

USDOS – US Department of State

2021 Trafficking in Persons Report: Philippines

PHILIPPINES: Tier 1

The Government of the Philippines fully meets the minimum standards for the elimination of trafficking. The government continued to demonstrate serious and sustained efforts during the reporting period, considering the impact of the COVID-19 pandemic on its anti-trafficking capacity; therefore the Philippines remained on Tier 1. These efforts included prosecuting more traffickers than the previous reporting period, including significantly more defendants charged with using child soldiers and sentencing the majority of convicted traffickers to significant terms of imprisonment. The government also increased the number of prosecutors assigned to anti-trafficking task forces and the number of staff to its anti-trafficking coordination body. The government opened a specialized shelter and one-stop service center in Manila and provided assistance to more than 1,000 victims. Although the government meets the minimum standards, it did not convict any officials for complicity in trafficking crimes and did not vigorously investigate labor trafficking crimes that occurred within the Philippines or provide training to labor inspectors on the indicators of trafficking. The government also identified fewer victims than the previous reporting period and resources for law enforcement and specialized services for victims remained inadequate.

PRIORITIZED RECOMMENDATIONS:

Increase efforts to investigate, prosecute, and convict complicit officials and labor traffickers. • Strengthen the capacity of local government units to provide reintegration services for trafficking survivors, including trauma-informed care, job training, and in-country employment. • Provide increased support to government and NGO programs that provide specialized care for trafficking victims, including child victims of online sexual exploitation. • Establish and implement a process to ensure systematic and ongoing input from a diverse community of survivors on the design, implementation, monitoring, and evaluation of anti-trafficking policies and programs. • Increase efforts to ensure victims receive court-ordered restitution and compensation ordered through civil judgments. • Increase resources for anti-trafficking task forces to conduct timely investigations, coordinated operations, and prosecutions while providing robust victim and witness assistance services. • Increase efforts to identify and assist labor trafficking victims, including by providing training to law enforcement, social service providers, and labor inspectors on indicators of trafficking. • Provide increased resources for law enforcement units designated to investigate all forms of trafficking. • Consistently implement the coordinated interagency response to providing services to returning Filipinos who experienced sex and labor trafficking overseas. • Create a central database for information on illegal recruiters and human trafficking cases to facilitate interagency coordination in detecting, investigating, and prosecuting traffickers.

PROSECUTION

The government maintained law enforcement efforts. The 2003 and 2012 anti-trafficking acts criminalized sex trafficking and labor trafficking and prescribed penalties of up to 20 years' imprisonment and fines of between 1 million and 2 million pesos (\$20,760 to \$41,520). These penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other serious crimes, such as rape. In response to pandemic-related restrictions, which resulted in court closures, the Supreme Court issued a circular to facilitate the continuation of court filings and proceedings through email and video conferencing, which enabled the government to secure some trafficking convictions through video conferencing. However, equipment and stable internet connections were not consistently available, especially for victim-witnesses. Law enforcement authorities conducted 248 anti-trafficking coordinated operations and investigated 233 cases of alleged illegal recruitment, compared with 482 investigations reported in 2019. The government initiated prosecution of 377 alleged traffickers (an increase from 266 in 2019); these included 36 labor trafficking defendants (24 in 2019), 272 sex trafficking defendants (239 in 2019), and 69 defendants charged with using a child for soldiering (three in 2019). The government convicted 73 traffickers under the anti-trafficking act and related laws (89 traffickers in 2019). Most of the convicted traffickers subjected children to sex trafficking, including 25 who sexually exploited children online (compared to 32 in 2019); three committed labor trafficking (five in 2019). The courts sentenced nearly all of the sex traffickers convicted under the anti-trafficking act to 15 years' imprisonment or more and fines ranging from 500,000 to 2 million pesos (\$10,380 to \$41,520); 16 received a life sentence and fines of 2 million to 5 million pesos (\$41,520 to \$103,790). The court sentenced six sex traffickers under related cybercrime laws to varying terms of imprisonment: four years, 15 years, life imprisonment, and *reclusión perpetua* (permanent imprisonment) with fines ranging from 500,000 to 2 million pesos (\$10,380 to \$41,520). Of the three labor traffickers convicted under the anti-trafficking act, the court sentenced one trafficker to 15 years' imprisonment and a fine of 1 million pesos (\$20,760); the government did not report sentencing information for the other two labor traffickers.

The Department of Justice (DOJ) continued to oversee and support operations and training for 24 interagency anti-trafficking task forces (a DOJ-led task force, a national interagency task force, 16 regional task forces, and six air and seaport task forces, including the reactivated task force at Manila's international airport). Designated prosecutors led the task forces with the assistance of prosecutors who worked on trafficking cases in addition to their regular workloads; they were responsible for enhancing law enforcement efforts and ensuring the reporting, referring, and filing of trafficking cases. DOJ approved a 59 percent increase in the number of prosecutors assigned to the task forces during the reporting period, increasing the number of prosecutors from 236 in 2019 to 376 in 2020. The government conducted trainings on online sexual exploitation of children (OSEC) for law enforcement and prosecutors and worked with NGOs to provide training on investigating labor trafficking of Filipino overseas workers. In 2020, the Philippine National Police (PNP) conducted nine trafficking seminars for 322 officers, as well as three courses for investigators. Department of Social Welfare and Development (DSWD) field offices conducted training and webinars for more than 1,000 officials, which focused primarily on OSEC. Local governments also funded three online trainings conducted by an NGO to improve the capacity of law enforcement to identify and investigate OSEC. With support from a foreign government, DOJ and the national prosecutions service worked to develop online learning materials to improve the capacity of prosecutors to pursue trafficking cases. In addition, the National Bureau of Investigation (NBI) worked to develop a basic and advanced program of instruction for its trafficking course.

Through continued operation of the Philippine Internet Crimes Against Children Center, the PNP Women and Children's Protection Center (PNP-WCPC) and the NBI Anti Human Trafficking Division (NBI-AHTRAD) partnered with foreign law enforcement agencies and an NGO to improve the effectiveness of investigations of OSEC. The PNP led the investigation of most OSEC cases and operated regional WCPC cyber protection units focused specifically on OSEC crimes. Police and prosecutors continued the use of recorded child victim interviews at the inquest stage and in some trials, which reduced the number of times officials interviewed victims and the

potential for re-traumatizing children who served as witnesses. Courts continued to use plea bargaining in human trafficking cases, particularly in OSEC cases, which significantly decreased the time to reach case resolution and further reduced the potential for re-traumatizing child witnesses in trials, many of which involved traffickers who were family members. The Inter-Agency Council Against Trafficking (IACAT) continued to use the prosecutor's trafficking case management system to monitor case progress and outcomes. In September 2020, as part of a project to improve the pace and monitoring of trafficking prosecutions, the Office of the Court Administrator (OCA) of the Supreme Court issued a circular directing judges and court clerks to submit copies of decisions involving violations of the trafficking law to IACAT. Despite these advances, government agencies continued to report the need for additional anti-trafficking law enforcement personnel, funds for operations, and equipment for forensic analysis of digital evidence due in part to the extremely high volume of cybercrime tips related to child sexual exploitation the DOJ Office of Cybercrime (OOC) received each month. During the March to May 2020 government-mandated, community-wide quarantines, OOC reported receiving a 264 percent increase in online tips related to child sexual exploitation compared with the same time period in 2019, which further exacerbated the need for additional resources. Slow moving courts, the need for additional training on handling digital evidence in hearings and trials, and too few prosecutors also hindered the effective and timely prosecution of trafficking crimes. NGOs reported police did not take sufficient steps to investigate and arrest purchasers of commercial sex, including foreign sex tourists and those who purchased commercial sex acts from trafficking victims, and often did not question customers who were present during operations in entertainment establishments. However, the government convicted six foreign nationals who entered the Philippines for the purpose of engaging in child sex tourism. Philippine officials continued to cooperate with foreign governments on the investigation and prosecution of trafficking cases.

Reports of immigration, police, and other officials complicit in trafficking continued. IACAT established a working group to draft guidelines on the identification and monitoring of trafficking-related corruption cases. The government transferred a prosecution initiated in the previous reporting period involving a police officer for cyber-facilitated sex trafficking to a new region to ensure an impartial prosecution; the case remained ongoing at the close of the reporting period. DOJ continued to investigate nine Bureau of Immigration (BI) officers for facilitating the illegal airport departure of potential trafficking victims. According to media reports, BI investigated allegations that at least 28 immigration officials facilitated the exploitation of 44 Filipinas in trafficking in Syria. The government filed corruption charges against 18 immigration officials who allegedly received kickbacks for ensuring the entry of migrant workers at airports and arrested an NBI official who received bribes from the immigration officials for not pursuing criminal charges against them. Prosecutors filed charges against a police officer who aided a suspected trafficker to avoid prosecution. The government did not convict any officials for complicity in trafficking crimes during the reporting period.

PROTECTION

The government maintained protection efforts. The government lacked a reliable mechanism to consolidate statistics on the total number of victims identified and assisted. However, Philippine law enforcement reported identifying 1,216 victims of trafficking during operations, compared with 1,443 victims in 2019. The government did not report how many potential trafficking victims the IACAT Sea/Air Task Forces identified through operations or deferred departures, compared to 2,500 in 2019. The BI Travel Control and Enforcement Unit (TCEU) identified and referred 295 potential victims of trafficking to IACAT task forces, compared with 337 potential victims of trafficking and 92 potential victims of illegal recruitment in 2019. The Department of Foreign Affairs (DFA) foreign missions, primarily in the Middle East and Asia, identified 2,429 potential Filipino trafficking victims (6,772 in the preceding period). The vast majority of these victims reported experiencing illegal recruitment; fewer than 10 were victims of sex trafficking. The Commission on Filipinos Overseas (CFO) Actionline against Human Trafficking received 2,849 calls, and it identified and assisted 15 potential human trafficking victims and eight OSEC victims.

The government allocated 22.9 million pesos (\$475,370) to implement DSWD's recovery and reintegration program for trafficked persons, a decrease from 24.4 million pesos (\$506,510) in 2019. DSWD implemented the national referral system, maintained the national recovery and reintegration database, and continued to operate 44 residential care facilities that provided services to victims of trafficking and other forms of exploitation. Of these facilities, 24 served children, 13 served women, four served older persons, one served men, and two operated as temporary processing centers. In December 2020, ICACT opened its Trafficking in Persons center in metro Manila, which will serve as a specialized shelter for trafficking survivors and a one-stop service center for reporting potential cases of trafficking and providing referrals without the need for victims to contact multiple agencies. During the reporting period, the center provided temporary accommodation for potential victims prior to their referral to other shelters pending the results of COVID-19 testing. The government continued the construction of a shelter for men in region nine where armed conflict continued; however, the construction of a temporary shelter and one-stop center near a regional international airport was temporarily halted as the government diverted funding to its pandemic response. DSWD reported serving 1,205 trafficking victims, of whom 849 were female and approximately 75 percent were adults, compared with 2,194 victims served in 2019. Of these, the government reported 629 victims of labor trafficking, 361 victims of sex trafficking, including 157 child victims of online sexual exploitation, and five children engaged in armed conflict; it was unclear if the remaining 207 victims faced forced labor or sex trafficking. DSWD provided psychosocial support and trauma-informed assistance to all survivors. Services also included case management, temporary shelter; livelihood assistance; education/skills training; hygiene kits; referral; victim/witness assistance; airport assistance; transportation assistance; home visits; medical assistance; and financial assistance. DSWD referred trafficking survivors to the local social welfare and development office in their community for follow up services, which observers noted often lacked the personnel and resources to provide individualized case follow up. Staff permitted adult victims residing in shelters to leave unchaperoned, provided there were no threats to their personal security or psychological care issues. DSWD assisted foreign national victims, including through temporary shelter and psycho-social intervention, and coordinated repatriation with the relevant foreign embassies. The government continued to partner with NGOs for specialized residential care and reintegration services for child victims of OSEC; however, pandemic-related restrictions impacted the ability of NGOs to provide support during in-person operations and shelter visits, and most assistance was provided virtually or through phone calls. Such specialized assistance services as well as reintegration follow up services and job training and placement remained inadequate to address the needs of adult trafficking victims.

The government continued to support victims who served as witnesses during trials, and hired one additional victim-witness coordinator during the reporting period. Seven regional task force victim-witness coordinators provided trauma-informed support and assistance, including by providing continuous support throughout the criminal justice process, to 130 victims (291 in 2019). Eleven trafficking victims entered the witness protection program in 2020 (40 in 2019), which included housing, livelihood and travel expenses, medical benefits, education, and vocational placement. In addition, the DOJ operations center personnel provided transportation and security that enabled 74 victims to participate in case conferences and hearings. The government could award compensation to trafficking victims through its crime victims' compensation program. The government did not report any orders of restitution paid by traffickers to victims of trafficking, and NGO observer reported that although judges could award victims compensation for damages, victims almost never received damages in practice and courts lacked effective mechanisms to collect damages from traffickers.

DFA, in collaboration with the IACAT and its member agencies, implemented whole-of-government procedures to ensure interagency coordination of services for repatriated Filipino trafficking victims. The government continued to deploy DSWD social workers in Philippine diplomatic missions in Hong Kong, Kuwait, Malaysia, Qatar, Saudi Arabia, South Korea, and the United Arab Emirates. DFA allocated 1 billion pesos (\$20.76 million) for the Assistance to Nationals Fund (ATN), which covered assistance such as airfare, meal allowance, shelter, medical care, and other needs of overseas Filipino workers (OFWs). DFA reported only partial expenditures from the ATN totaling 28.38 million pesos (\$589,130) for the reporting period. DFA did not report expenditures under its Legal Assistance Fund for OFWs, to which it allocated 200 million pesos (\$4.15 million) for legal assistance. DFA provided nine Philippine overseas missions with funds to support shelters or temporary accommodations for Filipino trafficking victims awaiting the resolution of their cases or their repatriation. In 2020, DFA reported assisting 2,575 potential victims of human trafficking identified by overseas missions in 2020, of which the majority experienced illegal recruitment, a significant decrease compared to 3,581 victims of trafficking and 4,479 victims of illegal recruitment assisted in the previous reporting period. DSWD social workers, responsible for assisting distressed

overseas Filipinos and their families, assisted 1,133 victims of trafficking or illegal recruitment, compared with 2,788 in 2019. Social services provided to OFW trafficking victims included coordination with the host government, contract buy-out, shelter, provision of personal necessities, medical aid, financial assistance, payment of legal fees, repatriation, and referral to appropriate agencies. With donor support and in cooperation with an NGO, the IACAT operated the Task Force Against the Trafficking of Overseas Filipino Workers, which assisted 1,230 Filipino domestic workers repatriated from the Middle East in 2020 who reported experiencing indicators of trafficking. DFA also reported assisting in the repatriation of 327,511 Filipino workers who had lost their jobs or had not been paid wages as a result of the pandemic; however, the overseas workers task force and immigration officers experienced difficulties screening repatriated workers for indicators of trafficking due to health and safety protocols implemented in response to the pandemic. Following media reports that Filipina trafficking victims seeking shelter at the Philippines Embassy in Syria faced abuse from embassy staff members, DFA launched an investigation into the allegations, recalled five staff members, and repatriated the 34 victims in February 2021.

PREVENTION

The government increased its efforts to prevent trafficking. IACAT, the lead coordinating body responsible for overseeing and monitoring implementation of the government's anti-trafficking efforts and which the secretaries of DOJ and DSWD chaired and co-chaired respectively, convened two regular and two special-topic meetings during the reporting period to share information and coordinate policies. Three NGOs participated as members of IACAT, which also involved additional NGOs, private sector representatives, and survivors in technical working groups and other fora. IACAT conducted three virtual focus group discussions with survivors to seek feedback on protection services, case management, and to identify gaps in the provision of services. The government decreased the IACAT Secretariat's budget to 65.2 million pesos (\$1.35 million) from 92.9 million pesos (\$1.93 million) in 2019. However, a congressional initiative resulted in the addition of 8 million pesos (\$166,070) to IACAT's budget for in 2020. In addition, IACAT increased its staff from 116 to 142 employees. In partnership with an NGO, IACAT organized and co-hosted a virtual summit to gather relevant stakeholders and experts to share best practices in combating the online sexual exploitation of children, including internet-facilitated trafficking. However, NGOs noted insufficient resources within the government's anti-trafficking structures, especially for law enforcement, specialized trainings, and support services, and for ensuring local government units implemented trafficking laws.

IACAT, its member agencies, and anti-trafficking regional task forces continued to lead national, regional, and local-level trafficking awareness raising events. The government hosted a webinar to raise awareness of forced labor in the fishing industry and to discuss the government's response to the issue. The government launched the Barangay IACAT to serve as a platform for educating local governments units and the public about trafficking and how to report cases. CFO operated a hotline and DFA Office of Migrant Workers Affairs maintained a HELP Facebook page for Filipinos working abroad who were in distress and their families to request assistance. The Department of Labor and Employment (DOLE) overseas labor officers continued to review overseas Filipino workers' labor contracts and assist them with labor contract violations and allegations of abuse. In October, DOLE issued regulations that required employment agencies applying for an operating license to provide an affidavit stating they would not engage in or facilitate acts involving trafficking, illegal recruitment, or violations of child labor laws, as well as a similar order for employers of domestic workers. POEA also filed 508 administrative charges against licensed recruitment agencies for disallowed practices, resulting in the cancellation of 22 agencies' licenses, compared with 1,107 and 16 in the previous reporting period, respectively.

The lack of a centralized database tracking illegal recruitment and human trafficking continued to hamper the government's efforts to prevent trafficking and hold traffickers accountable. The labor inspectorate was underfunded and understaffed, and the government did not report providing training for labor inspectors to identify indicators of trafficking, which may have impeded the government's ability to identify potential cases of forced labor. The government did not prioritize identifying forced labor on fishing vessels and employed notably few inspectors dedicated to conduct inspections on fishing vessels. Labor inspections were suspended during community-wide quarantines related to the pandemic from March through May 2020; full inspections resumed from August onwards. Despite conducting more than 13,900 labor inspections, the government reported identifying only four child labor violations in 2020. The government's interagency child labor quick action teams removed 18 children from hazardous and exploitative work situations, including six victims of sex trafficking. DOLE did not close any establishments involved in child sex trafficking, compared with three closures in 2019.

The BI-TCEU continued to screen departing passengers and deferred the departure of 11,706 passengers (31,211 in 2019), including 294 potential victims of trafficking, due to incomplete or suspicious travel documents or misrepresentation. BI stopped 35 foreign registered sex offenders from entering the country. The government did not make efforts to reduce the demand for commercial sex acts. POEA reviewed 19 bilateral labor agreements with other countries and signed three new bilateral agreements. DOJ hosted a webinar in October 2020 to introduce government officials to initiatives aimed at addressing human trafficking in public procurement and supply chains.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in the Philippines, and traffickers exploit victims from the Philippines abroad. The government processes approximately 2.3 million new or renewed contracts for Filipinos to work overseas in nearly 170 countries each year; however, temporary travel restrictions related to the pandemic prevented many Filipino workers from departing for overseas employment during the reporting period. A significant number of Filipino migrant workers become victims of sex trafficking or labor trafficking in numerous industries, including industrial fishing, shipping, construction, manufacturing, education, home health care, and agriculture, as well as in domestic work, janitorial service, and other hospitality-related jobs, particularly in the Middle East and Asia, but also in all other regions. Traffickers, typically in partnership with local networks and facilitators and increasingly using social networking sites and other digital platforms, recruit unsuspecting Filipinos through illegal recruitment practices such as deception, hidden fees, and production of fraudulent passports, overseas employment certificates, and contracts to exploit migrant workers in sex and labor trafficking. In January 2021, media reported traffickers fraudulently recruited dozens of Filipino domestic workers to work in the United Arab Emirates but instead transported them to Damascus for forced domestic work. Using tourist visas available in Middle East countries where many Filipinos work in household service jobs, traffickers lure children from remote areas of Mindanao and other regions then sell them to employment sponsors who exploit them. Traffickers also use student and intern exchange programs, and fake childcare positions as well as porous maritime borders to circumvent the Philippine government and destination countries' regulatory frameworks for foreign workers and evade detection. Traffickers exploit Filipinos already working overseas through fraudulent employment offers to work in another country. Traffickers took advantage of the absence of adequate immigration personnel at smaller airports in the Philippines.

Forced labor and sex trafficking of men, women, and children within the country remains a significant problem. Traffickers exploit women and children from rural communities, conflict- and disaster-affected areas, and impoverished urban centers in sex trafficking, forced domestic work, forced begging, and other forms of forced labor in tourist destinations and urban areas around the country, and exploit men in forced labor in the agricultural, construction, fishing, and maritime industries, sometimes through debt-based coercion. NGOs and government officials continued to report cases in which family members sold children to employers for domestic labor or sexual exploitation, and there are reportedly hundreds of thousands of children involved in selling and begging on the streets who are at risk to exploitation. One study found that approximately 50,000 Filipino children are employed as domestic workers in the Philippines, including nearly 5,000 who are less than the age of 15. A significant percentage of working children faced hazardous working conditions, including in mines, factories, and farms, where they likely experienced indicators of forced labor. Indigenous persons and many of the approximately 340,000 internally displaced persons in Mindanao are at risk of trafficking, including through fraudulent promises of employment. Non-state armed groups operating in the Philippines, including the New People's Army, Maute Group, the Moro National Liberation Front, the Abu Sayyaf Group, and the Bangsamoro Islamic Freedom Fighters, recruit and use child soldiers, at times through force, for combat and noncombat roles. The Islamic State reportedly subjects women and girls to sexual slavery.

Traffickers exploit Chinese and other Asian women in commercial sex in locations near offshore gaming operations that cater to Chinese nationals; however, the pandemic resulted in a massive departure of Chinese nationals employed in offshore gaming operations during the reporting period which resulted in deceased reports of sex trafficking among this community. Sex trafficking also occurs in tourist destinations, such as Boracay, Angeles City, Olongapo, Puerto Galera, and Surigao, where there is a high demand for commercial sex acts. Although the availability of child sex trafficking victims in commercial establishments declined in some urban areas, child sex trafficking remains a pervasive problem, typically abetted by taxi drivers who have knowledge of clandestine locations. Many sex tourists in the Philippines are convicted or charged sex offenders or pedophiles in their home countries and are most commonly citizens of Australia, Japan, New Zealand, the United Kingdom, and the United States with an increasing number of reports from Canada, Morocco, Iraq, and Denmark. Filipino men also purchase commercial sex acts from child trafficking victims. Law enforcement information indicates that the Philippines is one of the largest known sources of online sexual exploitation of children, in which traffickers sexually exploit children, individually and in groups, in live internet broadcasts in exchange for compensation wired through a money transfer agency by individuals most often in another country, including the United States, Australia, Canada, and the United Kingdom. The traffickers are often parents or close relatives who operate in private residences or small cyber cafes and many child victims, girls and boys, are younger than 12 years. Identified hotspots for this form of sex trafficking in Luzon and Visayas include Iligan, Lapu-Lapu, Pampanga, Quezon City, Malabon, Pasig, Taguig, and Caloocan. Reports cited a nearly 265 percent increase in unconfirmed reports of online child sexual abuse during the pandemic. Economic impacts of the pandemic, combined with an increased amount of time children spent at home, resulted in an increasing number of families to force their children into online sexual exploitation.

Officials, including those in diplomatic missions, law enforcement and immigration agencies, and other government entities, allegedly have been complicit in trafficking or allowed traffickers to operate with impunity. Some corrupt officials allegedly accept bribes to facilitate illegal departures for overseas workers, operate sex trafficking establishments, facilitate production of fraudulent identity documents, or overlook illegal labor recruiters. Reports in previous years asserted police conduct indiscriminate or fake raids on commercial sex establishments to extort money from managers, clients, and victims. Some personnel working at Philippine embassies reportedly withhold back wages procured for their domestic workers, subject them to domestic servitude, or coerce sexual acts in exchange for government protection services. There were anecdotal reports that police and local government units subjected individuals who had voluntarily surrendered to officials in relation to the government's anti-drug campaign to forced labor.

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