

VERITÉ

## Hidden Costs in the Global Economy: Human Trafficking of Philippine Males in Maritime, Construction and Agriculture

Grant # S-GTIP-07-GR-007

VERITÉ

44 Belchertown Road, Amherst, MA USA 01002

Tel: +413.253.9227 Fax: +413.256.8960 Email: [verite@verite.org](mailto:verite@verite.org)

## Table of Contents:

<b>Introduction</b>	<b>4</b>
A. Program Goal	
B. Methodology	
C. Legal Context	
<b>Phase I: Identifying the Sectors</b>	<b>11</b>
A. Maritime	
<i>Profile: Taiwan Fishing Industry</i>	
<i>Case Study: Toto, recruited for fishing and trafficked for criminal activities</i>	
B. Construction	
<i>Case Study: Ahmed, Construction Worker from Sabah, detained and deported</i>	
C. Agriculture	
<i>Case Study: Eric, Trafficked Twice to Palm Plantations in Sabah</i>	
<b>Phase II: Profile of the Trafficked Filipino Man</b>	<b>22</b>
A. Profile Sources	
B. Process of Selection	
C. Socio-economic status	
D. Demographics	
E. Skill-level	
F. Brokerage Experience	
<i>Profile: Focus on interviews with Tausug-Muslim men from Tawi-tawi and Zamboanga</i>	
G. Origin	
<i>Profile: Impact of Origin on trafficking route to Sabah, Malaysia</i>	
<i>Case Study: Danilo, Sabah Fisherman without Papers, Trafficked into Imprisonment</i>	
H. Education	
<i>Case Study: The Case of Rico, a well-educated automotive designer</i>	
<i>Case Study: Erwin, an engineer trafficked to Iraq</i>	
<b>Phase III: Assessment: Identifying Risks and Protections</b>	<b>33</b>
A. Transnational context	
B. International context	
C. Gender bias	
D. Culture & Demographics	
<b>Conclusions and Recommendations</b>	<b>35</b>
<b>Appendix</b>	<b>39</b>
A. Case Studies 1-9	
B. Government Sources, Definitions & Interpretation	

- i. Key legal concepts and terms related to human trafficking
- ii. International Conventions as Sources of Local Definitions
- iii. Key terms and concepts as defined by Philippine laws
  - 1. R.A. 9201
  - 2. R.A. 8042
- C. Analysis of Trafficking in Malaysia
- D. Analysis of Trafficking in Taiwan
- E. Conference Reporting
- F. Interview Notes

## INTRODUCTION

One of the greatest “exports” of the Philippines is manpower. The Philippines has been a source of male workers for almost all parts of the world, particularly the Middle East, Hong Kong, Singapore, Japan, North America, and Europe. However, certain workforce mechanisms and policies in these developed countries exploit the vulnerabilities of male Filipino workers (OFWs) overseas. The working conditions in these developed countries, combined with the Filipino workers’ significant lack of education on relevant topics, results in migrant workers falling prey to unscrupulous employers and human traffickers. Many of these OFWs are promised jobs that often entail exploitation, violence, poor working conditions, and offer little hope for improvement.

Little is known about the trafficking of Filipino men. In the Philippines, as in other countries, the focus of anti-trafficking policy, research, and law enforcement has been almost exclusively on women and children victims, and consequently, more information is known on the industries and destinations into which women and children are often trafficked. Notably, in the last five years, Philippine media organizations have consistently carried reports of male overseas Filipino workers (OFWs) subjected to various exploitative and distressed situations. However, only recently have these situations been explicitly labeled as cases of trafficking. Despite the media mileage and the growing awareness and activism on human trafficking here and abroad, there remains a deep deficit of understanding with respect to male victims of human trafficking; the circumstances that lead to their being trafficked; and the places, sectors, or industries where the exploitation takes place.

This discrepancy with respect to attention on male victims of human trafficking has begun to be recognized by policymakers and researchers. At the same time, the operational definition of human trafficking is being slowly expanded to encompass various modes of exploitation of migrant workers, including the exploitation of workers migrating legally under their own will for legitimate forms of employment.

Several international organizations have published reports exploring the issue of male human trafficking, in response to the dearth of available studies. Some of these reports show that men are vulnerable to human trafficking and exploitation in ways distinct from women, and that men may be less likely to report and talk openly about experiences of exploitation.

Although Philippine anti-trafficking laws are constructed in a way that recognizes women, children and men as victims, available government databases reveal that very few cases involving male victims of labor trafficking are ever formally filed for litigation in court. Of the 12 convictions in 2006, when this research project was being conceptualized, none of these cases involved trafficking of men. Moreover, according to the 2009 Trafficking in Persons (TIP) Report, there have been no reported labor trafficking convictions, despite extensive reports on Filipinos trafficked for forced labor domestically and across borders.

Both the large numbers of Philippine males employed abroad, and the known labor violations among migrant workers employed in various types of work that are characteristically male, make the plight of male Philippine trafficking victims ripe for exploration.

## Program Goal

The short-term goal of this project was to build understanding and awareness of human trafficking of Philippine males by expanding the breadth and depth of knowledge surrounding male trafficking. The long-term goal is to make this increased body of knowledge available to governments, nongovernmental organizations (NGOs), corporations, unions and other stakeholders who, through their policy and programmatic initiatives and services, will be able to reduce, via targeted prevention and victim assistance programs, the incidence of male trafficking and mitigate the subsequent devastating impact on victims.

### The specific project objectives were:

(1) to identify and focus on three sectors where there is a high risk of trafficking of Philippine men; (2) to develop and document a profile of the at-risk Philippine male, whose particular characteristics have already or will likely lead to his becoming a victim of human trafficking; and (3) to identify and document methods or circumstances that lead to or increase the likelihood of male vulnerability to trafficking.

This project proceeded through **three stages** over an 18-month period, including:

**Stage One:** a rapid assessment of the current understanding of trafficking of Philippine males and the sectors in particular need of study—an effort that brought together a range of labor experts in a multi-stakeholder forum;

**Stage Two:** a qualitative study of the conditions and circumstances under which individual Philippine males are trafficked, including interviews and focus-group discussions with returned foreign contract workers, and case studies of male Philippine workers in Taiwan, Malaysia, and Saudi Arabia; and

**Stage Three:** a research symposium during which the results of the study were presented and policy solutions were discussed and advanced.

The succeeding sections of this report contain:

- ⇒ Key findings of the research from Stage One and Stage Two including:
  - Discussion of the legal definitions and pertinent issues pertained therein
  - Description and analysis of the three sectors targeted
  - The circumstances that led victims into situations of exploitation:
  - The modes and means of trafficking employed by traffickers of Filipino men, including the emergent means and mechanisms exploited by traffickers;
  - The forms of exploitation that victims were subjected to, and the circumstances that exacerbated or mitigated the situation

- Demographic profiles and personal circumstances of the respondents as seen through case studies based on victim's own accounts.

⇒ Stage Three conclusions and recommendations for policy reform, program development and for further research

It is important to note that additional details from our research were presented in our quarterly project reports; it is summary, final analysis, and representative profiled cases that are presented in this report.

## **Methodology**

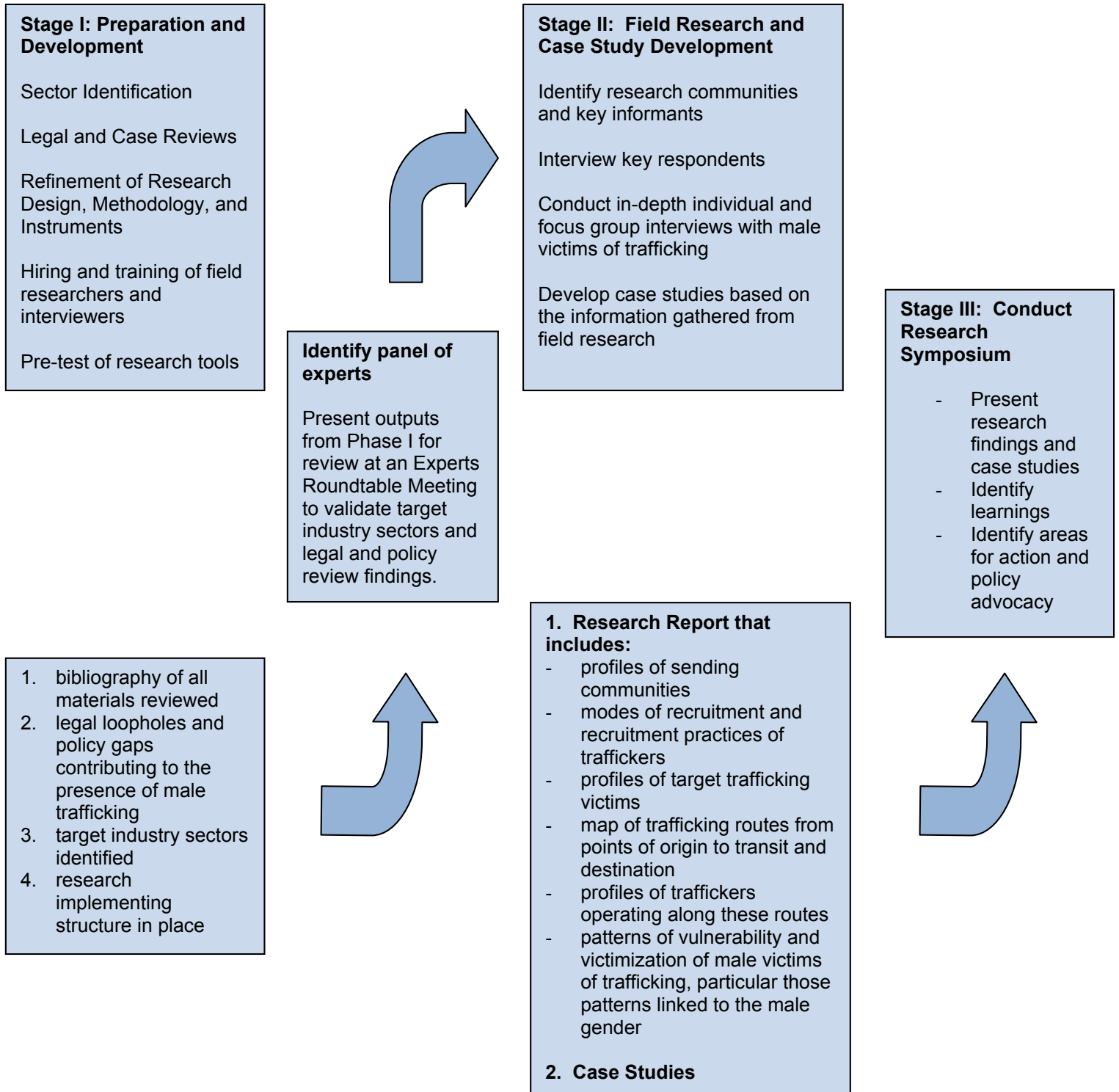
### **The project activities focused primarily on three phases of research**

- 1) to identify and focus on three sectors in the Philippines where there is a high risk of male trafficking;
- 2) to develop and document a profile of the at-risk Philippine male, whose particular characteristics have already or will likely lead to his becoming a victim of human trafficking; and
- 3) to identify and document methods or circumstances that lead to or increase the likelihood of male vulnerability to trafficking.

An important part of our methodology was holding a multi-stakeholder conference in 2008 to share and seek validation on Verité-SEA's initial findings regarding the profile, background, industry sectors, and destinations of trafficked Filipino males. This provided additional leads and insights, but also enabled us to feel confident we were moving in the right direction. After the research was concluded, we organized another conference to present the findings and solicit recommendations for future action. Attendance and recommendations from both conferences is provided in the appendix.

It is important to note, that in the course of this research, Verité encountered important leads on cases of organ trafficking and sex trafficking involving male victims. However, lack of access to available data, and to actual victims and key respondents in these areas of human trafficking limited the scope of this research to cases involving human trafficking of Filipino men for labor exploitation. We believe this very important issue should be researched more thoroughly in a future project by Verité and/or others.

## Framework for Human Trafficking of Philippine Males Research Project: Three Stages



## Legal Context

It was imperative to begin this project with a clear understanding of the key legal concepts and terms related to human trafficking. This understanding formed the basis to analyze the gathered data and help define the legal measures aimed at deterring human trafficking with particular attention to trafficking of Philippine men for labor exploitation. It should be noted that some formal definitions for anti-trafficking protocols and laws imply particular attention to women and men. “Equal rights” and “human dignity,” and the gross violation of these principles, are key concepts on which legal definitions of acts of human trafficking are anchored. The Philippines ratified the following international conventions and uses them as basis for developing and implementing national anti-trafficking laws. Please refer to Appendix B, Government Sources, Definitions and Interpretations for more detailed information on applicable laws and conventions.

- A. ***The Optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.***<sup>1</sup> This optional protocol provides a comprehensive definition on human trafficking.
- B. ***International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.***<sup>2</sup> The Convention on Migrant Workers defines a “migrant worker” as a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national. This has been the primary instrument in providing protection and upholding the rights of migrant workers as well as their families. This convention takes into account the vulnerability of migrant workers to trafficking. It likewise grants additional rights to migrant workers, given their unique situation.
- C. ***Convention relating to the Status of Refugees.***<sup>3</sup> There has always been a thin-line distinction between migrant workers and refugees. To better understand the situation of migrant people, one should also consider the situation of refugees and stateless persons. In earlier conventions on migration, refugees and stateless persons were not covered, and were sometimes considered as forced migrants due to their unique situations. This was resolved by the adoption of the convention relating to refugees, which gives refugees and stateless persons the widest possible exercise of their fundamental rights and freedoms.
- D. ***ILO Convention No. 29.*** Forced labor has been defined in ILO Convention No. 29 as “**all work or service that is exacted from any person under the menace of any penalty and for which the said person has offered himself voluntarily.**”<sup>4</sup>

### ***Analysis of the limitations: Sovereignty and transnational laws***

---

<sup>1</sup> Adopted by resolution A/RES/55/25 of 15 November 2000 at the 55th session of the General Assembly of the United Nations. Supplementing the United Nations Convention against Transnational Organized Crime. Entered into force 25 December 2003.

<sup>2</sup> Article 2 (1), Convention on Migrant Workers

<sup>3</sup> Adopted on July 28, 1951, and entered into force on April 22, 1954

<sup>4</sup> Article 2, ILO Convention No. 29



Despite the ratification of these international conventions, significant challenges remain with efforts to address Filipino male trafficking through existing legal frameworks and mechanisms. These challenges arise mainly from gaps and loopholes in Philippine laws, from conflicts among applicable laws or policies, and from inadequacy of funds to implement programs to enforce these laws and policies. The challenges are also due to limitations of applicability of international conventions, and the lack of legal protective mechanisms for Filipino men abroad, particularly those not covered by authorized overseas employment contracts.

It has always been a policy of the state to uphold the dignity of every human person and to guarantee the respect for individual rights. The 1987 Philippine Constitution specifically provides that the “State recognizes the dignity of every human person and guarantees full respect for human rights.”<sup>5</sup> The above-cited constitutional provision has been the basis of several pieces of legislation, including two laws that specifically aim to protect Filipino migrant workers from acts of human trafficking:

In many instances, migrant workers who file a case of illegal recruitment and a money claim against the responsible officer of the local recruitment agency must choose between one of these two laws: 1) **R.A. 8042** otherwise known as **Migrant Workers and Overseas Filipinos Act of 1995**, or 2) a complaint for **trafficking under R.A. 9208, or the Anti-Trafficking in Persons Act of 2003**.<sup>6</sup> However, the hairline distinction between slavery or forced labor under R.A. 9208 and oppressive, abusive and inhumane terms and conditions of work under R.A. 8042 further complicates these men’s options. And the chances of testing whether the law on trafficking or illegal recruitment is effective will always be limited given the situation of the victim. (See Appendix B) The victim also faces the risk of harassment if he files a criminal case of trafficking or illegal recruitment, which can deter him from taking any action.

The transnational nature of trafficking as a crime makes legal prosecution difficult because it involves countries having distinct sovereignty. The difficulty is exacerbated by the fact that the countries in which Filipino men found themselves in exploitative situations are countries where the Philippines does not have strong legal means by which to protect them, either because (a) there exists no full diplomatic relationship between the Philippines and the countries (such as Taiwan and Iraq); and/or (b) the Philippines has no bilateral agreements with these countries that include labor protections.

Interviewees reported to have been trafficked to Taiwan, United Arab Emirates, Iraq, Afghanistan, Kingdom of Saudi Arabia, Israel, and Sabah (a Malaysian state to which the Philippines has an active claim). These are countries with which the Philippines has no bilateral agreement and, in some cases, where Filipinos are even banned from traveling. For example, Filipino workers are forbidden to work in Afghanistan, Iraq, Lebanon, Jordan and Nigeria, yet thousands of Filipino workers still manage to get employed in and around military bases in Iraq and Afghanistan, where US troops and allies are fighting local militants and contractors are engaged in post-war reconstruction work.<sup>6</sup>

Although some of the destination countries have enacted anti-trafficking laws, usually, the primacy is on immigration law over anti-trafficking law. And where bilateral and or multilateral agreements would have been helpful in guaranteeing basic rights and fundamental freedoms, they are absent.

---

<sup>5</sup> Article II, Section 11

<sup>6</sup> *US bases in Afghanistan 'magnet' for OFWs*. <http://www.gmanews.tv/story/170771/us-bases-in-afghanistan-39magnet39-for-ofws>

### ***Laws of Protection: Defining Trafficking and Consent***

Consent of the victim is an important consideration in the protection of male Filipinos in relation to both the definition of trafficking and in relation to both legal and demographic risks that Filipino men face. Philippine anti-trafficking laws state that consent of the victim is not a valid defense in trafficking cases because of the unequal power and strength between the trafficker and the trafficked person. Because the trafficker normally uses force, coercion, abduction, deception, abuse of power and takes advantage of the victim's vulnerability, consent becomes an invalid defense.

This is significant because, in the case of male migrant workers, almost all of them do initially grant their consent, for many of the demographic and cultural reasons discussed. In many cases these men even solicit the facilitation of another person for securing employment and entering the country where consequent exploitation takes place. However, consent in such cases is considered vitiated by the perpetrator's use of deception, abuse of power, or the performance of other acts considered punishable under the anti-human trafficking laws. See Appendix B for the legal definition of "migrant workers," who suffer trafficking in the form of labor exploitation (forced labor, slavery, involuntary servitude, or debt bondage).

For a long time the Philippines had no law that protected victims of trafficking. The ratification by the Philippines of the Optional Protocol on Trafficking was the moving force for the passage of R.A. 9208.<sup>7</sup> This was considered a milestone by both trafficking victims and anti-trafficking advocates, because the law penalizes the act of trafficking and considers the consent of the victim as immaterial.

Under R.A. 9208, the definition of trafficking covers a wide range of trafficking acts; this definition was taken from the first international consensus, *Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children*.<sup>8</sup>

In the early years, the term trafficking was limited to sexual exploitation of women and children. However, institutions like the Organization for Security and Cooperation in Europe (OSCE) now state that trafficking consists of two elements: first, recruitment or transport; and second, forced labor or slavery-like practices. Under R.A. 9208 in the Philippines, the definition eventually adopted the change to cover both male and female migrants who are victims of trafficking for purposes of economic gain.

The legal definitions for "consent" and "trafficking" have changed to include and apply particularly to legal protections for men. However, despite the evolution of these terms, Filipino men remain vulnerable to many less tangible factors, many of which are cited throughout this repo

---

<sup>7</sup> R.A. 9203 was signed into law on 26 May 2003 and took effect on 19 June 2003

<sup>8</sup> "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring, or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, or practices similar to slavery, servitude, or the removal of organs.

## PHASE I: IDENTIFYING THE SECTORS

Men comprise roughly 31 percent of the overseas Philippine workforce,<sup>9</sup> but the conditions and circumstances surrounding their employment are less deeply understood. There is a shortage of programs—public-, private-, or civil-society led which address the problem of human trafficking of the Philippine male. In addition, the characteristically male types of work for Philippine workers, agriculture, construction, and maritime trades have to date, received less attention for their poor working conditions, especially as those conditions relate to male workers. However, these sectors all possess troubling evidence of trafficking for labor exploitation.

The trafficking of Filipino men tends to be different from women in terms of both the types of workplaces and also the nature of work that they are trafficked into. Many of the workplaces and types of work where Filipino men found themselves in exploitative situations tended to preclude the hiring of women. These involved:

- ⇒ Physically demanding work, in particular, lifting or hauling heavy loads, e.g., blocks of ice, tons of garbage, net-load of fish, 60-kilo heavy palm fruits.
- ⇒ High and obvious risks to physical safety such as being assigned to work within war zones, being subjected to seafaring risks, armed encounters, forced participation in criminal activities.

### Sector One: MARITIME

The maritime trades comprised a notable 23.5 percent of total overseas Philippine employment in 2002,<sup>10</sup> and the Philippines supplies 29 percent of all seamen worldwide—the largest percentage of any country in the world.<sup>11</sup> Numerous reports point to labor abuses on ships where workers find themselves in slave-like conditions. There they are confined onboard, thousands of miles from home, with no visibility to the outside world and with national laws having no jurisdiction over them and therefore offering no protection. They are forced to work long hours, are subject to long delays in pay and lower-than-promised wages, and sometimes have to endure verbal and/or physical abuse. The occurrence of forced labor in fishing has been well known for some time. However, there have also been such reports related to the cruise-ship industry, to commercial cargo ships, and even to the phenomenon of maritime piracy, in which workers are recruited for legitimate seafaring employment and then forced to engage in ship raids.

The exploitative working conditions and debt-bondage resulting from high placement fees often encountered by service workers, commonly including those from the Philippines in the cruise-ship industry, has been well documented in both books and news reports.<sup>12</sup> This issue is also the subject of

---

<sup>9</sup> Philippine Overseas Employment Administration. “Deployment of Newly Hired OFWs by Skills Category.” 2002.

<sup>10</sup> Philippine Overseas Employment Administration. “Deployment of Overseas Filipino Workers: 1984–2002.” 2002.

<sup>11</sup> Montinola, Aurelio R. III. “Economic Impact of Filipino Migration.” *Philippine Daily Inquirer*. 17 April 2006.

<sup>12</sup> Klein, Ross A. *Cruise Ship Blues: The Underside of the Cruise Industry*. New Society Publishers. 2002; Reynolds, Christopher and Dan Weikel. “For Cruise Ship Workers, Voyages Are No Vacations.” *LA Times*. 30 May 2000; Frantz, Douglas. “For Cruise Ships’

advocacy work by unions and worker-rights NGOs.<sup>13</sup> Other occasional news reports provide evidence of similar or worse forms of exploitation onboard cargo ships, including failure to pay wages or provide adequate daily food allowances and other “inhumane” practices.<sup>14</sup> The International Labor Organization’s International Programme for the Promotion of Decent Work in the Maritime Industry has published educational materials and conducts ongoing awareness raising and advocacy work.<sup>15</sup> While documentation of abuse cases and advocacy work for victims of abuse has been significant, the mechanics of recruitment in the maritime industry, as well as the particular gender dynamics in the workforce and opportunities for policy interventions, are not known.

### **Profile: Taiwan Fishing Industry**

The rapid depletion of marine resources and increasing pressure in more affluent countries to regulate and control fishing practices (coupled with a growing market demand for seafood products) has fueled an increasingly globalized fisheries industry. The progression of fishing, into a global industry, has been further advanced by emerging technologies and a sophisticated business support infrastructure which allows fishing vessels to sail longer, further and at lower cost.<sup>i</sup>

Fishing has been identified by the International Labor Organization (ILO) as a highly dangerous occupation. Moreover, the extreme isolated nature of fishing operations pose significant challenges to regulatory bodies in their efforts to ensure compliance with the legally mandated wages and benefits in this sector.

The increasing global nature of the industry has also significantly increased the vulnerability of fishermen employed in vessels bound for international waters. The ITF report on the industry notes that a significant number of fishing vessels bound for international seas are aging, and have inadequate safety mechanisms for the demands of sailing in international waters.<sup>ii</sup> It should be further noted that old fishing vessels have very low value and are, in many cases, used for illegal fishing and other unlawful operations, since the possibility of the vessel being impounded carries very little financial risk for the owner. In these situations, the unwitting crew find themselves operating largely on their own, and in conflict with the law and in criminalized situations in a foreign country.

Further exacerbating the situation is the increasing trend among fishing vessels to register their ships in countries that will rent their flag to ship-owners of any nationality with the minimum requirements called “Flags of Convenience”. The ITF reported that the principal reasons for using a flag of convenience (FOC) are either to circumvent the applicable management regime or to fish illegally while concealing the identity of the vessel operator or its owner. Vessels carry the nationality of the State whose flag it flies, and this has profound implications for the fishermen employed or engaged in the vessels, as they live and work under the laws of the state flag. The widespread and pervasive failure of the 30 or so states that allow this practice and fail to uphold their fundamental duties arguably makes a mockery of the notion of flag state sovereignty. Taiwanese companies have been identified by the ITF as one of the key profiteers in fishing under the flag of convenience (FOC) scheme.

The Taiwan Council of Agriculture through the Fisheries Department, which issues licenses and permits to Taiwanese vessels for local and international fishing activities, reported to Verité that there are currently 1,500 Taiwanese vessels licensed for international fishing activities.

---

Workers, Much Toil, Little Protection.” *New York Times*. 24 December 1999.

<sup>13</sup> See for example the anti-“sweatships” campaign launched by a partnership of the War on Want and the International Transport Workers’ Federation – information at <http://www.waronwant.org/?lid=2377>.

<sup>14</sup> Cauthen, Sue. “Ship of Shame: Filipino Crew Stranded in Long Beach.” *San Francisco Call*. 4 January 2005.

<sup>15</sup> See <http://www.ilo.org/public/english/dialogue/sector/sectors/dwmi/index.htm>.

The growth of the Taiwanese economy in the 1980's provided ample land based employment opportunities for Taiwanese seafarers. Consequently there has been a significant shortage in manpower for operators of fishing vessels. Initially, owners of fishing vessels circumvented the Taiwan government's labor regulations by transferring foreign fishermen hired for deep sea fishing from fishing vessels to house boats anchored outside Taiwanese port line, before docking at local ports. Then, prior to sailing for the high seas, the foreign fishermen were transferred from the houseboats to fishing vessels again. In the meantime, the fishermen are subjected to deplorable living conditions aboard the houseboats. These conditions have since become the object of campaign by advocates on behalf of migrant workers in Taiwan, who are pressuring the Taiwanese government to improve conditions for foreign fishermen hired for Taiwanese fishing vessels.

In March 1991, the Council of Agriculture passed "The Regulations for the Management of the Hiring of Foreign Crew Members" which allowed foreign crewmembers to stay in designated reception centers under defined circumstances. However, these regulations did not generally permit foreign crewmembers to go onto land.<sup>16</sup> In July 2002, the Council of Agriculture advanced a step further and promulgated the document entitled "Matters which must be implemented, obeyed, or paid attention to by fishing ships owners when they hire foreign crew members to work for their enterprise".<sup>17</sup> This document sets forth clearer guidelines under which foreign fishermen can be hired for work on Taiwanese boats as well as regulations pertaining to foreign fishermen aboard Taiwanese vessels that enter Taiwan's territory. These regulations require the registration of the fishing vessel involved in deep-sea fishing with the Council of Agriculture as well as the appropriate fishermen associations. Such registration provided privileges in the hiring of foreign fishermen with a passport and fisherman's certification book (seaman's book) which allows them to enter Taiwan on a one to two week period. The vessel owner must also provide guarantee fee of NTD 10,000 for each foreign crew on board. The regulation likewise allowed foreign crew members to enter Taiwan aboard an airplane. However, after entering Taiwan, such foreign crew members have to be onboard their fishing boat and leave the Taiwan shoreline for fishing within 7 days.

The Council on Agriculture has reported that since the early 1990's, there has been increasing demand for hiring Filipino fishermen to work on Taiwanese fishing vessels. Records from the Directorate-General of Budget, Accounting and Statistics indicate that in 2007 the number of Taiwanese men fishing in Taiwan was about 53,195. The number of fishermen working in the deep-sea fishing industry was about 15,144 with 97.7% or 14,100<sup>18</sup> being foreign fishermen engaged in offshore and deep-sea fishing aboard Taiwan vessels.

Findings from the Verité study in Taiwan pointed to numerous cases of trafficking cases among Filipino men employed in Taiwanese fishing vessels. Cases profiled indicated that legal protection afforded by the Labor Standards Act provides limited protection as Filipino fishermen hired for coastal waters have been subjected to various forms of deception and fraud. Further, the inherent gaps in the flags of convenience legal regime, significantly contributes to the prevalence of trafficking cases among Filipino men in Taiwan's fishing industry.

### **Case Study: Toto, recruited for fishing and trafficked for criminal activities**

In 1995, Toto was working odd jobs and selling food to earn a living when a neighbor, Ben, asked if Toto wanted to join a shipping crew with him. Ben was well known in Toto's neighborhood as a high-ranking seaman who had earned well from his commercial shipping work. Toto was told he would earn a salary of USD400 a month and the only requirement was that he had to have a valid passport. Toto accepted Ben's offer.

<sup>16</sup> Fishery Information Service Site, [http://www.fa.gov.tw/chnn/fishery\\_law/fish\\_law/rules\\_and\\_explains.php?id=944](http://www.fa.gov.tw/chnn/fishery_law/fish_law/rules_and_explains.php?id=944)

<sup>17</sup> Ibid.

<sup>18</sup> See the statistics about fishermen in 2007 from Directorate-General of Budget, Accounting and Statistics, [http://www.fa.gov.tw/chnn/statistics\\_publish/statistics/year\\_book/2007c/96tab3.xls](http://www.fa.gov.tw/chnn/statistics_publish/statistics/year_book/2007c/96tab3.xls).



Toto traveled with Ben to Manila. In a meeting place in La Loma, they were joined by a group of about 70 other men, who came from La Union, Pampanga and Ilocos. Some were licensed seamen, while the others were, like Toto, younger men without seafaring experience or skills. A coordinator oriented them to the schedule and process for their deployment, and instructed them to go to the canteen area of the NAIA where they would be given airline tickets.

Following instructions, about two weeks later Ben and Toto went to the NAIA where they were joined by 11 other men. The same coordinator gave them return airline tickets and guarantee letters to be shown to Singapore immigrations. They were told they were the last group to be deployed and that two other batches had already left. They were instructed to mark their passports by encircling the page number on page 13. This, they were told, would be the code to the immigration officer on duty to facilitate their clearance. They were then handed over to a guard at the NAIA who in turn endorsed them to another uniformed officer inside the airport who escorted them to a check-in counter.

The group flew to Singapore and was met at the arrivals area by a Chinese-looking man, who boarded everyone into a van and brought them to their hotel. The following morning, they boarded a tugboat and were brought to Ship 1, which was berthed right outside the port line of Singapore. Onboard Ship 1 were eight other men, all of them Filipino. Later, they were approached by a bigger ship (Ship 2) and were instructed to board it. Because Toto was friends with Ben, and Ben was an officer, he was allowed to stay in the officers' quarters. There he was privy to the officers' conversations and with the information being relayed to the crew by radio. Ben gave him updates on their whereabouts and oriented him further to their operations. Ben said they were moving towards an area in Palawan and were monitoring a ship carrying lumber and rubber from Malaysia.

One week after sailing from Singapore, the ship they were monitoring came into view and this started intense communication between the officers on Ship 2 and people on the radio. Within the day, Ship 2 approached the other ship (Ship 3). The crew of Ship 3 moved to Ship 2, and Toto and his other companions were instructed to transfer to Ship 3. Ben stayed on Ship 2 and told Toto that Ship 2 would be going back to Singapore. Before they parted, Ben told Toto that he was lucky to be part of this operation because the owners of Ship 3 immediately agreed to declare that their ship had sunk, so they could claim insurance. This averted an armed encounter and made the take-over of Ship 3 fairly easy. Toto also learned that there were some Indonesian and Indian crewmembers who would be staying on in Ship 3 because they refused to be brought ashore. Toto was not altogether sure at that point what all this information meant.

Ship 3 set sail with Toto and his companions on board and docked in an area near Cambodia for about two months. During this period, the crew cleaned the ship, painted it over and changed its name and flag. The group was told by the officers that the ship would be sailing under its new name and assured that it was legally registered. Crewmembers, including the Indonesians and Indians who stayed behind, received new Philippine passports, with different names. They were told that they would be given instructions on what passport to use when they went ashore. The crew was also told that their salaries would be tripled for the month because of the successful take-over. The crew received three months' salary plus a month's bonus after receiving that information.

Ship 3 then sailed to a place in China called Fancheng, near the northern Vietnam border. There, a local stevedore team unloaded the ship's cargo of lumber and rubber. Toto noticed that while this was happening, someone wearing what looked like a military uniform arrived in a limousine and spoke briefly to their Captain. Ship 3 docked at Fancheng for a week before sailing towards the Philippines, where it docked near Kalibo, Aklan for three weeks. From what Toto could glean of what was going on, he believed that the Captain was in conversation with someone in Singapore to demand a higher share of the proceeds or he would not return the ship.

Ship 3 then sailed towards Cambodia to load lumber, which was then unloaded at the port of Bangkok. (While in Bangkok, one crewmember fell ill and asked to go home. He was permitted to leave, but had to pay for and arrange his travel home). They docked in Bangkok for a month before sailing to Songkhla in southern Thailand where they loaded rubber trees. They then sailed to Fancheng, China, where they unloaded their cargo and everyone received nine months' worth of wages.

From Fancheng, the crew dropped anchor at sea near the border of Thailand and Cambodia. The officers told them that this was an ideal place to hide because it was not on any regular shipping route. After hiding for two months, they got instructions to go back to Fancheng where their cargo was waiting. They were in Fancheng for a month when they were told that they would be sailing back to Singapore. Just before leaving for Singapore, the Captain, Chief Engineer, and Bosun told the crew that they would not be going with them to Singapore. When the three officers left the boat, Toto and 17 other crew men told the Chief Mate, who was the highest ranking officer left, that they were worried about their situation. The Chief Mate decided that instead of proceeding to Singapore, they would drop anchor at their hiding place and wait for developments. The ship hid for about two months during which time the crew ran out of food and cooking supplies.

Then, they were informed that a fishing vessel would be sent to pick up the Filipino crew. Twelve Filipinos, including the Chief Mate, boarded the fishing vessel which proceeded towards Cambodia. When they got ashore, a person was waiting for them. They were led through alleys in a poor residential area, and on to a hotel where they stayed the night. The following day, a van took them to Phnom Penh where they stayed at a hotel while their papers were being processed. After a week, the group flew home to Manila.

In 2007, one of the crew members based in Iloilo got in touch with him and said that the same group was recruiting again, but this time applicants needed SOLAS training and a seaman's book. Toto was not interested because he already had a job, but learned that three of his companions re-joined the operations.

## Sector Two: CONSTRUCTION

Government statistics indicate that 42,000 Philippine males work in mining, construction, and related trades.<sup>19</sup> Construction was highlighted in the latest *Trafficking in Persons Report* as a trade in which a significant portion of the Philippine workforce is subjected to conditions of involuntary servitude.<sup>20</sup> The top three countries of destination for Filipino construction workers are Saudi Arabia, Japan, and Taiwan.<sup>21</sup> In Saudi Arabia, menial laborers and many low-skilled foreign workers reportedly have their contracts altered and are subjected to extreme working conditions and physical abuse.<sup>22</sup> In Taiwan, Verité's research has found that foreign contract workers are frequently subject to a range of labor abuses, including the withholding of passports and other personal documents, pay withholdings in the form of "forced savings," and forced overtime.

---

<sup>19</sup> Philippines National Statistics Office. "Table 5. Number of Overseas Filipino Workers, by Occupation and by Sex: October 2003 and 2004." Income and Employment Statistics Division, Survey on Overseas Filipinos. Household Statistics Department. Manila, Philippines. 2005.

<sup>20</sup> U.S. Department of State. Office to Monitor and Combat Trafficking in Persons. *Trafficking in Persons Report*. 2006.

<sup>21</sup> Philippines National Statistics Office. "Table 5. Number of Overseas Filipino Workers, by Occupation and by Sex: October 2003 and 2004." Income and Employment Statistics Division, Survey on Overseas Filipinos. Household Statistics Department. Manila, Philippines. 2005.

<sup>22</sup> Mattar, Mohamed and Joy L. Borkholder. "Domestic Service as a Form of Trafficking in Persons in the Middle East." The Protection Project. September 2002.

Construction booms in the Middle East and East Asia, that began as early as the mid-1980s, have presented large-scale opportunities for employment of Philippine workers abroad. Again, while labor abuses in construction have been fairly well documented by the ILO and others—with the ILO noting that migrant workers in construction are “extremely vulnerable to exploitation”<sup>23</sup>—no research focusing on recruitment practices in this industry is currently available. The same is true for aspects of exploitation particularly linked to the predominance of male workers in the sector.<sup>24</sup>

### **Case Study: Ahmed, Construction Worker from Sabah, detained and deported**

Ahmed is a 27-year old construction worker who was deported to Zamboanga along with 260 others in March of this year. Prior to his deportation, Ahmed had been in Sabah for 20 years with his family. He had held various odd jobs since he was 12 years old. He had worked in 7 different construction sites and this was his first time being apprehended and held in a holding/detention center.

Ahmed said that he has never had a passport or an Identification Card and that he has no personal identifying documents whatsoever. He has only 4 years of education, which he acquired when he was still in Tawi-tawi, before he and his family moved to Sabah. He related that he could only recall very vaguely what their life was like in Tawi-tawi, but that they were always poor. His parents decided to move to Sabah to seek livelihood and employment opportunities 20 years ago and where they have been ever since. None of his family members has a passport or IC either.

Ahmed related that when he was apprehended, he was then working and living in a construction site for an apartment building, about an hour from Kota Kinabalu. It was in Kota Kinabalu where he was recruited and where he had been living with his family for several years. Ahmed said that he secured the job through B, a fellow-Tausug Muslim known to Ahmed. B has been in Sabah for a long time and, unlike Ahmed, he had an Identification Card.

Ahmed, and 21 other undocumented workers, was recruited by Mr. ‘B’ as crew for a construction project. ‘B’, as the supervisor/foreman in the construction project, was the only one who had direct contact with the employer, a Chinese-speaking Malaysian. The employer only dealt with ‘B’, did not have to sign any contract with the workers and did not pay the workers directly. ‘B’ recruited the workers and was responsible for overseeing their work and giving them their pay; as well as for making sure that the job is done. Ahmed said that when ‘B’ recruited them, no contracts were signed, and that all agreements as to pay, work and living conditions, were unwritten. They were moreover assured by ‘B’ that workers would be safe and protected from inspections and apprehension by immigrations police, while under his watch.

Ahmed said that in many of the construction projects he had worked in, as in this one, workers are never asked for passports, ICs, or any official documents. He added that in other sites, where workers are required to produce official documents, undocumented workers like himself who have been in Sabah for a long time just produce fake documents which they can quickly get for 50 Malaysian Ringgit. Most of the time, however, the undocumented workers are recruited and managed by an IC-holder like ‘B’, who acts as their broker, recruiter, and employer; and assures them that they are safe to work in the construction site. He reassures workers under his protection,

<sup>23</sup> <http://www.ilo.org/public/english/dialogue/sector/sectors/constr/migrant.htm>.

<sup>24</sup> International Labour Organization. “Social and Labour Issues Concerning Migrant Workers in the Construction Industry.” Tripartite Meeting on Social and Labour Issues Concerning Migrant Workers in the Construction Industry. Geneva, 1995. See also: Werna, Edmundo. “Labour Migration in the Construction Industry in Latin America and the Caribbean.” Sectoral Activities Programme Working Paper 105, Geneva, ILO, 1996; Ofori, George. “Foreign construction workers in Singapore.” Sectoral Activities Programme Working Paper 106, Geneva, ILO, 1996; Abdul-Aziz, A.R. “Foreign labour in the Malaysian construction industry.” Sectoral Activities Programme Working Paper 95, Geneva, ILO, 1995.



because “protection money” has already been paid to inspectors. As such, ‘B’ and other like him, dictates how much each worker is to receive as pay, usually deducting an amount from their pay, for their “protection”.

Ahmed said that broker-recruiter-employers such as ‘B’ earn a lot from these arrangements. Ahmed also said that there are a few, mostly Tausugs like himself, who really just facilitate workers securing jobs and do not exploit them for financial gain. Ahmed said that he has worked for other IC-holders like this before, and that he could compare the manner by which they handle workers, and by how much they pay the workers.

Ahmed recounted that when he and the 21 other workers were caught, the construction project was practically completed, and the workers were already scheduled to collect their last pay. The raid took place at two in the morning, and the supervisor, ‘B’, was unusually nowhere in sight. The workers were sleeping in their bunks, in makeshift huts, within the construction compound. All 22 of them were caught off-guard, and although they tried to explain that they had been assured that they were under the protection of their supervisor and that they had paid to keep their jobs, the immigrations police still rounded them up and took them to the holding center in Sandakan.

While in the holding center, Ahmed and his co-workers were able to make phone calls to their supervisor and their employer, pleading to be bailed out, even with their own wages, which they were still supposed to collect. The supervisor, however, said that it turned out that it would cost too much to pay for each of them, and that the money they worked for was not enough to cover this transaction. Eventually, after several more attempts, Ahmed and his co-workers were no longer able to contact their supervisor or employer. They also forfeited their pay to their supervisor.

Ahmed said that, because of their apprehension and detention, the supervisor earned a lot of money. Ahmed reported that, on the average, each of the 22 workers were due to collect 400 RM, all of which would have gone to the supervisor.

Ahmed was detained at the holding center for six months, unable to contact his family. He recounted that the conditions there were very difficult, that people constantly became ill and were sometimes subjected to harsh disciplinary measures. He said that although he was relieved about being able to leave the detention center. However, being deported to the Philippines, he was worried about being away from his family. He said that he did not know how he would be able to rejoin his family, that he had no means of securing a passport without any personal document or money. He also said that if someone would offer to facilitate his return to Sabah at the soonest possible time, without any need for passports, he would take the offer.

Ahmed said that he met someone on the boat who knew another person who could arrange for a return trip to Sabah, and get them jobs there without any need for passports. Ahmed was told he could borrow money from this person in the meantime, and start repaying as soon as Ahmed started his new job in Sabah. Ahmed said that if the processing of his passport took too long, he would take this man’s offer, so he could return to his family in Sabah.

### **Sector Three: AGRICULTURE**

The overseas Philippine workforce engaged in agriculture is 97 percent male.<sup>25</sup> An example of problems experienced by this group is the recent drive in Malaysia against undocumented workers that caused the deportation of 4,457 Philippine citizens in the first half of 2006. Amidst these efforts, reports have

---

<sup>25</sup> Philippine Overseas Employment Administration. “Deployment of Newly Hired OFWs by Skills Category.” 2002.

emerged of labor abuses among Philippine workers on palm-oil plantations, many of who have fallen prey to illegal recruiters.<sup>26</sup>

Agriculture is a vast industry, with concentrations of male- or female-dominated work, depending on the country, region, and type of work. The exploitation of women—both migrant and resident—in agriculture has been well documented in recent years,<sup>27</sup> as has the exploitation of children in the cultivation and harvest of coffee and cocoa.<sup>28</sup> The work of males in agriculture, however, has received less attention.

### **Case Study: Eric, Trafficked Twice to Palm Plantations in Sabah**

Eric, a 23 year-old farm worker, was in his hometown in Nueva Viscaya, when he saw and responded to a job ad in a flyer, offering high-paying jobs in Malaysia. Since he knew of an aunt also employed in Malaysia, he was encouraged to consider applying for the job. Apart from his aunt in Malaysia, two uncles were also employed abroad, and a cousin was working in Dubai. Eric said he had always dreamed of becoming as successful as his relatives who were OFWs.

Eric called the number in the flyer and talked to a Criselda Roxas who instructed him to meet her in Quiapo, Manila, on March 25, 2008, with the requirements: passport, resume, ID pictures, and 45,000 pesos in cash. Criselda also told him that the work was actually in a plantation in Sabah, but that on the average, workers earn more than 20,000 pesos per month, that meals and accommodation are provided for free, and the workers are given a return ticket to their home countries after the one-year contract. She told him that the amount excluded overtime pay and other monetary benefits that are also provided to workers.

Criselda also told Eric that if all his requirements were ready, in a matter of days he would be able to leave for Kota Kinabalu and start his employment right away. Eric then lost no time looking for the required amount and preparing his travel and application documents. He was able to secure a loan with no interest from an uncle, after promising that he would be able to repay the loan in 3 months.

With all his requirements ready, Eric took a ten-hour bus trip to Manila and met Criselda in Quiapo. Eric said that he thought Criselda was going to take him to an employment agency nearby; instead they headed to Cavite, about 2 and 1/2 hours south of Manila. In Cavite, he met 13 other male recruits for Malaysia. They were all told by Criselda that they were to work in a plantation, where all they had to do was pick palm fruits, and they would be paid more than 20, 000 per month; that they were all being hired directly by the plantation owner himself, so that they didn't have to go through brokers and placement agencies.

Of the fourteen of them housed in Cavite, only Eric and another recruit had passports, so they were able to leave ahead of everyone else. They were told that they only needed passports and one-way plane tickets, as the working visa would be processed within 3 months from their arrival in Sabah, and their return ticket would be provided by their employer. Eric and his fellow recruit paid an additional 2,000 pesos each, for the transportation to Pampanga, from Cavite. At this point, Eric had already given Criselda 20,000 without having been given a receipt.

<sup>26</sup> “Stranded Filipinos Going Home.” *Manila Standard*. 24 April 2006. See also: Migrante. “Migrante Condemns Malaysia for Caning Undocumented Pinoys.” News Release. 31 January 2005.

<sup>27</sup> See in particular: Oxfam. *Trading Away Our Rights: Women Working in Global Supply Chains*. 2004.

<sup>28</sup> See for example: International Institute of Tropical Agriculture. “Child Labor in the Cocoa Sector of West Africa: A synthesis of findings in Cameroon, Côte d’Ivoire, Ghana, and Nigeria.” Sustainable Tree Crops Program. August 2002.

En route to the airport in Pampanga, Criselda told them that she knew someone at the airport, and that they should line up in this person's immigrations booth, which Eric and his companion did. At the booth, they told the immigrations officer that they were tourists, as Criselda had instructed, and nothing more was asked of them.

Criselda also told them that her cousin, Lorna Roxas Tolentino along with the employer, Sam Lawrence Peterson, were going to meet them at the airport in Kota Kinabalu and that Eric and his fellow recruit should give the 25,000 pesos to Lorna.

On March 28, 2008, Eric and his friend boarded the Air Asia flight to Kota Kinabalu. At KK, they were met by Lorna and her boyfriend, Sam Lawrence Peterson, who introduced himself to them as Captain Sam. Lorna and Sam took the two workers to a hotel near the Centerpoint mall and later brought them to a restaurant for dinner. Eric said that he and his friend were very impressed by the lavish treatment they were getting. During dinner, they were given an informal orientation on the work they were recruited for. Captain Sam told them that the work is hard, but that all amenities and necessities would be provided for the workers. Eric and his friend told Captain Sam that they did not mind the hard work, considering that they were going to get paid more than 20,000 pesos a month.

The next day, Lorna asked for the 25 thousand pesos from the two workers, and told them their working papers will be processed as soon as possible. She also took their passports, as this was supposedly needed to process their working visas. The four then traveled to a place called Limbang, in Sarawak.. The trip took 8 hours in all.

It was already late in the evening when they arrived at Limbang. Sam drove them to a clearing in the middle of a jungle. In that clearing, there was a big house surrounded by a body of water. Sam told them they were to live in that house while employed in the plantation. The house had 5 bedrooms, with 9 to 12 occupants in each room. The women – just a handful of them – had their own room.

After Eric and his friend were assigned to their sleeping quarters and fed a simple meal, Sam and Lorna left. The workers were then told that they had to be awake at 4 in the morning as the work started at 5 o' clock and ended at 2 in the afternoon. A truck picked up the workers at 4:30 am and brought them to their assigned locations. The work involved piercing the base of the huge palm fruits off the tree so these would drop to ground, and then dragging the fruits to a road about 50 meters from the trees, to wait for a truck onto which the workers will haul the fruits, for delivery to processing facilities. The weight of each fruit averages 60 kilos. For the first couple of months, 2 workers are assigned to 4 hectares of palm trees per day. The quota for two workers is about 150 fruits. One supervisor is assigned to oversee the work of 10 workers. Eric said there were hundreds of workers employed at the plantation.

Eric said it took a while before he could adjust to the workload. There were several instances when he had to stay beyond 2 in the afternoon to meet his quota, missing the free truck ride back to the workers' house, and having to walk an hour and a half through the thick jungle, where roads were sometimes slippery.

Eric also narrated that for their meals, they were usually given just a piece of tamban fish and some rice; and although they were fed 3 times per day, the meals were not enough to sustain them throughout the day. Workers often had to supplement their meals with canned food that they would get on loan from the store in the compound. When the workers could no longer get food from the store, they ate meat from lizards and snakes that they would catch in the forest. Drinking water was also scarce, and delivery was sometimes delayed, so workers collected rainwater and boiled this so that they would have water to drink.

Eric narrated that they were only on their second week of work in the plantation when more than forty Filipino workers went into the management office to demand for their pay. Eric learned that the workers had not gotten paid during their last payday and that it was Sam who was responsible for paying them, since no contracts were signed between the workers and the plantation management. But Sam did not go to the plantation, despite management's instructions for him to go there and explain the situation to the workers and to management. The

workers refused to work until Sam paid them. Eventually, the workers decided to leave the plantation altogether when it became apparent to them that there was no guarantee that they were going to get paid. Eric joined the Filipino workers and left the plantation, too. He said that on the day they left, 11 Filipino men recruited by Captain Sam and Lorna arrived at the plantation.

Eric and 8 others met up with Lorna and Sam at the town center. They demanded they get paid the amount promised to them, plus the amount they had paid to the couple for processing their documents. They also told the couple that they no longer wished to work in Sabah and would rather go home. Sam said that he himself had not been paid by the plantation owners, supposedly because of low harvest. This was when it became clear to Eric that Sam was merely a labor contractor and not part-owner of the plantations, as they had been led to believe.

Lorna promised the workers that they would get their pay, but that the workers had to work in another plantation, while their pay from the first plantation was being processed. The group went to KK and stayed there for 3 days before traveling to the other plantation in Tilopid, 6 hours from KK. Eric reported that the arrangements were a little better in the second plantation. They were told that ‘slashers’ were going to be paid 25RM/day, with 4 workers assigned to 1 hectare per day; while ‘harvesters’ were paid 18RM/day. The living conditions, however, were worse in this second plantation. Food was not provided by the plantation management. The workers were charged 35RM by Lorna, for provisions delivered to the workers’ quarters every week. There was also no potable water, workers merely collected and boiled rainwater. There was likewise no generator or electricity, so workers provided for their own oil lamps.

After a month in the plantation, the workers were told by management that the owner of the plantation wanted to hire them directly, but that Sam refused to let go of them. All of the workers said that they wished to be handled by the management directly. Management then asked for the workers’ passports so they could begin the process of applying for their visas. Lorna, however, had stopped going to the plantation for the past 2 weeks. The workers only communicated with Lorna and Sam by phone, and told them about the management’s offer, and that they needed their passports back. Lorna and Sam refused to release the workers’ passports. A few days later, Sam arrived at the plantation with immigrations police. The management tried to intercede for the workers but could not produce proper documentation.

Eric and the other Filipino workers were brought to the Tilopid Prison, where they were kept overnight, and then after cases – for falsification of official documents and for overstaying in Sabah – were filed against them, they were brought to the holding center for deportees in Sandakan. At Sandakan, Eric witnessed how two detainees were beaten by the guards, while some were punished by being made to sit on their heels for several hours, with the head bowed, and their hands behind their backs. Eric also reported that there were two boys who were about 7 or 8 years of age in the same cell as the adults, and that Eric and the other detainees had to take turns taking care of the kids, seeing to it that they were safe and fed properly.

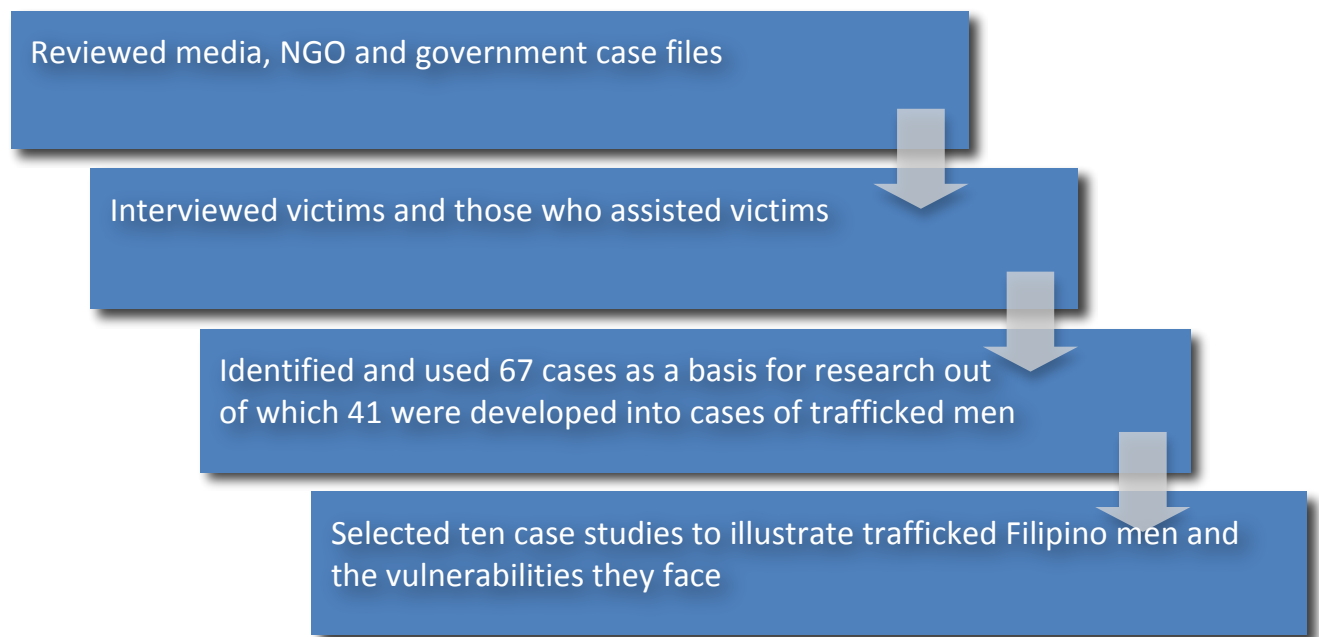
With the help of Eric’s cousin who brought their case to the consul and the Taskforce on Immigration, Eric’s stay at the detention center was cut from 8 months to 2 months and 3 weeks. After pursuing Lorna and Sam, Eric’s cousin was also only able to recover Eric’s and the other workers’ passports which had fake stamps on them, and the amount of 3,600 pesos.

Eric said he would like to file a formal complaint against Criselda, Lorna, and Sam, but that he has no idea how to go about it. Meanwhile, he has to look for a more lucrative employment, in order to start repaying the loan he had made from his uncle.

## PHASE II: Profile of a Trafficked Filipino Man

The following section elaborates on the profile of trafficked Filipino men, focusing primarily on the maritime, construction and agriculture sectors. The data is derived from interviews with male workers and staff at several resource centers for Filipino victims of labor exploitation. This section explores demographics, trafficking experience, and the means by which these men found themselves in vulnerable situations and draws heavily from the personal experience of male trafficking victims. Considering the general lack of information and understanding of male victims of trafficking, we felt strongly that our research and outreach activities needed to focus squarely on direct testimony of victims.

### Process of selection:



The case studies, appearing throughout this report, were made possible through our ongoing partnerships with the following organizations:

#### Philippines

- Center for Migrant Advocacy (CMA)
- Commission on Filipinos Overseas (CFO)
- Department of Social Welfare and Development (DSWD)–Zamboanga
- Office of the Undersecretary for Migrant Worker Affairs (OUMWA)

## Taiwan

- Hope Workers Center (Taiwan)
- Migrant Workers Concern Desk (Taiwan)
- MECO Manila Economic and Cultural Office -Taiwan)
- Stella Maris Center

## Malaysia

- Pinoy Resources
- Philippine Temporary Workspace Office in Sabah

## **Socio-economic status**

It is already widely recognized that the issue of trafficking in persons must be understood in its most expansive and inclusive sense and complexity; the mechanisms and circumstances that contribute to the problem have to be carefully examined so that all forms of trafficking (not just trafficking for sex exploitation), and profiles of all victims (not just women and children) can be addressed.

Studies of male trafficking indicates that, in order to better comprehend the various facets of this particular phenomenon, there is a need to “consider aspects of identity which impact risk and intervention, including age, education or class... as well as socio-cultural environments which place persons at risk of trafficking”<sup>29</sup>

## **Demographics**

- Most respondents were adults, aged between 19 and 56
- Most respondents were married and had families who depended on them
- Most respondents described their family’s economic situation as falling within or below subsistence level.
- Most respondents left the Philippines to seek [better] employment opportunities in other countries.
- Most respondents said there were no employment opportunities for them in their provinces.
- Some respondents said they were looking for better opportunities, as their previous incomes were insufficient for the families’ needs.
- Some respondents who had relatives, family members, and close acquaintances who had gone to work abroad, said they were encouraged to pursue employment abroad, because of their relatives’/friends’ stories of success.

## **Skill-level**

- Most respondents were skilled and experienced workers
- Fishermen, in particular, had long experience in fishing prior to their recruitment for work in other countries.

---

<sup>29</sup> This is one of the recommendations of the IOM, based on the findings of its research on trafficked men from Belarus and Ukraine.



- Construction workers in Sabah also had years of experience as labourers in various construction sites since they were minors.
- Two respondents applied for low-skill jobs only because they were desperate for employment at the time.
- Students who were accepted for a training program in Israel had no experience in actual agricultural work.
- Filipinos who were recruited for work in palm plantations in Sabah only had experience as farmhands in rice farms back home.

## Brokerage Experience

- Most respondents voluntarily applied for the job and made loans in order to pay someone to secure employment for them.
- Except for those brought to war zones, or across territorial waters, all respondents voluntarily entered the destination country/place where the exploitation took place.
- The majority of respondents also paid someone/an agency for facilitating or for securing the job for them.
- The majority of those who paid for a position also incurred loans in order to finance the cost of securing the job.
- Some workers claimed they were encouraged by government personnel to secure loans from a Philippine government employment service office.
- Many respondents who survived the ordeal of being trafficked returned to work in the same country or industry where the exploitation took place. Some who have been repatriated or deported to the Philippines also planned to go through the same process of migration, to seek work abroad again.
- Media reports indicate that many Filipino men still continue to accept assignments to war zones and countries where Filipinos are banned from travelling because they can get additional hazard pay.
- At least two respondents were trafficked twice in the same country.
- Only two respondents stated they no longer wished to work abroad.

Analysis of the demographic data based on literature review and actual interviews with respondents do not clearly translate to a rigid set of standard characteristics, personal background or circumstance of a typical trafficked Filipino man. This lack of a hegemonic profile among respondents are perhaps more telling of the complexity of the issue of human trafficking as it relates to the experiences of trafficked Filipino men. In fact, the respondents' situations were so diverse, that significant similarities and parallels could be drawn only from certain groups and mainly on the basis of their places of origin.

Individual accounts from respondents also indicate that certain circumstances which could have mitigated the individual's vulnerability to trafficking, such as level of education, did not necessarily preclude them from being trafficked. Still, in terms of degree of vulnerability, it is certainly the poorly educated, undocumented Filipino male workers, like most of the Tausug-Muslim men in Sabah, who were most vulnerable, and were most easily lured into situations of exploitation.

## Summary of General Patterns Detected:

- Pre-deployment situations include: dire economic need, lack of job opportunities, serving as head of the family, recruiters promising good working conditions with good pay, and the chance of a better life.
- Deployment processes include: the use of tourist or transit visas with Singapore, Dubai, Hong Kong/Macau, and Zamboanga being the most common transit countries and Saudi Arabia, Dubai, Iraq, and Taiwan as the most frequent destination countries.
- Employment conditions include: long work hours, withheld pay, withheld personal documents, forced labor.
- Situation of post-deployment include: workers escaping or being repatriated after seeking assistance from fellow workers, NGOs, or government agencies; workers returning to pre-deployment conditions; and many of them becoming vulnerable to being re-trafficked.

### **Profile: Focus on interviews with Tausug-Muslim men from Tawi-tawi and Zamboanga**

Since 2002, hundreds of thousands of Filipino men have been detained in detention centers in Sabah, and eventually deported to the Philippines. Most that are deported have already been in Sabah for many years. They reached Sabah by boat from the Tawi-tawi province to escape the poverty and violence in their home province and to start new lives with their families. They continue to go to Sabah lured by the economic developments and eager to supply a demand for labor which local Sabahans could not fulfill.

The interviewees reported that they used to be able to stay in Sabah for as long as they could, prior to seven or eight years ago. Some said that they have no roots anymore in the Philippines, and have long considered themselves as Malaysians, or Sabahans. One of the deportees interviewed, when asked how he was able to speak Filipino said that he had Filipino friends in Sabah, but that he himself was not Filipino.

Most of the respondents were in their early 20s to late 30s, married with families, or single head of their families. Two were minors, “stateless children” who were born in Sabah to undocumented parents. All of them have families in Sabah, and reported that they had been there since they were children, or went there years ago to be with family, and to seek employment. Most said that at least three generations of their families have been living and working in Sabah.

On the average, the interviewees had been in Sabah for ten years prior to deportation. More than 50 percent of them considered Sabah as their state of origin. One worker interviewed revealed that he has been in Sabah for twenty years already and had worked in 7 construction sites, but had never been “caught” before, saying that in the past, their supervisor would always “protect” them somehow.

All of the respondents were engaged in some kind of employment in Sabah. Most worked in construction sites, in palm oil plantations, and aboard fishing vessels. Only one of the interviewees had graduated from high school. Most have not had any education at all, while a few had on the average, 3 years of education.

### ***Gender, ethnicity/cultural background***

According to Nadjma Hussein, the head of the DSWD Center for Displaced Persons, the number of Filipino males who are regularly repatriated to Zamboanga from Sabah, corresponds directly to the number of Filipino males who are in, or regularly go to, Sabah at any given time. She said that the reason for this is that, as Tausug-Muslim men belonging to traditional family structures, they are expected to work, to earn and provide for the needs of



their families. They are the ones who have to venture away from home and, consequently, are constantly subjected to threats of being denounced to authorities, and of being detained and deported. They are, therefore, the more vulnerable set of migrants in Sabah.

The geographic and cultural proximity of Southern Philippine communities like Tawi-tawi to Sabah are certainly major factors that shape life decisions, not just the temporary movements, of the men from Tawi-tawi. Interviews and observations indicate that the cultural and social practices of the communities in Tawi-tawi, where most of the deportees are originally from, are very similar to that of Sabah's. Many deportees do not speak the local language anymore, and speak only Bahasa Malay. The migration to Sabah, was always an attractive, and in the past, an easily available option.

Most returnees interviewed also believed that the risks and threats were simply part of the process of securing work and that these had to be dealt with if they were to survive or sustain their families' needs. All respondents said they willingly take these risks in order to fulfill their roles and responsibilities. However, all of them also said that the exploitation they were subjected to was more severe than expected. Some said the worst consequence was being detained in Malaysian detention centers, where conditions were worse than the conditions at work.

#### ***Extreme poverty, lack of formal education***

Ultimately, it is the absence of employment opportunities in the places of origin, the need to survive and to support their families that push the men to seek employment. They will take whatever chance comes their way or to rely on the arrangements facilitated by recruiters and brokers who, most of the time, are people they know personally. Some of their brokers are family members, or fellow Tausug, who have somehow managed to acquire legal work and residence status in Sabah and are able to stay almost indefinitely without risk of apprehension or deportation.

The fact that very few have any formal education rendered them very vulnerable to being trafficked and exploited. Most could barely read or write. Many did not have birth certificates, nor were they sure how old they were. They also do not have a complete understanding of the implications of being in Sabah undocumented.

Three men who had been deported on the day they were interviewed, said they planned to return to Sabah as soon as possible, even if they had no understanding of the legal processes and requirements for travel. They said that they would go with group or individuals they trust to know the backdoor routes, as some of these men had already been deported several times.

#### ***Reintegration, prevention programs***

The DSWD in the Zamboanga regional office has been providing assistance to deportees from Sabah since 2002, as a response to the consequences of Malaysia's new Immigration Act, and its crackdown on undocumented persons residing or working in Sabah. The role for which the DSWD was tapped in 2002, when a massive deportation of Filipinos took place, was extended and then became a regular function. Since then, according to Dir. Arevalo of the DSWD, this regional office has been engaged in negotiations with and through the government in behalf of the deportees' welfare. For instance, it was the DSWD that insisted on limiting the number of deportees per deportation. The agreed upon number is an average of 100, and a maximum of 400 deportees per trip. This is an important agreement because the number of people being deported has implications on the efficiency of DSWD's services, on the living conditions the government are able to provide to them in Zamboanga, and even on the travel conditions the deportees are subjected to. The DSWD also participates in investigations of the alleged abuse and maltreatment of detained and deported Filipinos.

Dir. Arevalo stated there were times in the past when the number of deportees reached into the thousands. Most of the deportees usually come from or have roots in Tawi-tawi, Sulu and Basilan. Only about 20% of the deportees are actually from Zamboanga. A few come from as far as Cebu, Sandatan, and Palawan. Dir. Arevalo shared that it is very costly to bring workers back to Palawan as they would have to be taken all way to Manila first, before

they could be sent on a boat trip straight to Palawan. Geographically speaking, Palawan is closer to Zamboanga than Manila is; however, no boat plies a Zamboanga-Palawan route. Ideally, deportees stay for a maximum of two weeks at the PCDP.

Currently, there is a program being piloted for returnees whose place of origin is Zamboanga. The program is intended to upgrade the workers' skills and have them accredited by TESDA, which will then facilitate their employment locally. Another reintegration program is also targeted at minors and getting them into schools to start or resume formal education. The DSWD likewise screens deported families for qualification to a program that will entitle them to a house and some start-up fund.

DSWD officials reported that because of budgetary constraints, reintegration programs do not really address the needs of the majority of returnees who are from Tawi-tawi.

Other gaps, challenges, limitations:

The government agency representatives reported that a rising number of people keep getting deported again and again. This is mainly because there are no available jobs for the returnees in the Philippines. The deportees also have stronger ties to Sabah, where their families are, where they have built their lives. Some returnees claim that they have no places of origin in the Philippines; they have no more ties in the Philippines.

Most of the deportees have no personal documents, no birth certificates; it becomes very difficult for the line agencies to provide them passports and proper travel documents.

Those who have valid passports and claim that they have employers in Sabah have no national IDs. The POEA Director said that it is very difficult to trace who their employers really are. When the employers are contacted, it is difficult to convince them to pay for foreign workers' levies and workers have no money to pay for the levy themselves. Sending them back to their employers with the arrangement that the levy fees are deducted from workers' salaries renders workers vulnerable to exploitation.

DSWD's center for displaced persons cannot accommodate returnees comfortably, especially when there is a large number of them. They then have a difficult time convincing the returnees to cooperate with them.

Interviews indicate that men from Tawi-tawi do not report, do not consider themselves trafficked, and thus are very vulnerable to being re-trafficked. Many have accepted the risks of being recruited for a job by a fellow Tausug, even if this person gains from their labor, because of the lack of better opportunities elsewhere. Verité also found that the questionnaire used to process the information from returnees does not contain relevant questions that might reveal indications of trafficking.

## Origin

Media reports and our own field research confirmed that trafficked Filipino men come from various parts of the country. The respondents for this research came from Isabella, Nueva Viscaya, Nueva Ecija, Metro Manila, Cavite, Palawan, Iloilo, Cebu, Davao, Zamboanga, and Tawi-tawi.

It is challenging to be absolutely certain of the origin of male victims of trafficking. For example, in our research, because of the frequent movement between Tawi-Tawi and Zamboanga in the Philippines and Sabah in Malaysia and because of the mixed heritage of many men, it can be difficult to count with certainty how many of the men are originally from Tawi-tawi and how many came originally from Zamboanga.

**Profile: *Impact of Origin on trafficking route to Sabah, Malaysia***

The mode and means of trafficking to Sabah vary, depending on the trafficked person's place of origin. Based on the records of the DSWD, about 80% of deportees come from Tawi-tawi; some come from Zamboanga and the islands around it and a few from the central to northern part of the Philippines.

**A. Origin: Tawi-tawi and nearby communities**

According to the POEA and DSWD directors interviewed, acts of trafficking are difficult to detect and substantiate when the origin is Tawi-tawi or nearby communities. Transportation and entry to Sabah from Tawi-tawi, even by non-passport holders, is relatively easy to accomplish, something that has been done by Tawi-tawi residents voluntarily without facilitation by others, for many generations. The boats used are technically for use in only domestic waters and are generally small, motorized craft that carry about twelve passengers. However, since the implementation of Malaysia's Immigration Act, and because of the risks involved in crossing borders illegally, there is usually someone who must guarantee the safe transportation and entry of the passengers to Sabah.

Moreover, though most returnees reported they went to Sabah on their own to take chances in finding whatever job they could, on further inquiry, they also reported that there is usually a relative or a close family member who facilitates their employment and who sometimes gains from their assistance. In construction sites and palm oil plantations, the returnees reported that a fellow Tausug who holds a national ID usually recruits them and is in charge of supervising and releasing payments to them. To their knowledge, this person earns a commission for every worker hired and maybe also gets a percentage of their salaries. In some construction sites returnees said they are no longer asked for 'papers', especially if the work is only for a short time period.

**B. Origin: Zamboanga and nearby communities**

Those from Zamboanga and nearby communities usually go to Tawi-tawi on their own, or with a "recruiter" and from there, basically go through the same transportation and transfer procedures that Tawi-tawi residents go through.

The government workers and the returnees interviewed reported that the Tawi-tawi travel transactions are a common knowledge. People generally know which of the domestic boats actually cross sea borders and travel all the way to Sabah. The difficulty for immigration officials lies in the fact that these boats are not legally prohibited from taking passengers who have no passports, given they are supposedly domestic passengers. However, even when police and POEA suspect that passengers are potentially trafficked or illegally recruited, or intend to enter Sabah illegally, they cannot easily stop passengers from getting into the boats. According to the police and POEA, it is really the border patrols that would be able to intercept these boats. However, they suspect these arrangements may actually also involve the patrols.

**C. Origin: Other regions**

Recruits who are promised work in Sabah are usually brought to Zamboanga, where, if they have no passports, the processing of passports is completed, taking only about 15 days. Once their passports are available, the recruits are either transported from Zamboanga, or are brought to Tawi-tawi, where transportation is much cheaper.

Most recruits from outside the Mindanao regions are promised and are charged for office work in Sabah. At other times, they are often brought to Sabah with no guarantee of a specific job, but are promised that 'many jobs' would be waiting for them there. The recruits end up doing whatever job lands in their lap. Men generally end up in construction, where the period of work or length of employment is usually short, wages are low and employers do not usually ask them directly for papers.

### **Case Study: Danilo, Sabah Fisherman without Papers, Trafficked into Imprisonment**

Danilo (not his real name) is a 56 year-old fisherman originally from the province of Zamboanga, Philippines. He first came to Sabah 16 years ago on a boat from Tawi-tawi, and entered Sabah through the port of Sandakan. Arriving in Sabah, he did odd jobs, but his main occupation became fishing and he had been employed exclusively as a fisherman during the last six years. He got the job in Kota Kinabalu through a fisherman friend, who facilitated his application and employment. His friend had been asked by a fishing boat operator to recruit Filipino and Indonesian fishermen for a fishing vessel in Kudat, about 2 hours from Kota Kinabalu. Selected recruits would be paid 800 to 1000 RM per month. This friend offered to help Danilo process his papers, so that Danilo could concentrate on the job and not worry about being apprehended by the immigration police. Danilo signed up and was accepted for the job.

At Kudat, onboard the fishing vessel called ODC, Danilo was told by his employer that those among them who had no passports and work permits would have to pay 450 RM per year. This amount would be deducted from their salary over the course of a year, and this would be done for every year they were employed.

Danilo's employer knew from the beginning that he had no passport, but hired him and the others anyway. The employer even assured them that there would be no need for passports that they were safe from being inspected and apprehended by the authorities. Danilo believed what the employer said. He had worked in Sabah before without a passport or a work permit, and been able to go home to Zamboanga and return to Sabah a few times, when he had to. He could enter Sabah from the Philippine province of Tawi-tawi through the port in Sandakan without identification or travel documents.

Danilo found the work at sea to be very hard, and the isolation from his family made it almost unbearable. Danilo received very low pay and, after the deductions, he barely had enough for himself, much less for his family. He and the other fishermen were rarely allowed to get off the boat even on the rare occasions when the boat was docked. The boat operator told them that the boat was not being docked so that they would not attract too much attention from immigration authorities. Danilo found this strange, because he had thought money was being deducted from his wages to process the proper documentation that would protect him from being apprehended and allow him to work freely and legally. He had been told at the beginning of his employment that even if they ever got caught, the employer would use the money to bail them out and pay for fines.

In February 2009, Danilo noticed their fish catch was steadily declining. Workers were paid even less than the already small wages they had originally agreed to. Around this time, the employer decided they should dock at Manawali, off Kudat. Danilo says that he found this decision unusual because prior to this, the employer had been carefully avoiding having to dock. Everybody on the boat knew there would be inspectors at Manawali and that if they docked there, the boat risked being inspected. Danilo was not worried at first because he knew that he and the other fishermen had been paying a "security" fee every month. When the boat docked at Manawali, however, police immediately boarded. The police found that the workers on the boat did not have proper identification documents, and Danilo along with several others were rounded up and brought to the police station where they tried to explain their situation.

Danilo believes their employer reported the workers' undocumented status to the immigrations police, leading to their apprehension and eventual imprisonment. The employer also did not bail them out, despite the security fees the workers had been paying through wage deductions. Danilo says that he was fortunate to have been given time to apply for a Philippine passport for the first time. He is taking this opportunity to get one so he can continue to work in Sabah legally..

## Education

Many of the respondents had minimal to no formal education, particularly among the subsistence fishermen hired for fishing vessels in Taiwan and the men from Tawi-tawi who have migrated with their families to Sabah. However, some of the men recruited for fishing vessels in Taiwan also had academic certificates and formal training from maritime schools

At least 25% of the respondents, moreover, had some college-level education, while a few had college degrees. One of the respondents was a university student who, along with 48 other students from various universities in the Philippines, had been accepted supposedly for an exchange agricultural training program in a university in Israel. Two other respondents were licensed engineers, one of whom was a car-designer and inventor.

### **Case Study: The Case of Rico, a well-educated automotive designer**

Rico is a 41-year old mechanical engineer who designs cars and fuel saving devices. He previously worked as productivity specialist for an American firm and as a manager of a Korean logistics company.

Rico was in between jobs when in March 2006, Fahad al Attawi, a businessman from Saudi Arabia, contacted him and offered him a job to design and build trucks for him in Saudi Arabia. Apparently, Al Attawi saw Rico's profile and sample designs from a car design website. Al Attawi's offer included a monthly salary of US\$1,500 for Rico, US\$700 for each member of the team that Rico would put together, the cost of their airfare and other expenses related to processing their travel documents. Although, he found the salary to be below the market rate he accepted the offer for lack of better opportunities. Al Attawi assured Rico that he had a warehouse, equipment, tools and everything else that Rico would need. By July 2006, Rico had put together a team with three skilled workers, and two un-skilled workers. They all agreed to a six-month contract. Rico and a broker in the Saudi Embassy worked on the travel papers. They were able to secure visit visas valid for that time.

Rico and his team left for Saudi Arabia in September 2006. The first indicator that something was amiss was when Al Attawi picked them up at the airport in a small car and a taxi instead of a company vehicle. Al Attawi also took their passports and gave them photocopies instead. Rico's suspicions grew when they arrived at the apartment, which was below the standard of housing facilities usually provided for expatriates.

They spent the first three weeks in Saudi doing nothing because they had been informed that the warehouse where they were supposed to work had been padlocked for nonpayment of rent. Al Attawi provided Rico and his team with an allowance for food and other living expenses while waiting for the actual work to begin.

Although this was not indicated in the scope of work in their original contract, Rico and his team were the ones who looked for another warehouse and who procured tools, materials, and equipment. By October, they were working on their second prototype unit. However, the delay in the procurement of materials affected its delivery time. Al Attawi also added six more units for the team to build.

During the period of October 2006 to January 2007, Rico and his team were not paid their salaries in full, and at times, payment was delayed and or withheld.



In March 2007, Rico discussed with Al Attawi the status of their contract and visas that had already expired. He informed Al Attawi that even when project delays had not been their fault, the team was willing to extend their work for another two months in order to finish the project. Sometime after that, Al Attawi called Rico to his office and accused him and his team of planning to escape and abandon the project. When Rico denied the allegations, Al Attawi hit Rico's throat and threatened to cut off his hands and kill him.

Sometime after this confrontation, Rico's assistant, an architect from Davao, asked to be allowed to go home so he could attend to his ailing father. Rico persuaded Al Attawi to let the architect go and, in return, the rest of the team would stay. In the meantime, the rest of the crew continued to work on other projects.

The next October and November 2007, the team did not receive their salaries nor were they given any allowance for food. Al Attawi was also conspicuously absent. Then in December 2007, the Jawasat Deportation Prison Police conducted a raid of their warehouse. Rico along with his three team members and one Indian worker were arrested and sent to jail. Rico suspected that two of Al Attawi's aides knew there was going to be a raid as they were absent. In Sumisi Prison, Rico and his team members were put in an overcrowded cell with other criminals. After three days, Rico fell ill and had to share a small, airless, and dirty cell with three Indians who were afflicted with chickenpox.

It was only when the prison officers returned their cellular phones that Rico was able to contact the Philippine Embassy through a text message. Two days later, a representative from the Philippine Embassy paid them a visit and Rico's group asked the Embassy to help them return to the Philippines.

Al Attawi paid for Rico's bail and brought Rico to his own house. His team members were also released from prison 10 days later and they decided to stay together at a friend's house. Their personal belongings were in the warehouse, but the warehouse was padlocked. In a few days, they were made to go back to work.

Rico found an opportunity to post their story in an online forum in a website for car enthusiasts. A Joseph Espiritu posted advice to Rico to use the Internet to post an open letter to the government of Saudi Arabia detailing their plight. The letter was signed by their wives. The open letter was first sent to the Philippine Embassy, which informed Rico that forwarding this letter to the Saudi authorities would take a while.

After two months, impatient with their situation, Rico and his team members decided to escape from Al Attawi. They snuck out of the warehouse early in the morning and walked four kilometers to a friend's house, where they had already deposited their things the day before. Their next move was to bring their letter to the governor's office to be green stamped, which would mean that they had filed a case. The stamp would serve as their free pass to go around Saudi. Mr. Lito Alejo offered his house to them while the labor case they filed against Al Attawi was being processed. They stayed at Mr. Alejo's house for one month.

Their lawyer, Mr. Khaled, advised Rico and his team members to reach an out-of-court settlement with Al Attawi. Al Attawi would only pay for their return airfare and half-month salary, so Al Attawi's friend from Riyadh Food Co. paid for the other half. Al Attawi even offered them work again, but Rico and his team members declined and decided to fly back home.

### **Case Study: Erwin, an engineer trafficked to Iraq**

Erwin, a married engineer with two children, was employed in an electronics factory in Cavite when an opportunity to work in Dubai came in late 2005. He responded to an advertisement for what seemed to be a job in a logistics company in Dubai. He was called for an initial interview at the employment/recruitment agency in Malate, Manila. He was told the company was looking for able-bodied men who had experience in a construction or manufacturing facility. The pay was more than four times higher than what Erwin was then earning. Other

promised benefits included free meals and accommodations, bonuses and allowances. Erwin convinced the recruiter that he was fit for the job, even though he had not done manual labor before.

The agency required Erwin to submit a passport, a resume, an application form with his accomplishments, and the amount of P85, 000 (around US\$1,700) in cash. Erwin used his family savings and borrowed money from his brother to come up with the required amount. Within a month after he responded to the ad, Erwin was able to process all application requirements and was ready to leave for Dubai. He was told his visa would be processed in Dubai by the company management and that it would there within two weeks of the start of his employment. In the meantime, he would enter Dubai using a visitor's visa.

In Dubai, Erwin was met by a representative of the company who took him to the office where the manager himself welcomed Erwin to the company and oriented him further about the work. Erwin noted that the management staff was mostly Caucasian. He wasn't sure if the manager who oriented him was American or Canadian. He was told the business operates in various parts of the Middle East, but that the corporate office is in Dubai. Erwin agreed to be assigned wherever the company operated and said that he was eager to start working. The manager took Erwin's passport so the process of securing him a visa could be started.

The next day, the person who met him at the airport and another company representative named Ram, picked him up from his hotel. They drove to what seemed to him to be a farther and much smaller airport where they were met by at least four other Filipinos. Erwin noted there were about forty other passengers, all male, on the plane. He fell asleep and woke when they landed at their destination.

Before they deplaned, Ram gave him and the other Filipinos, documents to sign, and what looked to Erwin like a pass with the US military seal on it. Erwin asked Ram what place where they were and was told they were in Iraq. Erwin told Ram that this was not what he had signed up for, and that he had not been properly informed of his job assignment. But Ram replied that Erwin had signed a contract agreeing to be assigned there. Erwin demanded to be returned to Dubai and refused to go any farther. However, he eventually agreed to deplane after being assured by Ram that he and the other workers would be safe in Iraq, as they would be working on a construction site inside a US-controlled compound, and there would be many other Filipinos working there. Erwin said he still wished to return to Dubai as soon as possible. Ram told Erwin he would communicate his request to the Dubai office and Erwin should wait until someone from the Dubai office came for him.

Erwin worked as a pipe-fitter in Iraq for about four months before someone from the company came for him. Erwin said that the work was difficult, dangerous and that he felt constantly in fear of losing his life, even though the camp was heavily guarded by armed men in military uniforms. The living conditions were also contrary to what he had been promised. He and the other workers slept in bunk beds; they lined up every day for meals that were not sufficient in quantity and were substandard in preparation. They took their meals outside the halls where the soldiers ate.

When he arrived in Dubai, Erwin stormed the manager's office and had a confrontation with the manager. Erwin demanded his papers, his full pay, and for the company to sponsor his trip back to the Philippines right away. The manager told Erwin that he was obliged to finish his contract, and that he could be assigned to other jobs if he didn't wish to go back to Iraq. Erwin insisted on his refusal to continue working for the company, and threatened to expose and sue the company. This got the manager very angry, and was about to hit Erwin in the face but another employee stopped him.

Erwin eventually escaped and returned to the Philippines with the help of fellow Filipinos who were also employed in the company. One employee was able to get hold of his passport and get him a return ticket to Manila. Another employee lent him his uniform so Erwin could pose as a cleaner taking out the trash. Outside the building, another Filipino drove him to the airport and gave him some money.

In the Philippines, with the help of his brother who was the head of an NGO assisting migrant workers, Erwin filed a complaint at the POEA against the employment agency in Manila which then facilitated the payment of P200, 000. The amount represented partial payment of what he was supposed to have received for the duration of his work for the company. The negotiations took two months to complete.

Erwin's brother stated that, barely a year after this happened, Erwin left again for work in Saudi Arabia and that this time, the company employing him did not have operations outside Saudi Arabia.



## PHASE III: Assessment: Identifying the Risks and Protections

All people who are at risk of being trafficked must contend with national, international, and transnational laws and agreements. Filipino males also contend with many of the same risks that all people vulnerable to trafficking face:

- 1) **Transnational context** – transnational agreements are sketchy by nature and can be difficult to enforce. The research analyzes anti-trafficking laws in the Philippines, in the countries that receive trafficked Filipino men, and the laws as they are spelled out in transnational and international agreements. (The constitutional laws of Malaysia and Taiwan are detailed in Appendix C as these two countries are common destinations for trafficked Filipino men.)
- 2) **International context** – Filipino men are reliant on the agreements between their own government and that of their receiving countries and the enforcement of those agreements for protection; and
- 3) **Gender bias** – anti-trafficking laws and the enforcement of those laws tend to be biased toward women and children despite the fact that definitions have evolved to include many activities that fall under a broader, non gender specific umbrella of human trafficking.
- 4) **Filipino men also face risks that are unique to their situation.** As previously noted, the demographics and widely varied skill sets of Philippine males seeking overseas work, make Filipino men more vulnerable to (coercion and) trafficking into the international marketplace of work.

### Other Factors that Increase the Risk of the Filipino Male

Studies of male trafficking indicate that, in order to better comprehend the various facets of this particular phenomenon, there is a need to “consider aspects of identity which impact risk and intervention needs, including age, education or class... as well as socio-cultural environments which place persons at risk of trafficking.”<sup>30</sup> The following are some of the factors that are less tangible in assessing the vulnerability Filipino men face in being exploited.

#### *Misclassification and Underreporting*

There is an absence of empirical data on male trafficking victims, and on trafficked Filipino men, in particular. There are many factors and mechanisms that contribute to this misclassification and underreporting of male trafficking cases.

#### *Lack of Awareness*

Interviews with government agencies and nongovernment organizations (NGOs) that receive reports and document instances constituting trafficking, show that very few of the men who report being subjected to exploitation or trafficking decide to file a complaint in court. In many instances, the men do not even

---

<sup>30</sup> This is one of the recommendations of the IOM, based on the findings of its research on trafficked men from Belarus and Ukraine.

perceive their situations as being exploitative, and therefore are very vulnerable to being re-trafficked.<sup>31</sup> (See Appendix A: Case Studies)

Data from the Center for Migrant Advocacy (CMA), which provides an SMS-help service to distressed overseas Filipino workers (OFWs), reveal that almost 50% of the reports of abuse and exploitation it receives are from male OFWs in various situations of distress. Interviews indicated that the technology – remote reporting through SMS and email – facilitates the men’s disclosure of their situations. However, records also indicate that the victims do not then formally pursue most of the CMA-assisted cases in court.

Of the 67 male interviewees who shared their experiences of exploitation or conditions that constitute trafficking, only seven brought their cases to an agency or organization to facilitate the filing of a formal legal, complaint. Of these seven, however, not one eventually pursued a case in court.

### ***Cultural***

Some studies exploring issues of Filipino masculinity demonstrate that cultural factors also come into play, and could render men even more vulnerable to being trafficked or exploited.<sup>32</sup> Previous (and some current) research frameworks fail to recognize these vulnerabilities, contributing to the underreporting and misclassification of cases of male trafficking.<sup>33</sup> Also, deeply ingrained gender and social stereotypes can also preclude agents and authorities from identifying men as victims of trafficking.

### ***Gender Bias***

Tools and categories employed by authorities are biased toward detecting and protecting trafficked women and children. According to original laws and agreements in the international community, trafficking was limited to sexual exploitation of women and children. That definition has expanded to cover male and female migrants who are victims of trafficking for purposes of economic gain. However, it was only in the late 1990s when the issue of forced labor, slavery, or servitude surfaced. Despite the evolution of the definition and expansion of protection under the term “human trafficking”, many laws and enforcement thereof, are still particularly geared toward women and children.

### ***Unregulated Industry***

The types of industries that men enter into are those not regularly monitored by authorities, or are poorly regulated by the market. The nature of these industries, coupled with the isolated location of the workplaces, also makes it difficult for trafficked men to report their situations. (See Appendix A: Case Studies for examples of unregulated industries and undocumented employment.)

---

<sup>31</sup> Interview with CFO, CMA, and DSWD-Zamboanga

<sup>32</sup> See, for instance, "Men at Sea: Migration and the Performance of Masculinity" *Paper presented at the annual meeting of the American Sociological Association, Montreal Convention Center, Montreal, Quebec, Canada, Aug 11, 2006 Online <PDF>. 2009-08-25 <[http://www.allacademic.com/meta/p95834\\_index.html](http://www.allacademic.com/meta/p95834_index.html)>*

<sup>33</sup> Among the few organizations that have undertaken a sustained effort to study and document cases and instances involving trafficking other than for sex exploitation of women and children, are the International Organization of Migration (IOM), Ethnicity-and-Democratic-Governance-of-Canada, and Australia Institute of Criminology (AIC), Australia's national research agency on crime and criminal justice.

## Conclusions & Recommendations

There has been a critical gap in research on trafficked Filipino men<sup>34</sup> which directly results in a failure to properly identify cases of trafficking other than for sex exploitation.<sup>35</sup>

The problems encountered in the research and documentation of male trafficking cases is symptomatic of the nature of the acts that characterize all human trafficking for labor exploitation: clandestine, deceptive, underground, and generally more subtle and covert.<sup>36</sup>

The difficulty is abetted moreover, by the fact that interpretations of these acts, as defined in various protocols, conventions, and laws, can vary significantly across states and across relevant agencies. It is crucial that Philippine agencies and individuals involved in trafficking cases apply similar standards and definitions in identifying trafficking cases in order to avoid questions of ambiguity in regards to circumstances of trafficking that are uniquely male.

### ***Indications of the widespread existence of trafficking in Filipino men***

Despite the lack of empirical data on the trafficking of Filipino men, there are indications of its widespread existence, as may be gleaned from media and NGO reports documenting the distressed and often desperate situations of Filipino male migrant workers. In the various industries where Filipino men often end up, recruitment fees and debts assumed by workers migrating freely and legally for legitimate forms of employment, spark a cluster of factors leading to a working environment tantamount to involuntary servitude.

There is often strong evidence that the trafficking of Filipino men exists, but a potentially significant number of cases of male exploitation constituting trafficking have not been reported or classified as trafficking. Several reasons can be cited for this critical gap:

- ⇒ Filipino men are not apt to report having been exploited.
- ⇒ Male migrant workers who are “out of status” and apprehended in host countries are processed primarily as undocumented aliens rather than as victims of exploitative circumstances.
- ⇒ Cases of exploitation of male OFWs, that might have elements of trafficking, are filed and prosecuted more commonly as illegal recruitment cases rather than trafficking.
- ⇒ Detection tools and approaches for trafficking are heavily biased in favor of women and children, with a purpose to detect trafficking for sexual purposes.

The transnational nature of trafficking as a crime makes legal prosecution difficult because it involves countries having distinct sovereignty. The difficulty is exacerbated by the fact that the countries in which Filipino men find themselves in exploitative situations are countries where the Philippines do not have strong legal means by which to protect them. This is because either (a) there is no diplomatic

---

<sup>35</sup> Interview with agents from the National Bureau of Investigation (NBI) and law enforcers in Zamboanga indicate that even cases involving women are also underreported. Victims’ refuse or hesitate to provide more information about offenders for fear of reprisal or for fear that their chances of working abroad again will be jeopardized.

<sup>36</sup> Coster-van-Vorhout, Jill-E.B. *Human Trafficking for Labor Exploitation: Interpreting the Crime*

relationship between the Philippines and countries such as Taiwan and Iraq; (b) the Philippines has no bilateral agreements with these countries that include labor protections, i.e., Malaysia.

As indicated by the research findings, the trafficking of Filipino men is strongly linked to labor migration patterns, and the means of exploitation is through forced labor, or conditions akin to slavery.

An overwhelming 94% of the men in this study found themselves in countries and industries where there is a great demand for low-skilled manual labor, such as Malaysia, Taiwan, and Saudi Arabia.

In these countries, there are striking tensions between meeting labor market demands and implementing strict immigration policies. These tensions were found to increase the vulnerability of migrant workers to exploitation and forced labor.

The ways by which men are facilitated into forced labor and other exploitative situations are such that they are not gender exclusive. This would imply that:

- ⇒ The detection of trafficking for sexual purposes and for forced and exploitative labor will require different tools and approaches.
- ⇒ The current prevailing structures, tools, and approaches for attacking the issue of human trafficking tend to focus on women and children trafficked for the purpose of sexual exploitation.
- ⇒ The absence of similar tools and approaches focused on labor trafficking may obscure better detection of men and women trafficked for forced and exploitative labor.
- ⇒ The lack of a clear and internationally accepted definition of 'exploitative labor conditions' whether or not forced labor conditions exist in the legal sense can compromise the ability of victims to seek redress under anti-trafficking laws.

Findings strongly indicate that abusive and exploitative recruitment and broker practices continue to play a significant role in facilitating trafficking for purposes of forced or exploitative labor. There was no strong evidence, however, that the actors or groups of actors facilitating the entry of trafficked Filipino men into exploitative labor were part of a global syndicate, except for the case of trafficking for forced labor in criminal activities. The facilitators tended to be small networks of small players. This, however, made them no less invisible or difficult to apprehend.

Apart from exploitative recruitment and broker practices, the study saw emergent forms of facilitation, including recruitment and facilitation through travel agencies, student exchange programs, and existing support services provided by NGOs for migrant Filipino workers.

Notably, in the last five years, Philippine media organizations have consistently carried reports of male overseas Filipino workers (OFWs) subjected to various exploitative and distressed situations. However, only recently have these situations been explicitly labeled as cases of trafficking. Despite the media attention and the growing awareness and activism on human trafficking here and abroad, there remains a deep deficit of understanding with respect to male victims of human trafficking; the circumstances that lead to their being trafficked; and the places, sectors, or industries where the exploitation takes place.

This discrepancy with respect to attention directed to male victims of human trafficking has begun to be recognized by policymakers and researchers. At the same time, the operational definition of human trafficking is being slowly expanded to encompass various modes of exploitation of migrant workers, including the exploitation of workers migrating legally under their own will for legitimate forms of employment.

Several international organizations have begun publishing reports exploring the issue of male human trafficking. Some of these reports concur that men are vulnerable to human trafficking and exploitation in ways distinct from women, and these men are often less likely to report and talk openly about experiences of exploitation. Because the dynamics of male trafficking are insufficiently grasped by most organizations involved in combating trafficking and assisting victims, many Filipino men who may be or have been trafficked continue to be ignored, with their needs poorly understood.<sup>37</sup>

### ***Selected Policy Recommendations***

In July 2009 a multi-stakeholder meeting was held to review the findings from this project. The following are major policy recommendations which were offered and discussed at this meeting. For additional suggestions and commitments by project conference attendees, see Appendix E.

- Having both anti-trafficking laws and laws on migrant workers is vital to eliminating human trafficking and promoting the protection of the rights of victims and of migrant workers. This has not yet been accomplished.
- The government needs to develop a uniform system of reporting and documentation of cases of trafficking covering both domestic and international human trafficking of all forms – not just sex trafficking. A concentrated effort should be made to establish centralized reporting, a system of monitoring migration patterns and migrants in distress including trafficked persons, and development of a centralized database to maintain comprehensive and accurate information.
- Philippine embassies and consulates should play a pivotal role in addressing this problem. Since they are present in countries where international trafficking happens, they need to be provided with the necessary human resources and facilities. The Philippine government should also establish centers in countries with a high incidence of trafficking and encourage witnesses and victims to report cases of trafficking, offering them whatever special support is necessary to complete the reporting process.

---

<sup>37</sup> In a multi-stakeholder meeting conducted by Verité last year, most of the invited participants initially stated that they have never encountered cases of trafficking involving men. In the course of discussions, the participants were able to recognize and share several cases they facilitated involving distressed males as actually constituting trafficking. Interviews with government agency representatives also indicate that efforts tend to be geared toward detecting women and children victims of trafficking, and situations involving trafficked men can be overlooked or misclassified under a different case.

- NGOs and similar organizations should provide legal support for victims of trafficking or illegal recruitment. Without the support from these groups or organizations, the victim is unlikely to be able to sustain long litigation processes through which offenders are ultimately prosecuted.
- The Philippine government should exert full effort to secure bilateral or multilateral agreements with other countries, prioritizing those countries with large numbers of Filipino migrant workers.
- Philippine policy should be to only deploy Filipino workers to countries with whom it has secured bilateral or multilateral agreements and only to countries that are signatories to UN conventions, protocols, and other international instruments that protect migrant workers and trafficked persons.
- Concerned government agencies including LGUs should seriously implement R.A. 9208's provision information and should give priority to rural and urban poor areas where human traffickers are likely to operate. The POEA or any other concerned government agency should exert more effort to educate and inform people about what to expect in migration, the proper recruitment procedures, and provide them with a list of licensed recruitment agencies.
- The government should allocate funds needed to implement the laws on trafficking, so that specific programs, including legal assistance and repatriation, may be implemented.
- The government should establish mechanisms for coordination or cooperation with Interpol or police forces in other countries to gather or facilitate access to evidence.
- Concerned government officials should undergo extensive training to equip them with accurate and comprehensive knowledge of the law, as they are the primary implementers of this law.

## Appendix A: Additional Case Studies

### Case Study: Nardo recruited for hotel services and then trafficked to an Ice Plant in Malaysia

Nardo, 41 years old, had worked for a few years as a security guard at the NBI building in Clark, Pampanga when he met Lanie, who was distributing flyers advertising employment for **hotel services** in Malaysia. Prior to working as a security guard, Nardo had worked in construction and on a rice farm. Lanie told Nardo that he could be a room-keeper in a hotel in Malaysia, with a minimum pay of 12 thousand pesos per month. He was also told the work would be limited to 8 hours/day, with meals and housing provided for free by the management.

Nardo paid a “processing fee” of 27 thousand pesos to Lanie’s associate, Girlie, two days after he submitted his passport, resume, and application form. He then attended a Pre-departure Orientation Seminar (PDOS) on January 15, 2009, in preparation for his departure scheduled for January 24. However, his departure was postponed to February 4 and then again to February 23, for reasons that were unclear to Nardo. In the meantime, he lived in the Girlie’s house, somewhere in the Pantranco area in Quezon City. Nardo had to help out in the chores in exchange for being allowed to stay at Girlie’s house, even though he had to provide his own meals. Nardo said he was embarrassed to wait at his sister’s home in Bulacan as he had already told his family and friends that he would be out of the country by January 24.

On February 23, Nardo, together with six females recruited supposedly for similar hotel jobs in Malaysia were given plane tickets and driven to the airport by Girlie and another associate named Del. At the airport, they were instructed by Del to go to the fifth immigrations officer – ‘a woman with long hair’ – as this officer held a list containing the workers’ names and would let them through without any questions. Nardo said that they did as Del told them and went through immigrations smoothly. Nardo and the six girls had only one-way tickets to Kota Kinabalu.

As per Del’s briefing, Nardo and his six companions were picked up at the Kota Kinabalu Airport by two Filipino women who took them to a hostel where they were to spend the night. The seven each paid 750 pesos to the two women for the night’s stay, transport services, and meals. The following day, they were given one-way tickets for Miri, and driven to the airport. At Miri, they were met by a Chinese-Malaysian man who introduced himself as the owner of an employment agency. They were brought to this man’s office, where his secretary took the workers’ passports. There, they were asked how much they paid Lanie/Girlie in the Philippines, and then were made to sign promissory notes stipulating that the amount of 1,480 MR would be deducted from their wages for the first four months, supposedly for processing their working visas in Malaysia.

They were then brought to their temporary quarters – a room which was triple locked from the outside, within what looked like a deserted condominium building. Nardo said there were many indications that the unit had been used before, as there were still clotheslines and a few personal items left behind. All seven slept in the same room, on futons lined up on the floor. They were provided noodle soup packs and eggs for their meals.

For the next seven days after arriving in Malaysia, they were brought from their quarters to the employment agency office every morning. At the office, they were made to line up in front of “guests”, who would come to look them over and choose which among them were suitable for whatever job the male “guests” had in mind. Nardo said that the girls became very apprehensive as they were separated from each other. He and the girls consistently texted Lanie, but Lanie just told them to wait and not worry.

On the morning of March 2, Nardo was told to prepare his personal belongings as he was going to be brought to his new work location. Nardo was relieved, but the driver brought him to what turned out to be an ice plant. At 12 noon of that same day, he was instructed to start working. His job entailed lifting 50-kilo-heavy blocks of ice from a platform, fitting them into sacks, and loading them onto trucks. He was given no days off in a week. He lived



with the other workers in the compound, where he at least had his own small room, which fitted a single futon but hardly any space around it. Meals consisting of boiled rice and a piece of fish from a sardine can were provided to workers at night. In the morning they had to take care of their own meals.

In less than a week, Nardo's hands had become swollen and full of blisters that would not heal since these were always exposed to moisture and cold. At the end of that week, he told his employer that he no longer wished to continue working, but his employer merely told him that he could only leave work when someone from the agency picked him up. He was also warned that if he ran away, he would not get paid and might be picked up by the deportation police. Nardo called his sister in Bulacan to tell her about his situation and to instruct her to go after Lanie, Girlie, and Del, or to report his situation to the authorities or the media.

It took three more weeks before the same driver from the agency came for him to bring him to the airport. Nardo was supposed to collect his pay at around this time. The driver talked to the employer while Nardo waited outside with his bags. Nardo said that he saw the employer signing documents and then giving the driver some cash, which Nardo believed at first to be his pay for the whole month of work. At the airport, the driver handed Nardo a ticket for Kota Kinabalu. When Nardo asked for his pay, the driver merely said that nothing was endorsed to him.

At KK, Nardo was met by the same caretakers of the hostel where he stayed on his first night in KK. Nardo eventually learned that his sister had reported his case and that the Commission on Filipinos Overseas (CFO) had gotten wind of it. The CFO in turn sought the assistance of the embassy in Malaysia and of an NGO/Foundation in KK to intercede with the employer and labor broker to allow Nardo to leave the job, and to help repatriate him back to the Philippines.

### **Case Study: Robert, recruited for fishing and then trafficked to trash processing in Taiwan**

Thirty-nine year old Robert comes from Honda Bay Sta. Lourdes, Puerto Princesa City, Palawan. In April 2005, Robert responded to a job advertisement from Mr. Danao, also from Puerto Princesa who was looking for fishermen for Taiwan. Subsequently Robert met with Taiwanese brokers Mr. Nang, Miss Wana, and Ms. Jenny from Flourish Maritime Shipping Agency (FM Shipping). They gave him a test on mending a net which he passed. He was told to report to the Puerto Princesa Public Employment Service Office (City PESO).

At the City PESO, the manager asked for his documents, and whether he had P50, 000 (Philippines pesos equivalent to around US\$1,000) placement fee for FM Shipping Agency. The manager encouraged him to take a loan from PESO. The City PESO granted him a loan of P40, 000 and he executed a promissory note allowing the City PESO to deduct a certain percentage from his salary every month to repay for his loan. He also signed a special power of attorney which he brought to Atty. Nix Rama for notarization.

On May 30, 2005, Robert left for Manila via Super Ferry. Ms Jenny brought him and 13 other applicants to the head office of FM Agency where they were introduced to the owner, Lita Uy. On May 31, 2005, he underwent a medical examination at St. Martin Hospital. He then took a Safety of Life at Sea classes for one week, after which he attended POEA pre-departure orientation.

At the agency, he was asked to sign a document written in Chinese. He was told it indicated that he would be receiving a salary of NT\$10,000 (New Taiwan dollars equivalent to about US\$300) every month

#### **Arrival in Taiwan**

Robert arrived in Taiwan on July 11, 2005. He was picked up at the airport by a Taiwanese broker (JY International Manpower) and taken to the broker's dormitory to spend the night. The next day, he went to a



hospital for a medical checkup and then went to the JY office where his travel documents were taken from him. After this, he was brought to the police station for finger printing and then finally to the jobsite. However, Robert, along with another Filipino fisherman, Edie, was brought to a trash recycling facility instead of a fishing wharf. The place was called QX Recyclable Factory, owned by Tzou.

### **During Employment – Hours of Work, Humane Treatment, Compensation**

At QX Recyclable, Tzou oriented them on their work assignment, which consisted mainly of sorting through trash and separating recyclables from non-recyclables. They worked at least 12 hours per shift with no overtime pay and were sometimes made to work from 7 AM to 1 AM. They were given only five minutes for lunch break; they were not given any days off in a week; and received no time for rest on holidays. They were routinely subjected to physical abuse. The supervisor also sent the workers to steal metal rods whenever they were brought outside the factory.

The workers were not provided with hand gloves, masks, and boots for sorting waste, animal carcasses and plastics. Their employer prohibited them from leaving the job site for two months saying that it was against the law. On one occasion, one worker was nearly killed when he was hit by the dump box and was almost buried under a truck-full of trash being dumped on the ground.

For their living quarters, Robert and Edie had to stay in a used container van (located in the middle of a trash pile), which they shared with two Indonesian fishermen. They could barely sleep because of the foul smells and the mosquitoes. For his monthly salary, Roberto received minimum rate of NT\$15,840. Salary Deductions include: NT\$3,824 for food and board fee, NT\$216 for health insurance premium, NT\$1,800 as broker's service fee, and NT\$6,500 as payment for his loan to the City PESO. He was left with no more than one fourth of his monthly salary, or only NT\$3,500 (about US\$100).

### **Bringing Their Grievances Forward**

Roberto and the other Filipino workers called FM Shipping Agency to complain about their work and living conditions but Jenny told them to adjust to the situation. In August, Jenny and Ms. Uy visited the garbage facility and Roberto asked Ms. Uy to intercede and ask their employer for: reduced work hours, a day off, longer lunch break, improvement in the quality and quantity of their food ration and additional workers because they could not handle the amount of trash they were expected to sort in the facility.

On their third month in the facility, there were some improvements: more workers finally arrived, and they were transferred to a dormitory on the fourth floor of their employer's residence, from where they had to walk 30 minutes to the facility. They were still not provided days off, except during the Chinese New Year.

During the Chinese New Year day off, they met a Filipina to whom they reported their situation. The Filipina then reported their situation to Rerum Novarum, a Catholic NGO based in Taipei City, which, in turn, reported their case to the Taipei County Bureau of Labor Affairs (BLA).

On February 8, 2006, three policemen and one BLA investigator went to the facility. An FM agency representative instructed Robert and other workers to tell the police they were just visiting the facility and they were really working in a fishing boat. Robert and four others were brought to the police station and they signed the report sheets that detailed their situation.

On February 16, BLA transferred them to the Hope Workers' Center (HWC) in Chung Li City, a Catholic organization that assists migrant workers on labor related problems.

### **Teddy Fisherman in Laoag, Ilocos Norte**

Teddy, a fisherman, in his late thirties, was initiated to this line of work when he was 19 years old back in his hometown in Bohol. His friends had told him that they were bound for Manila as one of them had an uncle who would refer them to a recruiter for international fishing vessels. Teddy secured a copy of his birth certificate and school certificates, and the necessary funds to buy their return ticket to and from Manila. Teddy said that he had always dreamt of being a seaman, which he knew would never happen if he stayed in Bohol, as his family did not have the resources to send him to school.

Teddy recounted that there were 12 people who traveled with him to Manila for this purpose, including one of his childhood friends. They traveled to Manila by commercial passenger boat. When the group arrived in Manila, they went to the recruiters' office in Navotas where a large group of men were gathered. His friend's uncle spoke to someone who ushered them inside the office. They were individually interviewed and during the interview he was told that the work will actually be as a fisherman based in Taiwan. Despite his initial disappointment, Teddy was relieved when, despite his limited experience, he was told at the end of the interview that he would be deployed as soon as he is able to submit a copy of his birth certificate, his school records, NBI and medical clearance. He was relieved to know that the recruitment agency did not ask for processing fees and for other expenses as these were to be paid out of the salary he would earn in Taiwan.

Teddy and 20 other men who had qualified for deployment boarded a bus with a representative of the recruiter. The bus went to Laoag and from there, to a coastal area where they were made to board a tugboat. While on this tugboat, they saw another boat in the distance, and they were asked to jump out of their boat and swim towards that other boat. Teddy reported that they swam for what he perceived to be more than an hour as the current was very strong. He made it to the other boat and watched some of the other men swim towards him. He recounted that there were 3 men who had traveled with him that did not make it to the boat, and he was not sure what had happened to them.

From the second boat they were transported to a bigger boat which eventually served as their sleeping quarters. This big boat seemed to be a 'mother boat', where many of the other fishermen stayed in between fishing expeditions. He and eight others were fetched from this boat by his fishing boat captains. Of the nine of them, some were from his original group from the Philippines, while others were Indonesians and Taiwanese. They would go on fishing expeditions for a period of between two to eight months and during these fishing expeditions, they fed on fish caught from the sea and supply of rice and drinking water brought by their captain. Their fishing expedition went as far as Latin America and Africa, sailing for four to six months at a time and there were times when they ran out of rice and drinking water. In some cases their fishing boat docked to replenish food, water and fuel supplies, but on most occasions, they had to wait for supply replenishment when they get back in Taiwan. Occasionally they docked onshore and their Captain would ask the crew to hide in containers of nearby boats, or, in some cases, in a nearby cave. They were told the coast guard in that port might conduct an inspection and that they could be caught and imprisoned. In these expeditions, the crew worked at least 16 hours a day, seven days a week, and hauling fish in the open sea. On some occasions, he was allowed to join the crew that docked on the Tungkang shore near Kaoshiung but would be told to hide in containers on occasions when there were Coast Guard inspections.

Teddy received his salary from the Taiwanese captain/manager, stationed at the 'mother boat' only after their months-long fishing expedition. He was surprised to receive only NT\$3,000 monthly salary during the first year of his work. At that time, Teddy felt that he had no choice but to accept the conditions, even though these were contrary to what he had been promised. His salary eventually increased to NT\$4,500 on the second year of his employment. On the third year of his employment, when he had paid off his loans, and was starting to save some from his earning, he requested his employer to repatriate him back to the Philippines. For his trip home, he boarded the fishing vessel of his captain's friend who was bound for Davao.

## Appendix B: Governmental Sources, Definitions and Interpretation

The following are some of the international human rights instruments that mandate the recognition of the equal rights and inherent human dignity of men and women:

- The **Universal Declaration on Human Rights**,
- the **Convention on the Rights of the Child**,
- the **Convention on the Protection of Migrant Workers and their Families**,
- international instruments relating to criminal law such as
  - the **Convention against Transnational Organized Crime Including Its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children**, and
  - those relating to international labor rights such as International Labour Organization (ILO) conventions.

“Equal rights” and “human dignity,” and the gross violation of these principles, are key concepts on which legal definitions of acts of human trafficking are anchored. The Philippines ratified the following international conventions and uses them as basis for developing and implementing national anti-trafficking laws.

### **A. The Optional Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children.**<sup>38</sup>

This optional protocol provides a comprehensive definition on human trafficking, which is divided into three key elements:

- (1) The activities that constitute human trafficking (recruitment, transportation, harbouring, receipt of persons);
- (2) The means being used (force, coercion, abduction, fraud, deception, abuse of power, or of a position of vulnerability);
- (3) The purpose, which is exploitation (prostitution of others, sexual exploitation, forced labor or services or practices similar to slavery).

This definition is the result of several years of discourse in the international community, in its efforts to define all acts of trafficking. The key concept in the protocol definition is **the purpose of the activity, which refers to the intention of the perpetrator.**

### **B. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families**

The Convention on Migrant Workers defines a “migrant worker” as **a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a national.**<sup>39</sup> This has been the primary instrument in providing protection and upholding the rights of migrant workers as well as their families. This convention takes into account the vulnerability of migrant workers to trafficking. It likewise grants additional rights to migrant workers, given their unique situation.

---

<sup>38</sup> Adopted by resolution A/RES/55/25 of 15 November 2000 at the 55th session of the General Assembly of the United Nations. Supplementing the United Nations Convention against Transnational Organized Crime. Entered into force 25 December 2003.

<sup>39</sup> Article 2 (1), Convention on Migrant Workers

### C. Convention relating to the Status of Refugees<sup>40</sup>

There has always been a thin-line distinction between migrant workers and refugees. To better understand the situation of migrant people, one should also consider the situation of refugees and stateless persons. In earlier conventions on migration, refugees and stateless persons were not covered, and were sometimes considered as forced migrants due to their unique situations. This was resolved by the adoption of the convention relating to refugees, which gives refugees and stateless persons the widest possible exercise of their fundamental rights and freedoms.

### D. ILO Convention No. 29

Forced labor has been defined in ILO Convention No. 29 as “**all work or service that is exacted from any person under the menace of any penalty and for which the said person has offered himself voluntarily.**”<sup>41</sup>

### Philippine laws

The 1987 Philippine Constitution specifically provides that the “State recognizes the dignity of every human person and guarantees full respect for human rights.”<sup>42</sup> This provision has been the basis of several pieces of legislation, including the following two laws that specifically aim to protect Filipino migrant workers from acts of human trafficking.

#### ***1) Republic Act 9208 or “The Anti-trafficking in Persons Act of 2003***

**R.A. 9208 Trafficking definition:** The recruitment, transportation, transfer or harboring, or receipt of persons with or without the victim's consent or knowledge, within or across national borders by means of threat or use of force, or other forms of coercion, abduction, fraud, deception, abuse of power or of position, taking advantage of the vulnerability of the person, or, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person for the purpose of exploitation which includes at a minimum, the exploitation or the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery, servitude or the removal or sale of organs.<sup>43</sup>

#### *Punishable Acts of Trafficking - Sections 4 and 5*

**Section 4** details *acts of trafficking in persons* and states that it shall be unlawful for any person, natural or juridical, to commit any of the following acts:

(a) To recruit, transport, transfer; harbor, provide, or receive a person by any means, including those done under the pretext of domestic or overseas employment or training or apprenticeship, for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage;

---

<sup>40</sup> Adopted on July 28, 1951, and entered into force on April 22, 1954

<sup>41</sup> Article 2, ILO Convention No. 29

<sup>42</sup> Article II, Section 11

<sup>43</sup> In the course of the research, Verité encountered important leads on cases of organ trafficking and sex trafficking involving male victims. However, lack of access to available data, and to actual victims and key respondents in these areas of human trafficking limited the scope of this research to cases involving human trafficking of Filipino men for labor exploitation.

(b) To introduce or match for money, profit, or material, economic, or other consideration, any person or, as provided for under Republic Act No. 6955, any Filipino woman to a foreign national, for marriage for the purpose of acquiring, buying, offering, selling, or trading him/her to engage in prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage;

(c) To offer or contract marriage, real or simulated, for the purpose of acquiring, buying, offering, selling, or trading them to engage in prostitution, pornography, sexual exploitation, forced labor or slavery, involuntary servitude, or debt bondage;

(d) To undertake or organize tours and travel plans consisting of tourism packages or activities for the purpose of utilizing and offering persons for prostitution, pornography, or sexual exploitation;

(e) To maintain or hire a person to engage in prostitution or pornography;

(f) To adopt or facilitate the adoption of persons for the purpose of prostitution, pornography, sexual exploitation, forced labor, slavery, involuntary servitude, or debt bondage;

(g) To recruit, hire, adopt, transport, or abduct a person, by means of threat or use of force, fraud, deceit, violence, coercion, or intimidation for the purpose of removal or sale of organs of said person; and

(h) To recruit, transport, or adopt a child to engage in armed activities in the Philippines or abroad.

In **Section 5**, the law provides that the following acts that promote or facilitate trafficking in persons are likewise unlawful:

(a) To knowingly lease or sublease, use, or allow to be used any house, building, or establishment for the purpose of promoting trafficking in persons;

(b) To produce, print, and issue or distribute unissued, tampered, or fake counselling certificates, registration stickers, and certificates of any government agency which issues these certificates and stickers as proof of compliance with government regulatory and pre-departure requirements for the purpose of promoting trafficking in persons;

(c) To advertise, publish, print, broadcast, or distribute, or cause the advertisement, publication, printing, broadcasting, or distribution by any means, including the use of information technology and the internet, of any brochure, flyer, or any propaganda material that promotes trafficking in persons;

(d) To assist in the conduct of misrepresentation or fraud for purposes of facilitating the acquisition of clearances and necessary exit documents from government agencies that are mandated to provide pre-departure registration and services for departing persons for the purpose of promoting trafficking in persons;

(e) To facilitate, assist, or help in the exit and entry of persons from/to the country at international and local airports, territorial boundaries, and seaports who are in

possession of unissued, tampered, or fraudulent travel documents for the purpose of promoting trafficking in persons;

(f) To confiscate, conceal, or destroy the passport, travel documents, or personal documents or belongings of trafficked persons in furtherance of trafficking or to prevent them from leaving the country or seeking redress from the government or appropriate agencies; and

(g) To knowingly benefit from, financial or otherwise, or make use of, the labor or services of a person held to a condition of involuntary servitude, forced labor, or slavery.

## ***2) Republic Act 8042: The Migrant Workers and Overseas Filipinos Act of 1995***

Under R.A. 8042, a migrant worker<sup>44</sup> is defined as “a person who is to be engaged, is engaged, or has been engaged in a remunerated activity in a state of which he or she is not a legal resident to be used interchangeably with overseas Filipino worker.” Before 1995, migrant workers were referred to as overseas contract workers (OCW), but when the Migrant Workers Act was passed into law, they began being referred to as overseas Filipino worker (OFW) for two reasons: 1) The term was recommended to indicate the value of Filipino migrant workers, and 2) the new term is meant to minimize the emphasis on POEA-approved contract workers, because undocumented workers are also covered by the protective mechanisms of this law.

R.A. 8042 was enacted primarily to address problems of overcharging of broker and placements fees, excessive deductions on workers’ pay, and other misrepresentations of unscrupulous brokers and employers. The law also represents the Philippine’s commitment as a state party to the United Nations *Convention for the Protection of the Rights of all Migrants and Members of their Families*, to adopt legislative and other measures that are necessary to implement the provisions of the convention.<sup>45</sup>

Under R.A. 8042, the Philippine government, when national interest or public welfare requires, may, at any time, terminate or impose a ban on the deployment of migrant workers. Furthermore, a migrant worker will only be deployed in countries where the rights of Filipino migrant workers are protected.<sup>46</sup> And to guarantee that the rights of OFWs are protected, the law requires that the following conditions are present in the country of destination:

- (a) It has existing labor and social laws protecting the rights of migrant workers;
- (b) It is a signatory to multilateral conventions, declaration, or resolutions relating to the protection of migrant workers;
- (c) It has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers; and

---

<sup>44</sup> Section 3(a), R.A.. 8042

<sup>45</sup> Part VIII, General Provisions, Article 84

<sup>46</sup> Section 4, R.A. 8042



- (d) It is taking positive, concrete measures to protect the rights of migrant workers.<sup>47</sup>

In addition to these safety measures, the law provides that all embassies and consular offices, through the Philippine Overseas Employment Administration (POEA), shall issue travel advisories, or disseminate information on labor and employment conditions, migration realities and other facts, and adherence of particular countries to international standards on human and workers' rights to guide them into making informed and intelligent decisions about overseas employment as well as to prevent illegal recruitment, fraud and exploitation of Filipino migrant workers.<sup>48</sup>

All of these measures are aimed at deterring labor exploitation as a form of human trafficking, embodying the primordial duty of the country of origin protect its citizens.

Under R.A. 8042, **illegal recruitment** is defined as

any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, procuring workers and includes referring, contact services, promising, or advertising for employment abroad, whether for profit or not, when undertaken by a non-license or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442, as amended, otherwise known as the *Labor Code of the Philippines*.

Provided, that such non-license or non-holder, who, in any manner, offers or promises for a fee employment abroad to two or more persons shall be deemed so engaged.

It shall likewise include the following acts, whether committed by any persons, whether a non-licensee, non-holder, licensee, or holder of authority.

- (a) To charge or accept directly or indirectly any amount greater than the specified in the schedule of allowable fees prescribed by the Secretary of Labor and Employment, or to make a worker pay any amount greater than that actually received by him as a loan or advance;
- (b) To furnish or publish any false notice or information or document in relation to recruitment or employment;
- (c) To give any false notice, testimony, information, or document or commit any act of misrepresentation for the purpose of securing a license or authority under the Labor Code;
- (d) To induce or attempt to induce a worker already employed to quit his employment in order to offer him another, unless the transfer is designed to liberate a worker from oppressive terms and conditions of employment;

---

<sup>47</sup> Section 4, R.A. 8042

<sup>48</sup> Section 14, R.A. 8042

- (e) To influence or attempt to influence any persons or entity not to employ any worker who has not applied for employment through his agency;
- (f) To engage in the recruitment or placement of workers in jobs harmful to public health or morality or to dignity of the Republic of the Philippines;
- (g) To obstruct or attempt to obstruct inspection by the Secretary of Labor and Employment or by his duly authorized representative;
- (h) To fail to submit reports on the status of employment, placement vacancies, remittances of foreign exchange earnings, separations from jobs, departures, and such other matters or information as may be required by the Secretary of Labor and Employment;
- (i) To substitute or alter to the prejudice of the worker, employment contracts approved and verified by the Department of Labor and Employment from the time of actual signing thereof by the parties up to and including the period of the expiration of the same without the approval of the Department of Labor and Employment;
- (j) For an officer or agent of a recruitment or placement agency to become an officer or member of the Board of any corporation engaged in travel agency or to be engaged directly or indirectly in the management of a travel agency;
- (k) To withhold or deny travel documents from applicant workers before departure for monetary or financial considerations other than those authorized under the Labor Code and its implementing rules and regulations;
- (l) Failure to actually deploy without valid reasons as determined by the Department of Labor and Employment; and
- (m) Failure to reimburse expenses incurred by the workers in connection with his documentation and processing for purposes of deployment, in cases where the deployment does not actually take place without the worker's fault.

Under section 9 of R.A. 8042, the criminal case for illegal recruitment may be filed before the regional trial court that has jurisdiction over the place where the crime was committed or where the victim was residing at the time the crime was committed. In all instances, the prescribed period to file a case for illegal recruitment under is five years. When the case involves economic sabotage, the prescribed period to file a case is 20years.<sup>49</sup>

#### *Monetary Claims*

An equally significant feature of R.A.8042 is the provision which imposes upon the local recruitment agency sole liability to the act committed by the foreign principal. R.A.8042 provides that a case of

---

<sup>49</sup> Section 12, R.A. 8042

money claims arising from employer–employee relationship or by virtue of any law or contract involving OFWs, including claim for damages shall be filed before the National Labor Relations Commission (NLRC).<sup>50</sup>

The foreign principal or the employer is not free from any liability in money claims, since the law provides that the liability of the foreign principal or employer and the recruitment or placement agency is “joint and several.” In addition, the provision on liability should be incorporated in the overseas employment contract and should be a conditional precedent for its approval. Granting that the Philippine courts have no jurisdiction over the foreign principal/employer, the law requires the recruitment/placement agency to place a performance bond that will be “answerable to all the monetary claims and/or damages that may be awarded” to the victim.<sup>51</sup>

In most destination countries, governments prioritize the issue of illegal immigration over anti-trafficking, and victims of trafficking tend to be prosecuted under immigration laws. When apprehended, male OFWs who fall out of status are automatically processed as illegal, undocumented migrants, their being victims of trafficking overshadowed by their immigration status. This is true for countries like Malaysia, Singapore, Australia, Kingdom of Saudi Arabia, and other countries in the Middle East. One can see the policy priority of these countries by looking at the lead agencies that tackle smuggling and trafficking cases. These are “typically immigration departments or home affairs departments, and never Ministries of Labour which would focus on the monitoring of labour standards at work sites rather than the visa status of the foreign worker. The common practice of giving priority to the victims’ immigration status, thus, results in neglect of the work-related abuses they have endured.”<sup>52</sup>

In other instances, when male migrant laborers in situations of distress or exploitation are intercepted or attended to, their cases are filed as illegal recruitment cases, even when there are other elements present, such as facilitation and movement that might indicate that a case might be one of trafficking.

These are clear indications that the application of a purely legal framework and perspective may be insufficient in dealing with the issues surrounding human trafficking in general, and male trafficking in particular. Studies suggest that “a comprehensive rights-based approach might prove far more useful,”<sup>53</sup> especially if framed within an international migration framework and that a multidisciplinary approach is necessary to capture a clearer sense of this complex phenomenon and its multifarious causes and effects.<sup>54</sup>

---

<sup>50</sup> Section 10, R.A. 8042

<sup>51</sup> Section 10, paragraph 2, R.A. 8042

<sup>52</sup> Piper, Nicola. *A Problem by a Different Name? A review of Research on Trafficking in South-East Asia and Oceania*. International Migration Vol. 43. IOM, 2005.

<sup>53</sup> *ibid.*

<sup>54</sup> Nicola Piper deconstructs the conventional approach to social science research, and suggests that a multi-disciplinary approach is necessary for any research on trafficking to be valid, in her incisive exploration of the ideological frameworks, limitations, and needs of research on trafficking. She also cites the conventional approach taken by donor-driven research to be one of the causes for the failure in detecting the phenomenon of trafficked males.

## Appendix C: Analysis of Trafficking in Malaysia

Malaysia's law to combat human trafficking is embodied by Act 670, or the Anti-Trafficking in Persons Act 2007. Act 670 has been in full force and effect since July 26, 2007, the date when the law was published in the Gazette. The law provides that offenses prohibited therein shall be penalized regardless of whether or not the conduct constituting the said offenses are committed within or without the borders of Malaysia in the following circumstances:

“(a) if **Malaysia is the receiving country** or the **exploitation occurs in Malaysia**; or

“(b) if the receiving country is a foreign country but the **trafficking in persons starts in Malaysia or transits Malaysia.**”<sup>55</sup> (Emphasis supplied.)

In addition, the section immediately succeeding the aforementioned provides that:

“Any offence under this Act committed—

“(a) on the high seas on board any ship or on any aircraft registered in Malaysia;

“(b) by any citizen or permanent resident of Malaysia on the high seas on board any ship or on any aircraft; or

“(c) by any citizen or any permanent resident in any place outside and beyond the limits of Malaysia,

“**may be dealt with as if it had been committed at any place within Malaysia.**”<sup>56</sup>  
(Emphasis supplied.)

It is clear that the act of human trafficking is prohibited and penalized within Malaysia's borders. However, as human trafficking may be committed not just within but also beyond its borders, Act 607 penalizes offenders as long as any element of the crime (i.e., any “conducts constituting the offense”) occurs within Malaysia. Thus, the aforementioned provision of the law makes it clear that when human trafficking commences, merely transits, or ends in Malaysia, such act/s come within the purview of the law, and may be consequently punished. It becomes immaterial—with respect to territoriality—if the other elements, or conducts, are committed elsewhere.

Act 607 prohibits and punishes trafficking in persons and other related offenses when these are entirely committed within its territory, or when these are committed across borders and Malaysia is the sending, receiving, or transit country. The law applies as well to the same acts when committed on board Malaysian-registered vessels, or when the offender is a subject of Malaysia and committed on board non-Malaysian vessels or non-Malaysian territory.

---

<sup>55</sup> Section 3, Act 607.

<sup>56</sup> Section 4, Act 607.

The act of trafficking in persons is the main offense prohibited and penalized by Act 607. The following provisions of the law are pertinent with respect to the defining, prohibiting, and penalizing trafficking in persons:

“Section 2. In this Act, unless the context otherwise requires—

“‘exploitation’ means all forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, any illegal activity or the removal of human organs;

‘child’ means a person who is under the age of eighteen years;

“‘trafficking in persons’ or ‘traffics in persons’ means the recruiting, transporting, transferring, harboring, providing or receiving of a person for the purpose of exploitation;

“Section 12. Any person, who traffics in persons not being a child, for the purpose of exploitation, commits an offence and shall, on conviction, be punished with imprisonment for a term not exceeding fifteen years, and shall also be liable to fine.”

“Section 13. Any person, who traffics in persons not being a child, for the purpose of exploitation, by one or more of the following means:

- (a) threat;
- (b) use of force or other forms of coercion;
- (c) abduction;
- (d) fraud;
- (e) deception;
- (f) abuse of power;
- (g) abuse of the position of vulnerability of a person to an act of trafficking in persons; or
- (k) the giving or receiving of payments or benefits to obtain the consent of a person having control over the trafficked person,

“commits an offence and shall, on conviction, be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.”

“Section 14. Any person, who traffics in persons being a child, for the purpose of exploitation, commits an offence and shall, on conviction, be punished with imprisonment for a term not less than three years but not exceeding twenty years, and shall also be liable to fine.”

As may be gleaned from the last three of the abovementioned provisions, the law mainly punishes three acts of human trafficking: (a) trafficking in persons not being a child; (b) trafficking in persons not being a child attended by any one of the circumstances in Section 13; and (c) trafficking in persons being a child. All three, however, consist of the following common elements:

- (a) the offense is committed by any person;

- (b) the offender commits trafficking in persons;
- (c) the offender traffics another person; and
- (d) the trafficking is committed for the purpose of exploitation.

The first element must be understood to refer to any of the persons that come within the scope of application of the law. The previous discussion on the subject has shown who may come within the purview of Act 607.

When the offense is committed by a body corporate or a juridical person, the law provides that the following officers shall be held liable for the crime:

- (a) any person, who at the time of commission, was a director, manager, secretary, or other similar officer/s of such body corporate;
- (b) any person who was purporting to act in any such capacity;
- (c) any person who was in any manner responsible for the management of the affairs of such body corporate; or
- (d) any person who was assisting in such management.<sup>57</sup>

Any of the above named persons, however, may not be liable if he/she proves that “the offense was committed without his knowledge, consent or connivance, and that he exercised all such diligence to prevent the commission of the offence as he ought to have exercised, having regard to the nature of his functions in that capacity and to all the circumstances”.<sup>58</sup>

The second element must be understood with Section 2, which provides a definition of terms. As cited above, “trafficking in persons” is defined as the “recruiting, transporting, transferring, harboring, providing or receiving of a person for the purpose of exploitation.” The use of the conjunction “or” in the definition reveals that the acts are not cumulative, but rather alternative. This means that an offender need not commit all six of the acts in the definition to become liable for the crime. The law merely requires that an offender commit any one of these to satisfy this element.

The discussion thus far reveals that the law intends to curb trafficking, especially when committed across borders. A perusal of the rest of the law likewise shows this intent of the law. Indeed, the bane of human trafficking has grown to international/transnational magnitude. While trafficking in persons has taken on an international/transnational aspect, it is undeniable that trafficking likewise occurs within domestic borders. Persons can be trafficked without leaving one's country.

In light of this, it is important to note that not one of the enumerated acts in the definition is attended by any qualification except for “for the purpose of exploitation”. The acts, unqualified as they are, embrace the fact that trafficking can be committed on a domestic or an international/transnational level. The acts include not only the movement of a person across countries' borders, but also within a country's borders.

---

<sup>57</sup> Section 63, Act 607.

<sup>58</sup> Ibid.



## Enforcement and issues pertaining to Filipino trafficking victims

According to the latest TIP Report, Malaysia, labeled as a Tier 3 country, is not compliant with “the minimum standards for the elimination of trafficking and is not making significant efforts to do so, despite some progress in enforcing the country’s new anti-trafficking law. While the government took initial actions under the anti-trafficking law against sex trafficking, it has yet to fully address trafficking in persons issues, particularly labor trafficking in Malaysia.”<sup>59</sup>

In the two years that Act 607 has been in effect, there have been no convictions for trafficking in persons in Malaysia that involves Filipino trafficking victims. This gains significance considering that media reports show that Malaysia appears to be one of the prominent countries in the international trafficking ring, either as a destination or transit country with respect to Filipinos. Prior to May 2009, in fact, there had never been a case filed in court of trafficking in persons involving Filipino victims. According to Filipino officials stationed in Sabah, and recently reported in the local media, the lone case involving five Filipino women as trafficking victims is now under litigation.

According to The Borneo Post<sup>60</sup>, a certain “Joy” allegedly arranged their travel to Sabah on the pretext that they would gain employment. Upon arrival in Sabah, they were allegedly fetched by a certain “Sandra” and eventually found themselves in the sex trade. Filipino officials interviewed confirmed this report, adding that the women escaped from their place of work and subsequently caught their attention.

The late Philippine Social Welfare Attache Finardo Cabilao, who assisted the women, stated that they were initially brought under prosecution for violation of Malaysia's immigration laws. Cabilao also stated that he was able to convince Malaysian officials that the case was one under Act 607, and eventually, the case was converted into one under the said law.<sup>61</sup>

Only one of the five women was able to give her testimony, as the other four returned to the Philippines before their testimonies could be given. The lone Filipina was able to give her testimony, according to Cabilao, only because she could not travel due to pregnancy.

During a recent Verité-organized conference on human trafficking in Manila, Philippines, Cabilao stated that this witness is now back in the country, having given her testimony already in court and after delivering her baby. Cabilao added that there are now a few more trafficking in persons cases involving Filipinos being lodged in court. None, however, involves Filipino men.

While the lodging of trafficking in persons cases is a significant development, the critical involvement of and close monitoring done by a Filipino official in bringing the case to court indicates the difficulty in fully implementing the law. Filipino officials indicated that cases are usually prosecuted under Malaysia's immigration laws, which the government has been strictly implementing for decades now. Cabilao noted that he had to convince authorities that the case of

---

<sup>59</sup> <http://www.state.gov/g/tip/rls/tiprpt/2009/123137.htm>

<sup>60</sup> The Borneo Post, May 19, 2009.

<sup>61</sup> Interview with Social Welfare Attache Finardo Cabilao, May 21, 2009.

the five Filipino women is one under Act 607, which provides immunity against prosecution for violation of immigration laws to trafficking victims.

### *Immigration over Anti-trafficking in Malaysia*

Malaysia's crackdown on some 500,000 illegal foreign workers has been intensifying since 2002. Authorities conduct searches that extend from construction sites in Kuala Lumpur to palm oil plantations in Sabah. Malaysia's Immigration Act stipulates that foreign workers without relevant permits, and anyone who employs or harbors them, can be fined up to 10,000 ringgit (\$2,600), imprisoned for five years and given up to six strokes of the cane. \*While these measures can also help curb the trafficking of persons for labor and sex exploitation, the means and measures employed are usually directed at the victims, who end up being subjected to exploitation and punishment several times over. Some of the difficulties reported by the detainees/returnees are the following:

- ⇒ No due process
- ⇒ All their personal belongings confiscated
- ⇒ Prolonged detention in overcrowded detention centers
- ⇒ Corporal punishment – not allowed to stand, struck at the knees even for minor violations
- ⇒ Mental and physical breakdown –
- ⇒ Spread of infectious diseases
- ⇒ Susceptibility to kidney failure, and severe muscle entropy from long days of sitting as a form of disciplinary measure

Misri Bin Barham, Head of the Federal Special Task Force in Sabah and Labuan, which works on, among others, trafficking issues, noted that while higher level officials know that trafficking victims should not be prosecuted for violations of other laws, the case may not be the same with respect to other officers<sup>62</sup>. This and the fact that Malaysian immigration laws have been strictly enforced seems to explain why probable trafficking cases are instead prosecuted under immigration laws. In situations like this, Barham noted that his office can issue a certification indicating that the case should be considered as a trafficking in persons case and prosecuted as such.<sup>63</sup>

The main issue facing the implementation of Act 607, therefore, appears to be its inevitable collision with the strict implementation of Malaysia's immigration laws, despite the absence of any incompatibility between the two laws.

It is apparent that there is a need to ensure that Act 607 be understood in relation to other laws to allow government authorities—from the highest to the lowest officials—to enforce it to its full capacity.

### **Resistance to Anti-trafficking efforts**

---

<sup>62</sup> Interview with Misri Bin Barham, Head of the Federal Special Task Force in Sabah and Labuan, May 19, 2009.

<sup>63</sup> Interview with Misri Bin Barham, Head of the Federal Special Task Force in Sabah and Labuan, May 19, 2009.

Trafficking of human beings is big business for traffickers, and one that has been operating intricately within the loopholes and weaknesses of economic and political systems for a very long time. The Anti- Human Trafficking Law in Malaysia is a very recent development, a very young law that needs to be strengthened in conjunction with other relevant laws, in the shortest possible time.

A very recent occurrence in Malaysia may have a significant impact in the implementation of Act 607. In August 2009, Finardo Cabilao, the Filipino Social Welfare Attaché who was instrumental in the filing of the first trafficking case involving Filipinos in a Malaysian court, was found dead in his apartment after failing to report to work for two days. Initial reports indicate that he was killed in a violent manner. With his personal belongings still in the apartment, theories revolve around the possibility that Cabilao was killed because of the work he has done in Malaysia with respect to prostituted Filipino women since his tour of duty started in 2008. As of this writing, Malaysian authorities are still investigating the killing. In any case, whether or not this occurrence was a direct result of work against trafficking, the death of a Filipino diplomat in Malaysia, who was known to be a staunch advocate against human trafficking sends out a chilling effect, and brings to full awareness the fact that human trafficking is a dangerous, economic and criminal operation.

## Appendix D: Analysis of Trafficking in Taiwan

A recent Trafficking in Persons Report of the US State Department places Taiwan at Tier 2, pointing out that the country does not fully comply with the minimum standards for the elimination of trafficking although it has made significant efforts to address trafficking issues. The Trafficking report pointed to the fact that most trafficking victims in Taiwan are foreign workers employed through recruitment agencies and brokers to perform low skilled work in Taiwan's construction, fishing and manufacturing industries.<sup>64</sup>

The legal framework for detection and prosecution of trafficking cases in Taiwan are defined in the following laws:

1. The Employment Services Act (ESA) of 1992 and Labor Standards Act of 1984, which serve as Taiwan's foreign labor policy foundations.

This defines the principles and guidelines for dealing with foreign labor; while the latter provides legal standards for working conditions, workers' rights, and employee-employer relationships.

Verité notes that although the ESA and the Labor Standards Act afford significant protections to migrant workers, employers and Taiwan brokers are able to circumvent legally mandated obligations by securing "consent" from migrant workers, primarily by making workers sign various documents upon arrival in Taiwan.

The Labor Standards Act includes provisions meant to prohibit forced labor and labor trafficking. The penalties laid out in these provisions, however, are limited to slapping of fines or imprisonment of less than one year. Moreover, the provisions pertaining to labor trafficking do not provide protection for workers employed in domestic and caregiver work, a group that is particularly vulnerable to labor and sex trafficking.

Another area of concern raised is the current procedures for filing complaints, which deter reporting of labor trafficking cases in Taiwan. The Labour Standards Act requires that in airing grievances against employers and brokers, workers are required to file their complaints to the responsible Bureau of Labor Affairs in their locality, who will be tasked to investigate and resolve labor cases filed. Until such cases are resolved, however, workers are required to stay with their respective employers, otherwise, if they leave the premises, they face the danger of becoming reported as a run-away case, which would then elevate their case into an immigration case, and allow immigration laws to take precedence over labor laws.

This is a cause for concern among stakeholders providing assistance to trafficking victims and to workers in distress, as this particular provision acts as a deterrent in reporting trafficking cases. Interviews with NGOs indicate that migrant workers who are victims of trafficking and are caught in particularly dangerous situations usually opt to flee and not report abuses, as reporting the situation to the local police usually leads to their detention in immigration centers. Male victims

---

<sup>64</sup> Trafficking in Persons Report 2009, US Department of State.

are particularly vulnerable, as abuses against male victims are not normally interpreted and viewed as constitutive of trafficking, by the authorities and even by the victims themselves.

2. The Immigration Act, promulgated in May 1999. This law stipulates that the Ministry of Interior should set up an independent department, the National Immigration Agency, to deal with all affairs related to migration. The Organic Law of the National Immigration Agency was finally passed in the Legislative Yuan in November 2005, and the Immigration Agency was formally set up in January of 2006.

The National Immigration Agency was, in principle, set up to offer guidance and assistance to new migrants but the agency's organic framework gave priority to its authority over border control. Local NGOs have pointed out that the National Immigration Agency in effect has only taken over the responsibility and functions previously performed by the foreign affairs police within the National Police Agency.<sup>65</sup>

Under the Immigration Act, a run-away worker is subjected to monetary fines of up to NT\$10000, plus the onward flight costs to the respective home country. New provisions in the new immigration law likewise require workers to pay back to the shelter the amount that the shelter spent for housing and food for the duration of the worker's stay there.

Stakeholders interviewed for this research called for a review of the provisions of the immigration law as run-away immigration cases among migrant workers are slapped with harsher penalties compared to serious criminal cases. One legal advocate interviewed pointed out that, while convicted criminals are able to commute and serve the terms of their jail sentence, migrant workers charged with violating immigration laws cannot leave the immigration detention center unless the penalty is paid and the migrant worker is able to produce an available outbound ticket. The migrant worker's "penalty" likewise increases as he or she stays longer in the detention center, as he or she needs to cover for board and lodging costs for the duration of stay.

### 3. The Human Trafficking Prevention Act

The anti-human trafficking law of Taiwan was enacted only in January 2009, after a long period of preparatory discussions and debate in Taiwan. In the Human Trafficking Prevention Act, the definition of "trafficking" basically follows the definition commonly acknowledged in international law; and makes the judgment that the main forms of trafficking are related to sexual exploitation and labor exploitation, but it also includes the trading of human organs in its description of acts of trafficking.

The law provides punishment of up to 7 years imprisonment for trafficking offenses and will come to effect when corresponding provisions of the criminal code and related laws have been amended to conform to the provisions of the Human Trafficking Prevention Act.

Prior to the enactment of appropriate provisions in relation to protection of victims and prosecution of trafficking perpetrators, prosecution and detection of trafficking cases uses existing provisions in the Criminal Code, Labor Standards Act and the Immigration Law.

Although stakeholders interviewed commend the enactment of the Human Trafficking Prevention Act as a step towards curbing trafficking cases in Taiwan, concern was expressed over the current process for identification of trafficking cases.

The system requires that a victim report to the police, and the police officer will then assess if the case is potentially a trafficking case. In most cases, however, the police identify the victim as a “runaway worker”, or one involved in a case of fake/unlawful marriage.

Most police officers lack training and awareness on trafficking cases. The situation is further aggravated by the fact that police officers are given incentives for reporting runaways and fake marriage cases by the Immigration department. The police is reportedly given an incentive of NT\$5000 for every runaway or fake marriage case reported or referred to the detention center.

Another cause of concern raised by NGOs interviewed is that when workers or victims are referred to the detention center, there is no process in place that allows for the review of cases as most detention centers do not have the mandate nor the necessary legal resources to do so. In cases that are identified as trafficking cases, the victim is required to stay in Taiwan to provide testimony against the perpetrator and is usually not allowed to work. It should be noted that recent amendments to the Immigration Act inserted provisions that allows trafficking victims to apply for temporary residency for six months and work permits, but at the time of the preparation of this report, no such request had yet been granted. Failing to earn a living usually results to the victim losing interest to pursue the case (since these victims flew to Taiwan to earn a living to support their families). Litigation of a trafficking case would generally run for at least a year and victims often opt to go home rather than stay to pursue the case leaving trafficking perpetrators free.

Another issue raised by NGO stakeholders is that the new trafficking law only requires the perpetrator to cover for wages due to workers and does not have provisions for damages to the victim.



## Appendix E: Reporting on Verité’s Two Conferences on Filipino Male Trafficking

### Trafficking of Filipino Men - Multi-Stakeholder Conference, November 27-28, 2008

*The conference was conducted to share and seek validation on Verité-SEA’s initial findings regarding the profile, background, industry sectors, and destinations of trafficked Filipino males.*

#### Conference Outcomes:

- Built awareness on the issue of trafficking of Philippine males
- Shared examples and build consensus on what constitutes trafficking
- Determined the legal basis for the definition of trafficking
- Identified policy, legal, and operational gaps in dealing with trafficking victims
- Developed the profile of a typical trafficked male in the Philippines

#### *Attendance Multi-Stakeholder Conference*

#### Trafficking of Filipino Men - Multi-Stakeholder Conference, November 27-28, 2008

NO.	Organization	Designation	Surname	Name
1.	American Center for International Labor Solidarity (ACILS)	Consultant	Bagtas	Cedric
2.	Apostleship of the Sea	Chaplain	Bernardi,CS	Fr. Savino
3.	Center for Migrant Advocacy Philippine	Executive Director	Sana	Ellene
4.	Center for Migrant Advocacy Philippine		Luga	Enrico
5.	Center for Overseas Workers	Executive Director	Guzman, RGS	Sr. Bernadette
6.	CMS and SOS SMS Team Saudi Arabia	Partner/KSA Coordinator	Bolos	Mike
7.	Commission of Filipinos Overseas		Pajares	Edwin
8.	Embassy of the United States of America		Pgnatello	Michael
9.	Episcopal Commission For the Pastoral Care Of Migrants and Itinerant People	CBCP	Corros	Fr. Edwin
10.	Filipino Migrant Workers	President	Aguilar	Jun
11.	Hope Worker Center	Social Worker/Liaison Officer	See	Eden
12.	Institute for Migration and Development Issues	Executive Director	Opiniano	Jeremaiah
13.	International Justice Mission	Director of Legal Intervention	Bicol	Atty. Reynaldo Jr.

14.	International Organization for Migration		Madarcos	Kent
15.	International Organization for Migration		Celi	Michelle
16.	Kanlungan Centre Foundation Inc. Center for Migrant Workers	Member of the Board	Fernandez	Nena
17.	Merchant Marines Overseas Association	President	Cordero	Rogelio
18.	National Bureau of Investigation(NBI) Anti- Human Trafficking Division	Director Anti-Trafficking Division	Lavin	Atty. Ferdinand
19.	Office of the Undersecretary for Migrant Workers Affairs	Special Asst.	Mendoza	Pablito
20.	Philippine Association of Service Exporters	President	Fernandez	Victor, Jr.
21.	Philippine Center for Transnational Crime (PCTC) Anti-Human Trafficking Division	Director for Research	Correo	Roy
22.	Philippine Consortium on Migrant and Development	Head of Secretariat	Cortina	Florence May
	Philippine Overseas Employment Administration	Prosecutor Division	Duquez	Atty. Rose
	Saligan, Alternative Legal Assistant Center	Labor Unit Coordinator	Calivoso	Atty Lito
	Unlad-Kabayan Migrant Services Foundation	Development Communication Officer	Mguigab	Lolita
	Visayan Forum Foundation, Inc.	Deputy Executive Director	Pacis	Roland Romeo
	Verite (Taiwan)	Social Auditor/Audit Coordinator	Lin	HsiuLi

***Trafficking of Filipino Men: Multi-Stakeholder Conference Commitments***  
**31 July 2009, Astoria Plaza Pasig City**

No.	Name	Position	Organization	Time Frame
<b>Commitment to Action</b>				
1	<b>Finardo G. Cabilao</b>	<b>Social Welfare Attaché, Philippine Embassy Malaysia</b>	<b>Social Welfare Attaché, DSWD - Philippine Embassy Malaysia</b>	<b>Aug-Dec 2009</b>
<ol style="list-style-type: none"> <li>1. Advocate for the synchronization of law that will prevent infractions, protect the victims, and prosecute the offenders</li> <li>2. Build network that can facilitate protection of victims and persecute offenders</li> </ol>				
2	<b>Juvy Ranjit</b>	<b>Consultant</b>	<b>Pinoy Resources Foundations, Sabah</b>	
<ol style="list-style-type: none"> <li>1. Suggest creating international network as a watch body to monitor all problems abroad.</li> <li>2. Organize a group of more volunteers to assist to all trafficking victims, give out more flyers and further, information</li> <li>3. Embassy should recruits and accredit individual volunteers to help provide assistance to all victims - flyers should be distributed to all possible airline or ferry services, whereby victims are being transported</li> </ol>				
3	<b>Atty. Reynaldo M. Remo</b>	<b>Senior Agent</b>	<b>National Bureau of Investigation</b>	<b>ongoing</b>
<ol style="list-style-type: none"> <li>1. The NBI is committed to investigate and apprehend, file cases, and testify in court against traffickers</li> <li>2. The NBI is also active on information dissemination on RA 9208 &amp; related laws, and addressing cases on RA 9208 (part of the curriculum in the NBI Academy)</li> <li>3. The NBI is a member of IACAT and as a member NBI, actively participated in combating violations of RA 9208</li> <li>4. NBI continually trains its investigators on RA 9208</li> </ol>				
4	<b>Atty. Idefonso F. Bagasao</b>	<b>Chairman</b>	<b>ERCOF Phils. Inc.</b>	<b>six months</b>
<ol style="list-style-type: none"> <li>1. Include FAO's on Trafficking in our website</li> <li>2. Make links to legal or other service providers regarding assistance to victims of trafficking</li> <li>3. Enlist ERCOF local organization and overseas network on anti-trafficking initiatives</li> </ol>				
5			<b>Unlad kabayan</b>	<b>Continuing</b>
<ol style="list-style-type: none"> <li>1. Local job generation</li> </ol>				
6	<b>Florence May Bans-Cortina</b>	<b>Head of Secretariat</b>	<b>PHILCOMDEV</b>	<b>Continuing</b>
<ol style="list-style-type: none"> <li>1. Engage LGUs on the issue of migration &amp; development</li> <li>2. Put up OFW centers / programs</li> <li>3. Partner with NGO's and overseas Filipino organizations for local economic development (Social Enterprises – Employment)</li> </ol>				
7	<b>Agnes Lagrosa</b>	<b>Vendor Compliance officer</b>	<b>Gap Inc.</b>	<b>Next week</b>
<ol style="list-style-type: none"> <li>1. Report to the organization the issue on male trafficking</li> </ol>				
8	<b>Roy P. Correo</b>	<b>Director for Research</b>	<b>PCTC</b>	
<ol style="list-style-type: none"> <li>1. There is no substitute for Education among our people regarding this problem of human trafficking; well-informed people are difficult to fool by traffickers. <ul style="list-style-type: none"> <li>- Information disseminations</li> </ul> </li> </ol>				

	<ol style="list-style-type: none"> <li>1. There is no substitute for Education among our people regarding this problem of human trafficking; well-informed people are difficult to fool by traffickers. <ul style="list-style-type: none"> <li>- Information disseminations</li> <li>- Use of the media (press &amp; radio, etc.)</li> <li>- Symposia / seminars</li> <li>- Include it in school curricula</li> <li>- Encourage more Organizations to participate (i.e. Stakeholders)</li> </ul> </li> <li>2. No nonsense implementation of HT Law (RA-9208) and other related laws</li> <li>3. Creation of a centralized database of all HT cases which would be accessible to all concerned agencies</li> <li>4. Everything rises and falls in leadership</li> </ol>			
<b>9</b>	<b>Enrico Luga</b>		<b>CMA</b>	<b>within a year</b>
	Contribute and enlightenment campaign or raising up awareness to the people about reality, effects of slavery & degeneration of our country through advocacy & info campaign			
<b>10</b>	<b>Kushwant S. Ranjit</b>	<b>Consultant</b>	<b>Pinoy Resources Foundations, Sabah</b>	<b>Immediately</b>
	<ol style="list-style-type: none"> <li>1. Simplify procedure for regularization and employment of foreign workers</li> <li>2. Make commitment from Philippine govt. (embassy) to assist in regulation program.</li> </ol>			
<b>11</b>	<b>Marilen G. Soliman</b>	<b>Program Assistant</b>	<b>Int'l Of Migration</b>	
	<ol style="list-style-type: none"> <li>1. Information exchange and sharing of good practices and expertise on counter trafficking ( Manuals, Handbooks, Training)</li> <li>2. Expansion of current trafficking research on trafficking for labor migration/male trafficking</li> <li>3. Active networking/participation in counter-trafficking initiatives of partners</li> <li>4. Collaboration with recognized agencies re: referred trafficking cases</li> <li>5. Identification of possible partnerships/projects/intervention where the organization can offer its expertise</li> <li>6. Efficient implementation of current projects on counter-trafficking (return and reintegration of victims)</li> </ol>			
<b>12</b>	<b>Anna Bueno</b>	<b>Journalist</b>	<b>Newsbreak</b>	<b>All through my present and future careers</b>
	<p>PERSONAL COMMITMENT: As a budding journalist, I will be hospitable towards interviewees who are victims or are involved in human trafficking. I will treat cases sensitively, respect rights to privacy and confidentiality, and avoid sensationalism and objectification of interviewees. I will write and gather data to help facilitate and speed up prosecution of cases and to educate citizens on the effects and impacts of human trafficking. I will not write simply for the sake of publishing an expose on human trafficking. At the core of the ethics I hold on to as a journalist is my goal of journalism that helps people lead better lives. This entails working hand-in-hand with groups that are lobbying for better prevention, protection, and persecution of cases victims, and perpetrators of human trafficking, and always keeping in mind the people who are affected most by the issues I write about.</p>			
<b>13</b>	<b>Pan Sariyant</b>	<b>Auditor</b>	<b>Verite, Thailand</b>	<b>October 2009 - October 2010</b>
	Research the investigation of trafficking labor conditions in Thailand as both a receiving transiting and sending country. I propose that VSEA submit the research proposal for trafficking as the Macroposal research for S & SEA trafficking then take Malaysian, Thailand, Taiwan, and Philippines case analysis to compile as the overall finding for S/SEA research.			

			1. Provision of legal and socio-psychological assistance to trafficking victims 2. Conduct of seminars on the use of the Philippine information system on trafficking 3. Conduct youth advocacy seminars to combat trafficking community education programs on trafficking	4. Conduct	
15	Siegfried Gohlke	Auditor		Verite, Thailand	every 2nd semester
			Raise awareness on the possibility of human trafficking through "Internship Agencies" recruiting students for overseas work & travel programs		
16	Atty. Benigno Q. De Guzman			POEA	as long as the problem exist
			I suggest a more preventive approach - i.e. more anti-illegal recruitment/trafficking in persons seminars/campaigns in the province/grassroots levels		
17	Unknown				
			1. Educate people to be aware of "human trafficking" 2. Modify the Human Trafficking Prevention Act again - the prosecutor should not be the only one to judge if it is a trafficking case NGOs in Taiwan	3. Cooperate with the other local	
18	Pathma Krishnan	Auditor		Verite, Malaysia	Immediate and on going
			1. Further comparative country study/investigation, e.g. Malaysia/Philippines migration 2. Policy changes / Implementation 3. Educating public / employers 4. Bilateral / Multilateral agreement 5. ASEAN - policy / Implementation		
19	Elizabeth L. Dy, Caroline G. Jimenez, Edna Manalo, Fe Manarang, Nadzma Y. Hussein	DSWD Officer		DSWD, Zamboanga, Pampanga, Quezon city	
			1. Can Facilitate referrals of identified potential victims of trafficking to access appropriate recovery & reintegration intervention /provision of social services such as temporary shelters, psychosocial, medical etc. 2. Provide technical assistance to partners agencies 3. Act as resource person in CAPABILITY BUILDINGS to institutionalized the protocol /guidelines on reporting & referral on recovery & reintegration of returned victims of trafficking. This referral system comprehensively discuss the framework on interventions from the port overseas (receiving country) to the provision of services upon arrival at the home country (Philippines) and at the local level 4. Could share information on measuring indicators on successful recovery & reintegration of trafficked persons as well as the necessary knowledge, skills, attitudes of the service providers 5. Conduct information / education campaign on RA 9208 & RA 8042 6. Installation of the nation recovery & reintegration database 7. Intensify commitment as numbers of taskforce (DMIA Airport, Zamboanga, NAIA) for trafficked victims		
20	Zenaida L. Arevalo	Director III/OIC		DSWD, ZAMBOANGA	
			1. Reintegration program for irregular OFWs & deportees which is pilot tested in Zamboanga City. 2. Deployment of social welfare attachés in the Philippine embassies (Malaysia, Riyadh, & Jordan)		
21	Victor Fernandez	President		Phil. Association of Services Exporters Inc.	5-7 YEARS

To protect Male/Female from being Trafficked or minimize Illegal recruitment of trafficking:

1. PASEI commits to conduct training/orientations/workshops (with or without help from gov't of NGOs) to promote Ethical conduct and best Recruitment practices -amongst the Overseas Employment Services Providers(OESSPs)
2. PASEI will try its best to source for funds in order to sustain the program so that attainment of the same could be accelerated
3. Work for the mandatory implementation of the pre-employment or the pre-application orientation programs for those interested to work overseas. But if with the help of the NGOs, time frame within one year
4. Implement a mandatory comprehensive social welfare insurance, over and above what OWWA provides - at no cost to the workers, no cost to government and to be paid by OESPs to protect workers & family future

### **Trafficking of Filipino Men - Multi-Stakeholder Conference, July 31, 2009**

*Conference was conducted to present the findings of our research and encourage discussions about core concepts pertinent to the hidden issue of male trafficking for labor exploitation. Many participants made commitments to eliminating both the trafficking and the vulnerabilities that lead to trafficking of Filipino men.*

#### *Attendance*

#### **Trafficking for Filipino Men - Multi-Stakeholder Conference, 31 July 2009**

NO.	Surname	Name	Organization
1	Adames	Juan J.	Embassy of the United States of America
2	Aguilar	Jun	Filipino Migrant Workers
3	Arevalo	Zenaida L.	DSWD Field Office IX, Zamboanga City
4	Badillo	Atty. Marianne	Bureau of immigration
5	Bagasao	Atty. Ildefonso	Economic Resource Center for Overseas Filipinos
6	Bueno	Anna	Newsbreak
7	Cabangon	Elso	FMW Group
8	Cabilao	Finard	Philippine Embassy - Malaysia
9	Calivoso	Atty. Lito	Saligan, Alternative Legal Assistant Center
10	Casco	Ricardo R.	International Organization for Migration
11	Correo	Roy	Philippine Center for Transnational Crime (PCTC) Anti-Human Trafficking Division
12	Cortina	Florence May	Philippine Consortium on Migrant and Development
13	De Guzman	Atty. Benigno	POEA
14	Dela Cruz	Atty. Gemma Armi	Bureau of immigration
15	Dy	Elizabeth	DSWD_SWO_Crisis Intervention Unit
16	Fernandez	Victor, Jr.	Philippine Association of Service Exporters
17	Fos	Anna Lee	American Center for International Labor Solidarity (ACILS)
18	Gohlke	Siegfried	Verite, Thailand



19	Guevara	Atty. Joyce Marie	Saligan, Alternative Legal Assistant Center
20	Hussien	Nadzma	DSWD_SWO_Processing Center for Displaced Persons
21	Ilusorio	James	Embassy of the United States of America
22	Jimenez	Caroline	DSWD, Quezon City
23	Krishnan	Pathma	Verite, Malaysia
24	Lagrosa	Agnes	Global Partnership, Gap, Inc.
25	Li Lin	Hsiu	Verite, Taiwan
26	Lim	Tonette	STR Responsible Sourcing Philippines, Manila
27	Lopez	Bernie	ERCOF
28	Luga	Enrico	Center for Migrant Advocacy Philippine
29	Macayan	Judino	Bureau of Immigration
30	Manalo	Edna	DSWD_Pampanga
31	Manarang	Fe	DSWD_Pampanga
32	Navarro	Ana	Center for Migrant Advocacy Philippine
33	Niimi	Keiko	International Labor Organization
34	Oebanda	Cecille	Visayan Forum Foundation, Inc.
35	Pajares	Edwin	Commission of Filipinos Overseas
36	Pignatello	Michael	Embassy of the United States of America
37	Ramos	Ruby	Gap
38	Ranjit	Juvy	Pinoy Resources Foundation, SABAH
39	Ranjit	Khushwant	Pinoy Resources Foundation, SABAH
40	Remo	Atty. Reynaldo	National Bureau of Investigation(NBI) Anti-Human Trafficking Division
41	Sariyant	Tossaporn	Verite, Thailand
42	Soliman	Marilen	International Organization for Migration
43	Villalba	Maria Angela	Unlad-Kabayan Migrant Services Foundation

## Appendix F: Interview Notes

Name of Respondent	Age	Residence	Occupation	Destination
<b>Comments</b>				

Manuel	36-50 years old	Makati City	Construction Worker - cement mixer	Saudi Arabia
He used an agency called GFI. He used to work with the Philippine Airforce before he went abroad. His salary was insufficient to support his family needs - poverty pushed him to the limit. So he decided to apply and was placed for a job in Saudi Arabia as a construction worker				

Stanley	21-35 years old	Calumpang, Batangas	Factory Worker – warehouse	Saudi Arabia
At the jobsite, the discrimination between the OFW's and the locals were intolerable. The locals think lowly of Filipino workers. So he stood up against this and had a verbal fight with his supervisor (Arabian supervisor). He (the worker) told him (supervisor) angrily that he would never again tolerate any negative comments about the Filipinos. His supervisor was startled upon learning that he (worker) could fight back. The verbal fight ended and resolved by the upper officials and his supervisor befriended him from then on.				

Gil	36-50 years old	Baliuag, Bulacan	Factory Worker - off-set operator	Saudi Arabia
The company in Saudi Arabia where he worked supposed to deduct a certain amount from his salary (balance of placement fee), but nothing was deducted at all because of his good job performance as stated by his supervisor. He said he worked abroad for financial reasons. He wanted to provide for his four children and send them to school. He is striving harder for them (his children) so that they may finish their studies and have a better future.				

Serapio	21-35 years old	San Luis, Batangas	Factory Worker – textile cutting	Korea
He worked abroad to give his family a better future.				

Dominador	21-35 years old	Calasiao, Pangasinan	Factory Worker - knitting machine operator	Korea
He worked abroad because it was hard to find a job here in our country.				

Rolando	21-35 years old	Cabanatuan, Nueva Ecija	Factory Worker – LCD machine operator	Korea
Poverty, corruption and low income in our country made him decide to work abroad.				

<b>Alfredo</b>	<b>21-35 years old</b>	<b>Paco, Manila</b>	<b>Construction Worker - power train operator</b>	<b>Qatar</b>
<p>He went to Korea as a tourist. He trusted an agent friend who was working for Glaze Concepcion of Landing Security Agency for the processing of his documents. The agreement was for him to pay for a total amount of PhP80,000 and everything would be settled. The agent) asked him to pay for 50% of the agreed price as a downpayment in order to begin the process. Two months later, that agent asked him again to pay for 30% "to be given to the POEA", and again, he agreed. Six months later, he asked him again to pay in full and that he should add another PhP20,000 for the "business form", the agent explained to him that as he was to leave the country as a tourist, he should have some proofs that he owned some properties here in the Philippines and that he was financially capable to travel to other country. The agent told him that he could come up with some kind of "business form" for him for only PhP20,000. He paid for it all by selling his two cultured hogs, a loan from his sister and a loan from a pawnshop and used his jewelries as collateral.</p> <p>He waited for a year not knowing what happened to his money. During the time that he had been waiting, he went to visit the agency once in a while to inquire what was happening with the processing of his documents. He talked to that agent and threatened him (the agent) that he would tell the authorities about this scam. The agent gave in and asked him to just buy his own plane ticket and everything became ready in a flash. He went to Korea and contacted his two friends over there. He stayed there as illegal and worked in a factory for three years or so until the Korean government ordered for the illegal aliens who were staying for not more than four years to register as legals.</p> <p>Experience at Kyongido, Korea - He witnessed some OFW's who worked as hollow block-builders who carried 50 kilos of hollow blocks each, which totaled to 1,000 kilos per day per worker; that they carried large pieces of glass mirrors w/ bare hands which led the workers to get wounded. But the company did not do anything to resolve the situation.</p> <p>He went to work abroad because he was jobless and his life was miserable here in the Philippines.</p>				

<b>Roberto</b>	<b>36-50 years old</b>	<b>Rosario, Pasig</b>	<b>Factory Worker – housing parts</b>	<b>Saudi Arabia</b>
<p>He was not sure if his employer charged him with the service fee for the placement fee that they deducted out of his salary. He did not ask because he was afraid to because he didn't want his employer to turn against him.</p> <p>His foreign employer made him sign another contract when he arrived at the worksite in Arabic. He did not understand it but he signed anyway. Again, he was afraid to ask. He said there was no salary indicated on the second contract that he signed.</p> <p>He went to work abroad because he couldn't provide enough for his family while working here in our country. He stated that only those who are doing well in the Philippines don't dream of leaving the country just to work abroad.</p>				

<b>Rodrigo</b>	<b>36-50 years old</b>	<b>Tondo, Manila</b>	<b>Factory Worker - fluorescent moulding machine operator</b>	<b>South Korea</b>
<p>Personally, he said he doesn't agree with how things go with our recruitment agencies recently especially in regard with the medical examination. Before, if you have to take the medical examination, it meant that you would be leaving for abroad in three days or so. But nowadays, we have to take the medical examination upon application. He said this is not right.</p> <p>He decided to work abroad because his wife left him. One of his friends told him that they could have their documents processed in no time at all and go to Korea as tourists. He agreed and entrusted all the required documents and an amount of PhP35,000 to his friend. It seemed that his friend knew an agent who could help them with all the necessary things for the processing of their documents. They flew to Korea after four months. They stayed there illegally and eventually became legal during the registration on November of 2003.</p>				

<b>Jun</b>	<b>21-35 years old</b>	<b>Molino, Cavite</b>	<b>Factory Worker – PC board QC</b>	<b>Taiwan</b>
<p>He worked for one of the computer companies here in the Philippines as an encoder for ten years. He retired because his salary was insufficient to support his family. His friend told him that he knew an agency where they could apply to work for abroad. They went there eventually and placed for a job in Taiwan.</p>				

<b>German</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker – fiber glass twister</b>	<b>Taiwan</b>
<p>During his work abroad, he, along with his co-workers, always complained about having not so many overtime works. He said they could only earn and remit money for their family when they always have overtime work. The surety bond was returned to him in full even before coming back to the Philippines. To earn money to support his family was his reason why he decided to work abroad. He said it's hard to find a job here in the Philippines.</p>				

<b>Bernaldo</b>	<b>36-50 years old</b>	<b>Quiling, Talisay</b>	<b>Factory Workers - cardboard compressor</b>	<b>Taiwan</b>
<p>During his work overseas, the overtime work was compulsory but it was not indicated in the contract. He earned nothing at all during his work here in the Philippines. He had a cousin who owned an agency then and he was invited to apply to work for Taiwan. He applied then and was placed for a job.</p>				

<b>Luis</b>	<b>21-35 years old</b>	<b>Quiling, Talisay</b>	<b>Factory Worker – machine operator</b>	<b>Taiwan</b>
<p>His last trip abroad was supposed to be a three-year contract, but he did not finish it because they were always pressured by the management to work overtime and their salary was always delayed. They could not complain because one complaint meant three-day suspension. Three of his co-workers then disagreed to work overtime and they were suspended and deported. They sought the help of MECO (an organization in Taiwan who helps unfortunate OFW's like himself to settle matters like this), they were taught what to do and they had an agreement with the management about replacing the overtime works to be voluntary instead of compulsory. The problem was resolved but, he never dreamed of going back to that company again. His foreign employer made him sign another contract upon arriving in Taiwan, but he didn't bother to read it and just signed. He didn't even know if the salary stated on that contract was the same as the one he signed here in the Philippines. He was having a hard time in searching for a job here in the Philippines so he decided to go and work abroad.</p>				

<b>"Mac"</b>	<b>21-35 years old</b>	<b>Quirino Province</b>	<b>Factory Worker - airleak-detector machine operator</b>	<b>Taiwan</b>
<p>At the recruitment agency where he applied to, he was referred to borrow from a certain lending company but he refused because he could pay for his fee using his own money. The surety bond would be increased only upon the worker's approval. It would be returned in full only when they finished their contract or because of an emergency in the Philippines, such as, death in a family. Being jobless here in the Philippines made him decide to work abroad.</p>				

<b>Marlon</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker – knitting machine operator</b>	<b>Taiwan</b>
<p>During his work overseas, the broker's fee which was being deducted from their salary was decreased yearly by NT200. The salary as stated on the contract that he signed here in the Philippines was NT18,000, but he signed another contract in Taiwan with a salary of only NT15,840. He signed two contracts here in the Philippines and the agency told them that it would mean no harm to them. He had an experience when his recruiter referred to him a certain lending company where he could borrow money. He borrowed an amount of PhP30,000, payable within six months with an interest of 5% per month. High unemployment rate here in the Philippines and the need to earn money were the reasons he worked abroad.</p>				

<b>Nelson</b>	<b>36-50 years old</b>	<b>Pagadian City, Mindanao</b>	<b>Factory Worker - mirrors</b>	<b>Korea</b>
---------------	------------------------	--------------------------------	---------------------------------	--------------

From his previous contract, he borrowed money and used his agricultural as collateral to pay for the recruitment fee. During his work overseas, an amount of NT10,000 was deducted from his salary for five months. It was for the broker's fee and surety bond.

The recruitment agency where he applied to in the Philippines referred him to borrow money from a lending company but he refused because he said he had assets that could be used as collateral when he borrowed from a friend.

He wanted to experience working abroad and wanted to give his family a better future, so he decided to apply for a job overseas.

<b>Fernando</b>	<b>21-35 years old</b>	<b>Quiling, Talisay</b>	<b>Construction Worker – steel erector</b>	<b>Qatar</b>
-----------------	------------------------	-------------------------	--	--------------

He had an experience working in Saudi Arabia but he breached his contract because the working hours were more than they agreed upon.

He entered Korea as a tourist, he stayed as illegal until the Korean government called for the registration of illegal aliens in their country and he became legal from then on. But only those who had their passports with them and those who stayed only for less than four years were approved.

The hard times in the Philippines made him decide to work for abroad.

<b>Ernesto</b>	<b>36-50 years old</b>	<b>Talisay, Batangas</b>	<b>Construction Worker - electrician</b>	<b>Qatar</b>
----------------	------------------------	--------------------------	--	--------------

He is to go back in Qatar through the same agency. He wanted to earn more so he decided to work abroad.

<b>Ricardo</b>	<b>21-35 years old</b>	<b>Subic, Zambales</b>	<b>Construction Worker – welder</b>	<b>Dubai, UAE</b>
----------------	------------------------	------------------------	-------------------------------------	-------------------

During his work overseas, his employer gave him a bonus before he came back to the Philippines.

His recruiter told him to sign a blank sheet of paper if he wanted to depart immediately.

At the Ninoy International Airport, on the day of their flight, he, along with his friends, were oriented by the Liaison Officer of the agency to tell whoever questioned them that their salary would be \$420 and not \$350. The \$420 salary turned out to be the one that the agency have told POEA.. They did as they were told because they were afraid to be held at the airport and not leave at all. They were paid \$350 monthly and the agency ripped them off w/ \$70 per month.

To earn money and having no permanent job here in the Philippines are the reasons why went abroad to work.

<b>"Henry"</b>	<b>36-50 years old</b>	<b>San Mateo, Rizal</b>	<b>Factory Worker - truck parts</b>	<b>Dubai, UAE</b>
----------------	------------------------	-------------------------	-------------------------------------	-------------------

During his work overseas, he was not sure whether his employer charged him of a service fee for the placement fee that was deducted from his salary. He said he didn't care if the overtime works were mandatory or not.

His employer made him sign another set of contracts upon arriving at the jobsite but with the same salary.

He wanted to work where his wife is already working so he decided to go to Dubai.

<b>Roberto S.</b>	<b>36-50 years old</b>	<b>Quezon City</b>	<b>Factory Worker – Packaging (medicine)</b>	<b>Dubai, UAE</b>
-------------------	------------------------	--------------------	--	-------------------

He stated that it's legal for a recruitment agency to ask for a placement fee of at least equivalent to two months of an applicants salary abroad.  
 He entered UAE with a tourist visa and later on employed through local hiring.  
 He couldn't save no matter how hard he worked in the Philippines so he decided to go abroad.

<b>Conrado</b>	<b>36-50 years old</b>	<b>San Roque, Cavite</b>	<b>Construction Worker - mechanic</b>	<b>Dubai, UAE</b>
----------------	------------------------	--------------------------	---------------------------------------	-------------------

His recruiter asked him to sign a blank sheet of paper and got angry when he refused to sign. The recruiter explained that the paper would be for his (worker) protection and didn't further elaborate. He still didn't sign, but it did not alter his flight abroad.  
 He said that it was unfair when his foreign employer made him sign another contract upon arriving at the worksite and learned that his salary was decreased by \$70. But he couldn't do anything about it for fear of being deported back to the Philippines and be jobless again  
 He had an experience once when he applied to a certain agency and paid for the recruitment fee and was never placed for a job. He paid for an amount of Php30,000 and waited for eight months or so until he and the other applicants filed complaints against that agency. The agency was shut down but he never refunded his money.  
 During his work overseas, overtime works was mandatory but it was not stated on the contract he signed. He didn't refuse because he liked working overtime to earn more.

<b>Romulo</b>	<b>36-50 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker printing</b>	<b>South Korea</b>
---------------	------------------------	-----------------------------	--------------------------------	--------------------

Having no permanent job and the low salary rate here in the Philippines were the factors that triggered his decision to work abroad.

<b>Ruben</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - bolts &amp; nuts plating</b>	<b>Taiwan</b>
--------------	------------------------	-----------------------------	--	---------------

During his overseas work, he breached his contract of three years and came back home only finishing the two because of his father's death.  
 He stated that he didn't really understand why he was asked for an amount of Php132,000 for the recruitment fee at the agency here in the Philippines but he didn't dare ask because of the fear of losing the position. He ended up selling a part of his rice field and cultured hogs for Php43,000 and borrowing from a friend for Php30,000 and use part of his rice field as a collateral.  
 He waited for a year and three months after he paid for the recruitment fee to be placed for a job.  
 His recruiter referred him to borrow money from a certain lending company but he refused because the interest rate of 5% seemed high.

<b>Melvin</b>	<b>21-35 years old</b>	<b>Tanauan, Batangas</b>	<b>Factory Worker - camera lens</b>	<b>Taiwan</b>
---------------	------------------------	--------------------------	-------------------------------------	---------------

During his overseas work, he experienced overtime works for four hours daily. But he liked the idea because he could earn that way.  
 At the recruitment agency where he applied to, he waited for four months for the processing of documents and signed the work contract and flew in a week. He encountered a certain agent whose name is Lolit Villanueva who roams from houses to houses in Batangas to recruit people for Taiwan. Ms. Villanueva allegedly asked her "recruits" to pay for the amount of Php20,000 each and guarantee them a job placement. He too, paid for Php20,000. He said Ms. Villanueva could easily settle matters like altering the interview results conducted at the agency, meaning if an applicant flunked the interview, Ms. Villanueva could change it from "flunked" to "passed". He's thankful that someone could help them with situations like these.

<b>Benjamin</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - food processing (storage)</b>	<b>Taiwan</b>
<p>During his work overseas, the broker's fee of NT7,000 was collected by the broker himself and not deducted from their salary. They were not given any written receipt for the payment made.</p> <p>In Taiwan, they were forbidden to go to places where riots are likely to happen (ex. Discos), for protection of the broker's name. Because the broker's name is the first thing that a police will ask if a Filipino is caught in a riot. In his last trip abroad, he once refunded the placement fee of PhP40,000 which he paid to the AU Management Agency because he was uncertain if the said agency could place him for a job because he already waited for five months after paying for the fee. But he gave back his money to AU upon learning from a friend that job orders from Taiwan just came in.</p>				

<b>Byron</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker – knitting machine operator</b>	<b>Taiwan</b>
<p>Before going to Taiwan, he had an experience of applying for Canada (the interviewee did not say what kind of potential job he would be placed in Canada). He, along with other four applicants were encouraged by a certain agent whose name was Evangeline (interviewee did not know Ms. Evangeline's last name) who just came to their place to recruit people. They were asked to pay for PhP15,000 each for the processing of documents. They were not issued any written receipt for the payment made but none of them ever complained. They did not really go to the agency that Ms. Evangeline referred them to but just paid directly to the lady. Ms. Evangeline never showed up afterwards and they assumed that she ran away with their money.</p> <p>Curiosity about one of his friends' good fate in Taiwan made him decide to apply and work abroad</p>				

<b>Michael</b>	<b>21-35 years old</b>	<b>Morong, Rizal</b>	<b>Factory Worker - machine operator</b>	<b>Taiwan</b>
<p>When he applied at the agency called Juancho, his parents sold a part of their rice field (1/2 hectare) to a friend to help him pay for the recruitment fee of PhP65,000. He just did not know how much it was sold because his parents made the negotiation, with Bernardo Maningding (neighbor) as an acting agent between the buyer and his parents. During his work overseas, the company granted him a leave of seven days while still under a contract of three years because of his grandmother's death. He flew back to Taiwan to resume his work after that. He had an experience before where he paid for a certain amount of money as a down payment for the recruitment fee but was never placed for a job because the owner of the agency left for U.S.A. afterwards. He (the interviewee) alleged that sometime in August 2001, he applied to an agency called AIMS World for a job opening he came to know through personal application; that he was promised employment in the U.S.A. by a certain Antonio Orada (the owner of the agency) for the position of hotel worker with a salary of US\$6.40 per hour and in consideration of which he was required to pay an amount of PhP89,000; that he paid PhP10,000 as partial payment on August 31, 2001 and PhP2,000 for his medical examinations on October 30, 2001; that the payments were made at the office of Mr. Orada's agency and was received by the cashier; that despite the lapse of fourteen (14) months, the said agency failed to deploy him abroad in spite of the numerous assurances made by the owner. Mr. Nabua, along with six (6) of his aggrieved friends filed complaints to POEA. Unfortunately, AIMS World agency neither filed its verified Answer nor appeared in the scheduled hearings despite proper notification from DOLE/POEA.. However, the Administration came up with a resolution dated June 27, 2003 ordering the said agency to refund the amount paid by Mr. Nabua as well as by the other complainants representing the fee prematurely collected from them. The Administration told the complainants that they were to be notified through telegram upon receiving the money to be given back to them (complainants). Mr. Nabua did not hear anything from the Administration for more than a year now. He just hoped for their money to be returned to them but it seems that his hope is going down the drain.</p> <p>His being unemployed here in the Philippines made him decide to work abroad.</p>				

<b>Cassius</b>	<b>21-35 years old</b>	<b>Talisay, Batangas</b>	<b>Factory Worker - (textile) all-around</b>	<b>Taiwan</b>
----------------	------------------------	--------------------------	--	---------------



He was referred to borrow money from a specific lending company by his recruiter but he refused because he had other options like borrowing from his aunt.

During his overseas work, he had an experience where he and his supervisor (Taiwanese) had a verbal fight against each other. He alleged that his supervisor always riled him by making them work even during their break time; that he couldn't tolerate what he and his fellow workers was going through which eventually led him to retaliate by using foul words in Tagalog; that his supervisor hit him using an umbrella; that he still retaliated verbally but this time, by cursing his supervisor using Mandarin. He thought at first that he would be deported because of the said incident. On the contrary, his supervisor apologized to him and everything turned back to normal.

He decided to work abroad to help his family and to acquire more income.

<b>Magdalo</b>	<b>21-35 years old</b>	<b>Morong, Rizal</b>	<b>Factory Worker - IV fluid bottle packaging</b>	<b>Taiwan</b>
----------------	------------------------	----------------------	---	---------------

During his application for a potential job abroad, the recruitment agency required him to borrow money from a specific lending company but he refused because he had his relatives to turn to for financial help. During his overseas work, he said that the surety bond would be increased only upon the workers' approval; that the said bond was released and returned to him at the airport in Taiwan on the day of his flight back home.

His being unemployed here in the Philippines made him decide to work abroad.

<b>Felipe</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - knitting machine operator</b>	<b>Taiwan</b>
---------------	------------------------	-----------------------------	---	---------------

He was referred to borrow money from a specific lending company by his recruiter but he refused because he had other options like borrowing from his aunt.

During his overseas work, he had an experience where he and his supervisor (Taiwanese) had a verbal fight against each other. He alleged that his supervisor always riled him by making them work even during their break time; that he couldn't tolerate what he and his fellow workers was going through which eventually led him to retaliate by using foul words in Tagalog; that his supervisor hit him using an umbrella; that he still retaliated verbally but this time, by cursing his supervisor using Mandarin. He thought at first that he would be deported because of the said incident. On the contrary, his supervisor apologized to him and everything turned back to normal.

He decided to work abroad to earn for a living.

<b>Hilarion</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - PC board QC</b>	<b>Taiwan</b>
-----------------	------------------------	-----------------------------	-------------------------------------	---------------

During his overseas work, the surety bond would only be refunded in full upon finishing his contract.

He alleged that he was threatened by his recruiting agency not to tell POEA the amount of the placement fee of PhP160,000 that he was required to pay; that he could not do anything about it but to agree, due to fear of losing the slot to someone else.

<b>Vergilio</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory worker - electronics tester</b>	<b>Taiwan</b>
-----------------	------------------------	-----------------------------	--	---------------

He was required by his recruiter to borrow money from a certain lending company called Neppon. He did not borrow due to their (Neppon) complicated policy such as; the requirement of two (2) co-makers; and with 5% interest rate per month. He borrowed money to pay for the recruitment fee company called Neppon. He did not borrow due to their (Neppon) complicated policy such as; the requirement of two (2) co-makers; and with 5% interest rate per month. He borrowed money to pay for the recruitment fee interest rate per month. He borrowed money to pay for the recruitment fee from an informal moneylender with only an interest of 15% per annum, with no collateral needed. In addition to this, he pawned his necklace for the amount of Php25,000. During his work overseas, his foreign employer made him sign another contract stating that he would receive an amount of NT13,000 as his salary contrary to the contract he signed in the Philippines stating the amount of NT15,840. He did not complain due to fear of being deported. He alleged that the surety bond deducted from his salary was not returned to him yet despite of finishing his contract of three years; that he would call the attention of his broker regarding this matter.

He had an experience once before going to Taiwan when he paid an amount of PhP20,000 to an agency called TEL International as down payment for the recruitment fee. He waited for eight months but the said agency failed to place him in a job. He did not stop "menacing" the agency by threatening them that he would tell the authority about this. The said agency gave in to his "threats" and he eventually refunded his money in full.

His being unemployed here in the Philippines triggered his decision to work abroad.

Midwin	21-35 years old	Morong, Rizal	Factory Worker - machine operator	Taiwan
<p>He sold his two carabaos for PhP20,000 and borrowed an amount of PhP80,000 from his uncle just to pay for the recruitment fee of PhP100,000.</p> <p>He wanted to save for his future and because of the high salary rate in Taiwan which he came to know through a friend, he decided to apply and work over there.</p>				

Bonnie	21-35 years old	Calasiao, Pangasinan	Factory Worker – machine operator	Taiwan
<p>During his work abroad, he stated that Nt100 was also deducted monthly from his salary of NT15,840 for “dormitory maintenance”, which was not reasonable because he, along with his co-workers themselves were the ones did all the maintenance needed for their dormitory.</p> <p>During his application in the agency called Slot Phils., his recruiter required him to borrow money from a specific lending company, but he refused to do so for no reason at all.</p> <p>His recruiter asked him to sign a blank sheet of paper one day before his flight to Taiwan. The recruiter told him that it was one of the requirements for the contract, and that the agency could void his contract if he would not sign. So he signed the blank sheet of paper even if it was against his will.</p> <p>His foreign employer asked him to sign another contract upon arriving at his workplace. The contract was written in Chinese characters, and he did not sign it until it was translated in English language.</p> <p>He had witnessed during his work in Taiwan when one of his co-workers incidentally cut his fingers while handling a conveyor machine. The company did not shoulder all his medical expenses which led them to seek the help of MECO (Manila Economic Cultural Office). Unfortunately, the said organization did not do anything to help his co-worker. Then they heard that there was a group composing of Taiwanese and Filipino nuns who helps aggrieved OFW like his friend. They (Filipino workers) went there and talked about his friend’s situation and the nuns made an appeal to the company which later on ended up with an agreement. The agreement was for the company to pay for all the medical expenses of the worker in full. The matter was resolved in no time at all.</p> <p>To earn money was his sole reason why he wanted to go and work abroad.</p>				

Joseph	21-35 years old	Calasiao, Pangasinan	Factory Worker - welding machine operator	Taiwan
--------	-----------------	----------------------	---	--------

It was hard for him to cope with the poverty in the Philippines, so he decided to work abroad.

<b>Ronaldo</b>	<b>21-35 years old</b>	<b>Talisay, Batangas</b>	<b>Factory Workers – cylinder head moulding</b>	<b>Taiwan</b>
<p>During his application for Taiwan, his recruiter required him to borrow money from a specific lending company. He refused in doing so because he believed that the interest rate of 6% that they would charge him was not reasonable.</p> <p>During his application for Taiwan, his recruiter required him to borrow money from a specific lending company. He refused in doing so because he believed that the interest rate of 6% that they would charge him was not reasonable.</p> <p>During his work abroad, he was requested by his employer to sign for the extension of his contract but he refused because he was bored with his job.</p> <p>During his application to the agency called Ideas, he was required to pay an amount of PhP78,000 for the recruitment fee. He turned to his grandfather for financial help and sold his two carabaos for PhP30,000 just to cover the fee which he paid in cash before leaving for Taiwan.</p>				

<b>Dennis</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - knitting machine operator</b>	<b>Taiwan</b>
<p>To help his brothers and sisters by sending them to school is the factor that triggered his decision to work abroad.</p>				

<b>Gilbert</b>	<b>21-35 years old</b>	<b>Talisay, Batangas</b>	<b>Factory Worker – IC electronics inserter</b>	<b>Taiwan</b>
<p>After his first trip abroad, he alleged that sometime in April 2004, he applied to the agency called 10<sup>th</sup> Story which he came to know through a friend; that upon application, he was made to undergo a medical examination and paid an amount of PhP1,500 for the fee; that he passed and was lined up for an interview; that he paid an amount of PhP1,000 for the interview; that his recruiter asked him for his bankbook and he was told that his account should at least amount to PhP40,000 for “assurance” that he would be able to pay the recruitment fee when the time comes. He flunked the interview which he believed was not reasonable because the questions they (agency) asked him were just about his background information and his past job experiences which he answered confidently. He recovered his bankbook and never returned to that agency. He heard that with 5,000 applicants, only eight passed the interview.</p> <p>Low salary rate in the Philippines was the very factor that triggered his decision to work abroad. He went to the agency called Dynamic which he came to know through personal application. His recruiter required him to borrow money from a specific lending company but he refused to do so because they (lending company) were requiring “lot” for collateral. He was able to pay for the recruitment fee of PhP47,000 by borrowing money from his father.</p>				

<b>Jerry</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - rolling machine operator</b>	<b>Taiwan</b>
<p>During his work abroad, overtime work was "mandatory" but was not stated on the contract that he signed.</p> <p>His being unemployed here in the Philippines made him decide to go and work abroad. He was able to pay for the recruitment fee of PhP80,000 by borrowing from his parents the whole amount.</p>				

<b>Aldrin</b>	<b>21-35 years old</b>	<b>Cainta, Rizal</b>	<b>Factory Worker – maintenance</b>	<b>Taiwan</b>
<p>He alleged that he paid PhP20,000 to a certain agent whose name is Mr. Allan Ong; that the amount he paid for Mr. Ong was not deducted from the placement fee of PhP40,000 that the agency required him to pay.</p>				

<b>Allan</b>	<b>21-35 years old</b>	<b>Deparo, Kalookan City</b>	<b>Factory Worker - syringe moulding</b>	<b>Taiwan</b>
--------------	------------------------	------------------------------	--	---------------

During his work overseas, the surety bond which was deducted from his salary was increased from NT2,000 to NT5,000 on his third year of contract. But the said bond was returned in full to the worker upon finishing the contract. The low salary rate and the employment inadequacy here in the Philippines are the factors that triggered his decision to work abroad.

<b>Ferdie</b>	<b>21-35 years old</b>	<b>Morong, Rizal</b>	<b>Factory Worker – bottling machine operator</b>	<b>Taiwan</b>
---------------	------------------------	----------------------	---	---------------

During his work in Taiwan, he said that the overtime work was mandatory but was not stated on the contract that he signed. Being unemployed in the Philippines were his reason to work abroad.

<b>Rizalde</b>	<b>21-35 years old</b>	<b>Bayombong, Nueva Vizcaya</b>	<b>Factory Worker - cement loader</b>	<b>Taiwan</b>
----------------	------------------------	---------------------------------	---------------------------------------	---------------

During his work in Taiwan, he said that there was no overtime work at all. He alleged that the deduction of the placement fee from his salary amounted to a total of PhP201,000 on top of the fee of PhP40,000 which he paid in cash before leaving for Taiwan. He was not truly aware of how much service fee he was charged but did not dare ask the management for fear of being deported. His hope for his family's life to prosper made him decide to work abroad. He wanted them (his family) to be proud of him because of his earnings and provisions for them.

<b>Romulo</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker – knitting machine operator</b>	<b>Taiwan</b>
---------------	------------------------	-----------------------------	---	---------------

He attended the PDOS sometime in November 2001, but left for Taiwan on June 17, 2002. On December 25 of 2002, he had an accident while he was cleaning the rotary machine. He did not know that the machine was still on. His right hand was caught inside the steel wheel of the machine and before he knew it his fingers except his thumb were cut. The factory owner paid for all his medical expenses. He did not pay for a single cent at all. They (company) wanted him to take a “paid” leave of two months to recover, but he insisted to resume his work after twenty days due to the boredom that he experienced while recovering. During the processing of his documents, he alleged that he was asked to pay for the amount of PhP75,000 for the recruitment fee.

<b>Douglas</b>	<b>21-35 years old</b>	<b>Calasiao, Pangasinan</b>	<b>Factory Worker - printing machine operator</b>	<b>Taiwan</b>
----------------	------------------------	-----------------------------	---	---------------

The total amount of the placement fee deducted from his salary during his work in Taiwan totaled to PhP144,000. He did not know how much service fee he was charged but he did not dare inquire due to fear of being deported. During his work in Taiwan, he said that the overtime work was compulsory but not stated in the contract that he signed. He alleged that he had an accident once in Taiwan (offsite); that he ended up with a broken bone (right thigh). It happened when he attended a gathering outside the company's premises, but he only went there because he was granted permission by his management. During the said gathering, he participated in one of the parlor games that caused the injury of his right thigh (the interviewee did not further elaborate how and what kind of game he participated in due to "his embarrassment" of the said incident). He was hospitalized for ten (10) days where all the medical expenses were shouldered by the company. Due to the doctor's order, he had to take a leave for two months in order to recover from the injury. It was then that his broker and his company decided to deport him which he disagreed. He then stayed inside his dormitory until he recovered and there, he realized that it was best for him to come home. So he sought the help of an organization called CLA (the interviewee did not know what does the acronym stands for and was not sure if the said organization was governmental or non-governmental). He asked CLA to come up with some agreement with the company because he did not wish to come home empty-handed. An agreement was made, and he received a certain amount of money (interviewee did not say how much) from his company as compensation because he believed he was still under their (company) responsibility even when the incident happened off-site because they granted him permission to attend to the said gathering in the first place. He returned to the Philippines without finishing his contract. To earn money for his family and being unemployed here in the Philippines are the factors that triggered his decision to work abroad.

<b>Pedro</b>	<b>21-35 years old</b>	<b>Soldier Hills, Muntinlupa City</b>	<b>Construction Worker – welder</b>	<b>Africa</b>
--------------	------------------------	---------------------------------------	-------------------------------------	---------------

He was able to pay for the recruitment fee of PhP101,000 by borrowing from his sister the whole amount. During his work in Taiwan, he said that overtime work was compulsory but was not indicated in the contract; that he was made to sign another contract by his foreign employer with the same salary rate and benefits stated. His family's poverty situation and the difficulty in finding a job here in our country, are the factors that made him decide to work abroad, even if it meant being away from his loved ones.

<b>"Vener"</b>	<b>21-35 years old</b>	<b>Sta. Maria, Bulacan</b>	<b>Construction Worker - technician</b>	<b>Soviet</b>
----------------	------------------------	----------------------------	---	---------------

His recruiter required him to borrow money from the agency's Cooperative which only required an interest rate of 24% per annum. He borrowed an amount of PhP25,000 and paid in full within a year.

<b>Dan</b>	<b>36-50 years old</b>	<b>del Monte, Bulacan</b>	<b>Construction Worker – mason</b>	<b>Palau</b>
------------	------------------------	---------------------------	------------------------------------	--------------

During his work overseas, he, along with his co-workers was made to sign an "Addendum" by his foreign employer stating that they (workers) would be paid based on the length of their work and not based on the contract. The interviewee alleged that for every contract of one year that they (he and his fellow workers) signed, they always finished a certain project in less than a year; that he and his co-workers complained to the company that they should be paid equivalent to one year even if they finished a project in less than a year; that their clamor and complaints were ignored, which eventually led everything to the signing of the said Addendum. However, the Addendum also stated that, if the project lasted more than a year, an additional salary would be given to the workers which would be counted as overtime pay. He along with his co-workers signed the said Addendum. He decided to work abroad for his children's future.

<b>"Ed"</b>	<b>21-35 years old</b>	<b>Bulbok, Batangas</b>	<b>Factory Worker – QC</b>	<b>Kuwait</b>
-------------	------------------------	-------------------------	----------------------------	---------------

His foreign employer that he came to know through a friend shouldered all the expenses for the processing of his documents and airfare.

During his work overseas, board and lodging were also paid by the employer.

The low salary rate and the difficulty in finding a job here in the Philippines made him decide to work abroad.

<b>Marvin</b>	<b>36-50 years old</b>	<b>Gerona, Tarlac</b>	<b>Factory Workers - organizer</b>	<b>Saudi Arabia</b>
---------------	------------------------	-----------------------	------------------------------------	---------------------

He said that he paid an amount of PhP1,250 for the surety bond which he was not able to refund because he terminated his contract (interviewee didn't elaborate the cause of the termination of his contract).

He decided to go and work abroad due to his family's poverty situation and he wanted to send his children to school.

<b>Ronnie</b>	<b>21-35 years old</b>	<b>Flor de Blanca, Pampanga</b>	<b>Construction Worker – cement mixer</b>	<b>Saudi Arabia</b>
---------------	------------------------	---------------------------------	---	---------------------

He paid for the recruitment fee of PhP35,000 to the agency which he came to know through a friend and that there was no amount deducted from his salary while working in Saudi Arabia. He said he was able to pay for the recruitment fee by borrowing the money from his aunt, and that he borrowed more than the amount required due to his travel fares, lodging and meals while his documents were still being processed.

Being poor made him decide to work abroad.

<b>Cedric</b>	<b>36-50 years old</b>	<b>Romualdez, Agusan del Norte</b>	<b>Factory Worker - electrical instruments</b>	<b>Saudi Arabia</b>
---------------	------------------------	------------------------------------	--	---------------------

He paid an amount of PhP16,500 for the recruitment to the agency which he came to know through a friend. He said that he borrowed the money from his sister and even paid her with more than he owed her.

He paid PhP25,000 for the recruitment fee to the agency which he came to know through a friend. He was able to pay the said fee by borrowing from an informal moneylender who charged him of 10% interest rate per month. He paid his debt for six months while working overseas.

<b>Ronaldo</b>	<b>21-35 years old</b>	<b>San Francisco, Quezon Province</b>	<b>Construction Workers - welder</b>	<b>Saudi Arabia</b>
----------------	------------------------	---------------------------------------	--------------------------------------	---------------------

He decided to work abroad because he wanted to send his children to a good school and did not have a permanent job here in the Philippines. During his work abroad, the company deducted an amount of PhP89,000 for the recruitment fee for a total of one year. He said that a surety bond of SAR100 was also deducted monthly from his salary and increased by 5% annually. However, he was able to refund in full (surety bond) because he was able to finish his contract without a problem.