



In defense of Filipino migrants rights and welfare



Filipino Migrants at a Glance

- 10% of population abroad (109 M pop.)
- 6,300+ leave everyday (2019)
- **53.7 % of OFWs are Women, 60% of which elementary occupations**
- 83% LAND-BASED, 17% SEA-BASED
 - #1 global supplier of seafarers**
 - 400,000 onboard vessels any given time
 - # 1 global supplies of nurses**
- \$33B US in remittances (2019)
- **5,000+ in detention overseas**
- 73 in death row (mainly in Saudi Arabia and Malaysia)



Over Four Decades of Labor Export in the Philippines

- Has resulted in **countless rights abuses**, exploitation, indignity, inhumane treatment, deaths especially among women migrant domestic helpers
- Profit oriented from labor flexibilization; **cheap and disposable migrant workers - an army of unemployed Filipinos**
- **Social costs of migration** - separation of families, impact on welfare and health of children
- Has not resulted in genuine economic development in the country



Concern of Filipino Migrant Workers

1. **Labor rights violations, discrimination, violence**
(low-wages, wage theft, little to no rest breaks, lack of benefits, health and safety, inadequate housing accom. confiscation of docs and cellphones)
2. Immediate **financial and welfare assistance** for distressed and displaced migrant workers (e.g. repatriation, temporary shelters, food, medical assistance, livelihood)
3. **Social protection and comprehensive services** for victims of abuse, labor exploitation, human trafficking undocumented and migrants in detention (legal and psychosocial support)
4. **Access to justice mechanisms, and stronger regulation and accountability** for illegal recruiters, traffickers, abusive and exploitative employers and recruitment/employment agencies
5. Threats to freedom of movement, speech, association





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Topic Two: Specialized Legal Assistance for Migrant Workers

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Introduction & Context

Migrante International is a grassroots global alliance of Filipino migrant organizations in over 24 countries. We were founded 27 years ago with the mission to educate, organize and empower Filipino migrants, especially those who are most vulnerable, to defend our rights and welfare, and advance social change, justice and democracy in the Philippines. Our organization was formed in response to the clamor of thousands of Filipinos in the Philippines and abroad who took to the streets calling for justice for Flor Contemplacion, a Filipino migrant domestic worker who was sentenced to death and hung in Singapore for allegedly murdering her fellow domestic worker and a child. The campaign to save her life in 1995 was a historic case-- it exposed for the first time, the vulnerabilities facing Filipino migrant workers overseas to the Philippine public, the neglect they face in times of distress, and paved the way for the Philippine Government to craft the first ever national legislation aimed to protect the rights of Filipino migrant workers.

28 years later, cases like Flor's have continued and has galvanized Filipino migrant workers throughout the world to assert and amplify their voices, struggles and demands through collective action, launching campaigns, conducting advocacy work, building networks and coalitions with various migrant-led organizations, migrant serving institutions and other humanitarian and interfaith groups. From migrant domestic workers, seafarers working in fishing vessels, construction workers, agricultural workers, healthcare workers, our members belong to the most vulnerable, namely, temporary migrant workers, undocumented migrants, victims of labor exploitation and abuse, gender-based violence, human trafficking or modern day slavery, unjust detention, among others.

The Philippines has become one of the top-migrant sending countries in the world, where Filipino migrant workers now work in more than 100 countries and territories. In 2019, the Philippine Employment Administration under the Department of Labor documented 2.3 million Filipinos who left the Philippines as temporary migrant workers during that year alone, majority of whom were deployed to work in the gulf countries as domestic workers. That is about 6,000 Filipinos who leave our country each day for their family's economic survival. If you include those who migrate through "informal or irregular" channels, and victims of various forms of human trafficking, then that number would increase significantly. For our organization, we view this as a reflection and a barometer of the socio-economic crisis in our country and that mass displacement of our people have contributed to the increasing numbers of rights violations experienced by Filipino migrant workers. During the pandemic, over 1 million were displaced and forced to return to the Philippines.

The common issues faced by Filipino migrant workers (and experienced also by other migrant worker of different nationalities): long-working hours with little to no rest breaks, inhumane and unsafe working and living conditions, unpaid wages and benefits, degrading and abusive treatment, high debt, being charged with excessive and unnecessary fees by placement/recruitment agencies, limited to no access to health care or affordable and decent housing, being "sold" or forced to work for multiple employers or worksites, restriction of movement, restriction of freedom of speech and association, discrimination and anti-migrant violence and harrassment, vulnerability to arrest, detention and deportation.

Among the recent cases documented and assisted by our rights and welfare program:

- Migrant domestic workers who ran away to escape their abusive conditions and were falsely accused of theft by their employers

- Young Filipino students who were deceived and recruited through student or cultural exchange visa pathways but were made to work in hotels under the guise of “training”
- Migrant workers who borrowed a large sum of money from a lending company, but because they lost their jobs or are suddenly terminated without cause, they are unable to pay their debts and are imprisoned
- A group of more than 50,000 male migrant workers who were displaced because their companies have shut down or filed for bankruptcy and 8 years have passed and they have not received the full payment of their wages and benefits amounting to billions of pesos
- A group of more than 50 young women trafficked to war and conflict areas and were physically abused, sexually harassed and were not paid their wages

Legal aid is among a list of critical assistance, support and service that is urgently needed by distressed migrant workers whose basic human rights are being gravely violated, however it still remains inaccessible to many. Additionally, the policies or lack of policies in the host country to protect and uphold the rights of migrant workers, or the budget or lack of allotted by the Philippine government to hire competent lawyers and well-trained translators, to fund other resources needed like the translation of documents for migrant workers to better understand their cases are some important factors that can also impact migrant workers’ access to justice.

Many Filipino migrant workers who are victims of exploitation, abuse and other crimes are often sent back home to the Philippines without receiving assistance or support to file a complaint or a case through the appropriate channels or government agencies or navigate the legal system or grievance mechanisms in their host countries. Majority of them in fact prior to leaving the Philippines to begin their work contract, are unaware or lack the knowledge about their rights or the laws or policies of their host countries, how to defend them and where to go to seek assistance. If they are sent back home, they face even more challenges in accessing justice.

Rights and Welfare Program

Through our rights and welfare program, we have developed a training and orientation manual for our members to guide their work in providing assistance to distressed migrant workers and their families who approach our organization for help. Some of the contents of the manual include: our basic principles for defending the rights of migrant workers, the importance of forming and how to form rights and welfare committees to emphasize that analyzing the concerns and developing a plan of action is a collective undertaking. We also discuss the common cases facing Filipino migrant workers each phase of the migration process and guided steps to take from the intake process, counseling, education, monitoring and follow up. The manual was written and continuously being improved upon based on the best practices of our organization and the collective knowledge we gained in the process of asserting our rights.

Recognizing that legal assistance should be grounded in raising the awareness and the empowerment of migrant workers and their families. We regularly organize rights-based education workshops and know-your-rights seminars that include an overview of national and international laws and policies related to migrant workers, the role of specific government agencies and examples of cases we have been able to successfully resolve and win. We are in the process of developing country-specific know-your-rights-seminars in partnership with our overseas chapters in countries where there are large population of Filipino migrant workers to incorporate the host country laws and policies related to migrant workers. We also conduct writing sessions and workshops to teach distressed migrant workers and their families how to

write their personal statements or affidavits that can be used in filing cases with government agencies.

Our efforts to document cases include developing a basic database that will aid our organization in analyzing the cases, identifying the trends among these cases and informing our strategies and approach. As most Filipino migrant workers use social media platforms as one of the main tools to request and appeal for help, and search for important news or educational information, our organization also utilizes these platforms to reach distressed migrant workers, share the online educational materials we have developed. We have also used various forms of communication platforms especially during the pandemic to gather migrant workers for collective educational discussions and providing legal advice in partnership with legal advocates, but we experienced challenges because many are not familiar how to use the platforms or have limited access to the internet.

Collaboration

We have developed partnerships with individual or groups of progressive lawyers and those who have a background in labor, migration, or human rights. With this partnership, Filipino migrant workers themselves are not just mere recipients of legal assistance but are actively able to participate in analyzing the issues and are involved in their cases through their own experiences and lens. We have formed or belong to networks and coalitions that employ various strategies that combine legal assistance with grassroots and social media campaigns and advocacy, to assist distressed migrant workers and their families with their basic and immediate needs and most importantly to advance their rights.

To conclude, one of our landmark cases exemplifies this effective collaboration and combination of strategies. The case of Mary Jane Veloso, a Filipino victim of human trafficking who has remained in death row in Indonesia for thirteen years since 2010. In 2010, Mary Jane was sentenced to death for drug smuggling due to the discovery of heroin in the lining of the suitcase that she carried to Indonesia. Mary Jane was deceived with a false promise of employment as a domestic helper in Malaysia and had no knowledge that the suitcase given to her by her recruiter while in Malaysia contained drugs. Mary Jane, a single mother of two boys, who completed only one year of high school education, who comes from an impoverished family and province in the Philippines, is among the countless women and girls whose economic and social conditions make them vulnerable to becoming a victim of human trafficking.

We launched a successful global campaign to save her life in 2015, only weeks before the public or anyone knew about her scheduled execution. As a result, Mary Jane received a temporary stay of execution by the Indonesian Government, allowing her to testify in a legal case in the Philippines against her recruiters on the grounds of human trafficking. In 2020, her recruiters were sentenced to life imprisonment for committing large scale illegal recruitment and fraud in a separate case involving other women victims.

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