

20<sup>th</sup> Anniversary of the International Convention on the Protection of the Rights  
of All Migrant Workers and Members of Their Families

Rm. VII, 29 November 2010, 3:00 pm

Presentation by H.E. Evan P. Garcia  
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“Perspectives: Gender, Migration and the Convention, 50% of all Migrant  
Workers are Women!” (10 mins.)

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Mr. Chairperson,  
Excellencies,  
Ladies and Gentlemen,

It is an honor for me to speak at this 20<sup>th</sup> anniversary of the International Convention on the Rights of All Migrant Workers and Members of Their Families. I wish to thank the organizers of this important event.

The Philippines attaches great importance to the implementation and promotion of the Convention as a core international human rights treaty. We appreciate the work of the Committee on Migrant Workers and the Office of the High Commissioner for Human Rights to raise awareness about the Convention and uphold the fundamental human rights of all migrants, regardless of their status, and wherever they may be. We particularly commend the OHCHR for making migration and human rights a strategic priority of the Office’s work, and congratulate them for their able Chairmanship of the Global Migration Group.

I have been asked to speak today on Gender, Migration and the Convention and that 50% of all Migrant Workers are Women. This is a very pertinent topic because in the case of the Philippines, over 50% of our Overseas Filipino

Workers or OFWs are indeed women. According to the Philippine Overseas Employment Agency, out of a total of 331,752 land-based Overseas Filipino Workers deployed in 2009, 156,454 were male, and 175,298 were female. Making a difference of 18,844 more female than male emigrants. The majority of our female compatriots who decide to migrate abroad are employed as household service workers, nurses, and caregivers.

The feminization of Philippine migration patterns has been observed since the 1980s. Since then, the share of female migrants has been increasing. This trend is also taking place at the global level, with roughly ½ of international migrants being women. In some cases, the percentage of women migrants from a specific country in relation to total migrants can rise to up to 70 or 80%. The fact of the matter that cannot be denied is that women are migrating more as main economic providers of their households than ever before. The human face of migration is increasingly a woman's face.

This phenomenon has many far-reaching consequences on not only the enjoyment of universal human rights, but also on the socio-economic conditions, as well as psychological, cultural and political situations, of all those involved in the migration process – the migrants themselves, their families, and societies and communities in countries of origin, transit, and destination.

This brings me to the three main ideas of my presentation today, which are inter-linked:

1. Migration is increasingly a gendered experience;
2. Because of this, the importance of securing universal human rights standards and protection, as contained in the Universal Declaration on Human Rights and the Migrant Workers Convention, is of paramount importance; and
3. We need to use gender perspectives in applying a human rights-based approach to migration and development.

Depending on a person's gender, and the impact of society on gender roles and relations, that person is likely to have a different experience of migration. Different patterns and push and pull factors shall affect a person's decision to migrate where, when, how and why. The feminization of migration has had both positive and negative effects on the well-being of Filipina migrant workers.

On the one hand, migration has empowered the Filipino woman. Traditionally, while the woman has often handled the finances of the household in the Philippines, in an era of large-scale migration, she has become in many families the main breadwinner. Women migrants are said to remit more on a regular basis to families back home, and also to save more of their wages. Women have thus become true agents of economic growth and social progress, and contribute significantly to poverty reduction and fulfillment of the Millennium Development Goals.

But on the other hand, there is often a very high price to pay for female migrants. And this can be described as their increased vulnerability to commoditization for commercial and exploitative purposes, including for sexual exploitation and human trafficking, and increased gender-based human rights abuses. These vulnerabilities often translate into chronic low wages, lack of social security and recognition by the law, and severe human and psychological costs for migrants and their families.

Due to these real dangers being faced by millions of female migrants on a daily basis, I can only reiterate the urgent need for wider ratification of the Migrant Workers Convention by destination countries. More than ever, the provisions of the Convention, as well as ILO Conventions 97 and 143, need to be upheld.

I would like to highlight the relevance of some of the Convention's articles in addressing the situation of female migrants:

- Article 7 on non-discrimination with respect to rights of migrant workers
- Article 8 on the right to leave any state

- Art.9 on the right to life
- Art. 10 on the right to be free from torture and any other cruel or degrading treatment
- Art. 11 on the right to be free from slavery and forced labour
- Art. 12 on right to freedom of thought, conscience and religion
- Art. 16 on right to liberty and security of person

Needless to say, adherence to these principles would greatly improve the situation of female migrant workers. But the practical question arises, how do we move from principles to actual protection?

The solution to my mind lies in the wider application of gender-sensitive approaches and perspectives while promoting and applying universal human rights norms and standards in all stages of the migration process. This requires taking a closer look at the aspects of vulnerability of women migrants – such as the “invisibility” of migrant domestic workers, asymmetry of information, lack of social protection, poor labour standards, violence against women migrant workers, proper identification of victims of human trafficking, and fighting discrimination and stereotypes based on gender. Men and women also have different needs in relation to health and social services.

I therefore am glad that the Committee is working on a General Comment on migrant domestic workers, since they are among the most vulnerable of migrant groups. The Philippines likewise supports and plays an active role in the formulation of the draft ILO Convention on Domestic Workers.

In the recently-held Global Forum on Migration and Development in Puerto Vallarta, the Philippines was a member of roundtable 2.2 on Migration, gender and family. One of the key recommendations of the roundtable was to analyze and address the challenges of migration through perspectives based on family and gender. This is a very useful insight which I believe can also contribute to

more effectively promoting and protecting the rights of all migrant workers and members of their families.

The Philippines has been working along these lines. Allow me to share with you some best practices from our end, which reflect the commitment of the Philippine Government to fulfill its obligations under the Convention and afford the greatest protection possible for its citizens migrating abroad:

- The Philippines has established family counseling and welfare services for overseas Filipino workers and their families abroad and at home, and organizes OFW Family Circles as part of the psycho-social program for reintegration.
- The Tulay or Bridge Project, in partnership with Microsoft, provides IT training and access to technology for overseas workers and their families back home to maintain regular contact. 19 national centers and 6 centers abroad are functioning.
- The Philippines has deployed social workers in some foreign service Posts to address needs of migrants and their families.
- Through its mandatory pre-departure orientation seminar, the Philippine Overseas Workers Welfare Administration provides information to women migrants on remittance transfers and saving mobilization, self-defense, stress management, risks of trafficking and HIV/AIDS awareness. Since 2007, household workers receive language training and cultural orientation free of charge.
- There is also a Gender Focal Point Officer in all Philippine Embassies and Consulates for advisory services, counseling and legal services, while systematic data collection of victims and survivors of human trafficking is a work in progress.
- The Philippine Government promotes for its domestic workers a guaranteed basic wage, regular working hours, free transport to and from the worksite, fair grounds for termination of employment, health cover,

protection of documents and rest periods, through a standard labour contract.

- Through periodic Overseas Absentee Voting, the Government actively encourages migrant workers' right to participate in national elections.

All these Government measures conform and give life to the principles enshrined in the Migrant Workers Convention, particularly Article 37 on right to information, Art. 41 on the right to participate in public affairs, and Art. 44 on protection of the unity of families of migrants.

States, however, cannot work on their own. More needs to be done on the bilateral, regional and international levels to promote gender perspectives in migration and development. For its part, rest assured that the Philippines shall incorporate such approaches and perspectives in its initiatives in the Human Rights Council, especially to combat human trafficking and promote human rights education and training.

In conclusion, I just want to express the hope that we use this 20<sup>th</sup> anniversary of Migrant Workers' Convention as a springboard for more concerted and coordinated action. States Parties and civil society should work closer together to increase ratification of the Convention. Norms matter, and more and more migrants need greater protection.

Thank you, and good afternoon.