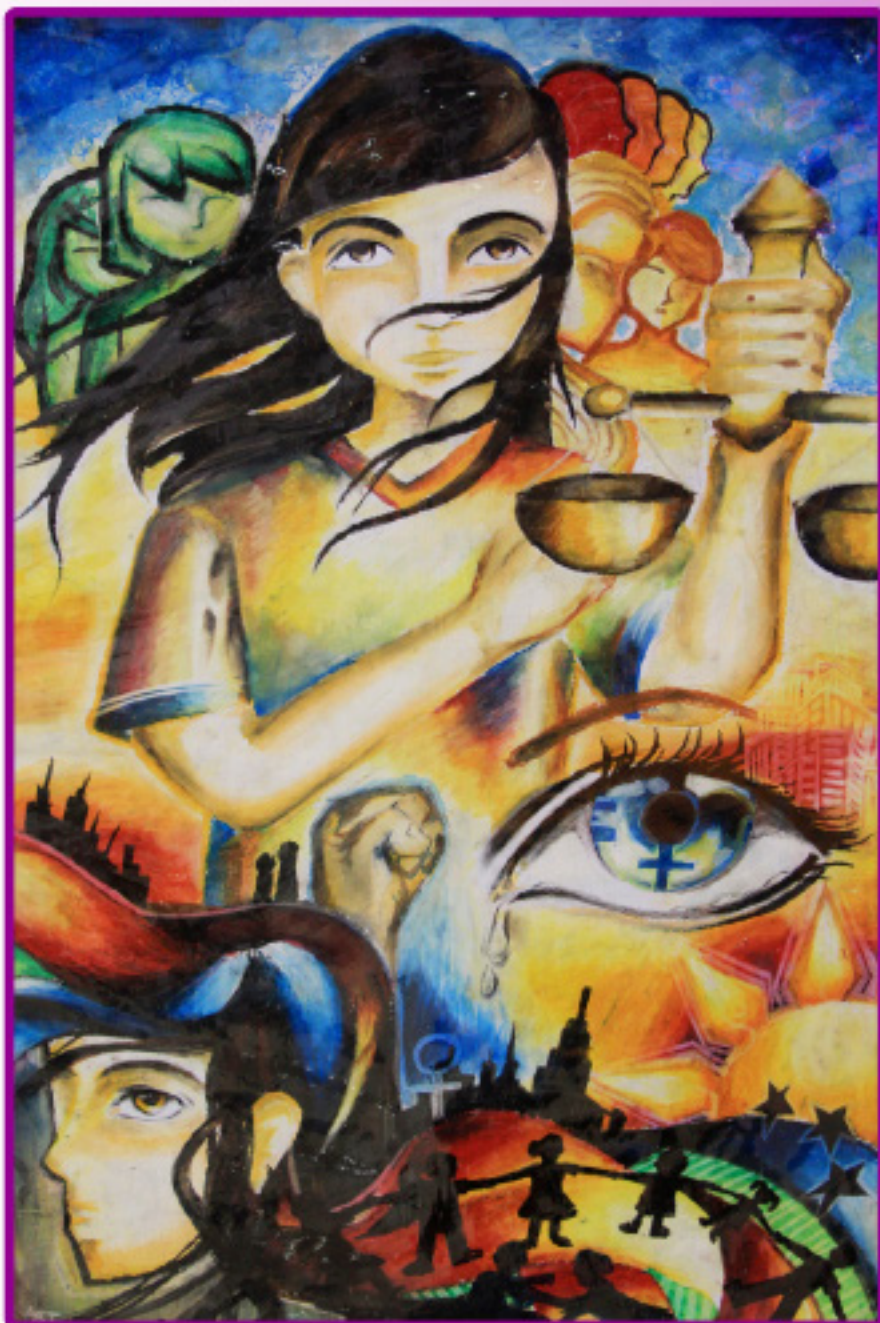


The Philippine Guidelines on the Protection of the Rights of Trafficked Women



Philippine
Commission on
Women



Inter-Agency
Council Against
Trafficking

The Philippine Guidelines on the Protection of the Rights of Trafficked Women

Philippine Commission on Women
in coordination with the
Inter-Agency Council Against Trafficking (IACAT)

2013

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Foreword



Human trafficking is a global concern that continues to affect the lives of many Filipino women in and out of the country. Republic Act 9208 or the Anti-Trafficking in Persons Act of 2003, as amended by Republic Act 10364 or the Expanded Anti-Trafficking in Persons Act of 2012 is a landmark legislation addressing this issue. The law mandates the Philippine government, through the Inter-Agency Council Against Trafficking in Persons (IACAT), to ensure that mechanisms for the protection and support of trafficked persons are in place, as well as ensure the timely, coordinated, and effective response to cases of trafficking in persons.

As the primary policy-making, coordinating and oversight body on women and gender-equality concerns, the Philippine Commission on Women, in coordination with the IACAT, and in consultation with some women's organizations and women survivors of trafficking, developed the Philippine Guidelines on the Protection of the Rights of Trafficked Women.

We recognize the necessity of the guidelines for the protection of the rights of trafficked women as we are alarmed by the number of Filipino women affected by human trafficking and women survivors seeking help for redress and for justice to be served. This resource tool would help our service providers, practitioners and implementing agencies in ensuring a more comprehensive, practical, supportive and gender-responsive management of cases of trafficked women.

The Guidelines form part of our compliance with international commitments such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) which recommends in its Concluding Comments in 2006, for the Philippines to take action in pursuing a holistic approach in addressing trafficking in women.

It is hoped that the Guidelines would inspire and empower the service providers and duty-bearers in playing their role in the effort to end human trafficking and all forms of violence against women and girls.

A handwritten signature in cursive script that reads "Remedios I. Rikken".

REMEDIOS I. RIKKEN

Chairperson

Philippine Commission on Women

Messages



The story of abuse has many faces. Each face reveals the anguish of a stolen life.

It has many names - exploitation, slavery bondage, trafficking. Dressed in different denominations, victims of such crimes are mostly rendered naked by their grief and desolation, some acquainted with sorrow so very early in their lives. Wracked by rejection and stripped off their dignity, victims hide their faces from us.

Advocates have long trekked the tremulous journey for justice, sometimes alongside the victims, other times parallel. The varying facets of the struggles occasionally rendered fruitless, often frustrating results. Nonetheless, the greater population of advocates, and thankfully the victims themselves, are converged in understanding on how law and international protocol play in ending human trafficking.

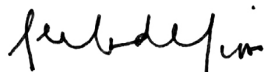
The Philippine Guidelines on the Protection of the Rights of Filipino Women will not solve everything nor will it answer the nuanced and layered complexities of trafficking. As packaged, it can be accused of being too protectionist when our socio-economic reality suggests that continuing and independent labor migration requires the Philippines to also have a sturdy and effective framework on prevention. Also, despite the amendments infused in the Expanded Anti-trafficking in Persons Act, the law and institutional mechanisms appear to remain focused on protecting women, effectively directing attention away from the possibility that men are also victims of trafficking.

Notwithstanding the above and similarly textured observations, the Guidelines is a shining example of governance and interventionist tool that ameliorates the plight of trafficked victims in the varying stages of the trafficking continuum. As Secretary of Justice and Chairperson of the Inter-Agency Council Against Trafficking (IACAT). I am determined to lobby for the full and comprehensive adherence to the Guidelines, as much for the advocates' sake, as for the victims.

For the advocates, the Guidelines is altogether a roadmap, a checklist and tool, both practical and pedagogical, that can enhance their services for engagement with the victims, the Guidelines is an empowering and participatory instrument that can help them situate themselves in the context of the phenomenon, in general, and the abuse, in particular. The Guidelines, more importantly, affords them the information that can assist them in making life choices vis-a-vis rescue, legal intervention, rehabilitation, and re-integration into society.

A harmonious multi-sectoral approach espoused by the Guidelines in addressing the trafficking plague requires moral imperative for all advocates to recognize trafficking as primarily a **human right issue**.

This necessitates the unequivocal attention of the Government. This justifies our sustained and enthusiastic commitment to eradicate this plague. Thus, I commend all the women and men who made the writing and editing of this publication possible. I hope the spirit behind the conceptualization of the Guidelines is clear to everyone as it is to me that in this crusade, failure is never an option. Good luck to all of us and Godspeed!



LEILA M. DE LIMA

Secretary of Justice

Messages



Sunflower greetings!

It is with great pleasure that I extend my warmest congratulations to the Philippine Commission on Women (PCW) and the Inter-Agency Council Against Trafficking (IACAT) for your joint accomplishment of coming up with the Philippine Guidelines on the Protection of the Rights of Trafficked Women.

Our fight against this social problem is now bearing fruit with the enhanced awareness of the public on the dangers of trafficking.

Through print, broadcast and social media, we at IACAT continuously advocate the need for increased vigilance, particularly at the local government level.

As co-chair of the IACAT, I call on the Council members to tighten the implementation of anti-trafficking measures through closer collaboration and coordination with stakeholders.

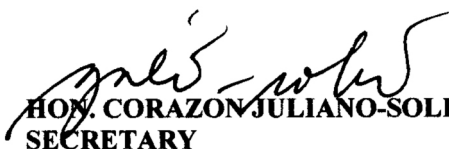
Specifically, there is a need to strengthen the Barangay Council for the Protection of Children (BCPC) in high risk areas, such as poor communities and towns which have experienced disasters.

Hand-in-hand with our advocacy and information campaign is the expertise of properly handling victims of trafficking, particularly women and children.

We must bear in mind that trafficking survivors are sensitive as they have been through very traumatic experiences. Their successful rehabilitation and reintegration with their families and communities are dependent on the way they were first assessed and provided with appropriate interventions.

Hence, these Guidelines will further capacitate our direct responders, social workers and law enforcers in the proper and gender-sensitive handling of these cases of women victims-survivors of trafficking.

Let us continue to work together to achieve a trafficking-free society.


HON. CORAZON JULIANO-SOLIMAN
SECRETARY

Department of Social Welfare and Development

Preface

With the increasing global trend of trafficking in persons (TIP), every nation faces the challenge of combating sexual and labor exploitation among illegal enterprise primarily targeting women and girls. The problem of trafficking in women has been continuously discussed at the regional and national level with the end goal of identifying structural changes necessary for the immediate relief and long term intervention program to promote and protect the rights of trafficked women.

To help address the issue, the Philippine Commission on Women (PCW), the primary policy-making, coordinating and oversight body on women and gender equality concerns led the development of this publication in coordination with the Inter-Agency Council Against Trafficking (IACAT), and in consultation with women's organizations and the women survivors of trafficking as mandated in Section 16 item (e) Programs that Address Trafficking in Persons of RA 9208, as amended by RA 10364 or the Anti-Trafficking in Persons Act. The PCW coordinated the development of guidelines that contain prevention and protection strategies for women victims of human trafficking. This publication documents the collective process that has taken place to produce practical guidelines for government agencies, local government units, non-government organizations and service providers in the effective management of cases of trafficked women.

The guidelines are composed of three main sections. The first section provides a perspective on the protection of rights of trafficked women with a discussion of the legal framework, the definition of key concepts and the general principles. The ecological framework and the multifaceted nature and response to violence also reflect the progression in the succeeding sections. The second section discusses the specific guidelines responding to the immediate relief and continuing rehabilitation at the individual level intervention. These are clustered into pre-rescue, rescue, recovery and post-rescue operations as well as the reintegration program to further facilitate guidance for those directly involved in the protection and prosecution components of trafficking. The last section emphasizes the long term agenda of institutionalizing multi-sectoral prevention and response against trafficking of women.

The contents have been gathered and modified from primary and secondary sources including first hand information from women survivors whose struggles and experiences of emotional resilience contribute to institutional analysis and response to trafficking.

The publication is intended as a resource tool to guide service providers, practitioners and implementing agencies to ensure a more comprehensive, practical and supportive response and management of the cases of trafficked women.

Finally, it aims to provide a lifeline support to every woman survivor of trafficking still trapped in fear, debt bondage, domestic servitude and slavery-like conditions towards creating an enabling environment that promotes and protects the rights of trafficked women. The document also intends to help institutions in the fight against trafficking in women.

Acknowledgment

The Philippine Guidelines on the Protection of the Rights of Trafficked Women is a result of the collaborative effort and support of various government agencies, civil society organizations, and individuals including women survivors of trafficking.

The Philippine Commission on Women (PCW) extends its deep appreciation to the Inter-Agency Council Against Trafficking (IACAT) whose members significantly contributed to the development of this publication.

We also recognize the support of the entire IACAT Secretariat, especially the Strategic Management and Special Operations Division, for taking time in circulating this document to member agencies, and the Public Information and Communications Division for the photos used in this publication.

The PCW would like to thank Lourdes G. Balanon, former DSWD Undersecretary, who served as the Consultant for this Publication.

We acknowledge the help extended by Marilen Soliman in coordinating the development of this publication, as well as Ma. Gichelle A. Cruz and Karen E. Lapitan in editing and laying out this publication.

Lastly, our sincerest gratitude to the consultation participants and women survivors of trafficking for their time and active participation and whose struggles and experiences of emotional resilience contributed to the institutional analysis and response to trafficking.

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Acronyms

ALG	Alternative Law Group
AO	Administrative Order
ASEAN	Association of South East Asian Nations
BI	Bureau of Immigration
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHR	Commission on Human Rights
DFA	Department of Foreign Affairs
DOH	Department of Health
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
FBO	Faith-Based Organization
FSI	Foreign Service Institute
GAATW	Global Alliance Against Traffic in Women
GSIS	Government Service Insurance System
IACAT	Inter-Agency Council Against Trafficking
IBP	Integrated Bar of the Philippines
IJM	International Justice Mission
IOM	International Organization for Migration
IRR	Implementing Rules and Regulations
LCPC	Local Council for the Protection of Children
LGA	Local Government Academy
LSWDO	Local Social Welfare and Development Office
NBI	National Bureau of Investigation
NGO	Non-Government Organization
NPA	National Prosecutors Academy
NPS	National Prosecution Service
OFW	Overseas Filipino Workers
OWWA	Overseas Workers Welfare Administration
PAGCOR	Philippine Amusement and Gaming Corporation
PAO	Public Attorney's Office
PCSO	Philippine Charity Sweepstakes Office
PCW	Philippine Commission on Women
Phil Health	Philippine Health Insurance System
PHILJA	Philippine Judicial Academy
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor Office
PPSC	Philippine Public Safety College

RA	Republic Act
SSS	Social Security System
UDHR	Universal Declaration of Human Rights
UNDP	United Nations Development Program
UNHCHR	United Nations High Commissioner for Human Rights
WCPC	Women and Children Protection Center
WCPU	Women and Children Protection Unit
WLB	Women's Legal Bureau



Section A

1. Overview

In May 2003, the Philippine Government passed Republic Act (RA) No. 9208 or Anti-Trafficking in Persons Act, which specifically made trafficking in persons a crime. The passage of the law led to the creation of the Inter-Agency Council Against Trafficking (IACAT) to which the Philippine Commission on Women (PCW) became a member agency.

In February of 2013, Republic Act No. 10364 or the Expanded Anti-Trafficking in Persons Act effectively amended RA 9208 in order to fully strengthen and institutionalize the mechanisms and principles behind the protection and the rights of trafficked women. Among others, the expanded law is redefined to include sanctions for attempted trafficking, provisions for publication of names of suspects, accused in human trafficking, raise sanctions; and liabilities of accomplices/accessories.

Trafficked women shall be recognized as victims and their consent to the intended exploitation shall be irrelevant. As such, they should be effectively protected from harm, threats or intimidation by traffickers and others associated with

the trafficking incident and should be provided with necessary support services for their recovery and reintegration. The same protection and sustainability programs should also be accorded to the service providers whose lives remain at risks in the performance of their duties.

These guidelines and procedures that cover both domestic and international trafficking of Filipino women aim to serve as a guide for all officials and service providers. These guidelines and procedure explains the pre-rescue, rescue and post-rescue operations including recovery, rehabilitation and reintegration of trafficked women. These should amplify Rule VII on Victim Protection and Assistance of the IRR of RA 9208 as amended by RA 10364, taking into consideration the following:

“The guidelines and procedures should be gender-responsive and lay emphasis on the human rights of the women. Referral to other service providers shall be based on a thorough assessment of their needs and a multidisciplinary approach in order to prevent re-victimization.”

IACAT member agencies recognized the necessity of enhancing existing policies and guidelines that are sensitive and responsive to the needs of trafficked persons and those directly involved in the prevention, protection, rehabilitation and reintegration components of trafficking victims. The Philippine Guidelines on the Protection of the Rights of Trafficked Women is PCW's direct contribution to the efforts of the Philippine government in ensuring that those directly involved in providing anti-trafficking services have a clear guide in gender-sensitive handling of women victims-survivors of trafficking and ensuring the protection of their rights.

2. Legal Framework

The principle of non-discrimination is a cornerstone of human rights. This principle prohibits, among others, discrimination on the basis of gender. These guidelines were developed within the context of the Universal Declaration of Human Rights (UDHR) which establishes that all persons, regardless of sex, are entitled to enjoy all basic human rights.

However, women are often denied these rights simply because they are women. In the context of trafficking, many basic rights of women are violated, e.g. right to be free from all forms of discrimination. Due to the unequal nature of gender relations, women and girl-children form the majority of those who are trafficked.¹

The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,² supplementing the United Nations Convention against Transnational Organized Crime is the universal instrument that addresses all aspects of trafficking in persons. This enunciates Article 6 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which enjoins all State Parties to "take all appropriate measures, including legislation, to suppress all forms of trafficking in women and exploitation in prostitution of women." In this regard, the UN High Commissioner for Human Rights (UNHCHR) adopted the Recommended Principles and Guidelines on Human Rights and Trafficking in 2002.

These guidelines and procedures that cover both domestic and international trafficking of Filipino women aim to serve as a guide for all officials and service providers.

¹ Human Rights and Trafficking in Persons (2000). Global Alliance Against Traffic in Women: A Handbook. Bangkok, Thailand

² Also known as the Palermo Protocol which was adopted by the UN together with the Convention and the Protocol on Smuggling of Migrants in 2000 in Palermo, Italy and subsequently signed and ratified by the Philippines

The ASEAN Declaration Against Trafficking in Persons Particularly Women and Children³ emphasizes the importance of continuing dialogue, information exchange and establishment of a regional network to prevent and combat trafficking in persons, particularly women and children. It provides that “victims should be treated humanely and provided with such essential medical and other forms of assistance deemed appropriate by the receiving/recipient country, including prompt repatriation to their respective countries of origin.”

Republic Act 9208 also known as the Anti-Trafficking in Persons Act of 2003⁴ articulates the policies and procedures for a comprehensive approach to combat trafficking in persons and created the Inter-Agency Council Against Trafficking (IACAT). Its amendatory law, the RA 10364 or the Expanded Anti-Trafficking in Persons Act⁵ provides additional protection not just to victims of trafficking but also to service providers.

The Magna Carta of Women or RA 9710 spells out the responsibility of the State to provide services and interventions to Women in Especially Difficult Circumstances (WEDC), which include victims of trafficking. Moreover, RA 9262 or the Anti-Violence Against Women and their Children Act of 2004 promotes the protection and safety of victims of all types of violence against women and their children.

There are other related laws that provide a legal framework in various circumstances of trafficking in women. The Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042) as amended by RA 10022 intensifies mechanisms for the

improvement and promotion of the welfare of Filipino migrant workers and overseas Filipinos in distress. The Anti-Mail Order Bride Act (RA 6955) protects Filipino women from exploitation in the act of establishing or engaging in the business of matching them to foreign nationals on a mail order basis or through personal introduction. The Philippine Passport Act of 1996 (RA 8239) establishes the system for the issuance of travel documents and the regulation thereof. The Organ Donation Act of 1991 (RA 7170) provides a system in organ donation and ensures protection to persons in the act of legacy or donation of all or part of a human body.

3. Definition of Terms

The following terms have been modified and extracted from various sources and defined within the context of the Philippine Guidelines.

Access to Justice refers to the ability of an individual to seek and obtain a remedy through formal or informal institutions of justice, and in conformity with human rights standards. It is a fundamental right and a key means to defend other rights. Access to justice, therefore, is much more than improving on individual’s access to courts, or guaranteeing legal representation. It must also be defined in terms of ensuring that legal and judicial outcomes are just and equitable.⁶ Appropriate legislative, judicial, administrative and other measures should be carried out to ensure protection of the rights of trafficked women in a gender-sensitive manner at all stages and levels of the justice system.

³ Adopted by the ASEAN Leaders during the ASEAN Summit on November 29, 2004 in Lao PDR

⁴ Signed into law on May 26, 2003 and its Implementing Rules and Regulations adopted on September 17, 2003

⁵ Signed into law on February 6, 2013 and took effect on February 28, 2013

⁶ United Nations Development Programme (UNDP) Access to Justice Practice Notes, September 3, 2004

Country Team Approach is the operational scheme under which Philippine embassies abroad shall provide protection to trafficked persons regardless of their immigration status. Under this approach, all officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies shall, on a per country basis, act as one-country team with mission under the leadership of the Ambassador or the head of mission.⁷

Domestic Trafficking refers to a trafficking situation that occurs within the country and may involve Filipino nationals or nationals of a foreign country.

Gender Discrimination shall mean any gender-based distinction, exclusion, or restriction which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field. It includes any act or omission, including by law; policy, administrative measure, or practice, that directly or indirectly excludes or restricts women in the recognition and promotion of their rights and their access to and enjoyment of opportunities, benefits, or privileges.⁸

Gender-Responsive Case Management is the process of coordinating and providing rights-based direct services to women taking into context the socio-cultural biases existing between women and men in the family and society, while working together towards empowerment.⁹ It includes the respect for the ethnic, social, cultural and faith/religious identity of the

woman survivor and uses the multidisciplinary approach/collaboration.

International Trafficking refers to a trafficking situation that occurs outside the country and may involve Filipino nationals residing or working abroad or who at the time of rescue, is about to depart from the Philippines.

Inter-Agency Council Against Trafficking (IACAT) is a council established under RA 9208 and expanded under RA 10364 which shall be primarily tasked to coordinate, monitor and oversee the implementation of the law.¹⁰ It is also mandated to ensure recovery, rehabilitation and reintegration of trafficked persons into the mainstream of society. The Department of Justice Secretary serves as the Chairperson with the Department of Social Welfare and Development Secretary as the Co-chairperson working with heads of various government agencies¹¹ and representatives from non-government organizations representing the sectors of women, Overseas Filipino Workers and children as members in order to sustain supervision and mechanism under the law.

Multidisciplinary Team Approach is a method wherein a group composed of members with varied but complimentary experiences, qualifications, and skills are working together to contribute to the achievement of specific objectives solve a problem, or handle a situation that requires capabilities, knowledge and training not available from any one source.¹²

Potential Trafficked Women refer to women who have signs and indicators to be in a trafficking situation and need intake interview, assessment and other initial actions by the service provider to verify their status.

⁷ Art. VIII, Sec. 28 of RA 9208 IRR

⁸ Section 4 (b) of Republic Act 9710

⁹ Department of Social Welfare and Development (2006). A Manual on Gender Responsive Case Management, Quezon City.

¹⁰ Section 20 of RA 9208 as amended by RA 10364

¹¹ Department of Foreign Affairs, Department of Labor and Employment, Philippine Overseas Employment Administration, Bureau of Immigration, Philippine National Police, Philippine Commission on Women, Department of Interior and Local Government, Commission on Filipino Overseas, Local Government Units, Philippine Center on Transnational Crimes

¹² <http://www.businessdictionary.com/definition/multidisciplinary-team.html>, last accessed October 30, 2013

Service Providers refer to all those individuals, institutions/agencies, organizations delivering assistance to trafficked women, including but not limited to social, psychological, medical, legal, protection and livelihood, whether from government or non-government organizations.

Survivors refer to trafficked women in the process of rehabilitation, especially if they are still in the care or custody of service providers undergoing rehabilitation process and other psychosocial interventions.

Trafficked Women refer to women who, after intake interview and assessment of their status and other initial actions by the service provider, have been identified and verified to be in a trafficking situation.

Traffickers refer to recruiters, transporters, those who exercise control over trafficked persons, those who transfer and/or maintain trafficked persons in exploitative situations, those involved in related crimes, and those who profit either directly or indirectly from trafficking, its component acts and related offenses.¹³ Those who commit the acts enumerated in Sections 4, 4-A, 4-B, 4-C, 5 and 6 of RA 9208 as amended by RA 10364 shall be included in this definition.

Trafficking In Persons (TIP) refers to “the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt of persons with or without the victim’s consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, 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 which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.¹⁴

Women, as used in this document, refer to potential female victims, aged 18 years and above during rescue and/or prior to any other initial actions conducted to them by the service providers.

4. General Principles

The following are the guiding principles to be strictly observed and upheld by all stakeholders, primarily the authorities and service providers in the promotion and protection of the rights of trafficked women.

Confidentiality and Right to Privacy is the underlying implicit or explicit agreement between the members of the multidisciplinary team and the trafficked women that the team will maintain the private nature of information about the trafficked women. All information disclosed shall be accessible only to authorized persons and the consent of the trafficked women concerned shall be sought before disclosure of any information. The privacy of the women-survivors shall be respected at all times and no identifying information shall be revealed to the public or media.

Do No Harm principle focuses on the ethical responsibility of every organization providing services to victims of trafficking to assess the potential harm of any proposed action and postpone, discontinue or terminate such action, if there is any reason to believe that it will worsen the individual’s situation or condition.¹⁵

¹³ UN High Commissioner for Human Rights Principles and Guidelines on Human Rights and Trafficking, E/2002/68/Add.1 (2002)

¹⁴ Section 3 (a) of RA 9208 as amended by RA 10364

¹⁵ International Organization for Migration. (2007). Handbook on Direct Assistance for Victims of Trafficking Geneva, Switzerland

Empowerment is the process of increasing personal, interpersonal or political power for individuals, families and communities can take action to improve their situation.¹⁶ The focus is to enhance the innate strengths and capacities of the trafficked women to make decisions for themselves, assist them to secure access to and control over needed resources and acquire knowledge and skills to function independently.

Gender-Sensitivity is the ability to recognize that women's perceptions, experiences and interests may be different from those of men, arising from an understanding of women's different social position and gender roles, including the deep trauma of gender-based violence. The provision of gender-sensitive services to trafficked women necessarily includes a rights-based approach, i.e., according to women at all times and in all stages of responding to their needs, with respect and dignity as their inherent right. Gender-sensitivity is a pre-requisite for an intervention to be considered gender-responsive.

Good Governance includes rights-based strategy that promotes transparency, accountability and efficient service delivery; increases access to justice by the poor so that they can obtain efficient, speedy legal remedies; and ensures broader citizen's participation in political affairs.¹⁷ It should also incorporate legislative, judicial, administrative and other measures to prevent and combat trafficking in persons as well as to provide protection and support services to the women victims-survivors and their families.

Informed Consent makes certain that all interventions/assistance to the trafficked women should proceed on the basis of their full and

informed approval. Before seeking written consent to any action or proposal, it is incumbent on the service provider to explain relevant actions, policies and procedures from the initial contact or admission to the agency until the termination of the assistance, making sure that the trafficked women fully understand these. If necessary, women interpreters should assist them.

Principle of Participation and Self-Determination encourages trafficked women's active participation in the helping relationship and upholds their right to make their own choices and decisions. This is in recognition of the right of trafficked women to express their views/opinions and their capacity to regain control over decisions affecting their lives and increase their confidence to determine the next courses of action. For meaningful participation, the trafficked women should have access to accurate and complete information about all matters affecting them in a language that they understand.

Right to Information refers to the right of trafficked women "to be informed about their legal and immigration options and services available, their rights and every decision or process that will affect them, or other information that they would consider relevant."¹⁸ Such information are tools for the trafficked women to make crucial decisions about their future and manifest respect their inherent dignity as individuals to have control over their lives. This right shall also be extended to the parents and immediate relatives of the trafficked women provided the same shall not compromise the safety of the trafficked women and the case against the traffickers.

Right to Non-Discrimination entitles every individual/trafficked woman to equal protection

¹⁶DuBois, B. & Miley, K.K. (1996) Social Work: An Empowering Profession. .Mass.: Allen and Bacon.

¹⁷UNDP Country Programme for the Philippines 2005-2009

¹⁸Access to Justice. Retrived February 15,2008 from www.gaatw.net/atj

and rights regardless of his/her age, sex, race, color, nationality, language, status, religion/faith, political or other opinion, ethnic/cultural or social origin, disability, property, birth or other status. It respects the inherent worth and dignity of the woman and that her sex, including her status as a victim of trafficking, should not be a deterrent in the provision of services and in all actions related to the trafficking situation.

Women Empowerment refers to the provision, availability, and accessibility of opportunities, services, and observance of human rights which enable women to actively participate and contribute to the political, economic, social, and cultural development of the nation as well as those that allow them to gain equal access to ownership, management, and control of production, and of material and informational resources and benefits in the family, community, and society.¹⁹

The right to information shall also be extended to the parents and immediate relatives of the trafficked women provided the same shall not compromise the safety of the trafficked women and the case against the traffickers.

¹⁹RA 9710 or the Magna Carta of Women



Section B

5. Specific Guidelines

This section covers the implementing guidelines and procedures on domestic and international trafficking of women for the specific guidance and key interventions of all officials, service providers and practitioners from pre-rescue operation, rescue and recovery, and post-rescue and reintegration program. It will guide in determining minimum recommended response services at the individual level that may be needed to reduce the traumatic consequences of the victim-survivor and prevent further re-victimization.

The guidelines and procedures adopted a gender-responsive approach integrating multi-disciplinary, strategic, holistic, and right-based principles and standards into each level of intervention. Convergence of key agencies and other relevant stakeholders were also ensured in the process of monitoring and evaluation of recovery and reintegration programs. Institutional guidelines on trafficked women's entitlement to seek redress and legal protection during criminal proceedings against traffickers were also provided at the end of the section.

5.1 Pre-Rescue Operation

Trafficked women, usually, come to the attention of law enforcement agencies, embassies/consular offices and other government authorities or non-governmental/faith-based organizations through hotlines, referrals, rescue operations, community outreach and the personal manifestation of trafficked women (self-referral). In some instances, cases of trafficking are detected during case build-up of similar cases, discussion during meetings or case conferences and other similar circumstances.

The immediate and accurate identification of trafficked women particularly in terms of age, sex, nationality and status/situation/context are imperative to ensure proper case management and the protection of the rights of trafficked women.

5.1.1 Detection and Identification of Potential Trafficked Women

Trafficked Women Identified Through Hotlines, Referrals, Community Outreach, Personal Manifestation, and Other Means

Potential trafficked women who are detected through hotlines, referrals, community outreach, personal manifestation (self-referral) and proactive means (detected during case build-up, case conferences, etc.) should receive the same protection and support services provided to those who were rescued from trafficking situations. Frontline agencies and service providers should ensure that rapid identification of women is conducted to confirm their being victims of trafficking.

In cases where the trafficked women refuse to be investigated or interviewed, the receiving agency should still report the incident to the nearest police station and the LSWDO and have the case recorded in the police blotter. If there is sufficient evidence to warrant the filing of the complaint, the law enforcement officer shall initiate the filing of the complaint.

When the trafficked women at the time of rescue are residing abroad, the embassy or consulate which has jurisdiction over the place where the women are residing, shall verify the

veracity of the report of incidence of trafficking and inquire about their conditions.²⁰

5.1.2 Rapid Identification of Trafficked Women

5.1.2.1 To facilitate rapid, immediate and accurate identification of trafficked women, the service provider/s of the receiving agency/ies must employ the three-pronged approach: (1) initial interview and assessment of the potential trafficked women, (2) use of an indicators checklist and (3) review of additional corroborative materials.²¹ In the rapid identification of trafficked women, this approach should consider:

- a. The age, sex and nationality/ethnicity of the trafficked persons, through:
 - o Birth documentation (birth certificate, baptismal certificate, identification cards/passport/travel documents, biometric data, school records, medical and/or dental examination, family

The guidelines and procedures adopted a gender-responsive approach integrating multidisciplinary, strategic, holistic, and right-based principles and standards into each level of intervention.

²⁰ Sec. 37, Rule III IRR of RA 9208 as amended by RA 10364

²¹ Department of Justice (2007). Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases, Manila

book/records);

- o Assessment of physical appearance and emotional maturity including statements made; and

- o Any piece of evidence based on cultural/religious/ethnic practices indicating age and nationality of a person.

b. The status/situation/context or circumstances of the report through the:

- o Review of documentation (passport and other travel papers, contracts, letters, etc.);

- o Last location before the referral;

- o Signs of abuse (injury, trauma, etc.) and

- o Assessment of the referring/reporting party, if any.

c. Initial assessment and results of the interview to gather preliminary information about the trafficking incident using a standard intake form or interview guide.

The rapid, immediate and accurate identification will establish whether the women are victims of trafficking,

illegal recruitment, irregular/undocumented migrants, or victims of abuse and exploitation.

5.1.2.2 Training should be conducted by IACAT and responsible government agencies in the correct application of appropriate guidelines and procedures on the identification of trafficked women.²² The following government offices and their personnel are required to undergo training as they are the forefront for detection and identification of trafficked women:

- a. Government authorities and personnel in authority at various entry and exit points of the country. These include airports, seaports and various land terminals: the Philippine National Police (PNP), National Bureau of Investigation (NBI), Bureau of Immigration (BI), Aviation Security Group, Philippine Ports Authority, Maritime Police, Philippine Coast Guard (PCG), Philippine Navy, and other border patrols; and

- b. National and local government units particularly the prosecutors, public attorneys, social workers, health, personnel, police officers, local government officials, and barangay officials.

Training should be conducted by IACAT and responsible government agencies in the correct application of appropriate guidelines and procedures on the identification of trafficked women.

²² Also included in the training program for Capability Building of Service Providers

5.1.2.3 The following non-government stakeholders are encouraged to have training conducted among their ranks who are responsible in detecting and identifying trafficked women:

- a. Relevant non-government and faith-based organizations; and
- b. Private sector particularly the shipping, airline, bus and other land transportation companies and travel agencies.

5.1.2.4 IACAT should ensure coordination and cooperation between and among national, local government units, NGOs (local and international) and private entities to facilitate identification and provision of assistance to trafficked women through:

- a. The development of a standard intake form and interview guide to gather basic information about the alleged trafficked women/persons to be used by all concerned government and non-government agencies;
- b. Setting of protocol on reporting and referral system to cover both domestic/local and international/cross-border trafficking;

and

c. Developing measures to coordinate information-sharing particularly between and among DFA (including embassies and consular offices), DOLE, POEA, law enforcement, and social welfare agencies at the national and local levels as well as between government and NGOs.

Pending verification of identification within a reasonable time,²³ trafficked women should not be detained or held in immigration detention facility or other forms of custody depriving them of their liberty. They should have access to a proper receiving agency or service provider through a referral system.

5.2 Rescue and Recovery of Trafficked Women

5.2.1 In the context of rescue and recovery, trafficked women shall be recognized as victims and their consent to the intended exploitation shall be irrelevant. As such, they should be effectively protected from harm, threats or intimidation by traffickers and others associated with the trafficking incident and should be provided with necessary support services for their

recovery and reintegration.

5.2.2 Rescue operations should only take place in coordination with other law enforcement units and proper government agencies. The DSWD/LSWDO and DOH or government hospitals, in collaboration with NGOs and other agencies, must be on hand to respond to the immediate needs of rescued women such as shelter, decent clothing, water, food, medical attention, and others, if necessary.

5.2.3 Rescue operations should not further harm the rights and dignity of the trafficked women. In conducting rescue operations:

5.2.3.1 The rescue team for domestic trafficking is composed of trained officers from the PNP/NBI, DSWD/LSWDO and other concerned agencies duly authorized in conducting rescue operations. Whenever possible, victim-survivors of trafficking may participate in the rescue operations.²⁴

5.2.3.2 In international trafficking, the DFA or the Philippine Embassy/Consulate must be notified by the Philippine government officials who will conduct or participate in the rescue operation and the ambassador or head of mission

²³ Refers to time allotted for intake interview to the women by the service provider in determining their status (if they are trafficked or not); usually conducted after rescue before they will be turned over to proper authorities

²⁴ The women survivors suggested their participation in rescue operations, whenever possible

must assign a Foreign Service Officer to be the mission's focal person for trafficking.²⁵ Rescue team should be composed of law enforcement officers, anti-human trafficking committee and the host country's relevant authorities. In cases where there is no Philippine Embassy/Consulate, the DFA shall coordinate with concerned authorities to undertake appropriate measures to guarantee the protection and non-discrimination of the trafficked women.

5.2.3.3 The rescue team should ensure that trafficked women are not harassed or intimidated at pre-rescue, during and post-rescue operations and they are treated with dignity at all times. They should be given time to get dressed or given decent clothing in cases where they are in compromising situations. No mug shots shall be taken on the rescued women.²⁶ They should be assisted to retrieve their personal belongings, travel documents, and other possessions.

5.2.3.4 To minimize fear and trauma, rescued women should be informed of the circumstances occurring upon rescue and what actions need to be undertaken. They should be provided with the appropriate

environment and conditions to recover from the traumatic experience arising from the rescue operation.

5.2.4 All efforts to ensure confidentiality and privacy of the trafficked women during and after the rescue operations should be paramount and carried out. Systems to ensure that trafficked women are turned over immediately to the DSWD/LSWDO (domestic) or to the Philippine Embassy/Consulate (international) for protection after interview/investigation by the law enforcement agency and/or other authorities need to be instituted by the rescue team. They should not be held more than the time needed in giving their statements.

5.3 Post-Rescue and Integration Program

At the initial contact, the safety and security of trafficked women must be ensured by separating them from the traffickers, regardless of being rescued at the local or international levels. Measures should be undertaken by the law enforcers or any government authorities to immediately identify and separate the alleged traffickers, including those who

All efforts to ensure confidentiality and privacy of the trafficked women during and after the rescue operations should be paramount and carried out.

²⁵ Sec. 38, Rule III IRR of RA 9208 as amended by RA 10364

²⁶ Recommended by the women-survivors

are involved in controlling and exploiting trafficked women. The alleged traffickers should not be in the same area/place of the trafficked women during investigation nor should they be in the same vehicle when transferring them to another place.

A debriefing session with the trafficked women by a trained staff or social worker is necessary to enable them to release their fears, anxieties, frustrations and other feelings and to prepare them for the interview/investigation.

The law enforcement agencies should take the necessary actions for effective investigation and apprehension of alleged traffickers, as well as assist the victims in preparation for filing the appropriate charges against traffickers in the proper court.

5.3.1 Pre-Requisites on Initial Contact with the Trafficked Women

5.3.1.1 Upon identification of the trafficked women, the following initial actions should be undertaken:

a. A woman's consent is essential before any action is taken on her behalf.

Her decisions whether to respond to a health concern, talk about her feelings, how to respond to the situation at hand, or other personal matters must be respected, regardless of how dangerous or abusive the situation may seem to the interviewer.²⁷

b. Preferably a trained female police officer, investigator, prosecutor, consular, health or social welfare officer who was not a part of the rescue operation should be assigned to conduct the initial interview in a gender-sensitive manner.

This interview will serve as a means to gather information on the course of interaction with the trafficked women. This process is consistent with the "*Do no harm*"²⁸ principle where potential victims may associate the aggressive and stressful condition of the rescue operation with the rescue team. In many cases, rescue team was seen as "aggressors" thereby making it difficult for the women to establish trust, cooperation, acquire truthful responses and fully comprehend their decisions and actions.

c. Prior to the interview, an assessment should be made by the interviewer whether such

A woman's consent is essential before any action is taken on her behalf.

²⁷ World Health Organization (WHO) Ethical and Safety Recommendations for Interviewing Trafficked Women (2003)

²⁸ Ten Guiding Principles to the Ethical and Safe Conduct of Interviews with Women Who Have Been Trafficked, WHO Ethical and Safety Recommendations for Interviewing Trafficked Women (2003)

interview will cause harm or compromise the women's safety or their mental health. Victim/survivors, who are in a state of uncontrolled emotion or hysteria, should not be interviewed immediately, but rather be given the time to stabilize their emotions. Debriefing sessions on trafficked women should be undertaken by trained social workers or staff prior to the interview.

d. The actual interview should be held in a private room with only authorized persons allowed inside such as the social worker, female police officer, lawyer (if available) and person/s requested by the trafficked women.

e. The trafficked women should not be exposed to the public/media nor be allowed to be interviewed by the media except if the trafficked woman herself knowingly, voluntarily and willingly waives said right to privacy/confidentiality.²⁹ No identifying information, personal circumstances or any information tending to establish the whereabouts of the trafficked women and their families should be given to the media to prevent reprisals from the traffickers.

f. The safety and physical security of the trafficked women should be guaranteed by the authorities. Referral to a safe house, facility or a place where they can feel comfortable and safe should be made to enable them to recover from the trafficking experience.

g. Trafficked women should not be detained or deprived of their liberty at all times.

5.3.2 Gender-Sensitive Interview

5.3.2.1 The interviews should be conducted in a gender-sensitive manner in a safe environment and in a language known to the trafficked women. The objective of this interview is two-fold:

a. to gather information or pieces of evidence about the trafficking situation and identify whether the victim/survivor is a trafficked woman; and

b. to assess the problem and take corresponding actions as necessary.

Results of prior interviews conducted by another person or agency should be taken into account by the interviewer to avoid repetitive interviews.

The trafficked women must be treated as victim/survivor and not as offenders.

They should not be blamed for the situation they are in.

²⁹ Sec. 7 of RA 9208 as amended by RA 10364 mandates that the waiver must be in a written statement duly notarized

Follow-up interviews may only be conducted when necessary to gather more information for case build up or case management.

5.3.2.2 The conduct of a gender-sensitive interview must be guided by the following principles:

a. The trafficked women should be interviewed in a room where they can have privacy. No media should be allowed to take photos or interview them. The media must be reminded on the confidentiality and privacy provisions of RA 9208 as amended by RA 10364.

b. The trafficked women must be treated as victim/survivor and not as offenders. They should not be blamed for the situation they are in. They should be treated with respect with no insensitive or humiliating remarks that could embarrass or make them uncomfortable. Concerned personnel should maintain a non-judgmental attitude.

c. The trafficked women should be informed by the interviewer of the legal rights and remedies available and relative to the prosecution of the traffickers. A lawyer should be on hand to assist the trafficked women. However, it must be emphasized that the provision of such services does not depend on their cooperation with the law enforcement in filing charges against the traffickers. They should also be given the assurance by the interviewer of the confidentiality of information shared to ensure their privacy and protection from the traffickers. It should be explained that the purpose of such interviews is to gather all information as the basis for the provision of interventions/services as well as for the filing of charges against the traffickers, if indicated.

e. Information on related services for the trafficked women's protection and support by various government and non-government agencies must also be provided to them. Provision of such services should not

be dependent to the women's cooperation to pursue charges against the alleged traffickers and others involved in the trafficking situation. Referral to appropriate agencies may be done to address other related needs.

d. Judgmental and interrogative style of interviewing should be avoided. It will help to provide a brief orientation on standard questions covering the areas of recruitment, transportation and exploitation which may bring back painful and difficult memories. In this regard, the interviewer must exercise appropriate care and compassion in explaining the purposes of acquiring this relevant information.

f. The interview should be conducted in a language known to the trafficked women. If necessary, a female translator/interpreter should be provided. The consent of the trafficked women should be sought before using recording equipment such as video camera and tape recorder.

g. The interviewer should explain in clear, simple language, the content of any document or statement made by the trafficked women as well as the implications of such actions and to ensure thorough understanding before the trafficked women affix their signatures.

5.3.3 Implementing Multidisciplinary Team Approach

A multidisciplinary team, preferably composed of female personnel from relevant frontline service providers such as the PNP/NBI, BI, DOJ, DSWD/LSWDO, DOH and NGOs for domestic trafficking and the DFA or the Philippine Embassy/Consulate as the head of the mission together with other government officials for international trafficking, should be created to facilitate immediate assessment and response to the needs of identified trafficked women and to prevent their re-victimization due to multiple or repetitive

interviews.

5.3.3.1 As much as possible, the multidisciplinary team should be present during interviews and investigations which shall be done in a pre-determined place to prevent multiple or repetitive interviews and avoid re-victimization of the trafficked women.

5.3.3.2 A standard intake form and interview guide as well as a reporting and referral mechanism that will ensure the gathering of information needed by all agencies concerned and immediate response to the trafficked women's needs should be developed by IACAT and used by government and NGO service providers. All concerned agencies should be trained in the use of these forms and guidelines.

5.3.3.3 The team should be trained in gender-responsive case management including gender-sensitive interviewing or handling of cases that will pave the way for the prevention of gender discrimination in the provision of services, among others.

5.3.3.4 The roles and responsibilities of the various members of the team should be clarified and understood

in order to facilitate coordination and collaboration among them. Information should be shared as deemed necessary to prevent repetitive questions on the same subject matter of the interview. Information gathered from previous interviews should be taken into account.

5.3.4 Physical Turn-Over of Custody of Trafficked Women

5.3.4.1 For domestic trafficking, the trafficked women should immediately be turned over to the Department of Social Welfare and Development (DSWD) or the local social welfare and development office (LSWDO) or to any accredited NGO for case management after the initial investigation by the law enforcement agency (PNP/NBI/BI). In case of international trafficking, the rescue team, in coordination with DFA, should turn over the Filipino women victims abroad to the established Migrant Workers and Overseas Filipinos Resource Center (MWOFRFC) by the DOLE. All records including the standard intake interview form and initial investigation report should be provided to the DSWD/LSWDO/NGO that will provide temporary shelter and other services to trafficked women.

Special attention should be made for trafficked women needing special care such as those who are sick or suffering from lingering illness, mentally/emotionally disturbed, with disability, pregnant women and those with children.

5.3.4.2 Special attention should be made for trafficked women needing special care such as those who are sick or suffering from lingering illness, mentally/emotionally disturbed, with disability, pregnant women and those with children.

a. Women who are sick or suffering from lingering illness, mentally/emotionally disturbed should be given immediate attention/treatment and referred to appropriate medical facility, as needed;

b. Women with physical disability should be treated with respect and be provided with necessary intervention;

c. Pregnant women should be treated with sensitivity and should be provided with necessary medical care, examination and appropriate counseling. If their travel or repatriation poses prenatal risks, particularly when birth complications have been diagnosed, proper arrangements should be made with the country of destination for their residence permits by the consular offices;

d. The children of trafficked women should not be separated from them, unless

such is in the children's best interest. Appropriate interventions should be provided to them.³⁰

5.3.4.3 Foreign women nationals trafficked to the Philippines shall be entitled to appropriate protection, assistance and services available to Filipino trafficked women upon confirmation of their status by the Bureau of Immigration (BI). Their respective embassies/consulates shall be duly notified by the BI of the status of the case. They shall likewise be turned over to the DSWD for provision of services and permitted continued presence in the Philippines for a length of time³¹ prescribed by IACAT as necessary to effect the prosecution of traffickers.

5.3.5 Continuing Protection and Support of Trafficked Women

Services should be established to ensure that trafficked women are protected from exploitation and harm beyond initial contact. Access to adequate physical and psychological care should be provided. Such protection, care and support, shall be provided in all phases of trafficking from detection/identification

Services should be established to ensure that trafficked women are protected from exploitation and harm beyond initial contact.

³⁰ Refer to the IACAT (2008) Guidelines for the Protection of the Rights of Trafficked Children, Manila

³¹ Sec. 93, Article III, Rule VII of IRR of RA 9208 as amended by RA 10364 sets the period to 59 days

to recovery and reintegration of the survivors. However, it must be emphasized that these shall not be made conditional upon the women's capacity or willingness to cooperate in legal proceedings; neither are they required to accept such support and assistance.

5.3.5.1 Protection and Support Services for Filipino Trafficked Women in the Country

5.3.5.1.1 The DSWD/LSWDO, should make available, a safe and adequate shelter to meet the needs of trafficked women for interim care and protection. Trafficked women should not be held in immigration/police detention centers, military camps or in the private custody of law enforcers/health/social welfare personnel before transfer to a DSWD regional facility or a provincial/city/municipal women/VAW center.

5.3.5.1.2 Standard accreditation system for government and private residential facilities/shelters/crisis centers should be reviewed and enforced to ensure delivery of quality and gender-sensitive support services for trafficked women and their families.³² Children of trafficked women who were with them during the rescue should not be separated from them, unless otherwise indicated for the best interest of the children. They should not be mixed with male clients, the emotionally disturbed, men-dicants, and others.³³

5.3.5.1.3 Trafficked women should be referred to appropriate medical institutions for necessary medical treatment of injury/illness/disability and given access to primary health care and counseling. DOH retained WCPU and other LGU maintained health facilities should provide

a holistic, gender-sensitive health services and ensure that victims are treated with utmost care, concern and understanding.³⁴ Special medical care and counseling should be given to pregnant women. Further, trafficked women should not be subjected to mandatory testing for HIV/AIDS and other infectious diseases. However, they may be encouraged to do so, after appropriate counseling and their consents are secured.

5.3.5.1.4 In cases where a medico-legal examination is required, the forensic interview and medico-legal examination should be done by a trained female physician in a government accredited medical facility. The examiner should explain the importance and procedures of such an examination, make the woman comfortable and at ease before making her sign the consent form for the medico-legal examination.³⁵ If there is no female examiner available, trafficked women should be accompanied by a relative or a female nurse.

5.3.5.1.5 Counseling and other psychosocial interventions should be provided to restore the women's physical and emotional stability and well-being. Issues relative to their personal safety, where and with whom to live, financial means of support and sustainability should be discussed with them. They should be assisted in making decisions based on the rehabilitation plan until their reintegration with their families and communities.

5.3.5.1.6 Psychological and/or psychiatric services should be made available to trafficked women showing signs of anxiety, trauma, depression, post-traumatic stress disorder, withdrawal/isolation and suicidal tendencies,

³² DSWD AO No.04, Series 2006: Standards in the Implementation of Psycho-Social Services to Women Victims-Survivors of Violence and their Children in Center and Residential Facilities, Quezon City.

³³ As recommended by the women-survivors for the purpose of producing this specific guidelines

³⁴ DOH (2006) Performance Standards and Assessment Tool for Women and Children Protection Units (WCPUs), Manila

³⁵ PNP (2006) Performance Standards and Assessment Tool for Police Services Addressing Cases of Violence

among others. Appropriate referral for these services should be made and ensure that care and follow-up services should be continued until treatment is completed.

5.3.5.1.7 Access to formal and non-formal education, vocational/skills training, employment, livelihood opportunities and micro-financing should be made available for trafficked women to improve their economic situation. The purpose thereof is to provide economic opportunities for self-sufficiency and independence. Other family members, including the children of the trafficked women, maybe included in these livelihood and educational/training programs when necessary.

5.3.5.1.8 Spiritual, socio-cultural, recreational and sports activities should be given, developed, and implemented to expand the social and support network of trafficked women, facilitate their recovery and prepare them for their reintegration.

5.3.5.1.9 Legal information and assistance in relation to any criminal, civil or other actions against the traffickers and those involved in the trafficking situation should be provided in a simple and clear manner; and in a language understood by the trafficked women. Such legal assistance and/or representation should not be made conditional on the willingness of the victims to give evidence in criminal proceedings. The steps, processes and the timelines involved in court proceedings should be presented to them as basis for an informed consent to cooperate with law enforcement agencies.

5.3.5.2 Protection and Support Services for Filipino Trafficked Women Abroad

5.3.5.2.1 Filipino trafficked women, regardless of their immigration status,³⁶ should be informed of their right of access to diplomatic and consular services, in cases of international trafficking. Diplomatic, consular officers, and other concerned personnel, acting as a country team, in the country of destination³⁷ should:

- a. Ensure gender-sensitive rescue operations and provision of support services such as temporary shelter, counseling, legal assistance, and other forms of assistance in collaboration with NGOs, faith-based organizations, private entities/individuals and the Filipino communities at the country of destination;
- b. Make representation with the host government for the extension of appropriate residency permits and protection, as may be legally permissible in the host country and that they should not be treated as illegal migrants;
- c. Work out the safe and voluntary return/repatriation of trafficked women or explore the option of temporary residency or resettlement in the country of destination in specific circumstances to prevent reprisals from traffickers or in cases where revictimization is considered likely to happen;
- d. Prepare pre-departure plans with the trafficked women relative to arrival assistance and initial reintegration plans based on the assessment conducted by DSWD/LSWDO/NGO in coordination with the families of the trafficked women; and

³⁶ Enunciated in One Country-Team Approach under EO No. 74, Series of 1993

³⁷ As provided in Section 19 of RA 8042, the government must provide a lawyer and a social worker, where there is large concentration of OFWs; however, only Malaysia has one (1) Social Welfare Attache as part of the country team

e. Ensure that the trafficked women give their informed consent on all matters affecting them. They should also be exempted from the payment of fees related to their repatriation and other services.

5.3.5.2.2 In the repatriation of trafficked women suffering from mental illness, or have suffered physical or sexual abuse or have received serious threats to their lives, the Joint Task Force against Trafficking in Persons should coordinate with appropriate agencies like OWWA, DSWD and DOH to meet them at the airport. Special care should be provided to women with disability and pregnant women.

5.3.5.2.3 Support and assistance for the final reintegration of trafficked women should be provided to ensure their wellbeing, facilitate their recovery and reintegration and prevent re-trafficking. Aside from the OWWA, DSWD and DOLE, the NGOs, faith-based organizations, and the private sector should be tapped as well to provide a comprehensive reintegration program for repatriated trafficked women.

5.3.5.2.4 The women survivors who want to return to work abroad must be given the information on legal/safe migration and must be referred to the proper agencies like the POEA, after counseling. For those returning to work in other places within the country, they must also be referred to the DOLE and other appropriate agencies to be informed of the proper procedures and protection they are entitled to.

5.3.6 Healing Partnership through Gender-Responsive Case Management

A gender-responsive case management pursues empowerment of the trafficked women as the

goal of the healing partnership with a social worker/social welfare service provider where the survivors become responsible and in control of their own lives.³⁸ Further, the women survivors should be able to recover from the trafficking situation and seek justice.

5.3.6.1 Individual Case Assessment

5.3.6.1.1 Each trafficked woman should be considered as a distinct individual and therefore entitled to individual case management. The initial assessment of the social worker/social welfare officer is crucial in establishing a helping relationship and is the start of the healing process to cope with the effects of the trafficking experience.

5.3.6.1.2 The initial assessment should be the basis for the immediate response needed by the trafficked woman which may include temporary shelter, counseling, medical and psychological services and other forms of assistance. Since not one agency can provide all the needed services to respond to the needs of the trafficked women, referral to other agencies is necessary. A referral system³⁹ should be utilized to facilitate the provision of services including feedback of such referrals from the agency and the trafficked women.

5.3.6.1.3 All service providers should recognize and respect the individuality of the women and provide personalized care and assistance. Thus, throughout the assistance process, they should strive to provide the most appropriate protection, treatment and support suitable to the needs and circumstances of the individual woman victim. The LGUs shall ensure that at least a trained social worker should be assigned to handle cases of trafficking in

³⁸ Department of Social Welfare and Development (2006). A Manual on Gender-Responsive Case Management, Quezon City.

³⁹ Referral System on the Protection, Recovery and Reintegration of Victims-survivors of Rape, Trafficking and VAWC created under the Guidelines in the Establishment and Management of a Referral System on Violence Against Women and Children at the Local Government Unit Level developed by the PCW and IAC-VAWC. This is also congruent with the Referral System for the Recovery and Reintegration of Trafficked Persons at the city/municipal level developed by DSWD

Victims look at the possibility of becoming survivors themselves and eventually move towards full reintegration into the mainstream society.

each city and municipality. They shall also endeavor to make basic services available including residential facilities for trafficked women and children.

5.3.6.2 Intervention Planning and Implementation

5.3.6.2.1 A comprehensive assessment as basis for an intervention plan should be done by a multidisciplinary team composed of the DSWD/LSWDO, DOH, PNP/ NBI and NGO who are trained in gender-responsive case management. The team shall also establish an intervention program with the active participation of the women survivors. The LSWDO, as the coordinating agency, shall periodically call the team for a case conference to assess the progress of the intervention implementation and make adjustments as necessary. Should the trafficked women want to resettle in another community/ city/ municipality, appropriate referral to a receiving agency shall be made to ensure that services based on the intervention plan (which may be adjusted later on) are provided.

5.3.6.2.2 All matters affecting the lives of trafficked women should be decided on with their active participation. Their opinions and wishes should be given due weight and their decisions/ consents shall be sought after all relevant information

and options are presented to them.

5.3.6.2.3 In all aspects of the case management process, the ethnic, cultural, faith/religious identity and practices of trafficked women should be considered and respected.

5.3.6.2.4 In cases of Filipino trafficked women abroad, the DFA/Philippine Embassy/ Consulate should coordinate with DSWD/LSWDO/ NGO in relation to the plans/ actions of the families of the trafficked women in order to arrive at an initial reintegration plan and get their support for its implementation upon the return of the trafficked women.

5.3.6.2.5 A comprehensive intervention program for the recovery and reintegration of trafficked women should consider the mobilization of their internal and external resources and that of their families and communities.

Interventions should be geared towards the following:

a. Improvement of their economic situation through job placement; livelihood or income-generating projects; micro-financing; self-employment assistance; and other economic measures;

b. Development of their capacities and potentials through formal/

non-formal/ alternative learning educational opportunities⁴⁰ ; vocational skills training, leadership, business management skills, and other schemes;

c. Social and interpersonal skills development such as in social relations, communication and life skills, group work and networking, and others; and

d. Building/restoring their competence, coping mechanisms and decision-making skills; development of their own resources to realize their personal development potentials; and be able to formulate practical solutions in accordance with their individual needs and circumstances.

5.3.7 Monitoring and Evaluation of Implementation of Intervention Programs on Recovery and Reintegration

The recovery and reintegration programs are aimed at helping the women victims survive the trauma and scars of trafficking, empowering them and creating a mind-set of optimism. Victims look at the possibility of becoming survivors themselves and eventually move towards full reintegration into the mainstream society.⁴¹

5.3.7.1 Recovery and reintegration of trafficked women being a long-term process should be made to consider the specific short and long-term needs of each individual woman survivor based on their age, education, skills, family and support system, among others. Monitoring of the implementation of these short and long-term plans should be undertaken by the DSWD/LSWDO/NGO/FBOs to ensure

that re-victimization does not occur. The Local Council for the Protection of Children/Barangay Council for the Protection of Children, the PNP's Women and Children Protection Center and the local IACAT-VAWC as well as other community structures/entities should be mobilized to assist in the monitoring of the intervention programs for trafficked women.

5.3.7.2 The DSWD/LSWDO and NGOs should ensure that the women-survivors have continuing access to legal, medical, educational, skills training/livelihood and counseling services in order to restore their self-confidence and self-esteem. A holistic and comprehensive continuum of services should be in accordance with the physical, psychological and social state of the women-survivors.

5.3.7.3 The women survivors of trafficking should be encouraged to take active roles in raising awareness about the issues and effects of trafficking among the women themselves, their families and communities. Self-organized groups among the women and survivors are effective in monitoring intervention programs, advocacy, and information and education campaigns. The LSWDO and the NGOs are to assist and support these self-organized groups.

5.3.7.4 The monitoring and evaluation tools developed by IACAT should ensure regular submission of feedback reports and status of referred cases to monitor effectively the services provided.

⁴⁰ The women-survivors recommended that education and other services should also be extended to their children

⁴¹ IACAT Second National Strategic Action Plan Against Trafficking in Persons (2012-2016)

⁴² The women survivors recommended that the WCPC must always have a trained woman police officer at all times

5.3.8 Access to Justice

Trafficked women are entitled to legal protection and information on all available remedies in a language they understand to enable them to arrive at a decision to seek justice. The issue of gender-based discrimination should be addressed by the justice system in the issuance of policies, procedures, resolutions, decisions and other measures and that such measures are not applied in a discriminatory manner. The administration of justice must be fair and equitable to all men and women.

5.3.8.1 Legal Protection and Assistance

5.3.8.1.1 The PNP, NBI, Investigator, Prosecutor must gain the trust of the trafficked women and create conditions wherein they will feel free to cooperate with the criminal justice system. As such, they should bear in mind that the trafficked women should be treated as victims and not as offenders. The consent of the trafficked women for the intended exploitation is irrelevant.

5.3.8.1.2 The trafficked women should be informed of the processes, procedures, potential consequences and the risks of cooperation with the prosecution of the case. The investigator has the duty to respect the decision of the victim as to whether or not, she will cooperate and become a witness for the prosecution.⁴³ The provision of support services does not depend on their willingness to cooperate with the prosecution of their cases.

5.3.8.1.3 Legal representation and other assistance by the DOJ, Public Attorney's Office (PAO) and Commission on Human Rights

(CHR), as well as legal associations/groups such as the Integrated Bar of the Philippines (IBP), International Justice Mission (IJM), Women LEAD Foundation, Women's Legal Bureau (WLB), and other Alternative Law Group (ALG), shall be provided to trafficked women for the duration of any criminal, civil or other actions against suspected traffickers.

5.3.8.1.4 All efforts should be exerted to protect the trafficked woman during the investigation and trial process and any subsequent period when her safety so requires. To this end, there should be no public disclosure of the identity and whereabouts of the trafficked women and their privacy should be respected. The presence of a social worker or any person requested by the woman during preliminary investigation and court hearings to give her support shall be considered by the Prosecutor and the Court.⁴⁴

5.3.8.2 Criminal Proceedings

5.3.8.2.1 Upon institution of criminal action, the Prosecutor/investigator shall duly inform the women survivors of the specific procedures from preliminary investigation until the termination of the case and to regularly update the survivors of the status of case and appropriate actions to be undertaken.

⁴³ Department of Justice (2007) Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases, Manila

⁴⁴ Recommended by the women survivors

5.3.8.2.2 The Prosecutor should inform the trafficked women about the following programs' benefits and the corresponding policies and requirements:

- a. Preferential entitlement under the Witness Protection Program (RA 6981) and other support services;
- b. Entitlement to avail of the benefits of the Victim Compensation Program (RA 7309) since they are also victims of violent crimes; and
- c. Other compensation as a result of the criminal proceedings and under other laws, if indicated.

5.3.8.3 Civil Proceedings

5.3.8.3.1 Trafficked women should be informed by the Prosecutor that the civil action arising from the offense is already incorporated in the filing of the criminal action. However, the women-survivors have options whether to pursue the civil case simultaneously or separately from the criminal case.

5.3.8.3.2 When the trafficked women decided to institute separate civil actions for the recovery of civil damages, they should be provided with legal assistance in filing and should be exempted from the payment of filing fees.

6.1.1.2 Promulgation of rules and regulations for the effective implementation of the anti-trafficking law;

6.1.1.3 Coordination of programs and projects of various member agencies;

6.1.1.4 Coordination in the conduct of massive information dissemination and campaign on the existence of the law and the various issues and problems attendant to trafficking through the local government units (LGUs), concerned agencies, and NGOs;

6.1.1.5 Giving of directives to other agencies for the immediate response to the problems brought to their attention and reporting to the Council on action taken;

6.1.1.6 Assistance in filing of cases against individuals, agencies, institutions or establishments that violate the provisions of the Act;

6.1.1.7 Formulation of program for the reintegration of trafficked persons in cooperation with DOLE, DSWD, TESDA, CHED, LGUs, and NGOs;

6.1.1.8 Requesting of assistance from any department, bureau, office, agency, or instrumentality of the government or from NGOs and other civic organizations as may be needed in the effective implementation of the Act;

6.1.1.9 Harmonization of the shared government information system for migration established under RA 8042 or the Migrant Workers and Overseas Filipinos Act of 1995 with data on cases of trafficking in persons, and ensuring the proper agencies of the conduct of continuing research and study on the patterns

and scheme of trafficking in persons which shall form the basis for policy formulation and program direction;

6.1.1.10 Development of mechanism for a timely coordinated and effective response to cases of trafficking in persons;

6.1.1.11 Recommendation of measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements for the prevention and suppression of international trafficking in persons;

6.1.1.12 Coordination with DOTC, DTI, and other NGOs in monitoring the promotion of advertisement of trafficking in the Internet;

6.1.1.13 Adoption of measures and policies for the protection of rights and needs of trafficked persons who are foreign nationals in the Philippines;

6.1.1.14 Initiation of training programs for identification and provision of necessary intervention or assistance to trafficked persons.

6.1.2 Regional and International Mechanism

6.1.2.1 The DFA should closely network with government agencies overseas in the formulation of policies and implementation of relevant programs that eliminate trafficking activities.⁴⁶ It should also monitor the implementation of the regional and international instruments related to trafficking of women, duly update the IACAT for information and direction, and take appropriate measures to strengthen cooperation between and among countries.

⁴⁶ As enunciated in Sec. 122 of the IRR of RA 9208, as amended by RA 10364 or the Anti-Trafficking in Persons Act

6.1.2.2 The DFA should participate in bilateral, regional and international initiatives and arrangements with other countries aimed at suppressing trafficking in persons and protecting and assisting victims of trafficking⁴⁷ particularly women.

6.1.2.3 The IACAT through the DOJ, in close coordination with DFA and concerned agencies shall promote cooperation, technical assistance and partnership among governments and regional or international organizations on the following:⁴⁸

6.1.2.3.1 Rapid identification of Filipino women victims of international trafficking including the sharing and exchange of information in relation to their protection in the countries of origin, transit and destination;

6.1.2.3.2 Judicial matters such as conducting joint investigations and judicial processes relating to trafficking and other offenses, including identification and interview of witnesses; identification, acquisition and preservation of evidence; producing and serving legal documents necessary to secure evidence and witnesses; and in the enforcement of judgments;

6.1.2.3.3 Requests for extradition for offenses related to trafficking where these are dealt with by authorities without undue delay;

6.1.2.3.4 Exchange of information, experiences and good practices and joint training among law enforcement, prosecutors and immigration authorities, consular officers, social welfare attaches, service providers and other concerned personnel in relation to the implementation of assistance, repatriation and integration programs, and gender-responsive

and rights-based approach in handling of cases with a view of maximizing impact and effectiveness;

6.1.2.3.5 Cooperation between NGOs, Filipino communities and other civil society organizations in countries of origin, transit and destination to ensure support and protection to trafficked women; and

6.1.2.3.6 Mechanisms to facilitate the exchange of information concerning traffickers and their areas and methods of operation.

6.2 Capability Building, Protection, and Support of Service Providers for Trafficked Women

Service providers from law enforcement agencies, prosecution, public attorney's office, consular offices, health, social welfare and other related agencies, both government and non-governmental/faith-based organizations, need to enhance their knowledge and skills in the various phases of their work in order to provide gender-responsive quality services for the trafficked women. In some instances, they also need protection from harassment and reprisal of traffickers and others who are engaged in the exploitation of women.

6.2.1 Capability Building

6.2.1.1 A comprehensive training program for service providers in the local government units particularly the multidisciplinary team should be developed, implemented, monitored and evaluated as to its relevance and effectiveness by DILG in coordination with IACAT. Basic training on RA 9208 as amended by RA 10364, gender and women's rights, the use of standard intake forms, reporting and

⁴⁷ Ibid

⁴⁸ As enunciated in Rule V on Extra-Territoriality Principle and International Legal Cooperation of the IRR of RA 9208, as amended by RA 10364 or the Anti-Trafficking in Persons Act

referral, gender-sensitive interviewing and investigation, rights-based approach in investigation and prosecution, gender-responsive case management and others should be required to the following service providers, among others:

- a. Law enforcement – PNP, WCPC, NBI, BI, Aviation Security Group, PPA, Maritime Police, Philippine Coast Guard, Philippine Navy and other border patrol groups;
- b. Legal – Family Court Judges, Prosecutors, PAO, volunteer lawyers of legal associations such as the IBP, IJM, ALG, etc.;
- c. Health/medical – physicians involved in medico-legal examinations, WCPU doctors, social hygiene clinic doctors⁴⁹ and other medical staff involved in helping trafficked women;
- d. Social services – DSWD/LSWDO, OWWA, medical social workers, social workers⁵⁰ of NGOs/FBOs, house parents and other staff of women residential facilities;
- e. Foreign service – consular officers, OWWA, POLO;
- f. Local and barangay officials and members of LCPCs; and
- g. Media practitioners (billboard, internet ads, print, broadcast, TV and film) on gender-sensitive reporting of trafficking cases and respect of privacy and confidentiality when conducting interviews with trafficked women.

6.2.1.2 Funds should be allocated by IACAT and member agencies in order to carry out this capability building program. Technical assistance and support may be sought from UN and other donor organizations.

6.2.1.3 The IACAT should coordinate its training programs with training institutions such as the Supreme Court's Philippine Judicial Academy (PhilJA), the DOJ's National Prosecutors Academy (NPA), DFA's Foreign Service Institute, PNP's Philippine Public Safety College (PPSC), DILG's Local Government Academy (LGA) and other similar institutions to ensure the integration of trafficking issues and the respective competencies particularly on gender-sensitive handling of trafficked victims of concerned service providers in their curriculum or training programs.

6.2.1.4 The IACAT and member agencies should give access to service providers, opportunities for education and training such as attendance to national, regional, international conferences; study tours and short-term courses and similar activities, to update their knowledge, skills and current trends on anti-trafficking measures and in gender-sensitive handling of trafficked women.

6.2.2 Legal Protection

6.2.2.1 Legal protection is given to service providers who are being charged in court as a result of their performance of their duties in protecting trafficked women. Law enforcement officers, social workers and any person acting in compliance with a lawful order from any of the two preceding service providers, shall be immune from any action or suit, for lawful acts done or statements made during an authorized rescue operation, recovery or rehabilita-

⁴⁹ Women-survivors recommended that social hygiene clinics should not only focus on STI/STD but also provide general medical check-up

⁵⁰ Recommended by the women-survivors who seek assistance in hospitals for their medical needs

tion/intervention or during an investigation or prosecution of anti-trafficking case.⁵¹

6.2.3 Support System

6.2.3.1 The IACAT and member agencies shall endeavor to include in its package of protection and support to service providers, the creation of avenues for the sharing of learning and experiences such as attendance to conferences, seminars, study tours and others, at the national, regional and international levels.

6.2.3.2 Agencies/organizations should develop measures to support their staff in ways that aim to prevent or reduce job-related stress, secondary trauma or burnout. Membership in professional organizations and women's advocacy/support groups may become part of their support networks/system.

6.3 Prevention of Trafficking in Women

Prevention is the first line of defense against trafficking in women. Effective prevention strategies should include factors that increase vulnerability to trafficking, including inequality, poverty and all forms of discrimination against women. It should also take into ac-

count demand as a root cause of trafficking in women.

6.3.1 Information and Educational Campaigns

6.3.1.1 The IACAT and other stakeholders should develop, implement, monitor, and evaluate information and educational campaigns for the general public and specific target audiences to raise awareness on trafficking of women, modus operandi of trafficking and effects of trafficking on the women, families and communities. Community education at the barangay level through existing structures including the women themselves is imperative to have an effective awareness-raising program. Information and educational campaign materials should be translated in the major dialects of the country.

6.3.1.2 The IACAT, member agencies particularly DOLE, POEA, labor and migrant workers' groups and other stakeholders should conduct an information campaign for potential migrant workers, especially women. This should tackle the avenues, policies and procedures on legal, safe and non-exploitative migration as well as the risks involved such as

Prevention is the first line of defense against trafficking in women.

⁵¹ Sec. 17-C of RA 9208 as amended by RA 10364

exploitation, debt bondage, and health and security issues. Mechanisms to protect the rights of migrant workers, here and abroad must be developed and implemented.

6.3.1.3 Consistent with their mandates, other relevant national government agencies, LGUs and NGOs, shall integrate human trafficking issues in their strategy and program formulation and implementation for the prevention of trafficking and protection of victims of trafficking.⁵²

6.3.2 Programs Reducing Vulnerability of Women

6.3.2.1 The government must vigorously implement a comprehensive and integrated anti-poverty program including, but not limited to, employment, livelihood, micro-finance schemes; small and medium enterprise development; formal and non-formal education, vocational and skills training; health, medical care; and other socio-economic opportunities at the local and national levels. International organizations, NGO/FBOs and the private sector should be mobilized in this endeavor.

6.3.2.2 An aggressive human development program for women should be instituted

to develop their social, interpersonal skills and capability; enhance their creativity and communication, problem-solving and decision-making skills, among others.

6.3.2.3 Women survivors shall be encouraged to act as advocates against trafficking and the improvement of policies and programs for victim-survivors; share their personal experiences to potential women migrants/women's groups and actively participate in women support groups. Para-legal and communication skills trainings must be provided to them to enhance their advocacy skills.⁵³

6.3.3 Programs Reducing Demand

6.3.3.1 The IACAT and member agencies, including NGO/FBOs should develop and implement programs to reduce demand among men such as promoting women's rights and challenging the concepts of machismo, patriarchy and other socio-cultural beliefs with the aim of changing attitudes and behavior towards women and girls.

6.3.3.2 A comprehensive information, educational and advocacy campaign directed towards men and male adolescents should be carried out by all concerned agencies.

Women survivor shall be encouraged to act as advocates against trafficking and the improvement of policies and programs for victim-survivors; share their personal experiences to potential women migrants/women's groups and actively participate in women support groups.

⁵² Art. 5, Sect. 18, 19 & 20, Implementing Rules and Regulations of RA 9208

⁵³ The women-survivors requested this training for their women advocates

Young and adult men should be encouraged to become partners in the drive against trafficking of women and girls and in the elimination of all forms of violence against women and girls by organizing men's group such as the Men Opposed to Violence Against Women Everywhere (MOVE).

6.3.3.3 Passage of city/municipal ordinances/policies to regulate the issuance of license/permits for the operation of bars, internet café, motels and similar business establishments involved in trafficking and other exploitative activities on women.

6.4 Research, Data Management, and Documentation

Trafficking of women is a complex phenomenon, thus the need for research, data collection and management, and documentation of experiences including good practices, in all phases of work in the protection of trafficked women. This is for the purpose of improving policies, procedures and programs for a more effective implementation of the anti-trafficking law.

6.4.1 Research

6.4.1.1 The IACAT should build a research agenda with academic and research institutions, in collaboration with concerned agencies to have a better understanding of the trafficking issues and concerns particularly on the demand side of trafficking and its link to prostitution. Effective and anti-trafficking strategies must be based on accurate and current information, experience and analysis.

6.4.1.2 Ethical principles should be considered in the involvement of women-survivors in research activities to preserve their privacy and anonymity and prevent their re-traumatization at the same time. This is also to recognize their contribution in evaluating the impact of policies and interventions.

6.4.1.3 Research findings should be disseminated and utilized for policy and program development to improve strategies to prevent and combat trafficking in women.

6.4.2 Data Management

6.4.2.1 The IACAT should develop a central database by standardizing the collection of statistical information on trafficking and related movements such as illegal recruitment and smuggling that may include a trafficking element. This database should be the sole source of data on trafficking-related cases and as such, should be kept updated.

6.4.2.2 Data on victims should be disaggregated on the basis of age, sex, ethnicity, and other relevant characteristics. Information on the incidents and patterns of the trafficking situations should take into account the need to preserve confidentiality and the privacy of the trafficked women.

6.4.2.3 Data on the traffickers and others allegedly involved in exploitation of women should include their modes of trafficking, areas of operation, past and previous cases filed against them, status of cases and convictions, if any.

6.4.3 Documentation

6.4.3.1 The IACAT should encourage member agencies to document good practices and strategies that work well and have impact on the lives of trafficked women and their families.

6.4.3.2 Researches, studies, statistics, case studies, and similar articles/documents should be published and disseminated for advocacy, teaching, supervision, replication, and other purposes.



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