



**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**
Thirty-sixth session

Summary record of the 521st meeting

Held at the Palais Wilson, Geneva, on Friday, 31 March 2023, at 10 a.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Third periodic report of the Philippines (continued) (CMW/C/PHL/3;
CMW/C/PHL/QPR/3)

1. *At the invitation of the Chair, the delegation of the Philippines joined the meeting.*
2. **Ms. Ople** (Philippines), replying to questions raised during the first half of the constructive dialogue with the Committee, said that, ahead of the President's meetings with Philippine communities during official visits abroad, the Department of Migrant Workers engaged with those communities to provide information and gather feedback on the services available to them. The Department also held regular videoconferences with community leaders and leveraged social media to disseminate information and receive questions and suggestions about migrant rights.
3. The authorities' talks with their Saudi Arabian counterparts had resulted in a country-specific employment contract that included a wage protection clause, whereby the Saudi Government would bear the cost of insurance to protect the salaries of skilled workers, should their employer declare bankruptcy. In the case of domestic workers, similar insurance should be taken out by the private employer. The Crown Prince of Saudi Arabia had undertaken to address the matter of the unpaid wages of between 8,000 and 10,000 Philippine construction workers.
4. By taking a rights-based approach to labour mobility and migration governance, the Department signalled to partners, including recruitment agencies, that the rights and welfare of Philippine migrant workers would be at the heart of all negotiations. The same approach guaranteed that returnees, especially women, received a full range of reintegration services.
5. **A representative of the Philippines** said that, upon consultation with stakeholders, the Department of Migrant Workers was authorized to terminate, suspend or impose a total ban on the deployment of migrant workers, including overseas Philippine workers, when conditions in the receiving country or region were inimical and did not protect the best interests, welfare and safety of migrant workers.
6. **A representative of the Philippines** said that the Department of Migrant Workers Act envisaged legal assistance and free access to courts and quasi-judicial bodies, such as alternative dispute resolution mechanisms and the National Labour Relations Commission, for migrant workers irrespective of their status. Regarding contract substitution, assistance was provided to migrants in pursuing claims against foreign employers. As a result, 92 foreign actors or employers had been banned from the overseas employment programme.
7. **Ms. Ople** (Philippines) added that, just a few days prior, a recruitment agency had had its licence revoked, on the basis of testimony by Philippine workers based in Taiwan, for charging excessive fees.
8. **A representative of the Philippines** said that the Government used bilateral negotiations to pursue policy changes and achieve additional protection for overseas Philippine workers, especially domestic workers, for instance through country-specific employment contracts. The Philippines had bilateral agreements on the deployment and protection of domestic workers with Jordan, Kuwait, Lebanon, Saudi Arabia and the United Arab Emirates.
9. Most recently, in September 2022, the Philippines and Saudi Arabia had established a joint technical working group to ensure continuous dialogue and monitor the implementation of agreed reforms, including the requirement for employers to pay wages into the e-wallet accounts of their domestic workers so that the disbursements could be monitored, the provision of access to complaint mechanisms, the right of domestic workers to change employers if, for instance, they suffered physical abuse or their wages went unpaid, and the introduction of non-discrimination clauses concerning, inter alia, timely access to gender-appropriate medical care.

10. In addition, the two countries had set up a blacklist and whitelist system for recruitment agencies and employers. Only those that met the mutually agreed criteria could participate in the domestic worker deployment programme. Furthermore, all licenced recruitment agencies that hired Philippine domestic workers were required to designate welfare officers and counsellors responsible for monitoring and reporting on the situation of the workers and providing immediate assistance to those in distress. Lastly, the two countries had agreed to improve the pre-departure and post-arrival orientation seminars aimed at familiarizing workers with the culture and practices of the destination country and to develop an orientation programme for foreign employers on Philippine culture and the rights of domestic workers.

11. **A representative of the Philippines** said that the Philippines was the main sponsor of United Nations resolutions on combating violence against women domestic workers. The latest, which had been adopted by consensus in 2021, recognized the particular vulnerability of women domestic workers and the fact that the feminization of migration required greater gender sensitivity. It called on governments to incorporate a human rights, gender-responsive and people-centred perspective in legislation, policies and programmes for the protection of migrant women against violence, discrimination, trafficking in persons, exploitation and abuse, and to strengthen measures to protect the human rights of women migrant workers, especially domestic workers, regardless of their migration status. It invited Member States to ratify International Labour Organization (ILO) instruments, including the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143).

12. **Ms. Ople** (Philippines) said that the Philippines labour attaché to Hong Kong had spearheaded a campaign to ban employers from requiring domestic workers to engage in the dangerous task of cleaning windows from the outside of high-rise apartment blocks. The campaign had eventually been successful, and the ban was now enshrined in the employment contracts of domestic workers of all nationalities.

13. **A representative of the Philippines** said that the Department of Foreign Affairs issued alerts and, where applicable, deployment bans on the basis of threat assessments carried out in countries of destination. It was a four-tier system, with the fourth level – emergency evacuation – being the highest. Owing to ongoing conflict, deployment bans had been issued with regard to Ukraine, Myanmar, Libya and Syria.

14. **A representative of the Philippines** said that children were banned from becoming overseas domestic workers under the Expanded Anti-Trafficking in Persons Act and that, for the purposes of the Act, the term “child” referred to individuals under the age of 24. Raising the minimum age for overseas deployment as a household service worker was aligned with a State policy to prioritize measures and programmes that promoted human dignity, protected people against violence and exploitation, eliminated trafficking in persons and addressed the drivers of involuntary migration. The Act also enhanced the protection of Philippine women in domestic service abroad, whose occupation placed them at greater risk.

15. **A representative of the Philippines**, noting that the Philippines was as equally committed to protecting Philippine migrants as it was to protecting foreign migrant workers in its own territory, said that the measures in place to address trafficking in persons did not distinguish or discriminate on the basis of nationality. Indeed, anyone could report cases to the helplines, the anti-trafficking task forces, the Inter-Agency Council against Trafficking, village officials, the police, a civil society organization or a faith-based group. The Government had developed guidelines on the identification of trafficking victims and their referral to appropriate services and assistance. Between 2021 and 2022, 64 foreign nationals had been rescued in the course of operations by Philippine law enforcement agencies. Three of them had taken legal action against the alleged traffickers. Although they had since safely returned to their countries of origin, they would continue to participate in the legal proceedings as victim witnesses.

16. **A representative of the Philippines** said that the recovery and reintegration programmes run by the Department of Social Welfare and Development were intended not only for victims of trafficking who returned to the Philippines but also for their families and communities. The efforts in that domain were three-pronged – assistance to victims, including psychosocial services, financial aid, medical care, livelihood assistance and skills

training; public awareness-raising to prevent people from falling victim to trafficking; and capacity-building for organizations that provided services to trafficking victims. Nearly 1,960 victims, including more than 170 victims of illegal recruitment, had benefited from the Recovery and Reintegration Program of Trafficked Persons in 2022. The State had increased the budget allocation for recovery and reintegration programmes to \$515,000. Furthermore, the State provided temporary shelter, psychosocial services and other assistance to victims of illegal recruitment or trafficking in persons, irrespective of nationality.

17. The supplemental guidelines on minors traveling abroad applied to minors whose parents worked overseas, those intending to study abroad and those whose parents were in the foreign service. All branches of the Department of Social Welfare and Development had been instructed to fast-track the processing of documents for child applicants. Between 2020 and 2022, they had processed over 5,680 travel clearances for unaccompanied minors or minors travelling with non-relatives for the purpose of visiting parents living abroad. Social workers at the local level ensured respect for the right of unaccompanied minors and children of migrant workers to health, education and special protection. Children of migrant workers were also eligible for psychosocial and financial assistance.

18. In addition, the State strived to ensure that abandoned children enjoyed a family-like environment, including through the Alternative Family Care Programme. Under the Foundling Recognition and Protection Act, any abandoned child found in the Philippines or at a Philippine mission abroad was considered a natural born Philippine citizen, regardless of the circumstances of birth, and, as such, was afforded the same rights and protections as other Philippine children. Two memorandums promoting community-based alternative parental care programmes governed the treatment of abandoned children of migrant workers who had no relatives or had been declared legally available for adoption.

19. **A representative of the Philippines** said that the prohibition on the entry of persons with communicable diseases under the Immigration Act was in line with the country's international commitment to limit public health risks that had the potential to cross borders; the Department of Health imposed quarantine as part of its implementation of the International Health Regulations (2005). There was no prohibition on the entry of pregnant migrant workers. Several bills currently before Congress sought to modernize the Bureau of Immigration.

20. Inbound migrant workers were eligible for coverage under the national health insurance programme, without discrimination on grounds of race, creed or sex. Coronavirus disease (COVID-19) vaccination had been made available to all foreign nationals according to the same criteria as citizens, in keeping with the Government's commitment to universal health care.

21. **A representative of the Philippines** said that the Government had recently adopted numerous laws, legislative amendments and regulations to improve access to justice, including revised guidelines on the conduct of criminal cases, amendments to the 1997 Rules of Civil Procedure, amendments to the 1989 Revised Rules on Evidence and rules on expedited procedures in first-level courts. The Revised Rules on Evidence contained provisions on the appreciation of electronic evidence and on the implementation of the Apostille Convention, to which the Philippines was a party.

22. At the height of the COVID-19 pandemic, domestic courts had remained operational and had adopted guidelines on videoconferencing, thanks to which hearings had been held for individuals outside the country during the courts' opening hours. A circular had been issued directing all trial court judges to hear and rule on pending cases expeditiously. The Strategic Plan for Judicial Innovations 2022–2027 was the Supreme Court's plan of action to address institutional challenges and was based on four guiding principles: timely and fair delivery of justice; transparency and accountability; equality and inclusivity; and technological adaptability. The Plan would involve modernizing court procedures and operations, enhancing information and communications technology governance and management, the effective use of data in policy-setting and decision-making, upgrading information-sharing and identifying providers of free legal aid.

23. The Philippine Development Plan 2023–2028 also set out measures to improve access to justice, such as the Supreme Court's Enhanced Justice on Wheels programme, under which

marathon hearings of pending cases were conducted in isolated locations. The Supreme Court had approved the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, which facilitated the transmission of documents among States parties. The accession of the Philippines to the Convention and its adoption of the guidelines on the Convention's implementation demonstrated its commitment to minimizing or even eliminating delays in the legal process.

24. **A representative of the Philippines** said that the Commission on Human Rights, which had been established in 1987, had come to be appreciated by State and non-State human rights observers. In the exercise of its mandate to monitor the Government's compliance with international treaty obligations, the Commission published advisories, policy papers and baseline data with the aim of mainstreaming a human rights-based approach in governance and raising public awareness about human rights.

25. The Government's policy had always been to engage proactively with the Commission by ensuring that it was represented in relevant inter-agency working groups. The State recognized the Commission's mandate to conduct *motu proprio* investigations into human rights violations, including in cases involving migrants. The Commission's central and regional offices received and processed complaints lodged in person or online, conducted investigations, coordinated with relevant government agencies and provided legal assistance. The Commission also had the power to grant modest financial aid to overseas Philippine workers and members of their families. Through its International Obligations Monitoring Division, it collaborated with government agencies, the national human rights institutions of receiving or transit countries, international organizations and civil society stakeholders. It also helped to update the Migrants' Rights Observatory, which had been created in 2019 to monitor the implementation of the Convention, and coordinated with the Department of Foreign Affairs to ensure the safe repatriation of migrant workers.

26. Pending the establishment of a national preventive mechanism, in relation to which bills had been submitted to Congress, the Government acknowledged the Commission's interim role in conducting unannounced visits to places of detention. More than 500 such visits had taken place since 2016. The Commission had been accredited with "A" status by the Global Alliance of National Human Rights Institutions, signalling its independence and full compliance with the principles relating to the status and functioning of national institutions for protection and promotion of human rights (the Paris Principles). The Government supported two bills that had been drafted to strengthen the Commission through the adoption of a new charter. The bills and the proposed charter had been the subject of a series of consultations with internal and external stakeholders.

27. The Government had increased the Commission's budget from \$5 million in 2014 to \$18 million in 2023, enabling the Commission to improve and expedite its investigation and documentation of cases and programme implementation. The selection of the Commission's members was informed by recommendations from various human rights stakeholders. A shortlist of the most qualified candidates was submitted to the President for his consideration.

28. **Ms. Ople** (Philippines) said that a response concerning the ratification and application of ILO conventions would be submitted in writing.

29. **Ms. Dzumhur** (Country Rapporteur) said that she wished to know what the State party was doing to prevent its citizens from being subjected to the death penalty. She would be interested to hear how long it took to resolve claims filed by returned migrant workers against employers and recruitment agencies, bearing in mind reports of a considerable backlog, what rules and procedures were in place for foreign nationals employed in the Philippines, some of whom worked in the information technology sector despite their irregular status, and which national bodies were responsible for dealing with foreign workers. The fact that anti-trafficking legislation considered anyone under 24 to be a child appeared to contradict the Convention on the Rights of the Child, which defined a child as a person under the age of 18.

30. **Mr. Ceriani Cernadas** (Country Rapporteur) said that he would be interested to know the 10-year trends in employment growth, on the one hand, and emigration, on the other, and the Government's targets in that respect over the coming years. Recalling the recommendation made by the Committee in its concluding observations on the State party's

second periodic report (CMW/C/PHL/CO/2), according to which the exercise of human rights was not based on the principle of reciprocity, he hoped to hear about the working conditions of Philippine offshore gaming operators. The delegation should also clarify the State party's detention and expulsion procedures, in the light of reports that foreign nationals in an irregular situation following the termination of their visas had been treated almost like criminals by the Bureau of Immigration. In that connection, he wondered whether immigration procedures continued to be governed by the Immigration Act of 1940, or whether laws had been passed more recently that incorporated the Convention and other relevant treaties ratified by the Philippines. Lastly, had the Government evaluated the effectiveness of bans on the deployment of Philippine workers as a protection measure?

31. **The Chair** (Country Rapporteur) said that he had heard no reply to his questions about the obligation on some overseas Philippine workers to send remittances or about the steps that the Government was taking to prevent statelessness among undocumented Filipinos, particularly in the Middle East.

32. In reference to the concluding observations on the State party's second periodic report, he wished to know what had been done in response to the Committee's recommendations to amend the Immigration Act with the aim of avoiding discrimination against migrant workers on the basis of their health situation and to investigate and punish all cases of corruption involving public officials.

33. With regard to paragraph 40 of the Human Rights Committee's concluding observations on the fifth periodic report of the Philippines (CCPR/C/PHL/CO/5), he would be grateful for information on the measures taken by the State party to provide durable solutions, such as adequate housing, for internally displaced persons and to refrain from indiscriminate military operations with a view to preventing internal displacement and other human rights violations. He invited the delegation to comment on reports that there were 160,000 internally displaced persons in Mindanao and on the fact that there was no domestic law on forced internal displacement.

34. In paragraph 20 of its concluding observations on the combined fifth and sixth periodic reports of the Philippines (CRC/C/PHL/CO/5-6), the Committee on the Rights of the Child had urged the State party to establish an efficient, accessible and free birth registration system. What progress had been made in that regard?

35. Noting the death of Jullebee Ranara, he asked what protocols were in place to investigate and prosecute crimes committed against overseas Philippine workers. Concerning Filipinos on death row in other countries, he would welcome details of the offences for which they had been convicted and a description of the steps taken by the Government to ensure respect for due process and rule of law in such cases.

36. **Mr. Oumaria**, commending the State party for its efforts to uphold labour standards for domestic migrant workers in the Philippines, said that enforcing compliance in countries of destination was more difficult. For example, a situation where an employer issued a new and less favourable employment contract to a domestic worker once she had arrived in the country of destination, despite having already signed a contract with strong guarantees in the country of origin, was difficult to resolve. It was unclear which laws would govern such a situation and matters could be further complicated by cultural or religious beliefs held in the country of destination about the inviolability of the home. He wondered whether the State party had envisaged or put into place any measures, such as consular assistance, to support domestic migrant workers in such situations.

37. **Mr. Taghi-Zada** said that it would be useful if the delegation could provide information outlining the evolution of the flow of Philippine migrant workers abroad over the previous 20 years, including the variation in their numbers, the ways in which the State party had protected their rights, the problems it had encountered and the solutions it had found. That context would provide a helpful lens through which to view the current challenges faced by the State party.

38. **Ms. Diallo** said that she would be grateful for more information concerning the right of migrant workers to participate freely in trade union activities, including any guarantees the State party had put in place in that regard. Specifically, she wished to know whether there

were any restrictions on the enjoyment of such rights and whether migrant workers in an irregular situation were also able to exercise them. Were migrant workers able to occupy positions of responsibility within trade union organizations? She would also be grateful for more detailed information on the measures taken by the State party to guarantee migrant workers, irrespective of their status, the right to receive medical care, including emergency medical care. Lastly, she hoped to hear more about the State party's policy on the reunification of migrant workers with their families, the existing legal provisions in that regard and their practical application.

39. **Mr. Charef** said that, given that remittances reportedly constituted around 10 per cent of the State party's balance of payments, he wished to know whether any steps had been taken to ensure that those remittances went through formal channels, such as establishing a banking network in countries of destination where there was a particularly high number of Philippine migrant workers. Had the authorities taken any measures to attract remittances? Lastly, he would be interested to learn whether the State party had any policies in place to integrate immigrant workers into its development plans at the national and local levels.

The meeting was suspended at 11.30 a.m. and resumed at 12.05 p.m.

40. **Ms. Ople** said that the provision in the Labour Code stating that migrant workers were required to remit a portion of their earnings to their families had yet to be reviewed. In any case, the Government did not intervene in the flow of remittances between migrant workers and their families. Seafarers could give written instructions to their crewing agency identifying a family member to whom the agency was to remit a set portion of their salary while the seafarer in question was still at sea.

41. **A representative of the Philippines** said that, acting on the Committee's concluding observations on the second periodic report of the Philippines, his Government had ratified the 1961 Convention on the Reduction of Statelessness while, for its part, the Philippines Statistics Authority had issued a memorandum easing requirements for the registration of Philippine children born abroad. As a result, any child born abroad to Philippine parents and who, for any reason, did not have official documents such as a hospital record of birth or local birth certificate, could be issued with birth registration by the relevant Philippine embassy or consulate. In instances where a local birth certificate was required in order to issue a child with an exit visa, the Government worked with the authorities of the country concerned to expedite the local birth registration process. For example, any fees required for the recognition of the birth by a court were covered by the Legal Assistance Fund of the Department of Foreign Affairs. Once the child was allowed to leave the country and if the family wished to be repatriated to the Philippines, the cost of exit visas and plane tickets could be covered by the Assistance-to-Nationals Fund.

42. **A representative of the Philippines** said that the Philippines Statistics Authority had launched the nationwide PhilSys Birth Registration Assistance Project in 2022. The aim was to record 2 million unregistered births, particularly among marginalized persons, and to enrol those persons in the Philippine identification system, which was a gateway that would allow them to claim legal identity and social benefits. Target beneficiaries of the project included Muslim Filipinos, Indigenous Peoples and persons in marginalized communities, including in geographically isolated and disadvantaged areas. As at 30 March 2023, the Philippines Statistics Authority had registered 1,176,461 persons, of whom 847,825 had been verified as having no birth record. A total of 59,012 birth records had been registered with local civil registry offices nationwide. The project, which was taking place in the context of the Civil Registration and Vital Statistics decade from 2015 to 2024, was an important part of the Philippines Statistics Authority's goal of ensuring that all Filipinos had their birth certificates registered with local authorities, by 2024.

43. **A representative of the Philippines** said that attendance at destination country-specific predeparture orientation seminars was mandatory for Philippine migrant workers. The seminars were intended to provide the workers with useful information, including on labour standards, the general profile of the destination country, health and safety, travel and airport procedure and government programmes and services. Information on mental health helplines and financial literacy had recently been added. Some additional seminars were skill-specific: for example, country-specific language and culture seminars had been created for

domestic workers. A handbook containing information for Philippine migrant workers was also available. Over the previous six years, a total of 3,624,611 persons had attended predeparture orientation seminars, including during the COVID-19 pandemic, when the seminars had been delivered online.

44. **A representative of the Philippines** said that diplomats, foreign service personnel and other civil servants were not above the law and, when found to have abused their power in relation to migrant workers, were disciplined accordingly. Instances of abuse of power were not representative of the Philippine foreign and civil service, which staunchly opposed such abuse. The Philippines was a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and had enacted a law prohibiting the imposition of the death penalty. In instances where a Philippine migrant worker was sentenced to death overseas – in most cases following conviction on murder or drug trafficking charges – his Government would engage through diplomatic channels with the authorities of the country concerned to request that the death penalty should not be carried out. The Legal Assistance Fund, which had recently been increased from \$2 million to \$4 million, served to ensure that any Filipino accused of a crime abroad was provided with the services of a lawyer. Lastly, in the event of the death of a Philippine migrant worker abroad, the immediate priority of the embassy or consulate was to inform the next of kin. If foul play was suspected, embassy and consular staff would coordinate closely with the authorities during the investigation.

45. **Ms. Ople** said that she had given assurances to the relatives of Jullebee Ranara that the Government was committed to securing justice for her and her family. In the wake of her death, the possibility of a deployment ban had been considered but eventually rejected owing to the willingness of the Government of Kuwait to engage in bilateral dialogue.

46. **A representative of the Philippines** said that the overarching goal of deployment bans, which were imposed in connection with cases of labour rights abuse, was to protect Philippine migrant workers by preventing them from going to countries where their health or security would be threatened. Such bans did have potential negative effects, such as migrant workers travelling to a host country through illegal channels or becoming victims of trafficking, although the Government's anti-trafficking measures could serve to counter those effects. Labour diplomacy remained a key tool in seeking to strengthen the protection of migrant workers' rights, including by enhancing existing bilateral agreements or creating ones where none yet existed.

47. **Ms. Ople** said that her Government did not take the decision to impose a deployment ban lightly. Such bans were always the product of serious discussion between the Department of Foreign Affairs and the Department of Migrant Workers. Any pressure to consider a deployment ban always gave the Government pause to consider the type of action required to prevent further abuses of migrant workers' rights. For example, as a result of the death of Jullebee Ranara, the Government was now considering whether any household implicated in the commission of a crime against a worker should be permanently disqualified from hiring Philippine migrant domestic workers.

48. **A representative of the Philippines** said that foreign migrant workers in the Philippines enjoyed the same rights as local workers, including freedom of association, collective bargaining and the right to legal recourse in the case of labour rights violations. The Government supported the exercise by Philippine migrant workers abroad of their right to freedom of association and collective bargaining, provided that it was in line with the laws of the host country. Migration issues were addressed in national development planning documents as well as in the regional and local development plans overseen by regional development councils.

49. **A representative of the Philippines** said that the Philippines HIV and AIDS Policy Act of 2018 had repealed previous legislation, provided safeguards against discrimination for persons living with HIV/AIDS, including migrant workers, and guaranteed non-discriminatory HIV treatment from public and private health-care providers. Redress mechanisms were also envisaged under the Act and a memorandum signed by the Commission on Human Rights and the Department of Justice in 2021 had set out uniform rules to govern such mechanisms. Voluntary testing for HIV/AIDS was encouraged and was

only carried out with free and informed consent. Under the Philippines Immigration Act, there were no grounds for discrimination based on pregnancy.

50. The Universal Health Care Act envisaged universal health care, including emergency health care, regardless of migration status. The Department of Health had also set up a dedicated unit to address health-care concerns of both Philippine migrant workers and foreign migrants living in the Philippines, including refugees, asylum-seekers and stateless persons.

51. **A representative of the Philippines** said that forced internal displacement was often caused by attacks of violent extremist groups, such as the mass evacuations in Mindanao following the Marawi siege. Such crises were addressed through interventions with partners such as the Office of the United Nations High Commissioner for Refugees. The Marawi Siege Victims Compensation Act of 2022 had provided funds for the return internally displaced persons to their homes, and steps had been taken to protect them from further attacks. Forced internal displacement in the country was also often caused by climate change.

52. **A representative of the Philippines** said that the measures taken to ensure protection and assistance for internally displaced persons included a transitory family support programme, help to provide job opportunities and restore livelihoods, cash-for-work programmes, psychosocial support, financial assistance and the provision of health care and food.

53. **A representative of the Philippines** said that the mandatory conciliation-mediation process of the Department of Migrant Workers served to ensure that migrant workers could make monetary claims against employers or recruitment agencies. Under that procedure, a claim was filed, notice was given to the employer or agency and at least two meetings were held between the interested parties to discuss the claim. If no settlement was reached, the case was referred to mediation. In the period 2016–2019, a total of \$1,791,132 had been awarded to migrant workers in settlements, while \$6,209,000 had been awarded in the period 2020–2022 despite limitations imposed by the COVID-19 pandemic. The National Labour Relations Commission also received claims and, in 2019, more than \$33 million had been awarded to Philippine migrant workers through that mechanism.

54. In order to prevent contract substitution affecting overseas Philippine workers, bilateral agreements with host countries reaffirmed the inviolability of contractual obligations, while matters such as wages and benefits were set forth in standard employment contracts. In order to ensure those provisions were properly implemented, accreditation was required for foreign employers and on-site monitoring was carried out by consular missions or labour inspectors. When cases of contract substitution arose, mediation proceedings were available onsite and online through offices of the Department of Migrant Workers. If employers refused or failed to appear at proceedings, their licences were immediately suspended. Workers received assistance in filing monetary claims and accessing representation from a lawyer in host countries. If a migrant worker decided to return to the Philippines before a claim had been settled, employer liability could be attributed to the recruitment or placement agency involved in the Philippines, to ensure that due payment was received.

55. **A representative of the Philippines** said that the visas of Chinese workers of Philippine offshore gaming operators had been cancelled because conditions of stay had been violated, the required work permits had not been obtained or the employers' licence had been revoked. However, in recognition of the human rights of the migrant workers in question, an extended stay of 59 days had been granted to ensure that they could leave the country without facing legal proceedings. Migrant workers who were victims of trafficking received extensions to their stay and any other assistance they required.

56. **A representative of the Philippines** said that the working conditions in offshore gaming operators were inspected and monitored by the Bureau of Working Conditions. In 2022, there had been 138 offshore gaming operators, employing around 21,000 Philippine workers and 18,500 migrant workers.

57. **A representative of the Philippines** said that the increase of the minimum age for domestic workers migrating abroad to 24 years did not in any way amend the legal definition of a child. The increase had been made as a preventive measure against trafficking in persons.

58. **Ms. Ople** (Philippines) said that all laws were subject to periodic review and consultation with relevant stakeholders. The Committee's comments and suggestions in that regard would be given due consideration. The Philippines was prone to a range of natural disasters, aggravated by environmental conditions, and their impact on migration would need to be addressed. For example, Typhoon Haiyan, which had devastated the province of Leyte, had led to the trafficking of women from the area. Citizens often also migrated voluntarily in order to avoid the effects of climate change.

59. Another concern for the future was the potential increase in exploitation of migrant workers, especially women, as a result of labour shortages due to an aging global population. In that connection, fake recruitment agencies were already in operation and illegally deploying migrant workers to third countries. One such case, involving Philippine workers being moved from Dubai to Bahrain, had revealed the extent of the phenomenon and the urgent need for cooperation between countries, in line with the Global Compact for Safe, Orderly and Regular Migration. The ratification of the Convention by more countries would also be crucial to that end.

60. Emerging technologies were also having a considerable impact on the deployment of migrant workers as social media platforms allowed employer and recruiters to move away from the traditional model of recruitment agencies and thus avoid proper monitoring and accountability. Such practices highlighted the need for the Philippines to introduce measures to enhance the participation of women in its own economy and thus reduce the need for them to seek work overseas. A bill to enhance employment policies was currently before Congress.

61. **Ms. Dzumhur** said that the State party was to be commended for the gradual progress it had made in protecting the rights of migrant workers. Now that a dedicated institution for migrant workers had been established, the next step would be to increase its capacity and ensure that its work was visible to the migrant community. Furthermore, the State party should address its own emerging role as a host country.

62. **Mr. Ceriani Cernadas** said that the State party had continuously sought to improve its response to issues related to migrant workers. Nevertheless, significant challenges remained, not only in the structural issues which gave rise to migration but also because the effective protection of migrants overseas was beyond the competence and jurisdiction of the State. The Philippines was one of a number of countries which had traditionally been countries of origin but were now also becoming destination countries. The Committee was aware of the numerous challenges which had arisen from modern migration patterns and which could indicate a need to review normative frameworks.

63. **Ms. Ople** (Philippines) said that the constructive dialogue with the Committee had been a reminder of the need to engage with civil society, to uphold the rights of migrant workers living in the country and to be conscious of the need to protect families from the social costs of labour migration, especially children who remained in the Philippines while their parents migrated. The Committee's concerns regarding the high proportion of women among Philippine migrant workers were shared by the delegation, and the Government's approach to building a stronger economy was focused on addressing that issue. The examples which the delegation had shared of the efforts made and steps taken to protect and help migrant workers served to highlight the conviction of the Philippines that migrant workers' rights were human rights and that it was the State's obligation to care for them and their families.

The meeting rose at 1.05 p.m.