

5th Anniversary of the Entry into Force of the
Convention for the Protection of the Rights of All
Migrant Workers and their Families

ROUNDTABLE
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**The Convention as a Tool for Migration Policy:
A State Parties' Perspective**

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The Convention, whose anniversary we are commemorating today, is primarily a tool for the promotion and protection of the human rights of migrant workers and their families. Indeed, our own Migrant Workers and Overseas Filipinos Act of 1995 follows a similar human rights approach. But more than this, the Convention is also a potent tool for migration policies, particularly for the Philippines, which is among the biggest source of global labor. Based on Philippine experience, effective and efficient management of migration flows contributes directly and immensely to the promotion and protection of the rights of migrant workers by making workers less susceptible to exploitation and illegal activities.

In this connection, I wish to note Article 1 (2) of the Convention, which states: *"The present Convention shall apply during the entire migration process of migrant workers and members of their families, which comprises preparation for migration, departure, transit and the entire period of stay and remunerated*

activity in the State of employment as well as return to the State of origin or the State of habitual residence."

This provision, which describes the circular flow of migration, serves as the central guiding principle of Philippine migration policy. Accordingly, Philippine migration policy views the migration process as temporary and circular, with the expectation that migrant workers would eventually come back to settle down in their country of birth. Corollary to this policy perspective is the belief, in consonance with the Convention, that the rights and welfare of the families of migrant workers are safeguarded throughout the period that the workers are deployed abroad.

In line with this migration policy, the Philippines has put in place programs to prepare, support and protect its overseas workers and their families at every step of the migration process. In fact, Philippine migration policy begins at the point of decision when a prospective migrant worker weighs his options before embarking on his journey abroad. The Migrant Workers and Overseas Filipinos Act of 1995 has made it obligatory on government agencies to *"issue travel advisories or disseminate information on labor and employment conditions, migration realities and other facts; and adherence of particular countries to international standards on human and workers' rights which will **adequately prepare individuals into making informed and intelligent decisions about overseas employment.**"*

More proactively and with a view towards ensuring a favorable environment for migrant workers, the law provides that workers may be deployed only in countries where the rights of Filipino migrant workers are protected. The following serve as indicators of the guarantee of receiving country to protect the rights of migrant workers:

- a. it has existing labor and social laws protecting the rights of migrant workers;
- b. it is a signatory to multilateral conventions, declaration or resolutions relating to the protection of migrant workers;
- c. it has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers; and,
- d. it is taking positive, concrete measures to protect the rights of migrant workers.

The law also empowers the government to terminate or impose a ban on the deployment of migrant workers to countries where conditions are not favorable. Foreign service posts and attached labor offices constantly monitor conditions in countries of destination with the goal of ensuring better and friendlier destinations for Filipino migrant workers.

At the preparatory stage for migration, programs are geared towards orderly and systematic facilitation and documentation of migrant workers to prevent their falling prey to illegal recruitment, trafficking and smuggling. Towards this end, the Department of Foreign Affairs has expanded the number of its regional offices to provide passport and other documentary services as close as possible to migrant workers requiring travel documents. On the other hand, the Department of Labor and Employment and its attached agencies such the Philippine Overseas Employment Agency (POEA) and the Overseas Workers Welfare Administration (OWWA) regulate recruitment and overseas placement of workers, including verifying availability of employment, validity of contracts and conditions of work while providing various social services such as counseling and other pre-departure services. The Philippine Social Security System provides social security membership and benefits to migrant workers.

With respect to the promotion and protection of the rights of migrant workers in the country of destination, the Philippines has adopted a country-team approach where the Department of Foreign Affairs works in tandem with various government agencies, particularly the Department of Labor and its attached agencies to provide assistance to migrant workers in distress. I wish to note that assistance to nationals (or ATN as we call it) has been made one of three pillars of Philippine foreign policy, at par with national security and economic diplomacy functions of the Department of Foreign Affairs. In this regard, the Department has a Deputy Minister in charge of migrant workers affairs whose office is

focused on providing assistance to Filipinos wherever they may be, even in the remotest corner of the world or the most hostile environment. It may be noted that the Philippines was among the first to conduct an organized and systematic evacuation of thousands of migrant workers during the last crisis in Lebanon, involving intricate coordination with transit countries and with various international agencies such as the IOM.

The Department of Foreign Affairs also has a legal assistance fund to help Filipinos in conflict with the law. Similarly, other government agencies are provided with funds to assist migrant workers in emergency situation such as epidemic or natural or man-made disasters, including for repatriation of workers or their remains and personal belongings.

Philippine migration policy covers reintegration of returning migrant workers. Under the Migrant Workers Act, protective and welfare mechanisms are not solely guaranteed for overseas workers but also extend to the members of their families in the form of assistance to ensure the well-being of the family. Programs in this area comprise a whole range of interventions that seek to keep family ties strong despite the distance and to build capacities for sustained livelihood. Thus, there are OFW Family Circles organized all over the country that act as networks not only for social capital but also for entrepreneurial activities. An example of such entrepreneurial activities is a partnership recently forged with telecom companies to afford migrant workers lower rates in phone

calls and internet use while also providing business opportunities in the ICT sector in the form of internet cafes owned and managed by migrant workers and their families. There are also various initiatives to facilitate establishment of small and medium enterprises with proper guidance from public and private institutions.

Finally, Philippine migration policy covers reintegration of returning migrant workers. A National Reintegration Center for Overseas Filipino Workers has been established to provide returning migrant workers with relevant information on reintegration; guiding them through career counseling; psychosocial counseling; financial literacy orientation; micro-enterprise development counseling; values formation, philanthropic, volunteerism and brain gain initiatives; and linking them to stakeholders and cooperating service providers.

In closing, I wish to state that notwithstanding the economic benefits that derive from remittances of migrant workers, Philippine migration policy is firmly rooted in the idea of promoting and protecting the human rights of each individual migrant worker and members of his family, as intended in the Convention and as provided for by law. The Migrant Workers Act provides: *"The existence of the overseas employment program rests solely on the assurance that the dignity and fundamental human rights and freedoms of the Filipino citizens shall not, at any time, be compromised or violated."*