

COMBATting TRAFFICKING IN PERSONS (CTIP) TRAINING COURSE

ANTI-HUMAN TRAFFICKING TRAINING MANUAL



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Anti-Human Trafficking Training Manual
COMBATting TRAFFICKING IN PERSONS (CTIP)
CAPACITY DEVELOPMENT COURSE AND PROFESSIONAL CERTIFICATE PROGRAM

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ACRONYMS

A-HT	Anti-Human Trafficking
ADU	Adamson University
Asia-ACT	Asia Against Child Trafficking
BI	Bureau of Immigration
CBCP	Catholic Bishop Conference of the Philippines
CEAP	Catholic Education Association of the Philippines
CFO	Commission on Filipinos Overseas
CHR	Commission on Human Rights
CTIP	Combatting Trafficking in Persons
DFA	Department of Foreign Affairs
DILG	Department of Interior and Local Government
DOJ	Department of Justice
DSWD	Department of Social Welfare and Development
ECPAT	End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes
IACAT	Inter-Agency Council Against Trafficking
IGO	Intergovernmental Organization
IJSHS	International Journal of Sustainable Human Security
ILO	International Labour Organization
INGO	International Nongovernmental Organization
IOM	International Organization for Migration
NCFRW	National Commission on the Role of Filipino Women
NFP	Not For Profit Organization
NGO	Non-governmental Organization
OWWA	Overseas Workers Welfare Administration
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
PREDA	People's Recovery, Empowerment Development Assistance Foundation
SCII	Sustainable Capacity International Institute
SMC	Scalabrini Migration Center
TAF	The Asia Foundation
TIP	Trafficking in Persons
TUCP	Trade Union Congress of the Philippines
TVPA	Trafficking Victims Protection Act
TW-MAE-W	Third World Movement Against the Exploitation of Women
UNHCR	Office of the United Nations High Commissioner for Refugee
UNICEF	United Nations International Children Education Fund
UNODC	United Nations Office on Drugs and Crime
UNTOC	United Nations Convention against Transnational Organized Crime
US-DOS	United States Department of State
USAID	United States Agency for International Development
VFF	Viasayan Forum Foundation
WEI	World Engagement Institute

MODULE 1

HUMAN TRAFFICKING

OBJECTIVES

1. Define human trafficking in its various aspects and typologies
2. Understand the three constituent elements of human trafficking
3. Recognize and analyze the systemic, economic, educational, cultural, religious and other elements in relation to human trafficking.

INTRODUCTION

Human trafficking is a billion dollar business¹ one that affects every country in the world. The supply side of trafficking in persons is influenced by environmental, economic, social, cultural and political factors including, poverty, corruption, weak rule of law, political oppression, a lack of human rights, gender stratification, dislocation and institutional factors². The United Nations organizes the demand for labor or sex trafficking to include employer demand (employers, owners, managers), consumer demand (clients, corporate buyers, household members), and third party enabling (recruiters, agents, transporters). By understanding all dimensions influencing or influenced by human trafficking we can better develop sustainable, human rights solutions.

CONTENT

The act of human trafficking, also known as, trafficking in persons (TIP) is defined in the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (Trafficking Protocol) as:³

“the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of 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. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.”

¹ (ILO. 2009. The Cost of Coercion (Geneva, Switzerland)

² USAID. CTIP Field Guide. April 2013 can be found at www.usaid.gov/sites/default/files/documents/2496/CTIP_Field_Guide_Final_April%205%202013.pdf

³ Find this information at [Trafficking in Persons Report, 2013](#).

Trafficking Protocol, article 3(a)⁴

Article 3 of the Trafficking Protocol explains that trafficking in persons has three constituent elements:

- (1) An act (what is done);
- (2) The means (how it is done); and
- (3) Exploitative purpose (why it is done).

In criminal law terms, the Trafficking Protocol categorizes these three constituent elements into two categories: (1) actus reus and (2) mens rea. Actus reus involves the material or physical element(s) of human trafficking and it must include recruiting, transporting, transferring, harboring, or receiving a person. The offense must also contain: use of force, threat of force, coercion, abduction, fraud, deception, abuse of power, and giving or receiving benefits to truly be considered trafficking in persons. The second category, mens rea, is the mental element of human trafficking. According to the 2000 Trafficking Protocol, this category of the crime is most often the hardest to judge and convict because "only those with a sufficient 'guilty mind' can be found liable for a criminal offence."

What Human Trafficking Is Not

While the following elements are not considered to be forms of human trafficking, they are considered to be extreme forms of exploitation and are in clear violation of basic human rights. These elements include:

1. Illegal adoptions
2. Child Pornography
3. Prostitution.⁵

Societal Elements of Human Trafficking

As human trafficking is not just a crime, but is also 'a profitable business' and a culturally legitimized phenomenon, we need cross-sector and multidisciplinary training programs to understand and combat the complex and multifaceted dimensions of human trafficking. The business of human trafficking embodies a demand and supply chain for both labor and sex. First, the third party enabler, such as, recruiters, agents, and transporters lure their victims away from their previous life and into a life of darkness. The employer demand includes the employers, owners and managers of brothels, sweatshops, and hostile domestic labor entities that house and exploit the victims. These employers gain their profit by selling men, women, and children to a consumer, such as, clients, corporate buyers, and household members. After the profit is made, the exploitive process begins again.

Significant comprehension of trafficking in persons in an international context involves not only understanding the supply and demand aspect of the act, but also the complex integration of

⁴ The Trafficking Protocol is available at www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf

⁵ This language comes from, DOS. 2010. *Trafficking in Persons Report (10th Edition)*. Washington, D.C.

multiple societal elements, including systemic, economic, cultural, educational and religious that play a crucial role. It is within these societal elements that the solution to end human trafficking lies. Some examples of these interwoven societal elements include poverty, corruption, lack of human rights, gender stratification, dislocation, weak rule of law, and political oppression. It is the heart of these issues that human trafficking thrives, and it is being able to fully understanding the influential power of these factors that will provide insight into sustainable solutions to human trafficking worldwide.

“Human trafficking is not just a crime, but is also ‘a profitable business’ and a culturally legitimized phenomenon.”

APPLICATION

SELF ASSESSMENT

1) What are the constituent elements of trafficking in persons?

- a.
- b.
- c.

2) What are examples of societal elements that play a role in fostering human trafficking, and why is this important to know?

DISCUSSION

I. Do you think the following case is one of trafficking in persons? Is there an act, a means and a purpose? Can you identify them?

'A' runs a factory that weaves silk for dresses. The work is very delicate and the thread is very fine, requiring nimble fingers and good eyes.

Silk weaving is very competitive, with cloth suppliers constantly offering lower and lower prices to the dress manufacturers. 'A' decides to get a labor force that can do the fine work and do it cheaply: he decides to get some children to work in his factory.

'A' asks around and hears about a middleman, 'B', who has a good reputation for supplying weavers with young boys who learn quickly and cost little. 'A' approaches 'B' and asks him to find about a dozen boys to work in his factory.

'B' travels to the country, to a village he knows is very poor and the families are large. Many of the men are working away often out of the country.

He tells 'C', the mother of 'D' (a nine-year-old boy), that he has work for 'D' in the town. He will be apprenticed to a weaver and taught all there is to know about the job. 'D' will have a bed, be paid a small wage and will be fed. 'B' pays 'C' about \$US20 for 'D'. 'B' takes 'D' to the town and to 'A's factory.

'D' is put to work with two older boys who show him what to do. He is fed on a weak stew most of the time. He sleeps on straw under the machinery. He is paid a coin a week.

APPENDIX I

EXAMPLES OF TRAFFICKING IN PERSONS LEGISLATION

The United States

- 03/07/13 - Trafficking Victims Protection Reauthorization Act of 2013; Title XII of the Violence Against Women Reauthorization Act of 2013
(www.gpo.gov/fdsys/pkg/PLAW-113publ4/html/PLAW-113publ4.htm)
- 01/01/08 - William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008
(www.state.gov/j/tip/laws/113178.htm)
- 01/10/06 - Trafficking Victims Protection Reauthorization Act of 2005
(www.state.gov/j/tip/laws/61106.htm)
- 01/07/03 - Prosecutorial Remedies and Other Tools To End the Exploitation of Children Today Act of 2003 (PROTECT Act)
(www.state.gov/j/tip/laws/120170.htm)
- 01/07/03 - Trafficking Victims Protection Reauthorization Act of 2003
(www.state.gov/j/tip/laws/61130.htm)
- 10/28/00 - Victims of Trafficking and Violence Protection Act of 2000
(www.state.gov/j/tip/laws/61124.htm)

Canada

- Criminal Code (www.justice.gc.ca/eng/cj-jp/tp/legis-loi.html)
- Immigration and Refugee Protection Act (<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/>)

Italy

- 2007 - Law n. 17 turning into law, with changes, the law decree December 28, 2006 - no. 300, containing the extension of the limits foreseen by legislative provisions. Provisions of legislative delegation (www.legislationline.org/topics/country/22/topic/14)
- 2003 – Law n. 228 on Measures against Trafficking in Persons (www.legislationline.org/topics/country/22/topic/14)
- 1998 – Law n. 269 on Measures against the prostitution of minors, pornography, sex tourism and other contemporary forms of slavery (www.legislationline.org/topics/country/22/topic/14)
- 1958 -Law n. 75 on Prostitution and the Fight against the Exploitation of Prostitutions by Others (www.legislationline.org/topics/country/22/topic/14)
- 1930 - Criminal Code (<http://legislationline.org/topics/country/22/topic/14>)

International Treaties

- 1999 - ILO Convention 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst forms of Child Labor
(www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm)

- 2002 - Rome Statute of the International Criminal Court (www.icc.cpi.int/NR/rdonlyres/ADD16852-AEE9-4757-ABE7-9CDC7CF02886/283503/RomeStatutEngI.pdf)
- 2002 - The Optional Protocol to the Convention on the Rights of the Child (CRC) on the Sale of Children, Child Prostitution, and Child Pornography (www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf)
- 2004 - UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially women and children (www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCebook-e.pdf)

MODULE 2

CHILD TRAFFICKING

OBJECTIVES

1. Define child trafficking and understand its various factors
2. Understand the differing types of child trafficking
3. Clearly understand the exploitation tactics used by traffickers
4. Understand what makes an individual vulnerable to child trafficking

INTRODUCTION

Human trafficking primarily involves the horrific exploitation of children as young as three years old and in many cultures is seen as acceptable or unavoidable. While men and women have basic human rights that should be abided by all, the rights of a child are taken into careful consideration especially when involving forms of human trafficking and exploitation.

The United Nations Convention on the Rights of the Child defines children as persons under eighteen years of age. Some adolescents may both behave in a mature way and look mature, but as long as they are under the age of eighteen they are legally regarded as children and must be treated as such. In cases where the age of a victim is uncertain and there are reasons to believe that the victim is a child, the victim should be treated as a child until his or her age is verified.⁶

Article 3(b) of the Trafficking Protocol states that:

“the consent of a victim of trafficking in persons to the intended exploitation is irrelevant once it is demonstrated that deception, coercion, force or other prohibited means have been used. Consent, therefore, cannot be used as a defense to absolve a person from criminal responsibility. In trafficking cases involving children, the Trafficking Protocol states that the recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’, even if this does not involve any improper means such as deception, coercion etc. This acknowledges that a child is a person under the age of 18, cannot in anyway give a valid consent” and should be treated accordingly.

Definition of child labor:

“includes those children (minors under age 18) working in the worst forms of child labor (WFCL) as outlined in the International Labor Organization (ILO) Convention 182 and children engaged in

⁶ The Anti-Human Trafficking Manual for Criminal Justice Practitioners, UNODC, Module 9

work that is exploitative and/or interferes with their ability to participate in and complete required years of schooling, in line with ILO Convention 138.”⁷

CONTENT

Types of Child Trafficking

1. Sexual Exploitation

It is estimated that nearly 2.5 million people are in forced labor (including sexual exploitation) at any given time as a result of human trafficking, and that the majority of these are in Asia and the Pacific (56% or 1.4 million).⁸ While the majority of trafficking victims are between 18 and 24 years of age, an estimated 1.2 million children are trafficked each year. Sexual exploitation is the most commonly identified form of human trafficking for men, women, and children (79%).⁹

According to the International Labor Organization, the term *commercial sexual exploitation of children* is defined as:

“the exploitation by an adult with respect to a child or an adolescent – female or male – under 18 years old; accompanied by a payment in money or in kind to the child or adolescent (male or female) or to one or more third parties.”¹⁰

Commercial sexual exploitation in children includes all of the following:

- The use of girls and boys in sexual activities remunerated in cash or in kind (commonly known as child prostitution) in the streets or indoors, in such places as brothels, discotheques, massage parlors, bars, hotels, restaurants, etc.
- The trafficking of girls and boys and adolescents for the sex trade.
- Child sex tourism
- The production, promotion and distribution of pornography involving children.
- The use of children in sex shows (public or private).

2. Forced Labor

The definition of forced labor according to the ILO Convention 29 is considered to be:

“All work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”

There are four key elements to this definition, and indicators related to each element are set forth below. The combination of indicators for each situation must be analyzed in order to determine whether the situation is one of forced labor or not.

⁷ United States Department of Labor [website](#)

⁸ **International Labour Organization, Forced Labour Statistics Factsheet (2007)**

⁹ UNODC Global Report on Trafficking in Persons (2009)

¹⁰ The International Labor Organization (ILO), Commercial Sexual Exploitation of Children

- *All work or service:* This includes all types of work, service and employment, regardless of the industry, sector or occupation within which it is found, and encompasses legal and formal employment as well as illegal and informal work.
- *Any person:* This refers to adults and children.
- *Menace of any penalty:* This refers to a worker believing he or she will face a penalty if they refuse to work. “Menace” means the penalty need not be exacted, but rather, that threats of penalty may be sufficient, if the employee believes the employer will exact the penalty. A wide variety of penalties, such as confinement to the workplace, violence against workers or family members, retention of identity documents, dismissal from employment, and non-payment of wages, or other loss of rights or privileges, may be sufficient to fulfill this element of the test for forced labor.
- *Voluntary:* This refers to workers’ consent to enter into employment and their freedom to leave the employment at any time, with reasonable notice in accordance with national law or collective agreements. In essence, persons are in a forced labor situation if they enter work or service against their free choice, and cannot leave it without penalty or the threat of penalty. Involuntariness does not have to result from physical punishment or constraint; it can also stem from other forms of retaliation, such as the loss of rights or privileges or non-payment of wages owed. Note that a worker can be considered to be in forced labor even if his or her consent was given, if that consent was obtained through the use of force, abduction, fraud, deception of the abuse of power or a position of vulnerability, or if the consent has been revoked.¹¹

Forced labor is the second most commonly identified form of human trafficking (18%), and the ILO estimates that in 2012 nearly 20.9 million people were victims of forced labor globally. Of these, 4.5 million are in forced commercial sexual exploitation, and 14.2 million are in other forms of labor exploitation spanning industries that require low-skilled labor, such as agriculture, construction, and manufacturing or in occupations hidden from public view, like domestic service.

The Trafficking in Persons (TIP) Report of 2013 states that one of the main forms of coercion in all types of trafficking is the use of a bond or debt. Many workers get caught in cycles of debt bondage when employers deduct from workers’ wages for housing, food and other costs, leaving them with little or no take-home pay. Fortunately, the United States law prohibits the use of a debt or other threats of financial harm as a form of coercion; while the Palermo Protocol or the United Nations Convention against Transnational Organized Crime, requires its criminalization as a form of trafficking in persons. Some workers inherit debt; for example, in South Asia it is estimated that there are millions of trafficking victims working to pay off their ancestors’ debt. While others fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a term of employment.

In 2012 alone, nearly 20.9 million people were victims of forced labor globally.

The ILO estimates that the remaining 2.2 million (10%), of the original 20.9 million human trafficking victims of 2012, are unfortunately in state-imposed forms of forced labor. Forced labor is not just a historical phenomenon, but is being used today in the form of governments forcing their citizens to

¹¹ United States Department of Labor [website](#)

carry out infrastructure projects, produce goods, raise crops and perform other forms of work. This work includes prison labor where victims are imprisoned without conviction by a court of law and made to perform work or service. It's unfortunate that the institution in which was developed to protect its people is actually the institution taking part in these human rights violations.

3. Forced warfare

According to the Paris Principles on the Involvement of Children in Armed Conflict, a child soldier is:

“a child associated with an armed force or armed group refers to any person below 18 years of age who is, or who has been, recruited or used by an armed force or armed group in any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, spies, or for sexual purposes.”¹²

The 2013 TIP report states that the root causes of child recruitment involve children being considered an economically efficient alternative to adult combatants because they are easily indoctrinated and are efficient fighters because they have not yet developed a concept of death. While forced recruitment and abduction are the main causes of child soldiers, poverty, revenge, and martyrdom are also push and pull factors that motivate children to join armed forces and groups.

The changing nature of armed conflict has much to do with the increased vulnerability of children. Children have become more vulnerable due to the new tactics of warfare, the absence of clear battlefields, the increasing number and diversification of parties to conflict that add to the complexity of conflicts and the deliberate targeting of traditional safe havens such as schools and hospitals. Also, because of these new vulnerabilities, there has been an increase in grave violations committed against children during armed conflict, including, abductions, killing and maiming, child recruitment, sexual violence, attacks on schools and hospitals, and denial of humanitarian access.

The new characteristics of war including the use of new technologies like aerial attacks and drone operations have led to greater risks to children during conflict. In the past few years, there has been an increase in the use of children as suicide bombers and child victim bombers, those who are not even aware that they are carrying explosives and are detonated from a distance. States are also increasingly arresting and detaining children associated with armed groups because they are

Children are recruited and are considered to be efficient fighters because they have not yet developed a concept of death.

perceived as a threat to national security or because they have allegedly participated in hostilities. This solution to armed conflict is focused only on the surface issue instead of combatting the core of the problem which is adult traffickers and their actions.

The Recruitment of Child Soldiers Worldwide

The Child Soldiers Prevention Act of 2008 (CSPA) was signed into law on December 23, 2008 (Title IV of Pub. L. 110-457) and took effect on June 21, 2009. The CSPA requires publication in the annual TIP Report of a list of foreign governments identified during the previous year as having governmental armed forces or government-supported armed groups that recruit and use child soldiers, as defined in the Act.

¹² Paris Principles on the Involvement of Children in Armed Conflict [2007](#)

For the purpose of the CSPA, the term “child soldier” means:

- i. Any person under 18 years of age who takes a direct part in hostilities as a member of governmental armed forces;
- ii. Any person under 18 years of age who has been compulsorily recruited into governmental armed forces;
- iii. Any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or
- iv. Any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

Governments identified on the list are subject to restrictions, in the following fiscal year, on certain security assistance and commercial licensing of military equipment. Beginning October 1, 2013 and effective throughout FY 2014, these restrictions will apply to the listed countries absent a presidential national interest waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. The determination to include a government in the CSPA list is informed by a range of sources, including first-hand observations by U.S. governmental personnel and research and reporting from various United Nations entities, international organizations, local and international NGOs, and international media outlets.

The 2013 CSPA List includes governments in the following countries:

1. Burma
2. Central African Republic (CAR)
3. Chad
4. Democratic Republic of Congo (DRC)
5. Rwanda
6. Somalia
7. South Sudan
8. Sudan
9. Syria
10. Yemen

While the CSPA only offers a list of governments that use child soldiers, there are also reports of non-governmental supported groups using child soldiers in additional counties in Asia, Latin America, Africa, and the Middle East. Some examples of these non-state armed groups that have been recruiting or using child soldiers for years include the Lord’s Resistance Army operating in Central Africa or the rebel militias Abu Sayyaf, the New People’s Army, and the Moro Islamic Liberation Front in the Philippines. As time progressed over the years, some of these governments or groups disbanded or there was progress toward peace agreements that could lead to the demobilization of children.

Exploitation Tactics

As found in the 2013 TIP Report and generally known by the international community, the following exploitation tactics are used worldwide to recruit victims of human trafficking:

- Traffickers partner with organized crime syndicates and corrupt government officials to recruit victims into the trafficking ring.
- Traffickers partner with family and friends to masquerade as government employment officials in hopes of luring family members into sexual exploitation or forced labor rings.
- Traffickers use email and social networking to post fraudulent overseas work and recruit victims. Once victims reach out for the job, traffickers force them into human trafficking.
- Once the victims are lured into exploitation like above the traffickers most likely utilize budget airlines, ferries, buses and boats to go undetected between destination points.

The Most Vulnerable

In terms of human trafficking, the most vulnerable groups of people include young boys and young girls that are poor, orphaned, and/or displaced. Children in armed conflict who are internally displaced have rights just as all other children, and their rights are expressly guaranteed in, and should be protected by, the extensive body of human rights and humanitarian law. For all children coerced into human trafficking their rights and guarantees include:

- the principle of non-discrimination
- the right to documentation
- protection from violence and abuse
- the rights to essential services
- the requirements that when dealing with internally displaced children the best interest of the child must prevail

Overall, young girls are the most vulnerable in situations of human trafficking and especially in armed conflict because they are at greater risk of becoming victims of sexual violence and exploitation. Girls might be forced into marriage and early pregnancy when associated with an armed group. The complexity of human trafficking becomes even more intertwined in regards to the psychological stress put on many of the victims. While, some girls seek help to be free from the armed groups, others, because of their family ties and the dependency that have evolved over time, decide to stay. Yet another reason some girls are unwilling to come forward or leave the armed group is because of the stigma placed on them once they are identified as “bush wives” or their children being labelled as “rebel babies.” These social factors begin to cloud the judgment and decisions of the victims and the rescuers in these stressful situations.

APPLICATION

Case study #1:

THAILAND – Tola was seven years old when she was lured away from her parents by a couple who owned the field her family worked. While enslaved, she was forced to take care of cats and dogs for the couple's pet grooming shop. For five years, Tola's parents hoped to see her again, never knowing how she disappeared or where she might be. They never imagined that Tola was close, enduring torture and abuse. If Tola did not do her job properly, she was kicked, slapped, and beaten with a broom. Sometimes the couple locked her in a cage and poured boiling hot water over her. On one occasion, the traffickers cut off her ear lobe with a pair of scissors. One day, she climbed a concrete fence of the house while chasing a cat and realized she was free. A neighbor called the police and she was taken to a nearby shelter where her mother identified her. The couple was arrested and charged with various charges including torture, detaining a person against their will, enslavement, and kidnapping. The couple posted bail and escaped. As for Tola, injuries on her arms affected her muscles; she can no longer move her left arm. For now, she is safe with her family and is beginning her mental, emotional, and physical journey to recover.

1. What type of child trafficking did Tola experience?
2. What combination of exploitation tactics did Tola's captors use?

MODULE 3

LABOUR TRAFFICKING AND DOMESTIC WORKERS

OBJECTIVES

1. Define labor trafficking and its various attributes
2. Effectively explain the difference between labor trafficking and domestic workers
3. Describe primary reasons for labor trafficking

INTRODUCTION

Like previously discussed, labor trafficking constitutes of 18% of the overall human trafficking occurring worldwide. Labor trafficking, like sex trafficking, includes traffickers using debt bondage as collateral to force victims into trafficking rings. The use of force, threats or deception are used as well. Primarily the exploitation takes place in many labor sectors, including agriculture, construction, manufacturing and domestic work.

Migration is one of many societal factors that has played a huge role in the changing composition of trafficking in states around the world. In the wake of a disaster or through forced or voluntary migration, human trafficking runs rampant. Individuals who migrate to seek a better lifestyle for themselves and their loved ones are at a greater risk of being coerced or kidnapped into human trafficking, including labor trafficking. The fluidity of human trafficking in some states happens so quickly, victims are unable to recognize what is happening to them before it's too late. It is through these moments of transition or weakness for families that human trafficking flourishes.

CONTENT

Labor Trafficking

The Trafficking Victims Protection Act of 2000 (TVPA) defines labor trafficking as:

“The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage or slavery.”¹³

Victims of labor trafficking are difficult to recognize because of the varying characteristics of such victims. Victims of trafficking include young children, teenagers, men, and women of all backgrounds and cultures. The complexity deepens when some victims enter the country legally on worker visas for domestic, ‘entertainment,’ computer or agricultural work, while others enter illegally and work in illegal industries like the drug or arms trade. Although there is no single way to identify victims of labor trafficking, some common patterns that exist internationally include.”¹⁴

Victims of labor trafficking can suffer from a conglomerate of physical, emotional, and psychological health problems including scars, headaches, PTSD, and “Stockholm Syndrome.”

- Victims are often kept isolated, their activities restricted and they are typically watched, escorted or guarded by associates of traffickers. It is likely that traffickers will “coach” them to answer questions with a cover story about being a student or tourist to prevent detection.
- Victims may be blackmailed by traffickers using the victims’ status as an undocumented alien or their participation in an ‘illegal’ industry. By threatening to report them to law enforcement or immigration officials, traffickers keep victims compliant.
- People who are trafficked often come from unstable and economically devastated places as traffickers frequently identify vulnerable populations characterized by oppression, high rates of illiteracy, little social mobility and few economic opportunities.
- Women and children are overwhelmingly trafficked in labor arenas because of their relative lack of power, social marginalization, and their overall status as compared to men.

As a result of the patterns of coercion explained above, victims of labor trafficking can suffer from a conglomerate of physical, emotional, and psychological health problems, including:

- Physically - Scars, headaches, hearing loss, cardiovascular/respiratory problems, limb amputation, chronic back pain, visual and respiratory problems;
- Emotionally - Traumatic Bonding or “Stockholm Syndrome,” which is characterized by cognitive distortions where reciprocal positive feelings develop between captors and their hostages. This bond is a type of human survival instinct and helps with victim cope with the captivity.
- Psychologically - Helplessness, shame, and humiliation, shock, denial and disbelief, disorientation and confusion, and anxiety disorders including posttraumatic stress disorder (PTSD), phobias, panic attacks, and depression.

¹³ The TVPA of 2000 offers definition of multiple forms of human trafficking, and the full document can be found here at www.state.gov/documents/organization/10492.pdf

¹⁴ This information comes from the Office of Refugee Resettlement, which is an office of the greater U.S. Department of Health and Human Services. August 6, 2012.

Domestic Workers

Victims of forced labor have been found in nearly every job setting or industry imaginable including private homes, factories, restaurants, elder care and medical facilities, hotels, housekeeping, childrearing, agriculture, construction and landscaping, food processing, meat-packing, and cleaning services.¹⁵ Domestic work settings continue to have little or no government oversight or regulation in most countries, which creates unique vulnerabilities for victims. Such workplaces are informal and often not shared with other workers. Both children and adults are subject to involuntary domestic labor. While it is not easy for authorities to inspect private homes many investigators report that there are many cases of untreated illnesses and, tragically, widespread sexual abuse.

In many cases, domestic workers may find themselves at risk of trafficking before they even enter employment. If a recruiter charges an applicant an up-front fee for placing her in a job, that worker may find herself owing a burdensome debt from day one. In other cases, domestic workers have reported arriving at a promised job only to be subjected to brutal conditions, ranging from exhausting hours with no days off, to horrific physical and sexual abuse.

Below is an example found in the 2013 TIP report showing the life of a child domestic worker:

Push and Pull Factors of Labor Trafficking

Push Factors

The aspirations for a better life never ceases especially among the world's poorest and most vulnerable people. With this constant longing for a better life comes increased migration patterns for multiple communities trying to get away from poverty, oppression, lack of human rights, lack of

“Naveen was 14 years old when a placement agency found him a job as a domestic worker for a couple with two children. For the two years he served the family, Naveen was confined to the house, never allowed to leave. He was beaten regularly for trivial matters and, on several occasions, branded with hot tongs. Unable to endure his situation anymore, he ran away. Naveen is living in a children’s home and receiving counseling. The couple, meanwhile, has been charged and is out on bail awaiting a court date.”

social or
economic

opportunity, dangers from conflict or instability and similar conditions. Along with those factors come additional institutional push factors including political instability, militarism, civil unrest, internal armed conflict and natural disasters; such natural disasters as the recent typhoon Haiyan in the Philippines and the earthquake years ago in Haiti.

The destabilization and displacement of populations increase their vulnerability to exploitation and abuse through trafficking and forced labor. War, civil strife, and natural disasters may lead to massive displacements of populations, leaving orphans and street children extremely vulnerable to trafficking.

¹⁵ The 2013 Trafficking in Persons Report can be found here www.state.gov/documents/organization/210737.pdf

Pull Factors

The previous factors were such that they 'pushed' people into migration and hence into the control of traffickers, but the following factors tend to 'pull' potential victims towards trafficking. One example of pull factors in terms of human trafficking is the rapid expansion of broadcast and telecommunication media, including the internet, across the developing world may have increased one's desire to migrate to developed countries and, with that, the vulnerability to traffickers.

Another pull factor, mainly recognized by human traffickers, are the issues of porous borders, corrupt government officials, the involvement of international organized criminal groups and limited capacity of or commitment by immigration officials and law enforcement officers to control borders. As explained by the UNODC experts on human trafficking, a lack of adequate legislation and of political will and commitment to enforce existing legislation or mandates are other factors that facilitate trafficking in persons¹⁶.

True migration helps to alleviate poverty in and of itself. However, in structural terms, economic disparities between areas, countries and regions constitute the major pull factor for migration. The mismatches between immigration policies and labor market realities have created a large demand for irregular, unprotected migration, and a pool of people who are highly vulnerable to abuse and exploitation.

As well as economic disparity, demographic factors are also leading to spatial differences in demand and supply. As their populations age, economically developed countries require migrant labor, while the increasing number of women desiring to maintain careers outside of the home will continue to increase the demand for foreign domestic labor. A quick need for cash or an illness of a family member may also lead to unsafe and desperate migration.¹⁷

At points of origin, unsafe or desperate migration, possibly with a deceitful or exploitative recruiter, can be triggered by any number of factors: illness of a family member leading to a need for quick cash;

Prevention Strategies to Push and Pull Factors

In response to the above root causes, most prevention strategies fall within one of the following categories, according to the UNODC:

1. Reducing the vulnerability of potential victims through social and economic development
2. Discouraging the demand for the services of trafficked persons
3. Public education
4. Border control
5. Preventing the corruption of public officials

The United States

¹⁶ UNODC: Toolkit to Combat Trafficking in Persons, 2008 can be found at www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf

¹⁷ United Nations Inter-Agency Project on Human Trafficking, 2013

“When victims of trafficking are identified, the U.S. government can help them stabilize their immigration status, and obtain support and assistance in rebuilding their lives in the United States through various programs. By certifying victims of trafficking, the U.S. Department of Health and Human Services (HHS) enables trafficking victims who are non-U.S. citizens to receive federally funded benefits and services to the same extent as a refugee. Victims of trafficking who are U.S. citizens do not need to be certified to receive benefits. As U.S. citizens, they may already be eligible for many benefits.

As a result of the certification or eligibility letters issued by HHS, victims can access benefits and services including food, health care and employment assistance. Certified victims of trafficking can obtain access to services that provide English language instruction and skills training for job placement. Since many victims are reluctant to come forward for fear of being deported, one of HHS' most important roles is to connect victims with non-profit organizations prepared to assist them and address their specific needs. These organizations can provide counseling, case management and benefit coordination.”

APPLICATION

Example #1:

“Liliana was unemployed and unable to find a job in El Salvador when she decided to leave El Salvador in search for work. A family friend promised to take Liliana to the United States, but instead took her to Mexico. When Liliana discovered that she had been tricked, she ran away and ended up in an area where other migrants like herself waited to go back to El Salvador. One day a group of men invited her and the others to join their organization, the Zetas, a notorious drug cartel. They said they would give her work and feed her. When she joined them, she was forced into prostitution, tricked for the second time. Liliana was drugged the first day and woke up with a “Z” tattoo, branded for life. She was forced to ingest drugs and was never allowed to travel unaccompanied. After three months, her aunt in El Salvador paid for her freedom and she was freed. With Liliana’s help, her traffickers were brought to court but were acquitted. Liliana will not testify again”

Example #2:

“Kyi and Mya, both 16 years old, were promised work as domestic helpers in Thailand. With the help of five different local brokers, they traveled from Burma walking all day and night through a forest, crossing a river in a small boat, and spending a few nights in various homes along the way. Once they arrived, they were placed in a meat-processing factory and forced to work from 4 a.m. to 11 p.m. Kyi and Maya complained to the factory manager of the hard work and long working hours, and told him this was not what they were told they would be doing in Thailand. The factory manager told the girls they owed him for their “traveling expenses” from Burma to Thailand and could not leave until it was paid off. He continued to subtract their “debt” from what little income they received. Eventually the girls were able to contact one of their relatives in Burma who then contacted an NGO; the organization arranged their safe removal from the factory. They are now in a Thai government shelter in Bangkok, receiving counseling while waiting for repatriation.”

1. Name some prevention strategies that could have been used to warn Liliana, Kyi and Mya of potential human trafficking schemes.

MODULE 4

ORGAN TRAFFICKING

OBJECTIVES

1. Able to define organ trafficking
2. Explain the three broad categories of organ trafficking
3. Decipher the similarities and contrast with human trafficking
4. Recite at least one international standard for organ trafficking

INTRODUCTION

The United Nations Office on Drugs and Crime believe that organ trafficking is an international organized crime that involves many offenders. The different types of offenders include the recruiter (who identifies the vulnerable person), the transporter, the hospital/health clinic staff, the medical professionals, the middlemen and contractors, the buyers, and the bank's employees (where the organs are stored) are all involved. According to the United Nations Regional Information Centre for Western Europe, the most common trafficked organs are kidney, liver, heart, lung and pancreas.

Primarily because of the high number of involved culprits and the rapid and often unseen transfer of the organ, it is difficult to fully comprehend the vast dimension of organ trade. In many cases there is inadequate response to illegal organ trading schemes. However, bringing attention to such severe human rights violations of vulnerable victims could impose pressure on the traffickers.

Like combating any form of trafficking, the following crucial steps must be incorporated and prioritized: (1) appropriate laws must be in sync with UN Protocols and principles; (2) stringent law enforcement against all those involved; (3) training and orientation of the law enforcement agencies and the medical staff who are likely to be drawn into the commission of the offense; (4) awareness generation of the vulnerable sections; and (5) posted public awareness campaigns and posters.

CONTENT

Three Categories of Organ Trafficking

The UNODC has also categorized organ trafficking into three primary categories. It is important to remember that these broad categories vary, and not every organ trafficking case fits perfectly in one of these categories.

1. There are many cases where traffickers force or deceive their victims into giving up an organ.
2. There are many cases where victims formally or informally agree to sell an organ and are cheated because they are paid less than the promised price for the organ or they are not paid at all.
3. There are many cases where vulnerable persons are treated for an ailment, which may or may not exist, and their organs are removed without the victim's knowledge.

Like many other types of human trafficking, the most vulnerable people are the forgotten and the marginalized. Such categories of vulnerable persons include migrant workers, homeless people, illiterate people and the like. Organ trafficking is not subject to one people group or age group. Instead, all types of people are vulnerable to this tragedy.

Contrasts and Similarities with Human Trafficking

The following list of contrasts and similarities of organ trafficking and human trafficking, provided by the United Nations Regional Information Centre for Western Europe, is not exhaustive.

Similarities¹⁸

- Use of multiple people or groups to commit the crime
- Transportation of some sort is used
- Use of deception to lure victims
- Fear of death, torture or the like if victims do not cooperate
- Men, women, and children are all vulnerable targets
- Organs, like human beings, can be trafficked locally or internationally

Contrasts

- Traffickers and organ 'brokers' are often from decent and respected industry sectors (e.g. doctors and other health care practitioners, ambulance drivers and mortuary workers).

International Standards for Organ Trafficking

The most well-known international standards for organ trafficking, a couple of which are used for human trafficking as well, are shown below.

- **The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons**
 - Includes "organ removal" and its subsequent sale as an end purpose of trafficking.
- **Optional Protocol on the sale of children, child prostitution and child pornography (2000) to the UN Convention on the Rights of the Child (1989)**

¹⁸ This information can be found at the UNRIC-WE website at www.unric.org/en/human-trafficking/27447-organs-for-sale.

- This protocol states that the sale of children for the purpose of transferring their organs for profit should be a criminal offense.
- **World Health Organization (WHO)**
 - The Guiding Principles on Human Organ Transplantation (1991) of WHO state that the commercialization of human organs is 'a violation of human rights and human dignity'.
- **An Additional Protocol to the European Convention on Human Rights and Biomedicine Concerning Transplantation of Organs and Tissues of Human Origin (2002)**
 - This protocol prohibits organ and tissue trafficking, deriving a financial gain or comparative advantage from the human body and its parts and calls on States to provide appropriate sanctions for such trafficking.

Examples

According to UNRIC, there was a case in China where a group of 16 people including doctors were selling kidneys illegally. The kidneys were bought from young or poor people who received approximately 3,000 Euros for their organ, while the doctors sold it for 24,000 Euros. (UNRIC)

APPLICATION

The following example is a small excerpt from a newspaper article about the organ trafficking trade.

What category of organ trafficking do you think this may fall under?

"There is much activity on the website of Dialysis & Transplant City. Here, people with a special interest in transplantation meet. For example, someone with the signature "Lojackd" places the following advertisement: "I am a potential donor, contact me for arrangements." "Babybutterflyblue" is not selling, but rather looking for a kidney, and writes: "I have heard many people suggest looking for a kidney transplant overseas. Many suggested India or the Philippines. Does anyone have any information?" Other special offers can be found at www.liver4you.org, which promises kidneys at a price of between \$80,000 and \$110,000 — which includes both the operation and the fees of the surgeons, who are licensed in the U.S., Great Britain, or the Philippines."¹⁹

¹⁹ This excerpt was taken from <http://balticworlds.com/the-valuable-body-organ-trafficking-in-eastern-europe/>.

MODULE 5

SEX TRAFFICKING

OBJECTIVES

1. Define sex trafficking
2. Explain the characteristics of the most vulnerable persons to sex trafficking
3. Offer examples of sex trafficking around the world

INTRODUCTION

The 2013 *Trafficking in Persons Report* sees sex trafficking as one of the most severe forms of human

“(a) a situation where a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such an act has not attained 18 years of age; or (b) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.”

trafficking in persons. Sex trafficking is defined as:

CONTENT

Most Vulnerable Persons

In many cases, the majority of trafficking victims are women and girls, it is important to remember that both sexes are subject to sex trafficking and labor trafficking. Traffickers prey on the excluded populations. Many victims come from places and have backgrounds that make them reluctant to seek help from authorities. Also, traffickers prey on marginalized ethnic minorities, undocumented immigrants, indigenous people groups, the poor and persons with disabilities.²⁰

²⁰ A more extensive list can be found at the U.S. Department of State website found here www.state.gov/documents/organization/210737.pdf

An Example of Sex Trafficking

UNITED STATES - Mauri was only 16 years old when she was prostituted on the streets of Honolulu, Hawaii. For her, there was no escape; her pimp threatened to kill her family if she did not go out on the street night after night to make him money. If Mauri tried to use some of the money to buy food, she was severely beaten. Mauri finally escaped when she was picked up by law enforcement. She is now in a rehabilitation program and has reunited with her parents, but her road to recovery has been long and difficult. She suffers from terrible flashbacks and severe depression, and has even attempted suicide. Mauri says she was lucky to get out alive: "The longer you stay the less hope you have."

Our Responsibility

It's not enough to identify a victim simply by naming them as the complainant in a prosecution, but it must also include respecting their rights, providing them protection, and offering them access to services to recover from the trauma. The success of correct victim identification, as the primary step to end human trafficking, also depends on who the victim first encounters. This individual may be a police officer, immigration agent, labor inspector, or a citizen. Therefore, it is the responsibility of all individuals to be prepared when and if they come in contact with a trafficked victim. Victim identification is so important because when authorities or people in general misclassify or fail to identify victims, the victims most likely lose access to justice. Even worse, they can be unfairly subjected to additional harm, trauma, and even punishment such as arrest, detention, deportation, or prosecution.

Even though some challenges to victim identification can be attributed to the nature of the crime, its perpetrators, or its victims, governments and citizens alike have a responsibility to identify victims of this crime. In every region, governments that a decade ago insisted there was no trafficking in their jurisdiction are now aggressively identifying and assisting victims and convicting traffickers. These governments are adopting modern anti-trafficking structures and sustaining the political will to vigorously apply them.

APPLICATION

Case Study #1:

As you can see in the following example, Latulo was lucky to find law enforcement officials that were aware of his situation and ready to effectively help him instead of rushing to conclusions about his immigration status or ethnicity. Another important factor that is worth pointing out is the fact that Latulo is a young man who became victim to sex trafficking, a rare but often undiscussed and overlooked case.

“Latulo was desperate to find a job to pay for his university school tuition. While in town one day, Latulo met a man who said he needed people to work for him at a factory in Kenya. Hoping this job would help pay for his tuition, Latulo agreed to accompany the man to Kenya and met with him the very next day to travel. Other men and women also met them to travel to Kenya. Eventually they arrived at their final destination in Kenya at a huge house. The man, who had earlier been kind to them all, suddenly became rude and ordered them to give him their identification and phones. They were shown a video of a man who had been suffocated with a bag because he attempted to escape. They were all told that they would not be working at a factory, but rather would be working as sex slaves. Every room had a camera and they were recorded while they were forced to have sex with strangers. After a month and half of captivity, Latulo was allowed to accompany his captors into town. When they stopped to have lunch, he ran away. Law enforcement officials in Kenya opened an investigation and Latulo was able to return to Uganda and received medical attention.”

1. What would you have done if you encountered Latulo that day? Please explain your thoughts and the questions that would have been running through your mind in the moment he asked for your help.

MODULE 6

PREVENTION

OBJECTIVES

1. Define prevention measures against human trafficking
2. Identify prevention practices being used to combat human trafficking

INTRODUCTION

The international community continues to use the “4P” framework consisting of prevention, protection, prosecution, and partnership, to combat contemporary forms of slavery. According to the United States Agency for International Development (USAID), prevention is considered to be “education about trafficking for vulnerable populations, for employers whose business practices may facilitate or constitute trafficking, and for first responders in a position to identify and help rescue or support trafficking victims, such as social workers, health care professionals, police, and humanitarian aid staff.” Possible interventions include economic activities that create an environment, in which TIP cannot prosper and public awareness campaigns that warn millions of potential victims about the dangers of trafficking. Such interventions promote a greater awareness of trafficking in both the “formal and informal labor markets and an increased need for transparency and monitoring in product supply chains”.²¹

CONTENT

Prevention Practices

The prevention of human trafficking requires several types of interventions. According to the US State Department, national governments, and numerous international organizations, such interventions include low or moderate cost interventions that can have immediate impact (i.e. awareness campaigns) that allow high risk individuals make informed decisions (www.humantrafficking.org). Other interventions, like strong laws and law enforcement strategies are an effective deterrent, but are also very expensive.

In East Asia and the Pacific, a number of programs have begun to address the causes of trafficking in women using these two approaches. The National Commission on Women’s Affairs (NCWA) in Thailand is the first country in the region to pass laws that impose penalties on customers than on

²¹ This information can also be found at www.usaid.gov/sites/default/files/documents/2496/C-TIP_Field_Guide_Final_April%205%202013.pdf

sellers in commercial sex with underage partners (www.humantrafficking.org). The NCWA also is using national campaigns to try and change male sexual norms by showing messages of a child saying “my father does not visit prostitutes.” Other regional countries like China, Cambodia, and the Philippines combat human trafficking through these measures using the State Council (China), the Human Rights Commission (Cambodia), and GABRIELA, the National Alliance of Women’s Organizations in the Philippines.

Government Policies (TIP 2013, www.state.gov/documents/organization/10492.pdf)

By implementing zero-tolerance policies for government employees, uniformed service members, and contractors paying for sex, as well as, professional trainings can help raise awareness about the brutal nature of human trafficking. Moreover, by implementing these policies in procurement activities, governments can have an impact on a wide range of private-sector actors as well.

Beyond Government (TIP 2013, www.state.gov/documents/organization/10492.pdf)

In the cultural aspect, rejecting long-held notions such as “boys will be boys” and sending the clear message that buying sex is wrong requires partnerships throughout society among governments, faith and business communities. The business community can create codes of conduct that prohibit purchasing sex; while civil society leaders (i.e. teachers and ministers) must promote the belief that it is the responsibility of all to reduce the demand for commercial sex, especially for young men.

Economic Alternatives

According to the US State Department, the President is able to establish and carry out international initiatives to enhance economic opportunity for potential victims of trafficking as a method to deter trafficking. The following programs address the conditions that allow trafficking to flourish, such as lack of viable economic or educational opportunities, gender and ethnic discrimination, corruption, and weak governance and rules of law (USAID). “Such initiatives may include:

1. Microcredit lending programs, training in business development, skills training, and job counseling;
2. Programs to promote women’s participation in economic decision-making;
3. Programs to keep children, especially girls, in elementary and secondary schools, and to educate persons who have been victims of trafficking;
4. Development of educational curricula regarding the dangers of trafficking; and
5. Grants to nongovernmental organizations to accelerate and advance the political, economic, social, and educational roles and capacities of women in their countries.”²²

²² DOS. 2013. *Trafficking in Persons Report*, www.state.gov/documents/organization/10492.pdf

APPLICATION

I. What are prevention practices used to deter human trafficking?

Case Study #1: What are the prevention measures that should have been used to keep Chewazi safe and out of human trafficking?

“Chewazi was offered a better life in South Africa working for an organization that ran a Boy Scouts group. Excited about the job, he left Zimbabwe for South Africa. Instead of receiving the job he was promised, he was forced to work every day on a farm for a piece of bread and some water. For six months, Chewazi was transported between farms in Zambia and South Africa, enduring physical and other abuses, dreaming of the day he would escape. When Chewazi and a friend finally did escape, they made their way to Cape Town; a security guard on the street found them and helped them to safety. Through the Department of Social Development, they were taken to an NGO, which helped provide support and services to them both. Chewazi suffers from post-traumatic stress, but decided to stay in South Africa, hopeful that he will still find that better life that led him away from home.”

MODULE 7

PROTECTION

OBJECTIVES

1. Define protection in the context of human trafficking
2. Understand the concept of witness protection in the criminal justice system in human trafficking cases
3. Understand the necessity of victim protection in human trafficking cases
4. Recall the appropriate protection measures necessary for victims
5. Describe the role of every criminal justice administrator in ensuring the protection of victim-witness

INTRODUCTION

According to USAID, the protection of trafficked persons is the cornerstone of a victim-centered approach. The international definition and standards, including the Palermo Protocol, encourage States to provide care for victims of trafficking. These care measures include shelter, security, access to a broad range of services, and immigration relief in some cases. "Protection programs focus on the identification of trafficked persons and the development of national and regional referral mechanisms that ensure survivors are provided shelter, food, counseling, legal assistance, as well as repatriation or reintegration services."

The successful implementation of protection programs depends on first safely and sustainably identifying and assisting trafficking victims and providing services, such as shelter, security, health, counseling, legal and reintegration assistance to trafficking survivors. Survivors often struggle with cultural, reintegration, and safety issues and it is necessary for practitioners to be fully aware of the consequences of protection programs. For example, due to social stigmas, some survivors will be ostracized by members of their own community if they are identified as having been trafficked. If social isolation occurs instead of reintegration than a possible outcome is that they turn to recruiting other trafficking victims.

CONTENT

Identification

Each relevant industry should assess its mission to see where victims might be encountered, and adopt appropriate protocols and procedures designed to deal with such a situation. Below are a

few examples of who may be particularly well placed in society to identify victims of human trafficking.

Government officials who inspect or have access to establishments where trafficking may occur are uniquely positioned to identify victims: labor inspectors, port inspectors, factory inspectors, food industry inspectors, consular officers, agricultural inspectors, housing inspectors, tax authorities and postal workers.

Private sector employees who may encounter trafficking victims in the places in which they work – employees of hotels, restaurants, bars, beauty parlors, and grocery stores.

Law enforcement officers who are on the front lines of crime and are often those who have primary contact with trafficking victims – all police, immigration officers, and border guards.

Health care professionals who often encounter trafficking victims – emergency room personnel, health clinics, doctors, nurses, dentists, OB/GYNs, and practitioners at family planning clinics and HIV/AIDS clinics.

Transportation professionals who often encounter trafficking victims either being transported or otherwise exploited – truck, taxi, and bus drivers; train attendants; flight attendants; and employees at truck and rest stops.

Education officials who are uniquely positioned to identify children who are being exploited – principals, guidance counselors, teachers, and school nurses.

Community leaders including religious leaders; officials in organizations that work with immigrants, children, the homeless, refugees, and other vulnerable populations; social workers; and employees and volunteers in shelters for victims of domestic violence or sexual assault, runaway youth, or the homeless in particularly good opportunities for victim identification.

Identification of victims of trafficking is the first, and perhaps the most crucial, step to holistic, effective protection measures.

Identification of victims of trafficking is the first step to holistic and effective protection measures. USAID reflects on possible indicators of human trafficking could include the following, if the person(s):

- Was recruited for one purpose but is working in a different job;
- Was recruited to work in one country but is working in a different country;
- Is a minor who is employed but not attending school, particularly if the person exhibits signs of sexual, physical, or psychological abuse or neglect (for example, he or she has bruises/injuries, is malnourished, or appears ill);
- Is, or appears to have been, forced to perform sexual acts;
- Is a minor who is selling sex for money;
- Has been threatened with harm if they try to leave the work site or the town or country of the employment opportunity;
- Is not in possession of his or her identification or travel documents;

- Freedom of movement is, or appears to have been, restricted in any way;
- Appears anxious or fearful or exhibits other behaviors that may indicate that he or she has been abused sexually, physically, or psychologically;
- Exhibits signs of physical abuse, such as bruises, black eyes, or other physical injuries;
- Has been threatened with deportation, law enforcement action, or harm of any kind;
- Appears to have been drugged or deprived of food, water, sleep, medical care, or other life necessities;
- Appears to have been deprived of safe and sanitary living conditions;
- Wages are withheld by a third party, whether or not in order to pay down a debt;
- Is incurring a debt to his or her employer during the course of the employment relationship;
- Is unsure of the amount of wages he or she is being paid and uneducated about his or her rights of employment;
- Lacks freedom of speech;
- Appears to have been coached on what to say to visitors to the work site or to law enforcement, and;
- Is prohibited by his or her employer or other persons from freely contacting friends or family.

Innovative examples of effective victim identification approaches for governments include²³:

1. **Empowering front line responders, beyond just the police, to identify victims**

Trafficking victims are taught to actively avoid police because of fear of their traffickers, deportation, conviction, etc. Having this knowledge allows the development of creative approaches to identify victims through other social practitioners like social workers, religious institutions and other community leaders. An example of creative identification tactics occur in Belgium where the Belgian government coordinates with local hospitals to improve detection of potential trafficking victims seeking medical care.

2. **Recognizing that offenders can be victims**

Countries need to develop laws or policies that allow courts to forgive trafficking victims for unlawful acts they have committed during the course of their trafficking experience. In the United States, for example, some states have passed "safe harbor" statutes to ensure children are treated as victims and provided services rather than being prosecuted for prostitution, or enacted laws to allow victims to petition the court to vacate prostitution-related criminal convictions that result from human trafficking.

3. **Establishing regulations, agreements, or standard operating procedures with NGOs to identify victims**

An example of this strategy is portrayed in Taiwan where foreign workers are screened at detention centers for indicators of trafficking. If individuals are identified as potential

²³ The 2013 TIP Report: available at www.state.gov/document/organization/210737.pdf

trafficking victims, they are offered services in a shelter and a reflection period to come forward as a victim. If and when the victims express their trafficking experience and Taiwan authorities confirm they are entitled to remain at the shelter and receive comprehensive health services.

In Scotland, local law enforcement officials facilitate victim identification by taking trafficked children from cannabis farms to safe houses instead of into detention centers like is typical of many governmental and NGO programs

4. **Employing a taskforce model or multidisciplinary approach**

In order to identify victims that would normally slip through the cracks, governments can align with NGOs to improve collaboration and victim identification efforts.

The Netherlands government utilizes the “barrier-model” which views trafficking as a business model with different barriers to overcome, including entry, identification, housing, and work) and they attack trafficking at these stages. For example, local governments may detect trafficking through housing inspections or fire protection inspectors and may find irregularities that can trigger a future investigation into trafficking.

Victim Services²⁴

The Palermo Protocol specifically calls the nations to address protection of human rights of victims and to provide measures for the physical, psychological, and social recovery of victims of trafficking. To prevent such lapses, all efforts to identify victims must go well beyond laws guaranteeing certain mechanisms, rights, or status. Governments need to seek to implement proactive systematic identification strategies and community professionals also need to be well trained in identification and rescue strategies, as well as, productive planning for access to comprehensive services.

In general, for there to be effective strategies of support services the governments and community leaders must first gain the confidence of the victims. Laws and procedures that protect victims will encourage them to come forward and testify against traffickers and their organizations.

For example the South Korean Ministry of Justice has put in place various measures to protect trafficking victims, including shelters and self-support centers. The government has also enacted the NGO Assistance Law and has provided various kinds of assistance, including financial support for NGOs. It is also offering legal aid to trafficking victims. In 2001, the Government spent a total of 4.9 billion won (US\$4.0 million) on direct assistance to victims, shelters, counseling centers, and hot lines.

In the Philippines, the Department of Justice has created the Task Force on Protection of Women Against Exploitation and Abuse as well as the Task Force on Child Protection. These task forces are composed of prosecutors designated by the Secretary of Justice to address the case of abuse, exploitation, and discrimination committed against women and children.

²⁴ The information in this section is drawn from the www.humantraffickin.org website

In the United States of America, *The Trafficking Victims Protection Act of 2000*, enhances pre-existing criminal penalties in other related laws, affords new protections to trafficking victims and makes available certain benefits and services to victims of severe forms of trafficking. Under this law, one option that has become available to for some victims who assist in the prosecution of their trafficking is he “T-Visa” that allows the victim to remain in the United States of America.

APPLICATION

1. Identify at least 4 possible indicators of human trafficking.
2. Identify 3 potential occupations that employees may come in contact with victims of human trafficking.

MODULE 8

PROSECUTION

OBJECTIVES

1. Explain the importance of effective legal systems
2. Understand how the disconnection between identified TIP victims and prosecutions and convictions occur
3. Demonstrate knowledge on sustainable solutions

INTRODUCTION

The Prosecution piece of the anti-human trafficking movement may be the most important piece. Estimates from the DOS TIP Global Law Enforcement Data²⁵ shows that the number of trafficking prosecutions and convictions are significantly smaller than the number of identified victims and the estimated number of TIP victims. For example, the International Labour Organization (ILO) estimated as of 2012 that approximately 7 million people were trafficked, but only 7,909 traffickers were prosecuted in 2011, of which 3,969 led to convictions.²⁶ There are also reports that many human traffickers are associated with international criminal organizations and, hence, are highly difficult to prosecute. With such low prosecution and conviction rates society fails to deter the human trafficking and the reluctance among victims to come forth and participate in legal processes that may endanger their safety and produce zero benefit. Victims of human trafficking need to feel safe and secure when they agree to be witnesses in legal processes against their traffickers. This security does not happen without improvements in prosecution and conviction measures of all legal systems throughout the world. Below we discuss the disconnection that is occurring and sustainable solutions to these problems.

²⁵ The data can be found at www.state.gov/j/tip/rls/tiprpt/2013/210757.htm or in the 2013 TIP report.

²⁶ DOS. 2012. *Trafficking in Persons Report*. Washington, D.C. www.state.gov/j/tip/rls/tiprpt/2012/index.htm, 44.

CONTENT

Legal Systems

According to the UNODC's Anti-Human Trafficking Manual for Criminal Justice Practitioners²⁷, there are a few general principles that must apply to all trafficking cases, and they are:

- Victims of trafficking should be identified as victims of crime;
- They should not be treated as criminals;
- They should not be treated only as a source of evidence.

The UNODC document also states that, "failing to recognize a person as a potential victim of trafficking may not only violate that person's rights and cause harm but also hamper opportunities to deal with trafficking in persons offenders through interdiction, investigation and prosecution. The problems are compounded if such a person is treated as a criminal. Building trust is essential to gaining the cooperation of a victim. An arrest and detention will cause a serious setback or destroy any chance of building that trust.

Victims are obviously a very significant source of evidence but if their basic needs are not taken care of, they are a source that may quickly disappear. Thus treating a trafficked victim purely as a source of evidence is a short-term approach likely to fail."

The conditions of a trafficked victim present a unique range of challenges to investigators, prosecutors and the judiciary because the victimization process in trafficking could be complex, multifaceted and prolonged. Hence, at every stage of the criminal justice process, spanning from investigation to the trial, the following support for an identified victim of trafficking is necessary:

- Information and communication;
- Emotional support;
- Direct assistance.

The U.S. Department of State and the U.S. Department of Justice are the primary agencies that focus on anti-human trafficking cases and work to developed effective prosecution programs. The Trafficking Victims Protection Act of 2000, enhances pre-existing criminal penalties in other related laws, affords new protections to trafficking victims and makes available certain benefits and services to victims of severe forms of trafficking. Under this law, one option that has become available to for some victims who assist in the prosecution of their traffickers is the "T-Visa" that allows the victim to remain in the United States.

In the Philippines, the Center for International Crime Prevention and the United Nations Inter-regional Crime and Justice Research Institute (UNICRI) is cooperating with the government to extend technical assistance for capacity building an training among law enforcers, prosecutors, and service providers.

Some policies in place to combat human trafficking include:

²⁷ UNODC. 2008. Anti-human Trafficking Manual can be found at www.unodc.org/documents/human-trafficking/TIP_module11_Ebook.pdf

- USAID 2012 Counter-Trafficking in Persons Policy
- Victims of Trafficking and Violence Protection Act of 2000
- Palermo Protocol of 2000

Disconnection in Prosecution Measures

One of the largest issues that victims of human trafficking face in the criminal justice system is the complex laws that often let some victims and traffickers slip through the cracks. Many countries have trafficking laws that require proof of a person “buying or selling” a trafficking victim to convict the person of human trafficking. Other countries’ courts have read a “buying or selling” requirement into their interpretation of national trafficking laws. Such a practice, however, risks missing the large majority of trafficking victims in the world today because they are never bought or sold. These requirements often exceed the proof required under the definition of human trafficking in international law.

While the Palermo Protocol definition does include payment as one of the means to achieve control over a victim – specifically, “the giving or receiving of payments or benefits to achieve the consent of a person having control over another person” – the full definition in Article 3(a) is much broader. The recruitment, transport, receipt, or harboring of a victim for the purpose of exploitation through “the use of force or other forms of coercion,” for example, suffices to prove a case of trafficking in the absence of a proof of sale. The mistaken emphasis on transactions frequently results in acquittals in

trafficking cases where the defendants have allegedly coerced victims into forced labor or forced prostitution through threats, force, or abuse of power, but have not exchanged money with a third party. “Buying or selling” provisions in statutes inappropriately narrow the scope of human trafficking and reduce accountability for this serious crime.²⁸

One of the greatest issues victims face, is the complexity of the criminal justice system that often allows both victims and traffickers slip through the cracks.

Moving Forward

In order to combat the globalization of this criminal behavior, international policies and practices that encourage civil participation and cooperation with trafficking victims in the prosecution of traffickers have to be developed. Human trafficking laws must provide serious penalties against traffickers, including provisions for the confiscation of property and compensation for victims. At the same time, training is needed to ensure that an insensitive investigation and prosecution process does not further traumatize trafficking victims.

Technical cooperation among countries and international law enforcement agencies is essential for investigating the extent and forms of trafficking and documenting activities of international criminal organizations. Special training is needed to develop the skills of local law enforcement agencies in the area of investigation and prosecution.

Source, transit, and destination countries should provide support mechanisms for trafficking victims involved in judicial activities. These would include extended witness protection services and

²⁸ Palermo Protocol can be found at: www.osce.org/odihr/19223?download=true

opportunities to institute criminal and civil proceedings against traffickers. Destination countries should have a system of social support for victims and consider residency permission on humanitarian grounds for trafficking victims who cannot return home and/or cooperate with prosecutors.

It is also important that the police, prosecutors, and courts ensure that their efforts to punish traffickers are implemented within a system that is quick and respects and safeguards the rights of the victims to privacy, dignity, and safety.

According to the *Trafficking in Persons Report 2013*, effective practices of conducting interviews with victims of human trafficking for conviction and prosecution purposes are discussed below.

1. "Victims need to feel safe before they will discuss what happened to them, and most victims disclose more details of their experiences over time. Thus, it is important that victims be allowed time to recover from physical, sexual, and psychological injuries in a safe and comfortable place with access to support services. Neither detention with the threat of deportation nor being charged with a crime is conducive to a victim's disclosure of the trafficking experience."
2. "Interviews conducted in a safe, private, and comfortable place – not where the exploitation took place and not in the presence of other victims or suspected traffickers – are most effective. An interpreter should be provided, if needed, and victims should be given the opportunity to speak with a victim advocate as soon as possible.
3. "Interviewers should work to build the trust of the victim. This can be difficult if there is artificial time pressure, as traffickers use fear of authorities as a tactic to maintain control over their victims; victims of trafficking rarely view police as a source of assistance. The interviewer should dress in civilian clothes and make sure any guns or other weapons are hidden from view.
4. "At the beginning the interviewer should be up-front about who he or she is, what the victim should expect during the interview, what is expected of the victim, whether an interpreter will be used, and the likely duration of the interview. The interviewer should answer the victim's questions, and provide any other information needed to clarify how the interview will be conducted. The interviewer should ensure that the victim can rely on what the interviewer says.
5. Active listening techniques, such as being nonjudgmental and non-confrontational, showing empathy, giving the individual time to answer, and not interrupting are helpful.
6. "Interviewers should provide opportunities for victims to tell their story in their own words, pausing to give them time to formulate their answers, and using a sensitive and caring tone of voice.

APPLICATION

1. What types of support and assistance would you give to a victim of trafficking during the investigation phase?

MODULE 9

PARTNERSHIPS

OBJECTIVES

1. Critically understand and explain the effect of partnerships in combatting human trafficking
2. Explain current types of partnerships that help fight human trafficking

INTRODUCTION

For years, the system of combatting human trafficking only came with “3P’s”, but recently the addition of the fourth P, *partnerships*, has effectively supported the system. Partnerships, in regards to human trafficking, are successful efforts to combat TIP and often require effective and efficient coordination across a broad range of stakeholders. Partnerships and coordinating bodies need to focus on bringing together local, national, regional, and global networks, and representatives of civil society, government, the private sector, labor unions, media, universities and faith-based organizations. By increasing coordination, stakeholders are better able to fully leverage a wide range of counter-trafficking interventions.

The primary responsibility for CTIP, however, rests with governments. In the United States, the President’s Interagency Task Force to Monitor and Combat Trafficking in Persons brings together federal departments and agencies to ensure a whole-of-government effort that addresses all aspects of human trafficking. In the field, personnel are strongly encouraged to partner with relevant offices at the U.S. Embassy, but also host-government institutions and other donors that address this issue. Other national governments also incorporate departments to improve CTIP partnerships.

CONTENT

Announced by Secretary of State Hillary Rodham Clinton in 2009, the “fourth P” – partnership – serves as a pathway to progress in the effort against modern slavery. The paradigm is outlined in the United Nation’s (UN) trafficking in person’s protocol and the United States’ Trafficking Victims Protection Act (TVPA).

"In recent years we've pursued a comprehensive approach reflected by the three Ps: prosecution, protection, and prevention. Well, it's time to add a fourth: partnership. The criminal network that enslaves millions of people crosses borders and spans continents. So our response must do the same. So we're committed to building new partnerships with governments and NGOs around the world, because the repercussions of trafficking affect us all."

– Hillary Rodham Clinton, Former Secretary of State

Combating human trafficking requires the expertise, resources and efforts of many individuals and entities. It is a complex, multi-faceted issue requiring a comprehensive response of government and nongovernment entities in such areas as human rights, labor and employment, health and services, and law enforcement. It requires partnerships among all of these entities to have a positive impact.

In regards to the CTIP report, unfortunately, there is very little literature on how to successfully measure partner program impact, including information on how to successfully measure government to government programs. Many organizations and officials internationally have little experience working collaboratively with law enforcement to confront modern slavery.

Partnerships augment efforts by bringing together diverse experience, amplifying messages, and leveraging resources, thereby accomplishing more together than any one entity or sector would be able to alone. Examples of existing partnerships governments use to facilitate prevention, protection, and prosecution include:

- Task forces among law enforcement agencies that cooperate to share intelligence, work across jurisdictions, and coordinate across borders;
- Alliances between governments and business associations that seek to craft protocols and establish compliance mechanisms for slavery-free supply chains; and,
- Regional partnerships among nations, such as the anti-human trafficking efforts of the Organization of American States (OAS) or the European Union (EU).

If well-structured, such task forces can combine the resources of relevant agencies to help ensure that enforcement efforts are collaborative and comprehensive, accounting for a wide range of factors, whether planning for the conduct of a raid, screening of possible victims, or developing provisions to protect survivors after they have been taken out of harm's way.

Outside the government, partnerships include coalitions of nongovernmental organizations (NGOs) coming together for purposes of advocacy, service provision, information sharing, and networks of survivors, whose experiences inform the broader trafficking movement. NGOs and IOs are experts in victim protection and provide comprehensive trafficking victim assistance services. That's why partnerships between government entities involved in victim identification, especially law enforcement and immigration agencies, and IOs, NGOs, and civil society groups are so important.

While there is broad agreement on the purpose and benefits of a partnership approach to human trafficking, there is less agreement on and documentation of proven, successful strategies, something all should endeavor to create and share in the years ahead.

APPLICATION

1. Why are cross-sector partnerships so important to combatting human trafficking?
2. Identify three types of partnerships being used to combat human trafficking.

MODULE 10

REINTEGRATION

OBJECTIVES

1. Define reintegration
2. Explain the different levels of service utilized that prepare someone for reintegration
3. Examples of reintegration strategies

INTRODUCTION

There are many different factors that come into play when helping someone to reintegrate into society. Many times the victim may fear the unknown that comes with reintegration and, hence, may be hesitant to fully cooperate with the government or organization offering assistance. Victims of human trafficking face major problems being reintegrated into their home communities when they are freed from the situation into which they were trafficked. Social stigma and personal emotional scars must be overcome during the process of reintegration. Victimized women may have been treated by law authorities as criminals, either for prostitution or illegal migration, and, therefore face additional problems of employment or other forms of reintegration. Hence, assisting victims to resettle and start a new life is a daunting challenge for concerned governmental agencies and NGOs, but it is an essential part of the CTIP process.

CONTENT

Effective Reintegration Strategies

According to the international CTIP website²⁹, there are multiple layers of assistance for victims. The U.S. Department of Health and Human Services suggests there are four different areas of needs for effective reintegration include:³⁰

- Immediate assistance (housing, food, medical, safety and security, language interpretation and legal services);
- Mental health assistance (counseling);
- Income assistance (cash, living assistance); and,
- Legal status (T-visa, immigration, and certification).

²⁹ This information can be found at www.humantrafficking.org.

³⁰ This information can be found at www.acf.hhs.gov/programs/orr/resource/rescue-restore-campaign-tool-kits

The victim faces the practical financial consideration of providing for life's essentials. In many source countries, reintegration resources are not available in communities to assist the victim with work-related training or to provide financial support during the transition period. Poor economic conditions that contributed to the vulnerability of the victims to traffickers also prevent the provision of effective assistance for reintegration.

There are some positive examples of government agencies, international donors, and NGOs working together to establish programs that provide practical assistance and help returning victims reintegrate and become productive members of their communities.

- The South Korean Ministry of Justice has established programs for victims during reintegration that include shelters and self-support centers. The Government enacted the NGO Assistance Law that provides financial and other assistance to NGOs that assist trafficking victims. The Government also offers legal aid to trafficking victims. In 2001, the Government spent a total of 4.9 billion won (US\$4 million) on direct assistance to victims.
- The reintegration programs of the Government of the Philippines focus on facilitating the recovery of women and children from traumatic experiences and on their return to normal life. This assistance includes individual and group therapy sessions focusing on overcoming fear, shame, denial, guilt, and self-blame. These programs also provide information on options available to victims for work, continuing education, and vocational training in order to help address the economic aspects of reintegration. Several NGOs provide grants of financial and technical assistance for those interested in starting their own small businesses.
- The Government of Thailand, in collaboration with NGO partners, provides counseling and support services such as shelters, educational and vocational training, job placement, and financial assistance for women and children who have been victims of trafficking, especially those involved in prostitution.

The TVPA law protects victims by:

1. Enabling trafficking victims to obtain medical care, witness protection, other types of social service assistance
2. Enabling victims to obtain legal immigration status
3. Criminalizing trafficking
4. Permitting prosecution where victim's service compelled by confiscation of documents
5. Increasing prison terms for all slaver violations from 10 years to 20 years; adding life imprisonment for death, kidnapping or sexual abuse of victim

USAID offers some insights into effective reintegration strategies including integrating the CTIP program into current programming sectors. Mission operating units in USAID will both monitor and evaluate CTIP as a cross-cutting theme or as an integrated component of a project. An example of cross-cutting missions would be if Haiti were to integrate CTIP activities into a majority of community services. The Mission could then choose to monitor and evaluate the impact of the combined programs on the prevention and protection of survivors and at-risk populations. USAID's Mission in Senegal is incorporating CTIP into its education programming, and for example, may consider having CTIP be an integrated part of its evaluation of the education program.

APPLICATION

Case Study #1: “Sussan was only 10 when her father sold her to an Egyptian family to serve as a domestic worker. Despite her protests, Sussan accompanied the family back to Egypt. Once there, she was forced to work excessive hours, never received compensation, and her passport was confiscated. She was locked in the house where she was physically and emotionally abused daily. During her six years of enslavement, she was not allowed to speak to her family; when her relatives tried to reach her by phone, Sussan’s employer would hang up the phone. One day, she summoned the courage to escape. She was arrested shortly after her escape for immigration violations, but with the cooperation of an international NGO and Egyptian authorities, she was released from detention and recognized as a trafficking victim. While staying at a government shelter in Egypt, the international NGO arranged for Sussan’s return to her country in West Africa. Once there, UNICEF and the child protection police arranged for her to stay in a designated shelter for trafficking victims while her family was located. After three weeks, she was reunited with her family and given the chance to enroll in vocational training as part of her reintegration process. Sussan looks to brighter days now and hopes to open an Egyptian restaurant in her town.³¹

What essential reintegration programs helped Sussan during this difficult time?

³¹ DOS. 2013. *Trafficking in Persons Report*.

MODULE 11

SOUTHEAST ASIA AND THE PHILIPPINES

OBJECTIVES

1. Explain the Philippines location in the TIP proposal
2. Explain the major factors contributing to human trafficking in the Philippines
3. Explain the involvement of the Filipino government and community organizations in anti-human trafficking measures
4. Explain effective practices taking part in the country

INTRODUCTION

According to the U.S. State Department's 2013 TIP Report, "the Philippines is a source country and, to a much lesser extent, a destination and transit country for men, women, and children subjected to sex trafficking and forced labor. Many Filipina women are subjected to sex trafficking in other Asian countries and abroad, including Malaysia, Singapore, Republic of Korea, and China. Trafficking of men, women, and children within the country also remains a significant problem. People are also trafficked from rural areas to urban areas. Hundreds of victims are subjected to sex trafficking each day in well-known and highly visible business establishments that cater to Filipinos and foreign tourists' demand for commercial sex acts."

Children in conflict-afflicted areas are particularly vulnerable to trafficking. The Moro Islamic Liberation Front, a separatist group, and the New People's Army were identified by the UN as among the world's persistent perpetrators of violations against children in armed conflict, including unlawfully recruiting and using children. During the year, the UN reported on the Abu Sayyaf Group's continued targeting of children for conscription as both combatants and noncombatants.

Hundreds of victims are subject to sex trafficking each day in well-known and highly visible business establishments...

Individuals, mainly children, are completely exposed and vulnerable to human trafficking in times of natural disasters. The most recent natural disaster, Super Typhoon Haiyan, stirred up tremendous insecurity in the lives of Filipinos, especially young women and children, who fear an increase of recruitment for sex trafficking. Disaster situations, like Haiyan, make poor people particularly vulnerable to exploitations, prostitution, child labor, forced labor, debt bondage, and other forms of human trafficking. In a country where natural disasters are common, it is essential to remain aware of the heightened risk of human trafficking during these times.

CONTENT

Tier 2

The 2013 *Trafficking in Persons* Report discusses how tier rankings and narratives reflect an assessment of the following:

1. Enactment of laws prohibiting severe forms of trafficking in persons, as defined by the TVPA, and provision of criminal punishments for trafficking offenses;
2. Criminal penalties prescribed for human trafficking offenses with a maximum of at least four years' deprivation of liberty, or a more severe penalty;
3. Implementation of human trafficking laws through vigorous prosecution of the prevalent forms of trafficking in the country;
4. Proactive victim identification measures with systematic procedures to guide law enforcement and other government-supported front-line responders in the process of victim identification;
5. Government funding and partnerships with NGOs to provide victims with access to primary health care, counseling, and shelter, allowing them to recount their trafficking experiences to trained social counselors and law enforcement in an environment of minimal pressure;
6. Victim protection efforts that include access to services and shelter without detention and with legal alternatives to removal to countries in which victims would face retribution or hardship;
7. The extent to which a government ensures victims are provided with legal and other assistance and that, consistent with domestic law, proceedings are not prejudicial to victims' rights, dignity, or psychological well-being;
8. The extent to which a government ensures the safe, humane, and to the extent possible, voluntary repatriation and reintegration of victims; and
9. Governmental measures to prevent human trafficking, including efforts to curb practices identified as contributing factors to human trafficking, such as employers' confiscation of foreign workers' passports and allowing labor recruiters to charge prospective migrants recruitment or placement fees.

Tier rankings and narratives are NOT affected by the following:

1. Efforts, however laudable, under taken exclusively by non-governmental actors in the country;
2. General public awareness events—government sponsored or otherwise—lacking concrete ties to the prosecution of traffickers, protection of victims, or prevention of trafficking; and
3. Broad-based law enforcement or developmental initiatives.

The following is a description of the tier levels for effective combat of human trafficking:

- Tier I

- Countries whose governments fully comply with the TVPA's minimum standards for the elimination of trafficking.
- Tier 2
 - Countries whose governments do not fully comply with the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.
- Tier 2 Watch List
 - Countries where governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to bring themselves into compliance with those standards, and
 - the *absolute number* of victims of severe forms of trafficking is very significant or is significantly increasing;
 - there is a failure to provide evidence of *increasing efforts* to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
 - the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take *additional steps over the next year*.
- Tier 3
 - Countries whose governments do not fully comply with the TVPA's minimum standards and are not making significant efforts to do so.

Finally, the TVPA lists additional factors to determine whether a country should be on Tier 2 (or Tier 2 Watch List) versus Tier 3:

- First, the extent to which the country is a country of origin, transit, or destination for severe forms of trafficking;
- Second, the extent to which the country's government does not comply with the TVPA's minimum standards and, in particular, the extent to which officials or government employees have been complicit in severe forms of trafficking.
- Third, reasonable measures required to bring the government into compliance with the minimum standards in light of the government's resources and capabilities to address and eliminate severe forms of trafficking in persons.

Causes of Human Trafficking in the Philippines

There are a number of high-risk factors in the Philippines that can contribute to human trafficking. These include³²:

³² This information can be found at www.humantrafficking.org.

- Conflict between MILF and the Armed Forces of the Philippines (AFP) left between 128,000 and 160,000 vulnerable individuals displaced in 2010,
- Poverty, population growth, and dependency burdens have lead some parents to see child labor as a means to cope with meager family incomes.
- Pervasive and persistent poverty, especially in rural areas, high unemployment and underemployment and constraints to small and medium enterprises growth are a few of the challenges facing the Filipino labor force that have led many to migrate for work.
- Presence of a large informal economy, estimated to be between 40-80% of Filipino workers, who are for the most part not registered or recorded in official statistics and are beyond the reach of social protection and labor legislation.
- An estimated 900,000 undocumented Filipinos, mostly based in Mindanao, whose lack of official documentation contributes to the population's vulnerability to trafficking.
- An established organized crime network that plays upon the above factors and fraudulently recruits persons for jobs that are in reality forced labor situations.
- Persistent law enforcement officials' complicity in human trafficking and corruption at all levels of government that enables traffickers to prosper.

The Philippine Government

The Philippine government sustained its levels of funding for the Inter- Agency Council against Trafficking (IACAT) at the equivalent of approximately \$1.2 million in 2012 and continues efforts to implement anti-trafficking laws and policies at the national, regional, and provincial levels. It undertook notable efforts to prevent the trafficking of overseas workers and to protect Filipino victims exploited abroad, and increased many of its financial and human resource allocations to combat trafficking.³³

The Philippine government criminally prohibits both sex and labor trafficking through its 2003 Anti-Trafficking in Persons Act, which prescribes penalties up to life in prison. The law allows private prosecutors, including NGOs, to file lawsuits against traffickers. During 2010, the Philippine Department of Justice and Supreme Court issued directives to expedite the disposition of backlogged trafficking cases and convicted 25 trafficking offenders.

In the case of child labor, the Department of Labor and Employment (DOLE) issued new regulations in 2009 that facilitate the immediate closure of establishments suspected of using

Persistent law enforcement officials' complicity in human trafficking and corruption at all levels of government enables traffickers to prosper.

children for commercial sex acts, with court hearings to determine the validity of the complaint to be held at a later time. Between 2009 and 2010 DOLE ordered the closure of 22 establishments for allegedly prostituting minors. Trials in these cases are ongoing.

Additionally, authorities made notable efforts in 2010 to address trafficking-related corruption, and several criminal cases against Philippine officials were initiated and remain ongoing. The government enacted numerous measures and policies aimed at improving

³³ DOS. 2013 *Trafficking in Persons Report*. www.state.gov/documents/organization/210741.pdf

institutional responses, including 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.

However, there remains a substantial backlog in trafficking cases pending in Philippine courts; a 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.

While the Philippine government has progressed a lot in combatting human trafficking, they have not made significant progress in addressing the underlying weaknesses in its judicial system, which stymied efforts to hold trafficking offenders accountable, and the overall number of prosecutions and convictions remained disproportionately low for the size of the problem. It enacted amendments to its anti-trafficking legislation that could facilitate prosecution of a wider range of cases, but the excessive length of trials and lack of public prosecutors dedicated to trafficking cases continue to limit progress. The government identified and provided protections to trafficking victims but did not make significant efforts to increase the availability of specialized services. Rampant corruption at all levels enabled traffickers and undermined efforts to combat trafficking.

Philippine Community Organizations

In the U.S. Department of State's 2013 *Trafficking in Persons Report*, anti-human trafficking heroes are celebrated. Susan "Toots" Ople is one of those heroes and is founder and president of The Blas F. Ople Policy Center and Training Institute, a Philippine non-profit organization dedicated to helping distressed Overseas Filipino Workers (OFWs) with labor and migration issues. The Ople

The Philippine government enacted numerous measures and policies aimed at improving institutional responses in 2013.

Center provides free legal assistance to survivors of human trafficking, as well as other free reintegration services. It represents the OFW sector on the Inter-Agency Council Against Trafficking (IACAT), a successful multi-agency government body that, with the help of the private sector, civil society, and international partners, combats all forms of human trafficking. With an estimated 10 million Filipinos working abroad, the Ople Center has been a leader in calling for an increased focus on combating labor trafficking. Ms. Ople works tirelessly to reintegrate trafficking victims into Philippine society, believing that skills training combined with good job placement will empower these workers to secure safer employment. Through her leadership, the Ople Center has entered into partnerships with hotels, private sector companies, and legislative offices to secure jobs and training for trafficking survivors.

The 3 P's in the Philippines

Prevention

The government continued its robust efforts to prevent human trafficking during the reporting period; numerous government agencies conducted seminars and training sessions for government

officials and community members, and the government provided funding to two NGOs to implement additional awareness campaigns. The Philippine Overseas Employment Agency (POEA) conducted 862 pre-employment orientation seminars for over 150,000 prospective and outbound Filipino overseas workers, and the Commission on Filipinos Overseas (CFO) held targeted counseling programs for groups considered at-risk, including Filipinos seeking overseas marriages or those migrating to Europe to work as *au pairs*.

The IACAT conducted a two-day anti-trafficking awareness seminar for media professionals in a region known to be a center of trafficking, and the CFO partnered with a private radio and television broadcasting association to develop a short public service announcement that aired on numerous stations between April and June 2012.

In January 2013, the government enacted the Domestic Workers Act, which provides specific protections to domestic workers including mandatory daily and weekly rest periods and the

Protection: A key aspect of the victim-centered approach that includes efforts such as rescuing tactics, rehabilitation programs, and reintegration support.

prohibition of recruitment fees charged to workers by a private agency or third party. The DFA provided anti-trafficking training to new overseas diplomats hired during the year, and the DOLE maintained 42 labor attaches in 36 diplomatic missions to assist overseas workers. The CFO, in cooperation with the IACAT, launched a series of international toll-free help lines in 16 countries that forward calls to the Philippines' national help line.

In February 2013, the help line in the Philippines implemented free text messaging capabilities, though this is not yet available for all mobile phone users. Despite significant local demand in the country's thriving commercial sex trade, the government's efforts to reduce the demand for commercial sex acts in the Philippines were negligible.

Protection

The government sustained its efforts to identify and protect trafficking victims during the year, but overall there were inadequate resources available to serve the large number of victims in the country. In 2012, the government allocated equivalent of approximately \$615,000 to the Department of Social Welfare and Development (DSWD) to fund the Recovery and Reintegration Program for Trafficked Persons. The government reported the majority of the 2,569 victims assisted by DSWD received skills training, shelter, medical services, and legal assistance under this program; an unknown number of these also received financial assistance to seek employment or start their own businesses. The DSWD operated 42 temporary shelters for victims of all types of abuse, and IACAT referred 135 trafficking victims to DSWD for support through its residential and community-based services

Prevention: Efforts used (typically public awareness campaigns) that inform and educate communities in source and destination countries about human trafficking so that they can identify victims or specifically warn migrants and other vulnerable populations.

Specialized services for male victims were inadequate; this led to male victims, including children, being released from protective care prematurely and negatively affected their rehabilitation and

reintegration. The government established a center for male victims, but at the close of the reporting year it was not yet fully operational. The lack of services was particularly detrimental to male victims of sex trafficking, a growing population in the Philippines.

The government followed formal procedures to identify and assist victims and refer them to government or NGO facilities for short- and long-term care. Numerous government agencies employed proactive identification measures; victims were identified through rescue operations, screening at departure points, embassies abroad, and calls to the national anti-trafficking help line. Many police units had specialized facilities for processing women and child victims.

During the year, the IACAT launched its Operations Center Witness Location Program, which located 25 witnesses and victims willing to testify in cases, and assisted 88 witnesses attending hearings; DOJ increased the number of victims assisted by its witness protection program from 18 to 60, but the majority of victims did not have access to this form of protection. The DSWD continued to hold trainings on victim identification and protection throughout the year.

Prosecution

Since the last TIP report, the Philippine government has continued to prosecute sex and labor trafficking offenders and to impose stringent sentences on convicted offenders, but it convicted fewer offenders than it did during the previous year. In February 2013, the government enacted an amendment to its 2003 law that defined additional acts as constituting trafficking in persons and included provisions for the prosecution of attempted trafficking; the new law also provides for extraterritorial jurisdiction of trafficking crimes committed by Filipino citizens or legal residents or against Filipino citizens abroad.

Prosecution: Legal measures taken to convict human trafficking offenders

During the reporting period, 227 cases were filed with the DOJ for potential prosecution, but it is unknown how many cases were prosecuted. The government convicted 24 trafficking offenders, a decrease from the 29 traffickers convicted during the previous year; three convictions were for labor trafficking, a slight increase from the two labor trafficking convictions obtained during the previous year. An international NGO assisted the government with seven of the 19 cases that resulted in convictions. Sentences for those convicted ranged from 17 years to life imprisonment, with the majority of offenders sentenced to life imprisonment. Observers reported that constant collaboration between law enforcement officers and prosecutors led to more organized investigations during the reporting period.

The government continued strong efforts to provide anti-trafficking training to government officials: IACAT independently conducted 90 training sessions for government and NGO stakeholders and 14 in cooperation with other partners, police trained 1,616 officers working on women and children's desks, and NGOs and foreign donors provided additional training to law enforcement officers. Nonetheless, NGOs continue to report a lack of understanding of trafficking and the country's anti-trafficking legal framework among many judges, prosecutors, social service workers, and law enforcement officials; low awareness and high rates of turnover among officials continue to pose a significant impediment to successful prosecutions.

Law enforcement officials' complicity in human trafficking remained a problem in the Philippines, and corruption at all levels of government enables traffickers to prosper. Officials in government units and agencies assigned to enforce laws against human trafficking reportedly permitted trafficking offenders to conduct illegal activities, allowed traffickers to escape during raids, extorted bribes,

facilitated illegal departures for overseas workers, and accepted payments or sexual services from establishments known to traffic women and children.

Effective Strategies for Change

The U.S. Department of State suggests specific recommendations to all relevant countries and for the Philippines to improve their efforts they must:

1. Increase efforts to investigate, prosecute, and convict an increased number of both labor and sex trafficking offenders implicated in the trafficking of Filipinos within the country and abroad;
2. Address the significant backlog of trafficking cases by developing mechanisms to track and monitor the status of cases filed with the Department of Justice (DOJ) and those under trial in the courts;
3. 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;
4. Ensure the government's armed forces or paramilitary groups supported by the government do not recruit or use children;
5. Continue to strengthen anti-trafficking training for police recruits, front-line officers, and police investigators; increase the number of government officials whose duties are dedicated solely to anti-trafficking activities;
6. Continue and improve collaboration between victim service organizations and law enforcement authorities with regard to law enforcement operations;
7. 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;
8. Examine "offloading" policies to ensure this practice does not interfere with individuals' freedom of movement;
9. Increase victim shelter resources and expand the government shelter system to assist a greater number of trafficking victims, including male victims of sex and labor trafficking;
10. Increase funding for the DOJ's witness protection program and facilitate the 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; and
11. Develop and implement programs aimed at reducing the demand for commercial sex acts, including child sex tourism.

APPLICATION

1. Gather in groups of 8-10 people within your particular field, sector, organization, or context and discuss possible solutions to A-HT in the Philippines and Southeast Asia.
2. Develop 3 steps you can take individually after leaving this conference. What can you do to make a difference in human trafficking that will positively impact the Philippines?

*Case Study #1: "Dalisy signed a contract with an employment agency in the Philippines to work as a housemaid in Qatar for \$400 a month, plus room and board. But when she arrived, her employer said he would pay her only \$250 a month. She knew her family back in the Philippines depended on her earnings and felt she had no choice but to stay to help her family. She quickly realized that her low pay was not the only unexpected condition of her work situation. She was fed one meal a day, leftovers from the family's lunch: "If no leftovers, I didn't eat." She worked seven days a week. When she was finished working in her employers' house, she was forced to clean his mother-in-law's house, and then his sister's without any additional pay. After eight months, Dalisy tried to leave but her boss just laughed and said "You can't quit." As a domestic worker not covered under the labor law, Dalisy was subject only to the restrictive *kafala*, or sponsorship system, meaning that she could not resign without her employer's permission, change jobs, leave the country, get a driver's license, or open a checking account without the permission of her employer. She also learned that her employer could withdraw sponsorship at any time and send her back home, so she fled and joined 56 other women who sought shelter at the Philippines Overseas Labor Office." – TVPA Report*

MODULE 12

CALL TO ACTION

OBJECTIVES

1. Effectively identify and share your individual solution to human trafficking

INTRODUCTION

There is a great need that must be filled to effectively combat human trafficking, and each one of us has an important task to do. There is a need for further innovation because so much of human trafficking remains hidden in the shadows. In the years ahead, governments and their partners should therefore keep doing what works, but also dedicate themselves to developing and supporting new approaches and practices that will help shine a brighter light on this phenomenon. Part of the government's responsibility in effectively identifying victims—in carrying out all aspects of the fight against modern slavery—is to learn as much as possible about modern slavery and to fill in the vast gaps in knowledge and research about this crime. Those next steps require dedicated leadership and political will at all levels of government—the commitment to move forward with this struggle. With such leadership, the movement to eradicate modern slavery will only continue to gain momentum.

CONTENT

Common Misperceptions on Human Trafficking

In order for there to be sustainable change the common misperceptions about human trafficking must be silenced. These common misperceptions include:

1. **“Trafficking doesn't happen here.”** Approaching human trafficking as a crime that occurs only in far off places ignores situations of forced labor or sex trafficking that may be happening closer to home. Human trafficking is not a problem that involves only foreigners or migrants, but one faced in nearly every corner of the world involving citizens who may be exploited without ever leaving their hometown.
2. **“She's a criminal.”** Many victims of trafficking first come to the attention of authorities due to an arrest for immigration violations, prostitution, or petty theft. Screening vulnerable populations—even if first encountered as potential defendants—for signs of force, fraud, or coercion used against them is imperative to identify human trafficking properly, to ensure

- that victims are not punished for acts committed as a result of being subjected to trafficking, and to effectively prevent victims from being returned to an exploitive situation.
3. **“It’s cultural.”** Holding a person in servitude is not a cultural practice; it is a crime. Some victims are subjected to trafficking by members of their own family or ethnic group. Misperceptions that this is a shared value among an ethnic group ignore the methods of force and coercion used by individual traffickers, and can create a zone of impunity in an ethnic community, with the result that victims in that group will never see their abusers brought to justice. These prejudices fail to reduce victims’ vulnerability to exploitation and often obscure the true demographics of who is subjected to certain types of trafficking.
 4. **“He agreed to do this.”** Whether or not a person agreed to a certain type of employment, to migrate for a better job, or to work off a debt is irrelevant once that person’s free will has been compromised. A person who faces threats or harm should they choose to change their employment is in a situation of servitude. Often, traffickers use the initial consent of victims to stigmatize them for their choice, telling victims they will be deported, arrested, or ostracized if they seek help.
 5. **“She’s free to come and go.”** Popular images of human trafficking include dramatic kidnappings and people held under lock and key. More common, but less visible, methods of control include psychological coercion, debt bondage, withholding of documents and wages, and threats of harm.
 6. **“He didn’t complain.”** The duty to identify human trafficking must not be left solely to those in servitude. A victim has valid reasons for not accusing his exploiters of trafficking. He may fear physical or financial harm, shame, or repercussions for his family. He may assess that the assistance he could access from coming forward does not offer the needed protection to merit taking this risk. He may be unaware of his rights, or lack trust in authorities to enforce those rights.
 7. **“Trafficking doesn’t happen where prostitution is legal.”** The occurrence of trafficking does not depend on the legality of prostitution; it exists whether prostitution is legal, illegal, or decriminalized. It is the obligation of every government, regardless of the legal status of prostitution, to look closely for victims of trafficking and to ensure their protection.
 8. **“There’s nothing I can do about it.”** Everyone can learn the signs of human trafficking and take action to alert authorities of possible crimes as appropriate. Citizens can learn about organizations that assist victims of trafficking in their hometowns and how to safely refer potential victims for help. They can spread awareness of, and dispel common misperceptions about, human trafficking.

APPLICATION

1. What concrete steps will you take to combat human trafficking in your neighborhood, state, or country? Create a short flow chart or concrete steps you will take that will help you reach your goal.

APPENDIX I

ADDITIONAL RESOURCES

1. www.humantrafficking.org/content/combat_trafficking
2. The 2013 Trafficking in Persons Report, Country: Philippines,
www.state.gov/documents/organization/210737.pdf
www.state.gov/documents/organization/210741.pdf
3. Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime,
www.uncjin.org/Documents/Conventions/dcatoc/final_documents_2/convention_%20traff_eng.pdf
4. Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography,
www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf
5. Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour,
www.ilo.org/public/english/standards/relm/ilc/ilc87/com-chic.htm
6. IOM 2011 Case Data on Human Trafficking: Global Figures & Trends,
www.humantrafficking.org/uploads/publications/IOM-Global-Trafficking-Data-on-Assisted-Cases-2012.pdf
7. Counter-Trafficking in Persons Policy, USAID,
www.humantrafficking.org/uploads/publications/USAID_C-TIP_Policy.pdf
8. United Nations Convention Against Transnational Organized Crime and the Protocols Thereto,
www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf

Readings:

United Nations Office on Drugs and Crime., & Global Programme Against Trafficking in Human Beings. (2006). *Toolkit to combat trafficking in persons*. New York: United Nations.

United Nations Office on Drugs and Crime. (2002). *United Nations Convention against Transnational Organized Crime and the protocols thereto*. New York: United Nations.

United Nations. (2000). Protocol to prevent, suppress and punish trafficking in persons, especially women and children, supplementing the United Nations convention against transnational organized crime. Palermo Protocol.

European Union, (2005). Council of Europe Convention on Action against Trafficking in Human Beings.

Office To Monitor and Combat Trafficking in Persons (US Department of State). Trafficking in Persons Report 2012. Introductory Material | Relevant International Conventions/Closing Material | Country Narratives: Philippines.

Selected participants will receive a Reading Training Manual with excerpts from these readings and reports and additional information on human trafficking in Southeast Asia.

Background Readings and Videos:

Kara, S. (2009). *Sex trafficking: Inside the business of modern slavery*. New York: Columbia University Press.

Batstone, D. B. (2007). *Not for sale: The return of the global slave trade-- and how we can fight it*. New York: HarperSanFrancisco.

Bales, K. (2007). *Ending slavery: How we free today's slaves*. Berkeley: University of California Press.

Bales, K. (1999). *Disposable people: New slavery in the global economy*. Berkeley, Calif: University of California Press.

Skinner, E. B. (2008). *A crime so monstrous: Face-to-face with modern-day slavery*. New York: Free Press.

Born into Brothels (2004) Documentary

Human Trafficking (2005) Movie

Trade (2009) Movie

APPENDIX 2

PHILIPPINES GOVERNMENT LAW ON ANTI-HUMAN TRAFFICKING

Special Protection of Children Against Abuse, Exploitation and Discrimination Act (Republic Act No. 7610)

An Act Prohibiting The Employment of Children Below 15 Years of Age in Public and Private Undertakings, Amending for this Purpose Section 12, Article VIII of R.A. 7610 (Republic Act No. 7658)

Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act No. 8042)

Philippine Passport Act of 1996 (Republic Act No. 8239)

The Inter-Country Adoption Law (Republic Act No. 8043) - Amended Implementing Rules and Regulations on the Inter-Country Adoption

Anti-Trafficking in Persons Act of 2003 (Republic Act No. 9208)

Mail-Order Bride Law (Republic Act No. 6955)

(Source: retrieved 2001, from Protection Project Web site: <http://www.protectionproject.org/>) "AN ACT TO DECLARE UNLAWFUL THE PRACTICE OF MATCHING FILIPINO WOMEN FOR MARRIAGE TO FOREIGN NATIONALS ON A MAIL-ORDER BASIS AND OTHER SIMILAR PRACTICES, INCLUDING THE ADVERTISEMENT, PUBLICATION, PRINTING OR DISTRIBUTION OF BROCHURES, FLIERS AND OTHER PROPAGANDA MATERIALS IN FURTHERANCE THEREOF AND PROVIDING PENALTY THEREFOR" APPROVED: June 13, 1990 Bans marriage matching for a fee as well as exportation of domestic workers to certain countries which cannot ensure the protection of their rights.

Death Penalty for Heinous Crimes (Republic Act No. 7659)

(Source: retrieved 2001, from Protection Project Web site: <http://www.protectionproject.org/>)"AN ACT TO IMPOSE THE DEATH PENALTY ON CERTAIN HEINOUS CRIMES, AMENDING FOR THE PURPOSE THE REVISED PENAL CODE, AS AMENDED, OTHER SPECIAL LAWS, AND FOR OTHER PURPOSES".

Anti-Rape Law of 1997 (Republic Act No. 8353)

(Source: retrieved 2001, from Protection Project Web site: <http://www.protectionproject.org/>)"AN ACT EXPANDING THE DEFINITION OF THE CRIME OF RAPE RECLASSIFYING THE SAME AS A CRIME AGAINST PERSONS, AMENDING FOR THE PURPOSE ACT NO.

Rape Victim Assistance Law (Republic Act No. 8505)

(Source: retrieved 2001, from Protection Project Web site: <http://www.protectionproject.org/>) "AN ACT PROVIDING ASSISTANCE AND PROTECTION FOR RAPE VICTIMS ESTABLISHING FOR THE PURPOSE A RAPE CRISIS CENTER IN EVERY PROVINCE AND CITY, AUTHORIZING THE APPROPRIATION OF FUNDS THEREFOR, AND FOR OTHER PURPOSES ALSO KNOWN AS: Rape Victim Assistance and Protection Act of 1998-03-24 DATE APPROVED: February 13, 1998.

APPENDIX 3

PHILIPPINES GOVERNMENT AGENCIES ENGAGED IN ANTI-HUMAN TRAFFICKING

Bureau of Immigration: The Bureau of Immigration serves on the Inter-Agency Council Against Trafficking, as mandated by the Anti-Trafficking in Persons Act of 2003..

Commission on Filipinos Overseas (CFO): The Commission on Filipinos Overseas is an agency under the Department of Foreign Affairs and is mandated to promote the interest and well-being of Filipinos overseas, particularly those of Filipino permanent residents abroad including those in intermarriages.

Department of Foreign Affairs: Office of the Legal Assistant for Migrant Workers Affairs (OLAMWA). OLAMWA works in coordination with various sectors - elected officials, other government agencies, OFWs and their families, mass media, private organizations, international organizations, NGOs and religious group - to deliver timely assistance to Filipino nationals.

Department of Justice (DOJ): The Department of Justice is the Chair of the Inter-Agency Council Against Trafficking (IACAT).

Department of Labor and Employment: Bureau of Women and Young Workers (BWYW): The Bureau of Women and Young Workers (BWYW), under the Department of Labor and Employment, protects every child employed in the movie, television, radio and entertainment industries against exploitation, improper influences, hazards and other conditions or circumstances prejudicial to his/her physical, mental, emotional, social and moral development.

Department of the Interior and Local Government (DILG): Amongst other responsibilities, the Department of the Interior and Local Government (DILG) is responsible for enforcing laws and regulations; preventing, suppressing and solving crimes; and assisting in the successful prosecution of criminal cases.

Department of Tourism: The Department of Tourism (DoT) has advocacy programs that are designed to provide information to tourists for an enjoyable but safe trip to the Philippines.

National Commission on the Role of Filipino Women (NCRFW): The NCRFW acts as the coordinating office on issues of trafficking.

Office of the President: Council for the Welfare of Children: The Council for the Welfare of Children (CWC) is the primary Philippine government agency mandated, among others, to coordinate programs and interventions among government and non-government institutions that have a stake in the welfare and development of Filipino children.

Overseas Workers Welfare Administration (OWWA): The OWWA is a government agency attached to the Department of Labor and Employment.

Philippine Center on Transnational Crime (PCTC): The PCTF is under the Office of the President, but falls under the supervision of the National Police Commission.

Philippine National Police: The Philippine National Police (PNP) serves on the Inter-Agency Council Against Trafficking, as mandated by the Anti-Trafficking in Persons Act of 2003. The Act states that the PNP shall be the primary law enforcement agency to undertake surveillance, investigation and arrest of individuals or persons suspected to be engaged in trafficking.

Philippine Overseas Employment Administration (POEA): The Philippine Overseas Employment Administration (POEA), as a member of the Inter-Agency Council Against Trafficking, undertakes to provide education, information dissemination campaigns and free legal assistance to victims of trafficking in persons in the guise of overseas employment.

Government of Philippines' Action Plan for Combating Human Trafficking: The Philippines Government has acknowledged the problem of trafficking in women and children and has carried out activities through the collective efforts of various national and local government units, in collaboration with non-governmental organizations, the private sector, and international donors. The Catholic Church, through its international networks and various migrant-focus organizations, provides counseling, referrals and crisis care for Filipinos abroad.

Inter-Agency Council Against Trafficking: The Inter-Agency Council Against Trafficking (IACaT), together with other relevant government agencies, is mandated to implement RA 9208 (Anti-Trafficking in Persons Act of 2003). The IACaT is composed of the following:

Department of Justice (DOJ) as Chair

Department of Social Welfare and Development (DSWD) as Co-Chair

Department of Foreign Affairs (DFA)

Philippine Overseas Employment Administration (POEA)

Bureau of Immigration (BI)

Philippine National Police (PNP)

National Commission on the Role of Filipino Women (NCFRW)

Three representatives from NGOs composed of one representative each from women, children and OFW sectors, shall be part of the IACAT. The representatives are nominated by the government members of the IACAT and appointed by the President for a term of three years. The NGOs shall assist the government in preventing trafficking activities, protecting and re-integrating trafficking victims and prosecuting traffickers. |

Multi-Sectoral Alliance Against Trafficking in Persons: In November 2003, Twenty-four sectoral partners from the government, law enforcement agencies, religious and business groups, non-governmental organizations, and the transport sector have formed the Multi-Sectoral Alliance Against Trafficking in Persons, the country's first nationwide alliance and network against the illegal and criminal industry. The Department of Labor and Employment (DOLE) was at the launching of the this Alliance, and the Visayan Forum Foundation, Inc along with the ILO convened the meeting. The Alliance is mandated by RA 9208 Anti-Trafficking in Persons Act enacted in May 2003.

The Alliance's goals outlined in a memorandum of understanding formalizing the multi-sectoral alliance are as follows:

Provide effective, sensitive and systematic direct services in cases of trafficking

Expand and maximize the involvement of various sectors against trafficking

Build the capacities of partner agencies from civil society and government in the implementation and monitoring of the anti-trafficking law

Address the root causes of trafficking in persons and work towards the development of long term solutions.

APPENDIX 4

PHILIPPINES AND INTERNATIONAL NGOS

Asia ACTs Against Child Trafficking: Asia Against Child Trafficking (Asia ACTs), based in the Philippines, is the regional campaign to fight child trafficking in Southeast Asia. Asia ACTs is part of the International Campaign against Child Trafficking (ICaCT) coordinated by Terre des Hommes (TDH)-Germany and the International Federation of Terre des Hommes.

Center for Overseas Workers: The Center for Overseas Workers conducts pre-employment information campaigns on the issues of migrant and women's exploitation and provides counseling, referrals and assistance in filing complaints with the Philippine Overseas Employment Administration.

Childhope Asia / Philippines: CHILDDHOPE is a Philippine NGO, which is non-profit, non-political, non-sectarian organization whose principal purpose is to advocate for the cause of street children throughout the world.

Coalition Against Trafficking in Women- Asia Pacific (CATW-AP): In April 1993, the "Conference on Women Empowering Women: A Human Rights Conference on Trafficking in Asian Women" held in Manila, Philippines gave birth to the CATW - Asia Pacific.

Commission on Human Rights (CHR): CHR undertakes two main programs—human rights protection and human rights promotion—through a nationwide network of 14 regional offices and six sub-regional offices.

ECPAT: ECPAT Cebu is an ECPAT Philippines regional office, known as ECPAT Cebu, was set up in the Visayas in response to sex tourism in Cebu and the neighbouring islands. The ECPAT Philippines aims to build a vibrant web of structures and mechanisms for enhancing programmes and services for the promotion, protection and fulfillment of children's rights.

International Labour Organization (ILO) Manila: ILO Manila undertakes programs to improve health and safety consciousness, eliminate extreme forms of child labor and provide safety nets for marginalized workers.

International Organization for Migration (IOM): The IOM headquarters in Geneva has transferred some of its functions to the Philippines, making IOM Manila an IOM Administrative Center.

Scalabrini Migration Center (SMC): The Scalabrini Migration Center (SMC) is a non-profit research institute dedicated to the study of human migration and refugee movements from and within Asia.

Solidarity Center - USAID - Trade Union Congress of the Philippines Anti-Trafficking Project: The Solidarity Center, in cooperation with the Trade Union Congress of the Philippines (TUCP) and other local NGO partners, supports a counter-trafficking awareness program that includes a project website and development of a trafficking database.

The Asia Foundation: In the Philippines, the Asia Foundation supported Pulse Asia in conducting research that helped launch an advocacy campaign for drafting a law on trafficking --the Anti-trafficking Law was passed in May 2003.

Third World Movement Against the Exploitation of Women: Third World Movement addresses the issue of exploitation and responds to the needs of sexually exploited people.

UNICEF Manila: According to UNICEF, there has been an increase in reported cases of child abuse, sexual exploitation, child labour in hazardous conditions, children in armed conflict, and children in conflict with the law.

United Nations Office on Drugs and Crime (UNODC): The first anti-human trafficking project the Global Programme against Trafficking in Human Beings entitled "Coalition against Trafficking in Human Beings in the Philippines" was initiated in 1999 by UNODC and UNICRI with support from the United States and the Australian Institute of Criminology (AIC).

Visayan Forum Foundation, Inc.: VISAYAN FORUM FOUNDATION, INC. (VF) works for the welfare of marginalized migrants, especially those working in the invisible and informal sectors, like domestic workers, and trafficked women and children. It is licensed and accredited by the Department of Social Welfare and Development (DSWD) to provide "residential care and community-based programs and services for women and children in especially difficult circumstances." It is most known for its pioneering and documented work on domestic workers in the Philippines, especially in pushing for the Domestic Workers Bill or the Batas Kasambahay.

World Vision: World Vision is one of two organizations funded by the United States Department of Labor/ International Labor Affairs Bureau (DOL/ILAB) in 2003 in the Philippines.