

# MATRIX 2: SUGGESTED LEGISLATIVE REQUIREMENTS NECESSARY FOR SUCCESSFUL PROSECUTION, PROTECTION OF VICTIMS AND EXTRA-TERRITORIAL COOPERATION IN RELATION TO PEOPLE SMUGGLING, TRAFFICKING IN PERSONS AND RELATED TRANSNATIONAL CRIME

## KEY

Interception strategies (column 4) includes listening devices or other special investigation techniques

## PHILIPPINES

CRIMINALISATION OF PS AND PT		EXTRADITION and MUTUAL ASSISTANCE LEGISLATION		INTERCEPTION STRATEGIES	CRIMINALISATION OF PROCEEDS OF CRIME AND MONEY LAUNDERING	CRIMINALISATION OF THE PROCUREMENT AND/OR PRODUCTION OF FRAUDULENT DOCUMENTS
<b>PS</b>	<b>PT</b>	<b>Extradition legislation</b>	<b>Mutual Assistance legislation</b>	<b>Special investigation techniques including listening devices</b>	<b>POC</b>	<b>ML</b>
<b>Conspiracy</b>	<b>Conspiracy</b>					
<b>Attempting</b>	<b>Attempting</b>					
<b>Aiding/Abetting</b>	<b>Aiding/Abetting</b>					
<b>Organised crime</b>	<b>Organised crime</b>					
<b>Commercial carrier responsibility</b>	<b>Commercial carrier responsibility</b>					
<b>Extra-territoriality</b>	<b>Extra-territoriality</b>	<b>Treaty required</b>	<b>Treaty required</b>			
<b>PENALTY</b>	<b>PENALTY</b>	<b>National s</b>	<b>Dual Criminality</b>	<b>Application to trafficking/smuggling</b>	<b>Application to trafficking/smuggling</b>	<b>Application to trafficking/smuggling</b>
		<b>Any bars to PS and/or PT</b>	<b>Any bars to PS and/or PT</b>			
<b>Criminalised</b>	<b>Criminalised</b>	Presidential Decree No 1069 (13 January 1977)	Presidential Decree No 1069 (13 January 1977)	Anti-Wire Tapping Law	<b>Y</b>	<b>Y</b>
Organised crime if committed by a syndicate, described as 3 people or more	Organised crime if committed by a syndicate, described as 3 people or more					
No commercial carrier responsibility	No commercial carrier responsibility					Y – see definition of people smuggling and trafficking  The Department of Foreign Affairs shall take necessary measures for the efficient implementation of the Machine Readable Passports to protect the integrity of Philippine passports, visas and

No extra-territoriality	No extra-territoriality	TR	TR				other travel documents to reduce the incidence of trafficking through the use of fraudulent identification documents (Art 16, Anti-Trafficking in Persons Act 2003)
th people eking	Any person found guilty of committing any of the acts enumerated in Section 4 shall suffer the penalty of imprisonment of 20 years and a fine of not less than 1	Extradition of nationals allowed	Dual criminality not necessary		Anti-Trafficking in Persons Act 2003  Section 14: Confiscation and Forfeiture of the Proceeds and Instruments Derived from Trafficking in Persons In addition to the penalty imposed for violation of this Act, the court shall order the	Y	

	<p>million pesos but not more than 2 million pesos.</p> <p>Any person found guilty of committing any of the acts enumerated in Section 5 shall suffer the penalty of imprisonment of 15 years and a fine of not less than five hundred thousand pesos but not more than 1 million pesos</p> <p>If the offender is a foreigner he shall be immediately deported after serving his sentence and be barred permanently from entering the country.</p> <p>Art 11: Any person who buys or engages the services of trafficked persons for prostitution shall be penalised as follows:</p> <ul style="list-style-type: none"> <li>- First offence: 6 months of community service as may be determined by the Court and a fine of 50,000 pesos</li> <li>- Second and subsequent offences: imprisonment of 1 year and a fine of 100,000 pesos</li> </ul>				<p>confiscation and forfeiture, in favour of the government, of all the proceeds and properties derived from the commission of the crime, unless they are the property of a third person not liable for the unlawful act: Provided however that all awards for damages shall be taken from the personal and separate properties of the offender: Provided further that if such properties are insufficient, the balance shall be taken from the confiscated and forfeited properties.</p> <p>Where the proceeds have been destroyed, the offender shall be ordered to pay the amount equal to the value of the proceeds, property or instruments of the offence.</p> <p><i>NB: All fines imposed under this Act and the proceeds and properties forfeited and confiscated pursuant to s. 14 shall accrue to a Trust Fund to be administered and managed by the Council to be used exclusively for programs that will prevent acts of trafficking and protect, rehabilitate, reintegrate trafficked persons into the mainstream of society.</i></p>		
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<p><b>Philippine Center for Transnational Crime (1999)</b> Mandated to establish a shared central database among government agencies for information on criminals arrested and convicted on various transnational crimes, including trafficking in human beings.</p> <p><b>Shared Government Information System on Migration (SGISM)</b> Facilitate faster exchange of information between government agencies and makes response time faster (assistance provided by UN GPAT)</p> <p><b>FSC 207-98</b> Requesting missions to monitor and respond to cases of trafficking and initiate possible bilateral arrangements to address trafficking</p> <p><b>Sub-Committee on Human Trafficking of the National Law Enforcement Coordination Committee</b> Sharing data on human trafficking, briefing on actions being done by member agencies and adopt measures to strengthen a coordinated approach against the problem</p> <p><b>National Commission on the Role of Filipino Women</b> shall actively participate and coordinate in the formulation and monitoring of policies</p>	<p>Provides information sharing on traffickers/smugglers</p>	<p>Art 16, Anti-Trafficking Act 2003</p> <p>Department of Social Welfare and Development shall implement rehabilitative and protective programs for trafficked persons. It shall provide counselling 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</p> <p>Art 23, Anti-Trafficking in Persons Act 2003 – Mandatory services to trafficked persons To ensure recovery, rehabilitation and reintegration into the mainstream of society, concerned government agencies shall make available the following services to trafficked persons:</p> <ul style="list-style-type: none"> <li>- Emergency shelter or appropriate housing</li> <li>- Counselling</li> <li>- Free legal services which shall include information about the victims’</li> </ul>	<p>Temporary Visa Protection applied</p>	<p>Charges of prostitution, other criminal activities or illegal entry are dropped</p> <p>Art 17, Anti-Trafficking in Persons Act 2003: Trafficked persons shall not be recognised as victims of the act or acts of trafficking and as such shall not be penalised for crimes directly related to the acts of trafficking enumerated in this Act or in obedience to the order made by the trafficker in relation thereto. In this regard, the consent of a trafficked person to the intended exploitation set forth in this Act shall be irrelevant.</p> <p>Art 18, Anti-Trafficking in Persons Act 2003: Any trafficked person shall be entitled to the witness protection program provided therein</p>	<p><b>Office of the Undersecretary for Migrant Workers Affairs</b> is told of nationals abroad that have been trafficked</p> <p>Provide temporary refuge to such victims on their return (Filipino Workers’ Resource Centre)</p> <p>Investigative bodies alerted to the identity and whereabouts of the alleged recruiter and coordinates assistance upon the victim’s arrival in Manila with a view to convincing the victim to file appropriate charges against the recruiter</p> <p><b>Art 25, Anti-Trafficking in Persons Act 2003</b> The DFA, in coordination with DOLE and other appropriate agencies, shall have the primary responsibility for the repatriation of trafficked persons, regardless of whether they are documented or undocumented. If, however, the</p>	<p>New government program has been established to shelter and rehabilitate victims (see also inter-agency cooperation within country and Other)</p>	<p>Worker education programs (pre-departure orientation seminars) run by the Philippines Overseas Employment Administration (POEA)</p> <p>Migrants Advisory Information Network disseminates info to the public at ground level</p> <p>Guidance and Counselling</p> <p>Information and Watchlist</p> <p>Anti-Trafficking in Persons Act 2003, Art 16: Department of the Interior and Local Government shall institute a systematic information and prevention campaign and likewise maintain a databank for the effective monitoring, documentation and prosecution of cases on trafficking in persons</p>	<p><b>Art 19, Anti-Trafficking in Persons Act 2003</b> Trafficked persons in the Philippines who are nationals of a foreign country shall also be entitled to appropriate protection, assistance and services available to trafficked persons under this Act provided that they shall be permitted continued presence in the Philippines for a length of time prescribed by the Council as necessary to effect the prosecution of offenders.</p>	<p>Trafficked persons are considered under the category “Overseas Filipino in Distress” and may avail of the legal assistance created by Republic Act No. 8042</p> <p>Department of Foreign Affairs shall make available its resources and facilities overseas for trafficked persons regardless of their manner of entry to the receiving country, and explore means to further enhance its assistance in eliminating trafficking activities through closer networking with government agencies in the country and overseas, particularly</p>
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	Cooperation with Philippine immigration and national bureau of investigation in the event of deportation and repatriation of Filipino perpetrators								
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