

FOURTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

7 JUL 24 1976

SENATE
S. B. No. 1327

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE


The Constitution, Article XII, Section 14, provides:

The State recognizes the role of women in nation-building and shall ensure the fundamental equality before the law of women and men.

The fastest growing international trafficking business is the trade in women, where women and girls seeking a better life, a good marriage, or a lucrative job abroad, unexpectedly find themselves in situations of forced prostitution, sweatshop labor, exploitative domestic servitude, or battering and extreme cruelty.

The Fourth World Conference on Women in Beijing called on all governments to take measures, including legislative measures, to provide better protection of the rights of women and girls in trafficking, to address the root factors that place women and girls at risk to traffickers, and to take measures to dismantle the national, regional and international networks on trafficking.

Hence, this bill seeks to combat the crime of international trafficking and to protect the rights of victims by providing them humanitarian and legal assistance.*


MIRIAM DEFENSOR SANTIAGO


* This bill was originally filed during the Thirteenth Congress, First Regular Session.

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1 AN ACT
2 TO COMBAT THE CRIME OF INTERNATIONAL TRAFFICKING AND TO
3 PROTECT THE RIGHTS OF VICTIMS

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

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

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

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

15 (B) Assisting trafficking victims in the Philippines and those Filipinos victimized abroad
16 by providing humanitarian and legal assistance;

17 SECTION 3. *Definition of Terms.* – For the purpose of this Act, the term:

18 (A) “Trafficking” means the use of deception, coercion, debt bondage, the threat of force,
19 or the abuse of authority to recruit, transport, transport within or across borders, purchase, sell,
20 transfer, receive, or harbor a person for the purpose of placing or holding such person, whether
21 for pay or not, in voluntary servitude, or slavery or slavery-like conditions, or in forced, bonded,
22 or coerced labor.

1 (B) "Victim of trafficking" means any person subjected to the treatment described in
2 paragraph (A).

3 SECTION 4. *Interagency Task Force to Monitor and Combat Trafficking.* --

4 (A) *Establishment.* --

5 (1) *In General.* -- There is established an Interagency Task Force to Monitor and
6 Combat Trafficking (referred to as the "Task Force" in this section). The Task Force
7 shall be co-chaired by the Secretary of the Department of Social Welfare and
8 Development and the Chairman of the Commission on Human Rights.

9 (2) *Appointment of Members.* -- The members of the Task Force shall be
10 appointed by the President. The Task Force shall consist of no more than twelve
11 members. The Task Force shall include representatives from agencies and non-
12 governmental organizations working for the protection of women and children.

13 (3) *Staff.* -- The Task Force shall be authorized to hire up to five staff members to
14 prepare the annual report described in paragraph (B) and to carry out additional tasks
15 which the Task Force may require. The Task Force shall regularly hold meetings on its
16 activities with nongovernmental organizations.

17 (B) *Annual Report to Congress.* -- Not later than March 1 of each year after the
18 enactment of this Act, the Task Force, shall submit a report to Congress describing the status of
19 international trafficking, including--

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

22 (a) Which governmental authorities are involved in anti-trafficking
23 activities;

24 (b) What steps the government has taken towards ending the participation
25 of its officials in trafficking;

26 (c) What steps the government has taken to prosecute and investigate
27 those officials found to be involved in trafficking;

1 (d) What steps the government has taken to prohibit other individuals
2 form participating in trafficking, including the investigation, prosecution and
3 conviction of individuals involved in trafficking, the criminal and civil penalties
4 of trafficking, and the efficacy of those penalties on reducing or ending
5 trafficking;

6 (e) what steps the government has taken to assist trafficking victims,
7 including efforts to prevent victims from being further victimized by police,
8 traffickers, or others, grants of stays of deportation, and provisions of
9 humanitarian relief, including provision of mental and physical health care and
10 shelter;

11 (f) Whether the government is cooperating with governments of other
12 countries to extradite traffickers when requested;

13 (g) Whether the government is assisting in international investigations of
14 transnational trafficking networks;

15 (h) Whether the government takes necessary steps to help and assist
16 Filipinos who were victims of trafficking in other countries;

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

21 (j) Whether the government recognizes the rights of victims and ensures
22 their access to justice.

23 (2) *Contacts with Nongovernmental Organizations.* – In compiling data and
24 assessing trafficking for the Inter-Agency Task Force to Monitor and Combat Trafficking
25 Annual Report, the task force shall seek out and maintain contacts with human rights and
26 other nongovernmental organizations, including receiving reports and updates from such
27 organizations and, when appropriate, investigating such reports.

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

4 (A) Law enforcement, immigration officials, and Foreign Service officers shall be
5 trained in identifying and responding to trafficking victims;

6 (B) Trafficking victims shall not be jailed, fined, or otherwise penalized due to having
7 been trafficked, or the nature of their work;

8 (C) Trafficking victims shall have access to legal assistance, information about their
9 rights, and translation services;

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

12 (E) Prosecutors shall take into consideration the safety and integrity of trafficked persons
13 in investigating and prosecuting traffickers.

14 SECTION 6. *Assistance to Trafficking Victims.* –

15 (A) *The Philippines.* – The Secretary of Health is authorized to provide assistance to
16 trafficking victims and to their children in the Philippines, including mental and physical health
17 services, and shelter.

18 (B) *In Other Countries.* – The President is authorized to provide programs and activities
19 to assist Filipino trafficking victims and their children abroad, including provision of mental and
20 physical health services, and shelter. Such as should give special priority to programs by
21 nongovernmental organizations which provide direct services and resources for trafficking
22 victims.

23 SECTION 7. *Authorization of Appropriation.* – There shall be authorized such sum as
24 may be necessary to carry out the provisions of this Act.

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

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

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

6 Approved,