



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Sixteenth session
16–27 April 2012

**List of issues prior to the submission of the second periodic
report of the Philippines (CMW/C/PHL/2)***

**Specific information on the implementation of articles 1 to 71 of the
Convention, including with regard to the Committee's previous
recommendations**

I. General information

1. In light of the recommendations made by the Committee in paragraphs 14 and 50 of its concluding observations on the initial report of the Philippines (CMW/C/PHL/CO/1), please provide information on the measures taken to improve the capacity of the State party's institutions for effectively implementing the Convention by:

- (a) Simplifying and streamlining the institutional structure dealing with migration issues;
- (b) Allocating sufficient human and financial resources for agents within this structure to carry out their work efficiently;
- (c) Establishing proper follow-up procedures as well as clear, measurable and time-bound targets in order to facilitate tracking the implementation of the various initiatives and programmes in place to respond to challenges faced in the State party's labour migration policy. Please also provide information on the results of any evaluation made in relation to the implementation the Convention and of relevant national legislation.

* The present list of issues was adopted by the Committee at its sixteenth session, in accordance with the new optional procedure adopted by the Committee at its fourteenth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies to the present list of issues will be considered as the State party's periodic report under article 73 of the Convention.

2. Please provide information on the progress made by the State party in gathering, processing and analysing data relevant under the Convention, including through the Shared Government Information System on Migration (SGISM), and in improving the compilation of statistical data, or studies and estimates, on migrants in an irregular situation, in line with the recommendation contained in paragraph 20 of the Committee's previous concluding observations.
3. Please provide information on the State party's cooperation with civil society organizations working on migrants' rights in relation to the implementation of the Convention and the preparation of its periodic reports (see CMW/C/PHL/CO/1, paragraphs 22 (c), 50 and 52).
4. Please provide information on the measures taken by the State party to evaluate and further intensify training programmes on the application of the Convention for public officials working in the area of migration, including consular officials, border police officers, social workers, judges and prosecutors (CMW/C/PHL/CO/1, para. 22 (a)).
5. Please describe the measures taken by the State party to widely disseminate the Convention and the Committee's previous concluding observations, in particular to government departments, Parliament, the judiciary, the national human rights institution and non-governmental organizations (CMW/C/PHL/CO/1, para. 53).
6. Please provide information on measures taken to strengthen the protection of Filipino migrant workers abroad by reviewing and amending bilateral and multilateral agreements, Memoranda of Understanding or other protective measures with countries of employment of Filipino migrant workers (CMW/C/PHL/CO/1, para. 32 (a)).
7. Please provide information on the mandate and activities of the Commission on Human Rights of the Philippines to promote and protect the rights of migrant workers and members of their families under the Convention, as well as on any plans to extend the mandate of the Commission to include economic, social and cultural rights of migrant workers.
8. Please provide information on the measures taken to prevent public officials from using corrupt practices to (a) obstruct migrants' access to justice and (b) favour child labour, e.g. by stating a higher age of migrant children on birth certificates.
9. Please indicate whether the State party has undertaken and/or supported a comprehensive study on the situation of children of migrant workers. Please also describe the progress made in developing and implementing strategies, policies and programmes, in collaboration with non-governmental organizations (NGOs), to ensure the protection and promotion of the rights of migrant children through, inter alia, community support programmes, education and information campaigns and school programmes (CMW/C/PHL/CO/1, para. 46).
10. Please indicate whether the State party envisages ratifying International Labour Organization (ILO) No. 189 (2011) concerning Decent Work for Domestic Workers.
11. Please indicate whether the State party envisages making the declarations provided for in articles 76 and 77 of the Convention, as recommended in the Committee's previous concluding observations (CMW/C/PHL/CO/1, para. 18).

II. Information relating to each of the articles of the Convention

A. General principles

Articles 7 and 83

12. Please provide information on the implementation of the Convention in the Autonomous Region of Muslim Mindanao (ARMM) given that the ARMM has a separate cabinet and a regional legislative assembly.

13. Please provide information on the steps taken by the State party to ensure that the exercise by migrant workers and members of their families of their rights under the Convention is not subject to the principle of reciprocity, in particular by aligning its domestic legislation with the Convention (CMW/C/PHL/CO/1, para. 24).

14. In light of paragraphs 26, 30 and 32 (b) of the Committee's previous concluding observations, please provide information on the measures taken by the State party to:

- (a) Strengthen its legal assistance to Filipino migrant workers;
- (b) Inform Filipino migrant workers of the administrative and judicial remedies available to them;
- (c) Increase awareness among Filipino migrant workers, especially women domestic workers, on the available mechanisms for bringing complaints against employers so that any abuses can be investigated and punished;
- (d) Ensure that consular services respond effectively to the need for protection of Filipino migrant workers and members of their families;
- (e) Ensure that its diplomatic and consular staff abroad are knowledgeable about the laws and procedures of the countries of employment of Filipino migrant workers, especially in those countries categorized as "highly problematic" by the Department of Foreign Affairs (DFA) and the Department of Labour and Employment (DOLE);
- (f) Undertake regular performance and financial audits of government personnel and agencies dealing with migration issues.

15. Please provide information on the assistance provided through embassy and consulate staff abroad to migrant workers victims of the "sponsorship" or *kafalah* system in Gulf countries, especially for women domestic workers, and on endeavours to negotiate a reform or review of such a system with the relevant countries of employment (CMW/C/PHL/CO/1, para. 32 (d)).

B. Part III of the Convention

Articles 10 and 11

16. Please provide information on the measures taken to fight the exploitation of prostitution of migrant women in the State party, particularly in the context of sex tourism, as well as on the measures taken to protect migrant children in the State party from forced labour and from sexual exploitation and abuse.

Article 29

17. Please provide information on the measures taken to promote the birth registration of Filipino migrant children abroad, including those in an irregular situation, and to ensure the birth registration of foreign migrant children in the State party.

Article 33

18. Please provide information on pre-departure programmes for Filipino nationals considering migration. In this regard, please indicate the measures taken by the State party to implement the recommendations contained in paragraph 22 (b) to (d) of the Committee's previous concluding observations.

19. Please provide information on the measures taken to ensure that migrant workers arriving in, or preparing to come to, the State party have access to clear information on immigration procedures, including full information on exit and entry visa guidelines and registration. Please clarify what Government institution is responsible for providing such information and if any coordinated policies, programmes or legislation have been developed to ensure transparency and accountability in this process.

C. Part IV of the Convention**Article 40**

20. Please provide information on the measures taken by the State party, in particular with respect to legislative amendments to sections 269 and 272 (b) of the Labour Code, to guarantee to all migrant workers and members of their families in a regular situation in the State party the right to join, form and to form part of the leadership of, associations and trade unions, in accordance with article 40 of the Convention, as well as with ILO Convention No. 87 (1948) concerning Freedom of Association and Protection of the Right to Organise, and irrespective of reciprocity (CMW/C/PHL/CO/1, para. 34).

Article 41

21. Please provide information on the measures taken to implement the recommendations contained in paragraph 36 of the Committee's previous concluding observations, with a view to ensuring the right of Filipino migrant workers to participate in public affairs and to vote and to be elected at elections of the State party.

D. Part VI of the Convention**Article 64**

22. Please provide information on the measures taken to prevent irregular migration, including through international agreements, policies and programmes. Please include information on how such measures have been mainstreamed in overall migration policies and programmes and whether a measurable result on the numbers of irregular migrants has been determined.

Article 65

23. In line with the recommendations contained in paragraph 28 of the Committee's previous concluding observations, please provide information on the measures taken by the

State party to improve the situation of Filipino migrant women facing situations of vulnerability by:

- (a) Conducting a thorough assessment of the situation of Filipino migrant women, including their income in the informal sector, and taking concrete measures to address the feminization of migration comprehensively in its labour migration policies, and ensuring minimal social protection for Filipino migrant women;
- (b) Negotiating more secure employment opportunities and terms and conditions for Filipino migrant women in vulnerable sectors through bilateral agreements in those countries where discriminatory treatment and abuse are more frequent;
- (c) Carrying out gender training and sensitization for government officials dealing with migration issues, in particular those providing legal and consular assistance to Filipino migrant workers abroad seeking justice against abuse in the workplace;
- (d) Implementing the outcome document of the International Conference on Gender, Migration and Development called the Manila Call to Action as a tool for informed policy decision-making and advocacy;
- (e) Liaising with local and international partner networks to provide services and support to migrants and to advocate for migrants' rights.

Article 66

24. Please provide information on the measures taken to review the role of private recruitment agencies and to strengthen the existing licensing system for recruitment agencies, migration regulation and control mechanisms to prevent private recruitment agencies from charging excessive fees for their services and from acting as intermediaries for abusive foreign recruiters (CMW/C/PHL/CO/1, para. 42). Please also indicate whether the State party envisages ratifying ILO Convention No. 181 (1997) concerning Private Employment Agencies.

Article 67

25. Please describe the progress made by the State party in strengthening the reintegration of returning migrant workers and members of their families, as recommended in paragraph 44 (a)-(e) of the Committee's previous concluding observations. Please indicate if bilateral agreements facilitate the return and reintegration of migrant workers and how the National Reintegration Centre for Overseas Filipino Workers operates and coordinates its activities with other relevant institutions to promote the return and reintegration of Filipino migrant workers.

Article 68

26. Please provide information on the measures taken to implement the recommendations contained in paragraph 48 (a)-(f) of the Committee's previous concluding observations in order to combat trafficking in persons.

III. Additional information

27. Please provide any additional information on measures adopted since the Committee's consideration of the State party's initial report in 2009 to implement the Convention and the Committee's previous concluding observations (CMW/C/PHL/CO/1, para. 51), including relevant disaggregated statistical data, as well as information on any

other important developments in the State party relating to the provisions of the Convention.
