

Introduction



Background

Health is defined as a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity (WHO). It includes physical, psychosocial, reproductive health, occupational safety and health, health during the pandemic, health emergencies, and violence or abuse. The Philippines adheres to this health concept and the principle that “the enjoyment of the highest attainable standard of health is a fundamental human right” [WHO Constitution, 1946]. This creates the obligation for the State to “ensure access to timely, acceptable and affordable health care of appropriate quality as well as to providing for the underlying determinants of health (safe and potable water, sanitation, food, housing, health-related information, education and gender equality).”

One of the key sectors within the Philippine population possessing particular challenges, risks and vulnerabilities in ensuring access, protection and the attainment of health standards and services are the **Overseas Filipinos (OFs)***, estimated at more than 10 million and dispersed in more than 200 countries and territories worldwide. The majority of them are OFs. Among the population, the majority (over 56 per cent in 2019) are women. Almost 70 per cent of OFs are employed in lower-skilled jobs, in occupations such as domestic work, cleaning, sales, services, in factories and in clerical work [PSA, 2019].

In order to address this reality, the Philippines has put in place a broad set of laws, policies and programs that seek to protect the rights and well-being of Filipino migrant workers, in particular women migrants and domestic workers, as well as their families. These laws, policies and programs cover the different phases of the migration cycle - from pre-departure to reintegration. Included in this collection are laws, policies, administrative orders, guidelines, and other issuances, as well as local ordinances and policies that specifically aim to promote the health of OFs - from mandatory PhilHealth membership to health emergency repatriation. Since the signing of Department of Health Administrative Order 2016-0007 (National Policy on the Health of Migrants and Overseas Filipinos), old policies have been updated and new policies have been developed, especially in response to the COVID-19 pandemic. *What health-specific laws and policies at the national and local levels are currently in place? How do they apply to OFs and their families? What is the current status of these laws and policies?*

There are also more sector-specific laws –e.g. RA 9710 (Magna Carta of Women) of 2009; *Kasambahay* (domestic worker) law (2013); and the newest law creating the Department of Migrant Workers (2021) – which all seek to provide better rights protection and welfare services for these sectors (women, migrants, domestic workers), including against all forms of abuses and gender-based violence (GBV), and improving access to redress, psychosocial services, shelter, repatriation, reintegration support etc. In addition, there are issue-specific laws, e.g. against human trafficking (expanded anti-trafficking law of 2012); ending violence (anti-VAWC law of 2004); against sexual violence and harassment (Safe Spaces Act of 2019); expanding health protection (Universal Health Care Law of 2018); strengthening AIDS

* The Commission on Filipinos Overseas recommendation is to use “Overseas Filipinos.” This is used wherever applicable, except for research studies referring particularly to OFWs, and for names of offices e.g.: OFW Help Desk, OFW Hospital, OWWA OFW membership, OFW survey, etc.

response (amended AIDS Policy Act of 2018); improving COVID-19 pandemic response and services; and enhancing support for social insurance, social protection, and occupational safety and health (OSH). *How do these laws apply to OFs and protect and promote the health of OFs and their families?*

The Philippines is one of the leading countries in Asia to have ratified or signed the key migration-related Asian regional or international conventions, standards, declarations or similar instruments of the UN, ILO, WHO and ASEAN. *How are Philippine migrant health laws and policies aligned with these international standards and norms?*

To ensure greater awareness of Philippine migrant health laws and policies among migrants, policymakers, practitioners, and other stakeholders, there is a need to take stock of these laws and policies, bring them together in an accessible platform, and conduct a rapid analysis of these policies using different lenses such as gender, localization, and alignment with international standards, among others.

The Study

The focus of this study supported by the International Labour Organization (ILO) is a multi-lens rapid analysis of Philippine migrant health laws and policies. This stock-taking and building of the information base is a collaboration between the ILO Safe and Fair Programme and the Department of Health (DOH) through the Philippine Migrant Health Network (PMHN). PMHN is a “multi-collaborative network composed of government agencies, civil society/non-government organizations, academe, private sector and international organizations working together for the promotion and protection of the health of migrants and overseas Filipinos.” [<https://www.facebook.com/PMHN.2016/>] It is chaired and convened by DOH, and co-chaired by the CSO network, Philippine Migrants Rights Watch (PMRW).

The objective of this study is to conduct a mapping of Philippine migrant health laws and policies at the national and local levels, annotate and rapidly analyze these using multiple lenses of gender, localization, alignment with international labour/gender/migration standards, and applicability to OFs or their families.

The outputs are a technical paper and database covering the laws and policies relevant to the health of OFs and their families. The rapid appraisal and analysis focus on the current status of the law/policy, strengths/innovations, gaps/weaknesses and



recommendations for policy/law reform.

The results of the study will be used in the creation of an online ‘living’ repository of Philippine migrant health laws, policies, programmes and services. The repository will be maintained and managed by the PMHN and hosted in the website of the DOH (PMHN section). The members of PMHN, which are the leading health and migration service providers, advocates and stakeholders, will dynamically update, annotate and vet the information in the repository.