



**Inter-Agency Council Against Trafficking
Republic of the Philippines**

**Lessons from COVID-19 in
responding to trafficking
in persons in times of crisis,
with a particular focus on
victim assistance**

**Australian
Aid** 

**ASEAN-Australia
Counter Trafficking**



*Developed in partnership with
ASEAN-Australia Counter Trafficking*

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Foreword

Trafficking in persons (TIP) is a crime with serious human rights implications that are accentuated during this COVID-19 crisis.

The current pandemic has drastically affected the lives of millions of people around the world. The massive scale of the outbreak and its sheer unpredictability make it more challenging for us to respond to situations of people vulnerable to trafficking. Community and border lockdowns, travel and mobility restrictions, budget cutbacks and other measures to curb the spread of the new coronavirus are exposing victims of human trafficking at risk of further abuse and exploitation and of being subjected to specific vulnerabilities, magnifying risk for already vulnerable groups of individuals, including women and children, with the perpetrators profiting and taking advantage of the pandemic. The shift of the venue of committing trafficking in persons to the cyberspace even before the onset of COVID-19 is highly noticeable and is exacerbated by the pandemic with the increasing prevalence of sexual exploitation online and the use of technology to facilitate criminal conduct.

With the view of assessing the impact and challenges that COVID-19 poses on the anti-trafficking responses in the Philippines while recognizing the importance of global efforts to respond to such an unprecedented crisis, the Inter-Agency Council Against Trafficking (IACAT) and the ASEAN Australian Counter Trafficking (ASEAN-ACT) launch this “Policy Brief”, authored by our renowned and esteemed international policy advisor and consultant on human trafficking – Dr. Marika McAdam.

The policy brief discusses the lessons from COVID-19 in responding to trafficking in persons in times of crisis, with a particular focus on victim assistance. Two (2) round table discussions, followed by a survey on the sixty-six (66) state and non-state stakeholders/players were conducted, to aid the author in her analysis and assessment of the existing approaches and mechanisms in place in our country. This brief reveals the huge impact

of the COVID-19 pandemic on the country's anti-trafficking responses especially efforts to provide, extend and give protection and assistance to the victims of trafficking. It clearly captures the multifaceted effects of the pandemic bringing forward significant policies and measures to be adopted in addressing the pressing matter on continued victims' assistance and protection amidst the threats of COVID-19. This research-based approach tackles the impact of the crisis to human trafficking in all dimensions - economic, structural, gender, criminal and health.

More importantly, the policy brief provides a practical guidance to the government of the Philippines and its implementing arms, including the Department of Justice, through IACAT, and other partner agencies, in navigating the existing opportunities and avenues to escalate and enhance victim support and assistance and to mitigate the risks of COVID-19 or any crisis to the victims of trafficking towards safeguarding their rights in times of economic and health constraints which would best fit their circumstances. It gives a clear assessment and analysis on how the socio-economic consequences of the pandemic will exacerbate the vulnerabilities to trafficking, posing a further threat not only to actual victims, but also to people at risk of being trafficked. All the specific key areas of concern and its effect on human trafficking responses on identification and referral, protection and assistance, investigation, prosecution, return, repatriation and reintegration and prevention are being highlighted.

Towards the end of the brief, the author gives a powerful analysis of the current situation, clearly laying out and proposing actionable recommendations and policies to be adopted in the wake of the pandemic –

- 1) for our government to enact and establish policies that will sustain counter-trafficking work during crisis,
- 2) ensure that responses are gender-sensitive and inclusive,
- 3) strengthen multi-agency cooperation mechanisms and protocols,
- 4) adapt working methodologies and mechanisms to crisis context, and
- 5) learn from crisis through research and data collection.

These proposed measures could forge a new path which the government can align its anti-trafficking policies at all times, with or without the pandemic.

This unfolding crisis is way from over and will continue to affect the norms of our lives and will shape our anti-trafficking responses to these challenging times. We need to increase advocacy and policy guidance in identifying key areas of concern and in developing responses to address the impact of any crisis to facilitate global policy coherence, in partnership with other stakeholders.

Despite the many challenges that the COVID-19 pandemic has thrust upon the Philippines and the rest of the world, the Philippine government remains committed and even intensifies its efforts to combat human trafficking in all its forms. Let this crises be an opportunity for us to strengthen partnerships, improve coordination, maximize the potential of existing structures, and develop new systems and disaster response protocols that will enable us to meet the next crises stronger and better prepared.



Undersecretary EMMELINE AGLIPAY-VILLAR
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Background and Methodology

To better understand the impact of COVID-19 on human trafficking and responses to it in the Philippines, ASEAN-Australia Counter Trafficking convened two online roundtable consultations with key stakeholders on the 7th and the 20th of May 2020, involving 29 and 30 participants respectively. An electronic questionnaire was also disseminated, which 7 people responded to. The online roundtable discussions were held and the surveys were received on the basis of confidentiality; accordingly, the individuals who participated in this process and the organizations they represent are unnamed in this Policy Brief. ASEAN-Australia Counter-Trafficking is grateful to the 66 people, representing both state and non-state actors in the Philippines, who generously gave their time and their intellect to contribute to this initiative.

The purpose of this Policy Brief is to capture and consolidate the experiences shared and insights offered by these counter-trafficking stakeholders in the Philippines. It addresses areas of counter-trafficking from identification and referral through to prevention, with particular attention given to the challenges of victim assistance, both as a standalone issue, as well as one that interrelates with all other areas of counter-trafficking work.

In times that change as rapidly as these, this Policy Brief makes no pretensions to comprehensiveness, but rather offers a snapshot of the situation as counter-trafficking practitioners have experienced it up to mid-way through 2020. The considerations and recommendations that emerged on the basis of practitioner inputs and insights are offered to counter-trafficking policy makers towards adapting and sustaining their efforts to confront human trafficking during this crisis, and preparing for the next one.



01.

Impact of the crises on human trafficking

Barely any area of human activity is untouched by COVID-19. In the human trafficking context impact has been felt quickly and deeply as vulnerability to trafficking increases while capacity to address it retracts. Experts pointed to a range of intersectional vulnerability factors, including the economic, structural, gender, criminal and health dimensions that interact in complex ways as the crisis unfolds, and that human traffickers take ready advantage of. The fact that these vulnerabilities existed before the current crisis, and are exacerbated by it now, speaks to the need for States to address underlying vulnerability to trafficking in persons as a core component of crisis resilience.

1.1. Economic dimensions

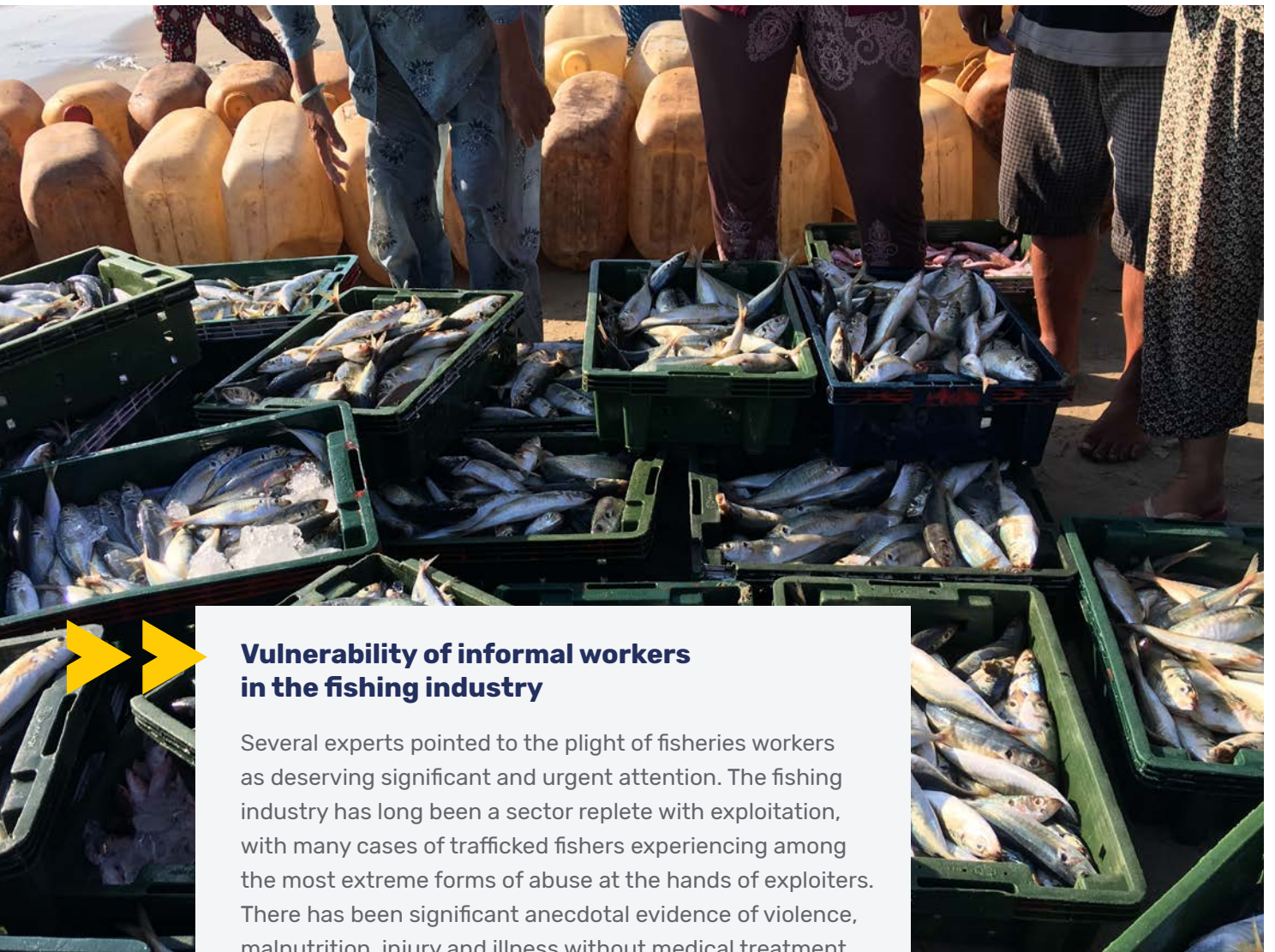
The global economic fallout of the pandemic continues and will do for an indeterminate period ahead. Within the Philippines, job losses caused by travel restrictions and closure of non-essential business and other measures put in place to curtail the spread of COVID-19 (including through Enhanced Community Quarantine, or ECQ measures) have resulted in economic strain, heightening vulnerability to trafficking as a result.

As a country heavily reliant on remittances from Overseas Filipino Workers, who are considered national heroes for the development of their country, shocks not only within the country but also in countries that host Filipino migrant workers, have significant economic impact on the Philippines. By way of example, the sudden drop in oil prices globally was pointed to as resulting in strained conditions in the Middle East, being the main market for Philippine workers. This has reportedly had a detrimental impact on working conditions for Philippine Overseas Filipino Workers, with significant reduction of wages (reportedly by 40%) adding further to their vulnerability.

Many overseas workers were in precarious situations before the crises, some even subject to abuse and exploitation, including in the Middle East. Stakeholders are concerned now that lockdowns in countries where Overseas Filipino Workers are living and working may exacerbate abusive situations and reduce opportunities to leave them. Diminishing working conditions have been particularly observed in the case of household service workers. People employed in domestic settings, the majority of whom are women, have reported maltreatment, non-payment of their salary, forced labour, debt bondage, reduced provision of food and basic needs, and other contractual violations.

As remittances from Overseas Filipino Workers decline or cease altogether, migrant workers and the families depending on them face increasing hardship, particularly where they are not eligible for government relief to meet their basic needs. This was true before the crisis, but assistance is now rendered less accessible meaning that people become vulnerable to potentially exploitative situations not only abroad but also domestically.

Particularly in informal sectors that are vulnerable to job-losses, low-income households are acutely affected; for people who were already in precarious employment situations and barely meeting basic needs, unemployment or under-employment can quickly result in poverty. Those in hidden or hard-to-regulate sectors grow increasingly dire. Many of the most heavily impacted people are informal workers who do not have access to social safety nets, but instead must find alternative ways to meet their basic needs as well as those of their families. The options available to them may be risky, as they become more susceptible to the offers of informal or even illegal recruiters and exploitative employers, or even resort to engaging in illegal activities to ensure the families' survival. Indeed, for families in the Philippines who are heavily or even wholly reliant on income from overseas, the impact can be severe and sudden, with their vulnerability also rising too as finding other means of survival become necessary.



Vulnerability of informal workers in the fishing industry

Several experts pointed to the plight of fisheries workers as deserving significant and urgent attention. The fishing industry has long been a sector replete with exploitation, with many cases of trafficked fishers experiencing among the most extreme forms of abuse at the hands of exploiters. There has been significant anecdotal evidence of violence, malnutrition, injury and illness without medical treatment, and even murder of fishers at sea, very often in the context of Illegal, Unreported and Unregulated (IUU) fishing. The onset of COVID-19 and reduced patrols, has resulted in a spike in illegal fishing. At the same time, demand for fish has decreased due to the closure of many markets and restaurants, and Enhanced Community Quarantine (ECQ) restrictions have raised the cost of transportation of fish catches, particularly for small-scale fishers. The resulting loss of income exacerbates vulnerability of fishers, many of whom are informal workers lacking economic and social protection. As a result, they become highly vulnerable to exploitative offers, and are at significant risk of falling into situations of debt bondage that may keep them in exploitative or abusive situations, potentially even after the crisis has passed. Experts also noted that fishers live and work in conditions that not only expose them to risk of exploitation and abuse, but in the context of this particular crisis, expose them to risk of exposure to contracting COVID-19 with little recourse to support in the event that they do fall ill, perpetuating the cycle of economic fragility.

The flipside to the economic vulnerability of some people is the relative economic power of those demanding exploitative work and services. Examples include the continuing demand for household service workers including both domestic and childcare workers, from those who can continue to work from home during lockdown periods.

In short, the power dynamics at play in the economics of exploitation (and its intersections with dimensions of vulnerability) are brought into sharp clarity in the context of COVID-19. To redress this power imbalance, fair working conditions for all workers, whether in formal and informal sectors, as well as access to social protection benefits are essential components to reducing vulnerability to exploitation. This was true before the crisis, will remain so after it has passed, and is starkly highlighted now in the midst of it.

1.2. Structural dimensions

As mechanisms in place to support workers and protect them from exploitation weaken in the face of crisis, or prove insufficiently adaptable, the structural impacts of the crisis become clear too. Many people - victims of trafficking among them - are stranded overseas or in limbo as migration and recruitment processes are stalled by travel restrictions. In the opposite direction, workers on their way home have also been stranded or subject to hastily executed repatriation processes, that may return them in a way that does not provide sufficient support. Notably, the structures in place to identify victims of trafficking and to ensure they have access to justice to seek compensation and bring civil or criminal claims against exploiters are strained.

Measures taken in response to COVID-19, including lockdowns, have meant that Overseas Filipino Workers who want to leave their employers may be practically unable to because of curfews imposed, or border closures, or flight cancellations and travel restrictions that do not allow them to return home. In the reverse direction, some people who are seeking to take up work abroad are now unable to. Private recruitment agencies that ethically recruit Overseas Filipino Workers may close if work and travel restrictions do not lift, leaving space for illegal and unethical recruitment agencies to fill, and providing fertile ground for human traffickers to take advantage of as risky pathways to employment become more appealing for destitute people. These concerns point to the need to ensure that crisis-related trafficking risks are recognized and mitigated in recruitment and employment practices.

Conflict-related human trafficking may become more fraught as a result of crises; people living in conflict-affected areas have less access to services as crisis impedes response, leaving those who were already vulnerable to exploitation - including children recruited into armed conflict - at heightened risk. The linkages between trafficking in persons with forms of violent extremism have been well documented and widely acknowledged. The onset of COVID-19 adds another layer of complexity to this already difficult picture.

Even at the height of the pandemic, violent attacks continued to take place in parts of the world, including in the Philippines. There is a risk that criminal actors who traffic people - girls and boys among them - into forms of exploitation that are directly related to conflict (for instance, as child soldiers) or indirectly (trafficking for sexual exploitation into conflict-affected regions), will take advantage of diverted attention and the barriers imposed on counter-trafficking responses to continue or even step up their criminal activities.

1.3. Gender dimensions

Tied to economic and structural dimensions, are the gender dimensions of vulnerability; men, women, boys and girls are all vulnerable to human trafficking, yet in many countries including the Philippines, duty bearers may take an approach that leaves some victims of trafficking under-served. Understanding how gender dimensions change in a crisis context and adapting to those changes is vital for gender-responsive counter-trafficking interventions.

Women and girls who were vulnerable to certain types of exploitation before the current crisis, remain so now. As mentioned above, household service workers, who are primarily female, whether domestic or childcare workers, and in high demand, particularly as many employers work from home. In some cases, the demands placed upon them have increased as a result of changed circumstances in the households they work and sometimes also live in. Where lockdowns result prevent domestic workers from leaving the home during their time off, pressures of being confined with their employers intensify, and they are denied important opportunities to socialise and support each other and collectively organize to advance and promote their rights.

Similarly, demand for sexual exploitation (being a form of exploitation that primarily though not exclusively impacts females), remains, though the nature of the crisis has shifted the format from in-person to online consumption. Also of note in respect of the vulnerability of females, is the increased gender-based violence in domestic settings that has increased during lockdown, gender-based violence being an underlying driver of trafficking in persons.

The gender issues at play in the vulnerability of men and boys to exploitative working conditions, emerge from the expectations imposed upon males as heads of household and providers for their families, rendering them particularly susceptible to offers of exploitative employment. As noted above, as a rising number of men become unemployed, traffickers have a growing pool of vulnerable people to target for recruitment. In some sectors, the majority of people exploited are men and boys, notably in forced labour in agriculture and the fishing industry. Boys are also at increased risk of abuse and exploitation as a result of the crisis; as schools close and pressure to support struggling families mounts, boys may join their fathers in precarious work including in the fishing industry.

Stakeholders also point to a significant challenge that male victims of trafficking and other forms of exploitation face; as elsewhere in the world, more attention is typically given in the Philippines to the plight of women and child victims of trafficking, and has primarily focused on human trafficking for the purpose of sexual exploitation (including online forms), and involving gender-based violence (the primary victims of which are women and girls). Measures to identify, protect and assist male victims of exploitation particularly in informal sectors were recognised as having been insufficient before the crisis and remaining so now, indicating a key area of counter-trafficking that is in need of strengthened gender-responsiveness and inclusivity.

1.4. Criminal dimensions

Some 'traditional' forms of exploitation are harder for traffickers to achieve in a crisis situation, for instance, when entertainment and hospitality venues close down as they have now, during lockdown. However, traffickers rapidly adapt, and invent new ways to profit from human vulnerability. Through a conflation of factors, sexual exploitation that once took place in person, is now taking place online, shifting criminal exploitation from being venue-based to also being an internet-based activity.

The closure of non-essential businesses and the prohibition of social activities have left a significant portion of the population with limited or no income, spending more time online. Criminals have a growing pool of vulnerable people to exploit and a captive 'audience' of consumers spending more time online at home. The role that pornography providers have played in drawing audiences to their sites was also pointed to as also having a linkage with sexual exploitation and in need of further enquiry; there have been reports of images of victims of trafficking being uploaded onto sites like Pornhub (a pornographic video sharing site) that made membership free in response to the pandemic.

In this context too, the online sexual abuse and exploitation of children (OSEC) was highlighted as a specific concern in the Philippines prior to the COVID-19 crises, and has become drastically more so now as a result of it. Again a range of factors have collided to increase their vulnerability.

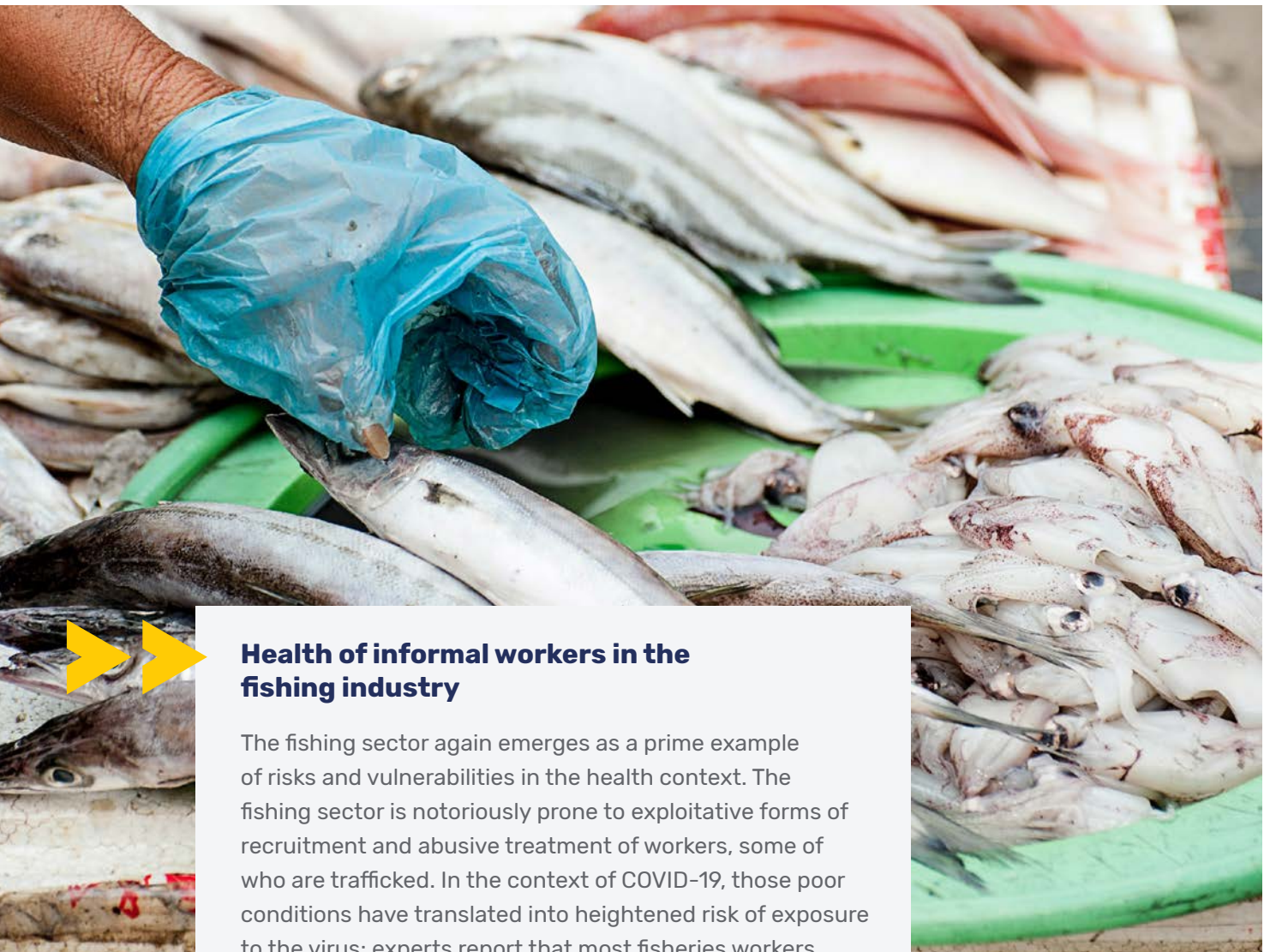
The time children spend online has increased owing to quarantine restrictions that keep them out of school and at home on screens. Children's access to the internet and contact with people online has also increased, with different apps and websites being popularized during the pandemic. The culture around the internet is also vulnerable to exploitation by criminals, as young people invest significant time and energy into their social media profiles, and aspire to online popularity or even fame. At the same time, children and young people facing challenging situations at home as their families and communities are affected by the crisis, often search for opportunities to augment their family's income, becoming susceptible to the opportunities that their desperate parents have resorted to, to replace lost income. This volatile combination is ripe for exploitation, and has manifested in a reported rise in online sexual exploitation of children in the Philippines, as desperate families respond to demand fueled by consumers of child sexual abuse material.

Criminal activities may flourish in other areas of activity too. Experts raised concerns that the partial opening of Philippine Offshore Gaming Operators (POGOs) will contribute to a rise in trafficking (whether for the purpose of forced labour or exploitation of the prostitution of others). The background of emerging evidence of involvement of corrupt officials in the operation of POGOs and linkages with POGOs and human trafficking for sexual exploitation, alongside a rise in economic desperation in both the Philippines and in China (where a significant number of POGO patrons and workers come from), speaks to the risk of exploitation during the COVID-19 crisis. At the same time, COVID-19-related measures including quarantine restrictions hamper law enforcement and regulation, such that criminal activities may be perpetrated with impunity as detection of criminals (both national and foreign) and identification of victims is obstructed. These concerns show that the Philippine Amusement and Gaming Corporation (PAGCOR) and the Philippine National Police (PNP) have a role to play as counter-trafficking partners who should be engaged to ensure that Filipino and foreign workers employed by POGOs are safe from trafficking and other forms of exploitation.

In addition to the rise in human trafficking activities mentioned above, concern was raised about a rise in other criminal activities. Participants mentioned official corruption including among criminal justice practitioners, as a pre-existing problem that is exacerbated by crisis. An example offered was that of corrupt law enforcers who maintain contact with victims of human trafficking, and subsequently extort them for sex. It is widely accepted that sexual exploitation of vulnerable people, with sex exchanged for food or other assistance, increases in times of crisis and extreme economic hardship, meaning that the economic fragility of many survivors of trafficking may make them vulnerable to being preyed upon now by corrupt officials. The inter-connectedness of economic, gender and criminal dimensions of vulnerability are apparent in such situations.

1.5. Health dimensions

Grafted onto the above challenges are the health-related aspects of the current crisis, that leave some people more vulnerable to contracting COVID-19, but less able to access services in the event that they do. Victims of trafficking and their family members may be unable to protect themselves from COVID-19, and may be made to continue to work or provide services in situations that put them at risk of exposure, including for instance, domestic workers who live with their employers, people who may be in situations of sexual exploitation involving physical contact with others, and victims of forced labour on production lines, manufacturing and other settings where social distancing is not implemented and personal protection equipment (PPE) is not sufficient.



Health of informal workers in the fishing industry

The fishing sector again emerges as a prime example of risks and vulnerabilities in the health context. The fishing sector is notoriously prone to exploitative forms of recruitment and abusive treatment of workers, some of who are trafficked. In the context of COVID-19, those poor conditions have translated into heightened risk of exposure to the virus; experts report that most fisheries workers including those on board fishing vessels, are very often not provided with personal protective equipment (PPE), and do not have sufficient opportunities to maintain hygiene standards. Nor are there facilities on board to test and treat persons who contract COVID-19, nor to quarantine infected persons. Excessive working hours, insufficient rest, inadequate food and nutrition and generally harsh conditions at sea can make them prone to injury and illness. As informal workers, fisheries workers lack social protection and health benefits, meaning they and the families who depend on them for their survival fall into increasingly precarious situations.

Without sufficient health protections in place for trafficked and other exploited persons, other parts of society are exposed to risk too. Several Overseas Filipino Workers have reportedly contracted COVID-19 and in turn exposed others. Practitioners report that women who are stranded in accommodation provided by recruitment and employment agencies have complained about accommodation becoming increasingly crowded, reducing opportunities to socially distance and observe hygiene standards in accordance with best practices to guard against contraction of COVID-19. Victims of trafficking in persons who have been identified and are receiving assistance and care, or are participating in criminal justice processes, are also at risk of exposure, whether because social-distancing measures are insufficiently applied in shelter-based care models, or during court proceedings where victims are testifying, or because of barriers they may face in accessing testing and treatment for COVID-19. Among those barriers are the concerns Overseas Filipino Workers may have about the consequences of being tested. Their fears that approaching authorities in host countries for testing may have a detrimental effect on their employment or their migration status, may dissuade them from seeking testing and treatment.

The above dimensions of vulnerability have been exacerbated in the current crisis. While this has manifested in ways that are specific to the COVID-19 pandemic, the vulnerability factors are the same ones that would be exacerbated in any other crisis, irrespective of its nature. Therefore, addressing the underlying factors that make particular people more vulnerable than others, is a key component of crisis-preparedness and resilience.



02.

Impact of the crises on human trafficking response

While human trafficking morphs in complex ways in the current climate of COVID-19, capacity to respond is also impacted. As with the vulnerabilities discussed above, many of the challenges that practitioners raised during the consultation process also pre-date the crisis but have become more fraught now in the midst of it. Discussions traversed the range of emerging challenges in counter-trafficking work, from identification and referral, through to investigation and prosecution, repatriation and reintegration as well as prevention.

Underpinning all these discussions was a firm commitment to the fact that the emergence of new challenges in assisting victims of trafficking does not change the nature of those obligations. In that spirit, practitioners offered examples of how they are working to innovatively overcome obstacles in their work and adapt their working methodologies, to ensure that victims continue to be assisted.

2.1. Identification and referral

Practical barriers for victims to proactively seek assistance:

While lockdown increases vulnerability of victims and potential victims, it also entrenches their isolation and reduces opportunities for them to actively seek assistance. Indeed, numbers of walk-in clients have reportedly reduced during lock-down. This consideration does not just apply in the Philippines, but also impacts Filipinos in other countries too (notably including in the Middle East), who are subject to movement and travel restrictions that limit their capacity to visit Philippine embassies and offices abroad.

Reduced opportunities to identify potential victims of trafficking:

Enhanced Community Quarantine (ECQ) measures put in place in response to the crisis in the Philippines and the ramifications of a public health emergency being declared (by Bayanihan 'Heal as One' Republic Act 11469, 23 March 2020) have interrupted the work of actors who were instrumental in identifying and referring potential victims of trafficking. Examples offered included mechanisms such as the Local Committee against Trafficking and Violence against Women and Children, the Local Council for Protection of Children (LCPC) and the Barangay Violence against Women Desks having to suspend their work. As a result, opportunities for potential victims of trafficking to come into contact with people who may identify them have reduced.

Reduced response capacity to identify and assist:

Furthermore, in practical terms it is difficult to arrange for the rescue and repatriation of an identified victim of trafficking where lockdowns make access to them difficult, and local law enforcement resources are diverted elsewhere. Within the Philippines, on-site assessment is no longer feasible in the context of some of the ECQ measures in place. Similarly, the number of Interagency Council Against Trafficking (IACAT) Overseas Filipino Worker Task Forces stationed at the airport has reduced as more staff work from home, reducing their contact with people who potentially need to be identified and referred. While some opportunities for contact with potential victims among Overseas Filipino Workers exist remotely, including online, it is not clear whether the detailed and complex work needed to build trust and rapport in order to identify potential victims, can be as effectively achieved when interactions do not take place in person. Similarly, strained resources and quarantine requirements to screen Overseas Filipino Workers mean that potential victims of trafficking are not be effectively identified among them.

New opportunities for identification of victims of trafficking:

Practitioners spoke of the need to advocate for focal points on violence against women and children in each barangay to play an enhanced role in identification and referral of potential victims of trafficking. Effectively achieving this would require that they be sensitized to gender-based violence risks, and linkages of gender-based violence with potential trafficking in persons. For instance, women and child protection sections of the Philippine National Police (PNP) can also be supported in their work, by being provided with updated indicators of potential human trafficking to be in gender-based violence situations, that have been adapted to changed crisis contexts. Similarly, health care professionals who come into contact with potential victims of trafficking in the course of their work responding to the crisis could also be sensitized to human trafficking risks. Such actors could be equipped with indicators of human trafficking, and potentially accompany persons identified as potential victims to the Philippine National Police (PNP) or otherwise refer them for further screening.

Practical barriers to referral of victims and potential victims of trafficking:

Even where identification of victims can take place, the pathways they can be referred to, have been impacted by the COVID-19 measures. Referral mechanisms are often not adaptive to the changed circumstances resulting from crises and so become less effective at such times. In the case of this particular crisis, some shelters in the Philippines have introduced new policies in relation to acceptance of referrals.

Policy recommendations:



- ▶ Prioritize the screening and identification of victims of trafficking in informal sectors, including by bringing to bear the Department of Labour and Employment (DOLE), the Department of Social Welfare and Development (DSWD) as well as the Inter-Agency Council against Trafficking (IACAT) to review and revise identification and referral policies, procedures and protocols.
- ▶ Prioritize the screening and identification of Overseas Foreign Workers both overseas and upon their return, to identify potential trafficked persons among them.
- ▶ Adapt national and local referral mechanisms to crisis contexts, including by considering how referral can continue to take place in light of changed circumstances and working methodologies.
- ▶ Consult with key partners and collaborators on any changes to identification and referral policies and procedures, and where possible, discuss and agree on such changes in consultation with key stakeholders, and ensure that all relevant stakeholders are informed of any changes made.
- ▶ Sensitize stakeholders responding directly or indirectly to the crises on human trafficking issues, so they can play a role in identification and referral of potential victims of trafficking they may encounter in their work.
- ▶ Equip crisis-response actors with indicators of human trafficking and up-to-date contact information to refer potential victims for further screening.
- ▶ Equip helpline / hotlines for trafficking in persons with relevant and up-to-date information about referral for screening in changing circumstances
- ▶ Equip first responders, including law enforcement officers and others who may come into contact with potential victims of trafficking or others who proactively work to identify victims of trafficking both in the Philippines and among Overseas Filipino Workers, with personal protection equipment (PPE) as well as information on how to protect themselves and those they encounter from crisis-related risks and harms
- ▶ Continually communicate information about changed identification and referral policies and procedures to key stakeholders involved in referral mechanisms, so they can effectively and efficiently coordinate to accommodate those changes.
- ▶ Continually communicate accurate information to Overseas Filipino Workers about host country policies in addressing the crises, including government requirements and opportunities for testing and treatment, and possible impacts on their employment and migration status, as a result of being tested and/or the results of testing.

2.2. Protection and assistance

Human trafficking has shifted as a priority:

The nature of the current crises has meant that life and death priorities have taken precedence over trafficking considerations. While practitioners point out that human trafficking can also be a life and death issue, in practice, social services have shifted to prioritizing protection of the wider population from the virus and meeting their basic needs. This shift has resulted in funds from the Department of the Interior and the Local Government (DILG) budget being re-allocated to address COVID-related issues, including emergency healthcare and social support including social amelioration subsidies. Accordingly, both state and non-state practitioners report reduced funding for victim assistance programmes, as well as depleted human resources as national and local level government officials divert attention from counter-trafficking to now focus their efforts on curtailing the spread of COVID-19 and supporting those who have been infected or otherwise affected.

Access to assistance and counter-trafficking services:

As elsewhere in the world, travel restrictions and lockdown measures have meant that service providers in the Philippines have been unable to deliver services in the way they once did, resulted in reduced access to immediate assistance for victims and potential victims of trafficking. At the same time, demand for assistance services, including from the influx of returning Overseas Filipino Workers, has strained the capacity of government and other stakeholders. Counter-trafficking project activities have also been postponed or changed in light of logistical challenges imposed by measures in place to curtail COVID-19. Overseas Filipino Workers who are outside the Philippines, including victims of trafficking among them, may face barriers to accessing assistance owing to their migration status, as may foreigners who are in the Philippines. Specifically, people who are in irregular situations may not be able to receive social welfare or other assistance.

Good practice in adapting service delivery to crisis context



Practitioners from a counter-trafficking project implemented by an international humanitarian non-state stakeholder that is active on the ground in the Philippines, shared insights on how they have adapted their counter-trafficking response in light of COVID-19 to reduce gaps in protection and assistance.

► **Draft a comprehensive response plan:** The project drafted a response plan addressing issues including risk communication, community engagement and humanitarian relief.

► **Learn from and build upon earlier experiences in responding to crises:** The project drew from earlier experiences responding to crises, including earthquakes and typhoons, such as Typhoon Yolanda in 2013. It calibrates its response to each new crisis, to identify and address the needs of the communities and target beneficiaries within them.

► **Leverage partnerships:** The project leveraged its partnership network including national and local organizations, to extend the reach of its emergency response efforts, and coordinated with national government agencies so as to be able to better complement state efforts on the ground, avoid duplication of effort, and identify gaps in response.

► **Provide emergency response training:** The project conducts regular emergency response trainings for its staff. Significantly, this training is delivered not only to the core emergency response team but to others as well, to ensure that everyone is equipped with the required skills and knowledge to respond in times of emergency.

Access to medical and psychological care and counselling:

Services providers' reduced access to beneficiaries has been detrimental for victims of trafficking in need of follow up care during the pandemic. Many victims of trafficking who need to regularly access care (whether to receive psychological treatment and counselling as well as treatment for HIV, for example) are hampered in doing so during the lockdown; this is particularly the case for people living far from metro-Manila where resources are concentrated. Enhanced Community Quarantine (ECQ) measures make it difficult or sometimes impossible to physically access some victims because of border and travel restrictions or geographical barriers make certain islands inaccessible. The reduced availability of female doctors to carry out physical and medical examinations of female victims given their deployment in COVID-19 related facilities, was also offered as an example of a barrier in providing care, that has resulted in delays in processing newly identified victims.

Changed approaches to service provision:

Service providers have adapted the ways they provide assistance to victims of trafficking, including how they treat those suffering from post-traumatic stress, depression and other psychological conditions. Opportunities afforded by technology are being capitalized on, so victims can access support remotely via phone calls and messages, as well as online. Physical and psychosocial health services and advice are being provided online to Overseas Filipino Workers stranded in Manila and elsewhere, including in countries of destination. Practitioners acknowledged that these types of engagement have limitations relative to in-person physical visits, but emphasized that regular communication remains essential to ensuring that victims do not feel neglected and can also serve as a referral mechanism, as it allows for victims' concerns to be conveyed to victim witness coordinators and relayed on to concerned agencies.

Impact of changed working methodologies on services providers:

Providing physical and mental health services to victims requires that service providers remain physically and mentally healthy too. Even in non-crisis affected situations, service providers are required to perform extremely demanding and oftentimes draining roles. They are exposed to trauma, challenging behavior and situations that may result in caregivers suffering from psychological and emotional harm themselves, if not managed well. In response to the additional layer of challenge brought about by this crisis, stakeholders flagged the need for service providers to recognize their own level of stress, physical and emotional exhaustion and to seek support if they need to. It was also emphasized that programme managers should ensure that measures are put in place to check on the well-being of staff who are providing services to trafficked persons.

Adapting shelter-based assistance processes to crisis context:

Practitioners discussed the measures taken in trafficking shelters to reduce the risk of COVID-19 exposure through the introduction of social distancing measures. Mention was made that the nature of this crisis, being a global health pandemic, has resulted in some reticence on the part of shelter managers to admit new people who may expose existing residents to risks of infection. Measures put in place to reduce this risk include requiring people to be tested before being admitted, resulting in delays in victims accessing shelters.

Guidance has been issued to shelters on how to quarantine newly admitted victims from other residents of the shelter. Irrespective of any quarantine needs, community-based care as an alternative to shelter-based care is promoted as a best practice that can enable victims of trafficking to effectively reintegrate into the community. The importance of considering alternative models to shelter-based care is confirmed by the current crisis in which risks of infection are enhanced in closed and confined settings.

Policy recommendations:



For provision of assistance services to victims of trafficking:

- ▶ Capture lessons learnt about the vulnerability of workers in informal sectors and make efforts to expand protection and assistance services to trafficked and exploited people among them, are sustain those efforts post-crisis.
- ▶ Provide guidance and advice to service providers on how to effectively engage with people remotely, including via telephone, video-conferencing, and online mediums. Best practice guidance should not only address the use of the technology and the security risks associated with it, but also provide practical techniques for effectively and sensitively communicating with people via remote channels.
- ▶ Address barriers to access to protection and assistance during periods of community quarantine, including by leveraging government and non-government partnerships to ensure that hard-to-reach victims can be referred for assistance. For those victims who may be in remote areas, Women and Child Protection Desks (WCPD) of Local Government Units (LGUs)

including in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) areas can be engaged with on trafficking-specific issues.

- ▶ Address barriers to assistance by advocating for emergency aid and assistance to be made available to all workers, irrespective of whether they work in formal or informal sectors. For victims of trafficking who are not citizens of the countries they are in, whether because they are foreigners the Philippines or are Filipinos abroad, campaign for relevant authorities to automatically extend their visas or issue interim protection visas.

For service providers

- ▶ Service providers should monitor their physical and mental health and seek support.
- ▶ Managers of services providers should maintain regular communication with service providers about their well-being, and ensure they have access to psychological and other support they need to perform their work.

For shelters for victims of trafficking:

- ▶ Engage with the Department of Health to develop ways of adhering to their COVID-19 related guidelines while also meeting the needs of victims of trafficking and victim-witnesses both in the care of shelters and outside of care-settings.
- ▶ Put clear protocols and procedures in place for accepting victims into shelters in light of COVID-19 related risks, and disseminate clear guidelines on measures to curtail the spread of COVID-19 in shelters and other residential care facilities in accordance with the best interests of victims of trafficking.
- ▶ Allocate sufficient government funding to allow victims to be sheltered in hotels, apartments, or other residence in the community where social distancing cannot be effectively achieved in shelter-based settings.

2.3. Investigation

Delays and practical barriers in carrying out rescues:

Stakeholders report that some response to situations of trafficking has remained timely and active during this crisis and emergency period, with coordinated action taken by the Department of Justice (DOJ) in partnership with civil society organizations resulting in rescues being carried out and investigations conducted. However, others noted that lockdown measures have reduced the capability of law enforcement agencies and other arms of government to respond efficiently, not only because they themselves have had to change the way they work, but also because they are occupied with enforcement of crisis-related measures, resulting in reduced manpower to respond to trafficking.

Investigative capacity hampered by crises-related measures in place:

In some jurisdictions, preliminary investigations have not been conducted since Enhanced Community Quarantine (ECQ) measures have been put in place. In other jurisdictions, the investigations that are taking place are hampered, in both the general ways that have affected everyone who must now work in different ways, and in specific ways relating to the nature of their work. For instance, capacity of law enforcement to conduct surveillance is diminished in lockdown not only because they must comply with lockdown, but also because reduced movement and social distancing measures in the community makes surveillance operations more difficult to practically carry out and conceal. As a result, there has been a reduction in cases being built and filed, and suspects being arrested.



Overcoming challenges in addressing online sexual exploitation of children during crises

Notwithstanding the acute challenges imposed by Enhanced Community Quarantine (ECQ) and other lockdown measures introduced in response to COVID-19, online sexual exploitation of children (OSEC) operations have still been conducted during the COVID-19 crisis.

Investigation and prosecution: The National Bureau of Investigations is investigating cybercrime relating to sexual exploitation of children, including the re-emergence of the 'Mahilig sa Bata' Facebook pages. Joint operations conducted by the Philippine Internet Crimes Against Children Centre (PICACC) and its partners (including the National Bureau of Investigations, the Philippine National Police, the Australian Federal Police, the United Kingdom National Crime Agency, and the International Justice Mission (IJM)) have resulted in the rescue of victims of OSEC and the arrest of suspected traffickers. These operations have taken measures to protect operational personnel and the people they encounter during operations, including with the use of Personal Protective Equipment (PPE).

Shifting modus operandi of traffickers requires shift in investigative capacity:

As trafficking and other exploitative activities shift to online platforms, so too must efforts to track, disrupt and investigate those crimes also move into cyberspace. This changed circumstance speaks to the skill-set required of investigators who must now not only have online literacy and competence to carry out investigations of cybercrimes, but also to conduct financial investigations that may span multiple jurisdictions and require mutual legal assistance and technical assistance to and from other countries. At the domestic level, practitioners report that case build up is now being achieved via chat rooms, where for instance, the Armed Forces of the Philippines (AFP) and the Philippines National Police (PNP) coordinate. Such methods can ensure that cases continue to be built during the lockdown period, yet they take time and are dependant on reliable internet connections across all the involved regions and areas within them. For transnational investigations, those same challenges may arise along with the need to ensure compatibility of technology, and understanding across jurisdictions of the various security protocols in place to govern investigative operations online.

Policy recommendations:



- Campaign for exceptions to be allowed in lockdown and quarantine measures to allow for investigation of serious crime and identification of its victims.
- Provide law enforcers with guidelines on how they can carry out investigations while reducing risks of COVID-19 contraction to themselves and the people they come into contact with, including potential victims and potential traffickers as well as members of the public.
- Put procedures in place to enable participation of victims and victim-witnesses in investigative processes, including through online means, and address barriers they may have in accessing the information communications technology required for their participation.
- Put in place rapid response teams comprised of law enforcement officers, social workers, local officials, prosecutors, child-protection workers and others as needed, who are specially trained and equipped to reduce risks of exposure to COVID-19 to respond to complaints and information.
- Put standard protocols in place for case build-up, preliminary investigation inquests, advocacy and provision of social services including psychosocial services for victim-witnesses during times of crisis and emergency.
- Continue to build law enforcement capacity to monitor online activities and to carry out online investigations of human trafficking and related crimes, including with requisite skills to carry out financial investigations and to effectively cooperate with counterparts in other jurisdictions.
- Bring cybercrime investigative expertise to bear in counter-trafficking response, and vice-versa, to strengthen capacity of cybercrime investigators against human trafficking and human trafficking capacity to respond to cybercrime.
- Leverage the increased incidents of OSEC to advocate for robust implementation of Anti-Child Pornography Law including the Section 5 requirement for Internet Service Providers to prevent access to such material and the Section 5(b) requirement to report any such materials and providers thereof to authorities.
- Continue to engage private sector partners including internet service and financial service providers as partners against cybercrimes, including OSEC.

2.4. Prosecution

Disruption to prosecutorial processes during crises:

Significant victim protection issues arise when victims and victim-witnesses participate in criminal justice processes against traffickers. COVID-19 and responses to it have had further detrimental impact both directly and indirectly; as one respondent noted, delays in victim assistance results in delayed dispensation of justice.

Practitioners reported that in the early phases of the self-distancing and quarantine guidelines, courts and local government units responsible for managing trafficked victims to address court hearings were hampered in their work by strict guidelines in place, that resulted in court hearings being suspended. Delays or suspensions in services at the Department of Justice, National Prosecution Service, and Regional Trial Courts can have wider ramifications for counter-trafficking, as victim-witnesses withdraw their cooperation, potentially resulting in traffickers escaping justice.

Role of victim-witness coordinators during crises:

The important work of victim-witness coordinators is challenged during the crises. Not only is their work hampered by their limited ability to move in light of quarantine measures, but so too are they under personal strain, with a reported lack of access to financial assistance to compensate them for reduced income owing to those movement restrictions. Also, lack of health insurance for victim-witness coordinators was raised as an issue of concern.



Case study:
Challenges of online criminal justice procedures

There are challenges involved in changing criminal justice processes in times of crises. In the context of this specific crisis, examples were offered in the case of a trafficking-related inquest, for which it was not possible to transport task force members and inquest prosecutors residing in different locations to the Department of Justice, resulting in the need for online processes with which to alternatively conduct the inquest. This required both the police and the inquest prosecutor having sufficiently strong, reliable and secure internet connections. The resulting resolution raised questions about the security of affixing digital signatures that could be used elsewhere.

Providing support and assistance to victim-witnesses:

As many criminal justice proceedings have been suspended, victim-witnesses too are placed in a situation of suspension before they can move on from their trafficking situation and carry on with their lives. The situation of many victim-witnesses has become dire during this period, with some needing basic support, even to eat. Their urgent need for essentials has required social services providers, victim-witness coordinators, the Department of Social Welfare and Development (DSWD) and Task Force members to coordinate in providing financial assistance to people with no income, including those with cases still pending in court, for whom donations of food and care kits have had to be provided.

Potential loss of witnesses to court proceedings:

From a prosecutorial perspective, there are concerns that if victim-witnesses cannot be sufficiently supported during this period of heightened hardship as they wait for trials to resume, they may lose interest in testifying, as their priorities shift to more pressing and immediate issues, including their financial difficulty. The specifics of this crisis also may mean that victim-witnesses are deterred from participating in criminal justice procedures when they do finally resume, owing to concerns about being exposed to COVID-19 whether at court or in traveling to it, particularly when they live far away. These concerns speak to the risk that prosecutions against traffickers will fail given the heavily reliance on victim testimony as often the key evidence, or in some cases, the only evidence in trafficking in persons cases.

Adaptation of court procedures to reduce risk of COVID-19 contraction:

The onset of the pandemic and the suspension of court procedures in response, points to the absence of specific protocols in place to proceed safely with prosecutions during times of crisis. Here, lessons can be learnt from court procedures in place to protect child victims, who in some instances do not have to appear before prosecutors or even travel to the Department of Justice, but can participate online. Such processes in place to allow for technological options can also be adapted to other situations, including to protect victim and victim-witnesses, as well as other persons involved in court proceedings.

Before the COVID-19 crises occurred, there was a bid to increase options for victim-witnesses to testify remotely in some cases, to both reduce the hardship of the experience, and to avoid delays in their repatriation and reintegration. The current crisis has accelerated the need to achieve this possibility in practice, as evidenced by circulars mandating the use of online processes. Lessons have been learnt from the Supreme Court where the judiciary has allowed for complaints to be filed online, and warrants of arrest have also been issued online and through video conferencing. This experience highlights the importance of secure and reliable Internet and software access, as well as familiarity with video-conferencing programmes among all participants in criminal justice procedures.

Human rights considerations:

In shifting procedures online, consideration for the rights of parties involved is key. A human rights based approach to prosecution requires that the rights of victims and victim-witnesses of serious crimes including human trafficking, as well as the rights of accused persons be upheld. Respecting the rights of victims of trafficking requires that their access to justice and pathways to remedies are not denied or delayed. In the case of accused persons, access to justice requires upholding rights of due process and the right to a fair trial, which notably includes the right to confront witnesses who testify against them. Consideration must be given then to ensuring that use of new methodologies does not jeopardize these specific rights of parties involved in proceedings.

Policy recommendations:



- ▶ For prosecutions in-person, ensure that procedures are adopted and equipment is in place to reduce risk of exposure to COVID-19, including by providing PPE for victims, respondents, law enforcers, prosecutors and others in attendance.
- ▶ The Department of Justice should ensure that Internet connections are sufficiently secure and reliable to support online criminal justice processes without delays, and that technical support staff are at hand to support online processes.
- ▶ Provide criminal justice actors with sufficient training and capacity building with relevant and secure hardware and software to allow them to function online, including in the use of teleconferencing during trials.
- ▶ Put standard protocols in place for prosecution during times of crisis and emergency.
- ▶ Develop guidance materials to support the use of technology in court procedures, including during times of crises that prioritize human trafficking and other urgent cases where victims are in need of remedy during times of crisis.
- ▶ Put procedures in place to enable participation of victims and victim-witnesses in prosecutions of traffickers, including through online means, and address barriers they may have in accessing the information communications technology required for their participation.
- ▶ Ensure key counter-trafficking stakeholders such as victim-witness coordinators, are sufficiently supported during crises.
- ▶ Assess human rights risks of carrying out criminal justice procedures online, for both victim-witnesses and accused persons, and put in place measures to mitigate such risks, including to protect rights of due process and fair trial.

2.5. Return, repatriation and reintegration

Significant delays in return, repatriation and reintegration:

Return and reintegration of trafficked victims into their home communities is a core component of their recovery. Crisis, including the global pandemic the world faces now, has caused significant delay to return, repatriation and reintegration. Filipino victims of trafficking, who are outside the Philippines, may not be able to be repatriated as travel restrictions have resulted in fewer flights being available, leaving them in potentially precarious situations abroad. Similarly, foreign trafficked victims in the Philippines may be stranded.

Screening of persons returning from abroad:

Challenges continue for those who have managed to return home. As an indication of just how stretched reception facilities including testing and quarantine resources are, practitioners noted that as at May 2020, some 37,000 Overseas Filipino Workers were quarantined in Manila, with tens of thousands of more expected to arrive from abroad in the coming months. The nature of the current crisis requires that testing and quarantine measures must be put in place including for those who identified as having particular protection and assistance needs, such as trafficked persons.

Consideration must also be given here to the psychological risks that may attach to quarantining people who may have been emerging from traumatizing situations of isolation. Furthermore, the personnel needed to screen people returning, to identify trafficked persons among them, are often not available because the crisis has resulted in their redeployment elsewhere.

Responding to increased needs of returning overseas workers:

The Government of the Philippines is working to address the needs of returning workers, making sure that those who have been infected by COVID-19 have access to healthcare, and are appropriately quarantined to protect others from exposure. The volume of persons returning home however, is placing government resources under significant strain. As at May 2020, some 27,000 Philippine Overseas Workers had already been repatriated, with some 44,000 expected to return in the months ahead. Important in this respect, is the role of the Interagency Council Against Trafficking (IACAT) in ensuring that the Overseas Workers Welfare Administration (OWWA) is aware of the heightened vulnerability to trafficking and other forms of exploitation that returning Filipino workers face, and that protocols are put in place to address this concern.

Diversifying network of partners required in return and repatriation processes:

The changing needs of victims of trafficking and other vulnerable people returning to the Philippines, speaks to the wide range of stakeholders who need to be involved in that process. Not only do the Interagency Council Against Trafficking (IACAT), the Overseas Workers Welfare Administration (OWWA) and the Department of Foreign Affairs (DFA) have a role to play, but so too in the context of this crisis, does the Department of Health (DOH).

As Filipinos continue to be repatriated home, including victims or potential victims of trafficking among them, measures must be put in place that address the specific challenges relating to protecting people from contracting COVID-19, as well as the challenges attached to increased hardship many communities are now facing as a result. A related point to be made here is important role of the Department of Justice (DOJ) and the Department of Labour and Employment (DOLE) to minimize that hardship, including by ensuring people returning home have access to justice and are able to claim entitlements owed to them from their employers abroad.

Access to justice for people returning to the Philippines:

During this time of crisis, destination and origin countries are returning many people through repatriation procedures that have been quickly but not comprehensively executed. As a result, many are returning without meaningful access to mechanisms for redress in the case that they have been exploited, whether through violation of their labour rights or in the criminal context of human trafficking. Unscrupulous employers may even take advantage of mass repatriation to return workers without paying them the wages, benefits and compensation owed to them.

Those who return to the Philippines empty-handed or short-changed, may still be in situations of debt for recruitment fees and other costs, and have families depending on them for support; factors that make them highly vulnerable to exploitation. Here the Department of Justice (DOJ), the Department of Labour and Employment (DOLE), the Department of Foreign Affairs and the Overseas Workers Welfare Administration (OWWA) all have important roles to play, by engaging with counterparts in countries of destination for Overseas Filipino Workers and trafficking, to ensure that returnees have access to justice, including to legal advice and assistance. Such measures are not only in the interests of individual victims and a manifestation of their rights as such, but are also in the wider interests of the Philippines; empowering victims to access their entitlements can serve to reduce their dependence on social welfare and social amelioration.

Reintegration into crisis-affected areas:

In the context of this particular health crisis, local governments must ensure that people being repatriated to their city or province adhere to quarantine measures, while at the same time ensuring that victims of trafficking are effectively reintegrated back into their communities. For those returning from overseas, reintegration requires the Overseas Workers Welfare Administration (OWWA) and Department of Labor and Employment (DOLE) to be involved in the design of comprehensive and gender-responsive reintegration programmes that are calibrated to the realities of the communities people are returning to.

Many people who have lost their job during the pandemic, whether as a direct result of it or not, are returning to situations where there are few jobs available, and more competition for them. The economic hardships that many are facing and will continue to face, point to the importance of reintegration approaches that respond to these realities, with a combination of access to livelihood options and access to social welfare protections.

Policy recommendations:



- ▶ Allocate sufficient funding to support reintegration of victims of trafficking to and within the Philippines, and to safely and comfortably accommodate them where repatriation is delayed.
- ▶ Expedite the issuance of travel and identity documents to victims of trafficking and other vulnerable workers to minimise delays in their return, repatriation and reintegration.
- ▶ Put in place mechanisms to hear any complaints, including labour and criminal disputes of returning Overseas Filipino Workers, to ensure that returning workers including trafficked persons among them have access to justice and are able to file claims and complaints and receive compensation.
- ▶ Engage with key stakeholders with expertise in crisis response, to adapt return, repatriation and reintegration policies that are appropriate to it, in this case by minimizing the risk of exposure to COVID-19 of trafficked and exploited persons and those they encounter during any return, repatriation and reintegration.
- ▶ Target livelihood programmes and activities to returning and / or displaced Overseas Filipino Workers to reduce their reliance on social welfare and their vulnerability to unethical or illegal recruitment and exploitation.

2.6. Prevention

Counter-trafficking awareness raising campaigns muted:

Practitioners noted that key messages that counter-trafficking awareness raising campaigns aim to disseminate are currently, and understandably, overshadowed by messages associated with COVID-19. The result is that vital trafficking prevention-related information may not be received to those who need it. The Enhanced Community Quarantine (ECQ) measures put in place have reduced on the visibility of public awareness raising campaigns. As a result there is concern that insufficient information has been conveyed to people who are at risk of trafficking and other exploitation about where they are able to go for help.

Importance of awareness raising campaigns in the crisis-context:

At the same time that public consciousness is consumed by COVID-19, stakeholders emphasize the need for States to conduct awareness raising and information campaigns on trafficking in persons, including those forms that have emerged in the context of the crisis, and the changed modus operandi of traffickers.

Questions need to be continually asked about the intersection between the current crisis and human trafficking, so that messages conveyed through awareness raising campaigns can be meaningfully calibrated to realities. Awareness raising campaigns must be clearly targeted to specific audiences, including those in informal sectors, and they must engage relevant partners who may have wider access to audiences than counter-trafficking actors do, and be able to refine messages in accordance with the realities of the crisis. Employers and trade unions were noted as potentially useful allies for Local Government Units in transmitting messages to people who are vulnerable to trafficking, and others in the community could be called upon to provide information on counter-trafficking within their respective spheres of influence. Important too, is that any trafficking-related awareness raising campaigns do not detract or distract from vital crisis-related messages.



Photographer: Evgeny Nelmin / Unsplash



Prevention through awareness raising:

Public awareness raising measures have been taken by state and non-state actors, including through public advisory messages relating to child protection during Enhanced Community Quarantine (ECQ) being disseminated via social media. SaferKidsPH (an Australian government initiative implemented through the Australian Embassy, Save the Children, the Asia Foundation and Unicef) has also calibrated its public awareness raising campaigns to address the risks of OSEC to the unique context of quarantine.

The need to shift awareness-raising campaigns to online / digital formats:

Online information campaigns need to be significantly stepped-up, to keep pace with rising exploitation online, as well as more generally, to keep pace with increased time that people spend online. The same platforms used by members of the public must be harnessed to raise awareness of human trafficking related risks as well as places to seek support. Examples offered include Viber and WhatsApp, as well as social media platforms that can effectively disseminate information.

The need to guard against rising risks in online / digital formats:

Information needs to be conveyed through information technology in a way that keeps pace with the changing risks and threats of human traffickers and other criminals. As mentioned above, as social media activity and use of web-based platforms and applications increases, so too will cybercrime. Indeed, traffickers effectively use digital platforms for their own awareness raising and recruitment purposes. Accordingly, counter-trafficking actors must be equipped to monitor and counter criminal messaging online, and protect themselves, their work, and their target audience online.

Barriers to access of information communications technology (ICT):

A key question that must be raised in the context of using ICT to convey information, is that of how to reach communities and individuals who have limited or no access to it, and the information conveyed through it. People who face barriers to accessing ICT may align with those who are vulnerable to trafficking in persons, whether for economic reasons, because of gender disparity in access to ICT, or because of a combination of these and other reasons.

Transnationally, consideration must also be given to how Overseas Filipino Workers can be accessed and through which channels given that messaging targeting those abroad will also need to be aligned with risks and realities in the countries they are living and working. The same considerations apply to the question of how information can be conveyed to foreign workers in the Philippines, where language issues and other barriers may need to be addressed in targeting messages to them and identifying effective channels to do so.

Policy recommendations:



- Anchor awareness raising messages on evidence-based information that is timely, sensitive to the realities of the crisis, and conveys messages to a specifically targeted audience, including workers in informal sectors.
- Ensure that information conveyed through awareness raising campaigns is actionable, not only to inform audiences about human trafficking risks, but also informing them of what measures they should take, including for instance, where they can to report abuse, human trafficking or other exploitation.
- Ensure that awareness-raising campaigns are informed by criminal justice intelligence about the changed modus operandi of traffickers and forms of exploitation that emerge before, during and after crisis.
- Identify websites, apps and social media platforms used by target audiences and leverage those channels to reach them.
- Identify and address barriers to access to information communications technology, whether because of economic or gender disparity, to ensure that it can offer a reliable means of conveying vital information to vulnerable communities and individuals.
- Consolidate awareness raising campaign messages with other public information campaigns, so that target audiences receive clear, consistent and actionable information that does not detract or distract from vital crisis-related messaging.



03.

Overarching policy considerations

In addition to the policy considerations that emerge in relation to the COVID-19 crisis specifically, the following six considerations are offered in support of strengthening resilience of counter-trafficking response in the event of any crisis, regardless of its nature, whether pandemic, natural disaster, conflict or otherwise.

3.1. Sustain counter-trafficking work during crises

While some aspects of counter-trafficking response can be paused or delayed during crises, victim assistance must be sustained throughout. Protecting victims of trafficking and removing them from exploitative situations requires immediate action irrespective of the challenges involved in securing their freedom. Similarly, assistance needs of victims cannot wait for crisis to pass but may even be exacerbated by the crises. Preparedness to sustain counter-trafficking work during crisis requires both the capacity to adapt working methodologies, including to online modes, as well as sufficient allocation of funds or a mechanism by which they can be accessed.

Accordingly, the State must allocate an adequate budget for emergency response and invest in both health care capacity and social workers' skills to respond to crises and the needs of trafficked people during and after crisis. The State may also have to stand ready to allow for certain exceptions to crises-responsive measures to ensure that essential counter-trafficking work can continue, notably to identify victims of trafficking and remove them from exploitative situations. Importantly too, engagement with victims of trafficking must continue throughout crises, to ensure that their basic needs are being met, to reduce their risk of being re-trafficked or otherwise extorted, as well as to empower them to report concerns and seek assistance.

3.2. Ensure that responses are gender-sensitive and inclusive

Crisis may impact men, women, boys and girls in different ways, requiring that responses be tailored and adapted to changes. However, counter-trafficking efforts have been heavily focused on trafficking for the purpose of sexual exploitation, commercial sexual exploitation of children, online sexual exploitation of children, and exploitation of overseas workers, often to the detriment of the exploitation of adult men in forced labour in informal sectors.

Policy revisions, improved enforcement, and strengthened reporting and referral mechanisms for all forms of trafficking and for all profiles of victim, are needed to ensure that counter-trafficking response is inclusive, and that the shocks caused by crises do not have particularly adverse impact on specific groups of people, nor result in their further marginalization and exclusion from assistance and support. Investment must also be made in human resources to ensure a sufficient capacity level to take gender-sensitive approaches to counter-trafficking in times of crisis and emergency.

3.3. Strengthen multi-agency cooperation mechanisms and protocols

Every sphere of response to both counter-trafficking and to crisis underscores that effective response requires a range of stakeholders to act in concert. The current crisis is such that all fates are tied; where victims of trafficking of vulnerable workers in informal sectors are left unprotected from the virus, the community as a whole is exposed to risk. Vulnerabilities are in this sense may be linked in complex ways. This reality highlights the need for counter-trafficking actors - including representatives of IACAT - to be involved in policy response to the crisis itself to represent interests of victims of trafficking in that response. Vice-versa, the expertise of those responding to the crisis (in this case, including members of the COVID-19 Inter-Agency Task Force (IATF)), should also be drawn upon in responding to counter-trafficking throughout crisis.

To practically achieve this outcome, there is a need for counter-trafficking actors to put in place crisis response plans and mechanisms at both the national and local levels, that specify the role of each actor and allow them to promptly work together in crisis situations. Such mechanisms may include National Action Plans, referral mechanisms, strategic plans, protocols and guidelines that can be designed in a way that allows them to be readily adapted to new and emerging crises. These instruments can also be amended to specify the role of specific actors in the event of a crisis. That undertaking should be lead by State actors responsible for preventing and combating trafficking in persons, protecting and assisting its victims, as well as prosecuting its perpetrators, with non-state actors engaged as partners to support States to fulfill their obligations in these respects.

3.4. Adapt working methodologies and mechanisms to crisis context

The present pandemic has revealed that counter-trafficking actors must adapt their working methodologies. From a practical, operational perspective, day-to-day activities must be informed by plans that provide for continuity while at the same time continually assessing and mitigating risks, whether to account for limited mobility possibilities and/or resources, or changed routes and resources, depending on the nature of the crisis. Consideration could be given to the use of table-top exercises, mock scenarios and other practical activities to socialise and familiarise stakeholders to working modalities in crisis contexts.

Online communication has proven vital to continued work in the current crisis as well as others. Technological infrastructure must therefore be invested in, to strengthen access to information communication technology for all relevant counter-trafficking stakeholders, including service providers and their beneficiaries, as well as criminal justice practitioners. It also requires that barrier to accessing ICT - economic or otherwise - be identified and overcome.

Improved access to such technology requires not only purchasing the hardware and software required, but also necessitates that users be familiarised with it, and empowered to adapt to new ways of effectively communicating and conveying key advocacy messages through it. Accordingly, capacity building of staff needs to strengthen skills to work via webinars and other formats, and to identify and mitigate the risks that arise in the use of technology, including threats to privacy rights, online scams and cybersecurity threats.

3.5. Learn from crises through research and data collection

In the early stages of the pandemic, the impact on human trafficking was largely speculative in the absence of strong quantifiable data. As resources are stretched and needs change, the collection of information alongside the delivery of services becomes vital to achieving a solid evidence-base for directing resources where they can have the most positive impact. Accordingly, counter-trafficking stakeholders must campaign for more research and data collection to be undertaken, and commit to learning what they can from their respective vantage points.

Crucially, any data collected must also be protected in accordance with legal and ethical requirements surrounding research and data collection, to protect the privacy and confidentiality of data subjects and to ensure that information is not gathered or used in ways that can be harmful to them.

The information collected must be meaningfully shared and disaggregated so as to paint as complete and up-to-date a picture as possible, notably to offer insight into how specific regions, communities, industries and at risk-populations are affected, including men, boys, women and girls within them. Specifically, research and data collection should aim to increase understanding of the nexus between the specific crisis and human trafficking. This learning should inform counter-trafficking policy and operational response during the existing crisis, and serve to inform response to the next.



04.

Conclusion

The COVID-19 pandemic and the fallout from it continue to unfold. At the same time, it is clear that this is not the last crisis that the world will face. In this sense, the Philippines is as much pre-crisis as it is in the midst of one. A key conclusion to be drawn from that reality, is the need for counter-trafficking stakeholders to take the opportunity to look beyond the immediate crisis to prepare for the next one, in whatever form it may take, whether it is another pandemic, a natural disaster, conflict, violent extremism or something else.

The recovery efforts in the wake of COVID-19 offer an opportunity to invest in resilience to the next crisis. Being prepared for crises requires that National Action Plans and policies be readily adaptable to the specifics of new and complex challenges, and that comprehensive legislation and policies are put in place to respond to crises in a way that upholds human rights commitments, including (but not only) to victims of human trafficking. Indeed, a failure to uphold human rights obligations during times of crisis, can serve to add another set of problems to existing ones, by exacerbate the harms suffered as a result responses taken.

Crisis preparedness also requires a significant allocation of funding to build capacity of those who are on the frontlines of a given crisis, so that they are attuned to human trafficking, can identify situations of risk, and trigger appropriate referrals of potential trafficked victims at times when counter-trafficking actors may not have direct access to people vulnerable to trafficking.

Both state and non-state counter- trafficking stakeholders have been affected by the crises and responses to it. They have shown remarkable ability to adapt their working methodologies to sustain their activities to changed circumstances. The lessons they have learnt from the COVID-19 pandemic about what has worked, what has not and how their efforts could be better supported, should be documented, considered and disseminated for the benefit of others working to prevent trafficking, protect its victims and prosecute its perpetrators before, during and after any future crisis. To that end, this Policy Brief and the discussions that took place to inform it, are offered in that spirit of forward-looking learning.