

Trafficking in Persons Report 2011 – Philippines (Tier 2)

By the United States Department of State

Published on June 27, 2011

Accessed on July 19, 2011 at <http://www.state.gov/g/tip/rls/tiprpt/2011/164233.htm>

The Philippines is a source country and, to a much lesser extent, a destination and transit country for men, women, and children who are subjected to sex trafficking and forced labor. A significant number of Filipino men and women who migrate abroad for work are subjected to conditions of involuntary servitude worldwide. Men, women, and children are subjected to conditions of forced labor in factories, at construction sites, on fishing vessels, on agricultural plantations, and as domestic workers in Asia and increasingly throughout the Middle East. A significant number of women in domestic servitude abroad also face rape and violent physical and sexual abuse. Skilled Filipino migrant workers, such as engineers and nurses, are also subjected to conditions of forced labor abroad. Women were subjected to sex trafficking in countries such as Malaysia, Singapore, Hong Kong, South Korea, and Japan and in various Middle Eastern countries. Internal trafficking of men, women, and children also remains a significant problem in the Philippines. People are trafficked from rural areas to urban centers including Manila, Cebu, the city of Angeles, and increasingly to cities in Mindanao, as well as within urban areas. Men are subjected to forced labor and debt bondage in the agriculture, fishing, and maritime industries. Women and children were trafficked within the country for forced labor as domestic workers and small-scale factory workers, for forced begging, and for exploitation in the commercial sex industry. Hundreds of victims are subjected to forced prostitution each day in well-known and highly visible business establishments that cater to both domestic and foreign demand for commercial sex acts. Filipino migrant workers, both domestically and abroad, who became trafficking victims were often subject to violence, threats, inhumane living conditions, nonpayment of salaries, and withholding of travel and identity documents.

Traffickers, in partnership with organized crime syndicates and complicit law enforcement officers, regularly operate through local recruiters sent to villages and urban neighborhoods to recruit family and friends, often masquerading as representatives of government-registered employment agencies. Fraudulent recruitment practices and the institutionalized practice of paying recruitment fees often left workers vulnerable to forced labor, debt bondage, and commercial sexual exploitation. There were reports that illicit recruiters increased their use of student, intern, and exchange program visas to circumvent the Philippines government and receiving countries' regulatory frameworks for foreign workers. Recruiters took on new methods in attempts to get potential victims past immigration officers at airports and seaports. Traffickers utilized budget airlines, inter-island ferries and barges, buses, and even chartered flights to transport their victims domestically and internationally. Child sex tourism remained a serious problem in the Philippines, with sex tourists coming from Northeast Asia, Australia, New Zealand, Europe, and North America to engage in the commercial sexual exploitation of children. One NGO estimated that there are over 900,000 undocumented Filipinos in the country, mostly based in Mindanao; the lack of official documentation is widely recognized as contributing to a population's vulnerability to trafficking. The Moro Islamic Liberation Front, a separatist group, and the New People's Army (NPA) were identified by the United Nations as among the world's persistent perpetrators of violations against children in armed conflict, including forcing children into service. During the year, there were continued reports to the United Nations that the Abu Sayyaf Group targeted children for conscription as both combatants and noncombatants.

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. During the year, the Philippine Department of Justice and Supreme Court issued directives to expedite the disposition of backlogged trafficking cases. The government convicted 25 trafficking offenders – an increase from nine convictions in the previous year – including two convictions in cases involving forced labor, the Philippines' first-ever labor trafficking convictions. Additionally, authorities made notable efforts to address trafficking-related corruption, and several criminal cases against Philippine officials were initiated and remain ongoing. The government enacted numerous measures and policies to improve institutional responses to human trafficking for this year and in future years, such as increased training of judicial, law enforcement, and diplomatic officials on trafficking issues; the creation and funding of anti-trafficking task forces in airports, seaports, regions, and localities; and an increase in dedicated staff to combating trafficking. Nevertheless, the government needs to further its efforts to address significant obstacles to anti-trafficking progress, including the remaining substantial backlog in trafficking cases pending in Philippine courts; the lack of vigorous efforts to pursue criminal prosecution of labor traffickers, including labor recruitment

companies involved in the trafficking of migrant workers abroad; rampant corruption at all levels that enables traffickers and undermines efforts to combat trafficking; and uneven and insufficient efforts to identify and adequately protect victims of trafficking – particularly those who are assisting with prosecutions.

Recommendations for the Philippines: Sustain the intensified effort to investigate, prosecute, and convict effectively an increased number of both labor and sex trafficking offenders involved in the trafficking of Filipinos both within the country and abroad; continue to fund and strengthen the Inter-Agency Council Against Trafficking (IACAT) and provide full-time staffing and management for the IACAT Secretariat; increase funding for anti-trafficking programs within IACAT member agencies; address the significant backlog of trafficking cases by developing mechanisms to track and monitor the status of cases filed with the Department of Justice and those under trial in the courts; strictly enforce anti-corruption laws and expedite adjudication of cases filed by the Ombudsman's anti-trafficking task force; conduct immediate and rigorous investigations of complaints of trafficking complicity by government officials and ensure accountability for leaders that fail to address trafficking-related corruption within their areas of jurisdiction; strengthen anti-trafficking training for police recruits, line officers, and police investigators; make efforts to improve collaboration between victim service organizations and law enforcement authorities with regards to law enforcement operations; make efforts to expand the use of victim processing centers to additional localities to improve identification of adult victims and allow for victims to be processed and assisted in a safe environment after a rescue operation; increase victim shelter resources to expand the government shelter system to assist a greater number of trafficking victims, including male victims of both sex and labor trafficking; increase funding for the Department of Justice's program for the protection of witnesses and entry of trafficking victims into the program; increase efforts to identify trafficking victims in destination countries and to pursue criminal investigation and prosecution of their traffickers; develop and implement programs aimed at reducing demand for commercial sex acts; and assess and improve methods to measure and address domestic and international labor trafficking.

Prosecution

The Government of the Philippines achieved its first ever conviction of a labor trafficking offender in February 2011. The Philippines criminally prohibits both sex and labor trafficking through its 2003 Anti-Trafficking in Persons Act, which prescribes penalties that are sufficiently stringent and commensurate with those prescribed for other serious crimes, such as rape. During the reporting period, the government convicted 25 trafficking offenders in 19 cases – compared with nine traffickers convicted in six cases during the previous year – including the conviction in February 2011 of a labor trafficker who sold two women into domestic servitude in Malaysia, where they were enslaved for nine months without pay. The labor trafficker was sentenced to 28 years' imprisonment and fined over \$28,000. Sentences for the other 24 convicted offenders ranged from six years' to life imprisonment. Nevertheless, hundreds of victims continue to be trafficked each day in well-known, highly visible establishments, many of which have never been the target of anti-trafficking law enforcement action. Ten of the 25 convictions were results of cases filed and prosecuted by an NGO on behalf of victims in a system whereby the Philippine government allows private attorneys to prosecute cases under the direction and control of public prosecutors. Under this arrangement, NGO lawyers were responsible for much of the prosecution workload. In June 2010, the Department of Justice ordered prosecutors to make trafficking cases a priority, and in October, the Supreme Court issued a circular calling courts to expedite the disposition of trafficking cases and requiring that cases be decided within 180 days of arraignment. At the same time, widespread corruption and an inefficient judicial system continue to pose very serious challenges to the successful prosecution of trafficking cases. Philippine courts have 338 pending or ongoing trafficking cases.

In 2010, the Department of Justice designated 36 prosecutors in various national, regional, and airport task forces to work on anti-trafficking cases. In this task force model, for the first time, prosecutors are assigned to assist law enforcement in building cases against suspected trafficking offenders. The government ran a mandatory training session on trafficking at a judges' conference attended by over 400 judges and also expanded anti-trafficking training efforts to several hundred police and law enforcement officers, in partnership with NGOs and foreign donors. Nevertheless, NGOs continue to report a lack of understanding of trafficking and the anti-trafficking law among many judges, prosecutors, social service workers, and law enforcement officials, and this remains

an impediment to successful prosecutions. Prosecutors continue to have difficulty distinguishing labor trafficking crimes from labor contract violations, which may be one cause for the lack of a greater number of criminal forced labor cases filed.

Law enforcement officials' complicity in human trafficking remains a pervasive problem in the Philippines, and corruption at all levels of government enables traffickers to prosper. There continued to be reports that officials in government units and agencies assigned to enforce laws against human trafficking permitted trafficking offenders to conduct illegal activities, including allowing traffickers to escape during raids, extorting bribes, accepting payments or sexual services from establishments known for trafficking women and children, and conducting fake raids on establishments known for trafficking women and children to extort money from their traffickers. Allegations continued that police officers at times conducted indiscriminate raids on commercial sex establishments to extort bribes from managers, clients, and women in the sex industry, sometimes threatening women with imprisonment for solicitation. During the last year, the government began to take steps to identify and prosecute officials complicit in trafficking and temporarily suspended officials suspected of involvement in trafficking, but no public officials were convicted for trafficking or trafficking-related corruption during the reporting period. The Department of Justice filed criminal cases against eight officials for trafficking-related offenses and administrative cases against an additional 21 officials, but none of the cases had been concluded as of the end of the reporting period. While the government began a partnership in 2009 with three NGOs to jointly prosecute corrupt officials and several investigations have resulted in this partnership, no criminal cases have been filed under this program.

Protection

The Department of Social Welfare and Development (DSWD) continued to operate 42 temporary shelters for victims of all types of abuse. There are no reliable statistics on the total number of trafficking victims identified or assisted by the government during the year. The government did not report identifying or assisting any foreign victims of trafficking during the reporting period. The government referred victims to both government and private short- and long-term care facilities, though the government's capacity to provide shelter and protection remained very limited, due to insufficient budgets for victim protection provided to shelters by the government. Government shelters did not detain victims against their will. The government, through the Philippines Overseas Labor Offices, provided emergency shelter, medical care, and legal assistance to Filipino trafficking victims in several countries abroad, including the UAE, Kuwait, Saudi Arabia, Qatar, Jordan, Singapore, and Malaysia. Identification of adult trafficking victims remained inadequate, which left victims vulnerable to being charged, fined, and imprisoned for vagrancy. The government encouraged victims to assist in the investigation and prosecution of their traffickers, but the government's serious lack of victim and witness protection, exacerbated by a lengthy trial process and fear of retaliation by traffickers, caused many victims to decline or withdraw cooperation. During the year, the Department of Justice's program for the protection of witnesses assisted three trafficking victims. The lack of adequate witness protection and shelter remained a significant deficiency in the government's response to victims' need for protection and assistance. The government reported that it filed and tried civil and criminal cases on behalf of victims concurrently, unless the victims opted to pursue a civil case independently. The government sustained partnerships with local NGOs that provide shelter and assistance to trafficking victims. Local social welfare officers are not adequately trained on how properly to assist rescued trafficking victims, particularly children and male and female labor trafficking victims. The government allocated \$1.84 million in its 2011 budget to the Department of Foreign Affairs (DFA) for emergency assistance to Filipinos overseas, including trafficking victims, a decrease from \$3.15 million allocated for the previous year. The Department of Labor and Employment continued to deploy 51 labor attachés who serve in 38 overseas labor offices around the world to assist Filipino migrant workers.

Prevention

Authorities increased training and public awareness efforts on trafficking, including for judicial officials, diplomats, civil society groups, and overseas foreign workers. The Philippine Overseas Employment Agency (POEA) conducted 1,344 pre-deployment orientation seminars and 863 pre-employment seminars for over 100,000 prospective and outbound Filipino overseas workers. POEA and the Department of Labor and Employment also conducted anti-illegal recruitment and trafficking seminars in the country, attended by local prosecutors, law enforcement personnel, local government units, NGOs, recruitment agencies, and community

members. The government conducted training seminars in Malaysia and Jordan for regional Philippine embassy personnel in Southeast Asia, the Middle East, and North Africa on victim identification, reporting of trafficking cases, victim-centered interview techniques, and discussion of options for filing trafficking cases or related criminal charges against traffickers in the destination countries or in the Philippines. The DFA also continued to provide pre-deployment seminars on recognizing and responding to trafficking cases to government personnel before being assigned abroad. During the year, the IACAT significantly increased staffing to Manila's Ninoy Aquino International Airport Task Force Against Trafficking in Persons, which now operates 24 hours per day, seven days per week, is led by three senior airport officials, and includes 11 full-time airport police department officers, 10 Department of Justice prosecutors and staff members, and seven social workers from the Department of Social Welfare and Development. The National Bureau of Investigation (NBI) also designated 14 agents to assist the task force in law enforcement operations. Four regional anti-trafficking task forces consisting of prosecutors, law enforcement agents, social workers, and NGOs were created in trafficking hotspots around the country; these task forces received funding and personnel support from the IACAT and the Department of Justice. On March 15, the IACAT launched a 24-hour nationwide anti-trafficking hotline designed to respond to crisis calls from human trafficking victims. Despite significant local demand in the country's thriving commercial sex industry, the government's efforts to reduce the demand for commercial sex acts in the Philippines were limited, as were the government's efforts to address the demand for forced labor. In December, the Philippine Congress appropriated \$550,000 in the 2011 national budget to fund, for the first time, the Inter-Agency Council Against Trafficking and the Department of Social Welfare and Development's anti-trafficking programs. The Department of Justice created dedicated office space for the IACAT and increased staffing for the IACAT Secretariat from four to eight personnel, though the majority of these staffers were not assigned on a full-time basis. The government also overhauled its screening of immigration patterns for evidence of trafficking during the year. In August 2010, the Bureau of Immigration instituted new screening guidelines for ports of exit, leading to the interception of over 28,000 passengers identified as potential victims of trafficking, due to their lack of proper documentation and indicators of high risk for illegal recruitment and trafficking. Over 900 cases were referred to the IACAT, NBI, POEA, and DFA for further investigation. Through trafficking prevention efforts at major seaports in partnership with an NGO, over 1,800 potential victims of trafficking were intercepted, resulting in the filing of 21 criminal anti-trafficking cases. The Philippine armed forces reportedly rescued eight child soldiers during the year, all of whom were allegedly conscripted by the NPA. The government provided training, including a module on human trafficking, to Philippine troops prior to their deployment abroad on international peacekeeping missions.