

# Filipino Women in International Migration

*Situation Analysis, Policy Context  
and International Mechanisms*



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## ABOUT UN WOMEN

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## FOREWORD

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In the Philippines, several government agencies are mandated to attend to migrants' concerns at various stages of the migration process, so much so that the country has often been regarded as a 'model' of migration management. The Philippines' ratification of key international instruments protecting migrant workers' rights in general, and particularly, of women migrant workers, further manifests the country's commitment in adhering to human rights standards to enhance the protection of migrant workers. Such commitment is solidified at the national level with the passage and implementation of corresponding laws and policies.

Non-governmental organizations (NGOs) have contributed immensely in raising awareness on the situation and issues of migrant workers and in seeking accountability from relevant sectors. They provide critical support such as direct services, repatriation and reintegration assistance, mostly to women migrant workers.

However, the complexity of migration, including its gendered dimensions, brings challenges that remain unresolved despite the combined efforts of government and civil society. Responding to these challenges requires investment in evidence-based planning, human resources, funding and capacity development, among others, to enable effective engagement with key stakeholders, mechanisms and processes, as well as providing support and empowerment of migrant workers, especially women migrant workers.

Getting a more comprehensive and clear understanding of the situation of Filipino migrant workers requires accessible sex-disaggregated data and analysis of migration profiles. This publication aims to contribute to the available knowledge from a gender perspective. Given the data and analysis, priority concerns that duty bearers and claim holders need to address are highlighted. Policy and programs are reviewed to inform technical assistance and capacity strengthening activities and development of advocacy and capacity building tools.

Importantly, this paper highlights the contributions of women migrant workers to development, and advocates for the further strengthening and implementation of gender-sensitive policies, legislation and national development strategies that protect the rights of women migrant workers.



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The Philippines is one of the world's top migrant-sending countries. Currently, the Commission on Filipinos Overseas (CFO) estimates that there are 10.4 million<sup>1</sup> Filipinos abroad who are permanent, temporary, or irregular migrants<sup>2</sup>, located in more than 200 countries and territories around the world. Widely regarded as 'modern-day heroes', migrants send annual remittances amounting to from eight to ten per cent of the country's gross domestic product (GDP). Such huge money transfers place the Philippines among the global top three remittance-recipient countries (World Bank 2014, 4). Remittances, likewise, have provided the much-needed cushion to the economy during the recent global financial crisis (DOLE 2011, 13). In 2014 alone, Overseas Filipinos (OFs)<sup>3</sup> sent USD24.3 billion in cash remittances<sup>4</sup> (BSP 2014).

Besides financial transfers and the spread and magnitude of Filipino presence on a global scale, feminization of migration is an important characteristic of this out-migration trend. Nicola Piper (2008, 1292) argues that the phrase refers not only to the increase in number of women working abroad, but also to their huge participation in key migration routes. Additionally, it can mean the more marked autonomy of migrant women as workers and family breadwinners, compared to their role decades ago when they crossed borders as mere dependents (UN-INSTRAW 2010, 36).

Since the 1980s, Filipino women in large numbers have started to leave the country for work. Heightened globalization, lack of economic opportunities, policies, demographic shifts and the concomitant change in women's role in host countries have propelled this exodus. From the years 2001 to 2010,

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1 This is a stock estimate collected by the CFO from the Philippine Overseas Employment Administration (POEA), embassies, and the Department of Foreign Affairs (DFA). POEA collects data on outflows or deployment of temporary or contract-based migrants.

2 These are categories of Filipino migrants in the CFO database. Permanent migrants are those who are already citizens of other countries; temporary migrants are those whose jobs abroad are governed by a contract; and, irregular migrants are those who did not undergo the formal channels of emigration.

3 This term collectively refers to permanent, temporary, and undocumented Filipino migrants. Overseas Filipino Workers (OFWs) is a label generally attributed to temporary or contract-based workers.

4 Remittances coursed through banks.

sixty per cent of newly hired land-based<sup>5</sup> temporary migrant workers were women (DOLE 2011, 11) in domestic work and caregiving jobs. Recent data from the POEA (2013) indicates that household service workers (HSW)<sup>6</sup> and nurse professionals are the top two occupational categories of new hires among Filipino women migrant workers (WMWs).

Forty years since state-sponsored labor out-migration in the Philippines began and over thirty years since the advent of the feminization of migration, a report on Filipino migrant women's situation is still lacking. Such a situation is not surprising, given that, according to Asis 2011 and Go 2002, there seems to be little connection between migration policymaking and research. Though data periodically released by the government are sex-disaggregated, it hardly focuses on gendered causes, WMWs and the processes and impacts of their migration. Thus, this paper hopes to complement and provide a more evidence-based approach in looking at the conditions of WMWs.

### *Significance of the Report*

Recent international developments have increased the impetus for a situation analysis of WMWs. The post-2015 development agenda is reported to include migration and development in its goals. Notably, for the first time, UN-member states are looking at potential commitments linking the two<sup>7</sup>. The Philippines has recently concluded bilateral agreements with Middle Eastern countries, such as Saudi Arabia (in 2013) and Jordan (in 2012), regarding the deployment of domestic workers. It is currently in the process of reviewing the same instruments with other migrant-receiving states in the region, which is a primary recipient of Filipino women migrant workers (Baldoz 2014, 6).

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5 The POEA disaggregates categories for temporary migrants into sea-based and land-based workers to account for the different sets of policies and guidelines governing their deployment abroad.

6 Since 2006, when a series of reforms to improve skills and provide greater protection for Filipino domestic workers were launched by the Philippine government, the latter was referred to as household service workers.

7 However, the Center for Migration Studies reports that the outcome document finalized by the Open Working Group (OWG), mentioned migration in only four areas despite persistent advocacy by civil society and the International Organization for Migration (IOM). This has yet to be negotiated and adopted during the September 2015 United Nations General Assembly (UNGA). See for example, Migration and the Post-2015 Development Agenda. Available at <http://cmsny.org/migration-and-the-post-2015-development-agenda/>. Accessed on 08 March 2015.



The country also maintains an active presence and leadership in the Global Forum on Migration and Development (GFMD) processes, the Abu Dhabi and Colombo Processes on how to best protect migrant workers within a multilateral platform. In 2014, the government likewise submitted its second report to the United Nations Committee of the International Convention on the Protection of the Rights of All Migrant Workers and their Families, which it ratified in 1995. Meanwhile, the Association of Southeast Asian Nations (ASEAN) has agreed to cooperate within a common legal framework for the protection of migrant workers in the region. The ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers is a good milestone and step in the right direction in view of the forseen common economic community. Negotiations on this regional mechanism, however, have been challenging.

In 2009, the Philippines approved the Magna Carta of Women as part of its commitment to actualizing in the local scene the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Aside from providing the legal definition of discrimination, it also has a provision dealing with WMWs. Its Section 37 mandates the presence of gender focal points in Philippine embassies and consulates so as to strengthen the delivery of services to WMWs, especially those in distress.

The International Labour Organization (ILO) Convention 189 on the rights of domestic workers was also ratified by the Philippines, making it the second country in the world to do so. Thus, the government is in a very good position to advocate the rights of domestic workers among migrant destination and receiving states.

Hopefully, this situational analysis will help inform these processes and assist the Philippine government and migrant-receiving states in enhancing policies and programs that truly protect the rights of Filipino WMWs.

### ***Framework of Analysis and Focus of the Report***

The current report focuses on Filipino WMWs. Men and women experience both the negative and positive consequences of migration in all of its phases. Like all migrant women worldwide, the majority of Filipino WMWs are in low-skilled jobs traditionally ascribed to women, such as caregiving and domestic work, which are usually outside of government regulation.

Male migrants are likewise hired in less-skilled jobs but are usually located in the public sphere and earn more than WMWs do. This situation makes WMWs, who usually have less access to information, susceptible to discrimination and abuse. Lastly, Filipino women comprised more than half of new hires in the past decade. Their numbers are expected to rise as the labor demand for foreign women in receiving states continues.

The framework of this analysis uses the main thrust of the CEDAW General Recommendation (GR) 26 as an analytical tool. Adopted in 2008, GR 26 begins with the premise that migration is never gender-neutral. Gender-based inequalities in sending, transit and receiving states shape WMWs' decision to emigrate and to return. Inequalities also dictate WMWs' status in a foreign country. Gender-based analysis likewise encompasses issues of race, ethnicity and other social categories that affect women's positions in the migration cycle. Whenever such categories are relevant, these are incorporated in the report.

CEDAW GR 26 defines WMWs as: (a) women migrant workers who migrate independently; (b) women migrant workers who join their spouses or other members of their families who are also workers; and (c) undocumented women migrant workers who may fall into any of the above categories. More specifically, it guarantees the specific rights of WMWs in all stages of the migration process. It also enjoins countries of origin, destination and transit to formulate and implement gender-sensitive laws, as well as engage in bilateral and multilateral agreements, to protect migrant women. The treaty likewise provides normative standards in protecting migrant women. The standards that it mandates must be applied to stages of the migration process in origin countries, such as the absence of sex and age specific deployment bans; education, awareness-raising and training with standardized content; regulations and monitoring systems; health services; access to travel documents; legal and administrative assistance; safeguarding remittances of income; facilitating the right to return; services to women upon return; and diplomatic and consular protection.

Only women who emigrate primarily for work or residence abroad are included in the current analysis. This report does not cover internal migrants within the Philippines and those that are internally displaced for reasons of calamities or conflicts.

## *Data and Methods*

The report is based largely on secondary data obtained from various government agencies, non-government organizations (NGOs) and international development institutions. A review of existing literature on labor out-migration of women likewise informed the analysis. For validation purposes, and to complement existing studies, the paper incorporated semi-structured interviews with ten key informants<sup>8</sup> from government, NGOs and migrant women.

For the section on policy analysis, the report conducted a content analysis to evaluate key provisions of Republic Act (RA) 8042, as amended by RA 10022, also called the Migrant Workers and Overseas Filipinos Act of 1995, and bilateral agreements relevant to WMWs. This content analysis was based on CEDAW GR 26 and its normative standards enumerated above. The said law and bilateral agreements were read with an eye for their provisions to see whether these complied with the standards mentioned in CEDAW GR 26. Overall, the paper aimed

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8 A brief description of these key informants and the dates of the interviews are cited in the Annex.

to collect relevant studies and data from a variety of sources that can help generate knowledge on the situation of WMWs.

The report was presented on two occasions where major stakeholders in the migration sector were present. Comments, inputs and suggestions made by the participants in these forums are included in the paper. The first presentation served as a validation workshop and was organized by the UN Women Manila office. The second presentation was held during a forum on migrant women at the POEA. Officials of the agency, the Department of Labor and Employment (DOLE), civil society organizations (CSOs), representatives of recruitment agencies and members of the Overseas Land-based Tripartite Consultative Council (OLTCC) were present.

## *Structure of the Report*

The report is organized into seven sections. Each section is subdivided into specific topics pertaining to key issues discussed. The first part briefly discusses the historical background of labor out-migration from the Philippines. In the second, the social and

economic context of Filipino women's out-migration, together with several factors that contribute to Filipino WMWs' emigration are discussed. The third section provides key trends, patterns and profiles of WMWs, while the fourth outlines the impact of out-migration in terms of financial, social and political remittances in both sending and receiving states. In the fifth part, policy analysis focusing on RA 8042, as amended by RA 10022, can be found. Finally, the sixth section discusses international mechanisms on labor migration and the extent to which NGOs participate in these processes. The paper concludes via a summary of the main findings and key recommendations on how to best protect the rights of Filipino WMWs.



Photo: UN Photo / Yostorn Triyos

## BRIEF HISTORICAL BACKGROUND OF PHILIPPINE LABOR OUT-MIGRATION

The historical legacy of labor out-migration is tied to the country's colonial past. The first Filipinos abroad were those who sailed as forced laborers in the Spanish-Acapulco trade in the 16th century (Tyner 2009). Those who jumped ship<sup>9</sup> were said to be the first Filipinos to have settled in the American continent (David 2011:59). Meanwhile, colonization by the United States (US) ushered in Filipino workers in the plantation economies of Hawaii and California. Subsequently, the Exchange Visitor Program in the 1950s resulted in an exodus of Filipino nurses and doctors to respond to the US health professional shortage at that time. The American-introduced public school system and its curriculum in the early 20th century is said to have made emigration an attractive option (Tyner 2009). Moreover, the US military presence in the Philippines also led to migration opportunities for Filipinos who joined the US Navy.

The 1970s saw US companies joining in the infrastructure boom in the Gulf region. Such economic activities in oil-rich but labor-poor countries created a huge demand for surplus labor. Coupled with the enactment of Presidential Decree No. 447 of 1974, which instituted the Labor Code of the Philippines, these paved the way for the pioneering batches of Filipino engineers and construction workers sent to the Middle East. The quintessential image of the Filipino migrant worker during this period was of a male construction worker.

The 1974 Labor Code<sup>10</sup> was pivotal in labor out-migration policy. It recognized that overseas employment was “an important strategy to absorb excess domestic labor”, an “the institutionalization of government participation in overseas employment” (Asis 1992, 71). Subsequently, the Overseas Employment and Development Board (OEDB) and the National Seamen Board (NSB) were established. These two agencies were soon after

9 These are Filipinos who abandoned the galleon ships to escape harsh conditions to permanently settle in what is now the United States of America.

10 It is significant to note, however, that prior to 1974, the Philippines already created Act 2486 and periodic Department Orders from the Ministry of Labor and Employment. These documents described the necessary licensing rules for overseas employment. The 1974 Labor Code however, further expanded and institutionalized the role of the state in labor out-migration.

merged and became the current Philippine Overseas Employment Administration (POEA).

In the 1980s, structural changes in the global and Philippine economies brought a significant shift in the demand for foreign workers in receiving states, specifically for women in the feminized sectors. Section III below explains this in more detail. In 1975, male contract workers constituted 70 per cent of deployment. This declined to 53 per cent in 1987 when Filipino women constituted nearly half of the total deployment abroad (Gonzalez 1998, 40-41). Nearly thirty years after, women have comprised more than half of both permanent and temporary migrant workers, as indicated in the analysis below. Likewise, females constitute the bulk of irregular migrants.



*Photo: UN Women / Pornvit Visitoran*

# THE SOCIAL AND ECONOMIC CONTEXT OF FILIPINO WOMEN'S MIGRATION

## *Economic and Labor Situation*

The 2010 Census of Population estimates that there are about 100 million Filipinos. Approximately 10 per cent of these are abroad. The huge population due to high fertility rates<sup>11</sup> is often blamed for the high labor surplus that characterizes labor market conditions in the country. In recent years, the Philippines has been registering high economic growth rates. In 2013, the domestic economy expanded by 7.2 per cent, making it considered as the fastest paced country among the Association of Southeast Asian Nations (ASEAN) at that time, and the second with the highest GDP growth in the Asian region, next to China. Nonetheless, this economic performance has had very little effect on the country's employment situation (Table 1). The unemployment rate in the Philippines remains stubbornly high, and is, in fact, the highest in the ASEAN (Table 1).

In 2013, there were 2.9 million Filipinos without jobs, and more than a third of this (37 per cent) were women. Underemployment<sup>12</sup> is even more pervasive, with more than twice as many underemployed as there are unemployed. The lack of job opportunities, and a better quality in job options, locally, thus remains as a key 'push' factor for the general outward migration of Filipino workers. In the Philippines, there is a negative gender gap in employment. In 2005 (Table 2), men had higher unemployment rates than women. At the same time, men registered higher underemployment rates than women (Table 2). However, in 2010, only 41 per cent of women were in paid employment — a situation that has not changed for nearly a decade since 2001 (DOLE, 2011,11).

11 According to data from the National Statistical Coordination Board (NSCB), the Philippine fertility rate is 3.1, a marked decline from previous decades. However, it is still currently the highest in the Association of Southeast Asian Nations (ASEAN). See for example Albert, Jose Ramon. 2012. *Beyond the Numbers: Understanding Changes in the Philippine Population*. NSCB. Available at [http://www.nscb.gov.ph/beyondthenumbers/2012/11162012\\_jrga\\_popn.asp](http://www.nscb.gov.ph/beyondthenumbers/2012/11162012_jrga_popn.asp). Accessed February 15, 2015.

12 The underemployed are those who want additional hours of work in their present job, those who want to have additional job/s, or those who want to have a new job with longer working hours.

**Table 1. Unemployment Rate in the ASEAN, 2010-2013 (in Per cent)**

Country	2010	2011	2012	2013
Brunei Darussalam	3.7	3.7	3.8	3.7
Cambodia	0.4	0.3	0.2	0.3
Indonesia	7.1	6.6	6.1	6.0
Lao People's Democratic Republic	1.4	1.4	1.4	1.4
Malaysia	3.4	3.1	3.0	3.2
Myanmar	3.5	3.5	3.4	3.5
Philippines	7.3	7.0	7.0	7.3
Singapore	3.1	2.9	2.8	3.1
Thailand	1.0	0.7	0.7	0.8
Viet Nam	2.3	2.0	1.8	1.9

Source: International Labor Organization (ILO)

**Table 2. GDP Growth Rate, Unemployment and Underemployment Rate by Sex, 2000-2013**

	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
GDP Growth Rate (in constant prices)	4.4	2.9	3.6	5.0	6.7	4.8	5.2	6.6	4.2	1.1	7.6	3.7	6.8	7.2
Unemployment Rate (Men)	10.9	10.8	11.1	11.0	11.5	7.8	8.2	7.5	7.6	7.6	7.6	7.3	7.2	7.3
Unemployment Rate (Women)	11.6	11.6	11.8	11.9	12.4	7.8	7.6	7.0	7.1	7.2	6.9	6.6	6.7	6.8
Underemployment (Men)	24.0	19.8	19.7	19.6	20.1	23.6	25.4	22.9	22.0	21.7	21.3	21.8	22.4	21.8
Underemployment (Women)	17.8	13.0	12.8	13.0	13.5	16.8	18.1	15.8	14.9	15.0	14.8	15.4	16.2	15.5

Source: Bureau of Labor and Employment Statistics-Philippine Statistical Authority  
 Note: The NSO adopted the new ILO definition of unemployment in the Labor Force Survey (LFS) questionnaire starting with the April 2005 survey. As the data for January 2005 were based on the old definition of unemployment, averages for 2005 were computed using the data from April, July and October survey rounds. Due to the change in methodology, labor force data series for 2005 and onwards are not comparable with the old series.



## *Factors Contributing to Filipino Women's Labor Out-Migration*

Aside from the local economic context discussed above, there are several factors contributing to Filipinos women's labor out-migration. The historical legacy of internal migration, social norms, global economic restructuring and sending and receiving state policies (Oishi 2005) induce the demand and supply of Filipino WMWs. Notably, these factors are not necessarily unrelated.

Filipino women have historically migrated for work within the Philippines for better work opportunities and education. They have been labelled one of the most mobile women in Asia (Lauby and Stark 1988) even before international migration became a huge phenomenon. Additionally, the common internal migration route for women from the rural to urban areas was largely due to demand for domestic work common in Filipino households from the lower-middle class to upper-income homes.

Meanwhile, global economic restructuring in the 1960s called for export-oriented industrialization (EOI). With its need for feminized labor in light manufacturing industries (Sassen 1988; Rodriguez 2010, 11), rural to urban migration of women further increased. For this reason, they comprised a much bigger percentage in internal migration flows than men infrom the 1960s to 1980s (Oishi 2005, 148). The link between EOI industries and emigration of women abroad is complex. Sassen (1988) argues, among others, that the exposure to foreign technology and workplace ideology could be a factor for more women in international migration.



*Photo: UN Photo / Yostorn Triyos*

Tyner (1997) explains a specific link between EOI and international migration. Aside from foreign direct investments, EOI also gave tourism revenues a boost, such that the latter industry was extensively promoted in the Philippines during the 1970s. The country marketed itself as a tourist destination using the availability of Filipino women, in what has come to be exposed by some sectors as 'sex-tourism' (Tyner 1997: 23), and Japanese men, with expendable cash from their booming economy, were the main patrons. Due to criticism and intense pressure from civil society groups, such tours were ended. Subsequently, the Japanese recruited women to Japan, using entertainer visas. According to Nana Oishi (2005, 36) nearly 70,000 Filipinos were working in Japan by 1986, a large majority of whom were women. Thus, many have attributed the rise in migration of Filipino entertainers to Japan to the economic restructuring that occurred (Tyner 1997; Oishi 2005; Pyle 2001).

Aside from the economic logic, social norms that support women's mobility encourage women to emigrate abroad (Oishi 2005). Compared to other countries, Filipinos are more acceptive of women's search for the proverbial greener pasture in foreign lands. The legacy of female mobility, equal educational opportunities and exposure to globalization (Oishi 2005) could explain this.

The Philippine government and the recruitment industry have also created conditions in shaping demand for Filipino WMWs in particular types of care work (Rodriguez 2010, Guevarra 2010, Tyner 2009, Choy 2000). As a 'model' in migration management, an elaborate bureaucracy was built towards the protection of migrants at every stage of the migration cycle. A corollary to this is the 'gender-sensitive' criterion required by law in implementing migrant programs. However, little is known as to the extent to which this criterion is properly understood. Studies (Guevarra 2010) argue that the pre-departure orientation seminars (PDOS) required for migrants reproduced the notion of migrant women as 'nurturing', thereby making them especially geared for housework and child care. In other words, their femininity and nurturing nature was propagated as a reason foreign employers' demand Filipino WMWs (Guevarra 2010, 84). At the same time, the gender ideology of both the US colonial regime and the Philippine government in training nurses shaped nursing education and made it possible for women to enter the profession (Choy 2000).

Demand for work abroad, emerging from demographic shifts and changing global economy, have also contributed to Filipino women's participation in labor migration. In Europe, for instance, the retreat of the state from welfare provisions has increasingly privatized care responsibilities. The reluctance of local women to carry on these tasks has induced an unmet demand for domestic workers, caregivers and nurses. At the same time, the notion of gender ideology is also significant in explaining why some states demand gendered labor and others do not. For example, Singapore and Hong Kong institutionalized migration routes for domestic workers as more local women joined the labor force. In Saudi Arabia and Middle Eastern states, the oil boom created wealth where employing a domestic worker has been equivalent to a status symbol. Japan and South Korea, on the other hand, have a different case. They have no formal route for foreign domestic workers though the need is present, given the high labor force participation rate of women in Korea and the aging population of both countries. However, their gender ideology presupposes

that women should take on caring responsibilities even when they are working (Oishi 2005). For the affluent in South Korea, ethnic Koreans from China are hired as domestic workers. Filipino mothers of Japinos (Japanese-Filipino children) who were former entertainers enter Japan through special visas to work in care facilities (Matsubara 2012).

Social and family networks (Harzig 2001, 23) facilitate access to migration routes and information. In fact, the expansion of migration corridors for domestic workers, such as in Italy, can be traced to networks in the Philippines (see Case Study 3). Research among Filipino WMWs in Italy showed that a migrants' networks of families and friends in both origin and destination states enabled them to fund their emigration and acquire jobs in Italy (UN-INSTRAW 2008, 17).



Photo: UN Women / Krista Seddon

## GENERAL TRENDS AND CHARACTERISTICS OF FILIPINO WOMEN'S LABOR OUT-MIGRATION

The 2012 Stock Estimate of Overseas Filipinos<sup>13</sup> (CFO 2012) gave an estimate of 10.4 million Filipinos in more than 200 countries and territories all over the world. A little less than half (46.9 per cent) of these were permanent migrants, while temporary workers constituted 40 per cent. Irregular migrants comprised nearly 13 per cent. The overall top 10 destination countries of Filipinos were the US, Saudi Arabia, United Arab Emirates (UAE), Canada, Malaysia, Australia, Japan, United Kingdom, Kuwait and Qatar.

### Permanent Migrants

There is no sex-disaggregated data on stock estimates aside from those of permanent migrants who registered at the CFO. Of the registered Filipino emigrants from 1981-2011, 60 per cent were women while 40 per cent are men, or roughly, 67 men for every 100 women (SMC and IOM 2013, 51). They were located primarily in the US (65 per cent), Canada (16.75 per cent),

Japan (6.5 per cent), Australia (6.1 per cent,) and Italy (1.1 per cent). While Canada came a distant second, this migration corridor is also fast rising (SMC and IOM 2013, 52). Japan and Australia also figured among the top five countries of registered migrants. Australia used to be the destination for Filipino women marriage migrants in previous years, but Japan currently surpasses it in this category.

Generally, permanent emigration is not a challenge for migration management as some are no longer Filipino citizens<sup>14</sup>. However, Filipino women have, in some cases, fallen prey to human trafficking through routes of marriage migration and the *au pair* system. Others run away from home due to domestic violence and abuse. Filipino women married to foreign nationals are in some cases repatriated by the Philippine government in times of conflicts and wars in destination countries, such as in the Gaza Strip in 2009 (Alave 2009).

13 This data is collected by the CFO from the DFA and the POEA.

14 Republic Act 9225 allows dual citizenship for Filipinos under certain conditions.

## *Temporary or Contract-Based Migrants*

As already mentioned, the Philippines has one of the most active migration flows in the world. Temporary or contract-based migrants comprise a big part of this trend. Daily deployment averages at 5,000 new hires and rehires<sup>15</sup> from 2009 to 2013 (POEA 2013). In the past two decades, an annual average of 172,000 Filipino women workers was deployed overseas as new hires (Figure 1). The difference between the number of male and female new hires peaked in 2004 when women comprised about three-fourths of the total deployment of newly hired workers (Figure 1)

However, in 2007 and 2008, the number of deployed male new hires outstripped that of females. The reason for this was that the government tightened its regulatory mechanisms in protecting domestic workers. In 2006, the Household Service Worker (HSW)<sup>16</sup> reform package mandated a minimum monthly wage of USD400, attendance at a comprehensive pre-departure education program (CPDEP) and a waiver of placement fees. Decreased deployment of domestic workers from 91,412 in 2006 to 47,877 in 2007 occurred. Employers and recruitment agents in destination countries refused to recognize the new wave of regulations imposed on them (Battistella and Asis 2011, 10-11). However, by 2010, the deployment of domestic workers has returned to its previous levels (Figure 1), with the 2010 figures even surpassing the pre-reform package deployment levels. The HSW reform package was reportedly a way to reduce the deployment of domestic workers, a sector that the government perceives to be problematic. A study finds that the subsequent rise in outflows in 2010 was a result of clandestine efforts by agents and migrants themselves to circumvent the regulations imposed by the HSW rules (Battistella and Asis 2011, 39). In other words, the HSW reforms have potentially resulted in irregular migration.

The deployment of new hires was also affected by the significant reduction in the number of Japan-bound performing artists (composers, musicians, singers, choreographers, and dancers, etc.). In December 2005, Japan passed a new immigration law. The policy required migrant entertainers to

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15 New hires are those leaving on new contracts and employers while rehires are those who renewed their contracts under the same employer.

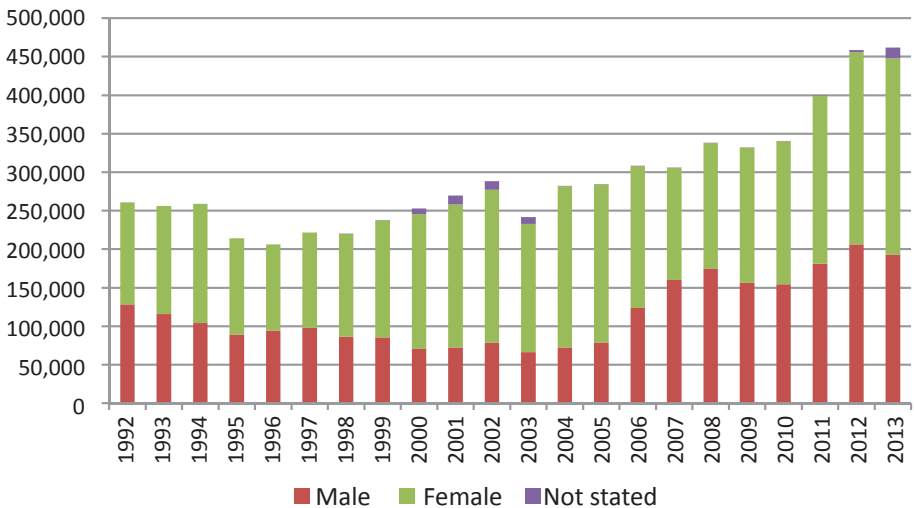
16 Also during this period, the government started calling domestic workers as household service workers. The terms will be used interchangeably in this report.

complete at least two years of formal courses in the performance arts or at least two years of experience before they are qualified to work in Japan<sup>17</sup>. This requirement is believed to be a result of the Japanese government’s response to a US State Department Report raising sex trafficking cases in Japan. In 1993, female performing artists numbered at 39,516 but declined to 1,879 in 2013. Currently, female new hires still outnumber males, but their proportion of the total deployment considerably decreased compared to that in the mid-2000s.

The leading destination countries of OFWs have remained constant over the years (Table 3). Saudi Arabia, the UAE, Kuwait and Qatar continue to get the bulk of male and female new hires. Saudi Arabia alone received about half of the male new hires and a quarter of the female new hires in 2013. A large proportion of the female OFWs is in Hong Kong, Singapore and Malaysia where they work in the domestic sector. Bahrain is another preferred destination of Filipino domestic workers in 2013.

17 This includes female composers, musicians, singers, choreographers, dancers and performing artists not elsewhere classified.

**Figure 1. Deployment of New Hires by Sex, 2000-2013**



Source: Philippine Overseas Employment Administration

### **Box No. 1: Middle East as a Region of Destination for WMWs**

*The Middle East region is a primary destination of Filipino WMWs for the past three decades. The relatively steady flow of demand ensures job opportunities for migrant women. However, cases of abuse, contract substitution and exploitation in the region have been widely documented in media reports and case studies. Middle Eastern countries are also not signatories to the International Convention on the Rights of Migrant Workers and their Families (ICRMW) but have ratified the CEDAW.<sup>18</sup> However, some countries in the region such as Saudi Arabia and the UAE still have important reservations to the CEDAW and practice the *kafala*<sup>19</sup> system, which is often the culprit for worker abuse. Saudi Arabia, for instance, still adheres to male guardianship and sex segregation (HRW 2008).*

*Recent developments seem to indicate little steps to address perennial problems, at least, at the policy level. From 2012 to 2013, Jordan, Kuwait, Saudi Arabia and Lebanon have forged a memorandum of understanding (MOU) with the Philippine government on the recruitment of domestic workers. Similar negotiations are reportedly underway for other countries in the region. The Philippines also continues to be active in the Colombo Process and the Abu Dhabi Dialogue.*

*On the local front, other Middle Eastern countries have also initiated reforms. In 2008, Jordan included domestic work as part of its labor laws. It likewise set to eight hours the official working time (HRW 2013). Meanwhile, Bahrain included the grant of annual vacations and dispute mechanism for its domestic workers. For its part, Saudi Arabia provided one weekly day-off, nine hours of work, and one-month vacation after two years of service for domestic workers. It is difficult to determine the extent to which the Saudi government enforces these reforms in actual practice. The ILO Convention 189 on domestic work, which Middle Eastern states have not ratified, has reporting mechanisms from which the international community can seek redress and accountability.*

18 However, most have expressed reservations on CEDAW articles especially those pertaining to marriage and family life.

19 The *kafala* system is a labor practice in the Middle East which binds a foreign worker to an employer. The worker is unable to change employers whenever he or she experiences unfair labor conditions. Because domestic workers are in private households ungoverned by labor laws, many of them usually experience abuse under this set-up.

The fourth top destination of new hires among the land-based workers in 2013 is Taiwan. The bulk of the men (98 per cent) and the women (75 per cent) OFWs in Taiwan are engaged as production workers in the manufacturing sector. The other 22 per cent of the women work as caregivers and caretakers. Papua New Guinea (PNG)<sup>20</sup> is increasingly becoming a significant labor market for Filipino OFWs, particularly, the men in production, manufacturing and professional services.<sup>21</sup> The top ten destination countries of OFWs account for approximately 88 per cent of the total deployment of new hires in 2013.

Occupational sex-segregation characterizes the job categories of men and WMWs. While most male OFWs are typically production workers, females are predominantly service workers. In 2013, domestic workers and

related household workers ranked first in the list of top 10 occupational categories of new hires, followed by nursing professionals. The other top job categories for women are waiters, bartenders, char workers or cleaners, caregivers or caretakers and cooks (Table 5). These are gendered occupations hinged on the traditional and socially constructed caring and nurturing roles of women. Men are also in low-skilled and blue collar occupations as laborers or helpers, electrical wiremen, plumber and pipe fitters.

20 While some countries are perennially in the top 10, there are outliers from time to time, such as PNG in 2013 – which had very small numbers in the earlier years. Before 2005, the UK would figure among the top 10; in some years, it was Italy.

21 In 2013, the Philippines signed a labor cooperation agreement with the PNG that spells out the framework for areas of cooperation between the two governments on labor-related matters, particularly on how to facilitate labor market access and labor mobility.



Photo: UN Women / Betsy Davis



**Table 3. Deployment of new hires by top 10 destinations and by sex, 2000, 2010 and 2013**

2000				
Country	Male	Female	Not stated	Total
1. Saudi Arabia	34,599	20,084	1,919	56,602
2. UAE	4,522	10,230	698	15,450
3. Kuwait	1,244	10,125	64	11,433
4. Taiwan	9,821	24,895	244	34,960
5. Qatar	1,836	1,641	106	3,583
6. Hong Kong	201	27,567	4	27,772
7. Singapore	1,155	2,434	202	3,791
8. Malaysia	164	793	29	986
9. Bahrain	507	1,301	69	1,877
10. Papua New Guinea	149	69	13	231
2010				
Country	Male	Female	Not stated	Total
1. Saudi Arabia	74,806	44,469	0	119,275
2. UAE	14,409	32,370	0	46,779
3. Kuwait	2,951	24,159	0	27,110
4. Taiwan	9,663	18,181	1	27,845
5. Qatar	22,350	14,444	1	36,795
6. Hong Kong	557	28,237	0	28,794
7. Singapore	1,755	4,692	0	6,447
8. Malaysia	1,433	1,345	0	2,778
9. Bahrain	1,607	3,700	0	5,307
10. Papua New Guinea	708	132	0	840
2013				
Country	Male	Female	Not stated	Total
1. Saudi Arabia	96,483	65,732	4,142	166,669
2. UAE	19,663	59,427	2,446	81,772
3. Kuwait	4,899	28,509	770	34,201
4. Taiwan	11,208	17,922	33	29,171
5. Qatar	17,793	9,429	1,072	28,410
6. Hong Kong	567	20,999	606	22,180
7. Singapore	1,564	14,078	1,004	16,660
8. Malaysia	2,493	11,129	443	14,075
9. Bahrain	1,555	7,541	147	9,256
10. Papua New Guinea	3,526	278	297	4,146

Source: Philippine Overseas Employment Administration

**Table 4. Deployed New hires by Major Occupational Category and by Sex, 2000-2013**

Skill Category	2000		2005		2010		2013	
	Men	Women	Men	Women	Men	Women	Men	Women
1. Professional, Technical Workers	11,231	67,454	11,953	51,988	24,470	17,365	28,805	22,082
2. Administrative, Managerial	208	76	381	109	849	590	1,165	573
3. Clerical Workers	1,367	1,000	1,985	3,553	5,192	5,514	5,456	6,855
4. Sales Workers	1,134	949	1,288	2,973	3,744	3,498	3,990	4,529
5. Service Workers	7,412	83,794	10,666	123,241	19,367	135,168	28,705	196,688
6. Agricultural Workers	520	6	311	39	1,047	75	1,747	349
7. Production Workers	41,379	16,428	51,694	23,108	97,631	23,016	120,235	22,518
8. Other (NEC)	11,456	8,616	801	195	2,377	376	3,048	862
9. Not Stated		0		0		0		14,243
Total	74,707	178,323	79,079	205,206	154,677	185,602	207,394	254,456

Source: Philippine Overseas Employment Administration Compendium of OFW Statistics, various years

**Table 5. Deployed New Hires by Top 10 Job Categories and by Sex, 2013**

Skill Category	Male	Female	Not Specified	Total
1. Domestic Workers and Related Household Workers	1,661	159,563	3,172	164,396
2. Nurses Professional	2,209	12,746	1,449	16,404
3. Waiters, Bartenders and Related Workers	7,201	7,356	266	14,823
4. Charworkers, Cleaners and Related Workers	4,357	7,455	270	12,082
5. Laborers / Helpers General	10,961	593	338	11,892
6. Wiremen Electrical	9,032	88	419	9,539
7. Plumbers and Pipe Fitters	8,235	43	316	8,594
8. Welders and Flame-Cutters	7,483	58	226	7,767
9. Cooks and Related Workers	3,520	3,412	158	7,090
10. Caregivers and Caretakers	377	5,900	189	6,466

Source: Philippine Overseas Employment Administration 2013

## **Box No. 2: ASEAN region as a Destination of Filipino WMWs**

*The Association of Southeast Asian Nations (ASEAN) region is home to thousands of Filipino WMWs, particularly Singapore and Malaysia where most work as domestic workers. The region's migration patterns show a high degree of feminization particularly of young women, informal employment, trafficking, undocumented flows, among others (UN Women 2013, 15-16). Malaysia was in the Tier 2 watch list of the US State Department's Trafficking in Persons Report 2012 while Singapore was in the same category in 2011 (UN Women 2013, 16). There are documented cases of Filipino women entering Bangkok, Thailand as tourists and crossing the border to Laos to work as English teachers. When their visas expire, they make a "visa run" to Thailand where they stay for two days then they return to Laos (Novio 2014).*

*The ASEAN Declaration on the Protection and Promotion on the Rights of Migrants is a welcome development in the region. A series of inter-governmental meetings have been initiated to facilitate compliance and awareness of this agreement. However, it is far from resolving deep-seated problems as it is non-binding among Member-States. Meanwhile, the vision of an ASEAN Economic Community in 2015 revolves only around discussions on skilled workers and not on the unskilled which also contributes to the ASEAN economy. Mutual recognition agreements (MRA) have already been completed in the fields of Engineering, Nursing, Architecture, Surveying, Medical, Dental, and Accounting (Orbeta and Gonzales 2013, 5).*

### **Irregular or Undocumented Filipino WMWs**

While the 2012 Stock Estimates of Overseas Filipinos (CFO 2012) estimates that 12 per cent of Filipinos abroad are irregular or undocumented, sex-disaggregated data and profile of irregular migrants are not available. However, migration literature acknowledges that women comprise the majority of undocumented migrants.

Under Philippine laws, a Filipino who works abroad and did not pass through POEA processes is considered irregular even if he or she eventually

obtains a working visa in the destination country. Conversely, if a documented migrant suddenly becomes irregular, the Philippine government has limited access to him or her except in cases of distress or conflicts when the migrant seeks repatriation. A case in point was the repatriation of Filipinos from Syria during the Middle East and North Africa (MENA) uprisings in 2011 to 2012. Government officials uncovered a big majority of trafficked domestic workers from the Autonomous Region of Muslim Mindanao (ARMM) (Mellejor and Quiros 2012). Worse, despite ban hiring in Syria in 2012, 100 illegally recruited domestic workers continued to arrive in the war-torn country (GMA News Online 2012). As discussed above, this was also the same case during negotiations for the HSW Package with receiving countries when domestic workers and their recruiters managed to find illegal migration channels. What this means is that despite well-intentioned efforts, hiring bans may not always work and often result in irregular migration.

The United Nations Office on Drug and Crime (UNODC) reports “the greatest proportion of victims trafficked from other regions

(70 per cent)” are in the Middle East (IOM 2013, 81). Specifically, the report indicates that Saudi Arabia, UAE, Syria, and Qatar are hosts to irregular migration (IOM 2013, 95). Tourist and visit visas to the UAE have been a key route for irregular migration and in some cases a means to human trafficking (Ruiz 2013, Interview, April 2015).

Irregular migrants are among the most vulnerable types of workers. Their lack of legal status renders them prone to exploitation and abuse, non-payment or delayed wages, harsh working conditions, and de-skilling.



Photo: UN Women / Pornvit Visitoran

## *Profile of Filipino Women Migrant Workers*

Data from the 2013 Survey on Overseas Filipinos (SOF)<sup>22</sup> show that WMWs are younger than their male counterparts. More than half (53.8 per cent) belong to the age group 25-34 years while the male OFWs in this same cohort comprise only 42.1 per cent. For the older age bracket of 45 years and up, the proportion of men is 22.0 per cent while, for women, it is merely 10.8 per cent.

The share of married (45 per cent) WMWs is slightly larger than those of single women (43 per cent). However, a big majority (70 per cent) of male migrants are married compared to WMWs. Filipino WMWs are relatively well-educated. Based on the 2013 SOF, 65.8 per cent have education beyond high school, and that 39 per cent are college graduates. Indeed, the Philippines is a leading origin country of tertiary educated migrant women in the Organisation for Economic Co-operation and Development (OECD) and that this significantly impacts on health and education indicators among people who remain (Dumont 2007, 11). Among others, this suggests the occurrence of deskilling for WMWs as well as for their male counterparts. However, the impact on women is more significant since often deskilling occurs in the informal or unregulated sector of the economy. But this is hardly reflected in official data since the POEA collects job orders based on contracts processed and not the educational background or profession.

Legally deployed OFWs are likely to come from the regions with higher per capita incomes. Cavite, Laguna, Batangas, Rizal and Quezon (CALABARZON), National Capital Region (NCR), and Central Luzon are the top three regions of origin for both men and women OFWs. They also account for over 36 per cent of migrant women. In Batangas, the town of Mabini is regarded as “Little Italy”<sup>23</sup> due to the huge outflow of women migrant domestic workers to Italy.

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22 The Survey on Overseas Filipinos (SOF) is a nationwide survey conducted by the National Statistics Office that seeks to gather information on Filipino citizens including overseas workers who left abroad during the last five years. It aims to obtain national estimates on the number of Overseas Filipinos their socio-economic characteristics, and the mode and amount of remittances, cash and in-kind transfers received by their families using the past six months as reference period. The SOF is a rider survey to the October round of the Labor Force Survey every year.

23 This name is also derived from the Mediterranean style houses that migrant families have built in the town as a showcase of their upward mobility and hard work.

**Table 6. Distribution of Overseas Filipino Workers by Selected Indicators, 2013 (in Per cent)**

	Both Sexes	Male	Female
Total (in '000)	2,295	1,154	1,141
<b>by Age</b>			
Total	100	100	100
15 – 24	7.8	7.0	8.6
25 – 29	23.6	19.7	27.6
30 – 34	24.3	22.4	26.2
35 – 39	16	16	16.4
40 – 44	11.8	13.1	10.4
45 and over	16.4	22.2	10.8
<b>by Region of Origin</b>			
Total	100	100	100
National Capital Region	12.8	14.6	10.9
II - Cagayan Valley	6.6	3.5	9.7
III - Central Luzon	13.9	16.5	11.2
IV A - CALABARZON	18.4	22.5	14.3
IV B - MIMAROPA	2.2	2.2	2.2
V - Bicol Region	3.3	2.7	4.1
VI - Western Visayas	9.4	8.9	10
VII - Central Visayas	6.5	8.5	4.4
VIII - EasternVisayas	1.6	1.8	1.5
IX - Zamboanga Peninsula	1.7	1.3	2
X - Northern Mindanao	2.7	3.5	2
XI - Davao Region	2.6	1.9	3.4
XII - SOCCSKSARGEN	4.1	2.4	5.8
CARAGA Region	1.5	1.3	1.7
<b>By Marital Status</b>			
Total	100	100	100
Single	34.9	26.8	43.2
Married	57.8	70.0	45.5
Widowed	1.9	0.7	3.0
Separated/Divorced/ Annulled	4.4	1.5	7.4
Common-law/Live-in	0.9	1.0	0.9

	Both Sexes	Male	Female
<b>By Educational Attainment</b>			
Total			
No Grade Completed	0.1	0.1	0.1
Elementary Undergraduate	0.9	0.9	1.0
Elementary Graduate	1.9	1.3	2.6
Highschool Undergraduate	3.9	2.5	5.3
Highschool Graduate	23.3	21.4	25.3
Post-Secondary Non-Tertiary/ Technical- Vocational Undergraduate	1.2	1.2	1.2
College Undergraduate	14.6	13.3	15.9
College Graduate	42.3	45.5	39.0
Post Baccalaureate	0.1	0.1	0.1
Post-Secondary	11.7	13.8	9.6

Source: Philippine Statistical Authority -2013 Survey on Overseas Filipinos

### **Main Occupational Categories and Other Migration Routes of Filipino WMWs**

This section discusses the main occupational categories of Filipino WMWs and other migration routes. Issues and challenges per category are analyzed.

#### **Domestic Workers**

Domestic work employs the biggest number of Filipino WMWs. The number of deployed domestic and household workers has been growing significantly. In 2013, 164,405 domestic workers and related household workers were deployed overseas as new hires, representing more than

one-third (36 per cent) of the total newly hired OFWs that year (Table 7). Of the said deployed domestic workers, 97 per cent are women. As indicated earlier, the outflow of domestic workers was reduced drastically in 2007 after the Philippine government implemented the Household Service Worker (HSW) reform package.

Middle East countries such as Saudi Arabia, UAE and Kuwait continue to be the top destination countries for domestic workers (Table 7). In mid-2011, the Saudi government temporarily banned the hiring of new domestic workers from the Philippines. The latter imposed stricter

requirements for prospective employers, including a minimum USD400 monthly salary and the provision of employers' residence and background information. The lifting of the ban the year after and the signing of an agreement between Saudi Arabia and the Philippines, deployment levels steeply increased in 2013 from 2,098 in 2012 to 42,440 in 2013 (Table 7).

Within Asia, Hong Kong, Singapore and Malaysia absorb the most number of Filipino domestic workers. Filipino domestic workers are estimated to account for about half of the total domestic workers in Hong Kong (Table 7). Deployment to Malaysia shrank from 2006 to 2009 also due to its reluctance to accept the new hiring terms and increased salary under the HSW package (Krishnamoorthy 2006). However, in recent years, Malaysia has again become a strong importer of Filipino domestic workers (Table 7).

**Table 7. Number of Deployed Domestic Workers and Related Household Workers, by Top Ten Destination, New Hires: 2000-2013**

Country	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
1. Saudi Arabia	10,660	10,902	11,934	8,652	7,699	9,227	11,898	2,581	3,079	6,954	11,582	11,278	2,098	42,440
2. United Arab Emirates	5,422	5,228	4,950	4,314	5,816	9,113	11,844	3,149	6,403	10,558	13,184	20,880	31,447	33,820
3. Kuwait	40	10,212	12,835	11,070	17,018	19,707	19,097	4,806	8,092	14,087	21,554	28,288	34,405	26,788
4. Hong Kong	27,713	27,513	22,870	13,874	16,424	17,514	19,532	22,127	18,286	24,998	28,602	28,457	29,163	21,763
5. Singapore	1,518	1,356	1,428	974	1,305	2,429	3,162	1,568	1,244	1,405	2,848	11,717	15,759	13,763
6. Malaysia	772	1,536	1,350	1,914	1,146	917	396	231	17	366	1,059	3,896	10,046	10,471
7. Bahrain	471	361	356	393	666	763	1,343	413	558	1,095	1,714	4,177	6,261	5,550
8. Qatar	1,329	1,585	1,899	1,736	2,436	4,998	6,524	1,912	4,682	6,376	9,937	13,938	10,046	3,563
9. Oman	803	564	24	70	645	1,419	2,068	719	944	1,098	1,564	2,404	2,726	2,641
10. Cyprus	922	1,034	1,204	601	1,108	982	1,178	1,763	1,218	1,409	1,549	2,344	1,946	1,033
TOTAL, deployed domestic workers	68,270	71,378	63,434	45,950	62,818	82,467	91,412	47,877	50,081	71,557	96,583	139,394	155,175	164,405

*Source of basic data: Philippine Overseas Employment Administration Compendium on OFW Statistics, various years*

An explanatory tool for the cause and consequences of domestic worker migration is the concept of the 'care chain'. Referred to as "a series of personal links between people across the globe based on the paid or unpaid work of caring" (Hochschild 2000, 131; Orozco 2009), it has been advanced to specifically explain not only the demand for care work but also the ways in which women from different classes are implicated in



the international division of reproductive labor. When middle class women from developed economies hire foreign domestic workers, the latter respond to the care deficit in the receiving country. Subsequently, it causes a care deficit in the sending country, in which, traditional gender roles hardly change. This then results in another woman performing care work for the household in the country of origin. The care work may be paid or unpaid. If paid, these women are usually lowly paid local domestic workers unable to finance the cost of emigrating abroad, hence their availability for local care jobs. The care chain has been demonstrated in a recent study (CHAMPSEA and SMC, 2011) in which a female relative, particularly the grandmother, address the care gap among migrant households where both parents are overseas.

Related to the care deficit issue is the discourse on the social cost of migration. The argument is that women's emigration results in the breakdown of the families and negatively affects the welfare of children. This is even reflected in pop culture and films (Ogaya 2004) and even dominantly portrayed in media accounts (Parrenas 2010, 1833). But empirical studies show

that social cost is still subject to debate. For instance, Cortes (2011) finds that a migrant mother's absence negatively affects children's educational outcomes compared to that of the father's. Conversely, some reports argue that the effects of mothers working abroad indicate the lack of significant difference between the migrant children's attitude, values, and behavior, compared to those who grew up in non-migrant households (Reyes 2007). Nonetheless, recent empirical studies tend to dispute the existence of a care deficit at least in the Philippine context.

At the very least, it is also difficult to prove the "social cost" phenomenon for many reasons. If the SOF data above is used, there is only a slight difference between the percentage of married and single WMWs. There is also the absence of a national data indicating the number of children of WMWs that remain in the country while their mothers are abroad. Moreover, the social cost was not prominent during the time when men were still dominant in emigration patterns. Suddenly, when women started leaving for work abroad in large numbers, the discourse gained

prominence. The privileging of women's "domesticity" may have something to do with this (Parrenas 2010, 1826).

But apart from the effects on children, migration has also been seen as having transformed gender roles. Indeed, authors contend that migration has resulted in transnational families with mothers redefining their 'mothering' roles albeit at a distance (Parrenas 2005). Proof that some men have tried to cope with their wives' absence had also been documented. In northern Philippines, husbands are said to have remade their masculinities to adapt to the situation as caregivers for their families (Pingol 2001; Gresham and Smit 2011). In a study in a town in Southern Philippines where women are mostly domestic workers in Italy, data indicate that some husbands were able to cope in the transformation of gender roles by being pro-active in child rearing and household management (UN-INSTRAW and UNDP, 2010). Moreover, research demonstrates that father-carers among migrant households in which the mother works abroad, seem to do well. Children under their care have less psychological problems and score higher in self-reported well-being (CHAMPSEA and SMC, 2011). What this means is that women's migration for work does not automatically lead to problematic children.

Others argue that anxiety over women's migration stems not from migration per se but from the low-level job status of women abroad and the fact that they are taking care of children of a foreign 'other' (Encinas-Franco, 2013, Rodriguez 2008, 2005, Oishi 2005). This argument can be seen in the light of middle-class Filipinos' age-old tradition of hiring local domestic workers in the household; some of them presumably are married and have children. However, no argument of a social cost has been forwarded on this phenomenon.

Unsurprisingly, care deficit and social cost issues result in the perception that migration of women for domestic work is 'problematic'. This negative image is even heightened by almost daily media reports on abuses and exploitation of Filipino domestic workers abroad. Recruitment problems such as contract substitution and human trafficking abound despite government efforts to address them. This is the case despite the institution of the HSW Package in 2006 (Battistella and Asis 2011). Rights violations by employers such as passport confiscation, lack of mobility, physical abuse and sexual abuse continue to be perennial concerns. This is particularly the

case in Asia and the Middle East where countries do not regulate work in the private sphere.

In Singapore, reports of non-government organizations raise issues against employment agencies that commodify and use racial stereotypes in marketing domestic workers from Southeast Asia, including the Philippines (Malay 2014).

The practice of the *kafala* system which binds the worker to the employer is a practice in many Middle Eastern countries is also seen as a culprit. Moreover, many countries of destination have not ratified the ICMW and the ILO Convention 189 on Domestic Work.

Debt bondage due to huge placement fees is still common. Such is the case despite reforms in the HSW package banning placement fees for domestic workers. All other migrants should only pay fees equivalent to one month salary. Excessive placement fees are especially prevalent in Hong Kong, a top destination of WMWs. Charges by local recruitment agencies and their partners in Hong Kong could reach HKD20,000 (CMA 2014, 13). With this amount, it will take more than six months' wages before WMWs are out of debt. Domestic workers in Hong Kong usually receive an average monthly salary of over HKD3,000.

Despite the general impression that WMWs in Italy are well-off compared to their counterparts in other countries, they generally tend to receive lower pay compared to Filipino male migrants. WMWs receive over 5,000 euros per year while males get over 9,000 euros annually (CMA 2013, 11).



Photo: UN Women / Pornvit Visitoran

Aside from physical abuse, trafficking, and labor rights violations, reports by non-government organizations also highlight violations of sexual and reproductive rights (SRH) of women migrant workers, particularly domestic workers. Deportation of migrants found to be pregnant and human immuno-deficiency (HIV) positive have been documented in the research of the Action for Health Initiatives, Inc. or ACHIEVE (Sobritchea and de Guzman 2006, Sobritchea 2010), urging targeted programs in both sending and receiving states to improve SRH access and protect the rights of women migrant workers (WMWs), particularly in the Middle East.

While the Middle East is usually cited as a key destination where domestic workers experience abuse and exploitation, domestic workers in countries known for better working conditions and rights protection also complain of discrimination. As an example, in the UK, the country seemed to have regressed in protecting domestic workers due to the need to cut net immigration. A recent UK immigration policy abolished domestic worker visa and replaced it with a 'tied visa' which essentially prohibits them from changing employers within six months (Donovan 2013). This has led to more worker abuse and unpaid salaries (Donovan 2013). UK Filipino domestic workers have recently launched the Filipino Domestic Workers Association (FDWA) to campaign for the ratification of the ILO Domestic Work Convention and to express concern over the recent immigration policy (Ropeta 2013).

Using the January to June 2013 reports of Philippine embassies in the top ten destinations countries, the Center for Migrant Advocacy (CMA) summarized recurrent problems concerning Filipino WMWs: "marital problems, jobs that are not commensurate to education with an emphasis on undocumented workers, wage differences based on gender, work environment problems, underpayment, nonpayment, or delayed payment of salaries, overworking, contract substitution, maltreatment, physical abuse, and sexual abuse, charging of excessive placement fees, withholding of passports and important documents, and false allegations against migrant workers" (CMA 2014, 11).

Domestic workers also provide "affective" labor (Hardt and Negri 2004). The need to appear cheerful and happy even in the midst of discomfort and difficult physical labor is usually considered 'part' of their jobs. The constant affirmation of this by recruitment agencies and the government in their marketing and orientation practices does not help them in

anyway. The practice in Philippine foreign posts of usually blaming the migrants themselves for ‘running’ away is even more problematic (Interview, 28 February 2015).

While stories of discrimination and abuse dominate the discourse of WMWs, especially domestic workers, accounts of autonomy and personal liberation are sometimes relegated to the background. That Filipino WMWs are victims of various forms of abuses in destination countries is indeed a reality. Nonetheless, the positive impact of Filipino WMWs and accounts of personal liberation and fulfillment also tell us that they are not always the passive victim that dominant accounts portray them. They are able to negotiate through the constraints they face in their work and lives. Their decision to migrate is also their own and not simply an automatic result of push and pull factors. In a pioneering study, Filipino WMWs in Italy expressed newfound autonomy and voice in household decision-making (UN-INSTRAW and UNDP, 2010). Presumably, they may never have found such power had they not emigrated. The following are case studies highlighting journeys of empowerment:

#### **Case Study No. 1: Migrant Worker Organizer in Italy** <sup>24</sup>

*Minda Teves was 15 when she left for Italy for a better life. She hails from Mindanao, south of the Philippines. She has been working in Italy for nearly 30 years. Though a graduate of midwifery, she opted to emigrate because she could not find a job that will give her family an improved quality of life. According to her, her good performance has enabled her to recruit unemployed relatives who were directly hired by Italian employers. Her experiences triggered her will to establish a migrant organization based in Turin, Italy called Associazione Culturale Filipina del Piemonte in 1996. Currently, ACFIL publishes a newsletter, acts as a support group for new emigrants, and advocate reforms for the Filipino community.*

24 The information contained in this case study was culled in part from the website of the Office of the High Commissioner on Human Rights when Minda Teves contributed her life story in a discussion of the Committee on Migrant Workers on 14 October 2009. See for example, [www.ohchr.org/Documents/HRBodies/CMW/.../2009/Minda\\_Teves.doc](http://www.ohchr.org/Documents/HRBodies/CMW/.../2009/Minda_Teves.doc). Another source of information is through personal communication and discussion between the author and Teves in Turin, Italy in December, 2013.

### **Case Study No. 2: Entrepreneur, Job Generator and OFW Champion**

*Myrna Padilla<sup>25</sup> was born to an impoverished family from the Visayas region. She used to sell seaweeds and shells to buy food. She did not go to college but in 1988, she went to Singapore and then to Hong Kong to work as a domestic worker. Her own homesickness for her children and the plight of exploitation she heard from fellow WMWs in Hong Kong encouraged her to put up the Mindanao Hong Kong Workers Federation, which assisted distressed WMWs. When she learned how to navigate the internet from her employer and her ward, she realized she had talent and further honed her skills by complaining about bugs in the then incipient blogging technology. Subsequently, she landed a contract to test for bugs. To be with her children it was then that she decided to return for good and put up Mynd Consulting, a software company engaged in Business Process Outsourcing (BPO). Today, she is a successful businesswoman who actively helps OFWs. One of these is the online monitoring application system she developed for OFWs so their families will know their whereabouts. This is called the OFW Watch.*

### **Case Study No. 3: From Domestic Worker to Remittance Manager/Businesswoman<sup>26</sup>**

*Lorna's decision to migrate to Italy as a domestic worker was both a result of a failed marriage and social networks. When she left her husband, she relied on her relatives to bring her to Italy. Her cousins and siblings were already working there long before Lorna's choice to migrate. After ten years as a nanny, she returned to the Philippines because her children asked her to take care of their father who was very sick at that time. When her husband died, three of her five children migrated to Rome. The other two went to South Korea as factory workers. At present, Lorna tends a small goods store, sells rice and rents out a karaoke machine. She also manages her children's remittances even as she takes care of her son's children. Based on Lorna's business judgment, these remittances are invested in land and properties thereby contributing to their future income and community development.*

25 This case study is based on a story about Myrna Padilla that appeared in MoneySense, an online publication for entrepreneurs. See for example, "From Overseas Worker to IT Outsourcing Stalwart, Myrna Padilla Exemplifies Transformation". Available at <http://moneysense.com.ph/success-stories/from-overseas-worker-to-it-outsourcing-stalwart-myrna-padilla-exemplifies-transformation/>. Accessed on 15 January 2015. Another source of information is the website of Telecentre Foundation. Available at <http://women.telecentre.org/?p=13>. Accessed on 15 January 2015.

26 This is a summary of a case study by Guerrero, Sylvia. and Carolyn Sobritchea. 2010. Migration, Remittances and Gender-Responsive Local Development: The case of the Philippines. Santo Domingo.



Photo: UN Women / Pornvit Visitoran

Aside from these individual stories, Filipino WMWs have also launched collective resistance by joining unions wherever it is allowed, such as in Hong Kong. In the Middle East where mobility is restricted, balcony talks among domestic workers, support groups in churches and in apartments of runaways have been documented (Pande 2012). Former domestic workers in the Middle East also considered running away as their last resort in resisting cases of harsh conditions and rape (Interview, 28 February 2015).

Indeed, the cases above illustrate various forms of agency formed by Filipino WMWs. However, favorable structural conditions still need to be present to avoid victimization and so that others have venues from which they can seek redress. Moreover, agency of migrants can only go so far if better policies and programs are not developed and sustained in both migrant-sending and receiving states. It is also instructive to note that common language employed in the governance of migration refer to migrants as “run-aways” or “absconding” their contracts. Such lexicon may reproduce the notion that WMWs are at fault despite the abusive conditions they experienced.<sup>27</sup>

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27 Parts of the section are culled from Encinas-Franco, Jean. (forthcoming). Promising Practices Emerging from the Recruitment Industry in the Philippines, In D. Calenda (ed.) Development of Case Studies on Recruitment Agency Promising Practices in the UK, India and Philippines , ILO Asia Pacific Working Paper Series.

## Nurses

The Philippines is one of the major suppliers of nurses worldwide. In the last decade, an average of 11,000 Filipino nurses went overseas on an annual basis. In 2013, there were 16,282 Filipinos deployed abroad as newly hired nurses, 78 per cent of which are women. Middle East countries such as Saudi Arabia, Libya and the UAE are their top three countries of destination. Saudi Arabia alone accounted for about 70 per cent of the deployed Filipino nurses during the said year.

The deployment of nurses to the US has declined significantly. In 2000, the US was the 7th top destination of Filipino nurses but in 2013, its rank has gone down to 16th. Weak demand from US employers due to the global economic slowdown and the issue on visa retrogression are two main reasons for the subdued deployment of nurses to the US. The UK is another major receiving country of Filipino nurses, even overtaking Saudi Arabia as the top destination in 2001. However, the outflow of nurses to the UK has slowed in recent years due to tighter immigration regulations and budget deficits (Buchan and Seccombe 2006).

Nurse migration significantly affects the healthcare system in the Philippines with the out migration of specialized nurses with specific skills in the medical field (Lorenzo et al 2007, 1406). There is also an absence of bilateral agreements in countries with huge deployment of Filipino nurses such as Saudi Arabia and the UAE. Meanwhile, some nurses in Saudi Arabia and the Middle East believe that their stint in the region is a mere stepping stone to Canada or the US (see Case Study No. 4).

There is currently a net surplus of nurses in the Philippines as a result of wide public perception that a nursing degree is a passport to emigration. In fact, estimates indicate that while the country produced nearly 400,000 from 1991 to 2000, only 15 per cent worked in the local market while the rest responded to demand from abroad (ILO 2005, 18). Nevertheless, the surplus of nurses has rendered a huge unemployment problem for nurses, majority of them women, who are unable to work abroad. According to estimates provided by the Alliance of Health Workers, as many as 200,000 nurses are without work (Manongdo 2014). Unemployment is also compounded by low government demand due to perennial budget constraints. Even if nurses are employed by both the public and private sectors, wage differentials between local and overseas nursing jobs continue



to encourage labor out-migration. Government nurses do not even receive their legally mandated salary which is supposedly over USD500.

Two government programs were launched in 2009 and 2011 to address the twin problem of local nursing shortage and nurse unemployment. In 2009, Nurses Assigned in Rural Service (NARS) was launched as part of the economic resiliency plan in the wake of the global financial crisis. It aimed to field 10,000 unemployed nurses for a six-month assignment to the 1,000 poorest municipalities in the country. In 2011, the program was renamed into Registered Nurses for Health Enhancement and Local Service (RN HEALS). Both interventions do not provide permanent employment but a temporary training program with pay for nurses while at the same time addressing health professional needs in the countryside. Another objective which is not indicated in government documents could be to respond to complaints from the Philippine Nurses Association (PNA) that many nurses actually pay hospitals to avail experience needed for jobs abroad.

Aside from domestic workers, institutionalized and racialized discrimination of Filipino nurses abroad have also been documented (Ball 2004) including more recent media reports on trafficking and contract substitution. In 2008, the New Zealand Nurses Organization (NZNO), a trade union of nurses, reported cases of Filipino nurses who have fallen victims to exploitation, debt bondage and 'slave-like' conditions. There are also accounts that nurses accept the racialized and gendered constructions (i.e., feminine, docile and hardworking) that state and private recruiters use to promote their "added export value". Nurses accommodate these discourses mainly because according to Guevarra (2010, 203), they consider themselves as their families' "economic heroes and their families' livelihood depends on their economic success". Simply put, these nurses accept these discourses as their passport to greener pastures in the US even as these very same representations become their sources of vulnerabilities. However, Guevarra (2010, 178-203) also finds that some nurses choose to manage these vulnerabilities by complaining to their employers and demanding fairness in workload assignments.

The Hippocratic Oath and their specific role in health systems of destination countries expose them to dangers particularly in times of wars and conflict. At the height of the crisis in Libya in 2011 and during periodic violence in the area, Filipino nurses refused to leave despite mandatory evacuation

pleas from the Philippine government. For fear that mandatory evacuation will result in the collapse of their healthcare system, the Libyan government normally provides them with additional pay in times such as these (Calleja 2014). Nurses likewise reportedly remain to respond to their vows as healthcare workers, especially in crisis situations (AP 2014).

De-skilling is also noted among nurses. As noted earlier, POEA data could be underreported as it only accounts for job orders and not the educational and professional background in their deployment statistics. This means that a licensed nurse who leaves for work abroad as nursing personnel or caregiver is accounted for as such. At the same time, a medical doctor whose job abroad is a nurse, is accounted for as a nurse in POEA's deployment statistics.

#### **Case Study No. 4: From Kuwait to the US**

*For more than 20 years, Andrea, a single mother, has dreamt of working as a nurse to the US. However, because she was relatively inexperienced, she opted to work in Kuwait first as a nurse to the children of a royal family. Even as she went to many places abroad as a nanny, she still wished to go to the US to be able to petition her two children. When an opportunity for a hospital-based job came in Dubai, she immediately grabbed it to enhance her medical experience. After several years in the Middle East, she finally found a job at a hospital in Las Vegas, Nevada in the US. She is now a US citizen and was able to petition her two children and her mother. (Interview, 01 March 2015)*

### **Marriage Migrants**

Marriage-linked migration has become an important component of the outflow of Filipino women to other countries. Based on data from the CFO, from 1989 to 2013, about 455,000 Filipinos left the country as marriage migrants (Table 8). Nine out of ten of these marriage migrants are women. The US is the most popular destination of “marriage-for-migration,” accounting for almost half (45.7 per cent) of Filipinos<sup>28</sup> with foreign

28 However, these figures do not disaggregate US citizens with Filipino ethnicity who marry Filipino women.

partners in 2013. The next top two destinations of spouses and partners are Australia (9.6 per cent) and Japan (9.3 per cent). Other destinations on a smaller scale are South Korea, Canada, the United Kingdom, Germany, Sweden, Norway, and Taiwan.

Most marriage migrants have relatively good educational background — 6 per cent have post graduate studies, 31 per cent are college graduates, and 18 per cent have had some tertiary education while 17 per cent are high school graduates (CFO 2013a). Data also show that Filipino marriage migrants often meet their future spouses or partners through personal introduction by friends or relatives (31 per cent), at their place of work (22 per cent); via internet (20 per cent) and as pen pals through referrals by relatives or friends (20 per cent).

The CFO further reports that more than half or 61 per cent of the Filipino spouses or partners have limited knowledge about the country of their foreign spouses or partners; 8 per cent of them have no knowledge at all. Only a third have sufficient prior knowledge of their destination country.

Marriage migration is usually characterized by a woman from a lower income country marrying a man from a higher income country (UN Women 2011: 5-6). Piper and Roces (2003) argue that migration for work and marriage are inter-related and fluid which could actually mean that they play multiple positions and roles. Either the woman migrates as a spouse to enter the labor market in the receiving country, or she initially migrates as a worker but legalizes her stay via marriage even if it means that her situation transforms into a “worker turns wife scenario”. This situation suggests that marriage migration is much more complex than how it is conventionally understood.

While the lack of job opportunities in the Philippines can indeed be a trigger for marriage migration to take place, the lack of specific legal emigration routes for women in some destination countries can also partly explain this phenomenon. In South Korea, an emerging destination for marriage migrants, male OFWs are preferred in their industries and despite its aging population and care deficit, the country still does not grant visas for unskilled workers such as domestic workers. Meanwhile, shortage of brides especially in the rural areas has facilitated the need for cross-border marriages.



Photo: UN Photo / Salar Pouyan

The recent IOM Country Migration Report (IOM and Scalabrini 2013) mentions marriage migration as a concern because of probable links with trafficking and the presence of international marriage brokers<sup>29</sup>. Brokers and matches are outlawed in the Philippines under the mail-order bride law in the 1990s and the anti-trafficking law in 2003. This is however, legal in South Korea where matchmaking and arranged marriage are cultural traditions. Nonetheless, even if WMWs are able to enter Korea successfully through marriage, runaways have been reported by the Philippine embassy due to abusive husbands and mothers-in-law. Some also resort to undocumented status to stay in Korea. Under Korean immigration laws, newly married foreign brides are given two-year visa to stay in Korea. Because citizenship is not automatic upon marriage to a Korean national, this has potentially pushed some Filipino marriage migrants to stay in abusive relationships.

Marriage migration to Korea is expected to rise because of the currently huge influx of South Koreans to the Philippines to study and learn English. Social media and online matching are also increasingly utilized (IOM and SMC 2013, 142) making transactions fast and undetected. The CFO has forged a Memorandum of Understanding with the Korean Ministry of Gender Equality to minimize problems of marriage migrants. Language and cultural immersion seminars from experts in Korean culture speak to brides prior to their departure. Recently, Korea has also recently amended its laws by imposing a minimum of income for Korean nationals marrying foreigners. The Philippines is also amending its mail-order bride law but the problem of extra-territoriality is still far from settled.<sup>30</sup>

29 In 2013, the police raided a group operating marriage brokering for South Korea. It reportedly promised 29 Filipino women with false information that they will marry Koreans so as to legally enter the East Asian country (AFP News, 2013).

30 Comment made by a representative of the Philippine Commission on Women (PCW) during the Forum at the POEA where the draft of this report was presented on 31 March 2015.

Meanwhile, women workers who eventually married nationals in destination countries such as Malaysia are reported to have problems gaining custody of their children. Their residency is also dependent on their spouses (CMA 2014, 6-7). Spouses on their second marriage are unable to report it unless they petition a local court for recognition or via filing an annulment (IOM and SMC 2013, 142-143).

Nonetheless, not all marriage migrants have produced sad stories. The case of Jasmine Lee, a marriage migrant in South Korea, who became the country's first migrant member of the South Korean Parliament is a case in point. Marriage migrants have also become leaders of migrant NGOs and support groups for foreign wives in Taiwan and Japan.

**Table 8. Number of Filipino Spouses and Partners of Foreign Nationals by Country, 2004-2013**

YEAR	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
USA	8,165	8,621	10,190	11,789	8,333	10,111	9,411	9,442	10,194	9,743
Japan	5,430	6,322	8,601	6,114	4,142	3,197	2,698	2,322	2,105	1,992
Australia	1,414	1,677	1,541	1,267	1,348	1,596	1,489	1,659	1,853	2,054
South Korea	486	725	415	804	809	1,551	1,694	1,903	1,754	1,572
Canada	872	974	988	978	1,011	960	1,089	1,061	990	1,136
UK	414	506	619	600	500	556	702	736	818	915
Germany	443	467	528	441	417	471	521	542	616	654
Sweden	207	210	278	269	256	343	306	279	339	265
Norway	244	222	284	314	253	275	209	313	307	301
Taiwan	251	293	282	207	195	261	247	292	301	251
Others	1,007	1,083	1,178	1,144	1,172	1,289	1,410	1,685	2,132	2,438
TOTAL	18,933	21,100	24,904	23,927	18,436	20,610	19,776	20,234	21,409	21,321

Source: Commission on Filipinos Overseas, 2013b

**Table 9. Number of Registered Au Pair Participants by Sex, 2012 – 2013**

SEX	2012	2013	TOTAL
Female	2,256	2,779	5,035
Male	92	82	174
Total	2,348	2,861	5,209

Source: Commission on Filipinos Overseas

## Au Pairs

Another migration route for Filipino WMWs are as *au pairs*<sup>31</sup>. They are given free board and lodging, pocket money, and time off to attend language courses. In return, they are expected to help with childcare, and share in light household work and other responsibilities previously agreed upon in an *au pair* placement contract between the *au pair* and the host family. In 1998, the Philippine government imposed a ban on *au pair* migration due to reported cases of abuse and exploitation as documented by the CMA in a report. Accordingly, *au pairs* have actually been treated as domestic workers and suffered discrimination and abuse but with little protection and no social security under the laws of receiving countries (CMA 2014). The ban was lifted in 2010 for Norway, Denmark and Switzerland following the issuance of new guidelines for the recruitment and protection of *au*

31 According to the CFO, this refers to “a young Filipino citizen, between 18 and 29 years of age; unmarried and without any children; placed under a cultural exchange arrangement with a European/American host family for a maximum stay of two (2) years” (CFO, 2014).

*pairs*. In 2012, the ban was lifted for all European countries.

*Au pairs* are predominantly women. As of 2013, a total of 5,209 Filipinos have been registered with the CFO under the *au pair* program. Of this number, 5,035 or 97 per cent are women (Table 9). Most of the *au pairs* are relatively well-educated. Data from the CFO show that of the registered *au pairs* in 2013, 67 per cent have either graduated from college or reached college level. Almost three fourths (73 per cent) have reported to be unemployed prior to their migration. Denmark, Norway, and Netherlands are the top three destination countries of *au pairs*.



Photo: UN Women / Piyavit Thongs-Ard

## SOCIO-ECONOMIC IMPACT OF FILIPINO WOMEN'S MIGRATION

The socio-economic impact of labor out-migration of WMWs has had profound consequences in the context of the Philippines. Little attention however has been given to their contributions to migrant-receiving countries.

### *Socio-Economic Impact*

Personal remittances from Overseas Filipinos reached USD26.9 billion in 2014 (BSP 2014).<sup>32</sup> Of the said amount, USD24.3 billion are cash remittances coursed through banks. The US remains as the largest source of remittances, though its share to the total has declined from 65.2 per cent in 2000 to 43.2 per cent. The US appears to be the biggest source of remittances mainly because remittance centers in various cities overseas tend to course remittances through correspondent banks mostly located in the US. Saudi Arabia, the UK, the UAE, Singapore, Canada, and Japan are also the Philippines' top sources of remittances.

The discussion in the previous sections has shown that gender ideology and practices impinge on the causes and location of WMWs' emigration. However, discussions on gender and remittances have only recently been the subject of policy discourse. In fact, even if women constitute more than half of emigration from the Philippines, data collection and processing on remittances is still gender-neutral. Aside from the sex of migrant, age, factors such as age, civil status, position in the family and educational background affect remittance behavior (IOM 1). For instance, data on remittance-sending is still not sex-disaggregated thereby rendering gender analysis difficult. Moreover, the source of origin (country) is

32 Personal remittances represent the sum of net compensation of employees (i.e., gross earnings of OFWs with work contracts of less than one year, including all sea-based workers, less taxes, social contributions, and transportation and travel expenditures in their host countries), personal transfers (i.e., all current transfers in cash or in kind by OF workers with work contracts of one year or more as well as other household-to-household transfers between Filipinos who have migrated abroad and their families in the Philippines), and capital transfers between households (i.e., the provision of resources of capital purposes, such as for construction of residential houses, between resident and non-resident households without anything of economic value being supplied in return).

difficult to assess given that money transfers from the Middle East go through financial institutions in the US. Thus, in current remittance data, remittances from the US dominate but do not necessarily reflect whether the funds indeed originate from this country. For this reason, case studies and surveys are used to collect sex-disaggregated estimates of remittance senders and amount sent.

Migration literature generally indicates that WMWs remit less but do so more frequently. Their earnings also tend to go to children's education and welfare compare to those of men. Whereas men generally remit to their wives, women send money to their children's care taker, who is usually also a woman (UN-INSTRAW 2007).

Recent household survey from the SOF data shows that the average remittance from female OFWs is relatively lower than their male counterparts across major occupational groups (Table 10). Male OFWs remit an average of PhP77,000 (approximately USD1,750) while a female OFW sends an average of PhP46,000 (or a little more than USD1,000). This somehow reflects the earnings disparity between men and women, as WMWs tend to be confined in low-skilled, low-paying jobs such as domestic and care work while men are mostly trade workers and plant and machine operators and assemblers.

The annual SOF, a rider to the quarterly LFS, can fill the gap. It has inherent limitations since it is household survey in which remittance-recipient families instead of migrants themselves are the respondents.

Two pioneering studies on Filipino WMWs in Italy illustrate the link between gender and remittances (UN-INSTRAW 2008; UN-INSTRAW and UNDP 2010). The 2008 study was conducted on-site in Italy while the 2010 study was undertaken in the town of Lemery, where WMWs to Italy come from. Among others, the research corroborates existing literature that women send remittances on a more regular basis compared to men. WMWs also send a greater part of their income abroad. Average remittance sent by WMWs was between 300 to 400 euros which was roughly half the monthly salary of domestic workers in Italy at that time (UN-INSTRAW 2008, 19). The research likewise found positive impact on rural development, food security, and human capital due to investments in children's education. While this situation may accrue well for their families, sending half of their salaries may render WMWs unable to prepare for investments and



social insurance they can use in their old age. Irregular migrants may be particularly vulnerable to this due to their low pay and illegal status. It is not farfetched to argue that the Filipino cultural predisposition of “dutiful daughters” puts pressure on some WMWs to send remittances to their families, despite cases of harsh working conditions abroad.

Additionally, WMWs and their families face structural challenges in investing in farm lands structural issues such as market access, and local government plans conducive to a migration and development framework. Remittances and investments from WMWs could also potentially increase inequality in rural areas unless they also generate local employment for local women.

**Table 10. Average Cash Remittance of Male and Female OFWs During Six Months Prior to Survey by Major Occupation Group, 2013 (in thousand PhP)**

	Total	Male	Female
Average remittance per OFW	62	77	46
Officials of government and special-interest organizations, corporate executives, managers, managing proprietors and supervisors	90	96	68
Professionals	87	108	70
Technicians and associate professionals	89	101	57
Clerks	63	77	57
Service workers and shop and market sales workers	51	58	46
Farmers, forestry workers and fishermen	-	-	-
Trades and related workers	77	78	71
Plant and machine operators and assemblers	71	71	56
Laborers and unskilled workers	38	51	36

Source: Philippine Statistical Authority -2013 Survey on Overseas Filipino Workers

Family laws that are still not women-friendly are also pointed out as an impediment for WMWs to invest on lands in particular. Under Philippine Civil Code, husband's decision prevails in cases of disagreement over property<sup>33</sup>.

In the same vein, a 2005 published survey of foreign nurses in the UK cites that 73 per cent of Filipino nurse respondents regularly send remittances to the Philippines. Nursing jobs abroad is a key emigration route for Filipino women. In the same survey, about half of the nurses stated that they remitted between 26 to more than 50 per cent of their income to their families (Buchan 2006, 118).

The WMWs have also been particularly the focus of migration and development initiatives due to the central role they play in remittance-sending and entrepreneurial activities. Case Study No 2 above exemplifies successful bids by WMWs in establishing businesses and generating jobs. The Philippines' labor department launched the Balik Pinay Balik Hanapbuhay in 2011. The WMWs can avail a livelihood grant of PhP10,000 (roughly USD227) to start a small business such as hair cutting, dressmaking, manicure and pedicure. Distressed WMWs particularly victims of illegal recruitment and trafficking were given priority. The program has since been expanded to include returning male migrants. In 2012, it provided financial assistance amounting to P31 million to 3,846 beneficiaries (DOLE 2013). No evaluation on the said program has been made. At the outset, it is difficult to know how the very small amount of the grant can make a difference. Moreover, the type of business ventures available seem to be too feminized and may not necessarily be empowering and transformative enough.

Private companies such as Western Union have been lauding WMWs' contribution to remittances. Many migrant NGOs likewise focus some of their migration and development programs on WMWs. *Atikha* and *Unlad Kabayan*, migrant NGOs, have been providing assistance through trainings and financial literacy programs to WMWs. The Development Action for Women Network (DAWN) has provided livelihood to former entertainers in Japan.

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33 Comment made by the representatives from the House of Representatives during the validation workshop for this report at the Philippine Social Science Center (PSSC), Quezon City, 31 March 2015.

Overall, this section has demonstrated the centrality of WMWs' role in gender, migration, and development. However, great care should be employed in designing interventions so that essentialized constructions of WMWs as "sacrificial" migrants are not reified in these interventions. Personal needs and development of WMWs should also be considered.<sup>34</sup>

Socio-economic benefits of WMWs to destination countries are seldom discussed in media reports and policy arena in the Philippines. Yet, women's migration significantly contributes to their economies.

Domestic workers enable women to work thereby expanding the labor force participation, employment, and productivity in migrant-receiving states. Care givers not only respond to the chronic care deficit in aging societies but also save governments huge funds from otherwise providing such service. Filipino marriage migrants both address the shortage of brides

and aging demographics in South Korea, Japan, and Taiwan. Without an increase of young people who will take on the labor force, pension systems in these countries may be threatened. Filipino nurses likewise contribute to the health systems of the Middle East, North America, and Europe. Governments of these regions save on the cost of human capital formation since these nurses are already educated in the Philippines.

Because feminized labor is usually perceived as 'normal' responsibilities of women, it remains invisible and is undervalued. Despite WMWs' contributions mentioned above, economic indicators are still measured in terms of work in the public sphere. Some migrant-receiving countries remain reluctant to accept 'unskilled' labor, despite their obvious need for such. International economic integration processes also continue to ignore 'unskilled' labor. Such is the case even if skilled labor, specifically of women, relies to a great extent on the 'unskilled' labor of domestic workers and caregivers.

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<sup>34</sup> Comment made by a representative of the Center for Migrant Advocacy during the validation workshop for this report on 31, March 2015. Philippine Social Science Center (PSSC), Quezon City.

## Social and Political Remittances

Aside from financial remittances, values and ideas have been spawned by Filipino WMWs in both destination countries and in the Philippines. Nonetheless, this is something that has not received much attention, primarily because of the common notion that migrants only contribute to origin countries and that their contributions are normally in financial terms. A few cases are worth mentioning in this section.

Domestic workers particularly figure in transferring values and ideas as they not only act as caregivers to the young but also tutors and constant companion (Interview 30 March 2015). A video of a Filipina nanny of a young British girl recently went viral on social media. The nanny was shown teaching her ward the Filipino alphabet and folk songs, while the latter was following her. Films and media reports about reunions of former nannies and their now grown-up wards are also well-received. For instance, A Filipino domestic worker also won Israel's version of the Voice, a singing talent search show, thereby promoting Filipino talent abroad. She is currently a recording artist in Israel and the Philippines.

In Hong Kong where unions are allowed, migrant activism and leadership by Filipino WMWs has been well-documented. Their experiences and knowledge in unionism and migrant advocacy have also been transferred to the Philippines. The *Samahan at Ugnayan ng mga Manggagawang Pantahanan sa Pilipinas* or SUMAPI was established by domestic workers from Hong Kong upon their return to the Philippines (UN Women, 2013, 24). It worked with international development organizations and local civil society groups in pushing for the Philippine ratification of the ILO Convention on Domestic Workers and its local counterpart, the *Kasambahay* law.



Photo: UN Women / Betsy Davis

The WMW returnees generally have positive perceptions of their experiences abroad mainly because this helped them to be better persons and contributors to their family's advancement (Asis 2002). In particular, women returnees from Maguindanao, one of the poorest areas in the Philippines, have reported "new perspectives of the world" (Meisner 2002 in IOM and SMC 2013, 100).

While the Philippines has approved an absentee voting law in 2003, its effect on WMWs is difficult to assess given the lack of sex-disaggregated data and the generally dismal voter turnout in the past elections. However, Filipino WMWs have made significant strides in political activism in destination countries. As mentioned earlier, Jasmine Lee, a marriage migrant in South Korea, ran and won under the Saenuri Party. She is the first migrant woman in the country's parliament. While she occasionally receives racist comments from anti-immigrant groups, she continues to push for immigration reforms. Likewise, the Filipino-Korean Spouses Association (FKSA) not only collectively advocates and assists marriage migrants but also partners with the South Korean government in fostering its programs on multiculturalism. A Filipino marriage migrant also has a one-hour radio show in Guri province which promotes multiculturalism (Personal Communication, 24 March 2015).

The Babaylan Europe - The Philippine Women's Network - organizes Filipino women in Europe and promotes women empowerment. It also conducts trainings and lobby to the Philippine government on various issues. The non-profit organization also networks with other women's groups in the Philippines and in Europe.

Overall, efforts to account for economic and socio-political contributions of Filipino WMWs and migrants in destination countries, in general, need to be scaled up and made more visible. Meaningful and evidence-based advocacy in terms of migrant's rights can be greatly informed by having adequate knowledge on this.

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***Aside from financial remittances, values and ideas have been spawned by Filipino WMWs in both destination countries and in the Philippines.***

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## **POLICY ANALYSIS AND INSTITUTIONAL MECHANISMS IN PHILIPPINE LABOR OUT-MIGRATION**

The Philippines has been heralded as a 'model' in migration management. Forty years of experience in state-sponsored overseas employment has resulted in the expansion of government agencies tasked with functions ranging from pre-employment to reintegration. Philippine foreign policy has also been shaped by labor out-migration. Along with economic and national security, the protection of the rights and welfare of Overseas Filipinos is among the three pillars of Philippine foreign policy as enshrined in the Philippine Foreign Service Law of 1991 (Republic Act 7157). The huge role of the migration bureaucracy is a distinctive feature of Philippine overseas employment.

This section focuses on Republic Act 8042, as amended by Republic Act 10022. It looks at the law from the lens of CEDAW and its GR 26. In particular, it does a reading of the statute in terms of its consistency with the said international treaty and whether the provisions are implemented in practice. The focus on RA 8042, as amended, is warranted given that it is the most

comprehensive law that codifies rules and regulations concerning Filipino migrant workers.

The analysis is based on the presence or absence of indicators in the CEDAW and its GR 26 on responsibilities of countries of origin. These are as follows: sex- and age-specific deployment ban; education, awareness-raising and training with standardized content: regulations and monitoring systems, health services: access to travel documents; legal and administrative assistance; safeguarding remittances of income: facilitating the right to return: services to women upon return: and, diplomatic and consular protection. The analysis proceeds based on the key provisions and topics outlined in the law.

### ***Republic Act 8042, as amended by Republic Act 10022***

The overarching law that governs the entire apparatus of migration governance is Republic Act 8042 or the Migrant

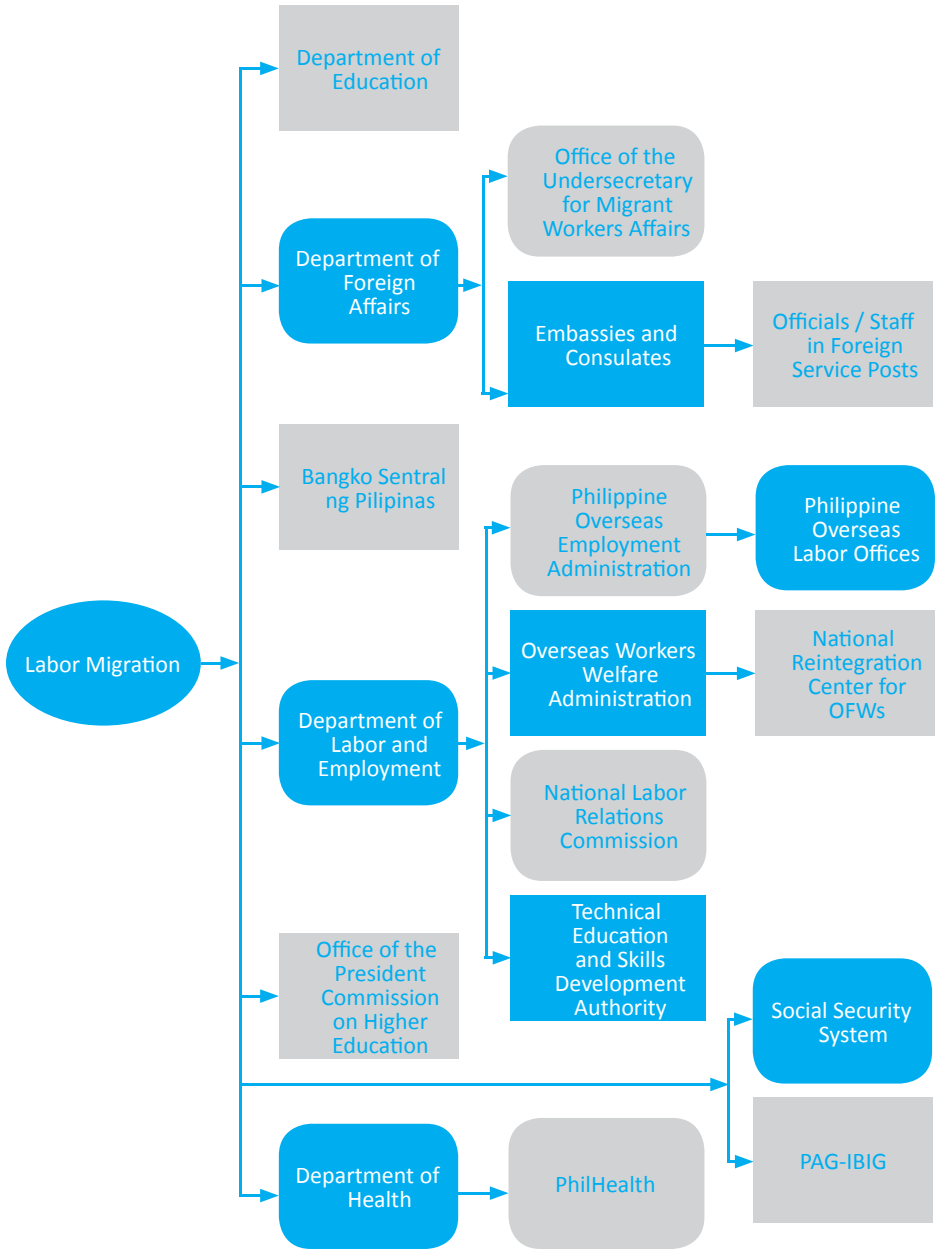
Workers and Overseas Filipinos Act of 1995, and its amended version, the Republic Act 10022.

The law's approval by the Philippine Congress came in the aftermath of a national outcry against the execution in Singapore of Flor Contemplacion, a Filipina domestic worker convicted of murdering her fellow Filipina domestic worker and the latter's ward. At that time, Filipinos widely believed that Contemplacion was innocent, blaming the Philippine government of its negligence in attending to her case, and the Singaporean government for its harsh treatment of the migrant worker. The law was also approved in June 7, 1995 and nearly a month later, the government ratified the ICMW on July 5, 1995. Migrant Workers' Day is celebrated annually every June 7 since the law's approval.

Briefly, the law outlines in great detail the government offices (Figure 2) mandated to provide protective services to migrants. The Department of Labor and Employment (DOLE) is the main agency tasked with labor migration while the Department of Foreign Affairs (DFA) covers assistance to nationals (ATN), including undocumented migrant workers. The Philippine Overseas Employment Administration (POEA) regulates the recruitment industry, assists temporary labor migrants, and assesses labor market conditions abroad. The Overseas Workers Welfare Administration (OWWA) undertakes welfare services for its members who are OFWs who were legally deployed and paid the mandatory USD25. The National Reintegration Center for OFWs (NRCO) provides livelihood training and reintegration services to returnees. The DFA's Office of the Undersecretary for Migrant Workers Affairs (OUMWA) undertakes repatriation and ATN concerns such as legal assistance. The DOLE's Philippine Overseas Labor Office (POLO) serves as the counterpart of the POEA in foreign posts which assists temporary migrants with labor-related concerns. Local government units are also mandated to participate in addressing illegal recruitment.

The law has a profound impact in managing overseas employment. The programs outlined in its provisions are still currently implemented. Agencies tasked with overseas employment likewise acquire their mandate from the law and issue memoranda, directives, and circulars based on it.

**Figure 2. Government Organizations Handling Overseas Employment Functions**



Source: International Organization for Migration and Scalabrini Migration Center 2013, 168



## *Gender-Sensitive Criteria and WMW Representation*

Republic Act 8042, as amended by RA 10022 is probably unique in the sense that it mandates a ‘gender-sensitive’ criterion in its Section 2(d). It specifically states that, “The State affirms the fundamental equality before the law of women and men and the significant role of women in nation-building. Recognizing the contribution of overseas migrant women workers and their particular vulnerabilities, the State shall apply gender-sensitive criteria in the formulation and implementation of policies and programs affecting migrant workers and the composition of bodies tasked for the welfare of migrant workers.” It defines “gender sensitivity” as “cognizant of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with concern for the respective interest of the sexes.”

Clearly, the Contemplacion issue influenced this provision. To this extent, the law is consistent with CEDAW and even predates in GR 26 which was only formulated in 2008. However, as pointed out earlier, the extent to which ‘gender’ is understood by migrant stakeholders including the government is not known. Overly protective mechanisms in the name of ‘gender’ may not augur well for WMWs. Moreover, an understanding of ‘gender’ as focusing only on women may also be problematic in terms of the unique problems experienced by male migrants and other migrants of different sexual orientation and gender identities (SOGI).<sup>35</sup>

Because of the provisions of the law, WMWs are represented in the boards of government agencies dealing with overseas employment such as the POEA and the OWWA. Moreover, non-government organizations and women’s groups are usually consulted when there are program and policy changes to be implemented in pursuit of the law. Some Pre-Departure Orientation Seminar (PDOS) for domestic workers and those in vulnerable occupations (such as entertainers) are even commissioned to NGOs. Indeed, the provision on gender-sensitivity can ideally be considered as good practice. In fact, it is said that the law and its amended version adhere to human rights and is consistent with international conventions that the country adheres to (SMC and IOM 2013, 8). Nonetheless, there

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35 During the presentation of the paper in the POEA on 31 March 2015, a participant asked whether transwomen are included in the report.

are provisions in the law that run counter to the intent of CEDAW and GR 26. They are as follows:

### ***Deployment Ban and Age Requirement***

Deployment ban was a key feature of overseas employment even before RA 8042. At the height of media reports of exploitation of entertainers in the early 1990s and migrant abuses in Kuwait in the mid-1980s, deployment bans were issued.

Under the current law, the issuance of deployment ban is made upon the advice of the DFA. This usually occurs in times of conflicts in destination countries and during media reports of exploitation. However, this is often violated as unscrupulous recruiters with the consent of migrants themselves circumvent this requirement. It increases their financial burdens as it might induce illegal “transaction” fees and also makes them prone to trafficking and exploitation. The proliferation of undocumented WMWs in embassy shelters abroad attest to this. During the Arab Spring, in 2011 to 2013, the government was surprised to find out that thousands of undocumented domestic workers were in Syria, a country where there is no legal channel for Filipino domestic worker emigration. Deployment ban is usually generally imposed on women especially in life and death situations and are meant to serve as “protective policies” (Carling 2005, 9-12).

No age requirement is stipulated under the law. It only provides for the repatriation of underage migrants. However, the HSW reform package currently limits emigration to 23 years old. The same age requirement was imposed in the 1990s for entertainers. Age requirement for emigration is not consistent with CEDAW and GR 26 as it discriminates WMWs who are usually in these types of jobs. It also tacitly punishes the migrant rather than the institution of policies to prevent harsh conditions abroad and local job generation.

Reports indicate that age ban and restrictions on deployment do not always work as intended. A case in point was during the negotiations of the HSW reform package, a point already made earlier. Despite the ban pending the agreement with destination countries, Battistella and Asis (2011) found that many domestic workers have already found ways with their recruiters to work abroad. Some knew that the jobs contained in their contracts were not those that they will do abroad. Rather, they will work as domestic

workers and that the jobs stated in the contracts were just meant to skirt the ban. This situation corroborates existing studies indicating that restrictions on travel usually result in increased irregular migration. In fact, during the interviews with four former domestic workers from the Middle East who were all victims of human rights violations, only one among them refused to work abroad again. The three of them were actively seeking work abroad during the time of the interview (Interview, 28 February 2015).



Photo: UN Women / Pornvit Visitoran

## *Deployment to Selected Destination Countries*

As indicated in RA 8042, OFWs shall only be deployed in countries that are signatories to international conventions, have legislation protecting migrant workers, and have bilateral agreements with the Philippine government. Under its amended version, a provision was inserted mandating these countries to take steps in pursuit of these provisions. Governing Board Resolution 08 in 2012 approved 30 countries as compliant including destination states in the Middle East. Ideally, this provision is a good practice especially for WMWs whose rights are often violated. However, according to IOM's Country Migration Report (IOM and SMC 2013), this provision hardly prevented the deployment of OFWs to non-compliant countries.

A notable development as a result of this provision is the effort of some Middle Eastern countries to pursue bilateral agreements with the Philippines, especially on domestic worker recruitment. However, ratification of international conventions and regional processes are still important in taking migrant-receiving countries accountable before the international arena.

## *Programs throughout the Stages of the Migration Cycle and Gender Issues*

As noted earlier, the Philippines is referred to as a ‘model’ in migration management, precisely because it has developed an elaborate set of rules defining the different stages of the migration cycle – from pre-employment to reintegration.

A key component of the law is the pre-employment (PEOS) and pre-departure orientation seminars (PDOS). The PEOS is conducted nationwide through various media and schools in which there are destination country-specific modules and campaigns against illegal recruitment (SMC and IOM 2011, 153). It discusses realities and options pertaining to working abroad. The PEOS is not mandatory. The amended version of the law also strengthened PEOS by mandating local government units (LGUs) to have migrant desks for these types of protection to prospective migrants. The POEA has also recently developed a web-based PEOS application system which also covers health issues such as HIV/AIDS. There is a growing number of LGUs implementing the PEOS to graduating college students. Currently, a total of 400,000 students have availed of the PEOS.<sup>36</sup>

An issue in the pre-employment is the illegal placement fees charged to migrants, especially to domestic workers. Under the law, there should be no placement fees charged to domestic workers (as part of the HSW reform package) while for others, it should not be beyond the one-month salary of a migrant. However, recent findings (Battistella and Asis 2011) seem to indicate that this is not observed even with the reforms instituted in the HSW package. As earlier pointed out in the previous section, huge placement fees subject migrants to debt bondage and compel them to remain in abusive conditions just to pay them.

The PDOS is mandatory for every legally deployed migrant worker. It is a one-day seminar which covers country-specific information on culture and conditions. Financial literacy and HIV/AIDs education and safety issues are also included. Domestic workers have their own PDOS and a Comprehensive Pre-Departure Education Program (CPDEP), a three-day workshop for language training, culture familiarization course and stress management.

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36 Comment made by a representative from the POEA during the UN Women validation workshop at the Philippine Social Science Center (PSSC), Quezon City, 31 March 2015.

OWWA and its NGO partners take charge of PDOS for vulnerable workers while some recruitment agencies also have theirs.

The pre-departure orientation seminars used to be a one-day event but it is now currently being conducted for six hours (or less) which all the more made it difficult to cram all topics within this time period. Anecdotal accounts indicate that in some cases, discussions by banks on how to remit money from abroad dominate the PDOS. It is also safe to say that it is impossible for a departing migrant to learn everything there is about emigration in one sitting. While PDOS can be considered good practice, it should just be one among the other educational tools that WMWs must be provided. There is also little analysis done on the extent to which they are gender-sensitive. In a documentation of the PDOS, it is argued that it reproduces the notion of migrant women as both bread winners and mother. However, their femininity and nurturing nature is propagated as a necessary tool why Filipino WMW is in demand by foreign employers (Guevarra 2010, 84).

Post-arrival orientation seminar (PAOS) is not mandatory but is supposedly conducted on-site in some destination countries (depending on the initiative of the Philippine foreign service post) to augment the PDOS. However, little is known about this since some officials indicate that migrants oftentimes do not avail of this probably because it is not mandatory (Interview 2015). It also needs the support of receiving states. Taiwan is said to be receptive to the PAOS which discusses culture and labor laws in the country. Nonetheless, it is during the arrival stage in destination countries that contract substitution occurs as migrants are made to sign another contract which has different stipulations than the one they signed in the Philippines. This is a phenomenon that is widely believed to still happen and has in fact been documented among domestic workers (Battistella and Asis 2011).

Repatriation is another area governed by the law. An emergency repatriation fund covers the repatriation of distressed workers even as it mandated recruitment agencies to be financially responsible for this stage of the migration cycle. The alert level systems<sup>37</sup> determine the action taken

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37 The Department of Foreign Affairs is tasked with determining and informing OFWs of alert levels which range from caution to mandatory evacuation.

by the Philippine government and the relevant foreign post. Conflicts in Lebanon in 2006, and the more recent Arab Spring in the Middle East and North Africa (MENA) region were cases in point in which WMWs were repatriated, most of them were undocumented and work as domestic workers. The difficulty of repatriating domestic workers in the MENA due to the *kafala* system delays the repatriation process. Moreover, a study by the Scalabrini Migration Center on the MENA Crisis (UN Women 2012) reported that gender-responsive repatriation needs to be scaled up. Knowledge that gender-based violence often targeting women occur during conflicts is a must. Citizenship issues particularly of Filipino WMWs married to foreign nationals and those of their children are important in repatriation procedures. Recognizing the limited mobility of domestic workers is also important in designing alternative repatriation procedures.

Reintegration is also covered by RA 8042 and was even strengthened in its amended version by institutionalizing the National Reintegration Center for Overseas Filipino Workers (NRCO). The NRCO was initially created via an Executive Order in the aftermath of the 2006 Lebanon crisis when planeloads of WMWs were repatriated. Currently, the NRCO generally takes charge of undocumented and distressed migrants. The OWWA handles formulation of policies and reintegration of documented OFWs. The CFO handles diaspora philanthropy and business and transfer of skills for permanent migrants. The Technical and Skills Development Authority (TESDA) manages training for livelihood programs.



Photo: UN Women / Va Ros

Among the four distressed migrants from the Middle East interviewed, three were actively seeking work abroad once again. Despite their unfortunate experiences, their belief that overseas jobs are their passport to a better future for their children remains strong (Interview 28 February 2015). This corroborates past research indicating the desire to re-migrate, especially for single women returnees (Meisner 2002 in IOM and SMC 2013; Go 2012).

At present, the labor department encourages domestic workers in Hong Kong to take the licensure examination for teachers. Not only is this a good initial step but this also addresses the deskilling trend and brain drain. Under the program co-implemented by the DOLE with the education department and other government agencies, former teachers and those who wish to pursue teaching careers who are working as domestic workers can take the licensure tests on-site. The passers are then given a refresher course in teaching by the Philippine Normal University. As of January 2015, 209 would-be teachers are already in the data base of DOLE (DOLE 2015).

Reintegration is especially important for WMWs since they are often more likely to be distressed and have less access to financial capital and skills required for reintegration. While reintegration of WMW returnees is ideal, prevailing business climate in establishing businesses needs to be improved. Furthermore, entrepreneurial skills and access to financial resources and collateral are needed to seriously build a sustainable business. The UN-INSTRAW case studies (2010, 47-48) also indicate the need for migrants to acquire knowledge of financial institutions and their services and local government business plans and environment. Micro-finance institutions and local government unit bonds need to be made available to WMWs and their families. Current government programs on reintegration range from very small grants to big loans that require substantial collaterals that are not accessible to migrants (Interview 30 March 2015). Moreover, the national level framing of programs is not conducive to local government level conditions to which migrants return (Interview 30 March 2015). For example, NRCO lacks a

functional structure at the level of the LGU to which migrants return and potentially invest<sup>38</sup>.

Return and reintegration programs are hampered by a lack of data on migrant returnees. Without such information, it is difficult to create targeted programs for WMWs.

For its part, the labor department is currently scaling up its reintegration program. The plan is to enhance the package and realign it according to a variety of models, depending on the skills mix and experience of migrant workers. Aside from existing programs, the labor department is also partnering with receiving countries in terms of support mechanisms and services in the receiving countries supporting reintegration.

There are also suggestions for more transparency on OWWA funds<sup>39</sup>. Every OFW legally recruited needs to pay USD25 for every contract. Migrant NGOs have long advocated updates on how the fund is spent and where it is invested. Currently, Congress is working on amendments to the OWWA charter to make it more responsive to migrant workers and their welfare.

Non-government organizations are also particularly active in reintegration programs. Twenty-nine (29) of them deal with programs on WMWs (UN-INSTRAW 2010, 43). Their programs should be supported by government instead of duplicating them. The government must develop a coherent migration and development framework to make return and reintegration workable and a sustainable option.

The lack of data on migrant returnees is also a big concern. The law's provision on a Shared Government Information System for Migration (SGISM) has yet to be realized. Supposedly, it should collect and process sex disaggregated data on arriving and departing migrants. Currently, the Overseas Filipinos Information System (OFIS) is spearheaded by the DFA's Office of the Undersecretary for Migrant Workers' Affairs (OUMWA). The extent to which this can be used for return and reintegration programs is still unknown.

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38 Comments made by a representative from Unlad Kabayan, a migrant NGO, at the validation workshop organized by the UN Women at the Phillippine Social Science Center (PSSC), Quezon City, 31 March 2015.

39 Comments made by participants at the validation workshop organized by the UN Women at the Phillippine Social Science Center (PSSC), Quezon City, 31 March 2015.



De-skilling of migrants, especially of WMWs, may also pose problems. Without adequate knowledge on their educational backgrounds or professional qualifications prior to deployment, it is difficult to understand the skills-mix of migrants when they return. Presumably, such information is needed in designing return programs that both match their experience abroad and their education and training.

### *Joint and Several Liability*

It is the POEA that is tasked with regulating recruitment agencies and immediately cancels license of erring recruiters. It also posts in its websites recruiters whose license has already been revoked for information of the public. The joint and several liability is an important provision of the law and is also considered a best practice. Essentially, the principal/ employer and the recruitment agency in the Philippines are jointly and solitarily liable under the law, in cases of money claims and damages filed by the OFW. For WMWs, this is an important redress mechanism which they can use against recruiters and employers. However, little is

known as to the extent that this has worked for the migrant. According to Ambito and Banzon (2011, 11), in their analysis of the law, the long wait that entails in order to determine the liability of the foreign principal renders the provision quite difficult to implement.

Illegal recruitment and trafficking are also strongly punished under the law. This has also been enhanced and complemented by an amended anti-trafficking law which includes fraudulent marriages through international brokers and discounts the consent of migrant as evidence in favor of the accused.

In 2013, DFA assisted 3,709 victims of human trafficking and illegal recruitment, including 1,699 repatriates from Syria. The assistance included provision of temporary shelter, basic necessities, hiring of lawyers, and repatriation (DFA 2014, 54). At the same time, the Inter-Agency Council Against Trafficking (IACAT) further enhanced the government's capacity to respond to trafficking. It formulated the National Strategic Plan against Trafficking in Persons and wrote the implementing rules and regulations of the expanded anti-trafficking law.

Access to justice also remains elusive, especially for WMWs. Migrante<sup>40</sup>, a migrant NGO with chapters abroad, reported that for the year 2015 alone, they received 50 cases ranging from rape to sexual harassment. Accordingly, Philippine embassies normally facilitate WMWs' repatriation but not the filing of cases. Migrants interviewed for this report share the observation (Interview, 28 February 2015). Therefore, foreign posts rarely serve as venues for redress. WMWs usually lack legal and financial means to file a complaint against their employers. The Center for Migrant Advocacy (2014, 15) also reports that foreign posts immediately respond to physical violence but usually do not consider poor working conditions as an 'emergency' situation. What happens then is that unless the migrant's plight worsens and elevates into an 'emergency' case that is the only time the embassy responds. To ensure better access to justice, Congress proposes to make available the legal fund for filing of cases, and not just to fund legal defense.

However, trafficking laws may sometimes work against women. For instance, human trafficking has been questioned in an ethnographic documentation of Filipino women migrant lives in Japan (Parrenas 2011). Far from the image of trafficked and prostituted women, the findings of the research indicate that entertainers actively negotiate their lives and work. Most are also not prostituted as there were choices available to them not to be one. In fact, stricter laws and policies brought by the mantra of trafficking, made their lives more precarious since some have resorted to being undocumented (Parrenas 2011).

### *Social Protection and Path to Citizenship*

Social protection for WMWs is vital especially at the different stages of their life cycle. Women not only live longer but also traditionally assume responsibilities even to the extended network of their families. According to RA 8042, as amended, WMWs (all OFs) are entitled to health protection, social security, and provident fund insurance under the relevant government agencies in charge. Moreover, the Philippine government has 10 bilateral agreements on portability of social security with 10 countries (IOM and SMC 2013, 185) thereby ensuring that when migrants return for good in

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40 Comments made by participants at the validation workshop organized by the UN Women at the Philippine Social Science Center (PSSC), Quezon City, 31 March 2015.

the country, they can avail of these when they retire. However, of the ten, none are forged with Middle Eastern countries where a big majority of WMWs are located.

Meanwhile, the legal status of marriage migrants remains precarious in destination countries. For example, in South Korea, a woman who is in an abusive marital situation but intends to be a naturalized citizen, will stay unwillingly with her husband due to the country's naturalization laws. According to the Asia Pacific Migrants Mission (2010: 14), a marriage migrant has to apply for a Residential Status (F2-1) valid for one year and is renewable for another year before it expires. It is only when the marriage migrant has stayed longer than two years that she is qualified for permanent residence status (F-5) or naturalization. She has to wait for another one and a half to two years before she is naturalized. This means that she may actually have to wait for four years to be a permanent resident (APMM 2010:14). This is regarded as a far more lenient way of achieving residency status compared to other migrant groups (Kim 2011: 9). One other issue is that marriage migrants could only receive social welfare benefits such as medical care and cost of living allowance if she has a child (Ibid). This means that her legal status is closely tied up to motherhood and her role as a wife.



*Photo: UN Women / Pornvit Visitoran*

## *Legal and Administrative Assistance, Diplomatic and Consular Services*

Since migrant Filipinos are located in more than 200 countries and territories and with diverse skills mix, managing emigration can be quite daunting. The country prides itself in having a presence abroad specifically to help migrant Filipinos relative to other migrant-sending countries. Aside from free legal assistance, shelters in destination countries provide WMWs with a place to stay in cases when they run away from their employers or from destination country governments if they are undocumented. They are also on alert and dispatched whenever needed during conflicts and calamities. Under the law, the One Country Team is observed which means that though several agencies have different functions abroad, the ambassador takes the lead. Everyone acts as one in the name of protecting Overseas Filipinos. The POLO handles migrants with labor-related problems. The Social Welfare Attaché attends to distressed workers while the personnel in charge of Assistance to Nationals (ATN) assist undocumented workers and permanent migrants.

In 2013, the media reported ‘sex for flight’ case exposed by then Representative Walden Bello, Chair of the House Committee on Overseas Workers’ Affairs (COWA). It triggered a congressional investigation in which distressed WMWs from the Middle East testified against officials in foreign posts who, among others, allegedly offered them sexual favors in exchange for plane tickets to return home (Box No.3).

The ‘sex for flight’ case could be explained by a lack of gender sensitivity on the part of officials abroad in attending to distressed WMWs. However, structural issues may also be attributed to producing such an environment in posts. Even while the number of POLOs — 38 at present, is big compared to other migrant-sending countries, the numbers could not cope with the work load in destination countries, particularly the Middle East. Given that the *kafala* and recruitment issues are already present, processing delays can occur as a result of insufficient human resource. Such a situation then gives so much power to officials on which WMWs get to be prioritized. While the labor and foreign affairs departments have been asking the budget department to augment their staff complement, perennial budgetary constraints prevent this from happening. This significantly impacts on the services that are extended to WMWs, particularly those that are distressed.

### Box No. 3: Sex for Flight

In 2013, Representative Walden Bello, Chair of the House Committee on Overseas Workers' Affairs (COWA), revealed that several distressed Filipino WMWs complained of sexual abuse and harassment by Filipino officials in the Middle East. Migrant NGOs believe that this is a usual occurrence in foreign posts, especially where domestic workers are prevalent (Interview 22 January 2015). A former labor department high-level official denied that such cases are the norm (Interview 7 February 2015). The women narrated that these officials offered to "introduce" them to other men while they were in the embassy shelters as a form of 'sideline' (Interview 28 February 2015; CMW 2014, 16). Others asked for sexual favor coupled with lewd remarks in exchange for a plane ticket back to the Philippines (Interview, 28 February 2015; CMA 2014, 16). Another woman likewise accused an embassy driver with attempted rape. Rep. Bello launched a series of investigation where the women testified about their plight. DOLE and DFA embarked on an investigation in the concerned embassy posts. After sometime, DOLE penalized the said officials with differing degrees of punishment ranging from a one month to four-month suspension. Migrant NGOs and the women themselves are not happy with the punishment (Interview, 28 February 2015; Interview 22 January 2015). They also felt that the promise of assistance by government officials was never realized especially that the case is no longer talked about in the media.

**Table 11. POEA Budget Proposal and General Appropriations Act (GAA)  
(in P'000), 2010-2015**

	2010	2011	2012	2013	2014	2015
POEA Proposal	460,478	490,144	498,405	453,051	547,953	596,581
GAA	271,849	298,280	309,583	368,915	344,555	349,615
Percentage of GAA over Proposal	59%	61%	62%	81%	61%	59%

Source: Philippine Overseas Employment Administration

A case in point is the POEA which has relatively the same number of personnel when deployment levels were still below one million (DAWN, 2014). A cursory look at its funding proposals vis-à-vis what was allocated to it by Congress in the past five years shows that 60 per cent of its budgetary needs are not met (Table 9). Hiring additional personnel is also another bureaucratic battle with the budget department – a case that generally happens among government agencies. Multi-tasking and burn-out by personnel in foreign posts happen as a result of multi-tasking to deal with inadequate personnel (Interview, 28 March 2015). The lack of personnel in posts also makes embassy personnel susceptible to stress. Those who are assigned to respond to welfare cases of HSWs also took some time to recover from the stress they get after listening to problems.<sup>41</sup> Aside from additional budget and personnel, on-site periodic de-briefing and stress management sessions with professionals can be ways to mitigate these (Interview, 28 March 2015).

In 2009, the Philippines approved the Magna Carta of Women as part of its commitment to localizing the provisions of CEDAW. Among others, Section 37 of the landmark law mandates the designation of a gender focal point in the consular section of Philippine embassies and consulates. As a result of this provision, the DOLE and the DFA reconstituted their gender focal point system including in foreign posts. The POEA, the DOLE and the DFA have also subjected themselves to gender audit in pursuit of the law's provisions. These are steps in the right direction. However, gender focal points in these offices, for instance in the DFA, are predominantly women (DFA website). Such a situation gives the impression that only women engage in gender issues. It also alienates male officials from availing training and information on gender-responsive management of migration. With regard to the gender audit, the extent to which its findings will transform into gender-responsive programs in these agencies is yet to be known.

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41 Comments made by a representative from the POEA (who used to work at a foreign post) at the validation workshop organized by the UN Women at the Philippine Social Science Center (PSSC), Quezon City, 31 March 2015.

## *Bilateral Agreements*

Aside from national laws, programs and policies on migrant workers, the government has cooperated with other migrant-receiving states in the form of bilateral agreements. RA 8042, as amended by RA 10022, specifically states that receiving countries of migrant Filipinos must have “concluded a bilateral agreement or arrangement with the government on the protection of the rights of Overseas Filipino Workers...”

Bilateral agreements are in the form of a memorandum of understanding (MOU) or a memorandum of agreement (MOA). Of the two, the MOA is legally binding and can be subjected to a third-party mechanism in cases of disputes. Both parties can also be compelled to abide by the agreement (Malaya and Mendoza-Oblena 2010, 4). On the other hand, the MOU merely lists obligations and guidelines on mutual understanding between the two parties. The instrument is non-binding and on a mere “best-effort basis” (Ibid).

MOUs are preferred by receiving states since these give them flexibility relative to the particular job category and skills-type that they need. On the part of the Philippines, such mutual cooperation is also a means by which it can work out an arrangement with receiving states in the deployment of workers abroad.

So far, the Philippine government has cooperated with receiving states on more than 45 MOU/MOA (IOM and SMC 2013, 183) although this number already includes those that have already expired. Some have direct relevance to Filipino WMWs since these pertain to the recruitment of domestic workers and health professionals. Generally, these agreements consist of guidelines on recruitment, standard employment contract, dispute settlement, cooperation on human resource development (on health professionals), and joint committee for evaluation and monitoring.

An innovation in the agreements with Saudi Arabia, Lebanon, and Jordan on domestic work is the provision for the opening of a bank account for the domestic worker by the employer. Wages will then be paid via this account. Presumably, the purpose for this is to generate evidence ensuring the right amount of wage stipulated in the contract. Ideally, this is a good practice if enforced and implemented. To date, no evaluation has been done on whether this is observed in practice.

Notably, the MOU with Lebanon mentions the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. Aside from the provision of a standard employment contract, it also mandates the employer to provide health insurance policy/medical care, weekly rest, access to travel documents, decent accommodation and food. Religious practice and an eight-hour work-day are also stipulated. Though it does not mention human rights conventions, the MOU with Jordan has the same features except for the provision of a 10-hour work day.

There are marked inconsistencies with CEDAW GR 26 in some MOUs. The MOUs with Lebanon and Jordan restrict the recruitment of domestic workers who are under 23 years old. Clearly, this is not consistent with CEDAW GR 26. Pregnancy tests before and after arrival are also covered in the agreement with Jordan.

The agreements on health professionals have better provisions in terms of protecting migrants. These generally consist of human resource development, provision for accommodations, and ethical recruitment principles. The one with Bahrain is considered a best practice since it is framed based on ILO Conventions on the rights of workers. It also provides for the development of mutual recognition agreement (MRA). Graduate and post-graduate scholarships, joint venture investments in health facilities, transfer of technology, and joint research are covered.

The Japan-Philippine Economic Partnership Agreement (JPEPA) is a free trade agreement which contains provisions on nurse migration and care givers. Language is a huge barrier in hurdling the examinations given the dismal passing rate in the licensure examinations. A key issue here is the non-recognition of the qualifications of Filipino nurses in Japan. Upon arrival, they are trainees and are not considered as nurses unless they pass the examination.

A significant criticism against bilateral agreements is that these overly focus on recruitment and deployment procedures. Moreover, most of the agreements particularly on domestic worker emigration are in the form of MOUs. Therefore, as mentioned earlier, these are not binding. It is also notable that irregular migration, access to financial systems and transfers, and reintegration hardly figure in the agreements. In a report on BLA, the Center for Migrant Advocacy (2012) has also pointed out the weak capacity



of government agencies in treaty negotiations and monitoring and the lack of access to such processes by NGOs. Further, it mentioned that the joint monitoring mechanisms in BLAs do not work since to their knowledge, no meetings of such type have taken place.

Despite their shortcomings, BLAs manifest little steps in protecting WMWs. These are good but must be considered as confidence and trust-building phase towards a more binding and definitive agreement in the future.



Photo: UN Women

## **INTERNATIONAL COOPERATION AND ENGAGEMENT BY CIVIL SOCIETY**

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Because international migration occurs in a transnational context, international cooperation is important. In this regard, the Philippines actively pursues this route. However, challenges remain. This is explained in great detail in this section.

### ***International Cooperation***

The Philippines takes great pride as a country that has actively pursued human rights before the international community. As seen in Table 12, it has signed major international human rights instruments. It was among the first countries to have ratified the International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (ICMW) in 1995. It has also spearheaded the formulation of CEDAW General Recommendation 26 that outlines specific rights of WMWs.

It bears noting that Middle East countries where WMWs are primarily located are not signatories to the ICMW. Most migrant-receiving countries also did not ratify the treaty which was supposed to herald an international migrants' rights regime. For this reason, the effectivity of this instrument is in doubt according to Jolly and Reeves (2005, 32).

The Convention on All Forms of Discrimination Against Women (CEDAW), referred to as women's bill of rights, specifically provides impetus for signatories to craft policies for women empowerment and gender equality. Next to the Convention on the Rights of the Child (CRC), the CEDAW is the most widely ratified treaty even by migrant-receiving states. The Philippines ratified this bill in 1981.

Another international human rights instrument which came into force recently is the ILO Convention 189 or the Domestic Workers' Convention. Among others, the convention recognizes the rights of domestic workers, and regulates their jobs in the private sphere. The Philippines was the second country to have ratified it in 2012, enabling the convention to be effective. It also immediately passed into law localizing the convention through the Domestic Workers' Act or Republic Act 10361. As of date, there are 17 countries which have ratified the convention, including Italy. No Middle Eastern state has done so.

**Table 12. UN Human Rights Instruments Ratified by the Philippines**

UN Human Rights Instruments	Parties	Ratified
CERD—International Convention on the Elimination of All Forms of Racial Discrimination (7 March 1966)	175	15/09/1967
ICESC—International Covenant on Economic, Social and Cultural Rights (16 December 1966)	160	7/06/1974
ICCPR—International Covenant on Civil and Political Rights (16 December 1966)	167	23/10/1986
CEDAW—International Convention on the Elimination of All Forms of Discrimination Against Women (7 March 1966)	187	05/08/1981
CAT—Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (10 December 1984)	153	*18/06/1986
CRC—Convention on the Rights of the Child (20 November 1989)	193	21/08/1990
ICMW—International Convention for the Protection of the Rights of All Migrant Workers and Members of their Families (18 December 1990)	46	05/07/1995
CRPD—Convention on the Rights of Persons with Disabilities (13 December 2006)	127	15/04/2008
ICPED—International Convention for the Protection of All Persons from Enforced Disappearance (20 December 2006)	37	

*Source: International Organization for Migration and Scalabrini Migration Center 2013, 189*

Aside from international treaties, there are also other regional and international mechanisms through which stakeholders discuss issues on international migration. The Philippines has actively pursued its interest in these processes. The Philippines was chair of the Abu Dhabi Dialogue in 2012-2014. Also, the country played host to the second Global Forum on Migration and Development (GFMD) in 2008. A specific feature of that event was the holding of the International Conference on Gender and Migration (ICGMD) days before the GFMD. The Philippine national women’s machinery and donor institutions sponsored the event. Migrant NGOs, senior officials from UN member states, civil society organizations, and academics participated in ICGMD in this two-day forum. A significant outcome of the ICGMD is the Manila Call to Action which, among others, called on governments to take immediate action on having gender-sensitive pre-departure, on-site, and return and reintegration programs. The idea was that the recommendations must feed the GFMD process and that the

Philippine government must input these in its policy speeches. The ICGMD has not been duplicated in other succeeding GFMD processes. It should have been sustained since its inputs can potentially inform the GFMD. Little is known on whether the Manila Call to Action has been revisited or reviewed in succeeding GFMDs.

Aside from the GFMD, there are other consultative fora (Table 13) which have specific gender dimensions. It is important that these gender issues surface during the periodic review and evaluation processes pertaining to these consultative mechanisms.

**Table 13. Select Consultative Fora and Issues Relating to WMWs**

Gender-Related Discussions/Measures Adopted During Key Proceedings	
Colombo Process	<ul style="list-style-type: none"> <li>- Discussions have included domestic workers, trafficking, sex workers</li> <li>- Decisions to promote and protect rights of migrants and their families; improve their welfare, dignity and well-being; and address specific needs of vulnerable migrant workers, especially women, domestic workers and low-skilled and low-wage workers</li> </ul>
Abu Dhabi Dialogue	<ul style="list-style-type: none"> <li>- Framework of Regional Collaboration 2012 includes measures impacting women directly such as enhancing the employability and skill of workers; improving the recruitment process; facilitating worker adaptation to foreign employment; responding effectively to migrant workers' problems</li> </ul>
Asia-EU Dialogue	<ul style="list-style-type: none"> <li>- Discussion of relevant themes such as challenges of irregular migration; regulatory frameworks for recruitment and good practices; highly skilled migration; skills certification and recognition mechanisms; monitoring migration; and ethical recruitment and role of private sector</li> </ul>
UN-Level Dialogue	<ul style="list-style-type: none"> <li>- Deliberation on measures to protect human rights of all migrants; prevent and combat smuggling of migrants and trafficking in persons; and address vulnerabilities, rights and empowerment of women and children.</li> <li>- Declaration aimed at promoting a more systematic and responsible action in countries of origin, destination and transit, and a safer and more transparent framework for international migration and mobility adopted by the General Assembly</li> </ul>
Global Forum on Migration and Development	<ul style="list-style-type: none"> <li>- Human rights and gender examined horizontally and recommendations made to help governments better integrate these into future policy-making</li> <li>- Recommendations and proposed actions included promoting legislation, policies and practices for gender-based development; protecting migrants; improving gender-related data collection and analysis; and developing compendium of best practices on protecting migrants.</li> </ul>

Source: *Sijapati 2015, 8*

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*The observance of the government to international commitments relies to a great extent on NGOs and civil society actors who can potentially monitor compliance and state response.*

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### *NGO Participation*

The observance of the government to these international commitments relies to a great extent on NGOs and civil society actors who can potentially monitor compliance and state response. According to the POEA<sup>42</sup>, the newly established Overseas Land-based Tripartite Consultative Council (OLTCC) guarantees a multi-stakeholder participation and that the government actively pursues dialogue with them. The OLTCC is a tri-partite group of state officials, management, and the labor sector that periodically holds labor migration seminars. A former labor and foreign affairs department high official likewise argues that the government provides significant space for NGOs to participate in local and international processes on migration. Government officials usually talk to NGOs prior to these international meetings. Nonetheless, their participation in these processes is sometimes limited since some information they provide are case studies that are difficult to generalize (Interview, 07 February 2015).

Indeed, NGOs have limited access to information and funds compared to the government. This is also the case of bilateral agreements (CMA 2012, 27). For instance, CSOs are sometimes not regularly invited to meetings when reports on these treaties are formulated. A representative from Unlad Kabayan<sup>43</sup> provides a case in point. In some meetings where CSOs/NGOs lobby for slots, the government imposes criteria that disqualify

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42 Comments made by a POEA representative at the validation workshop organized by the UN Women at the Philippine Social Science Center (PSSC), Quezon City, 31 March 2015.

43 Comments made by a representative from Unlad Kabayan at the validation workshop organized by the UN Women at the Philippine Social Science Center (PSSC), Quezon City, 31 March 2015.

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***While migrant NGOs/CSOs are well-intentioned, the participation of WMWs themselves is vital. Their voices and agency provide much needed input to these processes so that their concerns are truly reflected in the outcome documents.***

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their participation. Likewise, labeling as ‘sensitive’ and a ‘security’ matter, justifies their exclusion.

Migrant Forum Asia (MFA)<sup>44</sup> also raised important points. While CSO participation is guaranteed by law, this is not what usually happens in practice. During bilateral agreement negotiations, CSOs are rarely asked to participate. In regional processes such as the ASEAN framework on labor migrants, CSOs were not parties to the drafting process. There is also limited space for participation in the GFMD. Moreover, little is known on whether their recommendations feed into the outcomes of the GFMD. When meetings are framed as ‘intergovernmental’, CSOs are usually barred from attending.

CSO participation sometimes relies on personal connections and not via institutionalized mechanism. According to the Center for Migrant Advocacy (Interview, 22 January 2015), they usually are informed of meetings through colleagues or friends from other countries. While there are shadow reports and submissions done by CSOs, this is not very much institutionalized and is constrained by limited funding. This is also the case when CSOs have to travel to the site where the reporting takes place. Compared to government delegations which are usually composed of several people,

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44 Comments made by a representative from Migrant Forum Asia at the validation workshop organized by the UN Women at the Phillippine Social Science Center (PSSC), Quezon City, 31 March 2015.

CSOs usually send one or two delegates. This makes it difficult to monitor the plenary discussions. During the first reporting of the Philippines to the Migrant Workers' Convention in 2009, they were a little bit unprepared and they came late for lack of information on the process. However, they learned enough and more actively participated in the 2014 reporting cycle.

For the Universal Periodic Review, only the Women's Legal Bureau was able to submit in the two cycles of reporting. The CEDAW reporting on the other hand, enables more migrant women NGOs to participate due to personal and professional connections. However, the main obstacle to the substantial participation of CSOs in these processes is also the general lack of knowledge of these CSOs about the UN system, treaties, and the reporting process. Some are not aware that migrant-receiving countries and not just the Philippine government can be taken to task if they are signatories of these treaties. As stated earlier, CEDAW is the second most widely ratified treaty by most states, including migrant-receiving countries.

Potentially then, it can be a tool in holding states accountable during their reporting cycles.

Nonetheless, the most important participant in these processes are the migrants themselves. During the 2008 ICGMD in Manila, a domestic worker from Indonesia asked, "They talk about us but everyone here are NGOs and government officials" (Ubalde 2008). While migrant NGOs/CSOs are well-intentioned, the participation of WMWs themselves is vital. Their voices and agency provide much needed input to these processes so that their concerns are truly reflected in the outcome documents.

Overall, this section has shown that the Philippines has participated in regional and international fora. In some cases, it even led these processes. Nonetheless, the extent to which it pursues gender equality goals pertaining to migration has not been thoroughly monitored and evaluated. Sustained and active CSO/NGO participation could potentially address this. However, their limited participation, lack of capacity and access to information and funding, hamper their vital contribution to these mechanisms.

## MAIN FINDINGS AND GENERAL RECOMMENDATIONS

The following are the major findings and general recommendations of this report:

### *On the Situation of Filipino WMWs*

- Filipino WMWs constitute more than half of registered permanent emigrants and temporary legal land-based workers. Though irregular migration is difficult to accurately determine, it is also widely believed that they comprise the majority of this migrant sector.
- The number of newly hired WMWs reached its peak in 2004. Currently, WMWs still outnumber men, but their proportion of the total deployment has considerably decreased.
- Occupational sex-segregation characterizes the job categories of men and WMWs. While most male Overseas Filipino Workers are typically production workers, women are predominantly service workers.
- Domestic work dominates the job categories of WMWs among the low-skilled. Nurses rank first as a job category among the professionals.
- Filipino women are also leaving as marriage migrants and *au pairs*.

### *Reasons for Labor Out-Migration*

- Only 40 per cent of Filipino women are in paid employment for the past decade. The lack of decent job opportunities pushes WMWs to migrate for work. Despite this situation, there is a lack of a sustained government plan specifically detailing programs and policies for women's increased participation in paid employment.
- While economic factor maybe a key reason for migration, state-sponsored overseas employment, historical legacy of women's mobility, and global economic restructuring ushered in Filipino women's migration. In addition, gender ideology and gendered practices in recruitment and deployment process in both destination countries and the Philippines likewise trigger migration.



## Destination Countries

- Most destination countries are not signatories to the ICMW but are signatory to the CEDAW.
- Filipino WMWs are primarily located in destination countries in the Middle East that are known for their restrictive policies on women and even so for WMWs. Like most destination countries, they have not acceded to the ICMW and ILO Convention 189 but are signatories to CEDAW. They also still practice the *kafala* system, a usual culprit in rights violations of migrants.
- Some migrant-receiving countries known for having laws promoting migrants' rights are backtracking on this commitment. As discussed above, the recent change in UK immigration policy on domestic workers which ties the latter to their employer is a case in point.
- Other destination countries which do not have legal migration route for unskilled labor resort to other means to recruit Filipino WMWs. Countries with shortage of brides also become pull factors in Filipino women's migration. Marriage migration and the *au pair* system are examples of this. As discussed above, this could result in trafficking and illegal recruitment.

## Consequences/Impact of Filipino WMWs' Labor Out-Migration

- Filipino WMWs are responding to the care deficit in destination countries. As such, they are in jobs that are traditionally relegated to women such as domestic work, caregiving, and nursing. Domestic work and caregiving are usually precarious in nature as they are outside of government regulation in most countries.
- In a national survey, WMWs remit less money transfers compared to men. They usually remit to a female member of the household, according to case studies. WMWs and their financial remittances have also been tapped for local development. However, their potential as an agent of countryside development is hampered by lack of information and access to credit, and the general lack of good business climate.
- WMWs have also contributed social and political remittances in the Philippines and in migrant destination countries.

- Migrant NGOs have targeted return and reintegration programs for WMWs. However, some government-initiated livelihood programs (e.g. manicure, pedicure) reify traditional gender roles which can hardly empower women.
- Abuse and exploitation, illegal recruitment, contract substitution and debt bondage continue to be experienced by WMWs, especially domestic workers. There are also violations of sexual and reproductive health due to discriminatory laws in migrant-receiving countries.
- Nurses also experience discrimination when their skills are not recognized in destination countries. Illegal recruitment, contract substitution and racialized discrimination in terms of wages have also been reported.
- While the discourse of social cost is dominant, empirical evidence is mixed. In fact, a number of studies suggest that families and children who remain have been relatively resilient in coping with the absence of WMWs at home. Research has also documented that fathers, grandmothers, and the network of families and kinship in the Philippines provide care for children left-behind. The evidence of social cost is also difficult to empirically validate on a national level due to a lack of government data indicating whether WMWs have children left behind.
- Evidence also suggests that some fathers who remain are able to cope with the absence of WMWs at home.
- De-skilling which occurs when government data do not account for the educational qualifications of WMWs is a silent 'abuse'. Without accurate data from the POEA, there is little information on the extent to which registered nurses or teachers for instance, leave the countries as domestic workers or care givers.
- There have been successful cases that are inspiring and are stories of liberation and empowerment. They can balance the dominance of the victimization discourse and can potentially result in more policies that highlight the complex consequences of the migration experience.
- Return and reintegration programs are still national in scope and have generic program designs. Access to credit requires a significant amount of collateral which is beyond the access of most WMWs and

migrants in general. The government is currently reviewing how these programs can be designed by including the skills mix and migration experience of migrants.

### *Policy Analysis and International Commitments*

- The Philippines is considered a ‘model’ in migration management. It has a huge government bureaucracy which assists migrants from pre-employment to reintegration.
- The revitalization of gender focal points in government agencies tasked with migration is a good start. Gender focal points in agencies such as the DFA are predominantly women.
- The gender audit conducted in the POEA, DOLE, and DFA is also laudable. Little is known to what extent this has shaped migration programs in these agencies.
- The government’s pre-employment orientation program has been recently scaled up and expanded via social media and mobile application. Potentially, this can prevent illegal recruitment and trafficking and result in informed decisions to migrate.
- The pre-departure and post-arrival orientation programs need to be improved. The government is currently working on this to enhance such programs. However, post-arrival orientation is not compulsory and is often not undertaken. Hence, it needs the consent of the destination countries and the cooperation of migrants.
- The government has also actively participated in international treaty processes such as the CEDAW, ICMW, the ILO Convention 189 and various regional and international fora.
- The Migrant Workers’ Act mandates a gender-sensitive criterion for programs and policies on overseas employment. However, some provisions of the law and programs in its pursuit are not consistent with CEDAW GR 26 as indicated above such as age requirement and deployment ban. Such bans have reportedly resulted in increased irregular migration and trafficking cases causing undue harm to WMWs.
- Insufficient budgetary support has resulted in a lack of enough human resources in key government agencies handling migration. This situation seriously undermines their capacities to assist WMWs,

especially in destination countries. Workers and officials suffer from burn out and stress that may affect the service they render to migrants.

- CSO/NGO participation in governance is enshrined in the 1987 Philippine Constitution and RA 8042 as amended by RA 10022. Migrant NGOs representing WMWs are represented in government agencies concerned with migration.
- During treaty processes and monitoring, fund allocation and lack of information on the process prevent the active participation of CSOs/NGOs.
- Government framing (e.g. ‘sensitive’, ‘security’) of issues tackled excludes CSOs/NGOs from international processes.
- CSOs/NGOs have little information as to the extent to which their recommendations are tackled in international migration processes.
- The voices of WMWs themselves are rarely heard in international processes on labor out-migration.



## Recommendations

- **Comprehensive government plan on decent jobs for women.** The current government mantra of ‘inclusive growth’ must have a comprehensive plan for women’s employment. It must also recognize that local labor market conditions are never gender-neutral. In this regard, the government should provide the necessary enabling environment to generate decent jobs for women and improve labor market conditions conducive to the entry of women in paid employment. Current improvements in the economy must trickle down to sectors that can produce opportunities for women in the agriculture and manufacturing sectors. Toward this end, the government must draw up a medium- to long-term plan specifically on how to create policies that will generate quality jobs for women in paid employment. Such a plan could accompany the next Philippine Labor and Employment Plan of 2017-2022. Migrant NGOs must strongly mobilize a strong advocacy for this plan.
- **Gender-responsive policies and CEDAW GR 26.** CEDAW GR 26 must inform the pre-employment to reintegration programs including plans to review the PDOS, PEOS and the CPDEP. Future bilateral agreements must also be negotiated and reviewed based on the general provisions of CEDAW. Toward this end, DOLE must convene a technical working group (TWG) composed of women migrant groups and NGOs, academics, recruitment agencies, and migration officials, particularly gender focal points. The TWG must formulate guidelines on gender-responsive migration policies and programs based on CEDAW GR 26. A review of existing practices (by government, recruitment agencies, and CSOs conducting PDOS) using CEDAW GR 26 must also be undertaken.
- **Pursuit of more binding bilateral agreements.** Current efforts in pursuing bilateral agreements must set the tone for more binding discussions on legal assistance provision, social security, and shelters funded by destination countries.
- **Sustained training and capability building of government officials.** Sustained training and capability-building on gender-responsive governance of labor out-migration must be strictly implemented. Such training is important for officials and personnel in key stages of the migration process, especially the gender focal points. Multilateral

donor support and the gender and development (GAD) budget of government agencies may be used for this.

- **Ethical recruitment practices and models.** Ethical recruitment of nursing must be advocated by destination countries. This must shape the framework of bilateral agreements on health worker deployment. The UK's Ethical Recruitment of Health Professionals can be a model for this. Ethical recruitment practices must be promoted not only for professionals but also for low-skilled workers. Recruitment agencies particularly those that deploy Filipino domestic workers, which practice ethical recruitment, must be given incentives. Another strategy involves the cooperation of host countries where some recruitment violations usually occur. In this regard, a key intervention is to advocate among host countries the promotion of business models and standards on ethical recruitment. The recently established Qatar Foundation's Mandatory Standards for Migrant Worker Welfare for Contractors and Subcontractors (QF Mandatory Standards) is a good practice from which ideas can be drawn. The document establishes guidelines for businesses on ethical recruitment of foreign workers in Qatar (Jureidini 2014, 8).
- **Enhanced monitoring of recruitment practices.** Bilateral agreements which guarantee safe and ethical recruitment, non-payment of fees, and rights protection must be accompanied by serious monitoring and evaluation. To ensure that this is adequately monitored, DOLE and the POEA must jointly convene periodic meetings with relevant migrant-receiving states. Reports by foreign posts to Congress, NGO reports and cases, as well as state authority reports in host countries must inform these assessments. Migrant groups and CSOs must widely advocate the holding of these monitoring meetings.
- **Increased budgetary support for government offices dealing with migration.** Government agencies dealing with migration must be given additional budget given the large-scale outflows of Filipinos abroad. Foreign posts abroad need to have more personnel to cope with welfare cases and daily assistance to Overseas Filipinos. Given perennial budgetary constraints, rationalizing personnel in foreign posts that are not considered 'problematic' is one strategy.

- **Return and reintegration and migrant women's empowerment.** Return and reintegration programs must be decentralized to accommodate local community's realities to which WMWs return. CSO programs that are already doing well must not be duplicated by the government. Rather, the national government must provide a sound and gender-responsive framework so that LGUs and NGOs can work together. Moreover, WMWs' age and life cycle, marital status, number and ages of children, and job category abroad must inform return and reintegration programs. Program managers must also ensure that both practical and strategic gender needs of WMWs are addressed so that interventions can produce genuine empowerment. Toward this end, inclusion of migrant profiles (including indicators mentioned above) in the Community Based Monitoring System (CBMS) in LGUs may be explored. Finally, return and reintegration must be tied to WMWs' welfare and status in host countries. Thus, bilateral agreements must include joint cooperation on return and reintegration and portability of social security benefits.
- **Gender-sensitive data collection and generation.** Gender sensitivity must inform current efforts to improve data collection and mechanisms such as the Overseas Filipinos Information System (OFIS) and the Shared Government Information System for Migration (SGISM). Toward this end, professional backgrounds of migrants must be collected and processed to know the extent of de-skilling. Age, civil status, and number of children, job category, and financial remittances can also form part of the information collected. Such information can potentially result in more evidence-based policies. Nonetheless, privacy and confidentiality of information must at all times be observed so that migrants' rights are not unduly violated. Numerical data can also be complemented by qualitative data. The practice of documenting cases in foreign posts must be institutionalized. The planning departments of DFA, DOLE, POEA, and OWWA can collate this documentation and dissect dominant themes. The information collected and lessons learned in these cases can inform policies and programs such as PEOS, PDOS, and PAOS. The cases can also help monitor and evaluate bilateral agreements (or its need). Qualitative data is especially important for WMWs who work in the private sphere and whose experiences tend to be invisible.

- **Periodic consultations with migrant women.** WMWs' voices and concerns must at all times be present in policy and program consultations. The OLTC, board meetings of POEA and OWWA should institutionalize periodic consultations with migrant women. Such a mechanism ensures that policies reflect migrant women's realities and migration experiences, rather than just the concerns of government and CSOs/NGOs.
- **CEDAW reporting mechanism.** The discussion above noted the small number of migrant receiving countries that have acceded to the ICMW. The CEDAW and GR 26 is a potent mechanism to advocate migrant women's rights since most receiving countries have ratified CEDAW, including those in the Middle Eastern region. In this regard, the CEDAW reporting mechanism should be actively utilized as a venue through which migrants, CSOs, and transnational labor unions<sup>45</sup> can seek redress for violations of WMWs' rights including reforms in the *kafala* system.
- **Transparency in international and regional processes.** The government must ensure that transparency is observed during international and regional processes. The same must be observed in negotiations of bilateral agreements. It must appreciate the fact that NGOs work with migrants and may have information that can contribute to these processes.
- **Continuation of advocacy on ILO Convention 189 on domestic work.** The Philippines must continue to lead sending countries in urging governments to ratify the ILO Convention 189. Advocacy for other ILO conventions pertaining to migrants may also be undertaken. These ILO Conventions are as follows: ILO Convention 97 urges countries to make policies that prevent discrimination of migrants in terms of wages, unionism, benefits and social security. ILO Convention 143 urges member countries to stop abusive conditions of migrants and promote equal treatment and opportunity for them.
- **Ratification of ILO Convention 181.** ILO Convention 181 deals with private recruitment agencies and primarily establishes international

45 Although union organizing is limited in the Gulf Cooperation Council.



standards for private employment agencies to protect workers against unethical practices such as charging of fees.

- **Funding support and training of CSOs/NGOs.** Funding support for capability-training, monitoring and attendance to treaty reporting processes must be provided for CSOs. Understanding of the UN system, reporting processes and major international human rights instruments on migrant workers must form part of these trainings. Capacitating CSOs in monitoring the reporting processes of major destination countries of Filipino WMWs must also be included in this program support. All the recommendations generated in these processes must feed into legislative proposals and/or reform of programs related to WMWs. Knowledge products on these processes may also be developed.

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## *Interviews*

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Personal Communication with a Filipino marriage migrant, 24 March 2015, Seoul, Korea.

Senior Program Officer, Atikha (Migrant NGO), 30 March 2015, Skype.

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