

**Trafficking in Women as a Non-
Traditional Security Challenge:
Philippine Cases and Responses**

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TRAFFICKING IN WOMEN AS A NON-TRADITIONAL SECURITY CHALLENGE: PHILIPPINE CASES AND RESPONSES

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INTRODUCTION

Traditional security studies, which focus on states and external military threats, are being challenged today as inadequate and unresponsive to post-Cold War realities. A non-traditional view has been espoused to address emerging non-military threats which have the potential of undermining laws and institutions and creating instability in states. These threats also impact on the lives and rights of peoples and communities which states and the international community have an obligation to protect.

A non-traditional security challenge in the Southeast Asian region today, particularly for the Philippines, is human trafficking, especially in women across international borders. This paper will focus on the trafficking of Filipino women in Japan and South Korea for prostitution and sexual exploitation using the entertainer's visa as a tool. It will draw upon studies and research conducted by individuals and organisations as well as reports coming from the Philippine embassies in Tokyo and Seoul. It will discuss the protection of nationals abroad as a pillar of Philippine foreign policy, and the recent responses of the Philippine, Japanese and South Korean governments to the issue. It will conclude by proposing policy

recommendations, specifically for the Philippine Department of Foreign Affairs (DFA), to curb trafficking in women.

TRADITIONAL VERSUS NON-TRADITIONAL SECURITY

The end of the Cold War marked the beginning of a shift in the study and analysis of security and world order from a traditional framework to a non-traditional approach. Security has traditionally been defined as the defence of a state's sovereignty and territorial integrity from military threats or external aggression.¹ This state-centric view of security has been characterised by a preoccupation with the state as the referent object of a threat, and external aggression or the use of force as the source of the threat. Emphasis on the state-centric perspective alone has been challenged as deficient and unresponsive to post-Cold War realities.

In Southeast Asia, the traditional security paradigm continues to be relevant in addressing unresolved disputes over sovereignty and territory. Nevertheless, there is also a growing recognition of emerging non-military threats that have the potential of creating a great deal of instability within states and in the region. These threats are often attributed to globalisation or the unhampered movement of goods, money, services, information, and ideas across borders,² a means that was ironically advanced to spur development and stability but has also given rise to a host of problems that have security implications. The recognition of these new threats has seen scholars and policy makers offering "comprehensive", "collective", "extended," or "non-traditional" approaches as alternative, complementary or supplementary to the traditional view. These new threats have also been analysed from critical security studies, human security and securitisation perspectives. Critical security studies call for emancipation of peoples from constraints brought about by structures and by those in power. The human security approach on the other hand focuses on freeing people from want and fear to achieve security. The third approach is a focus on the securitisation process which is the identification and acceptance of an issue as

a threat to security and the taking of extraordinary measures to address the threat.³

All these approaches have expanded the referents, actors, sources and means to address non-traditional security threats. In today's security arena, the actors include states and non-state actors such as individuals, institutions, corporations, and non-governmental organisations. The sources of the threats have also been enlarged to include social, economic and environmental factors. Proponents of the non-traditional framework argue that "contemporary turmoil appears to be generated more by overpopulation, famine, uncontrolled migration, ethnic cleansing, pandemics, terrorism...than by outright military invasion".⁴ These factors pose greater threats not just to the state but to individuals and communities.

According to Sucharithanarugse, the complexity and severity of these new threats have overwhelmed governments in the region who are finding it difficult to deal with them on their own. While states in the Southeast Asian region continue to guard against traditional security threats, they are also increasingly being confronted by non-traditional security challenges. The instrument of maintaining state security under the traditional framework using politico-military approaches is inapplicable and ineffective in dealing with all new challenges. Yet they need to be addressed because their effects have the potential of spilling over or being transported to other states and creating significant tensions.⁵ These emerging threats have also affected large sectors of the populace. Without the assistance of non-state and non-traditional actors, states cannot reverse this trend towards insecurity.⁶

HUMAN TRAFFICKING AS A SECURITY CHALLENGE

One of the non-traditional security challenges confronting the region today is human trafficking, particularly in women, across international borders. Governments,

international organisations and non-governmental organisations have recognised the security implications of human trafficking. They all propose a combination of multidisciplinary and multilateral approaches as key to managing the new threats. At the Bali Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, ministers from various countries acknowledged that trafficking was creating political, economic and social security challenges and called for measures to address the issue cooperatively and comprehensively.⁷ The International Labour Organisation (ILO) which has undertaken numerous studies on the nexus between the labour market and human trafficking considers the latter as “a central issue to security and stability in the 21st century”.⁸

These views are echoed in an 11 November 2003 report for the International Organisation for Migration (IOM) which states:

Cases of trafficking are being reported daily, in different parts of the world. Not one single country has been spared from the phenomenon, regardless of whether it is a country of origin, transit or destination or, as is increasingly the case, a combination of all these....Since trafficking is generally controlled by international criminal organisations, whose activities often include other forms of illicit trade and smuggling such as drugs and arms, it can have serious security implications for all affected countries.⁹

Others have expressed the view that human trafficking, if unabated, has the potential to strain relations between states by a perception that the country of origin is not doing enough to stem the flow of trafficking to the country of destination.¹⁰ Strained bilateral relations disrupt stability between states and may expose their populations to harm.

EVOLUTION AND DEFINITION: WHAT IS HUMAN TRAFFICKING?

Human trafficking is not a new phenomenon. Altink traces the history of trafficking to as early as the 6th century from an account of Emperor Justinian about early traffickers traveling throughout Europe to take advantage of young girls in poverty by promising them fine clothes and then keeping them in brothels for as long as they wish.¹¹ Others trace it to the 19th century when traders of contraband like drugs and weapons expanded their merchandise to include human beings.¹² During that time, trafficking was associated with the white slave trade or the recruitment and transport of European and American women for prostitution. The issue was addressed with the passage in 1904 of an agreement to halt the procurement of white women and girls for sale into prostitution abroad. In 1910, the 1904 agreement was broadened to include trafficking within national borders. In 1921 the Convention for the Suppression of the Traffic in Women and Children was passed and called for the prosecution of traffickers and the licensing and supervision of employment agencies.¹³ These Conventions, however, did not bring to an end the trafficking menace. Between 1910 and 1945, Korean women who were recruited with promises of good food, money and jobs as cooks, domestic helpers or nursing assistants, ended up in prostitution to service the Japanese military.¹⁴ In 1949 a consolidated treaty, the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, punished trafficking both at the national and international levels and broadened the definition of trafficking to include the issue of exploitation.¹⁵

According to Altink, trafficking tapered off after the Second World War probably due to postwar wealth which made promises of jobs away from home or country less attractive. It resurfaced more noticeably in 1965 with Interpol reporting South American women being trafficked to Puerto

Rico, the Mediterranean and Middle East, French women being sent to Germany, and European women being transported to developed African countries.¹⁶ In the 1980s, increased migration flows, the feminist movement, the spread of diseases, and the mail-order bride and sex tourism businesses sparked renewed debate on the issue of trafficking.¹⁷ The United States, in its 2004 Trafficking in Persons (TIP) Report, estimates the number of persons trafficked across international borders at 600,000-800,000, 80 percent of whom are female and 70 percent of whom are trafficked for sexual exploitation.¹⁸ The UN on the other hand estimates the number of people trafficked worldwide each year at as much as four million.¹⁹

While attention toward the issue of trafficking has grown, so has the number of definitions, approaches and interpretations of the phenomenon, leading to a variety of underlying views regarding trafficking.²⁰ The *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime* provides a comprehensive and internationally accepted definition of trafficking. Article 3 of the Protocol defines trafficking in persons as:

- (a) the recruitment, transportation, transfer, harbouring 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 and 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 labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used.²¹

While the definition provides parameters for governments and the international community in studying the problem, trafficking continues to be used interchangeably with illegal migration or human smuggling. Human smuggling and illegal entry are defined under the *UN Protocol Against the Smuggling of Migrants by Land, Sea and Air, Supplementary to the UN Convention on Transnational Organised Crime* as follows:

- (a) Smuggling of migrants shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident;
- (b) Illegal entry shall mean crossing borders without complying with the necessary travel requirements for legal entry into the receiving State.²²

While both concepts involve the facilitated movement of people, they are different concepts and are treated under separate UN Protocols. Trafficking can take place within as well as outside national borders, while smuggling always involves movement of people across national borders. Trafficking involves elements that vitiate consent such as the use of force, deception, or abuse of power or the vulnerability of the person, while in smuggling the person knowingly consents to cross international borders illegally.²³ The distinctions become blurred, however, because there are many cases that may have begun as smuggling but have transformed into a trafficking situation.²⁴ Smuggling ends when the illegal migrants reach their destination.²⁵ Trafficking begins when, knowing the illicit means through which they entered the

country, these migrants are approached by or are turned over to traffickers who offer them jobs that often turn out to be the so-called “3Ds” – dirty, dangerous and difficult. It is a situation over which they invariably have no control. Smuggling, in the context of this paper, therefore, becomes a means to traffic women.

When smuggling is used as a tool for trafficking, and when these trafficked women are lumped together with illegal migration cases, the focus of violence against women shifts to the illegality of their entry. The element of violence or abuse is of little or no consequence. In cases of illegal migration, the state is considered the victim, while in cases of trafficking, women are the victims of human rights abuses perpetrated by the traffickers and smugglers. Human rights and women’s groups advocate that when smuggling is used as a tool for exploitation, the focus should be on the women as victims of violence, and not on the fact that they have crossed an international boundary legally or illegally.²⁶ Until governments are able to strike common ground on how to deal with victims trafficked through smuggling, these people will be victims twice over – exploited by smugglers and traffickers in the first instance, and then charged, detained and deported by immigration authorities in the second instance.

Because of this disparity of views and perspectives on the issue of human trafficking and smuggling, no accurate statistics are available on the magnitude of the problem.²⁷ The violence and fear instilled in the victims is also another reason why many cases of trafficking remain unreported.

Trafficking becomes more complex and the threat to state and human security more real with the involvement of organised criminal groups. Persons trafficked by those with links to organised crime, and who live everyday with threats of physical harm and even death to themselves or their families will seldom come forward to be counted.

Those who have studied the workings of criminal organisations have sounded the alarm that organised crime is moving its operations to trafficking in human beings using “already-trained personnel, already-acquired means, already-tested trafficking routes, already developed corruption networks and already-existing contacts in different countries of the world”.²⁸ Profits generated by human traffickers are estimated to be between US\$7-12 billion annually.²⁹ Some have in fact predicted that human trafficking will gradually replace the smuggling of narcotics and arms to become the most lucrative illicit business.³⁰

HUMAN TRAFFICKING IN SOUTHEAST ASIA

In the last two decades, more and more women from Southeast Asia have been trafficked around the world primarily for sexual exploitation and for forced labour. While there are no official nor universally agreed estimates on the number of trafficked persons in Southeast Asia, conservative figures place the number at 200,000-250,000 women and children trafficked annually.³¹ Cambodia, Laos, Malaysia, Myanmar, Indonesia, the Philippines, Thailand and Vietnam are source countries, while Brunei and Singapore are identified as destination countries (see Tables 1 and 2 below).³²

Table 1
Classifications into Countries of Origin, Transit, and Destination

Country	Origin	Transit	Destination
1. Brunei			•
2. Cambodia	•	•	•
3. Laos	•	•	•
4. Indonesia	•	•	•

Country	Origin	Transit	Destination
5. Malaysia	•	•	•
6. Myanmar	•		•
7. Philippines	•	•	•
8. Singapore			•
9. Thailand	•	•	•
10. Vietnam	•		

Source: 2004 United States Trafficking in Persons Report/Indonesia Country Report during the ASEAN Workshop on Trafficking in Women and Children, June 2002.

Table 2
Destination of Victims of Trafficking from Southeast Asia

Country of Origin	Country of Destination	Forms of trafficking (e)
1. Cambodia	Thailand, Malaysia, Taiwan (a)	Forced labour and prostitution
2. Laos	Thailand (a)	Forced labour and sexual exploitation
3. Indonesia	Malaysia, Saudi Arabia, Brunei, Kuwait, United Arab Emirates, Hong Kong, Taiwan, Japan, South Korea, Singapore and Australia (b/c)	Forced labour and sexual exploitation
4. Malaysia	Japan, Taiwan, Europe, Hong Kong, Australia (d)	Not mentioned
5. Myanmar	Thailand, China, Bangladesh, Taiwan, India, Singapore, Malaysia, South Korea, Macau, Japan (e)	Forced labour and prostitution
6. Philippines	US, Canada, Japan, South Korea, Malaysia, Singapore,	Forced labour and sexual

Country of Origin	Country of Destination	Forms of trafficking (e)
	Saudi Arabia, Jordan, Italy, UK (f)	exploitation
7. Thailand	Singapore, Malaysia, Japan, Taiwan, Europe, North America, South Africa, Australia, Korea (g)	Sexual exploitation
8. Vietnam	Cambodia, Thailand, Taiwan, Malaysia (a)	Sexual exploitation and forced marriage

Sources: (a) Asia Women Fund, Anti-Trafficking Law in Asia, Experts Meeting, 25-27 November 2003, Tokyo, pp. 10 and 16 (b) Trafficking of Women and Children in Indonesia, IOM (c) Country Report presented during the ASEAN Workshop on Trafficking in Women and Children, June 2003, Thailand (d) NGO Shadow Report, Women's Aid Organisation, Malaysia (e) 2004 US Trafficking in Persons Report (f) Philippine Center for Transnational Crime (g) Annuska Derks, IOM Migration Research Studies (see EN 32).

WHY IS HUMAN TRAFFICKING PREVALENT IN THE REGION?

The country reports presented during the 2002 ASEAN Workshop on Trafficking in Women and Children held in Bangkok, attributed trafficking to the rising levels of poverty, economic disparities and lack of opportunities, especially for women, in many countries in the region.³³ Trafficking is on the rise because more and more women are finding it difficult to find jobs in their own communities or countries. With high unemployment rates and with the incidence of poverty in double digits,³⁴ women are being pushed to work overseas to secure their lives and those of their families.

The problem of human trafficking in Southeast Asia has been the subject of continuing discussions in ASEAN and in other regional meetings organised by other governments and international organisations such as the IOM-sponsored Manila Process, the US-assisted Asian Regional Initiatives Against Trafficking in Women and Children, the UK-funded anti-trafficking programmes carried out by ILO-IPEC, ILO-WOMEMP in the Mekong sub-region, and the Australian-sponsored return and reintegration of trafficked women and children project of the IOM also in the Mekong region, to name a few.³⁵ Non-governmental organisations in the region such as Coalition Against Trafficking in Women (CATW), the Global Alliance Against Trafficking in Women (GAATW), End Child Prostitution in Asian Tourism (ECPAT), Mekong Cord, and Save the Children Fund, on the other hand, have been active in awareness campaigns, policy advocacy work and in the documentation and monitoring of human trafficking cases.³⁶

THE PHILIPPINE SITUATION

In the Philippines, poverty and the lack of economic opportunities are the major push factors for women who fall into the trafficking trap. In a survey conducted in 2000 of Filipino women trafficked locally and to foreign destinations, the majority of the respondents were from poor families who had moved from place to place in search of better economic opportunities. For almost all of them, working overseas seemed the only viable economic alternative.³⁷

Current socio-economic indicators in the Philippines show a continuing rise in the incidence of poverty and unemployment, a situation that provides traffickers the climate in which to sow deception, fraud, and coercion; gathering thousands of willing and unwilling victims to lock up in silos of prostitution and exploitation. In 1997, poverty incidence in the Philippines was at 28.1 percent. Three years later, it was at 28.4 percent which translates to about 26.5 million Filipinos or

one-third of the population living below poverty line.³⁸ Currently, incidence of poverty is at a high of 38 percent.³⁹ Unemployment figures depict a similar rise with the number of people without jobs at 10.2 percent in July of 2002, up to 12.2 percent in April 2003, and up again to 13.7 in April of 2004.⁴⁰ More women than men are without jobs with labour participation for women at 52.5 percent, compared to that of men which is at 85.5 percent.⁴¹

This exodus out of the country is also reflected in the number of overseas Filipinos today. At the end of 2003, the estimated number of Filipinos overseas was at 7,763,178, scattered across 192 countries. Of this number, 3,385,001 have been classified as “temporary” and 1,512,765 as “irregular or undocumented”.⁴² From among the temporary documented and undocumented category are trafficked women. Their exact number, however, is unknown and their plight largely unreported.

In the Philippines, just as in other countries in the region, trafficking statistics are sparse and are usually lumped together with human smuggling and illegal recruitment cases. Government agencies acknowledge that thousands of trafficking cases remain unreported. For the reported cases, the victims’ repatriation to the Philippines closes the case with most victims, refusing to reveal the names of their traffickers to allow the latter’s prosecution. For those brave enough to tell their stories, little information is available on where and how their complaints were resolved. Between 1995-2000, the Commission on Filipinos Overseas (CFO) reported 690 cases of trafficking of Filipino nationals. Of this number, 64 percent of the victims were women, 20 percent of whom were forced into prostitution.⁴³

Recent reports from the DFA for the period 2002 and 2003 showed 159 cases of trafficking in women in South Korea, Ivory Coast, Malaysia, UAE, Bahrain and Nigeria. The DFA acknowledges that “a gargantuan number of cases of trafficking and smuggling remains undocumented”.⁴⁴ According to the

Philippine Centre for Transnational Crime (PCTC), Filipino women are trafficked to the US, Singapore, Canada, Japan, Italy, United Kingdom, Jordan, Malaysia, South Korea, and Saudi Arabia. An increase in the number of trafficking cases in South Korea, Japan, Jordan and Malaysia has recently been noted.⁴⁵

The PCTC has identified the various modes employed by traffickers to include: illegal migration or smuggling, where migrants pay between 60 to 300 thousand pesos to go abroad only to end up in exploitative situations; the mail-order bride scheme, where Filipino women upon arrival in the husband's country are sold and forced into prostitution by their husbands; the adoption and family tour schemes, where minors travel with bogus parents and are turned over to traffickers; and the foreign training, internship and cultural exchange programmes, where victims legally enter a country and then overstay their visas and fall into the hands of traffickers.⁴⁶

Studies conducted on the issue of trafficking are replete with stories of women promised jobs as waitresses, receptionists, entertainers, and domestic helpers and lured from their homes and families. They are transported to guarded workplaces and establishments where the promised job is prostitution or forced labour, where the conditions are akin to slavery, where the hours are long, and where the means of escape are little and dangerous. Filipino women recruited and transported to Japan and South Korea for forced prostitution and sexual exploitation have some of the most horrific stories to tell.

FILIPINO WOMEN TRAFFICKED IN JAPAN

One of the favoured destinations for Filipino women in search of jobs is Japan where a thriving “entertainment industry” employs a large number of them and generates four to ten trillion yen (about US\$33-84 billion) in earnings.⁴⁷ Unfortunately, it is an industry that also sustains human traffickers. Many of these women who leave on an entertainer visa, “end up as prostitutes, strippers or erotic masseurs, often in situations of strong exploitation”.⁴⁸ As many as 75,000 foreign women sex workers are believed to be working in Japan under duress.⁴⁹

Filipino victims of trafficking go to Japan on an entertainer’s visa, a short-term employment visa for 3-6 months, supposedly granted to those who would perform in hotels, clubs and restaurants as singers, musicians, or dancers. These are the jobs that most traffickers have led their victims to believe they would do and this is what prospective job-seekers from the Philippines continue or want to believe. Filipino entertainers bound for Japan under this visa category undergo a testing and certification procedure to validate their skills and talents as performing artists. This procedure is a requirement to secure their entertainer’s visa. With the training, certification, and legitimate visas, most of these women have little to suspect that the job is other than that promised them. Even those who have heard of stories of *japayuki*, a term coined to refer to Filipino entertainers turned prostitutes in Japan, nurture the hope that this job which they are about to take would be different and would not take them down that path. If pushed along the path of prostitution, they held out the belief they would have control over their situation and would be free to make choices.⁵⁰ This is very seldom the case.

Studies on Filipino women working in Japan have shown that traffickers have used the entertainer’s visa to recruit and transport these women for jobs as waitresses and hostesses.

Hostessing, as explained to these women, would involve serving drinks and attending to customers by lighting their cigarettes and engaging them in small talk. Hostessing, however, is not a job covered by an entertainer's visa and is a violation of their visa conditions. Few know this. Worse, many would learn that aside from hostessing, they would be forced to dress in skimpy attire on the job, perform lewd shows, and go out with customers for sex.

In an IOM study of 100 Filipino women trafficked to Japan, 77 percent said that they worked in the sex industry in Japan and only 11 percent had known that this would be the case when they left the Philippines.⁵¹ Eighty-four of the women had their passports confiscated and returned only before they were about to depart for the Philippines.⁵² Forty-seven percent suffered physical and sexual abuse from clients, promoters and managers.⁵³ In another study conducted by the United Nations University Peace and Governance Programme on 20 Filipinos trafficked to Japan, 19 subjects were forced to engage in sexual practices in their job. Except for one, all the women found out that the actual job was different from that promised them.⁵⁴ Most of them came with the entertainer visa.

The majority of those who traveled to Japan to work as entertainers did not know that they would be sold for sex. A large proportion of them realised that they had been sold only after they arrived at Narita airport. With a minder, they are taken to one of the big hotels near the airport where they witness a transaction in which they have been sold to a "snack" – a euphemism for a brothel or a bar.⁵⁵

Even those who were aware of the nature of work when they left the Philippines "were shocked by the kind of prostitution they would be involved in and the conditions under which they would have to sell their bodies".⁵⁶ Most were locked up, threatened and beaten if they escaped, and were paid a pittance which they got only when it was time to return to their country.

For the first two quarters of 2004, the Philippine Embassy in Tokyo has documented 39 cases of trafficking in Filipino women. These women entered Japan on an entertainer's visas supposedly to work as singers and dancers. Just like the others before them, they arrive in Japan, are brought to the clubs, and there realise that the job that awaited them was that of a sex worker. Most of them were forced to engage in *dohan* a practice where the women are taken out of the club for a fee and are left at the mercy of customers who more often than not expect sex. These women were forced to wear indecent attire, dance topless or nude, allow customers to touch their private parts and some were subjected to abuse by the club owners.⁵⁷

For many of these women, the chances of escape from their exploitative conditions are fraught with danger. In the IOM study, 46 of the 100 Filipina women who were trafficked to Japan indicated that the Yakuza was involved in the operations and hence found escape a very dangerous, if not futile, undertaking.⁵⁸

In *Bright Lights, Brutal Lives*, Velisarios Kattoulas tells of the difficulty of escape:

While many women used to flee captivity, today few dare. In part, that's because Watanabe and other yakuza cooperate in capturing women who make a run for it. In particular, they routinely photograph their slaves and fax around their pictures in case one escapes—a system Watanabe says helps him recover nine out of every ten women who flee.⁵⁹

Chinami Kajo, a lawyer who represents foreign women forced into prostitution, is quoted by Kattoulas as saying:

There are fewer and fewer women escaping from sexual slavery. By all accounts, the yakuza are treating women much more severely than in the past, and it wouldn't surprise me if a lot of women who tried escaping weren't being killed and efficiently disposed of.⁶⁰

The fear instilled in the women victims of trafficking in which organised criminal groups were involved is depicted in the story of two Filipino women whose escape almost cost them their lives. These women were trafficked together and attempted to escape twice. During the first attempt, they boarded a ferry to get out of the brothel area only to be turned over to their traffickers by the ferry owner. In their second attempt, they found themselves in the red light district of Tokyo where they were approached by two men. Having no money, they agreed to have sex for a fee and were brought to a hotel where the brothel owners waited for them. As punishment, they were locked up naked in a cold room with no food or water. They saw mutilated bodies kept in a closet and promised to be obedient to save their lives. ⁶¹

There are many more cases of Filipino entrants to Japan who have been trafficked but whose cases fall along the blurred line between smuggling, immigration violations and trafficking. There are women who are duped by smugglers and traffickers in various ways. There are those who enter Japan illegally facilitated by third parties using fraudulent documents and those who apply for work but enter with visitor's visas which they find out only before they depart from the Philippines. Some knowingly agree to the arrangement, while others do not but find out too late to back off. These women, including those who enter legally and are forced into prostitution, will end up deported when authorities raid their clubs and find them engaged in hostessing or prostitution.

For these women, until measures for their protection and rehabilitation and those for the prosecution of traffickers are in place, they would choose to remain in the shadows rather than expose themselves to shame or worse, reprisals from traffickers with connections to organised crime.

FILIPINO WOMEN TRAFFICKED IN SOUTH KOREA

Just like Japan, many Filipino women are brought to South Korea for prostitution through the E-6 or entertainer's visa which Goh Hyun Ung, a spokesman for the IOM, says is "a tool for international trafficking".⁶² Of the foreign women with entertainment visas in Korea, it is said that 90 percent of them are engaged in the sex industry.⁶³

For Filipino and other women lured to work in Korea, entertainment promotion agencies and their recruiting partners offer them jobs with good pay. Sometimes there is an offer to advance documentation and airfare expenses to be paid by the women over several months once they get to Korea. These women go through an audition or interviews with the managers of entertainment-promotion agencies or the club owners themselves selecting the women to bring to Korea. These agencies apply for E-6 visas for the women in the Philippines or through third countries like Hong Kong or Thailand. They enter Korea as a group and are met by the agents or the club owners at the airport. They are taken to recruitment agencies where they sign contracts in Korean, a language they cannot understand. They are then sent to the clubs to work.⁶⁴ Once at the clubs, these women realise that the jobs are as nude dancers. Like the victims in Japan, they are forced to engage in *yicha*, the Korean version of *dohan*.

Between 1997-1999, there were 106 reported cases of trafficking documented by the Philippine Embassy in Seoul. Most of these women were recruited as guest relations officers, waitresses and industrial trainees promised a monthly pay of US\$500-600, generous tips from customers, and free accommodations. They left with an E-6 visa, were met at the airport by a representative of the Korea Special Tourists Association (KSTA), an association consisting of 189 owners of clubs that operate near US military camps throughout South Korea. Their passports were taken and they were brought to various clubs. At the clubs, they were forced to dance and

perform lewd shows, sell a quota of 20 drinks per night, and sell sex to the clubs' customers in special rooms at the upper floors of the club. They were cramped in quarters without beds. Of the promised monthly pay, only half was given to them and the other half remitted to their brokers. Some did not get their pay until six months after they commenced their jobs. They were subjected to physical harm if they argued with customers or failed to meet their quota of drinks. They were locked up and were not permitted phone calls. They worked long hours, seven days a week and some were compelled to do cleaning chores at the club until they escaped.⁶⁵

These reports and Department of Labour and Employment (DOLE) advisories on the perils of entertainment work in Korea have not deterred those desperate for jobs. The number of entertainer's visa issued by Korea between 1999-2002 showed an increase from 2,265 in 1999, up to 3,916 in 2000, up again to 5,092 in 2001 and 5,285 in 2002.⁶⁶

In 2002, there were 31 reported cases of trafficking in women lodged with the Philippine Embassy in Seoul. The women were between ages 15-30. Twenty-four of them came to Korea with an E-6 or entertainer visa and were promised jobs as dancers but ended up in exploitative conditions similar to the 106 reported trafficking cases between 1997-1999.⁶⁷

The plight of eleven of these Filipino women was the subject of reports in foreign and local newspapers. These women traveled from the Philippines to Bangkok where they secured entertainer's visas facilitated by a Korean minder. Once in Korea, the women had to work long hours, seven-days a week earning a fraction of the money promised. They were locked in their rooms and forced to sell sex, mostly to US soldiers, sometimes in the same rooms in which they slept in.⁶⁸

According to the IOM, most of the 5,000 women trafficked into South Korea are women from Russia and the Philippines.⁶⁹ Some of them were forced into prostitution

immediately, while some were initially just required to sell as much drinks as they can. They soon realised, however, that selling drinks would not earn them enough money to pay off debts and to send to their families. They then become worn down by pressure and inability to pay their debt and are “forced to engage in prostitution”.⁷⁰ Debt bondage emboldens traffickers and makes it more difficult for women to turn away from the exploitative conditions and return to the Philippines with none of the earnings and savings expected by families they support.

Just like the situation in Japan, those trafficked to Korea now face grimmer chances of escape with recent suspicion that a large number of entertainment-promotion agencies in Korea have links to organised crime.⁷¹

RESPONSES BY GOVERNMENTS

Philippines

With a large overseas work force, the Philippines has to and continues to address the problem of human trafficking from a multi-pronged approach with the assistance of foreign governments, international organisations and non-governmental organisations. The *Migrant Workers and Overseas Filipinos Act* of 1995, a response to the increasing cases of Filipinos stranded in foreign lands without the jobs promised or with jobs but in exploitative conditions, was the first law to provide legal and repatriation assistance, counseling, and temporary shelter to “distressed Filipino nationals”. It mandates the DFA to undertake representations with foreign governments for the protection of its nationals and for the foreign governments’ acceptance and adherence to multilateral conventions and declarations on the rights of migrant workers, women and children. It recognises the role of non-governmental organisations as “partners of the State in the protection of Filipino migrant workers and the promotion of their welfare”.⁷²

After it signed and ratified the UN Convention Against Transnational Organised Crime and the Protocol to Prevent, Suppress and Punish the Trafficking in Persons, Especially Women and Children, the Philippine legislature passed on 12 May 2003 Republic Act No. 9208, otherwise known as the Anti-Trafficking in Persons Act of 2003. The law adopts the definition of trafficking contained in the UN Protocol and punishes various modes used by traffickers including marriage service bureaus, adoption, sex tours, and employment or apprenticeship offers. The penalties for trafficking range from six years to life imprisonment and fines of P500,000 to five million pesos. Fines and proceeds confiscated from traffickers will go into a Trust Fund for the protection, rehabilitation and reintegration of trafficked victims. The law also identifies key government agencies such as foreign affairs, justice, social welfare, labour, immigration, police and local government and the roles each agency will play and the services each will provide in the anti-trafficking programme.

An Inter-Agency Council Against Trafficking in Persons (IACAT) was established under this law, composed of representatives from the agencies referred to above, including those from the overseas employment agency, the commission on Filipino women, and non-governmental organisations representing children, women and overseas worker sectors. The Council promulgated its rules and regulations on 17 September 2003 to implement *Republic Act 9208*. IACAT is in the process of finalising a four-year National Strategic Action Plan which includes flow charts on interception, arrest and investigation of traffickers at local airports and seaports, rescue and repatriation, and rehabilitation and reintegration of victims to be used by immigration, foreign service, law enforcement, and social welfare authorities.

The Department of Justice, which chairs the IACAT, has created a National Task Force on Anti-Trafficking in Persons consisting of special prosecutors to handle trafficking cases. Prosecutors will work hand-in-hand with their counterparts

stationed at international airports and seaports to intercept and arrest traffickers and rescue would-be victims.

Last year, the Philippines attended and participated in several international meetings on anti-trafficking namely the Second Bali Regional Ministerial Conference on People Smuggling, Trafficking in Persons, and Related Transnational Crime held on 28-30 April 2003 in Bali, Indonesia; the Labour Migration Ministerial Consultations for Countries of Origin in Asia held on 1-2 April 2003 in Colombo, Sri Lanka; and the Regional Workshop on Implementing the Laws: Protecting Victims and Prosecuting Traffickers held in 4-6 June 2003 in Bangkok, Thailand. On the national level, a Strategic Planning Workshop of the Multi-Sectoral Network Against Trafficking in Persons was held on 9-10 July 2003 in Cavite.

In May of 2004, the Department of Interior and Local Government, the National Police Commission and the Philippine National Police, with funding assistance from the UN Global Programme against Trafficking in Human Beings, institutionalised a standard reporting format for trafficking cases to be used by the Women's and Children's Protection Desks in all police stations in the country.⁷³ In October 2004, three non-governmental organisations in the Philippines received funding assistance from the United States Agency for International Development (USAID) to mount a tri-media information campaign on trafficking, to conduct preventive education seminars and promote a sustained and systematic documentation of trafficking cases, and to identify gaps in the law and policies, especially for children victims.⁷⁴

The Philippines has also proposed negotiations with Korea for an agreement that would prohibit the issuance of E-6 or entertainer visa to women bound for South Korea for employment in nightclubs and bars as singers, dancers and guest relation officers. The proposal is to have the E-6 visa issued only to those who will work as musicians, singers, cultural or folk dancers and circus performers in major hotels, premier cultural centres and amusement parks.

Under the proposed agreement, trafficking victims will not be deported and will be entitled to board and lodging facilities for up to three months while the case is being prosecuted, after which they shall be repatriated to the Philippines. The agreement would have more teeth with the inclusion of periodic on-the-spot inspections of establishments bringing in Filipino women holding the E-6 visa. This will be a significant step to curb trafficking especially with the recognition that trafficked persons are victims entitled to protection, repatriation and not deportation, and rehabilitation.

South Korea

Acknowledging that many Filipino dancers “suffered from scores of human rights violations such as involuntary confinement, withholding of wages, assault, and even forced prostitution”, the Ministry of Justice of Korea stopped issuing the entertainer’s visa to female dancers engaged to work in clubs beginning June of 2003.⁷⁵

Japan

Filipinos continue to leave for Japan to work as entertainers. In 2000, there were 60,455 Filipinos holding entertainer’s visa. A year later it was up to 71,678, and in 2002 a staggering 186,262.⁷⁶ Given this rising number of entertainer’s visa and its Tier 2 classification in the US TIP Report of 2004,⁷⁷ Japan formed in April of 2004 a trafficking in persons task force under the Office of the Prime Minister composed of representatives from its ministries of justice, police, labour and welfare, and foreign affairs.⁷⁸ Japan is also reviewing for ratification the *UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention Against Transnational Organised Crime*, as well as a domestic law to implement the Convention and Protocol. Japan is also looking at using the Women’s Consulting Offices throughout Japan as shelters for trafficking victims without being immediately reported to the Immigration Bureau as visa violators. It has

pledged to instruct its 47 prefectural police to intensify investigations on trafficking in persons and arrest traffickers.⁷⁹ Meanwhile, recently, Japan dispatched a team to the Philippines to discuss the problem and mechanisms for cooperation to combat trafficking in persons.

RECOMMENDATIONS

It is now widely accepted that in dealing with non-traditional security issues, such as human trafficking, the assistance of various actors and the perspective of various sectors (labour, human rights, women, migration, and so on) have to be taken into account to resolve the complex problem before it results in unmanageable tensions between states and greater insecurity to individuals.

The DFA and its foreign posts abroad play a vital link in the efforts to curb the trafficking problem. Interventions from DFA can and should include data collection and information dissemination, representation and cooperative arrangements with foreign governments, international organisations, and non-governmental organisations.

1. Creation of a database for trafficking cases

The Office of the Undersecretary for Migrant Workers' Affairs at the DFA manages a database with profiles of Filipinos overseas indicating their number, status, gender, age, skills or professions. It also includes information on the number of Filipinos who are detained or serving sentences in correctional institutions abroad as well as those who have been assisted through the Assistance-to-Nationals (ATN) Fund or the Legal Assistance Fund. This database could be transformed into one that would provide, or segregate data, on trafficking cases reported by the foreign service, and which data can be shared with the IACAT. It can be linked up to the other databases or reporting mechanisms already in place at the PCTC, the DOLE and those of non-governmental

organisations. This trafficking database can be modeled on the Counter-Trafficking Module Database (CTM) developed by the IOM.

2. *Inclusion of a module on trafficking in the Assistance-to-Nationals Courses conducted by Foreign Service Institute (FSI)*

The FSI conducts orientation, seminars and training courses on various topics and issues for the department's personnel. Those who are to be posted for the first time are required to undergo a pre-departure orientation seminar which includes a module on Assistance-to-Nationals (ATN). This ATN module is presently designed to acquaint foreign service personnel on the provisions of the *Migrant Workers and Overseas Filipinos Act* which mandates the department to provide assistance to its nationals abroad, whatever their status. With the growing cases of trafficking in women, this ATN course should be redesigned to include a module on trafficking to acquaint the department's personnel on the UN Protocol on Trafficking in Persons, the Philippine Anti-Trafficking Law as well as the National Strategic Action Plan on Trafficking in Persons. Given the precarious physical, emotional and psychological state of victims, a sensitivity exercise could provide those in the Embassies and Consulates tools to identify and assist victims and process trafficking cases.

3. *Inclusion of a leaflet or information brochure on trafficking upon release of passports to women bound for countries identified as "trafficking hot spots"*

The DFA issues passports through its main passport office, its 11 regional consular offices in various parts of the country and its 85 overseas posts. Full implementation of the machine-readable passports has been identified as a key to eliminate the use of fraudulent travel documents by traffickers and their would-be victims. In addition to a secure passport, the DFA can consider the issuance of anti-trafficking leaflets, especially to those bound for countries identified as trafficking hot spots.

The information leaflet should contain what trafficking is about, the modes employed by traffickers, and local and international hotlines of the IACAT and its partner organisations abroad which can be contacted if anyone begins to suspect at anytime during the recruitment process that they might be trafficked. This same leaflet can be replicated and distributed by other agencies whose services would be secured by one seeking employment or migration overseas, such as the Technical Education and Skills Development Authority (TESDA), the Philippine Overseas Employment Agency (POEA) and the Commission on Filipinos Overseas (CFO). Foreign governments, such as Japan and South Korea, could also be tapped to assist in providing this leaflet at immigration counters at their ports of entry for those coming in on an entertainer's visa.

4. Networking with Filipino community groups and non-governmental organisations at the countries of destination

The Filipino community associations and non-governmental organisations in the countries of destination can be tapped for the government's anti-trafficking programme. Many victims of trafficking have sought the assistance of fellow Filipinos, community associations and non-governmental organisations in escaping from the clutches of traffickers. It is important to equip members of the association or organisation with information and engage them as partners in the anti-trafficking programme. A common guide book to be used by the Embassies and Consulates, Filipino community associations and non-governmental organisations would provide coordinated steps and responses towards the rescue, protection and rehabilitation of victims. Needless to say, the relevant agencies in the destination countries should be on board and participate in the process. While the Philippine government continues to address the supply side in the trafficking equation, these Filipino community and non-governmental organisations can press the receiving

governments to look into the factors on the demand side for a more effective management of the problem.

5. Cooperative agreements with destination countries

The agreement with South Korea under negotiation can be used as model for other countries where Filipino women flock to seek jobs. The agreement should include a review of visa arrangements and other schemes used by traffickers, regular inspection and monitoring of establishments employing workers under the entertainment visa category, provision of shelters and other services for the trafficked women, prosecution of traffickers and compensation for their victims, and rehabilitation and reintegration of trafficked persons. A similar arrangement should be explored with Japan especially now that Japan wants to prove that its Tier 2 watchlist classification under US TIP Report is unfair and fails to recognise the support it has lent by way of official development assistance (ODA) to eradicate poverty, a root cause of trafficking, as well as its anti-trafficking financial support through the UN Trust Fund for Human Security.

Japan and the Philippines have articulated security of individuals as part of their foreign policies and can work together towards this goal. The Philippines should seize the opportunity provided by recent Japanese pronouncements that it supports the anti-trafficking in women agenda and engage Japan in a review of its entertainer's visa policy.

To effectively prosecute and punish traffickers, mutual legal assistance and extradition treaties with trafficking hot spot countries should also be forged. This will allow the prosecution of recruiters and their contacts in the trafficking operations whether they are in the Philippines, Japan or South Korea. The Philippines has concluded extradition and mutual legal assistance treaties with South Korea and should work for similar agreements with Japan.

CONCLUSION

Foreign policy in the Philippines is a fusion between traditional and non-traditional security paradigms and reflects the position taken by some International Relations specialists and academics that the defence of the state and the protection of individuals are not mutually exclusive and can exist alongside each other.

The promotion of the welfare and the protection of the rights of Philippine nationals is a key pillar of Philippine foreign policy. With the recognition that its nationals deserve its mantle of protection, especially those labouring overseas, diplomatic efforts should be intensified to address trafficking in women as a threat to state and human security.

Development assistance from foreign governments and funding institutions geared towards poverty alleviation, a main factor that pushes women into the arms of traffickers, should be examined so that anti-trafficking campaigns are an integral part of the assistance package and that the poor, the most vulnerable group, are aware of the perils of trafficking.

The Philippines, and the governments of the countries of destination of trafficked women, should work at finding a workable compromise on how to treat illegal migration that transform into a trafficking case, particularly those facilitated through the help of criminal elements. It has been observed that while anti-trafficking initiatives and preventive measures are continuously being implemented in countries of origin, not enough is focused on the receiving states where the confusion between trafficking and smuggling remains unresolved. These countries continue to dispose of trafficking cases with detention and deportation, a response that does not aid the victims but the traffickers and smugglers.

The challenge to governments faced with the problem of human trafficking is to continue working together with non-

traditional and non-state actors committed to bring this modern-day form of slavery to an end. Their combined and coordinated efforts will bring them a step ahead instead of behind the human traffickers.

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