



# PHILIPPINES

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**Opening Statement of Honorable ROSALINDA DIMAPILIS-BALDOZ  
Head of Delegation, Minister of the Department of Labor and Employment**

**Consideration of the 2nd Periodic Report of the Philippines on the International  
Convention on the Protection of the Rights of all Migrant Workers and Members  
of their Families**

**20th Session of the Committee on the Protection of the Rights of All Migrant  
Workers and Members of their Families**

**3-4 April 2014  
United Nations, Palais Wilson, Geneva**

**Mr. Chairman, distinguished members of the Committee on Migrant Workers,  
good afternoon.**

**The Philippine delegation expresses its sincerest felicitations to you on your  
election as Chair of the Committee, as well as the election of Mr. Jose S.  
Brillantes, Mr. Azad Taghizada and Mr. Ahmadou Tall, as the Committee's three  
vice chairs. We are optimistic that under your able leadership, the Committee will  
achieve considerable progress in its work.**

**Our delegation also takes this opportunity to thank former Committee Chairman,  
Mr. Abdelhamid El Jamri and his vice chairs for their excellent work.**

**The Philippine delegation extends its warmest greetings to the country  
rapporteurs for the Second Philippine Periodic report on the Convention on**

**Migrant Workers and Members of their Families, for their work and continuous support they have extended to States Parties.**

**We acknowledge the presence of representatives of international organizations and civil society organizations especially those from the Philippines who are observing this activity today.**

**Mr. Chairman,**

**The Philippines is honored to engage in a constructive dialogue with the Committee in the consideration of its Second Periodic Report on its implementation of the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families.**

**His Excellency President Benigno S. Aquino III conveys his greetings to the Committee, and has sent a high level delegation to this dialogue as a manifestation of his high regard to the UN human rights treaty body system.**

**With me are the following members of the delegation: Ambassador Cecilia Rebong of the Permanent Mission to the United Nations and other International Organizations in Geneva; Ambassador Esteban Conejos, and Deputy Ministers Jesus Yabes of the Department of Foreign Affairs, Ricardo Paras III of the Department of Justice, Hans Leo Cacdac of the Philippine Overseas Employment Administration, Rebecca Chato of the Department of Labor and Employment and Severo Catura of the Presidential Human Rights Committee from the Office of the Executive Secretary.**

**The Philippine delegation also includes Executive Director Reynaldo Catapang, Director Val Roque and Atty. Emily Descallar of the Department of Foreign Affairs, State Counsel Mary Grace Quintana of the Department of Justice, Director Dulfie Shalim of the Department of Social Welfare and Development, Executive Director Eric Dimaculangan of the Bureau of Immigration, Directors Robert Larga and**

Rosemarie Duquez of the Philippine Overseas Employment Administration, Director Albert Valenciano of the Overseas Workers Welfare Administration, Ms. Cathy Duladol of the Department of Labor and Employment, and Deputy Permanent Representative Noralyn Baja, Minister Josephine Reynante, Minister Enrico Fos, Labor Attaché Ma. Celeste Valderrama, Ms. Ma. Asuncion Inventor of the Philippine Mission to the UN in Geneva.

Mr. Chairman,

We highly appreciate the positive comments made by the Committee in its Concluding Observations on the 1st Periodic Review of the Philippines in 2009. The Committee has noted the Philippines' commitment to migrant workers' rights as illustrated by its strong legal, social and institutional framework, its broad domestic and foreign policy agenda, and its leading role in advancing the principles of the Convention at international, regional and bilateral levels. The Committee also took note of the fact that the Philippines is one of only a few countries to have ratified all the treaties relating to the rights of migrant workers. We welcome this affirmation by the Committee of the country's four decades of migration governance, predating Philippine ratification of the Convention by more than two decades.

We also appreciate the Committee's recommendations in its Concluding Observations. A post-reporting forum was convened in 2009 and discussed the Committee's findings and recommendations with key government agencies and non-government and civil society organizations.

Our written reply to the List of Issues Prior to the 2nd Periodic Review was prepared by the relevant government and inter-agency committees, and firmed up through consultations with non-government and civil society organizations.

Mr. Chairman,

The Philippine government is strongly committed to creating jobs at home so that working abroad will be a choice rather than a necessity. However, when Filipinos choose to work abroad, their protection and welfare remains its highest priority. Indeed, assistance to Filipino nationals in distress abroad is one of the three pillars of Philippine foreign policy. This is the recurrent theme in the President's inaugural address, his Social Contract with the Filipino people, the Philippine Development Plan and the 22-Point Agenda on labor and employment.

The policy of protection covers the entire migration management process, from pre-employment, on-site employment and return migration and reintegration. This process involves the convergence of programs, services and personnel of various Philippine government agencies at home and abroad. In addition to various personnel involved in migration management in the agencies represented in this delegation who are based in the Philippines, government personnel abroad act as a country-team under the leadership of the Ambassador. At present, we have a global network of 82 Philippine embassies and consulates, 166 Honorary Consulates and at least 1,295 officers to attend to consular, labor and welfare services needs of Filipino migrant workers. Let me emphasize that the work of Philippine Government personnel abroad has been effectively delivered with the support of highly organized networks of Filipino migrant communities.

We note the participation in this delegation of government personnel abroad, because they represent the one country-team approach in addressing concerns of migrant workers under the leadership of our Ambassadors.

Mr. Chairman,

Within this policy context of migrant workers protection, let me highlight the significant gains in the last five years.

In 2010, the Philippine Government enacted Republic Act No. 10022, amending the 1995 Migrant Workers and Overseas Filipinos Act. This law strengthens protective measures afforded to migrant workers by increasing the penalties for illegal recruitment; institutes a system for certifying host countries or destinations that provide adequate protection to migrant workers, expands prohibited acts in the recruitment and deployment of workers, provides mandatory insurance coverage to recruitment agency-hired workers, provides a minimum annual budget of Php 100 Million for the Legal Assistance Fund, and institutionalizes the National Reintegration Center with regular plantilla positions and a P50 Million annual budget.

In 2013, the Philippine government enacted Republic Act No. 10364, amending the Anti-Trafficking in Persons Act of 2003. This law expands the acts constituting trafficking in persons to include exploitation of children; penalizes separately forced labor and slavery; increases the penalty for the use of trafficked persons for prostitution; criminalizes involuntary servitude; penalizes attempted trafficking; and imposes penalties for accessories and accomplices. It also applies the principle of extra-territorial jurisdiction to cases of trafficking in persons, even as it also enhances victim protection and strengthens institutional mechanisms to protect the rights of trafficked persons.

In the same year, the Philippine Government enacted Republic Act No. 10365, amending the Anti-Money Laundering Act. This law makes trafficking in persons and illegal recruitment as predicate offenses and grants authority to freeze any monetary instrument or property alleged to be laundered by human traffickers and illegal recruiters.

Also, in 2010 and 2011, the Philippines chaired the Domestic Workers Committee of the International Labour Conference that crafted the Convention on Decent Work for Domestic Workers. The Philippines was the 2nd country to ratify C189

in September 2012. In keeping with the Convention, the Philippine Government enacted in 2013 the "*Batas Kasambahay*" or Domestic Workers Act, which specifies measures for the protection and welfare of domestic workers in the Philippines. These measures provide strong basis for the Philippine Government to negotiate bilateral agreements with receiving states to protect the interest of Filipino women domestic workers.

In particular, in 2012-2013, the Philippine Government successfully negotiated agreements with the Kingdom of Saudi Arabia and Jordan, providing the standards of protection to domestic workers embodied in the Convention and the *Kasambahay* Law. The agreements also provide for Standard Employment Contracts covering, among others, payment of wages, working hours, rest days and rest periods, and non-withholding of passports. Bilateral negotiations are ongoing with Lebanon, Kuwait, United Arab Emirates and Bahrain.

The Philippine Government also enacted in 2009 Republic Act No. 9710 or the "Magna Carta of Women". This law affirms women's rights as human rights and asserts the fundamental freedoms of women. It provides the necessary mechanisms to enforce women's rights and adopts legal measures necessary to foster and promote the equal opportunity for women to participate and contribute in the political, economic, social, and cultural realms.

In addition to the foregoing, the Philippine Government also enacted Republic Act No. 9189, otherwise known as "The Overseas Voting Act of 2013". This law fast-tracks the registration of overseas absentee voters and provides for the setting-up of field and mobile registration centers, the automatic registration of voters, and alternative modes of voting.

Mr. Chairman,

Rules and regulations to implement the foregoing laws and agreements have been issued by appropriate authorities, taking into account inherent functions of the different agencies and defining areas for effective convergence and coordination. The Migrant Workers and Overseas Filipinos' Act, as amended, outlines different roles and responsibilities of government agencies with respect to providing protection to migrant workers. The Philippine Government remains committed to strengthen program implementation through proper follow-up procedures, capacity building, rationalization of resources, and improved institutional coordination among government agencies.

Recently, under the Office of the President, through the supervision of the Office of the Executive Secretary, an inter-ministerial Overseas Preparedness and Response Team (OPRT) was created to respond to crisis situations affecting migrant workers and their families. In the same vein, the Department of Foreign Affairs (DFA) and Department of Labor and Employment (DOLE) have jointly adopted a crisis alert system which serves as the basis for emergency repatriation and deployment restrictions.

The effectiveness of this system, Mr. Chairman, was demonstrated in the emergency relocation and/or repatriation of thousands of Filipino migrant workers and their families in Libya, Syria, Yemen, Egypt and Japan. This Philippine crisis management system was recognized by the UN Special Representative of the Secretary-General for International Migration, Mr. Peter Sutherland, in the recent UN High-Level Dialogue on Migration held last October 2013 in New York City.

The current Philippines-US initiative "Migrants in Crisis Situation" was commended by no less than UN Secretary General Ban Ki Moon, in the same UN High-Level Dialogue. This State-led initiative will produce a set of guidelines for all stakeholders, delineating the respective responsibilities and roles of sending,

transit, and receiving states, international organizations and the private sector, for effective and efficient responses to the protection needs of migrants in crisis.

Mr. Chairman,

As trafficking in persons poses a threat to safe and legal migration, we have strengthened our programs to combat this menace. Under the auspices of the Inter-Agency Council Against Trafficking in Persons (IACAT) co-chaired by the Department of Justice (DOJ) and the Department of Social Welfare and Development (DSWD), the National Strategic Action Plan strengthening prevention, protection, prosecution and reintegration has been adopted.

On prevention, the IACAT adopted the Guidelines on Departure Formalities for International-Bound Passengers, which sets a two-step process for the Bureau of Immigration (BI) to evaluate travel and employment documents of departing Filipinos and ensure that they leave the country with proper work documentation. This has resulted in an increase in the number of passengers who were prevented from becoming victims of trafficking in persons.

The Department of Labor and Employment, through the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA), has also expanded the network and outreach of its Pre-Employment Orientation Programs by entering into partnership agreements with member agencies of the Inter-Agency Council Against Trafficking (IACAT), local government units, academe, religious groups, and media organizations.

Advanced training programs have also been conducted for law enforcement agencies to enhance the capacity to identify trafficked victims through risk assessment and documents examination.



National government agencies have successfully partnered with local government units in the areas of community education and advocacy to prevent illegal recruitment and human trafficking.

On law enforcement and prosecution, the IACAT created joint law enforcement task forces in all exit points. In addition, the Department of Justice (DOJ) designated special prosecutors to handle trafficking cases. The DOJ and the Supreme Court likewise issued separate circulars directing the speedy disposition of trafficking cases and prohibiting dismissal of cases based on affidavit of desistance of the victims. Also, the budgets for the Witness Protection Program and IACAT operations have been increased.

The combined effect of these measures, Mr. Chairman, is indicated by the significant increase in the number of convictions in the last four years.

The Philippines also provides reintegration assistance to victims of trafficking through the Department of Social Welfare and Development and Department of Labor and Employment. The assistance consists of package of services to address the psycho-social and economic needs of trafficked persons and their families. A one hundred million peso annual budget has been allocated for the program.

Mr. Chairman,

With respect to recruitment or placement fees, the general rule is payment of such fees should not exceed one month salary, except for "no placement fee" regulations in the case of domestic workers or workers destined for countries that prohibit fee-charging, such as the United States; the provinces of Manitoba, Saskatchewan, Alberta and British Columbia in Canada; United Kingdom; Ireland; Norway; and the Netherlands. For the last five years, the cancellation of licenses of erring recruitment agencies that violated the placement fee rule, has increased.

On the other hand, to recognize good ethical recruitment practices and exemplary performance of recruitment agencies who do not charge any placement fees, the Philippine government provides an incentives and awards system, consisting of agency, ministerial and presidential recognitions. Non-fee charging recruitment agencies which have received the highest distinction from the President of the Philippines have increased during the reporting period.

Mr. Chairman,

In order to enhance data collection and management on migrant workers and their families, the Overseas Filipinos Information System (OFIS) was established pursuant to the same Executive Order issued by the President that also created the Overseas Preparedness and Response Team. The Overseas Filipinos Information System (OFIS) shall make available information contained in databases of Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Bureau of Immigration (BI), Overseas Workers Welfare Administration (OWWA) and Philippine Overseas Employment Administration (POEA), to generate updated whereabouts of overseas Filipinos and shall complement the Shared Government Information System on Migration (SGISM), a system that will allow free flow data exchanges and sharing among migration-related agencies.

Mr. Chairman,

The reintegration program for migrant workers has also been strengthened through the institutionalization of the National Reintegration Center for Overseas Filipino Workers (NRCO) established under Republic Act No. 10022. This Center assists returning workers in their social and economic reintegration, through formation of investors, creation of livelihood and enterprises, local employment promotion, and mentoring. For OWWA members, funds for the reintegration

program are sourced from the Overseas Workers Welfare Administration Fund, while for non-members, the source is the General Appropriations Act.

Mr. Chairman,

The Philippines provides care and protection to children left behind by migrant workers. They may avail of services provided by the Department of Social Welfare and Development, which includes a supplementary feeding program, temporary shelters, alternative parental care and psycho-social services.

Children of OWWA members can avail of scholarship programs and can join the OFW Family Circles that serve as support groups.

For children whose births cannot be registered in receiving countries, Foreign Service Officers, acting as Philippine Civil Registrars abroad, register the births of such children as Filipino citizens. They are also issued Philippine passports.

On the issue of capacity-building for foreign service personnel, the Philippine government undertakes mandatory training programs, which include, among others, gender and development, language and culture, stress management, emergency response, psycho-social counselling and conciliation and mediation.

Mr. Chairman,

On the issue of stakeholders' consultation, in May 2013, the Overseas Land-Based Tripartite Consultative Council (OLTCC) was created as a venue for discussion of overseas employment and land-based migrant worker concerns. As a consultative body, the OLTCC involves workers, employers and the government to address issues and concerns involving migrant workers. Forty-six (46) non-government organizations representing migrant workers participate in the Council. Since its creation, many issues such as those relating to domestic

workers, the migrant worker welfare fund, bilateral agreements and ethical recruitment have been tackled and addressed at the OLTCC level. In addition, all labor bills and international instruments on labor standards involving migrant workers are processed through extensive stakeholders' consultations by the Tripartite Executive Committee for consideration by the National Tripartite Industrial Peace Council under the Department of Labor and Employment.

On international organizations, we have undertaken joint activities and partnerships with relevant international organizations that are mostly within the UN family, in the areas of migrant worker protection advocacy, capacity building and research and development.

Mr. Chairman,

In the global discussion of migration issues, the Philippines sustains its lead role in its advocacy for the protection of the rights of migrants and their families.

Our country chairs the Abu Dhabi Dialogue that spearheaded the adoption and implementation of the 2012 Manila Communiqué which established the Framework for Regional Collaboration of Sending and Receiving States.

As founding member and former Chair of the Colombo Process, we continue to support capacity building and sharing of best of practices on fair recruitment and protection of migrant rights among the sending countries in Asia.

As founding member and former Chair of the Global Forum on Migration and Development, we continue our active engagement as roundtable chairpersons, rapporteurs, moderators or resource persons in its yearly meetings.

In ASEAN, we are a member of the ASEAN Committee on Migrant Workers, the body tasked to oversee the crafting of the implementing instrument to the 2007 ASEAN Declaration (Cebu Declaration) on Protection and Promotion of Rights of Migrant Workers. We chair the Task Force on ASEAN Qualification Framework which will support mobility within the region through recognition of professional qualifications. We are the designated Lead Shepherd in the development of an ASEAN Convention Against Trafficking in Persons and a Regional Plan of Action to Combat Trafficking in Persons, and have also sponsored before the 6<sup>th</sup> ASEAN Ministerial Meeting for Welfare and Development the adoption of the ASEAN Guidelines on the Protection of the Rights of Trafficked Children. We have hosted numerous study visits of origin countries and extended technical expertise under the ASEAN Triangle Project on Migration.

At multilateral level, as earlier mentioned, the Philippines chaired the ILO Domestic Workers Committee that crafted ILO Convention 189 on Decent Work for Domestic Workers. We sponsored resolutions on Violence Against Women in the December 2013 UN General Assembly, as well as on Trafficking in Persons and on Migration at the UN Human Rights Council.

Mr. Chairman,

I am pleased to inform the members of the Committee that the Comprehensive Agreement on the Bangsamoro was signed by the Philippine Government on March 27 this year. While this instrument envisions the final settlement of conflict in Muslim Mindanao, the same shall provide strong support in the over-all effort to effectively address the concerns of migrant workers in that part of the Philippines.

Mr. Chairman,

We have accomplished so much, but we need to do much more for our people. For 2014 onward, the Philippine government shall, among others, further pursue

the

following:

- Stronger bilateral, regional and multilateral relations for better protection of rights and promotion of welfare of migrant workers and their families;
- Ethical and fair recruitment principles and practices;
- Voluntary guidelines on migrants in crisis;
- Skills certification and recognition for migrant workers as protection measures;  
and
- Strengthened inter-agency coordination on the protection of migrant workers  
and their families.

Before I conclude, Mr. Chairman, we note that only 45 Member States, mostly from countries of origin, have ratified this Convention. There must be programs and activities to pursue ratification by transit and receiving States. Our country stands ready to walk hand in hand with the Committee in this endeavour. After all, the rights-based foundation laid by the Convention, and as recently emphasized in the 2013 UN Declaration of the High-Level Dialogue on International Migration and Development, should provide all UN Member States with a broad-based, inclusive agenda that will usher in the post-2015 UN development framework.

Lastly, Mr. Chairman, the Philippines shares the hope that more UN support for initiatives to promote social dialogue at national, regional, and international levels will be extended to achieve the standards of protection for migrant workers and their families as provided by the Convention.

Thank you. God bless.