

COUNTRY BASELINE UNDER THE ILO DECLARATION ANNUAL REVIEW

Philippines - 2022

THE ELIMINATION OF ALL FORMS OF FORCED OR COMPULSORY LABOUR Protocol of 2014 P029 to the Forced Labour Convention

REPORTING

Fulfilment of Government's reporting obligations

p29 Fulfilment of Government's reporting obligations

yes

OBSERVATIONS BY THE SOCIAL PARTNERS

Employers and workers' organizations

83. Have employers and or workers organizations been consulted in the development and implementation of adopted measures? [6.1]

Yes

95. Did employers organizations comment on the report? [11a]

No

96. Did workers organizations comment on the report? [11b]

No

EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL

Ratification

Ratification status

p29 Ratification status	Not ratified
Ratification intention	
61. If you have ratified Convention No. 29 but not the 2014 Protocol to Convention No. 29, what are the prospects for ratification of the Protocol?	Likely
Existence of a policy and or plan of action for the suppression of forced or compulsory labour	
63. Is there a national policy and plan of action aimed at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labour through prevention, victim protection and access to remedies? [1.1]	Yes
65. The manner in which employers' and workers' organizations have been consulted. [1.3]	IACAT, the lead coordinating body responsible for overseeing and monitoring implementation of the government's anti-trafficking efforts and which the secretaries of DOJ and DSWD chaired and co-chaired respectively, met regularly to share information and coordinate policies. Three NGOs participated as members of IACAT, which also involved additional NGOs, private sector representatives, and survivors in technical working groups and other fora. In partnership with an NGO, IACAT created a working group that met to consider the creation of a formal council for trafficking survivors to advise and make recommendations to the government on anti-trafficking policies.
68. Is there a national policy and plan of action setting out measures and specific action for combatting trafficking in persons for the purposes of forced or compulsory labour? [1.5]	Yes
69. Description of these measures. [1.5]	IACAT is developing its Fourth National Strategic Action Plan Against Trafficking in Persons (Strat Plan 4) that is designed to address all forms of trafficking including labour trafficking. The Strat Plan 4 provides a framework for IACAT member agencies and partners to effectively design, plan, implement, monitor and evaluate anti-trafficking interventions that make a positive difference in the next five years from 2023 - 2027. The Strat Plan focuses on addressing four key result areas: (1) prevention and advocacy; (2) protection and reintegration of victims; (3) prosecution and law enforcement including access to legal remedies and support throughout the justice process; and partnership and networking. This Strat Plan is being developed and implemented by <u>the Inter-Agency Council Against Trafficking (IACAT)</u> as a coordinating body that is mandated to develop mechanisms to ensure the timely, coordinated and effective response to cases of

	<p>trafficking in persons. Further, the IACAT is founded upon and designed to work towards a multi-sectoral approach - putting together all relevant key agencies of the Philippine Government and advocates to fight human trafficking. The Strat Plan 4 is being developed through evaluation and review of the Third Strat Plan (2017 - 2021), document review of relevant research and knowledge products, and undertook eleven (11) extensive consultations from a wide variety of public, private, and community sector stakeholders, purposely to assess the trafficking situation in the country, evaluate policies, programs, services and its impact, and recommend strategic directions and interventions that the IACAT can adopt and implement in the next five years. The consultative workshops gathered perspectives and recommendations from national government agencies, local government units, Bangsamoro Autonomous region in Muslim Mindanao, anti-trafficking task forces, international organizations, civil society organizations, and other stakeholder groups including private sector, migrant workers, fishing sector, children sector, organ trafficking, and the victim-survivors themselves. In the consultation, employer's and workers' organizations participated in the private sector and migrant workers consultations.</p>
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<p>70. Does the Government collect and analyse statistical data and other information on the nature and extent of forced or compulsory labour? [1.6]</p>	<p>Yes</p>
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<p>71. Please describe these data. [1.6.1]</p>	<p>IACAT is managing and maintaining the Prosecutor's TIP Case management System (PTCMS), a web-based intranet application used by different Anti-Trafficking Task Forces (ATTF) to assist the prosecutors in monitoring, handling, and managing of TIP cases. In addition, the IACAT uses the Integrated Case Management System (ICMS), a web-based application used by the members of IACAT and other select agencies to facilitate coordination and flow of information, and involve stakeholders in the detection, investigation, case build-up, and prosecution of cases of trafficking of Filipino domestic workers. The PTCMS collects and stores TIP cases including labour trafficking filed before the Prosecutor's Offices and in Court nationwide. While the ICMS collects and stores data on possible TIP and Illegal Recruitment (IR) cases involving OFWs which usually fall under labour trafficking. However, data analysis on labour trafficking cases is very limited due to incomplete data or information inputted on the database. With this, the IACAT continues to work towards the standardization, digitalization, and harmonization of data collection on trafficking in persons (TIP) and TIP-related cases to improve data collection, including labor trafficking.</p>
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Measures taken or envisaged for systematic and coordinated action

<p>64. Please describe the measures envisaged, the established objectives and the authorities responsible for the</p>	<p>Pursuant to Republic Act No. 9208 or the "Anti-Trafficking in Persons Act of 2003", the Inter-Agency Council Against Trafficking (IACAT) serves as the lead coordinating body in monitoring, and overseeing the Anti-Trafficking in Persons</p>
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<p>implementation, coordination and assessment of these measures. Please provide any relevant URL(s) [1.2]</p>	<p>Laws and serves as an umbrella organization to coordinate the government's anti-trafficking efforts. Republic Act No. 9208 has been amended by Republic Act No. 10364 or the (Expanded Anti-Trafficking in Persons Act of 2012) and further amended by Republic Act No. 11862 (Expanded Anti-Trafficking in Persons Act of 2022). https://iacat.gov.ph/</p>
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Measures taken or envisaged to prevent forms of forced labour

<p>74. Have measures been taken or are measures envisaged for the prevention of all forms of forced or compulsory labour? [2.1]</p>	<p>Yes</p>
<p>75. The type of measures, [2.2]</p>	<p>a) Information, education and awareness raising targeting especially people in vulnerable situation and employers, b) Strengthening and broadening of the coverage of legislation, particularly labour law, d) Supporting due diligence by the public and private sectors, e) Addressing the root causes that perpetuate forced labour, f) Promotion of safe and regular migration, g) Education/vocational training, h) Capacity building for the competent authorities</p>
<p>75.f. A description of measures taken or envisaged:</p>	<p>In December 2021, former President Rodrigo R. Duterte signed the Department of Migrant Workers (DMW) Act, which elevated the Philippine Overseas Employment Administration (POEA) to an executive department. The government officially formed DMW in February 2022 and mandated it to oversee law enforcement action against illegal recruitment agencies, create a database to track recruiters involved in trafficking crimes, and raise awareness of trafficking indicators among migrant workers. The government maintained bilateral labor agreements with various destination countries on the recruitment of migrant workers and the protection of their rights.</p>
<p>75.f. Population groups benefiting from these measures and the relevant forced labour practices:</p>	<p>Men, women, and children who may be potential victims of labor trafficking, particularly labour trafficking involving OFWs and migrants.</p>

Measures taken or envisaged to protect victims of forced labour

<p>76. Have measures been taken or are measures envisaged for the identification, release, protection, recovery and rehabilitation of victims of all forms of forced or compulsory labour? [3.1]</p>	<p>Yes</p>
<p>77. the type of measures [3.2]</p>	<p>a) Training of relevant actors for identification of forced labour practices, b) Legal protection of victims, c) Material assistance for victims, d) Medical and psychological assistance for victims, e) Measures for the rehabilitation and social and professional reintegration of victims, f) Protection</p>

	of privacy and identity, g) Appropriate accommodation, j) Other
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Measures taken or envisaged to facilitate access to remedies

78. Have measures been taken or are measures envisaged to provide victims of all forms of forced or compulsory labour with access to remedies? [4.1]	Yes
79. the type of measures, [4.2]	a) Information and counselling for victims regarding their rights, b) Free legal assistance, c) Cost-free proceedings, d) Development of forced labour indicators, e) Access to remedies and compensation, f) Capacity building and enhanced resources for the competent authorities, such as labour inspection, law enforcement, prosecution services and judges, g) Provision for authorities not to prosecute victims for acts which they have been compelled to commit, h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons
80. Please indicate whether the measures aimed at providing access to justice and remedies apply to all victims of forced or compulsory labour, irrespective of their presence or legal status in the national territory. [4.3]	Yes

Non-prosecution of victims for unlawful acts that they would have been forced to carry out

79.g. Description of measures taken or envisaged:	Anti-Trafficking in Person laws provide legal protection to victims of human trafficking. Trafficked persons are recognized as victims and shall not be penalized for crimes directly related to the acts of trafficking or in obedience to the order made by the trafficker. The consent of the victim to the intended exploitation is irrelevant. One of the priority outcomes under the Strat Plan 4 is to ensure that victims/survivors are fully protected and are not arrested, punished or detained for acts which they have been compelled to commit.
79.g. population groups benefiting from these measures and the relevant forced labour practices:	Trafficked victims and survivors

Cooperation with other Member States, international / regional organizations or NGOs

81. Does the Government cooperate with other member States, international and regional organizations, or non-	Yes
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<p>governmental organizations to achieve the effective and sustained suppression of forced or compulsory labour? [5.1]</p>	
<p>82. Description of the modalities of this cooperation. [5.2]</p>	<p>Philippine-United Arab Emirates (PH-UAE) Memorandum of Understanding (MOU) on Cooperation in Combating Human Trafficking. The MOU institutionalized the two countries' respective obligation to strengthen the preventive and protective campaign against human trafficking, as well as to streamline efforts in ensuring the protection of men, women, and children against the menace and evils of human trafficking. Subsidiary Arrangement with the Government of Australia in relation to the implementation of the ASEAN-Australia Counter Trafficking (ASEAN-ACT) Program, a 10-year investment that continues Australia's long running collaboration to end human trafficking in the Philippines. The program principally works on strengthening the justice sector's response to human trafficking. ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP) was signed by the ASEAN Leaders at the 27th ASEAN Summit in November 2015. The Philippines, in its capacity as the SOMTC Voluntary Lead Shepherd on TIP, lead the development and implementation of the ASEAN Multi-Sectoral Work Plan 2016-2020 (the Bohol Work Plan). In 2021, it has commissioned the review of Bohol Work Plan to assess its implementation and is now finalizing the Second ASEAN Multi-Sectoral Trafficking in Persons Work Plan 2022-2027 through a series of consultation meetings held from March to October 2022. United States and Philippines Child Protection Compact (CPC) partnership, a 4-year partnership (2017-2021) which provides the obligations of US and Philippine Government to implement shared plans that intend to improve Philippine Government and Civil Society Organizations capacity to prevent online sexual exploitation of children and child labor trafficking. MOA with International Justice Missions on Data Harmonization Project. MOA with World Vision on Project Against Child Exploitation (Project Ace). IACAT has forged formal or informal partnership with the following NGOs: - Partnership for Development Assistance in the Philippines - Plan International, Philippines - Blas Ople Policy Center - The Asia Foundation - Coalition Against Trafficking in Women Asia Pacific (CATWAP)</p>

CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL

According to the social partners and the Government

Employers and workers' organizations

<p>86. Main obstacles encountered by your country with regard to realizing the principle of effective and sustained suppression of all forms of forced labour through prevention, victim protection and access to remedies [8]</p>	<p>a) Lack of awareness, b) Lack of information and data, c) Social values, cultural traditions, d) Social and economic circumstances, e) Political situation, f) Shortcomings in the legislative framework, i) Challenges linked to migration policies</p>
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TECHNICAL COOPERATION NEEDS

Request

87. Does your Government think that it should establish technical cooperation activities with the ILO or pursue those that already exist for the prevention and effective suppression of forced or compulsory labour, victim protection and access to remedies? [9.1]

Yes

88. The needs in this area by level of importance (not important, less important, important, most important) [9.2]

- b) Awareness-raising and mobilization activities => Most Important
- c) Collection and analysis of data and information => Most Important
- d) Guidance on the development of the national policy and plan of action => Most Important
- e) Strengthening the legal framework => Most Important
- f) Capacity building for the competent authorities => Most Important
- g) Inter-institutional coordination => Most Important
- h) Promotion of fair recruitment and placement practices => Most Important
- i) Promotion of fair migration policies => Most Important
- j) Vocational training, job-creation and income-generation programmes for at-risk populations => Most Important
- k) Basic social security guarantees => Most Important
- l) Guidance on supporting due diligence => Most Important
- m) Capacity building for employers' and workers' organizations => Most Important
- n) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations => Most Important

89. Additional information on the top three needs that you have identified in the elimination of forced labour or compulsory labour. Please provide URL(s) to any other information you may deem necessary.

1. Further support how to ensure coordinated efforts among key government agencies and organizations to strengthen effective enforcement of related laws and policies.
2. Improve awareness of key players and implementers on the extent of the issues.
3. Need to identify priority areas to work on based on the challenges and issues identified considering

the resources constraints both budget and capacity of concerned government agencies.