policy formulation and programme direction;
- Develop the mechanism to ensure the timely, coordinated, and effective response to cases of trafficking in persons;
- Recommend measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons;
- Coordinate with the Department of Transportation and Communications (DOTC), Department of Trade and Industry (DTI), and other NGOs in monitoring the promotion of advertisement of trafficking in the internet;
- Adopt measures and policies to protect the rights and needs of trafficked persons who are foreign nationals in the Philippines;
- Initiate training programmes in identifying and providing the necessary intervention or assistance to trafficked persons; and
- Exercise all the powers and perform such other functions necessary to attain the purposes and objectives of this Act.

Major Challenges and Constraints

1. Lack of good education programmes for out-of-school youth;
2. Lack of manpower or personnel to support the full implementation of anti-trafficking programmes and interventions;

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3. Investment by LGUs in anti-trafficking interventions remains low;
4. Absence of a Knowledge Center and Lack of solutions-based research;
5. Lack of organization structure and plantilla position for IACAT Secretariat;
6. Need for more support to strengthen the operations of the anti-trafficking task forces and law enforcement agencies.

In spite of the many challenges and constraints, the IACAT successfully conducted many different projects that geared towards the elimination of trafficking in persons in the Philippines, prevention of the occurrence of trafficking, the protection and rehabilitation of victims and conviction of trafficking offenders.

## V. INITIATIVES AND ACCOMPLISHMENTS

### 1. Policy Formulation

- Developed the National Strategic Plan of Action Against Trafficking
- Formulated the guidelines for the establishment of the Inter-Agency Law Enforcement Task Force Against Trafficking. (Set-up task forces at airports, seaports and land-transportation terminals at NAIA, Zamboanga, Cebu, Davao, Leyte.)
- Developed a manual for prosecutors and law enforcers in investigating and prosecuting trafficking cases.

### 2. Coordination and Monitoring

- Established lines of co-ordination with various agencies and bodies dealing with the issue of trafficking in persons.
- Institutionalized consultative and coordinative mechanisms with NGOs.
- Continuously monitored trafficking cases and facilitated referral of cases to concerned agencies.

### 3. Information, Education and Communication

- Developed Standard Orientation Module on Trafficking in Persons
- Printed and disseminated RA 9208 and its Implementing Rules and Regulations
- Popularized the law and its Implementing Rules and Regulations
- Conducted training for various stakeholders like law enforcers, public prosecutors, immigration officials and employees
- Conducted roadshow campaign against trafficking in Zamboanga City, Tacloban City and Davao City

## Law Enforcement and Investigation

### 1. Philippine National Police (PNP)

- The PNP mainstreamed trafficking in persons in their Women and Children's Concerns Desks (WCCDs) nationwide.
- The Women and Children Complaint Division, Criminal Investigation and Detection Group (CIDG) intensified rescue operations.

## 2. National Bureau of Investigation (NBI)

The NBI created a specialized unit called Anti-Human Trafficking Division (AHTRAD), which provides dedicated and trained agents to investigation trafficking in persons violations.

## 3. Prosecution (Department of Justice)

The Secretary of Justice issued Department (DOJ) Circular No. 18 dated April 22, 2005 that provides guidelines on the investigation and prosecution of trafficking cases and giving preferential attention to trafficking cases, not dismissing trafficking cases on the mere account of an Affidavit of Desistance, and on the amount of bail for violations of the trafficking law (PHP10,000 per year of imprisonment except for Qualified Trafficking). It also recommends the designation of 95 trained Special Prosecutors to handle trafficking cases nationwide.

The Department has also implemented training of 156 public prosecutors nationwide on RA 9208. (The number includes those prosecutors trained by NGOs and other entities nationwide).

## 4. National Strategic Action Plan Against Trafficking in Persons (2004 – 2010)

The National Strategic Action Plan is a six-year plan of action that will serve as the blueprint for government, non-government organizations and other stakeholders' action against trafficking in persons. Its vision is "a just, humane, gender-fair and empowered society that protects its people, especially women and children, from all forms of exploitation, thus enabling them to fully exercise their rights, realize their potentials in the development of the country, and experience a happy and peaceful family life."

### 4.1 Goal and Objectives

Towards this vision, the Council shall undertake measures to prevent and suppress trafficking in persons, especially women and children, and to ensure their recovery, rehabilitation and reintegration into mainstream society. The council has likewise identified the following objectives: promote public awareness of trafficking in persons and sustain collective and coordinated advocacy efforts; coordinate the maximum effective and efficient implementation of the law; mobilize and forge partnerships and cooperation among different agencies involved in the areas of prevention, protection, prosecution, rehabilitation and reintegration of victims of trafficking; establish and institutionalize an effective and efficient referral and tracking system of incidents of trafficking through all the stages of intervention; and institutionalize a central database and a shared information system on trafficking.

### 4.2 Strategies

The National Strategic Action Plan will drive the work programme and associated prioritizing and budgetary processes of the Inter-Agency Council Against Trafficking in Persons (IACAT) into 2010. In order to attain its objectives, the Council shall pursue the following strategies:

- Advocacy and Social Mobilization
- Capability-building
- Data Collection and Management
- Alliance Building and Networking
- Research, Policy Studies and Documentation
- Institutional Mechanisms

### 4.3 Components

- This strategic plan of Action has three major components: prevention, protection, rehabilitation and reintegration, with objectives and a set of strategic activities under each component. Each component adopts all of the strategies mentioned.



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In 2006, the US removed the Philippines from its trafficking in persons TIER 2 Watchlist due to its progress in fighting modern slavery, including forced prostitution, sex trafficking and child labour. The US State Department's annual Trafficking in Persons Report moves the Philippines up a tier from its Watch List of problem nations, to one that is making significant efforts to combat trafficking. The report acknowledged the Philippines for its improvements, saying the government has stepped up its effort to implement its anti-trafficking law and made initial progress in implementing strategies to combat trafficking in persons, particularly in prosecuting human traffickers. The 2006 report noted that the Department of Justice tripled the number of prosecutors, resulting in a fourfold increase in cases presented for prosecution.

## VI. ACTUAL CASES

Case 1: People of the Philippines vs. Hadja Jarma Lalli, et al.

Facts:

Sometime on June 3, 2005, the accused recruited a certain Lolita Plando, a 23 year old, single woman from Zamboanga City, as restaurant entertainer. On June 6, 2006, she left the port of Zamboanga City for Sandakan, Malaysia. She was brought to a restaurant in Labuan, Malaysia which turned out to be a prostitution den. Prostitutes were paid MYR300 (Malaysian Ringgits) for short time service of which MYR50 went to the entertainer, and MYR500 for over night service of which MYR100 went to the entertainer. Lolita worked at Piper Club from June 14 to July 8, 2005. She had at least one customer a night and at most she had around five customers a night. On July 9, 2005, she was lucky to contact her brother-in-law, an Indonesian national, who helped her escape and brought her back to Zamboanga City. After filing the complaint, the police apprehended the accused in this case. After a full-blown trial which lasted only for four months the court sentenced the accused to life imprisonment and a fine of PHP2,000,000 for the crime of trafficking in persons and the penalty of life imprisonment and a fine of PHP500,000 for the crime of illegal recruitment and to pay the offended party Lolita Plando jointly and severally the sum of PHP50,000 as moral damages and PHP50,000 as exemplary damages.

Case 2: People of the Philippines vs. Alice Tongco, et al.

Facts:

From October 2003 – January 2004, four women, two of whom were minors, were recruited from Cebu City by the accused, a couple, and brought to Manila with promised employment as movie actresses and singers, but instead they were peddled to men on several occasions for sexual pleasure in consideration of an average amount of PHP10,000 or engaged in prostitution. They were given half of the amount paid by male customers. The accused were arrested by National Bureau of Investigation agents assigned to the Violence Against Women and Children Division after conducting a surveillance and entrapment operation. After a full-blown trial, judgments were rendered against the accused and the court sentenced each to life imprisonment and to pay a fine of PHP2,000,000 (on four counts) and the accused were ordered to pay jointly and severally each of the four complainants moral damages in the amount of PHP50,000.

C. Case 3: PP vs. Rosalyn Dumot

Facts:

Sometime in the early part of the year 2005, women from Davao Del Norte, mostly under eighteen years old, were recruited to work as sales girls in Brunei. But instead they were exploited. They were confined in a closed and guarded room and forced into prostitution by their employers in Labuan, Malaysia. Two recruits luckily escaped through the help of their customers who felt pity for their ordeal. They successfully returned to Davao Del Norte in the Philippines and filed a formal complaint against their recruiters. After preliminary investigation, warrants of arrest were issued by the court against the accused. Assistance was being sought for those left in Labuan, Malaysia. When this matter came to my attention, I immediately contacted a Malaysian friend to see if he could be of help. He immediately flew to Malaysia and through his connections there, he was able to bring the women back to Manila.

## **VII. INTERNATIONAL COOPERATION THAT LED TO THE SUCCESSFUL CONVICTION OF A HUMAN TRAFFICKING OFFENDER**

(ALFRED LIM CASE)

On June 30, 2008, Marilyn Bagsit and Marilou Capistrano escaped from the Eugene Beng Hua Lim a.k.a Alfred Lim agency office after enduring abuse and maltreatment. They asked the Philippine Embassy in Kuala Lumpur for assistance, and they were referred to the Department of Justice. Being the Chairman of the Human Trafficking Task Force, their case was assigned to me by our Secretary of Justice. I immediately contacted through email my good friend, then the Head of the Royal Malaysian Police, Police Inspector General Tan Sri Dato Musa Bin Hassan. He acceded to my request for legal assistance, and I brought the two victims of human trafficking to his office in Kuala Lumpur. After hearing the testimonies of the victims, he immediately ordered the arrest of the said suspect. The Malaysia's Attorney General's Chambers filed a criminal case against Lim in July 2009.

In June 2010, Bagsit and Capistrano testified in court that they were recruited by Lim's Filipino agent from their hometown in Luzon. They were both sent to Malaysia to work as domestic helpers, but they were maltreated by their employers. When they sought refuge at Lim's agency, they suffered further verbal and physical abuse. Lim even threatened that they will be sold in prostitution to recover the costs of recruiting and deploying them. I personally brought the two victims to Kuala Lumpur during scheduled hearings. The Supreme Court in Kuala Lumpur convicted Eugene Beng Hua Lim a.k.a Alfred Lim on two counts of human trafficking and sentenced him to 3 years of imprisonment for each count. I also rescued three victims of human trafficking in La Buan, Malaysia and one victim in Sabah through the cooperation of the Royal Malaysian Police Officials.

In 2017, the IACAT adopted its 2017 – 2021 National Strategic Action Plan Against Trafficking in Persons with the vision to have a just, humane, gender-responsive and inclusive society that protects all persons from all forms of human trafficking. Thus empowering them to fully exercise their rights, achieve their potentials, and to enjoy a comfortable, secure and peaceful life.

The National Plan covers all four key result areas with specific focus on child labour trafficking and online child sexual exploitation:

### **4 KEY RESULTS AREAS (KRA) MISSIONS**

#### **KRA 1-Prevention and Advocacy**

- Expose the ills, forms and emerging trends to raise public awareness;
- Strengthen existing policies and mechanisms to eradicate human trafficking in the country.

#### **KRA 2- Protection, Recovery, Rehabilitation and Reintegration**

- Ensure that persons-at-risk are protected and survivors have access to rights-based, victim-centred and gender-sensitive programmes and services that guarantee their full recovery and empowerment.

#### **KRA 3- Prosecution and Law Enforcement**

- Comprehensively integrate and expeditiously prosecute TIP in all its forms, as well as other related offences, by conducting pro-active and coordinated actions including parallel financial investigation (with partner agencies and duty bearers) in the pursuit of justice.

#### **KRA 4- Partnerships and Networking**

- In 5 years, intensify coordination and collaboration through coordination and integration of information sharing, technical assistance, capacity-building and incentive provision to ensure accountability and commitment with the end goal of making EVERYONE, inclusive of government, civil society, individuals, private sector and international organization a stakeholder in the fight against trafficking in all forms.

## VIII. INTERNATIONAL TRAINING

As a major stakeholder in the promotion of the rule of law in the Philippines, the National Prosecution Service has greatly benefited from UNAFEI's trainings and seminars. Quite a number of our prosecutors are UNAFEI alumni, and most if not all of them are now in positions where they are capable of implementing programmes that help to strengthen the rule of law in the Philippines.

For instance, our prosecutor who headed an inter-agency task force against trafficking in persons in the Philippines, and who had the opportunity to be sent to a UNAFEI seminar, finds that the seminar helped her promote the rule of law through good networking programmes that contributed to the effective implementation of the task force national and international anti-trafficking initiatives. Using this strategy, the task force conducts national and international events that resulted in stronger partnership and better coordination among government and non-government agencies in combating trafficking in persons. The established networks strengthen domestic as well as international cooperation in handling local and cross-border trafficking in persons cases. She thus believes that these initiatives greatly contribute to the promotion of the rule of law in the Philippines since all key areas on prevention, protection, and prosecution are being addressed. In fact, all these efforts helped the Philippines achieve a Tier "1" rank in the US Global Trafficking in Persons Report from 2016 to 2018.

## IX. CURRENT SITUATION OF HUMAN TRAFFICKING AND MIGRANT SMUGGLING IN THE PHILIPPINES

For the third consecutive year, the Philippines retained its Tier 1 status in the US Department of State Department 2018 Trafficking in Persons (TIP) Report and holds the distinction to be the only Southeast Asian country ranked alongside developed countries. Being in Tier 1 means that the Government of the Philippines fully meets the minimum standards for the elimination of trafficking under the US' Trafficking Victims Protection Act (TVPA). The Philippine government demonstrated serious and sustained efforts by convicting and punishing more traffickers, effectively coordinating identification, referral, and provision of services to more victims, increasing efforts to prevent trafficking of Filipino migrant workers and to assist those who become victims of trafficking overseas, and implementing procedures to reduce the backlog of trafficking cases in the courts. It can be recalled that in 2004, 2005, 2009 and 2010, the Philippines was classified under the Tier 2 Watch List. Five years prior to 2016, the Philippines was ranked Tier 2.

In 2018, the report shows a significant rise in the number of victims of human trafficking in the Philippines. Experience to date suggests that trafficking for sexual exploitation is more prevalent, followed by trafficking for forced labour and organ trafficking, particularly, in urban areas. The Philippines is generally a source country for human trafficking. Victims of trafficking are mostly coming from the Visayas and Mindanao Regions, working, predominantly, for commercial sexual exploitation and prostitution and domestic labour. Also, the Philippines is a major labour sending country, with United States, United Kingdom, Malaysia, Singapore, Canada, Japan, Italy, Jordan, South Korea and Saudi Arabia are the top 10 destinations of Filipinos, with Saudi Arabia as the number one destination for Overseas Contract Workers.

### A. Victims

The Philippines is a source and to a certain extent, a transit, and destination country for men, women, and children trafficked for the purposes of sexual exploitation and forced labour. Philippine women are often lured abroad with false promises to legitimate employment and are trafficked for commercial sexual exploitation to destinations throughout Asia, the Middle East, Africa, Europe, and North America.

It is not surprising that most trafficking victims are poor, lacking in education, and desperate for employment opportunities elsewhere. Most are victimized by illegal recruiters and sent to countries banned to Filipino workers. The majority of the victims are young females which fall into the 23 to 27 year age bracket, followed very closely by those aged 18 - 22. Victims come from all over the regions, but notable numbers of victims come from the National Capital Region, Region 3 and Region 4. While the majority of the victims are from Metro Manila, the victims from outlying provinces of the metropolis (very accessible by public transport) also account for a significant number. Estimates provided by experts reveal that the majority of trafficked victims are adult females, followed by minor females. Recruitment may have been through legal or illegal agencies and most victims are "willing travellers." Most come from Metro Manila

particularly in Valenzuela, Quezon City, Muntinlupa and Manila. The closest provinces to the metropolis follow, particularly residents of Laguna, Rizal, Pampanga, Cavite and Batangas. Experts also confirmed that there are a notable number of victims from Cebu, Zamboanga and Davao. This may be attributed to the victims' access to travel-related enterprises which are present in the said regions.

### **B. Trafficking Profile**

As earlier stated, the Philippines is a source country and, to a lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labour. Millions of Filipinos reside or work abroad and the government processes approximately 2.3 million new or renewed contracts for Filipinos to work overseas each year. A significant number of these migrant workers are subjected to sex and labour trafficking—predominantly via debt bondage—in the fishing, shipping, construction, education, home health care, and agricultural industries, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly in the Middle East and Asia, but also in all other regions. Traffickers, typically in partnership with local networks and facilitators, engage in illegal recruitment practices that leave migrant workers vulnerable to trafficking, such as charging excessive fees, producing fraudulent travel and contract documents, and confiscating identity documents. Illegal recruiters use student, intern, exchange programme, and tourist visas, and travel through other countries to circumvent the Philippine government and destination countries' legal frameworks for foreign workers. Traffickers also recruit Filipinos already working overseas through fraudulent offers of employment in another country.

Forced labour and sex trafficking of men, women, and children within the country remains a significant problem. Women and children from indigenous communities and remote areas of the Philippines are the most vulnerable to sex trafficking, and some are vulnerable to domestic servitude and other forms of forced labour. Men are subjected to forced labour and debt bondage in the agricultural, fishing, mining and maritime industries. Persons displaced due to the conflict in Mindanao, Filipinos returning from bordering countries without documents, and internally displaced persons in typhoon-affected communities are vulnerable to domestic servitude, forced begging, forced labour in small factories, and sex trafficking in Metro Manila, Metro Cebu, central and northern Luzon, and urban areas in Mindanao. Sex trafficking also occurs in tourist destinations, such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao, where there is a high demand for commercial sex acts. Although the availability of child sex trafficking victims in commercial establishments declined in some urban areas, child sex trafficking remains a pervasive problem, typically abetted by taxi drivers who have knowledge of clandestine locations. In addition, young Filipino girls and boys are increasingly induced to perform sex acts for live internet broadcast to paying foreigners in other countries; this typically occurs in private residences or small internet cafes, and may be facilitated by victims' family members and neighbors. NGOs report high numbers of child sex tourists in the Philippines, many of whom are citizens of Australia, Japan, United States, Canada, and countries in Europe. Filipino men also purchase commercial sex acts from child trafficking victims. Organized crime syndicates allegedly transport sex trafficking victims from China through the Philippines en route to other countries. The UN reports armed groups operating in the Philippines, including the New People's Army, Maute Group, the Moro National Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters recruit and use children, at times through force, for combat and noncombat roles. The Islamic State is reported to subject women and girls to sexual slavery.

Officials, including those in diplomatic missions, law enforcement agencies, and other government entities, allegedly have been complicit in trafficking or allowed traffickers to operate with impunity. Some corrupt officials, particularly those working in immigration, allegedly accept bribes to facilitate illegal departures for overseas workers, reduce trafficking charges, or overlook illegal labour recruiters. Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims. Some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services.

### **C. Trafficking Flows**

Filipino victims, along with those human trafficking victims from East Asia and the Pacific, have been detected in or repatriated from more than 60 countries across all sub-regions. Both the diversity of the flows and the number of victims detected indicate that trafficking from East Asia is of a global dimension. The flows from countries in Southeast Asia to North America, the Middle East, and Western and Central

Europe are particularly relevant.<sup>3</sup>

#### **D. Protection**

Through law enforcement activities, the government has identified potential victims of trafficking. The Department of Social Welfare and Development (DSWD) through its recovery and reintegration programme for trafficked persons, provided psycho-social support, medical services, legal assistance, livelihood assistance, skills training, and reintegration services to identified victims and led implementation of the national referral system. DSWD also continued to operate residential care facilities that provided services to victims of trafficking and other forms of exploitation. The government provided victims with temporary shelter in a DSWD residential care facility, an NGO facility, or in a local government shelter. The government also provided an unknown amount of support for two NGO-operated halfway houses at border entry points and a facility in the national capital region that serves as a safe space and processing centre where law enforcement officials, working with DSWD, interviewed suspected victims immediately after they were removed from a trafficking situation during an enforcement operation. The Department of Labor and Employment Relations (DOLE) remove them from hazardous or exploitative working situations and referred them for livelihood assistance. Available shelter and other assistance services such as mental health services, community reintegration, job training, and access to employment remained inadequate to address the specific needs of trafficking victims, including child victims of online sexual exploitation and male victims.

The government increased its resources and provided robust services for Filipino victims abroad. The Department of Foreign Affairs (DFA), deploys DSWD social welfare attaches and DOLE labour attaches in Philippine embassies. In 2017, DFA established priority funding for legal assistance to trafficking victims. Through its hotline, the Commission of Filipinos Overseas (CFO) assisted possible victims. The government continued to implement formal procedures to identify trafficking victims in the Philippines and overseas and to refer them to official agencies or NGO facilities for care.

During the reporting period, the government supported victims who served as witnesses during trials by providing assistance, security, and transportation. Continuing a donor-supported pilot programme, two Department of Justice (DOJ) victim-witness coordinators assisted victims whose cases were investigated and prosecuted by anti-trafficking task forces. Under its witness protection programme, justice officials protected victims from reprisals by providing security, immunity from criminal prosecution, housing, livelihood and travel expenses, medical benefits, education, and vocational placement.

#### **E. Prevention**

The government has continuously increased its efforts to prevent trafficking. The IACAT, which was chaired by the secretaries of DOJ and DSWD and included the heads of the key anti-trafficking agencies and three NGO members, met three times during the year and approved resolutions setting policy and approving interagency protocols, including approval of the government's third strategic action plan against human trafficking (2017–2021), as well as the national systems for referral, case management, and data collection.

In addition, 24 anti-trafficking regional and municipal task forces met regularly to share information and coordinate interagency activities. The IACAT and its member agencies led national and regional trafficking awareness raising events. The CFO continued its national prevention campaign. The POEA conducted seminars for law enforcement and other officials on how to detect illegal recruitment and amplified these efforts by training trainers and NGO partners to provide such training locally. Recognizing the increased vulnerability of people living in conflict-affected areas of Mindanao, DOLE and local government officials conducted orientation and trafficking awareness campaigns for university students, community leaders, and local officials.

POEA developed a database of persons known to be involved in trafficking or illegal recruitment and delisted recruitment agencies for use by the relevant enforcement agencies. National Bureau of Investigation and POEA officials increased its investigation of alleged illegal recruitment in 2017, and eight cases resulted in a conviction. The POEA filed administrative charges against licensed agencies for fraudulent employment or exorbitant fees, resulting in the cancellation of agencies' licenses. The Bureau of Immigration (BI) Travel Control and Enforcement Unit continued to screen departing passengers and deferred the departure of

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<sup>3</sup> UNODC 2018 Global Report on Trafficking in Persons

passengers due to incomplete or missing travel documents or misrepresentation, referred potential cases of suspected trafficking to IACAT task forces for further investigation, and identify victims of illegal recruitment. The BI Travel control are also authorized to stop foreign registered sex offenders from entering the country, local and foreign demand for the country's vast commercial sex trade remained high and the government's efforts to reduce the demand for commercial sex acts were negligible. During 2017, the government signed a regional anti-trafficking convention, led the drafting of its plan of action, and entered into a partnership with another government aimed at addressing child trafficking. The DFA also reviewed 30 bilateral labour agreements with other countries and signed five agreements aimed at reducing the vulnerability of Filipinos working overseas. The government also banned the issuance of new contracts for work in Kuwait following reports of the alleged murder of a Filipina domestic worker there and provided air transport for Filipino workers who wished to return to the Philippines. The government provided anti-trafficking training to Philippine troops prior to their deployment abroad on international peacekeeping missions. The DFA provided training on trafficking and guidelines on the employment of personal staff for its diplomatic personnel.

#### **F. Prosecution**

In 2017, the Philippine law enforcers investigated 488 suspected trafficking cases which resulted in the arrest of 283 suspects. During the same period, the government initiated prosecution of 177 alleged traffickers and convicted 65 traffickers, which includes one conviction for labour trafficking. Sentences imposed ranged from 12 years to life imprisonment, with most offenders sentenced to life imprisonment. Since 2005, the Philippines has reported a total of 443 Trafficking in Persons (TIP) convictions involving 441 trafficking offenders (as of February 2019).

### **X. CONCLUSION AND RECOMMENDATION**

Because of the consistent demand for skilled Filipino labour, we foresee that cases of human trafficking and smuggling will persist. Many Filipinos believe that working abroad will provide them with better opportunities. Their vulnerability and ambitions of going abroad will continue to open up chances for organized crime syndicates to operate. Nevertheless, the Philippine Government continues to intensify co-operation among nations to combat human trafficking. This does not only mean strengthening law enforcement and prosecution efforts but involves implementation of appropriate political, economic and social measures as well. The Philippine Government will also continue to give high priority to intensifying relations with other nations as it continually seeks to promote cooperation, strengthening its ties to tighten security measures at ports and improving enforcement and intelligence exchange. It is only in intensifying regional cooperation in the area of law enforcement and prosecution that we will be successfully liberated from this international scourge. No country or region in the world is exempt from the scourge of trafficking. Thus, there is a need to harmonize legislation in the region to criminalize all forms of human trafficking in order to eliminate havens for the illegal activities of human traffickers. There is also a need to further develop regional capacity-building programmes to enhance existing capabilities of all countries in the region to monitor, detect and investigate transnational crime activities. The challenge of addressing and managing the threats of human trafficking certainly requires determined actions and solutions. Extensive and intensive forging of agreements to strengthen regional and international cooperation and linkages should include but not be limited to mutual legal assistance, extradition, mutual assistance in criminal matters, sharing of information, law enforcement and prosecutorial cooperation. The evils of human trafficking can only be eradicated through our joint and sustained efforts on all fronts. Whether on the national, regional or global level, we should put our resources together and engage each other constructively in effecting long-term solutions to this global menace.