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First Regular Session )

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SENATE  
S.B. No. 1505

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

**AN ACT  
TO COMBAT THE CRIME OF INTERNATIONAL TRAFFICKING AND TO  
PROTECT THE RIGHTS OF VICTIMS**

*Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:*

SECTION 1. *Short Title.*—This Act shall be known as the “International Trafficking of Women and Children Victim Protection Act.”

SECTION 2. *Purposes.*—The purposes of this Act are to condemn and combat the international crime of trafficking in women and children and to assist the victims of this crime by—

(1) authorizing and funding an interagency task force to carry out such evaluations and to issue an annual report of its findings to include the identification of foreign governments that tolerate or participate in trafficking and fail to cooperate with international efforts to prosecute perpetrators;

(2) assisting trafficking victims in the Philippines and those Filipinos victimized abroad by providing humanitarian and legal assistance;

SECTION 3. *Definitions.*—In this Act:

(1) **TRAFFICKING**—The term “trafficking” means the use of deception, coercion, debt bondage, the threat of force, or the abuse of authority to recruit, transport within or across borders, purchase, sell, transfer, receive, or harbor a person for the purpose of placing or holding such person, whether for pay or not, in involuntary servitude, or slavery or slavery-like conditions, or in forced, bonded, or coerced labor.

(2) **VICTIM OF TRAFFICKING**—The term “victim of trafficking” means any person subjected to the treatment described in paragraph (2).

SECTION 4. *Interagency task force to monitor and combat trafficking.*—

(a) **ESTABLISHMENT**—

(1) IN GENERAL—There is established an Interagency Task Force to Monitor and Combat Trafficking (referred to as the “Task Force” in this section). The Task Force shall be co-chaired by the Secretary of the Department of Social Welfare and Development and the Chairman of the Commission on Human Rights.

(2) APPOINTMENT OF MEMBERS—The members of the Task Force shall be appointed by the President. The Task Force shall consist of no more than twelve members. The Task Force shall include representatives from agencies and non-governmental organizations working for the protection of women and children.

(3) STAFF—The Task Force shall be authorized to hire up to five staff members to prepare the annual report described in subsection (b) and to carry out additional tasks which the Task Force may require. The Task Force shall regularly hold meetings on its activities with nongovernmental organizations.

(b) ANNUAL REPORT TO CONGRESS—Not later than March 1 of each year after the enactment of this Act, the Task Force, shall submit a report to Congress describing the status of international trafficking, including—

(1) an assessment of the efforts by the government to combat trafficking. Such an assessment shall address--

- (A) which governmental authorities are involved in anti-trafficking activities;
- (B) what steps the government has taken towards ending the participation of its officials in trafficking;
- (C) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;
- (D) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution and conviction of individuals involved in trafficking, the criminal and civil penalties of trafficking, and the efficacy of those penalties on reducing or ending trafficking;
- (E) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provisions of humanitarian relief, including provision of mental and physical health care and shelter;
- (F) whether the government is cooperating with governments of other countries to extradite traffickers when requested;
- (G) whether the government is assisting in international investigations of transnational trafficking networks; and

(H) whether the government takes necessary steps to help and assist Filipinos who were victims of trafficking in other countries;

(I) Whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(2) CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS—In compiling data and assessing trafficking for the Inter-Agency Task Force to Monitor and Combat Trafficking Annual Report, the task force shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations and, when appropriate, investigating such reports.

SECTION 5. *Trafficking victim regulations.*—Not later than 180 days after the date of enactment of this Act, the Department of Justice shall jointly promulgate regulations of law enforcement personnel, immigration officials, and Foreign Service officers requiring that—

(1) law enforcement, immigration officials, and Foreign Service officers shall be trained in identifying and responding to trafficking victims;

(2) trafficking victims shall not be jailed, fined, or otherwise penalized due to having been trafficked, or the nature of their work;

(3) trafficking victims shall have access to legal assistance, information about their rights, and translation services;

(4) trafficking victims shall be provided protection if, after an assessment of security risk, it is determined that the trafficking victim is susceptible to further victimization; and

(5) prosecutors shall take into consideration the safety and integrity of trafficked persons in investigating and prosecuting traffickers.

SECTION 6. *Assistance to trafficking victims.*

(a) IN THE PHILIPPINES—The Secretary of Health is authorized to provide assistance to trafficking victims and to their children in the Philippines, including mental and physical health services, and shelter.

(b) IN OTHER COUNTRIES—The President is authorized to provide programs and activities to assist Filipino trafficking victims and their children abroad, including provision of mental and physical health services, and shelter. Such assistance should give special priority to

programs by nongovernmental organizations which provide direct services and resources for trafficking victims.

SECTION 7. *Authorization of appropriations.*—There shall be authorized such sums as may be necessary to carry out the provisions of this Act.

SECTION 8. *Separability Clause.*—If any provision, or part hereof, is held invalid or unconstitutional, the remainder of the law or the provision not otherwise affected shall remain valid and subsisting.

SECTION 9. *Repealing Clause.*—Any law, presidential decree or issuance, executive order, letter of instruction, administrative order, rule or regulation contrary to or inconsistent with, the provisions of this Act is hereby repealed, modified or amended accordingly.

SECTION 10. *Effectivity Clause.*—This Act shall take effect fifteen (15) days after its publication in at least two (2) newspapers of general circulation.

Approved.

FN: 1875