

The Anti-Trafficking in Persons Act of 2003:

Issues and Constraints to Effective Implementation in Oriental Mindoro

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Abstract

The study aimed to identify the barriers to the effective implementation of RA 9208 in Oriental Mindoro (Calapan and Roxas; Puerto Galera) using desk studies, basic vulnerability assessment using available secondary data, and regional and municipal/city level Focus Groups Discussions (FGD). Specifically, the study aimed to: Conduct a situational analysis of the MIMAROPA region in line with relevant human trafficking variables; Determine whether the various agencies in the MIMAROPA region involved in the implementation of RA 9208 have the operational capacity to comply with the implementing rules and regulations (IRR) of the Anti-Trafficking Act; Identify vulnerable populations/communities/areas according to human trafficking “push” factors; Identify barriers to the effective implementation of RA 9208 in Roxas and Puerto Galera, and Calapan City; Recommend measures on how to improve the implementation of RA 9208;

Three FGDs were carried out: Calapan and Roxas; Puerto Galera; and RIACAT. Respondents include representatives of the different agencies/LGUs (from barangay to provincial) involved in the implementation of RA 9208 as well as non-government organizations (e.g. LGUs, PNP, DOJ, DSWD, DFA, selected NGOs, and others). The study found Oriental Mindoro to have a high level of vulnerability towards human trafficking due to the various islands surrounding the province, which can serve as conduits for trafficking victims, the existence of poverty with MIMAROPA as one of the poorest regions in the country, as well as other push factors. The dynamic tourism industries in Puerto Galera and Boracay are also considered as markets for trafficked victims.

It was also established that although the different agencies involved in implementing RA 9208 lack human and financial resources, this lack in resources does not significantly affect their operational capacity to implement RA 9208 because certain administrative and technical workarounds/measures are implemented to allow concerned agencies to

still implement RA 9208. However, it was recognized that the availability of sufficient or ample financial and human resources can exponentially increase the effectiveness of the implementation of RA 9208.

Other barriers, in the form of problems and issues, to the effective implementation of RA 9208 include: Lack of knowledge or understanding on RA 9208; Limitations posed by the current justice system; Socio-cultural values such as fear of being stigmatized impedes the reporting of cases; The need to improve law enforcement mechanisms or strategies; The need to maximize the enforcement and policing power of LGUs; and The need for multi-sectoral support.

With regards to the targeted situational analysis, which was an important requisite for the vulnerability assessment towards human trafficking, the lack in longitudinal and disaggregated data for the MIMAROPA region has barred the researchers from conducting a comprehensive situational analysis and vulnerability assessment of the region. The focus of the study was Oriental Mindoro and as such, the research team did not have the time and resources to gather primary data for the situational analysis. Moreover, the needed data are essentially the ones complied by NSO/NSCB and that the available DSWD data could not be analyzed rigorously without referring to other important data such as education and employment statistics. This re-establishes the need for a more comprehensive set of development statistics.

The study recommends the crafting of a multi-pronged and harmonized implementation strategy at the regional, provincial, municipal/city, and barangay levels to improve RA 9208 implementation.

Introduction

Trafficking in persons is a thriving international trade and generates billions of dollars at the expense of countless victims. Women and girls, mainly because of gender discrimination and their vulnerability, are trafficked globally into the sex industry. Men and women, young and old, are also traded as objects, goods, workers, and even as soldiers in the case of young males in some poor countries.

Trafficking in persons is a multi-dimensional threat and deprives people of their human rights and freedoms, increases global health risks, and fuels growth of organized crime (TIP 2006, USDS). It has a grave impact on individual victims who often suffer physical and emotional abuse, rape, threats against self and family, and even death. However, the impact of human trafficking is believed to transcend individual victims because it also compromises the health, safety, and security of all nations.

It is in response to this problem that many countries have signed the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which requires States to pass laws to stop trafficking. The Philippines ratified CEDAW in 1981.

But despite CEDAW and other international instruments designed to curb this growing human rights problem, syndicates still continue to target vulnerable women and children from developing countries such as the Philippines, Cambodia, Vietnam, Burma, and Thailand. This is fueled by the demand for cheap labor, young and racially diverse sex slaves, and body organs. Traffickers also take advantage of the lack of laws and inadequate government policies, poor law enforcement, corruption in government, political and economic conditions of the countries of origin, as well as the domestic situations of their target victims. It has also been established that recent advancements

in information technology and financial systems have resulted to sophisticated approaches to human trafficking that further minimize the risk for trafficking syndicates while making it easier and more lucrative to expand trafficking activities.

The clandestine nature of trafficking has also challenged development and human rights organizations for decades. This makes it very difficult to ascertain the actual number of victims and is exacerbated by the fact that most victims would choose to keep silent due to lack of resources, lack of familiarity with human rights instruments, fear of being stigmatized by society, and fear of retaliation from recruiters and traffickers.

This evolution in trafficking methods coupled with the covert nature of human trafficking have renewed calls for a more unified and dynamic approach against trafficking in persons. The Philippine government ratified the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (2000) (UN Protocol) on October 24, 2001. This was followed by the passing of Republic Act (RA) No. 9208 otherwise known as the Anti-Trafficking in Persons Act of 2003 (“Anti-Trafficking Act”) which took effect on June 19, 2003 and has been considered by human rights organizations as one that substantially complies with the U.N. Protocol.

Although the passing of RA 9208 is a major step in the country’s fight against human trafficking, the Philippine government and other concerned development organizations still have to ensure that all involved agencies and organizations have the capacity to effectively implement the Anti-Trafficking Act. In the case of agencies or regions with inadequate operational capacity, it is very important that the barriers to effectively implement RA 9208 are identified and addressed accordingly.

The Vulnerability of Oriental Mindoro

The Department of Social Welfare and Development (DSWD) Region IV-B recognizes the importance of RA 9208, its effective implementation, and its role in overall societal

welfare. DSWD Region IV-B was created in 2003 and is composed of the island provinces of Oriental Mindoro, Occidental Mindoro, Marinduque, Romblon, and Palawan (MIMAROPA). The combination of development problems and numerous ports makes MIMAROPA highly vulnerable to the trafficking business. The myriad of porously regulated entry and exit points in the region, particularly small barangay docks, make it very easy for trafficking syndicates to move victims from one place to another and nearly impossible for law enforcement agencies to regulate or even constantly monitor the movement of people.

Furthermore, the internationally famous tourist spots in and around the region create a significant demand for trafficked persons particularly sex workers while the abundance of nautical highways makes it easy for syndicates to traffic people away from the region for other purposes.

Oriental Mindoro is considered as the region's most vulnerable province for trafficking as it is a part of a major nautical highway from Calapan to Dangay, Roxas, which provides more convenient, cheaper, and shorter routes to Boracay—a world renowned resort island and a promising area for traffickers who wish to field child workers and prostitutes.

From January to November 2007, only 12 cases have been reported in the region with 10 from Oriental Mindoro, and one each from Occidental Mindoro and Romblon. As mentioned earlier, the covert nature of trafficking and other factors makes it nearly impossible to accurately determine the number of trafficking cases and is therefore a major concern in the successful implementation of RA 9208.

SIGNIFICANCE AND OBJECTIVES OF THE STUDY

This study attempted to contribute to the growing need for information on the various operational, programmatic, and policy aspects of the Anti-Trafficking Act by: 1) conducting a comprehensive situational analysis in Region IV-B in the context of human

trafficking and 2) determining the barriers to effective implementation of RA 9208 in Oriental Mindoro.

The results of the study are expected to benefit DSWD Region IV-B and strengthen its capacity to carry out its role in the implementation of RA 9208. The results can also serve as an invaluable resource for other DSWD regions, government and non-government agencies directly and indirectly involved in the implementation of the Anti-Trafficking Act, policy makers, and other local and international development organizations.

General and Specific Objectives

The study aimed to determine the issues and constraints towards the effective implementation of RA 9208, also known as the Anti-Trafficking in Persons Act of 2003.

Specifically, it attempted to:

1. Conduct a situational analysis of the MIMAROPA region in line with relevant human trafficking variables;
2. Determine whether the various agencies in the MIMAROPA region involved in the implementation of RA 9208 have the operational capacity to comply with the implementing rules and regulations (IRR) of the Anti-Trafficking Act;
3. Identify vulnerable populations/communities/areas according to human trafficking “push” factors;
4. Identify barriers to the effective implementation of RA 9208 in Roxas and Puerto Galera, and Calapan City;
5. Recommend measures on how to improve the implementation of RA 9208;

RESEARCH DESIGN

Type/Approach

The study was rooted on a participatory and process-oriented approach that encouraged and promoted the maximum involvement of government agencies, non-government organizations, the community, and other stakeholders. Taking into consideration the diverse duties, responsibilities, and activities of DSWD Region IV-B and its limitations with financial and human resources, the research project has been designed with scalability in mind.

Situational Analysis

This part analyzed and put together an overview of the MIMAROPA region in the context of human trafficking variables. Desk studies, agency visits, discussions, and analysis were conducted to produce a basic but comprehensive profile of the region, which was used in the identification of the FGD respondents and formulation of questions.

This helped determine whether the agencies involved in the implementation of RA 9208 have the operational capacity to comply with the implementation rules and regulations (IRR) of the Anti-Trafficking Act. In other words, these ascertained whether the personnel, equipment, and facilities that these agencies/units have are commensurate to the requirements for the effective implementation of RA 9208. The outputs from this part served as inputs for the second part, which analyzed the barriers to effective implementation of RA 9208.

Basic Vulnerability Assessment

An analysis of vulnerable populations/communities was conducted in line with several “push” factors strongly linked to human trafficking. “Push” factors are defined as variables or indicators that motivate people to undertake risks that result in their being trafficked. It can be said that the presence of at least one of these factors are oftentimes more than enough to sway a person to join the millions of trafficked victims worldwide. Communities or areas with these characteristics were deemed prone to human trafficking and should be given careful attention and proper intervention.

Populations/communities and areas exhibiting the above factors were identified in conjunction with other factors such as proximity to major commercial areas, access to ports and major nautical routes, absence of an adequate number or distribution of law enforcement personnel, and others. This was then used as the basis for selecting the areas for the FGDs.

On the Lack of Data for Situational Analysis and Vulnerability Assessment

The lack of data needed for the situational analysis and vulnerability assessment has prevented the researcher team to conduct a comprehensive analysis of the MIMAROPA region. The situational analysis vulnerability assessment was then limited to the study areas through the FGDs and the use of available secondary data in the targeted municipalities. These were mainly qualitative descriptions/data gathered during the FGDs where participants were asked to describe the situations/scenarios in their respective jurisdictions and how these affect the implementation of RA 9208. These statements were then collectively analyzed with other FGD data and the ensuing analyses were include in the discussion of the identification of barriers to effective implementation of RA 9208.

Identification of Barriers to the Effective Implementation of RA 9208

The results of the vulnerability assessment have revealed Calapan and Roxas and Puerto Galera as three areas that are most vulnerable to human trafficking activities. Qualitative research methods were used by the project team and required the participation of representatives from local government units and law enforcement agencies. Factors/variables that were analyzed include: level of awareness on the IRR of RA 9208; capacity to implement RA 9208; concerns related to budget, personnel, and equipment; institutional support; and vertical and horizontal coordination of agencies involved in RA 9208 implementation.

Focus Group Discussion (FGD)

The Calapan and Roxas and Puerto Galera FGDs consisted of representatives from the provincial and municipal/city government, DSWD, PNP, Philippine Coast Guard, DOJ, and different NGOs. The RIACAT FGDs were composed of members of the said Inter-agency committee. The list of respondents is annexed in this report.

Analysis of FGD Data

The analysis of the FGD data consisted of the following: Use of Guide Questions; Interview; Use of Guide Questions; Unitization of Textual Data; and Development of Categories; Explanation Building (Finding Exemplars); and Generalization/Conclusion.

Use of Guide Questions

Guide questions were asked in the beginning of the analysis to help the researcher identify important parts of the textual data. The questions thrown during the FGDs were then reviewed and asked repeatedly by the researchers to themselves to help them interpret the qualitative responses more holistically.

Unitization of Textual Data and Development of Categories

The textual segments/exemplars that answered (both directly and indirectly) the guide questions were then categorized or labeled.

Explanation Building (Finding Exemplars)

The exemplars were then organized and the guide questions were again used to analyze/explain the exemplars.

Generalization/Conclusion

Generalizations/Conclusions were then drawn based on the identified and discussed exemplars.

Selected Exemplars and Explanations

Given the huge volume of qualitative data, the following table presents some of the exemplars from the FGDs and the corresponding explanations that were used to analyze the unitized textual data. These exemplars were then coded and categorized. Similar exemplars were grouped and generalizations and conclusions were drawn by the DSWD IV-B researchers during a series of qualitative data analysis workshops. Given the policy-orientation of this study, generalizations and conclusions were written succinctly and direct to the point.

Exemplars	Explanations
<i>Kasi dito sa Puerto galera especially sa Sabang, alam naman natin ang situation dito. Kasi sila mismo ang mga biktima e kumikita ng pera. Pag nag file sila ng kaso, matatanggal sila sa trabaho, wala silang kikitain.</i>	This excerpt from the FGD illustrates the inextricable link between poverty and human trafficking such that the need for income prevents a victim from reporting the violation and filing the necessary criminal charges.
<i>Yan ang problema namin, kasi mahirap naman pilitin naming silang mag file ng kaso kung ayaw naman</i>	In this case, the need for income or a source of livelihood takes primacy over health and safety risks and abuses to one's dignity.

<p><i>nila, e kami naman ang babalikan sa ganon. so un ung lagi naming problema, ung biktima talaga ang ayaw.</i></p>	<p>This establishes the need for measures or mechanisms that would address the financial woes of victims should they decide to press charges and lose their jobs.</p>
<p><i>Ang problema kasi e yong mga victim talaga. Willing victim kasi yan e; Alam nila. Kahit sabihin naming na di na kayo ang magpa file ng kaso kami nalang ayaw din nila. Ang problema kasi pag-sila ang nag file, syempre di sila taga-rito saan sila mag-stay. Pagpalagay na na mayroon na tayong ganyan, di pa kami humahanap ng lugar para sa kanlia, san sila tutuloy pagkain nila, although meron nga tayong services para diyan pero limited naman.</i></p>	<p>This exemplar is related to the above excerpt in the sense that poverty and human needs push vulnerable individuals to become “willing victims” and to view their predicament as something that is more “tolerable” than having to look for another form of livelihood.</p> <p>The “stigma” being placed upon human trafficking victims mentioned in other exemplars also contributes to the cavalier attitude of victims towards pressing charges against human traffickers and associated violators.</p> <p>This calls for the need to not just educating victims and possible victims on human trafficking but also to effect changes on how people view human trafficking victims.</p>
<p><i>Sa unang kaso nag a-attend nga po sila. Pero kapag yon sa mga pangalawa, pangatlo nawawala na po sila kasi minsan pag tinatanong sila kung anong nangyari may mga dahilan nga po, eh baka nabigyan ng pera o di kaya may mga malakas na tao na kumausap sa kaniya.</i></p>	<p>This statement paints the complex political-economic nature of human trafficking and the lack of adequate support systems during litigation.</p> <p>Efforts to ensure that victims will press charges would be futile if they will not go through the entire litigation process. Although the current length of legal processes cannot be</p>

	<p>addressed by this paper, LGUs, government agencies, and NGOs can design a more effective support system for victims during the litigation process.</p> <p>Adding a blanket of support can reduce the number of victims who will accept settlements or give-in to threats or pseudo-threats.</p> <p>Although current support systems are being provided by DSWD and NGOs, such systems can be improved by target the specific causes for incomplete litigations.</p>
<p><i>Basically, hindi po sila taga-rito, yon amin pong naging mga kaso, mga taga-davao po yon. Ang purpose po pagpunta nila dito ay waitress sila ang ending yong pag-sasayaw sa bar.</i></p>	<p>This exemplar confirms the ambulatory and mobile nature of human trafficking. The archipelagic nature of the country and the myriad of possible entry points make it impossible for law enforcement agencies to monitor all possible entry points.</p> <p>This problem is compounded by the elusive and adaptive nature of human trafficking syndicates and efficient and cheap communication technologies that eliminate the need for personal contact with victims and reduce their risk for capture.</p> <p>The low levels of education of victims also contribute to the ease of recruitment by syndicates since these victims do not have the capacity and resources to verify job opportunities being offered to them by human</p>

	<p>traffickers. And as mentioned in other exemplars, poverty also serves a major impetus for risk-taking by the victims.</p>
<p><i>Bali may nga impormasyon din tayong nakukuha diyan kasi nong, pagka ano pala, parang may kumukuha na nasa Manila na me mga contact na sila sa Manila na syempre maraming walang trabaho mga tagasaan-saan sa Bisaya, Mindanao.</i></p> <p><i>Pagkaano sige bibigyan namin kayo ng trabaho parang may contact sila don na may tagakuwa na ngayon pagdating dito, prang ginigipit na sila, pang bili ng mga personal na pangangailangan nila parang ganon-ganon, pero parang yon na ang plano, parang gigipitin na, hanggang sa e di sige para makabayad ka.</i></p> <p><i>Parang magtrabaho ka muna waitress o ano hanggang Sa plano talaga siguro hanggang sa kasi me mga nakausap talaga kaming mga babae e ang ano nila talagang ginipit sila e. Hanggang sa yon waitress, hanggang sa merong pag nagustuhan ng foreigner e di syempre ang intention naman ng foreigner e alam naman natin kung ano.</i></p>	<p>This exemplar is similar to other statements (including the above) in that victims are usually first given promises of legitimate jobs or livelihoods.</p> <p>Since syndicates mostly shoulder all of the expenses of the would be victims to the target city/municipality or provinces because victims are most of the time penniless, the latter are then forced to take on human trafficking-related jobs not only because they need income, but also because the syndicates make it a point that the victims already owe them money since they were the ones who invested to bring them there.</p> <p>Coupled with lack of understanding of human trafficking and offenders who project “prostitution” as a normal and profitable job, these victims are then pulled deeper into the vortex of human trafficking.</p>

<p><i>So marami ring pinanggagalingan sa batangas, me lido beach, may pier, may anilao, may talaga, lahat yon pinagsisimulan, lahat yon nabababaan.</i></p>	<p>Similar to other exemplars establishing the mobile nature of human trafficking, this statement calls for the vigilance and participation of communities in the reporting of possible victims. Since law enforcers cannot guard all entry points, a community-based reporting system which starts at the barangay level can be developed to provide law enforcers and social workers with timely information that they can use to apprehend offenders and assist victims.</p> <p>This system can capitalize on modern telecommunications technology. Short messages (text messages) can be sent to a municipal hotline number dedicated for human trafficking reports. Although such system should be complemented by stronger law enforcement, making it more difficult for syndicates to operate by increasing the risks for capture can already help reduce the number of human trafficking incidents.</p>
<p><i>Ano din sir yon e kung sana umiwas din sila sa iskandalo, kaya minsan me mga pagkakataon kasama na sa bahay yong mga nanghaharass na rin sa kanila e, yong kahihyan na humarap sa korte .</i></p>	<p>This again acknowledges the fear of being stigmatized by the community such that this fear overshadows the need to report human trafficking incidents and pressing charges.</p> <p>The lack of education of the victims and the absence of round the clock security also enables syndicates to harass and make threats to victims to pressed or might press charges.</p>

	<p>As mentioned earlier, it is incumbent for the RIACAT to design programs that will educate communities to view human trafficking victims as those who need help and not those who should be discriminated.</p> <p>If victims no longer fear being discriminated by the community and community members show their support to the victims, an increase in the number of apprehensions and cases filed can be expected.</p>
<p><i>Para po sa akin, tulad po ng mga me ari po ng bar, siguro po ay dapat po diyan, yong sinabi niyo po na dapat mga sundin bago umano ng mga babae, mga dapat gawin , ang dapat at di dapat gawin ng isang pumapasok sa isang bar. Kasi po minsan nga po nangyayari na ang mga nakakainom na mga lalaki, na di naman mapigilan .Yon ngapo, pagnakainom more pa yong pagagawin nila sa mga babae. Kumbaga e nakashort pa lang o naka bra pag mga me inom na at nalagyan na ng pera sa mga ano, me offer na mga pera, mag-o-all the way na ho .Dapat ho yon, talaga ngang isang me ari ng establishment ay me susunding patakaran na hanggang dun lang sa ganon ang dapat gawin.</i></p>	<p>This statement indicates the need to inform owners and patrons of business establishments on RA 9208 and specific deviant behavior that is characteristic of or tantamount to human trafficking.</p> <p>LGUs can require the placement of posters in certain areas inside and outside of business establishments to serve as constant reminders about RA9208.</p> <p>Hotlines can also be put-up by LGUs where community members can report violations under the condition of anonymity.</p> <p>Moreover, with proper political will, zoning of business establishments can be done to allow the operation of such establishments only to areas in the municipality that can easily be monitored by law enforcers and community watchers.</p>

<p><i>Isa sa na-raise na problem kahapon e yong (1) protection of victim, (2) shelter, (3) gastos habang pina-facilitate yong case, so sabi ni fiscal, kung talagang nasa panganib talaga ang buhay ng victim , pwedeng i-apply sa witness protection program . At doon ,habang nasa kanila, pag under the custody nila ang victim sila ang magpoprovide habang nandoon. O kung outside, they provide financial assistance. So kung ganon ang cases, pwede niyong irefer sa provincial fiscal for witness protection program , so me ginagawa kasing process ang fiscal doon ;</i></p>	<p>This is also similar with other exemplars except that the witness protection program has been stated here. However, the relatively slow processing of requests and delays in the provision of protection to victims give syndicates leeway in threatening their victims, way before adequate protection can be provided.</p>
<p><i>Nakakareceive din ako kung minsan query.we work hand in hand with the police, yang mga yan e. pero dapat mainform natin sa kanila yong hot pursuit operation ba. Kasi there was a report syempre para di sila macharge ng illegal arrest, dapat alam nila kung hanggang kalian ang hot pursuit operation. Nandito yong victim sasabihin niya ako nakatakas ako don sa ganyan ganire, mga sampung oras na ang nakaraan, so anong gagawin ng mga police dun? So siguro dapat, magkaroon siguro ng seminar ang mga police. Dun sa legality of the arrest, sa period of arrest. Kasi ang latest decision of supreme court is hot pursuit operation is up to the longest is 12 hours. Ibig sabihin, 12 hours after na nakatakas pwedeng sugurin,</i></p>	<p>This exemplar establishes the need to educate LGUs and others involved in anti-human trafficking on RA 9208.</p> <p>Consistent with other statements, lack of understanding of the law impedes the timely action of law enforcers because of the fear of violating certain legal procedures that could invalidate apprehension efforts or worse, backlash at them.</p> <p>This also validates the need for more and in-depth trainings on RA 9208 for law enforcers. This can be organized by RIACAT in cooperation with the Department of Justice.</p>

<p><i>kuhanin, subject for inquest ang tao. Then mas maganda ang sabi ng supreme court nasa decision nakasama ang victim or kung sinoman sa eye witness para hindi sila matakot syempre baka balikan ang mga police sabihin na ang nakalagay kasi sa warrantless arrest is the crime has just been committed and that the arresting officer has personal knowledge of what happened. Ang sinasabi dito sa decision ng supreme court.</i></p>	
<p><i>Siguro po mas mainam nasa information dissemination, di lang mga brgy. officials ang ma involve kundi ang mga bar owners din, mga recruiters nila para mabawasan ang case ng trafficking.</i></p> <p><i>Kung pwede ngalang ho na magpaskil ng posters e, ano ang dapat malaman sa trafficking in persons tapos ipapaskil sa labas ng bar.</i></p>	<p>This exemplar illustrates the perennial need for information dissemination not just among those involved in the implementation and enforcement of RA 9208 but also among the victims, possible victims, and community residents who can play a significant role in apprehending human trafficking offenders and providing moral/psychological and even material support to victims.</p>

RESULTS

Lack of knowledge or understanding on RA 9208

One of the major barriers identified is the lack of knowledge or understanding of RA 9208. The FGDs at both the municipal/city and regional levels revealed a dire need for increasing the level of knowledge or understanding regarding RA 9208 because the lack of the latter significantly affects the ability of the Act to curb human trafficking.

At the Community Level

The Calapan/Roxas and Puerto Galera FGDs established the fact that a large number of human trafficking cases have existed mainly due to the lack of knowledge about the Anti-Human Trafficking Act. FGD participants have cited several examples where human trafficking victims were not even aware that they are already victims or are engaged in human trafficking. The fact that these victims are not even aware of the definition of human trafficking makes them even more vulnerable to the tactics of human traffickers.

Another aspect of lack of knowledge/understanding on RA 9208 pertains to the lack of knowledge on the different provisions of the law, particularly, how offenders can be sanctioned and how victims can be protected by RA 9208. Participants mentioned cases in which human traffickers were not aware of the severity of punishments that they can get if they are caught while victims were unaware of how they can be protected from the retaliation of human traffickers. As a result, traffickers violate the law as much as they can while victims eschew law enforcement authorities for fear of retaliation.

Among the different agencies involved in the implementation of the Act

Lack of knowledge or understanding was also found to exist among those who are involved in the implementation of RA 9208. A very important example cited was the lack of understanding by police officers on the “hot pursuit” of RA 9208 offenders. This sometimes results to failed pursuits since police officers are worried about violating certain “hot pursuit” provisions and suffer from sanctions. This greatly impedes their ability to catch offenders, not because they lack the skill, but because they lack the understanding that will enable them to maximize their skills and implement the full force of the law. A similar issue was raised by Barangay Captains and Tanods.

Limitations posed by the current justice system

Several issues regarding the current justice system were also identified. One issue pertains to slow legal procedures/activities such that the victim who has filed a case tends to withdraw from the case because waiting in between court hearings, for instance, is long and costly. Another issue is “forced” settlements in which the victim, who has also incurred litigation costs, results to settling the case with the offender in exchange of payment for damages and legal expenses.

Socio-cultural values such as fear of being stigmatized impedes reporting of cases

Another major issue identified is the fear of being stigmatized by friends and community, which prevents victims from reporting. Although this does not directly affect the effectiveness of the implementation of RA 9208, this still affects the manner and extent by which RA 9208 can be effected and used to protect communities. If victims can stand up for themselves and report human traffickers, these offenders can be stopped (through RA 9208) from trafficking more people.

The need to improve law enforcement mechanisms or strategies

Given some of the inherent and hard-to-address legal-aspect limitations of RA 9208, the FGD participants have identified several measures that can be implemented to improve the implementation of RA 9208 and somehow circumvent the limitations posed by the Anti-human trafficking act. Since non-reporting of cases (by victims or witnesses) is a major impediment, several participants have suggested tweaks in some law enforcement mechanisms or strategies that can help catch human traffickers even before they transport their victims. These include setting up a multi-agency task force that will put up booths in ports or bus terminals that can identify or profile possible victims and enforcing stricter travel requirements to make it more difficult for human traffickers to transport their victims.

This, however, is also faced by another challenge for law enforcers: the ‘ambulatory’ or elusive nature of human traffickers and human trafficking syndicates. Participants from the PNP and DSWD have indicated that traffickers and syndicates tend to also change their tactics in transporting victims whenever law enforcers revise their own.

Human and Financial Resource Concerns

Another issue identified is the lack of human and financial resources. However, the impact of this issue or problem was found to be smaller compared to the problem of lack of knowledge or understanding on RA 9208 or the need for more forward-looking or innovative law enforcement strategies. Participants indicated that they can somehow deal with the limitations in human and financial resources.

Enforcement and policing power of LGUs is not maximized

The FGDs have reaffirmed the significant role of local government units in the implementation of RA 9208 and in providing an enabling environment for the enforcement of the Act. Local ordinances can be developed and imposed that will make it more difficult or risky for human traffickers to operate, thereby increasing their chances to get caught and reducing the number of victims.

One possible ordinance discussed is one that will require all commercial establishments (especially videoke bars and massage parlors) to affix or mount human trafficking and RA 9208 posters at the entrances to warn both victims and offenders. Another thing that an LGU can do is to increase the requirements for business permits for videoke bars and massage parlors or ban these in areas in the municipality that are difficult to patrol. Such measures, however, also depend largely on the political will of the current leadership.

The need for multi-sectoral support

The problems or issues identified above cannot solely be addressed by government. Support from or cooperation with both the private sector and non-government organizations is very important and will play a big role in helping government implement RA 9208 more effectively.

Shipping and bus companies for instance can implement their own programs or measures that can help law enforcers identify offenders and potential victims. Partnerships with media companies or groups (radio and TV, local and national) in the

form of free airtime for anti human trafficking plugs and infomercials can improve the level of knowledge about human trafficking and RA 9208.

Non-government organizations, aside from already providing social and financial support to victims, can also help by organizing seminars or educational campaigns on human trafficking and even partner with the Department of Justice in organizing seminars on RA 9208 for those involved in the implementation of RA 9208. The above partnerships can substantially address the problem of lack knowledge or understanding as well as provide a support system for the enforcement of RA 9208.

A multi-pronged and harmonized implementation strategy at the regional, provincial, and municipal/city levels can significantly improve RA 9208 implementation

The RIACAT and municipal/city FGDs have produced a variety of issues and concerns pertaining to the implementation of RA 9208 at the regional, provincial, municipal/city, and barangay levels. Similarities and differences in the issues and concerns have emerged and established that need for a harmonized approach in implementing RA 9208. Issues per governance or administrative level can be partnered with solutions and these solutions can then be made to complement the different efforts from the regional level down to the barangay level. This can be carried out using a series of workshops using the results of this study as the springboard. If such a harmonized implementation strategy is produced and effected, the implementation or enforcement of RA 9208 can be greatly improved.

The Way Forward: Recommended Programs That Can Immediately Address Certain Barriers to the Effective Implementation of RA 9208

1. Training Programme on RA 9208 or The Anti-Trafficking in Persons Act of 2003

This training program can be spearheaded by the Department of Justice (in partnership with Legal Assistance/Human Rights NGOs) and through the cooperation of other agencies involved in RA 9208 implementation. Different training programs can be carried out, depending on the audience/participants. One training program can be designed solely for law enforcers, which will address questions or lack of knowledge on “hot pursuit” and other details that greatly affect the ability of law enforcers to implement the full force of the law.

Another training program can also be designed for LGUs (from provincial to barangay levels) and other agencies such as DFA, DSWD, as well as NGOs. This will facilitate the leveling of understanding of the concepts and forms of human trafficking as well as other important details in the law that affect their capacity to help implement RA 9208 effectively. The study found that even social workers and other agency staff are sometimes unaware of the different forms of human trafficking, which not only leads to under-reporting of cases but also allows the proliferation of trafficking activities in a particular area because violators are not apprehended. Implementing the above training program therefore can significantly address the above lack of knowledge on the basics of human trafficking.

In the event of shortage in lawyers/resource persons and funds within DOJ, partnerships with legal assistance and human rights NGOs can be explored. Their in-house lawyers can serve as resource persons and these NGOs can also provide venues for the training.

Another strategy that can be implemented to hasten the trainings on RA 9208 is for DSWD to spearhead a writeshop or workshop on the development of training modules for RA 9208, in partnership with DOJ. The availability of a DOJ-approved training module on RA 9208 will allow concerned agencies such as DSWD and DFA to outsource the training to other experts or entities using their own resources and not have to wait for the availability of DOJ. The modules can also be used as a basis for sourcing out funds from other donors for capacity building activities on RA 9208. And since there is an existing module, what will be learned from the training will be uniform across all agencies/institutions regardless whether the training was facilitated by DOJ or

not. It is also possible for DOJ to first train the legal officers (lawyers) of the different concerned agencies/institutions and leave it up to them to train the representatives from their respective agencies/institutions.

2. Information-Education Campaigns (IEC) on RA 9208

A series of IECs can be designed and carried out to address the lack of knowledge and values/attitudes towards human trafficking in communities. These can be spearheaded by DSWD in cooperation with the local government units and selected NGOs with the partnership of the local media. The print and broadcast media can be tapped for the IECs.

One component of the proposed IEC is the dissemination of human trafficking information through formal media channels, namely the print and broadcast media. DSWD can request the assistance of the Philippine Information Agency for free advertisement space (for print) and spots (for radio and T.V.) and for referrals to local media organizations/companies who can also offer free or discounted advertisement space or spots. Such arrangements have been carried out and have worked for other government agencies.

The Information Officers of the different agencies can help in the production of content especially in the writing of news articles. For low-cost production of radio plugs, DSWD can request the assistance of colleges and universities through their mass communication practicum students to produce radio plugs and even short T.V. advertisements. For increased news coverage in both radio and print, DSWD (and its partners) can invite local media representatives to press briefings or community tours to facilitate their writing and publication or airing of stories. Local cable companies can also be approached for free airtime in their community channels.

Media coverage of human trafficking can greatly affect the level of knowledge and understanding of community members on the various aspects of human trafficking. Given the multiplier effect of communication, information obtained from a prominent

media channel is usually easily shared by the receiver of the message to their peers, friends, and family.

The second component of the IEC is the production of posters, flyers, billboards, and other materials that can be affixed or distributed in communities. This will complement media coverage efforts through the reinforcement or repetition of important messages and facts. As mentioned earlier, requiring the placement of IEC materials through ordinances will render permanence in the placement of these materials and ensure continued flow of important human trafficking information.

The third component of the IEC is the conduct of mobile information campaigns. The effectiveness of this approach has been proven, especially at the grassroot levels. Jeepneys or other vehicles (of LGUs) equipped with public address systems can be used to broadcast or relay key human trafficking messages around the municipality or barangays. Short lectures or talks in strategic places such as basketball courts and barangay halls can also be carried out during the mobile campaigns. This will not only mimic the “prominence” felt during political campaign sorties and drawn attention but will also provide an additional dimension of information-education since messages are disseminated through face to face communication. DSWD and LGUs can also hold lectures in high schools, most especially that a large percentage of the vulnerable population is composed of high school students.

These three components if implemented alongside one another can significantly improve the level of knowledge and understanding on RA 9208 at the community level.

3. On the development of a multi-pronged and harmonized implementation strategy at the regional, provincial, and municipal/city levels

The above has already been discussed during the recent RIACAT meeting and efforts are underway on enumerating the details and features of the abovementioned harmonized implementation strategy, in conjunction with the RIACAT members.

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