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HUMAN TRAFFICKING IN THE PHILIPPINES

Report submitted by Dominicans for Justice and Peace (Order of Preachers), in collaboration with the Dominican Family in The Philippines*

* Dominicans for Justice and Peace (Order of Preachers) is an association under Swiss law created in 1998, which has obtained the Consultative Status with ECOSOC in 2002. The Association represents the religious congregation of the Dominicans at the United Nations. It works with the UN mechanisms in order to support the work of the Dominicans in the world for the protection and defence of human rights and the environment. This report has been drafted in collaboration with the Dominican Family in the Philippines, which is very active in the fight against human trafficking since decades. Their work consists mainly of raising awareness, training and providing direct support to victims. The content of this report comes from personal experiences of Dominican sisters in the Philippines and from information from other stakeholders (governmental agencies, civil society and faith-based groups) with whom the Dominican Family works in the anti-human trafficking advocacy.

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RECOMMENDATIONS FROM THE 2ND CYCLE CONSIDERED IN THIS REPORT:

129.22. Recognize victims of trafficking, often young people, as such and provide them with protection and assistance (Norway);

129.23. Ensure the effective enforcement of domestic legislation and further strive to eradicate human trafficking through cooperation with the international community, including by accepting a visit by the Special Rapporteur (Japan);

130.3 Keep up the fight against human trafficking, illegal recruitment and labour exploitation, including the exploitation of domestic workers, especially of women (Netherlands); Prosecute and punish traffickers and those who exploit the prostitution of women; and also protect victims of trafficking (Uruguay);

130.4. Further strengthen bilateral cooperation, regional and international cooperation with countries of origin, transit and destination in order to more effectively address trafficking in women; and establish rehabilitation programs for social integration and economic autonomy for women victims of sexual exploitation and trafficking (Uruguay);

1. INTRODUCTION

1. In the past years, there have been positive developments in the Philippines regarding the fight against human trafficking. Concrete efforts have been made from civil society stakeholders and faith-based groups to address human trafficking in partnership with the Inter-Agency Council Against Trafficking (IACAT), a governmental agency mandated to ensure recovery, rehabilitation and reintegration of trafficked persons.¹ Important information campaigns are regularly delivered across the country, from the north (Luzon) to the south (Mindanao).

2. This being said, human trafficking remains a reality in the country and while the Philippines has acknowledged the existence of it on its territory, its efforts to address this harmful practice must be even greater. The situation remains critical, especially with regards to the age and sex of victims. Based on the IACAT report presented during the celebration of the World Day Against Trafficking (WDAT) in July 2016, 93% of trafficking victims are female and 54% are minors.

3. The Philippines cannot therefore stay complacent, as there are still serious problems to overcome. This report highlights key concerns on the situation of human trafficking in the Philippines and attempts to assess the level of implementation of the recommendations made by States on this issue in the previous UPR cycle.

2. RECOGNITION OF VICTIMS OF TRAFFICKING, PROTECTION AND ASSISTANCE

4. Thanks to the coordination and partnership between the Government, the civil society stakeholders and faith-based groups, there is a strong improvement in the recognition and the protection of victims of trafficking, especially of the young people. The Government provides legal counsel for the victims and supports the creation of programs for the reintegration of victims through livelihood projects. Shelters have been put in place and victims are given after-care

¹ Republic of the Philippines, Inter-Agency Council Against Trafficking (IACAT), Mandate. See online: <http://iacat.gov.ph/index.php/about-us-2/14-about-us-mandate/9-mandate>

assistance. Social workers are available and trauma treatments and mental health recovery programs are provided to assist them to overcome the impact of abuse and exploitation. A good number of victims testify that they were forced to take drugs in order to do all forms of sexual practices as demanded by on-line customers for cybersex and cyber pornography. Hence, those victims do not only undergo trauma therapy but also rehabilitation from drugs.

5. Visayan Forum Foundation is one of those NGOs who put in place shelters and provide after-care support and legal assistance for victims of human trafficking. It is one of the most successful NGOs engaged in anti-human trafficking campaign in the Philippines and conducts rescue operations of victims, especially women and children, since over 25 years.

6. There remain however important gaps in the assistance of victims of human trafficking. There are limited if not no shelter at all for men and boys victims of trafficking. Some of the boys are placed in shelters for girls and women. Although boys' victims of human trafficking have generally also been sexually exploited, they should be placed in different shelters than girls and women because they have different needs and backgrounds. There also remains a lack of specific protection for indigenous people, who are vulnerable because of their distinctive culture and status. Traffickers take advantage of their situation and promise them good work conditions and a salary. They however end up in prostitution labour or other forms of forced labour, such as domestic servitude. Given their geographical location, the language and culture barriers and the lack of awareness, there is a real problem for indigenous peoples to access programs aimed at protecting victims of human trafficking. This problem is also observable among the people who work on the sea and who are more likely to be employed in conditions amounting to slavery. Their geographical isolation and lack of awareness prevent them from accessing such programs. When protection is provided, they are often placed in shelters on islands, which exacerbate their isolation and complicate their social reinsertion.

7. In sum, we recommend to the Government the following:

- a) The Government should ensure that shelters take into consideration the different needs of boys and should create shelters dedicated for them;
- b) The Government should recognize indigenous peoples as more likely to be victims of human trafficking. Research and needs assessments should be made to address the issue of indigenous peoples and human trafficking. The Government should facilitate the access of programs dedicated to victims of human trafficking to indigenous peoples;
- c) The Government should address the issue of trafficking of people working on the sea and should facilitate the access of programs dedicated to victims of human trafficking.

3. ENFORCEMENT OF DOMESTIC LEGISLATION ON HUMAN TRAFFICKING

8. In 2012, the Philippines has amended the Republic Act no 9208 (2003), known as the Anti-Trafficking in Persons Act, which has created the IACAT. The new amendment (Republic Act 10364) broadens the roles and functions of IACAT. This amendment aims at giving a more comprehensive response to the emerging issues and concerns related to human trafficking.

9. The Government has also collaborated with different stakeholders, including civil society and faith-based groups, in order to facilitate the enforcement of its legislations on human trafficking. Faith-based groups, especially the Catholic Church, have been invited to attend several meetings of IACAT and of the Presidential Task Force Against Illegal Recruitment (PTFAIR), in which they were able to share experiences and particular concerns from the ground. They had also the opportunity to give talks to Local Government Units in which they discussed the most appropriate

way to respond to current human trafficking issues. In partnership with Visayan Forum Foundation and the Dominican sisters, local authorities of Antipolo and of Koronadal City have put in place in 2014-2015 local anti-trafficking legislations to implement national laws and to ensure that the fight against human trafficking becomes a main priority. In Antipolo, those who report human trafficking activities receive reward. Visayan Forum Foundation is also currently preparing to lobby on the Philippines Senate for the adoption and implementation of a Resolution against trafficking in persons, especially women and children, approved in November 2015 by ASEAN countries. The lobby of Visayan Forum Foundation is an important strategy to remind the legislators in the Philippines that they should consider carefully the ASEAN agreements on human trafficking.

10. While there are some positive steps taken by the Government for the enforcement of its domestic legislations, especially in terms of collaboration with other stakeholders, there remains a lack of political will to fully implement the laws. One must say that corruption remains a hindrance to the full implementation of the legislations in the Philippines and human traffickers are the first who benefit from it. Indeed, the corruption of some government officials and their complicity in the human trafficking networks is still today a real problem. There are several testimonies that confirm that there are cases of complicity between human traffickers and officials. A group of policemen in Mindanao testified to religious sisters in 2013 that they had once release a presumed key human trafficker in custody following the instructions of a superior. In Tagaytay (Luzon), a religious sisters' community rescued once a girl who escaped from a prostitution network. The house from which the girl escaped was owned by military officers in uniform. The sisters have preferred to remain silent in order to avoid confrontations with these officials. Impunity remains therefore the norm. Without a real action from the Government to fight corruption, the complete enforcement of domestic legislations on human trafficking will remain a challenge.

11. We therefore recommend that the Government addresses first the problem of corruption and this implies the following:

- a) There should be increased efforts to hold government officials accountable for trafficking and trafficking-related offenses through criminal prosecutions and stringent sentences;
- b) The Government should provide a safe platform for reporting that allow public officials and the general public to expose misconduct and report dishonest or illegal activity and ensure protection of whistle-blowers from reprisals.

4. PROSECUTIONS AND PUNISHMENT OF TRAFFICKERS

12. According to 2016 data of the Global Slavery Index (GSI), the Philippines has an estimated 401,000 people working in conditions that amount to modern slavery.² According to IACAT 2016 data, the total number of people convicted in the Philippines from 2011 to present (31 August 2016) is of 272.³ Among them, 95% were convicted for sex trafficking. Compared to the important practice of human trafficking in the country, especially child cybersex and cyber pornography, the number of convictions is insufficient.

13. Two major problems need to be identified when it comes to prosecution and punishment of traffickers in the Philippines. On the one hand, the Government often fails to ensure that the human trafficking businesses, including recruitment agencies, do not continue operating after traffickers' conviction. Same businesses often reopen in another place under another name after the conviction. On the second hand, during the process of prosecution, victims often find themselves face to face

² The Global Slavery Index: <http://www.globalslaveryindex.org/index/#>

³ IACAT: <http://iacat.gov.ph/index.php/human-trafficking-related-statistics>

with the perpetrators each time they attend the court's hearing. They have to bear the pain of narrating their experiences in the presence of the traffickers. Knowing that the prosecution process lasts 4 to 5 years, it can be very traumatizing for victims, especially children.

14. We have therefore the following recommendations:

- a) The Government needs to take all necessary steps to investigate trafficking operations and prosecute traffickers. This also implies that it must ensure that when traffickers are convicted, their business operations are permanently closed;
- b) The Government should ensure that the court hearings are victims friendly. This implies that the victims, especially the children, should not find themselves face to face with the perpetrator each time they attend court hearings.

5. BILATERAL, REGIONAL AND INTERNATIONAL COOPERATION WITH COUNTRIES OF ORIGIN, TRANSIT AND DESTINATION

15. Although the Philippines is also identified as a destination and transit country for human trafficking, it remains mainly a country of origin. Over the past years, there have been various efforts from the Government at the bilateral, regional and international level to combat the problem of human trafficking on its own territory.

16. In 2015, IACAT organized in partnership with the Embassy of the Netherlands the 1st Manila International Dialogue on Human Trafficking. A second edition has been coordinated in June 2016. These two dialogues aimed at encouraging the different embassies in the Philippines to commit to a more thorough partnership in fighting against cross-border human trafficking and to call for concrete actions. As a result of the 1st Dialogue, twenty ambassadors joined heads of governmental agencies, international organizations and civil society stakeholders in signing the Manila Declaration, committing themselves to take action to fight human trafficking.⁴

17. Every year, IACAT organizes the World Day Against Trafficking in coordination with various governmental agencies, civil society stakeholders and faith-based groups. Last year, a Walk for Freedom has been organised, followed by a talk. Around 10,000 persons participated to the event. This year, a conference was held and participants, including the Justice Secretary, the Secretary of the Department of Social Welfare and Development and the US and the Dutch Ambassadors have signed a Commitment to End Slavery.

18. In an effort to build capacity and raise awareness of Foreign Service personnel, the Department of Foreign Affairs (DFA) of the Philippines conducted a series of regional workshops on anti-trafficking in persons in 2014 and 2015 in the Middle East, Asia Pacific and Europe. The last workshop, held in the Philippines in 2015, was dedicated to the home-based personnel. The workshops were organised in partnership with the United Nations Office on Drugs and Crime, the International Organization for Migration, the Department of Social Welfare and Development, the Department of Justice, and the Department of Labour and Employment. Representatives from the US Embassy, the Australian Embassy, and the host governments of each workshop also participated as speakers.⁵

⁴ Netherlands Embassy in Manila, Philippines, '1st International Dialogue on Human Trafficking'. See online : <http://philippines.nlembassy.org/news/2015/06/1st-international-dialogue-on-human-trafficking.html>

⁵ Department of Foreign Affairs, 2015 Accomplishment Report, 'A principled diplomacy for peace and prosperity', p. 85. See online: <http://www.dfa.gov.ph/images/2016/Transparency/2015%20Accomplishment%20Report.pdf>

19. While we must admit that there are positive steps for the cooperation between the Philippines and other States on the issue of human trafficking, there should however be a greater cooperation to ensure that Filipinos working abroad are offered protection when they are victims of human trafficking. The number of Filipinos exploited in overseas work remains important and the measures taken by the Philippines at the bilateral, regional and international levels remain largely insufficient.

20. We therefore recommend that the Government should strengthen its cooperation with countries in which Filipinos are likely to work and should take action at the bilateral, regional and international level to better protect Filipinos who are exploited in overseas work.

6. KEEP UP THE FIGHT AGAINST HUMAN TRAFFICKING

21. Raising awareness and training are major tools to combat human trafficking and to build capacities of people likely to be exploited by traffickers. This is one strategy taken by the Government to continue its fight against human trafficking. The Government gives its support to various organizations in their work to raise awareness, to educate and to build capacities. In 2014, Visayan Forum Foundation launched the iFIGHT Movement for the youth in order to sustain education and awareness in school campuses and local communities on the existence of human trafficking and to raise youth's awareness to the modus operandi of traffickers. Training of trainers for adults and iFIGHT Youth Summits have been conducted in different regions in the Philippines simultaneously. Some of them have been funded by the Government through IACAT. Talitha Kum Philippines of the Association of the Major Religious Superiors of the Philippines (AMRSP) and the Dominican Family have conducted massive information campaigns in private and public schools, colleges, universities and barangays, especially in poor communities. The campaigns also aim at raising awareness of parents, who are the persons likely to sale their children, especially if they come from poor communities. In the past three years, they have reached out to more than 100,000 people especially among the youth. Cities and Local Government Units provided help in the organization of the campaigns. In February 2014, the Episcopal Office on Women of the Catholic Bishops Conference of the Philippines organized a national conference "Let's Move! Knock Out Human Trafficking and Modern Day Slavery". The conference was intended, among other things, to raise awareness of the public on the governmental programs and strategies to address human trafficking and to highlight the role of families and schools in addressing modern slavery. The then Vice-President of the Philippines, Jejomar Binay, and the Secretary of the Department of Justice, Leila de Lima, participated in the conference as main speakers.

22. There is however a continuous need to strengthen the fight against human trafficking in the Philippines. The Government must keep track on the development of new forms of trafficking. The traffickers are constantly trying to find new ways and modus operandi to recruit more people to supply the demand for illegal trafficking. The fast growing form of slavery in the Philippines is cybersex and cyber pornography, which has children victims as young as 3-month old babies. In response to this, the Philippine National Police (PNP) has inaugurated in July 2016 the Internet Crimes Against Children Office (ICAC) under the Women and Children Protection Centre (WCPC). The ICAC aims to combat the rising number of cases of online sexual exploitation of children and other forms of internet-facilitated sex trafficking. It is too early at this stage to make any observation on the achievements of the Office. It will be crucial to follow closely their work.

23. In order to ensure the continuation of this on-going fight against human trafficking, we recommend that the Government strengthen its financial support to programs and activities initiated

by civil society stakeholders and faith-based groups because they play a major role in the fight against human trafficking on the ground.