



PHILIPPINES

Check Against Delivery

Opening Statement of H.E. Erlinda F. Basilio
Head of Delegation, Ambassador and Permanent Representative of the
Philippines to the United Nations in Geneva

Consideration of the Initial Report of the Philippines on the **International
Convention on the Protection of the Rights of All Migrant Workers and
Members of Their Families**

10th Session of the Committee on the Protection of the Rights of all
Migrant Workers and Members of Their Families

*Mr. Chairman, Distinguished Members of the Committee on the Protection
of the Rights of All Migrant Workers and Members of Their Families, the
Secretary of the Committee, Ladies and Gentlemen,*

It is an honor for me to address this Committee on behalf of the Philippine
delegation at this 10th session of the Committee, in which the Philippines is
presenting its initial report.

As a manifestation of the importance which the Government of the
Philippines attaches to the promotion and protection of the rights of all
migrant workers and members of their families and to the work of the
Committee, officials from key government agencies in the Philippines are
here to engage in a constructive dialogue with the Committee.

With me at the podium are:

- Undersecretary **Severo S. Catura**, Executive Director of the
Presidential Human Rights Committee

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- Undersecretary **Melchor P. Rosales**, Department of Interior and Local Government
- Undersecretary **Alicia R. Bala** of the Department of Social Welfare and Development

The other members of the delegation are from the the Office of the Executive Secretary, the Presidential Human Rights Committee, the Department of Labor and Employment and its attached agencies, i.e. Philippine Overseas Employment Administration (POEA) and OWWA (Overseas Workers' Welfare Administration), the Department Foreign Affairs, the Department of Justice, the Department of Interior and Local Government, the National Commission on the Role of Filipino Women and the Permanent Missions of the Philippines to the United Nations in New York and Geneva.

We also acknowledge the presence of the Commission on Human Rights of the Philippines, NGOs and civil society groups observing the proceedings today. We thank them for their pioneering and innovative programs and services which address the needs and protect the the rights of migrants. We also appreciate their active engagement with the government, raising vital issues that challenge us to be better public servants.

Mr. Chairman,

The Philippine Government has always championed the rights of migrant workers and their families in all for a in firm recognition of the significant role and contribution of all migrant workers in sending, transit and destination countries.

The Philippines continues to play an advocacy role for human rights in the ASEAN region. The Philippines initiated and actively engaged itself in the formulation of the *ASEAN Declaration on the Promotion and Protection of the Rights of Migrant Workers* and in the inclusion of the creation of the *ASEAN Human Rights Body* in the mandate of the ASEAN Charter. Presently, the Philippines chairs the Committee Against Trafficking in Persons of the ASEAN Senior Officials Meeting on Trans-National Crime.

We continued to advance the cause of migrant workers by hosting the Second Global Forum on Migration and Development (GFMD) with the flagship theme: "Protecting and Empowering Migrants for Development," in October 2008. It projected the "human face of migration" in a debate that often only addresses the rational economic implications of migration for development. The Philippines took the opportunity of the 2nd GFMD hosting to call on other countries to accede to the International Convention on the Rights of All Migrant Workers and their Families.

As a run-off to the GFMD, the Philippines hosted the International Conference on Gender, Migration and Development with the theme "Seizing Opportunities, Upholding Rights." It highlighted the gender-perspective and rights-based approach to policies, programs and services on migration.

Relatedly, the Philippines also welcomed the adoption in December 2008 by the CEDAW Committee of General Recommendation No. 26 on women migrant workers. In partnership with UNIFEM, the Philippines was host to one of the Government-NGO consultative workshops conducted by the CEDAW to discuss the draft document.

Further, in the recent 53rd session of the UN Commission on the Status of Women, the Philippines was able to integrate in the agreed conclusions the protection of the rights of, and ensure decent work conditions for, women migrant domestic workers.

Earlier this month, no less that the Secretary of Foreign Affairs of the Philippines, the Honorable Alberto Romulo, took part in the Ministerial Meeting of the Bali process to strengthen regional cooperation in the fight against human trafficking.

Just yesterday, at the Durban Review Conference on racism, racial discrimination, xenophobia and related intolerance currently being held here in Geneva, the Philippines made a strong statement in support of the international fight against racism and called for greater protection of the rights of migrants, including through wider ratification of the Migrant

Workers Convention. Ensuring the dignified, non-discriminatory and humane treatment of migrants are imperatives that cannot be set aside. The need for concerted global action to condemn and eradicate manifestations and acts of racism, racial discrimination, xenophobia and related intolerances against migrants and the stereotypes often applied to them is now, more than ever, crucial.

Our delegation worked constructively to include robust provisions in the outcome document on protection of the rights of all migrants, as well as the importance of enhancing international cooperation to effectively combat human trafficking, with special focus on a human rights-based approach and providing appropriate assistance to victims.

Mr. Chairman,

The Philippines' adherence and commitment to international human rights norms embodied in treaties to which it is a State Party and its advocacy to advance human rights issues, specifically with regard to the rights of migrant workers, are evident in its national programs for the Filipino migrant workers and their families.

To ensure a nationwide, cohesive and participatory approach to the effective implementation of human rights policies and programs in the country, the Presidential Human Rights Committee (PHRC) is coordinating the formulation of the Second National Human Rights Action Plan (NHRAP). The Plan is both an outcome and a participative process which takes into consideration the recommendations stemming from the Philippines' Universal Periodic Review, the recommendations of treaty bodies such as those of this Committee, special procedures and other international human rights mechanisms, as well as the views of civil society groups.

This national effort has been further strengthened by a Presidential directive issued on December 10 last year instructing all relevant executive departments and agencies to institute policies, programs and projects to advance human rights.

Mr. Chairman,

The Philippines has one of the most developed overseas employment programs in the world, which had been duly recognized by the international community as a model in migration management among labor sending countries in Asia, especially on migrant workers' protection.

Owing to their vulnerable status that requires adequate safeguards and protection, the Philippines enacted the Migrant Workers and Overseas Filipinos Act of 1995 even before the entry into force of the Convention on the Protection of the Rights of All Migrant Workers and Their Families.

While the Philippine Government does not promote overseas employment as a means to sustain economic development, the government recognizes the significant contribution of the migrants to the economy.

The Filipino diaspora is an existing migration reality. The government's current active efforts to secure access to labor markets for Filipinos desiring to seek employment opportunities outside the country are means to manage this migration reality, specially in the face of the economic crisis which, to date, has brought about a loss of around 6,406 jobs abroad and 109,529 at home.

In her recent visit to the United Arab Emirates, President Macapagal Arroyo herself pronounced that the government is working towards the achievement of an opportunity paradigm, where employment abroad becomes an option and not a necessity for Filipinos.

In line with the policy thrust of the Philippine government to maximize the gains of overseas employment and minimize its attendant risks, the Philippine system on temporary contract or circular migration has developed built-in protective mechanisms in all phases of the migration cycle: before, during, and after employment until their reintegration. This system of protection provides for application of minimum labor standards for employment of Filipino migrant workers.

In order to address welfare concerns, the Philippine government has adopted

various approaches ranging from regulatory and preventive mechanisms to bilateral agreements with labour receiving countries, ratification of international labor conventions on migration and participation in regional and multilateral initiatives to protect Filipino nationals from recruitment and employment malpractices.

Noteworthy in this regard is the President's directive to expand Executive Order No. 287. E.O. 287, which was signed by the President on 24 February 2004, pertains to the deployment of Social Welfare Attaches (SWAs) from the Department of Social Welfare and Development to selected diplomatic posts. Through the SWAs, the Philippines aims to implement comprehensive and appropriate social welfare services for OFWs and their families; establish a network among welfare agencies and service providers for OFWs; and strengthen partnership and coordinative work among government agencies such as the Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE) and OWWA in addressing migrant workers' concerns.

Republic Act No. 9422, enacted on 31 January 2007, strengthened the regulatory functions of the Philippine Overseas Employment Administration (POEA). This new law mandates the POEA to inform migrant workers not only of their rights as workers but also of their rights as human beings; to instruct and guide them on how to assert their rights and to provide the available mechanism to address violation of their rights.

The POEA has also adopted a stricter regulation for administrative offenses and penalties for malpractices by agencies and employers for recruitment violations, including violations on charging of excessive placement fees. The blacklisting of employers and workers, who commit rampant contract violations and their disqualification from participating in the overseas employment program, either temporarily or permanently depending on the gravity of the violations, has proven to be effective in getting rid of abusive employers and problematic workers.

To cite an example, from 2007 to 2008, the POEA Anti-Illegal Recruitment Branch obtained twelve convictions of POEA illegal recruitment endorsed and/or monitored cases. In 2008, a total of 318 illegal recruitment cases

endorsed to the prosecution offices for the conduct of preliminary investigations, caused the arrest of 98 suspected illegal recruiters, conducted a total of 54 operations/ entrapment proceedings and resulted to the closure of 10 establishments confirmed to be engaged in illegal recruitment.

Moreover, the POEA through its legal assistance division received a total of 1060 complaints of economically displaced workers referred for conciliation. As a result thereof, more than US\$600,000 settlement had been reached through its conciliation unit for the period reckoned from 5 December 2008 to 30 March 2009.

To strengthen the government's drive against illegal recruitment, the President issued Executive Order No. 759 on 23 October 2008 for the creation of an inter-agency Task Force Against Illegal Recruitment (TFAIR) under the Office of the Vice President .

Mr. Chairman,

The Philippines has repeatedly voiced concerns in international meetings on the danger to human rights posed by the food and energy price crises and now, by the global financial crisis.

To cope with the effects of the current crisis, the Philippine Government has formulated its Economic Resiliency Plan, which includes the Comprehensive Livelihood and Emergency Employment Program (CLEEP) that comprise of a support fund, entrepreneurship and skill training programs.

As of March 2009, the National Anti-Poverty Commission (NAPC) stated that a total P10.6 billion in investments has been committed to CLEEP, up by P1.6 billion from the P9-billion planned allotments in February. The NAPC also reported that 75,000 Filipinos have found jobs under the government's emergency employment program, an increase of 11,000 from the 64,00 employed in February.

Different government agencies, under their own programs, contribute to the

effective implementation of CLEEP:

The Labor Department has already initiated and implemented a program of full reciprocity or the pay-back program to assist Filipinos who have been adversely affected by the crisis. Appreciating the significant contribution of the Filipino migrant workers, the program extends necessary assistance to these workers.

A component of CLEEP is the Filipino Expatriate Livelihood Support Program (FELSF) allowing OFWs displaced by the global economic crisis to obtain loans to support livelihood projects or business ventures upon their return to the Philippines. The loan is available at a low five percent interest per annum with no collateral and is payable in 24 months with an interest-free grace period of 90 days.

In 2008, the Labor Department conducted 1,032 job fairs nationwide from January to November 2008 which generated 1.34 million jobs that year. Also, as part of the Philippine Independence Day celebration, the government will hold a nationwide mega-jobs fair.

In support of CLEEP, the President issued on 10 February 2009 Executive Order No. 782 entitled "Instituting Measures to assist workers affected by the Global Financial Crisis and Temporary Filling up of vacant positions in the Government," directing government agencies to utilize and allocate one and half percent (1.5%) of their Budget for Operating Expenses for the temporary hiring of qualified DOLE-registered displaced workers and their dependents.

Mr. Chairman,

While the Philippine government is proud of its achievements in the field of promoting and protecting the rights of migrant workers, we wish to underscore the fact that migration is 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 on all levels are crucial steps in enhancing the development potential of migration. The cultural and economic contributions made by

migrants to receiving societies and their communities of origin should not only be recognized, but more importantly, maximized.

We firmly believe that corollary to this is the duty of all States to effectively promote and protect the human rights and fundamental freedoms of all migrants, especially those of women and children, regardless of their immigration status, in conformity with the Universal Declaration of Human Rights and other international human rights instruments.

In this regard, as part of its undertaking a shared responsibility, the Philippines has accepted invitations by governments and international organizations to share its experiences and best practices in the management of migration and development.

In the Philippines, participatory planning methodology with civil society partners is a policy approach. For example, the Labor Department, the lead implementing agency in the country of the Convention on Migrant Workers, implements the decent work country program with the engagement of its tripartite constituents. Employers and workers are actively involved in the implementation of its projects. Fifteen NGOs are also actively engaged as service providers in the conduct of pre-departure seminars implemented by the Philippine Overseas Employment Administration to departing Filipino workers.

The Foreign Service Institute of the Department of Foreign Affairs, on the other hand, in partnership with the Action for Health Initiatives (ACHIEVE) - an NGO actively working on issues affecting migrant workers, their families, people living with HIV/AIDS and women - developed its training module on HIV/AIDS to increase awareness and sensitize its foreign service personnel on appropriate approaches to such migration and health issues.

The Philippines also supported and continues to support resolutions on migrant workers at the Human Rights Council and the UN General Assembly. During the 8th HRC in June 2008, the Philippines supported the Mexican Resolution on the Mandate of the Special Rapporteur on the Human Rights of Migrants and co-sponsored the resolution on the human

rights of migrants during the 9th session of the Human Rights Council in September last year.

Mr. Chairman,

On behalf of the entire Philippine delegation, I would like to take this opportunity to renew and reaffirm with greater vigor the Philippines' commitment to the cause of human rights.

Thank you, Mr. Chairman.