

**“Existing Beyond Ourselves:” Civil Society in
Anti-Labor Trafficking Efforts in the Philippines**

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Abstract

This thesis explores the development of protection and support efforts to address labor trafficking from the Philippines, particularly the contribution of civil society. While civil society's participation in policy and governance in developing countries is significantly researched, the literature is scant about their involvement in trafficking in persons. This point is relevant to the Philippines for two reasons; (1) it is located in the region with the highest number of global trafficking victims, and (2) it is described to have one of the most vibrant civil societies in the world. This research is engaged with the literature on human trafficking, civil society, and Foucault's ideas of power and discourse. As such, it examines the ways in which civil society act and organize their efforts in relation to institutional stakeholders, like government organizations and donor agencies. This research utilizes a qualitative approach to illustrate the participation of civil society in protection efforts, particularly in the conflict-ridden southern region of Mindanao. A thematic analysis of plans and reports submitted by the Philippine government to different conventions of the United Nations underscoring human trafficking, as well as alternative reports submitted by non-government stakeholders, is utilized to demonstrate how civil society's efforts are framed by government stakeholders and how they are negotiated. In-depth interviews with representatives from 11 organizations supplement the analysis. Results generally reveal a heavy reliance by institutional stakeholders on the services of civil society groups for both its prosecutorial and protection obligations, despite civil society's often adversarial relations with state organizations, shifting relationship with donors, and ideological differences between and among civil society groups themselves. My findings indicate that, beyond mere altruism, these

social processes are significantly impacted by civil society's political interests and its embeddedness to global migration policy and aid.

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List of Acronyms

AR	Alternative reports
BI	Bureau of Immigration
CSO	Civil society organizations
IACAT	Inter-Agency Council Against Trafficking
DFA	Department of Foreign Affairs
DILG	Department of Interior and Local Government
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
GO	Grassroots organizations
NSPAT	National Strategic Plan Against Trafficking
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
SPR	State Party Report
TIP	Trafficking in Persons
UN	United Nations
UN CCPR	United Nations Covenant on Civil and Political Rights
UN CMW	United Nations Convention on the Rights of Migrant Workers and their Families
UN GA	United Nations General Assembly
UN ODC	United Nations Office on Drugs and Crime

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Chapter 1

Introduction

Approaches to challenges surrounding heinous crimes, such as labor trafficking, now emphasize cooperation, protection, and support in contrast to criminal justice and prosecution. Protection and support are defined as mechanisms to respond to the risks, challenges, and vulnerabilities that migrants, in general, encounter in the migration process (UNODC, 2016). In the Philippines, the concepts of protection and support were first crystallized and brought to the attention of the local population following the global attention paid to several high-profile abuse cases targeting Filipino foreign workers in the 1990s, largely through the mobilizing efforts of civil society organizations and grassroots movements. After the legislation of the Anti-Trafficking in Persons Act in 2003, particularly its amended legislative version in 2012 which criminalized labor trafficking from the country, protection and support mechanisms have not only become an integral part of the operational template of local governments but have also directed the mobility choices of countless Filipino migrant workers. Protection and support for migrant workers in the Philippines gradually evolved as a political philosophy that shifts away from the primacy of national economic development goals to the need to protect the dignity and personhood of Filipino foreign workers.

Organized international migration from the Philippines is not a new phenomenon. Since the early 1970s, the Philippine government has created policies pertaining to the deployment of its highly educated and skilled labor force to fill the workforce needs of developing and advanced economies around the world (Calzado, 2007). Originally conceived as a temporary fix to the deal

with the high unemployment rate in the country during that time, labor migration over the decades has become the regular, systematic, and primary means around which the Philippines' national development agenda has been formulated, built upon, and, to a certain degree, emulated by other developing countries (OECD/Scalabrini Migration Center, 2017). Currently, about 10 million Filipinos are dispersed in over 160 countries, and roughly 4,000 are estimated to leave daily from the country for jobs overseas (International Labor Organization, 2018). Filipino workers are employed in a variety of occupations overseas, most notably, in education, service and sales, craft and trade work, and health care (Philippine Statistics Authority, 2017). The remittances that Filipino overseas workers send back to their families, collectively, is a 28.06 billion USD industry (Central Bank of the Philippines, 2017) that constitutes more than 10% of the country's gross domestic product (GDP). Such a lucrative industry, accordingly, has created conditions for the proliferation of labor trafficking in the migration process from the country.

Human trafficking, interchangeably referred to as trafficking in persons, is a broad and complex phenomenon. The United Nations Office on Drugs and Crime, for instance, generally defines trafficking in persons as the recruitment, transportation, transfer, harboring and/or receipt of people through force, fraud, or deception with the eventual goal of exploiting them for profit (UNODC, 2016). Trafficking in persons can take various forms. It can include exploiting people for the purposes of sex, forced labor, or forced marriages. It can also include debt bondage or forcing people to work in order to pay a debt, including being forced to remove their bodily organs for sale. Children forced to serve as soldiers or to commit crimes for criminal groups also fall within the purview of trafficking in persons.

The inherent challenges surrounding the complexities and what the appropriate responses should be to trafficking in persons on a global level has compelled the community of nations to adopt a Global Plan of Action to Combat Trafficking in Persons, which was adopted in 2010 (UNGA, 2010). While the successes and shortfalls of this initiative continue to generate debates, the prevalence of trafficking in persons continues to linger, however. As a case in point, the Southeast Asian region, where the Philippines is located, has become the most prominent hotspot for human trafficking in the world over the last decade (Anthony, 2018). Recent estimates indicate that at least two-thirds of global trafficking victims come from this region, comprising roughly 25 million people or 85% of the total number of victims, and generating at least \$150 billion for organized trafficking groups (UNODC, 2016). A combination of social processes – such as military conflicts, territorial disputes, and natural disasters – are often cited as factors in the displacement of communities and refugees, making them vulnerable and trapped in a complicated web of sexual exploitation, forced marriage, and forced labor. Around 60% of those trafficked in the region wind up being sexually exploited, while the rest are forced into conditions of servitude and coerced marriages. Women and children comprise the majority of sexual trafficking victims (roughly 51%). Men are also documented to be victims of domestic servitude and forced labor. In the Philippines, trafficking for sexual exploitation and forced labor are the most typical forms. As can be gleaned from the findings and recommendations from the Trafficking in Persons (TIP) Reports over the years, the nature of labor trafficking from the Philippines, which this thesis is concerned with, indicate that it is primarily community-based and is committed by community-based illegal recruiters in partnership with recruitment organizations and networks. Social media and digital platforms enable these practices, and illegal recruitment practices particularly for purposes of crossing international borders are facilitated mostly through the use of work and/or

tourist visas and intern or student exchange programs to lure Filipino workers for domestic jobs overseas. They are then eventually sold to employment sponsors to be exploited. Porous maritime borders in the country also contribute to the ease of moving illegally recruited Filipino workers across international borders. Traffickers also take advantage of Filipinos already working overseas through fraudulent employment offers to work in another country (Trafficking in Persons Report, 2021). The variety of contexts that enable labor trafficking, and the general difficulty of detecting cases, makes it primarily challenging to generate a comprehensive number of victims and trafficking groups. However, a cursory review of the Trafficking in Person (TIP) Reports over the past decade indicate that, on average, more than 200 cases of illegal recruitment and labor trafficking cases are prosecuted every year in the country.

Furthermore, the Philippines is also notable to have had played a pioneering role in developing policies and establishing a robust infrastructure to respond to the needs of its foreign migrant workers and deter labor trafficking in the migration process. But despite the immense contribution of these workers to the expansion of the country's domestic economy because of the combined value of the remittances they send back home, accounts have also been replete about how the same policies gloss over the reality of government inadequacies and neglect in providing safety nets to a diaspora of migrant workers which has a significant presence in more than a hundred countries around the world. Estimates from non-government agencies in the Philippines, for one, indicate that the total number of distress cases handled by the Philippine government "come nowhere near one percent of the total number of foreign worker deployment, but not because problems are few, but that the government's lack of personnel, inefficiency, corruption, and negligence is common knowledge to Filipino foreign workers" (Migrante International, 2009;

page 3). The lack of access to legal information, along with inadequate efforts to promote awareness, enforce laws, as well as insufficient information on victim's rights and entitlements, also contribute to concerns regarding the efficacy of anti-human trafficking efforts in the country (Philippine Information Agency, 2005). Additionally, Philippine overseas deployment officials have been themselves also found to be involved in labor trafficking (see Reformina, 2011; Jaymalin, 2011).

This is where the contradiction lies. Policy promoting protection and support for trafficked persons places a premium on the important roles that government and civil society stakeholders must play to devise and implement mechanisms to eliminate the trade of persons for the purpose of forced labor, sexual slavery, or commercial sexual exploitation. At the same time, these discussions point to the significant need for stakeholders to work together to deal with the complicated task of prosecuting trafficking cases while providing effective rescue, rehabilitative care, and reintegration support in order for victims to avoid revictimization (see, for example, Zimmerman, 2016). Within this context, a divide emerges between the policy and practice of providing protection and support for labor trafficking victims.

In the Philippines, the primary stakeholders in efforts against labor trafficking within the government hierarchy are the Department of Justice and the Department of Social Welfare and Development. Their policymaking mandates are carried out in coordination with other state agencies like the Department of Foreign Affairs, Department of Labor and Employment, and the Department of Interior and Local Government. Their enforcement functions, on the other hand, are carried out by agencies like the Philippine National Police, the Philippine Overseas

Employment Agency, and the Bureau of Immigration. The roles that civil society groups perform to support or engage in policy surrounding labor trafficking is dynamic and evolving. Among others, they include political lobbying, community organizing, providing direct services in the communities where they operate or, even, in monitoring and evaluating publicly supported initiatives and programs (see, for example, Alhambra, 2020). Civil society groups in the Philippines, particularly non-government organizations (NGOs), have also been documented to manage aid (for instance, see Lopa, 2003). Specifically, civil society organizations often work independently through external funding or in tandem with state agencies in providing protection and support services – which include building up collective awareness about labor trafficking issues, coordinating actual rescue efforts, providing litigation support, residential care, counselling programs, case management, and reintegration skills-trainings or job referral support to victims (see Trafficking in Persons Report, 2020). Funders range from multilateral agencies (such as the United Nations or its suboffices based in the country), bilateral donors (such as the United States Agency for International Development, for example), international solidarity groups (usually European civil society agencies receiving funding from their respective governments), international organizations (such as Plan International, Oxfam, and Save the Children) to faith-based networks and private donors. However, not much has been written about the role that civil society organizations perform, the dynamics and social processes that influence or impact the nature of its relationship with other stakeholders in this advocacy area. Furthermore, there is also a need to know how these roles are perceived to contribute to the elimination of labor trafficking from the country as a whole.

In this regard, this study will trace the development of protection and support discourses to address labor trafficking from the Philippines. Utilizing document review, and supplemented by in-depth interviews, this research will, in particular, examine the nature of the engagement of civil society organizations and the roles they perform in the provision of protection and support for victims by analyzing reports submitted by the Philippine government as a member-state of the United Nations (otherwise known as State Party reports) to treaties underscoring labor trafficking. I will also utilize alternative reports submitted by different civil society stakeholder groups to the same treaties. My interest in looking at these reports is to understand how civil society's roles are framed by the Philippine government as a reporting member state and whether and how that differs from the actual activities of these groups, or the perceptions civil society groups have of their role. This study focuses on the southern region of Mindanao, which has in recent years emerged as the biggest source of trafficking victims from the Philippines. This study is interested to know more and understand better the discourse of protection and support for trafficking victims from the Philippines, and whether the interaction of stakeholders in this field (i.e., government, civil society, and donor organizations) contribute to how the quality of protection and support mechanisms are implemented, perceived, and assessed.

Research results indicate that civil society organizations provide protection and support services to Filipino labor trafficking in varying capacities, and that the provision of these services are informed by the different ideological persuasions of civil society organizations as service providers. The government is always recognized as the main duty bearer in this advocacy area and the contributions of civil society are recognized by other stakeholders to be only complementary. The services that civil society groups provide are considered to be in a constant state of flux given

the evolving nature and transnational character of labor trafficking from the country. Further, the contributions of non-state actors in efforts against labor trafficking are mediated by their embeddedness within global processes surrounding migration policy and development aid. Accordingly, these results indicate the need for far broader and more inclusive strategies to address labor trafficking to promote protective measures/approaches to human trafficking from the Philippines beyond the prosecution and criminal justice approach that now currently defines policy.

Research Context

I became interested in the study of labor trafficking due to my previous work experience with development organizations. A couple of years ago, I had the opportunity to engage with local NGOs and community-based organizations in a project dealing with safe migration processes in the southern region of the Philippines. These local organizations were providing direct services and undertaking advocacy work on safe migration processes and human trafficking in the conflict-ridden southern maritime borders of the country. Despite insecure and sometimes violent working conditions, the local organizations that I came to interact with were doing excellent work in assisting cases of distressed foreign Filipino workers – running helpdesks and information campaigns on labor rights, employment issues, and illegal recruitment over traditional and social media, reporting and coordinating employment abuse reports and statutory claims with government agencies, and providing legal and administrative support for workers' repatriation. While the services that these organizations provide are greatly appreciated by direct beneficiaries, which comprise would-be and returning migrant Filipino workers, the narratives that I collected

from these organizations are often replete with difficulties and complications about working with government actors in this area, and how their work are often negatively perceived and, to some extent, being labelled anti-government. Specifically, the traditional distrust characterizing civil society and government relations, complicated by the recent red tagging of civil society organizations that are critical of government inadequacies under the Duterte administration, has affected the quality of civil society and government collaboration in anti-labor trafficking policy and advocacy.

The Philippines is an archipelagic country located in Southeast Asia. It is composed of 7,641 islands scattered in three major geographical divisions – namely, Luzon, Visayas and Mindanao. The largest, Luzon, is situated in the north and is where the national capital, Manila, is located. Mindanao is the second largest region, located in the south, sharing maritime borders with Malaysia and Indonesia. The composite islands of the Visayas dominate the central landscape of the country. This archipelagic character has allowed for a multiplicity of ethnicities and cultures to flourish across the islands, and the Philippines is also noted for its abundant natural resources and high levels of biodiversity (Convention of Biological Diversity, 2020). Its location within the Pacific Ring of Fire¹ also means that the country is prone to frequent seismic activities, volcanic eruptions, and tropical cyclones. Around twenty cyclones enter the area of the Philippines every year where, on average, ten of these weather systems develop into destructive typhoons that wreak havoc across the islands. The displacement that these destructive typhoons often bring is linked to a higher motivation among the local population to move elsewhere for better economic opportunities (see, for example, Makhoul, 2014). And while the cultural composition of the

¹ The Pacific Ring of Fire is a major area in the basin of the Pacific Ocean where many earthquakes and volcanic eruptions occur (National Geographic, 2020).

country tends to paint a picture of diversity, the social history of the Philippines is replete, among others, with accounts of the constant movement of people over conflicts pertaining to ownership, access to and struggle over control and utilization of local natural resources and, as previously indicated, of the scarcity of opportunities for sources of employment and economic security (see McCoy and de Jesus, eds., 1982). At present, in fact, the Philippines has one of the largest diasporas in the world, with 11%, or more than ten million of its population scattered across different parts of the world (International Labor Organization, 2018).

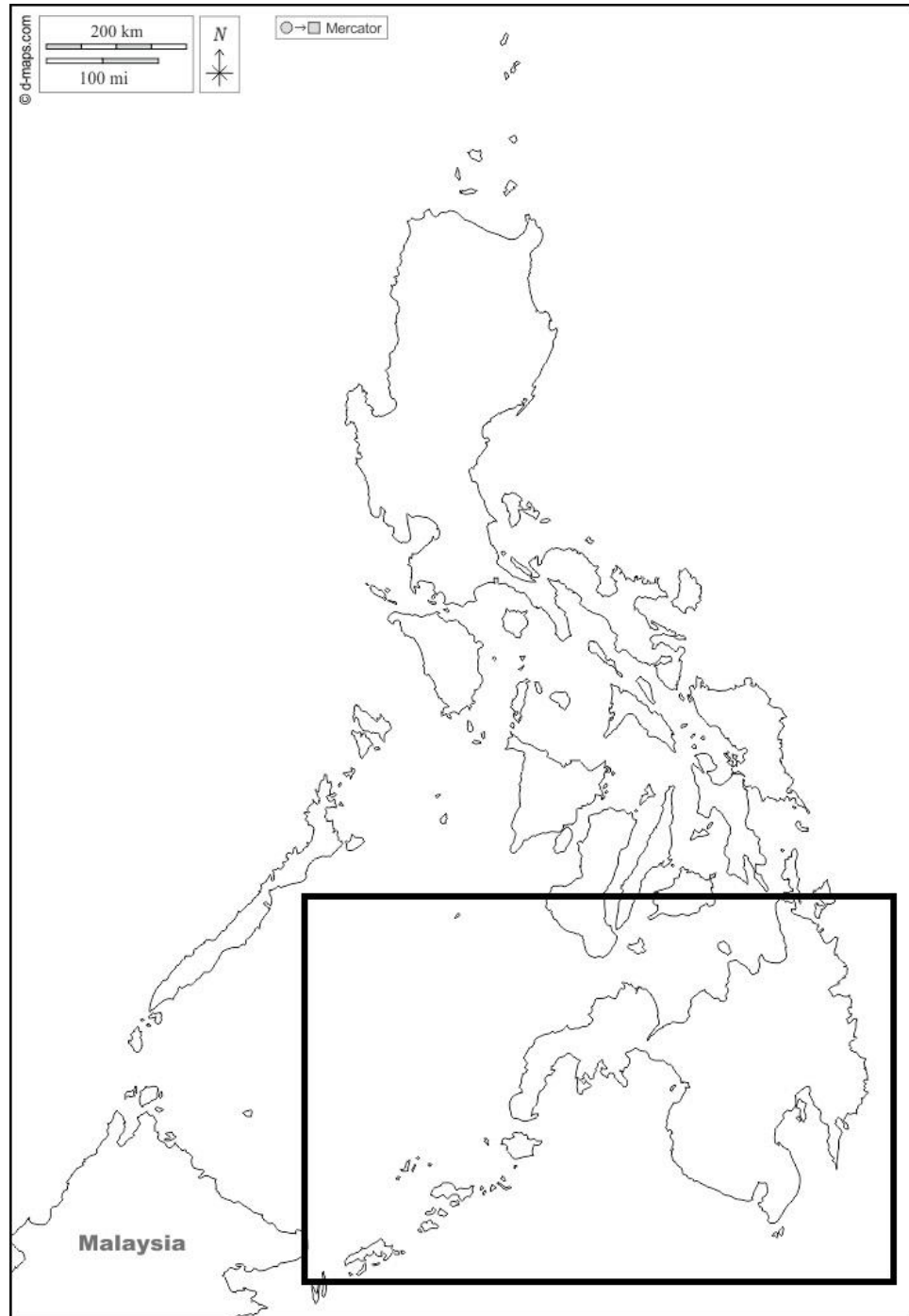


Figure 1. Map of the Philippines, with the Mindanao region highlighted. Source: dmaps.com

The southern region of Mindanao occupies a unique place in Philippine history. Within the country, the region has been historically referred to as a “land of promise,” and this is primarily owing to the availability of agricultural land for exploitation in the course of European and American colonialism in the Philippines from the 16th until the mid-20th centuries. Settler colonialism, referring to successful attempts at agricultural expansion, political domination, and ethnic control, has played a crucial role in shaping a region that what was once considered, in colonial times, a frontier society (Edgerton, 2001). Over time, however, Mindanao has become heavily characterized by a toxic mixture of political violence, identity-based armed conflict, and ethnic and clan divisions, and has been beset by sustained rebel and terrorist violence (Global Initiative Against Transnational Organized Crime, 2020). These have become enabling conditions for people to move frequently for economic opportunities elsewhere and be vulnerable to sexual and labor trafficking, with the region becoming a significant source of victims for purposes of sexual and labor exploitation (see Clariza, 2007; Fuentes and Nanaman, 2012; Lennox-Townsend, 2018).

The complexity of the problem of human trafficking, and labor trafficking in particular, is not lost on the organizations I interacted with from the Mindanao region. Our exchanges indicated a clear understanding from them about how trafficking in persons is influenced by global social and economic forces, how complex and complicated the enabling conditions are, what its effects are to local communities, and how intersecting national issues and policies inform and impact how protection and care for labor trafficking victims are carried out. Yoon-Jin Shin (2015), in writing about the legal difficulties of Filipina entertainment workers in South Korea, sets forth a case for a serious examination of how the dichotomy of labor trafficking and the Philippine government’s

labor export policy provide a conundrum for Filipino labor migrants worldwide. A key argument by Shin (2015) that is echoed in this research is the need to shift the discussion about labor trafficking away from a criminal justice-and-immigration control perspective towards a framework that considers the diverse needs, aspirations, and transnational experiences of overseas work. The criminal justice and immigration control perspective, the author argues, frames labor trafficking as a field for prosecution for the purposes of maintaining the security of transnational borders, ensuring the integrity of the immigration system, and deterring illegal forms of immigration. The protection and support perspective, on the other hand, highlights the need to respond to the structural causes and effects that bring about the trafficking of labor migrants in the first place. In this context, Shin's study argues for the need to understand the development of enabling protection policies and how they are provided, perceived, and assessed by those who benefit from them. Further, the available academic and policy literature has been scant in terms of examining the double-edged nature of labor export policy as a development strategy in the Philippines and labor trafficking in the migration process as a real consequence. This is the area to which this research study aims to contribute. Specifically, this thesis asks the following questions: (1) How did anti-labor trafficking efforts come about in the Philippines? How are they characterized?; (2) What role do civil society organizations play in providing protection and support to labor trafficking victims? What is the impact of this role?; and (3) How do civil society organizations perceive and assess the role of state and donor organizations in providing protection and support to labor trafficking victims? Additionally, how do government and donor organizations perceive and assess the role of civil society organizations in this area?

My analysis will focus on themes such as the development of various ways of conceptualizing protection for Filipino labor migrants; how civil society contributes to providing protection and support services for Filipino migrant workers and labor trafficking victims in different capacities; how civil society acknowledges and reinforces the work of government as the main duty bearer, how civil society's work is influenced by ideological differences and how civil society adapts its strategies with the evolving nature of labor trafficking. The findings from the study will demonstrate the significance of civil society's contributions to filling the gaps of government, how diverse the perceptions of government actors are on these contributions, and how the approach of civil society groups in dealing with other stakeholders, such as government and donors, is not solely informed by a desire to help but, rather, is also tactical in nature as it contributes to advancing their interests in the political arena.

The contribution of this research is both empirical and policy oriented. Empirically, it will demonstrate and provide evidence of the link between labor migration and labor trafficking in the Philippines. It will also be among the few studies that focuses on trafficking in persons in the Philippines, an area that is not often given sufficient attention in academic research in the country. The available literature mostly frames human trafficking from the country as a problem of crime and criminal justice that needs to be regulated, controlled, and sanctioned (see, for example, *Trafficking in Persons Report*, 2020). Development scholars and workers promoting a social justice perspective, however, point to the need to reframe trafficking of persons as not so much a task of policing and law enforcement but rather one which should be more focused on responding to the root structural causes of trafficking, as well as in analyzing the framework of response and protection for victims in ways that avoid revictimization (see *Global Alliance Against Trafficking*

in Women, 2007; 2019). Therefore, a criminal justice approach cannot be argued to be the only effective approach in reducing or eliminating the cases of labor trafficking, especially in delivering justice or protection to victims. For this reason, it is not my intention to dismiss the enthusiasm shared by policymakers, development agencies, law enforcement agencies, and community stakeholders in utilizing a criminal justice approach to address trafficking in persons in general. Rather, through this work, I highlight the nature of the engagement of civil society organizations with other stakeholders in this policy area and the social processes through which the protection and support for trafficking victims are characterized, practiced, and assessed. Ultimately, this research aims to make a case for analyzing how these processes can influence or impact – positively or negatively – the elimination of labor trafficking from the Philippines.

Structure of thesis

This thesis is divided into seven (7) chapters. The first chapter introduces the phenomenon of labor trafficking in the migration process, lays out the need for this research in the context of the Philippines, and explains the research questions. The second chapter situates the research questions within the general debates on human trafficking, civil society, and Michel Foucault's ideas of power and knowledge which I use to better understand and locate civil society within the context of stakeholder relations in anti-labor trafficking. It will also examine the notion of civil society and how its role and relevance are framed in these discussions. Further, the third chapter explains the methodology used to answer the research questions. This chapter also identifies and elaborates on the sources of data used for this research. Chapter four then provides a description on the origin and development of protection and support discourses in the anti-labor trafficking

agenda, with particular attention given to its prevalence in the international migration process from the Philippines. The fifth chapter analyzes the layers of engagement of civil society organizations in the anti-labor trafficking policy and regulation and the impact of this work. Chapter six then examines the interaction of civil society with the different stakeholders in the anti-labor trafficking policy and advocacy area and the type of social relations that have arisen out of this interaction. Finally, chapter seven concludes on how the role of civil society reflects the dynamics of power between and among stakeholders in the anti-labor trafficking agenda, whether it is perceived to be helpful in eliminating labor trafficking in general from the country, as well as provide some recommendations.

Chapter 2

Review of Literature

The relationship between labor migration, development, social movements, and power inspires the questions that inform this research. Three (3) overarching questions are asked, the answers to which aim to contribute to debates in the trafficking research literature about the significance and involvement of civil society in human trafficking efforts in fragile democracies such as the Philippines. These questions encompass: (1) the development of protection and support discourses in anti-labor trafficking from the Philippines; (2) the role of civil society organizations in these efforts and the impact of their role; and (3) the social relations produced out of their interactions with other stakeholders in this policy and advocacy area including, for example, the character and the specific manifestations of these relations.

Approaches to the study of trafficking in persons

Academic discussions and literature on human trafficking in general, and labor trafficking in particular, point to two divergent perspectives in understanding how the responses to this phenomenon are framed: *prosecution* and *protection*. These two approaches stem from the official framework of the United Nations Convention against Transnational Organized Crime, which was adopted in 2000. In discussing the political history of the convention, Tennant (2020) writes that the framework was originally crafted in the context of responding to the prevalence of organized crime in the southern European countryside and its pervasive links to business, politics, and law enforcement. It was originally conceived in the backdrop of the anti-mafia judicial establishment

in Italy, the breakdown of transnational borders and opening up of new societies in the 1990s. It was propelled to international attention through the lobbying and support of the governments of the United States and Poland. For states who were signatories to the convention, the criminal justice approach in human trafficking has become the benchmark for national policy formulation and program development when dealing with organized crime that moves people and resources across borders.

The criminal justice perspective inscribed in the convention is explicit in the goal to achieve a greater number of human trafficking convictions around the world (UNODC, 2016). Central to the convention's purpose is to support and coordinate efforts to strengthen the criminal justice systems and processes of its member-states and increase detection and litigation of trafficking cases by providing skills trainings to border guards, prosecutors, judges, and non-governmental organizations. Friesendorf (2007), for one, writes that this focus in addressing trafficking is influenced by the specific concern of government actors regarding its impact on territorial security and the defense of national interests, that is, in looking at its links to other forms of crime, such as drug trafficking, money laundering, illegal weapons trade, and document forgery. Fears regarding illegal migration in wealthy countries also feed into this focus. A persistent dilemma in this framework, however, rests with the difficulties in the legal definition of what constitutes trafficking and the scarcity of comprehensive data about its scope as a basis for more targeted rescue work and prosecutions (Grozdanova, 2016).

In contrast, many civil society organizations argue that human trafficking is not only a heinous act against humanity but, more importantly, an unconscionable and grave violation of

human rights. Through this perspective, there is an emphasis placed on the relationship and intersection of the different forms of trafficking based on the normative definitions of existing policies related to human rights. Technically, a human rights-based approach, the UN Commission on Human Rights (2014: 8) writes, “is a conceptual framework for dealing with a phenomenon such as trafficking that is *normatively based* on international human rights standards and that is *operationally directed* to promoting and *protecting* human rights (emphasis mine) ... every aspect of the national, regional and international response to trafficking is anchored in the rights and obligations established by international human rights law.” In this context, the sole focus on organized crime, illegal migration, and prosecution are deemed as inappropriate and do not substantively address the structural causes of trafficking (see Friesendorf, 2007; Sharmin and Rahman, 2017). Instead, the emerging discourse points to the need to ensure the protection of people’s rights against harm and exploitation, the undermining of rights and fundamental freedoms, as well as, to uphold mechanisms for redress and access to support services for those who fall victim to trafficking (Sharmin and Rahman, 2017).

Discourses on the study of trafficking in persons

Beyond the prosecution and protection divide that informs the discussions in responding to human trafficking as a heinous crime, scholars studying trafficking in persons have also postulated for the need to critically examine the discourses and narratives that permeate the general literature on trafficking in persons and how it impacts the notions and images of victimhood, gender, masculinities, globalization, and human rights. For example, Sanghera (2005) writes about the need to interrogate the trafficking discourse and to examine the prevailing representations and

assumptions surrounding it. In this work, the author outlines the existing assumptions surrounding victimhood and how they are usually characterized by images of migrant women who are young, naïve, coming from poor countries and passive who are forced into conditions of helplessness. The work of Kempadoo (2015) elevates the examination of these assumptions and how they are perpetuated in contemporary anti-trafficking and anti-slavery campaigns. In this work, Kempadoo analyzes three prominent international campaigns: modern anti-slavery, abolitionist feminism, and celebrity humanitarianism, and how these campaigns are crafted and sustained with the thrust of rescuing women, particularly the young and underage, from slavery and exploitation. Kempadoo, in the end, argues for the need to highlight the nuances that are overlooked in these campaigns and examine how they are informed by bigger influences of white supremacy, neoliberalism, and global capitalism in helping and sustaining the underlying problems that contribute to the trafficking in persons. The works of Sanghera (2005) and Kempadoo (2015) essentially direct attention to the racial component that informs the prevailing representations and discourses related to trafficking in persons and argue for a critical understanding of all approaches surrounding human trafficking.

The images of women and labor as sources of vulnerability is another area that scholars argue should be examined critically. Dominant discourses in trafficking in persons, which view migrant women at a greater risk of helplessness and exploitation, often hold images of men as active agents in deciding to cross borders and violate immigration laws with the help of recruiters and/or smugglers. Accordingly, a distinction is often made which represents women solely as victims in the trafficking process, while men are often described as economic migrants who voluntarily choose to migrate and use the services of recruiters and/or smugglers in order to cross

borders. Men, in this case, are often framed as violators of immigration laws, in the same manner that they are also viewed as the cold, unbending perpetrators of trafficking. However, the work of Ilse van Liempt (2014) on “assisted” types of migration from the Horn of Africa, Iraq, and former Soviet Union, challenge this view. Her work demonstrates how, in the absence of legal channels to cross borders and that there are no other ways for women to do so, they become active agents in the process of their own trafficking or smuggling just so they are able to leave. In this case, there is a full degree of awareness about the consequences of being smuggled illegally across borders and the consent of women has been freely given to their traffickers. The contexts and experiences of why women procure assistance vary and, in this case, the author argues for caution against the general tendency to label women to be always at risk and in need of protection. The same argument is foreshadowed by an earlier work of Rebecca Surtees (2008), who wrote about the trafficking of men and its implications to victimhood and masculinities. Drawing from her field research in Southeastern Europe, West Africa, and Southeast Asia involving 42 trafficked victims, 10 sex workers and 90 representatives from service providers (e.g., law enforcement organizations and community groups), the author demonstrates that the assumptions and notions of vulnerability among women and children has created the conditions for trafficking to be framed as solely a crime involving these groups, to the detriment of male migrant workers. The limited view of trafficking as primarily framed around sex work and its illegality also enhances the notion that it only involves women and young girls who need rescue and protection. The preconceived assumptions of men as an active, adventurous, and thrill-seeking group who can take care of themselves gloss over their economic vulnerabilities to exploitative labor conditions. Accordingly, Surtees (2008) argues, the challenges of seeing men as trafficked and their need to be assisted has to begin with a shift to a

broader definition and understanding of what constitutes vulnerabilities and its impact on stereotypes across gender categories.

The characterizations of trafficking in persons as mostly linked to prostitution and sexual exploitation is another significant area in the literature on trafficking in persons which, scholars argue, needs to be critically evaluated. Intertwined with the preconceived vulnerabilities of women and young girls to prostitution and sex work, the images of hardship, suffering, and of being trapped and enslaved in violent conditions are often the stereotypical examples that are utilized to drum up awareness and policy efforts toward trafficking in persons. In doing so, however, the larger interrelated issues and impacts of globalization, capital and labor mobility, economic inequalities, human agency and return migration are often veiled over. Scholars such as Andrijasevic (2010), Andrijasevic and Mai (2016) and Plambech (2014), among others, draw attention to these issues. Accordingly, these works place emphasis on the idea that trafficking does not always have to do with slavery, physical confinement, and physical violence but, rather, is a manifestation of the complexity of policies that enable the expansion of markets, the regulation of labor, the state's power over undocumented migrants, and how this creates conditions for the violation of human rights in destination countries.

Writing about migration and sex work as labor in Europe, Andrijasevic (2010) examines the experiences and narratives of women from Eastern European countries who are not members of the European Union but work in Italy in third-party controlled street prostitution. Her work, which involved in-depth interviews with 30 migrant women in Bologna, provides insights on how the expanding labor markets and the ability to move around freely in EU member-countries have

provided opportunities for women from different parts of the continent to choose to move around for work. Her work also demonstrates the complexities of the desires that inform women's decisions to migrate, and how structural policies and personal forces influenced and sustained their dangerous working conditions. Her work argues that the human agency that is involved in the decision-making and identification to their chosen labor is often overlooked when their abysmal and often dangerous working conditions are lumped with stereotypical characterizations about women forced into exploitative sex work (which is often equated with trafficking). The same point is elaborated in Andrijasevic's work with Mai (2015) in a critical analysis of the representations of trafficking. Their piece highlights the roles that documentaries, films, and media outlets play in conflating the image of sex work with trafficking and exploitation. Their work argues that the influence of the logic of profit needs to be analyzed, especially in how it informs the decisions of women, men, and transgender people to engage in sex work, which is seen as an income-generating activity and an opportunity for social mobility. Accordingly, they write, portraying sex workers simply as powerless victims will be problematic since it will obscure the human agency that drives the choice to engage in such work.

The process of distinguishing between trafficking "victims" and "criminals" in the context of return migration processes is the research focus of Sine Plambech (2014). Writing about the lives of Nigerian sex worker returnees who were deported from Europe, Plambech's work examines the scholarly and political debates surrounding trafficking and how they have been preoccupied in distinguishing and conceptualizing what constitutes "victims" and "criminals". Her work thus analyzes the process of identifying "victims" from "criminals" in Europe and how these relates to the local context of Nigeria. It also examines the local meanings attributed to these

distinctions and their effects on social relations in the local communities to which the Nigerian women were returned to. Drawing from the results of in-depth interviews and case studies, Plambech demonstrates how the categories of “victim” and “criminals” collapse and eventually resemble one another once women are returned home. This collapse is brought about by the interrelated impacts of familial responsibilities, economic difficulties, and everyday violence in the communities from where the women come from. Accordingly, the author further argues, the desire to identify and distinguish groups of migrants from each other is illustrative of the challenges that has come about due to the gradually restrictive immigration policies in Europe.

Stakeholder engagement in trafficking in persons

Stakeholder relations in the work surrounding trafficking in persons is also another area in the literature that requires examination. Despite the scant literature in this area, scholars writing on stakeholder engagement have argued for the need to look into the crucial role of non-state stakeholders and how they enhance the value of cooperation in various capacities in addressing the prevalence of trafficking in persons.

For instance, the works of Hounmenou (2018; 2019) draw attention to the importance of stakeholder participation in knowledge-building and in the implementation of policies against trafficking in persons. Hounmenou’s 2018 work, which focused on the results of an international study on child trafficking and prostitution in three countries in West Africa, demonstrates how stakeholder participation helped improve the outcomes of that study. He also argues for the importance of stakeholder engagement in building knowledge about human trafficking in order to

bring about more impact to local communities. On the other hand, his 2019 work describes the involvement of member organizations in anti-trafficking coalition efforts in one Midwestern state in the United States and how these organizations perceive the coalition's effectiveness. This work argues that despite the potential that the coalition brought to support the state's efforts against trafficking, the lack of commitment among member organizations, the failure to engage members, as well as the lack of coalition leadership, ultimately rendered stakeholder engagement unproductive.

Furthermore, the work of Elliot and Smith (2020) explores the situation of trafficked individuals in situations of displacement and migration by examining the results of a simulation exercise organized by the Organization for Security and Cooperation in Europe (OSCE). The aim of the simulation exercise is to capacitate key stakeholders (i.e., government and non-government) to respond to specific issues and challenges in addressing trafficking in persons on the ground. This work found out that considerable difficulties exist in determining the immigration status of victims in trafficking situations, and that there are also significant challenges in aligning the approaches employed by law enforcement agencies and that of non-government organizations (NGOs). Accordingly, the authors argue for continuous learning exercises to expand opportunities in determining how best to develop stakeholder capacities in a more coherent and coordinative manner.

In the Philippines, the existing literature on stakeholder engagement in trafficking in persons is scant and mostly focused on sex trafficking. These works are mostly centered on the efforts of non-government organizations (NGOs) to support the rehabilitation and reintegration of

sex trafficking victims back into their communities of origin, and the empowering and performative effect it provides to victims (see, for example, Taylor, 2019, and Parmanand, 2021). There is almost no knowledge on stakeholder engagement in protection and support activities for those in labor trafficking situations. As the focus of this research, the role that civil society perform in these efforts, for example, is an underexplored area. Limoncelli (2016), in an inventory of the academic literature dealing with human trafficking, cogently argued against the lack of acknowledgement of the major role that civil society organizations play in anti-trafficking efforts, despite the worldwide proliferation of non-government and community organizations working in this area. Her work found that anti-trafficking civil society organizations have (1) a wide array of specializations, whose (2) efforts are mostly concentrated in Asia and Europe, (3) mainly target children, (4) focus on both sex and labor trafficking, and (5) engage more in awareness and legislative and policy advocacy than the provision of direct services. This is the area that this research complements. Building upon Limoncelli's work, this study will look into the Philippines, a country which is described as having one of the most vibrant and advanced civil societies in the world (Asian Development Bank, 2013), and examine the role that local organizations play in anti-labor trafficking efforts, as well as the dynamics and social processes that influence or impact the nature of its relationship with other stakeholders and, ultimately, how this role is perceived and is assessed as contributing or not to the elimination of labor trafficking from the country as a whole.

The notion of civil society and civil society in the Philippines

Civil society is typically defined as a community of citizens that are linked together and are working based on shared interests and collective action. As the World Bank (2018) defines,

civil society includes “a wide array of non-governmental and not for profit organizations that have a presence in public life, express the interests and values of their members and others, based on ethical, cultural, political, scientific, religious or philanthropic considerations.” Carother and Barndt (2000) cautions for a far broader understanding of civil society to encompass all the organizations and associations that exist outside of the state and the market. This might include, for instance, labor unions, professional organizations, business groups, and ethnic associations. The notion of civil society can be traced far back to the works of Roman and Greek philosophers, however, its contemporary definition emerged from the works of political theorists who developed civil society as a domain parallel to the state where citizens are able to freely associate based on their own interests and inclinations (*ibid*). Civil society’s more political definition, however, stems from the works of Antonio Gramsci, who saw it as an arena of struggle against the fascism and tyranny that brought about the Second World War. Civil society, for Gramsci, is a pattern of established power relations among social groups in a historical-political situation (Brighente, 2016). Intertwined with Gramsci’s idea of hegemony, civil society is viewed as the outcome of the configuration of various social and cultural forces in a specific historical context, as well as a battlefield between and among social and political groups (Buttigieg, 1995). Essentially, civil society cannot be described as a sphere of freedom but, rather, one of hegemony (*ibid.*). Hegemony, in this case, basically refers to the dominance of one group over the other. This dominance is often supported by legitimating ideas and practices. Contemporary usage, however, defines hegemony as the domination of a particular set of ideas and practices and their tendencies to become commonsensical and intuitive, to the detriment of alternative ideas (Rosamond, 2020). This definition encapsulates Gramsci’s sense of hegemony as an extension of power through cultural means. Civil society, Brighente (2016) further writes, is also an ideological space, in the

sense that its development is intricately linked to the production, circulation, and consumption of discourses, knowledge, and myths. These characterizations of civil society would later be utilized and enriched by those who were fighting against authoritarian governments and dictatorships in the 1970s and 1980s, eventually providing civil society with political currency in post-authoritarian democracy-building efforts (Carother and Barndt, 2000).

Social and political conditions under the dictatorship of Ferdinand Marcos enabled the prominence of civil society in democratization efforts in the Philippines in the 1980s. Racelis (2000), for example, writes that Marcos' dictatorship from 1972-1986 contributed a lot to the development of civil society in the country. After Marcos declared Martial Law in 1972, civil society organizations were mostly at the forefront in fighting against crony capitalism, government corruption, curtailment of liberties and economic collapse and in the struggle for human rights and democratic freedoms in the country. The critics of Marcos, who were imprisoned, tortured, and killed, mostly came from civil society and mass media, including those from opposition parties. Civil society's prominence after this period can be gleaned in the 1987 Philippine Constitution, which was adopted after Corazon Aquino took power following the People Power Revolution in 1986. Since then, the number of non-government organizations and peoples' organizations in the Philippines has become one of the largest and most organized in the developing world and are engaged in a variety of welfare-provision and advocacy areas (Clarke, 1995). The participation and influence of non-government and peoples' organizations in welfare provision, advocacy work, and policy formulation and implementation has been described as dynamic and has led to the Philippines being regarded as having one of the most vibrant and sophisticated civil societies in the world (USAID, 1998; Racelis, 2000).

In the context of such glowing assessments, however, the nature of the engagement of civil society with the Philippine state has been subjected to considerable academic examination, and discussions have been directed to two diverging perspectives – i.e., that 1) civil society organizations emerged as a function of the existing type of political regimes, with its development as path-dependent; and 2) civil society as captive of organized elite interests and is anti-developmental in nature as it helps elites oppose state reforms to protect their own interests. The works of development scholars such as Racelis (2000; 2008), in tracing the development of civil society in the Philippines, point to the pivotal role that the Catholic Church has played in spawning the formation of colonial welfare associations and parish-based organizations which became precursors to civic organizations and community-based organizations that persisted throughout the course of the Spanish, American, and, briefly, Japanese colonialism in the Philippines, up until their explosion and rise to prominence under the Marcos dictatorship. Her works emphasize the empowering contributions of these organizations to civic life and argue that the evolution of civil society has been dependent on how the Philippine state has been structured at a specific point in time. Scholars such as Clarke (1995; 2012), on the other hand, examine the history of civil society in the Philippines from 1571-2010 and argue that civil society's development over time is actually a function of the evolving political economy of the country and the social structure that it produces. Accordingly, it has become captive of organized elite interests. The same argument is expanded by Porio (2017) in her examination of citizen participation in local governance following the decentralization process in the Philippines in the early 1990s after the adoption of the Local Government Act of 1991. Her work highlights that the new emphasis on citizen participation at the local governance level has not actually led to the redistribution of power among local

stakeholders but has, rather, opened up spaces for local dynastic families to collaborate with civil society in government policies and programs that, in fact, reinforces their political dominance and weaken genuine civic participation. In this work, I argue that the engagement of Philippine civil society in the agenda on trafficking of persons in the migration process is a direct result of the development priorities of the Philippine state in the context of the political economy of the country.

Discourse and power: civil society in the trafficking in persons agenda

The enterprise of studying the language and the practice of policies and the implications they bear upon social relations has already produced a plethora of discussions in the social science literature. This project is an attempt to further engage in these discussions and it will frame the study's analysis of the role of civil society organizations in anti-labor trafficking efforts in the Philippines using Michel Foucault's theory of discourse. The term discourse basically traces its roots to literary studies and refers to written and spoken communications which are used to signify the grammatical structure of narratives (Barthes, 1988; cited in Bones, et al., 2008). In the study of language, discourse is described in reference to the speech patterns and the ways in which language and statements are used, legitimized, and accepted within a community. Social scientists further tend to utilize the term discourse to "describe the conversations and analyze the meaning behind them by a group of people who holds certain ideas in common" (Pitsoe and Letseka, 2013).

Foucault's notion expands the conception of discourse by linking it with, and providing central currency to, the role of "power" and "knowledge." Through this view, discourse is seen as the means and ways by which knowledge is constituted, how it produces and assumes a dominant

role, how it is negotiated and renegotiated through social practices, and how it contributes to and exposes the power relations in these processes (Miller, 1990; Wickham and Kendall, 2008). Miller writes that, in Foucault's formulation, knowledge is something that is not seen as internal to the agent, but one which is an externally structured set of contestations or claims through which social agents act. The structured set of contestations or claims, in turn, are not framed as either true or false claims but reflective of perspective and/or social position defining a particular society, group, or institution. Protection and prosecution, for example, are not only accurate or false descriptions but ways of framing the problem that justify and perpetuate modes of acting and organizing. Lastly, these "knowledges" – i.e., the perspective and social position – are treated as a constituent part of any power relationships that the society, group, or institution get itself into. In sum, as Foucault elucidates, "every point in the exercise of power is a site where knowledge is formed. Conversely every established piece of knowledge permits and assures the exercise of power" (Foucault, 1979; cited in Miller, 1990). Furthermore, through discourse, actors define and act on the situation. Power and knowledge are not separate things that come into contact. In fact, social order emerges from a common matrix of power and knowledge relations. In this study, the discursive framings utilized by these groups of the role of civil society organizations help define the ways in which their contributions to anti-labor trafficking efforts are viewed and assessed. Inversely, the discursive framings that arise from this role become indicative of the knowledge that these organizations hold and occupy in the context of their relationship with state and multilateral stakeholders in this policy and advocacy area, especially in the provision of protection and support services to victims. The position that civil society organizations occupy in these relationships, in itself, validate the relevance of their work and become a source of their authority, power, and continued relevance in these relationships.

As a framework of analysis, Diaz-Bone et al. (2008) writes, discourses have to be located and studied within their socio-historical development although they are not to be treated as a study of chronological occurrences but as processes that focuses on the changes, discontinuities, and ruptures in the past and how they inform how certain “knowledge” is constituted and articulated in the present. This is the central point that Foucault’s method, “the archaeology of knowledge,” evokes – i.e., the purpose of history as a source of knowledge is not about describing the chronology of events but is rather about the transformations and changes that occurred in the past and how it has shaped the present. This idea is elaborated by Foucault as a history of the present in his seminal work *Discipline and Punish*, published in 1975. This method of studying discourse follows the Foucauldian recognition of how the social world, which is expressed and organized through language and discourse, is impacted by sources of power (*ibid.*). And in Foucault’s formulation, these sources of power could include institutions, ideology, and social and personal relationships. In this context, Foucauldian discourse analysis essentially refers to the empirical analysis of discursive frames, structures, and discursive practices (Schneck, 1987).

As a method of inquiry, Kendall and Wickham (1999) elaborate, Foucauldian discourse analysis can be outlined in five different ways. In general, and as a first step, there is a need to recognize discourse as a body of statements characterized by regularity and systematization. This recognition, in turn, allows for an (2) identification of the social and political processes by which those statements are created and validated. Further, such recognition also provides spaces to (3) understand what those statements privilege, elaborate, and/or write about, as well as those that they do not highlight and/or suppress. It also (4) opens up spaces through which new statements can be

crafted and argued which allow for (5) practices to be material and discursive at the same time (Kendall and Wickman, 1999; Wickman and Kendall, 2008).

In the context of providing protection and support services to trafficking victims in the Philippines, the discursive framing on the role that civil society organizations play provide an indication on how their contribution to this policy area are viewed and assessed. The framing of the impact of such a role, as indicated in the manner in which they are written in the State party and alternative reports to multilateral UN conventions underscoring labor trafficking – including the ways in which they are described in data-gathering interviews - are indicative of the position and power that civil society organizations occupy in their relationship with other stakeholders, as well as their contribution to the ultimate task of eliminating labor trafficking in the area of study.

Generally, I am interested in how development, social movements, and power intersect and manifest in the experiences of civil society organizations in the anti-labor trafficking agenda in the Philippines, an area that is under researched in the country. Analyzing social, cultural, and linguistic frames help understand what civil society organizations are able to do and perform, as well as provide an understanding on the kind of power relations that they wield with other stakeholders, within the bigger protectionist and prosecutorial discourses in the anti-labor trafficking policy and advocacy field. The foregoing review of the approaches to the study of trafficking in persons contributes to a better understanding of the perspectives that inform the protection and support measures that different stakeholders, civil society included, are able to formulate and organize within the larger sphere of anti-trafficking work. Furthermore, the various discourses summarized in this chapter allow for a better appreciation of trafficking in persons not

only as a personal experience but also as a sociological phenomenon, in that it is imbued with layers of structural, economic, and political influences. These will become more evident in the analysis of the findings in the subsequent chapters.

Chapter 3

Data and Methods

My objective in undertaking this research is to examine three things: (1) the development of anti-human trafficking efforts in the Philippines; (2) the role of civil society organizations in these efforts; and, lastly, (3) how this role is perceived and assessed by other stakeholders. This research will demonstrate that the roles civil society organizations perform are perceived and assessed according to the spaces for engagement made available for them. This is concretely manifested, as the succeeding chapters will elaborate, on how they are recognized and relied upon by other stakeholders to assist in various capacities related to the provision of direct services for victims or professional services as to the legislative and policy work in the anti-labor trafficking agenda in general.

Sources of data

This research is qualitative in design and employs a twostep methodology, (1) document review and (2) in-depth interviews. The first methodology includes a review of national strategic plans, as well as state party and stakeholder alternative reports from 1989-2020 from the Philippines to the UN Committee overseeing member-state compliance to multiple conventions underscoring trafficking in persons. These include the United Nations Convention on the Protection of the Rights Migrant Workers (CMW), and the Covenant on Civil and Political Rights (CCPR). The national strategic plans were obtained from various Philippine government online sources. The first document, “National Strategic Action Plan Against Trafficking in Persons, 2004-

2010” was obtained from the online repository of the Philippine Council on Women (PCW). The second document, “National Strategic Action Plan Against Trafficking in Persons, 2012-2016,” was obtained from the dedicated website of the Bali Process, an official international forum established in 2002 that seeks to facilitate international discussions on human trafficking, human smuggling, and other transnational crimes. The State Party reports and stakeholder alternative reports to UN conventions, including concluding assessment reports, were obtained from the UN Treaty Database. In general, State Party reports are crafted and submitted by member-countries (like the Philippines) to describe their compliance to treaties to which they are signatories to. In essence, these reports are produced for the consumption of the community of nations for the purpose of indicating a member-country’s conformity to internationally adopted principles, share best practices in implementation and, subsequently, to generate multilateral support and solidarity for its efforts. Stakeholder alternative reports, on the other hand, are crafted mostly by civil society stakeholder groups and are produced to provide alternative accounts on the impacts and effects of policy in actual practice.

The aim of the document review is to compare the narrative of the state and stakeholders and examine how, over time, the specific ways in which protection and support discourses for trafficking cases have developed, including the ways in which they are addressed and reported. Further, the document review also looks into what the role of civil society organizations are in these efforts and analyzes how they are described in these documents. These reports, along with the concluding observations of the UN Committee, are used to understand how the participation of civil society organizations in these efforts are perceived and assessed.

Table 1. List of national plans, UN state party and alternative reports, and UN concluding reports reviewed.

Document	Year	Focus
National Strategic Action Plan Against Trafficking in Persons, 2004-2010, Republic of the Philippines	2006	
The Second National Strategic Action Plan Against Trafficking in Persons, 2012-2016, Republic of the Philippines	2012	
Initial Report of State Party, CMW	2008	All rights
Written Replies by the Government of the Philippine Concerning the List of Issues to the Initial Report of State Party, CMW	2009	All rights
NGO Statement on Initial Report of State Party to CMW, International Catholic Migration Commission	2008	All rights
NGO Statement on Initial Report of State Party to CMW, Migrant International	2009	All rights
NGO Statement to Initial Report of State Party to CMW, Center for Migrant Advocacy – Philippines, Inc.	2008	All rights
NGO Replies to Initial Report of State Party to CMW, Center for Migrant Advocacy – Philippines, Inc.	2009	All rights
Second Report of State Party, CMW	2014	All rights
Initial Report of State Party, CCPR	1989	All rights
Consolidated Second- and Third-Party Reports, CCPR	2002	All rights
Fourth Periodic Report, CCPR	2011	All rights
Fifth Period Report, CCPR	2019	All rights
Concluding Observations on the First Periodic Report of the Philippines, UN Committee (CMW)	2009	All rights
Concluding Observations on the Second Periodic Report of the Philippines, UN Committee (CMW)	2014	All rights

Concluding Observations on the First Party Report, UN Committee (CCPR)	1989	All rights
Concluding Observations on the Consolidated Second- and Third-Party Reports, UN Committee (CCPR)	2003	All rights
Concluding Observations on the Consolidated Fourth Party Report, UN Committee (CCPR)	2012	All rights
Concluding Observations on the Consolidated Fifth Party Report, UN Committee (CCPR)	2020	All rights

The second method included in-depth interviews with government agencies and civil society stakeholders based in or operating in the southern region of Mindanao in the Philippines who are doing work with labor migrants. The interviews were semi-structured in nature and involved eleven (11) key informants. The interviews ranged from 60 or more minutes. The participants represented different groups involved in the provision of protection and support services for trafficking victims. They included government agencies, local non-government organizations, and grassroots migrant groups. The main criterion that was used to determine the informants for this research is their established work in providing protection services to trafficking victims from the area of study. My research conforms to the requirements of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* (TCPS 2) and, to ensure the confidentiality of the research participants and their information, I use pseudonyms in lieu of the participants' names and do not identify the organization they are affiliated with. The selected participants represent a mixture of organizations who all work in the area of labor trafficking, with some having more experience than the others. They vary in gender, age, and positions that they occupy in their respective organizations. The respondents represent informants who occupy executive leadership, middle management, and frontline roles.

In the context of the COVID-19 pandemic, following the advice of global, national, and provincial public health authorities including that of Memorial University's Research Ethics Office, research activities that required fieldwork were halted. As an alternative, the interviews were carried out online, particularly through Zoom. Through the in-depth interviews, I was able to gather the perceptions and insights of the representatives of these organizations on the following areas:

- The rationale for anti-trafficking in persons efforts in the Philippines
- The impact of trafficking in persons for labor from the Mindanao region of the Philippines
- Organizational experiences in providing protection and support services for trafficking victims from the region of study.
- Issues and concerns that affected the provision of protection and support services in the region.
- The experience of collaboration with other stakeholders
- Perceptions and assessment about how the current working relationship with other stakeholder organizations can be improved, if necessary.

This research encountered several limitations. For one, the information that was shared by interview participants heavily relied on their recall of their experiences as opposed to precise and documented information. Second, despite efforts to recruit interview participants from donor organizations, none of those who were invited responded positively to participate in the study. The lack of representation from donor organizations in this study hinders a fuller understanding of stakeholder relations in anti-labor trafficking, especially as it relates to knowing how civil society

and donor organizations interact with each other. Lastly, the perspectives of other direct stakeholders involved in the provision of protection and support services and the lived reality of labor trafficking in the Philippines – particularly trafficking victims themselves – also needs to be considered in the equation.

Type of organizations	How many approached	How many agreed for interview
Government	5	2
Donor organizations	5	0
Civil society organizations		
Non-government organizations	13	6
Grassroots movements/organizations	8	3
TOTAL	31	11

Table 2. Representatives from organizations interviewed for this study.

The interview guide

The key informant interviews involved pre-determined, open-ended questions, as well as probing questions to tease out more information. In the interviews, participants were asked about their thoughts and reflections on protection and support measures in place for victims of labor trafficking in the migration process from the Philippines, their perceived importance, and the experience of the participants' respective organizations in this regard. I *also* asked them questions regarding their impressions on the work that civil society groups are doing, especially on the impact of their work. I *also* asked participants about their perceptions on the dynamics between the different stakeholders in this advocacy arena and the social relations that these dynamics produce (please see Appendix 2).

During the interviews, I asked open-ended questions in order to listen and draw out information from participants. I *also* made it a point to encourage the participants to treat the interview as more of a conversation, rather than a formal interview. And while the questions were crafted and asked primarily in English, the informants were *also* highly encouraged to construct their responses in the local language that they were comfortable with. These were either in the Tagalog (the official national language) or Cebuano (used in the area of study) languages. I am proficient in both local languages, with Cebuano being my mother language. English, being the other official language in the Philippines, is widely understood and spoken in my research area. The semi-structured nature of the interviews, and the ability of the research informants to shift from one language to another in their responses, enabled them to articulate their experiences with ease. Throughout the interview process, I consulted with participants about any ethical concerns that they may have. Further, all interview questions focused on the organizational experiences from which the participants are affiliated and how they are working with other stakeholders in the anti-labor trafficking arena. Informants also shared their personal experiences to enrich their responses to the questions.

Given the face-to-face restrictions brought about by the COVID-19 pandemic, all the interviews for this research were organized online, through Zoom, a video teleconferencing software program. Interviews were arranged and finalized through email exchanges, after the organizations to which I sent invitations have responded. The interviews were carried out with only me and the participants in the online conference room. I asked around seven (7) questions, with six (6) questions for follow-up. The follow-up questions were intended to initiate further elaboration on questions or topics whose answers cannot be immediately drawn out through the initial questions.

Some research participants requested for, and were provided advanced copies of, the questions before the actual interview took place. Additional follow-up questions also came up during the course of the interviews. Participants were also given a copy of the consent form, which they reviewed before the interviews. Oral consent was also solicited from them during the actual interview. Furthermore, research informants were also given the opportunity to ask questions starting from the recruitment, the actual interview, up until after the online interviews have been concluded.

I interviewed NGO, grassroots groups, and government workers about the perspectives of their respective organizations, including their own working experiences, on civil society engagement in the anti-labor trafficking agenda. Those that I interviewed were formally authorized by their organizations to speak to me and the interviews became wide-ranging in terms of scope, particularly the topics and cases that they were able to discuss with me.

Recruitment process

Due to the COVID-19 global pandemic restrictions in place, all recruitment processes were carried out online. The recruitment process for this thesis involved two (2) different strategies. I began the process by identifying and establishing an initial list of organizations whom I invited to be involved in this study. The initial list was produced out of my familiarity with the different civil society organizations present and operating in the Mindanao region and drawn from my previous development work experience in the southern part of the Philippines. The invitation letter that I sent to these organizations contained the rationale, context, and details about the project, the role

of the participant, and my contact information so they could contact me if they wanted to participate in the study. Invitations were sent out to a total of thirty-one (31) civil society organizations, government agencies, and donor organizations based in or operating in the southern region of Mindanao in the Philippines, who had done work with labor migrants from the region. The invitations were sent out based on publicly available contact information of the organizations that the participants represented.

Additionally, based on the exchanges I established with those who responded positively to my invitation, I also sought out their referrals or assistance for links with other organizations who were not on my list but were also working in anti-labor trafficking advocacy. From there, separate invitations were sent out to them through email. The strategy of tapping into referrals or informal links was helpful particularly when I was dealing and initially did not receive any response for many weeks from the government agencies that I invited. Specifically, I sought out the assistance of acquaintances or former co-workers in the development sector in the Philippines who are now working in various government positions. I sought their assistance for them to follow-up with the government offices that I invited to take notice and respond to my emails. This was how I was able to recruit interview participants from the government agencies for this research.

Coding and transcribing process

For the document review component of this thesis, I utilized the NVivo software program. The documents that analyzed were a combination of Philippine national government plans against trafficking in persons from 2004 to 2016, as well as UN State Party Reports, stakeholder alternative

reports, and concluding assessment to international conventions underscoring labor trafficking from the UN Treaty Secretariat. The documents that were analyzed varied in content and length depending on its type. On average, government plans consisted of forty (40) each, while UN State Party reports were around fifty (50) pages each. Alternative stakeholder reports, on average, were thirty (30) pages each, while the concluding assessment reports from the UN Secretariat were much shorter in length, typically fifteen (15) pages. I analyzed the documents and identified patterns and themes that emerged in the reports and categorized them into codes (e.g., development of anti-labor trafficking policies, state perception of civil society, CSO perception on government work, donor perception and assessment).

The interviews with informants from the different stakeholder organizations, on average, lasted for more than an hour. Using the Zoom software program, and with the informants' consent, I had the interviews audio recorded and also took extensive notes. From there, I then transcribed the interviews manually, especially as I wanted to capture and highlight the narratives from the informants as they were spoken in the local languages in my research area. I then reviewed the transcripts and analyzed them by identifying emerging themes and coded them accordingly. I then laid out the emerging themes in individual Word documents and, from there, I inserted direct quotations which would support and enrich the respective themes. Each of these themes then became the basis for the chapters in this paper.

Chapter 4

Protection Discourses on Trafficking in Persons in the Philippines

Protection mechanisms have been highlighted in policy statements and practices that relate to labor migration and labor trafficking from the Philippines. These policies aim to accommodate two specific aims: 1) the desire to satisfy the role of the Philippine government to create more employment opportunities to its citizens; and 2) to establish ways to ensure the protection of Filipinos working in different countries. Throughout these aims, civil society has figured prominently in advocating and collaborating with other stakeholders in the field. In this chapter, I will describe and analyze the development of protection discourses related to labor trafficking from the Philippines, and how it is intertwined with the large-scale migration for labor from the country. In doing so, this chapter will rely on document review and the results of interviews with research participants.

The development of protection discourses can be categorized into three (3) different phases. These phases include: (1) the formalization of labor export as an option for employment, which was institutionalized through a Presidential prerogative in 1974; (2) the uproar following high-profile abuse cases involving Filipino foreign workers in the 1990s, most notable of which is the execution of Filipina worker Flor Contemplacion in Singapore in 1995; and (3) the expansion of migrant rights brought about by shifts in global migration policy in the early 2010s, which classified labor trafficking as a heinous crime. The following sections will elaborate on these categories.

Protection as regulation: Formalizing labor export in the 1970s

As previously indicated, labor migration from the Philippines is not a recent phenomenon. Over the course of its colonial history, since the time of Spanish colonialism (1565-1898), Filipinos have been conscripted for labor in various low-skilled capacities in the galleon trades and domestic service. They were also conscripted in large numbers during the American period (1898-1946) as agricultural laborers when plantation economies were established in Hawaii and California, as well as crew members of fishing companies in Alaska. Following the American withdrawal from the Philippines after the Second World War, this outmigration trend eventually included skilled workers like medical and engineering professionals who were conscripted to work in the healthcare systems in North America and in the oil fields of the Middle East. The number of medical professionals, in particular, who opted to work outside the Philippines eventually exploded following the enactment of the US Immigration Act of 1965 that saw the changes in the immigration policy of the US from a quota system based on national origin to one that was explicitly based on attracting skilled labor.

It is in the context of these shifts in global labor markets and immigration systems that then President Ferdinand Marcos issued Presidential Decree (PD) 442, which came to be known as The Labor Code of the Philippines. This piece of law is widely attributed to the efforts of Blas Ople, who served as the labor minister under Marcos from 1967-1986. The law is significant in many ways, foremost of which is in governing employment practices and labor relations in the country. It paved the way for establishing structures and guidelines to respond to employment-related grievances and introduced mechanisms for redress. Although this law had significant implications

for local labor practice and labor relations, it was also instrumental in formalizing worker recruitment and job placement activities for international labor markets and placing it squarely under the purview of government regulation (Blank, 2013). Before 1974, migration from the country was carried out without government intervention and the reason for the shift in policy on international labor migration by the Marcos regime is not exactly known. This shift in policy has transformed what was once an organic movement of migrant workers across borders into a massive government-run program. Gonzalez (1998) writes that it was around the same time that the Philippines was beset by high rates of inflation, unemployment and underemployment, armed movements, high population rates, reliance on foreign external loans, and government budget deficits, as well as the effects of the ongoing Martial Law. Internationally, during this time, labor demands overseas have widened following the expansion of the oil markets in the Middle East, in addition to increasing healthcare labor demands in North America. In effect, the management of labor migration was seen by the Marcos government as a way to relieve pressures on the socio-economic problems in the country, and his PD 442 provided the impetus that institutionalized labor export from the country. Hector, a deputy secretary-general of one of the grassroots organizations interviewed for this research, spoke about the significance of the labor export policy:

“When the Philippine government started implementing the labor export program, it shaped up its economic strategy on overseas employment. So you will not be surprised that labor officers that are deployed in missions abroad are primarily tasked to do labor marketing, ... when you say marketing, it refers to more massive market niching. And so the main aim is really to encourage Filipinos to find work outside of the country” (Interview with Hector, deputy secretary-general, 7 June 2021).

Hector’s remarks provide an indication of the labor export program as a state policy. But while the labor export framework is widely acknowledged among academic and civil society circles, government reports and statements vehemently dispute labor export as an official state

policy. Instead, it frames labor migration as an alternative option for its citizens to secure productive employment. The liberty to look for alternative employment, the government views, will however require state oversight for the protection of Filipino workers overseas. The Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act 8042) itself dismisses outright labor export as an official policy, and this has been the official government by-line adopted in State Party reports and statements:

“While recognizing the significant contribution of Filipino migrant workers to the national economy through their foreign exchange remittances, the State does not promote overseas employment as a means to sustain economic growth and achieve national development. The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated” (Republic Act 8042, Section 2, Article C).

Migration scholars generally argue that the regulation of labor migration from the Philippines can be understood by the nature of the export-oriented industrialization (EOI) that the government adopted as a trade and economic strategy from the 1970s until the 1990s (see, for example, Blank, 2013; Ofreneo, 2014). This strategy was adopted within the larger context of the industrialization of Southeast Asia, which saw its countries being opened to various resource extraction and agricultural industries, with the primary aim of exporting resource and food commodities to high-industrialized countries. In the Philippines, the largest trading commodities during this time included gold, sugar, banana, coconut oil, and copper, to name a few. And they were exported to various overseas markets, the largest of which include the United States, China, Japan, Hong Kong, and Singapore. The 1997 Asian financial crisis, however, adversely affected production and export flows from the country, thereby triggering the diversification of sources for economic growth and strengthening labor migration as a viable keystone in development planning. Rene Ofreneo (2014), a noted labor scholar in the Philippines, writes that while the EOI approach

succeeded in opening up the economy, the overall industrial drive that the Philippine government started failed to succeed simply because the strategy that it pursued with international financial donors was too narrow on production and did not focus much on industrial upgrading and value-addition strategies. Frustration with the failure to optimize industrialization directed the state to regulate and manage labor migration – following the export-orientation model – framing it as a “stop-gap” measure to alleviate unemployment.

The policy of labor export has been continuously pursued by governments that succeeded the Marcos administration, with research participants framing labor export with the treatment of Filipino workers as commodities. For example, Richard, a community organizer from one of the grassroots organizations I interviewed, expresses contempt of this treatment of Filipino workers and his remarks indicate how this is akin to selling fruits in the sidewalk:

“It’s sad to think that the practice of exporting labor is similar to peddling or vending our nationals like mangoes overseas, something that has become the biggest export right now from our country” (Interview with Richard, program coordinator, 7 June 2021).

Part of the framework of issuing PD 442 is to involve multiple government agencies in identifying labor markets, deploying Filipino workers, and providing measures that purport to protect the rights and welfare of these workers. The creation of the Overseas Employment Board, now known as the Philippine Overseas Employment Administration (POEA), was meant to ensure the achievement of such goals. The agency is tasked with most of the regulatory and protection functions relative to the general management of migration from the Philippines, working with other government agencies to fulfill this mandate. Part of the protection functions it wields are related to measures that make it easy to emigrate, such as establishing shops for processing travel

documents, organizing cultural orientation sessions, reducing the travel tax for departing workers, and eliminating customs duties for returning workers. Similarly, new government formations were created to manage the different aspects of the labor export program. At the moment, there are seven (7) frontline and secondary government agencies that have mandates relative to overseas employment. All their mandates are coordinative in nature, and no single government ministry takes central lead of overseas employment. The access to the protection services of these government agencies, however, often came with a price tag, with various fee structures levied on prospective workers looking for opportunities for placement and clearance to obtain jobs overseas. This has led civil society stakeholders to assert the view that the POEA, in practice, is the biggest recruitment agency in the country. Hector, the deputy secretary-general of a grassroots organization introduced earlier in the chapter, spoke strongly about this ambiguity in government policy and practice. His remarks reveal how the priority on maximizing labor market opportunities creates conditions for Filipino labor migrants to be vulnerable to labor trafficking:

“Actually, POEA’s role is conflicting. It’s like being a salesperson, you just don’t make protections ahead of your sale. The priority is to make a sale, then maybe later you can talk about product protections ... so labor migrants are treated like dispensable commodities for export. Once they reach their destinations, they’re left to fend for themselves” (Interview with Hector, deputy secretary-general, 7 June 2021).

The same theme of ambiguity of official policy and practice on labor migration surfaces when participants are asked about the role of labor offices in Philippine embassies and consulates in different countries. They claim that these offices are more occupied with identifying labor markets in the countries where they are posted, rather than providing protection services for Filipino workers in their areas of operation. During the interviews, participants referred to

situations wherein labor officers posted in embassies and consulates in other countries are actually in a contradiction as to their precise job responsibilities. Hectors adds:

“On one side, when confronted by the campaigns and advocacy work from civil society groups, labor officials easily quip “Oh, we are actually providing protections, that is why we are sending them these Philippine labor officers.” But if you go deeper and ask these labor officers, they will say ‘No, our mission overseas is to look for more labor markets. Welfare services for labor migrants is secondary.’ In this case, it’s the government itself exposing its own contradictions” (Interview with Hector, deputy secretary-general, 7 June 2021).

Protection as representation: labor migration post-1986 and abuse cases of Filipino workers

Narratives from research participants reveal that the years following the People Power Revolution of 1986 saw the rise and expansion of civil society and grassroots organizations in the Philippines, as well as their involvement in the agenda of labor trafficking. The enthusiasm brought about by the fall of the Marcos dictatorship provided spaces for thinking about how NGOs and community organizations would be able to participate in the democratization project promoted by the new administration of Corazon Aquino. The 1987 Constitution, which restored democratic governance in the country, was an enabling factor in compelling the involvement of civil society in policymaking, advocacy, and in the implementation of programs. It also encouraged civil society’s participation in electoral politics. Estimates indicate that, by the start of the 21st century, there were at least 60,000 registered NGOs and around 6,000-7,000 grassroots organizations in the country. Beyond the euphoria generated by the dismantling of the dictatorship, the rise of civil society, and NGOs in particular, is also due to the large sums of money that international donor organizations poured into the country to support efforts to resist Marcos’ dictatorship, the re-establishment of democratic institutions, and the organizing of disadvantaged communities for

collective action (Racelis, 2000). In sum, the restoration of liberal democracy from the late 1980s and its acceleration up to the end of the 20th century were the conditions that propelled civil society's expansion as they advocated for the welfare of overseas Filipino workers.

The work of civil society organizations that were focused on labor migrants would take on more prominence when abuse cases involving Filipino workers started attracting media attention. The execution of Flor Contemplacion, a Filipino domestic worker in Singapore, in 1995 would prove to be the most prominent of these cases and significantly influence the discussions surrounding the vulnerabilities, challenges, and concerns of Filipino workers overseas and the accountability that the Philippine government should bear in this regard. Flor Contemplacion was tried and convicted to death for the murder of another Filipina domestic worker, Delia Maga, and her Singaporean ward, Nicholas Huang, in May 1991. Her case attracted a lot of attention due to the diplomatic wrangling that ensued between Singapore and the Philippines following the denial of the latter's appeal for a stay in Contemplacion's execution. Her eventual execution caused anger and uproar among the population and, in an attempt to appease the discontent against the government, the administration of then Philippine President Fidel Ramos organized a commission to probe the case again after Contemplacion's execution. The probe centered on three issues, which essentially highlighted supposed discrepancies on the side of the Singaporean investigation to the case: (1) the autopsy findings on Maga's body; (2) the supposed absence of due process, particularly the lack of legal assistance afforded to Contemplacion during her trial; and (3) the alleged coercion by Singaporean authorities for Contemplacion to admit to the crimes (Stasiulis and Bakan, 1999). The diplomatic controversy that the case generated led both governments to

recall their respective ambassadors from their posts and relations between the two states were severely strained for a considerable amount of time.

The case of Flor Contemplacion was significant on many levels. It essentially reflected the weak bargaining position of the Philippines as a sending country of migrant labor and the vulnerability that Filipino workers overseas find themselves in, in their countries of destination. Further, despite a long history of exporting labor, it also brought to the fore the inadequacy of mechanisms for the protection and safety of overseas Filipino workers from their own government. Richard, a program coordinator of one of the grassroots organizations interviewed in this research, underlines the precarious situation that results out of this weak bargaining position:

“You know, one violation is more than enough, one violation is too many. You already have one case of abuse, or one case of contract violation, that is already too many. As we have seen in the case of Flor Contemplacion in the 1990s and the others that followed, it already tells us the kind of serious vulnerability of migrant workers” (Interview with Richard, program coordinator, 7 June 2021).

The uproar that the abuse cases of labor workers overseas caused compelled the Philippine legislature expand legislation to expand not only the management of international labor migration but also the representation and protection of Filipinos abroad in distress cases – the Migrant Workers and Overseas Filipinos Act of 1995. This law, known as the “Magna Carta,” is notable for its focus on the need to regulate internal migration actors, such as recruitment agencies and for institutionalizing the requirement for receiving countries of Filipino labor to have existing labor and social policies that protect the rights of migrant workers. In practice, however, criticisms regarding this requirement again highlight the weak position of the Philippine government when the need for skilled labor in migrant-receiving countries outweighs the absence of migrant labor-

friendly policies in destination countries. Research participants also share those migrant workers in distress situations regularly grapple with issues pertaining to the access of information on relevant policies, thereby constricting their ability to file and pursue cases. There is also the default practice of Philippine labor officers posted in embassies and consulates to advise Filipino workers to opt for conciliation with erring employers, and this further undermines the agenda of protecting workers and the ability to pursue justice (Informant from CSO, Interview, 7 June 2021).

Protection as obligation: Multilateral commitments and donor interests in labor trafficking

The rise of organized crime has impacted the efforts in which labor trafficking has been addressed. Global organized crime, with its links to illegal migration, business, and politics provided the impetus for the United Nations to adopt the Convention against Transnational Crime in 2000. Otherwise known as the Palermo Protocol, named after the city in Italy where the convention was adopted, the convention produced three (3) protocols that were meant to mitigate the prevalence of global organized crime. These protocols include the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, especially Women and Children; the Protocol Against Smuggling of Migrants by Land, Sea, and Air; and the Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, their Parts, Components, and Ammunition. The Philippines was one of the member-states who immediately signed the protocols in December 2000 and ratified them in May 2002. The Palermo Protocol is viewed as the enabling framework that facilitates international collaboration regarding the monitoring and prosecution of trafficking in persons. It also provides the basis through which the scope of human trafficking can be defined at the level of national jurisdictions and how it should be addressed between and among member-

states. The protocol likewise encourages member-states to work together and to share information on how each member-state detects, reports, monitors, and prosecutes trafficking cases across their respective law enforcement, immigration, and judicial authorities. But while the protocols encourage strong international collaboration between member-states, however, they do not impose strict legal obligations on states to comply (Jovanovich, 2018).

In the Philippines, the implications that the protocols bore to the management of international labor migration has been complex as they have been overlapping in terms of administering protection services to migrant workers. The adoption of the Anti-Trafficking in Persons Act of 2003, the enabling law that is based on the Palermo Protocols, mandated the creation of the Inter-Agency Council Against Trafficking (IACAT), which draws advisory members from all diplomatic, law enforcement, and welfare agencies of the government, as well as representatives from civil society organizations. The IACAT is the body responsible for coordinating and monitoring all projects and initiatives from the village, municipal, provincial, and regional levels that aim to eliminate the sources of trafficking in persons in the country. It is also responsible for coordinating the protection and provision of rehabilitation support to victims, including the conviction of trafficking offenders. Further, it is also the coordinating agency mandated to prepare the government submissions, for one, to the Trafficking in Persons (TIP) Report, an annual ranking of anti-trafficking efforts by countries around the world issued by the US Department of State. The TIP rates the compliance of countries to trafficking prevention and prosecution standards. The influence that the Trafficking in Persons Report, among other international reporting obligations, has on the work of the IACAT is notable.

Since its establishment in 2003, the main drive of the IACAT's work is sensitive to the potential economic consequences that a negative ranking for the country in the TIP report might bring to the country. This means that the IACAT adjusts its focus and reporting priorities based on the TIP Report findings and recommendations in a given reporting year., Despite locally reported cases and those committed in the migration process, labor trafficking has only gained traction in the TIP Report recommendations for the Philippines since 2015, and this is where the IACAT's work has recently expanded (Informant from Government, Interview, 10 June 2021).

The complexity of the work of the IACAT is also reflected in its reporting obligations and protection allocation mechanisms. Since its composition is based on the representation from the different government agencies, it does not have a centralized operational and reporting system. Accordingly, it relies much of what it provides, and what it includes in donor reports, from the respective services and reports of its member-agencies and civil society members (Informant from CSO, Interview, 24 June 2021). Over the years, the IACAT has been plagued by challenges related to the lack of a central trafficking database system, understaffing, and inadequate funding for the multi-level nature of its work. Accordingly, it also has to coordinate with different levels of government agencies – from the national, provincial, municipal, and village levels, on top of diplomatic offices outside the country – for all its program development, implementation, and reporting activities. There is the absence of an efficient information management system to validate or verify cases of trafficking and the progress of their prosecution in the courts. This impacts the support services that labor trafficking victims are able to receive and in following through with the progress of their cases.

Conclusion

The evolution of the discourses related to protection and support in the labor trafficking agenda in the Philippines is shown to have been contingent upon specific events in the labor migration history of the country and its responses to, or compliance with, shifts in global migration policy.

Starting out as an organic and unregulated movement of its citizens across international borders, labor migration from the country eventually developed into a highly-regulated, multi-government agency endeavor that sought to manage the different aspects of labor migration from the country – from marketing the labor skills of Filipino workers, to recruitment, placement, pre-departure services, and repatriation services facilitated by various Philippine government agencies. In this context, labor migration has accordingly been framed under the rhetoric of maximizing economic opportunities for Filipino workers while, at the same time, ensuring their protection while working overseas. In turn, however, the duality of the export-based migration management model of the Philippine government and its obligations to protect its labor migrants are tricky points to reconcile and this is due to the weak position of the Philippine state as a sending country of migrant labor in need of opportunities for its citizens.

Likewise, specific events involving Filipino workers before the turn of the new century has led to shifts towards the regulation of internal actors – such as recruitment agencies – that can be important conduits in the development of labor trafficking networks. The regulation of protection

for workers also extended to establishing requirements for receiving countries of Filipino labor to have existing labor and social policies that protect the rights of migrant workers.

Shifts in global migration policy have also been shown to have influenced the focus towards labor trafficking as a heinous crime. Multilateral efforts in combating trafficking in persons, particularly its link to other forms of crimes, influenced this recent focus and calls have been directed towards trumpeting collaboration with other global stakeholders as key drivers to address trafficking. These efforts have also regained attention following global donor interests, especially as it has become tied up to the financial incentives provided by donor countries like the United States. Overall, all these processes demonstrate how protection discourses on labor trafficking are influenced by local processes and shifts in global policy focus and funding.

Chapter 5

Civil Society in the Labor Trafficking Agenda

The significance of civil society and grassroots organizations in the debates surrounding labor trafficking in the Philippines can be analyzed in terms of the kinds of roles and capacities they share with other stakeholders in this field. In this chapter, I will present and analyze how civil society participation in anti-labor trafficking efforts are described in official plans, such as the National Strategic Plans Against Trafficking (NSPAT), as well as in State Party report submissions to the UN Convention on the Rights of Migrant Workers and their Families (UNCMW), and those to the UN Covenant on Civil and Political Rights (UNCCPR). Included in the analysis of report submissions are the contents of the alternative reports submitted by non-government stakeholders to the UN Committee, as well as the concluding observations these committees issued on the State Party reports. For context, the two (2) National Strategic Plans Against Trafficking analyzed in this research were prepared for the periods 2004-2010 and 2012-2016 respectively. Similarly, the two State Party reports to the UNCMW were prepared and submitted in 2008 and 2014, respectively, and the five (5) State party reports to the UNCCPR covered the period from 1989-2020.

These three sets of documents, in general, reveal a dynamic scenario wherein civil society groups interface with other stakeholders at various levels and at varying capacities. The analysis of these three (3) sets of documents, supplemented by results from in-depth interviews, will also reveal that civil society's engagement in the anti-labor trafficking agenda is an arena of both collaboration and dissent. The dynamics of collaboration and dissent are critical components of

civil society's engagement with other stakeholders, most especially as it relates to accommodating different approaches in identifying and addressing the causes, forms, and impacts of trafficking in persons.

In the analysis of the documents, I have organized my codes based on eight (8) main themes across three (3) broader categories which were drawn from my research questions and theoretical framework. These top-level codes include "CSO role", "CSO services", and "CSO impact." The top-level code "CSO role", which refers to roles performed by civil society in the context of stakeholder relations, had secondary codes that included "critic", "participant/consultant in policy formulation", "partner/collaborator in program formulation", "service provider in program implementation." Similarly, another top-level code "CSO services", which refers to skills and capacities provided by civil society organizations, had secondary codes that included "prosecution", "direct welfare support services", "capacity-building", "community mobilizing/organizing", "alliance-building with other service providers", "coordination of stakeholder relations", and "education, research, and data management services." The last top-level code is "CSO impact." I will then discuss the results of the document review and examine how official discourses depict civil society's work in the next sections.

National Strategic Plans Against Trafficking, 2003 and 2012

The National Strategic Plan Against Trafficking (NSPAT) is a multi-year plan that the Inter Agency Council Against Trafficking, a body that is under the purview of the Department of Justice of the Philippines, crafts in order to figure out objectives, concrete steps, and mechanisms that will guide the work of responding to and eliminating human trafficking in all its forms, one of which

is trafficking for labor exploitation. The NSPAT is normally prepared at the start of each new presidential administration in the Philippines. There have been three (3) plans prepared so far, but only two (2) are accessible online for review and analysis. The first plan was prepared in 2004, following the Philippines' ratification of the Palermo Protocols in December 2002. The release of the first plan in 2004 was also the same year that the administration of Gloria Macapagal-Arroyo, the 14th President of the country, was inaugurated. On the other hand, the second plan was released in 2012 at the start of Benigno Aquino III's presidential term. These plans, taken collectively, are notable in their use of language to ensure a balance between the government's role to prosecute trafficking cases and in devising protection programs for victims.

Plan	Years of coverage	Year adopted	Presidential administration covered
First National Strategic Plan Against Trafficking	2004-2010	2003	Gloria Macapagal-Arroyo
First National Strategic Plan Against Trafficking	2012-2016	2012	Benigno Aquino III

Table 3. Summary of Philippine government plans against trafficking in persons.

The number of coded references in these national plans indicate a generally positive view about the work of civil society and the positive benefits for other stakeholders to work with them. In examining the coded references more closely, one will see that the majority of the provisions frame civil society organizations as “service providers in program implementation” (21 coded references in 2 plans) who are contracted to carry out a variety of tasks. These tasks range from mobilizing local communities (12 coded references in 2 plans), building alliances with other service providers and community-based leaders (6 coded references in 2 plans), capacity building

services such as providing training and technical support in the creation of village-based policies (4 coded references in 2 plans), coordination with other government offices (4 coded references in 2 plans) and providing research and data management services for the government (5 coded references in 2 plans). There are also some provisions that view civil society as “program collaborator in program formulation” (18 coded references in 2 plans), while a lesser number of provisions view civil society as “consultant/participant in policy formulation” (7 coded references in 2 plans).

To emphasize the prevalence of the references in the national plans against trafficking that frame civil society organizations as “service providers in program implementation,” Figure 2, which shows the percentage coverage of this coded reference across both national plans, is presented. The coverage percentage indicates how much of the source content is coded at this node. It also shows that, comparatively, civil society’s service provision role is more emphasized in the first plan than the second. Furthermore, the figure provides a glimpse of pervasiveness of civil society’s service delivery functions across these plans.

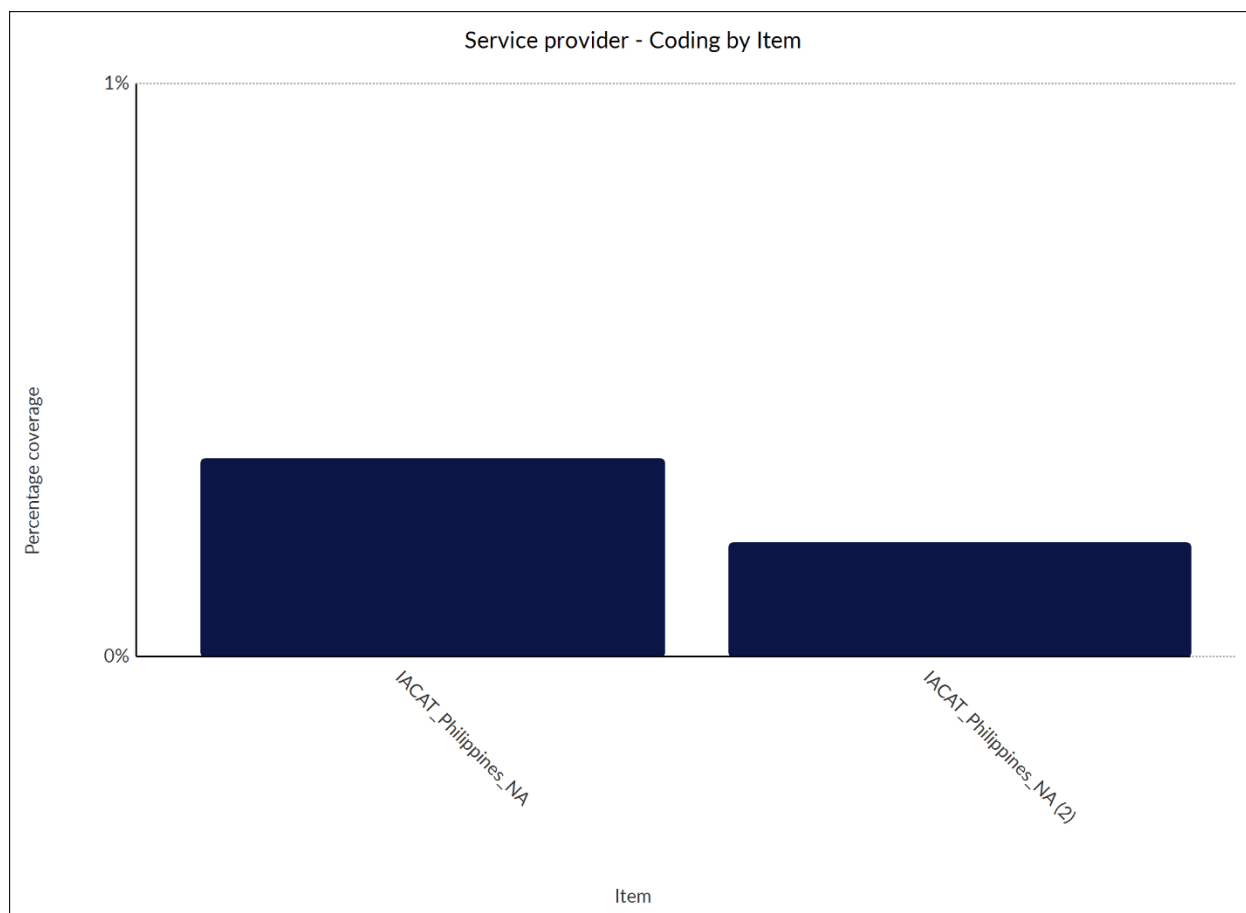


Figure 2. Percentage coverage of coded references of civil society as service provider across National Strategic Plans Against Trafficking, Department of Justice: Inter-Agency Council Against Trafficking.

The positive reception to the ability of civil society to carry out the work of the government in providing protection to victims of trafficking in persons, for example, is exemplified in one of the Key Results Areas outlined in one of the plans:

“Partnership involves coordination and collaboration with other actors outside the inter-agency cooperation envisaged under Republic Act 9208 Acknowledging the complexity of trafficking in persons, external actors, or the non-traditional partners such as business organizations, academe, religious groups, etc., are utilized for a more comprehensive approach in the fight against trafficking” (Key Result Area 4: Partnership and Networking, NSPAT 2012-2016).

One can glean from the frame of civil society as “service providers” is the view that their organizational activities are mostly done at the level of the communities. In contrast, prosecution work is treated as the exclusive domain of government. Essentially, informants from Philippine government offices confide, the degree to which NGOs and grassroots organizations are tapped for these services is steeped in their long history of speaking for and representing marginalized communities on various issues and concerns (Informants from government, Interviews, 10 June 2021 & 21 June 2021). Following Foucault’s insights on knowledge and power, the service provision frames of the work of civil society (which is rooted in its immersion in the lived realities of the communities they work in) have become sources of legitimacy and political leverage for these groups in the context of their interactions and relations with government stakeholders.

Furthermore, the focus on civil society’s role for service provision, however, may speak less about its capacity *per se* but more on the policy position on “public-private partnership” that was adopted by the Philippine government in its efforts against trafficking in persons. The core policy of the presidential administration of Benigno Aquino III from 2010 to 2016 to work with local and foreign investors in building key infrastructure in the Philippines is seen as an enabling

encouragement by government ministries to include the business sector in several aspects of its programming. As described earlier, the public-private partnership model, which strongly encourages tapping into the resources of the business sector, is inscribed in the second plan issued in 2012 and promotes the participation of “non-traditional actors” as service providers for government programs, such as the academe, business sector, and even church organizations, aside from the involvement of typical issue-based NGOs and grassroots organizations. This policy is encapsulated in another major key result area in the plan:

“Tapping into their sense of civic and social responsibility, business sector participation shall be advanced. Through the platform of Corporate Social Responsibility, private businesses shall be encouraged to contribute towards the development of anti-trafficking activities and programs to help alleviate the plight of victims. Linkages shall also be created with association or organizations that traditionally provide services to the indigent, victims of crimes and human rights, and other vulnerable groups to complement the support provided by the government”
(Key Result Area 4: Partnership and Networking, NSPAT 2012-2016).

The public-private partnership model as adopted by the government in the anti-trafficking in persons agenda, however, has had an effect in deepening the ideological differences between development non-government organizations and grassroots organizations in the anti-human trafficking work. NGOs were distrusted by their grassroots counterparts in their work at an inter-agency council level of representing community issues related to labor trafficking. Grassroots groups chose instead to directly organize overseas Filipino workers and get them to mobilize themselves and advocate and speak directly about the issues and concerns that affect them as foreign workers (Informants from CSOs, Interviews, 7 June 2021).

To elaborate, the ideological differences between NGOs and grassroots organizations can be traced to the rise and decline of the national democratic movement in the Philippines. The national democratic movement started in the late 1960s during the early years of the presidency of Ferdinand Marcos and sought to establish a people's democracy in the country that aimed to address the "root causes of social injustices affecting the country, which is analyzed as a semi-feudal and semi-colonial society" (see, for example, Smith, 1996). The movement considers imperialism, feudalism, and bureaucrat capitalism as barriers to achieving a genuine people's democracy and looks to the Communist Party of the Philippines as the guiding party. The resulting ideological split in its ranks in 1992 between the *reaffirmist* and *rejectionist* factions eventually led the latter to collaborate with government forces and social democratic organizations in its activities. Social democratic organizations, the precursor of mainstream NGOs in the Philippines, are founded on the values of community-building "from diverse sources such as Catholic social teaching and liberation theology ... the community organizing principles of Saul Alinsky, and the non-violence of Gandhi, Martin Luther King, Cesar Chavez, and the unique contributions of Philippine national heroes" (Tolosa, 2011).

Overall, official discourses reflected in the anti-trafficking government plans demonstrate that civil society's contribution is more on the implementation of protection policies on behalf of the government and less on the formulation of the policy proposals per se. This point also speaks about how civil society's roles are framed according to the gaps in the kinds of work that the government wants to focus on, as well as in the tasks that they are not able to perform in the bigger agenda of labor trafficking. The results also reinforce the view that what civil society groups are able to perform is contingent upon the spaces of engagement that are made available to them.

Furthermore, as earlier indicated, the service provision frames of the work of civil society have provided legitimacy and political leverage for these groups in the context of their work with government actors.

UN Convention on the Protection of the Rights of Migrant Workers and their Families

The Convention on the Rights of Migrant Workers and their Families (CMW) is a multilateral treaty of the United Nations that governs the protection of migrant workers and their families. The Convention was adopted in 1990 and entered into force in 2003. The Philippines is one of the labor-sending countries which ratified the Convention, doing so along with Sri Lanka and Tajikistan, despite some large-scale hesitation and fear among migrant labor-sending states on the negative impact of ratifying it. The Philippine delegation, along with civil society representatives, actively participated and contributed to drafting the legal commitments and obligations under the Convention.

NGOs and grassroots organizations are given the opportunity to provide comments to the state report and provide an alternative report. Both state party and alternative reports are available in the UN Database Treaty website. There are a number of alternative reports available for this Convention. However, an NGO Coalition's alternative report is the single report that covers all areas of reporting, from implementing structures and mechanisms to protection. Table 1 reflects the different reporting cycles and the presidential administration under which they were prepared. They are presented in order to (1) reflect civil society engagement in the reporting process, and that (2) a single reporting cycle covers several years of civil society engagement in the anti-labor trafficking agenda.

Reporting period	Years of coverage	Year submitted	Presidential administration covered
Initial Report	2003-2008	2008	Gloria Macapagal-Arroyo
Second Report	2010-2013	2014	Benigno Aquino III

Table 4. Reporting cycles to the UN Convention on Migrant Workers and their Families.

The combined number of coded references in the two (2) State Party Reports and two (2) alternative reports submitted to the UNCMW, including the two (2) concluding observations shared by the UN Committee to the Philippines as a reporting state party, indicates a positive view about the contribution of NGOs and grassroots organizations in the trafficking in persons agenda. The results reveal that majority of the themes in these reports frame civil society as “service providers in program implementation” (22 coded references in all 6 documents). They are also viewed as “partner/collaboration in program formulation” (17 coded references in 5 documents) and as “participant/consultant in policy formulation” (12 coded references in all 6 documents). A small portion in the documents look at civil society as “critics” (4 coded references in 1 report). The reports indicate that civil society’s contribution as service providers is more highlighted in its ability to provide “direct services to victims” (9 coded references in all 6 documents), mobilizing local communities (8 coded references in 3 documents) and in providing research and data management services for government agencies (8 coded references in 4 documents).

To show the prevalence of the references in the UNCMW documents that frame civil society organizations as “service providers in program implementation,” Figure 3 shows the percentage coverage across the UN CMW documents. Figure 3 also shows that, comparatively, civil society’s service provision role is more highlighted in the second State Party Report (SPR) that was

submitted by the Philippine government in 2014, as well as those from the alternative reports (AR) that were attached with this submission. It further shows the distribution of this coded reference in the first report and in the other documents that were submitted with it.

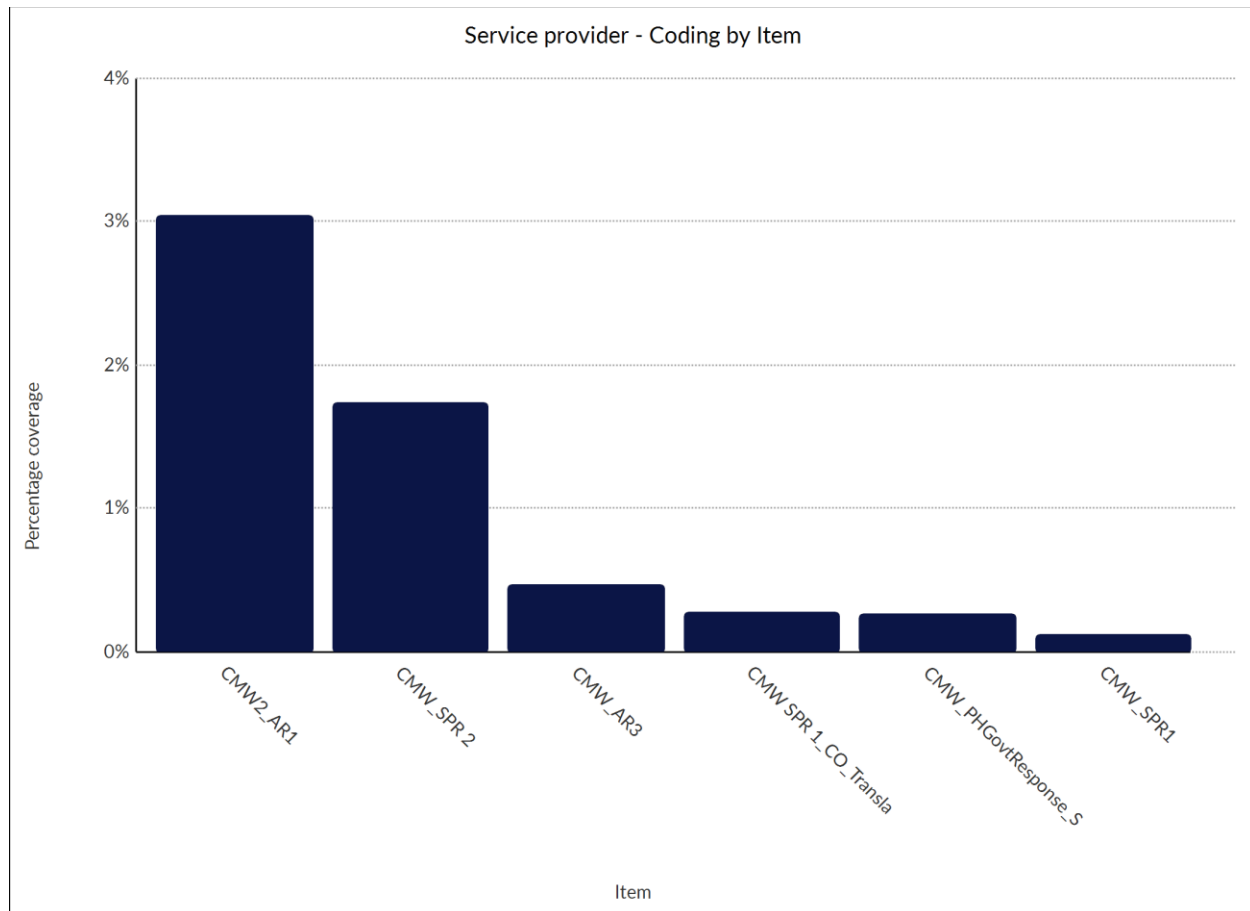


Figure 3. Percentage coverage of coded references of civil society as service provider across State Party Reports submitted by the Philippines to the UN Convention on the Rights of All Migrant Workers and their Families. UN Treaties Database, <https://treaties.un.org/>.

The view of service provision as an area where civil society is able to contribute is indicative not only of the capacity of these organizations to do their work but speaks more to the weaknesses

on the side of the Philippine government to effectively manage labor migration from the country.

The following concluding observations from the UN Committee encapsulates this point:

“The Committee is concerned about the documented cases where officials of embassies or consulates abroad have not properly assisted their compatriots because they were not sufficiently informed of the procedures in the host country. While noting the information provided by the delegation on the alternative dispute resolution mechanism, the Committee is concerned about reports that Filipino migrants are reluctant to take legal action against their employers abroad because they do not trust the justice system or fear reprisals and are poorly informed about remedies” (Concluding observation no. 29, UN Committee on the First State Party Report, UNCMW).

And,

“The Committee takes note of the State party’s efforts to prevent and combat trafficking in persons, including the operation of the Inter-Agency Committee Against Trafficking and the Philippine Anti-Trafficking Database, and particularly notes the increased number of convictions of traffickers in the past few years, whereby 121 cases of human trafficking resulted in convictions involving 140 traffickers and 340 trafficked persons. It expresses its concern, however, that the prosecution rate for trafficking in persons, especially women and children, remains low, due to difficulties in law enforcement, as illegal recruiters are often relatives of the persons trafficked, or foreign recruitment agencies, according to information received by the Committee. The Committee also notes with concern that many judges, prosecutors, social service workers and law enforcement officials seem to have insufficient knowledge of the legislation against trafficking in persons, which may hinder both the successful investigation, prosecution, and punishment of such acts and the providing of assistance to the victims” (Concluding observation no. 46, UN Committee on the Second State Party Report, UNCMW).

The Philippine government’s state party reports, similar to its official plans, are always notable in their language which tries to strike the balance in highlighting the duality of its roles to prosecute the perpetrators and to protect the victims of trafficking and to emphasize the amount of work it is doing to fulfill these obligations. In the concluding observations cited above, it can be gleaned that

despite its commitment to its international obligations against trafficking in persons, government's efforts are primarily hampered by the wide scope of its obligations and the lack of appropriate mechanisms within its own bureaucracy – such as specialized knowledge, skills, qualified personnel, and adequate funding – to meaningfully assist trafficking victims and address its causes. This point parallels the argument of some civil society groups over the inadequacies and seeming neglect that the government is committing to its labor migrants overseas (see, for example, Migrante International, 2009). Similarly, the claims that the Philippine government made about involving civil society in its work, such as in the preparation of State Party reports for example, have been routinely condemned by NGOs and grassroots organizations in alternative reports. An example of this can be gleaned in the following exchanges contained in the State Party Reports and that of the alternative reports:

“The report incorporated inputs and information received from the Philippine government agencies, particularly the Department of Labor and Employment and its attached agencies, i.e., Philippine Overseas Employment Administration and the Overseas Workers Welfare Administration, Department of Foreign Affairs, Department of Justice and its attached agency, i.e., Bureau of Immigration, Department of Interior and Local Government (DILG) and its attached agencies, the Philippine National Police (PNP), the Department of National Defense, the Department of Finance and its attached agencies, i.e., Bureau of Customs and the Bureau of Internal Revenue, the Department of Education, the National Commission on the Role of Filipino Women, the National Commission on Indigenous Peoples, the National Economic Development Authority, the Commission on Filipinos Overseas, the Social Security System, the Bangko Sentral ng Pilipinas (Central Bank of the Philippines), the Presidential Human Rights Committee, the Commission on Human Rights (CHR), in consultation with various non-governmental organizations (NGOs) and civil society organizations (CSOs) and international organizations, e.g., UNIFEM, ILO, UNICEF, WAGI-Miriam College, Migrant Forum Asia and the newly-established local NGO, Lola Grande Foundation for Women and Children, Inc.” (First State Party Report to the UNCMW, 6 March 2009).

And,

“Participating CSOs in this report do not know of any NGO involved in preparing the State party’s report that was submitted to the Committee in January 2008. The government also did not involve or seek the support of civil society in any efforts to disseminate and promote the Convention ... contrary to government’s claim that it consulted various non-governmental organizations and civil society organizations, Migrant Forum in Asia, who is part of the NGO network that prepared this alternative report, denies participated in any government consultation in the preparation of the State report” (Alternative Report to the First State Party Report to the UNCMW, March 2009).

The exchange provides an indication of the Philippine government’s tendency to claim results out of the need to comply with its reporting obligations in intergovernmental bodies. However, the rhetoric of stakeholder inclusion is revealed as not grounded in actual practice. The foregoing exchange is also a concrete example of civil society’s strategy of collaboration and dissent, wherein they view their roles as both supportive and critical of mainstream political discourses and activities. This means that, in their view, they not only have to support protection efforts of the government but to also call out its inadequacy or misrepresentation, if need be, in the trafficking in persons advocacy.

Overall, civil society’s role in the trafficking in persons agenda is described in official discourses to the UNCMW in terms that suggest annexation and assimilation of its tasks to government functions, such as that they provide services that the Philippine government are unable to provide beyond policy formulation. However, the instances wherein government misrepresents its collaboration with civil society in official reports also indicates a less serious approach to really work with these groups in a practical, day to day level. Recalling Foucault’s insights, the ability of civil society groups to collaborate with government actors in the latter’s obligations but also

resist its misrepresentations is reflective of the relative power that these groups have accumulated (and can dispense) based on the service provision roles that they perform for the Philippine state. These results also reinforce the view that civil society's ability to perform its roles is contingent upon the spaces of engagement that are made available to them and, most especially, the recognition of their work in the bigger context of their power relations with other stakeholders.

UN Covenant on Civil and Political Rights

The UN International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations. Part of the International Bill of Human Rights, the Covenant commits its member-state parties to respect the civil and political rights of its citizens. The Covenant was adopted in 1966 and came into force in 1976. The Philippines is one of the countries which ratified the Covenant, doing so in October 1986, the same year that the dictatorship of Ferdinand Marcos was toppled, and a democratic form of government was re-established in the country. Of particular interest in this Covenant for this research is the ways in which the Philippines, as a state party to the Convention and as a source country of migrant labor, describes its compliance to provisions against trafficking for forced labor, slavery, and enforced servitude in all situations. This also includes analyzing the role of civil society in these situations.

There are no alternative reports available in the report submissions to this Covenant, compared to that of the United Nations Convention on the Rights of Migrant Workers and their Families (UNCMW). Table 2 reflects the different reporting cycles to this Covenant and the presidential administrations through which they coincided. They are presented in order to reflect

the development of protection discourses as a civil and political right over the course of presidential administration, particularly in the context of the anti-trafficking agenda. At the same time, the reports are presented in order to present the historical juncture within which civil society began to be seen as a conduit to aid delivery and program implementation.

Reporting period	Years of coverage	Year submitted
Initial Report	1986-1987	1988
Joint Second and Third Report	1989-2001	2002
Fourth Report	2003-2009	2010
Fifth Report	2012-2017	2019

Table 5. Reporting cycles of the UN Covenant on Civil and Political Rights.

The representation of civil society in the ICCPR shows a similar view about civil society more as service provider. The results show that their representation is mostly as service provider in program implementation (13 coded references across 3 reports), rather than partners/collaborators in program formulation (8 coded references across 3 reports) and participant/consultant in policy formulation (3 coded references in 2 reports). The distribution of the coded references across the ICCPR reports that frame civil society organizations as service providers in program implementation is reflected in Figure 4. The percentage coverage graph shows that, comparatively, civil society's service provision role is more highlighted in the fourth and fifth State Party Reports (SPR) that were submitted by the Philippine government respectively in 2010 and 2019. Civil society's role in service provision received little reference in previous submissions in 2002 and 1988.

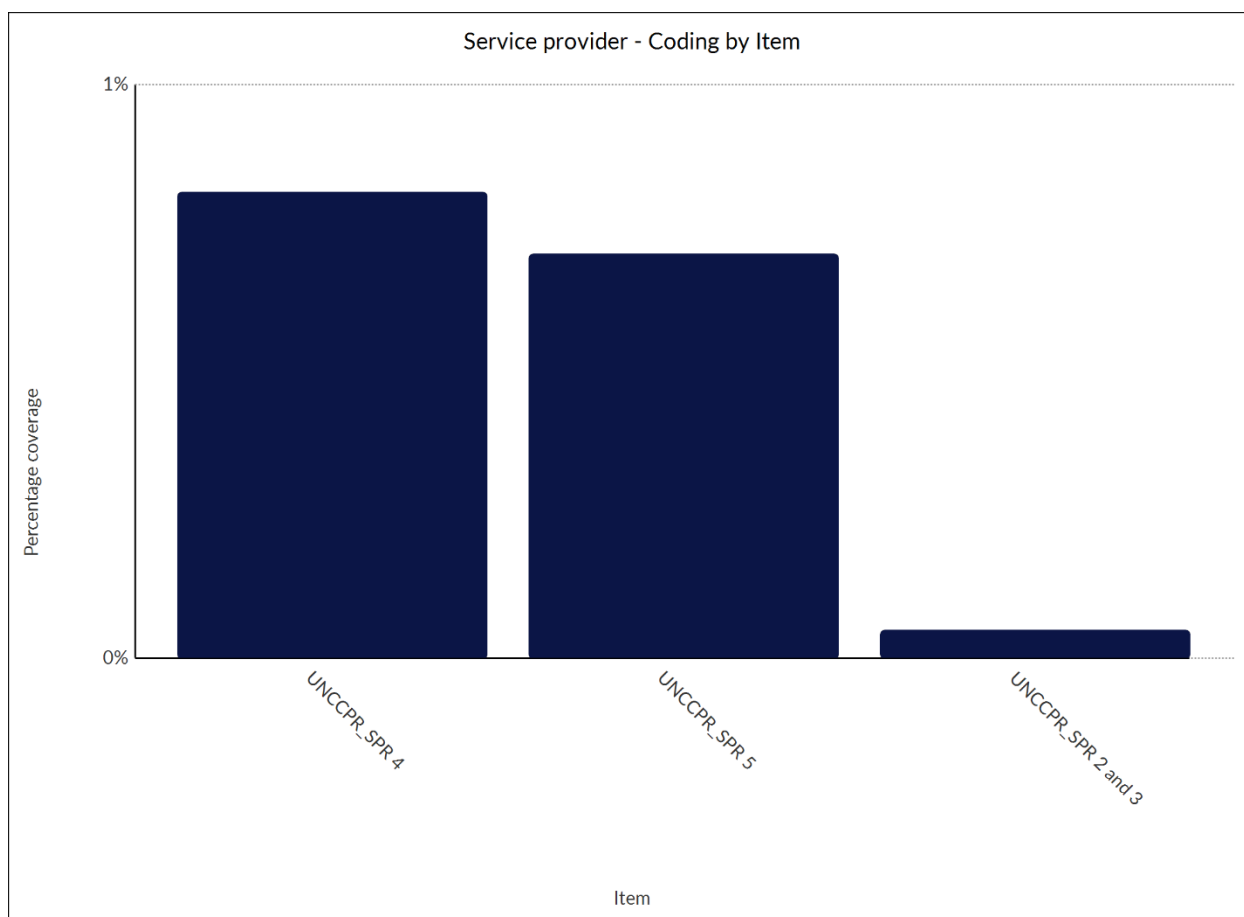


Figure 4. Percentage coverage of coded references of civil society as service provider across State Party Reports submitted by the Philippines to the UN Covenant on Civil and Political Rights (ICCPR). UN Treaties Database, <https://treaties.un.org/>.

The reports submitted by the Philippine government to the ICCPR are notable for their positive representation of civil society’s contributions in human rights advocacies, under which labor trafficking is subsumed. Examples of this positive representation are as follows:

“The 1986 EDSA Revolution ushered in a new era of intensified collaboration between the government and the private sector. The emergence and proliferation of cause-oriented groups, NGOs and POs ensured the participation of all sectors of society, including the vulnerable and disadvantaged groups. Government was determined to build stronger networks with these groups in recognition of their constitutional right to participate in governance, as guaranteed under

Article II, Section 23 of the 1987 Constitution, thus: “The State shall encourage non-governmental, community-based, or sectoral organizations that promote the welfare of the nation.” In all these, the promotion and protection of human rights were highlighted on a day-to-day basis in all aspects of governance, including the administration of justice” (Joint Second and Third State Party Report to the ICCPR, September 2002).

And,

“The Philippines has a robust and vocal civil society composed of non-government organizations of diverse advocacies, trade unions, faith-based organizations, media, academe and the private sector. They play an increasingly active role in the domestic human rights system both as instruments of accountability and as partners in providing support services. The domestic climate presents many channels for them to report, express their opinions, and interact with their constituents, government, and the international community” (Fourth State Party Report to the ICCPR, January 2011).

The depiction of civil society as an indispensable component of the work against trafficking in persons as service providers is greatly acknowledged by the government in these reports. However, representations regarding the inadequacy and inferiority of the government’s protection services are scattered all over the reports. The ability of the government to craft policies but, at the same time, continue to have inadequate mechanisms to implement them in relation to human rights in general, and labor trafficking in particular, are important contradictory themes that permeate the reports. The Philippine government seems to acknowledge this gap in their processes, writing:

“Undoubtedly, the Philippines has been in the forefront of human rights promotion, particularly in terms of legislation but has regrettably fallen short of expectation when it comes to implementation. This failure is recognized and is being addressed through constructive collaboration with civil society institutions, which are authorized to participate in government-initiated special bodies and mechanisms formed to promote human rights or investigate human rights violations. Examples are the Presidential Human Rights Committee, barangay (village-based) human rights action centers nationwide and the implementation of various memorandums

of agreement signed with NGOs and private groups” (Item 1039, Joint Second and Third State Party Report to the ICCPR, September 2002).

The reliance of the government on civil society for the implementation of its policies and programs highlights the inadequacy of the former’s skills and capacities in terms of specialized knowledge, skills, qualifications of personnel and, mostly, funding in the trafficking in persons agenda. Lim (2002) writes that the professionalization and bureaucratization of civil society organizations are critical in understanding how they have assumed intermediary roles in the state development functions. Furthermore, underfunding and understaffing of government offices, in particular, often contribute to the inadequacy of government efforts. In the work against trafficking in persons, the First National Strategic Plan Against Trafficking is also clear in pointing out that any tasks that will be performed by NGOs and grassroots organizations on behalf of the Inter-Agency Council Against Trafficking should all be self-funded and non-reliant on government support. This point was not modified in any succeeding plan. An alternative report from the civil society groups spoke strongly about this situation:

“Trafficking is another serious concern that continues to grow and expand. There are new modes of recruiting victims, like the use of spouse visa, and new ways of conniving with corrupt authorities, especially at the airport. It is, however, low on the list of government’s budget priorities and hardly receives any direct funding; most government agencies rely heavily on the services and expertise of NGOs. There is also lack of cooperation and inter-operation with law enforcement and migration authorities in neighboring countries” (Alternative Report to the First State Party Report to the UNCMW, March 2009).

Furthermore, another reason for the reliance of the Philippine government for civil society’s support in program implementation can be linked to the latter’s adeptness in building and maintaining intersectoral cooperation. This ability allows for protection programs, for example, to

be planned and financed collaboratively, with different agencies like NGO members in their networks, including donor agencies, pitching in based on their respective administrative and financial capacities and expertise. Civil society's capacity in intersectoral cooperation is an indispensable leverage that it brings to the table when dealing with government actors in trafficking in persons. The capacity of NGOs to manage overseas development assistance (ODA) is also well-documented (see for example, Lopa, 2003). Fernando Aldaba (2002) writes about this and asserts that Philippine NGOs have been pioneers in forging intersectoral partnerships in various issues at the local, national, and international levels. He argues that Philippine NGOs have the capacity to do this based on their middle class and professional nature and, due to their working arrangements, that encourage autonomy, flexibility, and the ability to mobilize resources.

Overall, the representation of civil society in the ICCPR documents are positive and its role in the trafficking in persons agenda, which is subsumed under human rights discussions in the reports, is mainly viewed in the area of service provision. This finding is similar to the official discourses adopted in the NSPATs and the UNCMW documents. Civil society's contributions in the trafficking in persons agenda is diverse, multilayered and at different levels of engagement. These contributions mostly complement the government's inadequacy in its capacity – such as specialized knowledge, skills, manpower, and financing – to provide protection and support services to victims of labor trafficking. Recalling Foucault's insights, the diverse contributions of civil society to the work against trafficking in persons (e.g., service provision and intersectoral cooperation) have become indispensable sources of legitimacy and political leverage among these groups when navigating interactions and relations with other institutional stakeholders.

Conclusion

In this chapter, I presented how civil society's participation in anti-labor trafficking efforts are described in official government plans and reports, such as the National Strategic Plans Against Trafficking and its submissions to the United Nations Convention on the Protection of Migrant Workers and their Families and the International Covenant on Civil and Political Rights. An examination of these documents reveals a dynamic relationship between state and civil society in the trafficking in persons agenda.

The official discourses reflected in these documents view civil society groups in the Philippines as positive contributors in the advocacy against labor trafficking. More specifically, their contributions are less in the formulation of policy but more on the implementation of programs as service providers. This theme permeates the discourses about civil society in these documents, and this finding is in consonance with global literature on state-civil society relations. Civil society has also been found to operate in a self-funded manner, thereby it is not reliant on any resources from the state. Civil society's efforts are also found to be misrepresented by government in State Party Reports, especially in the beginning of the report submissions. Indications in recent reports reveal a gradual shift to recognition in this aspect.

Further, the most significant contribution of civil society groups to the labor trafficking agenda is less in its capacities and the difficult operational circumstances in which they operate, but more in their ability to establish and maintain inter-sectoral cooperation. Not only is this demonstrated in civil society's capacity to provide various services to primary duty-bearers at different levels (i.e., local, national, and international) but is also evident in its adeptness in

bringing various stakeholders and managing resources in devising and implementing protection measures due to its autonomous and flexible working conditions. Overall, the range through which civil society relates with other stakeholders indicates its ability to lobby for a social transformation agenda while providing service delivery functions in the trafficking in persons agenda. The range through which civil society is able to perform multiple functions at multiple levels of engagement reinforces its position of power in the context of its relations with other stakeholders.

Chapter 6

Civil Society and Stakeholder Interactions

NGOs and grassroots organizations, as demonstrated in the previous chapter, are considered indispensable as intermediaries in the state's efforts to address trafficking in the labor migration process from the Philippines in general, and the Mindanao region in particular. Despite the avowed involvement of civil society, the range through which they are able to contribute to these efforts is also revealed to be a contested arena of conflict and recognition. As this chapter will demonstrate, this recognition is revealed to be contingent upon civil society's assimilation into the debates surrounding national development and the market vision of the aid sector that enables it.

This chapter explores stakeholder relations in the trafficking in persons agenda from the Mindanao region in the southern Philippines. In particular, this chapter will examine the perceptions between central authority structures (state) and independent associations (civil society), and how the nature of their relations influences the ways in which protection measures are framed and actualized in practice. Utilizing results from in-depth interviews, I will then analyze how civil society's roles are regarded and demonstrate how they are inextricably connected to the aid chain.

Government perception of civil society's work

Typically, the government representatives I interviewed hold the view of the importance of protection measures and the centrality of government's role as the bearer of this responsibility in labor trafficking, in exclusive cooperation with other national governments. The remarks from Hugo, a protection officer who works in one of the government organizations I interviewed, attests to this view of the government as the primary manager of labor migration, on one hand, and the provider of protection for labor migrants on the other. His remarks were spoken in the context of his view about the need for other countries to work with the Philippine government to ensure safety nets for Filipino labor migrants:

“There are still a lot of countries that have yet to ratify protection clauses for Overseas Filipino Workers (OFW) or labor migrants, and that becomes a hindrance for our government [to provide protection services], and also becomes a problem for destination countries. It is especially true at the moment when I hear that there are still other countries, like [name of geographical region], who still have problems incorporating protection clauses in their labor laws” (Interview with Hugo, government protection officer, 10 June 2021).

From the view of this respondent, suggesting that other national governments have the obligation to adopt protection measures for its foreign labor workers is reflective of the embeddedness of labor export as an approach to fulfilling national economic goals.

The tendency to frame government as the sole agency responsible to pursue anti-labor trafficking measures and to share this burden with international governments is also echoed in the narrative of Christine, a policy advisor, who views labor trafficking as a global problem:

“For me, the government’s response to labor trafficking is increasing, in terms of efforts. The government is doing good in its response related to investigation and prosecution because we also collaborate with other governments. So it’s not just our government agencies – like the Philippine National Police, Department of Justice, Inter-Agency Task Force Against Trafficking, and the Department of Foreign Affairs – working together but we also have the governments of other countries in order to pursue trafficking policy and traffickers” (Interview with Christine, government policy advisor, 21 June 2021).

In the view of this respondent, the government’s increasing efforts against labor trafficking not only requires getting each government agency to fulfill their regulatory and prosecutorial functions but also requires the necessity for other governments in the community of nations to recognize the contributions of labor migrants in their respective juridical territories.

The position about the centrality of the government’s role as the manager of labor migration and the provider of protection to Filipino workers worldwide has led to the establishment of a robust framework of response to trafficking issues. On the other hand, it has also led to the perpetuation of exclusionary practices regarding who qualifies or deserves to be protected, even if the practices that are excluded have been enabled by the bigger policy of labor export. For example, recruitment agencies illegally recruiting workers from local communities by recruitment agencies peddling jobs outside of the country are not considered to be qualified for support from the government because, from the State’s perspective, those illegally recruited do not undergo the processes required by the government agency responsible for the deployment of overseas workers, the Philippine Overseas Employment Administration. The previous respondent, Hugo, hinted at how these practices are informed by the associated difficulties about what constitutes trafficking:

“The main problem with labor trafficking is that it is mostly associated with illegal recruitment, which does not fit into the typical parameters of what can be considered trafficking. So illegal recruitment is different from labor trafficking. They are almost

similar but then there are certain elements you will have to look at for you to conclude that it is actually trafficking” (Interview with Hugo, government protection officer, 10 June 2021).

A typical theme in the narratives of government representatives that I talked to is that civil society exists to subserviently support the efforts of government, in contrast to its traditional activist role that primarily involves demanding transparency and accountability in government’s policies thru people-centered mechanisms. The seeming capture of civil society’s work into the constitutional work of government to provide protection services has created relations that are akin to dependency – i.e., civil society as intermediaries to government functions by virtue of being conduits of aid. Hugo continues:

“It’s a big deal that there are relationships and collaborations between civil society groups in the level of the community, since we [government] do not accompany communities after we deliver our services ... we, in government, cannot do specialized services, specialized work. It is a big deal that everyone is doing their part, sharing their insight, and giving their professional expertise in improving the lives of labor trafficking victims” (Interview with Hugo, government protection officer, 10 June 2021).

From the view of this respondent, civil society’s ability to offer specialized services is a niche that it has been able to carve out for itself. Accordingly, his views can be taken as reflective of the client-provider relations that has emerged between government and civil society. For her part, Christine, the policy advisor from one of the government offices I talked to, thinks that the preference of trafficking victims to work with civil society groups has more to do with the qualifications and competencies of staff independent of whether they work with the government or not:

“We are doing good in the prosecution of cases, but we always have a problem with conviction ... and what we see is probably the lack of training of public attorneys, judges, and prosecutors handling labor trafficking cases ... specifically, lack of training to a rights-based and gender-sensitive approach. Of course, with victims, the approach should be different. You should avoid being legalistic in the entire process, you have to be sensitive to the circumstances of the victim. That is the reason why victims are more comfortable with civil society actors, rather than government actors. Victims flock to civil society groups, not to us” (Interview with Christine, government policy advisor, 21 June 2021).

From Christine’s perspective, one can draw out that the lack professional training of government workers in providing compassionate and consistent care are factors that drive victims to civil society providers. The inadequacies in terms of personnel skills and competencies, in turn, explain the low levels of trust to government services and the tendency of victims to choose to work instead with civil society groups in their cases.

In the interviews I had with government representatives, I also noted an emerging theme about the role of global aid in formulating protection policies for labor trafficking victims. For example, respondents share that the Philippines’ programming in labor trafficking is sensitive to the economic implications arising from country’s ranking in the annual Trafficking in Persons (TIP) Report. The Trafficking in Persons Report is issued annually by the US Department of State and ranks governments around the world based on their perceived efforts to combat human trafficking. Hugo, one of the respondents previous cited, shared right at the get-go the importance of the Philippines’ Trafficking in Persons ranking in their work:

“We now have a number of specialized groups and units working with international governments, and we also have funding. The focus on labor trafficking was really strengthened after the publication of the recommendations to the Philippines contained in the Trafficking in Persons Report. I think they were the recommendations published in 2015 version of the report” (Interview with Hugo, government protection officer, 10 June 2021).

When analyzed closely, Hugo’s statement reveals that he relates the increased focus, time, and resources that his organization invests in labor trafficking due to the influence of the annual TIP ranking and how this impacts the Philippine government’s funding opportunities from the US government. His statement also indicates that the rhetoric of protection surrounding labor trafficking from the country are shaped not only by constitutional duties but by the government’s bilateral funding agenda.

The influence of foreign aid in civil society operations has been highlighted repeatedly in the literature. However, an interesting theme that I noted in the interviews is the view of civil society groups not only as collaborators in government policy and programs but also as competitors for external funding that needs to be regulated using the apparatus of the state. Christine, the government policy advisor cited previously, shares her views about the strategies that different government organizations employ to control civil society’s access to foreign aid:

“The government has placed certain restrictions on civil society. For example, the Department of Foreign Affairs has released a Note Verbale saying that all foreign funding or donations to civil society must go through them first. Foreign funders, government or otherwise, must seek clearance first from the Department before funds are released to civil society. And then there is also a memo from the Department of Interior requiring civil society organizations to seek clearance first from the Armed Forces of the Philippines and the Philippine National Police before they are allowed to operate in local communities. It has created a dilemma for labor trafficking victims, and they now ask, “who do we run to now?” (Interview with Christine, government policy advisor, 21 June 2021).

In the admission of this respondent, despite the enormous contributions of NGOs and grassroots organizations in protection efforts, the Philippine government continues to hold a critical view about working with civil society groups. This view is nurtured by the activist and militant images that NGOs and grassroots organizations have cultivated over the years, instead of their service delivery character.

Overall, this section outlines that government's perceptions of civil society's work in the labor trafficking agenda is dominated by themes that reinforces government's primary role managing labor migration, on one hand, and in providing protection and support measures on the other. The legitimacy of this primary role is found to be contingent upon its dependency on civil society to do much of its work on the ground, at the level of the communities, and how this intermediary role is enabled by global aid. Civil society has expanded beyond its traditional activist role of holding government accountable and transparent in its policies and, instead, has shifted towards service delivery functions. Beauclerk (2011) associates this role as an indication of civil society's assimilation into the aid chain, instead of regarding itself as a core component of society and polity. Accordingly, this section has shown that the idea of civil society has been tied up to the discussions surrounding international development and aid.

Civil society's perception of the works of government and donor actors

As my research also examines stakeholder relations in the labor trafficking agenda, I asked respondents questions that are mostly related to civil society. In this section, I will identify and

analyze the themes that emerged in my discussions with respondents from civil society about the other stakeholders. I hope to demonstrate how these themes indicate society's embeddedness in the market orientation guiding government policies and in the aid sector.

When talking about their work, NGOs and grassroots organizations often made a conscious effort to emphasize their mutually critical and collaborative position in relation to their work with government and donor actors. Critical collaboration, as participants phrase it, is a situation wherein participants say they feel the inadequacy of government efforts and the limitations of donors' capacities to provide meaningful engagement with community actors. Gaston, an advocacy officer from one of the participating NGOs, shares the view about government's role as a constitutional obligation.

"Foremost, we acknowledge on our side that it is primarily the role of the government to address trafficking in persons. It is their job. And we are just here to help and complement the efforts. We do not see any problem working with them. In fact, some of them accommodate the need for civil society to help them" (Interview with Gaston, NGO advocacy officer, 17 May 2021).

In the view of this respondent, civil society's relevance lies in its ability to pick up the gaps in service provision and delivery of the government. His view also reveals that civil society's contributions are carried out with the mission of sensitizing the state to step up in its mandate and capacities.

The theme about civil society's efforts as secondary to that of the government, as indicated in Gaston's remarks, is a sentiment shared by other participants. Jasmine, a paralegal in one of the

participating NGOs, opines that the challenges of implementing anti-labor trafficking measures are way too overwhelming for the government:

“Although it is primarily their job, civil society is always ready to support and assist because we know that the government alone cannot address the huge challenge of labor migration and the trafficking of persons along the process” (Interview with Jasmine, NGO paralegal, 7 May 2021).

When pressed further about the view regarding civil society’s role as seemingly secondary to that of the government, NGO participants often found themselves describing their cohesion and solidarity with the needs and problems in the communities they work in, and how this history of community work is often juxtaposed with the government’s insensitivity to the problems of the communities. Aurora, a community organizer in one of the NGOs in Mindanao, frames it this way:

“For me, civil society’s role is significant because of our history of immersion in the communities. It’s quite established that if we are on the ground, we are able to know more and understand better the needs and problems of the Filipino workers that we work with and their families” (Interview with Aurora, NGO community organizer, 7 May 2021).

The embeddedness of civil society’s work with the government, as indicated in the responses of participants, also reflects the former’s dexterity in navigating responsibilities that require dealing with a lot of bureaucracy at different levels of government. As indicated in a previous chapter, the adoption of the Local Government Code of 1991 mandated the devolution of policymaking and the provision of basic services to local government units. The concept of devolution is anchored on the premise that local governments are in a better position to address the needs of their constituents and are able to deliver community-responsive services. Accordingly, this has presented both opportunities for civil society to establish local offices in provinces where

non-government actors are non-existent. At the same time, they also resort to building alliances or even federate with existing community-based organizations in order to expand their engagement at the level of the local governments. Banks et al. (2015) write that this movement towards alliance/federation-building has been documented in the work of development NGOs that receive donor funding. This perspective is likewise expressed by Belle, a NGO executive in southwest Mindanao. She shares this when describing the lack of coherence in efforts across multiple levels of government:

“In our view, the implementation of protection measures is not given enough emphasis in local areas. There are a number of government ministerial formations – like IACAT and their provincial, municipal, and city counterparts - but there is not a lot that is done at the level of the barangay (village). In our experience, most trafficking in persons begins at the barangay level, and the barangay government should be equipped to address these. The general picture of the government’s anti-trafficking efforts, however, overlooks the importance of the local barangay government” (Interview with Belle, NGO executive, 7 May 2021).

The challenge and frustration of working with multiple levels of government bureaucracy related to trafficking in persons is echoed by other participants. Having worked in actual rescue cases, Gaston shares his bewilderment whenever law enforcement officers tap them to be involved in entrapment and rescue operations wherein potential labor trafficking victims are identified, such as those staying in halfway houses before transit. He shares:

“In actual cases, such as victim rescue operations, that’s an area where the working relationship with government can be enhanced. There have been times when government agencies, such as the Philippine National Police, approached us here at [name of organization] and asked for our support in actual rescue operations. We always find ourselves wondering, “Wow, this is strange!” Of course, we always give it consideration even if it’s not our mandate” (Interview with Gaston, NGO advocacy officer, 17 May 2021).

From the perspective of this respondent, civil society groups find themselves taking over some law enforcement responsibilities from the government. Such experiences, in turn, suggest competency limitations on the side of government enforcement agencies.

Another experience of working with multiple levels of government bureaucracy that respondents view as challenging and frustrating is in the area of repatriating labor trafficking victims. Helen, a director of a NGO providing migrant services, shares the long process and the frustrating sentiment when facilitating repatriation cases with consular offices overseas:

“One of our programs ... is to assist distressed labor migrants. The families left in the Philippines by distressed labor migrants abroad can visit [name of organization] to get assistance for their repatriation. We had a case from Canada last year, in Calgary, a caregiver, who went undocumented for several years after her offered employment did not prosper when she got there. She had a very difficult time. In 2019 she decided to come home. She was also diagnosed with cancer by then. Now we had to facilitate quickly with consular offices to repatriate her. Dealing with the bureaucratic processes of the consular office there and the responsible government agencies here was not a nice experience. We eventually had to raise funds to hasten her repatriation. She eventually passed on shortly after she arrived back to the country last year” (Interview with Helen, NGO executive, 24 June 2021).

From the perspective of this respondent, civil society groups often find themselves organizing on their own in the light of bureaucratic delays in the coordination tasks between and among government offices overseas and those based in the country. The case that the respondent shared also gives a glimpse of the shifting nature of labor trafficking, from the typical image of victims being forcibly taken or tricked from their communities into exploitative labor conditions to one that formally follows prescribed eligibility requirements for overseas work but then end up being tricked into exploitative working conditions that were not originally in the contract signed by labor migrants.

The experiences of civil society in collaborating with government ministries, agencies, and executive hierarchies are varied. A dominant theme in the narratives of participants is that, given the number of government agencies involved in resolving labor trafficking cases, the experience can be highly variable depending on the type of government office they have to deal with and how these offices are comfortable working with groups outside of government circles. The exclusivity of some government agencies at the regional and provincial levels sometimes leads to conflict with civil society organizations. Belle shares her experience:

“The level of collaboration with government actors, for me, depends on what kind of offices you deal with. There are public agencies, like the Public Attorney’s Office, where we have good working relations. I’d rate it 9 out of 10. Other agencies, like the Overseas Workers Welfare Administration and National Labor Relations Commission, would not be as high. I’d rate it 7 out of 10. There are a lot of instances where we run into conflict with them in terms of our advocacy for victims’ rights and entitlements. It’s not a confrontational conflict, but more on us being insistent on the rights and entitlements that victims should receive. Maybe they get intimidated with us so sometimes they do not engage with us directly” (Interview with Belle, NGO executive, 7 May 2021).

When asked about adapting to the working culture of various government agencies across multiple levels, a theme that civil society participants often highlight is the influence of patronage-based politics at all levels of the bureaucracy that breeds the exclusionary practices of some government offices. Succinctly, it means that local political culture and practices greatly influence how civil society is able or unable to work in their collaboration or service provision for such offices. Such a selective and exclusionary culture also trickles down to the level of services for labor trafficking victims. Aurora, a NGO community organizer, shared instances that exemplify the critical view or distrust of government with civil society groups:

“There are government line agencies that are responsible to provide welfare for labor trafficking victims. Those who come to us share that when they ask assistance such as in money claims against recruitment agencies, personnel from these government offices get mad at them when they are informed that the victims have consulted with us here at [name of organization]. Apparently, the victims get asked ‘why did you have to go to [name of organization], and not straight to us?’” (Interview with Aurora, NGO community organizer, 17 May 2021).

When probed as to how such exclusionary practices impact the protection services that labor trafficking victims receive, participants reflected on some of the feedback that victims relayed to them, comparing the services they received from government offices and civil society organizations. The narratives indicate a greater feeling of ease and comfort for trafficking victims when disclosing cases to NGO workers. Jasmine shares:

“When victims present their cases to [name of government agency] and they come to us to ask for help to move their cases forward in the government system, they see the differences in the treatment that they receive from both offices. Some of them have asked us, ‘why is the facilitation of my case here better? Why is it so different from [name of government organization]? Apparently, they shared, there’s less consideration and less understanding in [name of government organization] when processing the circumstances of their cases. Sometimes it leads to sentiments wherein victims wonder ‘I thought the [name of government agency] was on my side, but it doesn’t feel like it.’” (Interview with Jasmine, NGO paralegal, 7 May 2021).

In my interview with Belle, she highlighted the detrimental effects of a patronage-based political culture to the work against labor trafficking at the level of communities. Her perspective indicates that the patronage system embedded in the political culture of the country has led some local governments to go around the constitutional provision of involving credible civil society groups in policy and decision-making processes. She shares:

“For example, here in the city where we are, there are localized formations akin to Inter-Agency Council Against Trafficking at the city-level. Of course, that is led by the mayor and his council. What happens is that the slot available for civil society organizations are

occupied by whatever organization is close to the mayor, or maybe one that he organized himself. Virtually no invitations are sent out to other organizations who may be more experienced and are more able to help in the work against trafficking. It's not a transparent process, and more credible organizations are unable to help" (Interview with Belle, NGO executive, 7 May 2021).

Critical collaboration is the same theme that emerges whenever civil society participants talk about the nature of their relations with donor agencies in the labor trafficking agenda. Similar to their strategy in dealing with government organizations, civil society respondents mostly describe their working relationships with donor agencies in ways that are both cautious and forceful and in acknowledgement that funding priorities can be fleeting or shifting depending on donor interests in the country.

Research participants primarily view donor actors in terms of the financial support they provide to their activities in the labor trafficking agenda. This theme dominates the narratives from all of my interviews, particularly with NGO representatives. In those interviews, I noted that informants, especially those occupying frontline positions, would automatically ascribe donor organizations with labels such as "helper," "collaborator," and, most importantly, "partner." An observation that I also noted in these interviews is that participants with leadership roles or executive functions are more able to elaborate on the experiences and dynamics of working with donor organizations, than those without. For example, Helen, a NGO director, shares her view about donor interactions with civil society in the Philippines and how this has shifted over years.

"Donor agencies have been journeying with many of us in civil society since the Martial Law era. They supported all our activities. After 1986, many of these agencies have left and moved on to other countries, often doing so with a messianic shot 'we will always be here to support you.' There have been experiences wherein civil society organizations felt dictated. Over the years, I feel that kind of relations is changing, where they think they can

always demand since they have money” (Interview with Helen, NGO executive, 24 June 2021).

From the experience of this respondent, the influence of donor aid has been a critical component of her organization’s operation. From her perspective, donor aid has influenced the way in which they operate and in the way they provide services to victims. On the other hand, Belle frames the interactions with donor organizations beyond the matter of financial support, and more on the mutual benefits from the working relationship.

“In discussions surrounding aid and assistance, and funding organizations in general, aside from the financial support, we appreciate more the solidarity in the issues surrounding labor migration and trafficking. There are also other forms of support, technical and for our own capacity-building as an organization” (Interview with Belle, NGO executive, 7 May 2021).

The emphasis on the symbolic value of solidarity from the perspective of this respondent suggests the legitimizing functions that working with donor agencies provide to NGOs and grassroot groups when they deal with government and community stakeholders, especially victims. Her perspective also indicates the annexation of civil society groups to the agenda of donors.

Another emerging theme when participants discuss their interactions with donor organizations is on how they assert their agency in the face of stringent donor requirements. The space for asserting their agency is usually more pronounced in cases wherein donors themselves solicit civil society participation in funding opportunities, instead of the other way around. Citing typical conflicting points for donors and civil society groups in the areas of measuring output and financial reporting, Helen frames the ability to assert agency on the virtue of mutual trust in the context of partnerships with donors:

“In our case, we see that there is also a need to push back with some donors where we say ‘wait up, this partnership should be built on trust. The reason you are financing us is because you see the worth of the cause that we are doing. This should not be the other way around where you brag that you have a lot of money, and you want us to just spend it.’ It doesn’t work that way for us. So if they don’t like our terms, then fine. There are some donors who are really imposing and have other ideas in their minds opposite to ours.” (Interview with Helen, NGO executive, 24 June 2021).

From the perspective of this respondent, the ability to assert agency is required when met with donor demands that are not aligned with the vision of their organization. The recognition of civil society’s role as intermediary between the state and donor groups provide the leverage through which civil society groups, particularly development NGO adept at donor requirements, are able to assert themselves.

When probed further about asserting agency in the face of donor demands, participants often frame these situations as a consequence of idealism, that is, in remembering the reasons why civil society exists in the country in the first place. She adds:

“Looking back at our beginnings, funding was never the primary reason why we established [name of organization]. The first motivation has always been ‘What do we want to do?’ ‘Do we want to contribute to systemic change?’ You have to be idealistic about it, you want to be of some use. That’s the value of us in civil society. We try to exist for a bigger reason than ourselves” (Interview with Helen, NGO executive, 24 June 2021).

Overall, this section outlines civil society’s perceptions of government and donor actors in the labor trafficking agenda. These perceptions are dominated by themes that highlight civil society’s interactions with these stakeholders in conditions akin to critical collaboration. In the

context of state-civil society relations, the relations are marked by views about the provision of protection and support measures for labor trafficking victim as the primary role of the government. It has not been without its challenges and, despite the embeddedness of civil society in service provision roles in anti-labor trafficking efforts, participants highlight patronage-based, exclusionary, and restrictive processes that the government employ that do not fully realize civil society's potential for collaboration with other stakeholders. In the case of donors, civil society view their contributions primarily in the financial support that they provide, as well as the symbolic value of solidarity in their cause. Working with donors provide legitimacy to civil society's work. This, however, is mediated by cases where donors and civil society groups have conflicting ideas on how to go about with providing aid. In such cases, civil society groups revert to their agency and activist roots in negotiating donor demands. Overall, following Foucault's insights, the ability to navigate and engage with the exclusionary and restrictive processes of the government and the often-stringent relations with donors, provides a glimpse of the relative power and leverage that the various roles (e.g., service provider and aid management) of civil society groups bring in anti-labor trafficking efforts.

How civil society organizations frame their own work

In the course of interviewing civil society participants for this thesis, a typical theme that I noted pertains to certain differences in the manner by which NGOs and grassroots organizations describe their activities in providing protection services to victims of labor trafficking. These differences pertain to the tactical strategies of engaging with government and donor stakeholders, particularly the government. Most often, participants delineated their engagement into categories

that seem to fall into either collaboration at an organizational level or in directly organizing community stakeholders to advocate for their own protection issues. Louis, a program coordinator for one of the migrant NGOs that I talked to, reinforced my observation:

“Between civil society groups, there are contradictions on how they address the issue of migration, and the labor trafficking in the process. Many of the civil society organizations are critical of government policies in relation to migration, both sending countries and receiving countries. However, some civil society organizations see migration as a phenomenon, whereas they feel that since this is a phenomenon, we need to manage it. People will leave, but without critically analyzing why they leave in the first place” (Interview with Louis, program coordinator, 7 June 2021).

The recognition on the core differences of how civil society groups engage in the area of labor trafficking is supplemented by Hector, the deputy secretary-general of one of the migrant organizations in the area of study. His remarks delineate the ideological perspectives that guide those who either consider themselves NGOs who prefer collaboration sitting in government panels, and grassroots movements or organizations who prefer to directly organize community stakeholders.

“From our side, we try to encourage labor migrants and labor trafficking victims to come into the open, to expose their conditions, and by doing that they need to be more organized. It’s very important that it’s not only civil society organizations who are speaking about the conditions of Filipino workers and migrants in general. It is much better if victims themselves are speaking out about their experiences, rather than NGOs. And, for the longest time, victims have not been able to do much of that” (Interview with Hector, deputy secretary-general, 7 June 2021).

Hector’s views of grassroots groups organizing labor migrants themselves as advocates for their own protection and welfare is contrasted by the view of NGO representatives who highlight the primacy of government in all matters pertaining to labor trafficking, particularly in the

migration process. Helen, the NGO executive, elaborates more on these, and her responses suggest that the differences in the strategies of civil society groups all boil down to the government having the sole political legitimacy to deal with labor trafficking. Her responses also indicate the annexation and assimilation of NGO work into the government's migration management and protection provision tasks.

“As I always say, whereas there are civil society groups representing other ideological movements who always call for the government to be brought down, there are migrant organizations like us whose main line of advocacy is welfare of migrants. And when we speak about migrant welfare, especially those outside the country, your only ally is your government, whether you like it or not ... so other militant organizations might say, “your approach is soft and diluted.” But we have that appreciation of the need to work with our own government when dealing with other states. And we (civil society) have a lot of limitations. And you can’t go around bragging “we can do it on our own” without your government. No, you do not count. Like, “who are you?” (Interview with Helen, NGO executive, 24 June 2021).

And,

“There is a lot of demand for work overseas and you cannot do enough ... and the number of people you have to serve is just too much. Because a lot of them are leaving out of necessity, the most compelling reason for workers to leave is the desire to get a job. That’s why they become really vulnerable to unscrupulous recruiters and traffickers, to the point that they are willing to pay” (Interview with Helen, NGO executive, 24 June 2021).

The interviews I had with participants reveal that the annexation and assimilation of civil society work into the government's migration management and protection provision tasks is a sensitive spot in NGO-grassroots organizations relations. Themes from interviews with respondents from grassroots organizations indicate that the basis for a critical stance against the duality of government's work goes beyond the economic underpinnings of labor migration and

involves more of the political influences of global processes on national development planning. Hector's remarks, which was shared in the context of civil society's involvement in state party reporting to multilateral UN conventions underscoring labor trafficking, elaborates this view:

“The government does not provide as many details in terms of their reports because they want to project that government agencies are doing something about it (labor trafficking), that they are addressing the issue. So the government is trying to make it appear that they are addressing the issue, that there are no problems at the borders. And, of course, they try to avoid the root causes of trafficking – which is not only economic but political. That's why a lot of victims are duped into being trafficked for labor exploitation, they are forced into trafficking as there are no alternative options for a better life in the country” (Interview with Hector, deputy secretary-general, 7 June 2021).

Overall, this section describes the contrasting positions of civil society groups in relation to working with stakeholders in anti-labor trafficking efforts. The emphasis on alliance-building and partnership reveals the preference for NGOs to work with government in order to make representation. The need for representation, in turn, is anchored in the view of fostering better inclusion with government agencies in dealing with labor trafficking. Grassroots organizations, on the other hand, prefer what may be deemed critical changes in the country's development planning that are not anchored on labor migration, and see the adoption of their critical stance as anchored in the appreciation of the weak position of the state as a promoter of labor migration and as the primary duty-bearer mandated to ensure the protection of Filipino labor trafficking victims. Overall, these contrasting positions provide a dynamic picture of civil society involvement in the anti-labor trafficking agenda and how their various roles and competencies have become the basis of their power and legitimacy when dealing with institutional stakeholders and among themselves.

Conclusion

This chapter explored stakeholder interactions in the labor trafficking agenda in the Mindanao region in the Philippines. By examining state-civil society interactions in the region, this chapter described how these dynamics work and how civil society contributions are regarded. It also demonstrated that the influence of donor aid legitimizes and influences the ways in which civil society is able to contribute to the labor trafficking agenda in the region.

These interactions are often characterized by the centrality of government's role in this advocacy area, and how the practice of this role is greatly influenced by the country's adherence to donor requirements, an example of which is the Trafficking in Persons Report. The nature of governance in the country, which is based on the principle of devolution that delegates political power to local governments, also means that different layers of government structures have to be navigated by non-state actors in order to meaningfully contribute to this area. This ability to overcome multiple layers of government coordination is also mediated by the lack of specialized competencies by government personnel in providing sensitive and responsive protections for labor trafficking victims.

Further, a patronage-based political culture is seen as one factor that constrain civil society's ability to meaningfully engage with government stakeholders, particularly those at the level of local government units (i.e., municipalities and towns). In turn, such a culture creates and perpetuates exclusionary practices that limit civil society engagement with government stakeholders, especially those with credible experience in the area of labor trafficking. Evidence

from respondents indicate that exclusionary practices perpetuated by government stakeholders relate to civil society still being ostracized for their activist character, instead of their cooperative functions. Furthermore, these exclusionary practices also manifest in how they are viewed by the government as competitors for funding. However, the embeddedness of civil society to the aid chain – exemplified by its ability to implement programs, manage donor funds, and facilitate intersectoral cooperation – provides a leverage against such exclusionary practices.

Furthermore, accounts of the differences in terms of ideological leanings and tactical strategies point to the lack of cohesion among and between civil society groups in engaging with other stakeholders in anti-labor trafficking efforts. These differences are rooted in the conflicting appreciation of the causes and impacts of trafficking in persons, and the economic and political underpinnings that inform its prevalence. The differences in ideologies and strategies consequently provide a variety of approaches to how labor trafficking is understood and addressed, and how protective measures can be devised and best delivered under these disparities.

Chapter 7

Conclusion

Labor trafficking is commonly viewed as a consequence of a global order that builds upon the exchange of goods and services for economic growth and development (see, for example, McGrath, 2005). The movement of labor across borders provides advantages to both sending and destination countries. The range by which it has expanded in scope, size, and value has resulted in a situation wherein the management of migration flows are seen as indispensable to maintain such a global order. The value of the contribution of non-state actors in migrant-sending countries is often overlooked in this case. The significance of their contribution, therefore, required examination and analysis, especially in contexts where such movement of labor is an integral component of their long-term development planning. Adopting a framework that views discourse as intersection of power and knowledge, this study illustrated the resulting dynamics when non-state actors engage in the advocacy against labor trafficking.

Following Foucault's theories on knowledge and power, this study reveals that the development of protection and support discourses in the labor trafficking agenda in the Philippines is contingent upon the specific junctures in the history of labor migration from the country, as well as the state's adoption of international agreements underscoring labor trafficking. A cursory review of this history and the related plans and agreements reveals that labor migration from the country started as a non-regulated enterprise that was eventually subsumed and managed by the Philippine government and, along the way, established various offices to oversee the provision of protection and support services to Filipino workers. The interest in protection discourses became heightened

when cases of abuses against Filipino workers came into public consciousness. These protection discourses also expanded in the light of commitments to international agreements that have been influenced by shifts in global migration policy.

Similarly, I also presented how civil society's participation in anti-labor trafficking efforts are described in government plans and report submissions to agreements underscoring labor trafficking. This study found that civil society's role is generally framed in ways that suggest an assimilation into the functions of government and as an inextricable link to the aid chain. Its most important contribution, however, is measured less in their capacities but more on its ability to establish and maintain inter-sectoral cooperation.

Finally, I also presented an overview of civil society's interactions with other stakeholders, such as the government, donor groups, and other civil society groups. In general, civil society's approach is mainly informed by its recognition of the centrality of government in this field. In this context, my findings reveal that this has resulted in experiences that undermine and exclude the range of possibilities for civil society's involvement in these efforts. This is compounded by perspectives that continue to relegate their position as subservient to government and donor interests. This stands in stark contrast from the activist and militant character that civil society groups have cultivated over the years and in its ability to demand transparency and accountability in state policies.

In the end, the contributions of non-state actors in efforts against labor trafficking are mediated by embeddedness within global processes surrounding migration policy and

development aid. The impact of their work across stakeholders and communities will always be cushioned by forces and processes that are intertwined with the global economy.

Future Directions

The recent efforts to highlight and address labor trafficking at national and global levels is an arena that provides promise for future research opportunities. By initially looking at the role of civil society, I endeavored to examine the ways in which its contribution to this field is framed. However, over the course of the interviews with research participants, it also became apparent that a many other areas remain to be explored.

Results from interviews indicate that labor trafficking is as much a local experience as it is a global one, and that the lived experiences of victims would be a fruitful area for academic research. Specifically, research that examines the agency of victims in relation to the power dynamics that influence the workings and relations between and among institutional stakeholders would be a promising source of knowledge that can help improve victim-centered approaches to address this phenomenon.

Further, the kind of power that influences the work of local and national governments in this policy area, as well between recipient and donor governments, are additional areas that merit further research. Perspectives and experiences from different stakeholders will enrich our understanding of the complexity of the work related to labor trafficking and expand the ability to formulate better approaches to address its effects to governance and human agency.

References

Aldaba, Fernando. 2002. *Philippine NGOs and Multistakeholder Partnerships: Three Case Studies*. In *Voluntas: International Journal of Voluntary and Nonprofit Organizations*, 13 (2): 179-192.

Alhambra, Anna Marie. 2020. *Monitoring as Advocacy*. Master's Thesis, Institute of Development Policy. University of Antwerp, Belgium.

Andrijasevic, Rutvica and Nicola Mai. 2016. 'Editorial: *Trafficking (in) representations: Understanding the recurring appeal of victimhood and slavery in neoliberal times*', *Anti-Trafficking Review*, 7: 1-10.

Andrijasevic, Rutvica. 2010. *Migration, Agency, and Citizenship in Sex Trafficking*. Hampshire, UK: Palgrave Macmillan.

Anthony, Mely. 2018. *A Hidden Scourge: Southeast Asia's Refugees and Displaced People Are Victimized by Human Traffickers, but the Crime Usually Goes Unreported*. In *IMF Finance and Development*, September 2018, 18–21.

Asian Development Bank. n.d. *Civil Society Briefs: Philippines*. Online link: <https://www.adb.org/sites/default/files/publication/30174/csb-phi.pdf>. Accessed 15 January 2021.

Bangko Sentral ng Pilipinas (Central Bank of the Philippines). *Overseas Filipinos' Cash Remittances*. Online link: http://www.bsp.gov.ph/statistics/spei_pub/Table%2011.pdf. Accessed 01 October 2018.

Banks, Nicole, David Hulme, and Michael Edwards. 2015. *NGOs, States, and Donors Revisited: Still Too Close for Comfort?* In *World Development*, 66: 707-718.

Beauclerk, John. 2011. *A Framework for Understanding Civil Society in Action*. In *Development in Practice*, 21 (6): 870-879.

Blank, Nathan. 2013. *The Recruitment Industry in the Philippines: Government-Business Relations in the Overseas Employment Program*. PhD dissertation, School of Politics and International Relations. The Australian National University, Canberra.

Brighenti, Andrea Mubi. 2016. *Antonio Gramsci's Theory of the Civil Society*. In: Moebius S., Nungesser F., Scherke K. (eds) *Handbuch Kulturosoziologie*. Springer Reference Sozialwissenschaften. Springer VS, Wiesbaden. Online link: https://doi.org/10.1007/978-3-658-08000-6_72-1.

Buttigieg, Joseph A. 1995. *Gramsci on Civil Society*. In *Boundary 2* 22 (3): 1–32. Online link: <https://doi.org/10.2307/303721>.

Calzado, Rebecca. 2007. *Labour Migration and Development Goals: The Philippine Experience*. Paper presentation at the International Dialogue on Migration, WMO Conference Center, Geneva.

Carothers, Thomas and William Barndt. 2000. *Civil Society*. In *Foreign Policy*, 117 (Winter 1999-2000): 18-29.

Clariza, Maria Elena. 2007. *Human Trafficking in Mindanao, Philippines*. Master's Thesis, Faculty of Asian Studies. University of Hawaii.

Clarke, Gerard. 2012. *Civil society in the Philippines: Theoretical methodology and policy debates*. Abingdon & New York: Routledge.

Clarke, Gerard. 1995. *Non-Governmental Organizations (NGOs) and the Philippine state: 1986-1993*. In *South East Asia Research*, 3 (1): 67-91.

Colipca, Gabriela and Steluta Stan. 2012. *Dialogism in the Discourse on Human Trafficking*. In *Procedia – Social and Behavioral Sciences*, 63: 108-118.

Convention on Biological Diversity. Country Profiles – Philippines. Online link: <https://www.cbd.int/countries/profile/?country=ph#:~:text=The%20Philippines%20is%20one%20of,5%25%20of%20the%20world's%20flora>. Accessed 10 December 2020.

Diaz-Bone, Rainer, Andrea D. Bührmann, Encarnación Gutiérrez Rodríguez, Werner Schneider, Gavin Kendall and Francisco Tirado. 2008. *The Field of Foucauldian Discourse Analysis: Structures, Developments and Perspectives*. In *Historical Social Research*, 33 (1): 7-28.

Edgerton, Ronald E. 2001. *Frontier Society on the Bukidnon Plateau, 1870-1941*. In McCoy and de Jesus (eds.) *Philippine Social History: Global Trade and Local Transformations*. Honolulu: University of Hawaii.

Elliot, Sarah and Megan Denise Smith. 2020. *Simulating a Multi-Agency Approach for the Protection of Trafficked Persons in Migration and Displacement Settings*. In *Journal of Human Trafficking*, 6 (2): 168-181.

Friesendorf, Cornelius. 2007. *Pathologies of Security Governance*. In *Security Dialogue*, 38 (3): 377-402.

Fuentes, Klaus and Marilou Siton Nanaman. *Patterns and Challenges of Human Trafficking in Southern Philippines*. Paper presented at the BIMP-EAGA Conference, July 2012, in Kota Kinabalu, Malaysia.

Global Initiative Against Transnational Organized Crime. 2020. *Insecurity in Mindanao: Conflict and state-sponsored violence*. Geneva, Switzerland.

Global Alliance Against Trafficking in Women. 2019. *Human trafficking – from a criminal justice to social justice approach*. Keynote speech delivered at the conference *Disrupting Trafficking*, 17 May 2019, University of Chicago Delhi Centre.

Global Alliance Against Trafficking in Women. 2007. *Collateral Damage: The Impact of Anti-Human Trafficking Measures on Human Rights Around the World*. Bangkok: Amarin Publishing.

Grozdanova, Mariya. 2016. *Why is it so difficult to fight human trafficking?* In *E-international Relations*; 1-12. Online link: <https://www.e-ir.info/2016/07/31/why-is-it-so-difficult-to-fight-human-trafficking/>.

Hounmenou, Charles. 2018. *Engaging Anti-Human Trafficking Stakeholders in the Research Process*. In *Journal of Human Trafficking*, 6 (1): 30-49.

Hounmenou, Charles. 2019. *A Statewide Coalition's Input in Human Trafficking Policy Implementation: Member Organizations' Involvement and Perceptions*. In *Journal of Human Trafficking*, 7 (1): 69-87.

International Labour Organization. *Labour Migration in the Philippines*. Online link: <https://www.ilo.org/manila/areasofwork/labour-migration/lang--en/index.htm>. Accessed 15 August 2020.

Jaymalin, Mayen. *POEA to prosecute employees involved in human trafficking*. In *Philippine Star*, January 21, 2011. Online link: <https://www.philstar.com/metro/2011/01/21/649739/poea-prosecute-employees-involved-human-trafficking>.

Jovanovich, Mariya. 2018. *Comparison of Anti-Trafficking Legal Regimes and Actions in the Council of Europe and ASEAN: Realities, Frameworks, and Possibilities for Collaboration*. Strasbourg: Secretariat of the Council of Europe Convention on Action Against Trafficking in Human Beings.

Kempadoo, Kamala. 2015. *The Modern-Day (Wo)Man's Burden: Trends in Anti-Trafficking and Anti-Slavery Campaigns*. In *Journal of Human Trafficking*, 1: 8-20.

Kendall, Gavin and Gary Wickham. 1999. *Using Foucault's Methods*. London: SAGE Publications.

Lennox-Townsend, Amie. 2018. *Human Trafficking in Mindanao: personal narratives and local perspectives*. PhD dissertation: Massey University, New Zealand.

Lim, Liza. 2002. *From Social Activists to Development Brokers: The Transformation of Philippine Non-Government Organizations into Development Intermediaries*. PhD dissertation, University of Hawaii.

Limoncelli, Stephanie. 2016. *What in the World are Anti-Trafficking NGOs Doing? Findings from a Global Study*. In *Journal of Human Trafficking*, 2 (4): 316-328.

Lopa, Consuelo Katrina. 2003. *The Rise of Philippine NGOs in Managing Development Assistance*. Quezon City, Philippines: The Synergos Institute.

Makhoul, Isabel. 2014. *Recovery and Return After Typhoon Haiyan/Yolanda: Environmental Displacement in the Philippines*. In Gemenne et al. (eds) *The State of Environmental Migration* 2014. Geneva: International Organization for Migration.

Mccoy Alfred W. and de Jesus, Ed. C., editors. 1982. *Philippine Social History: Global Trade and Local Transformations*. Honolulu: University Press of Hawaii.

McGrath, Siobhan. 2005. *Unfree Labor, Capitalism, and Contemporary Forms of Slavery*. Economic Development and Global Governance Independent Study: William Milberg. Online link: http://peri.umass.edu/fileadmin/pdf/UM-NS_Workshop/SiobhanMcGrath.pdf.

Migrante International. *Initial Statement to the United Nations Committee on Migrant Workers*. United Nations Tenth Session, 23 April 2009. Geneva, Switzerland.

Miller, Seamus. 1990. *Foucault on Discourse and Power*. In *Theoria: A Journal of Social and Political Theory*, 76: 115-125.

National Geographic Society. *Pacific Ring of Fire*. Online link: <https://www.nationalgeographic.org/encyclopedia/ring-fire>. Accessed 15 August 2020.

OECD/Scalabrini Migration Center. 2017. *Interrelations between Public Policies, Migration and Development in the Philippines*, OECD Development Pathways, OECD Publishing, Paris. Online link: <http://dx.doi.org/10.1787/9789264272286-en>.

Ofreneo, Rene. 2015. *Growth and Employment in de-industrializing Philippines*. In *Journal of the Asia Pacific Economy*, 20 (1): 111-129.

Parmanand, Sharmila. 2021. *Salvation as violence: anti-trafficking and the rehabilitation of rescued Filipino women into moral subjects*. In *Journal of International Women Studies*, 22 (2): 78-91.

Philippine Information Agency. 2005. *Lack of access to legal info, aid mars effective implementation of RA 9208*, Press Release. Online link: <http://archives.pia.gov.ph/?m=12&fi=p050705.htm&no=4>.

Philippine Statistics Authority. 2017. *2016 Survey on Overseas Filipinos*. Quezon City, Philippines.

Pitsoe, Victor and Moeketsi Letseka. 2013. *Foucault's Discourse and Power: Implications for Instructionist Classroom Management*. In *Open Journal of Philosophy*, 3 (1): 23-28.

Plambech, Sine. 2014. *Between "Victims" and "Criminals": Rescue, Deportation, and Everyday Violence Among Nigerian Migrants*. In *Social Politics*, 21 (3): 382-402.

Porio, Emma. 2017. *Citizen Participation and Decentralization in the Philippines*. In Berenschot et al. (eds) *Citizenship and Democratization in Southeast Asia*. Leiden: Brill.

Racelis, Mary. 2008. *Anxieties and Affirmations: NGO-Donor Partnerships for Social Transformation*. In Anthony Bebbington, Samuel Hickey and Diana Mitlin (eds.), *Can NGOs make a difference? The challenge of development alternatives*. London: Zed Books.

Racelis, M. 2000. *New visions and strong actions: Civil society in the Philippines*. In M. Ottaway and T. Carothers (eds.), *Civil society aid and democracy promotion*. Washington, DC: Carnegie Endowment for International Peace.

Reformina, Ina. *POEA officials charged with human trafficking, corruption*. In ABS-CBN News, January 11, 2011. Online link: <https://news.abs-cbn.com/global-filipino/01/10/11/poea-officials-charged-human-trafficking-corruption>.

Republic Act 7160. 1991. *Local Government Code of the Philippines*. Manila: Congress of the Philippines.

Republic Act 8042. 1995. *Migrant Workers and Overseas Filipinos Act*. Manila: Congress of the Philippines.

Republic Act 9208. 2003. *Anti-Trafficking in Persons Act*. Manila: Congress of the Philippines.

Republic Act 10022. 2009. *Amended Migrant Workers and Overseas Filipinos Act*. Manila: Congress of the Philippines.

Republic Act 10364. 2012. *Expanded Anti-Trafficking in Persons Act*. Manila: Congress of the Philippines.

Rosamond, B. 2020. "Hegemony." *Encyclopedia Britannica*. Online link: <https://www.britannica.com/topic/hegemony>.

Sanghera, Jyoti. 2005. *Unpacking the Trafficking Discourse*. In Kempadoo et al. (eds.) *Trafficking and Prostitution Reconsidered: New Perspectives on Migration, Sex Work, and Human Rights*. London: Paradigm Publishers.

Schneck, Stephen. 1987. *Michel Foucault on Power/Discourse, Theory and Practice*. In *Human Studies*, 10 (1): 15-33.

Sharmin, Shiffat and Abu Mohammad Rahman. 2017. *Challenges in Combating Trafficking in Human Beings in South Asia*. In *Journal of the Indian Law Institute*, 59 (3): 264-287.

Shin, Yoon Jin. 2015. *Human Trafficking and Labor Migration: The Dichotomous Law and Complex Realities of Filipina Entertainers in South Korea and Suggestions for Integrated and Contextualized Legal Responses*. In *Vanderbilt Journal of Transnational Laws*, 48: 753-812.

Smith, Desmond. 1996. *Democracy and the Media in Developing Countries – A Case Study of the Philippines*. PhD dissertation, Department of Politics, and the Institute of Communications Studies. University of Leeds, England.

Surtees, Rebecca. 2008. *Trafficked Men as Unwilling Victims*. In *St. Antony's International Review*, 4 (1) *The Politics of Human Trafficking*: 16-36.

Taylor, Jessica. 2019. *The Fine Line of Determination: Supporting the Agency of Filipina Sex Trafficking Survivors*. Master's Projects and Capstones. University of San Francisco. Online link: <https://repository.usfca.edu/capstone/905>

Tennant, Ian. 2020. *The Promise of Palermo: A Political History of the UN Convention Against Transnational Organized Crime*. Geneva: Global Initiative Against Transnational Organized Crime.

Tolosa, Benjamin Jr. 2011. *Filipino Social Democracy: Origins and Characteristics, Lessons, and Challenges*. In Archium Ateneo, Political Science Department Faculty Publications. Quezon City, Philippines: Ateneo de Manila University.

Trager, Lillian. 2005. *Migration and Economy: Global and Local Dynamics*. Lanham, Maryland: AltaMira Press.

United Nations General Assembly. *Protocol to Prevent, Suppress, and Punish Trafficking in Persons Especially Women and Children*, 15 November 2000.

United Nations General Assembly. *United Nations Global Plan of Action to Combat Trafficking in Persons*, 12 August 2010.

United Nations Office of the High Commissioner on Human Rights. 2014. *Human Rights and Human Trafficking*, Fact Sheet 36. New York: United Nations.

United Nations Office on Drugs and Crime. *Global Report on Trafficking in Persons* 2016.

US Agency of International Development. 1998. *Engagement '98: Forging Partnerships for Local Development and Democracy*. Conference Proceedings of the USAID Partners' Annual Conference. Roxas City, Philippines.

US Department of State. 2020. *Trafficking in Persons Report*. Washington, D.C.: Office of the Under Secretary for Global Affairs.

US Department of State. 2021. *Trafficking in Persons Report*. Washington, D.C.: Office of the Under Secretary for Global Affairs.

van Liempt, Ilse. 2014. *Gendered Borders: The case of "illegal" migration from Iraq, Horn of Africa, and the former Soviet Union to the Netherlands*. In Schrover et al. (eds.) *Illegal Migration and Gender in a Global and Historical Perspective*. Amsterdam: Amsterdam University Press.

Wickman, Gary and Gavin Kendall. 2008. *Critical Discourse Analysis, Description, Explanation, Causes: Foucault's Inspiration Versus Weber's Perspiration*. In *Historical Social Research*, 33 (1): 142-161.

Zimmerman, Sarah. 2016. *Mending the Protection and Prosecution Divide: Looking at Saudi Arabia Human Trafficking Flaws and Possibilities*, 15 WASH. U. GLOBAL STUD. L. REV. 533. Online link: https://openscholarship.wustl.edu/law_globalstudies/vol15/iss3/9.



**Interdisciplinary Committee on
Ethics in Human Research (ICEHR)**

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ICEHR Number:	20211514-AR
Approval Period:	April 22, 2021 – April 30, 2022
Funding Source:	
Responsible Faculty:	Dr. Liam Swiss Department of Sociology
Title of Project:	<i>The role of civil society organizations in anti-labor trafficking efforts in the Philippines</i>

April 22, 2021

Mr. Gregory Pellerin
Department of Sociology
Faculty of Humanities and Social Sciences
Memorial University of Newfoundland

Dear Mr. Pellerin:

Thank you for your correspondence of April 15, 2021 addressing the issues raised by the Interdisciplinary Committee on Ethics in Human Research (ICEHR) concerning the above-named research project. ICEHR has re-examined the proposal with the clarification and revisions submitted, and is satisfied that the concerns raised by the Committee have been adequately addressed. In accordance with the *Tri-Council Policy Statement on Ethical Conduct for Research Involving Humans (TCPS2)*, the project has been granted *full ethics clearance* to April 30, 2022. ICEHR approval applies to the ethical acceptability of the research, as per Article 6.3 of the *TCPS2*. Researchers are responsible for adherence to any other relevant University policies and/or funded or non-funded agreements that may be associated with the project.

The *TCPS2* **requires** that you submit an Annual Update to ICEHR before April 30, 2022. If you plan to continue the project, you need to request renewal of your ethics clearance and include a brief summary on the progress of your research. When the project no longer involves contact with human participants, is completed and/or terminated, you are required to provide an annual update with a brief final summary and your file will be closed. If you need to make changes during the project which may raise ethical concerns, you must submit an Amendment Request with a description of these changes for the Committee's consideration prior to implementation. If funding is obtained subsequent to approval, you must submit a Funding and/or Partner Change Request to ICEHR before this clearance can be linked to your award.

All post-approval event forms noted above can be submitted from your Researcher Portal account by clicking the *Applications: Post-Review* link on your Portal homepage. We wish you success with your research.

Yours sincerely,

Kelly Blidook, Ph.D.
Vice-Chair, Interdisciplinary Committee on
Ethics in Human Research

KB/bc

cc: Supervisor – Dr. Liam Swiss, Department of Sociology



Interview Guide

Interview #:

Respondent's name:

Respondent's gender:

Sector (government, non-government, or donor organization)

Date interview conducted:

Time:

Interview conducted by:

Scripted introduction used (online interviews):

Respondent's response to request for consent (online interviews):

Scripted introduction for online interviews

Before we begin, please confirm that:

- You consent to participate in an interview as part of the research project, “The role of civil society organizations in anti-labor trafficking efforts in the Philippines.” This project examines the role that civil society organizations provide and the impact of this role in anti-labor trafficking efforts in the Mindanao region of the Philippines.
- I will ask you a series of questions about human (labor) trafficking and how they are dealt with by different stakeholders, particularly civil society organizations. The interview will take approximately 40-60 minutes to complete and will be recorded on a digital audio recorder.
- The interview questions do not deal with sensitive topics. However, individual participants may have unanticipated emotional distress. If this is the case, you may skip any questions you do not want to answer.
- You may withdraw from the research, without any penalty, until the end of the data collection period, after which point data cannot be removed from the study. If you choose to withdraw from the project, your interview recordings, transcripts, and related data will be removed from the project.
- Interview materials will be kept on a password-protected computer. Your name will not appear on the audio file or interview transcript. A separate password protected file will link participant names with identification numbers. Only the researcher will have access to this file.
- Every reasonable effort will be made to assure your anonymity in the reporting of research results. Quotations from interview transcripts may be used in conference papers, journal articles, books or research reports. Your name will not be attached to these quotations. Pseudonyms will be used for all quotations and quotations will be edited to remove identifying details.
- You are welcome to ask questions at any time during your participation in this research. If you have any questions about this study, please contact the researcher at 1-709-691-2553 or thru gcpellerin@mun.ca.
- The proposal for this research has been reviewed by the Interdisciplinary Committee on Ethics in Human Research and found to be in compliance with Memorial University’s ethics policy. If you have ethical concerns about the research (such as the way you have been treated or your rights as a participant), you may contact the Chairperson of the ICEHR at icehr@mun.ca or by telephone at 1-709-864-2861.
- Do you consent to participate in this research interview?

Section I. Interview schedule (Government and donor organizations)

- 1) Do you think there is a need for anti-labor trafficking measures in the Philippines?

Prompt: Why/why not?

- 2) Do you think protection and support measures for labor trafficking victims are important?

Prompt: Why/why not?

Follow-up: How do you view the relationship between labor trafficking and the labor export policy from the Philippines?

- 3) What do you think is the impact of labor trafficking from the Mindanao region?

Follow-up: What has been your organization's role in this regard? What specific services does your organization provide for victims or potential victims of labor trafficking?

- 4) What do you think about the role that civil society organizations play in providing protection and support measures to labor trafficking victims?

Follow-up: What do you think is the impact of this role? How would you assess the role that they perform?

- 5) Do you think that collaboration between and among stakeholders against labor trafficking (i.e., government and donor organizations) in providing protection and support services is essential?

Prompt: Why/why not?

- 6) From your organization's experience, how would you characterize the collaboration between civil society organizations and (1) government and (2) donor organizations in providing protection and support services to victims?
- 7) Do you think there are spaces for enhancement of this relationship from your experience?

Prompt: Why/why not?

Section II. Interview schedule (Local non-government or community-based organizations)

- 1) Do you think there is a need for anti-labor trafficking measures in the Philippines?

Prompt: Why/why not?

- 2) Do you think protection and support measures for labor trafficking victims are important?

Prompt: Why/why not?

Follow-up: How do you view the relationship between labor trafficking and the labor export policy from the Philippines?

- 3) What do you think is the impact of labor trafficking from the Mindanao region?

Follow-up: What has been your organization's role in this regard? What specific services does your organization provide for victims or potential victims of labor trafficking?

- 4) What do you think about the role that civil society organizations play in providing protection and support measures to labor trafficking victims? What do you think about the role of government and donor agencies?

Follow-up: What do you think is the impact of these roles? How would you assess the roles that they perform?

- 5) Do you think that collaboration between and among stakeholders against labor trafficking (i.e., government and donor organizations) in providing better protection and support services is essential?

Prompt: Why/why not?

- 6) From your organization's experience, how would you characterize the collaboration between civil society organizations and (1) government and (2) donor organizations in providing protection and support services to victims?

- 7) Do you think there are spaces for enhancement of this relationship from your experience?

Prompt: Why/why not?

Follow-up: If yes, in what way?

Section III: Conclusion

That is the end of my questions. Thank you again for your participation. Do you have any other comments or points you think I should know about your organization or this topic?

- 1) When the project is completed, a summary report for participants will be created. Would you like to receive a copy of the report?