



**Special Rapporteur on the Human Rights of Migrants  
After one and half year: The impact of COVID-19 on the human rights of migrants**

**Commission on Human Rights of the Philippines (CHRP) Submission of Inputs**

**25 June 2021**

1. The Commission on Human Rights of the Philippines (the “Commission”)<sup>1</sup> hereby submits the following information concerning the impact of COVID-19 on the human rights of migrants more than a year since the onset of the pandemic.
2. For this submission, the Commission took into consideration local and international reports from government, civil society, the media, and international non-government organizations. The Commission also utilized its own documentation of independent monitoring activities and statements which have undergone the internal deliberations of the Commission *En Banc*.

***On the health care responses taken by the Philippine government to counter the pandemic, providing migrants and their families’ access to adequate health care***

3. The Philippine government implements measures to respond to the pandemic primarily through the Inter-Agency Task Force on Emerging Infectious Diseases (IATF-EID), which serves as the lead advisory body to the President on the management and implementation of necessary actions related to COVID-19. The Department of Health (DOH), which chairs the IATF-EID, implements a National Contingency Plan for COVID-19 that details the roles and responsibilities of relevant agencies in both the public and private sectors.
4. On 9 March 2020, President Rodrigo Duterte formally declared a nationwide public health emergency by issuing Proclamation No. 22.<sup>2</sup> Subsequently, enhanced community quarantine (ECQ)<sup>3</sup> and stringent social distancing measures were imposed all throughout the country, including the prohibition of mass gatherings, restrictions on land, air, and sea travel, and imposition of curfews. On 24 March 2020, the President signed into law Republic Act No. 11469, otherwise known as the “Bayanihan to Heal as One” Act,<sup>4</sup> which provided him with emergency powers.
5. In April 2020, the Philippine government imposed mandatory COVID-19 testing and 14-day facility-based quarantine for all returning migrant workers.<sup>5</sup>
6. On 11 September 2020, the President signed into law RA 11494, known as the “Bayanihan to Recover as One” Act,<sup>6</sup> which aimed, among others, to expedite and streamline the accreditation of testing kits, facilitate prompt testing and compulsory and immediate isolation and treatment of COVID-19 patients, adopt a protocol on the conduct of viral testing and other COVID-19 testing kits recommended by the Health Technology Assessment Council (HTAC), ensure the availability of essential goods, such as health care equipment and supplies, and direct the operation of any privately-owned hospitals and medical and health facilities, passenger vessels, and other establishments to house health workers or serve as quarantine areas, medical relief and aid distribution centers, or other temporary medical facilities. RA 11494 also includes migrant-inclusive emergency response measures, such

<sup>1</sup> As the National Human Rights Institution (NHRI) of the Philippines, the Commission on Human Rights is mandated by the 1987 Philippine Constitution and the Paris Principles to promote and protect human rights including civil and political rights, and economic, social, and cultural rights. The Commission has the following responsibilities: regularly report and monitor human rights situations and violations and recommend steps for the promotion and protection of human rights. It has been accredited an “A” Status by the Sub-Committee for Accreditation of the Global Alliance of National Human Rights Institutions (“GANHRI”).

<sup>2</sup> See the full text of Proclamation No. 22, “Declaring a state of public health emergency throughout the Philippines” here: <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200308-PROC-922-RRD.pdf>

<sup>3</sup> The four (4) main levels of community quarantine measures are the enhanced community quarantine (ECQ), the modified enhanced community quarantine (MECQ), the general community quarantine (GCQ), and the modified general community quarantine (MGCQ). The strictest of these measures is the ECQ; See: JC Gotinga, “ECQ, MECQ, GCQ, MGCQ: Who can go where?”, Rappler, 19 May 2020, available at <https://www.rappler.com/newsbreak/iq/explainer-movement-areas-under-community-quarantine-coronavirus> (Last accessed: 21 June 2021).

<sup>4</sup> See the full text of RA 11469 here: <https://www.officialgazette.gov.ph/downloads/2020/03mar/20200324-RA-11469-RRD.pdf>

<sup>5</sup> Gaea Katreena Cabico, “Returning OFWs now required to take COVID-19 rapid tests,” The Philippine Star, 21 April 2020, available at <https://www.philstar.com/headlines/2020/04/21/2008758/returning-ofws-now-required-take-covid-19-rapid-tests> (Last accessed: 19 June 2021).

<sup>6</sup> See the full text of RA 11494 here: <https://www.officialgazette.gov.ph/downloads/2020/09sep/20200911-RA-11494-RRD.pdf>

as emergency subsidies to migrants and their families affected by the pandemic<sup>7</sup> and provides penalties for acts of discrimination against returning overseas Filipino workers (OFWs), among others.

7. In March 2021, during a hearing of the House Overseas Workers Welfare panel, Health Secretary Francisco Duque III committed to pushing for OFWs to be given COVID-19 vaccines ahead of teachers, social workers, and government employees.<sup>8</sup> Under the previous vaccine prioritization framework, OFWs were placed under a lower category - Category B5. In May 2021, the Philippine government, through IATF-EID resolution no. 117, placed outbound OFWs in the A1 or top priority group in its COVID-19 vaccination drive.<sup>9</sup>
8. The Department of Labor and Employment (DOLE) also formed a committee that will focus on speeding up the completion of a 100-bed medical facility which will cater to OFWs and their dependents.<sup>10</sup>
9. Other existing government programs aimed at extending health care assistance to migrants and their families include the following:
  - a. Pursuant to DOH Administrative Order 2016-0007,<sup>11</sup> the DOH has a Migrant Health Unit, which serves as the focal point in the DOH for all migrant health-related issues, leads in the coordination and collaboration with other relevant government and non-government agencies in addressing migrant health issues, convenes and serves as the Secretariat for the DOH Intra-Agency Task Force on Migrant Health, and facilitates the delivery of specific services to OFWs with critical health needs, such as medical repatriation assistance (provision of ambulance, hospital referral, etc.), and health assistance for migrants and OFWs.<sup>12</sup>
  - b. Under Section 38 of the Overseas Workers Welfare Administration (OWWA) Act of 2016 (RA 10801),<sup>13</sup> the OWWA has a trust fund that can be used "to serve the welfare of member-OFWs and their families which shall include the financing of core programs and services of the OWWA."<sup>14</sup> Sec. 35 enumerates the benefits and services available to OFWs: (1) reintegration of OFWs, (2) repatriation assistance, (3) loan and other credit assistance, (4) workers assistance and on-site services, (5) social benefits which include death and disability benefits, health care benefits, and education and training benefits.<sup>15</sup>
10. Meanwhile, the ceiling on the annual overseas deployment of health care workers (HCWs) has been raised from 5,000 to 6,500 after members of the IATF-EID agreed to increase the annual deployment cap of new hire HCWs.<sup>16</sup> The deployment cap is merely temporary to ensure that the country has a sufficient number of HCWs amid the pandemic.<sup>17</sup>

### ***Solidarity measures and initiatives planned by the Philippine government, civil society, and other relevant stakeholders to support migrants in the context of the pandemic***

11. Since the start of its repatriation efforts in February 2020, the Philippine government, through the Department of Foreign Affairs (DFA) has repatriated more than 560,000 OFWs.<sup>18</sup>
12. In the first few months of enhanced community quarantine in the country, particularly in Metro Manila, poor sanitation and lack of social distancing measures in quarantine facilities and temporary shelters for repatriated OFWs were initially reported.<sup>19</sup> These reports were later on confirmed by OWWA.<sup>20</sup> Some OFWs were also prevented from posting their complaints on social media, based on a copy of the 14-Day Quarantine House Rules bearing the logo and letterhead of the DOH and the Bureau of Quarantine.<sup>21</sup> The house rules stated, "Media

<sup>7</sup> University of the Philippines - *Centre International de Formation des Autorites et Leaders* (UP-CIFAL) Philippines Submission of Inputs to the Special Rapporteur on the Human Rights of Migrants, 2021.

<sup>8</sup> Julie M. Aurelio, "Duque to elevate OFWs in COVID vaccine priority list," *Inquirer*, 27 March 2021, available at <https://newsinfo.inquirer.net/1411866/duque-to-elevate-ofws-in-covid-vaccine-priority-list#ixzz6qbeuarm6> (Last accessed: 19 June 2021).

<sup>9</sup> See the full text of IATF-EID resolution no. 117 here: <https://www.officialgazette.gov.ph/downloads/2021/05may/20210527-IATF-RESO-117-RRD.pdf>; Pia Ranada, "Outbound OFWs, health workers' families moved up vaccine priority list," *Rappler*, 28 May 2021, available at <https://www.rappler.com/nation/ofws-health-workers-families-moved-up-vaccine-priority-list> (Last accessed: 20 June 2021).

<sup>10</sup> Gillian M. Cortez, "DOLE forms committee to speed up OFW hospital construction," *Business Mirror*, 9 May 2021, available at <https://www.bworldonline.com/dole-forms-committee-to-speed-up-ofw-hospital-construction/> (Last accessed: 19 June 2021).

<sup>11</sup> See the full text here: [https://cfo.gov.ph/wp-content/uploads/Legal\\_Mandate/1.-A.O.-No.-0007\\_National-Policy-on-the-Health-of-Migrants-and-Overseas-Filipinos.pdf](https://cfo.gov.ph/wp-content/uploads/Legal_Mandate/1.-A.O.-No.-0007_National-Policy-on-the-Health-of-Migrants-and-Overseas-Filipinos.pdf)

<sup>12</sup> *Id.*

<sup>13</sup> See the full text of RA 10801 here: [https://lawphil.net/statutes/repacts/ra2016/ra\\_10801\\_2016.html](https://lawphil.net/statutes/repacts/ra2016/ra_10801_2016.html)

<sup>14</sup> An Act Governing the Operations and Administration of the Overseas Workers Welfare Administration, R.A. No. 10801, 27 July 2015 <https://www.officialgazette.gov.ph/2016/05/10/republic-act-no-10801/> (Last accessed: 01 February 2021)

<sup>15</sup> *Id.*

<sup>16</sup> Ruth Abbey Gita-Carlos, "Health workers' deployment cap raised to 6,500," *Philippine News Agency*, 18 June 2021, available at <https://www.pna.gov.ph/articles/1144116> (Last accessed: 22 June 2021).

<sup>17</sup> *Id.*

<sup>18</sup> ABS-CBN News, "Over 300 more OFWs repatriated from UAE," 19 June 2021, available at <https://news.abs-cbn.com/news/06/19/21/over-300-more-ofws-repatriated-from-uae> (Last accessed: 19 June 2021).

<sup>19</sup> GMA News Online, "Kuwait OFWs lament lack of social distancing at OWWA shelter," 05 April 2020, available at <https://www.gmanetwork.com/news/pinoyabroad/news/732766/kuwait-ofws-lament-lack-of-social-distancing-at-owwa-shelter/story/> (Last accessed: 01 February 2021);

GMA News Online, "OWWA confirms poor sanitation in quarantine facility for repatriated OFWs," 19 April 2020 available at <https://www.gmanetwork.com/news/pinoyabroad/news/734659/owwa-confirms-poor-sanitation-in-quarantine-facility-for-repatriated-ofws/story/> (Last accessed: 01 February 2021)

<sup>20</sup> GMA News Online, "OWWA confirms poor sanitation in quarantine facility for repatriated OFWs," 19 April 2020 available at <https://www.gmanetwork.com/news/pinoyabroad/news/734659/owwa-confirms-poor-sanitation-in-quarantine-facility-for-repatriated-ofws/story/> (Last accessed: 01 February 2021)

<sup>21</sup> ABS-CBN News, "OFW complains of filthy, unhygienic conditions at quarantine hotel," 14 April 2020 available at <https://news.abs-cbn.com/news/04/14/20/ofw-complains-of-filthy-unhygienic-conditions-at-quarantine-hotel> (Last accessed: 01 February 2021)

interview and posting in social media is not allowed. Electronic gadgets and cellphones of those who violate this will be confiscated and will be returned after the quarantine period.”<sup>22</sup>

13. While the government continues to exert its efforts to further improve the conditions in quarantine facilities, challenges remain as high numbers of arrivals of repatriated OFWs continue, with reports of limited capacities in hotels and establishments operated as quarantine areas.<sup>23</sup>
14. Coordination between the national government and local government units (LGUs) have been rife with problems as well. OWWA, for instance, failed to coordinate with some LGUs when they transported OFWs from Manila to the latter’s respective provinces.<sup>24</sup> OWWA was also heavily criticized after some of the OFWs it helped repatriate reportedly tested positive for COVID-19. The agency was also chided for informing local authorities about the arrival of OFWs in the last minute, giving them scant opportunity to prepare,<sup>25</sup> and for failing to adhere to IATF protocols.<sup>26</sup>
15. Other government issuances relative to emergency repatriation and accommodation are:
  - a. DOLE Department Order (D.O.) No. 211 Series of 2020<sup>27</sup> - Prescribing guidelines governing the provisions of hotel accommodation for distressed landbased and seabased Filipino workers during the period of enhanced community quarantine or the OWWA Project Care
  - b. Department of Tourism, AO No. 2020-001-B - Amended Implementing Rules and Regulations governing the operation of Hotels and Other Accommodation Establishments during the period of ECQ<sup>28</sup>
  - c. Inter Agency Task Force for the Management of Emerging Infectious Diseases (IATF-EID) Resolution No. 14<sup>29</sup>
16. On financial assistance, the Philippine government, through the DOLE, issued the following guidelines:
  - a. DOLE Department Order (D.O.) No. 210, Series of 2020<sup>30</sup> - Guidelines for the implementation of the *Tulong Panghanapbuhay sa Ating Displaced / Disadvantaged Workers Program (TUPAD) #Barangay ko, Bahay ko* (TUPAD #BKBK) disinfecting / sanitation project
  - b. DOLE Department Order (D.O.) No. 212 Series of 2020<sup>31</sup> - Prescribing guidelines on the provision of financial assistance for displaced landbased and seabased Filipino workers due to the Coronavirus (COVID-2019) “DOLE-AKAP for OFWs”
17. Through the DOLE - *Abot Kamay ang Pagtulong* (DOLE-AKAP) initiative, the Philippine government extended financial assistance in the amount of US\$200 or P10,000 each to displaced regular and documented OFWs, some undocumented OFWs, and OFWs who could not return to their receiving countries because of the lockdown.<sup>32</sup> As of March 2021, about 450,000 displaced OFWs have been given P10,000 cash aid each under the DOLE-AKAP program.<sup>33</sup> However, at US\$200 per worker, this aid has proven to be insufficient in the long term considering that the lockdown has spanned for months.
18. The Department of Trade and Industry (DTI) has urged displaced OFWs to avail of their entrepreneurship and/or loan programs and start their own businesses, through DTI-attached agency Small Business Corporation (SB Corp).<sup>34</sup>

<sup>22</sup> ABS-CBN News, “OFW complains of filthy, unhygienic conditions at quarantine hotel,” 14 April 2020 available at <https://news.abs-cbn.com/news/04/14/20/ofw-complains-of-filthy-unhygienic-conditions-at-quarantine-hotel> (Last accessed: 01 February 2021)

<sup>23</sup> Sophie Henderson, “Returning ‘heroes’: Filipino migrant workers met with a devastated economy,” 05 January 2021 <https://www.opendemocracy.net/en/pandemic-border/returning-heroes-filipino-migrant-workers-met-with-a-devastated-economy/>; Ariel Fernandez, “NAIA’s Task Force facing challenges in accommodating returning Pinoys,” Manila Bulletin, 13 January 2021 available at <https://mb.com.ph/2021/01/13/naia-task-force-facing-challenges-in-accommodating-returning-pinoys/> (last accessed: 01 February 2021)

<sup>24</sup> Ime Sornito, “No coordination, no docking of OFW ships; OWWA hit for neglecting OFWs,” Panay News, 04 May 2020 available at <https://www.panaynews.net/no-coordination-no-docking-of-ofw-ships-owwa-hit-for-neglecting-ofws/> (Last accessed: 01 February 2021);

<sup>25</sup> Manila Bulletin, “OWWA under fire after 5 repatriated OFWs in W. Visayas test positive for COVID-19,” 03 May 2020 available at <https://mb.com.ph/2020/05/03/owwa-under-fire-after-5-repatriated-ofws-in-w-visayas-test-positive-for-covid-19/> (Last accessed: 01 February 2021)

<sup>26</sup> Perla Lena, “OFWs from Cebu asymptomatic; undergo quarantine: OWWA,” Philippine News Agency, 14 April 2020 available at <https://www.pna.gov.ph/articles/1099762> (Last accessed: 01 February 2021); Ferdinand Patinio, “OWWA to probe execs in Batangas quarantine area visit,” Philippine News Agency, 28 April 2020, available at <https://www.pna.gov.ph/articles/1101277> (Last accessed: 21 June 2021).

<sup>27</sup> See: [https://www.dole.gov.ph/php\\_assets/uploads/2020/03/departament-order-no.-211-Prescribing-Gidelines-Governing.pdf](https://www.dole.gov.ph/php_assets/uploads/2020/03/departament-order-no.-211-Prescribing-Gidelines-Governing.pdf)

<sup>28</sup> Amended Implementing Rules and Regulations Governing the Operation of Hotels and other Accommodation Establishments during the period of enhanced community quarantine, Admin. Order No. 2020-001-B, 25 March 2020 <http://www.tourism.gov.ph/files/publications/AO2020-001-B.pdf> (Last accessed: 01 February 2021)

<sup>29</sup> See also: POEA Memorandum Circulars - 2020, <http://www.poea.gov.ph/memorandumcirculars/2020/mc2020.html> (Last accessed: 01 February 2021)

<sup>30</sup> Department of Labor and Employment, Department Order No. 210, “Guidelines for the implementation of the *Tulong Panghanapbuhay sa Ating Displaced / Disadvantaged Workers Program (TUPAD) #Barangay ko, Bahay ko* (TUPAD #BKBK) disinfecting / sanitation project, <https://www.dole.gov.ph/news/departament-order-no-210-guidelines-for-the-implementation-of-the-tulong-panghanapbuhay-sa-ating-displaced-disadvantaged-workers-program-tupad-barangay-ko-bahay-ko-tupad-bkbk-disinfecting/>

<sup>31</sup> Department of Labor and Employment, Department Order No. 212, Series of 2020, “Prescribing guidelines on the provision of financial assistance for displaced landbased and seabased Filipino workers due to the Coronavirus disease (COVID-2019) “DOLE-AKAP for OFWs,” <https://www.dole.gov.ph/wp-content/uploads/2020/04/Department-Order-No.212-Series-of-2020.pdf>

<sup>32</sup> *Id.*

<sup>33</sup> Daphne Galvez, “OWWA: 492,000 OFWs repatriated since start of pandemic,” Inquirer, 26 March 2021, available at <https://newsinfo.inquirer.net/1411625/owwa-492000-ofws-repatriated-since-start-of-pandemic> (Last accessed: 19 June 2021).

<sup>34</sup> Bruce Rodriguez, “DTI appeals to displaced OFWs to take up business,” ABS-CBN News, 31 March 2021, available at <https://news.abs-cbn.com/business/03/31/21/dti-appeals-to-displaced-ofws-to-take-up-business> (Last accessed: 19 June 2021).

19. Technical Education and Skills Development Authority (TESDA), the state technical school, has been offering its programs to displaced migrant workers so they could acquire new skills or improve their existing capabilities. Under the TESDA Online Program (TOP), there are 80 courses divided into 14 sectors, including agriculture, entrepreneurship, health care, information and communication technology, and tourism.<sup>35</sup> TESDA previously stated that its online program accommodated 1,238,522 registrants since the start of the pandemic until the end of 2020. Of the figure, 86,100 are OFWs or their dependents.<sup>36</sup>
20. In the event that migrant workers need further financial assistance, Rule XV of the Omnibus Rules and Regulations Implementing the Migrant Workers and Overseas Filipinos Act (as amended by RA 10022) provide for the Migrant Workers Loan Guarantee Fund. Such fund covers family assistance loans, which refer to loans granted to currently employed migrant workers or their eligible dependents or families in the Philippines to tide them over during emergency situations. The amounts will be charged against the OWWA Capital Fund, per Section 4 of Rule XV.<sup>37</sup>
21. OWWA, under Sections 6 and 35 of RA 10801, also has the mandate to provide assistance to OFWs who have lost their jobs and to implement programs for their reintegration.<sup>38</sup> The reintegration program includes granting of loans and other financial support, trainings on financial literacy, entrepreneurial development, techno-skills, business counseling, as well as job referrals for both local and overseas employment.
22. Furthermore, through the Bridging Recruitment to Reintegration Migration Governance (BRIDGE) programme, a collaborative work among the International Organization for Migration (IOM), International Labour Organization (ILO), UN Women, the Office of the UN Resident Coordinator, DFA, and DOLE, the Philippines aims to promote fair and ethical recruitment and ensure that returning OFWs are able to successfully reintegrate through migrant-centric, gender-responsive, and holistic approaches.<sup>39</sup>
23. Nevertheless, while some OFWs and members of their families are aware of the services provided by government such as the DOLE-AKAP program, others find difficulty in accessing information, or have had challenges in coordinating with the embassies and LGUs on welfare assistance.<sup>40</sup> Some could not readily access information due to limited internet connectivity and mobility, particularly in the receiving countries where embassies request OFWs to submit forms in person.<sup>41</sup>
24. The impacts of the pandemic have uncovered the weakness of the return and reintegration programs of the Philippines for OFWs and members of their families. According to the report released by the IOM, months after returning home due to the COVID-19 pandemic, more than 80% of Filipino migrant workers continue to be unemployed.<sup>42</sup> The IOM also reported that with their termination, nearly 16% of all Filipino migrant workers were forced to spend their own money to return home, adding that 70% of OFWs did not receive support from their employers before returning to the Philippines.<sup>43</sup> Most women OFWs have lost their jobs as they work in occupations or sectors most affected by the pandemic, such as health care<sup>44</sup> and domestic work.
25. Through the conduct of continuous webinars, campaigns, and consultations, civil society organizations, Filipino community organizations, the private sector, and other relevant stakeholders have exerted efforts to increase awareness and provide support to migrants and their families.<sup>45</sup> In particular, civil society groups and trade unions have issued statements denouncing the phenomenon of wage theft, or non-payment of wages due to migrant workers. The Commission, in solidarity with the Migrant Forum in Asia (MFA) and other civil society partners, issued a call to advance an urgent justice mechanism for repatriated migrant workers, OFWs, and their families in distress, and address non-payment of wages and benefits due to migrant workers.<sup>46</sup>

<sup>35</sup> Jaehwa Bernardo, "Returning OFWs urged to take up TESDA's online agri courses," ABS-CBN News, 3 February 2021, available at <https://news.abs-cbn.com/news/02/03/21/returning-ofws-urged-to-take-up-tesdas-online-agri-courses> (Last accessed: 19 June 2021).

<sup>36</sup> *Id.*

<sup>37</sup> R.A. 10022, *supra* note 36, Rule XV, § 4

<sup>38</sup> R.A. No. 10801, *supra* note 51, § 6, 35

<sup>39</sup> University of the Philippines - *Centre International de Formation des Autorites et Leaders* (UP-CIFAL) Philippines Submission of Inputs to the Special Rapporteur on the Human Rights of Migrants, 2021.

<sup>40</sup> Initial [Virtual] Consultations on Women Migrants' Rights in the Time of Covid-19 Pandemic, 25 November 2020, 19:00-21:00 for On-Site Women Migrants Groups & 4 December 2021, 9:00-11:00am for In-Country Women Migrants Groups, organized by the Commission on Human Rights of the Philippines and Center for Migrant Advocacy.

<sup>41</sup> *Id.*

<sup>42</sup> International Organization for Migration (IOM), "COVID-19 Impact Assessment on Returned Overseas Filipino Workers," [https://philippines.iom.int/sites/philippines/files/documents/COVID-19%20Impact%20Assessment%20on%20Returned%20Overseas%20Filipino%20Workers\\_1.pdf](https://philippines.iom.int/sites/philippines/files/documents/COVID-19%20Impact%20Assessment%20on%20Returned%20Overseas%20Filipino%20Workers_1.pdf);

John Gabriel Agcaoili, "83% of OFWs still jobless 3 months after returning home: UN migration agency," ABS-CBN News, 20 May 2021, available at <https://news.abs-cbn.com/news/05/20/21/83-of-ofws-still-jobless-3-months-after-returning-home-un-migration-agency>

<sup>43</sup> *Id.*

<sup>44</sup> The Philippines trains and supplies many of the world's nurses and care workers; Ana P. Santos, "Coronavirus: Demand for Filipino nurses increases in Europe," Deutsche Welle, 26 March 2020, available at <https://www.dw.com/en/coronavirus-demand-for-filipino-nurses-increases-in-europe/a-52927591> (Last accessed: 25 June 2021).

<sup>45</sup> University of the Philippines - *Centre International de Formation des Autorites et Leaders* (UP-CIFAL) Philippines Submission of Inputs to the Special Rapporteur on the Human Rights of Migrants, 2021.

<sup>46</sup> Commission on Human Rights of the Philippines, Statement from Commissioner Gwendolyn L. Pimentel-Gana on Access to Justice for Filipino Migrants and Members of their Families Amid the COVID-19 Pandemic, 26 June 2020, <https://chr.gov.ph/chr-statement-from-commissioner-gwendolyn-l-pimentel-gana-on-access-to-justice-for-filipino-migrants-and-members-of-their-families-amid-covid-19-pandemic/>

## ***The Philippines' COVID-19 socio-economic response and recovery plan***

26. On 11 September 2020, the President signed into law RA 11494, the “Bayanihan to Recover as One” Act,<sup>47</sup> which provides for responses, interventions, and mechanisms to accelerate the recovery of the Philippine economy. RA 11494 provides for a P165.5 billion fund for pandemic response and recovery. It also provides capital infusion to government banks to allow them to extend more loans, especially to small firms, assistance to businesses critically affected by the pandemic, and assistance to the tourism industry, among others.
27. The President also certified as urgent Senate Bill 2234,<sup>48</sup> which proposes to create the Department of Migrant Workers and Overseas Filipinos and aims to provide a whole-of-government approach to protect the rights and promote the welfare and interest of overseas Filipinos. The proposed legislation provides reintegration programs for Filipino migrant workers.<sup>49</sup>
28. The Commission commends the efforts of government agencies directly involved in the assistance and repatriation of OFWs affected by the pandemic. DOLE, OWWA, DFA, embassies, consulates, and Philippine Overseas Labor Office (POLO) are among the frontline agencies in this regard. Nevertheless, the Commission and stakeholders consulted in 2020 note the lack of consolidated data and statistics from government agencies on the programs and results of the implementation of existing services. Such a gap poses a challenge in assessing the impact of government initiatives during the pandemic, and if certain groups of migrant workers and members of their families are included in the efforts, disaggregated by age, gender, income, location, and other relevant demographics.
29. The Commission requests the Special Rapporteur for the human rights of migrants to urge the Philippine government:
  - a. To ensure that OFWs and members of their families have full access to health care systems, essential goods and services, cash grants or financial assistance, mental health and psycho-social support services, and livelihood opportunities. All migrants should be duly informed of all the government support services available, and must be guided on how to avail of such services. Government programs should also be gender-responsive and inclusive.
  - b. To take the necessary steps to address the concerns faced by repatriated OFWs, particularly improper compensation, non-payment of wages, and job loss. Compensation funds must be set up at the national level, and contributions to the funds could be ensured by the government, private contributions, business, and philanthropic foundations. Funds advanced by the government could be later recouped from employers and businesses responsible for compensation and non-payment of wages. This approach would ensure that migrant workers are paid their dues without delay, and that their cases are resolved swiftly.
  - c. Measures at the national level that have addressed claims related to compensation and non-payment of wages need to be intensified and infused with greater political will. These include waiving court fees, putting in place wage protection systems, ramping up documentation in cooperation with embassies and consulates, allowing for remote testimony post-repatriation, providing legal aid, and encouraging workers to come forward to record their labor grievances.
  - d. Recalling the 2014 concluding observations of the UN Committee on Migrant Workers (CMW), implement the Shared Government Information System on Migration as stated in the Migrant Workers Act. This information system would not only be useful for enhancing collaboration among government agencies, embassies, and consulates during emergency situations, but it would also improve coordination with stakeholders such as civil society, the Commission, and migrant workers and members of their families themselves in the long term, and provide regular and systematic updates and evaluation of programs, services, and policies.

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<sup>47</sup> See the full text of RA 11494 here: <https://www.officialgazette.gov.ph/downloads/2020/09sep/20200911-RA-11494-RRD.pdf>

<sup>48</sup> See the full text of Senate Bill 2234 here: <https://legacy.senate.gov.ph/lisdata/3506231903!.pdf>

<sup>49</sup> ABS-CBN News, “Duterte certifies as urgent proposed law creating OFW department,” 31 May 2021, available at <https://news.abs-cbn.com/news/05/31/21/duterte-certifies-as-urgent-proposed-law-creating-ofw-department> (Last accessed: 22 June 2021).