



Supporting Victims-Survivors After Trafficking: Recovery, Return and Reintegration Programs in the Philippines

Maruja M.B. Asis

Paper presented at

The Pontifical Academy of Social Sciences

Human Trafficking: Issues Beyond Criminalization

17 – 21 April, 2015

Casina Pio IV, Vatican City

Introduction

This year marks the 15th anniversary of the adoption of the UN Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (hereafter the Palermo Protocol). The 3Ps stressed by the Protocol – prevention, protection and prosecution – have become part and parcel of anti-trafficking efforts at all levels, spanning the local to the international. Initially, whether it was research, policy, advocacy or action, the attention focused on the migration-related aspects of trafficking – recruitment, transport, harboring and so forth – to the neglect of the protection dimension – the conditions of victims of trafficking which call for support and assistance. In recent years, the shift to the victim-centered approach draws attention to the manifold needs of victims' life after trafficking: the process of recovery, reintegration and return. In a study of return and reintegration programs in the Balkans, Surtees and de Kerchove (2014) documented gaps in this area, the disinterest of funding agencies to support these programs, and the challenges faced by NGOs in providing and sustaining these needed services. Although the importance of re/integration has been stressed by other studies as a critical component of anti-trafficking response, they noted that "it remains largely under-studied, under-theorised and a low priority for most donors". The *Global Slavery Index 2014* report makes the same observation based on an assessment of 167 countries on five indicators which include the identification and support of survivors to exit and remain out of slavery. According to the report, "Victim assistance for men, women and children is a weakness of all government responses. No country scored 100% on these activities while the majority of countries scored 50% or lower. Most countries either only provide short term assistance, neglecting long-term reintegration, or provide support solely for female or child victims" (p. 22).

This paper examines the recovery, return and reintegration of victims of trafficking in persons in the broader canvas of large-scale and sustained international migration in the Philippines.[1] The paper has a two-fold objective: to discuss the legal, institutional and policy framework of return and reintegration interventions and to examine how stakeholders assess the Philippine government's response to the return and reintegration of victims-survivors of trafficking. A review of the laws, policies, programs and data relating to return and reintegration victims-survivors of trafficking was carried out. This was supplemented by interviews conducted with seven key informants representing the main government agency mandated to coordinate and provide return and reintegration services, the Department of Social Welfare and Development (DSWD), the Commission on Filipinos Overseas or CFO (n=4), and civil society organizations (n=3), including a faith based organization. The interviews were conducted between 30 January and 6 March 2013.[2]

As of December 2013, 10.2 million Filipinos were based overseas, roughly 10% of the country's 100 million population. Of the total stock estimate, 4.9 million (48%) were permanent settlers, 4.2 million (41%) were temporary migrants (largely temporary migrant workers), and 1.2 million (11%) were irregular migrants (CFO, n.d.). Unabated international migration since the 1970s has been sustained by the establishment of institutions and legal framework to govern the migration process. In particular, the country's participation in international labor migration not only increased the volume of out-migration but has also led to the presence of Filipinos in all the world's regions. In 1975, the country deployed about 36,000 workers, mostly to the Middle East. In 2013, the numbers rose to 1.8 million, distributed in about 200 countries and territories. In addition to the large numbers of overseas workers, an average of 70,000 Filipinos migrants leaves the country every year for permanent settlement in other countries. This number includes Filipino nationals, overwhelmingly women, who leave the country as international marriage migrants, a phenomenon which is feared to have possible links to trafficking.[3]

The institutionalization of international migration, as evidenced by the development of institutions, laws, policies and programs, is a major factor contributing to the rise of the Philippines as a major source country of workers for the global labor market. Initially oriented to finding labor markets, the overseas employment program incorporated protection measures for Filipino workers (IOM and SMC, 2013; Asis and Roma, 2010). The latter goal has resulted in the passage of the Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act or RA 8042), which was most recently amended in 2010 (RA 10022). This law specifically aims to promote a higher level of protection to overseas Filipino workers at all stages of migration, i.e., before migration, while they are overseas, and upon their return to the Philippines. Actions to promote the protection of workers expanded in the areas of bilateral and multilateral engagements. The Philippine government has actively participated in these arenas to engage countries of destination and the international community in protecting the rights of workers. Although the protective mechanisms of international labor migration in the Philippines are well established, the system is not immune to irregular migration and trafficking in persons. Moreover, even for those who are legally deployed as workers, the working and living conditions of overseas Filipino workers are far from ideal. Indeed, the occupational profile of overseas Filipino workers is diverse, but the large concentration of workers in less skilled occupations raises concerns. The participation of women in labor migration and their concentration in domestic work has been a cause of national anxiety for years. The inhumane conditions faced by migrant workers, especially those in domestic work, call to mind traffic-like conditions (e.g., see Asis, 2007; see also UN Women, n.d.). The annual Trafficking in Persons Report of the US State Department has also commented on the protection deficit of overseas Filipino workers. In response to the global campaign to combat trafficking, the Philippine government signed the Palermo Protocol on 14 December 2000, ratified it on 28 May 2002, passed the Anti-Trafficking Law in 2003 (RA 9208), and this was later amended by the Expanded Anti-Trafficking Act of 2012 (RO 10364).

TRAFFICKING IN THE PHILIPPINES

Magnitude and Profiles of Trafficked Persons

The Philippines is mostly a source country of trafficked persons. Data on the magnitude of trafficking in persons from the Philippines are difficult to ascertain, although it is commonly believed to be significant given the intense and extensive international migration from the country. Part of the problem is distinguishing victims of trafficking from the general population of overseas Filipinos, or even from the specific population of overseas Filipino workers or irregular migrants. The definition of trafficking and the rule of thumb to identify victims of trafficking – i.e., establishing the act, means and purpose – does not easily translate to designing a system to report and collect data on trafficking. Three types of data gathered by government agencies provide clues to different aspects of the phenomenon: convictions, victims-survivors provided assistance, and request for assistance recorded by a hotline service.

As provided by the Anti-Trafficking Act of 2003, the government established the Philippine Anti-Trafficking Database to collect and share trafficking-related information and to use this information as basis for policy-making, action, monitoring and evaluation. It has two components: data on convictions, coordinated and managed by the Inter-Agency Council Against Trafficking, under the Department of Justice; and the National Recovery and Reintegration Database (NRRD), which was set up to facilitate and coordinate the programs and services to victims of trafficking, implemented by the Department of Social Welfare and Development (DSWD), in coordination with service providers and NGOs. The NRRD is a web-based mechanism intended to improve the referral system of organizations and service providers and to provide guidelines for the delivery of a range of services to victims of trafficking. As will be shown later, the trafficking data captured by these data sets represent only a small subset of what is widely believed to be a huge phenomenon.[4]

From 2005 up until 15 June 2015, the IACAT has recorded 187 cases of conviction involving 209 convicted persons.[5] The low number of prosecutions is a primary reason why the Philippines slipped to Watchlist-2 in the US Trafficking in Persons Report in 2004, 2005, 2009 and 2010 (IOM and SMC, 2013: 80). The expanded Anti-trafficking Law of 2012 was partly motivated by the need to improve the country's prosecution record. Towards this end, the amended law increased the penalties for traffickers and criminalized attempted trafficking, among others.

Since the passage of the anti-trafficking law, some progress has been achieved in the area of reintegration programs. One concrete step is the implementation in 2010 of the guidelines of the National Referral System for the provision of services to trafficked persons during the pre-return and post-return periods and the establishment of the NRRD.[6] These mechanisms build on and supplement the other tools which have been developed earlier, namely, the DSWD Manual on the Recovery and Reintegration of Victims-Survivors of Trafficking, the Guidelines on the Protection of the Rights of Trafficked Children, and the Guidelines on the Protection of the Rights of Trafficked Women.

Since the launch of the National Referral System, the DSWD and its partners had been able to document and track the victims-survivors they had provided assistance to (Table 1).[7] The notable increase after 2012 includes not only actual trafficking cases but also attempted trafficking cases. This reflects the new provision introduced by the Expanded Anti-Trafficking Act which defines attempted trafficking as a crime “where there are acts to initiate the commission of a trafficking offense, but the offender failed to or did not execute all the elements of the crime, by accident or by reason of some cause other than voluntary desistance”.

Table 1

National Referral System: Victims-Survivors Served, 2010-2014

Year

Victims-survivors served

2010

1,218

2011

1,011

2012

1,376

2013

1,979

2014

2,060

Source: For 2010-2013, Annual Report, DSWD; for 2014, CY 2014.

Accomplishment, Recovery and Reintegration Program for Trafficked Persons, DSWD.

Over the years, the sites of trafficking, the purpose of trafficking and the profile of victims have not changed much. Based on data from DSWD (2014), of the 2,060 cases served in 2014, the following observations can be noted:

The top three regions which figured as sites of trafficking are the National Capital Region or Metro Manila –618, Region 9 (Zamboanga Peninsula) – 534, and Region III (Central Luzon) – 176. Forced labor is the topmost purpose of trafficking, followed by sexual exploitation and prostitution. Males are more likely to be trafficked for forced labor while females are heavily represented among those trafficked for sexual exploitation and prostitution. Victims-survivors include both males and females, although the latter are more numerous. By age group, those in the ages 18-30 are the largest group. Minors comprise 17% of those trafficked.

Data from the 1343 Action Line mirror the patterns and profiles based on the NRRD; the only difference is that the 1343 data include overseas cases. The Commission on Filipinos Overseas (CFO) has implemented the hotline since 2011. The CFO has secured the cooperation of a private company, DOS1, in providing a 24/7 hotline service which the public in general and trafficking victims in particular can access for support and assistance. DOS1 is a business processing outsourcing company and is involved in this important work as part of its corporate social responsibility. It provides “call takers”, who are trained to serve as front liners who receive the calls, assess the request for assistance, and then forward the requests to the relevant authorities for action. For the period 15 March 2011 to 30 June 2013, the hotline has received 17,203 calls, out of which 233 were further investigated. Seventy percent of the victims were females, 30% were males. The 233 cases include 70 cases of human trafficking, 66 cases of illegal recruitment, 8 cases of mail order brides, and others, 83. The countries where the 233 cases are distributed are mostly in the Philippines (64%), suggesting the higher incidence of internal trafficking compared to cross-border trafficking. Of the 85 reported cases overseas, almost half of the cases were in Saudi Arabia (29.4%) and Malaysia (20%).[8]

As elsewhere, the appreciation of trafficking in persons in the Philippines has been initially dominated by concerns for women and girl victims of trafficking and an inordinate focus on the sex industry. It is a perspective that shapes the perception that “men migrate, women are trafficked”. [9] The neglect of men and boys as victims of trafficking was noted by a research by Verite (n.d., ca. 2008). [10] The study focused on the maritime, construction and agriculture sectors, sectors which male dominated and where poor conditions have not received much scrutiny. These sectors are characterized by labor which are rife for abuse, exploitation and

traffic-like conditions – physically demanding work (e.g., work that entails carrying 60-kilo palm fruits) or work which entails risks to physical safety (e.g., seafaring, work in war zones).[11] At the time of the study, there were no programs either by public, private or civil society organizations which address the trafficking of Filipino men. Based on interviews with 67 men, the study concluded that “the trafficking of Filipino men is strongly linked to labor migration patterns, and the means of exploitation is through forced labor, or conditions akin to slavery” (p. 36). The study also points out that trafficking in men have not been reported or determined as trafficking owing to the reasons: reluctance of trafficked men to report being exploited,[12] misclassification of trafficked victims as irregular migrants rather than as victims of exploitative conditions, cases of exploitation of male OFWs are filed and prosecuted as cases of illegal recruitment rather than trafficking, and the insensitivity of detection tools to detect trafficking men (i.e., they are more attuned to detecting trafficking women and children for sexual purposes).[13]

The Philippines’ Response to Trafficking

As mentioned earlier, the Philippines was fairly quick in signing and ratifying the Palermo Protocol and in passing a national legislation that hews closely to the Protocol. The Anti-Trafficking Law of 2003 (RA 9208) set into place policies to combat trafficking, punish traffickers, protect victims, and establish mechanisms to implement the necessary programs and services. As amended by RA 10364, the law mandates the Inter-Agency Council Against Trafficking (IACAT) as the overall national policy and coordinating body with a secretariat established by the Department of Justice. The members of the IACAT include the officials of the following government agencies: Secretary, Department of Foreign Affairs; Secretary, Department of Labor and Employment; Secretary, Department of the Interior and Local Government; Administrator, Philippine Overseas Employment Administration; Commissioner, Bureau of Immigration; Chief, Philippine National Police; Chairperson, Philippine Commission on Women; Chairperson, Commission on Filipinos Overseas; and Executive Director, Philippine Center for Transnational Crimes. In addition, the NGOs shall include one representative each from the women, overseas Filipinos, and children sectors, who shall be nominated by the government agency representatives; the NGO members have a term of three years. The IACAT structure is replicated in the regions down to the municipalities to coordinate and implement anti-trafficking actions at these levels.

Several instruments have been developed to measure governments’ actions to combat trafficking, their impact, and how they compare with each other. One is the US State Department Trafficking in Persons Report, which has been undertaken since 2000 (the first report was published in 2001). The US assessment is part of the monitoring required by the Trafficking Victims Protection Act (TVPA). Countries are rated on a four-tier system based on whether or not they are taking actions to comply with the TVPA’s minimum standards.[14] The Philippines’ ranking in the TIP report has changed little; mostly is it in Tier 2, before or after the anti-trafficking legislation was introduced (Table 2).

The 3P Index is another rating system which also started in 2000. Compared with the US’ tier-system, the 3P index evaluates a country’s performance in terms of the Palermo Protocol’s 3Ps. Each component receives a score (1 is lowest; 5 is highest) and the three are combined for a summary score, with 3a slowest and 15a highest. While the US TIP was developed and is implemented by the US Government, the 3P Index is an academic undertaking (see Cho, and Neumayer, 2014; Cho, 2014). In general, the Philippines has a good standing based on the 3P Index (Table 3). Prosecution is a weak area from the perspective of the US TIP Report while in the 3P score, the Philippines rates highly in this aspect, reaching the maximum score of 5 since 2010. Similarly, prevention has scored a 5 while protection is down to 3. Clearly, the scores whether by component or the 3P show marked improvement after 2002, the year before the anti-trafficking was enacted in 2003. In comparison with the US TIP assessment, 2010 was the time when the Philippines slid into Tier 2 Watch List, whereas in the 3P Index, 2010 was the beginning of improved performance.

Table 2. Tier Placement of the Philippines, US TIP Report, 2001-2014

Year

Tier Placement

2001

2

2002

2

2003

2

2004

2 (Watchlist)

2005

2 (Watchlist)

2006

2

2007

2

2008

2

2009

2 (Watchlist)

2010

2 (Watchlist)

2011

2

2012

2

2013

2

2014

2

Source: US State Department (various years), Trafficking in Persons Report

The third and most recently developed tool is the Global Slavery Index, an initiative started in 2013 by the Walk Free Foundation. Its definition of modern slavery encompasses trafficking in persons (as defined in the Palermo Protocol), slavery and slavelike conditions (The Slavery Convention of 1926 and Supplementary Slavery Convention of 1956), and forced labor (ILO Forced Labour Convention, 1930, No. 29) (Walk Free Foundation, 2014:8). The tool estimates the number of people in modern slavery in 167 countries, governments' response to eradicate modern slavery, and the conditions or contextual factors that make people vulnerable to modern slavery. Worldwide, some 35.8 million people are living in some form of modern slavery.

Table 3: Anti-Trafficking Index: The Philippines, 2000-2013

Year

Prosecution

Protection

Prevention

3P

2000

2

2

4

8

2001

2
2
3
7
2002
4
3
4
11
2003
4
4
3
11
2004
4
4
4
12
2005
4
4
4
12
2006
4
5
5
14
2007
4
5
5
14
2008
4
4
4
12
2009

4
4
4
12
2010
5
3
5
13
2011
5
3
5
13
2012
5
3
5
13
2013
5
3
5
13

Source: 3P Anti-trafficking Policy Index Data (2000-2013, 188 countries, Excel file).

Available at <http://www.economics-human-trafficking.org/data-and-reports.html>

In the Philippines, the estimate is 261,200 people or a prevalence of 0.266. Of the 167 countries, the Philippines ranked 29th in terms of prevalence of the population to modern slavery; 19th in terms of the absolute estimate of modern slavery. The Philippines was cited, along with Georgia and Jamaica, as having set in place criminal justice responses, in the face of limited economic resources. The country's BB rating (AAA is highest) placed it as 29th in terms of government response to end modern slavery. In the AsiaPacific region, out of 33 countries, the Philippines ranked third, after Australia and New Zealand, in terms of government response to end modern slavery. Of the five indicators, the Philippines' ratings are (from highest to lowest): criminal justice, 71.4; survivors are supported, 61.1; coordination and accountability, 58.3; attitudes, social system and institutions, 56.1; and business and government, 0 (p.34).

Overall, the three external measures assess the Philippines' response to trafficking in a positive light, although improvements are called for. They differ though in their appreciation of the strengths and weaknesses of the country's response to trafficking.

Recovery, Return and Reintegration

Legal Bases

The Philippines has developed many good practices in managing different aspects of labor migration and for this reason, the Philippine experience has been used as an example to other origin countries. The one area that is still a work in progress is the return and reintegration of migrant workers (IOM and SMC, 2013; Go, 2012).

RA 10022, which amended RA 8042, has two specific provisions concerning the return and reintegration of overseas Filipino workers. Sec. 16 pertains to the mandatory repatriation of underage migrant workers while Sec. 17 establishes the National Reintegration Center for OFWs as the responsible agency for supporting and facilitating the reintegration of returning migrant workers.

"SEC. 16. Mandatory Repatriation of Underage Migrant Workers.[15] Upon discovery or being informed of the presence of migrant workers whose ages fall below the minimum age requirement for overseas deployment, the responsible officers in the foreign service shall without delay repatriate said workers and advise the Department of Foreign Affairs through the fastest means of communication available of such discovery and other relevant information . . .".[16]

"SEC. 17. Establishment of National Reintegration Center for Overseas Filipino Workers. A national reintegration center for overseas Filipino workers (NRCO) is hereby created in the Department of Labor and Employment for returning Filipino migrant workers which shall provide a mechanism for their reintegration into the Philippine society, serve as a promotion house for their local employment, and tap their skills and potentials for national development".

Return migration is structural in the context of temporary labor migration. However, although labor migration is supposed to be temporary (usually a twoyear contract), contracts can be renewed. In the case of Filipinos, they tend to renew their contracts, or seek employment in other countries, and as such, returning to the Philippines permanently tends to be postponed. As suggested by Sec. 17, the NRCO is envisioned to facilitate the reintegration of returning migrant workers by assisting them to find local employment or to facilitate brain gain or skills transfer. The NRCO also aims to facilitate the creation of businesses by returnees.[17]

However, the migration project does not end up happily for everyone. Not all returning migrant workers are successful and many have encountered difficulties during their stay abroad. The government also has programs for distressed workers. The NRCO offers programs and assistance specifically to women distressed workers, a general category which includes victims of trafficking. The main window of assistance for distressed workers is the *Balik Pinay! Balik Hanapbuhay!* (Filipina Returnee, Back to Livelihood) Program launched in 2011 to enable women OFW returnees to start and operate a selfemployment venture. The program consists of livelihood skills training and the provision of starter kits. The Overseas Workers Welfare Administration (OWWA), the lead government agency tasked to promote the welfare of migrant workers and their families, also provides assistance to distressed workers, both women and men alike. However, the programs are limited to OWWA members, thereby excluding irregular migrants and trafficked persons.

What were described above are the programs and services migrant workers can avail of upon their return to the Philippines. We will backtrack to the time when they are abroad, particularly when they encounter problems. During this critical period, when workers encounter problems overseas, they can seek assistance from the Filipino Workers Resource Centers (FWRCs), facilities which are established within the premises and under the administrative jurisdiction of the Philippine Embassy. The FWRCs are administered by the Philippine Overseas Labor Offices and staffed by the labor attaches, Foreign Service Personnel, welfare officers and other service attaches or personnel who represent Philippine government agencies abroad.[18] These centers are open 24 hours daily (they have a counterpart 24hour information and assistance center in the home office to facilitate coordination). By law, these centers should be present in countries where there are large concentrations of overseas Filipino workers. Due to resource constraints, 34 centers have been established in 29 countries with sizable Filipino populations.[19] The personnel in the POLOs may be augmented by the assignment of Social Welfare Attaches, which is part of the DSWD's International Welfare Services for Filipino Nationals. Social Welfare Attaches provide support to migrant Filipinos and other Filipino nationals in crisis situations and those in need of special assistance.

For victims of trafficking, the FWRCs are the primary contact point of distressed migrant workers (including those who had been trafficked) for accessing assistance from the Philippine government. As provided by the Migrant Workers and Overseas Filipinos Act of 1995, Philippine embassies and consulates are bound to provide assistance to all Filipino nationals, regardless of whether they are documented or not. Unless they are identified as victims of trafficking, their cases are likely to be treated under illegal recruitment, irregular migration, or as distressed workers. The identification of trafficking victims is critical so that specific interventions can be extended to them while they are in the centers and for follow-up services upon their return to the Philippines.

Turning specifically to the Anti-Trafficking Law of 2012, Sec. 16 of RA 10364 defines the division of labor of the various government agencies in undertaking "preventive, protective and rehabilitative programs for trafficked persons".[20] With respect to repatriation and reintegration, the three key agencies and their main responsibilities are as follows:

a. Department of Foreign Affairs (DFA). In relation to trafficked persons overseas, the DFA shall provide free legal assistance and counsel, repatriate trafficked Filipinos with the consent of the victims, and, in coordination with the Department of Labor and Employment (DOLE), it shall provide temporary shelter and other services to trafficked persons through the Overseas Filipino Resource Centers.

b. "Department of Social Welfare and Development (DSWD) shall implement rehabilitative and protective programs for trafficked persons. It shall provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. It shall establish free temporary shelters, for the protection and housing of trafficked persons to provide the following basic services to trafficked persons:

- (1) Temporary housing and food facilities;
- (2) Psychological support and counseling;
- (3) 24 hour call center for crisis calls and technology-based counseling and referral system;
- (4) Coordination with local law enforcement entities; and
- (5) Coordination with the Department of Justice, among others".

Implementation of Reintegration Programs for Trafficking Victims

As mentioned earlier, the AntiTrafficking Law established the InterAgency Council Against Trafficking (IACAT) whose key functions include the formulation of a comprehensive program, the monitoring of the implementation of the AntiTrafficking Law, and coordination of projects and services of various government agencies. From the national level, the same multistakeholder structure is established to coordinate and implement anti-#trafficking programs at the regional and local levels (see Figure 1).

Figure 1. Organization of Anti-Trafficking Policies and Actions in the Philippines

For the delivery of reintegration and protective programs for trafficked persons, the coordination of actions from the national to the local levels is outlined in Figure 2. The schema is a simplified version of process flows at the prereturn, return and reintegration phases (for details, see DSWD and ILO, n.d.). For crossborder victims of trafficking, another layer of coordination and two other agencies – the Department of Foreign Affairs (DFA) and Department of Labor and Employment (DOLE) – are involved in the process. It is important for DFA and DOLE personnel to have a trafficking lens so that they can identify victims of trafficking from the other cases they handle – illegal recruitment, labor, human rights and other violations. The DSWD has conducted such trainings for DFA personnel in the last 23 years (Interview with key informant).

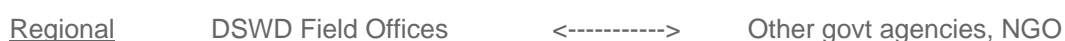
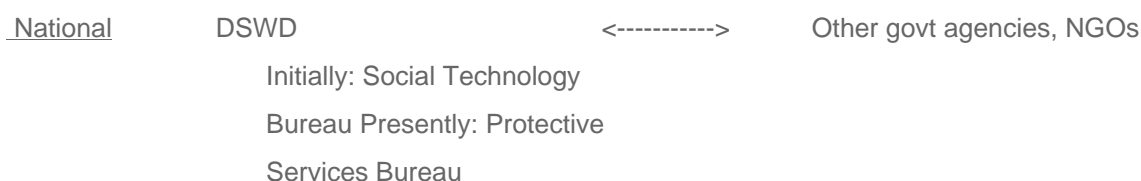
DSWD is the coordinating agency for reintegration programs, but at the same it also implements and delivers programs for trafficking victims. It cooperates with other government agencies or NGOs in delivering these services. For example, skills training programs may involve the Technical Skills Development Authority; training for entrepreneurs may be conducted in coordination with the Department of Trade and Industry. DSWD's programs and services for trafficking victims are either residential-#based or community-#based. DSWD's shelters are not exclusive to trafficking victims; they also accommodate victims of other abuses. In 2014, a total of 3,875 services were extended to trafficking victims by the different field offices of DSWD (Table 4). The most common assistance provided to victims.

Figure 2. Organization of Recovery, Return and Reintegration Response to Trafficked Persons

Cross-#border

Department of Foreign Affairs Philippine Embassy/ Consulate (Country Team: Assistance to Nationals, Labor Attache, Welfare Officer, and Social Welfare Officer)

=====



City/Municipal Local Social Welfare <----->

Other govt agencies, NGOs

& Development Offices

Table 4. Assistance Extended to Trafficking Victims, 2014

Assistance rendered

No. of services

Psychosocial counseling

1,583 (40.9%)

Temporary shelter

1,011 (26.1%)

Financial assistance/return to the province

517 (13.3%)

Livelihood assistance

473 (12.2%)

Referral

154 (4.0%)

Support for victims/witnesses

82 (2.1%)

Skills training

55 (1.4%)

Total

3,875 (100.0)

Source: DSWD (2014)

According to the DSWD respondents, there is no difference in the approach and the support programs for those who were internally vs. internationally trafficked, except that in the latter case, the coordination of agencies has a transnational dimension. In destination countries where the DSWD has deployed Social Welfare Attaches, the attaches provide assistance in the identification of victims of trafficking. As such, the needs and situations of trafficking victims can be duly taken into account in assisting them while they are overseas and in coordinating services for them upon their return to the Philippines.

When asked whether gender is a consideration in the delivery of programs and services, key informants from the DSWD responded that the agency's programs are for women and men alike. However, women are more likely to seek assistance or to be assisted than men. The shelters also accommodate men and boys who are trafficked.[21]

Assessment of Reintegration Programs: Findings from Research

A number of studies have looked into the reintegration programs for trafficking victims in the Philippines (e.g., Go, 2012; ILO-ROAP, 2009; IJM Cebu, n.d.). The International Justice Mission Cebu's experience with Project Lantern, a three-year project aimed at reducing the availability of women and children for sexual exploitation in Metro Cebu, offers insights on what happens to victims-survivors through time. During the three-year project (2007-2010), IJM Cebu social workers monitored and reviewed the status of the 94 victims-survivors rescued by law enforcers. IJM Cebu coordinated with DSWD-Region 7 and social workers of other NGOs in the provision of medical care, counseling and case management services. Two years after their rescue, 58 (61.7%) had not been trafficked, 15 (16%) had been re-trafficked, and the status of the remaining 21 (22.3%) had not been confirmed (p. 8). Project Lantern also developed an Economic Self-Sufficiency and Project to increase opportunities for self-sufficiency for trafficking survivors. The project involved assessing existing community services related to economic self-sufficiency and reintegration, identification of target industries most likely to provide employment to former trafficking victims, funding job skills training by a local after care provider, developing a Job Readiness Training Course, upgrading DSWD Region 7's vocational training program, and entering agreements with business partners for job placement. In 2009-2010, 42 trafficking survivors completed the Job Readiness Training Course, and 16 were successfully placed with local business partners (p. 9).

Based on interviews with 59 women who had been trafficked (30 Filipino women and 29 Thai women), the ILO-ROAP study (2009) sheds some light on life after trafficking. The findings of the study question the common notion of reintegration – in the sense of returning to her former community – to rebuild her life. Based on what the women shared, the findings suggest that rather than reintegration, a more appropriate goal would be to recover a woman's ability to make decisions about her life. Having lost autonomy and control as a trafficked person, goal after trafficking should not be limited to returning home, but more about integration, i.e., regaining autonomy and control and making informed decisions about her life (ILO-ROAP, 2009:78). The importance of a holistic approach to support trafficking survivors was stressed.

The recommendations by the various US TIP reports to enhance support services to trafficking victims have implications for DSWD's coordination and implementation of reintegration programs and services: increasing support services for victims nationwide (US TIP Report 2011), further improving the tracking, identification and monitoring of Filipino trafficking victims abroad (US TIP Report 2013, 2012, 2011), expand the use of victim processing centers to more localities to improve identification of trafficking victims for victims to ensure that they are given assistance (US TIP Report 2013), increase victim shelter resources and expand the government shelter system to help more victims, including male victims (US TIP 2014, 2013)

Recovery, Return and Reintegration Programs: Stakeholders' Views

The views of key informants from government and civil society organizations were sought to know how they see recovery, reintegration and return programs in the country. With the exception of one key informant, the rest considered recovery, reintegration and return programs as needing further improvement. One respondent shared that their organization is strengthening the aftercare component of their work to complete the package of programs that they had already implemented, i.e., capacitating local governments in anti-trafficking work and support to strengthen the criminal justice system. Another respondent strongly felt that reintegration programs that should receive more attention and support from the government. Given the unmet needs of many trafficking victims, she would like to see the government committing more funds to reintegration programs.

It is noteworthy that the DSWD holds an annual assessment of the Recovery and Reintegration of Trafficked Persons Program. According to one key informant, most of the issues that emerge in the annual assessment are administrative matters. The yearly accomplishment report of the Recovery and Reintegration Program for Trafficked Persons also provide a summary of activities implemented, service statistics, and some assessment of the facilitating and constraining factors. The availability of funds is an important facilitating factor.

The DSWD key informants cited the National Referral System and the NRRD as good practices. On the other hand, they also acknowledged that the NRRD could be made more effective. Problems, such as poor Internet connections and quick turnaround of cases, make it difficult to enter or update data. The usefulness of the NRRD among service providers needs to be assessed. It was shared that monitoring of victims is carried out, but it seems that recording these activities and their outcomes are not done. One key informant was of the view that the livelihood programs would have to be expanded. A key informant involved in the operation of shelters mentioned the lack of staff to attend to the needs of residents with diverse needs. Funding is not a problem, but the lack of takers. Among others, one reason for not availing of assistance may have something to do with the stigma of being in need. It is also possible that trafficking victims are not aware about the programs that they could avail of. Or the criteria or requirements are difficult to meet. The availability of funds for the reintegration program was cited as one of the facilitating factors for the accomplishments of the Recovery and Reintegration Program for Trafficked Persons for 2014 (DSWD, 2014).

Key informants from civil society organizations commented on the limited and short-term support and other limitations of existing reintegration programs.

a) Trafficking victims or distressed workers are not informed about the programs and services that they can avail of. Those who return on their own and are in need are left to fend for themselves. Detecting the trafficking of men and boys and responding to their needs was also highlighted.[22]

b) Once assistance has been given (e.g., starter kit for a livelihood project, or financial assistance to return to the province of origin), often times, there is no follow up on what actually happened to the victims after the assistance has been provided.

c) Shelter--based programs need further improvement

Overcrowding in shelters – As mentioned earlier, the shelters are not exclusively for trafficking victims but for victims of various abuses or difficulties. The mix of residents in the shelters is also a cause of concern. Overcrowding also means less personal space and less privacy. *Security issues* – Traffickers and/or employers of trafficked persons can threaten the rescued victims or staff of shelters where the victims are housed. Another problem is that some trafficking victims regard the traffickers as the “good guys” and the rescuers as the “villains”. Some victims escape the shelter to return to their traffickers. The control of traffickers over the trafficked persons is difficult to break.

o *Lack of staff* – Social workers have a heavy caseload and this affects the quality and amount of time given to each case of trafficking. One informant saw the need to train and retrain staff to be mindful of the guidelines of the treatment of trafficking victims. Auxiliary staff, such as security guards, should be included in such trainings to avoid situations where in they become romantically involved with a resident.

Conclusion

The challenges of recovery, return and (re)integration of trafficking victims are issues beyond criminalization that require the attention and commitment of various stakeholders. The experience of the Philippines in providing assistance to persons who had been trafficked underscores some steps forward as well as significant gaps and limitations. International migration laws and policies, which were established prior to the passage of the Anti-Trafficking Law, provided some safety nets to victims of trafficking overseas. The protection of trafficked persons has been elaborated with the Anti-Trafficking Law; moreover, the law has been instrumental in establishing institutions and mechanisms to develop and implement a range of programs and activities to meet the 3Ps of the Palermo Protocol.

As suggested by external assessments of the Philippine government's response to trafficking, it is important to improve the identification of victims of trafficking. The succeeding steps of entering information about trafficking victims in the database, initiating contact with them, knowing their needs, and responding to their needs depend on this fundamental information. The need for continuing training of government personnel on trafficking in persons cannot be overemphasized. Given the significance of international migration in the Philippines, government personnel in Philippine Foreign Service missions constitute a critical target for such training programs. A related issue is data collection, recording and dissemination. The potential uses of the National Recovery and Reintegration Database have yet to be maximized. A review of the system and the coordination between DSWD and service providers would thresh out problem areas and identify potential solutions. Also, it would be useful to look into the databases and data-related protocols of other organizations (e.g., International Organization for Migration and International Justice Mission, among others) which may offer relevant guidelines and learning points.

Data on trafficking victims confirm that women and men can be trafficked. Thus far, studies on the return and reintegration of trafficking victims are largely based on the experiences of women. The experiences and voices

of trafficked men also need to be studied and to be included in the design and assessment of (re)integration programs.

Considering the roles and contributions of different stakeholders in reintegration programs for trafficking victims, the links between programs at the national level and at the level of local governments need to be strengthened. Support to strengthen the programs and services of local government units is crucial on account of their immediate links to victims of trafficking.

REFERENCES

Asis, Maruja M.B. (2007) "Human Trafficking in East and South-East Asia: Searching for Structural Factors". In *Trafficking in Humans: Social, Cultural and Political Dimensions*, edited by Sally Cameron and Edward Newman. Tokyo: United Nations University Press, pp 181205.

Asis, Maruja M.B. and Golda Myra Roma (2010) "Eyes on the Prize: Towards a Migration and Development Agenda in the Philippines". In *Brick by Brick: Building Cooperation between the Philippines and Migrants' Associations*, edited by Fabio Baggio. Quezon City: Scalabrini Migration Center.

Cho, SeoYoung (2014) "Measuring AntiTrafficking Policy – Integrating Text and Statistical Analysis". Joint Discussion Paper Series in Economics by the Universities of Aachen, Giessen, Gottingen, Kassel, Marburg and Siegen, No. 112014. Available at https://www.uni-marburg.de/fb02/makro/forschung/magkspapers/11-2014_cho.pdf

Cho, SeoYoung, Axel Dreher and Eric Neumayer (2014) "The Determinants of Antitrafficking Policies – Evidence from a New Index", *Scandinavian Journal of Economics* 116 (2): 429-454.

Commission on Filipinos Overseas (n.d.) Stock Estimate of Overseas Filipinos (As of December 2013). Available at <http://www.cfo.gov.ph/images/stories/pdf/StockEstimate2013.pdf>

Department of Social Welfare and Development (DSWD)(2014) CY2014 Accomplishment. Recovery and Reintegration Program for Trafficked Persons.

_____ (various years) *Annual Report 20072013*. Available at <http://www.dswd.gov.ph/downloads-2/publications1/>

Department of Social Welfare and Development and International Labour Organization (DSWD and ILO) (n.d.) *Referral System for the Recovery and Reintegration of Trafficked Persons*. Available at http://www.ilo.org/manila/publications/WCMS_125278/lang--en/index.htm

Go, Stella P (2012) *The Philippines and Return Migration: Rapid Appraisal of the Return and Reintegration Policies and service Delivery*. Manila: ILO Country Office for the Philippines. 29pp. Available at http://www.ilo.org/manila/publications/WCMS_177081/lang--en/index.htm

International Organization for Migration and Scalabrini Migration Center (IOM and SMC) (2013). *Country Migration Report: The Philippines 2013*. Makati City: IOM.

International Justice Mission Cebu (IJM Cebu) (n.d.) Project Lantern Results Summary. Available at <https://www.ijm.org/sites/all/modules/paragonn/pagemod/files/project-lantern/Project-Lantern-Results-Summary.pdf?v=1.1>

International Labour Organization Regional Office for Asia and the Pacific (ILOROAP) (2009) *Going Back, Moving On: A Synthesis Report of the Trends and Experiences of Returned Trafficking Victims in Thailand and the Philippines*. Bangkok: ILOROAP. 87 pp.

Simmons, Glenn and Christina Stringer (2014) "New Zealand's Fisheries Management System: Forced Labour. An Ignored or Overlooked Dimension?" *Marine Policy* 50:7480.

Stringer, Christina, Glenn Simmons, Daren Coulston and D. Hugh Whittaker (2013) "Not in New Zealand's Waters, Surely? Linking Labour Issues to GPNs", *Journal of Economic Geography*, 120.

Surtees, Rebecca and Fabrice de Kerchove (2014) "Who Funds Re/integration? Ensuring Sustainable Services for Trafficking Victims", *AntiTrafficking Review* 3, DOI:10.14197/atr.20121434, Available at <http://www.antitraffickingreview.org/index.php/atrjournal/article/view/65/63>

United States State Department (various years) *Trafficking in Persons Report 2008-2014*, Country Narrative – Philippines.

United States State Department (2007) Philippines-Bureau of Democracy, Human Rights, and Labor-2006. Available at <http://www.state.gov/j/drl/rls/hrrpt/2006/78788.htm>

UN Women (n.d.) Migration and Trafficking: Links and Differences. Available at <http://www.unwomen-eseasia.org/projects/migrant/04aexploring.pdf>

Verite (n.d.) *Hidden Costs in the Global Economy: Human Trafficking of Philippine Males in Maritime, Construction and Agriculture*. Amherst, MA.

Walk Free Foundation (2014) *Global Slavery Index 2014*. Available at <http://www.globalslaveryindex.org/>

Yea, Sallie (2014) "Trafficking on the High Seas: The Exploitation of Migrant Fishermen in SouthEast Asia's Long Haul Fishing Industry". In *Trafficking in Human Beings: Learning from Asian and European Experiences*, edited by Wilhelm Hofmeister and Patrick Rueppel. Singapore: Konrad Adenauer Stiftung and European Union, pp 8596.

[1] The paper adopts the related terms recovery, reintegration and return which are the terms used in the Philippines rather than repatriation. These terms are defined in the National Referral System as follows: "**Recovery** is a process by which a trafficked person is stabilized and his/her well-being restored psychologically, socially and physically . . . **Reintegration** is a process focused on reuniting the trafficked person with his/her family and community or on integration in a new community . . . **Return** is going back to one's country or place of origin which involves not only the physical transfer of the trafficked person but also mechanisms to ensure that the return is safe and dignified. Recovery starts during the return process . . ." (DSWD and ILO, n.d., 10).

[2] I thank the research participants for their availability and willingness to share information and perspectives on the reintegration of trafficked persons. Their names have been withheld to protect their identities. I shared a copy of the draft version with the key informants and organized a meeting on 25 June 2015 to seek their comments to the paper and to discuss possible areas for cooperation. Additional information from the meeting has been incorporated in the paper.

[3] The concerns led to the passing of the Anti-Mail Order Bride Law of 1990 (Republic Act or RA 6955) which criminalizes the practice of matching Filipino women with foreign nationals on a mail order basis, including advertisements, flyers or brochures for this purpose. In 2013, House Bill 222 was filed in the House of Representatives to amend the 1990 law to cover commercial mail order bride services through emails or Internet websites (<http://congress.gov.ph/press/details.php?pressid=7215>)

[4] For example, a 2006 report estimated that internal trafficking involved some "300,000 to 400,000 women and from 60,000 to 100,000 children were trafficked annually" (US State Department, 2007). Other than citing government and NGOs are cited as sources for this estimate, the report does not indicate how these estimates reached.

[5] <http://iacat.gov.ph/index.php/human-trafficking-related-statistics>

[6] The guidelines for the referral system were part of the DSWD-International Labour Organization Project on Developing Systems, Tools and Capacities to Improve Delivery of Recovery and Reintegration Services to Victims of Trafficking. The project was in collaboration with other stakeholders, including government agencies which are part of IACAT, and NGOs.

[7] The IACAT data refer to cases which have filed legal complaints whereas the DSWD data refer to the number of cases assisted, regardless of whether or not they have filed legal complaints.

[8] Statistics from 1343 Action Line are available at <http://1343actionline.ph/statistics.html>. For details regarding the process flow of the response to the calls, see <http://1343actionline.ph/process-flow/online-reporting.html> and <http://1343actionline.ph/process-flow/call-1343-actionline-procedure.html>

[9] <http://www.unwomen-eseasia.org/projects/migrant/04aexploring.pdf>

[10] The date of publication is not indicated. According to the methodology, it was an 18-month project which started with a round of consultations in 2008. During their research, they uncovered leads on cases of organ trafficking and sex trafficking involving male victims. Due to lack of data and access to actual victims, the research focused on labor trafficking.

[11] For research on trafficking of men in the sea-based sector, particularly those working on fishing vessels, see Simmons and Stringer (2014), Stringer et al. (2013), and Yea (2014).

[12] Of the 67 male interviewees who shared their experiences of exploitation or conditions that constitute trafficking, only seven approached an agency or organization to facilitate the filing of a legal complaint. None of them eventually pursued a case in court (p. 34).

[13] These conditions also apply to women and child victims of trafficking; they may be more pronounced when it comes to trafficked men.

[14] Tier 1-countries whose governments fully comply with the TVPA's minimum standards; Tier 2-countries whose governments do not fully comply with the TVPA's minimum standards, but are making significant efforts to do so; Tier 2 Watch List-countries are similar to Tier 2-ranked countries, and in addition, the absolute number of victims of severe form of trafficking is very significant or is significantly increasing; or there is no evidence of increasing efforts to curb severe form of trafficking from the previous year; or a country is making significant efforts to comply with minimum standards was based on commitments it made to take additional future steps over the next year; and Tier 3-countries whose governments do not fully comply with the minimum standards and are not making significant efforts to do so.

[15] Underage workers are those below 18 or those below the minimum age requirement of specific occupations. For example, migrants who will take up domestic work overseas must be at least 23 years of age.

[16] The rest of the provision discusses the penalties to be meted to the errant recruitment agency.

[17] The Commission on Filipinos Overseas also has programs to facilitate skills or knowledge transfer by the Filipino diaspora. For Filipinos who have been permanently settled overseas, their return to the Philippines is short-term or temporary or even virtual. For details, see <http://www.balinkbayan.gov.ph/>

[18] Secs. 17-22 of RA 10022 provide details about the services, personnel, administration, operation and budget of the centers. The service offered by these centers are counseling and legal assistance, welfare assistance, information programs, training and skills upgrading, orientation programs for returning migrant workers, and conciliation of employer-worker disputes. Distressed workers, including trafficking victims, can be sheltered in these centers.

[19] As of 7 April 2015 (<http://www.dole.gov.ph/pages/view/24>)

[20] The Anti-Trafficking Law of 2003 has three sections defining the scope of services concerned government agencies should make available to trafficking victims. The "mandatory services" are: emergency shelter or appropriate housing; counselling; free legal services; medical or psychological services; livelihood and skills training; and educational assistance to a trafficked child. The law also specifies supervision and follow through to monitor the progress of recovery and reintegration of trafficked persons (Sec. 23). Secs. 24 and 25 concern assistance to trafficked persons overseas. These include legal assistance (as provided by the Migrant Worker and Overseas Filipinos Act), services offered by the FWRCs, and the Country Team Approach as the guiding scheme in responding to the needs of trafficked persons. Sec. 25 pertains to the repatriation of trafficked persons, whether documented or not. In other words, the services for migrant workers, as provided in RA 8042, also extend to trafficked persons.

[21] The shelters run by the Philippine foreign missions abroad mostly cater to women distressed workers.

[22] This was raised by participants during the June 26, 2015 meeting.