

## **PH Implementation of United Nations General Assembly Resolution 72/149 Violence against Women Migrant Workers**

- 1. Ending violence against women migrant workers is a priority for the Philippines. The issues on migrants, migration governance, refugees and trafficking in persons, particularly among women and girls, are central to the Philippine foreign policy, the protection of the rights and promotion of the welfare and interests of Filipinos overseas. The Philippines has enacted and implemented gender-responsive legislation, policies, and plans on ending violence against women migrant workers and migrant girls, including access to social services;**
  - The Magna Carta of Women, enacted in 2009, is a comprehensive women's human rights law that seeks to eliminate discrimination through the recognition, protection, fulfilment and promotion of the rights of Filipino women, especially those belonging in the marginalized sectors of the society.
    - o Under the Magna Carta of Women, the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Philippine Overseas Employment Administration (POEA), and Overseas Workers Welfare Administration (OWWA) are responsible for the protection of the rights and promotion of the welfare of women migrant workers especially those classified under the vulnerable skills categories. These agencies are tasked to 1) review and forge bilateral and multilateral labor agreements to ensure safe migration and better work conditions that will curb violence against women migrant workers; 2) conduct professional and personal development among women migrant workers through livelihood and skills development trainings, seminars, and scholarship grants; and 3) mainstream entrepreneurship and GAD in skills training, counselling and other support services for the families of the migrant workers. In addition, DOLE and its attached agencies are charged to ensure the integration of returning women migrant workers into the labor force.
  - Republic Act No. 10022, or the Amended Migrant Workers' Act, which lapsed into law in 2010, is aimed to intensify the protection for overseas Filipino workers (OFWs) as they will be deployed in countries where the rights and welfare of migrant workers, especially of female household service workers, are protected.
    - o A three step deployment certification process ensures the classification of countries of destination that have policies and mechanisms that protect the rights and welfare of migrant workers, including addressing violence against women: a) the Department of Foreign Affairs identifies destination countries with existing protection guarantees for migrant workers; b) the Philippine Overseas Employment Administration (POEA) Governing Board Resolution allows deployment only to com-

plying host countries; and c) the workers' documents are only processed for countries identified in POEA resolutions.

- The State has mandated more stringent measures to address the treatment and handling of women migrant workers through the following two memorandum circulars issued in 2013:
  - o Administrative Order No. 262 (1 July 2013) outlined 10 new corrective measures to further enhance and strengthen POLO operations and the operations at the Migrant Workers and Other Filipino Resource Center (MWOFRFC), pertaining to personnel management, resources or funding, and operation.
  - o Administrative Order No. 262-A (S.2013) called for clear-cut supervisory rules in POLO operation, for more gender-balanced and sensitive and values-oriented services considerate of the plight of disadvantaged female migrant workers.
- A Joint Manual of Operations in Providing Assistance to Migrant Workers and Other Filipinos Overseas was signed by DFA, DOLE, DSWD and DOH in 18 August 2015, to effect efficient and effective delivery of government services for overseas Filipinos, particularly those who are in distress. The Manual outlines the services provided to OFWs including the procedures and processes in the provision of such, and clarifies the responsibilities of each agency involved to avoid overlapping of functions.
- Enactment of Republic Act No. 10906 or the Anti-Mail-Order Spouse Act on July 21, 2016, which further strengthens the provisions of the Anti-mail Order Bride law of 1995 by expanding the coverage to the Filipino men. The new law protects Filipinos against abuse, prostitution, and exploitation from schemes which offer Filipinos marriage to unscrupulous foreign nationals;
- Enactment of Republic Act No. 10931, known as the 'Universal Access to Quality Tertiary Education Act of 2017' mandates the provision of subsidies for tuition and other school fees in state universities and colleges (SUCs), local universities and colleges (LUCs) and state-run technical-vocational institutions (TVIs).
- In 2019, four critical policies that will benefit women migrant workers was enacted:
  - o Republic Act No. 11227, otherwise known as the "Handbook for OFWs Act of 2018," aims to provide migrant workers a ready reference when they need to assert their rights and responsibilities.
  - o Republic Act No. 11223, the Universal Health Care Act automatically enrolls all Filipino citizens in the National Health Insurance Programs and prescribes complementary reforms in the health system, and is expected to give Filipinos, especially women, including migrant workers, access to the full continuum of national health services. The law ensures that health care that is "accessible, efficient, equitably distributed, adequately funded, fairly financed, and appropriately used by an informed and empowered public" extends to all

Filipino citizens. As the law expects to provide protection to those enduring financial hardships, it will prove to be especially critical in guaranteeing the right to health of marginalized sectors to which many Filipino women and girls belong.

- o Republic Act No. 11210, otherwise known as the "105-Day Expanded Maternity Leave Law" is an important policy development for it not only recognizes the vital role and contribution of women to the labor force but also provides them the opportunity to exercise their unique reproductive role. Under this law, all female workers in the government and private sector, including those in the informal economy, regardless of the civil status or the legitimacy of her child, shall be granted 105 days of paid maternity leave, with an option to extend for an additional 30 days without pay. Additional 15 days of paid leave shall be granted for female solo parents. The law also includes an option to transfer up to seven (7) days of her maternity leave benefits to the father of her child, increasing paid paternity leave from 7 to up to 14 days. Prior to this law, maternity leave was only up to 60 days.
- o Republic Act No. 11199 known as Social Security Act of 2018 rationalizes and expands the powers and duties of the national pension fund or the Social Security System was rationalized and expanded to generate better income for the benefit of its members and pensioners. The law will also ensure the social security of the growing number of Overseas Filipino Workers as it provides for their mandatory SSS coverage.

**2. The Philippines recognises that international cooperation is critical in addressing violence against women migrant workers and as such has signed, ratified and acceded to almost all the UN and ILO instruments relevant to protecting and promoting the rights of women migrant workers to live free from violence.**

Most recently, the Philippines championed the adoption and crafting of the Global Compact for Safe, Orderly and Regular Migration (GCM), a guide for States on all matters related to migration, including violence against women migrants.

Biennially, the Philippines also leads the sponsorship of two UN resolutions to further advance the discussions on ending violence against migrant women workers: A/RES/73/146 (17 December 2018) on Trafficking in women and girls and A/RES/72/149 (19 December 2017) on Violence against women migrant workers.

Below are the status and dates of ratification by the Philippines of the relevant UN and ILO instruments specified in the UNGA resolution<sup>1</sup>:

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<sup>1</sup> Source of information culled from the ILO and UNOHCHR websites under the respective webpage addresses: <<http://www.ilo.org/dyn/normlex/en/f?p=1000:12001:::NO:::>> and <[http://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN](http://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx?CountryID=137&Lang=EN)>

International Instrument	Status	Date of PH Ratification
Protocol to the Forced Labour Convention, 1930 (No. 29)	In Force	15 July 2005
ILO Convention on Migration for Employment, 1949 (no. 97)	In Force	21 April 2009
UN Convention on the Status of Stateless Persons, 1954	In Force	22 September 2011
<b>UN Convention on the Reduction of Statelessness, 1961</b>	<b>Not yet signed or ratified</b>	<b>n/a</b>
ILO Convention on Migrant Workers (Supplementary Provisions), 1975 (No. 143)	In Force	14 September 2006
UN Convention on the Elimination of All Forms of Discrimination against Women, 1979	In Force	05 August 1981
CEDAW Protocol, 1999	In Force	12 November 2003
UN Convention on the Rights of the Child, 1989	In Force	21 August 1990
<b>CRC Protocol, 2000</b>	<b>Not yet signed or ratified</b>	<b>n/a</b>
International Conference on Population and Development Program of Action	Adopted	1994
UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990	In Force	05 July 1995
Beijing Declaration and Platform for Action, 1995	Adopted	1995
<b>ILO Convention on Private Employment Agencies Conventions, 1997 (No. 181)</b>	<b>Not yet signed or ratified</b>	<b>n/a</b>
ILO Convention on Domestic Workers Convention, 2011 (No. 189)	In Force	05 September 2012
Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 1990	In Force	05 July 1995
UN Convention against Transnational Organized Crime, 2000	In Force	28 May 2002
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the UN Convention against Transnational Organized Crime, 2000	In Force	28 May 2002

Protocol against the Smuggling of Migrants by Land, Sea and Air	In Force	28 May 2002
2030 Agenda for Sustainable Development	Adopted	25 September 2015
UNGA Resolution New York Declaration for Refugees and Migrants, 2016	Adopted	19 September 2016
UNGA Resolution Global Compact for Safe, Orderly and Regular Migration, 2018	Adopted	19 December 2018

### **3. The Philippines conducts assessment of the impact of policies and programs addressing discrimination and violence against women migrant workers.**

- The Philippines continues to reaffirm its commitment towards the eradication of human trafficking in the country. In response to the challenge, the third National Strategic Action Plan Against Trafficking in Persons (2017-2021) was adopted and approved by the Inter-Agency Council against Trafficking (IACAT), chaired by the Department of Justice. The new strategic plan, while retaining the 4Ps approach (prevention, protection, prosecution, partnership), now focuses on key thematic issues such as online sexual exploitation of children (OSEC), forced labor, organ trafficking, and prostitution, pornography, cybersex trafficking, and sex tourism.
- Various support service mechanisms for victims of violence are continuously being strengthened:
  - Formulation of Guidelines on the Establishment of violence against women and children (VAWC) Desks in Public and Private Hospitals;
  - Monitoring the Creation of Local Committees on Anti-Trafficking and VAWC (LCAT-VAWC) at the Provincial, City and Municipal Levels; Monitoring the Establishment and Functionality of Barangay VAW Desks and the Local Council for the Protection of Children (LCPC);
  - Policy enjoining conduct of activities in the Observance of the 18-Day Campaign to End VAW, and;
  - Provision of free tertiary education in both state-run universities, colleges and technical vocational schools. TESDA Circular No. 60, Series of 2018 outlined the implementation of Free TVET for Universal Access to Quality Tertiary Education (UAQTEA) in State-run Technical-Vocational Institutions (STVIs).
- As a result of improved response mechanisms against trafficking, the US State Department's Trafficking in Persons (TIP) Report upgraded the Philippines to Tier 1 (after being in Tier 2 for five consecutive years prior) on June 30, 2016. The Philippines is the first Southeast Asian Country to be in Tier 1 and has held this distinction for three years in a row since 2016. While Tier 1

is the highest rank, it does not mean that a country has no human trafficking problem. A Tier 1 ranking indicates that a government has acknowledged the existence of human trafficking, made efforts to address the problem, and complies with the minimum standards of the US Trafficking Victims Protection Act (TVPA) of 2000.

- The Philippines also conducted the 4th Manila International Dialogue on Human Trafficking, a platform for continuing conversations to achieve a holistic and multidisciplinary cooperation in the fight against human trafficking in the Philippines. The Manila Dialogue, anchored on the Manila Declaration to Enhance International Cooperation in Combating Human Trafficking signed by 19 countries in 2015, including the Philippines, brought together Philippine authorities, Manila-based embassies, international organizations, and non-governmental organizations to assess anti-trafficking efforts. The Dialogue identified the following policy recommendations: 1) Ratification of ILO Convention 181; 2) A Bill Institutionalizing the Grant of Financial Assistance to Victims of Illegal Recruitment; and 3) Passage of a National OFW Reintegration Law.

#### **4. The Philippines regularly collects and disaggregates by sex and other critical indicators the data on trends in women's labor migration and violence against women migrant workers at all stages of migration.**

- In 2018, the Philippines approved the conduct of the National Migration Survey (NMS), which aims to provide a nationally representative baseline data on internal and international migration. The National Migration Survey will estimate international and inter-regional migration flows and major migration streams, examine different types of migration and characteristics of migrants, determine levels, patterns and processes of migration, and the factors that affect these.
- The results of the NMS together with the data on violence against women migrant workers collected by the Philippine Foreign Service Posts will provide a more comprehensive picture of the status of violence against women migrant workers at all stages of migration. However, collecting data violence against women migrant workers in an integrated and comprehensive manner remains a challenge.

#### **General Data on Women Migrant Workers:**

- According to the Philippine Statistics Authority (PSA) 2018 Survey on Overseas Filipinos<sup>2</sup>, the number of Overseas Filipino Workers (OFWs) who worked abroad at any time during the period April to September 2018 was estimated at 2.3 million. Overseas Contract Workers (OCWs) or those with existing work contract comprised 96.2 percent of the total OFWs during the period. The rest (3.8 %) worked overseas without contract.
- The proportion of female OFWs (55.8%) was higher than male OFWs (48.9%). Female OFWs were younger compared to male OFWs with about half (47.5%) of the female OFWs belonging to the age group 25 to 34 years.

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<sup>2</sup> Culled from the PSA website <<http://psa.gov.ph/content/total-number-ofws-estimated-24-million-results-2015-survey-overseas-filipinos>>

There were more male OFWs (21.2%) than female OFWs (14.5%) in age group 45 years and older.

- About two in every five (37.1%) OFWs were laborers and unskilled workers. More than half of the female OFWs were in elementary occupations (58.7%). Among the male OFWs, the largest groups were plant and machine operators and assemblers workers (27.8%).
- One in every four OFWs (24.3 %) worked in Saudi Arabia, which remained to be the top destination of OFWs in April to September 2018. Other countries in Asia which were popular destinations of OFWs are United Arab Emirates (15.7%), Hongkong (6.3%), Kuwait (5.7%), Taiwan (5.5%) and Qatar (5.2%).

**5. The Philippines implements preventive measures to address violence against women migrant workers, as well as capacity-building programs and awareness-raising efforts for government and civil society on preventing and responding to violence against migrant women and girls.**

- Prospective overseas Filipino workers (OFW) are required to take the Pre-Employment Orientation Seminar (PEOS), which the government made available online since 2013.
- The PEOS is a separate procedure from the already mandatory Pre-Departure Orientation Seminar (PDOS) being administrated by the Overseas Workers Welfare Administration which caters to OFWs who already found work abroad. PEOS is more on general public outreach, for those who are still mulling over their options and who want to get information about the positive and negative realities of overseas employment.
- Lawyers from POEA are deployed to consular offices especially in host countries employing “vulnerable” workers (i.e. household service workers, laborers) for the purpose of investigation /case build up or taking of statements, in case the workers opt to avail legal recourse in the Philippines and for the purpose of training consular personnel on taking and preparing statements.
- POEA also conducted onsite legal assistance missions in United Arab Emirates and Saudi Arabia in November of 2015 with the objectives of examining and documenting cases involving domestic workers, provide direct legal assistance to MWOFRS wards, train staff and personnel on laws and POEA Rules and regulations as well as on documentation of case;
- A 24/7 hotline facility that responds to general inquiries and concerns on human trafficking and assistance to nationals is run by the the Inter-Agency Council against Trafficking and the Philippine Foreign Service Posts to make government services more accessible and responsive to the needs of the public, particularly women and girls.
- The National Reintegration Center for OFWs provides access to programs and services designed for returning migrant workers, including women, such as skills training and livelihood training programs.

- An assistance to nationals fund provides resources to support emerging concerns of distressed overseas Filipinos such as medical evacuation and repatriation, repatriation arising from violation of employer-employee relationship, money claims, subsistence allowance and compassionate visit of OFW relatives;

**6. The Philippines ensures that mechanisms and services for protection, assistance and improved access to justice are in place across the migration cycle.**

- The Legal Assistance Fund (LAF) through RA 8042 as amended, was created to assist distressed Overseas Filipinos
- The Overseas Workers Welfare Administration (OWWA) Welfare Assistance Fund which covers expenses for welfare cases handled by the overseas officers not covered by the LAF is also operationalized.
- More female welfare officers and administrative staff were also deployed to handle migrant women's concerns and modules on proper handling of distressed workers and gender sensitivity are included in the pre-departure training of all deployable/overseas officers. Moreover, The DFA GAD Focal Points in Philippine Embassies abroad ensure that Filipino officials serving migrant workers go through gender sensitivity training

**7. The Philippines constantly pursues and upholds bilateral, regional, international and other cooperation and partnerships to enhance the protection and promotion of the rights of women migrant workers.**

- The Philippines has the most number of bilateral labor agreements with 12 countries of destination and one country of origin. Agreements and standard contract with principal destinations for overseas Filipino workers such as Singapore, Japan, Saudi Arabia Jordan, Lebanon, Kuwait, Bahrain, UAE, and Qatar, are still being aggressively pursued.
- The Philippines is at the forefront on discussions on the implementation of the 2007 ASEAN Declaration on the Protection and Promotion of Rights of Migrant Workers and the ASEAN Convention on Trafficking in Persons (ACTIP), Especially Women and Children;
- The Philippines also chaired the Abu Dhabi Dialogue that crafted the Manila Communique on the Framework for Regional Collaboration between Sending and Receiving Member States, which includes protection of vulnerable workers, including the proposal to enhance worker education program through the Comprehensive and Integrated Orientation Program;
- The Philippines continues to pursue partnerships with international organizations such as the International Labor Organisation and the UN Women in expanding the initiatives on the protection and promotion of the rights of women migrant workers;



- o The Philippine Migrant Health Program Strategic Plan 2016-2020 created by the Philippine Migrant Health Network led by the Department of Health aims to increase access of overseas Filipinos to quality health care and services, to institute policy and management support systems, to mobilize resources for overseas Filipinos' health and development, and to strengthen regulatory measures to ensure quality and reasonable cost of health care and services for overseas Filipinos;
- o The Safe and Fair Project Philippines, which focuses on women OFWs, both land and sea-based, at all stages of labour migration (pre-migration, transit, onsite, return), aims to make labour migration safe and fair for all women in the ASEAN region. The Project led by the tripartite-plus (multi-stakeholder) body, National Project Advisory Committee (NPAC) with the Overseas Workers and Welfare Administration as chair and the Philippine Commission on Women as the Vice-Chair, aspires to respond to all forms of violence against women and girls, particularly domestic and family violence, sexual and gender-based violence, human trafficking, and sexual and economic (labour) exploitation.