



Center for Migrant Advocacy

Room 104, Philippine Cooperative Center (PCC) Agapito "Butz" Aquino Building, 90
Balet Drive Extension, Brgy. Kristong Hari, Quezon City, Philippines 1112
Telephone No.: +63 2 82542332
Email: cma@cmaphils.net Website: www.centerformigrantadvocacy.com

SUBMISSION¹ BY THE CENTER FOR MIGRANT ADVOCACY PHILIPPINES (CMA) FOR THE FORTHCOMING REPORT OF THE SPECIAL RAPPORTEUR ON THE HUMAN RIGHTS OF MIGRANTS TO THE 56TH SESSION OF THE HUMAN RIGHTS COUNCIL IN JUNE 2024

28 February 2024

I. Introduction

1. The Center for Migrant Advocacy Philippines (CMA) is an independent Civil Society Organization (CSO) in the Philippines that works for the rights and welfare of Overseas Filipino Workers (OFWs) and their families through policy advocacy, facilitation of assistance to distressed OFWs, information, research and education work, networking in the country and abroad, and capacity building for migrant organizations and Local Government Units (LGUs).
2. CMA utilized records of cases gathered by CMA's case team, past research and experiences, and desk research to prepare for this report.

II. Situationer

3. From the period of April to September 2022, the Philippine Statistics Authority (PSA) estimated 1.96 million OFWs, 1.13 million (57.8%) of which are women.²
4. Four out of every ten (44.4%) OFWs are engaged in elementary occupations. Majority (69.8% or 788, 740) of those engaged in elementary occupations are women.³

III. Principal subjects of concern and recommendations

A. Economic, Socio-Cultural-Political Contributions

5. The economic contributions of OFWs are undeniable. In 2022 alone, OFW remittances reached a total of 197.47 billion pesos. This includes cash sent, cash brought home, and

¹ This submission may be posted in the UN webpage for public information purposes.

² <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>

³ <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>

in kind.⁴ Even amidst the pandemic, OFWs continued to send remittances back home. Total remittances during the considered peak of the pandemic reached 134.77 billion pesos in 2020⁵ and 151.33 billion pesos in 2021⁶.

6. The phenomenon of labor migration perks up business activities around the country in the following areas: a) telecommunications – mobile phones, call cards, and internet subscription – ensure connectivity with the OFW loved ones even in the most remote areas of the archipelago; b) transportation – OFWs and their families are frequent flyers and travelers by land, sea, and air, within the country and overseas—to go to their destination countries and also for tourism purposes especially when the OFWs are on vacation; c) banking, finance and foreign exchange counters are all over the country because of the remittances sent to families; d) travel needs like luggages, clothes, and shoes have become regular items in shopping malls; e) fast food and rest and recreation centers – as families of migrants increase their purchasing capabilities, they also contribute to revenues of these places; e) education of children – OFWs can afford to send their children to private schools; and f) housing and real estates because having their own houses has always been part of the migrants’ dreams, apart from providing for good education for their children and eventually having their own businesses and/or improving their economic status.
7. OFWs as humanitarian workers⁷ – As a country that is frequently plagued by typhoons, floodings, volcanic eruptions, and earthquakes, OFWs have never missed sending back material and financial support to disaster-stricken areas around the country, extending assistance beyond immediate relief but also in the rehabilitation phase including scholarships to displaced children.
8. On-site at the countries of destination (CODs) – migrant workers have become indispensable work force in countries that have acute shortage of local labor like the Gulf Cooperation Council (GCC) countries where more than 60% of OFWs go to; Women OFWs as domestic workers cum caregivers to children, elderly, and people with disabilities in the host families are vital for the functioning of all the family members. Employing migrant workers enables families and the CODs to save a lot since migrant care workers are paid, on average, 19.6% less salary than local care workers; and migrant

⁴ <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>

⁵

<https://psa.gov.ph/content/2020-overseas-filipino-workers-final-results#:~:text=Total%20remittance%20sent%20in%202020,billion%20pesos%20reported%20in%202019.&text=On%20average%2C%20about%2086.81%20thousand,sent%20per%20OFW%20in%202019>

⁶<https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos/node/1684600#:~:text=The%20number%20of%20Overseas%20Filipinos,1.77%20million%20estimate%20in%202020.&text=The%20number%20of%20Overseas%20Contract,from%201.71%20million%20in%202020>.

⁷ <https://philippines.iom.int/stories/beyond-remittances-how-ofws-contribute-climate-resilience-post-haiyan-tacloban>

workers are paid 20.9% less than local men.⁸ This also eases the burden on the State to provide these services to their population.

9. Migrant workers also contribute to the economies of CODs. They are charged income taxes where this is available without exercising the right of suffrage in these countries and pay consumer tax and value-added tax (VAT) everytime they make purchases abroad. The presence of migrant workers also provides opportunities for new economic activities such as restaurants and food services that cater to migrant workers' cuisine. There is also observable visibility of law firms that try to attract migrants as clients in labor dispute settlements amongst others. There are also local tourism, rest, and recreation centers that cater to migrant workers.
10. The presence of migrant workers in host communities including in the churches also provides opportunities for cultural exchanges, promotion of diversity, tolerance, and social cohesion.
11. However, it should also be remembered that OFWs are more than their economic contributions. They are human beings and workers with inalienable rights and their worth must not solely rely on their economic contributions.

B. Contributions to Social Protection Programmes in the Philippines and Promoting Solidarity

12. Social protection contributions are mandatory for OFWs. The Social Security System (SSS) membership and contributions are mandatory⁹ for land-based and sea-based OFWs under Republic Act (R.A) 11199¹⁰ and as stated in Circular No. 2020-0014, OFWs are classified as direct contributors¹¹ of the Philippine Health Insurance Corporation (PhilHealth) under the Universal Health Care (UHC) Law which also puts them under

⁸ ILO Study on Migrant pay. December 2020.

⁹ As of 2021, SSS has logged 1.34 million OFW members out of the estimated 1.83 recorded OFWs by the Philippine Statistics Authority (PSA)

https://www.sss.gov.ph/sss/appmanager/pages.jsp?page=PR2021_025#:~:text=The%20Social%20Security%20System%20

¹⁰Under REPUBLIC ACT No. 11199 also known as "Social Security Act of 2018"

https://lawphil.net/statutes/repacts/ra2019/ra_11199_2019.html

Prior to the enactment of the law, membership was voluntary as 'self-employed' members to enhance the long-term benefits for OFWs. A Flexi-fund programme exclusive for OFWs and other Filipinos overseas was also launched in 2001.

https://www.sss.gov.ph/sss/DownloadContent?fileName=OFW_Brochure.pdf

¹¹ PhilHealth has recorded 3,300,824 OFW members as of December 31, 2022

https://www.philhealth.gov.ph/about_us/statsncharts/snc2022_v2.pdf

mandatory coverage.¹² OFWs are also mandated to submit their Home Development Mutual Fund (Pag-IBIG) Membership Identification (MID) numbers and pay their monthly contribution.¹³

13. Whilst the programme funds are designed to be shared by workers and employers, in the case of OFWs, the entire premium contributions are borne by the OFWs since foreign employers cannot be compelled to contribute to the Philippine social protection funds. Moreover, while OFWs have active contracts abroad, they hardly avail of the PhilHealth programmes since they are provided by medical and health insurance coverage by their employers as mandated by most CODs. Thus, the contributions of OFWs in the Philippines' social protection programmes further enhance the solidarity nature of these funds which are made available and are utilized by both contributory and non-contributory members such as the elderly, children, people with disabilities, unemployed, and family members of OFWs who are in the Philippines.
14. In terms of political participation of OFWs through overseas voting, the right to vote was given back to OFWs by virtue of R.A. 9189¹⁴ in 2003. Since then, every three (3) years, OFW voters can vote in the Philippine national elections for the President, Vice President, 12 Senators and one (1) party-list representative. As part of the Filipino nation, the government provided various online and offline platforms to consult and engage OFWs on issues that impact them. One such forum is the Overseas Land-Based Tripartite Consultative Council for OFWs. There is also a dedicated chapter on overseas Filipinos' contribution to development in the Philippine Medium Term Development Plans.
15. To avoid double taxation, earnings of Filipinos abroad are exempted from income tax in the Philippines by virtue of R.A. 8424.¹⁵ In 2003, dual citizenship was effected under R.A. 9225¹⁶ or the Citizenship Retention and Reacquisition Act to allow former Filipino citizens and their children to reacquire and/or retain their Filipino citizenship.
16. R.A. 9710 or the Magna Carta of Women, enacted in 2009, identified women OFWs as a vulnerable sector. As such, the law provides for Gender-Focal Point Officer in overseas posts and missions to ensure gender-responsive programmes and services¹⁷.
17. In 1995, Philippine Congress enacted R.A. 8042¹⁸ or the Migrant Workers and Overseas Filipinos Act of 1995 that provides for comprehensive protection of OFWs in all stages of the migration cycle from pre-departure, in transit, onsite, and upon return. Since then,

¹² <https://www.philhealth.gov.ph/circulars/2020/circ2020-0014.pdf>

¹³ https://www.pagibigfund.gov.ph/document/pdf/popsite/Joint%20POEA%20-%20Pag-IBIG%20Fund%20Advisory_Signed.pdf

¹⁴ <https://www.officialgazette.gov.ph/2003/02/13/republic-act-no-9189/>

¹⁵ <https://www.officialgazette.gov.ph/1997/12/11/republic-act-no-8424/>

¹⁶ <https://www.officialgazette.gov.ph/2003/08/29/republic-act-no-9225/>

¹⁷ <https://www.officialgazette.gov.ph/2009/08/14/republic-act-no-9710/>

¹⁸ <https://www.officialgazette.gov.ph/1995/06/07/republic-act-no-8042-2/>

the law was amended several times to further strengthen the protection provisions. In December 2021, R.A. 11641¹⁹ was enacted to create the Department of Migrant Workers (DMW) that will be in charge of any and all concerns of OFWs, regardless of status.

18. LGUs are mandated by law to set up OFW Help Desks.
19. The Philippines is a State Party to eight (8) of the United Nations (UN) core conventions, all International Labour Organization (ILO) fundamental Conventions, including ILO C189²⁰ on Decent Work for Domestic Workers, ILO C97²¹ and C143²² on Migrant Workers and ILO C190²³ on Violence and Harassment in the world of Work.
20. During the peak of the COVID-19 pandemic, when hundreds of thousands of OFWs were displaced from their jobs and came home empty-handed, the Philippine government spent some 418.2 million US Dollars for repatriation and quarantine and another 95.3 million US Dollars were distributed as one-time cash assistance, where 200 US Dollars were given per displaced OFW.²⁴

C. Positive Measures Implemented by CMA

21. CMA actively participates in advocacy through policy lobbying and cross sectoral activities. As an advocacy group, CMA was instrumental in the lobby advocacy for the campaign for political empowerment of Filipinos overseas including the OFWs. Following the intense lobby for its passage which took 16 long years, CMA consistently engaged in campaigns to inform overseas voters of the mechanics of voting, periods and modalities of voting, etc. For the 2022 national elections, CMA campaigned to Congress to provide sufficient funds for the conduct of the elections overseas because it only approved about 20% of the budget being requested by the Commission on Elections (COMELEC) for the conduct of overseas voting.²⁵
22. CMA actively conducts Capability Development Trainings on migrants' rights, access to justice, and migration governance in different localities throughout the Philippines. Usual participants are a mixture of aspiring, active, and former OFWs themselves, members of OFW Family Circles (OFCs), and government representatives. The goal of these

¹⁹ <https://www.officialgazette.gov.ph/2021/12/30/republic-act-no-11641/>

²⁰ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C189

²¹ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C097

²² https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C143

²³ https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C190

²⁴ <https://www.migrationpolicy.org/article/philippines-migration-next-generation-ofws>

²⁵ <https://www.facebook.com/100079475029879/posts/5187316464724161/>

trainings is to empower and capacitate OFWs and their families to be able to make the best decisions all throughout the migration cycle. It is also the goal of these trainings to capacitate concerned stakeholders and duty bearers who directly deal or work with OFWs. Through these efforts, harmful narratives and misinformation concerning migration and OFWs are also being debunked in the process.

23. Annually, CMA is able to facilitate assistance to more than a hundred cases of distressed OFWs, most of whom are women OFWs engaged in domestic work²⁶. CMA is part of the global campaign for justice for migrant worker victims of wage theft particularly during the pandemic where CMA meticulously documented cases of wage theft against OFWs.

D. Obstacles in Law and Practice

24. Xenophobia and anti-migrant sentiments have been increasing in recent years, partly because of recent crises such as the COVID-19 pandemic and the numerous conflicts around the world. These sentiments fuel the narrative that migrants are a burden to CODs, do not belong anywhere outside of their home countries, and are stealing the jobs of locals in the CODs.
25. The issue of mutual recognition of professional qualifications has been a long standing advocacy of the Philippines for OFWs since per their training qualifications, a lot will already qualify for the Mutual Recognition Arrangements (MRA). However, there is still a need to reform the domestic regulations in order to relax or liberalize highly restrictive professions.²⁷

E. Social Support Networks

26. Feelings of isolation, homesickness, and distress faced by OFWs and migrants were highlighted during the COVID-19 pandemic. As a result, the importance of family and other social support networks also surfaced as integral pillars for OFWs and Filipino migrants. In their CODs, OFWs tend to organize themselves and create support networks

²⁶ For 2020-2023, CMA received a total of 1,077 requests for assistance from distressed OFWs.

²⁷

which may come in many forms such as OFW help groups, prayer brigades, and OFW communities. At home in the Philippines, the families of OFWs also congregate themselves into OFCs.

27. The networks both in the Philippines and abroad help OFWs and their families in terms of information dissemination and emotional support. These networks have proven effective in recent years, especially during the COVID-19 pandemic when OFWs felt isolation and grief far away from their families. OFCs in the Philippines have also become one of the first places that distressed OFWs and their families turn to in times of crisis.
28. However, not all OFWs and their families are part of these networks, partly because of the lack of information concerning these networks or the lack of networks within their immediate vicinity. It is therefore imperative that information concerning networks such as these are brought to the attention of both OFWs and their families and that these networks are further capacitated and empowered.

F. Raising Awareness

29. It is important to recognize that international labor migration is a two-way narrative. The fact of the matter is that there is a need for labor in CODs that are being fulfilled by migrant workers and that there are a lot of push factors in the home countries which spur the migration of workers. Migrant workers are indispensable labor force and their contributions should not be overlooked nor minimized by racism and misconceptions. It is therefore important for this narrative to triumph over the misconceptions of migration that are fueled by xenophobia and fear. This starts with proper information dissemination concerning migration, its causes and effects, and its value to both sending and receiving countries.

G. Recommendations

30. More stories of migrant workers must be heard for their contributions to be documented, quantified, and made visible to the public. For this to happen, a whole of government and whole of society approach is needed. Migrant workers and their employers must feel comfortable and safe to share their stories.

31. The worth and importance of OFWs should not only be equated to their remittances. Their cultural, social, and political impact must also be showcased. OFWs and Filipino migrants should be given ample space and opportunities to participate in their communities both in the countries of destination and at home.