

ALTERNATIVE REPORT ON THE PHILIPPINES

Submitted to the Office of the High Commissioner on Human Rights

For the 41st Session of the Universal Periodic Review in the United Nations Human Rights Council in 2022

Fourth Cycle of UPR in the Philippines

Submitted by:



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Migrante International is a global alliance of Filipino migrant organizations in over 24 countries with the mission to defend the rights and welfare of Filipino migrants through education, rights and welfare assistance programs, organizing, campaigns, and advocacy. Founded on December 1996, Migrante International was formed after it launched a global campaign to save the life of Filipino migrant worker Flor Contemplacion, who was executed in Singapore after being accused of killing another Filipino migrant worker.

1. Migrante International, a global alliance of Filipino migrant organizations submits this alternative report on the conditions facing Filipino migrants for the 41st session of the Universal Periodic Review in the UN Human Rights Council in 2022. It has previously submitted a report for the third UPR cycle on the Philippines in 2017.
2. In the 27th session of the UPR on the Philippines, the Government of the Philippines supported four recommendations made by member states, namely Indonesia (133.253), Vietnam (133.252), Sri Lanka (133.251) and Nepal (133.254) to enhance its efforts in promoting and protecting the rights and welfare of Filipino migrant workers and members of their families.
3. The Government of the Philippines has adopted both domestic and international frameworks, namely the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Migrant Workers and Overseas Filipinos Act (1995) and its amended version (2010) that guide its policies and measures in protecting the rights and welfare of Filipino migrants but its enforcement and implementation remains weak. Further, national legislation, policies, and developed mechanisms remain insufficient and inadequate to uphold and secure the rights of an increasing number of distressed Filipino migrants and victims of abuse, exploitation, and human trafficking.
4. From the period of 2017-2022, Migrante International noted that Filipino migrants who experienced rights abuses and violations while overseas, continue to face challenges in seeking immediate and comprehensive assistance and support from the Philippine Government, leaving many of them denied of their right to consular protection, access to justice, comprehensive social and welfare protection.
5. Furthermore, under the Duterte administration, the rights of Filipino migrants to freedom of expression and association have been violated.
6. According to the Commission on Filipinos Overseas (CFO), there are an estimated 10.1 million Filipinos living and working overseas, ⁱ4.2 million are temporary migrant workers, while 1.2 million are irregular migrants.
7. The succeeding paragraphs refer to specific articles of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

Violation of Article 8: Right to leave any State

8. During the pandemic, the Philippine Government's Inter-Agency Task Force on COVID19 issued resolutions that placed a limit on the number of Filipino healthcare workers allowed to be deployed overseas. The said resolutions allowed only 6,500-7,000ⁱⁱ ⁱⁱⁱhealthcare workers to leave the country, a significant reduction from the 17,000 Filipino nurses who were deployed in 2019. However, there is no shortage of healthcare workers in the country. In the year 2019, 12, 686 nursing graduates passed their licensure examination and healthcare worker groups have been calling on the Philippine Government to conduct mass hiring of healthcare workers especially in government hospitals^{iv}. The deployment cap essentially violates the right of migrant healthcare workers to access better employment opportunities, higher income and benefits.
9. Additionally, when faced with incidents of highly publicized severe rights abuses among Filipino migrant workers, the Philippine Government issues temporary deployment bans as a typical response. Such is the case for Joanna Demafelis^v and Jeanelyn Villavende^{vi} who were abused and killed by their employers in Kuwait. In 2021, the Department of Labor and Employment issued several temporary deployment bans affecting migrant workers bound for the Kingdom of Saudi

Arabia to work as construction and domestic workers^{vii}. Deployment bans affect the livelihood and job security of thousands of migrant workers, potentially give rise to undocumented migrants migrating through irregular pathways. Because the bans are usually lifted by the Philippine government within months of their implementation, they have been ineffective in preventing future cases of abuse.

Violation of Article 13: Right to freedom of expression

10. Filipino migrant workers have not been spared from harassment by the Duterte Administration for expressing criticisms of the government. Elanel Egot Ordidor, a migrant domestic helper in Taiwan faced threats of deportation and potential charges of cyber libel, that would result in imprisonment of up to six months and a fine for up to P250,000 after she expressed remarks on social media criticizing President Duterte and his administration's handling of the pandemic crisis in the country^{viii}. The Taiwan government rejected the Philippine Government's request to deport Ms. Ordidor, citing her rights to freedom of speech^{ix}. Additionally, the Commission on Human Rights in the Philippines released a statement of concern stating that the "free speech of people critical of the government should never be curtailed."^x

11. Philippine Foreign Posts such as those in the Middle East^{xi}, United States, Europe and Australia^{xii} have helped to facilitate seminars led by the National Task Force to End Local Communist Armed Conflict (NTF-ELCAC) to sow fear among Filipino migrants and international students, vilifying progressive organizations such as Migrante International and discouraging them from becoming members. Further, Filipino migrant organizations and leaders overseas are tagged as "terrorists"^{xiii} and disseminated through a Facebook page "For the Global Public", the posts of which are shared by NTF-ELCAC Spokesperson Undersecretary Lorraine Badoy.

Violation of Article 16: Right to effective protection by the State against violence, physical injury, threats and intimidation AND Article 23: Right to have recourse to the protection and assistance of the consular or diplomatic authorities

12. In a 2018 Congressional hearing to probe on the death of migrant worker Joanna Demafelis, the Overseas Workers Welfare Administration reported that 1,549 Filipino migrant workers reported they have been abused by their employers, 65 were raped and 243 were sexually abused.^{xiv} Filipino domestic helpers are often the victims of gender based violence and the worst forms of abuse and exploitation. Based on the cases handled by Migrante International and its chapters in the Middle East, countless Filipino migrant domestic workers who experience abuse are told by government officials to find their own way to escape or redirect their grievances to their respective recruitment/employment agencies. Many lives could have been saved if the Philippine government took decisive actions to rescue abused migrant workers.

13. On October 14, 2021, the Philippine Overseas Labor Office in Jeddah, Kingdom of Saudi Arabia released an advisory suspending admission of female migrant workers into its temporary government-run shelter^{xv}. It further instructed the women migrant workers to contact their respective recruitment agencies instead for their accommodation needs. This places distressed migrant women workers in an even more vulnerable state especially if their recruitment agencies collaborate with exploitative employers and commit rights abuses such as confiscating cell phones and documents, prohibiting migrant workers to contact their families and being "sold" to other employers.

14. In 2020, 1,300 Filipino migrant workers sought financial and food assistance from the Philippine Embassy in Riyadh, Kingdom of Saudi Arabia. According to the testimony of the migrant workers interviewed by Migrante, the insufficient food assistance provided caused an uproar and panic among them. Philippine embassy officials harassed the migrant workers and called the

police to drive them out. Many migrant workers were outraged since they feared being caught by the 3pm curfew imposed by the local government.^{xvi}

15. In 2021, the Philippine Senate Committee on Women and Children, held hearings to probe into reported cases of Filipino girls trafficked as minors to work as domestic workers in Syria and experienced physical, emotional, sexual abuse, maltreatment, inhumane working conditions^{xvii}The hearings revealed that the trafficking involved Bureau of Immigration employees.^{xviii} Furthermore, the Philippine Embassy in Syria failed to identify them as victims, pursue and investigate their case as human trafficking and provide full protection even as they were already under its care.^{xix}

16. During the onset and height of the pandemic, hundreds of Filipino migrant seafarers working on fishing vessels were stranded onboard, left without sufficient food supplies, clean drinking water, and medicines and deprived of access to medical attention for those who had severe illnesses, injuries and accidents.^{xx} Their salaries and benefits were also unpaid for months exposing their exploitative, dangerous and deplorable living and working conditions^{xxi}. The government consular services were inaccessible for many months and the seafarers were left pleading with the Philippine government to be rescued and helped. However, their families' pleas were met with extreme delays and unresponsiveness^{xxii} negatively impacting the health and safety of the seafarers. The Philippines is among the biggest supplier of seafarers in the world and yet the Government has not signed on to the ILO Fishing Convention.

17. As the pandemic resulted in the mass displacement and loss of livelihood of more than half a million Filipino migrant workers, thousands became stranded in their host countries with inadequate food, water, lack of access to free temporary shelter, health supplies and medical attention because of the Philippine government's lack of sustained and comprehensive welfare support. As a result, many resorted to scavenging for food in garbage bins especially in the Middle East region. Instead of improving its delivery of welfare services, Philippine Ambassador to Saudi Arabia Adnan Alonto accused these migrant workers as "resorting to theatrics to get attention."^{xxiii}

Violation of Article 16: Right to be informed at time of arrest, nature of charges against them

18. Families of migrant workers who are detained in their host country are often not informed in a timely manner. Despite attempts to communicate with and seek the urgent assistance of respective government agencies, family members in the Philippines are often left in the dark and do not receive important information such as the charges filed, the name and address of the jail, case hearing dates, the developments of the legal case and the extent of the legal assistance being provided by the Philippine Government. This causes undue distress on the family members and prevents them from taking the necessary actions and seek immediate assistance to ensure the welfare of the migrant. Such was the case for Mr. Archie Yago Garcia and Mr. Ron James Duran^{xxiv}.

Recommended actions:

1. Increase the national budget for welfare and legal assistance and social protection programs for Filipino migrants and initiatives to combat human trafficking
2. Conduct a systematic and comprehensive evaluation of existing laws, policies and practices per agency, office and post tasked to migrant welfare with multi-stakeholder inputs. Publish results and recommendations.

3. Publish annual reports on the state of Filipino migrants in all countries which include the number of documented cases of rights abuses, exploitation, human trafficking, jailed and in death row.
4. Strengthen mechanisms to hold private recruitment agencies and individuals accountable for rights violations of Filipino migrant workers.
5. Ratify ILO Convention No. 188 or the Work in Fishing Convention to strengthen protection of Filipino seafarers in fishing vessels.
6. Pass a national legislation that would implement the ILO Maritime Labour Convention 2006.
7. Stop the NTF-ELCAC led seminars and activities overseas in collaboration with Philippine embassies and consulates.

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