

## [PHILIPPINES] COUNTRY PROGRESS CARD



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## 1. PROGRESS TOWARDS STOPPING SEX TRAFFICKING OF CHILDREN AND YOUNG PEOPLE IN THE PHILIPPINES

The Stop Sex Trafficking of Children and Young People campaign conducted in partnership between The Body Shop and ECPAT seeks to inspire long-term change to strengthen the protection offered to children and young people and guarantee their rights to be protected from all forms of exploitation, including trafficking for sexual purposes.

Through this campaign, The Body Shop and ECPAT are mobilising the public of countries around the world to engage actively to improve child protection against sex trafficking and join in calling on governments to take action to fulfil three specific goals related to the prevention and protection of children against child sex trafficking and for the care of child victims. The goals identified are deemed crucial for the protection of children everywhere. Progress made by the states towards fulfilling these goals is being assessed through an innovative tool which provides information for each country using a 'Progress Card' that summarises the level of achievement on four specific actions that significantly contributes to realisation of the main goals identified in the campaign.

In many countries around the world, civil society and other actors have made significant contributions in combating child sexual exploitation. However, the protection of children from sex trafficking is primarily a state's responsibility. The information provided in this card describes the situation of child trafficking in the Philippines and presents the key measures implemented by the government to address the problem. Colour coding is used to differentiate the level of action to combat child sex trafficking taken such as: notable efforts (**GREEN** colour representing adequate specialised policy or services for child victims of trafficking); some progress (**YELLOW** colour usually representing some level of activity to prevent and combat trafficking in persons in general with limited focus on children as a specific target group, or services that are not adequately protecting child victims of trafficking); or a low level of progress (**RED** colour, highlighting inexistent or largely inadequate policy or services for child victims of trafficking).<sup>1</sup> The information presented is followed by relevant recommendations assessed as essential to Stop Sex Trafficking of Children and Young People.

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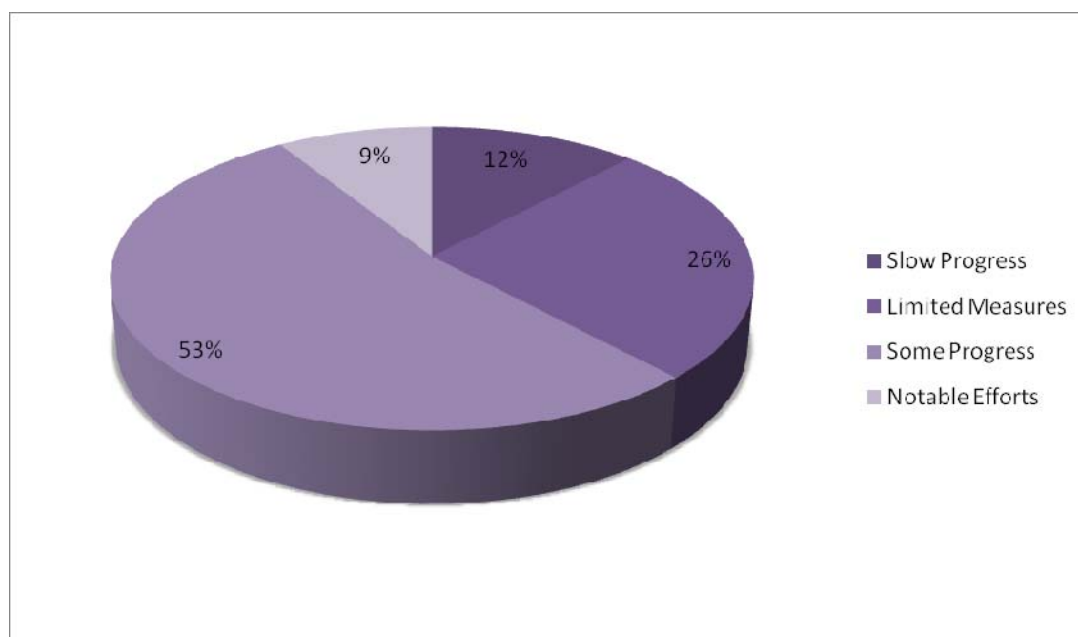
<sup>1</sup> A star indicates the work undertaken by NGOs in the related field.

## 2. GLOBAL OVERVIEW OF STATES' EFFORTS TO COMBAT CHILD TRAFFICKING

Whilst the progress towards stopping sex trafficking of children and young people is monitored and assessed on a country by country basis against specific indicators<sup>2</sup>, this is contributing to the global call to action addressed to all states of the world to uphold the child's right to protection from all forms of sexual exploitation, as reiterated by over 3,000 participants and 137 States at the World Congress III against the Sexual Exploitation of Children and Adolescents held in late 2008 in Brazil. ECPAT International and The Body Shop are calling globally for all states to ensure more accelerated and concerted action on their existing commitments, by 2012, to prevent and stop child trafficking for sexual purposes.

In order to present a general overview of states' efforts to combat child trafficking, figure one shows the percentage of countries for each of the four categories: 'notable efforts,' 'some progress,' 'limited measures' and 'slow progress.' 'Notable efforts' correspond to adequate measures taken by the state to combat child trafficking. 'Some progress' represents that states have taken measures and initiatives against human trafficking in general but these may not adequately protect child victims of trafficking. 'Limited measures' signifies that there is an inadequate effort by the state to combat human trafficking and little or no efforts to combat child trafficking. 'Slow progress' is for states with minimal or no initiatives against human trafficking or child trafficking. Figure two lists the countries that fall into each of the four categories previously mentioned; they are ranked according to the state's actions for each indicator.

**FIGURE 1. GLOBAL OVERVIEW OF STATES' EFFORTS TO COMBAT CHILD TRAFFICKING<sup>1</sup>**



<sup>2</sup> More information on the research methodology can be found on page 18.

**FIGURE 2. STATES' EFFORTS TO COMBAT CHILD TRAFFICKING<sup>3</sup>**

SLOW PROGRESS	LIMITED MEASURES	SOME PROGRESS	NOTABLE EFFORTS
CAMBODIA MEXICO PAKISTAN MALAYSIA SINGAPORE	CYPRUS GREECE INDONESIA SWEDEN INDIA TURKEY CZECH REPUBLIC HONG KONG RUSSIA USA	BELGIUM NORWAY AUSTRALIA CANADA ESTONIA SPAIN THAILAND SOUTH AFRICA FRANCE ITALY JAPAN NETHERLANDS <b>PHILIPPINES</b> SWITZERLAND AUSTRIA FINLAND GERMANY IRELAND LUXEMBOURG NEW ZEALAND POLAND PORTUGAL SOUTH KOREA	ROMANIA TAIWAN DENMARK UK

<sup>3</sup> This publication provides an updated grading and ranking of states' efforts to combat child trafficking as of June 2010.

### 3. THE SITUATION OF THE PHILIPPINES

**Philippines is among the 53% of countries which have made some progress to stop sex trafficking of children and young people.**

**The Philippines has put in place policies and key national legislation to combat trafficking in children. However, the government must now urgently focus on improving law enforcement, sustaining awareness raising campaigns and ensuring that all child victims of trafficking have access to appropriate and specialised psychosocial recovery services.**

#### Child Sex Trafficking in the Philippines

Non-governmental organisations (NGOs) and government agencies estimate that in the Philippines alone, 60,000 to 100,000 children are trafficked annually (through both cross-border and internal trafficking), and most of these are girls to be sexually exploited<sup>2</sup>. The victims are predominantly girls between 14 and 17 years old who come from the more impoverished parts of the country<sup>3</sup>. The Philippines Social Welfare Department estimates that there are up to 200,000 children on the streets of Manila, and that at least one tenth are victims of trafficking<sup>4</sup>. The Philippine Department of Social Welfare and Development states that the annual average increase of prostituted children is 3,266. The Philippines also ranks fourth in the world in terms of countries with the highest number of prostituted children<sup>5</sup>.

Depending on the reason for trafficking, some countries may be a 'sending' or 'origin' places (from where the child victims originate), 'transit' (where the children might be moved through and temporarily kept on the way to their final destination), and 'receiving' or 'destination' (where the children finally end up). The Philippines is primarily a sending country, but it is also a transit and destination country for trafficking in children for sexual purposes. Also, internal/domestic trafficking is a major concern in the Philippines. Adults and children are trafficked domestically from poor, rural areas in the southern and central parts of the country to major urban centres, especially Metro Manila and Cebu, but also increasingly to cities in Mindanao. A significant percentage of the victims of internal trafficking are from Mindanao and said to be fleeing the poverty and violence in their home areas<sup>6</sup>. Victims are usually sent to places where bars and video/karaoke establishments cater to tourists, or they are offered false jobs in restaurants, factories and households in Manila. Once they reach their destination, they may be locked up, drugged, forced to provide sexual services and heavily guarded. Children trafficked for labour purposes are also reported to be sexually abused by their employers<sup>7</sup>. For children trafficked abroad, Malaysia and Japan are the primary receiving countries. Filipina women and girls are also trafficked for sexual exploitation to Saudi Arabia, Kuwait, the United Arab Emirates, Qatar, Bahrain, Hong Kong, Singapore, South Africa, North America, and Europe<sup>8</sup>. Muslim Filipina girls from Mindanao are also sent to the Middle East for exploitation by Muslims traffickers<sup>9</sup>. The Philippines is also a transit point for trafficking victims from the People's Republic of China<sup>10</sup>.

The demand for sex drives child sex trafficking globally, while poverty, a high unemployment rate, a cultural propensity towards migration, a weak rule-of-law environment, and sex tourism all contribute to significant

trafficking activity in the Philippines. Children are especially vulnerable to being trafficked because they are often poorly educated, easier to overpower or can be coerced by an adult. Children may also feel obliged to help support their families or be running away from difficult family situations and may be sold or travel abroad in search of livelihood opportunities. Street children, children in refugee camps, children whose family and community life has been disrupted and do not have someone to look out for them are all especially vulnerable to human trafficking.

#### **Case Studies:**

##### **Teenage girl trafficked to Manila**

Julia was 17 when a man approached her on the street in General Santos, a city in the southern Philippines, and offered her a job as a housemaid in Manila. She was promised a monthly salary of US\$55, a large sum for a girl whose parents earn less than half that amount in a month. All the man asked of Julia was that she lied about her age and left that same night. Together with four other teenage girls, Julia boarded a passenger ship bound for Manila. Julia was rescued from her traffickers when a fellow passenger learned that the girls were going to be sold to a prostitution den and promptly reported the situation to the authorities<sup>i</sup>.

##### **Girl trafficked into 'cyber sex den'**

Police rescued sixteen-year old 'Marina' and at least a dozen other girls from a suspected "cyber sex den" in Bacoor, Cavite. Weighed down by mixed feelings of relief, guilt and shame, Marina felt thankful that she would no longer have to perform sexual acts in front of the camera for customers abroad. Marina blamed herself for allowing it happen in exchange for a few thousands pesos that she sent to her family. Marina said she was recruited in her home province as a waitress only to find out later that there was no restaurant waiting for her. With nobody to inform and no resources to make a getaway, she was forced to stay and work at the sex commercial sex establishment<sup>ii</sup>.

#### **Sources:**

- i. Conde, Carlos. 'Shipments of children, a darkly growing trade,' *International Herald Tribune*, 9 April 2005. Accessed 11 March 2009 from: <http://carlosconde.com/2005/04/09/shipments-of-children-a-darkly-growing-trade/>
- ii. 'Child pornography: Evil that preys silently on poor Filipino children'. *GMANews.TV*. 18 November 2008. Accessed 13 March 2009 from: <http://www.gmanews.tv/story/134282/Child-pornography-Evil-that-preys-silently-on-poor-Filipinochildren>

Traffickers prey on children and young people to meet the sexual demands of people who pay for sex and any person who patronises the commercial sex market may end up sexually exploiting a child. Also, traffickers can be a stranger or someone the child knows, such as a relative or an acquaintance. Moreover, they are often part of an organised criminal network that 'recruits' children and supplies them with fake identification. In the Philippines, people involved in trafficking include syndicates, foreign gangs, relatives and friends of the victim, and also recruitment agencies. There is anecdotal evidence that some lower-level officials such as customs officers, border guards, immigration officials and local police have received bribes from traffickers or have otherwise facilitated trafficking<sup>11</sup>. Traffickers utilise transportation via land and sea to transfer victims from island provinces to urban cities for domestic/internal trafficking and low cost/budget airlines to transport victims out of the country<sup>12</sup>. There is no common profile of perpetrators who sexually exploit children – they may be young, old, married or single; they come from all types of socio-economic backgrounds and work in all kinds of professions. In the Philippines, child sex abusers are both foreigners – mainly Japanese, Chinese, Korean, European and North American – but also local men, including military, taxi drivers, politicians, police, businessmen, and students<sup>13</sup>. Despite an increase in the number of trafficking cases filed to the authorities,

there were only 4 convictions in 2008 and since the 2003 anti-human trafficking law came into implementation, a total of 14 convictions as of May 2009<sup>14</sup>.

**Case Studies:**

**Korean child sex abusers in the Philippines**

A field survey of prostitutes in the Philippines revealed that some male South Korean college students reportedly seek out female minors and exchange sex for a place for the girls to live. Sixty-eight per cent of the prostitutes surveyed said that they were physically abused by their South Korean “clients”. They testified that many Korean men were “obsessed” with having sex with minors, and that they tend to refuse to wear condoms. There have also been reports of female Filipino minors being rescued from Korean-run brothels in the Philippines<sup>i</sup>.

**Immigration officer apprehended for child sex trafficking**

On 17 September 2008, an officer of the Bureau of Immigration at Ninoy Aquino International Airport was apprehended for her alleged role in aiding the trafficking of 17 Mindanao minors to Syria and Jordan. A city prosecutor later dismissed the charge against the officer because of insufficient evidence, but filed trafficking charges against two accomplices<sup>ii</sup>.

Sources:

- i. ‘Sex trade in Southeast Asia sees increase of Korean males’. *The Hankyoreh*. 6 December 2006. Accessed 11 March 2009 from: [http://english.hani.co.kr/arti/english\\_edition/e\\_international/176492.html](http://english.hani.co.kr/arti/english_edition/e_international/176492.html)
- ii. US State Department. 2008 Human Rights Report: Philippines.



## 4. DETAILS OF PROGRESS TO COMBAT CHILD SEX TRAFFICKING IN THE PHILIPPINES

### A. Community-Based Prevention Measures on Child Trafficking

Preventing children from falling prey to sex traffickers is the first step that must be taken in the range of comprehensive measures needed to guarantee the protection of children. Prevention encompasses a broad range of multi-dimensional interventions from mobilisation and awareness building among families and the general public to more targeted and specific interventions that reach children at risk and vulnerable due to specific conditions in their lives.

Comprehensive prevention programmes to combat child trafficking have to encompass measures at different levels to address the specific vulnerabilities of children and reinforce the families' abilities to care for and protect their children; to mobilise all stakeholders in the community and at the State level to establish strong protection systems for children, including social welfare and justice systems, but also to target the traffickers and curb the financial profits they are making through these criminal activities.

The adoption of strategies and policies to address the issue of trafficking in children is essential to ensure that measures are developed in an integrated way, based on the national priorities identified and to provide directives for action to the relevant stakeholders involved in the prevention of child trafficking in the country. The adoption of a National Policy also demonstrates the State's commitment to prioritize the issue and allocate efforts and resources to guarantee the rights of the child to be protected from sexual exploitation and trafficking.

Community-based prevention programmes in the Philippines			
1.1. Provision for prevention programs on child trafficking	1.2. Wide multi-stakeholder collaboration	1.3. Implementation of awareness raising programs	1.4. Provision for teacher training curriculum on CSEC
		★	★
The Philippine government has approved a National Strategic Plan against Trafficking in Persons (2004-2010) which contains specific provisions on the prevention of trafficking in children. Prevention measures include awareness raising for all sectors of society and instituting programmes at the local level to prevent women and children from being procured by traffickers.	Guidelines designed to improve the manner of handling of trafficked children were developed by the Inter-Agency Council against Trafficking. <sup>15</sup> These guidelines provide for a multi-stakeholder partnership in the prevention of child trafficking and implementation of community-based awareness-raising programmes.	While the Philippine government has in the past been active in awareness raising initiatives, increased efforts are required by the state in this regard to ensure that awareness-raising measures are sustained.	The Department of Education released an order institutionalising of the Personal Safety Lessons (PSL) in elementary and secondary schools nationwide in 2009. However, these lessons are for the prevention of child sexual abuse and not specifically on child trafficking for sexual purposes or the commercial sexual exploitation of children.

Having a current national policy on child trafficking outlining key community-based prevention measures (*indicator 1.1*) signals a state's prioritization of this specific agenda and provides clear and comprehensive directives for action to the relevant implementing bodies to be transformed into fully resourced and accountable national programs or projects. A collaborative approach in designing and implementing these

programs specifically addressing child trafficking (*indicator 1.2*) is essential to ensure a greater relevance and wider reach of the prevention measures and would imply that, at a minimum, partnership is established between two ministerial agencies with at least two other partners (including NGOs, inter-governmental organizations, private sector, children, academia or others). Comprehensive public education and awareness about the existence of child trafficking (*indicator 1.3*) is crucial to engage the public in counteraction and should encompass a multi-media approach using audio-visual products (via various communication channels) to effectively and sustainably reach the largest possible section of the target population. As school is one of the most direct channels to educate children and inform them of the risks of child trafficking, prevention activities in schools need to be integrated through the systematic capacity-building of teachers as part of their training curriculum (*indicator 1.4*). A policy provision ensures that all new teachers have received all essential information for facilitating the implementation of preventive activities to school children.<sup>16</sup>

In 2004, the Inter-Agency Council Against Trafficking in Persons (IACAT), in collaboration with other government agencies, NGOs and other stakeholders, created a 6 year (2004-2010) strategic National Plan of Action against trafficking. The plan is divided into 3 major components; (a) prevention; (b) protection, including law enforcement and prosecution; and (c) repatriation, recovery and reintegration. In relation to the prevention of trafficking, relevant objectives of the plan include: 1) increasing public awareness of trafficking; 2) undertaking research on the root causes of trafficking in women and children; and 3) instituting programmes at the local level to prevent women and children from being procured by traffickers.<sup>17</sup>

There are several examples of progress regarding implementation of the prevention objectives under the national plan. For example, in terms of instituting programmes at a local level, the Barangay (Village) Council, created Local Councils for the Protection of Children (LCPCs) with a view to promoting and protecting children's rights, assisting abused children and monitoring crimes against children. According to the Department of the Interior and local governments, LCPCs play a strong role in the prevention of CSEC and trafficking in children.<sup>18</sup> At the time of writing, 24,093 LCPCs had been set up throughout the country.<sup>19</sup> Recently, it was reported that further action is been taken to empower Barangay human rights centres in order to monitor human rights violations (including trafficking in children for sexual purposes). It is reported that plans to create a committee against human trafficking down to the Barangay level are currently underway. These measures are particularly important as the Barangay is said to be the primary source of protection next to the family for Filipino children.<sup>20</sup> Accordingly, for measures to prevent trafficking to be effective, the participation of Barangay officials is invaluable.<sup>21</sup> In addition to working with the local councils for the protection of children, regional and city/municipal level inter-agency committees against trafficking and violence on women and children have been set-up to ensure that the anti-trafficking laws are implemented at the local level<sup>22</sup>. In addition, in recognition of the important role of the local governments in implementing the anti-trafficking law, a model ordinance was formulated to facilitate the issuance of local ordinances in support of the national law<sup>23</sup>.

The Philippines government has thus been active in setting up bodies responsible for child rights at the local level. However, the government must take care not to be complacent and must continue working to ensure that these bodies have the capacity to tackle issues related to CSEC in their respective areas.

In terms of awareness raising, the main obstacle for IACAT is said to be a lack of resources. Despite the absence of a substantial budget, IACAT has been cooperating with NGO anti-trafficking initiatives. In 2009, the IACAT raised funds from the PAGCOR to support the efforts of NGOs in supporting the victims of cases of cross border trafficking. Since 2002, more than 44 provinces and cities have conducted community education sessions that have reached more than 2000 communities<sup>24</sup>. In 2007, the government broadcasted anti-

trafficking commercials that aired on local television networks in 3 provinces. The commercials provided basic information about trafficking as well as how to report incidents of trafficking. Furthermore, the government organised 3 sub-national conferences on trafficking in Davao, Cebu, and Manila that brought together government officials, law enforcement officials, NGOs, and international organisations.<sup>25</sup> Regarding the trafficking of children in particular, it is reported that government agencies have collaborated with NGOs to conduct information campaigns on sexual exploitation in the tourism industry.<sup>26</sup>

Since 2003, every year around the period of December 12, public awareness events against trafficking have been conducted and since 2006, the President has issued an Executive Proclamation 1172 mandating government and NGOs to conduct anti-trafficking awareness activities as part of the 18 Day Campaign against Violence on Women. In 2009 alone, 11,351 persons participated in the events were conducted in the 40 provinces and cities<sup>27</sup>. The Philippine government must continue its good efforts to raise awareness amongst the public and vulnerable groups.

As part of the multi-stakeholder approach to the prevention of trafficking, IACAT has dealt with problems in the manner of handling trafficked children by formulating guidelines on the Protection of Trafficked Children which were developed by IACAT with input from NGOs and other stakeholders who have worked directly with child victims of trafficking.<sup>28</sup> Also, IACAT formulated guidelines for the establishment of the Inter-Agency Law Enforcement Task Force Against Trafficking.<sup>29</sup> Task forces have now been set-up at airports, seaports and land-transportation terminals to monitor the travel of children abroad and to ensure that all minors travelling overseas are supported by authenticated documentation that proves that they are travelling for appropriate purposes.<sup>30</sup>

Schools is one of main loci where education and prevention can reach children at an early stage, however the Philippine government is yet to take advantage of this as a prevention strategy. For schools to be targeted effectively, it is essential that teachers are adequately trained to deliver systematic and accurate information on child trafficking. While NGOs have been involved in preparing curricula aimed at prevention of trafficking,<sup>31</sup> the government has not taken any action in this regard. It appears that there is recognition of the need to raise awareness in schools in areas where children are vulnerable to trafficking. The chief of the National Bureau of Investigation recently called for law enforcers to be allowed to conduct campaigns against trafficking in children in schools, however the initiative has not commenced due to a lack of funding.<sup>32</sup>

### **CALL TO ACCELERATED ACTION TO PREVENT CHILD TRAFFICKING IN THE PHILIPPINES**

- Financial resources need to be sufficiently and regularly allocated to support and sustain community based awareness raising initiatives so that all vulnerable groups or children are regularly reached;
- It is recommended that the Philippine government take urgent action to include awareness raising of trafficking in the school curriculum by taking measures to ensure that appropriate training is provided to teachers.

## B. National Legal Framework Harmonisation with International Standards

Strong laws in line with international instruments, together with effective enforcement procedures which are child sensitive, are of crucial importance to protect children from all forms of sexual exploitation including child trafficking for sexual purposes. Progress made towards this goal is assessed through a tripartite framework of international/national standards and their enforcement through a child and gender sensitive process which avoids any possible re-traumatisation or re-victimisation of the child.

International and Regional Conventions/Laws	Date of Ratification – Philippines
Convention on the Rights of the Child (CRC)	1990
Optional Protocol on the sale of children, child prostitution and child pornography (to the CRC; Optional Protocol)	2002
The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children	2002
ILO Convention No. 182 on the Worst Child Labour	2000

Legal Framework in the Philippines			
2.1. Ratification of the Optional Protocol on the Sale of Children	2.2. Ratification of the Trafficking Protocol	2.3. Harmonisation of the national legislation	2.4. Special Police Units to combat crimes against children
The Optional Protocol was ratified in 2002.	The Trafficking Protocol was ratified in 2002.	The Philippine national legislation on trafficking is strong and meets international standards.	There are several specialised police units in the Philippines to combat crimes against children. However, despite a policy that provide witness protection assistance in connection with trafficking cases, problems remain relating to protection of victims who act as witnesses from intimidation by offenders.

Once an international convention has been ratified by a state, it becomes a legally-binding instrument for that state. When a state has ratified the Optional Protocol on the sale of children, child prostitution and child pornography (*indicator 2.1*) it is required to fully cover under its criminal or penal law the necessary obligations set forth in the Optional Protocol and to submit within 2 years a comprehensive report detailing its implementation reviewed by the independent UN Committee on the Rights of the Child which publishes its recommendations and suggestions on how to improve the condition of children within the country. Once a state has ratified the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children (*indicator 2.2*) it is obliged by its provisions to criminalize all acts related to the trafficking process (*indicator 2.3*). This creates a common ground for counter-trafficking activities among ratifying states and provides an essential international framework to guide national action on the issue. In order to support adequate enforcement of the national legislation, states are obliged to establish special police units with trained officers (*indicator 2.4*) to investigate and prosecute sexual and trafficking crimes against children with a child-sensitive approach which will minimize the traumatic experience of judicial proceedings for the child victim.<sup>33</sup>

The Philippines has made significant efforts to ratify international and regional instruments relating to trafficking. In addition to the Optional Protocol and the Trafficking Protocol, the Philippines has also ratified the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children 2004.<sup>34</sup>

As well as being party to the main international instruments on trafficking, the Philippines has enacted comprehensive domestic anti-trafficking legislation. The 2003 Anti-Trafficking in Persons Act (the “2003 Act”) defines trafficking as acts of recruitment, harbouring, transporting, transferring or receipt of persons for the purpose of exploitation. Where the victim is a child (a person under 18) there is no need for means of force or deceit to be used by offenders for the offence to be considered as trafficking and the consent of the child is irrelevant to criminal liability. This definition is consistent with that of the Trafficking Protocol. The 2003 Act punishes acts of trafficking as well as acts which facilitate trafficking such as the knowing use of any building or establishment to promote the trafficking in persons. The penalties applicable where a child is trafficked are increased from 20 years imprisonment to life imprisonment as well as a fine. The law considers those who have been trafficked as victims and protects them from punishment for acts directly related to the acts of trafficking.<sup>35</sup> Foreign nationals who are trafficking victims are also entitled to protection and assistance, including being allowed to stay in the Philippines as necessary to prosecute the traffickers.<sup>36</sup>

In some respects, the protection provided under the 2003 Act goes beyond that required under the Trafficking Protocol. For example, the 2003 Act also targets those who buy or engage the services of a trafficked person for prostitution; a first offence may be punished with 6 months of community service and a fine of 50,000 pesos (US\$970), while a second offence may be punished with 1 year’s imprisonment and a fine of 100,000 pesos (US\$1,940).<sup>37</sup>

While it is clear that the Philippines has in place strong anti-trafficking legislation, the enforcement of the legislation remains problematic. The government has convicted only 12 individuals for sex trafficking offences since the passage of the 2003 Act. During the past year, 3 out of 4 total convictions for cases of sex trafficking were a result of cases filed and prosecuted by an NGO on behalf of victims under an approach where the Philippines allows private attorneys to prosecute cases under the direction and control of public prosecutors. Problems with the Philippine criminal procedure were highlighted in a recent case where a judge acquitted an accused trafficker (charged with transporting minors from Mindanao to Manila with the intent of forcing them into prostitution) because the minors were rescued before they were actually forced into prostitution. Although the case is being appealed, NGOs report that an impediment to successful trafficking prosecutions is the lack of understanding of trafficking among judges, prosecutors, and especially law enforcement officers, some of whom have limited knowledge of using evidence to build cases.<sup>38</sup>

The enforcement of the laws and prosecution of offenders is one crucial aspect of the fight against child trafficking. However, investigating and prosecuting crimes against children still pose a number of difficulties in the Philippines in gathering evidence and testimonies for instance or in identifying victims and ensuring their protection. This is why special police units with trained officers on child-sensitive approaches are particularly essential and required in international standards.

The Philippines has several special police units equipped to deal specifically with children. The Philippine National Police (PNP) has increased the number of Women and Children’s Protection Desks in police stations across the country. In addition, the Department of Labour and Employment has developed rapid response teams that include police officers, social workers and NGOs. These teams, acting on reports that children are being prostituted, conduct raids to arrest offenders and also provide immediate support for the children.

Furthermore, the National Bureau of Investigation has specialised units such as the Violence against Women and Children Division, an Anti-Human Trafficking Division and INTERPOL Division. Complementing these efforts is the establishment of the Women and Children Complaints Office under the Criminal Investigation and Detection Group - the investigation arm of the PNP. It undertakes monitoring and surveillance of organised criminal groups involved in illegal recruitment, trafficking and production of offensive materials and lewd shows.<sup>39</sup> It ought to be noted that law enforcement authorities rely heavily upon the testimonies of victims as witnesses as opposed to the collection of other evidence.<sup>40</sup> Government agencies have been involved in promoting the adoption of child friendly interview procedures and have conducted training of social workers and police officers. However, the government ought to do more to improve witness protection programmes because under the current system witnesses tend not to file or pursue legal complaints, and often retract statements.<sup>41</sup> They are also subject to threats and sometimes accept offers of payment to settle a matter.<sup>42</sup>

### **CALL TO ACCELERATED ACTION TO ENSURE PROSECUTION OF CHILD TRAFFICKING IN THE PHILIPPINES**

- **The Philippine government must urgently improve its law enforcement procedures on anti-trafficking in children. In particular, it must provide adequate training and awareness raising for law enforcement officials.**
- **The government must work to improve its standards of protection for child victims of trafficking who act as witnesses.**

## **C. Specialised Support Services for Child Victims of Trafficking**

Child victims of trafficking for sexual purposes require specific rights to protection from sexual exploitation which entails receiving appropriate care and assistance to provide for their special needs and requires. States are obligated to take a systematic integrated approach for the delivery of comprehensive and specialised services to restore the rights of the victims and support a long-term and effective recovery.

States parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

**-Convention on the Rights of the Child, Art. 39**

Children who have been trafficked have suffered a number of abuses and violations of their rights and the State is responsible to provide them with adequate care and protection delivered in the best interest of the child, in respect of the child's specific needs and without any discrimination based on their origin or immigration status.

Specialised services for child victims of trafficking			
3.1. State-established Helpline	3.2. State established Shelters	3.3. Medical Services offered to child victims of trafficking	3.4. Psychological Counselling Services
★			
The State does not operate a helpline providing specialised assistance to child victims of trafficking. However a 24 hour helpline operated by an NGO is available throughout the country.	The Department of Social Welfare provides temporary shelter to victims of trafficking. However, additional efforts are still required such as training for service providers for trafficked children. <sup>43</sup> Furthermore, the demand for accommodation of child victims of trafficking far outweighs the supply of shelters.	The Department of Social Welfare and Development provides referrals for medical treatment to victims of trafficking although children in highly vulnerable situations do not find it easy to access such services.	Even though the Department of Social Welfare and Development (DSWD) provides protective and rehabilitative services to rescued victims which includes counselling and psychosocial services, in practice these services are not systematically offered to all children victims of trafficking, and lack specialization to respond to the particular needs of children victims of trafficking.

A state-operated helpline for child victims of trafficking (*indicator 3.1*) accessible by all children at risk or victims of trafficking for free and staffed by trained personnel is essential to provide assistance and facilitate access to other relevant services for child victims of trafficking. Ideally it should be able to operate in the main languages of countries from where the child trafficked victims originate in cases of transnational trafficking and be promoted nationwide. Children's shelters for trafficking victims (*indicator 3.2*) should be separated from adult shelter and provide a place of safety where specialised care and support services can be given in a structured way. Child trafficked victims have suffered various forms of physical and sexual abuse and require specialised support including comprehensive medical services (*indicator 3.3*) freely offered and available to all child victims of trafficking and sustained counseling services (*indicator 3.4*) delivered by trained and experienced professionals to assist the child in the full recovery process.<sup>44</sup>

While the Philippine government does not operate a 24 hour hotline to assist victims of trafficking, this service is provided through the ABS-CBN Foundation. The helpline provides an immediate response to cases of child abuse through a rescue team, on-line counselling and referrals handled by trained counsellors and social workers. The helpline assesses the risks to the child and activates the rescue operations unit. The helpline also works to channel child-oriented concerns to appropriate government and private institutions. The call-takers are fluent in Filipino, English and other major Philippine dialects. The helpline is available 24 hours a day nationwide.<sup>45</sup> The ABS-CBN Foundation, one of the biggest television networks, operates this hotline without government funding. It is easily accessible and according to ECPAT Philippines, vulnerable groups are aware of this helpline. However, a concern is the lack of monitoring mechanism for the helpline since in the past, child protection media guidelines were violated by the network's news program. In addition, the government also in collaboration with various NGOs, has set a comprehensive referral system. The government in coordination with various NGO networks (such as Asia ACTs and Philippines against Child Trafficking) has set up a national database that will have the capacity to record all the trafficking cases from the psychosocial and economic interventions, law enforcement and court processes<sup>46</sup>.

The Department of Social Welfare and Development is responsible for providing counselling and temporary shelter for victims of trafficking as well as assisting NGOs in establishing accredited centres.<sup>47</sup> The Department of Justice must also offer free legal assistance to trafficked persons, in coordination with the Department of



Social Welfare and Development, the Integrated Bar of the Philippines, NGOs and voluntary groups.<sup>48</sup> The law tasks the Philippine National Police with establishing a system to receive complaints and calls to assist trafficked persons and conduct rescue operations.<sup>49</sup>

In the most recent report on compliance with the Optional Protocol, the Philippine government states it has provided protection and assistance to 1,805 victims of trafficking. Of the total number of victims served by DSWD, more than half are children aged 17 and below. The services provided include: counselling; legal services; transportation assistance; family assessment; temporary shelter; referral for medical and dental examination; educational assistance and skills training.<sup>50</sup> However, these services are not systematically offered to all child victims of trafficking and are not sufficiently specialised for child victims of sexual exploitation.

In collaboration with the NGO Visayan Forum Foundation, the Philippine Port Authority has been involved in setting up shelters for trafficking victims at major ports within the Philippines. The shelters, known as “halfway houses” are facilities that serve as a temporary shelter for women and children who are victims or potential targets of forced labour and sexual exploitation. Services rendered include counselling, legal assistance, skills training, medical and other psychosocial assistance.<sup>51</sup> A total of 7 halfway homes have been set up across the Philippines in major ports. Additionally, the Manila International Airport Authority and a partner NGO opened a halfway house at the Ninoy Aquino International Airport in 2008.<sup>52</sup> In addition, there is at least one shelter catering to all types of children needing care and protection in every region but they are not specific to child victims of trafficking and sexual exploitation.

### **CALL TO ACCELERATED ACTION TO DELIVER ADEQUATE CARE AND SUPPORT TO CHILD VICTIMS OF TRAFFICKING IN THE PHILIPPINES**

- It is essential to develop care and protection services for child victims of trafficking that are centred on the child’s needs and are differentiated from the services provided to adult victims. Specialised capacity building of relevant professionals who provide services to child victims is required to ensure standards are maintained.
- More specialised accommodation for child victims of trafficking are required in order to adequately respond to the numbers and specific needs of the affected children.



## 5. CAMPAIGN PETITION IN THE PHILIPPINES

Since the Stop Sex Trafficking of Children and Young People campaign was launched in August 2009, thousands of customers have already demonstrated their commitment in contributing to this social change to secure a safe world for children. Based on the findings from this Philippines Progress Card, we are calling for immediate action in the Philippines to give children and young people the protection that they deserve.

**In the Philippines, we call for greater protection of children and young people against child sex trafficking through urgent proactive implementation and enforcement of protective measures.**

**Specifically we call for:**

- The development of community-based awareness raising activities on child trafficking, particularly targeting the most vulnerable children;**
- Raising awareness of trafficking in schools by providing appropriate training to teachers;**
- Improving law enforcement systems in particular by conducting training and raising awareness amongst law enforcement officials;**
- Capacity building of professionals and the allocation of further resources for those organisations that provide recovery and reintegration services to child victims of trafficking for sexual purposes is needed.**

**Note:** Whilst the national campaign petition is focusing on the specific needs and priorities for the Philippines, it is directly contributing to the global ECPAT /The Body Shop call for all states to ensure more accelerated and concerted action on their existing commitments, by 2012, to prevent and stop child trafficking for sexual purposes.

## 6. RESEARCH METHODOLOGY

This campaign utilises an innovative method to analyse the progress of 42 states' efforts to combat child sex trafficking by tracking three key goals and 4 specific indicators for each goal as the campaign progresses. Data for the Progress Card Booklets was collected through various sources, focusing mainly on ECPAT's experiences in monitoring progress on the implementation of the Agenda for Action against commercial sexual exploitation of children<sup>53</sup>. Data was also sourced from UN bodies, governmental, non-governmental organisations and other stakeholders involved in anti-trafficking measures. It should be noted that the availability and quality of data in each of the 42 countries included under the monitoring initiative of the campaign is in places uneven. In many countries data on sexual exploitation of children and trafficking are not systematically collected, are localised to project areas rather than having national scope, or fall outside an established management information system and are thus inconsistent. However, every effort to define parameters to minimise differences has been made and ECPAT works with its partners in each of the countries to identify the optimal data sources. Taking these factors into consideration, indicators have been selected on the basis of the following criteria: availability and ease of access to information and level of relevance of the action for achievement of the goal. It is also necessary to note that these indicators are assessing measures directly undertaken or supported by states and do not necessarily reflect the large amount of work undertaken by many NGOs around the world, often in order to compensate for a lack of adequate action on the part of government. The decision to assess only state-supported measures is based on the fundamental principle that, while the protection of children is a shared responsibility of all actors of society, the obligation to guarantee that children can fully enjoy their fundamental rights is borne by the state.

Due to limited data collection and disaggregation of information on child trafficking for sexual purposes, accurate estimates of the number of children affected worldwide are impossible. This booklet thus assesses the country's progress only in relation to certain policies that the government has enacted and not on the basis of estimates of the scale of the problem. As such the ranking does not factor in the extent to which the country is a place of origin, transit or destination for child sex trafficking. The existence of policies to combat child trafficking within any given country is considered to be the first fundamental step to trigger allocation of human and financial resources for concrete action as well as providing a tool for the public to call for accountability. Thus it is judged to be a robust base indicator of progress.

A more in-depth explanation of each of the goals and corresponding indicators is provided in Chapter 3 of the official campaign report, "Their Protection is in Our Hands: The State of Global Child Trafficking for Sexual Purposes."

This booklet was produced by ECPAT International and ECPAT Philippines.

## 7. ENDNOTES

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<sup>5</sup> Child Protection in the Philippines. *Facts and Figures*. Information accessed on 12 March 2009 from <http://www.childprotection.org.ph/factsfigures/index.html>

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<sup>8</sup> Humantrafficking.org. 'Philippines'. Information accessed on 11 March 2009 from: <http://www.humantrafficking.org/countries/Philippines>

<sup>9</sup> US State Department. *2009 Trafficking in Persons Report*.

<sup>10</sup> US State Department. *2008 Human Rights Report: Philippines*.

<sup>11</sup> Ibid.

<sup>12</sup> US State Department. *2009 Trafficking in Persons Report*.

<sup>13</sup> ECPAT Philippines and Terre des Hommes-Netherlands. *Endangered Generation: Child Trafficking in the Philippines for Sexual Purposes*. 2004.

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<sup>17</sup> National Strategic Action Plan against Trafficking in Persons (2004-2010), available at: [http://www.mfa.go.th/fhpworkshop/doc/bestpractices/Philippines\\_2007\\_Action\\_Plan.pdf](http://www.mfa.go.th/fhpworkshop/doc/bestpractices/Philippines_2007_Action_Plan.pdf)

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<sup>19</sup> *DILG helps set up local councils for child protection*, Philstar, 17 September 2009, available at: <http://www.philstar.com/Article.aspx?articleId=506029&publicationSubCategoryId=107>

<sup>20</sup> Republic of the Philippines, *The Implementation of the Optional Protocol to The Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*, First Periodic Report 2003 -2007, Para 137

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<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> US State Department. *2008 Trafficking in Persons Report*.

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<sup>27</sup> Information base on communications from Ms. Amihan V. Abueva, an NGO Representative to the Inter-Agency Council Against Trafficking (IACAT), June 2010.

<sup>28</sup> Inter Agency Council Against Trafficking, available at:  
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<sup>29</sup> Hon. Severino H. Gaña, Jr, *The Philippine Experience in the Investigation and Prosecution of Trafficking in Persons and Smuggling of Migrants, with Special Focus on Punishing the Traffickers* available at [http://www.unafei.or.jp/english/pdf/PDF\\_rms/no73/08\\_p38-p47.pdf](http://www.unafei.or.jp/english/pdf/PDF_rms/no73/08_p38-p47.pdf)

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<sup>34</sup> See: <http://www.artipproject.org/artip-tip-cjs/laws-policies-regional.html>

<sup>35</sup> Republic Act No. 9208 of 2003 to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Section (17).

<sup>36</sup> Republic Act No. 9208 of 2003 to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Section (19).

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<sup>47</sup> Republic Act No. 9208 of 2003 to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Section 16(b).

<sup>48</sup> Republic Act No. 9208 of 2003 to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Section 16(d).

<sup>49</sup> Republic Act No. 9208 of 2003 to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Section 16(g).

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