



International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Concluding observations on the third periodic report of the Philippines*

1. The Committee considered the third periodic report of the Philippines¹ at its 519th and 521st meetings,² held on 30 and 31 March 2023. At its 530th meeting, held on 6 April 2023, it adopted the present concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party, which was prepared in response to the list of issues prior to reporting,³ and the additional information provided by the multisectoral delegation that was headed by the Secretary of the Department of Migrant Workers, and was comprised of representatives of that Department as well as of the Presidential Human Rights Committee Secretariat, the Department of Social Welfare and Development, the Department of Justice, the Office of the Court Administrator, the Department of Foreign Affairs and the Philippine Statistics Authority, and the Permanent Representative of the Philippines to the United Nations Office at Geneva and officials from the said Permanent Mission.

3. The Committee appreciates the open and constructive dialogue with the delegation, the information provided by the State party's representatives and the constructive approach to the meetings, which allowed for joint analysis and reflection. The Committee notes that the Philippines has achieved significant developments and progress since the last report.

4. The Committee is aware that the Philippines is a country of origin, transit and destination of migrant workers, and notes the significant number of its population working abroad, estimated at 1.83 million in 2021 – many of them women, 60.2 per cent or 1.1 million in 2021, and many in unskilled labour, as well as in irregular migration situations.⁴ It notes, with appreciation, the demonstration of political will to promote a rights-based approach to labour migration and migration governance, including through the creation of a specific department mandated to implement a whole-of-government approach in this area. The State party faces challenges as regards making migration a true choice for its population, and particularly for groups facing multiple forms of discrimination.

* Adopted by the Committee at its thirty-sixth session (27 March–6 April 2023).

¹ [CMW/C/PHL/3](#).

² [CMW/C/SR.519](#) and [CMW/C/SR.521](#).

³ [CMW/C/PHL/QPR/3](#).

⁴ Philippine Statistical Authority, [2021 Overseas Filipino Workers](#).



B. Positive aspects

5. The Committee notes with appreciation the ratification of or accession to the following instruments:

- (a) The 1961 Convention on the Reduction of Statelessness, on 24 March 2022;
- (b) The Association of Southeast Asian Nations (ASEAN) Convention against Trafficking in Persons, Especially Women and Children, on 6 February 2017.

6. The Committee welcomes the adoption of the following legislative measures:

(a) Republic Act 11862, the Expanded Anti-Trafficking in Persons Act, signed into law on 23 June 2022, also providing recovery and reintegration services to trafficked persons as a mandatory programme;

(b) Republic Act 11641, the Department of Migrant Workers Act, signed into law on 30 December 2021, merging several government offices into a single department;

(c) Republic Act 11223, the Universal Health Care Act, signed into law on 20 February 2019, categorizing overseas Filipino workers as direct contributors to the programme;

(d) Republic Act 11199, the Social Security Act, signed into law on 7 February 2019, mandating the enrolment of all overseas Filipino workers in the social security system;

(e) Republic Act 10801, the Overseas Workers Welfare Administration Act, signed into law on 10 May 2016, to strengthen support services for overseas Filipino workers and their dependants.

7. The Committee also welcomes the following institutional and policy measures:

(a) The addition of a new chapter on international migration and development in the Philippine Development Plan (2017–2022);

(b) The adoption of the National Action Plan on Fair and Ethical Recruitment (2021);

(c) The adoption of a National Action Plan on Gender-Responsive Return and Reintegration of Overseas Filipino Workers (2021);

(d) The adoption of the National Action Plan to End Statelessness (2017–2024);

(e) The signing of the ASEAN Consensus on the Protection and Promotion of the Rights of Migrant Workers by the ASEAN leaders during the ASEAN summit hosted by the Philippines in 2017.

8. The Committee notes as positive that the State party voted in favour of the Global Compact for Safe, Orderly and Regular Migration, which the General Assembly endorsed in its resolution 73/195. It also notes as positive that the State party accepted the invitation from the United Nations Network on Migration to become a Global Compact champion country, one of 15 member States globally to do so in 2020. The Committee recommends that the State party continue to make efforts to implement the Global Compact, within the framework of its international obligations contained in the Convention, given that both international instruments converge on the protection of the rights of migrant workers and members of their families.

C. Principal subjects of concern and recommendations

1. General measures of implementation (arts. 73 and 84)

Current context

9. The Committee notes the positive measures taken by the State party to assist overseas Filipino workers during the coronavirus disease (COVID-19) pandemic, including through repatriation and the provision of financial and social support. It notes the absence of longer-

term measures to address the ongoing impact of the pandemic on migrant workers and members of their families, particularly in re-engaging migrant workers in the local economy. It further regrets the absence of detailed information on actions taken to address the disproportionate impact of the pandemic on foreign migrant workers and members of their families in the Philippines.

10. With reference to the joint guidance note on the impacts of the COVID-19 pandemic on the human rights of migrants, issued by the Committee and the Special Rapporteur on the human rights of migrants, the Committee recommends that the State party assess the needs of all migrant workers who have lost their livelihood due to the pandemic and on this basis offer retraining and sustainable job creation opportunities.

Legislation and application

11. The Committee notes with satisfaction that the State party has strengthened its national legal framework relevant to migrant workers in the areas of recruitment oversight, labour and employment dispute resolution mechanisms, and the provision of reintegration support through entitlement to social benefits, including access to health care. It is, however, concerned that the legal framework is not gender-responsive, does not comprehensively address the situation of irregular migrants, is not well known by migrant workers and members of their families and is insufficiently implemented by government officials. It further notes that the Immigration Act of 1940 (Commonwealth Act No. 613) is neither responsive to the current context nor consistent with the Convention provisions.

12. The Committee recommends that the State party:

(a) **With the participation of workers' rights organizations, and particularly women's rights and child rights organizations, review and revise all legislation relevant to migrant workers and members of their families to guarantee the exercise of their rights in full conformity with the Convention;**

(b) **Strengthen awareness among all migrant workers and members of their families about their rights under the national legal framework, including the right to seek redress for violations;**

(c) **Ensure the accurate application of the relevant legislation, harmonized right across the State party, and also covering its nationals abroad, including through the publication of clear guidelines for its implementation;**

(d) **Amend the Immigration Act of 1940 to harmonize its provisions with the Convention.**

Articles 76 and 77

13. The Committee recalls its previous recommendation⁵ and encourages the State party to make the declarations provided for under articles 76 and 77 of the Convention.

Ratification of relevant instruments

14. The Committee recalls its previous recommendation⁶ and recommends that the State party ratify or accede to, as soon as possible, the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the International Labour Organization (ILO) Private Employment Agencies Convention, 1997 (No. 181), the ILO Minimum Wage Fixing Convention, 1970 (No. 131) and the ILO Violence and Harassment Convention, 2019 (No. 190).

⁵ CMW/C/PHL/CO/2, para. 15.

⁶ Ibid., para. 17.

Coordination

15. The Committee welcomes the coming into operation of the Department of Migrant Workers in February 2022, and its designation as the primary agency with responsibility for promoting and protecting the rights and welfare of all migrant workers. The Committee is, however, concerned about the extent to which its mandate and authority to coordinate all policies relating to the rights of migrant workers, and activities relating to the implementation of the Convention, are known in the State party.

16. The Committee recommends that the State party clarify the mandate and authority of the Department of Migrant Workers and coordinate its activities with the Public Employment Service Offices and Migrant Resource Centres, also in systematic cooperation with civil society organizations, and duly inform migrant workers and members of their families about its services and how to access them.

Data collection

17. The Committee is concerned about the absence of a system for the collection and analysis of migration-related data in the Philippines that would enable it to fully assess the extent to which and the manner in which the rights set out in the Convention are implemented in the State party.

18. With reference to its previous recommendations,⁷ the Committee recommends that the State party:

(a) **In accordance with target 17.18 of the Sustainable Development Goals, finalize and operationalize the Shared Government Information System on Migration to ensure the collection of data on migration in the State party, covering all aspects of the Convention, and to provide publicly available statistics on migrant workers, both in regular and irregular situations, members of their families, migrant workers living in the Philippines in transit, nationals working abroad and their conditions of employment, returnees, children who migrate abroad, including unaccompanied children, and spouses and children of migrant workers who are left behind in the Philippines, to effectively promote human rights-based migration policies and ensure the provision of services to migrant workers and members of their families;**

(b) **Ensure coordination among the different entities that collect and analyse migration-related data, including the State's foreign service posts, the Philippines Commission on Human Rights and civil society organizations.**

Independent monitoring

19. The Committee notes the draft laws tabled in Parliament to strengthen the mandate and authority of the Commission on Human Rights and align its selection and dismissal processes with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).

20. The Committee recalls its previous recommendations⁸ and the commitments made by the State party during the fourth cycle of its universal periodic review⁹ to strengthen the independence and resources of the Commission on Human Rights. To this end, it recommends that the State party:

(a) **Finalize the Commission's legal basis, guaranteeing its full compliance with the Paris Principles, and ensure its efficient operations by filling all Commissioner positions;**

(b) **Promote the Commission's mandate to monitor the implementation of the Convention, including by adequately resourcing the Migrants' Rights Observatory and**

⁷ Ibid., para. 19.

⁸ Ibid., para. 27.

⁹ [A/HRC/52/13](#), paras. 145.7 and 145.9.

its case referral system regarding overseas Filipino workers in coordination with national human rights institutions in destination countries.

Training on and dissemination of information about the Convention

21. The Committee notes the measures taken by the State party to disseminate information and provide training to stakeholders responsible for protecting the rights of migrant workers. The Committee is concerned that efforts to provide training on the Convention to all relevant stakeholders, including to migrant workers themselves, remain insufficient.

22. **The Committee recommends that the State party:**

(a) **Evaluate, improve and expand education and training programmes on the rights enshrined in the Convention and in related domestic legislation, with a view to establishing them as ongoing programmes that adopt a gender perspective; such programmes should target all public institutions for awareness-raising purposes and should be compulsory for staff at institutions responsible for matters relating to migration, including law enforcement and border authorities, judges, prosecutors and local authorities;**

(b) **Increase its cooperation with universities, civil society organizations and the media to disseminate information about the Convention and encourage migrant workers and members of their families, particularly those residing in remote areas such as the Bangsamoro Autonomous Region in Muslim Mindanao, from where many migrant domestic workers originate, to pursue remedies for violation of their Convention rights.**

Corruption

23. The Committee notes with concern allegations made against government officials relating to irregularities in recruitment processes to circumvent age criteria for certain visa categories, including through the issuance of false birth certificates and passports.

24. **The Committee recommends that the State party:**

(a) **Operationalize the Migrant Workers Administrative Complaints Committee, mandated to investigate and punish officials violating the rights of migrant workers, ensuring that it has the mandate and the resources to investigate all cases of corruption effectively and thoroughly, both domestically and at its foreign service posts, and that the individuals responsible are appropriately sanctioned;**

(b) **Encourage migrant workers and members of their families reporting alleged corruption to avail themselves of protection from reprisals;**

(c) **Provide, in its next periodic report, statistical information on investigations carried out and sanctions imposed against officials accused of corruption in the performance of their responsibilities relating to the Convention.**

2. General principles (arts. 7 and 83)

Non-discrimination

25. The Committee regrets the absence of any inquiry into the intersection between groups facing multiple forms of discrimination and trends in the profile of individuals migrating for work, both those in regular and irregular situations, and in skilled and unskilled labour.

26. **The Committee recalls its previous recommendations,¹⁰ and recommends that the State party conduct an analysis into migration trends to identify the personal and situational characteristics of migrant workers, both those in regular and irregular situations, and in skilled and unskilled labour, and that the State party use the findings to revise its legislative and policy measures to ensure that all migrant workers and members of their families within the territory or subject to its jurisdiction, regardless**

¹⁰ CMW/C/PHL/CO/2, paras. 11 and 23.

of their status, enjoy without discrimination the rights recognized in the Convention, in accordance with article 7 thereof.

Women migrant workers

27. The Committee is concerned that despite gains made towards achieving gender equality in the State party, the persistence of gender role stereotypes manifests itself in gender disparities in labour market participation, and in the wide gender pay gap given the predominance of women in low-level and low-paid jobs, and is a driver of women's migration for work. It also emphasizes that women migrant workers, both inbound and outbound, in particular those facing multiple forms of discrimination, such as women in poverty, women with disabilities, Indigenous women, Muslim women, women living in geographically inaccessible areas, and lesbian, bisexual and transgender women, face barriers in accessing justice and attaining effective remedies.

28. **The Committee recalls the recommendations of the Committee on the Elimination of Discrimination against Women¹¹ and the Committee on Economic, Social and Cultural Rights,¹² and further recommends that the State party:**

(a) **With the participation of women's organizations, conduct a study on the intersection of (i) migration trends of women workers, (ii) their personal characteristics, identifying those living in poverty, those with disabilities, those who are Indigenous, those who are Muslim, those living in geographically inaccessible areas, and lesbian, bisexual and transgender women, and (iii) the nature and outcome of labour- and employment-related complaints made by migrant women workers;**

(b) **Use the findings of the study to revise the national migration policy, ensuring that it is more responsive to the needs of women migrant workers, considering the discriminatory gender stereotypes, stigmatization and lack of adequate support systems to which they are subjected;**

(c) **Review and repeal all gender-discriminatory provisions that constitute restrictions or exclusions on migration in law or in practice which limit opportunities for women and girls, including sex-specific bans and other restrictions that limit the mobility of women migrants on the basis of age, marital status, migration status, and pregnancy and/or maternity status, among other factors, and provide access to migration pathways that promote empowerment of women and protect their rights. In particular, amend section 4 (m) of Republic Act 11862 of 2022, the Expanded Anti-Trafficking in Persons Act, and Philippine Overseas Employment Administration Advisory No. 43-2022, to remove the age restriction on women seeking domestic work abroad, and set the minimum age for workers at 18 years in line with international standards.**

Right to an effective remedy

29. The Committee notes the mechanisms in place to assist distressed migrant workers, both domestically and its nationals working abroad, which include focal points and hotlines to file complaints and seek legal and other assistance. However, the Committee regrets the absence of any measures to monitor and evaluate the effectiveness of the various mechanisms' responsiveness to all categories of migrant workers.

30. **The Committee recommends that the State party:**

(a) **Monitor, evaluate and revise the existing complaints mechanisms and legal assistance to respond to the needs of all migrants, ensuring that the mechanisms are coordinated, adequately resourced, effective and accessible, including to irregular migrant workers;**

(b) **Strengthen awareness-raising and information and education campaigns on labour rights and grievance mechanisms, including on where and how to access**

¹¹ CEDAW/C/PHL/CO/7-8, para. 38.

¹² E/C.12/PHL/CO/5-6, para. 24.

support and services essential for migrant workers, paying special attention to overseas Filipino workers in the Gulf States, and their families;

(c) Consider revising the Migrant Workers and Overseas Filipinos Act in order to provide for a more expedient response to calls from migrant workers abroad or their next of kin;

(d) Review and assess the implementation of the mandatory conciliation-mediation (the Single Entry Approach) in enabling overseas Filipino workers to have access to remedies, paying particular attention to cases where this mechanism does not facilitate a reasonable and fair settlement between the worker and the employer;

(e) Collect disaggregated data on all alleged violations of the Convention.

3. Human rights of all migrant workers and members of their families (arts. 8–35)

Labour exploitation and other forms of ill-treatment

31. The Committee is concerned at the persistently high number of complaints made by overseas Filipino workers, and disproportionately, by women domestic migrant workers in the Gulf States, including on issues related to non-payment of wages or illegal deductions, insufficient food and rest periods, allegations of physical, psychological and verbal abuse, including sexual abuse, and extreme violence that has even led to death. It is also concerned about the extent to which perpetrators are investigated and prosecuted for violations of the Convention rights of overseas Filipino workers.

32. In the light of its general comment No. 2 (2013), the Committee recommends that the State party implement specific measures to address abuse and exploitation of overseas Filipino workers, with special attention to domestic workers in the Gulf States, including by:

(a) Establishing quick response protocols to provide overseas Filipino workers in distress with adequate assistance, protection and rehabilitation, including psychosocial rehabilitation, and reparation to victims and members of their families;

(b) Creating a dedicated task force to recuperate the unpaid wages and other benefits of overseas Filipino workers and to develop avenues to fast-track resolution of cases;

(c) Reviewing the certification system of destination countries compliant with the Migrant Workers and Overseas Filipinos Act of 1995 (as amended by Republic Act 10022) and consider denying certification of destination countries that maintain “sponsorship” systems (*kafalah*) whereby migrant workers are dependent on their employers for residence visas and work permits and are therefore more vulnerable to exploitation;

(d) Strengthening the capacity of staff in foreign service posts to deliver a gender-sensitive response, including through the implementation of a gender-sensitive early warning response system, to complaints made by overseas Filipino workers;

(e) Publicly denouncing abuses of migrant workers, including by publishing the identities of foreign employers and of recruitment agencies, both foreign and local, that have been blacklisted due to recruitment violations and/or have committed or been involved in severe exploitation and abuse of overseas Filipino workers;

(f) Review all bilateral agreements concluded with destination countries engaging overseas Filipino workers to ensure that they contain protocols to investigate and prosecute all violations of the Convention.

Consular assistance

33. The Committee notes the progress made by the State party in fortifying its foreign service posts to respond to migrant workers in distress. It is concerned, however, that the capacity of consular staff remains insufficient, and highlights the inadequate attention paid to the cases of the 65 overseas Filipino workers facing the death penalty, many of whom are

women, who may have been subjected to legal processes without adequate legal defence and interpretation services.

34. **The Committee recommends that the State party:**

(a) **Make the proactive protection of migrant workers, particularly migrant domestic workers, a priority concern for its foreign service posts in destination States;**

(b) **Strengthen the welfare services and consular assistance provided to migrant workers in destination States, including psychological counselling, legal counselling, interpretation services, and adequate shelters for migrants in distress, and ensure that such services and assistance are gender-responsive and accessible to all migrant workers, including those who are undocumented;**

(c) **Ensure that foreign service posts are adequately staffed and that staff are properly trained in a human rights-based approach to dealing with all issues faced by migrant workers, including trafficking and other forms of exploitation, violence and abuse;**

(d) **Ensure that staff at foreign service posts in States of employment act in line with the Vienna Convention on Consular Relations, of 1963, and develop specific policies that address prevention of and response to arbitrary detention and sexual and gender-based violence.**

Social security

35. The Committee notes that the Social Security Act, Republic Act 11199 of 2018, mandates the enrolment of all overseas Filipino workers in the State party's social security system. It is concerned about the hesitancy of migrant workers to enrol, due to low awareness of its long-term benefits and the requirement to make continuous payments which may be onerous on categories of overseas Filipino workers who are engaged in low-income occupations.

36. **The Committee recommends that the State party:**

(a) **Consider setting less onerous social security contribution requirements for overseas Filipino workers engaged in low-income occupations;**

(b) **In coordination with foreign service posts, inform overseas Filipino workers and members of their families about the value of making long-term contributions.**

Birth registration and nationality

37. The Committee notes the creation of on-site special consular missions in Sabah to register the births of undocumented Filipinos. It is concerned, however, that challenges persist in ensuring that overseas Filipino workers can register the birth of their children abroad, particularly in the Gulf region, thereby putting these individuals at risk of statelessness and depriving them of their rights.

38. **In line with joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child on the human rights of children in the context of international migration, and in accordance with target 16.9 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Consider innovative measures to achieve universal birth registration of the children of overseas Filipino workers born abroad, paying special attention to those residing in the Gulf region, including through digitized and mobile birth registration and intensified awareness-raising among migrant workers and members of their families;**

(b) **Accelerate the issuance of personal identification documentation to migrant workers in Sabah.**

Transfer of earnings and savings upon termination of stay

39. **The Committee recalls its previous recommendation¹³ and recommends that the State party:**

(a) **Review and finalize Senate Bill No. 1311 amending the Labour Code with a view to replacing the provisions regarding mandatory remittance of earnings with provisions facilitating the transfer of remittances by all categories of overseas Filipino workers, sea- or land-based, as they desire;**

(b) **Strengthen measures to lower remittance and transaction costs and encourage overseas Filipino workers to transfer remittances through safe, formal and productive channels, including e-banking with the Overseas Filipino Bank.**

4. Other rights of migrant workers and members of their families who are documented or in a regular situation (arts. 36–56)

Pre-departure and the right to be informed

40. **The Committee is concerned that the pre-employment and pre-departure orientation seminars for overseas Filipino workers insufficiently address:**

(a) **The conditions of admission and employment and workers' rights and obligations under the law and practice of destination countries;**

(b) **The government programmes and services, including mandatory benefits, to which migrant workers are entitled;**

(c) **The existence of available remedial mechanisms in the Philippines and destination countries, including how to access them.**

41. **The Committee recommends that the State party:**

(a) **In consultation with – among others – relevant civil society organizations, migrant workers and their families and recognized and reliable recruitment agencies, develop targeted pre-departure and awareness-raising programmes to raise awareness of their rights under the Convention, their conditions of admission and employment and their rights and obligations under the law and practice of destination countries;**

(b) **Take special measures, including through the use of social media, to reach groups and individuals most susceptible to risks of gender-based violence, trafficking and illegal recruitment, and specifically domestic migrant workers, to raise awareness about indicators of abuse and violence and about available programmes and services for overseas Filipino workers in distress, including complaint mechanisms.**

Right to form trade unions

42. **In recalling its previous recommendation,¹⁴ the Committee urges the State party to review and finalize Senate Bill No. 1311 amending the Labour Code to ensure that its proposed provisions guarantee migrant workers the right to form and be a member of the executive bodies of associations and unions for the promotion and protection of their economic, social, cultural and other interests, in accordance with article 40 of the Convention and the ILO Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87), which the State party has ratified.**

Right to vote and to be elected in the State of origin

43. **The Committee welcomes the pilot measures successfully implemented to increase the overseas voter turnout rate in the State party's 2022 presidential elections. It is concerned, however, that the Commission on Elections Office for Overseas Voting lacks the mandate**

¹³ CMW/C/PHL/CO/2, para. 29.

¹⁴ Ibid., para. 37.

and resources to sustainably increase opportunities to engage overseas Filipino workers in the State party's electoral processes.

44. **The Committee recommends that the State party provide the Commission on Elections Office for Overseas Voting with the legal mandate and adequate resources to operationalize an online election system and facilitate the access of overseas Filipino workers to this system.**

Work permits and residency

45. **The Committee recalls its previous recommendation¹⁵ and recommends that the State party establish in law the guarantee that migrant workers who lose their employment have sufficient time to seek legal remedies against the termination of their employment and/or alternative employment and are not subject to expulsion during that time.**

5. Provisions applicable to particular categories of migrant workers and members of their families (arts. 57–63)

Frontier and seasonal workers

46. The Committee is concerned that the Department of Migrant Workers does not retain oversight over seasonal worker agreements concluded between local governments in the State party with their counterparts in destination countries.

47. **The Committee recommends that the State party ensure that all international labour agreements are scrutinized and monitored by the Department of Migrant Workers to ensure compliance with the Convention, including the memorandum of understanding concluded directly between local governments in the Philippines and their counterparts in the Republic of Korea under the seasonal worker programme to deploy Filipino workers to the Republic of Korea in agriculture or fisheries.**

6. Promotion of sound, equitable, humane and lawful conditions in connection with the international migration of workers and members of their families (arts. 64–71)

International cooperation with countries of transit and destination

48. The Committee notes with appreciation the numerous bilateral agreements that the State party has concluded with destination countries engaging overseas Filipino workers, with a view to protecting their rights under the Convention. It regrets the absence of systemized monitoring, evaluation and reporting mechanisms on the effectiveness of such agreements in protecting all migrant workers' rights.

49. **The Committee recommends that the State party:**

(a) **Review all bilateral agreements to ensure that they are gender-responsive and non-discriminatory and that they protect the human rights of migrant workers in accordance with the Convention;**

(b) **Establish mechanisms to systematically monitor, evaluate and report on the implementation of its bilateral agreements to ensure that the rights of migrant workers under the Convention are upheld.**

Recruitment agencies

50. The Committee takes note of the information provided on the regulatory framework and the licensing system for private employment agencies operating in the State party, including the Philippine Overseas Employment Administration Rules and Regulations (2016) attributing liability to the agencies for contract irregularities and enshrining respect for the labour and social legislation of both the Philippines and the country of destination. It is, however, concerned that private recruitment agencies continue to charge excessive placement

¹⁵ Ibid., para. 29.

fees, require workers to pay hidden fees, and are complicit in birth certificate falsification, notably in the domestic and construction work sectors, to circumvent age restrictions.

51. The Committee recommends that the State party reinforce the regulatory regime for private recruitment agencies and strengthen the existing licensing system for recruitment agencies to ensure the rights of migrant workers in accordance with the Convention, and provide data in its next periodic report on recruiters blacklisted and prosecuted for violations of the Philippine Overseas Employment Administration Rules and Regulations (2016).

Return and reintegration

52. The Committee notes the information provided on the legislative, policy and programmatic measures taken to facilitate the voluntary return and reintegration of overseas Filipino workers. It is concerned, however:

(a) That social and labour reintegration and recovery initiatives provide only temporary relief, and do not address the longer-term needs of overseas Filipino workers and their families;

(b) That no information has been provided on the protection of overseas Filipino workers and their families from involuntary return and on the mechanisms in place to ensure due process;

(c) About the situation of migrant workers who have been internally displaced due to the conflict in Mindanao.

53. The Committee recalls its previous recommendations,¹⁶ and further recommends that the State party facilitate the repatriation and reintegration of all migrant workers and their families in need, including by:

(a) **Adequately funding initiatives that facilitate livelihood assistance, access to decent and stable employment, psychosocial support and capacity-building for returning workers and their families, as well as access to essential health care, childcare facilities and income security, paying special attention to the needs of those who return with a disability;**

(b) **Providing clear information on how to access the entitlements provided by the Overseas Workers Welfare Administration, including registration for repatriation support programmes;**

(c) **Addressing in bilateral agreements with all destination countries the portability of social security contributions, including those for old age pensions;**

(d) **In coordination between local and national governments and among civil society organizations, establish monitoring and evaluation mechanisms to determine and systematically report on the impact of the initiatives taken;**

(e) **Expedite efforts to provide durable solutions to internally displaced migrant workers and their families, in line with the recommendations made by the Human Rights Committee.¹⁷**

Situation of children and adolescents in the context of international migration

54. The Committee is concerned about the high number of overseas Filipino workers who are separated from their families and the situation of children left behind in the State party, particularly with regard to their psychosocial development. It regrets the absence of in-depth studies on the situation and a comprehensive strategy specifically targeted at addressing the long-term needs of these children, given the enduring situation of migrant workers' families being separated.

¹⁶ Ibid., para. 45.

¹⁷ [CCPR/C/PHL/CO/5](#), para. 40.

55. **The Committee urges the State party to take all steps necessary to safeguard the rights of children in the context of migration. It recalls the recommendations of the Committee on the Rights of the Child¹⁸ and further recommends that the State party:**

- (a) **Conduct an impact assessment of the comprehensive national reintegration programme to ensure that it is responsive also to the situation of children of migrant workers in situ and those left behind in the Philippines;**
- (b) **Formulate a comprehensive and systematic rights-based policy on the collection of qualitative and quantitative data on all categories of children affected by migration, as the basis for a comprehensive policy aimed at the protection of their rights;**
- (c) **In cooperation with destination countries, invest in developing measures that will allow families of overseas Filipino workers to relocate together, paying special attention to those engaged in low-wage occupations.**

Causes of migration

56. The Committee acknowledges the State party's efforts to address the causes of migration, namely through its economic development programme, which includes local employment creation strategies. It regrets the absence of a comprehensive policy designed to address the root causes, and the limited visibility of migrant workers and members of their families in regional agendas on migration matters.

57. **The Committee recalls the recommendations of the Committee on Economic, Social and Cultural Rights,¹⁹ and further recommends that the State party develop a comprehensive, inter-agency and rights-based policy to address all the structural causes of migration, including, inter alia:**

- (a) **Developing action plans that focus on rights and that are designed to comprehensively address the structural causes of migration and to guarantee the rights of all migrants and their families, irrespective of their migration status, and that are measured by short- and long-term goals and progress indicators;**
- (b) **Encouraging the participation of civil society and specialized international agencies in the planning and implementation of policies to address the causes of migration;**
- (c) **Given the exposure of the State party to climate change-induced natural disasters, integrating migration patterns into its risk analysis on disaster risk reduction and preparedness, and response to natural disasters, as well as in the adaptation and mitigation measures to deal with the negative impacts of climate change.**

Trafficking in persons

58. The Committee notes with appreciation the robust legislative and institutional structure in place to combat trafficking in persons in the State party, and the capacity-building efforts made to investigate and prosecute acts of trafficking. It is concerned, however, about the absence of information provided on:

- (a) The effectiveness of the measures in place to identify, assist and protect victims of trafficking;
- (b) The existence of clear guidelines on timely identification, referral, protection and assistance for victims of trafficking, that are responsive particularly to the situation of children, asylum-seekers and persons at risk of statelessness;
- (c) The systematic collection of data on trafficking in persons, and efforts to raise public awareness about the crime specifically among migrant workers, both those seeking employment domestically and those seeking employment internationally.

¹⁸ CRC/C/PHL/CO/5-6, para. 24.

¹⁹ E/C.12/PHL/CO/5-6, para. 26.

59. In accordance with the OHCHR Recommended Principles and Guidelines on Human Rights and Human Trafficking, the Committee recommends, in line with target 5.2 of the Sustainable Development Goals, that the State party:

(a) Monitor, evaluate and report on the effectiveness of the measures in place for the early identification of victims of trafficking and the mechanisms of support, referral, rehabilitation and social integration of trafficking victims, including the provision of access to shelters and to legal, medical and psychosocial assistance;

(b) Consider adopting standard operating procedures on timely identification, referral, protection and assistance for victims of trafficking, that are age-responsive and that provide timely and equal access by victims of trafficking to fair and efficient asylum and determination-of-statelessness procedures;

(c) Provide, in its next periodic report, data on migrant workers that have been trafficked, both in the Philippines and across its borders.

Measures to address migrant workers in an irregular situation

60. The Committee notes the measures taken by the State party to facilitate regular migration to the State party, through the issuance of Joint Memorandum Circular 001 s. 2019, harmonizing the regulations and policy guidelines governing the provision of documents to foreign nationals intending to work in the Philippines. The Committee is concerned, however, that this fails to address pathways for the regularization of the status of undocumented migrants in the Philippines.

61. The Committee recommends that the State party:

(a) Consider, in its ongoing reform of the immigration system, the establishment of procedures for regularizing the situation of migrant workers in an irregular situation so as to ensure that such a situation does not persist, and ensure that these workers are informed about such procedures;

(b) In line with the OHCHR Recommended Principles and Guidelines on Human Rights at International Borders, ensure that all measures aimed at addressing irregular migration or smuggling of migrants do not adversely affect the human rights of migrant workers and members of their families and that they are provided with the necessary assistance and afforded due process guarantees.

7. Dissemination and follow-up

Dissemination

62. The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language(s) of the State party, to the relevant State institutions at all levels, including to government ministries, the legislature, the judiciary and relevant local authorities, as well as to non-governmental organizations and other members of civil society.

Technical assistance

63. The Committee recommends that the State party further avail itself of international and intergovernmental assistance for the implementation of the recommendations contained in the present concluding observations in line with the 2030 Agenda for Sustainable Development. It also recommends that the State party continue its cooperation with specialized agencies and with programmes of the United Nations.

Follow-up to concluding observations

64. The Committee requests the State party to provide, within two years (that is, by 1 May 2025), written information on the implementation of the recommendations contained in paragraph 18 (a) and (b) on data collection, paragraph 26 on non-discrimination, paragraph 28 (a) and (b) on women migrant workers and paragraph 57 (a) and (b) on causes of migration.

Next periodic report

65. The State party's fourth periodic report is due by 1 May 2028. The Committee will adopt a list of issues prior to reporting under the simplified reporting procedure at one of its sessions preceding this date, unless the State party explicitly opts for the traditional reporting procedure concerning its fourth periodic report. The Committee draws the State party's attention to its harmonized treaty-specific guidelines.²⁰

²⁰ [HRI/GEN/2/Rev.6](#).