

OUTLINE OF PRESENTATION

- SITUATIONER ON TRAFFICKING IN PERSONS
- REPUBLIC ACT (RA) NO. 9208
- STATUS OF IMPLEMENTATION OF RA 9208

SITUATIONER ON TRAFFICKING IN PERSONS

• GLOBAL ESTIMATES

- 30 Million people in Asia are trafficked in the last 30 years
- about 600,000- 800,000 mostly women and children are trafficked annually (US Report, June 2004)
- 200,000- 250,000 women and children are trafficked every year in Asia (IOM)

SITUATIONER ON TRAFFICKING IN PERSONS

• THE PHILIPPINE SITUATIONER

The Philippines is considered the leading source of migrant workers all over the world

- with 7.76 M Filipinos abroad composing 2.86 M permanent workers, 3.38 M temporary and 1.51 M irregular (in at least 90 countries - POEA, Dec 2003)

THE PHILIPPINE SITUATIONER

1. United States

2. Singapore

3. Canada

4. Japan

5. Italy

6. United Kingdom

7. Jordan

8. Malaysia

9. South Korea

10. Saudi Arabia

THE PHILIPPINE SITUATIONER

1,013 Recorded Cases of
Human Trafficking and
Smuggling

CFO - DFA data 1993 to December 2002

TRAFFICKING ROUTES AND DESTINATIONS




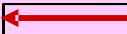
OTHER TRANSIT COUNTRIES:

Mexico, Thailand, Malta, Romania, Ukraine, Germany, Poland, Cyprus

OTHER DESTINATION COUNTRIES

Brunei, Lebanon, Singapore, Saipan, Israel, New Zealand, Bahrain, Kuwait, China, Argentina, Pakistan, Egypt, Palau, Hong Kong, UK, UAE, Germany, Panama, Qatar, Switzerland, Poland, Czech Rep., The Netherlands, Turkey, Oman, Papua New Guinea

LEGEND:

-  Transit Countries
-  Destination Countries

SOME IDENTIFIED BACKDOOR EXIT AND ENTRY POINTS

- Zamboanga - Brunei- Malaysia
- Bataan - Manila - Zamboanga-
Malaysia
- Other emerging routes

Who are Trafficked ?

- Young women and children due to their unequal status in society; illiteracy and low levels of education;
- Marginalized, minority and poverty groups;
- Women and girls in conflict areas and areas visited by disasters and calamities; refugees and illegal migrants

MODUS OPERANDI

- Recruited as Domestic helpers
- Fraudulent Documentation
- Tourists
- Overseas Performing Artists (OPAs)
- Escort Services
- Mail-order Bride and Internet marriages
- Live-in “trainees” of promotions agencies
- Internet - based Pornography

MODUS OPERANDI

- Illegal recruitment
- Caregivers
- Contract Substitution
- Exchange Students
- False Adoption
- Au pair system
- Selling of (“disguised”) as donating body organs
- Back door exits

Republic Act 9208 and its Implementing Rules and Regulations

*“Anti-Trafficking in Persons Act
of 2003”*

SALIENT FEATURES OF REPUBLIC ACT NO. 9208

“..TO INSTITUTE POLICIES TO
ELIMINATE TRAFFICKING IN PERSONS
ESPECIALLY WOMEN AND CHILDREN,
ESTABLISHING THE NECESSARY
INSTITUTIONAL MECHANISMS FOR
THE PROTECTION AND SUPPORT OF
TRAFFICKED PERSONS, PROVIDING
PENALTIES FOR ITS VIOLATIONS, AND
FOR OTHER PURPOSES”

SALIENT FEATURES OF REPUBLIC ACT NO. 9208

1. Defines as criminal acts trafficking in persons.
2. “Trafficking”
 - prostitution,
 - pornography,
 - sexual exploitation,
 - forced labor,
 - slavery, involuntary servitude or debt bondage, or
 - removal or sale of organs

SALIENT FEATURES OF REPUBLIC ACT NO. 9208

*whether any of these happened in the country or
abroad,*

*whether the victims are Filipino nationals or
foreigners trafficked to the Philippines.*

SALIENT FEATURES OF REPUBLIC ACT NO. 9208

2. Redefines *prostitution*,

from a crime committed by women only **to** “any act, transaction, scheme or design involving the *use of a person by another*, for sexual intercourse or lascivious conduct in exchange for money, profit or any other consideration” [emphasis supplied],

SALIENT FEATURES OF REPUBLIC ACT NO. 9208

2. Sets penalties for various types of offenses related to trafficking.

- life imprisonment and a fine of up to PhP5 million)**
 - the trafficked person was a child, or**
 - the person trafficked died or incurred HIV/AIDS, or**
 - the offender was related to the victim or a member of the law enforcement units of the government.**

SALIENT FEATURES OF REPUBLIC ACT NO. 9208

2. Fines are to be placed in a Trust Fund
 - implementing mandatory programs under the law and other measures
 - to prevent trafficking in persons and
 - to rehabilitate and reintegrate victims into mainstream society.

PUNISHABLE ACTS OF TRAFFICKING IN PERSONS (1)

Acts of Trafficking

- 1. Recruiting, transferring, harbouring or receiving a person by any means for the purpose of prostitution, forced labour, slavery under the guise of domestic or overseas employment, training or apprenticeship**
- 2. Introducing or matching for money and other considerations any person for the purpose of sexual exploitation, forced labour or slavery**
- 3. Offering or contracting marriage real or simulated resulting to prostitution, etc.**
- 4. Sex tours and travel packages**

PUNISHABLE ACTS OF TRAFFICKING IN PERSONS (2)

- 5. Maintaining or hiring a person for prostitution or pornography.**
- 6. Adopting or facilitating adoption of persons for the purpose of prostitution, pornography, etc.**
- 7. Recruiting, hiring, adopting, transporting or abducting a person for the purpose of the removal or sale of organs.**
- 8. Recruiting, transporting or adopting a child to engage in armed activities**

ACTS PROMOTING TRAFFICKING IN PERSONS (1)

- Knowingly lease or sub-lease, use or allow to be used any house, building for the purpose of promoting trafficking in persons.
- Produce, issue, distribute unissued, tampered or fake counselling certificates, registration stickers and certificate of any government agency promoting trafficking in persons
- Advertise, publish, print, broadcast, advertise materials, use the internet to promote trafficking in persons

ACTS PROMOTING TRAFFICKING IN PERSONS (2)

- **Assisting in the conduct of misrepresentation or fraud to acquire entry or exit documents**
- **Facilitating, assisting entry or exit of persons at the airports, seaports and territorial boundaries**
- **Confiscating, concealing, destroying passport, travel documents of trafficked persons**
- **Knowingly benefiting from, financial or otherwise the labor or services of a trafficked person**

PENALTIES

Act	Penalty
Acts of Trafficking	20 years imprisonment and a fine of P1 - 2M
Acts that Promote Trafficking	15 years imprisonment a fine of P500,000 - 1M
Qualified Trafficking	Life imprisonment and a fine of P2 - 5M
Use of Trafficked persons	<i>first offense: 6 months community service and a fine of P50,000</i> <i>second and subsequent offenses: 1 year imprisonment and a fine of P100,000</i>

OTHER PENALTIES

- If offender is a club or an organization, penalty shall be imposed upon the owner, president, partner or manager who has knowingly permitted and did not prevent the commission of the crime
- SEC licenses and registration of offending clubs or organizations shall be revoked permanently
- If the offender is a foreigner: Deportation after serving his/her sentence and permanent barring from entering the country
- If the offender is an employee or government official: dismissal from service; barred permanently to hold public office; forfeiture of all retirement benefits

SERVICES AND PROGRAMS FOR VICTIMS OF TRAFFICKING

- **Trust Fund**
- **Emergency Shelter or Appropriate Housing**
- **Counseling**
- **Legal Assistance under RA 8042**
- **Medical and Psychological services**
- **Livelihood and Skills training**
- **Educational assistance to trafficked Children**
- **Repatriation of trafficked Persons**
- **All forms of assistance necessary regardless of immigration status in the host country**

THE INTER-AGENCY COUNCIL AGAINST TRAFFICKING

Chairperson: Secretary, Department of Justice

*Co-Chairperson: Secretary, Department of Social
Welfare and Development*

Members:

Secretary, Department of Foreign Affairs

Secretary, Department of Labor and Employment

Administrator, Phil. Overseas Employment Administration

Director General, Philippine National Police

Commissioner, Bureau of Immigration

Chairperson, NCRFW

*3 representatives from NGOs (one representative from
women's, children's and OFWs' sectors)*

LAW ENFORCEMENT TASK FORCE AGAINST TRAFFICKING

For the purpose of a timely, coordinated and effective response to cases of trafficking in persons, the IACAT created the Law Enforcement Task Force Against Trafficking to be set-up/assigned at airports, seaports and land transportation terminals.

The LETFAT is composed of the following agencies, DOJ, BI, NBI, PNP, PPA and PCG

CAPABILITY BUILDING FOR SERVICE PROVIDERS

Frontline agencies and service providers must undergo training and other capability building activities

- to enhance their knowledge and skills in handling cases of trafficking

- to prevent traumatic stress and facilitate more effective crisis interventions, healing and reintegration services.

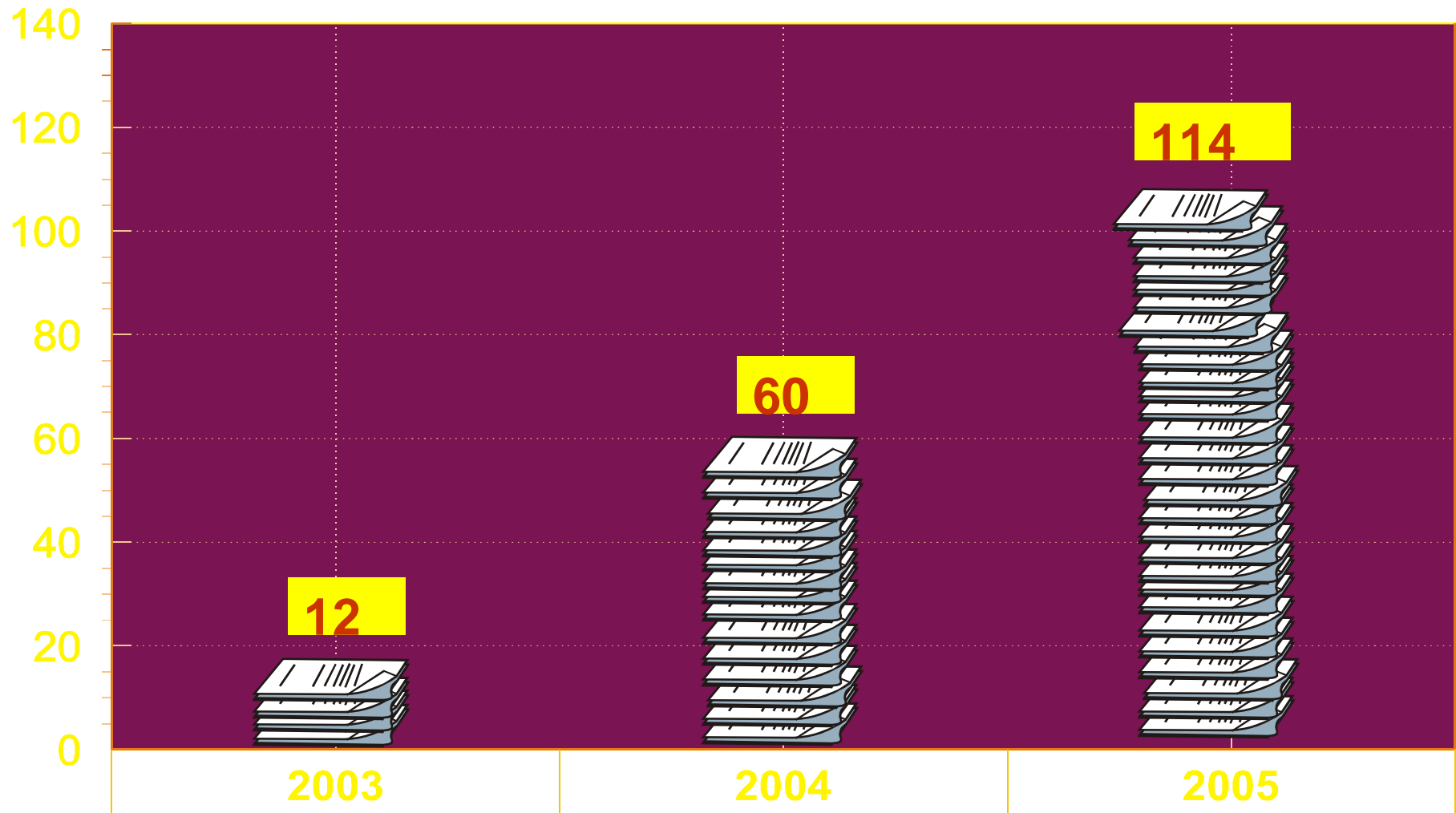
Implementing the Anti-Trafficking Law, 2003-2005

CONVICTION

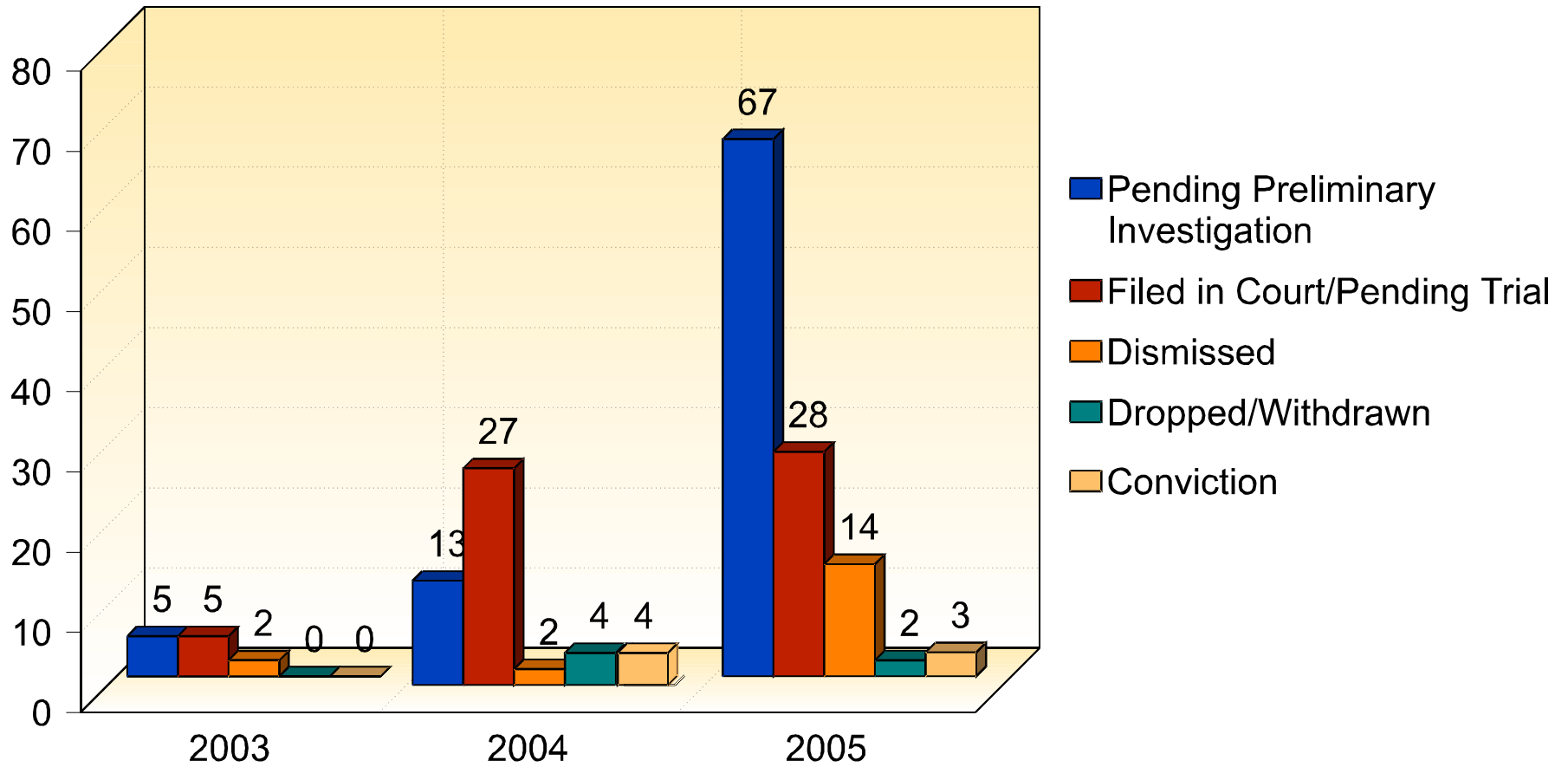
7 Convictions

PROSECUTION

No. of cases received by the DOJ



PROSECUTION



LAW ENFORCEMENT

No. of Rescue Operations	25
No. of Persons Rescued	137
No. of Persons Arrested	56
No. of Cases Filed	22

LAW ENFORCEMENT

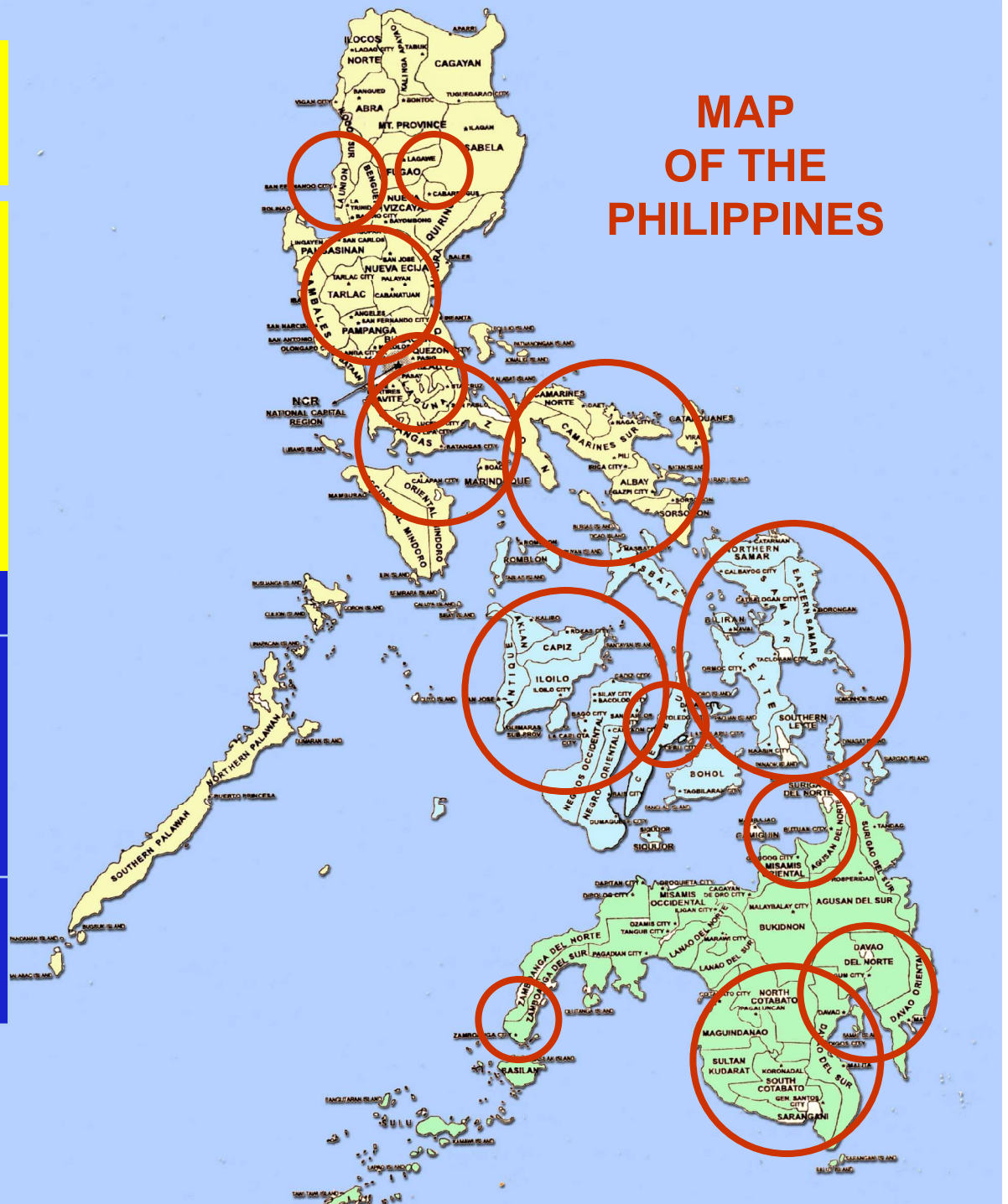
Investigation (PNP/NBI) Year 2003 - 2005

No. of cases received and investigated	109
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Areas where TIP cases are pending

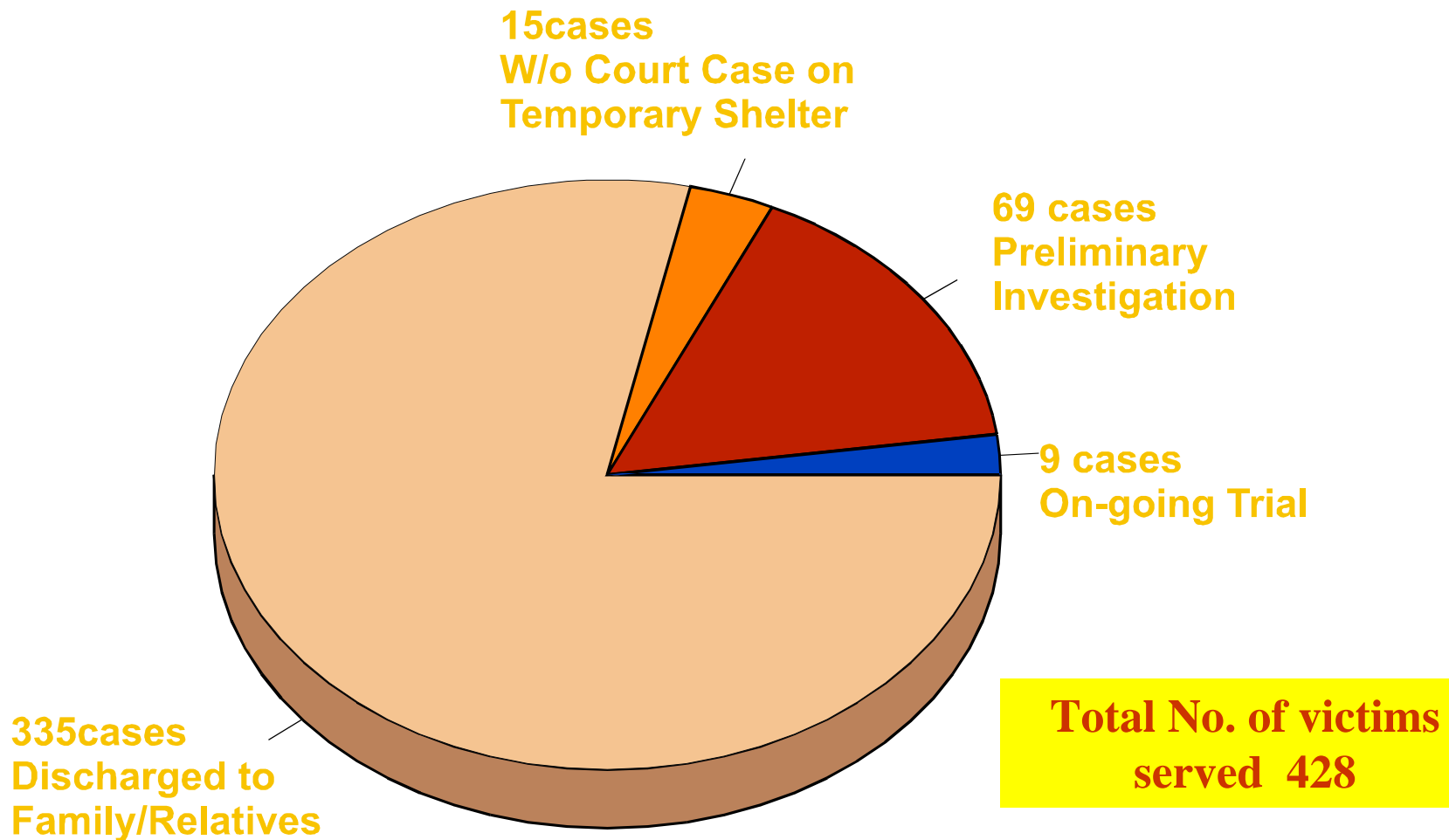
- 45% Metro Manila
 - 25% Luzon
 - 16% Mindanao
 - 11% Visayas
- Calbayog City
 - Sagay City
 - Kabankalan City
 - Passi City
 - Mandaluyong City
 - Pasig City

MAP OF THE PHILIPPINES



Victim Protection & Assistance

DSWD January to December 2005



RECOVERY AND REPATRIATION

COUNTRY	No. of Victims Repatriated/ Assisted
1. Malaysia	174
2. Hong Kong	14
3. Brunei	11
4. Japan	8
5. Kabul, Afghanistan	6
6. Dubai, UAE	4
7. CNMI (Saipan)	4
8. Abu Dhabi, UAE	4
9. Singapore	3
10. Bahrain	2
11. Lagos, Nigeria	2
12. Saudi Arabia	2
13. Cyprus	1
14. Ivory Coast	1
15. South Korea	1
TOTAL	224

Measures to Enhance Law Enforcement & Prosecution

1.

2.

3.

4.

5.

PREVENTION MEASURES

1.

2.

3.

4.

5.

6.

PROTECTION MEASURES

1.

2.

3.

4.

5.

Healing and Reintegration Measures

1.

2.