

PHILIPPINES

ASIA PACIFIC REGIONAL PREPARATORY MEETING FOR THE GLOBAL COMPACT ON SAFE, ORDERLY AND REGULAR MIGRATION

UNESCAP, Bangkok, Thailand
6-8 November 2017

Item 3. Panel c. General Statement

Thematic Discussion: Smuggling of migrants, trafficking in persons and contemporary forms of slavery, including appropriate identification, protection and assistance to migrants and trafficking victims

Delivered by **MS. MARIA REGINA ANGELA G. GALIAS**
Commission on Filipinos Overseas

Madam Chair,

Trafficking and smuggling are globally prevalent, distinct but related crimes defined in international law¹.

While the notion of contemporary forms of slavery is not technically defined in international law, it is linked to a variety of human rights violations, including traditional slavery, forced labor, debt bondage, servile forms of marriage and the exploitation of children. Most importantly, it is linked to trafficking in person and, smuggling of migrants.

Smuggled migrants can be vulnerable to violence, abuse and exploitation due to the unequal power relations with smugglers, an inability or unwillingness to seek protection from the state and the lack of options with regard to exit strategies. They are at a high risk of victimization through other crimes including extortion, kidnapping, sexual and gender-based violence, deprivation of food and water, and even homicide.

International instruments provide the core framework for addressing trafficking in persons and smuggling of migrants, including the Trafficking in Persons Protocol and the Smuggling of Migrants Protocol. Several other international and regional frameworks and related guidance are relevant to building comprehensive responses to trafficking and smuggling.

¹ *Trafficking in persons is defined as the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or position of vulnerability or giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Smuggling of migrants, on the other hand, is a crime against a State involving the procurement for financial or other material benefit of illegal entry of a person into a country of which that person is not a national or resident.*

As co-chair of the experts group on return and reintegration, the Philippines is active in discussions on the consequences of people smuggling, trafficking in persons and related transnational crime in the Bali Process. The Philippines is the sixth member state to ratify the Convention against Trafficking in Persons, Especially Women and Children (ACTIP), which entered into force last March. The ACTIP recognizes that human trafficking is a violation of human rights and an offense to the dignity of human beings. The ASEAN action plan on trafficking seeks to strengthen border control among member states, intensify efforts to prosecute trafficking cases, and strengthen regional cooperation.

Given the complexities of these crimes, sustained implementation of these frameworks requires the dedication of resources and a more comprehensive response to adequately prevent trafficking, reduce the reliance on smuggling and protect the rights of migrants.

The Philippines is identified as a source country and, to lesser extent, a destination and transit country for trafficked men, women, and children.

A significant number of an estimated 10 million Filipinos overseas, in particular, Filipino migrant workers are sex trafficking and forced labor victims—predominantly through debt bondage – in the fishing, shipping, construction, education, nursing and agricultural industries, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly in the Middle East, Asia, and North America migration corridors.²

Typically in partnership with small local networks, traffickers engage in unscrupulous recruitment practices such as charging excessive fees and confiscating identity documents that leave migrant workers more vulnerable to trafficking.

Traffickers use e-mail and social media to fraudulently recruit Filipinos for overseas work. Some illicit recruiters use student, intern and cultural exchange program visas to circumvent the Philippine government and destination countries' regulatory frameworks for foreign workers. Many of trafficking victims experience physical and sexual abuse, threats, inhumane living conditions, non-payment of salaries, and withholding of travel and identity documents.

The Philippines is making great strides in addressing the menace of trafficking and smuggling³. Instrumental to this achievement is the Inter-Agency Council against Trafficking (IACAT) mandated to eliminate trafficking in persons in the Philippines, prevent the occurrence of trafficking, as well as protect and provide assistance to victims and convict offenders.

² 2017 Global Trafficking in Persons Report

³ The Philippines fully meets the minimum standards for the elimination of trafficking having maintained Tier 1 status from US Department of State in the last 2 years. During the reporting period (April 1, 2016 – March 31, 2017), the government initiated prosecution of 441 alleged traffickers and convicted 55 traffickers. These cases involved 131 victims, 78 of whom were children.

The Philippines also amended its Anti-Trafficking in Persons Law to keep pace with the new and evolving acts of trafficking, to further protect victims and survivors of trafficking, and to strengthen the institutions and resources aimed at anti-trafficking efforts.

The Philippine government also increased funding allocation to intensify its anti-trafficking prevention campaigns, and provide further training for frontline actors including national and local government officials, investigators, prosecutors, labor officers, and social service personnel, civil society representatives, media and the general public.

Madam Chairperson,

In line with this regional preparatory meeting and the subsequent stocktaking and negotiations for the global compact on safe, orderly and regular migration (GCM), the Philippines hosted several multi-stakeholder discussions with government experts, civil society, private sector representatives, international and multilateral organizations and migrant groups to gather key points that we all believe should be highlighted. These are doable and implementable recommendations and commitment that States should consider and adhered to in the GCM.

For easy reference, these were organized under the 4P framework of prevention, protection, prosecution and partnerships.

Prevention

- Expand the scope of regular pathways to migration by, among others, decreasing the cost of regular channels (i.e. visas application and medical examination fees);
- Maximize the use of technology for information dissemination, countering and reporting trafficking and smuggling cases;
- Upgrade and protect integrity of civil documents with specific focus on local civil registry;
- Regulate and monitor recruitment agencies; and
- Ensure common understanding, appreciation and interpretation of facts or evidences of trafficking and smuggling cases for appropriate interventions.

Protection

- Ensure assistance to survivors/victims of trafficking and smuggling with reintegration concerns;
- Consider regularization and right to residency of victims as option other than return;
- Ensure availability, accessibility, affordability and quality of health and other services to survivors/victims of trafficking and smuggling, including debriefing and psychosocial support;

- Ensure gender perspective in any actions and programs addressing migrant smuggling;
- Enhance the capacity of and strengthen cooperation among frontline actors in origin, transit, and destination countries in evidence gathering and case build up against perpetrators of trafficking and smuggling; and
- Establish firewalls between immigration, justice system, and social and health service providers and provide incentives to encourage victims to come forward and prosecute cases.

Prosecution

- Ensure non-criminalization of migrants who are victims of smuggling and trafficking, which only exacerbate their vulnerabilities; and
- Governments should adopt and harmonize legal procedures that would expedite or simplify the prosecution of human trafficking cases and provide protection and assistance to victims.

Partnerships

- Implement principle of shared responsibility of countries of origin and destination in the rehabilitation of victims of human trafficking and smuggling;
- Build the capacity of States and frontline actors including local government on prevention, protection (including recovery and reintegration), prosecution and partnership;
- Encourage sharing of disaggregated data among States on migrant smuggling and trafficking to facilitate assistance to victims and prosecution of smugglers as well as to inform and enhance policy;
- Enhance cooperation on information sharing and good practices in eradicating online forms of trafficking;
- Develop, adopt and share, as appropriate, common indicators among States on migrant smuggling, particularly in victim identification and modus operandi;
- Strengthen the role of the national human rights institutions (NHRIs);
- Encourage destination countries to address the demand side through, among others, increased cooperation with origin countries;
- Establish common regional framework on anti-trafficking and smuggling issues; and
- Promote and support cooperation with the civil society and local government in the protection and prevention efforts.

In closing, we also reiterate that while States and other actors agree to cooperate to suppress smuggling and trafficking in persons and other forms of slavery, the root causes which expose our migrants to such vulnerabilities and danger should be addressed.

We express great optimism that the regional consultation will contribute to greater collaboration and understanding towards achieving our collective goal of leaving no migrant behind.

Thank you, Madam Chair. **End**