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Migrants Rights – Make Them Real for Filipino Migrant Workers and Members of Their Families
Statement to the Informal Meeting of NGOs with the Committee on Migrant Workers
Ellene A. Sana, Executive Director, Center for Migrant Advocacy Philippines
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Palais Wilson, Geneva, Switzerland

Good day and warm greetings to the members of the CMW, colleagues from NGOs and NHRIs.

I am Ellene A. Sana, Executive Director of the Center for Migrant Advocacy, an NGO based in Manila working for the promotion of the rights and welfare of Filipino migrant workers and their families (FMWs). I make this intervention to amplify the information that we, together with other migrant NGOs and trade unions, provided in our shadow report to the Committee.

There is no doubt that the Philippine government, through its various agencies has gone a long way in terms of developing policies, programs and services to FMWs. In fact, the Philippines is trail blazer of sorts when it comes to crafting policies and programs at every stage of the migration cycle. Other States of origin have been trying to learn from the Philippines in this respect.

That said however, we also take note of the gaps between the policies and the situation of migrants on the ground that the latter continue to experience, in numerous ways and forms of exploitation, abuse and violation of their rights at every stage of the migration cycle.

May we reiterate the following concerns with a request to include valuable recommendations in the concluding comments for the Philippines as a State party to the CMW.

1. Partial compliance to articles 33, 37 and 65 (d) of the Convention on duty to provide accurate comprehensive information to migrants and other parties – Government's programs on information and education are those in pre-departure such as the Pre-employment orientation seminar (PEOS) and the pre-departure orientation seminar (PDOS). The scope and coverage of information, by nature, is orientational only and not comprehensive. We reiterate that government must have clear indicators to measure the efficacy and reach of both PEOS and PDOS as initial set of information programs for migrants. There is also a need for government to develop and conduct continuing education and information activities for FMWs throughout the migration cycle in order to cover the full range of information that they need as migrant workers. FMWs in Japan, Singapore and Taiwan (as reported by CMA partner organizations in these countries) are not aware of many of the government's programs and services. The same sentiment was echoed by Filipino organizations in Qatar, Saudi Arabia and Jordan (during CMA's visits to these countries and meetings with Filipino communities).

FMWs get to know their legal rights and entitlements when they become distressed and have to seek redress. We therefore further recommend that the Philippines should develop and persevere that regular continuing education and information programs be developed and alongside it, creative ways explored to conduct and/or impart the needed information to the workers. Cooperation with States of destination must be pursued for this purpose.

2. Partial compliance with Article 65 (2) of the Convention – there are gaps in the provision of adequate consular and other services necessary to meet the social, cultural and other needs of migrant workers and members of their families; embassies and labor offices are understaffed; resources inadequate; Ratio of personnel to migrant workers in areas categorized as “ATN (Assistance to Nationals) -intensive like Middle East and Asia is 1 personnel to 50,000 OFWs in Saudi Arabia to 1 personnel to 33,000 OFWs in Asia Pacific. The post also lacks social welfare attaches and Shariah lawyers as mandated by the law. The lack or inadequacy of service vehicles in selected posts, like in Saudi Arabia which is 6X bigger than the Philippines, also hinders efforts of post to conduct regular jail visits to detained OFWs. The Commission on Elections has also failed to secure funds for its information campaign on overseas voting for several overseas voting exercises now. This restricts rather than expands opportunities for FMWs to participate in the voting exercise in the Philippines. We recommend that timely, regular and sufficient human and material resources be provided to all embassies and labor offices abroad including agencies such as the COMELEC.

Similarly, policies of States of destination can hamper the promotion and enjoyment of the cultural and social life of FMWs as in the case of Saudi Arabia which requires approval of the Saudi Ministry of Foreign Affairs for the holding of events and activities at the Philippine embassy premises. (Philippine embassy Advisory 184-2012, December 2, 2012). We recommend that further representation with the Saudi government be done to assert availability of the embassy premises for social and cultural activities of FMWs.

3. Partial enjoyment of rights in compliance with Article 11 of the Convention – When migrants pay exorbitant fees to unscrupulous recruiters for jobs abroad like the workers in Taiwan and the domestic workers in Hongkong who must ensure that they keep their jobs abroad to pay back the huge loans incurred-- that is debt bondage; or when migrants, particularly in States of destination that practice the Kafala system, must endure working for the abusive employer because the latter will not issue the worker a no objection certificate which is a re-requisite to the issuance of an exit visa to release him/her or unless the he/she refunds the employer of all recruitment costs incurred –that is a slavery-like condition or involuntary servitude. We recommend that the Philippines develop and put in place worker-friendly, fast and simple mechanism to monitor compliance of agencies; encourage FMWs to report and file complaints against erring and abusive recruiters and ensure concerned government agency acts with haste and sensitivity. We also recommend that the Philippines ratify ILO Convention 181 and impose zero placement fees to uphold the principle that workers must not pay any amount in exchange for a job. This is consistent with the State's policy declaration of NOT promoting labor migration as a development strategy.
4. Women domestic workers are deprived of rights enshrined in the Convention's articles 7, 10, 11, 17 and 21 – we celebrated and welcomed the adoption of ILO Convention 189 on decent work for domestic workers. It is a big step towards the recognition of domestic work as work. However, much is yet to be done for migrant domestic workers, most of whom are women who constitute a third of all new hired workers under one job category. It is imperative on the

Philippine government to continuously reach out to other States of origin and destination to enjoin their cooperation and support in promoting and upholding the rights and dignity of migrant domestic workers. Again, clear, measurable and time-bound indicators must be crafted, adopted, implemented and monitored utilizing gender lens and rights-based approach in order to measure the effectiveness of policies and programs for domestic workers including compliance of employers to policies of States of destination that prohibit confiscation or withholding of migrants personal documents like passports. We further recommend that the Philippine government promotes the ratification of the Convention on Migrant Workers and ILO Convention 189.

5. Return and reintegration, migration and development – Return and reintegration remains the weakest link in the migration cycle. Migrants continue to work and live abroad for as long as they can because they perceive that working and living conditions back home have not improved much since the time they first departed for overseas jobs. Foremost is having decent wages that can keep a family together decently. To break the vicious cycle of migration, structural changes are a must as well as crafting and implementing a development agenda that redounds to real improvements in the lives of the majority of Filipinos. Central to this is upholding human rights and dignity for all. A sound well-thought out and sustainable return and reintegration strategy is also in order. While government has started thinking about it since the mid-1980s, to date, its program on return and reintegration has not gone far. It has not impacted significantly on the lives of those who have returned. Government must be guided by a verifiable data base of returned migrants containing skills inventory and other talents acquired from many years of working overseas. Adequate resources, wide dissemination of information and involving the active participation of returned migrants themselves in developing reintegration programs are a must. In line with Article 67 of the Convention, the Philippines must reach out to states of destination for support and cooperation.

As a final note, policies and programs are only half as good if these do not effect real improvements in the lives of migrant workers and their families; if effectivity will require enabling social and legal mechanisms and temporary special measures to be put in place, then so be it; periodic assessments and monitoring of the efficacy of the laws and programs based on clear indicators that are gender-responsive and rights-based can do well along this line.

Thank you.##