



**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**
Twentieth session

Summary record of the 249th meeting

Held at the Palais Wilson, Geneva, on Thursday, 3 April 2014, at 3 p.m.

Chairperson: Mr. Carrión Mena

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The meeting was called to order at 3.05 p.m.

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

Second periodic report of the Philippines (HRI/CORE/1/Add.37; CMW/C/PHL/2; CMW/C/PHL/Q/2)

1. *At the invitation of the Chairperson, the delegation of the Philippines took places at the Committee table.*
2. **Ms. Dimapilis-Baldoz** (Philippines) said that the main governmental agencies and non-governmental and civil society organizations had held a meeting in 2009 to consider the Committee's recommendations following the country's initial report and had joined forces to draw up the second periodic report.
3. The Philippine Government was engaged in creating jobs at home so that working abroad would be a matter of choice rather than necessity. Assistance to Filipino nationals in distress abroad was one of the pillars of Philippine foreign policy. The policy of protection, which covered the entire migration management process, was supported by a global network of 82 Philippine embassies and consulates, 166 honorary consulates and some 1,295 officers, with support from highly organized networks of Filipino migrant communities.
4. Over the past five years, significant progress had been made in the protection of migrant workers. In 2010, the Government had enacted Act No. 10022, amending the 1995 Migrant Workers and Overseas Filipinos Act, which strengthened the protective measures afforded to migrant workers by increasing the penalties for illegal recruitment, instituting a system for satisfying host countries that provided adequate protection to migrant workers and institutionalizing the National Reintegration Centre, with an annual budget of 50 million Philippine pesos. In 2013, the Government had enacted Act No. 10364, amending the Anti-Trafficking in Persons Act of 2003. Under the amended Act, actions constituting trafficking in persons had been extended to include the exploitation of children. It also penalized forced labour and strengthened institutional mechanisms to protect the rights of trafficked persons, among other provisions. Also in 2013, the Government had enacted Act No. 10365 amending the Anti-Money Laundering Act, granting authority to freeze any monetary instrument or property alleged to be laundered by human traffickers or illegal recruiters. Act No. 9710, known as the Magna Carta of Women, had been adopted in 2009 and, in 2013, Act No. 9189 on Overseas Voting, which provided for alternative modes of voting for Filipinos abroad.
5. The Philippines had played an active part in drawing up the International Labour Organization (ILO) Domestic Workers Convention 2011, (No. 189) and ratified it in September 2012. In 2013, the Government had enacted the Domestic Workers Act (*Batas Kasambahay*), which set out measures for the protection and welfare of domestic workers in the Philippines. The measures had provided a basis for the Philippine Government to negotiate bilateral agreements to improve the working conditions of Filipino female domestic workers in host States. Thus, in 2012 and 2013, the Government had negotiated agreements with Saudi Arabia and Jordan that met the standards of protection for domestic workers provided for in the ILO Convention and the *Kasambahay* law. Bilateral negotiations were under way with Lebanon, Kuwait, the United Arab Emirates and Bahrain.
6. An interministerial overseas preparedness and response team had recently been set up to provide better protection for Filipinos abroad and a crisis alert system had been established to serve as the basis for emergency repatriation, the need for which had arisen in Libya, the Syrian Arab Republic, Yemen, Egypt and Japan. Furthermore, the joint Philippines-United States of America "Migrants in crisis situation" initiative aimed to

produce a set of guidelines delineating the respective responsibilities and roles of all the stakeholders in providing for the protection of migrants in crisis.

7. The National Strategic Action Plan had been adopted to combat trafficking in persons and the Inter-Agency Council against Trafficking in Persons (IACAT) had adopted guidelines on the procedures that must be complied with by Filipinos departing abroad. Among other provisions, the Bureau of Immigration was required to check the employment documents of departing Filipinos before they left the country. A number of awareness-raising activities on trafficking had been held, aimed particularly at law enforcement agencies and local authorities. Special prosecutors had been appointed to handle trafficking cases and the budgets of the witness protection programme and IACAT operations had been increased. The combined effect of those measures had been a significant increase in the number of convictions for trafficking in persons over the past four years. An annual budget of 100 million pesos had been allocated for the provision of reintegration assistance for victims of trafficking.

8. Considerable progress had also been made in other areas. Thus, for example, recruitment agencies that charged more than one month's salary as recruitment or placement fees lost their licence to practise and ethical recruitment practices were encouraged through an incentive and award system. The Overseas Filipinos Information System had been established in order to enhance data collection and management on migrant workers and their families and to facilitate the exchange of information among institutions working in the area of migrant workers. A number of measures had been taken to protect children, including the registration of the birth of children as Filipino citizens by foreign service officials in countries where such births could not be registered. The Overseas Land-Based Tripartite Consultative Council had been established in May 2013 as a venue for discussion on overseas employment and the problems of migrant workers

9. At the international level, the Philippines sustained its lead role in advocating the protection of the rights of migrants and their families, in such forums as the Abu Dhabi Dialogue, the Colombo Process, the Global Forum on Migration and Development, the Association of South-East Asian Nations (ASEAN) and ILO. Lastly, she wished to reaffirm her country's commitment to supporting the Committee in its activities to promote the ratification of the Convention by transit and receiving States.

10. **Mr. Kariyawasam** (Country Rapporteur) congratulated the Philippines on the progress made on migration. He requested clarification on the status and accessibility of the Shared Government Information System for Migration and the Overseas Filipino Information System. With regard to participation by civil society in the protection of the rights of migrant workers, he requested additional information on the functioning of the Overseas Land-Based Tripartite Consultative Council. He welcomed the determination of the Philippine authorities to improve the situation of migrants and invited the delegation to give some examples of successful initiatives in that regard. He asked whether the bilateral agreements concluded by the Philippine Government still permitted the kafalah (sponsorship) system, which was contrary to the provisions of the Convention. He also wondered whether the support provided by the Government to the National Human Rights Commission enabled it to promote the rights of migrant workers abroad, as well as in the Philippines.

11. In view of the information received by the Committee that some officials forced female migrant workers to provide sexual services in return for facilitating their departure, he asked about measures taken to punish and dismiss corrupt officials. He encouraged the Philippines to make the declarations provided for in articles 76 and 77 of the Convention and asked whether the Philippines had concluded agreements with the countries that received large numbers of undocumented migrant Filipinos, with a view to improving their situation. As for the transfer of funds, he requested an explanation of the initiative under

which Filipino migrants were required to send 80 per cent of their income to their families, as was the case for seafarers. He also wished to know whether the Government intended to increase the number of officials providing assistance to Filipino migrants in embassies and consulates, particularly in Middle Eastern countries. He requested further information on the training of such officials and on programmes to prepare Filipino workers who wished to emigrate.

12. **Ms. Dicko** (Country Rapporteur) asked what specific measures had been taken by the State party to improve the situation of Filipino domestic workers in the Gulf States. She also asked whether workers took language classes before going abroad and whether their contracts were translated into their own language. Noting that recruitment agencies charged a commission that might amount to a month of the salaries of the migrant workers that they placed, she noted that such a practice was contrary to ILO conventions.

13. **Mr. Taghizade** said that the Government should regularly monitor the activities of recruitment agencies in order to prevent them from offering Filipino migrant workers contracts on terms that were advantageous but were not respected in practice. In his view, it was not only host countries not party to the Convention that were to blame for such situations. He asked how many complaints had been lodged by migrants for violation of their rights, how many had been considered and how many migrants had won their cases. He also asked for further details of the way in which the Philippines implemented the Convention under its own legislation and wondered whether migrants were informed of their rights and the remedies that were available to them in the event of the violation of such rights.

14. **Mr. Ceriani Cernadas** asked whether people working in the Sabah region were considered Filipinos or migrant workers and whether the children of such people were given Filipino nationality. He asked for further details on the situation of persons detained in that region. He also wished to know about measures taken to disseminate the Convention and the Committee's recommendations in both the Philippines and the countries that hosted large numbers of Filipino migrants.

15. He requested the delegation to provide examples of the legal and social protection programmes implemented in countries that hosted Filipino migrants and to indicate whether the consular officers of host countries were given training enabling them to provide legal assistance to Filipino migrants. He also asked it to provide details of the functioning of mechanisms put in place for the implementation of bilateral agreements concluded by the Philippines. In particular, he wished to know whether the Government consulted civil society on the negotiation, follow-up and assessment of such agreements.

16. He asked whether the Government had carried out a study on the situation of children in the context of migration so that it could develop and put in place policies aimed at protecting their rights and wondered about the protection provided by consulates to migrant Filipino children. He asked whether it was true that, in some host countries, female domestic workers from the Philippines could lose their jobs and be expelled because they were pregnant. If so, what did the State party do to protect the rights of such women? He requested the delegation to explain how policies on preventing clandestine migration were linked at the interinstitutional level with policies to promote decent work in the Philippines. He wished to know whether there was a mechanism whereby data relating to the situation of migrant Filipinos gathered by the Government and by Philippine consulates abroad could be consolidated and used to develop policies to prevent emigration, whether regular or irregular. Lastly, he requested information on the number of immigrants in the Philippines and on their situation.

17. **Ms. Ladjel** asked whether the kafalah system, which generally referred, in Muslim countries, to the care of children but which had been extended to migrant workers in the

form of association and cooperation agreements, provided sufficient protection for those subject to it. Had the contacts with Saudi Arabia, Qatar and Oman resulted in negotiations with a view to concluding agreements? She wondered what resources were available to the Philippines to provide assistance to its migrant nationals in difficulty in a host country, in cases where they had been victimized or had had their passports confiscated, and wished to be repatriated. She asked what financial contribution migrant workers made to the institutions that took care of the children they left behind in the Philippines and whether the Immigration Council was also able to attend to the needs of foreign migrants in Philippine territory.

18. **Mr. Haque** requested details on the mechanisms put in place to assist migrants in emergency or crisis situations and wished to know how they tied in with the provisions of the Convention, which did not cover such situations. He asked what measures the Philippines intended to take to guarantee a fair recruitment system and whether it was intended to reduce the role of the private sector in that regard, or even to introduce a mixed public-private system. Bilateral agreements represented one solution, given the absence of global rules on recruitment; and the third generation of agreements provided for rights for migrants. In that connection, he asked how the Philippines ensured that such rights were implemented. He also wished to know the contents of the agreement reached with Saudi Arabia and whether the words “migrants” or “migration” appeared in it.

19. **Mr. Núñez-Melgar Maguiña** asked what legislation applied to private recruitment agencies and under what circumstances such agencies incurred criminal sanctions or had their licences withdrawn. He wished to know whether the Philippines had concluded agreements with host countries to ensure that Filipino workers found work and guaranteed stable working conditions, and whether such agreements contained a reciprocity clause. He also requested further details about the Interinstitutional Committee and wondered whether statistics on migration were harmonized and broken down by occupation and how they were used to develop public policies on employment. He asked what training was provided for Philippine migration officials and consular officers and whether a guide to migrants’ rights had been issued for Filipinos wishing to work abroad. With reference to the national plan against trafficking in persons, he asked whether every organization in the public sector contained a unit dealing with that issue, how coordination was conducted and what were the main features of the policy on prevention, action against trafficking and assistance to victims.

20. **Ms. Castellanos Delgado** asked whether Philippine consulates in countries hosting migrant workers had departments that were capable of providing assistance and advice to young migrants, particularly to young women, and dealing with their complaints in the case of ill-treatment. She wished to know whether programmes had been put in place to help Filipino workers with repatriation and reintegration.

21. **Mr. El-Borai** asked whether there was any difference in the treatment given to Filipino workers and foreign workers in the Philippines, particularly with regard to the right to work and the exercise of trade union rights. Recalling that ILO had issued a report on the failure by Qatar to implement the Forced Labour Convention, 1930 (No. 29), he wished to know what measures had been taken by the Philippine Government to protect migrant Filipino workers in Qatar.

22. **Mr. Tall** asked whether the Philippine Government was aware of cases of abuse and sexual violence against migrant workers, particularly female domestic workers, and, if so, what action had been taken in that regard. He wished to know what measures had been taken to register the children of Philippine nationals born abroad and to ensure that children were provided with education and their cultural identity preserved in countries that were host to large communities of Filipino workers. He asked what the Government was doing to ensure that Philippine nationals abroad could exercise their right to join associations or

trade unions, or to lead or establish them themselves. He asked whether there had been cases of individual or collective expulsion of Filipino workers and, if so, whether the remedy had had a suspensive effect.

23. **The Chairperson**, speaking in his capacity as a member of the Committee, wished to know what the status was of negotiations between the Philippines and Lebanon, Kuwait, the United Arab Emirates and Bahrain on the conclusion of bilateral agreements and whether a bilateral agreement had been or would shortly be concluded with Singapore. He wished to know the impact on the Philippine economy of funds sent from abroad and whether there were programmes to direct such resources to productive activities. He asked whether migrant workers in the Philippines had access to justice and could exercise the other rights enshrined in the Convention, including the right to social security. He wondered about the role of the National Human Rights Commission and asked whether it enjoyed Government support.

The meeting rose at 5.50 p.m.