



**International Convention on the  
Protection of the Rights of  
All Migrant Workers and  
Members of Their Families**

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**Committee on the Protection of the Rights of All  
Migrant Workers and Members of Their Families**  
Tenth session

**Summary record of the 105th meeting**

Held at the Palais Wilson, Geneva, on Thursday, 23 April 2009, at 3 p.m.

*Chairperson:* Mr. El Jamri

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 73 of Convention**

(agenda item 3) *(continued)*

*Initial report of the Philippines (CMW/C/PHL/1), list of issues (CMW/C/PHL/Q/1), written replies by the State party (CMW/C/PHL/Q/1/Add.1)*

1. *At the invitation of the Chairperson, the members of the delegation of the Philippines took places at the Committee table.*
2. **The Chairperson** welcomed the Philippine delegation and applauded the interest shown in migration issues both by the Government and by civil society. The State party, in which there were many migrant workers, had an extremely dynamic migration policy that was an example to other countries.
3. **Ms. Basilio** (Philippines) said that the Philippine Government had always championed the rights of migrant workers and their families in recognition of the significant role and contributions of migrant workers in sending, transit and destination countries. The Philippines continued to play an advocacy role for human rights in the Association of South-East Asian Nations (ASEAN) region. It had been actively engaged in the formulation of the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers and currently chaired the Committee against Trafficking in Persons of the ASEAN Senior Officials Meeting on Transnational Crime. It had continued to advance the cause of migrant workers by hosting the Second Global Forum on Migration and Development, with the theme “Protecting and Empowering Migrants for Development”, in October 2008. It had used the opportunity to call on other countries to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. As one of the results of the Forum, the Philippines had hosted the International Conference on Gender, Migration and Development with the theme “Seizing Opportunities, Upholding Rights”.
4. Relatedly, the Philippines had welcomed the adoption in December 2008, by the Committee on the Elimination of Discrimination against Women (CEDAW), of general recommendation No. 26 on women migrant workers. In partnership with the United Nations Development Fund for Women (UNIFEM), the Philippines had hosted one of the Government-NGO consultative workshops to discuss the draft document. At the fifty-third session of the United Nations Commission on the Status of Women, the Philippines had been able to integrate in the conclusions the issue of protecting the rights of, and ensuring decent work conditions for, women migrant domestic workers. In early April 2009, the Philippine Secretary of Foreign Affairs had taken part in the Ministerial Meeting of the Bali process to strengthen regional cooperation in the fight against human trafficking. Lastly, at the Durban Review Conference against racism, racial discrimination, xenophobia and related intolerance, the Philippines had made a strong statement in support of the international fight against racism and had called for greater protection of the rights of migrants, including through wider ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Philippines delegation had worked constructively to include in the outcome document robust provisions on protection of the rights of all migrants and on enhancing international cooperation to effectively combat human trafficking, with special emphasis on a human rights-based approach and appropriate assistance to victims.
5. The Philippines had one of the most well-developed overseas employment programmes in the world, a programme that had been duly recognized by the international community as a model in migration management among the labour-sending countries of Asia, and especially in migrant workers’ protection. In order to maximize the gains of

overseas employment and minimize its attendant risks, the Government had developed protective mechanisms at all phases of the migration cycle, before, during, and after employment, until the migrants were reintegrated. That system of protection provided for the application of minimum labour standards for the employment of Filipino migrant workers. In addition, a Presidential directive mandated the deployment to selected diplomatic missions of social welfare attachés from the Department of Social Welfare and Development so as to provide comprehensive and appropriate social welfare services for overseas Philippine workers, establish a network among welfare agencies and service providers and strengthen partnership and coordinative work among government agencies such as the Department of Foreign Affairs, the Department of Labour and Employment and the Overseas Workers Welfare Administration (OWWA). The Philippine Overseas Employment Administration (POEA) had adopted stricter regulations for administrative offences and penalties for malpractice by recruitment agencies and employers, including for the charging of excessive placement fees. The blacklisting of employers and workers who committed contract violations and their disqualification from participating in the overseas employment programme, either temporarily or permanently depending on the gravity of the violation, had proven to be effective in getting rid of abusers. For example, in 2008, 98 suspected illegal recruiters had been arrested and 10 recruitment agencies had been closed. POEA had also received 1,060 complaints from workers that had been referred for conciliation, as a result of which more than US\$ 600,000 had been paid through its conciliation unit from 5 December 2008 to 30 March 2009. To strengthen the drive against illegal recruitment, the President had issued Executive Order No. 759, of 23 October 2008, for the creation of an inter-agency Task Force Against Illegal Recruitment (TFAIR) under the Office of the Vice-President.

6. While the Philippine Government was proud of its achievements in promoting and protecting the rights of migrant workers, she wished to underscore the fact that migration was a shared responsibility. Greater partnership between countries of origin, transit and destination, as well as the full integration of the migratory dimension in development policies and dialogue at all levels, were crucial to enhancing the development potential of migration. The cultural and economic contributions made by migrant workers to receiving societies and their communities of origin should not only be recognized, but also maximized. The corollary, as the Philippines firmly believed, was the duty of all States to promote and protect the human rights and fundamental freedoms of all migrants, especially women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and other international human rights instruments. The Philippine Government actively involved its civil society partners, employers and workers in the implementation of the Convention and related projects. Fifteen NGOs were helping to conduct the pre-departure seminars carried out by POEA for departing Filipino workers. In conclusion, she said that the Philippines constantly supported the resolutions on migrant workers submitted to the Human Rights Council and the General Assembly.

7. **Mr. Kariyawasam** (Country Rapporteur), noting that the Philippines was a model for countries of origin of migrant workers as far as protection of expatriate workers was concerned, recalled that the Convention was based on the rights of migrants as persons, not as generators of revenue. The Government, whose efforts were to be commended, was fortunate in having a very dynamic civil society, nurtured by the country's democratic traditions. Many mechanisms had been set up starting in 1970, and legislation on migrant workers and Philippine expatriates had been adopted in 1995: had those institutions, programmes and legislative provisions been reviewed in the light of the Convention, or was such a review planned, so that all the provisions of the Convention that benefited migrant workers might be incorporated into domestic law?

8. To what extent were the Convention's provisions taken into account when bilateral agreements were concluded between the Philippines and other countries? How was the staff

of diplomatic missions familiarized with the Convention, and how were the rights of Filipino migrant workers protected in regions where the Philippines had no official diplomatic representation, such as Sabah in Malaysia, where there were many Filipino workers? More and more women were prospective emigrants, particularly for service to serve as domestic workers, and he wished to know whether there were any arrangements for protecting that category of migrant workers which was particularly vulnerable, especially to trafficking and mistreatment. Under the Convention, migrant workers in an irregular situation must have the same rights as other workers – what was the State party doing to guarantee such equality? As he understood it, POEA was the main body with responsibility for migration matters – was it subject to any kind of oversight? He requested more precise information on the following: the conditions that had to be met by resident aliens in order to exercise their right to vote; the steps taken to inform prospective migrants of the rights set out in the Convention; the access of migrant workers residing in the Philippines to education and health; and the efforts being made by the State party to combat trafficking in persons, particularly through cooperation with neighbouring countries. He would like to know whether there were emergency plans for assistance to Philippine migrant workers in conflict-torn countries or regions. Lastly, he asked for additional information on the bans imposed by the Philippines on the travel of workers to countries such as Afghanistan, Iraq and Lebanon.

9. **Ms. Poussi** (Co-Rapporteur) said that paragraph 3 of the report indicated that several government agencies had taken part in its preparation, but what of the participation of civil society? Nearly all the legislative texts on migration had been adopted prior to the ratification of the Convention: had they been revised following ratification? Did the Philippine Overseas Employment Agency (POEA) monitor private employment agencies to ensure protection of the rights of prospective migrant workers? She asked for information on the causes and consequences of the sale of Filipino women by correspondence and any possible connections thereof to trafficking in women.

10. She wished to know what was meant by the phrase “summary deportation” in paragraph 181 of the report, since it might be construed to mean that the basic rights of the persons deported were not taken into account. She also wondered about the meaning to be given to the first sentence in paragraph 208, whose wording seemed to imply that arrests could be made without cause. She would like to know how diplomatic missions were informed when migrant workers were arrested. Lastly, she requested detailed information on the system for absentee voting by Philippine workers abroad, and particularly on its efficacy.

11. **Mr. El-Borai** said that some provisions of the Philippine legislation on migration that had been adopted prior to ratification of the Convention flagrantly contradicted the latter’s provisions. What position did the Convention occupy within the domestic legal order? Some legislation and cases cited by the State party, for example in paragraphs 94 and 147 of its report, did not really seem to apply to migrants. Referring to paragraphs 227 and 228 on compensation for unjust imprisonment, he asked whether the problem had actually arisen yet. Paragraph 250 indicated that the State must “ensure equal work opportunities regardless of sex, race or creed” but failed to mention nationality: must one accordingly conclude that equality between citizens and aliens in respect of employment was not guaranteed? He asked, moreover, whether the Philippines had ratified the ILO Conventions concerning Freedom of Association and Protection of the Right to Organize (No. 87) and concerning the Application of the Principles of the Right to Organize and to Bargain Collectively (No. 98).

12. As he read paragraph 254 of the State party’s report, affiliation with the social security system was not mandatory for Philippine citizens, and that surprised him. He wished to know exactly what grounds the Bureau of Commissioners used to ask the

Commissioner of Immigration to expel an alien (para. 243, subparas. (11) and (12)) and what legal texts governed the transfer by Philippine migrant workers to their State of origin of their earnings, savings and personal belongings (para. 296). He would like more information on the grounds for cancellation or revocation of an alien employment permit (para. 233). Concerning Philippine workers who emigrated to the Persian Gulf countries, he wondered what information was given to them before departure: did they know that they were to be among the most poorly paid of migrants and that they needed a “guarantor”?

13. **Mr. Sevim** asked whether migrant workers and members of their families in the Philippines had the right to receive emergency medical care, as stipulated by article 28 of the Convention. He wished to know how many consular offices the Philippines had in the countries of residence of Filipino migrant workers, what services they offered and whether any new services were envisaged.

14. **Mr. Taghizade** asked for more information on how the system for absentee voting by Filipinos residing abroad operated (paragraph 328 of the report) and on the number of those who had used it to vote in the latest elections. With respect to protection of the unity of the families of migrant workers, he asked what happened to members of a migrant worker’s family when their authorization to stay in the receiving country had already been extended once after the initial two-year period (para. 233).

15. **Ms. Cubias Medina**, having welcomed the extensive efforts made by the State party for Philippine migrants, asked what steps were taken with regard to irregular migrants in transit, whether any data on that subject was available, whether they were held in any particular detention facility, what remedies were available to them against expulsion or deportation orders and whether such orders were compatible with the provisions of the Convention.

*The meeting was suspended at 4.40 p.m. and resumed at 5 p.m.*

16. **Mr. Catura** (Philippines) explained that in order to guarantee the implementation of the Convention and all the other international instruments to which the Philippines was a party, the Government had adopted a rights-based approach. It had decided to carry out a National Human Rights Action Plan and to strengthen its capacities in that regard. In response to the question on the mobilization of civil society in general and of NGOs in particular in applying the Convention, he explained that the Government saw all such organizations as full-fledged partners, as in fact was stipulated by Republic Act No. 8042 on Migrant Workers and Overseas Filipinos and other legal texts. The Presidential Committee on Human Rights took care to work with civil society organizations, including in the Human Rights Forum that had recently been set up with a view to discussing the issue of migrant workers. All those efforts were not mere consultations but a way of devising the actual activities to be carried out. While the report had essentially been prepared at the governmental level, civil society organizations had nevertheless been kept informed about it and those that had worked for many years in the field of migration had been consulted. Collaboration with civil society did not take place solely during the preparation of reports: the Department of Labour and Employment (DOLE) worked on a regular basis with civil society, for example, and partnerships had been set up with certain bodies for specific activities, such as with UNIFEM for studying the role of women migrant workers.

17. A quick look at the press, including on the Internet, sufficed to show his country’s commitment to freedom of expression: the Philippine media were among the freest in the world. Nevertheless, the exercise of press freedom would always run up against certain obstacles, hence the concerns expressed by NGOs in their reports, which were useful to everyone. The Philippine Human Rights Commission, an independent constitutional body, had a mandate to monitor the effective application of all the international human rights

instruments to which the Philippines was a party, and thus to oversee the protection of freedom of expression for all, including migrant workers. In the past, the bodies concerned had disseminated information on the Convention's implementation primarily through the printed media (leaflets, brochures, etc.). Recently, the Presidential Committee for Human Rights had been given the task of organizing an information campaign through the mass media on the Convention and all the other instruments to which the country was a party: it was set to begin at the regional level within the next few weeks.

18. **Ms. Gloria** (Philippines) explained that the expression "migrant workers" referred as much to aliens in Philippine territory as to Philippine emigrants abroad. The Philippines had the entire legislative and judicial arsenal required for the protection of the rights of migrant workers. Through the Migrant Advisory and Information Network, set up in 1995, the various governmental agencies had each created their own system for processing information in their fields of competence; now they were working to link those systems to enable them to exchange information on activities to benefit migrant workers and thereby to improve the protection of their rights. For instance, the Department of Labour and Employment had developed a system whereby job seekers had rapid access to vacancy notices and could apply for jobs online. The information was also accessible via cell phone, so that people living in remote provinces had access to the same information and had help in looking for a job.

19. The Philippine Government's policy, it must be emphasized, had never been to consider its nationals as export products. The decision to migrate was entirely a personal decision, and the authorities did not interfere in any way: their role was solely to assist prospective migrants with the formalities, not to encourage them to emigrate. To that end, they organized Pre-Employment Orientation Seminars (PEOS) in fields in which illegal recruitment and trafficking were especially problematic, for the simple purpose of helping prospective migrants make a well-informed decision. A wide variety of information was given to them on the advantages as well as the drawbacks of migration, from changes in lifestyle, to homesickness, to the threat of juvenile delinquency. During the seminars, they were reminded that there were also job opportunities in their home country and that they could have access to training free of charge through the Technical Education and Skills Development Authority (TESDA). Each participant in an orientation seminar was thus well prepared to take the decision to leave or to stay in the country. If he or she decided to leave, the Government helped in carrying through on that decision, in order to avoid clandestine migration networks or abusive terms of recruitment. If the prospective migrant chose to remain, the Government provided assistance that could take the form of training or financial aid. In short, Filipino workers were given real assistance by the Government.

20. **Ms. Gondranioz-Duquez** (Philippines) said that the Philippine Overseas Employment Agency (POEA) organized orientation seminars for prospective migrants. The seminars, which were mandatory, had been designed with reference to three major regions of destination, namely America and Europe; the Middle East and Africa; and Asia and the Pacific. Participants in each seminar were told what the seminar was about, why attendance was mandatory and what steps needed to be taken once it was over. During the seminar, an overview of each country of destination was provided and cultural specificities and common problems encountered by Philippine expatriates were noted. The emphasis was on the obligations placed on expatriates under the code of discipline for expatriate workers and on the rights and obligations arising from labour contracts. Each prospective migrant received a brochure on the chosen country of destination which contained the contact numbers of Filipino diplomatic missions in that country. He or she was advised to inform the Philippine Embassy upon arrival in the country of destination. From September 2007 to December 2008, over 42,000 persons had undergone orientation seminars.

21. **Mr. Chuan** (Philippines) said that the Overseas Workers Welfare Administration (OWWA), which he represented, had set up a new programme under which orientation seminars were organized with reference to three countries, namely Qatar, Canada and Australia. A report had been drawn up for the organizers of such seminars, and OWWA had strengthened the follow-up and evaluation of such activities. Resources had been allocated for the publication of information bulletins for the 700,000 Filipino workers abroad. In addition, OWWA had recently issued an order under which prospective migrant domestic workers had to undergo thorough training before departure. Developed with a view to meeting the growing needs of that category of workers abroad, the training including language courses and instruction about the cultural realities of the country of destination.

22. **Ms. Bala** (Philippines) said that in 2003, the Philippines Government had adopted its Anti-Trafficking in Persons Act. The instrument, primarily directed towards women and children, incorporated mechanisms for protecting and assisting victims of trafficking. An Inter-Agency Council Against Trafficking (IACAT), comprising representatives of the governmental bodies concerned and of NGOs devoted to defending the interests of women, children and expatriate Filipino workers, had been set up to monitor and ensure follow-up of the strict implementation of the legislation. For the follow-up and implementation of the legislation, the Committee had adopted a strategic plan 2004–2010 that it was carrying out in partnership with NGOs and civil society. The plan covered six strategic areas, namely public awareness and mobilization, strengthening of capacities, data gathering and management, the development of alliances and networks, research and documentation and institutional mechanisms. Three major lines of action had been identified: (a) prevention; (b) protection; and (c) rehabilitation and reintegration.

23. In the category of prevention, committees made up of representatives from national and local governmental bodies and NGOs had been established. Public awareness campaigns had been carried out in designated regions, such as the recent “We are not for sale” campaign, which had been launched following a disturbing increase in collusion between immigration officials and traffickers. In the category of protection, 16 crisis units had been established and were operating 24 hours a day. In addition, there were temporary shelters and emergency interventions that were carried out primarily by the law enforcement agencies. In the category of rehabilitation and reintegration — a major line of action — social workers engaged in outreach to families and communities. Through such efforts, various types of assistance were offered, including acquisition of living resources, provision of financial support, assistance in training and access to legal aid and medical care. Institutional support was of course provided for those engaged in social outreach and capacities were regularly enhanced. In addition, with a view to maintaining the quality of the services provided, service standards and indicators on successful reintegration had been developed. Lastly, a database on rehabilitation and reintegration had been created.

24. **Ms. Poussi** asked whether the high rate of women’s migration had an unfavourable effect on family stability, since mothers generally played the role of educators. She also asked whether family reunification was easily carried out in the case of migrant women who had formed a couple and whether the Philippine Government took any particular steps in respect of children who remained in the country.

25. **Mr. Kariyawasam** asked whether the orientation seminars for prospective migrants were mandatory and what steps were taken to protect migrants abroad in an irregular situation.

26. **Mr. Taghizade** asked the Philippine delegation to provide specific examples of positive experiences in the protection of migrant workers abroad, particularly with regard to the regularization of undocumented workers.

27. The **Chairperson**, speaking as a member of the Committee, asked whether there was a migration observatory or some other mechanism for the institutionalized monitoring of migration. In the context of prevention, and given the high rate of migration, he asked whether the State was encountering obstacles to its efforts to prevent prospective migrants from falling into the hands of traffickers. Lastly, with regard to assistance in migration, he wished to know whether studies were being carried out on the correlation between domestic needs and migration – in other words, whether facilitating migration sometimes militated against meeting the needs of the domestic labour market.

*The meeting rose at 6 p.m.*