

CASE STUDY: PHILIPPINES

Determinants of Anti-Trafficking Efforts



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This report is published as part of the 'Determinants of Anti-Trafficking Efforts' Project. The project assesses the links and sequencing of specific factors that have yielded improved political will and capacity in national governments to address trafficking in persons and which have led to sustained and comprehensive anti-trafficking efforts. Through a multi-pronged approach, this project will conduct a review/meta-analysis of the current research and contribute a new data-set through expert interviews, a first of its kind global survey and a series of 14 case studies.

More information including the project outputs are available at:

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Gift of the United States Government



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Executive Summary

This case study aims to assess the links and factors that have led to improved political will and capacity in the Philippines to address trafficking in persons. Anti-trafficking efforts in the Philippines improved significantly over the past decade, reflected in the country's Tier 1 ranking in the Trafficking in Persons Report for the last six years.

Method

This report presents analysis from in-depth, cross-temporal, national level desk research of policy documents, parliamentary speeches, *travaux préparatoires* of legislation, studies produced by international organisations, newspaper articles, government reports, online interviews and focus group discussions with key government and non-government actors.

Findings

Two key developments identified over the reporting period were (1) the amendment of the Philippines' anti-trafficking law and (2) the strengthening of the national anti-trafficking coordinating body. Many of the interview participants also identified the Tier 1 ranking as a key development in Philippine anti-trafficking efforts.

This study identified the following as the main determinants of improved anti-trafficking efforts in the Philippines:

1. *International reputation of the State (monitoring and threat of financial sanction)*. The threat of a Tier 3 ranking in the Trafficking in Persons Report and the corresponding economic sanction in 2011 compelled government to improve anti-trafficking efforts. For a developing country such as the Philippines, the threat of losing substantial amounts of financial aid is a powerful stimulus to take action.
2. *The role of Civil Society Organisations and survivor networks*. Civil society organisations and local survivor networks pushed government to improve anti-trafficking efforts through continuous lobbying, resource sharing and operational partnerships.
3. *Funding, aid agreements or international aid, and sanctions*. International partnerships and funding allowed the Philippine government to continue, improve and expand anti-trafficking operations and programs.
4. *The role of the government*. The Inter-Agency Council Against Trafficking, composed of key government and non-government agencies, has been instrumental in leading and developing anti-trafficking initiatives.

Interview analysis revealed new determinants in the Philippine setting. These include:

1. Filipino culture and values
2. Lack of integration of anti-trafficking and labour systems

3. Women leaders in key government positions

4. The human aspect of anti-trafficking efforts.

The impact of COVID-19 on anti-trafficking efforts in the Philippines was immense and especially felt in the frontline services. The government had to realign most of its financial and human resources to COVID-19 emergency response. Prosecution, protection and prevention of human trafficking were negatively affected.

Introduction

Anti-trafficking efforts in the Philippines improved significantly over the past decade. This marked improvement is reflected in the country's progressive ranking in the annual Trafficking in Persons Report of the United States State Department (TIP Report). In the 2009 and 2010 TIP Reports, the Philippines was ranked as a Tier 2 Watch List country. In 2011, the Philippines moved up to Tier 2 and retained that rank until 2016, when the Philippines was ranked as a Tier 1 country. As of date of writing, the Philippines has maintained its Tier 1 ranking for six consecutive years.

One of the key positive developments that has occurred over the past decade is the amendment of Philippines' anti-trafficking law, Republic Act No. 9208 (RA 9208), otherwise known as the Anti-Trafficking in Persons Act of 2003, through the enactment of Republic Act No. 10364 (RA 10364), otherwise known as the Expanded Anti-Trafficking in Persons Act. RA 10364 expanded the definition of trafficking in persons, added specific acts of trafficking in persons, strengthened existing structures and mechanisms, and addressed crucial gaps in the law that have prevented the government from successfully prosecuting human trafficking cases.

The funding of the Inter-Agency Council Against Trafficking (IACAT) is another key development in Philippine anti-trafficking efforts. The IACAT was created in 2003 by virtue of RA 9208, but it was only in 2011 when the Philippine Congress started allocating funds for their operations. The IACAT membership is reflective of the complexity of the crime and is uniquely composed of the heads of nine government agencies and representatives of three non-government organisations (NGOs) representing women, children, and overseas Filipino workers (OFWs). It is a multi-sectoral structure and a mechanism essential in organising and streamlining Philippine anti-trafficking efforts. Over the years, the IACAT has grown in terms of personnel and operational capacity as the Philippine government increased and sustained its funding. In the past decade, the IACAT increased the conduct of technical and skills trainings to key anti-trafficking actors, ensured prosecution and resolution of trafficking in persons cases, initiated and maintained victim protection programs, and partnered with local and foreign stakeholders to support and strengthen government interventions.

This case study presents analysis from in-depth, cross-temporal, national level desk research of policy documents, parliamentary speeches, *travaux préparatoires* of legislation, studies produced by international organisations, newspaper articles, and government reports. The study includes analysis from 14 interviews and 2 focus group discussions (FGDs) with relevant stakeholders. Nine interviews were conducted with government actors representing various member-agencies of the IACAT. Five interviews were conducted with non-government actors, representing organisations working with survivors of human trafficking.

The FGDs were conducted separately for non-State and State actors. There were 6 participants in the non-State FGD, while there were 5 participants in the State FGD.¹ All interviews and FGDs were conducted online.

¹ One participant failed to attend on the day of the focus group.

Context

The Republic of the Philippines is a unitary state with a presidential form of government. The Philippines adheres to the principle of separation of powers between the three branches of government and recognises the autonomy of local governments spread over the archipelago. The country is composed of more than 7,000 islands and is divided into three major island groups, namely: Luzon, Visayas, and Mindanao. Approximately 2,000 of the Philippine islands are populated, while the rest remain predominantly uninhabited.

The Philippines has a strong anti-trafficking legal framework. In 2003, a year after ratifying the Palermo Protocol, the Philippines' anti-trafficking law was enacted. Republic Act No. 9208 (RA 9208), otherwise known as the Anti-Trafficking in Persons Act of 2003, is the first anti-trafficking law to be passed in Southeast Asia.² In 2013, RA 9208 was amended by Republic Act No. 10364 (RA 10364), otherwise known as the Expanded trafficking in Persons Act. In 2017, the Philippines ratified the ASEAN Convention against Trafficking in Persons (ACTIP).

Prior to the enactment of RA 9208, the Philippines already had in place other related laws, demonstrating the existence of the problem in the country before it was formally labelled 'trafficking in persons':

- Presidential Decree No. 442 (Labor Code of the Philippines) was enacted in 1974 and is the main law governing employment rights and labour relations in the Philippines. The law defines and penalizes illegal recruitment.
- Presidential Decree No. 603 (The Child and Youth Welfare Code), also enacted in 1974, permits the employment of children aged 16 years and below to perform light work not harmful to their safety, health or normal development, and not prejudicial to their studies.
- Republic Act No. 6955 (Anti-Mail Order Bride Law), enacted in 1990, penalizes the practice of matching Filipino women for marriage to foreign nationals on a mail order basis. This law was repealed and replaced in 2015 by Republic Act No. 10906, otherwise known as the Anti-Mail Order Spouse Act.

² Liberty Asia, 'ASEAN & ACTIP: Using a Regional Legal Framework to Fight a Global Crime' (September 2017); Janina Lim, 'Looking Back: First Anti-Trafficking Law in Southeast Asia', *Rappler* (26 May 2015) <<https://www.rappler.com/newsbreak/iq/looking-back-ph-first-anti-trafficking-law-asean>> accessed 2 August 2021.

- Republic Act No. 7610 (Special Protection of Children Against Abuse, Exploitation and Discrimination Act) was enacted in 1992 and penalizes, among others, child trafficking:

Section 7. Child Trafficking. – Any person who shall engage in trading and dealing with children including, but not limited to, the act of buying and selling of a child for money, or for any other consideration, or barter, shall suffer the penalty of reclusion temporal to reclusion perpetua. The penalty shall be imposed in its maximum period when the victim is under twelve (12) years of age.

- Republic Act No. 8042 (Migrant Workers and Overseas Filipinos Act of 1995) instituted the policies of overseas employment and establishes a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress.

The Philippines recognises and values the Trafficking in Persons Report of the United States Department of State (TIP Report) as an international monitoring mechanism. Philippine anti-trafficking stakeholders take immense pride in achieving and holding a Tier 1 ranking in the TIP Report for six consecutive years. The rank is seen as a key indicator of the country’s collective efforts to combat trafficking in persons. In the region, there is work being made to create a monitoring system within the ASEAN. Article 24 of the ACTIP provides for the conduct of the periodic promotion, review and reporting of member-states’ compliance to the Convention. This system has not been implemented as of date of writing.

RA 10364 mandates the establishment of an anti-trafficking in persons database, but there is currently no unified case management system in place, with different government agencies operating their own data management systems.³ The IACAT acknowledges this and is currently working with partners on data centralisation and dissemination for purposes of active care of victims and survivors.⁴ In July 2020, IACAT launched the first digital case management system that would track and ensure coordinated government action on cases involving the trafficking of overseas Filipino workers (OFWs). The system, however, can only be accessed by IACAT member-agencies.⁵ In May 2021, IACAT entered into a Memorandum of Agreement with the Supreme Court of the Philippines, where the Supreme Court undertook to provide relevant information on trafficking in persons cases within the

³ Loren Legarda, ‘Sponsorship Speech of Senator Legarda’ (2011) Session No. 50 Senate Journal - 15th Congress.

⁴ Nicholas Felix Ty, ‘Interview with Nicholas Felix Ty on the Determinants of Anti-Trafficking Efforts in the Philippines’ (7 July 2021).

⁵ ‘IACAT Launches Digital Case Management System against Trafficking of OFWs on World Day Against Trafficking’ (Republic of the Philippines Department of Justice, 28 July 2020) <https://www.doj.gov.ph/news_article.html?newsid=663> accessed 16 July 2021.

court systems and to develop a mechanism to ensure timely reporting of promulgated trafficking in persons cases.⁶

IACAT is the central coordinating body that monitors and oversees the strict implementation of RA 9208, as amended by RA 10364. It is mandated to develop comprehensive and integrated programs to prevent and suppress trafficking in persons, establish the necessary institutional mechanism for the protection and support of trafficked persons, and ensure coordinated investigation and prosecution of trafficking persons cases. The council membership is composed of the following government agencies, represented by their heads:

1. Department of Justice (Chair)
2. Department of Social Welfare and Development (Co-Chair)
3. Department of Foreign Affairs
4. Department of Labor and Employment
5. Department of the Interior and Local Government
6. Philippine Overseas Employment Administration
7. Bureau of Immigration
8. Philippine National Police
9. Philippine Commission on Women
10. Commission on Filipinos Overseas
11. Philippine Center for Transnational Crimes
12. Three (3) representatives from non-government organizations (NGOs) representing women, overseas Filipino workers (OFWs), and children.
 - a. Coalition Against Trafficking In Women – Asia Pacific (women sector)
 - b. Blas F. Ople Policy Center and Training Institute (OFWs sector)
 - c. International Justice Mission (children sector).

Other government partners of the IACAT include the:

1. Anti-Money Laundering Council
2. Commission on Human Rights
3. Council for the Welfare of Children

⁶ Miguel, 'SC, IACAT Ink Agreement for Strengthened Partnership to Address Trafficking in Persons' (*Philstar.com*, 27 May 2021) <<https://www.philstar.com/headlines/2021/05/27/2101195/sc-iacat-ink-agreement-strengthened-partnership-address-trafficking-persons>> accessed 30 June 2021.

4. Department of Education
5. Department of Health
6. Department of Tourism
7. National Bureau of Investigation - Anti-Human Trafficking Division
8. National Youth Commission
9. Overseas Workers Welfare Administration
10. Philippine Information Agency.

Non-government partners include:

1. Batis Center for Women
2. Dynamic Outsource Solutions, Inc. (DOS-1)
3. Grab Philippines
4. Integrated Bar of the Philippines
5. International Organization for Migration Philippines
6. International Seafarers' Welfare and Assistance Network
7. Justice, Peace & Integrity of Creation-Integrated Development Center, Inc.
8. Kapisanan ng mga Brodkaster ng Pilipinas
9. Philippine Against Child Trafficking
10. Plan International Philippines
11. Voice of the Free (formerly Visayan Forum Foundation).⁷

At the sub-national level, the Regional Inter-Agency Council Against Trafficking (RIACAT) is the counter-part regional agency of IACAT. Organized in all 17 administrative regions of the country, the RIACAT promotes and advocates for the localisation of RA 9208, as amended by RA 10364, and of the national policies and programs. Within the local government units, counterpart structures are the provincial / city / municipal IACATs, each chaired by the respective local chief executives.

IACAT is mandated under the law to develop mechanisms, such as task forces, to ensure the timely, coordinated and effective response to cases of trafficking in persons. Presently, IACAT has a total of 24 task forces, which include 2 national task forces, 6 port-based task

⁷ Commission on Filipinos Overseas, 'Primer on RA 9208 as Amended by RA 10364' (Commission on Filipinos Overseas January 2020).

forces, and 16 regional task forces.⁸ These task forces are composed of prosecutors who help build the case.⁹

IACAT's funding is disbursed through the annual budget of the Department of Justice.¹⁰ Amounts collected from penalties, fines or assets derived from the violation of RA 9028, as amended by RA 10364, are added to the council's funding.¹¹ These funds may be augmented by local or foreign grants and donations, subject to national government audit regulations.¹²

International donor support and partnerships have enabled IACAT and its member-agencies to continue existing anti-trafficking programs, launch new projects, and respond to emerging trends. Recent partnerships include:

- The Child Protection Compact (CPC) with the Government of the United States, signed in 2017. The CPC was a 4-year partnership to combat all forms of child trafficking, where the U.S. State Department's Office to Monitor and Combat Trafficking in Persons pledged USD 4.9 million to improve the government's capacity to prevent and prosecute cases of online sexual exploitation of children (OSEC) and protect rescued victims.¹³ Partner organisations International Justice Mission and The Salvation Army implemented the program and were able to identify 312 OSEC victims, train more than 355 social workers, and directly support 44 survivors.¹⁴
- A Memorandum of Agreement with the Blas F. Ople Center & Training Institute, to develop a digital case management system for trafficking cases involving overseas Filipino workers (OFWs), financed by the US-based Global Fund to End Modern Slavery.¹⁵
- Partnership with the Australian Government through the ASEAN-Australia Counter-Trafficking (ASEAN-ACT) program. The ASEAN-ACT program is a 10-year program with an AUD 80 million investment in enhancing criminal justice response to

⁸ 'History | Inter-Agency Council Against Trafficking' (no date) <https://iacat.gov.ph/?page_id=63> accessed 19 August 2021.

⁹ OECD, 'Testing the Guiding Principles on Combatting Corruption Related to Trafficking in Persons in the Philippines' in *Trafficking in Persons and Corruption* (OECD Public Governance Reviews, OECD 2016).

¹⁰ [PRETITLE] Republic Act No 10364, otherwise known as the Expanded Anti-Trafficking in Persons Act of 2012.

¹¹ *ibid.*

¹² *ibid.*

¹³ 'U.S. and Philippines Conclude Child Protection Compact Partnership' (*International Justice Mission*, 29 April 2021) <<https://osec.ijm.org/news-and-insights/news-updates/us-and-philippines-conclude-child-protection-compact-partnership/>> accessed 15 July 2021.

¹⁴ 'Child Protection Compact Partnerships - Philippines' (*United States Department of State*, no date) <<https://www.state.gov/child-protection-compact-partnerships-philippines/>> accessed 15 July 2021.

¹⁵ Inter-Agency Council Against Trafficking, 'IACAT Signed a MOA with Blas Ople Center, New Logo of the 1343 Actionline, and Launching of the New IACAT Website' (*Inter-Agency Council Against Trafficking*, 10 December 2018) <<https://iacat.gov.ph/?p=1992>> accessed 19 August 2021; 'IACAT launches digital case management system against trafficking of OFWs on World Day Against Trafficking' (n 5).

trafficking in persons and the implementation of the ACTIP among ASEAN members. One of the ongoing projects in the Philippines is the Justice Systems Coordination Mechanism Project that aims to establish regular coordination mechanisms among the Office of the Court Administrator, the Philippine Judicial Academy, the Supreme Court and the Department of Justice.¹⁶

- Funding assistance from the United Kingdom National Crime Agency (UK NCA) to support the establishment of the Philippine Internet Crimes Against Children Center (PICACC).¹⁷ Inaugurated in 2019, the PICACC is a collective law enforcement effort to combat child exploitation across the Philippines by local and international law enforcement agencies: the Philippine National Police Women and Children's Protection Center, the National Bureau of Investigation Anti-Human Trafficking Division, the Australian Federal Police, and the UK NCA, in partnership with non-government organization, International Justice Mission.¹⁸

There are specific socio-economic policies and structures unique to the Philippines that make it conducive to human trafficking. The Philippines is one of the largest migrant countries in the world.¹⁹ Migration out of the country began in the 1970s, after former President Ferdinand Marcos encouraged labour migration as a stopgap measure to solve the country's unemployment problem and to resuscitate the economy with the inflow of USD remittance.²⁰ These measures were meant to be temporary, but the structures and mechanisms institutionalized during the Marcos regime were maintained in later administrations. Labour migration continues until today, and has become an aspiration for many Filipinos owing to the socio-economic conditions in the Philippines. The Philippines has a population of 110 million and it is increasing at a rate faster than the government can create employment opportunities.²¹ The current poverty incidence is projected to be at 20%, which translates to 22 million Filipinos living under the poverty threshold.²²

¹⁶ 'ASEAN-Australia Counter-Trafficking - Investment Design' (Australian Government | Department of Foreign Affairs and Trade March 2018); (n 6).

¹⁷ 'NCA Awarded £2.96 Million from the UK's Aid Budget to Tackle UK Transnational Child Sex Offenders' (National Crime Agency, 3 April 2019) <<https://www.nationalcrimeagency.gov.uk/news/nca-awarded-2-96-million-from-the-uk-s-aid-budget-to-tackle-uk-transnational-child-sex-offenders>> accessed 19 August 2021.

¹⁸ British Embassy Manila, 'Launch of the Philippine Internet Crimes Against Children Center' (GOV.UK, 27 February 2019) <<https://www.gov.uk/government/news/launch-of-the-philippine-internet-crimes-against-children-center>> accessed 17 August 2021.

¹⁹ 'History of Philippine Migration' (Center for Migrant Advocacy, 9 October 2013) <<https://centerformigrantadvocacy.com/philippine-migration/history-of-philippine-migration/>> accessed 19 August 2021.

²⁰ *ibid.*

²¹ 'Philippines Population (2021) - Worldometer' (no date) <<https://www.worldometers.info/world-population/philippines-population/>> accessed 20 August 2021.

²² Warren, 'Pandemic "clearly" Worsened PH Poverty in 2020: ADB Official' (ABS-CBN News, 28 April 2021) <<https://news.abs-cbn.com/business/04/28/21/pandemic-worsened-ph-poverty-2020-adb>> accessed 20 August 2021.

The Philippines is also known to be a sex tourism hub.²³ Angeles City, a small town north of the capital of the Philippines, is a popular destination amongst international sex tourists. Fields Avenue, the red-light district of Angeles City, sits less than 8 kilometres away from the newly opened Clark International Airport. Fields Avenue traces back to the 1951 Mutual Defense Treaty between the United States (US) and the Philippines. The treaty facilitated and allowed the US to maintain military bases in the Philippines, particularly the Subic Bay Naval Base in Olongapo City and the Clark Air Base in Angeles City which provided support during the Vietnam war and served as a training ground for military men. With the presence of thousands of enlisted US servicemen in these bases, business opportunities opened up to the surrounding areas catering to the needs of the officers, including their recreational desires.²⁴ Pubs and prostitutes still line Fields Avenue, long after the treaty ended, revived with new clients upon the conversion of the Clark Air Base into a tax-free economic zone.

The Philippines has been called the social media capital of the world, averaging 4 hours on social media every day.²⁵ In 2020, there were 78.5 million social media users in the Philippines, which accounts for nearly 70% of the Philippine population in that year.²⁶ Facebook holds 80% of the Philippine social media market, which can be attributed to the free Facebook access given by the telecom giants.²⁷ In the past few years, Facebook Messenger has been used as a main communication platform in the Philippines. With lockdown restrictions last year, many businesses transferred online and traded through Facebook. Government agencies were forced to follow suit because service users preferred to communicate through Facebook Messenger.²⁸

²³ Corinne Redfern, 'In Philippine Red-Light District, an Uphill Struggle to Battle Trafficking and Abuses', *Washington Post* (18 November 2019) <https://www.washingtonpost.com/world/asia-pacific/in-philippine-red-light-district-an-uphill-struggle-to-battle-trafficking-and-abuses/2019/11/17/43a6470a-bad3-11e9-b3b4-2bb69e8c4e39_story.html> accessed 3 August 2021.

²⁴ Maria B Montes, 'US Recognition of Its Obligation to Filipino Amerasian Children under International Law' (1995) 46 *Hastings Law Journal*.

²⁵ 'Digital in 2018: World's Internet Users Pass the 4 Billion Mark' (*We Are Social*, 30 January 2018) <<https://wearesocial.com/blog/2018/01/global-digital-report-2018>> accessed 23 August 2021.

²⁶ 'Number of Social Network Users in the Philippines 2018-2023' (*Statista*, 12 August 2021) <<https://www.statista.com/statistics/489180/number-of-social-network-users-in-philippines/>> accessed 23 August 2021.

²⁷ Mia Rodriguez, 'Just How Dependent Are Pinoys on Facebook?' (*SPOT.PH*, 20 September 2020) <<https://www.spot.ph/news/features/the-latest-news-features/83762/facebook-ph-stats-a4362-20200929-lfrm>> accessed 23 August 2021.

²⁸ 'Interview on the Determinants of Anti-Trafficking Efforts in the Philippines' (16 July 2021); 'Interview on the Determinants of Anti-Trafficking Efforts in the Philippines' (13 July 2021).

Determinants of anti-trafficking efforts

Particulars of determinants by type of response

Prosecution

International reputation of the State (monitoring and threat of financial sanction). The threat of a Tier 3 sanction in 2011, after being in the Tier 2 Watch List for two consecutive years, compelled the government to improve anti-trafficking efforts significantly. Prosecution is widely regarded as a benchmark to increase ranking in the TIP Report.²⁹ In 2011, government efforts resulted to 31 trafficking in persons convictions, a leap from the total of 29 convictions for the years 2003 to 2010.³⁰ The Philippines was removed from the Tier 2 Watch List in the 2011 TIP Report. Then President Benigno Aquino III explicitly attributed this improvement to the significant increase of trafficking in persons convictions in 2011.³¹ In 2013, Philippine Congress passed the amendment of the 2003 anti-trafficking law, addressing loopholes that prevented government from successfully prosecuting human trafficking cases.³² Legislative proceedings and *travaux préparatoires* reveal the urgency to fix the law to increase convictions in response to the threat of Tier 3 sanctions. In an interview, Senior State Prosecutor Lilian Doris Alejo, Chairperson of the Department of Justice Anti-Trafficking Task Force for 7 years, stated definitively that the Philippine's improved ranking in the TIP Report is the direct result of increased convictions.³³

Funding, aid agreements or international aid, and sanctions. International aid also supported government efforts to increase trafficking in persons convictions.³⁴ For the past eight years, the Australian Government Department of Foreign Affairs and Trade has

²⁹ Lilian Doris Alejo, 'Interview with Lilian Doris Alejo on the Determinants of Anti-Trafficking Efforts in the Philippines' (12 July 2019).

³⁰ Benigno S Aquino III, 'Second State of the Nation Address' (*Official Gazette of the Republic of the Philippines*, 25 July 2011) <<https://www.officialgazette.gov.ph/2011/07/25/benigno-s-aquino-iii-second-state-of-the-nation-address-july-25-2011/>> accessed 13 August 2021.

³¹ *ibid.*

³² [PRETITLE] *An Act Amending Section 7 of the Republic Act 9208 Disclosing the Name and Personal Circumstances of the Accused in a Pending Investigation Regarding Human Trafficking*; [PRETITLE] *An Act Amending Republic Act 9208, Entitled "An Act to Institute Policies to Eliminate Trafficking in Persons Especially Women and Children, Establishing the Necessary Institutional Mechanisms for the Protection and Support of Trafficked Persons, Providing Penalties for its Violations, and for Other Purposes*; Mel Senen Sarmiento, 'Privilege Speech of Rep. Sarmiento (M)' (2011) 2 Congressional Record - 15th Congress; Legarda (n 3); Pia Cayetano, 'Co-sponsorship Speech of Senator Cayetano (P)' (2011) Session No. 50 Senate Journal - 15th Congress.

³³ Alejo interview (n 29).

³⁴ Reynaline Francisco-Tan, 'Interview with Reynaline Francisco-Tan on the Determinants of Anti-Trafficking Efforts in the Philippines' (7 July 2021).

partnered with and supported the Supreme Court of the Philippines, in working to combat human trafficking in the region through training and capacity building of police officers, prosecutors, judges, and social workers.³⁵ There has been a marked increase in convictions in the past 5 years due to these trainings.³⁶ Non-government funding assistance directly contribute to the operations leading up to prosecution. CSOs have provided law enforcement agencies the very basic of resources – bond paper and ballpens – to keep government operations going.³⁷ The first human trafficking case filed in the Philippines resulted from an investigation funded by a private individual who was related to one of the victims.³⁸

Case Law. Case law influence prosecution efforts because the Philippine justice system follows the principle of *stare decisis*. The principle of *stare decisis* enjoins adherence by lower courts to doctrinal rules established by the Supreme Court of the Philippines in its final decisions.³⁹ Admittedly, it was only in 2011, 8 years after the enactment of RA 9208, that the first human trafficking case reached the Supreme Court.⁴⁰ Among other things, this was mainly due to the low level of human trafficking prosecution prior to 2011 (discussed above) and the country’s slow criminal justice system.⁴¹ Notwithstanding the slow start, the Supreme Court have since then had various opportunities to discuss the anti-trafficking law and educate justice practitioners through their decisions.⁴² Meanwhile, new cases filed in lower courts provide crucial data with respect to emerging trends, dictating where government efforts should be focused.⁴³

Culture and Values. Based on his experience working closely with survivors of trafficking, one interviewee identified Filipino culture and values as factors that indirectly shape

³⁵ ‘Australia-Asia Program to Combat Trafficking in Persons: Program Fact Sheet’ (Australian Government Department of Foreign Affairs and Trade, no date) <<https://www.dfat.gov.au/about-us/publications/Pages/australia-asia-program-to-combat-trafficking-in-persons-program-fast-facts>> accessed 13 August 2021; Francisco-Tan interview (n 34).

³⁶ ‘Australia-Asia Program to Combat Trafficking in Persons’ (n 35); Francisco-Tan interview (n 34).

³⁷ Alejo interview (n 29).

³⁸ *ibid.*

³⁹ ‘G.R. No. 166562, Ting v Ting’ (31 March 2009) <https://lawphil.net/judjuris/juri2009/mar2009/gr_166562_2009.html> accessed 28 September 2021.

⁴⁰ ‘People v Lalli, G.R. No. 195419’ (12 October 2011) <https://lawphil.net/judjuris/juri2011/oct2011/gr_195419_2011.html> accessed 23 August 2021.

⁴¹ Neil H Cruz, ‘PH Has Slowest Justice System in the World | Inquirer Opinion’, *INQUIRER.net* (24 November 2014) <<https://opinion.inquirer.net/80394/ph-has-slowest-justice-system-in-the-world-2>> accessed 28 September 2021; Fr Shay Cullen, ‘Human Trafficking, Why so Few Convictions?’ (*Preda Foundation, Inc.*, 6 August 2021) <<https://preda.org/2021/human-trafficking-why-so-few-convictions/>> accessed 29 September 2021.

⁴² Alejo interview (n 29); ‘People v Casio, G.R. No. 211465’ (3 December 2014) <https://www.lawphil.net/judjuris/juri2014/dec2014/gr_211465_2014.html> accessed 28 September 2021.

⁴³ Francisco-Tan interview (n 34).

government efforts in prosecuting human trafficking cases.⁴⁴ In Philippine culture, societal status and opinion are valued, especially in the smaller towns and barrios. Filipinos give more importance to what other people think of them rather than what they think of themselves.⁴⁵ Victims suffering from trauma and low self-worth choose to keep silent instead of filing a case against their traffickers, who are usually their own blood relatives, to keep appearances and save the family from shame. He stated that “as long as this mindset does not change, the problem will exist, no matter what law, legal system, framework you present to the people. If victims do not file cases, government will not have anything to prosecute.”⁴⁶

The role of Civil Society Organisations and survivor networks. Victim testimonies are key to successful prosecutions.⁴⁷ While Philippine anti-trafficking law enforcers are trained, their testimonies usually do not stand in court.⁴⁸ CSOs are vital actors in aftercare to empower victims to speak in court and identify their traffickers.⁴⁹ Cecilia Oebanda-Pacis, founder of Voice of the Free (formerly Visayan Forum Foundation), has been working in the anti-trafficking field for 30 years. In an interview, she said that prosecution is a race to the victim; if they get access to the victim right away and are able to give support, then they are sure that the case will prosper.⁵⁰ Otherwise, the case falls through because the victim will not want to pursue the case and the police will label them as “willing” victims.⁵¹

Protection

The economic situation of the country. The economic situation of the country dictates how much resources are available for victim protection programs.⁵² In the Philippines, financial resources are extremely limited and the current victim compensation package for victims of human trafficking is PHP 10,000 (approximately GBP 142) per victim.⁵³ Anti-trafficking workers themselves admit that PHP 10,000 is “almost nothing”.⁵⁴ Often, victims opt to

⁴⁴ Aldwin Joseph Empaces, ‘Interview with Aldwin Joseph Empaces on the Determinants of Anti-Trafficking Efforts in the Philippines’ (14 July 2021).

⁴⁵ *ibid.*

⁴⁶ *ibid.*

⁴⁷ Cecilia Oebanda-Pacis, ‘Interview with Cecilia Oebanda-Pacis on the Determinants of Anti-Trafficking Efforts in the Philippines’ (15 July 2021); Empaces interview (n 44).

⁴⁸ Oebanda-Pacis interview (n 47).

⁴⁹ *ibid.*; interview (n 28).

⁵⁰ Oebanda-Pacis interview (n 47).

⁵¹ *ibid.*

⁵² Mel Senen Sarmiento, ‘Interview with Mel Senen Sarmiento on the Determinants of Anti-Trafficking Efforts in the Philippines’ (6 July 2021).

⁵³ ‘Victims Compensation Program’ (Department of Justice - Republic of the Philippines, no date) <<https://www.doj.gov.ph/victims-compensation-program.html>> accessed 14 August 2021.

⁵⁴ Maria Sheila Portento, ‘Interview with Maria Sheila Portento on the Determinants of Anti-Trafficking Efforts in the Philippines’ (6 August 2021); Jean Enriquez, ‘Focus Group Discussion with Non-State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines’ (24 July 2021); Twyla Rubin, ‘Focus Group Discussion with State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines’ (31 July 2021).

accept payoffs to desist from filing cases instead of pursuing legal action.⁵⁵ Law enforcement also encounter victims who do not want to be rescued; they are often belligerent and blame the police for taking away their livelihood.⁵⁶

In an interview, a key government responder laid down practical implications of the lack of resources during and after a rescue operation:

For example, we have possible human trafficking victims that we rescue. The rescue operation happens at night. We, the government, can feed them, but we don't have the facility to house them. What happens the next day? Will the inquest end in one day? Who will file the case? Who will attend the hearing? We don't have the funds for their upkeep. We usually end up calling our partner CSOs to ask for help to provide shelter, food, other basic needs to the rescued victims.⁵⁷

CSOs are able to provide immediate financial support and resources to aid government in their response to trafficking. National government funding is too slow for the kind of response required in anti-trafficking operations.⁵⁸ The government's own financial safeguarding mechanisms prevent agencies from using earmarked funding for other purposes, and this is particularly problematic in time-sensitive government operations.⁵⁹

Prevention

The role of the government. In particular, the role of the local government unit is influential in improving trafficking prevention efforts. Preventing human trafficking starts on the ground.⁶⁰ It involves training community stakeholders at the village level to be aware of human trafficking and the various modus operandi would put the towns people on guard and be wary of unfamiliar people coming into their local village.⁶¹ Effective local governance involves ensuring that local police are capacitated to investigate human trafficking cases, handle victims sensitively and refer these cases successfully to the office of the prosecutor.⁶²

⁵⁵ Aniceto Bertiz III, 'Privilege Speech of Rep. Bertiz' (2016) 3 Congressional Record - 17th Congress.

⁵⁶ Portento interview (n 54); Francisco-Tan interview (n 34).

⁵⁷ interview (n 28).

⁵⁸ Alejo interview (n 29); interview (n 28); 'Interview with Department of Labor and Employment officer on the Determinants of Anti-Trafficking Efforts in the Philippines' (16 July 2021).

⁵⁹ interview (n 28).

⁶⁰ Sarmiento interview (n 52).

⁶¹ *ibid.*

⁶² *ibid.*

Partnership

The role of the government. In particular, the role of the IACAT is influential in improving partnership efforts. IACAT is a unique government body for the reason that it includes 3 NGO representatives sitting as council members.⁶³ In providing for these seats in the IACAT, the law recognises the importance of NGOs and other non-State actors in anti-trafficking operations.⁶⁴ NGO-members have a voice in the council and this directly shapes government's anti-trafficking efforts because NGOs and other CSOs push the government to respond to problem areas that are lacking attention and action.⁶⁵ They balance out the perspective and priorities of the council, especially when government member agencies are too focused on delivering certain metrics and neglect to notice emerging trends.⁶⁶ The NGO members of IACAT perform *de facto* oversight duties, keep government members on track and keep them from being complacent.⁶⁷

NGO linkages within the IACAT open partnership avenues to the wider network of local and international NGOs, CSOs and foreign governments. Partnerships with community-based organisations have been instrumental in improving anti-trafficking efforts because they activate the local IACAT system.⁶⁸ While the nationwide activation of local IACAT systems is not yet in place, there are major cities where this is already operating.⁶⁹ In these areas, there are increased human trafficking cases filed, an indicator that local systems are effective.⁷⁰

Particulars of determinant by form of exploitation

The role of Civil Society Organisations and survivor networks. The Philippine government is more focused on responding to sex trafficking because there are more cases of sexual exploitation reported and recorded.⁷¹ Sex trafficking is what they see and what they know.⁷² The Philippine government has been described as reactive more than proactive in its response to human trafficking.⁷³ In this regard, CSOs are crucial in shaping government

⁶³ interview (n 28).

⁶⁴ [PRETITLE] Republic Act No 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003; Ty interview (n 4).

⁶⁵ interview (n 28); Lymuel Magsino, 'Interview with Lymuel Magsino on the Determinants of Anti-Trafficking Efforts in the Philippines' (9 July 2021).

⁶⁶ interview (n 28).

⁶⁷ *ibid.*

⁶⁸ Empaces interview (n 44).

⁶⁹ *ibid.*

⁷⁰ *ibid.*

⁷¹ Sarmiento interview (n 52); Portento interview (n 54); Francisco-Tan interview (n 34).

⁷² Francisco-Tan interview (n 34).

⁷³ *ibid.*

response because CSOs are able to provide data and research on emerging trends of trafficking and exploitation.⁷⁴

The role of media. While none of the interviewees explicitly identified it, the role of the media in framing, focusing and exposing the different forms and trends of exploitation impact government anti-trafficking response. Media has the power to draw government's attention to other forms of exploitation. The IACAT has, in fact, recognised the role of the media as allies in the fight against human trafficking and has started training the media how to report cases of trafficking sensitively.⁷⁵

Trafficking for the purpose of sexual exploitation

The role of the government. The Philippine sex industry thrives despite prostitution being illegal in the country. It "remains indirectly aided by legislative loopholes and apparent indifference from authorities".⁷⁶ Sex trafficking in red light districts continue because of the lack of local, or national, government intervention.⁷⁷ In Angeles City, there is a half a mile strip of bars where thousands of girls are sexually trafficked.⁷⁸ This strip has existed since the establishment of the United States (US) airbase in Angeles City in the 1970s, bringing in thousands of enlisted US servicemen in the locality.⁷⁹ Half a century later, the strip still exists and has opened its business to sex tourists flying in via the newly opened Clark International Airport 8 kilometres away. In 2018, there were talks between the local chief executive, an NGO leader and the US Embassy to address this problem, but no action has been taken since initial talks.⁸⁰

Corruption. One interviewee suggested that the level of corruption in the local government is a hindrance to anti-trafficking efforts in this sphere, as sex tourism brings cashflow into the locality.⁸¹ According to the local child protection agency PREDA, 'bar owners normally bribe local police and no action would be taken.'⁸²

⁷⁴ Magsino interview (n 65).

⁷⁵ Ivy Miravalles, 'Focus Group Discussion with State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (31 July 2021).

⁷⁶ Redfern (n 23).

⁷⁷ 'Interview on the Determinants of Anti-Trafficking Efforts in the Philippines' (29 June 2021).

⁷⁸ *ibid.*

⁷⁹ 'Mutual Defense Treaty Between the Republic of the Philippines and the United States of America' (30 August 1951).

⁸⁰ Redfern (n 23).

⁸¹ interview (n 77).

⁸² Roxana Isabel Duerr, 'Philippines Struggling to Tackle Child Prostitution' (DW.COM, 10 March 2015) <<https://www.dw.com/en/philippines-struggling-to-tackle-child-prostitution/a-18305386>> accessed 28 September 2021; 'About Preda' (Preda Foundation, Inc., no date) <<https://preda.org/about-preda-fairtrade/preda-foundation-1974/>> accessed 29 September 2021.

Culture and Values. Post-colonial beliefs and value systems negatively affect anti-trafficking efforts to address sexual exploitation.⁸³ The Philippines was colonised by Spain for more than three hundred years, using religion as its main instrument of subjugation.⁸⁴ Filipinos were taught a foreign faith – Catholicism – which redefined values and installed a social structure dictated by Christian morality.⁸⁵ Up until today, this religious morality permeates all aspects of society and social behaviour.⁸⁶ Women are judged based on sexual behaviour, thus, women who are in commercial sex work are dismissed as women with loose morals.⁸⁷ This cultural mindset has factored into the lack of government attention and anti-trafficking efforts in red light districts.⁸⁸ Aggravating the situation, many trafficking victims rescued from red light districts do not want to be rescued because they have become used to that kind of norm and way of living.⁸⁹ These women appear belligerent in court and often change their names to circumvent the system.⁹⁰ Because of this, some judges and police officers have become calloused, grown wary of these victims and resort to victim-blaming.⁹¹

Trafficking for the purpose of forced labour

The role of the media. There is still a lack of public awareness of human trafficking as encompassing other forms of exploitation other than sexual exploitation. This lack of awareness prevents cases of labour exploitation from being brought to the attention of Philippine anti-trafficking law enforcement and criminal justice practitioners, who admit that they do not have a lot of operations on labour trafficking.⁹² In the past year, only 3 out of the 73 convicted traffickers were convicted for labour trafficking.⁹³

The media is essential in shaping the narrative around the issue of trafficking and eliciting response from the public.⁹⁴ The public is increasingly relying on media to get their information, especially with the proliferation of accessible media technology.⁹⁵ When media outlets report only on a focused form of exploitation or a specific trafficking victim profile,

⁸³ interview (n 77); , 'Interview on the Determinants of Anti-Trafficking Efforts in the Philippines' (21 July 2021); Empaces interview (n 44); Portento interview (n 54); Francisco-Tan interview (n 34).

⁸⁴ Dana R Herrera, 'The Philippines: An Overview of the Colonial Era' (2015) 20 Education About Asia.

⁸⁵ *ibid.*

⁸⁶ Sharmila Parmanand, 'The Philippine Sex Workers Collective: Struggling to Be Heard, Not Saved' (2019) 0 Anti-Trafficking Review 57.

⁸⁷ interview (n 77); interview (n 83).

⁸⁸ interview (n 77); interview (n 83).

⁸⁹ Francisco-Tan interview (n 34); Portento interview (n 54).

⁹⁰ Francisco-Tan interview (n 34); Portento interview (n 54).

⁹¹ Francisco-Tan interview (n 34); Portento interview (n 54); Rubin interview (n 54).

⁹² Portento interview (n 54); Francisco-Tan interview (n 34).

⁹³ United States Department of State, '2021 Trafficking in Persons Report' (June 2021).

⁹⁴ Ralph Cathedral, 'Focus Group Discussion with Non-State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (24 July 2021).

⁹⁵ *ibid.*

it produces a harmful public inference that other forms of exploitation are less severe and less damaging to the victim.⁹⁶ Thus, less attention and resources are given to combat these forms of trafficking.

Lack of integration of anti-trafficking and labour systems. According to the Philippine National Police, they do not have the data on labour trafficking because victims go directly to other government agencies, such as the Department of Labor and Employment to file complaints or to the Department of Social Welfare and Development when a child is involved.⁹⁷ This lack of coordination between the inter-related systems and departments deter government efforts with respect to labour trafficking.

The role of Civil Society Organisations and survivor networks. CSOs are reaching out to law enforcement and presenting data on emerging labour trafficking trends in a bid to shift or enlarge their focus of anti-trafficking efforts.⁹⁸

Culture and Values. Philippine culture indirectly shapes government response to trafficking for the purpose of labour exploitation due to the conflict between local cultural norms and legal concepts prescribed by international legal frameworks. In Philippine culture, it is expected that children will help the family industry. It is an accepted practice for children to do manual labour to contribute to the family's income, especially in poorer and more remote communities.⁹⁹ Older generations believe their economic situation justify their children doing hard, manual labour.¹⁰⁰ This mindset accounts for the low levels of labour trafficking reporting.

Trafficking for the purpose of forced criminality

This form of exploitation exists in the Philippines, but government response to this form of exploitation was not discussed by any of the resource persons in the interviews or the focus group discussions.

Trafficking for other exploitative purposes

Culture and Values. There are many cases of Filipino women who are married to Japanese men as a way to circumvent visa requirements to work in the hospitality industry in Japan.¹⁰¹ Many of these women are victims of human trafficking. Even after their rescue, they find themselves trapped in a sham marriage and unable to rebuild their lives.¹⁰² Divorce is illegal

⁹⁶ Enriquez interview (n 54).

⁹⁷ Portento interview (n 54).

⁹⁸ *ibid.*

⁹⁹ *ibid.*

¹⁰⁰ *ibid.*

¹⁰¹ Andrea Anolin, 'Focus Group Discussion with Non-State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (24 July 2021).

¹⁰² *ibid.*

in the Philippines. Interestingly, the only other state in the world where divorce is illegal is the Vatican City. The Catholic Church has a very strong hold and influence on the country that it has been successful in thwarting legislative initiatives to amend family law.¹⁰³

Particulars of determinants according to trafficked persons' profile

Sex, Gender Identity and Sexual Orientation

Culture and Values. Philippine anti-trafficking efforts are mostly focused on children and women victims and hardly touch on labour exploitation, particularly male labour exploitation.¹⁰⁴ In congressional discussions, narratives are always of women and children.¹⁰⁵ Judges are accustomed to women and children victims.¹⁰⁶ When faced with male victims of trafficking, they are not given the same level of attention and compassion as a child victim or woman who was sexually trafficked.¹⁰⁷ In Filipino culture, men are expected to provide for the family, they are expected to work hard and endure sacrifices for the family.¹⁰⁸ This is largely because of the strong patriarchal values built into Filipino consciousness through the church.¹⁰⁹ The Philippines has only recently started looking at the gender equality, social inclusion and victim rights dimension of trafficking.¹¹⁰ As it used to be, judges would automatically remove the child from the courtroom or protect the privacy of the female victim, but it is not the same with male victims.¹¹¹

Age

The role of Civil Society Organisations and survivor networks. Victims are getting younger, especially with the technological shift of trafficking.¹¹² The government has been increasingly focused on responding to online sexual exploitation of children (OSEC), in partnership with International Justice Mission (IJM). IJM has a long history of collaboration

¹⁰³ 'Why the Philippines is the Only Country Where Divorce is Illegal' [2020] The Economist.

¹⁰⁴ Francisco-Tan interview (n 34); Sarmiento interview (n 52).

¹⁰⁵ Bertiz III (n 55); Sarmiento (n 32); Emmanuel Pacquiao Sr, 'Privilege Speech of Rep. Pacquiao' (2010) 1 Congressional Record - 15th Congress; Emmi De Jesus, 'Privilege Speech of Rep. De Jesus' [2016] Congressional Record - 17th Congress.

¹⁰⁶ Francisco-Tan interview (n 34).

¹⁰⁷ *ibid.*

¹⁰⁸ Deodennis Joy Marmol, 'Focus Group Discussion with State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (31 July 2021).

¹⁰⁹ Noemi A Medina, 'The Culture of Patriarchy and Its Effects on the Human Rights of Girl-Children in Cagayan de Oro and Claveria, Misamis Oriental: Implications to Policy Formulation' (2015) 2015-44 Philippine Institute for Development Studies: Discussion Paper Series; Francisco-Tan interview (n 34).

¹¹⁰ Francisco-Tan interview (n 34).

¹¹¹ *ibid.*

¹¹² Alejo interview (n 29); interview (n 83).

and partnership with the Philippine government and sits as a non-government organisation member in the Inter-Agency Council Against Trafficking. With the support of the IJM legal team, the Philippine government has secured more than 100 convictions of OSEC by the end of 2020.¹¹³

Citizenship and migration status

The role of the government. The Philippines is not only a source country, but has also become a destination country in the recent years.¹¹⁴ There have been reported cases of Chinese women being trafficked into the Philippines.¹¹⁵ The increased presence of Philippine offshore gaming operators (POGO) in the country, a majority of which are Chinese operators, created the demand for it.¹¹⁶ In 2016, the Duterte administration began regulating the POGO industry to curtail illegal online gaming activities and funnel tax revenue into the proper channels.¹¹⁷

Corruption. In 2020, a whistle blower revealed the *pastillas* scheme, wherein immigration officers receive grease money rolled in white paper resembling local milk-based confection “pastillas”, for each Chinese national to pass through passport checks smoothly.¹¹⁸ This undermines the government’s anti-trafficking efforts by allowing the continued commission of the crime and facilitating impunity and non-prosecution of offenders. While this kind of corruption is not new to the Philippines, it reinforces the general lack of public trust in law enforcement and government, discouraging victims from seeking help and reporting these crimes to the government.¹¹⁹

Race and ethnic origin and other criteria

Level of immigration and emigration from the country. One interviewee observed that the Philippine government has been discriminately treating Chinese trafficked victims as illegal

¹¹³ ‘Philippines: Government Prosecutors Secure More than 100 Convictions for Cases of Online Sexual Exploitation of Children’ (IJM USA, 16 October 2020) <<https://www.ijm.org/vawc/blog/philippines-government-prosecutors-secure-more-than-100-convictions-for-cases-of-online-sexual-exploitation-of-children>> accessed 23 August 2021.

¹¹⁴ Francisco-Tan interview (n 34).

¹¹⁵ Alejo interview (n 29); Francisco-Tan interview (n 34).

¹¹⁶ Alejo interview (n 29); Francisco-Tan interview (n 34); Mong Palatino, ‘China’s Clandestine Gamble in the Philippines’, *The Diplomat* (1 June 2020) <<https://thediplomat.com/2020/06/chinas-clandestine-gamble-in-the-philippines/>> accessed 16 August 2021.

¹¹⁷ Philippine Amusement and Gaming Corporation, ‘The Truth about POGO: A Primer’ (*The Manila Times*, 4 May 2020) <<https://www.manilatimes.net/2020/05/04/supplements/the-truth-about-pogo-a-primer/722284>> accessed 16 August 2021.

¹¹⁸ Jodee A Agoncillo, ‘NBI Presses Raps vs 20 Tagged in “Pastillas” Scam’, *INQUIRER.net* (3 September 2020) <<https://newsinfo.inquirer.net/1330521/nbi-presses-raps-vs-20-tagged-in-pastillas-scam>> accessed 3 August 2021.

¹¹⁹ OECD (n 9); UNODC, ‘Coalitions Against Trafficking in Human Beings in the Philippines | Research and Action Final Report’ (2003).

workers instead of victims of human trafficking.¹²⁰ The author opines that this is linked to the public alarm over the influx of legal and illegal Chinese workers into the Philippines.¹²¹ The Duterte administration has been heavily criticised for the alleged preferential treatment it has given to the Chinese in allowing the proliferation of the POGO industry, among other businesses, and influx of Chinese workers in the country.¹²² In fact, the Philippine Senate has called for a legislative probe on the alarming influx of Chinese workers into the country.¹²³

Geographic limitations. Interview analysis and research show that most trafficking victims come from Mindanao, the southernmost region of the Philippines, where there is a severe lack of economic opportunities and where there is a lack of awareness of human trafficking.¹²⁴ Geographically, these are the most remote areas in the Philippines which are hard to reach and there are no local or international CSO presence in these isolated areas. In June 2021, Philippine law enforcement, through the coordination of the IACAT, intercepted 303 members of the Badjao tribe, suspected to be victims of human trafficking.¹²⁵ The mass movement of hundreds of people, an indigenous group based in Mindanao, was highly suspicious and alerted IACAT authorities.

Culture and Values. Philippine culture was identified to hinder government anti-trafficking efforts, because no matter the efforts of the government, Filipinos have certain values so intrinsically ingrained that are abused by traffickers.¹²⁶ In the Philippines, there is a principle called *utang ng loob*, “debt of gratitude” in English, which imposes an obligation for a previous favour or assistance.¹²⁷ For example, a wife may feel indebted to a person who gives her husband a job. In most cases of human trafficking, this moral obligation is exploited when the husband becomes inevitably indebted, and their son is now asked to work the same job to pay for the debt. The wife and son feel compelled to agree to the arrangement. This begins a vicious cycle of inter-generational trafficking, often seen in the

¹²⁰ Oebanda-Pacis interview (n 47).

¹²¹ Senator Joel Villanueva, ‘Villanueva’s Opening Remarks during the Hearing on Influx of Chinese Workers in PH’ (26 November 2018) <http://legacy.senate.gov.ph/press_release/2018/1126_villanueva1.asp> accessed 28 September 2021.

¹²² Palatino (n 116).

¹²³ Azer Parrocha, ‘Duterte Respects Senate Probe of Influx of Chinese Workers in PH’ (29 October 2020) <<https://www.pna.gov.ph/articles/1120146>> accessed 28 September 2021.

¹²⁴ Empaces interview (n 44); interview (n 77); Francisco-Tan interview (n 34); interview (n 83); Bertiz III (n 55); Pacquiao Sr (n 105); Luzviminda C Ilagan, ‘Privilege Speech of Rep. Ilagan’ (2012) 2 Congressional Record - 15th Congress.

¹²⁵ Inter-Agency Council Against Trafficking, ‘303 Rescued Bajao’ (*Inter-Agency Council Against Trafficking*, June 2021) <<https://iacat.gov.ph/?p=5707>> accessed 17 August 2021; Kristine Joy Patag, ‘250 Rescued Trafficked Badjaos to Be Brought Back to Zamboanga’, *Philstar.com* (7 June 2021) <<https://www.philstar.com/headlines/2021/06/07/2103771/250-rescued-trafficked-badjaos-be-brought-back-zamboanga>> accessed 17 August 2021.

¹²⁶ interview (n 83).

¹²⁷ *ibid.*

exploitation of fisherfolk or domestic helpers.¹²⁸ Filipinos also have a culture of façade and materiality; they are highly impressionable and easily influenced. They see their neighbours are able to build a concrete house, so they think they should also work abroad to be able to build their own house.¹²⁹ In addition, there is a culture of dependency founded on OFW-culture, where families wait for dollars to be sent to them. Finally, a post-colonial culture of silence where Filipinos choose to detach themselves and stay silent in the face of trouble.¹³⁰ All these cultural values make Filipinos highly susceptible to human trafficking and counteract the government's anti-trafficking efforts.

Particulars of determinants according to perpetrator profile

Anti-trafficking criminal justice practitioners admitted that the government has no specific efforts focused on particular profiles because there are no stereotypes of perpetrators.¹³¹

Race and ethnic origin

The role of the government. There has been an increase of Chinese traffickers, because of the proliferation of POGO establishments. As per the National Prosecution Service, Chinese trafficking syndicates are technologically creative in their operations, using mundane items to advertise sexual services of trafficked women, i.e., using cigarette lighters to disseminate QR access codes to reveal their 'menu of services'.¹³² The government has been quick to adapt, with the National Bureau of Investigation hiring Chinese agents to decipher their strategies and translate when necessary.¹³³

Citizenship (Citizen v Non-Citizen) and migration status

The role of the government. Law enforcement coordination with the Bureau of Immigration and foreign partners lead to effective efforts at blocking foreign suspected offenders at the border.¹³⁴

Legal entities (e.g., companies) v natural persons

¹²⁸ *ibid*; Oebanda-Pacis interview (n 47).

¹²⁹ interview (n 83).

¹³⁰ *ibid*; Empaces interview (n 44).

¹³¹ interview (n 83); Portento interview (n 54).

¹³² 'Lighter Na May QR Code, High-Tech Na Gamit Sa Isang Chinese Prostitution Den Sa Makati' (*Balitambayan*, 29 January 2020) <<https://www.gmanetwork.com/news/balitambayan/balita/724087/lighter-na-may-qr-code-high-tech-na-gamit-sa-isang-chinese-prostitution-den-sa-makati/story/>> accessed 17 August 2021.

¹³³ Alejo interview (n 29).

¹³⁴ Portento interview (n 54).

This item was not discussed by any of the interview resource persons or focus group participants.

Organised criminal group v individual trafficker

Corruption. The corruption level in the government hinders improvement of anti-trafficking efforts with respect to organised criminal groups. There have been reports of collusion between syndicates and government officials who facilitate the ingress and egress of trafficking victims from the country.¹³⁵

Funding, aid agreements or international aid, and sanctions. Funding agreements shape government efforts against organised criminal groups by resourcing capacity building and training modules to equip government actors to respond to complex syndicated trafficking operations. The Supreme Court of the Philippines, through the Philippine Judicial Academy and funded by Australia Aid, have been lecturing on money laundering schemes and teaching key responders how to follow the money in this digital world.¹³⁶

The role of Civil Society Organisations and survivor networks. Partnerships with CSOs also influence government response by providing logistical and technical support in monitoring trafficking cases and in tracing the international network connections of individual perpetrators. Without CSO support, Philippine police will settle for small time arrests of local recruiters and agents.¹³⁷

Traffickers v consumers

The role of the Legislature. The amendment of the anti-trafficking law of the Philippines expanded the definition of Trafficking in Persons to include more acts:

Trafficking in Persons – refers to the recruitment, *obtaining, hiring, providing, offering, transportation, transfer, maintaining, harbouring, 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 labour or services, slavery, servitude or the removal or sale of organs.*

¹³⁵ [PRETITLE] *An Act Amending Section 10 of Republic Act 9208 Otherwise Known as the Anti-Trafficking in Persons Act of 2003.*

¹³⁶ Francisco-Tan interview (n 34).

¹³⁷ Sarmiento interview (n 52).

As such, Philippine law is broad enough to include the criminalisation of purchasing services produced or provided by trafficked persons, or those who ought to have known they were purchasing goods/using services produced or provided by trafficked persons.

Particulars of determinants by type of trafficking

Internal v International trafficking

The role of the government. The Inter-Agency Council Against Trafficking (IACAT) has been instrumental in coordinating government efforts to monitor internal trafficking by training airport and seaport officials and personnel to identify possible human trafficking victims.¹³⁸ In terms of international trafficking, partnerships of the individual member-agencies of the IACAT with their foreign counterparts also shape government anti-trafficking efforts. For instance, the Philippine National Police maintains a very good relationship with the Royal Malaysian Police.¹³⁹ This is a strategic partnership because human traffickers move victims through the Philippines' "southern backdoor" – exit points in southern Mindanao – and travel by sea to Malaysia.¹⁴⁰ The partnership has led to the rescue of Filipino victims trafficked into Malaysia.¹⁴¹

The same factors shape government response to the rising cases of online sexual exploitation of children (OSEC), which still falls within the purview of international trafficking despite being a borderless crime.¹⁴² The Philippine Internet Crimes Against Children Center (PICACC) was established in 2019 through the partnership of local and international law enforcement, namely, the Philippine National Police, Philippine National Bureau of Investigation, Australian Federal Police, UK National Crime Agency, and non-government organization International Justice Mission.¹⁴³ The PICACC is the first of its kind, allowing global law enforcement collaboration in the conduct of OSEC investigation, rescue and arrest operations.¹⁴⁴

¹³⁸ Francisco-Tan interview (n 34).

¹³⁹ Portento interview (n 54).

¹⁴⁰ Philip C Tubeza, 'OFWs Warned vs "Backdoor" Exit', *INQUIRER.net* (15 April 2012) <<https://globalnation.inquirer.net/33321/ofws-warned-vs-backdoor-exit>> accessed 17 August 2021.

¹⁴¹ Portento interview (n 54).

¹⁴² 'Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry and Civil Society | International Justice Mission' (*IJM USA*, 21 May 2020) <<https://www.ijm.org/vawc/blog/osec-study>> accessed 15 July 2021.

¹⁴³ British Embassy Manila (n 18).

¹⁴⁴ interview (n 28).

'Incoming' v 'outgoing' v 'transit'

The role of the government. The Philippine government has undoubtedly been working and improving efforts to combat human trafficking, especially since the Philippines is largely a source country. However, a critical analysis of Philippine labour policies reveals that the same is counteracting efforts by implicitly promoting avenues for human trafficking.

The level of immigration and emigration from the country. In the 1970s, the Philippine government started proactively exporting labour to solve the rising unemployment problem and augment the country's economy. In 1974, former President Ferdinand Marcos issued Presidential Decree 442, otherwise known as the Labor Code of the Philippines (Labor Code). The Labor Code promoted and facilitated overseas employment of Filipino workers. This facilitated a wave of migration, creating a norm and an aspiration for every Filipino family to find better opportunities abroad.¹⁴⁵ Today, more Filipinos are travelling across the globe to find better employment opportunities, better pay, and a better life. During the period of April to September 2019, there was an estimated 2.2 million overseas Filipino workers (OFWs).¹⁴⁶ On average, OFWs send home USD 2.3 billion a month.¹⁴⁷ In 2019, the total OFW remittance amounted to USD 30.1 billion or roughly 8.5% of Philippine GDP.¹⁴⁸ Because of the substantial economic input of OFWs to Philippine economy, OFWs are hailed as "bagong bayani" or modern-day heroes.¹⁴⁹

The government's glorification of overseas work as economic heroism has implanted in the minds of Filipinos that working abroad equates to economic betterment; economic desperation drives them to do so, legally or illegally.¹⁵⁰ This mindset exposes them to more danger and vulnerability to human trafficking.¹⁵¹ This is the reason why, despite maintaining a Tier 1 ranking in the TIP Reports, the Philippines remains to be a significant source country for human trafficking.

Corruption. Aggravating the delicate situation, there is rampant corruption in the government. There are numerous reports of collusion between trafficking syndicates and government officials facilitating internal and international trafficking.¹⁵² There are reports of

¹⁴⁵ interview (n 83).

¹⁴⁶ Claire Dennis Mapa, 'Total Number of OFWs Estimated at 2.2 Million' (*Philippine Statistics Authority*, 4 June 2020) <<https://psa.gov.ph/content/total-number-ofws-estimated-22-million>> accessed 31 July 2021.

¹⁴⁷ Nicholas Mapa, 'Philippines: Likely Missing the Remittance Cushion in 2020' (*ING Think*, 23 April 2020) <snaps/philippines-likely-missing-the-remittance-cushion-in-2020/> accessed 31 July 2021.

¹⁴⁸ *ibid.*

¹⁴⁹ Pacquiao Sr (n 105); Lorenzo Tañada III, 'Privilege Speech of Rep. Tañada' (2010) 3 Congressional Record - 15th Congress.

¹⁵⁰ interview (n 83).

¹⁵¹ *ibid.*

¹⁵² DJ Yap, 'Corrupt Immigration Officers Trafficking Filipino Women to Syria - Hontiveros', *INQUIRER.net* (17 March 2021) <<https://globalnation.inquirer.net/194331/risa-filipino-women-trafficked-to-syria>> accessed 3 August 2021; OECD (n 9).

syndicates operating within the government, falsifying birth records and issuing passports to underage women.¹⁵³ More recently, a whistle-blower from the Bureau of Immigration revealed that airport immigration officers collect PHP 50,000 from human traffickers for each Filipino woman they allow to leave the country.¹⁵⁴ These women are sold off as slaves in Syria.¹⁵⁵

Overall, the level of immigration and emigration from the country, the economic situation of the Philippines, and the culture of post-colonial subservience make it easy for Filipinos to be trafficked.¹⁵⁶ A lot of foreigners recognise that Filipinos are hard workers and are more tolerant of abuse and exploitation.¹⁵⁷

Particulars of determinants by stage of response

Acknowledgment and prioritisation of trafficking as a policy issue

International reputation of the State (monitoring and threat of financial sanction). RA 9208 has been in place since 2003, but in the first few years of the law, stakeholders did not seem to really understand human trafficking.¹⁵⁸ However, when the Philippines was placed in the Tier 2 Watch List of the 2009 and 2010 TIP Reports, it triggered acknowledgement and created an urgency for the government to prioritise trafficking as a policy issue.¹⁵⁹ The threat of falling into Tier 3 and its accompanying financial sanctions got the attention of legislators in both the House of Representatives and in the Senate.¹⁶⁰ CSOs took advantage of this time to lobby anti-trafficking proposals to the government.¹⁶¹

The role of Civil Society Organisations and survivor networks. Separately, CSOs advocating against human trafficking have been consistently working to establish the need for stronger laws, better mechanisms, and greater awareness of the problem.¹⁶² With the administration of President Aquino taking an aggressive approach against human trafficking, it was an opportune time for CSOs to coordinate and support the government.¹⁶³

¹⁵³ Bertiz III (n 55).

¹⁵⁴ Agoncillo (n 118).

¹⁵⁵ *ibid.*

¹⁵⁶ interview (n 83).

¹⁵⁷ *ibid.*

¹⁵⁸ *ibid.*

¹⁵⁹ *ibid.*

¹⁶⁰ Pacquiao Sr (n 105); Tañada III (n 149); Cayetano (n 32).

¹⁶¹ Jerome Alcantara, 'Focus Group Discussion with Non-State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (24 July 2021).

¹⁶² Oebanda-Pacis interview (n 47).

¹⁶³ 'Philippines: Aquino Prioritizes Trafficking', *IRIN News* (7 April 2011) <<https://www.refworld.org/docid/4d9ee243c.html>> accessed 3 August 2021.

The role of the media. Media also influences government's acknowledgement and prioritisation of human trafficking as a policy issue. In a sponsorship speech of her bill amending RA 9208, Senator Loren Legarda itemised media-documented human trafficking cases to argue the need to amend the law.¹⁶⁴ More recently, a congressional resolution calling for review of RA 9208, as amended by RA 10364, was filed in the House of Representatives after media coverage of the Mary Jane Veloso case.¹⁶⁵ Mary Jane Veloso was a human trafficking victim used as a drug mule and was sentenced to death after Indonesian authorities found heroine in her suitcase.

The economic situation of the country. The Philippine economy is reliant on foreign exchange remittances from overseas Filipino workers, amounting to roughly 9% of the country's gross domestic product.¹⁶⁶ Labour migration has been part of Philippine history, especially in the last half century, which has seen increased and sustained outward human mobility.¹⁶⁷ The Philippine government denies promoting 'overseas employment as a means to sustain economic growth and achieve national development', but labour export prioritisation is evident in the establishment of numerous overseas employment and workers institutions, agencies, and policies.¹⁶⁸ While not directly hindering the State's anti-trafficking efforts, labour export and economic priorities could be said to neutralize these efforts.

Adoption of legislation and policy and setting up of institutions or mechanisms

The role of Civil Society Organisations and survivor networks. CSOs play a proactive role in the adoption of legislation and policy. They find individual champions in Congress and provide these legislators technical assistance and evidence-based research to support the bills lobbied. CSOs articulate their experience on the ground and translate these into provisions that rectify gaps and loopholes in the law that are used and abused by defence lawyers¹⁶⁹

¹⁶⁴ Legarda (n 3).

¹⁶⁵ [PRETITLE] *Resolution Directing the Appropriate House Committee to Conduct a Full Review of the Expanded Anti-Trafficking of Persons Act of 2012 or Republic Act 10364, and the Performance of the Inter-Agency Council Against Trafficking (IACAT), in Light of the Mary Jane Veloso Case and Other Similar Cases Involving Human Trafficking and Illegal Drugs.*

¹⁶⁶ Cliff Venzon, 'Philippine Remittances Come in at \$29.9bn, Defying COVID' (Nikkei Asia, 15 February 2021) <<https://asia.nikkei.com/Economy/Philippine-remittances-come-in-at-29.9bn-defying-COVID>> accessed 29 September 2021.

¹⁶⁷ OECD and Scalabrini Migration Center, *Interrelations between Public Policies, Migration and Development in the Philippines* (OECD Development Pathways, OECD 2017).

¹⁶⁸ [PRETITLE] Republic Act No 8042, otherwise known as the Migrant Workers and Overseas Filipinos Act of 1995.

¹⁶⁹ Oebanda-Pacis interview (n 47); Sarmiento interview (n 52).

Allocation of resources and capacity building

Funding, aid agreements or international aid, and sanctions. Political will is perceived from politicians' rhetoric, presentation, the packaging.¹⁷⁰ In reality, political will can be measured through policies, activities, and projects.¹⁷¹ Genuine political will involves prioritisation of this issue and laying aside budget and funding.¹⁷² The threat of sanction was a powerful impetus for the government to fund anti-trafficking efforts and adopt reforms in the law to ensure that these efforts are continually funded. The Inter-Agency Council Against Trafficking (IACAT) is now attached to the Department of Justice (DOJ) and its budget flows into the DOJ.¹⁷³ However, to sustain funding from the government, IACAT has to prove and show to Philippine Congress, who holds the power of the purse, that they are able to implement their programs and deliver projects.¹⁷⁴

Implementation and enforcement of law, policy and practice

The role of the government. The role of government, especially the Executive branch, is very influential in the implementation of policies and enforcement of the law. Apart from the judiciary, all other agencies tasked to implement the anti-trafficking law falls under the Executive branch of the government. Thus, the directive coming from the Executive branch has the most influence on the Philippines' anti-trafficking efforts. If the efforts against human trafficking had the same zeal as the present administration's war on drugs, then one can imagine the great strides that the Philippines could accomplish against human trafficking.¹⁷⁵ This shows how powerful the dictates and directives of the Executive department is in any government effort.¹⁷⁶

Apart from the Executive branch, the role of local government units (LGUs) is also important in the implementation of the law.¹⁷⁷ LGUs establish the local anti-trafficking mechanism and ensure that it is functional on the ground. And while the national government cannot mandate LGUs to establish this mechanism because of local autonomy, there is a system of incentivising LGUs to act, through an award and recognition system.¹⁷⁸

¹⁷⁰ interview (n 28).

¹⁷¹ *ibid.*

¹⁷² *ibid.*; Empaces interview (n 44).

¹⁷³ [CSL STYLE ERROR: reference with no printed form.].

¹⁷⁴ interview (n 28).

¹⁷⁵ interview (n 83).

¹⁷⁶ *ibid.*

¹⁷⁷ Sarmiento interview (n 52); 'Interview with Local Government Officer on the Determinants of Anti-Trafficking Efforts in the Philippines' (9 July 2021); Magsino interview (n 65); Empaces interview (n 44).

¹⁷⁸ Local Government Officer interview (n 177).

Undeniably, law enforcers are crucial to the enforcement of the law.¹⁷⁹ The justice system starts with law enforcement. The Philippine National Police and the National Bureau of Investigation detect the crimes and if these crimes are not detected, then people will not be aware that these crimes are happening.¹⁸⁰ In anti-trafficking rescue and arrest operations, Philippine law enforcement purposely involve the media so that the public know these crimes are happening and to make the public aware to better protect themselves against these evils.¹⁸¹ Law enforcers are *sine qua non* for prosecution. Successful prosecutions, in turn, motivate law enforcers to continue investigating human trafficking cases and arresting suspected traffickers.¹⁸²

Human factor. Anti-trafficking law enforcers are ordinary men and women who face the extraordinary task of rescuing trafficked victims as well as arresting and prosecuting their perpetrators. They are regular human beings who are not exempt from the emotional and mental trauma that comes with their jobs. The current system in place does not take this into account.¹⁸³ While it is important that they receive skills training and operational support to equip them in the performance of their duties, their emotional, physical and mental well-being must be acknowledged and prioritised.¹⁸⁴ Tokens of appreciation, whether it be a plaque of recognition or a simple pat on the back for a job well done, will go a long way in boosting the morale and motivating law enforcement and prosecutors in continuing anti-trafficking efforts.¹⁸⁵

Establishment of partnerships (including with civil society organisations and the private sector)

International legal frameworks. The increase in partnerships within the regional level is a result of having systems and structures in place in the ASEAN region, in particular, the establishment of the ASEAN Senior Officials' Meeting on Transnational Crime (SOMTC) born out of the 1999 ASEAN Plan of Action to Combat Transnational Crime. The Department of Interior and Local Government (DILG) sits on the ASEAN SOMTC and is the designated Lead Shepherd on Trafficking in Persons (TIP). As Lead Shepherd on TIP, the Philippines facilitated the development and drafting of the ASEAN Convention against Trafficking in Persons (ACTIP) and designed the ASEAN Multi-Sectoral Work Plan, also

¹⁷⁹ interview (n 28).

¹⁸⁰ *ibid.*

¹⁸¹ *ibid.*

¹⁸² Sarmiento interview (n 52).

¹⁸³ *ibid.*

¹⁸⁴ *ibid.*; Alejo interview (n 29).

¹⁸⁵ Sarmiento interview (n 52).

known as the Bohol TIP Work Plan, in support of the implementation of the ACTIP.¹⁸⁶ International funding agencies have been meeting with the DILG to connect with ASEAN initiatives. The Philippine government, through the DILG, is currently in partnership with ASEAN-Australia Counter-Trafficking and Green Peace Southeast Asia, and is in talks with other international organisations to help implement the provisions of the ACTIP. Having the regional legal framework is a big factor in creating partnerships.¹⁸⁷

The economic situation of the country. Lack of resources is a great motivator to partner with local and international organisations.

Monitoring and evaluation of anti-trafficking efforts and reporting

International reputation of the State (monitoring and threat of financial sanction). When the Philippines was placed in the Tier 2 Watch List of the 2009 and 2010 TIP Reports, it triggered acknowledgement on the part of the government to evaluate its anti-trafficking efforts and policies. The threat of falling into Tier 3 and its accompanying financial sanctions caught the attention of no less than the President of the Philippines at the time and legislators in both chambers of Congress.¹⁸⁸

The role of the legislature. The role of the government, particularly the legislature, is crucial in the monitoring and evaluation of anti-trafficking efforts. Legislators have oversight function that allow them to conduct inquiries in aid of legislation.¹⁸⁹ In the process of reviewing and amending laws, Philippine Congress may call on government agencies to appear in committee hearings and respond to the inquiries of legislators. This process creates the necessary pressure for government agencies to perform their functions and sustain efforts in implementing the law.¹⁹⁰ Additionally, Philippine Congress has the power of the purse, thus, congressional budget hearings is another avenue to monitor anti-trafficking programs and projects.¹⁹¹

Case law. The IACAT recognises the value of case law in effective monitoring of trafficking in persons cases, but admits that they are still working on consolidating and reconciling data information from different member agencies.¹⁹² The IACAT has recently entered into a Memorandum of Agreement with the Supreme Court of the Philippines wherein the Court

¹⁸⁶ 'Drafting of ASEAN Convention To Combat Human Trafficking Concludes In the Philippines' (1343 Actionline, no date) <<https://1343actionline.ph/1056-drafting-of-asean-convention-to-combat-human-trafficking-concludes-in-the-philippines>> accessed 12 August 2021.

¹⁸⁷ Magsino interview (n 65).

¹⁸⁸ Aquino III (n 30); 'Refworld | Philippines' (n 163); Pacquiao Sr (n 105); Cayetano (n 32); Tañada III (n 149).

¹⁸⁹ [PRETITLE] 1987 Constitution of the Republic of the Philippines.

¹⁹⁰ Sarmiento interview (n 52).

¹⁹¹ [CSL STYLE ERROR: reference with no printed form.]; interview (n 28).

¹⁹² Ty interview (n 4); (n 6).

undertook to furnish the IACAT with copies of decisions in all cases involving RA 9208, as amended by RA 10364.¹⁹³ This measure will help ensure that correct facts and figures are relayed to the international bodies monitoring the country's progress.¹⁹⁴

Sustainability

International legal frameworks. Trafficking is not only a criminal issue, but more importantly it is an economic issue. The economic situation of the country must be addressed to create a society where vulnerability to trafficking is low. Global framing of human trafficking needs to shift from crime-centric to a more socioeconomic-focused framing to address the root of the problem.¹⁹⁵

The economic situation of the country. For anti-trafficking efforts to be sustainable, government must address the economic and cultural dimension of trafficking.¹⁹⁶ There must be economic empowerment to the family. There is a need to elevate the Filipino family so that they don't send their children abroad.¹⁹⁷ Filipinos are, by nature, family-oriented. If they have a sustainable economic option in the Philippines, they will not be desperate to work overseas.¹⁹⁸

New determinant: Culture and Values. There is a need to invest in the next generation. There is a need to change the mindset of the youth in order to create a new generation of Filipinos, who will not accept human trafficking trade as a norm, who value their dignity as a people, and who value their labour.¹⁹⁹

¹⁹³ Chief Justice Alexander Gesmundo, 'Memorandum Circular No. 07-2021' (Supreme Court of the Philippines 23 July 2021).

¹⁹⁴ Cayetano (n 32).

¹⁹⁵ Oebanda-Pacis interview (n 47).

¹⁹⁶ Sarmiento interview (n 52); Francisco-Tan interview (n 34); interview (n 28); interview (n 28); Oebanda-Pacis interview (n 47); Ty interview (n 4); interview (n 83); Empaces interview (n 44); Enriquez interview (n 54); Lawrence Aritao, 'Focus Group Discussion with Non-State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (24 July 2021); Rubin interview (n 54); McDonald Carsula, 'Focus Group Discussion with State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (31 July 2021); Paula Bianca Diamante-Honrado, 'Focus Group Discussion with State Actors on the Determinants of Anti-Trafficking Efforts in the Philippines' (31 July 2021); Marmol interview (n 108).

¹⁹⁷ Oebanda-Pacis interview (n 47).

¹⁹⁸ *ibid.*

¹⁹⁹ *ibid.*

Focus: Amendment of the Anti-Trafficking Law

A key positive development in Philippine anti-trafficking efforts is the amendment of its anti-trafficking law. In 2013, Republic Act No. 10364 (RA 10364) amended Republic Act No. 9208 (RA 9208), otherwise known as the Anti-Trafficking in Persons Act of 2003. RA 10364 expanded the definition of trafficking in persons, added specific acts of trafficking in persons, strengthened existing structures and mechanisms, and addressed crucial gaps in the law that have prevented the government from successfully prosecuting offenders. RA 10364 rectified the 2003 law, which only penalized consummated acts of trafficking in persons. This created a situation where human traffickers could not be prosecuted by law enforcement after intercepting victims at the airport. RA 10364 added provisions defining and penalizing attempted acts of trafficking in persons, accomplice liability, and accessory liability. RA 10364 addressed loopholes in the 2003 law that provided defence lawyers creative space to prevent cases from prospering. Among others, RA 10364 disallowed the dismissal of trafficking in persons cases based on the affidavit of desistance of the victim and expressly directing prosecutors to oppose and object to motions for dismissal;²⁰⁰ RA 10364 expressly provided that past sexual behaviour of trafficked persons are inadmissible in evidence to prove disposition of a trafficked person;²⁰¹ and RA 10364 gave law enforcers and social workers immunity from harassment suits for lawful acts done in good faith during authorized rescue operations, investigation or prosecution of cases.²⁰²

Determinants

The role of Civil Society Organisations and survivor networks. Before the anti-trafficking law was crafted and subsequently amended, there was already a lot of experience addressing human trafficking and related abuses by existing civil society organisations, such as Voice of the Free (formerly Visayan Forum Foundation). There was a strong and vibrant civil society focused on these issues working alongside grassroot organisations. They were able to establish that this is a systemic problem across provinces. They articulated these concerns and mobilised multi-sectoral players and campaigns. Cecilia Oebanda-Pacis, founder of Voice of the Free, recalls organising “Commitment Day” events, wherein she gathered various stakeholders – parents, educators, church leaders – to pledge their commitment to

²⁰⁰ Section 8 of RA 9208, as amended by RA 10364.

²⁰¹ Section 17-B of RA 9208 as amended by RA 10364.

²⁰² Section 17-C of RA 9208, as amended by RA 10364.

these issues. They made noise and elevated and framed the issue to affect the lives of each Filipino and of the country:

For example, we need to protect our OFWs, whose remittances not only give us means to live, but also keep Philippine economy afloat. We tried to make the issue relatable to people so that there is a clamour. We framed the issue so that people could identify themselves as a stakeholder. A law will only be good law if it is owned and claimed by the people.²⁰³

Through this experience, CSOs were able to establish the needs of a legal framework through rich testimonial evidence and learnings from actual cases filed in the Philippine courts.²⁰⁴ Civil society organisations lobbied with lawmakers and presented some of the victims to share their stories and experience. They strategically identified and approached champions in the legislative branch. In the case of Voice of the Free, their champion in the Philippine House of Representatives was Manny Pacquiao. Congressman Pacquiao was a first-time politician then and had great public influence. Cecilia Oebanda-Pacis recalls that she articulated the urgency of the amendment of the anti-trafficking law for him: "I drafted the privilege speech of Manny Pacquiao, actually."²⁰⁵

The role of the government. The amendment of the anti-trafficking law was also a result of the cumulative learnings of the implementing agencies. "It is only when the law is implemented that we encounter roadblocks or difficulties in implementing the law and that is where the idea of amending it starts."²⁰⁶ When RA 9208 was being aggressively implemented, law enforcement officials had cases filed against them because of the performance of their functions, curtailing their capacity to enforce their mandate.²⁰⁷ The following amendment provided protection for those enforcing and implementing the law.

RA 9208 was lacking in many aspects. In immigration, there was no specific law, provision or regulations detailing or identifying what immigration could do.²⁰⁸ The Bureau of Immigration is the main enforcement arm of the government regulating entry and exit ports of the Philippines. In implementing RA 9208, it took political will, innovation and a good grasp of how to work around certain legal obstacles to be able to enforce policies.²⁰⁹ Former Immigration official relayed:

For instance, during my time in immigration, preventing a Filipino from travelling abroad, by reason of him or her being profiled as a possible victim of human trafficking was not enough to stop him/her from leaving. But later on, in 2010 and

²⁰³ Oebanda-Pacis interview (n 47).

²⁰⁴ *ibid.*

²⁰⁵ *ibid.*

²⁰⁶ interview (n 83).

²⁰⁷ *ibid.*

²⁰⁸ *ibid.*

²⁰⁹ *ibid.*

2011, we had to be very innovative in creating policies, basing these policies on the Constitution on the right to travel, which may be restricted in the interest of public safety, security, public health, etc. And that is where the policy of immigration to assess the purpose of travel of a Filipino and deny or defer departure of a Filipino if he/she is found to be not properly documented for travel abroad. It has been raised before the Supreme Court in one case, and the Supreme Court recognised that regulation as valid.²¹⁰

International reputation of the State (monitoring and threat of financial sanction). The regular evaluation of the US TIP Report is a motivator for the government to act. When the Philippines was ranked as a Tier 2 Watchlist country, the Philippine government leapt into action. In 2011, there was a strong directive from the President of the Philippines to improve anti-trafficking efforts and the reporting status of the Philippines. The objective was not just to get out of the watchlist, but to climb to Tier 1 of the US TIP Report.²¹¹ This was used tactically by the anti-trafficking community as a doorway to really work together with the government.²¹² At this time, there was a lot of frustration within the anti-trafficking community because they could not really prosecute anything under RA 9208.²¹³ It was not an ideal prime motivator, but the anti-trafficking community took advantage of the political climate to present proposals based on the knowledge and information they have amassed along the way.²¹⁴

Concerns linked to the Amendment of the Anti-Trafficking Law

There is no doubt that the Philippine anti-trafficking law, as amended, is strong, and has been described as “almost perfect”.²¹⁵ Concerns raised with respect to the law is the implementation of it.²¹⁶ Aside from reports of corruption within the government system that prevent the proper enforcement and prosecution of traffickers, there is still a massive lack of public awareness and understanding of the law.²¹⁷ One non-government representative emphasised that:

No matter how many laws we have in place, if these laws are not understood at the community level, they are useless. Local needs must be addressed first and foremost. Policies and frameworks need to be localised. Global conversations are important safeguards, but these technocrat conversations remain in the room. These

²¹⁰ *ibid.*

²¹¹ Alcantara interview (n 161).

²¹² Aritao interview (n 196); Alcantara interview (n 161).

²¹³ Alcantara interview (n 161).

²¹⁴ *ibid.*

²¹⁵ OECD (n 9); Marmol interview (n 108).

²¹⁶ Oebanda-Pacis interview (n 47); Empaces interview (n 44); Tañada III (n 149); OECD (n 9).

²¹⁷ Portento interview (n 54); Empaces interview (n 44); Rubin interview (n 54).

conversations need to reach the smallest unit of society, because that is where trafficking happens.²¹⁸

It was also identified that government must not be complacent with the current anti-trafficking law, however strong it may be. Trafficking in persons is a dynamic endeavour on the part of traffickers, and legal frameworks must correspondingly be fluid and capable of adapting to the emerging modes and means of trafficking.²¹⁹ There must be constant review of the law.²²⁰

Relevance of these examples as representative of broader determinants

The country's Tier 1 ranking was also cited as a key development in anti-trafficking efforts, as well as a determinant of these efforts.²²¹ The Tier 1 ranking encourages all the stakeholders involved and affirms effort that has been put through by the government and its partners. That affirmation certainly provides fuel to keep the efforts moving.²²²

²¹⁸ Empaces interview (n 44).

²¹⁹ Ty interview (n 4).

²²⁰ Sarmiento interview (n 52).

²²¹ Ty interview (n 4); Magsino interview (n 65); Alejo interview (n 29); interview (n 28).

²²² Ty interview (n 4).

Focus: Strengthening of the National Coordinating Structure

Another key development in Philippine anti-trafficking efforts is the strengthening of the Inter-Agency Council Against Trafficking (IACAT).²²³ While the IACAT was created in 2003 by RA 9208, it was only in 2011 when the Philippine Congress started allocating funds for their operations. In 2013, the law was amended to ensure funding of the IACAT by attaching it to the Department of Justice (DOJ), so that its budget flow through the DOJ. RA 10364 also established a secretariat to support the council, which is composed of the heads of 11 government agencies and representative of 3 non-government organisations (NGOs). This permanent structure introduced a rationality in organising stakeholders combatting trafficking, where previously there was none.²²⁴ It was also during this time that the IACAT developed a Strategic Plan, which was very helpful in moving forward with coordinated anti-trafficking efforts.²²⁵ In the last few years, IACAT increased efforts to conduct trainings to key anti-trafficking actors, ensure prosecution and resolution of trafficking in persons cases, initiated and maintained victim protection programs, and partnered with local and foreign stakeholders to support and strengthen government interventions. The IACAT has made its mark with its whole-of-government approach in fighting human trafficking, and that commitment and dedication is still seen until today.

Determinants

International reputation of the State (monitoring and threat of financial sanction). 2010 marked a turning point in Philippine anti-trafficking efforts. Having been included in the Tier 2 Watch List in 2009 and 2010, the country was in danger of sliding into Tier 3. President Benigno Aquino III, who inherited this problem when he was elected in 2010, was well aware of the financial repercussions of a Tier 3 ranking in the US TIP Report. In his 2011 State of the Nation Address, President Aquino stated that the grant from the Millennium Challenge Corporation will be jeopardised if the country was not removed from the Tier 2 watch list.²²⁶ For a developing country such as the Philippines, the threat of losing substantial amounts of financial aid is a motivation to do something.²²⁷ As such, it prompted a “personal

²²³ Empaces interview (n 44); Oebanda-Pacis interview (n 47); Francisco-Tan interview (n 34); Magsino interview (n 65); Department of Labor and Employment officer interview (n 58); interview (n 28); interview (n 83); Portento interview (n 54).

²²⁴ Alcantara interview (n 161); Miravalles interview (n 75).

²²⁵ Alcantara interview (n 161).

²²⁶ Aquino III (n 30).

²²⁷ interview (n 83).

commitment of the highest official of the land in the fight against human trafficking in the country.”²²⁸ There was a directive from the President himself to improve efforts and ensure that the country is lifted out of the Watch List.²²⁹ President Aquino called for executive meetings, assessed current anti-trafficking programs, and “instructed all government agencies, whether in the law enforcement, prosecution, or service provision, to be vigilant, responsive and incorruptible in the performance of their functions.”²³⁰ In 2011, President Aquino approved and increased IACAT’s financial and human resources to capacitate it to address the growing human trafficking problem. IACAT’s operational budget increased tenfold, from PHP 10 million in 2010 (approximately GBP 150,000) to PHP 95 million in 2011 (approximately GBP 1,350,000).²³¹ From a team of four part-time staff, the IACAT Secretariat grew to one hundred fifty-two (152) personnel.²³²

The role of the government. The renewed life given to the IACAT enabled the council to bring together government agencies and non-government stakeholders in an organised manner.²³³ As a result thereof, key anti-trafficking actors have become more aware of the mandate of the IACAT and their specific roles in the fight against human trafficking.²³⁴ The individual member-agencies became more confident in leading initiatives and partnering with local and international allies, following the proactive leadership of the IACAT. In 2015, IACAT organised the first Manila International Dialogue, a platform for local and international conversation and cooperation to end human trafficking.²³⁵ The event brought together delegates from 19 different embassies in the Philippines, 11 non-governmental organizations (NGOs) and 15 government agencies and culminated in the signing of the “Manila Declaration to Enhance International Cooperation in Combating Human Trafficking.” The Manila declaration recognized the urgent need for a comprehensive international approach to prevent and combat human trafficking.²³⁶ In the following years, there has been an increase in partnerships with civil society organisations, foreign

²²⁸ Inter-Agency Council Against Trafficking, ‘The Second National Strategic Action Plan Against Trafficking in Persons 2012-2016’ (2012) <http://www.baliprocess-rso-roadmap.net/wp-content/uploads/2017/01/Philippines_NAP_2012-16.pdf>.

²²⁹ interview (n 83).

²³⁰ Inter-Agency Council Against Trafficking, ‘The Second National Strategic Action Plan Against Trafficking in Persons 2012-2016’ (n 228).

²³¹ *ibid.*

²³² United States Department of State, ‘2011 Trafficking in Persons Report’ (June 2011); Inter-Agency Council Against Trafficking, ‘The Second National Strategic Action Plan Against Trafficking in Persons 2012-2016’ (n 228).

²³³ Francisco-Tan interview (n 34).

²³⁴ interview (n 83); Miravalles interview (n 75).

²³⁵ Joel R San Juan, ‘Manila Declaration against Human Trafficking Signed | Joel R. San Juan’ (*Business Mirror*, 11 June 2015) <<https://businessmirror.com.ph/2015/06/11/manila-declaration-against-human-trafficking-signed/>> accessed 22 August 2021.

²³⁶ *ibid.*

governments and international counterparts that have led to increased skills trainings, aftercare programs, joint operations, among other efforts.

Women leaders in government. The head of the Inter-Agency Council Against Trafficking, Undersecretary-in-Charge Emmeline Aglipay-Villar, was identified by many of the stakeholders interviewed to be a main driving force of the IACAT in the last few years. She has been described as strong, driven, passionate and is known to call meetings even at midnight.²³⁷ The head of the Anti-Trafficking Task Force of the Department of Justice, State Prosecutor Lilian Doris Alejo, has been prosecuting human trafficking cases from the inception of the law. She was the first person to file a trafficking in persons case under RA 9208. The case reached the Supreme Court of the Philippines, only to be dismissed *motu proprio* for a technical error in the pleading.²³⁸ Prosecutor Alejo has been with the National Prosecution Service since 1994 and has gained the respect and authority in the field of trafficking in persons. She firmly believes convictions are key to higher ranking in the US TIP Report, as she recalled being told this in an international conference she attended in early 2000.²³⁹ She has since then been focused on gaining more convictions by educating and training prosecutors, law enforcement and other criminal justice stakeholders, judges, and CSOs.²⁴⁰ She admits being hard on her team with deadlines and quality of work, and has even earned the moniker “Mamita”, short for *Ma’am na maldita* (abrasive female boss).²⁴¹

The second trafficking in persons case to be filed under RA 9208 was filed by another woman, Prosecutor Darlene Pajarito. She won this case, the first sex trafficking conviction in the Philippines, in 2005.²⁴² She secured 5 more convictions by 2011, a time when trafficking convictions were scarce. She was a leading force in the Philippine anti-trafficking movement, establishing the Sea-Based and the Air-Based Anti-Trafficking Task Forces. She was named as a TIP Hero in 2011 in recognition of her efforts.²⁴³

The Chief of the Anti-Trafficking Division of the Philippine National Police (PNP) is also a woman, Police Colonel Maria Sheila Portento. In our interview, she relayed that she had inherited partnerships with foreign counterparts. During her time, she devoted her efforts into strengthening these partnerships and broke through communication barriers and bureaucratic formalities, resulting to faster communication channels and immediate response to assistance requests. She was able to cultivate PNP’s formal partnership with the Royal

²³⁷ Alejo interview (n 29).

²³⁸ *ibid.*

²³⁹ *ibid.*

²⁴⁰ *ibid.*

²⁴¹ *ibid.*

²⁴² ‘Darlene Pajarito - U.S. Department of State Trafficking in Persons Report Heroes’ (2011) <<http://www.tipheroes.org/darlene-pajarito/>> accessed 23 August 2021; ‘People v Lalli, GR No 195419’ (n 40).

²⁴³ ‘Darlene Pajarito—US Department of State Trafficking in Persons Report Heroes’ (n 242).

Malaysian Police into a warm relationship, attributing it to “a woman’s touch”. She admitted working over and beyond her duties, especially when having to deal with children victims. As a mother, she brought it upon herself to create a child-friendly holding space for rescued children. She says that this space helps children cope a little bit better while they are being separated from their mothers who have been sexually exploiting them online.²⁴⁴

The Chief of the Anti-Human Trafficking Division of the National Bureau of Investigation is likewise a woman. Atty. Janet Francisco was instrumental in the arrest of one of Australia’s worst known sex offenders in the Philippines, Peter Scully, charged with 75 child exploitation and abuse related-offenses. In 2020, Atty. Francisco was presented with an Australian Federal Police Commissioner’s Group Citation for Conspicuous Conduct for her “outstanding dedication and commitment to duty for her role in a joint-jurisdictional operation that resulted in dismantling an international paedophile syndicate”.²⁴⁵ She attributes the start of a close-working relationship with the Australian Federal Police to the Peter Scully case.²⁴⁶ She is the woman behind the Cyber-TIP Monitoring Center, the first facility established in response to the increasing numbers of online sexual exploitation of children in the Philippines. With the support of the IACAT, she proposed the idea of a dedicated cyber-monitoring team to the UK National Crime Agency as a solution to the rising OSEC numbers.²⁴⁷ The Cyber-TIP Monitoring Center was inaugurated in July 2021.²⁴⁸

Concerns linked to the Strengthening of the National Coordinating Structure

Former IACAT member-NGO representative Cecilia Oebanda-Pacis raised the concern that IACAT could overstretching itself, referring to the recent establishment of the *Tahanan ng Inyong Pag-Asa* (TIP) Center.²⁴⁹ The TIP Center is the first IACAT shelter for rescued victims, while they wait for the necessary documents and processes. It also serves as a “one-stop-shop” where trafficking complaints may be reported, where victims may avail of counseling services and where other concerns may be addressed.²⁵⁰ She feels that the IACAT should

²⁴⁴ Portento interview (n 54).

²⁴⁵ ‘Filipino NBI Official Awarded by Australian Federal Police for Investigation of World’s Worst Pedophile – Mateship and Bayanihan’ (July 2020) <https://mateshipandbayanihan.com/75stories/filipino-nbi-official-receives-award-from-australian-federal-police/?fbclid=IwAR2OYKMtO2qWrA0rEbrbvdONaUqjCYDxnNT1PDSQIOgzuWKwfP4fg_WPUck> accessed 23 August 2021.

²⁴⁶ interview (n 28).

²⁴⁷ *ibid.*

²⁴⁸ ‘IACAT and NBI Lead the Inauguration of the First Cyber-TIP Monitoring Center in the Philippines to Combat Human Trafficking and OSEC’ (22 July 2021) <<https://iacat.gov.ph/?p=5722>> accessed 23 August 2021.

²⁴⁹ Oebanda-Pacis interview (n 47).

²⁵⁰ ‘Inauguration of the First IACAT TIP Center for Trafficked Persons’ (*Department of Justice - Republic of the Philippines*, 16 December 2020) <https://doj.gov.ph/news_article.html?newsid=689> accessed 23 August 2021.

focus on their mandate of coordinating agencies, rather than providing and duplicating services already being given by other agencies.²⁵¹ This also eats into the funding allocated to the IACAT, which is already limited in terms of amount and accessibility.²⁵²

²⁵¹ Oebanda-Pacis interview (n 47).

²⁵² *ibid.*

COVID-19

Resources. The government had to realign most of its financial and human resources to COVID-19 emergency response.²⁵³ Prosecution, protection and prevention of human trafficking were negatively affected.

Prosecution. Anti-trafficking efforts and response continued during the pandemic. Lockdown restrictions helped the police in surveillance operations because everyone was mandated to stay home.²⁵⁴ However, other aspects of anti-trafficking operations were slowed down by the physical restrictions imposed by COVID-19: law enforcement personnel were exposed to the virus, arrest and rescue operations were impeded by local lockdowns, anti-trafficking law enforcement were re-assigned to enforce the emergency legislation.²⁵⁵ Lockdown measures suspended in-person hearings and prevented prosecutors from accessing witnesses.²⁵⁶ This affects prosecution of cases greatly, because it is difficult to speak to witnesses online, especially children who have been sexually abused.²⁵⁷ Even when trials and hearings moved online, there were inevitable delays because not all courts had stable internet connections; judges and court staff were also affected by Covid, with some judges and prosecutors dying from the virus.²⁵⁸ Travel restrictions forced prosecutors handling trafficking cases to pass these cases on to local counterparts who are not knowledgeable in human trafficking.²⁵⁹

Prevention. COVID-19 had substantial negative socio-economic impact on the already vulnerable population of the Philippines.²⁶⁰ Businesses closed down, unemployment went up, overseas Filipino workers (OFWs) were sent back to the Philippines, and many outbound OFWs were unable to leave the country. People were locked inside their homes without any source of income. This extreme and widespread economic vulnerability created the perfect conditions for the online sexual exploitation of children (OSEC) surge.²⁶¹ This new form of trafficking is now harder to prevent because it is largely a family-based crime that happens in the confines of the home.²⁶²

²⁵³ Francisco-Tan interview (n 34); Sarmiento interview (n 52); Local Government Officer interview (n 177).

²⁵⁴ Portento interview (n 54).

²⁵⁵ Sarmiento interview (n 52); Alejo interview (n 29); interview (n 28); Portento interview (n 54).

²⁵⁶ Alejo interview (n 29); Francisco-Tan interview (n 34).

²⁵⁷ Alejo interview (n 29).

²⁵⁸ *ibid*; Sarmiento interview (n 52); Portento interview (n 54).

²⁵⁹ Alejo interview (n 29).

²⁶⁰ Sarmiento interview (n 52).

²⁶¹ interview (n 28).

²⁶² Ty interview (n 4); 'Online Sexual Exploitation of Children in the Philippines' (n 142).

Many of the in-person trainings, roadshows and capacity building programs ceased due to lockdown and travel restrictions.²⁶³ As much as possible, these were all transferred to an online setting. Lectures and other awareness campaigns were conducted online through Facebook Live. These online lectures actually reached a wider audience, exceeding original target numbers and metrics.²⁶⁴

Protection. There was decreased protection afforded to trafficking victims, and for a time, support processes were suspended.²⁶⁵ NGOs shifted their advocacy work online, impacting negatively on personal relations. Lockdowns, mask requirements, and social distancing measures are detrimental in community work where sincerity and trustworthiness are the currency to relationship-building.²⁶⁶ NGOs doing rescue operations found it difficult to get police assistance because (1) the police also fear exposure to the virus and (2) they are re-assigned to enforce COVID-19 restrictions.²⁶⁷ NGO support workers could not access repatriated victims because of quarantine protocols. Without immediate access to the victims, NGOs are unable to offer or give aftercare support, since victims will shy away from the processes once they are back in their hometowns.²⁶⁸

On the positive side, the Inter-Agency Council Against Trafficking (IACAT) was able to realise dream projects in the time of COVID-19. Since most in-person seminars, trainings and roadshows were cancelled, information campaigns shifted online, freeing up budget allocated for travel. Those savings were infused into other projects, such as shelters for abused children, migrants, and women.²⁶⁹ In December 2020, IACAT opened its 1st *Tahanan ng Inyong Pag-Asa* (TIP) Center, a shelter and one-stop centre for victims of human trafficking.²⁷⁰

Partnership. Local and international partners were also affected by COVID-19, but they seemed to be more dynamic in their response, moving online and adjusting programs accordingly.²⁷¹ The Philippine government was not equipped to shift operations online and many government employees did not have the means to work from home. Law enforcement and duty bearers relied heavily on aid and funding from partners, providing work necessities such as personal protective equipment to laptops and other work-from-home

²⁶³ Francisco-Tan interview (n 34); Local Government Officer interview (n 177).

²⁶⁴ interview (n 28).

²⁶⁵ Francisco-Tan interview (n 34).

²⁶⁶ Empaces interview (n 44).

²⁶⁷ Oebanda-Pacis interview (n 47).

²⁶⁸ *ibid.*

²⁶⁹ interview (n 28).

²⁷⁰ *Tahanan ng Inyong Pag-Asa* literally translates to Home of Your Hope.

²⁷¹ Francisco-Tan interview (n 34).

technological hardware.²⁷² Relying on the national government to fund these needs will be slow and might not even come to fruition.²⁷³

Anti-trafficking Efforts. Generally, trafficking which involved movement saw a significant reduction, but COVID-19 created the perfect conditions for the proliferation of self-generated, self-produced child sexual abuse materials, with reports of 300-fold increase in cases of OSEC.²⁷⁴ This prompted the Philippine government to focus its efforts on addressing OSEC. This is also largely because COVID-19 lockdowns and restriction have limited physical operations of law enforcement considerably.²⁷⁵

The Philippines has been tagged as a global hotspot for OSEC, and this led to congressional inquiries.²⁷⁶ These inquiries in aid of legislation gave rise to recommendations for amendments to the existing legal frameworks because previous iterations of the existing law did not contemplate the new modes of sexual trafficking such as live-streaming.²⁷⁷ At present, there are bills pending in Congress to amend both the anti-trafficking law, as well as the anti-child pornography law. One interviewee notes that it actually seems like more is being done now, and at a faster rate, because government was able to adapt and embrace the technology: “Every week there are congressional technical working groups discussing the amendments.”²⁷⁸

²⁷² Alejo interview (n 29); Portento interview (n 54); interview (n 83); interview (n 28).

²⁷³ Alejo interview (n 29).

²⁷⁴ Francisco-Tan interview (n 34).

²⁷⁵ *ibid.*

²⁷⁶ Samson Inocencio Jr., ‘Unsafe in Lockdown: Double Threats to Children During COVID-19 Crisis’ (*IJM USA*, 19 June 2020) <<https://www.ijm.org/vawc/blog/unsafe-in-lockdown-double-threats-to-children-during-covid-19-crisis>> accessed 21 August 2021; Ty interview (n 4).

²⁷⁷ Ty interview (n 4).

²⁷⁸ interview (n 28).

Conclusion

The Philippines' anti-trafficking efforts have improved significantly since first enacting its anti-trafficking law in 2003. Two key developments over the past decade were (1) the amendment of Philippines' anti-trafficking law in 2013 and (2) the strengthening of the national anti-trafficking coordinating body, i.e. the Inter-Agency Council Against Trafficking (IACAT). These developments are inherently linked; the amendment of the law included provisions to strengthen IACAT by establishing a secretariat to support the council and providing a clearly defined source of funding for its operations. Many of the case study participants identified the country's Tier 1 ranking as a key development. They take immense pride in maintaining a Tier 1 ranking in the TIP Report for six consecutive years, which they admit is also a determinant of Philippine anti-trafficking efforts. This achievement brings with it a pressure to maintain the international reputation of the State.

This study identified the following as the main determinants of improved anti-trafficking efforts in the Philippines:

1. International reputation of the State (monitoring and threat of financial sanction)
2. The role of Civil Society Organisations and survivor networks
3. Funding, aid agreements or international aid, and sanctions
4. The role of the government

The Trafficking in Persons Report, as a monitoring mechanism, has come out as a significant influence in Philippine anti-trafficking efforts. The major turning point for the Philippine anti-trafficking history was in 2011, when the country was in danger of falling into Tier 3 after being classified as a Tier 2 Watch List country for two consecutive years. The corresponding Tier 3 financial sanction was the impetus that compelled government to improve anti-trafficking efforts. For a developing country such as the Philippines, the threat of losing substantial amounts of financial aid is a powerful stimulus to take action. It prompted a personal commitment from the President of the Philippines to ensure that the country was removed from the Tier 2 Watch List.

With the administration of then President Aquino taking an aggressive approach against human trafficking, it was an opportune time for CSOs to coordinate and support the government. CSOs advocating against human trafficking have been consistently working to establish the need for stronger laws, better mechanisms, and greater awareness of the problem. The political climate in 2011 was the doorway for them to work together proactively. CSOs provided the legislature with evidence-based solutions and practical knowledge to close the gaps in the law that have prevented the government from effectively implementing the anti-trafficking law. Since then, CSOs have played a crucial role in shaping

the country's anti-trafficking efforts by identifying new areas of concern and providing financial, operational and technical assistance to the government.

Partnerships, funding and aid agreements allowed the Philippine government to continue, improve and expand anti-trafficking operations and programs. While the government has increased the budget allocated for its anti-trafficking programs, it remains insufficient to fight the continuously growing problem of human trafficking in the country. International partnerships facilitate and influence improved efforts through the infusion of financial and technical resources, creating pressure on the Philippine government to deliver on their side of the agreement.

The Philippine government, particularly the IACAT, has been instrumental in leading and developing anti-trafficking partnerships and initiatives. The unique membership of the council, composed of key anti-trafficking government and non-government actors, is a notable factor in opening partnership avenues to the wider network of local and international NGOs, CSOs and foreign governments.

Interview analysis revealed new determinants in the Philippine setting. These include Filipino culture and values, the lack of integration of anti-trafficking and labour systems, having women leaders in key government positions, and the human aspect of anti-trafficking efforts.

Unique to the country, Filipino culture and values negatively influence government anti-trafficking efforts. The Philippines' colonial history has shaped the people's beliefs, value system, aspirations and traits. This value system, when taken together with the socio-economic situation in the Philippines, creates the perfect conditions for systemic human trafficking and unaccountability. Despite this, labour migration remains high, providing a platform for illegal recruiters and human traffickers to operate and obfuscate. The lack of integration of Philippines' anti-trafficking and labour systems has hindered the government from responding effectively to labour trafficking.

Women leaders in key government positions have emerged as an influential factor contributing to Philippine anti-trafficking efforts. Women are leading the front lines of the fight against human trafficking. Currently, the head of the IACAT, the head of the Anti-Trafficking Task Force of the Department of Justice, the Chief of the Anti-Trafficking Division of the Philippine National Police, and the Chief of the Anti-Human Trafficking Division of the National Bureau of Investigation are women.

The human aspect of anti-trafficking efforts is another determinant that has been overlooked in the Philippine setting, but must be recognised. Anti-trafficking actors are ordinary human beings who take on the very heavy burden of working the human trafficking field. Emotional and mental health support will keep them motivated to continue their anti-trafficking work.

There are other related factors identified in this study to have influenced political will and capacity in the Philippines to address trafficking in persons. The underlying context linking these factors together is the economic situation of the country. Oft-repeated and identified

as the root cause of human trafficking, it is also the main driving force behind the country's anti-trafficking watershed moment in 2011.

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