

PHILIPPINES (2017)

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

REPORTING	Fulfillment of Government's reporting obligations	YES.	
	Involvement of Employers' and Workers' organizations in the reporting process	AR 2017: YES, according to the Government: the Employers Confederation of the Philippines (ECP), the Trade Union Congress of the Philippines (TUCP), the Sentro ng mga Manggagawang Nagkaisa, and the Federation of Free Workers (FFW) have been consulted through the communication of the Government's report.	
OBSERVATIONS BY THE SOCIAL PARTNERS	Employers' organizations	No.	
	Workers' organizations	No.	
EFFORTS AND PROGRESS MADE IN REALIZING MEASURES TARGETED BY THE PROTOCOL	Ratification	Ratification status	Philippines has not yet ratified the Protocol of 2014 (P029) to the Forced Labour Convention.
		Ratification intention	2017 AR: The Government indicated that the impediments concerning the ratification of the 2014 Protocol to Convention No. 29 relate to the necessity of the State to provide accessible remedies to the victims of force labor (i.e. Trafficking in Persons). There is still a compulsion to promulgate, through Statute or National program, a mechanism, which will educate, protect, and give justice to vulnerable migrant workers. These problems will be a hindrance to progressive compliance of the Protocol, as such in the immediate compliance with its "Mother" Convention. However, the ratification of the Protocol is likely.
	Existence of a policy and / or plan of action for the suppression of forced or compulsory labour	<p>2017 AR: The Government specified that there are national policies and plans of action for preventing all forms of forced labour and for combatting trafficking-in-persons for purposes of forced labour.</p> <p>The following are the national policies/plans that aim at realizing the principle of effective and sustained suppression of all forms of forced or compulsory labor: a) the 1987 Philippine Constitution; b) the Republic Act No. 10364, amending RA 9208, otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2012"; c) the Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act"; d) the Executive Order No. 53. " Strengthening the Committee for the Special Protection of Children, amending E.O. No. 2758 series of 1995; e) the Republic Act No. 9231, "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610,as amended, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"; f) Department Order No. 65-04 (DOLE) which serves as the implementing rules and regulations of RA 9231, amending RA 7610; g) the Republic Act No. 10361, otherwise known as the "Domestic Workers Act" or "Batas Kasambahay"; h) the Republic Act No. 10022, otherwise known as, "An Act Amending Republic Act No. 8042, Otherwise Known As The Migrant Workers And Overseas Filipinos Act Of 1995, As Amended, Further Improving The Standard Of Protection And Promotion Of The Welfare Of Migrant Workers, Their Families And Overseas Filipinos In Distress, And For Other Purposes"; and i) the Presidential Decree No.</p>	

	<p>442, as amended, otherwise known as the "Labor Code of the Philippines".</p> <p>The following are the relevant national policies for combatting trafficking in persons for the purposes of forced and compulsory labour: a) the Republic Act No. 10364, otherwise known as the "Expanded Anti-Trafficking in Persons Act of 2012"; b) the Republic Act No. 7610, otherwise known as the "Special Protection of Children Against Abuse, Exploitation and Discrimination Act"; c) the Republic Act No. 9231, "An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act No. 7610,as amended, otherwise known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"; d) the Revised Penal Code (Act No. 3815); e) the Republic Act No. 9344, otherwise known as the "Juvenile Justice and Welfare Act of 2006"; f) the Act No. 1459, otherwise known as " The Corporation Law"; g) the Republic Act No. 6955, "An Act to Declare Unlawful the Practice of Matching Filipino Women for Marriage to Foreign Nationals on a Mail Order Basis and Other Similar Practices, Including the Advertisement, Publication, Printing or Distribution of Brochures, Fliers, and Other Propaganda Materials in Furtherance Thereof and Providing Penalty Therefore"; h) the Republic Act No. 9775, otherwise known as the "Anti-Child Pornography Act of 2009"; i) the Department Order No. 2, Series of 2012 (DOLE). Manual of Procedures in Handling Complaints on Illegal Recruitment and Trafficking in Person; j) the Constitution of the National Child Labour Committee which coordinates national efforts to combat child labour under DOLE and promote information sharing at the national level and is replicated at the regional and provincial levels; and k) the Revised Penal Code (Act No. 3815).</p>
Measures taken or envisaged for systematic and coordinated action	
Measures taken or envisaged to prevent all forms of forced labour	2017 AR: According to the Government, the measures taken or envisaged include: a) Information, education and awareness raising targeting especially people in vulnerable situation and employers; b) Regulation and supervision of the labour recruitment and placement process; c) Addressing the root causes that perpetuate forced labour; d) Promotion of safe and regular migration; and e) poverty alleviation, as stipulated under the Republic Act No. 8425, "Social Reform and Poverty Alleviation Act."
Measures taken or envisaged to protect victims of forced labour	2017 AR: The Government indicated that measures have been taken or envisaged; however these have not been specified.
Measures taken or envisaged to facilitate access to remedies	2017 AR: According to the Government, the following measures have been taken or envisaged: 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; and h) Provision of penalties such as the confiscation of assets and criminal liability of legal persons.
Non-prosecution of victims for unlawful acts that they would have been forced to carry out	
Cooperation with other Member States,	2017 AR: The Government indicated that it cooperates with other member States, and international, regional and non-governmental organisations. The Republic Act No. 9208, otherwise known as "Anti-

	<p>international / regional organizations or NGOs</p>	<p>Trafficking in Persons Act of 2003" recommends measures to enhance cooperative efforts and mutual assistance among foreign countries through bilateral and/or multilateral arrangements to prevent and suppress international trafficking in persons. The Rules and Regulations Implementing Republic Act No. 9208, otherwise known as the "Anti-Trafficking in Persons Act of 2003", under its Article XIII, Section 51, International Cooperation, states that "the Council in close coordination with the DFA and other concerned agencies, shall promote cooperation, technical assistance and partnership among governments and regional and international organizations on the following aspects: a) Prevention, protection, prosecution, repatriation and reintegration aspects of trafficking in persons, especially women and children; b) Systematic exchange of information and good practices among law enforcement and immigration authorities; c) Prevention, detection, investigation and prosecution of trafficking in persons, including the protection of victims through exchanges and joint training at the bilateral, regional and international levels, between and among relevant officials including police, judges, prosecutors, immigration officers, other law enforcement agents as well as consular authorities; and d) Repatriation of victims of trafficking with due regard to their safety and in consideration of humanitarian and compassionate factors."</p>	
	<p>Promotional activities</p>		
	<p>Special initiatives/Progress</p>		
<p>CHALLENGES IN REALIZING MEASURES TARGETED BY THE PROTOCOL</p>	<p>According to the social partners</p>	<p>Employers' organizations</p>	
		<p>Workers' organizations</p>	
	<p>According to the Government</p>	<p>2017 AR: The Government identified various challenges which include the following: a) lack of established mechanism for actual data collection and interpretation; b) culture of patience by the citizens of the Philippines as well as the master-slave mentality; c) inequality and inequity in the distribution of opportunities and resources; d) adverse political climate induced by the current administration; e) reactive lawmaking; f) budget allocation is not prospective to provide new frameworks; g) current advocacies for fair recruitment being impaired by current recruitment agencies; h) "Relevant" international forum and discussions pertaining to international migration practices are mere talks and paper outputs; and i) manpower designation to enforce national policies/programs: the State may have manpower but they are either incompetent, inadequately trained, or apathetic to the situation.</p>	
<p>TECHNICAL COOPERATION NEEDS</p>	<p>Request</p>	<p>2017 AR: The Government indicated the need for technical cooperation with the ILO in the following areas:</p> <p>i) <i>More important:</i> a) Awareness-raising and mobilization activities; b) Collection and analysis of data and information; c) Strengthening the legal framework; d) Capacity building for the competent authorities; e) Promotion of freedom of association and collective bargaining to enable at-risk workers to join workers' organizations; f) Basic social security guarantees; g) Capacity building for employers' and workers' organizations; h) Guidance on supporting due diligence; i) Assessment, in cooperation with the ILO, of the obstacles identified and their impact on the realization of the principle; and j) Promotion of fair recruitment and placement practices.</p> <p>ii) <i>Less important:</i> a) Guidance on the development of the national policy and plan of action; b) Vocational training, job-creation and income-generation programmes for at-risk populations; and c) Exchange of experiences between countries or regions; international cooperation.</p>	
	<p>Offer</p>	<p>NIL.</p>	