

United Nations Global Programme
against Trafficking in Human Beings

*Coalitions against Trafficking in Human Beings
in the Philippines - Phase 1*

**Trafficking in Human Beings from the
Philippines:
Examining the Experiences and Perspectives of
Victims and Non-Governmental Organisations**

Executive Summary

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This research, contracted by the United Nations Interregional Crime and Justice Research Institute (UNICRI) in Turin, Italy, was part of a larger project on trafficking in human beings from the Philippines, *Coalitions Against Trafficking in the Philippines - Phase 1*. The focus of the research was to determine certain aspects of trafficking in Filipinos to include modes of recruitment, transportation, use of fraudulent documents, deception and exploitation, routes, corruption and collusion and the involvement of organised criminal groups.

Introduction

Rough estimates indicate that around 200 million people world-wide are in some way under the control of traffickers and agents of deception of various kinds. About 30 million of these are women and children being trafficked within and from Southeast Asia.¹ According to the Commission on Filipinos Overseas (CFO), an office attached to the Philippine Department of Foreign Affairs (DFA), of the six million Filipinos estimated to be overseas, around 1.8 million are said to be undocumented. In 1995, it was estimated that there could be as many as 100,000 Filipinos working illegally in Japan. A percentage of these are victims of human trafficking.

The existing literature on the subject of human trafficking and smuggling from the Philippines specific to the involvement of organised crime groups has been sparse and often punctuated by journalistic accounts and impressions. A major contribution to understanding the plight of the victims is reflected in: (1) the Pilot Project Against Trafficking in Women (from 1996 to 1999), an undertaking between the Philippine Government and the Royal Government of Belgium² and (2) the study initiated by the International Organization for Migration (IOM) examining the experiences of Filipinas trafficked to Japan.³

Three conclusions can be drawn from these two studies. One is that the women leave for financial reasons. Second, is that many (about 50 percent in the IOM study) of those who were trafficked used fake passports, despite the existence of legal mechanisms and procedures to leave the country. And third, a majority of the women in the IOM study (77 percent) lived under difficult and exploitative conditions working in the sex industry in Japan.

Labour out-migration from the Philippines began in the mid-1970s following the enactment of the Labour Code. Regulations and institutions have since been established

¹ See Barbara Crossette, "UN Warns that Trafficking in Human Beings is Growing," *New York Times* (25 June 2000), pp. 1, 10.

² Ateneo Human Rights Center, *The Philippine-Belgian Pilot Project Against Trafficking in Women*, G/F Ateneo Professional Schools, Rockwell Center, Makati City, Philippines, 1999.

³ IOM, International Organization for Migration, *Trafficking in Women to Japan for Sexual Exploitation: A Survey on the Case of Filipino Women*, IOM, Geneva, Switzerland, 1997.

to make labour out-migration more systematic and less traumatic for persons concerned. Despite these, however, undocumented migration continues to occur.

The Philippine Government is still in the process of developing and refining its database systems on monitoring and regulating transnational crime activities and groups involved in human trafficking and smuggling from the country. Efforts to combat the menace have been initiated through the support of international agencies. This study attempts to supplement such efforts by examining the experiences of trafficked/smuggled persons in regard to networks and organised crime groups.

Purpose of the study

This survey research seeks to provide a more systematic examination of the involvement of organised crime groups in the experiences of victims of human trafficking and smuggling from the Philippines. Additionally, information was sought on the role, services and functioning of non-governmental organisations (NGOs) dealing with smuggled persons and trafficked victims. Selected NGOs and Filipino victims of trafficking were interviewed about their experiences and the involvement of organised criminal groups in human trafficking and smuggling activities.

Methodology and samples

Questionnaires (developed by UNICRI with input from ISDS and the Australian Institute of Criminology) were administered to 30 victim respondents of trafficking (only 29 individuals were included in the sample) and 20 NGO representatives. The victims were selected through purposive sampling and were referred to the interviewer by NGO contacts. The NGOs, on the other hand, were chosen based on their involvement (experience and knowledge) in migration and migrant issues and concerns. The survey employed one and the same female interviewer for the duration of the interview period. This period extended from 17 January 2001 to 12 March 2001. Three of the victims gave relatively more detailed accounts of the multiple trips they made. These instances were treated and recoded as separate accounts (an additional 8 cases) increasing the number of trafficking cases to 37.

Different sets of questionnaires were administered to the victim respondents and to the NGO representatives. As much as possible, the selected victims and NGO respondents were located in various parts of the country in order to achieve a relatively good spread of the victims and their experiences. Due to resource constraints, respondents were selected and interviewed in Metro Manila (Northern Philippines), Cebu City (Central Philippines), and Davao City (Southern Philippines). Most of the victims (18) were interviewed in Metro Manila. Almost all (27) of the victims are female. One-fourth of the NGOs included in the survey are local organisations operating in the same areas of Manila, Cebu, and Davao.

Attention was given to the interview lag, the difference between the current age of the respondents and their age when they last returned to the Philippines. The average interview lag for the sample is 9.6 years which indicates that a significant period of time had elapsed between the respondents' return to the Philippines and the interview to recount their experiences.

General Findings

Victim Surveys

Recruitment

None of the victims was abducted or coerced into leaving. All of the respondents say that they left the country of their own free will. About two-thirds of the victims were recruited in Metro Manila, either by a family member or an acquaintance of the respondent, through word of mouth, within the home or neighbourhood.

Tampered or fraudulent travel documents

In 28 of the 37 cases, tampered or fraudulent travel documents were used in order to conceal the person's age or identity. This may imply that it is too difficult (in terms of bureaucracy or time spent) to acquire a legal travel document and indicates that a thriving industry for the production of fraudulent documents exists. It may suggest some degree of collusion between the groups that provide fraudulent documents and the government authorities that issue them.

In 35 incidents the victims incurred debts to the recruiter/smuggler/employer which were eventually paid by way of salary deductions. Debts were repaid in a relatively short period of time, in general, ranging from three to six months. Those who were not able to pay their debts on time went, according to their testimony, into indentured labour.

Points of departure and routes

In more than half of the cases (21), the respondents went to Japan either by direct route or via some transit country (Korea or Taiwan). In 8 cases individuals were trafficked to Malaysia. In most instances the route to Malaysia was direct although travel within Malaysia was extensive. In only one case was Singapore used as a transit country for the final destination in Malaysia. Other destination countries included Hong Kong (3), Nigeria (2), Saudi Arabia (2) and Saipan (1). In almost all of the incidents (n=32) the victims departed the Philippines via the international airport in Manila although there were some (n=4) who left by boat via Zamboanga and Tawi Tawi in the Southern Philippines.

Experiences during the trip

Only 6 victims were exposed or felt themselves exposed to physical danger to include violence. None of them were aware of potential danger prior to the trip. Eleven (11) respondents travelled to their destination country alone. Twenty (20) others travelled in groups of two to ten persons.

Experience in the destination country

While respondents travelled alone or in small groups to reach the destination country, once in the destination country, 13 victims eventually joined up with as many 20 others in their place of work. This may be indicative of the existence of a more extensive network, the members of which may operate independently in the Philippines during the recruitment phase but coordinate their efforts after the point of departure and certainly once in the destination country.

Coercion, deception and exploitation

After settlement in the destination country, respondents in 35 cases, reported being the victims of some form of coercion. This ranged from threats to actual physical and sexual violence against the victims. Fifteen respondents report being forced to work as prostitutes. Only 2 of the victims knew prior to departure that they would be working in the sex industry. The remainder, who were forced to work in the sex industry (13), were promised jobs in various sectors including the bar/restaurant or entertainment industry. Due to the strong link between the entertainment sector and the sex market, it is not entirely clear if their work in the sex market came entirely unexpected to those victims who were promised work as entertainers.

Fifteen (15) of the victims were also forced to ingest or use drugs in order to make them perform better in their work (especially in the entertainment and sex industry). Of those victims forced to ingest drugs, ten were involved specifically in sex work, which may indicate the extent and nature of the exploitation in the sex industry. This may be a function of the recruiters or employers keeping their victims in a state of drug dependence (which can further increase the likelihood of debt bondage) and also in order to numb them and increase their ability to work longer hours in the sex industry. While not a common practice, two victims were forced into other criminal activities (one in drug smuggling and one in diamond smuggling) possibly as a form of debt repayment to the recruiter or as a means to generate additional income for the criminal networks who facilitated the trip abroad.

Rotation between clubs and cities

A number of respondents reported being rotated between clubs and cities. Rotation between clubs in the same city (6 victims) and between cities in Japan (2 victims) may be an indication of a more extensive network, or various networks working together in the sex industry in that country.

Organised criminal groups

Respondents were asked for information on organised crime groups and networks engaged in human trafficking/smuggling activities in the country. All the victims say that an organised crime group was involved in trafficking/smuggling them out of the Philippines but when asked to provide more specific information on the identities and activities of such groups, the respondents could provide only limited data concerning their numbers and information concerning different groups. This may be due to the victims' limited contact with individuals within these groups. According to the respondents, and given the large percentage of the sample which was trafficked to Japan, Japanese and Koreans figure prominently in the crime groups and networks trafficking persons to Japan; only two respondents said that only Filipinos were involved in trafficking/smuggling operations in the country. Other combinations of ethnic group members were directly linked to the destination country. Any information provided by victims concerning organised crime groups, however, should be viewed with caution and confirmed with law enforcement intelligence agencies.

Government regulation of travel entities and corruption and collusion

Twenty-six (26) of the respondents said that government regulations concerning labour recruiters were either insufficient or non-existent. Moreover, a significant number (18) say they had personally come into contact with corrupt government officials in the Philippines which include agencies that normally regulate out-bound travel either through the issuance of passports or at the airport immigration counters. Thirteen (13) respondents said that they had come into contact with corrupt officials in foreign countries. It must be kept in mind, however, that some of these situations occurred years ago. Given the fact that the Bureau of Immigration has implemented measures to counteract corrupt activities among personnel at the airport, such conditions may no longer persist today in the Philippines.

Victims' willingness to report to government authorities

Almost all the respondents (n=27) said that they had not spoken to authorities about their experiences. Rather than go to the authorities, all the respondents recounted their experiences to non-governmental agencies (NGOs) instead. Reasons for not reporting their victimisation to government authorities vary. In three (3) cases, persons were threatened with violence while another respondent's family was threatened with violence. However, for a majority of the respondents threats by traffickers to silence them are not necessary. Lack of trust and a feeling that the authorities are powerless to help the victims are primary considerations (n=24). Different feelings, which point to the extensive and traumatic impact of their experiences abroad, overwhelmed the victims upon their return. These affect their socio-psychological stability and might explain their inability or unwillingness to report to (and eventually cooperate with) government authorities.

NGO surveys

Almost a third of the representatives of the NGO sample (7) said their organisation served clients who are women and minors. Eight (8) said that less than 10 percent of their outstanding clients are victims of trafficking / smuggling. Almost all (17) of these organisations refer human trafficking and smuggling cases to other organisations as well as government authorities.

Cooperation between NGOs and government entities has been described by many of the respondents as minimal. When asked what services they thought trafficked victims and smuggled persons seek the most from service providers, the top responses were: protection from trafficking, legal and financial assistance, resettlement assistance, and health care/counselling. Further suggestions were to improve legal as well as litigation services; creation of a special police force; psycho-social and welfare services; providing for the basic needs of the people; effective laws on trafficking; on-site protection; and a reorientation of the government policy to encourage labour export.

Conclusions and Recommendations

The survey data and the impressions volunteered by both victim respondents and NGO representatives depict the problems in identifying and accessing willing victims, the complex, multi-faceted nature of human smuggling and trafficking and the difficulties in generating accurate and reliable empirical data. The data also prove the vulnerability which illegal migrants face, regardless of whether they are trafficked, smuggled, or enter a country willingly and overstay legitimate visas.

Because of its dependence on Overseas Foreign Workers and its desire to protect its citizens living abroad, the Philippines Government has introduced extensive safeguards and regulatory mechanisms to protect Filipinos seeking overseas employment. Despite the existence of numerous legal measures and rigid procedures, undesirable elements still succeed in creatively circumventing the barriers to illegal migration. The challenges and travails posed by the phenomenon of human trafficking/smuggling will have to be deftly handled, with a greater sense of urgency and seriousness. The narrations of the institutional and individual respondents affirm the need for Government to conduct a mix of greater preventive, protective and remedial responses.

For one, there is need to tighten the apparently still lax system through which criminal or corrupt entities are able to undermine the integrity of basic legal documents. The Philippine Government, through the initiatives of its Executive Branch leaders, will have to show real and sustained political will by firstly focusing on corrupt individuals and public agencies and giving public commendation to offices which perform dutifully and effectively. The Government will have to proceed with continuous improvements, institutionalising, for example, expeditious systems that will prohibit and penalise the illegal agencies and mechanisms to which common citizens turn in their attempt to

circumvent the usually toilsome processes one has to go through to obtain legal travel documents.

Related to prevention, protection and remediation, the Government must make available to private citizens, access to both an updated list of legitimate recruitment agencies and a master blacklist on notorious recruitment agencies and individuals. Not only must the Government expedite the sharing of its database on said listings but it must also tap the media as well as NGOs, particularly those directly involved with illegal migration issues, and victims to serve as information and service assistance conduits. As recruitment is often done by family members, friends and acquaintances, government campaigns must also be aimed at the general public.

Human trafficking has become a fast-growing illegal trade that crosses national boundaries and which relies upon the inventiveness and coordination of unscrupulous syndicates and networks, with the connivance of certain corrupt government elements. Enforcement and prosecution form a key pillar of Government's protective mission. It has to increase investigations and prosecutions of illicit recruitment and travel agencies, providers of tampered and counterfeit documents and those instrumental to the illegal trafficking or smuggling of Filipinos overseas.

Concerning the role of safeguarding its citizens, the Government must tap the cooperation of foreign governments, particularly, in destination countries that frequently receive trafficked/smuggled Filipinos such as Japan, Malaysia and Hong Kong. The more affluent economies, while attractive as workplaces for Filipinos, are also natural destinations owing to their geographic proximity and lingering socio-cultural familiarity, if not affinity, to Filipinos. Coordination between and among counterpart anti-transnational crime offices, among others, should be pursued and be given more substance and meaning. Information and best practices in investigation and prosecution must be shared between the Philippines and destination country counterparts.

NGOs involved in anti-trafficking and smuggling advocacy as well as providers of assistance to aggrieved migrants should consider pooling together efforts in calling for more effective governmental response in countering the illegal trade and extending relevant, rehabilitative and productive livelihood skills and opportunities and help to the victims.

Moreover, NGOs should constructively volunteer to take a further substantive role in the overall effort with government of co-delivering services for illegal recruitment and trafficked victims. These should include, but should not be limited to, working for the improvement of legal as well as litigation services, psycho-social and welfare assistance, enactment of laws on trafficking, on-site protection and reorientation/ refinement of Government policy of encouraging labour export.

In conclusion, the problem of transnational crime cannot be solved by direct police action alone or by the actions of single countries. Transnational crime groups will continue to exploit the dreams of those wishing to improve their lives and willing to take "shortcuts"

to circumvent governmental protective barriers. Governments and NGOs in the source countries must aim to prevent the departure of potential victims, while Governments and NGOs in receiving countries must be willing to protect the victims once they have been subjected to dehumanising work and physical violence. Both Governments must address the problem of investigation and prosecution of offenders. Nothing less than the effective collaboration of concerned governments, non-governmental organisations, citizen groups and, most importantly, those who have been victimised are essential in addressing the problem.