

## TRAFFICKING OF WOMEN AND CHILDREN: UPDATES, TRENDS AND CHALLENGES

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Discussions on human rights, particularly that of women and children, takes an interesting turn as the Philippine Senate passed on third reading the proposed anti-trafficking bill, on March 19, 2003. It has been more or less eight years since the Coalition Against Trafficking in Women started working on the draft bill with legislators and other advocates, particularly in the Lower House. To us, it showed a historical lack of appreciation of women's human rights in general, and the urgency to criminalize trafficking in women and children, in particular.

Let me first define **trafficking in persons**. The UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, defines trafficking as 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.

In the Philippines, there remains a lack of national baseline information on the trafficking of Filipino women and children. Several factors that contribute to the dearth of data on the issue are: the underground nature of trafficking; the stigma placed

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on victims of sexual exploitation; the absence of a law on trafficking that defines the acts; the lack of a name for the problem in the community level and awareness of acts of trafficking as violations of human rights, thus the low rate of reporting; and the same lack of awareness among many government agencies and non-governmental organizations (NGOs), thus the few interventions and documentation of cases.

However, victims and the media only report sporadically on cases of trafficking. There are also qualitative studies on cases. The testimonies are alarming in that each victim talks about 50 to 100 more victims that were exploited along with her in Malaysia, Korea, Japan and countries in Europe and the US. The forms of trafficking also range from the trafficking in the guise of employment, the bride trade, trafficking to sexual exploitation, particularly prostitution and pornography, trafficking of children, to armed conflict and others.

### **TRAFFICKING OF WOMEN AND CHILDREN HAPPENS WITHIN AND ACROSS BORDERS**

The root cause of trafficking in the Philippines, similar to many countries in the South, is poverty. As the country struggles amid globalization efforts, Filipinos migrate in thousands daily, 72% of those going overseas being women. Women particularly bear the pressure of finding alternatives for their families' survival. Thus, migration for work — to the cities or overseas — is an option for the desperate — *kapit sa patalim*. Then, as migration continues to be exploited by many sectors, especially recruitment agencies, it becomes the easiest channel for trafficking women and children.

In our studies, we are shocked by the high rate of internal or domestic trafficking, where most victims come from the rural

areas and are brought to the cities. The women and children are promised jobs as domestic helpers or salesladies, yet brought to brothels or bars.

### Trafficking within the Country

Barangay Camagayan is one of the red light districts in Cebu where almost 90% of the women and children in bars and streets were trafficked. Across the country, a large portion of trafficked women come from the different provinces of Mindanao (Cagayan de Oro, General Santos, and Davao) and some come from Pampanga, Bulacan and other provinces within Luzon. Davao City, Angeles City, Olongapo City, La Union and Baguio City are also destination spots.

The victims are as young as 14 years old, have not finished high school and come from poor families. Many are also victims of abuse early in their lives. The recruiters pay the parents an amount of P2,000. Afterwards, the parents don't hear from their children anymore.

In January 2002 alone, during the height of the US troops' *Balikatan* exercises, 35 cases of trafficking in women and children from Davao to Zamboanga were recorded by the NGO TALIKALA. Their ages range from 15 years old to early 20s. According to the victims, recruiters went to the places where they (children and street freelancers) could usually be found, telling them that there were customers awaiting them in Zamboanga and that they would be paid in dollars.

In the municipality of Datu Odin Sinsuat, Maguindanao, about ten videoke bars basically cater to the members of the Philippine Army in Camp Siongco, the marines in Matanog town and for the Philippine National Police in Parang. In these bars, there are about 50 women and children from the towns of Marbel, Itulan, Pagadian, etc. Some of these children have been

prostituted in the streets of Cotabato City and were sent back to their hometowns by the local government. They now service the bars in Datu Odin Sinsuat.

On cross border trafficking, the profile of victims are the same: they are young, mostly single, did not finish high school, and come from very poor families where they are expected to help augment the family's income.

Trafficking from Zamboanga del Sur to Malaysia is rampant. On Mondays and Wednesdays, the regular trip for the boat going to Sandakan, Malaysia is at 4:00 p.m. The so called "backdoor" "trafficking" phenomenon is most prevalent in Bongao, Tawitawi. Leaving the country by means of the "backdoor route" is possible because in Bongao there are available speedboats that will not require any document and the boat ride takes only four hours, unlike in Zamboanga where legal documents, such as passports, are required and the trip usually lasts between 16 to 18 hours.

### **International Trafficking of Filipino Women**

Among the countries where Filipino women and children are abused and prostituted are Hong Kong, Malaysia, Japan, Korea, Nigeria, Cyprus, Greece, Germany, Italy, the US and the Commonwealth of the Northern Marianas Islands.

In 2001 alone, the Commission on Filipinos Overseas counseled 15,428 Filipinos proceeding to the US, Japan, Australia, Germany, Canada, UK, Korea and other countries as fiancées or spouses. The Center for Philippine Concerns in Australia has recorded 29 cases of mail-order-bride disappearances and deaths.

Filipino women are also found in the bars of Saipan, but according to a recent study conducted by CATW, some were abused in prostitution. Their entry before 2001 had been easy

in spite of the fact that the women only held tourist visas. This was because recruiters from the Philippines had contacts in the said US territory who arranged the trafficked women's working permits and then personally awaited the latter at the airport. The women were then taken to the clubs and videoke bars as strippers and entertainers.

Majority of the women prostituted in the streets of Hong Kong are locals, Thai and women from mainland China. Nightclubs are mostly populated by about 70% Filipina and 30% Thai women who were issued a six-month entertainer's visa. Majority of the women do not realize that they would have to offer escort service when they go to work in the bars of Hong Kong for the first time. While it is not compulsory for the women to engage in escort service, without it they would not be able to pay back the fees they owe the agencies that brought them to Hong Kong, usually amounting to HK\$20,000 or US\$2,565.00. However, some women claim that in case they refuse to do escort service they are threatened to be sent back to their agents. This would mean that the women would either have to pay the unserved portion of their contracts or they would not be allowed to sign another contract for work abroad (*Action for REACH OUT*, 2001).

Japan has the largest sex market for Asian women with over 150,000 non-Japanese women involved, mainly from the Philippines and Thailand (IOM, 1997). Slightly more than 50% of the female migrants in Japan are Filipino; 40 percent are Thai and the rest are Koreans, Colombians and other nationalities. It is estimated that foreign women's earnings in the sex industry account for one to three percent of Japan's Gross National Product (GNP), that equals its military budget.

In a study conducted in 1997 on 2,502 Japanese respondents on why men buy women, the most common reasons given were

(a) because they were encouraged by friends or acquaintances (50%); (b) curiosity (46%); (c) psychological needs (29%); and (d) not having a partner (20%). Information regarding prostitution was obtained not only through word-of-mouth, porn videos and pornographic materials but also from weekly magazines and sports newspapers. The majority of women with whom the Japanese respondents have had sex with were from the Philippines, Korea, Thailand, Taiwan, China, Malaysia, Singapore, Hong Kong, Indonesia, the United States, France, Spain and the Netherlands (CATW, 1999).

The Asian economic crisis in 1997 led to further feminization of migrant labor, and there has been an expansion of the number of women in Korea who have entered the sex industry. Foreign entertainers have been chiefly recruited by agencies which number significantly increased from 27 in 1998 to 48 in 1999. Most of the women come from the Philippines and Central Asia. There are 4,726 foreigners issued with entertainer visas working in the clubs around the US military bases such as Tongduchon as well as entertainment establishments in the capital city of Seoul. It is estimated that prostituted Filipinas number around 5,000 at any given time in the camp towns near 99 military bases and installations in Korea.

The women in the bars are supposed to drink more than 200 glasses of juice per month. As it is impossible to do this, they have to “sell tickets” (bar fine) to make up for the shortage in their quota. Each ticket sold corresponds to a number of juice or lady’s drink. In either case, the women are given only 30% of the drinks and/or 30% of the bar fine. If the drinks or tickets fall below the 200 quota, the women receive severe verbal abuse or sometimes beaten or even sold to another club. The women are closely watched and sometimes even forbidden to go out. Their passports are often confiscated and held by the

club owners. The foreign women do not want to go out on bar fines, particularly with Korean men as they brutally abuse the women (Chu, Soo-ja, 2001).

Websites such as Filipinobeauties.com sell not just Filipino but also Chinese women via the internet. The charge of 14.95 pounds for a 30-day membership allows access to the name, postal address and full description of the women. Big Apple Oriental Tours in New York advertise the Philippines as a sex tourist spot and organize sex tours for American men to Angeles City (Big Apple Oriental Tours Information and Sign-up Sheet).

Routes of trafficking in the region show that the women and children come mostly from countries in the South (developing countries), such as the Philippines, and are brought to countries in the North (developed countries mostly in North America and Europe). This is an illustration of the economic power of men in the North, as well as their concept of women and children in the South.

However, even developing countries like the Philippines are also destination countries. A common variable therefore, is the existence of a demand side, where men expect to be given sexual services and where businesses and other establishments capitalize on the vulnerability brought about by poverty and gender inequality.

Different forms of trafficking are reflected in the various national data from Asian countries and which include: *bride trade*, *sex tourism*, *military prostitution*, and *trafficking in the guise of overseas employment or adoption*.

While the victim is often the focus in trafficking, the other actors, who are the exploiters, have to be named — from the recruiters, pimps, conniving airport and immigration officials, establishment owners in destination countries, buyers, to govern-

ments that make overseas migration a prime employment strategy and which earn from the sex industry.

The above trends also show that:

- Trafficking happens mainly in conjunction with prostitution.
- The 'consent' of the victim is immaterial. This is affirmed by the UN Protocol on Trafficking.
- Gender inequality, racism and poverty are the core of the trafficking phenomenon.
- There are conscious actors in trafficking, as named, that should be held accountable for it as a crime.

## PROSTITUTION AND TRAFFICKING

At this point, let me focus on the issue of prostitution since it is clearly one of the main end points of trafficking. Prostitution is the buying, advertising and selling of a person, usually female or child, for the profit and sexual gratification of another — customer, pimp, establishment owner, manager and promoter. Specific acts include the following:

- Recruitment, inducement, deception or compelling for prostitution;
- Pimping or selling;
- Advertising, promoting, managing or facilitating transactions;
- Leasing a place, keeping a brothel, or any other establishment for prostitution;
- Training for the purpose of prostitution;
- Organizing sex tours; and
- Use of information technology to promote the prostitution of another.



Trafficking, in fact, simply ensures the supply or the procurement of women. It is a historical phenomenon because it is based also on a historical degradation of women. This does not make it inevitable or a “necessary” social evil.

### Prostitution during the Colonial Period

During the Spanish colonial regime, indigenous sexuality was altered by colonial prescriptions, where women were considered to be less than human beings; their virginity was held as a sublime virtue, yet they are raped and abused when desired. Additionally, large numbers of unaccompanied colonial men created the conditions for prostitution. Prostituting the women thus, became a profitable recourse, perpetrated by those powerful than them — parents, husbands, employers towards the moneyed demand side, who were most likely the colonial men.

The *casas* existed in Manila in the 19<sup>th</sup> century, housing young women, usually daughters of peasants, sold to cover their parents' debts, and catering mainly to Spanish soldiers and officials. Concern over prostitution during the Spanish period came in the wake of the growing peril of venereal diseases, considered as the “new cholera” of the century. Colonial authorities in the 19<sup>th</sup> century imposed punitive measures against prostitution in an attempt to combat the spread of venereal diseases.

Sources attesting to arrests of prostitutes go as far back as 1849. In Tondo, 17 women were rounded up and declared as vagabonds and prostitutes. The recommendation of the *alcalde mayor* was to deport these women to Davao, an area then still sparsely populated. Later in the 1860s, the Isla de Balabac in Palawan replaced Davao as a place for deportation of prostitutes. This is considered a severe punishment. Imprisonment at the Carcel de Bilibid would be from 10 to 30 days.

The documents reveal that a number of prostitutes arrested came from the provinces. Stories of women who were hired as

domestics but were turned over to prostitution houses by the mistress of the house seemed to be a common occurrence during the 19<sup>th</sup> century.

As records show, there existed four categories of prostitutes then: those kept under a prostitution house under the supervision of an *ama* or *amo*; those who posted themselves in streets; those who go to the homes of Chinese men; and those receiving clients in their own homes.

They were called *prostituta*, *mujer publica*, *vagamunda* and *indocumentada*. A value judgment was evident. From the point of view of the colonial authorities, the regulation of prostitution was an important public health measure.

### **Structural Basis of Prostitution**

It is not mere coincidence that the people who are sexually exploited are overwhelmingly female, young and poor. In addition, in the global North and the West, the victims of prostitution, with few exceptions, are members of groups with histories of slavery and discrimination, women and children traumatized by sexual abuse, immigrants from poor countries. Prostitution globally preys on sexual, racial and socioeconomic inequality.

There is a cultural assumption that it is men's need and right to buy women's bodies.

### **A Human Rights Issue**

Prostitution violates the following rights of women:

- Right to non-discrimination on the basis of sex. Prostitution is a system of extreme discrimination of women put in sexual servitude by and for the benefit of another group of human beings.

- Right to physical and moral integrity. Prostitution alienates women's bodies, by appropriating, buying and selling them. The women do not choose who touch or transgress their bodies.
- Right to prohibition of torture and of cruel, inhuman or degrading treatment. Practices of sexual entertainment as well as clients' acts are acts of severe violence over the female body.
- Right to liberty and security of person. Prostituted women and children are under constant threats of harm. Their movements are similarly constrained.
- Right to the highest attainable standard of physical and mental health. Incidences of violence, disease, unwanted pregnancies, unsafe abortions, HIV-AIDS present grave risks to the women in prostitution and militate against a healthy sense of their own bodies.
- Right to life. Prostituted women and children are under constant risk of death. Daily, the practices in prostitution slowly debilitates the victims.

The appropriate perspective for understanding prostitution is the Violence Against Women (VAW) model. Like domestic violence, prostitution is carried out by powerful males on comparatively powerless women and children. All the tactics of control employed by abusive partners—intimidation, threats, isolation, emotional abuse, financial abuse, denying and blaming—are employed by pimps, procurers, and establishment owners.

### **The Present Situation**

CATW estimates that there are 400,000 women in prostitution across the country, including some 70,000 children. This number can also indicate that millions of Filipino men in

the country are occasional or regular buyers of sex. The foreign tourists or other non-Filipino users of prostitution, while often more visible, constitute much smaller numbers.

Prostitution is categorized into the following: *akyat-barko*, caddy girl, go-go dancer, GRO (more politely called Guest Relations Officer), joiner, pool watcher, streetwalker, shine girl.

### **Is It Work?**

Even recognizing that many women make a living in prostitution, it can never be an acceptable form of *labor* for women. While women need the money, they do not want the acts in prostitution. Prostitution sex is unwanted sex for women and therefore “paid rape.”

The term “sex work” is a dangerously misleading term, ignoring the powerful social forces of poverty, violence and gender inequality that propel women and children into prostitution. Calling prostitution “sex work” ignores the harm that women and children sustain as a result of sexual exploitation.

The term also tolerates the condemnation of women in prostitution and confers legitimacy on the system. It is not an accident that the organized commercial sex industry is one of the biggest promoters of the notion that prostitution is “sex work” — “a job like any other.”

### **What if She Chooses to?**

In the same manner that women have sought to change their physical attributes in ways that please men (putting their health at risk with breast implants because men are sexually attracted by large breasts), have tried to be the kinds of wives, secretaries or entertainers who win the approval of husbands, bosses or male audiences. Since women are getting love and security as

wives, promotions and good salaries as secretaries, and as prostitutes are paid money in exchange for sex, it might be said that the system is mutually beneficial to women and men. Nevertheless, the fact remains that the system as a whole is designed for the convenience and gratification of the male species, with the women assigned to the corresponding subordinate roles.

For the vast majority of women in prostitution, it is a *forced* choice. Women are absorbed into prostitution for many reasons and in ways in which the whole notion of real “choice” is put into question. Some of these are:

- In poor countries, there is the vulnerability created by women's poverty, and on the other, the pre-existing cultural structures that absorb women into prostitution.
- There are millions of kidnapped or trafficked girls all over the world who are forced into brothels against their will. After having spent a number of years confined or guarded against escape, some girls will have “become used” to the conditions of prostitution and will no longer attempt to run away.
- Countless women are scarred by sexual violence, often at the hands of male partners or family members. A loss of sense of self-worth, of belief in a better personal future is the damage caused by that experience. Prostitution becomes merely a continuation of the familiar, the “way-life-is anyway.”
- There are also women who “buy into” the system and who look to fit in and to profit where they can. “High class prostitution” constitutes but a very small percentage, with the big majority landing in prostitution through no conscious choice or consent.

### **The False Divide between Child and Adult Prostitution**

As one prostituted woman said, “When I was a child, they said that I was a victim of sexual exploitation and abuse. When I became of legal age, they said that it was my choice to be working as a prostitute.

The majority of women in prostitution today were absorbed into the system as children. While violence and cruelty in any form is more intolerable when it is the child who is harmed, trivializing the harm on adult women is a huge mistake. Child and adult prostitution are based on the same assumption that *male sexual demand* must be met. No matter at what age, prostitution is unacceptable. Moreover, the physical harm of prostitution is at least equaled by the psychological harm it wreaks — suicidal feelings, clinical depression, etc.

### **Legal Remedies**

It is the duty of governments and of international bodies to work for the end of prostitution. Towards this end, the economic and sexual profiteers of prostitution must be held liable for criminal offenses. However, for prostituted women, as victims of unjust social and gender systems, prostitution should be decriminalized. The latter should benefit from comprehensive programs and services towards healing and empowerment.

## **TRAFFICKING: A VIOLATION OF HUMAN RIGHTS**

Trafficking violates the victim’s human rights. These are the:

- Right to liberty and security of person;

- Right not to be subjected to cruel, inhuman and degrading treatment;
- Right to freedom of movement;
- Right to freedom from discrimination;
- Right to the highest standard attainable in physical and mental health;
- Right to equal protection under the law; and
- Right to sexual integrity and autonomy.

#### **Definition of Trafficking under the New Anti-trafficking Law:**

Due to active advocacy of women's groups, a law against trafficking of women and children has been enacted in Congress.

Under the law, trafficking is defined as follows:

- To recruit a person for purposes of prostitution or forced labor and slavery-like practices, under any pretext of lawful domestic or overseas employment;
- To introduce or match for a fee, profit, or any other material or economic consideration, any Filipino woman to a foreign national for marriage under a mail-order-bride scheme as provided under Republic Act No. 6955, otherwise known as the "Mail-Order-Bride Law", for prostitution or forced labor or slavery-like practices, making the preceding as aggravating circumstance,
- To entice, encourage, or persuade a person by fraud or by deceit, coercion, intimidation, or by abuse of any position of confidence or authority, or having legal charge, including use of parental, sibling, and other authority by family relationship, to engage in prostitution or forced labor and slavery-like practices;

- To maintain or hire a person to engage in prostitution under the pretext of tours and travel plans to the Philippines;
- To recruit persons especially women and minors to engage in prostitution with military forces;
- To recruit a child through fraud, coercion, violence or deception, to engage in armed activities here and abroad;
- To send persons abroad under the guise of training or apprenticeship, for prostitution, forced labor or slavery-like practices;
- To advertise, publish, print or distribute or cause the advertisement, publication, printing, broadcasting or distribution of any brochure, flyer or any propaganda material, including through information technology, like the internet, that promotes trafficking in persons through marriage or other similar relationships with foreign nationals;
- To confiscate the passport, travel documents and other personal documents of victims of trafficking to prevent them from leaving the country or seeking redress from the government or appropriate agencies.

#### **RECOMMENDATIONS AT THE LOCAL LEVEL:**

CATW is proposing the following measures in addressing Trafficking at the local level:

- Lobby for the passage of the anti-trafficking bill;
- Passage of a local ordinance adopting the framework of the proposed anti-trafficking law;
- Operationalization of a Bantay-Recruiter/Bugaw Mechanism;



- Inter-agency network that includes NGOs and survivors representatives;
- Education in local communities on how to spot a “bugaw”, illegal recruiter or trafficker; and
- Institutionalization of services by agencies that are responsive to reports on illegal recruitment and trafficking, and are also accessible to the communities.

#### CHALLENGES AT THE NATIONAL LEVEL:

At the national level, we call on both the government and civil society to ensure that adequate and appropriate action be taken to:

- Address the demand side; and
- Provide alternatives to survivors of Trafficking.