



**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**

**Consideration of reports submitted by States  
parties under article 73 of the Convention  
pursuant to the simplified reporting procedure**

**Second periodic reports of States parties due in 2011**

**The Philippines\***

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## List of acronyms

ACMW	ASEAN Committee on Migrant Workers
AEP	Alien Employment Permit
AIR-TIP	Anti-Illegal Recruitment/Trafficking in Persons Seminars
ARG	ARMM Regional Government
ARMM	Autonomous Region of Muslim Mindanao
ATN	Assistance-to-Nationals
BI	Bureau of Immigration
BSP	BangkoSentral ng Pilipinas (the Central Bank of the Philippines)
CAIRTIM	Campaign Against Illegal Recruitment, Trafficking in Persons and Irregular Migration
CFO	Commission on Filipinos Overseas
CHR	Commission on Human Rights
CLKSS	Child Labor Knowledge Sharing System
CLOAV	Certified List of Overseas Absentee Voters
CMA	Center for Migrant Advocacy
CNSP	Children in Need of Special Protection
COA	Commission on Audit
COMELEC	Commission on Elections
CSC	Civil Service Commission
CSOs	Civil Society Organizations
CSPC	Committee for the Special Protection of Children
DA	Department of Agriculture
DBM	Department of Budget Management
DFA-OAVS	Overseas Absentee Voting Secretariat
DFA-OCA	Office of Consular Affairs
DFA-OUMWA	Department of Foreign Affairs-Office of the Undersecretary for Migrant Workers Affairs
DILG	Department of the Interior and Local Government
DOJ	Department of Justice
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
FLOIS	Foreign Labor Operations Information System
FSI	Foreign Service Institute
GAD	Gender and Development

GCC	Gulf Cooperation Council
GFMD	Global Forum on Migration and Development
HSWs	Household Service Workers
IACAT	Inter-Agency Council Against Trafficking
IBP	Integrated Bar of the Philippines
ICACP	Inter-Agency Council Against Child Pornography
ILAB	International Labor Affairs Bureau
ILO	International Labour Organization
ILS	International Labor Institute
IOM	International Organization for Migration
IR-Free LGUs	Illegal Recruitment-Free Local Government Units
ISWSFN	International Social Welfare Services for Filipino National
LAC	Labor Assistance Counter
LAD	POEA Legal Assistance Division
LAF	Legal Assistance Fund
LEGS	Labor Education on Graduating Students
LEPD	Law Enforcement and Prosecution Database
LGUs	Local Government Units
LOIPR	List of Issues Prior To Reporting
MECO	Manila Economic and Cultural Office
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MWOFRFC	Migrant Workers and Other Overseas Filipinos Resource Centers
NAIA	Ninoy Aquino International Airport
NBI	National Bureau of Investigation
NBI-AHTRAD	National Bureau of Investigation-Anti-Human Trafficking Division
NCLC	National Child Labor Committee
NEDA	National Economic and Development Authority
NGOs	Non-governmental organizations
NLDC	National Livelihood Development Corporation
NLRC	National Labor Relations Commission
NRCO	National Reintegration Center for OFWs
NRRD	National Recovery and Reintegration Database
NRS	National Referral System
NSO	National Statistics Office
OCA	Office of the Court of Administrator

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OEC	Overseas Employment Certificate
OFIS	Overseas Filipinos Information System
OFWs	Overseas Filipino Workers
OLTCC	Overseas Land-based Tripartite Consultative Council
OPCR	Office Performance Commitment and Review
OPRT	Overseas Preparedness and Response Team
OSD	Operations and Surveillance Division
OWO	Overseas Welfare Office
OWWA	Overseas Workers Welfare Administration
PATD	Philippine Anti-Trafficking Database
PCTC	Philippine Center on Transnational Crime
PDOS	Pre-Departure Orientation Seminar
PEOS	Pre-Employment Orientation Seminars
PESO	Public Employment Services Offices
PhilHealth	Philippine Health Insurance Corporation
PHILJA	Philippine Judicial Academy
PHRC	Presidential Human Rights Committee
PIDS	Philippine Institute for Development Studies
PLOS	Pre-Licensing Orientation Seminar
PNP	Philippine National Police
POEA	Philippine Overseas Employment Administration
POLO	Philippine Overseas Labor Office
PRA	Philippine Recruitment Agency
PRC	Professional Regulation Commission
PSO	Pre-Employment Services Office
RPMC	Re-placement and Monitoring Center
RRPTP	Recovery and Reintegration Program for Trafficked Persons
RWOs	Regional Welfare Officers
SEA-K	Self-Employment Assistance Kaunlaran
SEC	Standard Employment Contract
SENA	Single Entry Approach
SGISM	Shared Government Information System on Migration
SMB	SagipBatangManggagawa or Rescue the Child Laborers
SMB-QAT	SagipBatangManggagawaQuick Action Team
SOMTC	ASEAN Senior Officials Meeting on Transnational Crime
SPMS	Strategic Performance Management System

SPRS	Statistical and Performance Reporting System
SSS	Social Security System
SWAt	Social Welfare Attaché
TCEU	Travel Control and Enforcement Unit
TESDA	Technical Education and Skills Development Authority
TIP	Trafficking in Persons
UNDP	United Nations Development Programme
VAW	Violence Against Women

## Introduction

1. This second report of the Philippines on the implementation of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families was prepared in accordance with the list of issues prior to reporting (CMW/C/PHL/Q/2) identified by the Committee on the Protection of the Rights of All Migrant Workers and Members of their Families. The present report provides specific information on the implementation of articles 1 to 71 of the Convention, including with regard to the previous recommendations contained in the Committee's concluding observations and covers the measures and progress in the implementation of new and old policies since the submission of the State party's initial report in 2009.

2. The information used in this report was provided by the respective Philippine government agencies and inter-agency committees<sup>1</sup>.

3. Civil society partners and non-government organizations were consulted and the Commission on Human Rights of the Philippines (CHRP) provided independent views to enhance the report.

## 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*

4. For the last five years, the State party further strengthened its normative framework for the promotion and protection of the rights of migrants. It enacted the Amended Migrant Workers' Act (RA 10022) in 2010 that further strengthened the protection mantle for the OFWs and their families and the Expanded Anti-Trafficking in Persons Act (RA 10364) in 2013 which provided, among others, additional protection to victims of trafficking and service providers. It has also ratified the ILO Convention on Domestic Work (C 189) in 2012 and enacted the Domestic Workers Act (RA 10361) in 2013 that institutionalized policies for the protection and welfare of Filipino domestic workers.

5. Under the current administration of President Benigno S. Aquino III, the State party, guided by the President's Social Contract with the Filipino people, continuously endeavours to create jobs at home so that working abroad will be a choice rather than a necessity and when citizens choose to be overseas Filipino workers (OFW), their welfare and protection will still be the Government's priority. Consistent therewith, the State party

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<sup>1</sup> These agencies included the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Department of Justice (DOJ), Department of Social Welfare and Development (DSWD), Philippine Overseas Employment Administration (POEA), Overseas Workers Welfare Administration (OWWA), Bureau of Immigration (BI), National Bureau of Investigation (NBI), Philippine National Police (PNP), Philippine Commission on Women (PCW), Inter-Agency Council Against Trafficking (IACAT), Presidential Human Rights Committee (PHRC), Commission on Filipinos Overseas (CFO) and other relevant national government agencies. The DOLE and POEA State Report Preparation Team led the consolidation and finalization of this report.

initiated policy and procedural reforms to strengthen coordination and effectiveness of service delivery as follows:

1. Created the Overseas Preparedness and Response Team (OPRT), a high-level, ministerial team chaired by the Executive Secretary<sup>2</sup>. It facilitates maximum coordinated responses to remove OFWs from immediate hazards and risks brought about by natural disasters, civil unrest, armed conflict and similar crises in foreign countries.
2. Strengthened inter-agency partnership and coordination of agencies in addressing specific migration issues such as illegal recruitment and human trafficking for labour<sup>3</sup>.
3. Implemented more accessible, efficient and convenient in-country services for OFWs and their families, such as passport and exit clearance processing and enrolment to social protection programmes through the (a) new consular and OEC transaction counters in shopping malls; (b) mobile passporting and consular outreach services; (c) one-stop-shop centres for services of the Philippine Overseas Employment Administration (POEA) and Overseas Workers Welfare Administration (OWWA); (d) online system for appointments, submission of applications, registration, and inquiries; (e) simplified requirements for often used service, such as the multi-travel exit clearance for frequently vacationing OFWs; and (f) ISO certification for 37 key work processes in POEA to sustain improvement in service quality for OFWs.
4. Strengthened on-site services for OFWs under the one-country-team approach by (a) streamlining procedures for handling anti-illegal recruitment and anti-human trafficking in persons; (b) rationalizing procedures for accessing legal assistance funds; and (c) providing revised guidelines on operations of the Department of Labor and Employment-Philippine Overseas Labor Office (DOLE-POLO) such as the management of the Filipino Migrant Workers Resource Centers, handling of OFW cases involving contract violation and illegal recruitment, repatriation procedures, facilitating conduct of skills training and capacity building for workers on-site, and preparing them for return and reintegration.
5. Adopted the Citizen's Charter that informs the public of the requirements, procedures and forms for accessing public services and the rationalized process time within which such services are obtained or completed. Agency Citizens Charters are posted in the premises of agencies and in their websites.
6. Implemented "We Serve OFWs Convergence Program" for a more concerted, synchronized and coordinated delivery of services to OFWs, both in-country and on-site, among agencies of the DOLE<sup>4</sup>. The programme focuses on four areas, namely: capability-building for internal and external partners, education and training for OFWs, setting up of 625 OFW Help Desks at local government units, and provision of legal assistance.

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<sup>2</sup> Created by Executive Order 32 on April 2011, the OPRT is composed of the Secretaries of Foreign Affairs, Labor, Defense, Interior, Justice, and Budget, and the Presidential Adviser on OFW.

<sup>3</sup> The Presidential Task Force on Anti-Illegal Recruitment undertakes coordinated preventive and remedial approaches to curb illegal recruitment at national and local levels. On the other hand, the Inter-Agency Council on Anti-Human Trafficking jointly pursues capacity building, information dissemination programs, and enforcement operations to fight human trafficking within the framework of the Anti-Trafficking Act.

<sup>4</sup> DOLE Administrative Order No. 157 dated, April 2013.



(b) *Allocating sufficient human and financial resources for agents within this structure to carry out their work efficiently*

6. The State party network of 83 embassies and consulates, 38 POLOs, and 20 Filipino Workers Resource Centers serve the various needs of Filipinos before, during, and after their employment abroad. Assistance-to-Nationals (ATN) units and the POLOs provide 24/7 on-site services.

7. State party agencies dealing with migrant worker protection, overseas employment, and related migration issues were rationalized with regular staffing and adequate operating funds.

8. In light of several natural and man-made emergencies and implementation of certain immigration policies in host countries from 2010 to date, the State party attended to the immediate evacuation and repatriation of Filipino nationals through its Emergency Repatriation Program and Legal Assistance Fund, in addition to the regular annual allocation for such purposes.

9. Cognizant of the challenges in terms of resources, the State party continues to take a progressive approach in redirecting or increasing funds and personnel by prioritizing Posts where there is high concentration of nationals and OFWs<sup>5</sup>.

(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 programme in place to respond to challenges faced in the State party's labour migration policy*

10. The State party tracks the implementation of migration policies and programmes through a multi-level, and multi-stakeholder performance management system. At the national level, the Organizational Performance Indicator Framework establishes a clear accountability for results from organizations to officials, officers and staff who administer the programmes. The Planning Tool, on the other hand, links the cluster indicators and targets with societal outcomes, measured on per programme, project, and activity level. Performance is reported and progress is assessed at the national level through the Department of Budget and Management (DBM). By sector, the Philippine Labor and Employment Plan (2011-16) contains specific targets and measures on the decent work goals for Filipino migrants and their families. Progress is measured and reported annually to the government's tripartite partners. At the organizational level, various statistical reporting procedures are set in place (e.g., the DOLE's monthly Statistical and Performance Reporting System or SPRS).

11. Certain indicators are also monitored through specialized systems. For instance, the 2nd National Strategic Action Plan (2012-16) of the Inter-Agency Council Against Trafficking (IACAT), a results-based monitoring and evaluation framework, tracks and measures the efficiency and effectiveness of efforts in addressing human trafficking issues. The DOLE also implements a case monitoring system for adjudication of recruitment violation and settling complaints using Single-Entry Approach to measure the speed of case disposition.

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<sup>5</sup> In 2012, ten (10) Embassies and Consulates were closed to re-align personnel and resources to ATN-heavy posts. In 2014, the operating budget for the FWRCs in Riyadh, Kuwait, Qatar and the UAE were doubled. Additional female Labor Attaches and Welfare Officers were also deployed to Posts in the Middle East to ensure that gender-sensitive issues related to migration are handled effectively.

- (d) *Provide information on the results of any evaluation made in relation to the implementation the Convention and of relevant national legislation*

12. In 2009, the Philippine Institute for Development Studies (PIDS), in its work on “Institutions Serving Philippine International Labor Migrants,” discussed the overseas employment governance structures and their mandates and how these institutions work together with NGOs in providing support to migrant workers. It cited that the regulatory framework for deployment of overseas workers that has been honed through time has been hailed by many as a model for other countries.

13. Relevant recommendations of a 2005 ILO study were addressed in subsequent laws and other measures adopted by migration-related agencies as discussed in relevant sections of the report<sup>6</sup>. The ILO study pertains to the assessment and development of policy measures to upgrade the capability of Philippine missions overseas to deliver services to Filipino migrant workers and the deregulation of the overseas employment sector.

2. **Please provide information on the progress made by the State party in gathering, processing and analyzing 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**

14. The State party reiterates the importance of effective collection and utilization of migration data to support policy and programme implementation. Pursuant to existing laws, the DFA and DOLE submit to the legislative branch a semi-annual Report to Congress on Filipino Overseas. A biennial survey is conducted by the National Statistics Office (NSO) to collect data on overseas Filipinos and their socio-economic characteristics.

15. In 2013, the Philippine Country Migration Report was published in cooperation with the International Organization for Migration (IOM) and Scalibrini Migration Center. Said report contains migration data and statistics over the years and an analysis of the country’s experience in terms of labour migration governance.

16. The implementation of the SGISM is a work in progress. The Overseas Filipinos Information System (OFIS) of the OPRT, which regularly gathers and updates information on the whereabouts of overseas Filipinos, particularly in crisis-prone regions, is designed to enhance and complement the SGISM.

17. Efforts are ongoing to connect the databases of migration-related agencies with the assistance of the Advanced Science and Technology Institute of the Department of Science and Technology (DOST). The POEA and Bureau of Immigration (BI) started the phased implementation of a data-sharing system as part of the preventive measures on illegal recruitment and human trafficking. Other existing databases that will contribute to the SGISM also include the Foreign Labor Operations Information System (FLOIS) of DOLE and the National Recovery and Reintegration Database (NRRD) for trafficked persons of the DSWD.

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<sup>6</sup> For example, Republic Act No. 9422 was passed in 2007 and gave POEA enhanced powers to regulate the recruitment industry.

**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)**

18. The State party engages civil society organizations (CSO) and non-government organizations (NGO) as part of its comprehensive effort to promote the rights of Filipino migrant workers. The land-based and sea-based OFW sectors and the women sector are represented in government policy-making bodies on migration, such as the POEA Governing Board and the OWWA Board of Trustees. Three (3) NGOs, representing the women, children and migrant workers sectors, also sit in the IACAT.

19. In May 2013, the Overseas Land-based Tripartite Consultative Council (OLTCC) composed of the POEA, CSOs, licensed private recruitment agencies, and key government agencies was established. The OLTCC (a) serves as a forum for labour, management and government to address OFW issues and concerns together; (b) acts as an advisory body to the Secretary of Labor and Employment on policies and programmes affecting labour, employers and their intermediaries in the overseas employment sector; and (c) strives for consensus on matters brought to it for consideration, deliberation and/or resolution.

20. CSOs are also consulted under the ASEAN initiative to protect migrant workers. The consultation meeting highlighted the work of the ASEAN Committee on Migrant Workers (ACMW) and the progress on developing an ASEAN binding instrument on the protection and promotion of the rights of migrant workers.

21. CSOs and faith-based groups are active partners in implementing programmes for the protection of Filipino migrants, such as the following:

1. On the fight against illegal recruitment and trafficking in persons. There are 28 MOUs with CSOs which sustain coordinated efforts in the intensified campaign against illegal recruiters at the local level, particularly among youth, women and migrant workers.
2. On the establishment and operation of local OFW desks. There are partnerships with six NGOs, 39 academic institutions, 13 OFW Family Circles and 536 local government units for this programme.
3. On the conduct of post arrival orientation and other services. State party has partnership with Filipino associations in major countries of destination of emigrants through which newly arrived Filipinos in the host countries are linked with migrant resource centers, support groups, and Filipino associations.
4. On the review of programmes and evaluation of programmes. The State party conducted a series of consultation with CSOs on programmes for migrants, women and children.

22. Following the concluding observations of the Committee, the State party through the Presidential Human Rights Committee (PHRC) convened a consultative/validation meeting with CSOs and NGOs in September 2013 to solicit comments on this second compliance report to the UNCMW<sup>7</sup>.

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<sup>7</sup> Representatives from the following organizations attended the said consultation/validation meeting: Center for Migrants Advocacy (CMA); Batis Center for Women; Migrant Forum Asia (MFA); Development Action for Women Network (DAWN); Philippine Migrants Rights Watch (PMRW); FMW Group Holdings, Inc (a recruitment agency); LEARN; and Scalabrini Migration Center. The recommendations of the CSOs were considered in preparation of the PHL report.

**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))**

23. The State party continues to implement capacity-building programmes for public officials and officers with migration and migration-related functions. Gender issues are incorporated in relevant modules. In 2013, the various training courses covered the following:

1. Foreign service personnel were trained on pre-departure programmes. The training modules include courses on Philippine foreign policy, relevant international instruments, rights-based approach on migrant protection, anti-human trafficking, labour migration and consular services, case counselling and crisis management, gender sensitivity, migration issues such as HIV/AIDS, among others. Specialized courses for Career Ministers and Officers were also provided.
2. 150 government officers and personnel from various agencies were trained by the OPRT as crisis managers, technical experts and first responders. The training programme includes special modules on national security, emergency preparedness and response and negotiation skills in crisis situations.
3. Labor attachés, welfare officers and POLO administrative staff were trained on POLO rules, procedures and operations. The training modules include policies and programme on overseas employment and workers protection; counselling, negotiating and conciliation skills; and immersion or hands-on training in handling OFW cases, complaints and emergencies.
4. Law enforcement officers, prosecutors, social welfare officers and local government executives handling anti-trafficking, anti-illegal recruitment and anti-child labour programmes were trained based on the Manual of Procedures in Handling Complaints of Trafficking, Illegal Recruitment and Child Labor.
5. 404 government employees and 273 agents were trained by IACAT on the programme against TIP. The course was attended by law enforcers, prosecutors, judges, government employees (social workers, labour officers, local government personnel) and members of CSOs. Manuals and guidelines were provided to aid law enforcers and prosecutors in dealing with TIP cases.
6. Implementers were trained on the Comprehensive Delivery of Reintegration Services for Deportees, Repatriates and Returned Irregular OFWs. Service providers undertook a course on Recovery and Reintegration Program for Trafficked Persons (RRPTP) which deals with case management and delivery of direct services to trafficked persons and facilitating and documenting referrals through the sustained use of the National Referral System and National Recovery and Reintegration Database. Periodic monitoring and evaluation are conducted to ensure the proper implementation of the programme vis-à-vis achievement of its goals and targets. Yearly capacity-building activities are conducted year-round for Social Welfare and Development Assistants at the local level, and for the intermediaries, i.e., local government officials and social workers, peoples' organizations, and NGOs.
7. Partner LGUs, Public Employment Services Offices (PESOs), NGOs, and academic institutions were trained on the Family Support Development and Reintegration Program to assist migrants in need of special services. The training included topics on migration and family, paralegal remedies, basic counselling, case intake, referral mechanism, networking, and communication and customer relations skills.

8. 1,616 police personnel were trained on anti-trafficking in persons. The Maritime Group and Women and Children Protection Desk of the PNP participated in the Interpol Capacity-Building Program on the Prevention of Migrant Smuggling (Phase 3) Specialized Crime Training and Operation Workshops.

9. The State party's Judicial Academy (PHILJA) integrated migration as a major subject for the training course on "Application of International Law Principles in the Philippines" attended by newly appointed Judges.

**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)**

24. State party adherence to the principles and objectives to promote and protect the rights of migrants predates the adoption of the Convention. Hence, when the Convention was ratified by the State party, mechanisms for the implementation of the principles and normative framework, as contained in the laws of the State party, were already in place. By operation of these mechanisms and laws, the information dissemination of the Convention has been carried out through the various advocacies, capacity-building, print, media and public information campaign conducted by the State party and its partner agencies or organizations.

25. In 2009, the State party convened a post-reporting forum to discuss the concluding observations of the Committee with key government agencies and NGO and CSO partners.

**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))**

26. The State party, under its amended Migrants Worker law, allows deployment only to countries that (a) have taken positive and concrete measures to protect the rights of migrant workers in addition to having labour and social laws protecting the rights of workers, including migrant workers; or are signatories to and/or ratified multilateral conventions, declarations or resolutions relating to the protection of workers including migrant workers; or have concluded bilateral agreements or arrangements with the State party on the protection of the rights of OFWs.

27. In 2012-2013, the State party forged the following labour agreements: A Protocol on the Employment of Filipino Domestic Workers with Jordan (2012); MOU on Labor Cooperation and Protocol on the Deployment and Employment of Household Service Workers with Lebanon (2012); MOU on Labour Cooperation with Kuwait (2012); Joint Communiqué on Areas of Mutual Benefit with Respect to Labour Mobility with British Columbia (2012); Agreement on Deployment of Nurses with Germany (2013); MOU on Domestic Workers with Kingdom of Saudi Arabia (2013); and MOU on Human Resource Development with Saskatchewan (2013).

28. The State party also concluded a Philippine-EU Partnership Cooperation Agreement (PH-EU PCA) and Philippine-Canada Joint Commission for Bilateral Cooperation (JCBC).

29. The State party is the first country in the ASEAN that ratified the Convention. The State party is a founding member, and continues to take active leadership roles in regional cooperation processes and multilateral forums on labour migration management and migration and development, such as the Global Forum on Migration and Development

(GFMD), Colombo Process, and Abu Dhabi Dialogue which it currently chairs for 2012-2014.

30. Under the Socio-Economic Community of the ASEAN, the State party continues to negotiate for the adoption of the implementing guidelines on regional cooperation on the protection of migrant workers. Within the framework of action of ASEAN Senior Officials Meeting on Transnational Crime (SOMTC), the State party likewise shepherds negotiations on an ASEAN Convention and a regional plan of action to combat TIP.

31. In recent years, the State party has undertaken continuing review and development of bilateral agreements based on existing guidelines<sup>8</sup>. Review of existing labour agreements forged with Italy, Bahrain, UAE, Qatar, Israel, Iraq, Oman and Kuwait are ongoing. Recent BLAs not only contain general statements but specific terms and standards relating to conditions of employment for target occupations.

**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**

32. In accordance with the Paris Principle, the Commission on Human Rights of the Philippines is an independent human rights institution whose work is supported by the State party. Discussions are on-going in the Philippine legislature to further expand its mandate and strengthen its organizational capacity.

**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**

33. The Anti-Graft and Corrupt Practices Act and the Anti-Trafficking in Persons Act impose stiff penalties to public officials who facilitate or directly participate in trafficking of persons, especially of women and children who are exploited for sex or labour. Punishable acts under the TIP law include facilitating exit and entry of trafficked persons in possession of fraudulent travel documents, and misrepresentation as regards age of minor or OFWs.

**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)**

34. The State party continues to look after the welfare of the children of migrants, on site and those left behind in the country through relevant initiatives, such as:

1. Engagement with Atikha, an NGO focused on the economic and social reintegration of returned migrants, to undertake a study on the social costs of

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<sup>8</sup> DOLE issued Administrative Order Nos. 383 (2010), 481 (2011) creating the Committee on Labor Agreement Matters and No. 28 (2011) providing for Guidelines and procedures on negotiating labor agreements and prescribing model Bilateral Labor Agreement.

migration, as well as a rapid assessment of programmes and services for families left behind by overseas Filipinos.

2. Establishment and supervision of Philippine Schools Overseas (PSOs) which are operated by the private sector. Aimed to meet the education needs of Filipino children overseas, forty two (42) PSOs are currently in 10 countries with heavy OFW concentration.

3. Implementation of Leadership and Social Entrepreneurship (LSE) training programmes for migrant youth. The LSE, a cooperative work with the Associazone Pilipinas, OFPSPES and the Ateneo School of Government, has been piloted in Rome, Milan, Naples, Florence & Turin over 9 to 12 months.

4. Addressing cases of children left behind by migrant workers. Leading in this effort is the Committee on Family and Alternative Care of the Council for the Welfare of Children (CWC). Specifically, the National Plan of Action (2011-2016) includes children left behind by OFWs as a vulnerable sector in need of protection from violence, abuse, neglect and exploitation.

5. Provision of venues for regular livelihood and entrepreneurial activities and trainings and family values formation and reorientation families and children left behind by migrant parent/s. This undertaking is in partnership with Family Circles, composed of religious organizations, NGO, and private institutions

**10. Please indicate whether the State party envisages ratifying International Labour Organization (ILO) No. 189 (2011) concerning Decent Work for Domestic Workers**

35. The State party has ratified ILO Convention 189. It has also enacted the “Kasambahay Law” (Domestic Workers Law)<sup>9</sup>

**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)**

36. The State party is undertaking consultations with concerned government agencies on this issue.

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<sup>9</sup> President Aquino signed the Instrument of Ratification of ILO No. 189 on 18 May 2012, with the Philippines Senate concurring on 6 August 2012. The ratification was registered with the ILO on 5 September 2012. The Philippines is the second country to ratify ILO Convention 189. The Philippine ratification paved the way for the entry into force of the ILO Convention. After the ratification of ILO No. 189, President Aquino signed into law Republic Act No. 10361, otherwise known as the “Act Instituting Policies for the Protection and Welfare of Domestic Workers”. It became enforceable on June 4, 2013.

## 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**

37. State party laws apply to territories of the ARMM, a juridical entity of the Philippines. Philippine national agencies, including those which pertain to human rights, labour and migration, either have offices or operates in the ARMM<sup>10</sup>. The ARMM created its own Regional Human Rights Committee in May 2012 as provided under the ARMM Charter.

38. The ARMM organic law recognizes labour as a primary social economic force for development and affords full protection to labour, promotes full employment, and ensures equal work opportunities regardless of sex, race or creed. It upholds and protects the fundamental right of women and children, including the rights of women to engage in lawful occupation.

**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)**

39. The Constitution of the State party has an incorporation clause where treaties entered into by the State party are read into domestic laws.

40. There are proposals in Philippine Congress to remove the reciprocity provisions in the exercise of the right to form or join unions by the migrant workers in the State party.

**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*

41. Legal assistance and mechanisms are available to OFWs at every stage of the migration process – from pre-departure/pre-employment<sup>11</sup>, on-site<sup>12</sup>, to return and

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<sup>10</sup> POEA and the ARMM Regional Government (ARG), through a MOA signed in December 2003, cooperated on a campaign against illegal recruitment in ARMM, trainings for ARMM officials and personnel, technical assistance in illegal recruitment cases investigation, and provision of legal services to victims. In September 2012, an MOU was entered into between and among DOLE, POEA, OWWA, CFO, the ARG and the Province of Maguindanao on an information campaign against illegal recruitment, TIP and irregular migration. In the implementation of the MOU, five (5) Pre-Employment Orientation Seminar (PEOS) sessions were conducted in different municipalities of Maguindanao, with a total of 749 participants. 135 law enforcers and prosecutors were trained on illegal recruitment and TIP. On the same month and year, the IACAT, in partnership with UNICEF, assisted ARMM to come up with its own Strategic Plan of Action Against Trafficking In Persons. IACAT also trained various officials of ARMM, including prosecutors, police officers and social workers on the identification of victims of trafficking; referral system; investigation and prosecution of cases; and on the new law against TIP. The ARMM Council Against Trafficking was set up.

<sup>11</sup> For the year 2012, the POEA Legal Assistance Division (LAD) endorsed 148 cases of illegal



reintegration<sup>13</sup>. There are separate and distinct funds for legal assistance for migrants, such as the Legal Assistance Fund administered by the DFA<sup>14</sup> and the legal fund administered by the OWWA for its members.

(b) *Inform Filipino migrant workers of the administrative and judicial remedies available to them*

42. Administrative and judicial remedies are incorporated in the Pre-Departure Orientation Seminar (PDOS), Pre-Employment Orientation Seminar (PEOS), the Anti-Illegal Recruitment and Trafficking in Persons (AIR-TIP) Campaign and capacity-enhancement trainings that are organized at the local level. Legal counselling to OFWs, including advice on available administrative and judicial remedies/options, legal and judicial procedures and the repercussions and implications of options are also provided. Informing OFWs of their legal options at countries of destination is part of the functions of POLOs and ATN Units, especially during initial contact with workers or during provision of legal assistance.

(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*

43. In keeping with the third pillar of the Philippine Foreign Policy, which is assistance to nationals abroad, the State party network of Philippine Foreign Service Posts (FSPs) and POLOs reach out to OFWs to increase their awareness of available mechanisms for bringing complaints against erring employers for redress and remedy. In fulfilling this mandate, FSPs and POLOs utilize the Filipino community organizations, NGO's, CSOs, host government service institutions, and international organizations to supplement and enhance their capacity to respond to the need for assistance and protection of OFWs.

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recruitment involving two hundred sixty three (263) complainants to the Prosecution Division (PD) for evaluation and endorsement to the proper prosecution offices. From January to November 2013 alone, LAD received 166 cases of illegal recruitment and related cases, involving 321 victims.

<sup>12</sup> Filipino nationals overseas involved in criminal cases and legal disputes assisted through the ATN Unit of Philippine embassies and consulates. For employment related cases, the Philippine Overseas Labor Offices (POLO) provide counselling services and exhaust all available remedies to amicably settle all disputes and invites parties to conciliation meetings/proceedings. When conciliation is not possible, filing of complaints through a labour arbitration process in the host country is explored, where the worker is assisted at all stages of the proceedings. The processes for case handling and management are clearly defined in the POLO Manual.

<sup>13</sup> The POEA assists in filing administrative or criminal charges against recruitment agencies on return of OFWs to the Philippines. Unpaid salaries and other money claims may also be pursued at the National Labor Relations Commission (NLRC). Assistance of the police and prosecution offices on criminal cases are also provided. Many local government units in the Philippines maintain OFW Desks. Other than providing information and guidance about migration or overseas work, these desks provide legal advice or referrals for legal assistance.

<sup>14</sup> The LAF is used to provide lawyers and other legal services to overseas Filipinos in distress, including, among others: (1) appeal for Filipinos sentenced to death abroad; (2) criminal cases where Filipinos are accused or victims; (3) labour cases involving Filipino migrant workers; (4) cases involving Filipino victims of TIP for the prosecution of traffickers or for the application for social benefits for victims as allowed by the host countries; (5) tort/civil cases to enforce the rights of Filipinos that have been violated abroad. From January 2013 to December 2013, a total of Php 39,441,582.14 of LAF was utilized for the benefit of overseas Filipinos.

- (d) *Ensure that consular services respond effectively to the need for protection of Filipino migrant workers and members of their families*

44. The State party, through its foreign posts, provides protection to migrant workers in addition to consular services. ATN is central to the mandate of Philippine Foreign Service and other government personnel assigned overseas, and as such, ATN training is mandatory for them before and during deployment to post.

45. The embassy and consulates have designated hotline numbers to receive calls for assistance or report complaints. A dedicated 24/7 Operations Center in the Philippines serves as, among others, a centre for receiving and acting on calls for assistance from migrants through sms, email, or phone call<sup>15</sup>.

- (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)*

46. All diplomatic, consular, and labour and welfare personnel are required to attend seminars regularly done at Posts especially on labour laws of host country and laws on TIP. Officials or employees on first-time deployment undergo pre-deployment training and development programmes which include host country culture, immigration and employment laws and regulations.

- (f) *Undertake regular performance and financial audits of government personnel and agencies dealing with migration issues*

47. The Commission on Audit (COA), a constitutional body with the power to audit all accounts pertaining to all government revenues and expenditures/uses of government resources, regularly deploys<sup>16</sup> audit teams to all FSPs of the country. Financial audits of government personnel are also conducted annually through submission of required reports to the DBM and the Civil Service Commission (CSC).

- 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))**

48. Assistance and other forms of support are available to Filipino migrant workers who become victims of the kafalah system, which includes among others, negotiations with employer as regards respecting the terms of contract, renewal/issuance of iqama, provision of return ticket and in cases where the OFW has been arrested or detained, negotiating for the withdrawal of case/amicable settlement, jail visits, provision of lawyer and interpreter during court hearings<sup>17</sup>.

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<sup>15</sup> Other than the OWWA Operation Center, the DFA maintains a 24/7 duty officer unit to receive calls and acts on calls assistance while the CFO manages the IACAT 1343 Action Line Against Human Trafficking for TIP victims in need of assistance.

<sup>16</sup> Regular audit is done every two years in FSPs.

<sup>17</sup> In cases where OFWs are trapped in countries in crisis such as those that happened in MENA during the Arab Spring, the Philippines deploys Rapid Response Teams, mobilizes even its senior officials, and in numerous cases, these teams are led by the Secretary of Foreign Affairs to mount rescue and repatriation operations. Recently, assistance to OFWs in distress and stranded in a country in crisis included buying off her/his contract from her/his employer.

49. The State party pursued bilateral arrangements with countries of destination (COD) specific to the enforcement of the Standard Employment Contract (SEC). Bilateral arrangements are in place with the Kingdom of Saudi Arabia and Jordan, while negotiations are on-going with Lebanon and the United Arab Emirates.

## **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**

50. The State party has no record of migrant women sexually exploited in its territory, especially in the context of alleged existence of sex tourism. However, should there be exploited migrant women that are sexually exploited, they will be treated as victims and subject to assistance as victims under Philippine laws<sup>18</sup>.

51. The State party implements programmes to address child labour, such as the Kabuhayan para Sa Magulang ng Batang Manggagawa (Livelihood for Parents of Child Laborers), Project Angel Tree and the Campaign for Child Labor Free Barangays<sup>19</sup>. Combating child labour is also included in the Philippines Development Plan 2011-2016.

### **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**

52. All Philippine Consuls serve as civil registrars in their respective jurisdictions. They are responsible for reporting all foreign vital events (births, marriages, deaths) that occur among Filipinos abroad, even if they are irregular migrants. They also conduct consular missions to places which are far from the embassies and consulates in order to, among other tasks, register Filipino children. In addition, representations are also being made with the host countries to allow registration of Filipino children born in the territories regardless of immigration status of Filipino parents.

53. Philippine laws<sup>20</sup> allow registration of children born to migrants at the local civil registration office in the places where the birth occurred.

<sup>18</sup> These laws include, among others, the Expanded Anti-Trafficking Law (R.A. No. 10364, amending R.A. No. 9208), Anti-Child Pornography Law (R.A. No. 9775), Worst Forms of Child Labor Law (R.A. No. 9231, amending R.A. No. 7610) and Anti-Child Abuse, Exploitation and Discrimination Act (R.A. No. 7610, as amended). There are various interagency bodies that coordinate and monitor implementation of the above laws such as the IACAT, ICACP, CSPC and the NCLC.

<sup>19</sup> The conditional cash transfer program of the State Party provides monthly allowance for poor families and requires that the school age children of beneficiary families to be in school and not at work for continued availment of the benefit.

<sup>20</sup> Such as the Law on Registry of Civil Status (Commonwealth Act No. 3753)

**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**

54. The PDOS is a mandatory training conducted by accredited providers for all departing migrant workers in preparation for new life overseas. It enables OFWs to successfully adjust to their new environments. Language training and culture familiarization courses are provided for free and are mandatory for all household workers. The PDOS also includes stress management and basic life support skills.

55. The PDOS is also conducted for Filipino emigrants; Filipino spouses of foreign nationals, and exchange visitor and Au Pairs programmes participants to ensure preparedness for the psychosocial challenges that come with leaving the home country.

56. The PEOS is also conducted to provide information to prospective migrants at an earlier stage<sup>21</sup>. Designed to help individuals considering to work abroad make informed decisions, the PEOS provides information on the realities of migration or overseas employment. It teaches the processes in applying for overseas work and avoiding illegal recruitment. It is a comprehensive and massive public information and education programme of government that uses multi-media organizations, church-groups, NGOs, local government units, schools and other relevant private entities. It specifically targets areas with high deployment of OFWs and high incidence of illegal recruitment, as well as communities rendered vulnerable by calamities and conflicts.

- 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**

57. The BI is the primary government agency responsible for implementing immigration laws, rules and regulation of the State party. It is the main information source on immigration procedures which available and accessible through public posting and in the BI website ([www.immigration.gov.ph](http://www.immigration.gov.ph)) and social media (Facebook: [facebook.com/OfficialBureauofImmigration](https://facebook.com/OfficialBureauofImmigration); Twitter: [twitter.com/immigrationPH](https://twitter.com/immigrationPH)).

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<sup>21</sup> For 2012, there were 170,378 PEOS participants all over the Philippines.

## 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 Organize, and irrespective of reciprocity (CMW/C/PHL/CO/1, para. 34)**

58. The State party accords foreign nationals who are residing in its territory the right to self-organization, allowing them to freely form associations, social clubs and related groupings as long as their purposes are not contrary to law. Foreign nationals in business enterprises are allowed to form, join, and assist labour unions of their own choosing provided they have valid working permits issued by the appropriate government agencies and maintains an official employer-employee relationship with their respective managements.

59. Moreover, trade union rights are available to foreign nationals who are lawfully residing and working in the Philippines if they are nationals of a country which grants the same or similar rights to Filipino workers, or a signatory to ILO Convention Nos. 87 or 98.

60. Proposed amendments to Articles 269 and 270 of the Labor Code are being discussed in the State party's legislature.<sup>22</sup>

### 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**

61. The Filipino migrant workers' right to participate in public affairs and the right to vote and be elected at elections of the State party have been institutionalized through the enactment of the Overseas Absentee Voting Act of 2003 (R.A. No. 9189). Several measures were undertaken to realize the objective of the law, such as intensive information campaign, field registration of voters activities, setting up of dedicated secretariat, introduction of "Voting by Mail" to 57 Foreign Service Posts, and conduct of field voting and drop box/pick up point voting in places with large numbers of OFW voters. The State party also conducted a non-binding test of internet voting in one country.

<sup>22</sup> A bill is pending before the House of Representatives (House Bill No. 894), entitled An Act Allowing Aliens to Exercise Their Right to Self-Organization and Withdrawing Regulation of Foreign Assistance to Trade Unions, Amending for the Purpose Presidential Decree No. 442, as Amended, Otherwise Known as the Labor Code of the Philippines. The aim is to extend the right to self-organization to aliens in the Philippines and withdraw the prohibition on foreign trade union organizations to engage in trade union activities and the regulation of foreign assistance to Philippine trade unions.

## 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**

62. The State party does not encourage irregular migration. The conduct of PEOS, PDOS, and strict enforcement of SEC are some of the preventive measures to discourage irregular migration. In addition, the State party pursues bilateral agreements with countries hosting Filipinos to strengthen the mechanisms of discussion and the settlement of concerns and are focused on the following areas of cooperation: regulation of deployment of labour; preservation, promotion, and development of workers' welfare in accordance with existing laws; exchange of information and continuing studies in the area of labour, and other technical and human resource development cooperation.

63. The State party is fine-tuning its document verification processes at exit points to avert potential trafficking situations and protect possible victims from exploitation, while upholding the right to travel of other citizens. Task forces, composed of inter-agency representatives, are stationed in key exit points in the country.

64. The State requires departing Filipino workers to secure an Overseas Employment Certificate (OEC) to ensure proper documentation and fulfilment of all government regulations for overseas employment.

65. The State party is formulating a legislation that will prevent and combat smuggling of migrants and protect the rights of smuggled migrants, complementing existing TIP measures and address irregular migration.

### 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*

66. The State party formulated its Women's Empowerment, Development and Gender Equality Plan 2013-2016, or the Women's EDGE Plan, to address, among others, sectoral concerns of women, including issues faced by women migrant workers<sup>23</sup>.

67. The State party enacted the Magna Carta of Women (MCW) or Republic Act No. 9710 which mandates concerned government agencies to exert efforts to create local

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<sup>23</sup> The Women's EDGE Plan 2013-2016 includes five (5) main parts as strategic key result areas: Economic Empowerment, Social Development Rights, Security, Justice and Peace, Gender and Environment, Biodiversity and Climate Change and Gender-Responsive Governance. Economic Empowerment includes women in formal, informal and migration sectors.

employment and other economic opportunities to address out-migration and for the provision of skills and entrepreneurship development of returning women migrant workers, reduction/elimination of transfer costs of remittances, and provision of access to investment opportunities for remittances in line with national development efforts. The same law requires the appointment of Gender Focal Point Officer (GFPO) in FSPs to handle gender concerns of women migrant workers.<sup>24</sup>

- (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*

68. The State party continues to negotiate bilateral labour agreements with destination countries. The State party also continues to assess the situation in other countries to check for protective guarantees for migrant workers. As of December 2013, 192 countries have been found by the State party to be compliant with the protection guaranty requirements for destination countries of OFWs.<sup>25</sup>

- (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*

69. The State party deploys female labour attaches and welfare officers, social workers and medical personnel in countries where there is large concentration of Filipino women workers. It has added female welfare attachés and staff in Riyadh, Jeddah and Jordan. It is also redesigning the deployment plan to rationalize deployment of welfare officers to destinations with significant number of women migrant workers. And it incorporates the Code of Conduct for Government Employees and Customer Care in its training programmes for its officers and staff.

70. The State party Foreign Service officers, labour and other Philippine officials dealing with migrants undergo training on TIP and gender-sensitive handling of cases involving women migrant workers. They are also required to attend pre-deployment training that includes modules on migration and development, trafficking in person, illegal recruitment, gender issues, and case management, among others.

71. Female immigration officers with sufficient background on gender and development (GAD) programmes are tasked to assist profiled female victims in interviews and other processes conducted by the BI to encourage victims to divulge necessary information on their respective cases.

<sup>24</sup> As an example, the designated GFP Officer in the Philippine Embassy in Paris launched the establishment of a Violence Against Women (VAW) desk in response to the various situations of violence faced by Filipina migrants in France. The launch was made during the celebration of the National Consciousness Day on VAW. Similar to the VAW desks set up in barangays (villages) in the Philippines, the desk receives victims of VAW, provides psychological or medical help and assists on possible legal action under French law.

<sup>25</sup> As of December 2012, 191 countries have been found by the State Party to be compliant with the protection guarantees requirement for destination countries of OFWs.

- (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*

72. The State party utilizes the Manila Call to Action as a tool to formulate measures to strengthen the protection of migrant women workers<sup>26</sup> and their families and to advocate the adoption of international instruments such as the ratification of ILO Convention 189 and the enactment of national laws, such as Republic Act No. 10631.

- (e) *Liaising with local and international partner networks to provide services and support to migrants and to advocate for migrants' rights*

73. The State party FSPs maintain close relations with NGOs, church-based groups, local public and private service providers, and the Filipino communities in their respective host territories to enhance capacity to extend assistance to migrant Filipinos, particularly Filipino migrant women facing situations of vulnerability; and advocate for migrants' rights. In partnership with Filipino associations overseas, mostly from CODs of emigrants, State party conducts post-arrival orientation and other services to facilitate integration of newly-arrived migrants in their host communities.

74. The State party also partners with local government units, academe, faith-based organizations, professional associations, non-government organizations and other civil society partners in the campaign against illegal recruitment and TIP, as well as in conducting PEOS and community education on 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**

75. Along its commitment to pursue ethical recruitment principles, the State party initiated the crafting of the "Commitment to Ethical Conduct and Best Recruitment Practices for Land-based Agencies" and completed the draft "Code of Ethics for Manning Agencies." The land-based agencies have committed to, among others, assist and advise workers to enter into overseas employment in the most cost-effective manner; not enter into any arrangement with any entity that shall increase the burden to the workers; endeavour to eliminate placement fees; and comply with recruitment regulations. The sea-based agencies committed to represent seafarers in an ethical and professional manner and negotiate for the best terms and conditions of employment. As of June 2012, 24 industry associations from the land-based and sea-based agency sectors signed the said codes of ethics.

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<sup>26</sup> These measures include a) the conscious integration of gender perspectives in the development and implementation of PDOS to ensure safe migration; b) socio-economic and psychological programs for more sustainable reintegration of returning women migrants; c) continuous capacity building of government officials dealing with migrants on gender-sensitive handling of cases of women migrant workers; d) adoption of a standard bilateral agreement to ensure equal treatment and opportunities in terms and conditions of employment; and e) establishment of the Remittance for Development Council, among others.



76. The State party strengthened the licensing system of recruitment agencies by requiring the attendance of officials and employees of said agencies to attend either the Pre-Licensing Orientation Seminar (PLOS) or the Continuing Agency Education Program (CAEP) as preconditions for issuance, upgrading and renewal of licenses.<sup>27</sup>

77. Participation of private recruitment agencies in the overseas employment programme is regulated by the State party to ensure that the rights of OFWs are protected. Charging excessive fees is a serious offense and is dealt with administratively and criminally. Philippine private recruitment agencies are also jointly and severally liable with their foreign principals to fulfil contractual obligations and claims of workers. OFW money claims are satisfied from escrow accounts that the private recruitment agency open as part of the licensing requirements.

78. The State party conducts regular inspection visits of licensed recruitment agencies to determine their continued compliance with rules, regulations and applicable laws. Violation of recruitment rules may result in either suspension or cancellation of agency license. 110 licenses of private recruitment agencies were cancelled in 2012-2013.

79. The State party is reviewing and consulting stakeholders on ILO Convention 181, especially its implications on existing policies.

#### 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**

80. The State party's reintegration agenda facilitates the re-integration of returning OFWs by offering tax incentives, access to government financial institutions and other benefits that are usually offered to foreign investors. The agenda also helps OFWs achieve financial stability through training, investment and savings programmes.

81. The State party established the National Reintegration Center for Overseas Filipino Workers (NRCO) to develop and support programmes, projects and services on livelihood, entrepreneurship, savings, investments, financial literacy including assistance to job searching for returning Filipino migrant workers and their families. The NRCO has a PhP 2 billion (US\$450,000) programme fund for OFWs and their families who plan to put up businesses to maximize the gains of overseas employment, mitigate the social costs of migration, and cushion the impact of forced repatriation. The NRCO is also implementing Balik-Pinay Balik Hanap-buhay Project, a skills-training and grant programme in the form of business starter-kits for home-based income generating occupations.

<sup>27</sup> A Pre-Licensing Orientation Seminar (PLOS) is required for owners, partners, presidents, CEOs, and branch managers of private recruitment agencies. PLOS participants are introduced to the overseas employment program, the licensing policies, pertinent rules and regulations governing overseas employment, responsibilities or obligations of agencies, and measures to prevent illegal recruitment/TIP. A Continuing Agency Education Program (CAEP) was institutionalized to further professionalize and improve the technical capabilities and moral values of officers and staff of employment agencies.

82. The State party facilitates on-site training and processing of requirements of distressed OFWs for entitlement to reintegration packages (livelihood starter kits) upon their arrival in the Philippines.

83. The State party has a loan scheme for returned OFWs with an annual rate of 7.5 per cent in declining balance with a flexible payment scheme pegged at five years and an incentive grace period of two years. A borrower can obtain a maximum loan of PhP2 million (US\$45,000). Since its launching in 2011, the loan scheme has extended PhP 443.7 million (US\$9.86M) worth of loans, capitalized 648 entrepreneurs, and has generated an estimated 2,995 jobs.

84. The State party reinforced its reintegration agenda with the guidelines for the implementation of the Comprehensive Delivery of Reintegration Services for Deportees, Repatriates and Returned Irregular Overseas Filipino Workers and made it a regular programme of DSWD. The programme has the following major components: Advocacy and Social Preparation, Technical Assistance and Capability Building of Implementers, Networking and Resource Generation, Data Banking and Documentation, Service Delivery, and Monitoring and Evaluation.

#### **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**

*(a) Evaluate the phenomenon of trafficking in persons and compile systematic disaggregated data with a view to combating trafficking, especially of women and children*

85. The State party implements the Philippine Anti-Trafficking Database (PATD) as the comprehensive national mechanism for collecting, storing and generating information on TIP. The PATD has two components, the National Recovery and Reintegration Database (NRRD) and the Law Enforcement and Prosecution Database (LEPD). The NRRD, is a web-based facility for service providers and case managers to document and keep track of the delivery of services for trafficked persons. The LEPD, also a web-based facility, is designed for law enforcers and prosecutors. It tracks the progress of the investigation and prosecution of TIP cases. Both systems can generate reports for use in the implementation, review and development of the State party's anti-TIP initiatives.

86. Complementing the PATD is the National Referral System (NRS) for the Recovery and Reintegration of Trafficked Persons. The NRS strengthens the referral network of service providers and ensures assistance and protection to trafficked persons.

87. The State party, with support from ILO-IPEC, developed the Child Labor Knowledge Sharing System (CLKSS) in 2011 as an information technology tool for sharing relevant data, fostering communication, improving programme monitoring, automating child labour case referrals, and facilitating knowledge exchange between agencies with different mandates. Its main feature is the centralized database on reporting of child labour incidence nationwide via its online reporting form which also allows anonymous reporting by the public of child labour incidents.

- (b) *Vigorously ensure effective enforcement of anti-trafficking legislation and increase efforts to improve the record of prosecutions, convictions, and punishment for traffickers and public officials who profit from and are involved in trafficking and bring perpetrators to justice*

88. The State party amended its TIP law to strengthen the provisions on law enforcement and prosecution. The amended TIP law now penalizes attempted trafficking and accessories or accomplices to the offense of TIP; providing for extraterritorial application of the law; and enhanced protection to trafficked persons.

89. The State party established Inter-Agency Committee against Trafficking and Violence against Women and their Children in 17 regions, 40 provinces, 38 cities, and 82 municipalities. These mechanisms provide holistic support to migrants and their children who have survived domestic violence, rape, sexual assault, harassment and other forms of gender-based violence. The inter-agency committee also organized several task forces to immediately respond to trafficking cases, created a special team of prosecutors to prosecute TIP cases<sup>28</sup>, and developed policies and guidelines on investigation and prosecution of trafficking cases.<sup>29</sup>

90. The State party directed all its public prosecutors to prioritize and fast-track the resolution and trial of TIP cases, with further instruction to oppose motions designed to delay the prosecution, and to prohibit the dismissal of TIP cases on grounds of Affidavit of Desistance executed by the victims or his/her guardians. Judges at trial courts were also directed to expedite and prioritize the disposition of TIP cases, and submit the list and status report of cases pending in their respective courts<sup>30</sup>.

- (c) *Strengthen anti-illegal recruitment campaign and provide adequate funding for the implementation of the National Strategic Plan of Action against Trafficking*

- (d) *Continue collaboration with all relevant partners to increase advocacy, information, education and overall public awareness activities*

91. The State party is committed to strengthen its anti-illegal recruitment campaign and provide adequate funding for the implementation of the national strategic plan of action against trafficking. It is also committed to continue to collaborate with relevant partners in advocacy, information, education, and overall public awareness activities.

<sup>28</sup> There are 20 prosecutors at the DOJ main office specifically designated to handle and prosecute TIP cases. Sixty (60) prosecutors serve in the National Capital Region and in various provincial and city prosecution offices. They are tasked to conduct investigation and prosecute TIP cases. There are also 43 prosecutors designated to assist law enforcement operatives in their case build up. In addition to the foregoing key personnel, there are 154 technical assistants helping the DOJ, NBI, the IACAT task forces and the Secretariat in handling the IACAT's daily operations and implementation of programs and activities.

<sup>29</sup> These guidelines include: a) Standard Operating Procedures for Task Forces Against Trafficking in Persons in International Airports; b) Manual on Law Enforcement and Prosecution of Trafficking in Persons Cases; c) Model Local Ordinance against Trafficking in Persons; d) Manual on the Recovery and Reintegration of Victim-Survivors of Trafficking; e) Philippine Guidelines in Handling Trafficked Children, and f) Philippine Guidelines in Handling Trafficked Women.

<sup>30</sup> As of January 2014, 121 cases of TIP involving 140 traffickers resulted in conviction. Ninety-two (92) or 76% of the total number of convictions were obtained from the period July 2010 to January 2014. Moreover, simultaneous with the filing of criminal cases against the recruiters or traffickers is the filing of administrative cases against government officials or employees involved in the acts of TIP. Twenty-seven (27) administrative cases have been filed against 67 government employees involved in TIP cases.

92. The State party proactively responded to the need of the overseas worker-applicants for reliable information on overseas employment programme, procedures and documentary requirements, advantages and disadvantages of overseas employment, government services, and modus operandi of illegal recruiters and traffickers PEOS<sup>31</sup>.

93. Part of the prevention strategy is the distribution of information materials to targeted communities. These materials include information on the modus operandi of illegal recruiters and how to avoid illegal recruitment, as well as remedial venues available to victims of illegal recruiters<sup>32</sup>.

94. The State party also conducted seminars for law enforcers and prosecutors, public employment service officers and local government officials on the anti-illegal recruitment provisions of the amended Migrant Workers law and the amended TIP law<sup>33</sup> and on the identification of illegal recruiters<sup>34</sup>. Capability enhancement trainings were also held for public employment services officers and other local partners on overseas employment and recruitment malpractices in the form of trainers' training for programme partners from various government and NGO entities to meet the objective of the programme of reaching out to the grassroots<sup>35</sup>.

95. The State party's national strategic plan on trafficking, the IACAT StratPlan, provides strategic direction in the courses of action of the government against TIP until 2016. Since 2012, at least PhP 2 million (US\$45,000) have been allocated annually by the IACAT for the implementation of the StratPlan. IACAT member-agencies have also allotted substantial funds for the implementation of the plan.

96. To engage the public and encourage vigilance in fighting TIP, the State party launched the 1343 Action Line Against Human Trafficking on 15 March 2011 as a 24/7 hotline facility that responds to emergency or crisis calls from victims of TIP and their families. It can be reached from any point in the country. Online reporting is also possible by accessing [www.1343actionline.ph](http://www.1343actionline.ph). A total of 7,762 calls were received in 2012, involving 130 actual cases with 78 victims.

97. Under the Community Education Program (CEP), the State party assists prospective migrants make informed decisions on working or migrating abroad, as well as generating community involvement on migration concerns. The programme has reached 32 provinces and served 65,000 participants who have been made aware of the various migration issues, including intermarriages, and existing government policies and programmes directed against illegal recruitment, document fraud and TIP, among others.

98. The State party's CSO partners likewise undertake advocacy and prevention campaigns at the national and sub-national levels.

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<sup>31</sup> There had been 4,505 PEOS sessions conducted by the State Party and by its program-partners in the past 5 years that benefited a total of 562,179 participants. These sessions were held nationwide either in schools/universities, churches, communities, or State Party offices. The other PEOS channels are – PEOS in the Air (guestings in TV and radio public affairs programs) and in shopping malls. For 2011-2013, partnerships with 241 local governments units were firmed up for the conduct of PEOS.

<sup>32</sup> More than 63,000 copies of information and education campaign materials and 335 copies of the trilogy of audio-visual presentation were disseminated to local government officials, students, worker-applicants and NGOs.

<sup>33</sup> Republic Act 8042, as amended by R.A. 10022 and RA 9208, as amended by RA 10364, respectively.

<sup>34</sup> For 2011-2013, 123 seminars were held that served 8,435 participants.

<sup>35</sup> For 2011-2013, 45 trainings were held across the country with 3,146 participants.

- (e) *Coordinate and monitor implementation of laws regarding forced labour and slavery, and continue training programmes in identifying and providing the necessary intervention and assistance to trafficked persons*

99. As part of efforts to coordinate and implement laws on forced labour and to identify and provide assistance to trafficked victims, the State party developed two significant operational manuals: (a) Manual of Procedures in Handling Complaints on Trafficking in Persons, Illegal Recruitment and Child Labor, and the (b) Labor Dimensions of Trafficking in Persons: A Manual for Investigators, Prosecutors, Labor Inspectors and Service Providers.

100. The State party provides services to victim-survivors in forty-two (42) residential care unit/temporary shelters in different regions of the country:

1. The Haven (Substitute Home Care for Women) provides direct intervention to women victims (18-59 years old) of gender-based violence or those vulnerable to abuse and exploitation. It also provides protective service and programmes for healing and recovery;
2. Home / Center for Girls, a child-caring facility for the protection, care, treatment and rehabilitation services to abused and exploited girls below 18 years old;
3. Marillac Hills (National Training School for Girls), a child-caring facility for care and rehabilitation of female children in conflict with the law, and abused and exploited girls below 18 years old;
4. Reception and Study Center for Children, a child-caring facility extending psychosocial services to children 0-6 years old, with emphasis on child survival, development and protection;
5. Jose Fabella Center – A centre specially established and made operational in 2014 to provide services to male trafficking victims.

101. The State party established an Operations Center (OpCen) as a central coordinating centre for walk-in complainants and rescued victims of trafficking. The OpCen facilitates affidavit-taking, assists in locating witnesses, and accompanies victim-witnesses during investigations and trials. It also refers victims for appropriate psycho-social interventions and reintegration assistance<sup>36</sup>.

102. The State party's national police organization has assisted and referred 1,122 victims of TIP to the social work department and the Visayan Forum Foundation, Inc. (VFFI) for debriefing and temporary shelter prior to sending them back to their respective hometowns.

- (f) *Continue training of prosecutors to make them fully aware of the nuances of anti-trafficking law. Similarly, continue partnerships to increase technical capacity building and training of law enforcers, prosecutors and service providers*
- (g) *Continue partnership with national and international relevant partners, including NGOs to provide services to victims*

103. The State party has been implementing a continuing training programme for prosecutors and law enforcement agencies. In between May to November 2013, six

<sup>36</sup> For the year 2012, it received a total of five hundred thirty seven (537) complaints consisting of one thousand three hundred sixty two (1,362) actual numbers of complainants/victims, of which 799 are women and 563 are men.

trainings were conducted for various audiences on the investigation and prosecution of TIP between May and November 2013. The participants comprised of 50 prosecutors, 88 police investigators and intelligence officers, 14 judges, two social workers and one lawyer from the Office of the Solicitor General.

104. Capacity-building trainings were also conducted for service providers, including members of the anti-trafficking task force. Law enforcement officers have been trained to enhance their capability in conducting surveillance, rescuing trafficking victims, and collecting and monitoring data on TIP cases. Trainings on the expanded anti-trafficking law were also conducted for Foreign Service Officers and Labour officials assigned in countries with significant number of trafficking incidents.

105. The State party strongly supports regional and international cooperation on combating TIP, especially women and children. In particular, the Philippines is advocating for the conclusion of an ASEAN Convention Against Trafficking in Persons. It is actively engaged in the Bali Process on TIP and Human Smuggling. In the United Nations, the Philippines sponsors periodic resolutions in the General Assembly and in the Human Rights Council on combating TIP and ensuring protection of the human rights of victims. The Philippines is also a member of the Group of Friends Against Trafficking and actively promotes the wider ratification of the United Nations Palermo Protocol, the United Nations Convention on the Rights of Migrant Workers and Their Families and ILO Convention No. 189.

106. The State party works closely with NGOs in the provision of assistance to victims of trafficking. It partnered with a number of faith-based CSOs, NGOs and relevant private sector industry organizations on various anti-trafficking projects namely: International Centre for Missing and Exploited Children (ICMEC), ECPAT International, Plan International, MTV EXIT (End Exploitation and Trafficking), Center for Migrant Advocacy (CMA), DNA-Pro Kids, DAKILA, Philippine Inter-faith Movement Against Trafficking, Bankers' Association of the Philippines (BAP), Association of Bank Compliance Officers (ABCOM), Union of Local Authorities of the Philippines, and the League of Cities and Municipalities of the Philippines. The State party held three (3) NGO summits in 2013 alone.

107. The State party, with additional funding from its bilateral partner, will establish a new Victim Processing Center that to serve as a temporary shelter exclusively for victims of TIP. Similar shelters will be established in other identified hotspots nationwide.

### **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**

108. The Philippine Labor and Employment Plan 2011-2016 (Inclusive Growth through Decent and Productive Work), a sectoral plan annexed to the overall Philippine Development Plan, was formulated to provide strategic direction on labour and employment in the short term. The Plan stresses the protection of OFWs, especially those in vulnerable occupations and the expansion of social protection for Filipino migrant workers. It calls for the review of the implementation in law and practice of relevant ILO and United Nations conventions on migrant workers. Many of the strategic activities in the plan are

being carried out, some of which relate to the issues raised by the Committee on Migrant Workers.

109. There are about 10.4 million Philippine nationals living and/or residing abroad. They include about 4.2 million temporary migrants (about 40%), with the Kingdom of Saudi Arabia as top destination, the rest are permanent migrants mostly living and residing in North America.

110. The number of Filipinos leaving the country for temporary work has been increasing since 2009. From 1.4 million Filipinos who left the country for work abroad in 2009, the number has increased to 1.8 million in 2012.

111. Of the 1.8 million workers in 2012, 1.4 million were land-based workers, while 366,865 were sea-based workers. For land-based workers, there were 976,591 re-hires, while 458,575 were new hires. The top ten destinations for new hires and rehires are: Kingdom of Saudi Arabia, United Arab Emirates, Singapore, Hong Kong SAR, Qatar, Kuwait, Taiwan, Malaysia, Italy, and Bahrain. Most new hires find employment as service and production workers.

112. Remittances have been increasing, reaching almost US 21.4 billion dollars in 2012. Data indicates that the share of remittances to the gross national product (GNP) over the past ten years (from 2001) had been substantial, ranging from 7.9 per cent to 10 per cent.

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