

ADDRESSING TRAFFICKING IN PERSONS AND SMUGGLING OF MIGRANTS: *The Philippine Experience*

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LEGAL FRAMEWORK

Trafficking in persons (TIP) is primarily governed by Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003, as amended by Republic Act No. 10364. Under the law, TIP is defined as:

- *the recruitment, obtaining, hiring, providing, offering, transportation, transfer, maintaining, harboring, or receipt*
- *of persons with or without the victim's consent or knowledge,*
- *within or across national borders*
- *by means of threat, or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position,*
- *taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits*
- *to achieve the consent of a person having control over another person for the purpose of exploitation*

- *which includes at a minimum, the exploitation or the prostitution of others*
- *or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.*
- *The recruitment, transportation, transfer, harboring, adoption or receipt of a child for the purpose of exploitation or when the adoption is induced by any form of consideration for exploitative purposes*
- *shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth in the preceding paragraph.”*

- **Acts of Trafficking in Persons**

Imprisonment of 20 years and a fine of P1M to P2M

- **Acts that Promote Trafficking in Persons**

Imprisonment of 15 years and a fine of P500,000 to P1M

- **Qualified Trafficking in Persons**

Life imprisonment and a fine of P2M to P5M

OTHER LOCAL LAWS ON TIP

- **Republic Act No. 6955**, *Anti-Mail Order Bride Law*
- **Republic Act No. 7610**, *Special Protection of Children Against Abuse, Exploitation and Discrimination Act*
- **Republic Act No. 8239**, *Philippine Passport Act of 1996*
- Art. 340 of the **Revised Penal Code** on the Corruption of Minors
- Art. 341 of the **Revised Penal Code** on White Slave Trade

The Philippines does **not** have existing legislation against smuggling of migrants.

INTERNATIONAL COMMITMENTS

The Philippines has ratified the following:

- 1. United Nations Universal Declaration on Human Rights**
- 2. United Nations Convention on the Rights of the Child**
- 3. United Nations Convention on the Protection of Migrant Workers and their Families**
- 4. United Nations Convention Against Transnational Organized Crime**
 - Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children
 - Protocol against the Smuggling of Migrants by Land, Sea and Air.

MECHANISMS IN COMMITTING TIP

Illegal recruiters and human traffickers resort to **back-door channels**.

- Fake employment passports and contracts
- Transit points
- Final destinations

According to the **Global Report on Trafficking in Persons 2018** by **UNODC**:

- **60%** of detected victims of trafficking in East Asia and the Pacific were trafficked for **sexual exploitation**;
- **38%** were trafficked for **forced labor**; and
- **2%** were trafficked for **other purposes**.

LOW CONVICTION AND DETECTION RATES

The **Global Report on Trafficking in Persons 2018** by **UNODC** reveals that:

- the **average conviction rate** recorded in East Asia (including the Philippines) is **lower** than many regions in the world; and
- countries in East Asia **detect far fewer victims per capita** than countries in Europe and the Americas, despite East Asian victims representing the largest share of victims trafficked across borders in 2016.

ADDRESSING TIP

To address the TIP situation, the Philippine Government utilizes the following mechanisms:

- Philippines Embassies issue advisories.
- Philippine Government coordinates with local communities.
- Philippine Government forges linkages with NGOs.
- Reports regularly to the Inter-Agency Council Against Trafficking.

ASEAN Convention Against Trafficking in Persons, Especially Women and Children or ACTIP

Recognizes that trafficking in persons is caused by a combination of factors:

- Government corruption
- Poverty
- Economic instability
- Inefficient legal systems
- Organized crimes
- The demand that fosters all forms of exploitation of persons, especially women and children

ACTIP also seeks to combat trafficking in persons, especially against women and children:

- To ensure just and effective punishment of traffickers
- Protect and assist victims of trafficking in persons, with full respect for their human rights
- Promote cooperation among the Parties in order to meet these objectives.

WAYS FORWARD

- Harmonize inter-agency initiatives to curb trafficking in persons and smuggling of migrants.
- Strengthen prosecution and law enforcement efforts.
- Boost regional cooperation through bilateral and multilateral agreements.
- Institutionalize capacity building and intelligence-sharing programs.

THANK YOU.

The background features abstract geometric shapes in various shades of blue and red, primarily concentrated on the right side of the frame. The shapes are layered and semi-transparent, creating a modern, architectural feel. The rest of the background is plain white.