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PHILIPPINES:

**GOOD PRACTICES FOR THE PROTECTION
OF FILIPINO WOMEN MIGRANT WORKERS
IN VULNERABLE JOBS**

by

Maria Angela “Mayan” C. Villalba

**Gender Promotion Programme
International Labour Office Geneva**

Foreword

Changing labour markets with globalization have increased both opportunities and pressures for women to migrate. The migration process and employment in a country of which they are not nationals can enhance women's earning opportunities, autonomy and empowerment, and thereby change gender roles and responsibilities and contribute to gender equality. But they also expose women to serious violation of their human rights. Whether in the recruitment stage, the journey or living and working in another country, women migrant workers, especially those in irregular situations, are vulnerable to harassment, intimidation or threats to themselves and their families, economic and sexual exploitation, racial discrimination and xenophobia, poor working conditions, increased health risks and other forms of abuse, including trafficking into forced labour, debt bondage, involuntary servitude and situations of captivity. Women migrant workers, whether documented or undocumented, are much more vulnerable to discrimination, exploitation and abuse – relative not only to male migrants but also to native-born women. Gender-based discrimination intersects with discrimination based on other forms of “otherness” – such as non-national status, race, ethnicity, religion, economic status – placing women migrants in situations of double, triple or even fourfold discrimination, disadvantage or vulnerability to exploitation and abuse.

To enhance the knowledge base and to develop practical tools for protecting and promoting the rights of female migrant workers, a series of case studies were commissioned. These studies were intended to provide background materials for an Information Guide on Preventing Discrimination, Exploitation and Abuse of Women Migrant Workers. The Guide, which is comprised of six individual booklets, aims at assisting and enhancing the efforts of government agencies, workers' and employers' organizations, non-governmental organizations and civil society groups in sending, transit and destination countries to protect the human rights of women migrant workers in the different stages of the migration process.

This working paper is based on one of the country case studies. The countries covered included Bolivia, Costa Rica, Italy, Japan, Nicaragua, Ethiopia, Nigeria, the Philippines, Sri Lanka and the United Arab Emirates. The focus was on the situation of the women migrant workers in their families, workplaces, communities and societies in sending and receiving countries and also on the initiatives, policies and programmes, “good” and “bad” practices implemented by government, private recruitment and employment agencies and a wide range of social actors to assist and protect women migrants against exploitation and abuse and to prevent them from being trafficked.

The case studies represent a collaborative effort between the Gender Promotion Programme and the International Migration Branch, as well as a number of Area and Regional ILO Offices. Katerine Landuyt had main responsibility for commissioning the case studies. Tanja Bastia provided technical guidance to the national consultants, while Minawa Ebisui and Tiina Eskola provided editorial and formatting assistance.

Lin Lean Lim
Manager
Gender Promotion Programme

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Introduction

Socio-economic context of overseas migration

The breadth and depth of Filipino overseas migration is a telling commentary on the crisis of Philippine socio-political and economic life. Above all, overseas migration means the loss of millions of skilled and unskilled Filipino workers due to the lack of employment opportunities and to the inadequacy of wages at home. In October 2000, 3.4 million Filipinos were unemployed, out of a labour force of 33 million,¹ and every year, some 800'000 young people begin looking for work in a contracting and job-scarce economy.² Even for many Filipinos who have jobs the situation is far from satisfactory: one of every five employed workers, is underemployed, that is, underpaid, working part-time or employed below his/her full productive potential. At the same time, labour productivity has been stagnant over the past 12 years (1987–1999), growing by only 6 per cent per year on average.³ Philippine labour has, thus, suffered a loss of competitiveness compared with its neighbors Malaysia and Thailand.

Loss of Filipino competitiveness is an important reason for the decline of foreign investment in the country. Foreign investment in the first quarter of 2000 dropped 6.3 per cent to P7.1 billion compared to P7.58 billion recorded in the same period last year, according to the Securities and Exchange Commission.⁴ The decline was mainly due to political factors.

Secondly, overseas migration seriously questions the relevance of Philippine education. While it is true that the Government has raised the education level of young Filipinos so that workers who at least completed high school increased from 10 per cent to 44 per cent over a 20-year period (1979–1998), this achievement has not resulted in higher labour productivity. Although, the gross domestic product (GDP) expanded 4.5 per cent year on year in the second quarter of 2000, agriculture grew 3.49 per cent and accounted for only a quarter of domestic production.⁵

National labour market situation

The latest Labour Force Survey (LFS of 1999) reveals that the Philippine labour force increased 2.3 per cent over the previous year.⁶ This places the labour force at 32 million. Of this number, 29 million are employed, representing 90.4 per cent of the labour force.

¹ “More jobs, higher productivity — our country’s urgent needs —” Highlights of the Labour Commission Report, Congressional Commission on Labour, Congress of the Philippines, printed in the Philippine Daily Inquirer, 10 Feb. 2001.

² The Government expects that almost one million new jobs on the average will be created each year from now to 2004 based on an optimistic reading of 3.57 per cent annual growth rate. Last year, there was a –1.04 per cent growth rate in employment, from “Job Growth seen at 3.57 per cent yearly” by Romulo T. Luib, Business World, April 12, 2001.

³ PDI 10 February 2001.

⁴ “January–March investments down 6.3 per cent”, PDI, 26 June 2000.

⁵ “Philippines”, FEER Yearbook, 2001, FEER, Hong Kong. p. 186.

⁶ According to the National Statistics Office, the “Labour force” is made up of citizens who are 15-years old and over and who are not otherwise disqualified. Those disqualified are housewives, students, disabled and

From a ten-year perspective, however, we see that the increase in labour participation rate has been slower, e.g., from 64.5 per cent in 1990 to 65.8 per cent in 1999.⁷ The country's employment rate over a ten-year period declined from 91.9 per cent in 1990 to 90.6 per cent in 1999. The employment rate was lowest in the National Capital Region (NCR), the main urban center of the country, declining from 85.9 per cent in 1990 to 84.0 per cent in 1999.⁸

The unemployment rate is said to have decreased from 9.6 per cent to 9.4 per cent nationwide from 1998-1999. Analyzing unemployment over a ten-year period, however, we see that unemployment has been growing from 8.1 per cent in 1990 to 9.4 per cent in 1999. Unemployment has grown faster in the rural areas (where 6 per cent were unemployed in 1990 and 6.9 per cent in 1999). Underemployment was stable during the ten-year period (22.1 per cent).

Both the agriculture and industry sectors posted a decrease of workers from 1998 to 1999, while the services sector increased. Industrial workers represented 15.7 per cent of the employed labour force in 1998, decreasing to 15.6 per cent in 1999. The ratio of agricultural workers decreased from 39.9 per cent in 1998 to 39.1 per cent in 1999. Only the services sector workforce increased from 44.4 per cent in 1998 to 45.3 per cent in 1999.

On a ten-year basis, however, the decrease in the share of agriculture workers in the labour force has been more pronounced. Whereas in 1990 they represented 45.2 per cent of the labour force, in 1999 their numbers had declined to 39.1 per cent. On the other hand, the share of non-agricultural workers in the labour force grew from 54.8 per cent in 1990 to 60.9 per cent in 1999.

While the number of employed persons in all industry sectors, irrespective of sex, has grown by 21.35 per cent, over a seven-year period (i.e., 1992-1997), the increase in some industries and of female participation in several industries is noteworthy.

Sectors with the largest employment increases (64.67 per cent) during the 1992-1997 period were transport, storage and communications. Finance, real estate and business services followed closely with a 58.4 per cent increase, electricity, gas and water, with a 57.6 per cent increase; construction, with 45.5 per cent; wholesale and retail trade, with 40.6 per cent; and community, social and personal services, with 36 per cent.

The least growth in employment was recorded in manufacturing, 9.37 per cent, and in agriculture, fishery and forestry, 4.43 per cent. Employment in mining decreased.

Categories of workers

Of the 29 million employed, "wage and salary" workers dominate the work force with a share of 49.6 per cent, or 14.4 million. The services sector accounts for the increase. "Own-account workers" increased by 1.9 per cent, but registered a decline in their share of total employment from 37.6 per cent to 37.3 per cent. Wholesale and retail trade accounted for the slight increase. The number of own-account workers in the agricultural sector decreased by 0.6 per cent. Unpaid family workers recorded a slight increase of 0.2 per

retired persons. This is from Integrated Survey of Households Bulletin, Series 101, National Statistics Office, Manila, August 2000.

⁷ 2000 Philippine Statistical Yearbook (PSY), National Statistical Coordination Board, Oct. 2000, p. 11-9.

⁸ Ibid.

cent, over a one-year period ending in 1999. Again, wholesale and retail trade accounted for the increase.

Women in the employed sector

Government labour force figures have to be understood in the light of certain gender and other biases that are encoded in the survey and in the questionnaires. First of all, the Government has arbitrarily disenfranchised about 12.2 million women who were not counted as part of the labour force, because they are “housewives”. In contrast, males who were excluded from the labour force numbered only 4.4 million. This bias is rooted on feudal values where men are considered as the “breadwinners” and lords of the household. But this prejudice flies in the face of new economic realities. More women are entering the labour force as workers. The whole economy itself is moving away from the traditionally male-dominated agriculture and industry and towards service industries, which traditionally are the domain of women. Yet, the traditional disregard for women as merely secondary economic producers prevails.

The labour force structure reveals the general dominance of men over women workers in traditional areas such as in agriculture and production, but it also shows the growing dominance of women in some sub-sectors of the wage and salary and own-account sectors, specifically in professional, technical work, clerical, sales and services categories. Male workers account for 61 per cent of the total employed labour force. Male workers also make up the majority in the wage and salary category, 62.3 per cent compared to 37.6 per cent for women. The majority of wage and salary workers in household enterprises are men, with 64.8 per cent compared to 35.1 per cent for women.

Significantly, female wage and salary workers slightly outnumber their male counterparts in the Government and Government corporation sectors, comprising 50.8 per cent of this category. Male workers dominated the “own-account” category (66.28 per cent), the “self-employed” category (64.5 per cent) and the “employer” category (77 per cent).

Female workers slightly outnumber their male counterparts in the “unpaid workers” category, with 52.8 per cent.

Male workers predominate in agriculture, production transport and equipment and in the administrative, executive and managerial categories, comprising 82 per cent, 81.8 per cent and 67.8 per cent, respectively. Moreover, more men are permanent workers than women in the same categories.

Female workers predominate in the “sales workers” category, 67.3 per cent; “professional, technical worker” category, 63.3 per cent; “services” category, 58.7 per cent; and “clerical workers” category, 58.4 per cent. More women workers in these categories are also in the permanent category than men.

Emerging economic opportunities open to women

The movement of the economy towards services has increased the economic opportunities for women. A comparison of the rate of unemployment between 1988 and 1999 shows that the female unemployment rate decreased over that of males within the ten-year period. In 1988, unemployed females comprised 42.11 per cent of all unemployed; by 1999, this share had decreased to 37.40 per cent.

The education of women has also improved. Functional literacy of the total population aged 10 to 64 years increased from 75.4 per cent in 1989 to 83.8 per cent in

1994. Interestingly, while functional literacy increased among males from 74.5 per cent to 81.7 per cent, it increased faster among females from 76.2 per cent to 85.9 per cent.

Structural changes in the economy

The economy of the Philippines is moving away from an agricultural base to services. In 1992, agriculture accounted for 45.1 per cent of the labour force; by 1999, this figure had fallen to 38.9 per cent. (See table 1) The service sector — not mining and manufacturing — has gained at agriculture's expense. These economic changes have implications not only for the growing overall unemployment and underemployment rates in the country, but also for the employment of women. More and more women are entering the labour force: grown from 36.6 per cent of the total labour in 1992 to 38.2 per cent in 1999. The growth rate of women entering the labour force is 26.31 per cent compared to 18.34 per cent for male workers over the past ten years. The increase in female employment occurs most notably in the electricity, gas and water sectors, where jobs increased 116 per cent over the last ten years compared to a 47.5 per cent increase for men. Secondly, female employment increased by 110.9 per cent in the transport, storage and communication sector, compared to 62.3 per cent for men. The employment of women grew in the finance, insurance, real estate and business services sector by 80.7 per cent compared to 44.83 per cent for men; and by 41.1 per cent in community, social and personal services compared to 29.7 per cent for men. The number of women employed in the wholesale and retail trade grew significantly by 35.25 per cent even if male employment grew more (by 51.6 per cent). Women outpaced men in manufacturing, by 14.3 per cent to 4.7 per cent.

Table 1: Employed persons by industry and by sex, 1992–1999 (in millions)

Industry	Both sexes			Male			Female		
	1992	1999	% change	1992	1999	% change	1992	1999	% change
Agriculture, fishery, forestry	10.8	11.3	4.43	8.086	8.367	3.40	2.784	2.976	6.80
Mining, quarrying	.143	.089	(37.30)	.133	.082	(38)	.011	.007	(36.30)
Manufacturing	2.540	2.77	9.37	1.385	1.451	4.70	1.160	1.327	14.30
Electricity, gas, water	.092	.145	57.60	.080	.118	47.50	.012	.026	116.00
Construction	1.030	1.500	45.50	1.014	1.485	46.77	.021	.021	0.00
Wholesale, retail trade	3.280	4.610	40.60	1.093	1.657	51.60	2.190	2.962	35.25
Transport, storage, communication	1.220	2.000	64.67	1.166	1.893	62.34	.055	.116	110.90
Finance, insurance, real estate, business services	.452	.716	58.40	.281	.407	44.83	.171	.309	80.70
Community, social, personal services	4.250	5.780	36.00	1.891	2.454	29.70	2.363	3.335	41.10
Not defined	.021	.010	–	.017	.010	(41.10)	.004	0.000	–
Total	23.900	29.000	21.3	15.146	17.924	18.34	8.771	11.079	26.31

Wages

Nominal wages of workers varied from region to region in 1999. Non-agricultural workers in the National Capital Region (Metro-Manila) received the highest daily wages of P223.50 (US\$4.4 @ US\$1:P50) per day, whereas plantation workers were paid P198 per day. The Autonomous Region of Muslim Mindanao (ARMM) received the lowest nominal

wages at P140 per day for non-agricultural workers and P124 for plantation workers. The actual or real wages of the workers in 1999 were low. In the NCR, actual wages received by non-agricultural workers was P152.14 per day at 1994 prices. The wages of plantation workers in the NCR was P134.79 at 1994 prices. This compares with P89.97 per day for non-agricultural workers in the ARMM and P79.69 per day for plantation workers and P75.84 per day for non-plantation workers in the ARMM. A large percentage of women employed in the manufacturing and service sectors work on a short-term contract-basis, thereby receiving much lower wages and less job security than if they were salaried employees.

General trends in migration

History

Overseas employment first became an official policy of the Republic of the Philippines in 1974 with the signing of the Labor Code, otherwise known as Presidential Decree (PD) 442. The law provided for the promotion and protection of migrant workers. In the context of martial rule, overseas migration employment was seen as a temporary measure directed to address the unemployment problem at the time.

This scheme was helped in great measure by the OPEC oil boom of mid-1970s when the revenues of oil-producing Gulf States rose and launched them into massive infrastructure development projects, which required the hiring of foreign construction and service workers.

A second favorable factor was the mid-1980s economic boom in East Asia, when Japan and the Newly Industrializing Countries (NICs) of South Korea, Taiwan, Hong Kong and Singapore experienced labour shortages. These twin developments fuelled the growth of overseas employment for Filipino workers and made overseas employment a top-dollar earning industry and a pillar of the national economy.

Migrant worker population

Recent estimates (1999) place the overseas Filipino population at around 7.29 million⁹ that represented nearly 10 per cent of the country's population of 74.7 million at that time. Of the 7.29 million Filipinos overseas, roughly 2.98 million (40.8 per cent) are overseas contract workers, 2.37 million (or 32.5 per cent) are emigrants or permanent residents and 1.94 million (or 26.6 per cent) are classified as "undocumented".

New hires have grown minimally from 1999 to 2000, although most destinations recorded a decrease of newly deployed migrant workers. For land-based workers, Asia is the main destination, followed by the Middle East and Europe. Except for Europe, which had a 27.97 per cent increase of overseas Filipino workers (OFWs) deployed between 1999 and 2000, most of the other regions reported a decrease. The greatest decreases were in the Americas (-15.71 per cent) and in Africa (-12.07 per cent). (See table 2)

Table 2: Deployment of OFWs, 1999–2000

⁹ Higher estimates place the number at 10 million. The figure 7.29 million is supplied by the Commission on Filipino Overseas (CFO), an inter-Government agency that looks into the promotion and protection of migrant labour. It is chaired by the secretary of the Department of Foreign Affairs and attended by representatives of the Central Bank, Bureau of Immigration, Bureau of Internal Revenue, Civil Service Commission, Department of Labour and Employment, Department of Social Welfare and Development, among others. This is from "Handbook for Filipinos Overseas", CFO, Manila, 2000.

World group	Deployment from January to December		
	2000	1999	% of change
Asia	292'067	299'521	-2.49
Middle East	283'291	287'076	-1.32
Europe	39'296	30'707	27.97
Americas	7'624	9'045	-15.71
Trust territories	7'421	6'622	12.07
Africa	4'298	4'936	-12.93
Oceania	2'386	2'424	-1.57
Others	6'921	0	0
Total land-based	643'304	640'331	0.46
Total sea-based	198'324	196'689	0.83
Total	841'628	837'020	0.55

Source: DFA, 2000.

The top five countries of destination for contract workers are the Kingdom of Saudi Arabia, Taiwan, Hong Kong, Japan, United Arab Emirates and Italy. Significant decreases were posted by Taiwan (-39.25 per cent) and Saudi Arabia (-6.96). However, this was made up for by increases in Japan, Italy and Kuwait, which are main destinations for women domestic workers and entertainers. (See table 3)

Table 3: Top destinations of OFWs, 1999–2000

Top ten destinations	January–December deployment		
	2000	1999	% of change
Saudi Arabia	184'727	198'556	-6.96
Hong Kong	121'762	114'779	6.08
Japan	63'041	46'851	34.56
Taiwan	51'145	84'186	-39.25
United Arab Emirates	43'045	39'633	8.61
Italy	26'386	21'673	21.75
Singapore	22'873	21'812	4.86
Kuwait	21'490	17'628	21.91
Brunei	13'649	12'978	5.17
Qatar	8'679	7'950	9.17

Source: DFA, 2000.

The main destinations of emigrants or permanent residents (including spouses and fiancées of foreign nationals) are the United States of America, Canada, Australia, Japan, Germany and the United Kingdom. The main destinations of undocumented workers are Malaysia, Japan and South Korea.

Remittances

The remittances of overseas Filipinos have contributed significantly to keeping the current account deficit manageable and stabilizing the economy. The Bangko Sentral ng Pilipinas (BSP or Central Bank) reports that overseas Filipinos remitted US\$6.79 billion in 1999, an increase of 38 per cent compared to the 1998 figures.¹⁰ The remittances of overseas Filipinos in 1999 is 45.5 times bigger than the amount of new foreign investments (P7.1 billion) that entered the country in the first quarter of 1999. The largest remittances are from the Americas, Europe and Asia.

Feminization of migration

Available figures for the number of women migrant workers show the steady feminization of the labour export trade over a seven-year period. In 1992, women migrant workers represented only 49.8 per cent of new overseas Filipino workers. By 1999, this ratio had increased to 64 per cent of the newly deployed migrant workers. The percentage of newly deployed male workers dropped to 36 per cent of the total. (See table 4)

Table 4: Number of newly hired documented OFWs, by skills category and sex, 1992–1999

Skills category	1992			1999		
	Female	Male	Total	Female	Male	Total
Professional technical workers	54'256	17'974	72'230	50'677	11'823	62'500
Managerial workers	47	242	289	59	274	333
Clerical workers	1'510	3'932	5'442	1'262	1'290	2'552
Sales workers	1'039	1'662	2'701	785	1'459	2'244
Service workers	67'943	14'483	82'426	76'792	7'346	84'138
Agricultural workers	27	1'993	2'020	8	444	452
Production workers	5'036	90'379	95'415	20'793	58'869	79'662
Invalid category	11	60	71	1'464	3'915	5'379
Total	129'869	130'725	260'594	151'840	85'420	237'260

Source: Philippine Overseas Employment Administration, 2001.

There are three major categories of workers among overseas Filipino workers (OFWs): service workers, production workers and professional/ technical workers. Domestic workers make up 74.2 per cent of the “service worker” category. Choreographers, dancers, composers, musicians and singers comprise 75 per cent of the “professional/technical workers” category.¹¹ Women migrants make up 30 per cent of the “production and related workers” category, including electronics workers, tailors and dressmakers, sewers and embroidery workers.

In 1999, service workers comprised 35.4 per cent of the total of newly deployed OFWs. Production workers comprised 33.57 per cent; and professional technical workers comprised 26.3 per cent. The majority of deployed service workers were women in

¹⁰ Handbook for Filipinos Overseas Filipinos, Manila, 2000, p. 13.

¹¹ 2000 OFW Statistics, POEA, 2001.

domestic service. The majority (75 per cent) of professional and technical workers were female entertainers, now euphemistically called Overseas Performing Artists (OPA).¹²

The state recognizes that “entertainment” and “domestic service” are the two job categories most vulnerable to abuse. Nonetheless, more and more women migrant workers leave the country into these vulnerable types of jobs. In 1992, women service workers (mostly domestic workers) represented only 26 per cent of all newly deployed OFWs. In 1999, they had increased to 32 per cent of newly deployed OFWs. For the period January-September 2000, newly deployed female domestic workers, dancers, singers and performing artists comprised 47.54 per cent of newly deployed workers.¹³

Concerns and needs of women migrant workers¹⁴

Although women give different reasons why they consider overseas employment as a work option, these reasons invariably boil down to economic or financial considerations. Migrant workers mention the following specific or immediate reasons: “to get a job”, “to support family needs”, “to send siblings and children to school”, “to pay for medical treatment of parents”, “to pay debts”. Only one respondent gave “escape from battering” as the primary reason for going overseas. The women polled were either unemployed or had been seeking new employment for a period of between six months to two years. Other women had been contract workers in factories and department stores. The rest were engaged in hawking food items on the streets, washerwomen or part-time domestic workers.

Landing a job, earning an income

Economic security is the major concern of women who wish to work overseas. They seek to earn a decent income that can support the needs of the family. Families are compelled to have more than one income earner in order to cope with daily consumption needs, for education, health and other services. Often both husband and wife apply for overseas jobs, simultaneously. More often than not it is the wife who gets a job first.

The immediate need of these women is for reliable sources of information about job opportunities and to be able to choose wisely from those opportunities. The most common sources of information about jobs overseas come from the migrant workers themselves and the members of their families or the recruitment agent who goes from community to community to recruit potential workers. In their haste to get a job, however, many job applicants fail to study the employment contract peddled by agents. All of the Overseas Performing Artists (OPAs) in the focused group discussions (FGD) had only a cursory understanding of the provisions of the “Employment Contract for Filipino Performing Artists Bound for Japan”. Next to this is the need to secure money to pay for job-placement. Fortunately or unfortunately for OPAs, recruiters and their overseas partners, have made it easy for them to get trained and hired. Except for their transportation expenses to Manila and personal needs expenses, OPAs may now count on recruiters and their overseas partners to bear the cost of training, travel document processing, placement fees and air-fares to Japan. New modalities of payment through salary deductions have also made domestic workers easier to recruit. But these decisions carry unknown risks.

¹² Ibid.

¹³ Ibid.

¹⁴ Sources come from Focus Group Discussions and Needs Assessment Study Reports of Unlad-Kabayan, in Davao, 1998 and Bohol 2000, Income, Expense and Savings Patterns of Filipino Migrants in Klang Valley, Malaysia, Sri Tharan, Asian Migrant Centre, 1994.

Many domestic workers, especially in the Middle East, do not receive their salaries for the first few months. More than half of the cases filed in the Philippine Overseas Employment Administration (POEA) by overseas Filipino workers in the Middle East have to do with unpaid wages. The lack of critical information on the processes of migration and the contents of their contract have led many OPAs and domestic workers to become victims of “traffickers”.

Secondly, seeking an overseas job requires a serious study of real options available to the prospective migrant. The decision to migrate is often made without a comparative analysis of overseas jobs versus local jobs. Blinded by the thrill and status of working overseas, many migrants produce money for job-placement that could have been used to start a micro-enterprise at home. Placement fees and other expenses for domestic workers currently range between US\$600 in the Middle East to US\$2’500 in Taiwan. Recruitment agencies for Hong Kong-bound migrants pay an average of US\$1’000 (exchange rate of US\$1=P50).

Thirdly, migrant workers need to know how they may satisfactorily return and re-integrate into their families and communities. Social reintegration must be discussed prior to departure, setting time lines, budgets and expectations. But even once the migrant worker reaches her overseas destination, she must continuously communicate with her left-behind family so that timelines, budgets and expectations are continuously adjusted. Unfortunately, most Filipinos leave for work overseas with no re-integration plan. Some of them never have the opportunity to plan their return because they are “terminated” by their employers and forced to return. Others fall into conflict with the laws in the host country and are repatriated involuntarily. For such women, the decision is forced on them and little can be done to manage a dignified return.

Many others are compelled to return because the separation exacts too high a toll on the family. It is not uncommon for women migrants to return home immediately when they receive information of a developing crisis in the family. Common crises include the spouse’s infidelity, or neglect or abuse of the children by a spouse or relative of the migrant, a child’s drug-use or delinquency, or a spouse’s mismanagement of remittances or family property. Ironically, the family expects the woman to return to her overseas job as soon as possible to earning money.

Returning “for good” requires careful preparation by the woman and her family. She must save up for her return and learn new employable skills. If she has saved some money, her status changes from migrant wage earner to self-employed entrepreneur. If she is to make the best use of her money, she must learn new skills in entrepreneurship and management, to assess economic resources and opportunities and to evaluate the viability of business and support structures for sustaining enterprises.

Care for left-behind children

Another major concern among women is the care of their children. The care of the young child or children often prevents women from taking a job, whether locally or overseas. Child-care centers are few, mostly found in urban centers. A corollary concern for women is their other roles in the family — “reproduction”, “domestic work” such as cooking, cleaning, laundry and child rearing. Women find that even if they are gainfully employed, they are expected to continue performing their reproductive or “traditional” roles in the home. Neglect of these responsibilities often results in domestic discord.

Hazards and abuse at the work-site

As the number of cases of victims of abuse overseas rises, women are becoming concerned about the potential hazards at the work-site. Prospective migrants must be informed of the various job categories and working conditions they will meet in each destination. Women need to be aware of the gender-based and culture-determined jobs made available to them, e.g. domestic work, entertainment jobs and jobs in electronics, garments and textile factories requiring traditional skills and the ability to pay meticulous attention to detailed work. They must be warned that such jobs belong to the category of low-skilled, low-status jobs, making them vulnerable to verbal, sexual and physical abuse.

The temptation to earn extra income is so great that many take the risk of “moonlighting” that is, taking jobs outside of the legal contract that binds them to exclusive service of one employer. Women need to be informed about the legal prohibitions, dangers and penalties of “moonlighting”. Moreover, they need to know the hazards they face if they “jump their contract” or if they “over-stay” their visas and become undocumented. The difference in the situation of a legal contract worker and an undocumented worker is incomparable.

I. Legislative framework

1.1. Ratified conventions

The Philippine Government is an original signatory of the UN Declaration of Human Rights and other international covenants and conventions that define progressive standards of human rights for its citizens, for migrants and for workers. It has forged bilateral agreements with other states on the basis of these declarations and passed national laws to reflect its conformity to the same.

The Philippine state has ratified thirteen (13) out of a total of seventeen (17) international conventions of the United Nations (UN) and the International Labour Organization (ILO) that concern rights of workers, in general, and migrant workers, in particular as of Oct. 2000 (see Appendix 1). It is one among three countries in Asia and Oceania that have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. It has not ratified are ILO Convention No. 143 on "Migrant Worker Supplementary Provisions" and ILO Convention No. 97 on "Migration For Employment Convention." It has, however, ratified ILO Convention No. 111 on Discrimination (Employment and Occupation) and ILO Convention No. 100 on Equal Remuneration.

1.2. Bilateral Labour Agreements between the Philippines and labour receiving countries ¹⁵

Bilateral labour agreements (BLA) between labour-sending and labour-receiving states are instruments that provide some measure of protection to migrant workers in the work site. Host Governments are duty bound to protect foreign workers on the basis of agreements provided for in the BLA. As a general rule, the Philippine Government enters into bilateral labour agreements based on the framework of protection of migrant workers. Although negotiations regarding bilateral labour agreements can be initiated by either side, the Philippines has been the more active party in initiating bilateral negotiations. An inter-agency committee that includes the POEA through its Pre-Employment Services Office, and the Department of Foreign Affairs (DFA) through the Office for Legal Assistant for Migrant Workers' Affairs (OLAMWA) are involved in preparing the ground and drafting the proposed agreement for negotiations. Memorandum of Understanding (MOU) is another form of bilateral agreement. Bilateral labour agreements or Memoranda of Understanding provide the general statement or framework of agreement:

"Both Parties shall undertake to facilitate the mobilization and deployment of manpower between the two countries, within the framework of existing and applicable laws, rules and regulations of each country." Agreements provide further that "the basic conditions for the rights, duties and terms of employment applicable to both the employer and the employee shall be set out in a mutually agreed individual contract of employment which conforms with the relevant laws, rules and regulations of both countries. In the settlement of labour disputes arising from employee-employer relationships, the Government authorities concerned of both parties, in accordance with their respective laws, rules and regulations shall work towards an amicable settlement through negotiations, conciliation and arbitration. When efforts to amicably settle the dispute fail, the

¹⁵ Interviews with Mr. Bayani Mangibin, DFA-OLAMWA and Ms. Estela Banawis, POEA-Pre-Employment Services Office, April 2001.

parties concerned may resort to courts in accordance with their respective laws, rules and regulations."¹⁶

Apart from general agreements on manpower/labour, BLAs and MOUs may cover economic, commercial, trade and technical cooperation. Specific details and measures in the general agreements are discussed in joint committee meetings, e.g. agreements and measures on special hiring, control of illegal entry; trafficking clauses; repatriation; re-admission; etc. BLAs and MOUs have normal duration between 2–4 years.

Preparing the ground for BLA and MOU negotiation is a long, difficult process. It involves careful study of the political environment of host countries as well as an objective appreciation of differing perceptions on matters of mutual import. Certain labour-receiving Governments are reticent about entering into agreements that regulate and legislate wages for overseas workers as they consider the hiring of labour, including migrant labour, a private or business affair and therefore a matter between employer and employee exclusively. In other cases, wages are left for market forces to decide. These are obstacles in negotiating bilateral labour agreements. Under such situations, the Philippine Government strives to forge special arrangements to address the grievances of Filipino migrant workers. For instance, a special communication channel was established between the Philippine embassy and the Ministry of Manpower of Singapore for cases involving Filipino domestic workers.¹⁷

Most countries that host foreign workers are reticent to sign bilateral labour agreements and MOUs with sending-countries because, by doing so, they concede rights to foreign that even local workers do not enjoy. But the difficulty of managing huge foreign worker populations compels some host states to sign agreements with sending-countries at least on police matters. Still, host states are wary of signing agreements with one country because, a precedent may open the gate for the signing of BLAs and MOUs with other sending country Governments. This reticence is another obstacle.

Another factor that must be considered is the existence of influential lobby groups among migration stakeholders in the labour-receiving country, such as employers' associations, labour parties and local trade unions. Employers associations are generally interested in foreign labour because they lower the cost of production. In Japan and Korea, associations of employers in small and medium-sized industries have banded together to lobby their Governments for the more liberal hiring of foreign workers as a cheaper alternative to relocating their industries overseas. Trade unions oppose them, however, on the grounds that the hiring of foreign workers "depresses the demand for wage increases at home." Unions fear that more and more will be taken over by foreign workers. These opposing interests are problems for negotiators of bi-lateral labour agreements.

Since 1979, bilateral initiatives have been forged or are being negotiated between the Philippines and 33 countries in five global regions. Most of these agreements and MOUs cover limited issues involving labour and manpower development, social security, transfer of sentenced persons, mutual legal assistance and general consular matters. The Philippines has 15 BLAs and MOUs that cover labour and labour-related matters, mostly with Middle East countries. Social security agreements have been forged mostly with European countries. As of February 2001, three BLAs, two Bilateral Maritime/Shipping Agreements

¹⁶ Memorandum of Understanding on Labor and Manpower Development Between The Government of the Republic of the Philippines and The Government of the State of Kuwait, signed in 1997.

¹⁷ Host Country Welfare Mechanisms for OFW, POEA compilation, 2001.

and five MOUs are currently active. Others have either lapsed and are being re-negotiated. The rest are in the process of negotiation.¹⁸

OLAMWA is the agency charged with the implementation of concluded agreements, in the negotiation of proposed agreements or in the re-negotiation of lapsed agreements.

1.3. Legislation related to migration for employment

As a result of the advocacy work of migrant workers victimized during their overseas employment, and with the support of non-Government organizations (NGOs) and other advocate groups, the Philippine Government in 1995 enacted Republic Act 8042 known as the Migrant Workers and Overseas Filipino Act. (Please see separate copy of the text of RA 8042.)

This pioneering legislation defines the goals of the state in relation to overseas employment and for the protection of migrant workers' rights, here and overseas. RA 8042 was hurriedly enacted to appease public opinion indignant over abuses suffered by Filipinos working overseas. Indignation peaked in 1995 after Flor Contemplacion, a Filipina domestic helper in Singapore was executed (unjustly in the eyes of most Filipinos) for murder.

The law itself has been praised for its recognition of migrant workers, especially those who are "in distress", and for its attempt to lay down basic policies and standards to safeguard migrant workers' rights. It is one of a few gender-sensitive laws that recognizes the equal rights of women and men (Sec. 2*d*). The title of RA 8042 states:

AN ACT TO INSTITUTE POLICIES OF OVERSEAS EMPLOYMENT AND ESTABLISH A HIGHER STANDARD OF PROTECTION AND PROMOTION OF THE WELFARE OF MIGRANT WORKERS, THEIR FAMILIES AND OVERSEAS FILIPINOS IN DISTRESS ...

The provisions of this law make any violator of migrant workers' rights accountable and criminally liable. On the other hand, it has been criticized for a number of "loophole" provisions and other weaknesses.

RA 8042 has nine provisions and forty-three sections as well as an Omnibus Implementing Rules and Regulations with twenty provisions divided into eighty-two sections, signed on 24 February 1996.

RA 8042 starts with introductory, definition and policy statements (Sec. 1–3). This is followed by Provision I entitled "Deployment" which discusses Deployment and Ban on Deployment (Sec. 4–5).

Provision II discusses "Illegal Recruitment" (Sec. 6–13). This provision defines "illegal recruitment", defines penalties for the crime of illegal recruitment; prohibits officials of the DOLE (Department of Labour and Employment), OWWA (Overseas Workers Welfare Administration) and the POEA from engaging in recruitment activities; provides Regional Trial Courts as the venues for legal complaints against illegal recruiters; monetary claims and resolution of illegal recruitment cases; and provision of legal assistance to victims.

¹⁸ List of Countries with and Status of Bilateral Agreements, DFA, February 2001.

Provision III discusses “Services” that are to be rendered by the state for migrant workers. This is discussed in nine sections namely Sec. 14–22.

Provision IV defines the role of “Government Agencies” (Sec. 23) in promoting the welfare and protecting the rights of migrant workers.

Provision V defines the office of the “Legal Assistant for Migrant Workers Affairs” (Sec. 24–26.)

Provision VI defines the “Country Team Approach” (Sec. 27–28).

Provision VII entitled “Deregulation and Phase Out” establishes that the DOLE will phase out from its regulatory functions in the recruitment process within five years from signing. (Sec. 29–30)

Provision VIII entitled “Professional and Other Highly Skilled Filipinos Abroad” (Sec. 31) defines Government intention to secure the cooperation of professional with aptitude in science and technology to contribute to priority development areas of the public and private sectors.

Provision IX entitled “Miscellaneous Provisions” (Sec. 32–43) provides for the submission by DOLE and DFA of bi-annual reports informing Congress of the situation of migrant workers per country of destination; provides for representation of the migrant worker sector in Congress, exemption of migrant workers on travel tax, migrant workers scholarships, funding appropriations, June 7 as Migrant Workers Day and others.

Exemplary provisions

Local jobs — the strategic solution

- a) RA 8042 declares it as national policy that overall responsibility in “upholding the dignity of Filipinos in the country and in other countries” lies with the Philippine Government (Sec. 2*a*). This is to be guaranteed through the provision of social, economic and legal services to Filipino migrant workers here and overseas (Sec. 2*b*). Most importantly in Sec. 2*c*, it clarifies that “*the state does not promote overseas employment as a means to sustain economic growth and achieve national development*”. This provision, singly, prevents the “promotion” of overseas employment as a means to national economic development. This is a categorical statement that declares the policy that national development must be achieved through the *creation of local employment opportunities ... and the equitable distribution of wealth and benefits of development (Sec 2c)*. Herein lies the conditional and supplemental nature of overseas employment in regard to national economic production. Overseas employment cannot be and ought not to be seen as a dominant means for national economic development, despite the state’s need to expand services to migrant workers. This implies that it is the duty of the state to provide jobs for its citizens at home because it is at home and not overseas where the State has absolute jurisdiction to promote the welfare of its citizens. This recognition impels the state to solve local unemployment problems as the primary and strategic means of helping migrant workers.

Gender sensitive

- b) A second good practice in policy is the recognition of the equal rights of male and female migrants (Sec. 2*d*). More than this it recognizes the special vulnerabilities of female migrant workers and calls for policies and laws that *apply gender-sensitive criteria in the formulation and implementation of policies and programs...and in the*

composition of bodies tasked for the welfare of migrant workers. This provision ensures that at least one woman migrant worker is to sit on the Boards of the POEA and the OWWA each. This helps to ensure that women are present in the handling of problems of female migrant workers with a sensitivity that is normally not available when male-dominated institutions decide on the problems and complaints of women.

The Omnibus Rules and Regulations implementing RA 8042 takes “cognizance of the inequalities and inequities prevalent in society between women and men and a commitment to address issues with concern for the respective interest of the sexes” (Sec. 2g). Moreover, both in RA 8042 and its implementing rules the use of “he/she” show gender-sensitivity as they refer both to migrant workers as well as to Government personnel charged with responsibilities in assisting OFWs.

Democratic and pro-poor

- c) The Act also provides for the non-exclusion of the poor in court litigation (Sec. 2e). This ensures that the poor migrant workers who are victimized have a ready opportunity to prosecute violators despite their inability to hire lawyers.
- d) Sec. 34 ensures that the interests of migrant workers will be represented in the highest law-making bodies of the state, through the appointment of two representatives to the House of Representatives.

NGO participation

- e) The Act furthermore provides a non-adversarial relation with non-Government organizations (NGO) in the promotion of migrant workers rights (Sec. 2h) by calling NGOs as “partners” in the protection of migrant worker rights.

Protective

- f) In the First Provision of the Act on “Deployment”, the state declares it national policy to allow Filipinos to work *only in countries where the rights of Filipino migrant workers are protected* (Sec. 4). This stipulates that the receiving country must be a signatory to international conventions on labour rights and have decent national labour and social laws that protect migrant workers. It also implies that where labour laws are inadequate and discriminatory, the Philippine state will not allow Filipino migrant workers to be deployed there. The state uses the instrument of a “ban” to protect its migrant workers against states that violate internationally accepted rules on the treatment of migrant workers.
- g) The Second Provision of the Act on “Illegal Recruitment” has helped in great measure to prevent victimization through illegal recruitment. The sections (Sec 6a–m) have defined well what may constitute the crime of illegal recruitment, the penalties therein (Sec. 7 a-b), prohibitions on employees of the Department of Foreign Affairs (DFA), POEA and OWWA in the recruitment process (Sec.8) and the processes of criminal action and money claims (Sec. 9–10) for the victimized. For gross illegal recruitment crimes, the maximum penalty is provided. It is also noted that the third provision on “Services” has strong protective intent.

Service-oriented

- h) The Third Provision of the Act on “Services” defines the various services which the state is required to provide to migrant workers. Foremost is the provision of information on contracts, migrant workers rights, remedies and the like through the education of migrant workers, through travel advisories and information literature

(Sec. 14). The POEA is designated by law to be the agency for this service. The repatriation of under-aged migrants (Sec. 16) or of deceased or incapacitated migrant workers and their belongings *due to war, epidemics, disasters or calamities* or to the fault of the migrant himself or herself is the responsibility of the state through the OWWA (Sec. 15).

In the host countries, Resource Centers are mandated by the Act to be established. These are designated to provide migrant workers various services such as counseling and legal services, welfare assistance, socialization activities, reintegration programs and the like (Sec. 19). Moreover, Sec. 20, Sec. 24 and Sec. 28 ensure legal services to migrant workers who are in need. Sec. 20 provides for the pooling together of the resources of various Government agencies to establish a central information center to provide data for policy-making and for the monitoring and evaluation of migrant worker-related programs. The Offices for Legal Assistant for Migrant Workers Affairs (OLAMWA), located in the Philippines and in the host countries, are mandated to provide legal assistance for every needful migrant worker (Sec. 24). Funds for these offices are also provided for in the Act. Sec. 28 defining the country-team approach to be employed by Philippine embassies to protect migrant workers rights. This approach ensures that Government agencies such as the Department of Foreign Affairs (DFA), the Department of Labor and Employment (DOLE), the Philippine Overseas Employment Administration (POEA) and others work together (and not against each other) to address migrant worker problems. These provisions concretize the state's responsibility in ensuring the welfare of migrant workers in the host countries.

Re-integrative

- i) One of the most significant provisions of the Act is the state's pro-active program to provide returning migrant workers a mechanism for reintegrating into Filipino society (Sec. 17). The Act mandates the POEA and the OWWA to motivate migrant workers to plan for their eventual return to the country and to train them for the eventuality. The state designates the TESDA (Technical and Skills Development Authority) and the Technology Livelihood Resource Center (TLRC) in training migrant workers for livelihood development and entrepreneurship.

The Government is moving towards full implementation of the law. However, lack of funds and personnel and bureaucratic red tape hamper the maximum effectiveness of the law. The sheer size of the migrant population overseas and the complexity of their problems, require much more than the law can provide.

Proposed amendments

Despite general approbation given to the RA 8042, portions in the Act are vague and now under question.¹⁹ Proposals for amendments have been advanced by coalitions of migrant workers and support organizations. With the support of lawmakers in the House of Representatives, coalitions of NGOs have advanced certain proposals to improve RA 8042. These proposals are contained in House Bill No. 9521. The bill has to be tabled and placed in the agenda of a new congress in June 2001.

¹⁹ An article by Jerbert M. Briola, criticizes RA 8054 as an ineffective panacea to migrant workers problems. While denying that it is state policy to export labour, the annual growth rate of the overseas migrant population and the increasing incentives being given to overseas labour recruitment agencies, belies the real intention of the state. Briola's article "The Ambiguity of the Migrant Workers and Overseas Filipino Act of 1995" was published in TNT publication of of Kanlungan Center Foundation, Quezon City. Jan. 2001. p. 3.

Among the issues addressed by the amendment bill are:²⁰

- a) **the issue of deregulation.** A coalition of migrant workers' organizations in the Philippines and abroad condemn the continuation of abuses committed against migrant workers despite RA 8054 and despite the best efforts of the POEA to perform its regulatory functions. The coalition proposes the deletion of the provision calling for the deregulation of the industry (Sec. 29 and 30) on the grounds that the problem is not deregulation, **but more efficient regulation** by the state through the POEA. Since the law calls for deregulation five years from enactment, i.e., on June 2000, a resolution had to be passed suspending the implementation of the deregulation provision;
- b) **the issue of protection.** The amendment bill proposes to retain assertions that the state shall uphold the dignity of its people and to delete provisions that diminish the state's responsibility in protecting migrant workers' rights and welfare. Moreover, the validity of the policy statement that "the State recognizes that the ultimate protection of all migrant workers is the possession of skills" (Sec. 2g) is seriously challenged. This statement puts in particular jeopardy the Overseas Performing Artists, the majority of whom are women, now classified under the category of skilled Overseas Filipino Workers (OFWs);
- c) **the issue of deployment:** The bill reiterates that the Government must deploy OFWs only to countries and territories that have taken concrete action to protect the rights of migrant workers. The emphasis is needed because the Philippines continues to send workers to host states indifferent to foreign workers' rights. The bill enjoins the Philippine state to take positive action to promote the rights of migrant workers by using the "ban" instrument more liberally to compel host states to enact protective laws.
- d) **the issue of reintegration.** A coalition of NGOs proposes that the provision contained in Sec. 17 should be related to the statement of policy contained in Sec. 2c for a more dynamic integration of the meaning and intent of the Act. As it stands, the declaring of policy that *the state does not promote overseas employment as a means to sustain economic growth* stands opposite to or isolated from the provision in Sec. 17 which calls for the *motivation (of) migrant workers to plan for productive options such as entry into highly technical jobs or undertakings, livelihood and entrepreneurial development, better wage employment and investment of savings.* Sec. 17 should be seen as the fulfillment or realization of the provision of Sec. 2c.
- e) **miscellaneous.** Apart from the above, the amendment bill seeks to address the situation of migrant families (hardly mentioned in RA 8042), abused female OFWs and seafarers — sectors not given particular attention in RA 8042. Moreover, important provisions of the law have remained unimplemented as of this writing. Foremost is the provision in Article IX Sec. 32 which states "the respective boards of the POEA and the OWWA shall, in addition to their present composition, have three (3) members each, who shall come from the women, sea-based and land-based sectors, respectively, to be appointed...".

²⁰ This section is contained in the Asian Migrant Yearbook, 2000 published by the Migrant Forum in Asia and the Asian Migrant Centre, Hong Kong, 2001, p. 216.

1.4. Legislation pertaining to trafficking of persons

The trafficking of women and minors has been a concern of the Philippine state for some time. But this concern has been heightened with the growing number of reports of Filipino women migrants who are victimized into sexual or other forms of slavery overseas. Several laws touch upon the issue of trafficking, but none yet comprehensively addresses the issue.

Aspects of trafficking in women are dealt with in RA 6955, otherwise known as the Mail Order Bride Law, signed into law by then President Corazon C. Aquino on 13 June 1990. This law is part of the Revised Penal Code.

The law defines the practice of matching Filipino women for marriage to foreign nationals on a mail-order-bride basis and similar practices, as a crime punishable by life-imprisonment. The law, however, does not refer to child abuse.

On the other hand, RA 7610 deals with the abuse of minors, usually by foreign pedophiles, and provides punishment. However, this does not deal with the trafficking of women.

RA 8042, or the Migrant Workers and Overseas Filipino Act of 1995, deals partially with the crime of illegal recruitment which sometimes victimizes women migrants. But this does not deal comprehensively with the issue of trafficking.

Because of the growing number of cases of victimization of women migrants and minors overseas, a special law - House Bill No. 7199 - is being proposed by civil society at large and by Congress. The proposed law defines and sets penalties for the various aspects of the crime of "trafficking of persons". The illegal acts covered by the Anti-Trafficking Bill are the following:²¹

- the recruitment of women and minors supposedly for employment but, in actual fact, for prostitution or employment in slave-like conditions or bonded labour
- The promotion of the traffic of women and minors, either by print or broadcast advertisements, or by new information technology like the Internet
- The production or distribution of fake or tampered certificates, stickers and other papers necessary for an individual to leave the country
- The organization of sex tours
- The use of marriage contracts for the purpose of selling women and minors into prostitution or subjecting them to work in slave-like conditions
- Assistance in committing fraud by facilitating the acquisition of clearances and other documents needed by departing Filipinos
- Enticement or coercion a woman or minor to work in a club where illicit sexual activities take place
- Leasing or sub-leasing a house knowing it will be used for prostitution or bonded labour.

²¹ From "A primer on the anti-trafficking in persons Act" published by the Committee on Women, House of Representatives, Republic of the Philippines.

The violators of the act of trafficking shall be punished with life imprisonment and a fine of not less than one million pesos but not more than two million pesos. If the offender is a foreigner, he or she will be immediately deported upon serving his sentence and be barred permanently from entering the country again. Licensed recruitment agencies will have their operating licenses revoked. Agencies, corporations, travel agents who violate the law will have their registrations with the Securities and Exchange Commission cancelled.

The proposed law directs the Government to establish and implement counseling programs for victims of trafficking. These include the provision of temporary shelters, financial support and legal assistance.

Regardless of their legal status in the receiving-country, victims of trafficking have access to the Legal Assistance Fund provided for under the Migrant Workers Act. They are also entitled to services provided by the Overseas Filipino Resource Centers in foreign countries. The Department of Foreign Affairs and the OWWA shall take responsibility for the victims' repatriation to the country.

On reintegration of women migrants

Republic Act 7192 otherwise known as the Women in Nation Building Act of 1992 is a law that seeks to advance women's rights and interests. It affirms the role of women, including migrant women workers in nation-building and the equality of rights and opportunities. The Philippine Plan for Gender-Responsive Development (1998–2025) is the programmatic translation of the provisions of the RA 7192. It puts focus on strategies for addressing economic needs of returning migrant women. Among these strategies are: the development of comprehensive programs to assist reintegration of returning women OCWs into the social mainstream; assisting women to undertake entrepreneurial livelihood projects preferably in their own communities; promotion of programs that will encourage women to use skills acquired from foreign employment to start and manage community-based small-scale industries; encouraging and assisting returnees to get together for formal or informal networking and exchanges and to provide guidance to recent returnees on various adjustment problems.

1.5. Implementation and enforcement

Under the proposed Anti-Trafficking Law, an Inter-Agency Task Force Against Trafficking will be set up to formulate comprehensive programs to suppress the trafficking in women and minors. It will coordinate all the programs and projects of the various agencies under it. It will also spearhead a massive information campaign on the issue and can recommend the filing of cases against those who violate the law. The Task Force shall also lead in formulating a re-integration program for the victims. The Task Force will be jointly chaired by the Department of Foreign Affairs (DFA) and the Department of Social Welfare and Development (DSWD).

On 23 March 2000 former President Estrada signed Executive Order No. 220 calling for the establishment of an Executive Council to assist the president in the formulation and implementation of policies and programs suppress trafficking. The Executive Council is chaired by the secretary of the Department of Foreign Affairs. Among the agencies represented in the council are: the Department of Justice, Department of National Defense, Department of National Defense, Department of Labor and Employment, Department of Social Welfare and Development and the Department of Tourism.

II. Government migration policies and programmes

There are two levels at which policies govern the conduct of overseas labour migration in the country. At the first level, are framework policies, that is, broad directions taken by the state to address certain conditions, e.g. the policy to promote overseas employment. At the second level, are process policies that translate framework policies into operational policies, e.g. policies on market development, recruitment, placement and protection of workers.²² The framework policy of promoting overseas employment has not changed since the Marcos period in the 70's. The process policies, however, have been in constant flux. From an emphasis on promoting a good image of the nation overseas, policy has shifted significantly to the welfare and protection of its migrants. were brought Democratization and broader participation by the private sector in migration affairs helped bring about shifts in process policies. As public awareness grew following reports of cases of OFW abuse and death, the State was constrained to listen to public demands and initiatives. The case of Maricris Sioson, an entertainer in Japan who died under dubious circumstances, effected major changes in the process of recruitment, deployment and monitoring of entertainers.

The framework policy is translated into programs through the main Government agencies involved in overseas labour migration. The Department of Labor and Employment (DOLE) has two agencies involved in the deployment and welfare of migrant workers, the Philippine Overseas Employment Administration (POEA) and the Overseas Workers Welfare Administration (OWWA).

The Philippine Overseas Employment Administration was established in 1982 and reorganized in 1987 with the mandate to promote, supervise and monitor the condition of Filipino workers overseas. Its key programs are developing overseas labour markets for Filipino workers, regulating and monitoring recruitment activities and ensuring the well-being of workers at the job site and upon their return to the country.²³

The Overseas Workers Welfare Administration is mandated to provide welfare assistance to registered overseas workers and their dependents and to manage the OWWA Fund (a fund of compulsory contributions made by the migrant workers and/or the foreign employers of overseas Filipino workers).²⁴

The Department of Foreign Affairs (DFA) is the Government agency responsible for providing protection and assistance to citizens abroad. In particular, the Office of the Legal Assistant for Migrant Workers Affairs (OLAMWA) is primarily responsible for the provision and overall coordination of all legal assistance services to Filipino migrants in distress. Among its tasks and functions are: to issue guidelines, procedures and criteria for the provision of legal assistance services to Filipino migrant workers; to establish close links with the Department of Labor and Employment, the POEA and the OWWA and other relevant Government agencies, as well as with non-Governmental organizations assisting migrant workers, to ensure effective coordination and cooperation in the provision of legal assistance to migrant workers; to tap the assistance of reputable law firms and the Integrated Bar of the Philippines and other bar associations to complement Government efforts to provide legal assistance to Filipino migrant workers; to administer the legal

²² Patricia Sto. Tomas, *Overseas Employment: the Good, the Bad and the Ugly*. National Security Review; 1999. Prof. Sto Tomas is the newly designated Secretary of Labour and Employment under the Arroyo Administration.

²³ Philippine Overseas Employment Administration (POEA) Annual Report, 1992.

²⁴ Overseas Workers Welfare Administration (OWWA) Primer, 1994.

assistance fund for migrant workers and to authorize disbursements therefrom in accordance with the purposes for which the fund was set up; and to keep and maintain the information system as provided in Section 20 of RA 8042.²⁵

2.1. Preparing migrants for overseas employment

Welfare-based market development policy

In developing and expanding overseas labour markets for Philippine labour placements, the state's overarching concern is the protection of the rights and welfare of Filipino workers. This function is lodged with the Pre-Employment Services Office of the POEA. The office sees to it that the protection and welfare of individual migrant workers is built into the total processes and procedures of the migration cycle from recruitment, to deployment and to the return of the migrant worker. The POEA has the task of:

- a) setting requirements for accreditation and regulation of recruitment agencies and promoters;
- b) scrutinizing employers and their credentials;
- c) setting minimum contract requirements based on DOLE and POEA standards, with eight basic provisions:
 - i) guaranteed wages;
 - ii) free transportation to and from employment site;
 - iii) free and adequate board and lodging;
 - iv) free emergency medical and dental assistance;
 - v) just cause for termination of contract;
 - vi) workmen's compensation benefits and war hazard protection;
 - vii) repatriation of worker's remains and properties; and
 - viii) assistance on remittance²⁶

An application of an agency to hire workers is rejected if one or more of the basic provisions are not satisfactorily met or if they are found to be below- standard. The institution of these standards has raised the consciousness of migrant workers and recruitment agencies regarding the rights of OFWs and to a certain degree mitigated abuse by agencies and victimization of OFWs.

Information, education and training²⁷

The POEA provides information, education and training to prospective migrant workers to equip them with the knowledge and skills so that they can meet the requirements of overseas employment. It has several instruments to achieve this task, namely:

²⁵ RA 8042, Sec. 24.

²⁶ Brochure on Hiring of Filipino Workers, A Guide for Employers, POEA, March 1994.

²⁷ From interview with Ms. Susan Cabreros, Director for Pre -Employment Services, POEA, April 2001, unless otherwise indicated.

a) **Pre-Departure Orientation Seminars (PDOS).** This is the primary course given by the POEA to all aspiring overseas contract workers. It is a mandatory course requirement for every migrant leaving for work overseas for the first time. The purpose of the seminar is to provide OFWs with the basic and necessary information about their work contract, their rights and responsibilities, and to prepare them to do their assigned jobs and adjust to a foreign work environment. All POEA-accredited PDOS-providers are required to follow the three-module syllabus in the conduct of the seminars. The content of the PDOS includes:

- *Module A* — Realities and Coping
 - i) Rights based on the employment contract
 - ii) Obligations based on the Code of Discipline of OFWs
 - iii) Grounds and penalties for breach of discipline
 - iv) Country profile
 - v) Do's and Don'ts in dealing with the employer
 - vi) Coping mechanisms
 - vii) Duties and responsibilities of a household worker
 - viii) Values clarification
- *Module B* — GO/NGO Services and Benefits to OFWs and their kin
 - i) GO services (includes the new medicare program for OFWs)
 - ii) NGO services
 - iii) Banking services and remittance requirements and procedures
- *Module C* — Other relevant topics
 - i) Airport procedures and handling of travel documents
 - ii) Travel tips
 - iii) HIV- AIDS awareness
 - iv) Reintegration program
 - v) Significance of the “New Hero” Role.

PDOS are conducted by POEA at the main office and in the Regional Extension Units (REU) of the POEA. According to POEA, 520 agencies or associations are accredited to provide PDOS, either through their own programs or through links with other programs. Four associations of private agencies accredited to give PDOS are PASEI, OPAP, ASCOP (Association of Service Contractors in the Philippines) and AMOSUP (Associated Marine Officers and Seafarers Union of the Philippines). These provide PDOS for their member agencies. In a given year, these associations provide PDOS to 142'000 newly hired land-based contract workers, or 50 per cent of newly deployed workers. The other half is provided by other agencies.²⁸ It was noted by an independent private study, that "although PDOS is mandatory for all overseas contract workers, the common view among respondents is that many do not receive PDOS to the standards required by POEA.

²⁸ From Asian Regional Programme on International Labour Migration Pre-Employment and Pre-Departure Service for Filipina Migrant Workers. Scalabrini Migration Center, Inc. April 1992. Quezon City, Philippines, p. 12.

Without monitoring and enforcement by POEA, workers must rely on the goodwill of these agencies to provide adequate orientation.²⁹

- b) **The Pre-Employment Orientation Seminar (PEOS) and Travel advisories.** This course was created due to the widely recognized inadequacy of PDOS. It is mandated in Memorandum Circular No. 6 of 1997. POEA Rules state that applicants for overseas employment shall be provided with PEOS, which shall focus on an overview of the overseas employment program, the benefits and pitfalls of an overseas job, application procedures, Government services available and illegal recruitment.³⁰ More recently PEOS provides information on labour and employment conditions and migration realities. It orients the workers about standards of international human rights adhered to by destination countries.

The typical content of PEOS is:

- illegal recruitment, list of licensed recruitment agencies, illegal agencies
- procedures for application, departure, on-site employment and return
- job-site information, including culture of the country of destination
- remittances, financial management and livelihood projects as protection against the insecurity of overseas employment
- insurance coverage for workers and their families.³¹

“As of July 1997, POEA has conducted PEOS in almost all regions; six POEA regional offices have confirmed that they had conducted PEOS activities in their own areas”.³² The course takes four hours. Schools have been one of the popular venues for PEOS, usually given to graduating students, or they may be integrated in “career day” programs in schools or colleges. Another venue is the community. POEA coordinates with Public Employment Service Office (PESO) managers for the conduct of PEOS in local communities.

Travel advisories and related information are, by law, required to be published in a widely circulated newspaper three times every quarter.

Both PDOS and PEOS are designed to be gender-sensitive, but a lot depends on the personnel asked to carry out the education courses.

- c) **Special courses for women in vulnerable jobs.**³³ Special attention is given by POEA to domestic workers and entertainers. These are job categories occupied mainly by women and are considered highly vulnerable to abuse and trafficking. An average of 150'000 women domestic workers are deployed annually to various destinations. The nature of domestic work leads to vulnerabilities, which migrant workers must be made aware of. Long hours of work, no privacy and no separation from the work area, indeterminate number of tasks, and obedience to several

²⁹ Ibid.

³⁰ Ibid., p. 24.

³¹ Ibid., p. 24.

³² Pre-Departure Information Programs for Migrant Workers, Scalabrini Migration Center, Dec. 1997, p. 19.

³³ Interview with Ms. Teresita T. Laurel, Chief Manpower Development Division, and Vice-Chair, GAD Technical Committee, POEA, April 2001. The details on ARB system are from her article, “Protecting Female Migrant Workers: The Philippine Experience”, presented during the Strategic Planning Workshop on Female Migrant Workers in Asia, UNIFEM, 29–30 Oct. 2000, Kathmandu, Nepal.

“masters” are some of the peculiarities of domestic work that may cause severe stress on migrant workers.

The POEA, in cooperation with TESDA, is currently developing a two-week home management course for domestic workers. This course is primarily designed to enhance the skills, knowledge and values of domestic workers, some of whom are coming straight from rural areas and are destined to work in urbanized and technologically-advanced countries. Although this training will not be mandatory, all domestic workers will undergo testing and competency assessment to determine their preparedness to assume responsibilities, particularly in caring for people with special needs such as children, the elderly and the disabled, and in handling kitchen and household appliances. Graduates are issued the corresponding competency certificate. The TESDA accredits training programs for household workers that are run by various training institutes.

Secondly, “entertainers” are especially vulnerable. While they comprise only 22 per cent of all OFWs deployed from January–Sept. 2000, they represent an extremely vulnerable sector. Perhaps to grant them a more respectable status, the state has recently upgraded “entertainers” as “professional workers”. A majority of deployed professionals are entertainers, now termed Overseas Performing Artists (OPA). (See table 5.)

Table 5: Classification of Overseas Performing Artists, as of September 2000

Classification	Female	Male	Total
Choreographers and dancers	24'788	668	25'456
Composers, musicians and singers	15'607	627	16'234
Performing artists	106	19	125
Total	40'501 (96.8%)	1'314 (3.14%)	41'816
Total OFWs deployed	129'031 (68.17%)	54'826 (28.96%)	189'260

Source: POEA: January–September 2000.

The state has also exerted efforts to improve the protection of entertainers. A new system of training, testing and certification was adopted where OPAs are issued the Artist Record Book (ARB). It replaced the so-called “Yellow Card” in 1983, later changed into the Professional Proficiency Certificate (PPC) in 1994.

Under the new system, OPAs are now required to undergo mandatory training and testing in academic subjects and in work skills that are then recorded in the ARB as proof of their competence and proficiency. The ARB also records employment details helpful in monitoring of individual OPAs. Henceforth, OPAs come under the “professional, technical and related workers” category.

According to a study done by the POEA, academic training is designed primarily to help dancers in their early twenties, who perform on stage in a club or hotel from evening till dawn, to manage their unique and hazardous work environment.³⁴ Contents of the academic training include positive and appropriate values, behavior and attitudes development, communication and language skills, good grooming and

³⁴ Ibid.

social graces, spirituality and human relations. In other words, the young women are taught to “entertain” the male audience without providing sexual services. Standard topics in PDOS are also included, while emphasis is put on education regarding sexually transmitted diseases (STD) and HIV-Aids. The course also discusses ways to prevent drug and alcohol use/abuse among OPAs. Private deployment agencies and talent agents/promoters are encouraged to provide supplemental orientation specific to the type of work engagement of the OPAs.³⁵

OPAs receive training in the performing arts, dancing, singing and/or playing musical instruments. In addition they are also trained in personality development and stage presence, rhythm and body movement and music appreciation. Dancing lessons include basics in jazz and ballet.

The academic and skills training course covers a period of from 30 to 60 days conducted by TESDA-accredited trainers. TESDA conducts a qualifying test and successful OPAs are issued Certificates of Competency (COC) that are the basis for the POEA to issue them an ARB. The ARB costs P300 and has a validity of three-years. As of 10 February 2000, the total number of ARBs issued, renewed and replaced by POEA since 1995 was 147'000. According to the POEA, the new system has improved the conditions of OPAs and that there were no cases and complaints filed by OPAs.³⁶

- d) **Comprehensive Orientation Program for Entertainers.** The Comprehensive Orientation Program for Entertainers (COPE) is presently being prepared as a further improvement. TESDA is developing the syllabus and various modules for COPE which will be tested among OPAs in due time.
- e) **Information campaign in schools.** The Government has also recently waged an information campaign about migration issues in public schools. Last year, the POEA, Commission on Filipinos Overseas (CFO) and Department of Education, Culture and Sports (DECS) conducted pilot courses to integrate migration issues in elementary and secondary school subjects such as *Araling Panlipunan*, *Sibika* and *Values*. The courses deliver the core messages of employment options, push factors, hazards and costs of migration and gender-sensitivity.

2.2. Preventing exploitation

The Government takes other measures to prevent the exploitation, abuse and trafficking of women migrant workers:

Regulating recruitment agencies, promotion companies and talent managers

Exploitation, abuse and trafficking have often been traced to illegal recruitment. Efficient implementation of the provisions of RA 8042 would prevent much of the victimization of women by illegal recruiters. Respondent interviewees from POEA, however, note that state regulatory bodies cannot singly solve the problem of illegal

³⁵ Ibid.

³⁶ Interview with Ms. Liwanag Simondac, POEA, April 2001.

recruitment. Desperate job applicants are often willing to risk being victimized by recruiters for the chance to work overseas.³⁷

The POEA, through its Licensing and Regulation Office, regulates the operations of private employment agencies, contracting entities and manning agencies and implements POEA's program against illegal recruitment.³⁸

The POEA publishes a quarterly list of licensed agencies with proof of valid authority to recruit Filipino workers for overseas employment that is made available to prospective migrant workers. As of December 2000, the total number of POEA-licensed agencies was 1,432, including 863 land-based agencies and 359 manning agencies for seafarers in Metro Manila and 210 agencies outside of Metro Manila. It also includes 322 licensed training centers for OPAs.³⁹ The quarterly POEA publication also lists suspended recruitment agencies with a warning to all prospective applicants to beware of illegal recruiters.

In the absence of a law on trafficking, Section II of RA 8042 — on Illegal Recruitment — is currently the only preventive legislation that deals with such acts. Illegal recruitment is defined as “any act of canvassing, enlisting, contracting, transporting, utilizing, hiring, or procuring workers and includes referring, contract services, promising or advertising for employment abroad whether for profit or not, when undertaken by a non-licensee or non-holder of authority contemplated under Article 13(f) of Presidential Decree No. 442”.

The Licensing and Regulation Office focuses on weeding out unscrupulous employment agencies. In addition, a watch list and a blacklist of abusive employers is also maintained at the main office and in the various embassies and consulates overseas. But, in the end, the informed job applicant must discern for herself whether a job application is secure or not.

2.3. Government actions against trafficking⁴⁰

In line with Executive Order 220, several meetings have been convened during the last two years to discuss the specific details for the creation of an Executive Council to Suppress Trafficking in Persons, Particularly Women and Children. Executive Order 220 recognizes the need to ensure an integrated approach for the review, consideration, approval, management and monitoring of bilateral, regional and multilateral initiatives to suppress trafficking in persons, particularly women and children. Several Government agencies such as the DFA and DILG (Department of Interior and Local Government) are involved.

Trafficking database: Two agencies, namely, the Philippine Center on Transnational Crime (PCTC) and the Commission for Filipinos Overseas are building their own databases on trafficking to enable the more efficient enactment of relevant policies and implementing guidelines.

Setting age limits and bans. Age limits have been set for overseas workers, to eliminate the recruitment of minors. OPAs must be at least 21 years of age to qualify. A partial, total or temporary ban on deployment of workers is imposed when abuse,

³⁷ FGD respondents in Davao, March 2001.

³⁸ Brochure on Hiring Filipino Workers, A guide for employers, POEA, March 1994.

³⁹ List of Licensed Agencies, 31 Dec. 2000, POEA.

⁴⁰ Interview with Mr. Mangibin, DFA, Apr. 2001.

exploitation and other problems, e.g. on-going conflict, arise. Following the execution of Flor Contemplacion, a ban was imposed on sending domestic workers to Singapore. A similar ban was imposed during the war in Lebanon. All migrant workers found to be underage are immediately repatriated in compliance with Labor Code provisions prohibiting child labour.

The *au pair* system (a cultural exchange program in Europe) has been abused as a channel for trafficking Filipinas as domestic workers and prostitutes in European countries. The Philippine Government now imposes a total ban on the *au pair* system, but it is not having its full effect because European countries continue to issue visas for *au pair* applicants, victimizing many of them through illegal recruiters.

2.4. Protection and assistance against abuse ⁴¹

Three main Government agencies provide protection and assistance to overseas workers. These agencies are the Department of Foreign Affairs (DFA), responsible for travel documents and other consular services; the POEA, which looks into labour-related issues; and the OWWA, responsible for welfare issues. The latter two agencies are related to the Department of Labor and Employment (DOLE), but have semi-autonomous mandates. The independence of these three agencies has often made cooperation difficult, to the detriment of migrant workers. For this reason, the “country team approach” was devised.

The concept of the “country team approach” was defined by Executive Order 74 in 1993 and made operational in 1995. The approach responds to the magnitude and complexities of problems and issues faced by migrant workers overseas and due to the lack of resources and overseas personnel in Philippine embassies and consulates. It mandates that “all personnel of the Philippine Government posted abroad shall act as part of a single country-team, regardless of their mother agencies and shall on a per country basis act as one team under the leadership of the Ambassador or head of the consular office”.⁴²

The “country team approach” expresses in organizational mode the intent of RA 8042 that the highest priority of Philippine Foreign Service Posts is the protection of the Filipino migrant workers. It signifies that the promotion of their welfare, in particular, the protection of their dignity and fundamental rights is the overwhelming concern of all Government agencies abroad. It defines and consolidates the areas of cooperation and coordination among the officers and staff of the various foreign posts and their attached agencies.

Staff of Philippine embassies and consulates differ in size and organization, depending on the size and needs of OFW populations. In some countries, a Community Reach-Out program (comprised of the three agencies) is organized to provide counseling to OFWs, to disseminate information, take up OFW complaints and extend consular services, e.g. issuance of passports and other legal documents. In the Middle East, so-called “mobile service teams” composed of personnel from the DFA, POLO (DOLE-POEA) and FWRC-OWWA visit camps, dormitories and hospitals, mostly among male migrants to provide these services. (Visiting residences where female domestic workers are assigned is however difficult.)

⁴¹ Interviews with Mr. Rustico dela Fuente, Division for Overseas Operations Office; Ms. Chari Burayag and Ms. Joyce Dalisay, OWWA, Apr. 2001.

⁴² Guidelines for operationalizing the country team approach on assistance to Filipino nationals overseas, 1995.

In host countries where a sizable OFW population exists, the Philippine Overseas Labor Office (POLO) headed by the labour attaché or POEA official, is organized to address all matters which are inherently labour and employment-related e.g. wages, contract-termination and substitution, recruitment and deployment, community outreach and welfare-related services, e.g. medical services, counseling and reintegration.

In high-risk destinations with a concentration of more than 20'000 OFWs, the Filipino Workers Resource Center (FWRC) run by welfare officers of OWWA and mandated by RA 8042 is established. For example, Taiwan and Saudi Arabia have three FWRCs each; UAE, Japan and Italy have two each. The other countries/territories like Singapore, South Korea, Brunei, Hong Kong, Malaysia, Saipan, Libya, Qatar, Kuwait, Bahrain, Oman, Spain and Greece have one each for a total of 25 FWRCs all over the world. The FWRC serves as a meetingplace for Filipino organizations, a training center for skills development, especially in preparation for reintegration, as well as a counseling center and temporary shelter for migrants in distress. Most FWRC offer courses in computer skills, dressmaking and in cooking. Eleven of the Welfare Officers, who are the top personnel in FWRCs, are women. They are assigned to places with large concentrations of vulnerable women workers, such as Hong Kong, Singapore, Japan, Brunei, Taiwan, Kuwait, UAE and Greece.

The Consular Office, through the Assistance to Nationals Unit (ANU), addresses all matters inherently non-labour and employment related, e.g. police cases and jail visitations, visa expiration, registration of nationals, representation with the host Government and other consular-related services.⁴³ It provides legal assistance to undocumented migrant workers. In coordination with OLAMWA, ANU helps and repatriates migrants who are victimized by war or disease. The OLAMWA facilitates the repatriation of OCWs who have died in the host states, as well as the remains of OCWs who have been executed for crimes. They also facilitate the shipping of their personal belongings.

The assistance to OCWs “in distress” is given on a case by case basis. Based on the merit of each case, expenses for airfare and escort for those unable to travel alone due to physical or mental disabilities may be provided by the Philippine state. When necessary and appropriate, the Philippine agencies may refer OCWs in distress to appropriate hospitals and medical agencies in the host country.

A central function of Philippine State agencies is the documentation of the cases of victimization among OFWS. During the period January–December 2000, 208 cases of illegal recruitment, human smuggling and trafficking were recorded by state agencies. The OLAMWA's central office has recorded large-scale illegal recruitment of Filipinas to Jordan and other Middle Eastern countries, South Korea and Europe. “Trafficking” of Filipinas follows different methods, such as *umrah* in the Middle East (DEFINE); recruitment of brides through the Unification Church in South Korea and as *au pair* in Europe. The state also keeps records of detained OFWs and cases of deaths. The number of detained OFWs and overseas Filipinos in 2000 was 1'667 of which 831 were men and 610 were women. Most of those detained were in Hong Kong (594), Saudi Arabia (266), and Malaysia (126). Recorded deaths of OFWs reached 613 in 2000.⁴⁴

Recognizing the specific needs of women migrant workers and the realities of working conditions that are particularly oppressive to women, the Philippine State has

⁴³ Ibid.

⁴⁴ From interview with Mr. Bayani Mangibin, DFA and from document “Gender-related/Dis-aggregated statistics on Philippine labour migration experience”, 2000.

continuously increased the proportion of female personnel in consular posts and especially in POLOs and FWRCs.

2.5. Migrant workers' assessment of Government initiatives ⁴⁵

Although all OCWs are required to take Pre-Departure Orientation Seminars (PDOS), most domestic workers or OPAs in the focus groups had a rudimentary knowledge of and even less experience with Government programs to protect them against illegal recruiters and “traffickers”. This ignorance is especially true of migrant workers outside the NCR. Most written literature about migration is in English or Tagalog and even these publications are not widely disseminated in the regions. Non-Tagalog speakers who responded to the query said that detailed knowledge came to them only after they had experienced some problems and were directed to appropriate Government agencies. Not a single study respondent has heard of, much less participated in, a PEOS.

The best informed migrant workers say that Government policies and programs are generally good and clearly intend to protect migrants against abuse, clear. However, their opinions and perceptions depend on their experiences and encounters with the personnel of POEA, OWWA and DFA. Domestic workers feel that embassy personnel discriminate against them. In arbitrating employer-employee disputes, embassy personnel, they claim, to listen more to the employers than to the domestic workers. Runaways are encouraged to return to their employers. This lack of support pushes many of them to seek help elsewhere -- from churches, NGOs and friends. Respondents also make distinctions between embassy personnel and OWWA, saying that the latter are more sympathetic. This distinction comes from the Contemplacion scandal and the protest by NGOs.

On PDOS

Domestic workers agree that PDOS is an important and effective means for preparing migrant workers for overseas work and preventing abuse. The topics they find most useful are the “dos and don'ts” and cultural practices in the host country. Most admit, however, that they themselves were not in the proper frame of mind when they took the PDOS, as it is usually taken one or two days prior to departure when the migrants are inattentive due to excitement and worries of the impending departure. Moreover, they said, 4-6 hours is too short a time to discuss all the topics with thoroughness. Bank personnel discussing remittances and management, for example, take up at least two hours of the PDOS.

Migrant workers also observe that the PDOS lecturers have their own particular emphases and points of view that are not always complementary to the whole. The POEA and private agencies emphasize their services and the benefits of overseas work. NGOs, on the other hand, stress the inadequacies of laws, contract provisions and the rights of migrant workers as well as the consequences of migration. This emphasis seem designed to discourage the women from leaving. About one third of study respondents in Davao did not undergo any PDOS, having migrated on tourist visas and/or illegally through the “backdoor” in Mindanao.

⁴⁵ Data mainly based on the responses of prospective and returned migrants and members of their families where substantial exchange in the FGD dealt with their negative experiences and recommendations to improve on Government programs and services. Other sources included: Needs assessment studies of Migrant Workers and their Families in Davao and Bohol conducted by Unlad-Kabayan as well as past surveys in Hong Kong, Malaysia and Japan by the Asian Migrant Centre.

Women in the OPA category agree that the new academic and skills training program is more rigorous and has better prepared them to cope with the work environment. The “supplemental” pre-departure tips provided by their agencies and talent managers are considered most useful in helping them to cope with their work in the clubs. Many OPAs find that some training courses (e.g. ballet lessons) are superfluous and irrelevant, and the academic courses are superficial and hurriedly conducted. Most of them still find it difficult to understand their contracts and how to exercise their rights. Those who attended PDOS along with domestic helpers and other workers found the experience utterly useless. OPAs are more concerned about pleasing their employers and talent managers to ensure that they will be recommended for the next booking.

Recommendations for future interventions ⁴⁶

PEOS should broaden its reach to schools and communities in the rural and urban poor areas. It should also put emphasis on information on local employment opportunities and teachers should refer the audience to the Government agencies that help establish livelihood projects. These practices should be included in the information campaigns and/or through PEOS/PDOS. Information should be made available in major Philippine languages.

Suggestions from migrant workers to improve pre-departure training and orientation courses include:

- a) the POEA should encourage and accredit PDOS providers in major cities outside the NCR to reduce travel costs of prospective OFWs
- b) family members of OFWs should be encouraged to attend PDOS so that they are equally informed about the risks and prospects of labour migration and to motivate them to help their migrant workers seek protection and access services especially when the latter are in distress
- c) sufficient time should be given for discussion of every relevant topic, and should last for at least 16 hours (2 days). There should be a more in-depth discussion on the laws, culture and practices in host countries. “Re-integration” deserves a longer period of discussion, focusing on options for the returning migrant worker and the necessary preparations. Possibilities for sustainable livelihood projects the OFW can invest in while abroad should also be discussed
- d) finally, certain “skills” and “academic” training courses irrelevant to their work, e.g. ballet lessons, should be dropped from the program.

2.6. Gender issues arising from Government policies

The program to export labour is a gender issue in that it affects women in general, whether they are the migrant workers themselves or the wives, daughters, mothers or sisters of male migrant workers. Labour migration physically breaks up the family and puts a strain on the members of the basic social unit.

The deployment of women in such gender-specific jobs as domestic service and entertainment, notwithstanding strict policies and control measures, continues to subject them to gender division and oppression. These jobs are exploitative by nature, encouraging abuse and the growth of trafficking.

⁴⁶ FGD and key informant interviews in Davao and Butuan, March 2001.

OPAs are stigmatized in the workplace and at home. Although they suffer sexual harassment and assaults, they are prevented from filing formal complaints because their environment makes them believe that such acts come with the job. Moreover, to complain is to invite ridicule, or worse, being removed from the line-up of potential re-hires. The relationship between an OPA and her “talent agent” is a “patron-ward” relationship similar to that of a sex worker and her pimp. After having gone through training and coaching, OPAs prefer to stay in the good graces of their “talent agents” in order to continue to receive new bookings from them. If OPAs complain too much, their talent managers easily replace them with someone else. OPA’s are made to feel indebted to talent managers for their jobs.

The continued deployment of domestic workers and OPAs reinforces women’s traditional, gender-based roles as “housekeepers” and “sex objects” in male-dominated societies.

III. Private initiatives

The protection of migrant workers' rights and their well-being in a country that recognizes the tremendous economic and political contribution of the "new national heroes and heroines" has been a growing concern of the private sector, including migrant people's organizations, non-Government organizations, churches, development organizations and even banks and recruitment agencies.

A survey of migrant workers' education and organizing programs conducted by the Philippine partners of the Migrant Forum in Asia,⁴⁷ a network of migrant workers organizations and support NGOs in Asia, reveals that over a hundred migrant workers and support organizations all over the country have been established to aid migrant workers and their families in various areas. In the Philippines, the survey covered education programs of Government and non-Government organizations. In all, thirty-three non-Government, non-profit organizations and church programs involved in the education of migrant workers and their families were surveyed, apart from Government organizations and recruitment agency associations. Of the 33 surveyed private groups, twenty-two primarily focus on migrant workers, while the rest focus on women, children, health (HIV/AIDS) and workers' issues while at the same time providing services and programs for migrant workers.

These organizations are of various types — migrant worker and families associations, migrant worker and community cooperatives, trade unions, professional organizations and the academic community. All in some way provide services to migrant workers and their families. Several organizations also belong to national and international "networks" of people's organizations, "cause-oriented groups" and non-Government organizations addressing migrant workers' rights. Some business groups including banks, remittance centers, insurance companies and even the primary employers association in the Philippines (ECOP) also provide services to migrant workers and their families. Other groups include the Integrated Bar of the Philippines (IBP) and other legal aid groups, providing legal assistance to OFWs, the Philippine Nurses Association (PNA), handling PDOS for nurses, and the academic community, conducting studies on migrant worker situations.

Another set of private organizations is the association of private recruitment agencies who are accredited by the POEA to provide PDOS to departing overseas contract workers. About four large associations PASEI, OPAP, ASCOP and AMOSUP serve over 703 POEA-accredited recruitment agencies by providing their recruits with PDOS.⁴⁸

3.1. Information, education and awareness-raising

About 91 per cent of surveyed organizations conducts one form of education program or another to raise awareness on issues that affect migrant workers.⁴⁹ Moreover, 67 per cent of survey groups are involved in documentation and publications work, 58 per cent are engaged in campaign and advocacy of migrant workers issues, 52 per cent are involved in organizing migrant workers and their communities, 36 per cent are involved in religious

⁴⁷ The "Survey of Education Programs for Migrant Workers in Asia" is a joint research project of the Migrant Forum in Asia (MFA) and the Asia Pacific Bureau for Adult Education (ASPBAE) is under final editing. Unpublished.

⁴⁸ Scalabrini, 1992. p. 12.

⁴⁹ From the Philippine Report "Survey of education programs for migrant workers in Asia", MFA and ASPBAE, Manila. 2001.

and cultural education, 45 per cent are involved in entrepreneurship and/or livelihood-development programs and 2.7 per cent are involved in re-integration programs.

Apart from structured education programs by survey groups, a few TV and radio stations have daily talk show programs that deal with the problems of migrant workers. These nationally broadcast programs provide travel advisories and discuss the processes of migration, legal rights and remedies for victims of illegal recruiters, RA 8042 and the policies of the POEA and OWWA, how to start livelihood programs, individual experiences of migrant workers, conditions in specific host countries and the like. More recently, a migrant worker website has been opened to disseminate information more widely on migrant worker issues, problems and remedies, if not as a means of communication among migrant workers and members of their family.

NGOs and other private organizations publish various helpful literature, including Tips on Working Overseas, How to Use Provisions of RA 8042, Migrant Worker Advisories in Hong Kong, Saudi Arabia and other countries. Other organizations, like Scalabrini Migration Center, conduct and publish various studies on migration as well as evaluations of PDOS, PEOS and other Government programs.

3.2. Preparing migrants for overseas employment ⁵⁰

By virtue of Memorandum Circular No. 3 Series of 1993, the POEA authorizes accredited NGOs to conduct Pre-Departure Orientation Seminars to migrant workers. About six women's and migrant workers NGOs are engaged in PDOS. (Many other NGOs refrain from participating in PDOS as they are thought to promote migration.) These seminars follow a curriculum approved by the POEA. Apart from the required topics, NGOs may include other topics close to their heart, e.g., HIV/AIDS awareness, trade union principles, women's rights and the like.

It has become a standard part of the PDOS to invite resource persons with expertise on the various topics of the curriculum. Returned migrants or representatives of overseas NGOs working with migrant workers provide very credible information about the conditions of migrants in foreign countries. A few commercial banks and remittance centers promote savings and finance management through migrant investment in pre-need products such as Scholarship and Education Funds, Insurance Undertaking, Housing Plans, Health Plans, Retirement Plans and even "Life Plans" designed to assist migrant workers to insure themselves from cradle to grave. Some remittance centers and banks produce education materials and literature designed to make migrant workers aware of their rights and provide information so that they are better able to cope with their problems on-site.

The Pre-Employment Orientation Seminar (PEOS) is mainly conducted by POEA. However, five NGOs are also accredited to provide PEOS. Topics covered include: an overview of migration, a socio-economic impact analysis of migration, gender sensitivity, provisions of RA 8042, provisions of the UN Convention on the Protection of the Rights of Migrant Workers and their Families, services provided by POEA, OWWA and non-Government organizations and a discussion on Savings and Reintegration Programs. Non-Government organizations have a great deal more independence in conducting PEOS. They include thorough discussions on the advantages and disadvantages of working overseas. They trace the causes of migration to unemployment and structural problems in the Philippine economy. They propose that migrant workers plan their work overseas so that they may return to their own families and communities at the soonest possible time, using their savings earned abroad to create jobs and invest in local livelihood projects and

⁵⁰ Interviews with private and non-Government organizations, Apr. 2001.

micro-enterprises. Some education programs include courses on entrepreneurship, business and finance management and enterprise development.

The Roman Catholic church through the Episcopal Commission for the Pastoral Care of Migrants and Itinerant People (ECMI) has gone further by incorporating migration studies as part of the elementary and secondary curriculum in private schools owned by the Catholic church. School-based PEOS are directed towards developing the student's values on the family, work and community, as well as in defining the dangers and challenges of overseas migration.

3.2. Protection and assistance against abuse and occupational hazards

Other education seminars are conducted by people's organizations and non-Government organizations in the course of assisting victims of abuse. Private organizations have more latitude in developing education programs that address fundamental issues affecting migrant workers. Apart from discussing legal provisions contained in RA 8042, they may explore the history of overseas migration, gender-based issues, gender-sensitivity training, comprehensive problems of society, labour rights and political methods in addressing migrant workers problems.

The sheer number of migrant workers who need assistance as a result of problems they encounter makes NGO participation and assistance indispensable. In the experience of one NGO at least, migrant workers are unable to manage the litigation process on their own. On several occasions, the POEA has referred migrant workers to this NGO for assistance because the migrant workers did not have a lawyer or funds to cover expenses, although according to RA 8042, the Government is mandated to provide migrant workers with free legal service. Filing a case against a labour recruiter or employer involves is expensive. Lawyer's fees include an acceptance fee and an appearance fee. NGO volunteer lawyers render service *pro bono*, however, other fees remain such as a filing fee, fee for presenting a position paper, expenses for photocopying of documents, registered mail and postage expenses, as well as transportation for hearings that the NGO may cover on behalf of the migrant worker. Thus, a legal case involving a migrant worker also becomes a welfare case. One case may cost between P15'000 to 20'000 depending on the length of period for resolution.⁵¹

NGOs who help migrant workers must organize a pool of volunteer lawyers and train them in managing gender-sensitive legal cases to meet the needs of women migrant workers.

In the survey, it was established that 48 per cent of respondent groups are engaged in the shelter and counseling of migrant workers and their children. After two decades of the migration of Filipino entertainers to Japan, it is inevitable that some of them will get married to Japanese nationals and bear children of mixed parentage. This is a new development and poses new challenges for NGOs, such as reports of domestic violence against OPAs living with Japanese men and cases of abandoned children. Several NGOs provide services to battered OPAs and children of mixed parentage.⁵²

Lawyer groups are also involved in providing legal assistance and counseling to victims of trafficking and abuse. Some have taken their cases to magistrates and courts in the host countries or before the bar of public opinion. Local groups are in convenient

⁵¹ Interview with Kanlungan Center Foundation (KNL), Apr. 2001.

⁵² Interview with Ms. Carmelita Nuqui, DAWN, Apr. 2001.

partnership with migrant workers' organizations and support groups in the host countries so that in cases of victimization, host country organizations are mobilized to support the victims, while local migrant organizations pressure the national Government for stronger representation on behalf of the victimized Filipino migrant worker.

On the other hand, some migrant workers and women's groups raise awareness of health-related risks and problems such as HIV-AIDS and sexually transmitted diseases. These groups are actively involved in lobbying congress to pass the Anti-Trafficking Bill and for laws to prevent the further spread of AIDS and to provide services to those afflicted with the dreaded virus. They are also involved in reproductive health issues. Victims of trafficking are powerful resource persons in various education seminars conducted by migrant women's groups.⁵³

Private migrant workers organizations and NGOs play an important role in addressing the problems of victimized migrant workers. They urge state authorities to take active roles in migrant workers problems and issues because diplomatic level discussions are always helpful for migrant workers.

3.4. Assistance to migrant families

One of the problems caused by migration is family abandonment. According to POEA sources, 1'439 families were abandoned in 1999 and 1'344 in 2000.⁵⁴ OFWs are known to establish new families in the worksite or at home, causing their original families to be abandoned. One organization of OFW families provides support to abandoned families. The majority of this organization's 800 members are women, although quite a few are abandoned male spouses. It runs five programs and provides services to its members and others in the urban poor communities where its six chapters are located. The Youth and Development Program provides scholarships to children of OCWs; conducts training in vocational and leadership skills, organizes cultural activities and encourages young people to organize themselves in the communities. The Food Security Program operates livelihood projects and manages its micro-lending scheme. The program also runs courses on health and nutrition. The organization has three community based child-care and pre-school learning centers managed by women members on a volunteer basis. Under the Documentation and Advocacy Program, abandoned spouses and families are received and assisted. First it tries to find out why financial support has stopped, whether the OCW is in distress, disappeared or has willfully abandoned the family. The organization then seeks the intervention and assistance of Government agencies for appropriate action. Radio and television programs run by the organization provide information on new migration policies and procedures of the country and host countries and even offer a slot for "on the air" counseling.⁵⁵

3.5. Assessment of private initiatives and suggestions for future interventions⁵⁶

The partnership of local NGOs and foreign NGOs serving migrant workers has enabled them to offer a wide range of programs and services. Through the exchange of

⁵³ Interview with Coalition Against Trafficking in Women, Asia-Pacific, March 2001.

⁵⁴ Lecture by Ms. Edmina Sto. Domingo, chief of the Welfare Assistance Division of POEA, during a KAKAMMPI meeting, Feb. 2001.

⁵⁵ Interview with KAKAMMPI, Apr. 2001.

⁵⁶ FGD respondents and key informant interviews among clients of NGOs, Apr. 2001.

experiences, the pooling of resources and expertise, and the sharing of responsibilities, some NGOs have been able to provide more specialized services and acquire core competencies in some areas.

While immediate crisis intervention and counseling is necessary and appreciated, migrant workers groups propose that responses of the private sector in regard to migrant workers problems should be holistic and meet their comprehensive needs. They must not only provide immediate services but they must design programs that address the problem in a comprehensive way. Programs must not only provide information about the risks and benefits of overseas employment, and remedial measures for those who have been victimized, but also provide political solutions through the enactment of laws protective of migrant workers.

Towards this end, they propose that education programs should be more pro-active. They must encourage realistic appraisal of possibilities for overseas employment, encourage migrant workers to save and plan for their eventual return at the earliest possible time due to the unstable nature of their work. They should encourage the organization of communities where their families live. Private organizations, moreover, must help migrant workers and their families to establish alternative livelihood opportunities through programs and micro enterprises.

Migrant workers recommend that NGOs:

- 1) campaign and act as watch dogs against illegal recruiters and traffickers
- 2) engage in PDOS outside the NCR
- 3) expand legal services to cover more OFWS “in distress”
- 4) set up child-care centers in communities for children of mixed marriages, children of OCWs and other urban children. These pre-school centers should provide awareness against discrimination of children of mixed parentage or children of rape victims
- 5) Set up NGOs in the Middle Eastern countries.

IV. Government initiatives related to returnees⁵⁷

The Overseas Workers Welfare Administration (OWWA) is primarily responsible for the organized return and productive reintegration or redeployment of migrant workers addressing both economic and social components. Through the OWWA Fund migrant workers are provided economic and social assistance and benefits upon return.

4.1. Expanded livelihood programme

Re-entry and re-integration programs for OCWs have been in place since 1988. Through the Expanded Livelihood Development Program (ELDP), credit services were extended to OCWs and their families. Between 1990–1996, 3,522 OCWs and their families were able to take out loans. About 45 per cent of loan applicants were women and more than half, or 1,847, were from the national capital region (NCR). The average loan amount was P43,000 for women and P38,000 for men. Most of the livelihood projects engaged in by the women were in trading (55 per cent). About half were invested in “sari-sari” stores (small variety stores); and 32 per cent were engaged in services.⁵⁸

Livelihood projects increase household income. The women acquire new skills in negotiating, marketing and book-keeping. They are able to develop quality control in the production of goods and self-confidence. Livelihood projects have brought the family together in a common endeavor; and the project has facilitated the transfer of skills to workers.⁵⁹

Some of the weaknesses mentioned are the lack of monitoring and follow-up activities. In the post-loan period, the relationship between ELDP and the borrower focused on loan repayment, with no follow-up training or any form of support. Moreover, the livelihood projects were mostly micro-enterprises that could only augment income but could not be relied upon as a major income source for the OCW and family. Most of the projects could be sustained only with continuing renewal of loans. It is recommended that the program encourage and consider livelihood projects that are financially viable and sustainable.⁶⁰

In an attempt to improve services and to stress the sustainability of livelihood projects, the policies and procedures for credit assistance in the ELDP have been changed. The ELDP name itself has been revised to the Expanded Livelihood Program (ELP). Under the old ELDP program, the maximum loan amount was P50,000. Since June 2000, the amount has been raised to P100,000 and the interest rate reduced from 15 per cent to 9 per cent per annum. The loan payment period has also been extended from three to five years. These changes were made due to the depreciation of the Philippine peso and the state of the national economy. With the changes made in the credit program, new training courses and business planning seminars have also been put in place. One loan application was approved during the six-month period June to December 2000 and two more were approved between January and April 2001. Credit policies and regulations have also

⁵⁷ Data mainly from interviews with Mr. Rustico dela Fuente, Ms. Joyce Dalisay, and Ms. Chari Bugayong, OWWA, Apr. 2001.

⁵⁸ A policy Assessment of economic assistance for Filipino women migrant workers by Sentro ng Manggagawang Pilipino, 1998, A CIDA funded project. The report was presented in the Philippine Senate Committee on Women and Family. This writer was a reactor to the report, representing NGOs.

⁵⁹ Ibid.

⁶⁰ Ibid.

become stricter under the new system. Movable assets and chattel mortgage are still accepted, but with lower value (50 per cent) of the currently appraised value of movable collateral.

Another credit scheme under the ELDP involving a rediscounting program with the Land Bank of the Philippines as a major conduit was discontinued. Financial institutions had been reluctant to participate because of the non-viability of projects. Furthermore, requirements for availing credit by conduit financial institutions were difficult to comply with, making the service inaccessible to most OCWs.

4.2. Other programmes and services

The **Replacement and Monitoring Centre** is a program that provides training and re-training in preparation for re-deployment or reintegration of migrant workers. It refers migrant workers to the TESDA and the Technology and Livelihood Resource Center (TLRC) for specific courses in vocational skills and entrepreneurship. Business counseling is also offered.

The **Social Benefits Package** is a type of social assistance and security that includes mandatory life and personal accident insurance protection, facilitation of documentary requirements for repatriated OCWs in distress, and sickness and disability benefits. A grant of P10,000 is given for the burial of indigent OCWs.

OWWA also provides counseling for the psychological and social well-being of returning OCWs suffering from psychological and mental distress.

The actual **handling and management of remittances** as defined by Executive Order 857 are left largely to the private, financial entities such as banks. The Government's role is to assist in the setting up remittance branches of Philippine-based banks, etc.

The handling and management of remittances is defined by Executive Order 857. This order provides for mandatory remittance of 70-80 percent of a migrant worker's salary through regular banking channels. In its original form, the order required OFWs to present proof of transfer of remittances before they could have their passports renewed and their new employment contracts authenticated. Mandatory remittance through banks assured the Government and formal financial institutions some control over foreign exchange deposits. Moreover, it assured the families of OCWs of a steady flow of financial support from their working relatives abroad.

4.3. Migrant workers' assessment of Government initiatives for returnees⁶¹

Domestic workers find the computer literacy and dressmaking courses offered by the Filipino Workers Resource Center (FWRC) quite useful upon their return.⁶² Domestic workers in Hong Kong were most appreciative of a pilot course on distance education on entrepreneurship and on teaching offered by the FWRC. Only a few domestic workers actually took these courses, however. It may be useful to determine the cost-effectiveness of courses and ways by which more participants could be encouraged to join them.

⁶¹ Responses of migrant workers and families in all areas.

⁶² Respondents were returned domestic workers from Hong Kong, Oman, UAE and Malaysia.

Except for those with serious problems, OPAs in Japan rarely make use of Government programs and services. The reason given is that they have no time to visit the resource center as they work nights and rest and prepare/rehearse for the show during the day. Moreover, many have no information about these programs or have little appreciation for them.

Returned OPAs admit that they have only a superficial understanding of the employment contract provisions. A case in point would be a provision on income insurance by the employer. Many OPAs were provided only travel insurance instead of the life and medical insurance that would cover work and non-work related death and injury and disability benefits amounting to 3 million yen. According to two OPAs whose sisters died in Japan, their families received no insurance benefits.⁶³

OPAs are not in a much better situation than domestic workers even though their earnings are much higher than the latter. A work contract, also referred as a “booking”, for OPAs is for three to six months, after which they must return to the Philippines and re-apply. As a general rule, OPAs do not pay directly for recruitment fees, training and other requirements for deployment. These fees are instead paid by the promoters or talent manager/agents, who in turn, receive a “commission” from the Japanese Promotions Agency or from the employers in Japan. These commissions are deducted from the monthly salary of the performing artist. OPAs receive an average net monthly salary of US\$350 from a gross of US\$1,200. Moreover, salaries are paid at the end of the contract. If no other expense is deducted from the salary of US\$350–700, the annual take-home amount would be US\$2,100–4,200 (P105,000–210,000 at the current exchange rate). The short contract period limits their capacity to earn and save, a general complaint by OPAs. Furthermore, this amount is easily eaten up by such expenses as training, personal upkeep and other requirements their while waiting for the next booking. Depending on the “class”⁶⁴ of OPAs, waiting time can be as short as one month or longer than one year.

Contract provisions and working conditions of domestic workers and OPAs are major factors that contribute to their vulnerability, exposing them to any number of “occupational hazards”. OPAs bound for Japan face the common threat of the “flying booking”, whereby a prospective OPA is hired by a legitimate club in Japan only to find that she must perform in clubs that do not have licenses to hire foreign dancers or singers. These clubs are usually in remote areas and working conditions are inferior and often dangerous. To most OPAs, the “flying booking” is a serious dilemma. The needs and expectations of their families being their primary consideration and the idea of returning home without money is most unacceptable. Thus, OPAs tend to accept “flying bookings” and will continue to do so until they are disqualified by age or are able to marry a Japanese national. Another common demand by employers and talent managers is the “guest relations” function or *dohan* — not part of the contract — whereby OPAs are required to entertain clients either at the club or on dates with them. Basically prostitution in disguise, such demands are an obvious channel for trafficking.

Similar to the “flying booking” is the practice of “contract substitution”, commonly experienced by domestic workers destined to work in countries of the Middle East.

⁶³ Key informant interviews with OPAs, Butuan, March 2001.

⁶⁴ OPAs are classified (informally) by the talent manager or promotions agency as class A, B or C and the corresponding pay. Class A would be those considered assets of the club as they are able to attract clientele. OPAs who have had 3–4 bookings at short intervals would also be in higher category.

Suggestions for future interventions ⁶⁵

Migrant women suggest that an orientation meeting should be conducted upon their arrival in the host country destination. This orientation should be attended not only by migrant workers, but also by employers and brokers/sponsors as well. In this way, a common understanding and agreement regarding the rights, roles and responsibilities of each party can be reached.

Secondly, they suggest that a mandatory education program in the work-site be conducted as a follow-up of PDOS. This program would clarify agreements between host Government representatives and employers, and update migrant workers of any change or detail about pertinent laws they might be liable of violating. Migrant workers feel that work-site education is more effective since many problems hypothetical to them during the PDOS would now be real experiences. Suggested topics for seminars include:

- value formation and the impact of migration on workers and their families, to prevent cases of infidelity and prostitution;
- health and HIV-AIDS prevention;
- migrant rights and coping mechanisms;
- managing one's income and savings;
- skills-training and entrepreneurship.

Thirdly, women migrants suggest that education programs be undertaken for their left-behind families. This preparation may help prevent the occurrence of broken marriages.

Fourthly, they suggest that negotiations be conducted between employers, or representatives of the host state and the Philippine Government to extend the contract period of OPAs from six months to one year. Longer contracts create some security for the migrant worker, and enables her to plan for the return home.

Finally, domestic workers and OPAs strongly suggest that reintegration programs and services be made more accessible. Most of them feel that Government agencies hesitate to provide migrant workers the information and opportunities for returning home for good, even encouraging their continued stay overseas. The Balik-manggagawa program (EXPLAIN?) during the Ramos administration addressed only the technical workers and not them. Since the financial crisis in 1997, the Balik Manggagawa program has been de-emphasized.

Gender issues

The issuance of Executive Order 857 raised a few prickly issues. First of all, many OCWs feel that the order curtails their freedom to choose the means for remitting their funds. Secondly, it is punitive in that OCWs who do not remit in regular channels cannot have their passports renewed and new contracts authenticated. Thus, EO 857 is widely opposed by domestic workers and other land-based OCWs in a number of destination countries. They invoke their right to keep and manage their own earnings and decide how much and to whom it should be remitted. Many women domestic helpers also raise the issue that, under EO 857, they are compelled to remit to husbands who may mismanage their funds. They demand the right to choose the most effective way of remitting their money to a person they trust, even if when not their husbands. Massive opposition has prompted the Government to rescind the punitive provisions of the order and to make

⁶⁵ Responses of returned migrants from Middle East, Hong Kong and Malaysia, March 2001.

remittance to banks optional. Thus, most land-based workers no longer observe the mandate of the order.

However, EO 857 is still mandatory for sea-based workers. Most dependents of sea-based workers approve of EO 857 because it compels seamen to send money home to their legitimate families and makes it difficult for them to remit to other persons, including second families. They believe that EO 857 will limit abandonment.

The issue of abandonment is real. Complaints reaching POEA of “non-support” by OCW spouses comprised 30 per cent of the total welfare case applications received by POEA. Intervention by the POEA is limited to giving reminders to erring OCWs that they are liable to non-renewal of passports and non-authentication of contracts through EO 857 if they withhold remittances from their legitimate families. In some cases, OCWs who have abandoned their families are put on a blacklist and hold-departure orders are issued against them.

When a family/wife files a complaint of non-support, the first action by OWWA is to look for the erring OCW. If he/she is found and is in a regular situation, he/she is counseled and persuaded to send financial support to the family. In case of infidelity, the offender is sued in a civil case where provisions of the Family Code for legal separation or annulment of marriage are invoked. Under the Civil Code, damages and criminal charges can be filed for bigamy or concubinage.

V. Private initiatives related to returnees

There are three general areas where migrant workers organizations in the private sector initiate programs for returning migrant workers. There are programs for social and economic reintegration; there are programs that support and counsel migrant workers who had been victimized; and there are programs that seek to organize migrant worker organizations for mutual assistance and development. Filipino migrant workers have been actively organizing themselves and building social support structures and mutual help. A more recent initiative is organizing in preparation for eventual return and organizing themselves upon return.

5.1. Programs for economic reintegration ⁶⁶

The need to plan and prepare for eventual return is integral in the plans of migrant workers even as early as the pre-departure stage. Such plans, however, are deflected by other immediate concerns and problems encountered at the work site and are eventually forgotten. Sporadic initiatives by migrant workers themselves and among the NGOs on reintegration have emerged in response to situations that threaten the viability of work overseas, e.g. the Gulf War, the return of Hong Kong to China, and such natural calamities as earthquakes in Japan and Taiwan.

Migrant savings for alternative investments

In 1994 the Asian Migrant Centre in Hong Kong designed a strategy for a planned and organized return and reintegration. In 1996, this program moved to the Philippines through the Unlad Kabayan Migrant Workers Services Foundation Inc. which, at present, supports 127 micro and small enterprises owned and managed by returned migrant workers and/or members of their families.

Reintegration programs rise from an appreciation of the risks and high cost of overseas migration as well as the savings and investment capability of migrant workers. Several researches conducted by both AMC and Unlad Kabayan have established the savings potential of migrant workers. The program intends to set a trend for migrant savings and investment, thus helping to develop savings values among migrant workers and to create alternative jobs at home. These jobs may be filled by migrant workers themselves upon their return.

Unlad Kabayan trains migrant workers and their families in entrepreneurship, as well as in placement of investments and management of micro and small enterprises. The program insists on a social component. Savings must not only develop the values of individual migrant workers, but help their communities, principally their families, to become productive members of a caring and sustainable community. To ensure this, Unlad Kabayan undertakes three major education courses, including: a) Migrant Savings for Alternative Investments (MS-AI) or upon "Reintegration"; b) Savings and Financial Placement; c) Enterprise Development.

The seminar on MSAI lasts three days or 20 seminar hours and is composed of 8-15 participants at a time. Topics covered are: the history of Philippine migration, the nature and destination of migrants, causes of migration, socio-economic implications of migration, stages and problems in the migration cycle, remedies to those problems,

⁶⁶ Unlad-Kabayan Migrant Services Foundation, Inc. Brochure and reports, 1997-2000.

concepts and steps in saving for alternative investments and services offered by Unlad Kabayan.

The seminar on savings and financial placement lasts two days or 15 seminar hours. Aiming to develop savings consciousness and financial management, the course covers the philosophy and mechanics of savings and credit, the Philippine economy, economic dynamics in the community, meaning, types and methods of managing investments, and services.

Methodologies used are socialization activities, lectures and discussions, audio-visual presentations, community-profiling and case studies, testimonials of successful migrant worker entrepreneurs, reflections and evaluation.

The orientation seminar on entrepreneurship aims to develop knowledge, skills and attitudes of entrepreneurs and provide opportunities for participants to plan and analyze enterprise programs. Topics include: the meaning of enterprise, qualities of a good entrepreneur, identifying business opportunities, business-planning and basics in feasibility making, the basics of book-keeping and financial management.

Other services are provided to support the entrepreneurial efforts of migrant workers, e.g. mobilizing savings and organizing migrant workers into savings associations, credit facilitation and technical skills- development. A pool of consultants and resource persons from the private sector, academic community and Government agencies provide technical expertise and augment in-house resources.

5.2. Feminist counseling for women victims

The Kanlungan Center Foundation (KNL) is an example of this response. KNL conducts crisis- intervention and feminist case-management. “KNL case managers take a feminist, holistic approach, relating to the migrant woman victim as a total person -- as a woman, a mother, daughter, worker, wife or citizen... Case analysis takes a careful look at the multi-layered problems faced by the woman victim. This analysis allows the victimized woman’s long-suppressed feelings — shame, anger, helplessness, desire fo revenge — to surface and be released She expresses herself with emotion, she articulates her aspirations, she unloads her burdens and achieves her freedom by taking a decision”.⁶⁷

KNL handles the gamut of problems that returning migrants face — from non-payment of wages, the psychological problems of migrants or their spouses due to long separation, wife-battering, and juvenile delinquency, prostitution, childabuse, or drug-use among their children.

KNL provides counseling services for one or several members of the migrant worker’s family. It also conducts seminars regarding a felt need or problem experienced by the migrant worker or his/her family or community. KNL also makes referrals, for problems that require specialized professional attention.

⁶⁷ From “Defending rights and upholding dignity: A process towards empowering Asian migrant women”, a presentation delivered by Maria Angela Villalba, UN Development Fund for Women (UNIFEM), Kathmandu, Nepal, Oct. 2000.

5.3. Structures of care ⁶⁸

KNL is also involved in the organizing of communities with large populations of OFWs. Through its so-called “structures of care”, the KNL aims to organize communities with large populations of OFWs to respond to issues brought about by migration. Common concerns include illegal recruitment, legal struggles and family and clan problems such as wife-beating, infidelity, alcohol and drug abuse.

The “structures of care” serve as a mutual support group for OFW survivors of violence overseas or in the local community. Initially, KNL organized support groups among walk-in clients, a difficult strategy because clients come from diverse areas and the staff is limited. Many female returnees cannot attend seminars or mass actions because they have children at home who would be left unattended. Thus, KNL decided to move to areas where OFWs form a majority of the population. KNL’s first community extension work area was in Punta in Sta. Ana, Manila, where there were many returning migrant women from Japan. KNL collaborated with the Catholic parish council that had put up a migration desk within its labour center, in the organizing of the community. As the community became organized, problems were collectively discussed and addressed through collective efforts.

KNL then moved on to La Union in Region I, a region that accounts for the third largest number of overseas migration. The migrant workers are predominantly women. Apart from community-organizing, services rendered by KNL include counseling and referral, studies of social problems, seminars on gender sensitivity and the like.

In La Union, a number of “structures of care” composed of migrant returnees and concerned citizens have been organized, including the Pugo Overseas Workers and Community Association (POWCA). Initially, POWCA had 15 members. It now has 32 members. The main objective of POWCA is to provide welfare services and assistance to its members, livelihood projects and a community-based mental health program because the number of women migrant returnees with psychological problems is quite high. POWCA undertakes seminars on agricultural development, savings and finance-management. Micro-enterprises of hog-raising and broom-making, among other things, have grown out of these seminars. The organizing of POWCA has enabled returnees to use resources from the OWWA.

5.4. Caring for mother and child ⁶⁹

Trafficked women used to top the list of cases of NGOs in Japan. In the last five years or so, this problem has been overtaken by the cases of domestic violence and abandoned children of mixed parentage. Since the late 1980’s, marriages and partnerships between Filipinas and Japanese men have become more common. Several Japan-based NGOs cooperate with Filipino counterparts in dealing with battered women OFWs and their children with Japanese men. The Japanese NGO provides shelter and counseling to OPAs. In 1998, they reported that 44 per cent of their clients were victims of domestic violence.⁷⁰ Homeless women who have children of mixed parents make up 31 per cent of their clients.

⁶⁸ Interview with KNL, Apr. 2001.

⁶⁹ Villalba, UNIFEM presentation, 2000, p. 10.

⁷⁰ From “Defending rights and upholding dignity: A process towards empowering Asian migrant women” a presentation delivered by Maria Angela Villalba, UN Development Fund for Women (UNIFEM) conference in Bangkok, 2001, p. 10.

Three NGOs in the country assist returned OPA victims of violence in Japan and their children. More than 700 cases of children abandoned by their Japanese fathers are handled by these NGOs. One such NGO is DAWN, providing counseling to these women and help for their children in tracing their Japanese fathers for recognition, support and, eventually, Japanese nationality.⁷¹ The oldest child is now 15 years-old; the youngest is three months-old. A pool of lawyers in Japan and the Philippines help the women trace their children's fathers.

The returned OPAs are organized into an economic collective that serves as a peer-group counseling base. As an economic collective, the women are trained in enterprise-building and management. They are referred to the DSWD (Department of Social Welfare and Development) for skills-training. The products of the enterprise are garments that are then sold to partner networks in Japan. Income provides financial support for the women and their children as well as funds for programs. Children are organized into activities to help them cope with their socio-psychological difficulties. Last year, the children staged a musical play entitled *Sana...Isang Kwento ng Pangarap* ("Wish...The Story of a Dream") in five prefectures in Japan. Through the play, children gain self-confidence and a sense of identity. It has also provided them with hope that, someday, their fathers will come forth from the audience. Last year, four children did have this experience and their Japanese fathers have given them recognition, as well as financial support. Although they could not reunite with the children's mothers because the fathers already had Japanese families. At least, the meetings took away the heavy burden that mothers bear in having to explain who the children's fathers are. The relationship between mother and child also improved as the children could say "their mothers are not all that bad".⁷²

Self-organizing for reintegration⁷³

Several migrant workers and families have organized themselves mainly to access resources and financial support for their reintegration.

A major factor that impelled them to organize into cooperatives is the need to access bigger loans for livelihood from the rediscounting scheme of OWWA accessible to cooperatives. Moreover cooperatives registered with the CDA (Cooperatives Development Authority) can also use such services as a pre-membership seminar on cooperativism and exemption from business taxes.

A multi-purpose cooperative of seafarers and their wives has pooled savings and invested in poultry farms in Bohol. While at sea, the men continue to save and invest while the wives manage the poultry farms. The farms have grown into an integrated project involving 30 enterprises, a breeding farm, two egg farms, 25 broiler production farms, one dressing plant and an eatery. Along with the other migrant worker investors, the FREERCA, an association of free-range chicken advocates, has been organized. Groups of seafarers overseas have invested in the project.

With assistance from an NGO, the project now runs a research and development program and a training program. The programs aim to improve the quality of organic poultry products and improve production-management and marketing. The integrated business has created some 52 jobs.

⁷¹ Villalba, UNIFEM presentation, 2001, p. 10.

⁷² Ibid., p. 11.

⁷³ Responses from migrants and families organizations and beneficiaries of NGOs, Apr. 2001.

Savings associations

Women domestic workers in Hong Kong have organized 15 savings associations during the last decade, pooling their savings and investing as a group in their communities. These women have set up three group enterprises in the Philippines. During the initial stage, members of their families were responsible for managing these enterprises. Later on, some members of the savings associations returned and took over the management of the projects. Families were likewise organized into the enterprise advisory teams and now also assist in marketing and promotions. NGOs in Hong Kong and Philippines provide training and monitoring of their activities. The women's savings associations in Hong Kong have managed to pool savings worth P 2.3 Million. Half of the amount was invested in the enterprises.

Assessment and recommendations ⁷⁴

Most of the initiatives and responses of migrant workers and NGOs are noteworthy, innovative and holistic in their approach. Resources of migrant worker communities and NGOs are, however, limited, whereas the need for comprehensive support is broad and deep. The organizing of savings associations onsite requires more intensive attention as these enterprises grow and their management becomes more complex. Migrant workers and NGOs urge OWWA and other Government organizations to put more resources into the organizing and consolidation of migrant workers' savings associations all over the world. These organizations can launch migrant investment and "reintegration programs" that can be a real factor in increasing investments in local communities and in generating jobs for local people.

Migrant workers take issue on Government efficiency in the handling of migrant workers welfare funds. While every migrant worker must pay fees to the OWWA upon departure, most OFWs are unable to avail of OWWA's promised services. The support of OWWA has not been that efficient. A common complaint is that loans made by returned migrants take a year to process. More Government consistency and transparency is therefore desired. And migrant workers urge NGOs to help them campaign for consistency and transparency of OWWA.

On the other hand, better working relations between Government organizations and non-Government organizations would go a long way in helping returning migrant workers establish themselves economically and socially upon their return.

Migrant workers think that NGOs should provide multiple services. They urge NGOs to lobby the Government for incentives to engage in business, such as tax holidays, protection against unfair competition from big business, product-promotion and an express lane for business registration.

⁷⁴ Responses are from respondents of this study, migrant workers and families organizations and from the beneficiaries of NGOs.

VI. Institutional framework

It is indisputable that the Philippines Government intends to protect and assist Filipino migrant workers, in general, and migrant women in vulnerable jobs, in particular. That is the intent and declaration of various laws.

In reality, the state is woefully handicapped in providing even basic services to its "national heroes". Fiscal limitations make supporting an already large, but inadequate, bureaucracy such as POEA and OWWA difficult. Only 25 Filipino Workers Resource Center (FWRC) have been established in 18 host countries abroad. Filipino OCWs, however, work in more than 140 countries. That means that in over 100 countries Filipino OCWs receive no services whatsoever. On average, each FWRC requires three officers and two administrative staff.

It is abundantly clear that the POEA's capacity to enforce, monitor and investigate is tremendously constrained by the sheer number of Filipino migrant workers and migrant women in distress. All OPAs in Japan, numbering over 100'000 in any given year, are potential victims given the work they do. The number of vulnerable domestic workers in Hong Kong is about the same. How does a POLO or FWRC staff of, say, five people in Tokyo, meet all the needs of onsite workers "in distress" in the Tokyo area?

The responsible agencies are acutely aware of staff limitations. The DFA has resorted to contracting the services of a courier firm for the collection of documents and for delivery of passport renewals in order to deliver efficient service to OFWs. The system enables the DFA to cope with its daily quotas in processing 2,000 new applications and 1,500 passport renewals; to decongest the DFA's passport section and a deterrent to the system of "fixing" where unauthorized persons use false documents and/or charge exorbitant fees. At least three passport scams were reported last year.

The POEA is also compelled by staff limitations to delegate the task of educating OFWs through the PDOS to the recruitment agencies and NGOs. The OWWA is also severely understaffed.

Similarly, POEA, has its hands full streamlining the recruitment of OCWs. This means making deployment easier, by cutting down the accreditation process for recruitment agencies and by reducing documentary requirements for processing and deployment, without losing sight of the protective framework. On the other hand, the increasing number of licensed recruitment agencies makes monitoring the trafficking of women more difficult.

As of December 31, 2000, 1,432 agencies were listed as licensed agencies with valid authority to recruit workers for overseas employment. Limited staff at the POEA cannot monitor all the activities of these recruitment agencies, let alone illegal agencies. Using the anti-illegal recruitment provisions of RA 8042 to file cases against traffickers is as tenuous as it is complex. The case of six Filipino women trafficked in Nigeria is now four years in court with only the accomplice, the mother of the Filipina married to a German national, being remanded in jail so far. Illegal recruitment involving three or more persons is a non-bailable offense. Even with the assistance of the National Bureau of Investigation (NBI) entrapment is not possible because the main perpetrators are still at large and there are no extradition treaties between the Philippines and Nigeria and Germany.

Employment-related money claims are in the jurisdiction of the National Labor Relations Commission (NLRC) of DOLE while administrative cases or those that involve recruitment violations are under the jurisdiction of POEA. Several problems are encountered in filing, litigation and final resolution of money claims cases, according to Kanlungan Center Foundation (KCF). It takes an average of 1.5 years for cases at the

NLRC to be resolved while hearing administrative cases takes at least two years. NLRC labour arbiters have the power to decide on the cases while at POEA, the hearing officers can hear and recommend actions to the Adjudication Board and recommendations are then sent to the POEA administrator for final approval.

Furthermore, resolutions in favor of the migrant worker often are "paper victories". This is because either the employer is a foreign national in which case the victim has to seek diplomatic assistance from DFA. On the other hand, erring recruitment agencies are unable to pay money claims because their escrow deposit (bond) has been depleted or the company has been dissolved or agency incorporators do not have money to pay as motions for payments of claims are filed.

National and international coordination

The **Migrants' Advisory and Information Network (MAIN)** is a shared information system of the Government that is now being revived under the new administration. It is a network of 12 Government agencies that aims to "harmonize the approaches and systems by which information on migration concerns can be effectively disseminated to the public. The network will establish desks at the regional, provincial, city, and community levels. It will also mobilize the support and cooperation of local Government units, NGOs, the media, academe and other sectors of the community to generate as much public awareness on the realities of migration". MAIN involves three phases: first, strengthening the capability of information database management of participating agencies; second, sharing information between the agencies for integration, cooperation and efficient service provision (agency to agency) and, third, sharing the information with the public (agency to public). MAIN is presently at the second phase, agency to agency information exchange.⁷⁵

The Philippines, in particular, the DFA and related agencies, have participated in regional and global initiatives to suppress trafficking. In particular, the United Nations resolutions on the Trafficking of Women and Girls, the Asian Regional Initiative Against Trafficking (ARIAT) have been the subjects of the global-regional meetings. The Philippine state also cooperates with various regional and international projects and activities, e.g. the study on trafficking conducted by the United Nations Interregional Crime and Justice Research Institute (UNICRI). There is a study being conducted by UNICRI on Filipinos trafficked to Europe describing the suspected traffickers, routes, costs and victims. The study recorded 721 victims of trafficking, 418 of whom were women (57 per cent of the total) over a period of one year (August 1999 to August 2000).

Some concern, if not alarm, should be felt in learning that trafficking is being abetted, perhaps unwittingly, by relatives of victims.. Relatives of prospective migrants already in Europe encourage their kin to come on various pretexts, but who end up as domestic workers or as sex workers. This *modus operandi*, Filipinos established abroad who participate in the trafficking of their relatives, calls for further study so that strategies to combat trafficking can be devised.

Philippine NGOs working with women migrant workers or victims of trafficking have organic or cooperative relationships with international NGOs. Cooperation in handling of cases of trafficked victims as well as coordinated efforts in lobbying and advocacy are the strong points of NGOs. Information is exchanged between Philippine NGOs and those in Malaysia, Japan and some countries in Europe. Cooperation is also evident between local and international NGOs and agencies in raising funds for livelihood and other types of economic support for the victims of trafficking.

⁷⁵ Interview with Mr. Mangibin, DFA, Apr. 2001.

There is a great deal of work that still needs to be done to institutionalize the services needed by migrant workers.

Conclusions and recommendations

The need of many Filipino women for economic security for their family and for themselves is the main factor for working overseas, even in highly vulnerable jobs such as domestic service and entertainment. Illegal recruitment and trafficking of women victimizes thousands of Filipino women every year. Yet, because of poverty and unemployment, many men and women are willing to be trafficked. No amount of good laws is going to protect an OFW who is willing to risk prostitution, slavery and abuse in a foreign country. It is the desperation of such people that gives rise to illegal recruitment.

Filipino migrant workers generally want to flow into three streams. The first stream is one that OFWs hope will be a long one and can be entered in two ways. First, the OFW can go legally, landing a contract that can be extended indefinitely or by moving to another contract in the same country when the previous contract expires. The other way is to jump contract when the contract expires without provision for renewal and become undocumented. In the first case, the OFW travels with on a worthy vehicle — a contract. In the second, she travels with nothing and often ends up at the bottom of the river.

The second stream is one where the OFW can apply for permanent residence or citizenship in stable-industrial societies in the Americas, Australia and Europe.

The third stream is a short one where OCWs work for a definite period of time and return and remain in their country. Some travel the three streams and, with luck, finally reach the second river and become regular permanent residents of the host country. Others decide that the third stream is the best because it leads them home for good.

The economic instability and lack of job opportunities in the country Philippines is the main reason why the majority of migrant workers take the first stream and try for the second possibility. This is in pursuit of their original twin objectives - to support the daily needs of their families and, second, to achieve long-term economic security by saving enough capital for a business or income-generating project at home. Often, these twin objectives require more years of work overseas than was initially envisaged. A domestic worker contract is usually for a two-year period. OFW experiences show that it takes between six months to one year to pay-off debts incurred during the processing of a contract. Some OFWs are unable to send any amount of money to their families in the first year and, in turn, the family incurs new debts that need to be paid in the second year. Barring disruptions, a "regular" or stable financial condition is often achieved in the third year, when part of OFW income or savings is spent towards acquiring a residential lot, and/ or for the repair of a house.

The third stream for returning and re-integrating OFWs is the one less traveled. Many take this stream because they have been compelled by abuse, repatriation or disqualification due to disability or age limit to choose re-integration. Fewer still are those who return voluntarily and establish their own income-generating activity at home.

Respondents to the study pointed to the reality of not having had sufficient incentives provided to the OCWs to remain in the country, engage in a sustainable source of livelihood and achieve a certain level of economic security. Moreover, they feel that Government pronouncements to generate local employment have not been matched by an equally strong political and economic resolve to solve persistent and structural problems that lead to poverty and unemployment.

Since the mid-90's, more OPAs are marrying or living with Japanese men. According to the women, it is a better option than going into prostitution which is inevitable for many who are in the "Class C" of entertainers.

Recommendations

The most urgent recommendation of this survey is to make a thorough study and review of the state policy to send OPAs (dancers and entertainers) and domestic workers overseas. There are enough indications that sending migrant women to vulnerable jobs overseas is a dereliction of Government responsibility to protect its citizens. It is a contradiction in terms to say that the Government protects migrant workers when it sends them to brothels or to slave-like labour. Some occupations such as entertainment and domestic service are naturally hazardous to women. Domestic workers work and live in the same place. Their work hours are unlimited. They are treated as slaves, because domestic workers are slaves in traditional societies. OPA status is made more hazardous for migrant women because, more often than not, they are "undocumented" and thus deprived of medical, legal and professional attention in the host country. Thus if they contract HIV/AIDS or STDs, they have no recourse but to return to home, where they are not likely to get adequate care, either.

A second recommendation is to review the cost-benefit analysis of labour migration. The benefits accruing to labour migration are well-known but the costs have not been studied in any scientific manner. There are social costs that can be reduced if policies are placed to limit the vulnerability of certain types of persons. The Government has set an age limit for overseas workers. It must also set a limit for psychological preparation for the hazards of overseas work. Moreover, there is empirical evidence to show that long periods of separation of an OFW and/her spouse leads to marital infidelity or to problems among children.

A third recommendation has to do with the evaluation of existing education programs (PDOS and PEOS) for migrant workers and for the drawing up and enforcement of a more empowering education program for migrant workers. Such education programs should enable migrants to define strategies where they can maximize the use of their resources, finances and skills.

A fourth recommendation is to make a study of and devise policies that address new issues and problems arising from the migration experience of OFWs during the last 35 years. This study could focus on the children of migrant workers, including children who are left behind by one or both parents. It could focus, secondly, on children of migrant women and Japanese nationals whose rights, enshrined in the UN Convention on the Rights of the Child are violated by their separation. Other rights of children violated relate to the nationality of children of mixed marriage, the right to access social services and the right to reunification. The rights of other children are violated when they are born in the work-site of a migrant worker parent who is married to another person in the home country. Empirical evidence shows that this is a growing problem of many migrant workers.

Fifth, the laws protecting migrant workers and promoting their rights and well-being are sufficiently comprehensive. But the Government lacks the will and the strategy to develop reintegration programs that will motivate OFWs to return to their countries and contribute to livelihood programs there. The recommendation is for a thorough re-orientation of the POEA and OWWA for a more efficient delivery of responsive services.

Lastly, a radical economic restructuring is overdue. The country should invest in developing agricultural and manufacturing exports as a priority. This will naturally lead to more jobs and better incomes. Focusing on the export of labour as a pillar of the economy will not lead to a genuine resolution of economic and social problems. It will only mean the continuation of poverty and unemployment that give rise to even more labour exports.

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1. Three focus group discussions (FGD) were convened, two in Davao and one in Bohol and two informal discussion groups of beneficiaries in Metro Manila.
 - a) One FGD in Davao City was composed of returnees and migrant workers who are planning to return overseas. Of the twenty two participants, 15 were women and 7 were men. They have worked in the following countries: Singapore, Japan, Malaysia, Jordan, Dubai, Indonesia, Kuwait, Kingdom of Saudi Arabia, and Oman.
 - b) The second FGD was made up of 9 participants, 8 women and one man, all preparing to leave for overseas work in Taiwan, Hong Kong, Japan and Middle East.
 - c) One FGD in Bohol was made up of 8 women from Japan, Brunie, Hong Kong and France. They were returned migrants and half were intending to go back overseas.
 - d) Informal discussion groups of beneficiaries of Unlad-Kabayan and DAWN were conducted in Metro Manila. All of DAWN clients were women from Japan while those of Unlad were migrant returnees and families of migrant workers on-site.
2. Key informant interviews were made with five migrant women returnees. Three entertainers from Davao City (1) and Butuan City (2). Two domestic workers were interviewed, one who had worked in Oman and another from Hong Kong.
3. A survey form was distributed among the migrant workers in the discussions groups and key informants. In addition, other migrant women were made to fill up the same form for a total of:

FGD1	22
FGD2	9
FGD3	8
I-groups	13
Informants	5
Others	7
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Total respondents	64

Appendix 1

UN conventions ratified by the Philippines

- a)* International Convention on Civil and Political Rights (1966)
- b)* International Convention on Economic, Social and Cultural Rights (1966)
- c)* International Convention against Racial Discrimination (1965)
- d)* International Convention against the Elimination of All Forms of Discrimination against Women (1979)
- e)* International Convention on the Rights of Children (1989)
- f)* International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)

ILO conventions ratified by the Philippines

- a)* Abolition of Forced Labour Convention, 1957 (No. 105)
- b)* Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)
- c)* Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- d)* Equal Remuneration Convention, 1951 (No. 100)
- e)* Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- f)* Minimum Age Convention, 1973 (No. 138)
- g)* Worst Forms of Child Labour Convention, 1999 (No. 182)