

March 2021

Building the Evidence Base for Effective Antislavery  
Governance

# Philippines Country Profile

Dr Ana Valverde-Cano, Dr Katarina Schwarz

# About this report

This report was prepared by Dr Ana Valverde-Cano (Rights Lab Research Fellow in Antislavery Law and Policy), Dr Katarina Schwarz (Rights Lab Associate Director), and Dr Daniel Ogunniyi (Rights Lab Research Fellow).

The report is based primarily on research conducted from 2020-2021 and may not therefore consider more recent emerging evidence. Updates to the report to reflect new and emerging evidence are ongoing.

The authors welcome enquiries on the report and the project more broadly, which may be directed to Katarina Schwarz at [Katarina.Schwarz@nottingham.ac.uk](mailto:Katarina.Schwarz@nottingham.ac.uk)

# About the project

The report was produced to support the research project 'Building the Evidence Base for Effective Antislavery Governance in the UK and the Top 20 UK Source Countries', funded by the Modern Slavery and Human Rights Policy and Evidence Centre. The research team consisted of Dr Katarina Schwarz (Rights Lab, University of Nottingham), Dr Ana Valverde-Cano (Rights Lab), Dr Daniel Ogunniyi (Rights Lab), Alexandra Williams-Woods (CSIS, University of Liverpool), and Prof Jean Allain (Wilberforce Institute, University of Hull).

The **Rights Lab** is a University of Nottingham "Beacon of Excellence" and home to the world's largest and leading group of modern slavery researchers. Through its five research programmes, impact team, and INSPIRE project, the Rights Lab is underpinning antislavery with an advanced research agenda, collaborating with civil society, business, and government, and elevating survivor-informed research as a key part of knowledge production to help end slavery.

The **Wilberforce Institute** at the University of Hull aims to advance fundamental knowledge of slavery and emancipation, informing policy, business practice and public debate at local, national and international levels. The Wilberforce Institute brings together experts in humanities, law and social sciences to help tackle this global problem head on.

## Contents

<b>1. Overview of antislavery and anti-trafficking governance in Philippines</b> .....	<b>4</b>
1.1. The Walk Free Foundation’s Global Slavery Index.....	4
1.2. TIP Rankings 2001-2020.....	5
1.3. Quantitative measures on anti-trafficking governance (TIP Reports).....	6
<b>2. Treaty commitments</b> .....	<b>8</b>
<b>3. General country context</b> .....	<b>10</b>
3.1. Constitutional structure.....	10
3.2. Political context.....	10
3.3. Migration profile.....	11
3.4. Development profile.....	12
3.5. Philippines’ Human Rights Record.....	15
3.6. Social support systems.....	16
<b>4. National modern slavery context</b> .....	<b>17</b>
4.1. Modern slavery profile.....	17
4.2. Causes and drivers of modern slavery and transnational trafficking.....	18
4.3. Particularly vulnerable groups.....	19
<b>5. Antislavery governance frameworks</b> .....	<b>21</b>
5.1. Legislative measures.....	21
5.2. Prosecution.....	28
5.3. National policies and plans.....	29
5.4. Victim support and assistance frameworks.....	30
5.5. National institutions and inter-departmental coordination.....	31
5.6. Training and capacity-building for responders.....	31
5.7. Public awareness raising.....	32
5.8. Efforts to address vulnerabilities and drivers.....	32
5.9. Frameworks for international coordination.....	33
5.10. Key challenges to effective antislavery governance.....	33
<b>6. Experiences of modern slavery of Filipino nationals in the UK</b> .....	<b>35</b>
6.1. Demographics of Filipino nationals in the NRM (including intersectionality).....	35
6.2. Consequent effects of trafficking on survivors.....	36
<b>7. The impact of COVID-19</b> .....	<b>37</b>
7.1. The Government’s response to COVID-19.....	37
7.2. The impact of COVID-19 on workers and modern slavery victims.....	37

# 1. Overview of antislavery and anti-trafficking governance in Philippines

## 1.1. The Walk Free Foundation’s Global Slavery Index<sup>1</sup>

	Vulnerability		Prevalence			Government response	
	Ranking <sup>2</sup>	Score <sup>3</sup>	Ranking <sup>4</sup>	Absolute <sup>5</sup>	/ 1000 <sup>6</sup>	Ranking <sup>7</sup>	Rating <sup>8</sup>
<b>2013</b>	109	43.42	98	140.000	1.4	-	-
<b>2014</b>	97	47.1	103	261.200	2.6	29	BB
<b>2016</b>	32	47.97	112	401.000	3.9	-	BB
<b>2018</b>	42	60.2	29	784.000	7.7	-	BB

Although the nature of modern slavery makes measuring the phenomenon an inherently difficult task, the Walk Free Foundation’s Global Slavery Index (GSI) aims to provide the ‘best available data and information about the scale and regional distribution of modern slavery’.<sup>9</sup> This includes **national prevalence estimates** of the number of people experiencing modern slavery in each country, calculated on the basis of a predictive model that accounts for individual and country-level risk factors.

National prevalence estimates are analysed in the context of results of Walk Free’s **Vulnerability Model**. This model uses ‘statistical testing and processes to identify the factors that explain or predict the prevalence of modern slavery’.<sup>10</sup> The 2018 Vulnerability Model features five factors, made up of 23 distinct variables: governance issues, lack of basic needs, inequality, disenfranchised groups, and effects of conflict.

Walk Free also tracks **government responses** to modern slavery, tracking government efforts across five milestones: (1) survivors of slavery are identified and supported to exit and remain out of slavery; (2) criminal justice mechanisms function effectively to prevent modern slavery; (3) coordination occurs at the national and regional level, and governments are held to account for their response; (4) risk factors such as attitudes, social systems, and institutions that enable modern slavery are addressed; and (5) government and business stop sourcing goods and services produced by forced labour.<sup>11</sup>

It should be noted that the scope, methodology, and sources underpinning GSI findings has changed over the years. This means that data between different reporting years is not directly comparable

<sup>1</sup> Walk Free Foundation, ‘The Global Slavery Index 2013’ (2013), available [here](#); ‘The Global Slavery Index 2014’ (2014), available [here](#); ‘The Global Slavery Index 2016’ (2016), available [here](#); ‘The Global Slavery Index 2018’ (2018), available [here](#).

<sup>2</sup> Note: a higher ranking (closer to 1) indicates high vulnerability relative to other countries.

<sup>3</sup> Note: a higher score indicates increased vulnerability to modern slavery, with a median country score of 47.28 in 2018.

<sup>4</sup> Note: a higher ranking (closer to 1) indicates a high number of people experiencing modern slavery per 1000 in the overall population relative to other countries.

<sup>5</sup> Note: absolute prevalence measures the estimated number of people experiencing modern slavery in the country.

<sup>6</sup> Note: prevalence /1000 measures the number of people estimated to experience modern slavery per 1000 people in the overall population.

<sup>7</sup> Note: a higher ranking (closer to 1) indicates better government responses to modern slavery relative to other countries.

<sup>8</sup> Note: government response ratings are broken into scoring bands, with an A rating representing the strongest government response to modern slavery (with a score of 70-79.9), followed by BBB (60-69.9), BB (50-59.9), B (40-49.9), CCC (30-39.9), CC (20-29.9), C (10-19.9), and D (<0-9.9).

<sup>9</sup> Walk Free Foundation, ‘Global Findings’ (2018), available [here](#).

<sup>10</sup> Walk Free Foundation, ‘Methodology: Vulnerability’ (2018), available [here](#).

<sup>11</sup> Walk Free Foundation, ‘Methodology: Government Response’ (2018), available [here](#).

## 1.2. TIP Rankings 2001-2020<sup>12</sup>



The Trafficking in Persons report ranks countries into one of four tiers, as mandated by the Victims of Trafficking and Violence Protection Act 2000 (TVPA). A country's ranking is based on an assessment of the government's efforts to address trafficking in persons, rather than on the extent of trafficking within the country, and considers government action against the TVPA's minimum standards.<sup>13</sup>

**Tier 1:** Countries whose governments fully meet the TVPA's minimum standards for the elimination of trafficking. To maintain a Tier 1 ranking, the country must continue to make progress in its anti-trafficking efforts each year.

**Tier 2:** countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards.

**Tier 2 Watch List:** Countries whose governments do not fully meet the TVPA's minimum standards but are making significant efforts to bring themselves into compliance with those standards, and for which:

- (a) the absolute number of victims of severe forms of trafficking is very significant or is significantly increasing;
- (b) there is a failure to provide evidence of increasing efforts to combat severe forms of trafficking in persons from the previous year, including increased investigations, prosecution, and convictions of trafficking crimes, increased assistance to victims, and decreasing evidence of complicity in severe forms of trafficking by government officials; or
- (c) the determination that a country is making significant efforts to bring itself into compliance with minimum standards was based on commitments by the country to take additional steps over the next year.

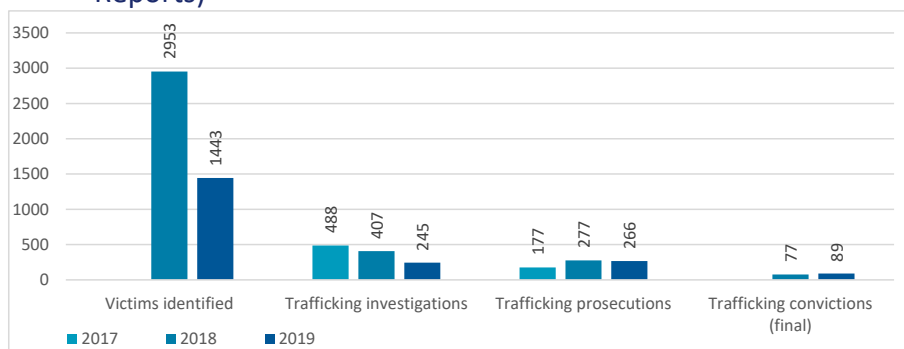
**Tier 3:** Countries whose governments do not fully meet the TVPA's minimum standards and are not making significant efforts to do so. Countries ranked as Tier 3 may be subjected to restrictions on non-humanitarian, non-trade foreign assistance from the US. Impositions of such restrictions are determined by the President.<sup>14</sup>

<sup>12</sup> US Department of State, '2020 Trafficking in Persons Report' (2020), available [here](#); (2019) available [here](#); (2018), available [here](#); (2017), available [here](#); (2016), available [here](#); (2015), available [here](#); (2014), available [here](#); (2013), available [here](#); (2012), available [here](#); (2011), available [here](#); (2010), available [here](#); (2009), available [here](#); (2008), available [here](#); (2007), available [here](#); (2006), available [here](#); (2005), available [here](#); (2004), available [here](#); (2003), available [here](#); (2002), available [here](#); (2001), available [here](#).

<sup>13</sup> Minimum standards for the elimination of trafficking are found in section 108, Victims of Trafficking and Violence Protection Act 2000 (United States), available [here](#).

<sup>14</sup> See further Department of State (2020), above n **Error! Bookmark not defined.**, 40-41.

### 1.3. Quantitative measures on anti-trafficking governance (TIP Reports)<sup>15</sup>



Measure	Year	Qty	
Number of refugees	2020	690	[1]
Trafficking cases investigated	2019	245	[2]
Trafficking suspects arrested	2019	507 <sup>16</sup>	[2]
Trafficking prosecution	2019	266 <sup>17</sup>	[2]
Trafficking convictions	2019	89 <sup>18</sup>	[2]
Capacity-building activities	2019	122	[2]
Trafficking victims identified	2019	1,443 <sup>19</sup>	[2]
Potential Filipino trafficking victims detected abroad	2019	6,772 <sup>20</sup>	[2]
Funds allocated to implement the Recovery and Reintegration Program for Trafficked Persons	2019	24.4 million pesos (\$481,830)	[2]

<sup>15</sup> Sources:

[1] Migration Data Portal (2019) <[https://migrationdataportal.org/data?focus=profile&i=stock\\_abs\\_&t=2019&cm49=608](https://migrationdataportal.org/data?focus=profile&i=stock_abs_&t=2019&cm49=608)> accessed 13 September 2020.

[2] US Department of State (2020), above n 12.

[3] US Department of State (2019), above n 12.

[4] Walk Free Foundation, 'Country Data: Philippines' (United Nation 2018), above n [here](#).

[5] US Department of State, '2018 Findings on the Worst Forms of Child Labor' (2018), available [here](#).

<sup>16</sup> Of 546 identified trafficking suspects.

<sup>17</sup> These included 24 labour trafficking defendants, 239 sex trafficking defendants, and three defendants charged with using a child for soldiering.

<sup>18</sup> The courts sentenced nearly all of the sex traffickers convicted to 15 years' imprisonment or more and fines ranging from 500,000 to five million pesos (\$9,870 to \$98,740); 30 received a life sentence and fines of two million to five million pesos (\$39,490 to \$98,740). Other sentences had varied terms of imprisonment: two months, two to four years, and 12 to 17 years with fines ranging from 50,000 to one million pesos (\$990 to \$19,750). The court sentenced one labour trafficker to a prison term of 10 to 12 years and one year to life imprisonment with a fine of two million pesos (\$39,490). See p. 406.

<sup>19</sup> The vast majority of whom were sex trafficking victims

<sup>20</sup> 'The vast majority of these victims reported experiencing forced labor and/or illegal recruitment; fewer than 25 were victims of sex trafficking. The Commission on Filipinos Overseas (CFO) Actionline against Human Trafficking received 3,377 calls, and it identified and assisted nine labor trafficking victims, including one minor'. See p. 407.

Trafficking victims who benefited from the Recovery and Reintegration Program for Trafficked Persons	2019	2,194 <sup>21</sup>	[2]
Trafficking cases investigated	2018	407	[3]
Potential Filipino trafficking victims detected abroad	2018	2,591	[3]
Funds allocated to implement the Recovery and Reintegration Program for Trafficked Persons	2018	25.13 million pesos (\$496,250)	[2]
Trafficking victims who benefited from the Recovery and Reintegration Program for Trafficked Persons	2018	2,318	[2]
Trafficking prosecution	2018	227 <sup>22</sup>	[2]
Trafficking victims identified	2018	2,953	[2]
Trafficking convictions	2018	77	[3]
Training of responders	2018	6593	[3]
Labour Inspectorate Funding	2018	\$3,017,240	[5]
Number of Labour inspectors		610	[5]
Budgetary allocation for recovery and reintegration program	2018	\$478,760	[2]
Estimated number of people living in modern slavery	2018	784,000	[4]
Budgetary allocation for recovery and reintegration program	2017	\$472,470	[3]
Training of responders	2017	6400	[3]
Trafficking prosecution	2017	177	[3]
Trafficking cases investigated	2017	488	[3]
Labour Inspectorate Funding	2017	\$3,450,260	[5]
Number of Labour inspectors	2017	574	[5]

<sup>21</sup> Of whom 1,711 were female and 80 percent were adults

<sup>22</sup> These included 18 labour trafficking defendants, 195 sex trafficking defendants, and one defendant charged with using a child for soldiering.

## 2. Treaty commitments<sup>23</sup>

Instrument	Ratification date
1926 Slavery Convention	N/A
1953 Protocol to the Slavery Convention	N/A
1930 Forced Labour Convention	15 July 2005
2014 Protocol to the Forced Labour Convention	N/A
1956 Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery	17 November 1964
1957 Abolition of Forced Labour Convention	17 November 1960
1966 International Covenant on Civil and Political Rights (ICCPR)	23 October 1986
1966 Optional Protocol to the ICCPR	22 August 1989
1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families	5 July 1995
1998 Rome Statute of the International Criminal Court	N/A
1999 Worst Forms of Child Labour Convention	28 November 2000
2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children	28 May 2002
2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography	28 May 2002
2000 Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict	26 August 2003
2011 Domestic Workers Convention	5 September 2012
<b>Regional and bilateral instruments</b>	
2005 Council of Europe Convention on Action against Trafficking in Human Beings	N/A
ASEAN Convention Against Trafficking in Persons, Especially Women and Children	06 February 2017
<b>Key International Commitments</b>	
1948 Universal Declaration of Human Rights	
1985 Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power	
2005 UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law	

Formatted Table

Formatted Table

<sup>23</sup> UN Treaty ratification info sourced from UN Treaty Collection available [here](#); ILO Convention ratifications available [here](#); Rome Statute ratification status available [here](#). Membership data on the 2017 Call to Action is found at Delta8.7, 'Call to Action' available [here](#).



2015 UN Sustainable Development Goals (5.3, 8.7)

2017 Call to Action to End Forced Labour, Modern Slavery and Human Trafficking

## 3. General country context

### 3.1. Constitutional structure<sup>24</sup>

The 1987 Constitution provides that the Philippines is a multi-party, unitary presidential constitutional republic with a bicameral legislature, which consists of the Senate and House of Representatives. The President of the Philippines (Rodrigo Roa Duterte) acts as both the head of state and the head of government, and is vested with executive power. The executive branch also includes the Vice-President (Leni Robredo) and the Secretaries of Heads of the Executive Departments and other Cabinet officials, nominated by the President. Both the President and the Vice-President are elected by direct vote for a term of six years. While the Vice President cannot serve for more than two terms, President is not eligible for a re-election.<sup>25</sup> Article X of the 1987 Constitution provides for the territorial and political subdivisions of the Philippines as follows: province, cities, municipalities and barangays. The National Capital Region (Metro Manila) has special status, as does the Autonomous Region in Muslim Mindanao in the far south. The constitution of 1987 provides for a Supreme Court with a chief justice and 14 associate justices. Lower courts include the Court of Appeals; regional, metropolitan, and municipal trial courts; and special courts, including the Court of Tax Appeals, Shari'a (Shari'ah) district and circuit courts of Islamic law, and the Sandiganbayan, a court for trying cases of corruption.<sup>26</sup>

The Philippine legal system is a mixture of customary usage, Roman (civil law) and Anglo-American (common law) systems, and Islamic law.<sup>27</sup> It accepts compulsory ICJ jurisdiction with reservations and withdrew from the ICCT in March 2019.<sup>28</sup> Importantly, according to Supreme Court's jurisprudence, in the case of an irreconcilable conflict between treaty norms and national laws, it has been recognised the supremacy of national law.<sup>29</sup> In general, liberal values were central to the nonviolent People Power Revolution in 1986 (martial law era) and informed the drafting of the 1987 constitution. This resulted in constitutional guarantees of human rights; regular, competitive elections for local and national offices; a system of checks and balances; and a free (if flawed) media and robust civil society.<sup>30</sup>

### 3.2. Political context

The President, elected in May 2016, began his constitutionally limited six-year term in June 2016. The 2016 presidential election was generally seen as free and fair. Midterm elections in May for senators, all congressional representatives, and local government leaders were seen as generally free and fair, despite reports of violence and vote buying.<sup>31</sup> The ruling party and allies won all 12 Senate seats and maintained a roughly two-thirds majority in the 306-seat House of Representatives. The combination of the Philippines' powerful presidency and the malleability of most of its political institutions is resulting in significant democratic backsliding, giving to the president Duterte wide latitude.<sup>32</sup> Since his election for a six-year term in 2016, Duterte has launched an intense campaign against drug crime,<sup>33</sup> has allocated unprecedented levels of public resources for social spending

<sup>24</sup> Constitution 1987 available [here](#).

<sup>25</sup> See Art. VII, sec. 1, 1987 Constitution; Milagros Santos-Ong, 'Philippine Legal Research' (2020), available [here](#).

<sup>26</sup> Encyclopaedia Britannica, 'Philippines' (2020), available [here](#).

<sup>27</sup> Milagros Santos-Ong, above n 25.

<sup>28</sup> CIA, 'The World Factbook- The Philippines' (2020), available [here](#).

<sup>29</sup> Human Rights Council, 'Compilation on the Philippines Report of the Office of the United Nations High Commissioner for Human Rights' (A/HRC/WG.6/27/PHL/2, 27 February 2017) para. 9.

<sup>30</sup> David G. Timberman, 'Philippine Politics Under Duterte: A Midterm Assessment' (10 January 2019), available [here](#).

<sup>31</sup> US Department of State, '2019 Country Reports on Human Rights Practices: Philippines' (2019), available [here](#).

<sup>32</sup> David G. Timberman, above n 30.

<sup>33</sup> David T. Johnson and Jon Fernquest, 'Governing through Killing: The War on Drugs in the Philippines' (2018) 5 *Asian Journal of Law and Society* 2, 359-390

and signed into law bills that ostensibly strengthen citizens' social rights,<sup>34</sup> and has distanced the Philippines from the U.S. to strengthen relations with China and establish closer ties with neighbouring Indonesia and Malaysia.<sup>35</sup> Duterte is frequently included in media reports and scholarly articles on the rise of populism globally.<sup>36</sup> Distribution of power is heavily affected by patronage and kinship networks. Party lists are frequently dominated by traditional political families, and recent elections have resulted in an increasing concentration of power in the hands of a few families. Election-related funding also contributes to the concentration of power: there are no limits on campaign contributions and a significant portion of political donations come from a relatively small number of donors. The rule of law and application of justice are haphazard and heavily favour political and economic elites. Judicial independence is also hampered by inefficiency, low pay, intimidation, corruption, and high vacancy rates.<sup>37</sup>

It is important to note that in the Mindanao region of the Philippines persists the so-called 'Moro conflict', an insurgency which has been ongoing since 1969, though non-Jihadist insurgency ended in 2019. Children are frequently recruited or abducted to take part in the armed conflict.<sup>38</sup>

### 3.3. Migration profile

At mid-2019 the country's emigrant population was estimated to be 5.4 million, while the number of international migrants residing in the country estimated at 218,500 (0,2% of the total population).<sup>39</sup> The Philippines has a long history of international migration since 1906, with a centrality of the United States as destination country.<sup>40</sup> For nearly five decades starting in the 1970s, the international mobility of Filipinos has expanded and diversified not just in numbers but also in countries of destination, profile of migrants, nature of work and complexity in transnational movement.<sup>41</sup> While a markedly improved economic situation in recent years has not diminished outflows, it has allowed the country to move beyond its longstanding labour migration policy to incorporate migration into long-term development planning and strengthen the return and reintegration of overseas Filipino workers.<sup>42</sup>

According to mid-2019 United Nations Population Division estimates, the top destinations for Filipinos abroad include United States (2,014,00), Saudi Arabia (629,000), Canada (627,000), the United Arab Emirates (556,000), Australia (281,000), and Japan (256,000).<sup>43</sup> These figures vary when it comes to irregular migration. Although it is a type of migration which is difficult to measure, Malaysia (particularly Sabah or East Malaysia) has consistently ranked as the destination of the largest population of Filipino migrants in an irregular situation. As of 2013, there were 448-450 Filipino migrants in an irregular

<sup>34</sup> Charmaine G. Ramos, 'Change without Transformation: Social Policy Reforms in the Philippines under Duterte' (2020) 51 *Development and Change* 2, 486.

<sup>35</sup> Maritius Trade Easy, 'Philippines (the): Economic and Political Overview' (2020), available [here](#).

<sup>36</sup> Alfred McCoy, 'Philippine Populism: Local Violence and Global Context in the Rise of a Filipino Strongman' (2017) 15 *Surveillance & Society*, 514-522; Nicole Curato, 'Politics of Anxiety, Politics of Hope: Penal Populism and Duterte's Rise to Power' (2016) 35 *Journal of Current Southeast Asian Affairs* 3, 91-109; Joseph J. Capuno, 'Dutertenomics: Populism, Progress, and Prospects' (2020) 15 *Asian Economic Policy Review* 2, 262-79.

<sup>37</sup> Freedom House, 'Freedom in the World 2020- Philippines' (2020), available [here](#).

<sup>38</sup> Jeyashree Nadarajah (UNICEF), 'Children in Armed Conflict: Philippines' (May 2019) 7-8, available [here](#).

<sup>39</sup> Migration Data Portal (2019), available [here](#).

<sup>40</sup> Maruja M.B. Asis (Migration Policy Institute), 'The Philippines: Beyond Labor Migration, Toward Development and (Possibly) Return' (12 July 2017), available [here](#); Luis Hassan Gallardo and Jeanne Batalova (Migration Policy Institute), 'Filipino Immigrants in the United States' (July 2020), available [here](#).

<sup>41</sup> See [here](#).

<sup>42</sup> Maruja M.B. Asis (Migration Policy Institute), above n 40. The Commission for Overseas Filipinos (CFO), founded in 1990, upholds the welfare of overseas Filipinos and has reported the number of emigrants since 1981 (including by destination, sex, age, civil status, education level and pre-emigration occupation). For inward migration, the Bureau of Immigration enforces and administers immigration laws—including admission, registration, exclusion, deportation and repatriation laws—while the Bureau of Local Employment reports data on foreign employment holders. See Intelligence Unit (The Economist), 'Measuring well-governed migration The 2016 Migration Governance Index' (2016) 50, available [here](#).

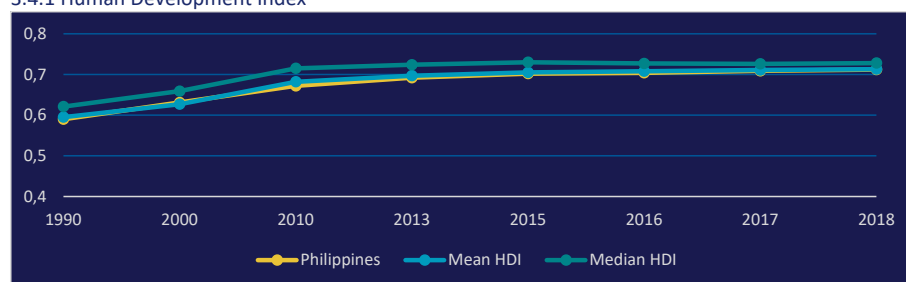
<sup>43</sup> Luis Hassan Gallardo and Jeanne Batalova (Migration Policy Institute), above n 40.

situation in Malaysia.<sup>44</sup> The lack of employment opportunities in the Philippines is commonly mentioned by migrants and aspiring migrants as the reason for deciding to work abroad. Data on the employment situation and labour migration trends suggest close links between migration and the labour market.<sup>45</sup> Top occupational categories include service workers, production workers, professional/ technical workers, and clerical workers. The nature of overseas violations and abuses differ by host country. The International Labour Organisation indicates abusive and exploitative work conditions, inadequate protective mechanisms, limited support services for women, and contract substitution as frequented issues for migrant workers.<sup>46</sup> Many of the problems faced by overseas workers can be linked to discrimination.<sup>47</sup>

Most inward migrant workers are skilled and face few restrictions. Migrants have access to some services covered by the National Health Insurance Programme (NHIP, or PhilHealth), and foreigners who live and work in the Philippines have access to the state-funded social security system.<sup>48</sup> Access to private-sector employment is independent of residency status, and there are no conditions beyond possession of an Alien Employment Permit. Refugees can also access the labour market, provided they have the correct documentation. However, foreigners are not able to accept public-sector employment under the same conditions as nationals.<sup>49</sup>

### 3.4. Development profile

#### 3.4.1 Human Development Index<sup>50</sup>



The Human Development Index (HDI) measures average life expectancy, level of education and income for each country in the world. Each country is given a score between 0 and 1 - the closer a country gets to 1, the more developed it is.<sup>51</sup> Philippines' scores place it in the 'High Human Development' grouping

<sup>44</sup> Commission on Filipinos Overseas, '2014 Compendium on Statistics on International Migration' (Manila, 2016) available [here](#). Trends in irregular migration since 2000 can be divided into three periods: 2000-04, when irregular migration accounted more than 10% of the total overseas Filipinos (for 2000-03, it was as high as 20-25% of the total); 2005-10, when it declined to less than 10%; and 2011-13, when patterns of irregular migration fluctuated. The decline since 2005 reflects the impact of the amnesty, crackdown and repatriation exercises implemented by destination countries such as Malaysia and Korea. OECD/Scalabrini Migration Center, 'The Philippines' migration landscape' (Interrelations between Public Policies, Migration and Development in the Philippines, 2017) 46, available [here](#).

<sup>45</sup> Ibid, 49.

<sup>46</sup> Siyu Liu, 'Exploitation of Overseas Migrant Labor: Analysis of Migration Policy in Nepal and the Philippines' (2015) *Social Impact Research Experience* 1, 20.

<sup>47</sup> Carmelita S. Dimzon, 'The Scourge of Discrimination and the Filipino Migrant Worker' (Manila, 2013). See also Nicole J. Sayres, 'An Analysis of the Situation of the Filipino Domestic Workers' (ILO, 2004) 24, available [here](#).

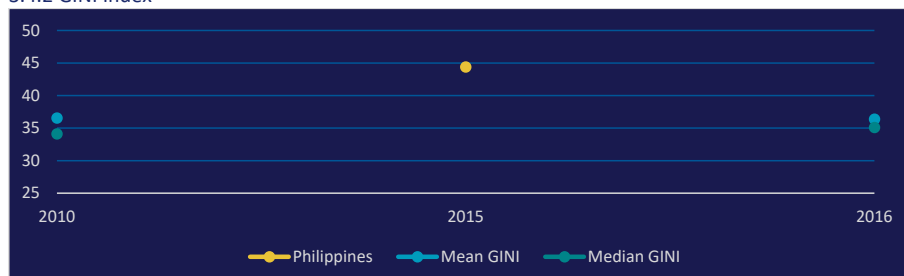
<sup>48</sup> Contributing to this system is mandatory for Filipino workers under the age of 60 and expatriates.

<sup>49</sup> Intelligence Unit (The Economist), above n 33, pp. 50-51

<sup>50</sup> UNDP, 'Human Development Indicators - Philippines' (2019), available [here](#).

<sup>51</sup> UNDP, 'Human Development Reports', available [here](#).

### 3.4.2 GINI Index<sup>52</sup>



Gini index measures the extent to which income distribution or consumption expenditure among individuals or households within an economy deviates from a perfectly equal distribution. A Gini index of 0 represents perfect equality, while an index of 100 implies perfect inequality.<sup>53</sup>

### 3.4.3 Philippines' Sustainable Development Goals<sup>54</sup>

Year	Rank	Score
2020	99	65,50
2019	97	64,9
2018	85	65
2017	93	64,3
2016	95	55,5

The Sustainable Development Reports assess implementation of, and progress towards, the 2015 UN Sustainable Development Goals. The SDG Index and Dashboards summarise countries' current performance and trends across the 17 SDGs. All SDGs are weighted equally in the index. Changing indicators, data, and methodology used to determine rankings and scores mean that SDG index results are not comparable over time.<sup>55</sup>

### 3.4.4 GDP Rates

#### Philippines's GDP Growth Rate

Philippines GDP Growth Rate - Historical Data		
Year	GDP Growth (%)	Annual Change
2018	6.24%	-0.43%
2017	6.68%	-0.21%
2016	6.88%	0.82%
2015	6.07%	-0.08%
2014	6.15%	-0.92%
2013	7.06%	0.38%
2012	6.68%	3.02%
2011	3.66%	-3.97%
2010	7.63%	6.48%

<sup>52</sup> GINI Index (World Bank), available [here](#). Mean and median calculations sourced from The World Bank Development Research Group, 'GINI Index (World Bank Estimate)' (The World Bank), available [here](#). Note: timescale reflects years for which country-specific data for Philippines is available.

<sup>53</sup> World Bank, 'Metadata Glossary', available [here](#).

<sup>54</sup> Sustainable Development Report (2020), available [here](#).

<sup>55</sup> Bertelsmann Stiftung and Sustainable Development Solutions Network, 'Sustainable Development Report 2019' (June 2019) 19.

<b>2009</b>	1.15%	-3.00%
<b>2008</b>	4.15%	-2.46%
<b>2007</b>	6.62%	1.37%
<b>2006</b>	5.24%	0.47%
<b>2005</b>	4.78%	-1.92%
<b>2004</b>	6.70%	1.73%
<b>2003</b>	4.97%	1.32%
<b>2002</b>	3.65%	0.75%
<b>2001</b>	2.89%	-1.52%
<b>2000</b>	4.41%	1.33%
<b>1999</b>	3.08%	3.66%
<b>1998</b>	-0.58%	-5.76%
<b>1997</b>	5.19%	-0.66%
<b>1996</b>	5.85%	1.17%
<b>1995</b>	4.68%	0.29%
<b>1994</b>	4.39%	2.27%
<b>1993</b>	2.12%	1.78%
<b>1992</b>	0.34%	0.92%
<b>1991</b>	-0.58%	-3.62%
<b>1990</b>	3.04%	-3.17%

GDP per capita (current US\$)<sup>56</sup>

<b>Year</b>	<b>GDP per capita</b>
<b>1995</b>	715,9
<b>2000</b>	1,072
<b>2010</b>	2,217
<b>2011</b>	2,450
<b>2012</b>	2,694
<b>2013</b>	2,871
<b>2014</b>	2,959
<b>2015</b>	3,001
<b>2016</b>	3,073
<b>2017</b>	3,123
<b>2018</b>	3,252
<b>2019</b>	3,485

<sup>56</sup> GDP per capita (World Bank), available [here](#).

### 3.4.5 Other relevant indicators<sup>57</sup>

	2019	2018	2017	2016	2015
Unemployment rate	2,15%	2,34%	2,55%	2,71%	3,07%
Youth unemployment	6,19%	6,9 %	7,41%	7,7%	8,56%

## 3.5. Philippines’ Human Rights Record

The June 2020 Report of the United Nations High Commissioner for Human Rights about the Philippines highlights key patterns of ongoing violations. It shows that while important human rights gains have been made, an overarching focus on national security, countering terrorism and illegal drugs has resulted in numerous systematic human rights violations, **persistent impunity** and the **vilification of dissent**.<sup>58</sup> Thus, while the Philippines has a long-standing and robust tradition of human rights advocacy and activism –with more than 60,000 registered NGOs–, violence against human rights defenders have been increasingly institutionalized and normalized to the extent that some statements from high-level officials have risen to the level of incitement to violence.<sup>59</sup> The 2019 US country report shows that human rights issues remain, including **unlawful or arbitrary killings**;<sup>60</sup> enforced disappearance; torture;<sup>61</sup> arbitrary detention; harsh and life-threatening prison conditions; arbitrary and unlawful interference with privacy; significant problems with the independence of the judiciary; the worst forms of restrictions on free expression and the press, including violence, threats of violence, and unjustified arrests or prosecutions of journalists, censorship, and the existence of criminal libel laws;<sup>62</sup> **corruption**; and unlawful recruitment or use of child soldiers by terrorists and groups in rebellion against the government.<sup>63</sup> Particularly, the Committee on the Rights of the Child highlighted that impunity remained pervasive in the context of child pornography and trafficking-related

<sup>57</sup> H. Plecher (Statist), 'Philippines: Unemployment rate from 1999 to 2019. Unemployment rate in the Philippines 2019' (10 July 2020), available [here](#). In 2019, the unemployment rate in the Philippines was at approximately 2.15 percent and on a steady downward trend from 3.6 percent in 2014. The Philippines’ economy relies heavily on remittances from overseas, i.e. money sent home by Filipino emigrants and workers in other countries. In 2016 alone, approximately 30 billion U.S. dollars were received as remittances in the Philippines, and the amount seems to increase significantly every year. This makes the Philippines one of the leading countries worldwide when it comes to receiving remittances, only surpassed by India and China. The Philippines’ economy is stable, not only because of remittances, but also because of a flourishing services sector, which is now the main generator of GDP in the country; tourism and IT in particular contribute to economic growth. More than half of the Philippines workforce is employed in services.

<sup>58</sup> See Human Rights Council, 'Situation of human rights in the Philippines. Report of the United Nations High Commissioner for Human Rights' (A/HRC/44/22, 29 June 2020).

<sup>59</sup> Ibid, 14-15.

<sup>60</sup> As stated in the US Country report: 'Killings were not limited to antidrug operations. Media quoted a member of congress claiming in June that 134 human rights defenders have been killed since President Duterte took office in 2016. In July some 20 killings on the island of Negros were attributed to political causes. Four police died in Ayungon town, allegedly killed by New People’s Army rebels. A former leftist mayor also from Ayungon and two other leftist politicians from Canlaon City were killed; some alleged they died because of their opposition to President Duterte, although no suspects have been identified. Legal advocacy groups also expressed concern about attacks on judges, prosecutors, lawyers, and other legal professionals, alleging that dozens of legal professionals have been killed since the beginning of the Duterte administration and documenting lethal attacks against eight since January'. US Department of State, above n 31.

<sup>61</sup> The Committee against Torture expressed alarm at reports that the overwhelming majority of reported cases of torture took place in police stations, in order to extract confessions or information to be used in criminal proceedings. See Human Rights Council, OHCHR, above note 20, p. 4. Philippines soldiers were accused of beating indigenous people. See Human Rights Watch, 'Philippines Soldiers Accused of Beating Indigenous People' (04 September 2020), available [here](#).

<sup>62</sup> The phenomenon of "red-tagging" –labelling individuals or groups (including human rights defenders and NGOs) as communists or terrorists– has posed a serious threat to civil society and freedom of expression. Human Rights Council, above n 58, 8 and ff.

<sup>63</sup> US Department of State, above n 31.

investigations and prosecutions mainly due to the complicity of law enforcement, judicial and immigration officials in human trafficking and corruption.<sup>64</sup>

Since taking office in June 2016, President Rodrigo Duterte has carried out an abusive 'war on drugs' resulting in the deaths of more than 5,500 suspected drug dealers and users during police operations. Thousands more, among them children, have been killed by 'death squads' or unidentified gunmen linked to the police or local authorities. No meaningful investigation into the killings has taken place. There have been reports of extrajudicial killings targeting leftist activists, tribal leaders.<sup>65</sup> In these cases, impunity remains the norm.

### 3.6. Social support systems

The Philippines social protection system covers employees under the Social Security and Employees' Compensation (EC) Programs in the event of death, disability, sickness, maternity and old age.<sup>66</sup> Support services are also provided to repatriated OFWs and displaced workers to help them cope with unemployment. The government has sustained its programs aimed at catering to the needs of certain categories of vulnerable people. In particular, poor households were supported with cash grants and livelihood services, through schemes such as the *Pantawid Pamilyang Pilipino Program* (4Ps),<sup>67</sup> and the Sustainable and Livelihood Program (SLP).<sup>68</sup>

The Philippines Health Insurance Corporation (PhilHealth) expanded its coverage and benefits for vulnerable groups. In 2018, PhilHealth covered 98 percent of the population, which was about 104 million Filipinos. All the 15.7 million indigent members identified through the National Household Targeting System for Poverty Reduction (NHTS-PR), accounting for 29 percent of the total PhilHealth members, were automatically covered under the agency's Indigent Program.<sup>69</sup> Despite the existing frameworks, **public expenditure on social protection frameworks remains insufficient** and according to the Asian Development Bank's estimates, the Philippines "needs to spend an average of 3.48 to 5.58 percent of its GDP to fill its social protection gaps up to 2030".<sup>70</sup>

Since 2016, the Children's emergency relief and protection Act<sup>71</sup> mandates the provision of emergency relief and protection for children before, during, and after disaster and other emergency situations. It refers to situations when children are gravely threatened or endangered by circumstances that affect their survival and normal development.

<sup>64</sup> Human Rights Council, above n 58, 5.

<sup>65</sup> Human Rights Watch, 'Philippines' (2020), available [here](#).

<sup>66</sup> US Office of Retirement and Disability Policy, 'Social Security Programs Throughout the World: Asia and the Pacific, 2018' (2018), available [here](#).

<sup>67</sup> As of December 31, 2018, 4,178,828 households received conditional cash transfers (CCT).

<sup>68</sup> See further Philippines' government, 'Chapter 11. Reducing Vulnerability of Individuals and Families' (Philippine Development Plan 2017-2022, 2018) 5, available [here](#).

<sup>69</sup> Ibid.

<sup>70</sup> Cai Ordinario, 'PHL must spend more for social protection' *BM* (14 February 2019), available [here](#).

<sup>71</sup> Republic Act No. 10821, of 2016



## 4. National modern slavery context

### 4.1. Modern slavery profile

Over the past five years human traffickers exploit domestic and foreign victims in the Philippines, and traffickers exploit victims from the Philippines abroad. A significant number of Filipino migrant workers become victims of sex trafficking or labour trafficking in numerous industries, including industrial fishing, shipping,<sup>72</sup> construction, manufacturing, education, home health care, and agriculture, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly in the Middle East and Asia, but also in other oversea regions.<sup>73</sup> Regarding modus operandi, traffickers usually recruit Filipinos using practices such as deception, hidden fees, and production of fraudulent passports, overseas employment certificates, and contracts to exploit migrant workers in sex and labour trafficking.<sup>74</sup> Other practices include “mail order brides”, “intern or exchange programs”, or “religious pilgrimage”.<sup>75</sup> Traffickers typically act in partnership with local networks and facilitators and increasingly using social networking sites and other digital platforms. For evading detection and the Philippine government and destination countries’ regulatory frameworks, they also tend to use porous maritime borders for entering foreign workers.<sup>76</sup>

Forced labour and sex trafficking of men, women, and children within the country remains a significant problem. As reported in the US TIP Report, “forced labor by adults and children continued, mainly in fishing and other maritime industries, small scale factories, gold mines, domestic service, agriculture, and other areas of the informal sector. Unscrupulous employers subjected women from rural communities and impoverished urban centers to domestic servitude,<sup>77</sup> forced begging, and forced labor in small factories. They also subjected men to forced labor and debt bondage in agriculture, including on sugar cane plantations and in fishing and other maritime industries. There were reports some persons who voluntarily surrendered to police and local government units in the violent antidrug campaign were forced to do manual labor or other activities that could amount to forced labor without charge, trial, or finding of guilt under law”.<sup>78</sup> Traffickers increasingly exploit Chinese and other Asian women in commercial sex in locations near offshore gaming operations that cater to Chinese nationals. Sex trafficking also occurs in tourist destinations, such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao, where there is a high demand for commercial sex acts. Child sex trafficking remains a pervasive problem, typically abetted by taxi drivers who have knowledge of clandestine locations.<sup>79</sup> Nonstate armed groups operating in the Philippines, including the New People’s Army, Maute Group, the Moro National Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters, recruit and use children, at times through force, for combat and noncombat roles.<sup>80</sup> Philippines remains as one of the largest known sources of online sexual exploitation of children, in which “traffickers sexually exploit children, individually and in groups, in live internet broadcasts in exchange for compensation wired

<sup>72</sup> About trafficking in the maritime industry in the Philippines, see Verité, ‘Hidden Costs in the Global Economy: Human Trafficking of Philippine Males in Maritime, Construction and Agriculture’ (2016) 11 ff, available [here](#).

<sup>73</sup> US Department of State, ‘above note 5, pp. 408-409.

<sup>74</sup> For instance, they use tourist visas available in Middle East countries where many Filipinos work in household service jobs. See US Department of State, above note 5, p. 408.

<sup>75</sup> Severino H. Gaña, ‘The Philippine experience in investigation and prosecution of trafficking in persons and smuggling of migrants, with special focus on punishing the traffickers’ (134<sup>th</sup> International training course visiting experts’ papers, 2006) 41-42, available [here](#). The Islamic State reportedly subjects women and girls to sexual slavery. See US Department of state (2020), above n 12, 409

<sup>76</sup> US Department of State (2019), above n 12, 383.

<sup>77</sup> According to the UN Special Rapporteur on Trafficking in Persons, trafficking for domestic servitude is one of the most prevalent forms of cross-border trafficking of Filipinos: Human Rights Council, ‘Report of the Special Rapporteur on Trafficking in Persons, Especially Women and Children’ (Ms. Joy Ngozi Ezeilo, Addendum, Mission to the Philippines, A/HRC/23/48/Add.3, 2013).

<sup>78</sup> US Department of State (2020), above n 12, 409

<sup>79</sup> Ibid.

<sup>80</sup> Ibid

through a money transfer agency by individuals most often in another country, including the United States, Australia, Canada, and the United Kingdom. The traffickers are often parents or close relatives who operate in private residences or small cyber cafes and many child victims, girls and boys, are younger than 12 years. Identified hotspots for this form of sex trafficking in Luzon and Visayas include Iligan, Lapu-Lapu, Pampanga, Quezon City, Malabon, Pasig, Taguig, and Caloocan".<sup>81</sup>

Against this backdrop, officials, including those in diplomatic missions,<sup>82</sup> law enforcement and immigration agencies, and other government entities, allegedly have been complicit in trafficking or allowed traffickers to operate with impunity. Some corrupt officials allegedly accept bribes to facilitate illegal departures for overseas workers, operate sex trafficking establishments, facilitate production of fraudulent identity documents, or overlook illegal labour recruiters.<sup>83</sup> Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims.<sup>84</sup>

#### 4.2. Causes and drivers of modern slavery and transnational trafficking

Causes or drivers of human trafficking and modern slavery are multiple and overlapping. As highlighted by a report of the University of Bedfordshire/IOM regarding vulnerability to human trafficking in Viet-Nam, Nigeria and Albania, there are different risk factors which increase vulnerability. These factors are structured into five levels (individual, household and family, community, structural and situational) interacting with each other, creating the conditions for exploitation and modern slavery to emerge.<sup>85</sup>

At individual level, there are variables such as **poverty, other economic factors, low levels of education, mental health issues, forced marriage arrangements and limited options for safe and legal migration**. Among the aspects of income inequality that enhances vulnerability, unemployment and homelessness are among the most critical. A child living on the street typically lacks proper adult supervision and support, can be exposed to criminal elements and may be in a situation in which survival depends on finding any type of work.<sup>86</sup> Certain types of child sex offenders thrive on this kind of availability and vulnerability. In Cebu City of the Philippines, the province of the country with the highest number of poor families, 25% of sex workers who work on the street are sexually exploited children under the age of 18 (1,904 children).<sup>87</sup> Low income also appears as the main factor of vulnerability within a study carried out in shelters in the Cebu area.<sup>88</sup> In general, sexual exploitation and trafficking are particular risks faced by those engaged in hazardous labour and living and working on the street.<sup>89</sup> Recruitment methods are often related to close personal and family ties. A research conducted by the UNODC's Anti-Human Trafficking Unit Global Programme against Trafficking in Human

<sup>81</sup> Ibid.

<sup>82</sup> For instance, some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services. Ibid.

<sup>83</sup> Filipinos that want to work abroad have to go through recruitment agencies, and these have to be licensed by the government. However, there have been reports of licensed recruitment agencies that have conducted illegal trafficking activities. See Andrew Guth, 'Human trafficking in the Philippines: The need for an effective anticorruption program' (2010) 13 *Trends in Organized Crime* 2, 147-166.

<sup>84</sup> Ibid. See also US Department of State (2019), above n 12, 383.

<sup>85</sup> Patricia Hynes et al, "Vulnerability" to human trafficking: a study of Viet Nam, Albania and the UK' (IOM, University of Bedfordshire and IASR, 2018) 7, 15 ff, available [here](#).

<sup>86</sup> See also UNICEF, 'A Systematic Literature Review of the Drivers of Violence Affecting Children in the Philippines' (October 2016), available [here](#). It is pointed out that the high rates of migrations, which imply missing caregivers, as a risk factor (p. 7).

<sup>87</sup> UNODC, 'Protecting the Future: improving the Response to Child Sex Offending in Southeast Asia' (August 2014) 12, available [here](#).

<sup>88</sup> Elsa Artadi, Martina Bjorkman, and Eliana La Ferrara, 'Factors of Vulnerability to Human Trafficking and Prospects for Reintegration of Former Victims. Evidence from the Philippines' (Working Paper n. 374, September 2010) 22, available [here](#).

<sup>89</sup> UNICEF, above n 86, 4.

Beings found that Filipino trafficking victims are frequently contacted through intermediaries that included family members, friends and/or acquaintances known to the respondent or the family.<sup>90</sup> Therefore, there are also risk factors at household and family level and the community level.

At structural level, it has been identified various factors, such as **gender imbalances** and a culture of tolerance towards certain practices, including the mail-order bride industry. Furthermore, although the Philippines is predominantly Roman Catholic, the Muslim Law on Personal Status, based on Sharia law, allows marriage at the age of 15 for boys and at the onset of puberty for girls, and divorce is not allowed.<sup>91</sup> This places young married girls in a particularly vulnerable position. Concerning child exploitation, drivers of sexual violence have emerged, such as **culture of silence and a fear of reporting**, including taboos against discussing sexuality and reproductive health with children, as well as talking about sexual violence, and thus limiting young people's access to information on protection and prevention mechanisms that might limit their risk of exposure to sexual exploitation/violence.<sup>92</sup> Against this backdrop, it has been highlighted that the culture of corruption is a systemic problem in the Philippines, and that this "pervasive corruption undermined government efforts to combat trafficking, and investigations of potentially complicit officials did not lead to criminal convictions and in some cases even failed to secure administrative punishment against offenders".<sup>93</sup>

**The socio-economic situation** in the country is also a contributing factor to trafficking. The economic growth of recent years has been uneven: some regions of the country have remained economically deprived, thus fuelling internal migration from rural to urban areas. The new communities formed as a consequence of internal migration are especially vulnerable to human trafficking because of poor community cohesion and support. These economic disparities have also fostered international migration of Filipino nationals, often via irregular channels, with the risks of falling prey to trafficking. The Philippines ranks fourth among the top 5 countries with the highest number of **weather-related disasters**, and among the top 10 countries with the highest number of people affected by weather-related disasters between 1995 and 2015. Post-disaster violence against Filipino children has rarely been studied. However, local agency reports clearly showed an increase in the number of rape and sexual abuse cases after Super Typhoon ("Yolanda") Haiyan, the terrible natural disaster that hit the country in 2013.<sup>94</sup>

### 4.3. Particularly vulnerable groups

**Women and children** are especially vulnerable to sex trafficking and domestic servitude, especially those from rural communities, conflict- and disaster-affected areas, or impoverished urban centres.<sup>95</sup> Filipino children are particularly exposed to different forms of exploitation. For instance, they are used in illicit activities, specifically in the distribution, procuring, and selling of drugs;<sup>96</sup> sexual commercial exploitation in tourist destinations; child soldiering by non-government militias and terrorist organizations; and online commercial sexual exploitation (OSEC). 'Children are induced to perform sex acts at the direction of paying foreigners and local Filipinos for live Internet broadcasts which usually take place in small Internet cafes, private homes, or windowless dungeon-like buildings commonly known as "cybersex dens".' According to data on OSEC victims collected by the

<sup>90</sup> UNODC, 'Coalitions against trafficking in human beings in the Philippines. Research and Action Final Report' (2003) 48-49, available [here](#). 'Traffickers, who are often the victims' parents or close relatives, induce young Filipino girls and boys to perform sex acts for live internet broadcast to paying foreigners in other countries; this typically occurs in private residences or small internet cafes'. See US Department of State (2019), above n 12, 383.

<sup>91</sup> See [here](#).

<sup>92</sup> UNICEF, above n 86, 4.

<sup>93</sup> OECD, 'Testing the Guiding Principles on Combatting Corruption related to Trafficking in Persons in the Philippines' in *Trafficking in Persons and Corruption: Breaking the Chain* (OECD Publishing, Paris, 2016), 56.

<sup>94</sup> UNICEF, above n 86, 4.

<sup>95</sup> US Department of State (2020), above n 12, 409.

<sup>96</sup> Nelson Badilla, 'Child labor: A problem ignored' *The Manila Times* (3 October 2015).

International Justice Mission Philippines, the average age of victims was 16 to 18 years, and the median age of the victims at the time of rescue was 12".<sup>97</sup>

Research suggests that the reasons of children's vulnerability to violence include family expectations and poverty; migration (missing caregivers); culture of silence around issues of violence against children; and the need to strengthen implementation of existing legislation that provides protection for children.<sup>98</sup> A 2015 analysis of laws in ASEAN member states concerned with protecting children from violence, noted that the Philippines emerged as exemplary in terms of its very good legislation designed to better protect children from violence. The weak link remains the implementation of this legislation, and the remaining challenge of the very low age of sexual consent.<sup>99</sup>

---

<sup>97</sup> US Department of Labor, '2018 Findings on the Worst Forms of Child Labor' (2018), available [here](#). 'In Marawi City, many children as young as age 7 were recruited, paid, and trained as fighters by the Maute Group, a terrorist organization linked to the Islamic State of Iraq and Syria (ISIS). Additionally, research suggests that the Abu Sayyaf Group, the Bangsamoro Islamic Freedom Fighters, the Moro National Liberation Front, the National Democratic Front of the Philippines, and the New People's Army continue to recruit children from schools for use as human shields, cooks, and fighters, while offering religious education and material incentives to join.'

<sup>98</sup> See further UNICEF, above n 86, 3 and ff.

<sup>99</sup> Ibid, 5. See further UNICEF, 'Legal protection from violence: Analysis of domestic laws related to violence against children in ASEAN member states' (UNICEF EAPRO, Bangkok, 2015).

## 5. Antislavery governance frameworks

### 5.1. Legislative measures

#### 5.1.1. The Philippines' Constitution 1987

The 1987 Constitution establishes that the State shall protect “the rights of workers and promote their welfare” (Section 18) and criminalises the unlawful deprivation of life or liberty (Section 1) of the Bill of Rights. Particularly, Section 3 of Article XIII (Social Justice and Human Rights Labor) envisages the protection of workers in the following terms:

The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. It shall guarantee the rights of all workers to self-organizations, and peaceful concerted activities, including the right to strike in accordance with law. They shall be entitled to security of tenure, humane conditions of work, and a living wage. They shall also participate in policy and decision-making processes affecting their rights and benefits as may be provided by law. The State shall promote the principle of shared responsibility between workers and employers and the preferential use of voluntary modes in settling disputes, including conciliation, and shall enforce their mutual compliance therewith to foster industrial peace. The State shall regulate the relations between workers and employers, recognizing the right of labor to its just share in the fruits of production and the right of enterprises to reasonable returns on investments, and to expansion and growth.

Article XI, Sections 5-16 establishes the Ombudsman Institution which guarantees for the protection of the rights and freedoms in the Constitution, and Section 3 of article XV envisions the right of children to “assistance, including proper care and nutrition, and special protection from all forms of neglect, abuse, cruelty, exploitation, and other conditions prejudicial to their development”.

#### 5.1.2. Anti-Trafficking in Persons Act of 2003<sup>100</sup> as amended by the Expanded Anti-Trafficking in Persons Act of 2012<sup>101</sup>

The basic law that instituted policies to prevent human trafficking is the Anti-Trafficking in Persons Act of 2003. Section 3(a) of this law defines trafficking in persons as:

“(a) The recruitment, transportation, transfer or 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 or receipt of a child for the purpose of exploitation shall also be considered as ‘trafficking in persons’ even if it does not involve any of the means set forth”.

Section 4 prescribed penalties of up to 20 years’ imprisonment and fines of between 1 and 2 million pesos (\$19,050 to \$38,100<sup>102</sup>) for committing or promoting trafficking,<sup>103</sup> and

<sup>100</sup> Republic Act No. 9208 of 12 May 2003, available [here](#).

<sup>101</sup> Republic Act No. 10364 of 23 July 2012, available [here](#).

<sup>102</sup> US Department of State (2019), above n 12, 380.

<sup>103</sup> Acts of Trafficking in Persons. – It shall be unlawful for any person, natural or juridical, to commit any of the following acts:(a) To recruit, obtain, hire, provide, offer, transport, transfer, maintain, harbor, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or

life imprisonment when concurring aggravating circumstances (Section 9). It provides definitions of relevant terms, such as “forced labour”, “slavery”, “involuntary servitude” and “debt bondage”:

“(d) Forced Labor – refers to the extraction of work or services from any person by means of enticement, violence, intimidation or threat, use of, force or coercion, including deprivation of freedom, abuse of authority or moral ascendancy, debt-bondage or deception including any work or service extracted from any person under the menace of penalty.

“(e) Slavery – refers to the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

“(f) Involuntary Servitude – refers to a condition of enforced and compulsory service induced by means of any scheme, plan or pattern, intended to cause a person to believe that if he or she did not enter into or continue in such condition, he or she or another person would suffer serious harm or other forms of abuse or physical restraint, or threat of abuse or harm, or coercion including depriving access to travel documents and withholding salaries, or the abuse or threatened abuse of the legal process.

“(i) Debt Bondage – refers to the pledging by the debtor of his/her personal services or labor or those of a person under his/her control as security or payment for a debt, when the length and nature of services is not clearly defined or when the value of the services as reasonably assessed is not applied toward the liquidation of the debt”

Section 11 criminalises the use of trafficked persons for prostitution and makes it explicit the irrelevance of victims’ past sexual behaviour, reputation, or consent of victims “in cases of deception, coercion and other prohibited means” (Section 17-B). The amendments in 2012 expanded the list of criminal acts considered as or related to trafficking as well as strengthened structures to respond to victim needs.

---

apprenticeship, for the purpose of prostitution, pornography, or sexual exploitation; (b) To introduce or match for money, profit, or material, economic or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage; (c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude or debt bondage; (d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography or sexual exploitation; (e) To maintain or hire a person to engage in prostitution or pornography; (f) To adopt persons by any form of consideration for exploitative purposes or to facilitate the same for purposes of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage; (g) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude or debt bondage; (h) To recruit, hire, adopt, transport, transfer, obtain, harbor, maintain, provide, offer, receive or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; (i) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child to engage in armed activities in the Philippines or abroad; (j) To recruit, transport, transfer, harbor, obtain, maintain, offer, hire, provide or receive a person by means defined in Section 3 of this Act for purposes of forced labor, slavery, debt bondage and involuntary servitude, including a scheme, plan, or pattern intended to cause the person either: (1) To believe that if the person did not perform such labor or services, he or she or another person would suffer serious harm or physical restraint; or (2) To abuse or threaten the use of law or the legal processes; and (k) To recruit, transport, harbor, obtain, transfer, maintain, hire, offer, provide, adopt or receive a child for purposes of exploitation or trading them, including but not limited to, the act of baring and/or selling a child for any consideration or for barter for purposes of exploitation. Trafficking for purposes of exploitation of children shall include: (1) All forms of slavery or practices similar to slavery, involuntary servitude, debt bondage and forced labor, including recruitment of children for use in armed conflict; (2) The use, procuring or offering of a child for prostitution, for the production of pornography, or for pornographic performances; (3) The use, procuring or offering of a child for the production and trafficking of drugs; and (4) The use, procuring or offering of a child for illegal activities or work which, by its nature or the circumstances in which it is carried out, is likely to harm their health, safety or morals; and (l) To organize or direct other persons to commit the offenses defined as acts of trafficking under this Act.”

### 5.1.3. Penal Code<sup>104</sup>

Within the Penal Code, several relevant articles conform the antislavery framework, including slavery (article 272), services provided under compulsion in payment of debt (article 274), "formation, maintenance and prohibition of combination of capital or labour through violence or threats" (article 289); and forced marriage (paragraph 2 of article 350):

#### Art. 272. Slavery.

The penalty of prision mayor and a fine of not exceeding 10,000 pesos shall be imposed upon anyone who shall purchase, sell, kidnap or detain a human being for the purpose of enslaving him. If the crime be committed for the purpose of assigning the offended party to some immoral traffic, the penalty shall be imposed in its maximum period.

#### Art. 274. Services rendered under compulsion in payment of debt.

The penalty of arrest mayor in its maximum period to prision correccional in its minimum period shall be imposed upon any person who, in order to require or enforce the payment of a debt, shall compel the debtor to work for him, against his will, as household servant or farm laborer.

#### Art. 289. Formation, maintenance and prohibition of combination of capital or labor through violence or threats.

The penalty of arresto mayor and a fine not exceeding 300 pesos shall be imposed upon any person who, for the purpose of organizing, maintaining or preventing coalitions or capital or labor, strike of laborers or lock-out of employees, shall employ violence or threats in such a degree as to compel or force the laborers or employers in the free and legal exercise of their industry or work, if the act shall not constitute a more serious offense in accordance with the provisions of this Code.

#### Art. 341. White slave trade.

The penalty of prision mayor in its medium and maximum period shall be imposed upon any person who, in any manner, or under any pretext, shall engage in the business or shall profit by prostitution or shall enlist the services of any other for the purpose of prostitution.

#### Art. 350. Marriage contracted against provisions of laws.

The penalty of prision correccional in its medium and maximum periods shall be imposed upon any person who, without being included in the provisions of the next preceding article, shall have not been complied with or that the marriage is in disregard of a legal impediment. If either of the contracting parties shall obtain the consent of the other by means of violence, intimidation or fraud, he shall be punished by the maximum period of the penalty provided in the next preceding paragraph.

---

<sup>104</sup> Act No. 3815, of 8 December 2013, as amended, available [here](#).

Other relevant provisions include “kidnapping and serious illegal detention” (article 267),<sup>105</sup> and children’s exploitation (article 278).<sup>106</sup> The Penal Code also criminalises “vagrants and prostitutes” under the following terms:

Art. 202. Vagrants and prostitutes

[...] For the purposes of this article, women who, for money or profit, habitually indulge in sexual intercourse or lascivious conduct, are deemed to be prostitutes.

Any person found guilty of any of the offenses covered by this articles shall be punished by *arresto menor* or a fine not exceeding 200 pesos, and in case of recidivism, by *arresto mayor* in its medium period to *prision correccional* in its minimum period or a fine ranging from 200 to 2,000 pesos, or both, in the discretion of the court.

5.1.4. An Act to Declare Unlawful the Practice of Matching Filipino Women for Marriage to Foreign Nationals on a Mail Order Basis and Other Similar Practices, Including the Advertisement, Publication, Printing or Distribution of Brochures, Fliers and Other Propaganda Materials in Furtherance Thereof and Providing Penalty Therefore.<sup>107</sup>

Pursuant this act, it is hereby declared unlawful to commit, directly or indirectly, any of the following acts:

“(1) To establish or carry on a business which has for its purpose the matching of Filipino women for marriage to foreign nationals either on a mail-order basis or through personal introduction;

(2) To advertise, publish, print or distribute or cause the advertisement, publication, printing or distribution of any brochure, flier, or any propaganda material calculated to promote the prohibited acts in the preceding subparagraph;

(3) To solicit, enlist or in any manner attract or induce any Filipino woman to become a member in any club or association whose objective is to match women for marriage to foreign nationals either on a mail-order basis or through personal introduction for a fee;

(4) To use the postal service to promote the prohibited acts in subparagraph 1 hereof.

<sup>105</sup> Art. 267. Kidnapping and serious illegal detention.

Any private individual who shall kidnap or detain another, or in any other manner deprive him of his liberty, shall suffer the penalty of reclusion perpetual to death:

1. If the kidnapping or detention shall have lasted more than five days.

2. If it shall have been committed simulating public authority.

3. If any serious physical injuries shall have been inflicted upon the person kidnapped or detained; or if threats to kill him shall have been made.

4. If the person kidnapped or detained shall be a minor, female or a public officer.

The penalty shall be death where the kidnapping or detention was committed for the purpose of extorting ransom from the victim or any other person, even if none of the circumstances above-mentioned were present in the commission of the offense.

<sup>106</sup> The penalty of *prision correccional* in its minimum and medium periods and a fine not exceeding 500 pesos shall be imposed upon: 1. Any person who shall cause any boy or girl under sixteen years of age to perform any dangerous feat of balancing, physical strength, or contortion. 2. Any person who, being an acrobat, gymnast, rope-walker, diver, wild-animal tamer or circus manager or engaged in a similar calling, shall employ in exhibitions of these kinds children under sixteen years of age who are not his children or descendants. 3. Any person engaged in any of the callings enumerated in the next paragraph preceding who shall employ any descendant of his under twelve years of age in such dangerous exhibitions. 4. Any ascendant, guardian, teacher or person entrusted in any capacity with the care of a child under sixteen years of age, who shall deliver such child gratuitously to any person following any of the callings enumerated in paragraph 2 hereof, or to any habitual vagrant or beggar. If the delivery shall have been made in consideration of any price, compensation, or promise, the penalty shall in every case be imposed in its maximum period. In either case, the guardian or curator convicted shall also be removed from office as guardian or curator; and in the case of the parents of the child, they may be deprived, temporarily or perpetually, in the discretion of the court, of their parental authority. 5. Any person who shall induce any child under sixteen years of age to abandon the home of its ascendants, guardians, curators, or teachers to follow any person engaged in any of the callings mentioned in paragraph 2 hereof, or to accompany any habitual vagrant or beggar.

<sup>107</sup> Republic Act No. 6955, 13 June 1990, available [here](#).



(b) For the manager or officer-in-charge or advertising manager of any newspaper, magazine, television or radio station, or other media, or of an advertising agency, printing company or other similar entities, to knowingly allow, or consent to, the acts prohibited in the preceding paragraph”.

Section 4 declares that “Any person found guilty by the court to have violated any of the acts herein prohibited shall suffer an imprisonment of not less than six (6) years and one (1) day but not more than eight (8) years, and a fine of not less than Eight thousand pesos (P8,000) but not more than Twenty thousand pesos (P20,000): Provided, That if the offender is a foreigner, he shall be immediately deported and barred forever from entering the country after serving his sentence and payment of fine”. It also establishes responsibility of legal persons under section 3.

#### 5.1.5. Special Protection of Children against Child Abuse, Exploitation and Discrimination Act.<sup>108</sup>

It restricts employment of children that are under 15 years old and prohibits the worst forms of child labour, such as sale and trafficking or children, procuring, offering or exposing of a child for prostitution (section 5), for the production of pornography or for pornographic performances (section 9). More generally it criminalises “other acts of neglect, abuse, cruelty or exploitation and other conditions prejudicial to the child’s development (section 10).

##### 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.

##### Section. 10. Other Acts of Neglect, Abuse, Cruelty or Exploitation and Other Conditions Prejudicial to the Child’s Development. –

(a) Any person who shall commit any other acts of child abuse, cruelty or exploitation or to be responsible for other conditions prejudicial to the child’s development including those covered by Article 59 of Presidential Decree No. 603, as amended, but not covered by the Revised Penal Code, as amended, shall suffer the penalty of prision mayor in its minimum period.

[...]

(e) Any person who shall use, coerce, force or intimidate a street child or any other child to:

- (1) Beg or use begging as a means of living;
- (2) Act as conduit or middlemen in drug trafficking or pushing; or
- (3) Conduct any illegal activities, shall suffer the penalty of prision correccional in its medium period to reclusion perpetua.

##### Section 12-D. Prohibition Against Worst Forms of Child Labor.

No child shall be engaged in the worst forms of child labor. The phrase ‘worst forms of child labor’ shall refer to any of the following:

1. All forms of slavery, as defined under the ‘Anti-trafficking in Persons Act of 2003,’ or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including recruitment of children for use in armed conflict; or
2. The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or
3. The use, procuring of or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; or

<sup>108</sup> Republic Act No. 7610 of 1992 as amended by Republic Act 9231 of 2003, available [here](#).

4. Work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children, such that it:
- Debases, degrades or demeans the intrinsic worth and dignity of a child as a human being or;
  - Exposes the child to physical, emotional or sexual abuse, or is found to be highly stressful psychologically or may prejudice morals; or
  - Is performed underground, underwater or at dangerous heights;
  - Involves the use of dangerous machinery, equipment and tools such as power-driven or explosive power-actuated tools; or
  - Exposes the child to physical danger such as, but not limited to the dangerous feats of balancing, physical strength or contortion, or which requires the manual transport of heavy loads; or
  - Is performed in an unhealthy environment exposing the child to hazardous working conditions, elements, substances, co-agents or processes involving ionizing, radiation, fire, flammable substances, noxious components and the like, or to extreme temperatures, noise levels, or vibrations; or
  - Is performed under particularly difficult conditions; or
  - Exposes the child to biological agents such as bacteria, fungi, viruses, protozoa, nematodes and other parasites; or
  - Involves the manufacture or handling of explosives and other pyrotechnic products.

The Act prescribes in these cases a penalty of 12 to 20 years of imprisonment or a fine ranging from 100,000 to 1 million pesos, or both.

**5.1.6. Anti-Child Pornography Act 2009<sup>109</sup>**

This Act seeks to protect children “from all forms of exploitation and abuse including, but not limited to: 1) the use of a child in pornographic performances and materials; and 2) the inducement or coercion of a child to engage or be involved in pornography through whatever means.

**5.1.7. Act Defining and Penalising the Crime of Photo and Video Voyeurism, Prescribing Penalties Therefor, and for Other Purposes 2009<sup>110</sup>**

Through this Act, various actions related to the creation, promotion and distribution of photos, videos, etc., with sexual content are prohibited (Section 6) with penalties up to 7 years (Section 7).

**5.1.8. Act Instituting Policies for the Protection and Welfare of Domestic Workers<sup>111</sup>**

Within the principles of the Domestic Workers’ Act in Section 2, paragraph (c), it is recognised “the need to protect the rights of domestic workers against abuse, harassment, violence, economic exploitation and performance of work that is hazardous to their physical and mental health”. Section 4 include the relevant definitions, such as “debt bondage”<sup>112</sup>, “Kasambahay”<sup>113</sup>, or “working children”<sup>114</sup>, among other definitions.

Apart from the prohibition of debt bondage (Section 15), many of the provisions contained in the law provide specific safeguards to prevent the exploitation of domestic workers. For

<sup>109</sup> Republic Act No. 9775, of 2009, available [here](#).

<sup>110</sup> Republic Act No. 9995, of 2009, available [here](#).

<sup>111</sup> Republic Act No. 10361, of 2013, available [here](#).

<sup>112</sup> (a) Debt bondage refers to the rendering of service by the domestic worker as security or payment for a debt where the length and nature of service is not clearly defined or when the value of the service is not reasonably applied in the payment of the debt.

<sup>113</sup> (d) Domestic worker or “Kasambahay” refers to any person engaged in domestic work within an employment relationship such as, but not limited to, the following: general househelp, nursemaid or “yaya”, cook, gardener, or laundry person, but shall exclude any person who performs domestic work only occasionally or sporadically and not on an occupational basis.

<sup>114</sup> (h) Working children, as used under this Act, refers to domestic workers who are fifteen (15) years old and above but below eighteen (18) years old.

instance, Section 5 refers to the “standard of treatment”,<sup>115</sup> “right to education and training” (Section 9), “pre-employment requirements” (Sections 11-12), and employment conditions (Section 19 and following). Importantly, Section 18 guarantees the access to outside communication, establishing that “the employer shall grant the domestic worker access to outside communication during free time”, Section 25 refers to the payment of wages, specifically envisaging that they “shall be made on time directly to the domestic worker to whom they are due in cash at least once a month”, and Section 28 refers to the prohibition against withholding wages.

#### 5.1.9. Migrant Workers and Overseas Filipinos Act 1995, as amended in 2009<sup>116</sup>

It strengthens the protection provided to overseas Filipino workers, and provides for their repatriation, prohibits reprocessing or changes to their contracts, establishes a policy against illegal recruitment and regulates the ownership of recruitment agencies.

#### 5.1.10. Act on crimes against international humanitarian law, genocide and other crimes against humanity 2009<sup>117</sup>

For purposes of this Act, the term “enslavement” means “the exercise of any or all of the powers attaching to the right of ownership over a person and includes the exercise of such power in the course of trafficking in persons, in particular women and children”. Enslavement is criminalised as “other crimes against humanity” in section 6, paragraph c. “Sexual slavery and enforced prostitution” account as “war crimes” in section 4, paragraph c(19).

#### 5.1.11. Labour Code 1974<sup>118</sup>

The Labour Code of the Philippines is the primary source of employment law. The Constitution provides guidance and is supplemented by numerous employment-related legislations, decisions and rulings by the Philippine Supreme Court, and the administrative issuances of the Department of Labour and Employment. The Labour Code provides rights and protections for workers, such as substantive provisions regarding working hours, health and safety, minimum wages, and against wage manipulation and the withholding of wages. It is applicable to all types of workers, except for certain excluded categories, and may be used to hold both individual and corporate employers to account for violations of labour rights. Under the Code, violations declared to be unlawful or penal in nature, are penalised from 3 months up to 3 years of imprisonment, a fine ranging from 1,000 to 10,000 pesos. The Labour Code refers to the criminal responsibility of officers in charge of the corporation or the juristic entity for the commission offences.

The Labour Code sets the minimum working age at 15, except where the child works directly under the sole responsibility of his/her parents or legal guardian; and his or her employment does not interfere with schooling, which is compulsory for children between the ages of six and 12. Children under the age of 15 may also be employed in public entertainment or information.<sup>119</sup>

#### 5.1.12. Special Protection of Children in Situations of Armed Conflict Act 2019<sup>120</sup>

The new law declares children as “zones of peace,” aimed at protecting children in situations of armed conflict from all forms of abuse and violence and prosecute persons or groups violating the measure. Among the prohibited acts in the new law include killing, torture, rape, abduction, recruitment of children into government armed forces and other

<sup>115</sup> “The employer or any member of the household shall not subject a domestic worker or “kasambahay” to any kind of abuse nor inflict any form of physical violence or harassment or any act tending to degrade the dignity of a domestic worker”.

<sup>116</sup> Republic Act No. 8042, of 1995, available [here](#).

<sup>117</sup> Republic Act No. 9851, of 2009, available [here](#).

<sup>118</sup> Presidential Decree No 442 of 1974, amended in 2016, available [here](#).

<sup>119</sup> See further US Department of State (2019), above n 12, Section 7. ‘Although the government imposed fines and instituted criminal prosecutions for law violations in the formal sector, such as in manufacturing, it did not effectively enforce the law consistently’. Presidential Decree No. 603 (The Child and Youth Welfare Code) permits the employment of children aged 16 years and below only if they perform light work, which is not harmful to their safety, health or normal development, and which is not prejudicial to their studies.

<sup>120</sup> Republic Act 11188, of 2019, available [here](#).

armed groups, arbitrary detention, and denial of humanitarian access. The scope of the act covers all minors or those below 18 years of age, and penalties go up to life imprisonment and a fine amounting to PHP5 million.<sup>121</sup>

## 5.2. Prosecution

Law enforcement authorities conducted 245 anti-trafficking coordinated operations and investigated 237 cases of alleged illegal recruitment, compared with 462 investigations reported in 2018.<sup>122</sup> Regarding **identification**, 546 suspects were identified and 507 arrested, while in 2018 there were 689 arrests and 283 in 2017.<sup>123</sup> The government initiated prosecution of 266 alleged traffickers (compared to 227 in 2018 and 177 in 2017), including 239 sex trafficking defendants<sup>124</sup> 24 labour trafficking defendants,<sup>125</sup> and three defendants charged with using a child for soldiering.<sup>126</sup>

Concerning convictions, the government convicted 89 traffickers under the anti-trafficking act and related laws.<sup>127</sup> Most of the subjected minors to sex trafficking, including 32 who sexually exploited children online, and five committed labour trafficking. "The courts sentenced nearly all of the sex traffickers convicted under the anti-trafficking act to 15 years' imprisonment or more and fines ranging from 500,000 to five million pesos (\$9,870 to \$98,740); 30 received a life sentence and fines of two million to five million pesos (\$39,490 to \$98,740). The court sentenced three sex traffickers convicted under related cybercrime laws to varying terms of imprisonment: two months, two to four years, and 12 to 17 years with fines ranging from 50,000 to one million pesos (\$990 to \$19,750). Of the four labour traffickers convicted under the illegal recruitment statute, the court sentenced one trafficker to a prison term of 10 to 12 years and one year to life imprisonment with a fine of two million pesos (\$39,490); two traffickers awaited sentencing. The appellate courts affirmed 14 of 15 prior-year convictions".<sup>128</sup>

Trafficking cases were assigned to specific task forces with designated prosecutors, with the aim of enhancing law enforcement efforts and ensuring the reporting, referring, and filing of trafficking cases. Despite the need of an increase of anti-trafficking prosecutors, it was not approved by the government. "Through continued operation of the Philippine Internet Crimes Against Children Center, known as the PICACC, opened in 2019, the Philippine National Police Women and Children's Protection Center (PNP-WCPC) and the National Bureau of Investigation (NBI) Anti Human Trafficking Division partnered with foreign law enforcement agencies and an NGO to improve the effectiveness of investigations of online sexual exploitation of children (OSEC). Following publication of the Anti-Money Laundering Council's report documenting the link between small amounts of illicit wire-transferred funds and cyber-facilitated sex trafficking, law enforcement identified 147 suspects in the Philippines for joint investigations of child sex trafficking and money laundering based on an analysis of suspicious money transfers. The PNP led the investigation of most OSEC cases and operated regional WCPC cyber protection units focused specifically on OSEC crimes".<sup>129</sup> Improvements in the treatment of child victims were reported, including the use of pre-trial recordings, and the Interagency Council Against Trafficking (IACAT) also implemented the new prosecutor's trafficking case management system to monitor case progress and outcomes. The IACAT implemented the "Guidelines on the Referral System Involving Trafficking in Persons Cases" for enhancing victim identification procedures and for establishing an effective and efficient case referral

<sup>121</sup> See further Jeyashree Nadarajah (UNICEF), above n 38.

<sup>122</sup> US Department of State (2020), above n 12, 406. This included the investigation of a foreign diplomat for alleged labour trafficking.

<sup>123</sup> US Department of State (2019), above n 12, 381.

<sup>124</sup> 195 in 2018

<sup>125</sup> 18 in 2018

<sup>126</sup> 1 in 2018

<sup>127</sup> 77 traffickers in 2018 and 65 traffickers in 2017.

<sup>128</sup> US Department of State (2020), above n 12, 406.

<sup>129</sup> Ibid.

and tracking system of human trafficking cases.<sup>130</sup> However, although 36 children were removed from hazardous and exploitative work situations in 2019, the government's interagency child labour quick action teams removed but the government did not identify any child victims of internal labour trafficking. In 2019, the government filed 1,107 administrative charges against licensed recruitment agencies for disallowed practices, resulting in the cancellation of 16 agencies' licenses.<sup>131</sup>

Despite these advances and the increase of law enforcement efforts, government agencies continued to report the need for more anti-trafficking law enforcement personnel, funds for operations, and equipment for forensic analysis of digital evidence and the extremely high volume of cybercrime tips related to child sexual exploitation the DOJ Office of Cybercrime received each month. Slow moving courts, the need for additional training on handling digital evidence in hearings and trials, and too few prosecutors also hindered the effective and timely prosecution of trafficking crimes.<sup>132</sup> Furthermore, the lack of a centralized database tracking illegal recruitment and human trafficking continued to hamper the government's efforts to prevent trafficking and hold traffickers accountable.<sup>133</sup>

### 5.3. National policies and plans

The government of Philippines have developed various relevant Action Plans and Strategies:<sup>134</sup>

#### 5.3.1. National Strategic Action plan against human trafficking (2017–2021)

This Strategic Action plan aims to address labour trafficking and sex trafficking, including the online sexual exploitation of children. It has a victim-oriented approach, "with the vision to have a just, humane, gender-responsive and inclusive society that protects all persons from all forms of human trafficking. Thus, empowering them to fully exercise their rights, achieve their potentials, and to enjoy a comfortable, secure and peaceful life".<sup>135</sup>

#### 5.3.2. Philippine Program against Child Labour (2017-2022)

Aims to remove one million children from child labour by the year 2025. "It works towards the prevention and progressive elimination of child labor through protection, withdrawal, healing and reintegration of child workers into a caring society, and supports alleviation of extreme poverty, which has been the main cause of child labor in the country".<sup>136</sup> Its implementation led by the Bureau of Workers with Special Concerns.

#### 5.3.3. Other national policies and plans

Other relevant plans or strategies include the Philippine Development Plan (2017–2022);<sup>137</sup> National Strategic Framework for Plan Development for Children (Child 21) (2000–2025);<sup>138</sup> Child Protection Compact Partnership (2017–2021);<sup>139</sup> Philippine Plan of

<sup>130</sup> See Human Rights Council, 'Fifth periodic report submitted by the Philippines under article 40 of the Convention, due in 2016' (CCPR/C/PHL/5, 30 October 2019) para. 63 ff.

<sup>131</sup> US Department of State (2020), above n 12, 408.

<sup>132</sup> Ibid, 407

<sup>133</sup> Ibid, 408.

<sup>134</sup> See further [here](#).

<sup>135</sup> Severino H. Gana, 'Visiting Experts' Panel. The fight against human trafficking in the Philippines' (2019) 12, available [here](#).

<sup>136</sup> Mission of the Philippine Program against Child Labour (2017-2022), available [here](#).

<sup>137</sup> Aims to build the socio-economic resilience of individuals and families by reducing their vulnerability to various risks and disasters; this includes the goal of universal social protection for all Filipinos, and aims to reduce the number of children engaged in child labour by 30 percent or roughly 630,000 children

<sup>138</sup> Sets out broad goals for national government agencies, local governments, and NGOs to achieve improved quality of life for Filipino children by 2025. Addresses concerns related to the worst forms of child labour under the section on children in need of special protection.

<sup>139</sup> Seeks to increase prevention efforts and protections for child victims of OSEC and labour trafficking, while holding perpetrators accountable. Aims to improve the response to child trafficking, including live-streaming online of child sexual exploitation and child trafficking for labour purposes, by increasing criminal investigations, prosecutions, and convictions; strengthening the government's and civil society's capacities to identify and provide comprehensive services for victims; and strengthening existing community-based mechanisms that identify and protect victims of child trafficking. The government committing approximately \$800,000 for its implementation.

Action to End Violence Against Children (2017–2022);<sup>140</sup> 3rd National Plan of Action for Children (2017–2022).<sup>141</sup>

#### 5.4. Victim support and assistance frameworks

The Anti-Trafficking of Persons Act of 2003 as amended in 2012, contains provisions aimed at supporting and safeguarding victims' rights, including a non-punishment clause for crimes "directly related to the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto" (section 17), preferential entitlement under the Witness Protection Program (section 18),<sup>142</sup> or services to ensure recovery, rehabilitation, and reintegration into society. These services are the following: emergency shelter or appropriate housing; counselling; free legal services which shall include information about the victims' rights and the procedure for filing complaints, claiming compensation and such other legal remedies available to them, in a language understood by the trafficked person; medical or psychological services; livelihood and skills training; and educational assistance to a trafficked child" (section 23). Section 19 extends the protection and assistance measures to foreign nationals,<sup>143</sup> and section 24 envisages services for trafficked "overseas Filipino", such as legal assistance, transportation or financial assistance and other services provided in the "Overseas Filipino Resource Centers" or embassies.<sup>144</sup> The government implemented the national referral system and allocated 24.4 million pesos (\$481,830) to implement the recovery and reintegration program for trafficked persons, a decrease from the previous year (25.13 million pesos - \$496,250 in 2018).<sup>145</sup> "The government continued to partner with NGOs for specialized residential care and reintegration services for child victims of online sexual exploitation as well as training for local social workers who provide reintegration and trauma-focused counselling".<sup>146</sup>

In 2019, the IACAT Sea/Air Task Forces identified 2,500 potential trafficking victims through operations or deferred departures,<sup>147</sup> and other units identified and referred 337 potential victims of trafficking and 92 potential victims of illegal recruitment to IACAT.<sup>148</sup> The Department of Foreign Affairs' missions identified 6,772 potential Filipino trafficking victims, primarily in the Middle East and Asia.<sup>149</sup> The Commission on Filipinos Overseas identified and assisted 9 labour trafficking victims, including one minor.<sup>150</sup> The Department of Social Welfare and Development (DSWD) reported serving "2,194 trafficking victims, of

<sup>140</sup> Aims to gradually reduce violence against children through consultations with government institutions, local and international NGOs, civil society organizations, faith-based groups, professional associations, academe, private sector, parents, and children.

<sup>141</sup> Solidifies strategies, policies, and programs for children to achieve Child 21's vision for Filipino children by 2025.

<sup>142</sup> The witness protection program includes 'housing, livelihood and travel expenses, medical benefits, education, and vocational placement. Six regional task force victim-witness coordinators (two in 2018) provided trauma-informed support and assistance to 291 victims (225 in 2018); 264 of these victims elected to testify as witnesses in criminal proceedings. Forty trafficking victims entered the witness protection program in 2019 (12 in 2018)'. See US Department of State (2020), above n 12, 407.

<sup>143</sup> 'Provided that they shall be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders'.

<sup>144</sup> 'The Department of Foreign Affairs reported assisting all of the 6,772 potential trafficking victims identified by overseas missions (2,591 in the previous reporting period). The DSWD social workers, responsible for assisting distressed overseas Filipinos and their families, assisted 2,788 victims of trafficking or illegal recruitment, a reported 68 percent increase from the previous year, and nine percent the total number of Filipinos assisted (32,557). Social workers assisted many of these trafficking victims in Malaysia prior to their deportation as undocumented migrants and at the DSWD processing center in Zamboanga for returning Filipinos. Social services provided to OFW trafficking victims included coordination with the host government, contract buy-out, shelter, provision of personal necessities, medical aid, financial assistance, payment of legal fees, repatriation, and referral to appropriate agencies". "DFA allocated one billion pesos (\$19.75 million) for the Assistance to Nationals Fund (ATN), which covered assistance such as airfare, meal allowance, shelter, medical care, and other needs of Overseas Filipino Workers' See US Department of State (2020), above n 12, 407-408.

<sup>145</sup> US Department of State (2020), above n 12, 407.

<sup>146</sup> Ibid.

<sup>147</sup> 820 in 2018.

<sup>148</sup> 286 in 2018.

<sup>149</sup> 2,591 in 2018.

<sup>150</sup> US Department of State (2020), above n 12, 407.

whom 1,711 were female and 80 percent were adults, compared with 2,318 victims served in 2018. Of these, the government reported 976 victims of labor trafficking; 669 victims of sex trafficking, including 259 child victims of online sexual exploitation; 181 victims of illegal recruitment; and 311 individuals intercepted before their departure overseas. DSWD provided psycho-social support and trauma-informed assistance to all survivors<sup>151</sup>.

In response to continued reports of recruitment and use of child soldiers by non-state armed groups in the Bangsamoro Autonomous Region in Muslim Mindanao, the government passed legislation and issued regulations to ensure special protection for children in situations of armed conflict, and mandate rehabilitation and services. Notwithstanding the above, the US TIP Report noted that the specialized assistance services as well as reintegration follow up services and job training and placement remained inadequate to address the needs of adult trafficking victims.<sup>152</sup>

### 5.5. National institutions and inter-departmental coordination

The Philippine Anti-Trafficking in Persons Act establishes an **Inter-Agency Council Against Trafficking (IACAT)**, which is co-chaired by the Secretary of the Department of Justice and the Secretary of the Department of Social Welfare and Development, and is composed by representatives of various departments and civil society.<sup>153</sup>

**Task forces** for combatting trafficking in persons. "There are 23 taskforces across the Philippines that are composed of prosecutors who do case build-up. In addition, there are 15 regional anti-trafficking taskforces, 6 port-based inter-agency anti-trafficking taskforces, and 2 special national taskforces composed of prosecutors that operate nationally to be able to strike anywhere".<sup>154</sup>

IACAT also has **support units**, such as the temporary victims' shelter unit; the warrant taskforce; the cyber-trafficking unit; internet crimes against children center, and the National Bureau of Investigation (NBI) anti human trafficking division operations centre.<sup>155</sup>

### 5.6. Training and capacity-building for responders

In 2019, "the government sustained its efforts to provide anti-trafficking training to its officials by supporting 122 capacity-building activities, including 33 training programs organized by the IACAT Task Force and 89 training events the IACAT assisted. Specialized training topics for national and local government officials included the investigation and prosecution of cases involving forced labor and online sexual exploitation of children, as well as trauma-informed care for survivors and multidisciplinary case management."<sup>156</sup> The Department of Justice (DOJ) continued to oversee and support operations and training for 24 interagency anti-trafficking task forces.<sup>157</sup>

In 2018, the government supported the provision of basic and advanced skills training through 136 programs that included a focus on the investigation and prosecution of cases involving forced labor, child soldiers, child victims of online sexual exploitation, as well as the provision of trauma-informed care in residential facilities.<sup>158</sup> "The IACAT-Department of Justice (DOJ) and regional anti-trafficking task forces conducted 19 anti-trafficking training programs, while other IACAT member agencies and partners organized 117 anti-

<sup>151</sup> Ibid.

<sup>152</sup> Ibid, 407-408.

<sup>153</sup> IACAT is composed of representatives from the Department of Foreign Affairs, the Department of Labour and Employment, the Philippine Overseas Employment Administration, the Philippine National Police, the Bureau of Immigration, the Philippine Commission on Women, the National Bureau of Investigation, the Department of the Interior and Local Government, the Philippine Centre on Transnational Crimes, the Council for the Welfare of Children, the Commission on Filipinos Overseas, and three representatives from non-governmental organisations (NGOs), where one NGO represents women, one NGO represents Filipinos, and one NGO represents children. See OECD, above n 93, 54.

<sup>154</sup> Ibid, 55.

<sup>155</sup> Ibid, 55; US Department of State (2020), above n 12, 406-407.

<sup>156</sup> US Department of State (2020), above n 12, 407.

<sup>157</sup> Ibid.

<sup>158</sup> US Department of State (2019), above n 12, 381.

trafficking training programs, reaching 6,593 participants from government agencies, NGOs, and the private sector, compared to 6,400 the previous year. IACAT member agencies also provided in-kind support for numerous donor-funded anti-trafficking training programs for local, regional, and national government officials, including law enforcement, prosecutors, judges, and social service personnel.<sup>159</sup>

### 5.7. Public awareness raising

The IACAT, its member agencies, and anti-trafficking regional task forces continued to lead national, regional, and local-level trafficking awareness raising events. In cooperation with NGOs, the Department of Information and Communications Technology developed and implemented the CyberSafePH awareness campaign and capacity building program with a three-year roadmap geared toward combating OSEC and cyberbullying. To deploy its new children's online safety campaign, the Department of Education trained 600 teachers and school personnel in 11 regions to conduct cyber safety lessons. The Department of Interior and Local Government reported that 57 provinces, 127 cities, and 1,237 municipalities with anti-trafficking/violence against women committees enacted over 500 anti-trafficking ordinances and more than 700 reported conducting anti-trafficking education and information campaigns.

National and local government leaders, private sector partners, and an NGO conducted job fairs for nearly 650 Filipinos, some of whom were survivors of trafficking overseas. The POEA held 31 seminars on illegal recruitment and trafficking in provinces, cities, and municipalities nationwide benefitting 3,556 participants (3,239 in 2018) and forged 64 memoranda of understanding (MOU) related to recruitment with local government authorities. The CFO operated a hotline and the DFA Office of Migrant Workers Affairs maintained a HELP Facebook page for OFWs in distress and their families to request assistance. The PNP-WCPC also launched a hotline and text line for reporting and routing of OSEC cases to proper authorities.<sup>160</sup>

### 5.8. Efforts to address vulnerabilities and drivers

Apart from the above-mentioned measures and frameworks aimed at preventing children's exploitation,<sup>161</sup> the Philippines have adopted specific measures to ensure inclusion of women, such as the Women's Priority Legislative Agenda, and the Magna Carta of Women. The Magna Carta of Women is a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfilment, and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of the society.<sup>162</sup> However, in 2017 the CEDAW noted that "the harmonization of national legislation with the Magna Carta of Women remained pending, including amendments to the Family Code, the Penal Code, the Anti-Rape Law, the Anti-Sexual Harassment Act and the Code of Muslim Personal Laws". The Committee further noted that the delay in the adoption of a bill to repeal a provision of the Family Code recognizing the supremacy of a husband's decision over that of his wife in respect of community property, the exercise of parental authority and guardianship over a child.<sup>163</sup> The Inter-Agency Council on Violence Against Women and their Children was established to ensure effective implementation of the law and be the lead coordinator and monitoring body on Violence against women and children initiatives.<sup>164</sup>

<sup>159</sup> Ibid.

<sup>160</sup> US Department of State (2020), above n 12, 408. See also Severino H. Gana, above n 135, 15.

<sup>161</sup> Philippine Program against Child Labor (2017-2022); National Strategic Framework for Plan Development for Children (Child 21) (2000-2025); Child Protection Compact Partnership (2017-2021); Philippine Plan of Action to End Violence Against Children (2017-2022). See further Terres des Hommes Netherlands, 'Fullscreen On View: An Exploratory Study on the Background and Psychosocial Consequences of Webcam Child Sex Tourism in the Philippines' (November 2013) 20, available [here](#).

<sup>162</sup> See [here](#).

<sup>163</sup> Human Rights Council, above n 29, 9. See also See CEDAW/C/PHL/CO/7-8, para. 12.

<sup>164</sup> See [here](#).



On another note, in 2019 the Philippine Department of Tourism presented a joint initiative with various government agencies to combat sex tourism. The “Tourism Integrates, Supports and Minds Women’s Respect and Child Safety (TourISM WorCS) programme” supports the training of tourism front-liners to detect, prevent and report abuses.<sup>165</sup>

## 5.9. Frameworks for international coordination

Philippine officials cooperate with other ASEAN law enforcement and prosecutors to enhance the capacity of ASEAN member states to conduct joint international anti-trafficking investigations.<sup>166</sup> “Additionally, with donor support and in cooperation with an NGO, the IACAT established the Task Force Against the Trafficking of Overseas Filipino Workers to coordinate investigative and protective follow up on trafficking cases referred by the Department of Foreign Affairs (DFA) overseas missions. In a sex trafficking case, the task force coordinated information with Bahraini authorities who arrested and prosecuted eight alleged traffickers, including a Bahraini police officer and seven Filipinos, while the DFA [Department of Foreign Affairs] assisted the Filipina trafficking victims. POEA [Philippines Overseas Employment Agency] reviewed 21 bilateral and multilateral labor agreements with other countries and signed three new bilateral agreements, including an MOU with Bahrain, aimed at protecting OFWs’ rights and reducing their vulnerability to trafficking”.<sup>167</sup>

## 5.10. Key challenges to effective antislavery governance

- Corruption and poor law enforcement by the Philippines’ government

The US Department of State reported in 2015 that “pervasive corruption undermined government efforts to combat trafficking, and investigations of potentially complicit officials did not lead to criminal convictions and in some cases even failed to secure administrative punishment against offenders”.<sup>168</sup> Furthermore, it was stated that “public officials, including those in diplomatic missions abroad, law enforcement agencies, and other government entities, are reported to be complicit in trafficking or allow traffickers to operate with impunity”.<sup>169</sup> On this note, “some corrupt officials accept payments or sexual services from establishments notorious for trafficking, accept bribes to facilitate illegal departures for overseas workers, downgrade trafficking charges, or overlook unscrupulous labor recruiters” and “conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims”.<sup>170</sup> A OECD report highlighted that bribery remained a prominent issue and that pay-offs have resulted in limited apprehensions, prosecutions, and convictions, that the culture of corruption is a systemic problem in the Philippines.<sup>171</sup> Against this backdrop, impunity is fostered and antislavery efforts significantly hindered. It has been argued that if human trafficking in the Philippines is to be significantly reduced, corruption must be curbed.<sup>172</sup>

Within this context, it has been continuously reported the poor compliance with the law, due in part to the government’s lack of capacity to inspect labour practices in the informal economy.<sup>173</sup> In the same vein, the US Department of State highlighted that enforcement of child labour laws remains challenging due to the lack of resources for inspections and the limited number of inspectors.<sup>174</sup>

- Poverty and structural imbalances.

<sup>165</sup> Philippines’ Department of Tourism (2019), available [here](#).

<sup>166</sup> US Department of State (2019), above n 12, 381.

<sup>167</sup> US Department of State (2020), above n 12, 407.

<sup>168</sup> US Department of State (2015), above n 12, 280.

<sup>169</sup> Ibid.

<sup>170</sup> Ibid.

<sup>171</sup> OECD, above n 93, 56.

<sup>172</sup> See Guth, above n 83.

<sup>173</sup> See further Rene E. Ofreneo, ‘Precarious Philippines: Expanding Informal Sector, “Flexibilizing” Labor Market’ (2013) 57(4) *American Behavioral Scientist* 420–443.

<sup>174</sup> US Department of State (2020), above n 12.

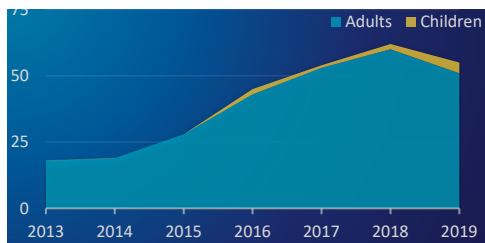
Poverty creates a breeding ground for vulnerability to emerge. Gender abuse and social exclusion, especially among children, are also major contributors to vulnerability. Although there are governmental efforts to combat these structural imbalances, challenges remain especially regarding social attitudes to sexual commercial exploitation and online sexual exploitation.

## 6. Experiences of modern slavery of Filipino nationals in the UK

### 6.1. Demographics of Filipino nationals in the NRM (including intersectionality)

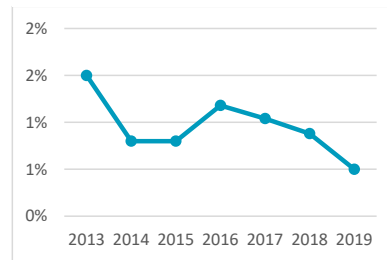
Filipino nationals have consistently been in the top twenty nationalities represented in National Referral Mechanism referrals, although they have typically represented less than 2% of all referrals. The number of Filipino nationals referred into the NRM has varied from 18 potential victims referred in 2013, up to 62 referrals in 2018. Adults have always made up the majority of Polish nationals referred into the NRM, with between 0 (2013-2015) and 4 (2019) Filipino nationals referred who were minors at the time of their exploitation from 2013-2019.<sup>175</sup> Since 2016, the proportion of Filipino nationals referred, as a proportion of all referrals, has been steadily decreasing.

Number of Filipino nationals referred into the NRM by age at time of exploitation

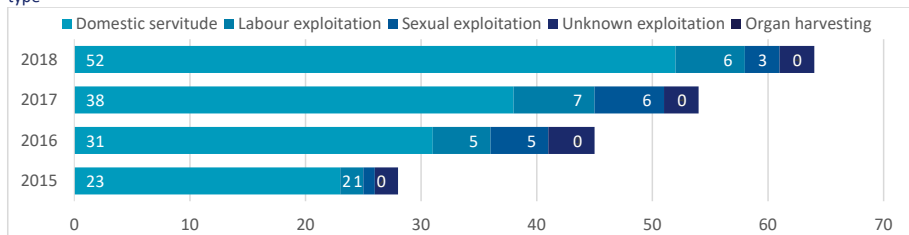


Polish nationals referred into the NRM typically experience domestic servitude, with only a small proportion of Filipino potential victims recorded as having experienced other forms of exploitation. While gender data was not disaggregated by nationality from 2015-2019, NRM reports included such data in the 2013 and 2014 reports. In these years, the majority of Filipino nationals referred into the UK NRM were female (88,8% in 2013 and 94% in 2014)—consistent with the trend of victims of domestic servitude being majority female.

Proportion of potential victims referred into the NRM that are Filipino nationals



Number of Filipino nationals referred into the NRM by exploitation type<sup>176</sup>



<sup>175</sup> Home Office, 'National Referral Mechanism Statistics UK: End of Year Summary 2019: Data tables' 2<sup>nd</sup> edn available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2018' (2019) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2017' (2018) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2016' (2017) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2015' (2016) available [here](#); National Crime Agency, 'National Referral Mechanism Statistics – End of Year Summary 2014' (2015) available [here](#); National Crime Agency, 'United Kingdom Human Trafficking Centre: National Referral Mechanism Statistics 2013' (2014) available [here](#).

<sup>176</sup> Ibid. Note that exploitation type data is not disaggregated by nationality in the 2013, 2014, or 2019 data and these years are therefore excluded.

## 6.2. Consequent effects of trafficking on survivors

In general terms, human trafficking exerts psychological effects on survivors that persist after intervention, and even after community reintegration. Effects include anxiety, depression, alienation, disorientation, aggression, suicidal ideation, attention deficit, and posttraumatic stress disorder (PTSD). In this context, community support and coping mechanisms may mitigate these effects.<sup>177</sup> The literature on Filipino survivors of commercial sex trafficking revealed that financial instability generates greater concern than personal trauma.<sup>178</sup> This conclusion advances that it is essential to focus on education and job training as a key aspect in the rehabilitation period.

---

<sup>177</sup> See, generally David Okech et al, 'Social Support, Dysfunctional Coping, and Community Reintegration as Predictors of PTSD Among Human Trafficking Survivors', (2018) 44 *Behavioral Medicine* 209-218, and Asefch Haileselassie Reda, 'An investigation into the experiences of female victims of trafficking in Ethiopia' (2018) 11 *African and Black Diaspora: An International Journal* 87.

<sup>178</sup> Laura C. Tsai, 'Family financial roles assumed by sex trafficking survivors upon community re-entry: Findings from a financial diaries study in the Philippines' (2017) 27(4) *Journal of Human Behavior in the Social Environment*, 334-345.

## 7. The impact of COVID-19

### 7.1. The Government's response to COVID-19

Although prior March certain measures such as selective quarantine had been adopted, on 13 March 2020, the Philippines Government declared the state of emergency and established various prevention measures including closure of schools and public meeting places, lockdowns, and other restrictions intended to slow the progression of the virus.<sup>179</sup> Regarding the University of Oxford's Government Stringency Index – a composite measure of the strictness of policy responses<sup>180</sup>–, the Philippines reached the maximum level in the score during March and April, and has been dropping until September 2020, with a score of 56,48.<sup>181</sup> Measures in different areas have been adopted to mitigate the effects of the COVID-19 pandemic, including economic stimulus, employment-related and tax-related measures.<sup>182</sup>

Human Rights Watch has highlighted the abusive techniques used by the police in the Philippines has led to rising human rights violations and has warned about the militaristic approach adopted under Duterte's administration. "Instead of expanding testing and adopting other public health measures, the administration seems intent on deploying the state security forces and "drug war" tactics that have already proven so catastrophic to Filipinos".<sup>183</sup> Significantly, "a 63-year-old farmer in the southern town of Nasipit, who allegedly threatened authorities with a scythe while under the influence of alcohol, was the first reported civilian shot dead by police for not wearing a facemask".<sup>184</sup>

### 7.2. The impact of COVID-19 on workers and modern slavery victims

In general, developing countries are more vulnerable to the pandemic profound negative impact, since the challenges of meeting even the most basic health needs become much more acute in the setting of a pandemic.<sup>185</sup> Within this context, quarantine and other COVID-19-related measures are likely to disproportionately affect already vulnerable groups, such as people living in poverty, those working in the informal economy and more specifically, children who are abused online.<sup>186</sup>

---

<sup>179</sup> Through Proclamation No. 929. See Benjamin M. Vallejo and Rodrigo Angelo c. Ong, 'Policy responses and government science advice for the COVID 19 pandemic in the Philippines: January to April 2020' (2020) 7 *Progress in Disaster Science* 1-7.

<sup>180</sup> Available [here](#).

<sup>181</sup> Our World in data (2020), available [here](#).

<sup>182</sup> For a description, see KPMG, 'Philippines Government and institution measures in response to COVID-19' (15 May 2020), available [here](#).

<sup>183</sup> Phil Robertson (Human Rights Watch), 'Philippines Uses 'Drug War' Tactics to Fight Covid-19' (15 July 2020), available [here](#).

<sup>184</sup> DW, 'Man shot dead for flouting coronavirus rules' (04 April 2020), available [here](#).

<sup>185</sup> Robert D. Buenaventura, 'COVID-19 and mental health of older adults in the Philippines: a perspective from a developing country' (2020) *Int Psychogeriatr* 1-5.

<sup>186</sup> Jim Gomez (Associated Press), 'Study: Philippines a global hot spot for online child abuse' *abc news* (21 May 2020), available [here](#).