



Office of the President of the Philippines
COMMISSION ON FILIPINOS OVERSEAS



"Responding to the Challenges of Migration and Development"

15 July 2019

MR. ROBERTO G. MANALO

Acting Head of Office

Office of United Nations and International Organizations

Department of Foreign Affairs

Dear Director Manalo:

Greetings from the Commission on Filipinos Overseas (CFO)!

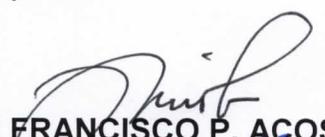
This refers to your letter of 18 June 2019, which we received on 12 July 2019 regarding the questionnaire of Special Rapporteur Felipe Gonzales Morales of the UN's Human Rights of Migrants, in preparation for his report to the 74th session of the General Assembly. We would like to thank the Department of Foreign Affairs for seeking our inputs on this matter.

We hope that our attached information/reply will provide the Special Rapporteur a view of the gender and development initiatives of the Philippines.

For clarifications and concerns, the DFA-UNIO may get in touch with Director Maria Regina Angela Galias of the Policy, Planning and Research Division at telephone number 552-4765 or at email address rgalias@cfo.gov.ph.

Best regards,

Very truly yours,


JUSTICE FRANCISCO P. ACOSTA (Ret.)
Secretary and Chairperson 

COMMISSION ON FILIPINOS OVERSEAS

Inputs to the UN General Assembly Report
of the Special Rapporteur on the Human Rights of Migrants on
“Good Practices or Initiatives of Gender-responsive Migration Legislation,
Policies and Practices”

Question No. 1.

How does your government define “gender responsiveness”?

Response:

The 1987 Philippine Constitution¹ directed the tone for the equality of men and women before the law. In 1995, the Philippine Framework Plan for Women 1995-2025² describes gender-responsive governance as one that enhances the abilities of women and men to contribute to and benefit from development. These demonstrate how the Philippines has persistently shown its drive in advancing gender equality and promoting women empowerment.

Following the recognition on the significance of gender equality, the Philippine Commission on Women (PCW)³ reported that efforts to make governance gender responsive are promoted through legislation, such as the Magna Carta of Women (MCW) or RA 9710.

The MCW which was adopted in 2009 mandates non-discriminatory and pro-gender equality and equity processes to facilitate women’s involvement in the development of policies, plans, and programs ranging from formulation, implementation, and evaluation for both national and local development.

The MCW further strengthened mainstreaming gender and development in the Philippine bureaucracy. Yearly, all government agencies and instrumentalities are required to identify gender issues and corresponding gender and development programs, activities and projects (PAPs) in their annual Gender and Development (GAD) Plan and Budget. Furthermore, the cost of implementation of the identified PAPs shall be at least five percent (5%) of their total budget.

The Philippines also adheres to the provisions of the UN CEDAW, the Beijing Platform for Action (BPfA), the Millennium Development Goals (MDGs), Sustainable Development Goals (SDGs) and related international conventions and commitments.

Question No. 2.

Please provide information on any existing or forthcoming good practices or initiatives of gender-responsive migration legislation, policies or practices in your country. (Should you provide information on legislation or policy, kindly submit the original text,

¹ Article II, Section 14, of the 1987 Philippine Constitution provides that *the State recognizes the role of women in nation-building, and shall ensure the fundamental equality before the law of women and men.*

² It is the Philippine government’s 30-year perspective framework for pursuing full equality and development for women and men.

³ PCW is the primary policy-making and coordinating body on women and gender equality concerns of the Philippine government.

accompanied by an English translation if it is in a language other than the six official UN languages.)

Response:

A. Gender-responsive Practices:

As a government agency mandated to uphold the interests, rights, and welfare of overseas Filipino men and women and strengthen their ties with the Philippines, the Commission on Filipinos Overseas (CFO) commits to effectively and efficiently deliver gender responsive policies, programs, and services for the well-being and empowerment of Filipinos overseas.

This commitment drives the CFO to continuously find ways in enhancing the programs and services of the government for overseas Filipinos and the general public by (a) capacitating the personnel with continuous professional development anchored on social responsibility, and (b) formulating policies and facilitate quality and citizen centric programs and services that exceed the expectations of the public.

As Filipinos move across national borders, the Philippine government also gives equal attention to address migration concerns, including gender-related issues, beyond labor movement. These could range from business to educational opportunities and professional advancement, and from family unification to marriage to foreign nationals.

Latest CFO records show that from 1989 to 2017, majority of the marriage migrants are female 91.4%. Out of the 542,436 marriage migrants registered with CFO, 495,961 or 91.4% are female while 46,764 or (8.6%) are male. The United States consistently emerged as the top destination of spouses and partners accounting for 43.26% (43.70), followed by Japan 22.92% and Australia 7.71%. More than half or 53.63% of the Filipino spouses or partners have limited knowledge about the country of their foreign spouses or partners; while 10.68% of them have no knowledge at all. Only 35.69% professed to have sufficient prior knowledge of their destination country. Most of spouses and partners are from the age bracket of 25-29 years old which is 30.48% of the total number, followed by 20-24 years old 23.13 and 30-34 years old 20%.

The above data complement the compelling reason for the Philippine government's acknowledgment on the effects of gender-based prejudices that are brought about by the social costs of migration. The CFO constantly strives to address the particular vulnerabilities and situations of the predominantly female migrating spouses or partners of foreign nationals, in every stage of the migration cycle, such as pre-departure preparedness and marriage migrants' integration to the host country. For this purpose, the CFO had been conducting the following programs and services:

1. Guidance and Counseling Program (GCP)

Given the predominantly female profile of marriage migrants, the CFO has set up the Guidance and Counseling Program (GCP) for Filipino spouses or partners of foreign nationals. For the past three decades, the CFO has implemented the Guidance and Counseling Program (GCP) for fiancé(e)s, spouses and other partners of foreign nationals or of former Filipino citizens.

Republic Act 10906 otherwise known as Anti-Mail Order Spouse Act of 2016 and Republic Act 10364 (An Act Expanding the Anti-Trafficking in Persons Act of 2012) require the conduct of mandatory pre-departure counseling services for Filipinos in cross cultural marriages.

The Guidance and Counseling Certificate (GCC) is also a requirement under the implementing rules and regulations of Republic Act 8239 or the Philippine Passport Act for Filipino fiancé(e)s, spouses, or partners of foreign nationals or former Filipino citizens who are applying for a passport for the first time or adopting the surname of the foreign spouse. It is issued upon attendance and satisfactory compliance of the requirements of the program. Filipinos are required to present the GCC to the Philippines' Bureau of Immigration at the point of exit before joining their partners or spouses overseas.

GCP is a customized Pre-Departure Orientation Seminar consisting of group guidance and counseling with a trained counselor as facilitator and a one-on-one counseling. It is a country-specific program which aims to provide information and advice for Filipinos on the realities of cross-cultural marriage and family, adjustments and coping mechanisms, the marriage migrants' rights and obligations, basic immigration policies, available support network for women migrants in distress, among others.

2. Assistance-to-Nationals (ATN) Cases

Aside from the pre-departure services for Filipinos in intermarriage, the government, through CFO's frontline division, also responds to the issues and concerns of intermarriage. Counselees who are in distress or undergoing adjustments seek assistance or advice from the CFO counselors.

From 2014 to 2018, CFO received an average of 45 cases annually, which are addressed by its ATN Service. The nature of the cases include domestic violence, request for financial support from foreign spouse, abandonment of foreign spouse, illegal recruitment, human trafficking and violations of the Republic Act 10906 or the Anti-Mail Order Spouse Act. Facilitated marriages or violations of the requisites of marriage as specified in the Family Code of the Philippines are the common strategies of the marriage brokers. Filipinos who have contracted marriage through these schemes are mostly victims of human trafficking and domestic violence in their host countries.

3. Watchlist of Foreign Sponsors' Database

To supplement the GCP, CFO maintains a Watchlist database which contains information on foreign nationals who had history of domestic violence or involvement in trafficking, serial sponsorship, bigamy, adultery, child abuse, deception and fraud.

Through the CFO Watchlist, CFO counselors can extend appropriate counseling intervention to Filipinos whom these foreign nationals may sponsor for travel overseas. CFO also maintains the Multiple Sponsors Database which records the names of foreign nationals who have sponsored more than one

Filipino spouse and other partners. From 2014 - 2018, there are 2,741 names of foreign nationals in the said Watchlist.

4. In-depth Counseling Sessions

A counselor may temporarily withhold the issuance of a GCC, and require a counselee to undergo follow-up counseling sessions due to, but not limited to, any of the following circumstances; foreign partner is included in the CFO Watchlist; prospective victim of human trafficking, mail-order spouse scheme, and domestic violence; presented or submitted questionable/dubious or fraudulent documents; case of misrepresentation; foreign partner may be an imminent threat to his/her life; or couple is aged 17 years and below.

CFO Counselors suggest alternative intervention programs to counselees with specific concerns, such as multiple or serial sponsorship, mail-order spouse scheme, illegal recruitment, or human trafficking.

5. Peer Counseling

The Peer Counseling Program is required for Filipino emigrants 13 to 19 years old. The sessions aim to provide a venue for the young migrants to discuss their concerns about leaving their country of birth.

While sessions are not country specific, country profiles and settlement concerns are also discussed. No other government agency provides this specialized pre-departure program for migrating Filipino youth.

6. CFO Country Familiarization Seminar (CFS) for Au Pair Participants

The alleged and reported cases of exploitation, discrimination, sexual violation, and prostitution of au pairs led to the imposition of Philippines ban on the deployment of au pairs to Europe.

The ban however did not stop some European countries from issuing visas and did not deter the participation of the Filipino youth to the program. As a result, the Filipinos who left as au pairs during the ban were undocumented and that the traces of their movement were not recorded. Foremost, the alleged abuses against them were not recorded and monitored as there was no Philippine government agency that took care of them. The absence of a comprehensive pre-departure orientation program to address their concerns over integration into host countries was also raised.

Back in 2010, the Department of Foreign Affairs agreed to lift the ban on au pairs headed for selected countries, such as Switzerland, Norway, and Denmark. The deployment was supervised by the Philippine Overseas Employment Administration of the Department of Labor and Employment (DOLE) and was under the category of POEA's "name hire" category.

In 2011, an inter-agency ad hoc technical working group (TWG) was formed to draft guidelines for the total lifting of the ban on au pairs. During the task force

meetings, CFO was requested to conduct the pre-departure orientation seminar and develop and maintain a database on au pairs bound for Europe. The task force moreover came up with the steps to be taken by various agencies especially the DFA, the Philippine Embassies and Consulates in Europe and the CFO.

Immediately the following year (2012), all Filipinos leaving the country as au pairs were required to register with the CFO and attend the Country Familiarization Seminar (CFS). The CFS prepares the au pairs for their immersion process in a cultural and language learning context. The seminar equips them with vital information on settlement concerns, values, cultural, and societal realities in the host countries, health and safety issues, airport and travel procedures, and support networks in their host countries.

An au pair is described as a young Filipino citizen, between 18–30 years of age, unmarried and without any children, who is placed under a cultural exchange arrangement with a European host family for a maximum stay of two years.

7. Community Education Program (CEP)

CFO also undertakes annual Community Education Program (CEP) in at least 30 provinces in the country. It is an information campaign about various issues on migration, intermarriages, and existing government policies. The program seeks to assist prospective migrants in making informed decisions regarding overseas employment or permanent residence.

The CFO coordinates with various government agencies, non-government organizations (NGOs), faith-based groups, local government units (LGUs), and academic institutions for its effective implementation. CEP equally aims to generate community involvement on migration concerns.

8. Efforts in Fighting Human Trafficking

As a member of the Inter-Agency Council Against Trafficking (IACAT) and head of the Advocacy and Communication Committee, the CFO spearheaded the establishment of the 1343 Actionline Against Human Trafficking which was operationalized since March 2011. The hotline facility responds to emergency or crisis calls from victims of human trafficking and their families. It also serves as an avenue for the community to be actively engaged in this effort to fight human trafficking.

Among the strategies of CFO also included, engaging and mobilizing various stakeholders and target groups such as the national and local government agencies; civil society groups; media institutions; international organizations; foreign government agencies; migrant associations; and other non-government organizations.

9. Campaign on Financial Literacy

Increasing the ability of overseas Filipinos to manage their personal and family's fiscal goal setting and financial planning is the objective of CFO when it launched in 2013 the Philippine Financial Freedom Campaign or PESO Sense.

Today, CFO's financial literacy campaign was intensified by maximizing the use of social media. Its Facebook page has more than 3.4 million followers reaching million users weekly from all over the world with high concentration of overseas Filipinos.

From handy bookmarks and audio visual presentations to its dedicated-website, from social media to mobile application, from on-line training modules to face-to-face training, CFO have brought the financial freedom campaign to new and innovative levels.

These programs and services reflect the government's commitment to mitigate the social costs of gender disparity brought by migration, and protect and promote the rights, the welfare and interests of overseas Filipinos in every possible way.

10. Establishment of CFO Online GAD Corner

The immense hard work of both international and local stakeholders in reducing the inequality between women and men are dispersed in diverse sources. This further increases the inadvertent unfamiliarity of the public, including the CFO officers and personnel to appreciate the efforts, a factor that could possibly hinder the fulfilment of gender equality.

Mindful of its effects, this online GAD Corner features the vast collection of GAD knowledge materials, categorized as:

- International Covenants/Agreements
- Philippine Laws; Proclamations; Administrative Orders; Special Order/Memoranda
- Philippine Government Programs and Services
- Researches and Studies/Fact-Finding Reports
- Information, Education and Communication Materials and Audio Visual Presentations
- Press Releases
- Government Hotlines/Contact Details

This online corner serves as a portal for accessing and sharing information on mainstreaming gender and development and is aimed at apprising the public on the unremitting efforts of the international community, non-government organizations, and the Philippine government in advancing gender equality.

The consolidation of the reference materials from various sources in the CFO's Online GAD Corner aims to reinforce consciousness and sensitivity on gender

issues towards developing gender-related advocacies and programs that would elevate the integration of gender concepts across all sectors.

11. Institutional Support

In ensuring the continuous commitment of CFO in mainstreaming gender and development within its core functions, it yearly implements gender perspective policies, programs, activities and projects (PAPs).

The commitment is in line with some policies and sectoral program requirements such as the Executive Order (EO) No. 273 (Approving and Adopting the Philippine Plan for Gender-Responsive Development [PPGD 1995-2025])⁴ and the PCW-NEDA-DBM Joint Circular No. 2012 – 01 on “Guidelines for the Preparation of Annual Gender and Development (GAD) Plans and Budget and Accomplishment Reports to implement the Magna Carta for Women”.

The CFO also established its GAD Focal Point System (GFPS) which consists of representatives from all divisions of CFO to ensure that GAD issues and concerns, gender equality and women’s empowerment be mainstreamed within the Commission.

A continuous capacity building is provided to the GFPs for its enhanced understanding to the intricacies of gender mainstreaming within the Commission. Specifically, the GFPS was trained on the technicalities of various Gender Analysis Tools. Moreover, the CFO personnel are also equipped with adequate learning and development orientations on gender sensitivity. This sustainable technique complements the efforts of the GFPS to be fully appreciated by the entire workforce of the Commission.

Moreover, CFO collaborates with the Philippine Commission on Women, along with various government agencies and non-government organizations for various activities that facilitate and advocate gender mainstreaming.

Ultimately, CFO issued a policy that directs all CFO personnel to strictly observe the use of non-sexist or gender-fair language in all official documents, communications, and issuances to avoid implicit and explicit discriminatory language against women or men.

B. Gender-responsive Policies and Legislation:

With reference to the importance of registration data in policy development, CFO regularly publishes its sex-disaggregated compendium of statistics on international migration.

The registration data of overseas Filipinos in this publication is used in developing policy researches, recommending legislations, and reviewing

⁴ It mandates agencies to incorporate and reflect GAD concerns in their agency performance commitment contracts, annual budget proposals, and work and financial plans.

existing laws for their interest and welfare, especially the marriage migrants with reference to all the phases of migration.

Researches from the academe, media, and private institutions among others, often seek the wide-ranging information of this publication for their studies.

Consequential to the results of the generated data, CFO is one of the government agencies that actively lobbied for the passage of Republic Act 6955 of the Anti-Mail Order Bride Act and its subsequent repeal through Republic Act 10906, or the Anti-Mail Order Spouse. This repealing law provided stronger measures against unlawful practices, businesses, and schemes of matching and offering Filipinos to foreign nationals for purposes of marriage or common law partnerships.

Among the salient features of the new law are the inclusion of Filipino men against acts of matching for purposes of marriage or common law partnerships to foreign nationals; matching through the use of internet; confiscation and forfeiture of proceeds and instruments derived from committing the prohibited acts in favour of the government; provision on the formulation of an implementing rules and regulations; and imposing stiffer penalties on its violation.

CFO lobbied for the amendment of the Republic Act 9208 or the Anti-Trafficking in Persons Act of 2003, hence the Expanded Anti-Trafficking in Persons Act of 2012.

CFO also provided inputs to the following legislations in Congress and policies of other Executive Offices:

1. Senate

- Senate Resolution No. 631 directing the Committee on Labor, Employment and Human Resources and other appropriate senate committees to conduct an inquiry, in aid of legislation, on the increasing incidence of abuse of overseas Filipino workers
- Revised Philippine HIV and AIDS Policy Program Act
- Senate Resolution No. 638 on the re-examination of government's migration policies
- Senate Resolution No. 636 on the recent deaths of Joanna Daniela Demafelis and Josie Lloren, as well as similar maltreatments and deaths of overseas Filipino workers
- Consolidated bill (SB No. 3209/HB No. 5572) entitled An Act Providing Stronger Measures Against Unlawful Practices, Businesses, and Schemes of Matching and Offering Filipinos to Foreign Nationals for Purposes of Marriage or Common-Law Partnership, Repealing for the

Purpose Republic Act No. 6955, also referred to as the Anti-Mail Order Bride Law

- Senate Bill 1158 entitled an Act Amending Article 26 of Executive Order No. 209, otherwise known as the Family Code of the Philippines, and HB 5907 entitled an “Act Recognizing the Capacity of the Filipino Spouse to Remarry when the Alien Spouse has obtained a Foreign Judicial Decree of Absolute Divorce”
- Senate Bill No. 210 – An Act Providing Financial Literacy and Entrepreneurship Programs to Workers

2. House of Representatives

- House Bill No. 6446, An Act Recognizing the Capacity of the Filipino spouse to remarry when the alien spouse has obtained a Foreign Judicial Decree of Absolute Divorce, amending for the purpose Executive Order No. 209, otherwise known as The Family Code of the Philippines
- The Expanded Anti-Violence Against Women and their Children (Electronic-VAWC) Act (House Bill 2664 amending RA 9262)
- Revision in the Family Code of the Philippines to recognize the capacity of the Filipino spouse to remarry when the alien spouse has obtained a foreign judicial decree of absolute divorce;
- House Bill No. 2664 – An Act Amending Republic Act no. 9262, Defending Electronic Violence Against Women or E-VAWC
- House Bill No.3813 – An Act Penalizing all Advertising Agencies that Exploit Women and Glorify Sexual Violence in their Advertisements
- House Bill No. 2850 – An Act Establishing a Task force to Recommend a Uniform Strategy to Protect Women against Violent Crime
- House Bill No. 1471 – An Act to Establish the Address Confidentiality Program for Victims of Violence against Women and their Children
- House Bill No. 5153 – An act amending Republic Act No. 9262 otherwise known as the Anti-Violence Against Women and their Children Act of 2004, defining electronic violence against women (E-VAW), providing protective measures and prescribing penalties therefore, and for other purposes
- House Bill No. 5584 – An Act defining domestic violence against individuals including members of the LGBT community other than women and children and providing for protective measures for victims, prescribing penalties therefore, and for other purposes

- House Bill No. 2592 – An Act Defining Electronic Violence Against Women And their Children providing protective measures, and prescribing penalties, amending for the purpose Republic Act No. 9262 otherwise known as the Anti-Violence Against Women And Their Children Act Of 2004

3. Executive Offices

- CFO's position on reviewing and amending Article XV (The Family) of the 1987 Philippine Constitution submitted to the Sub-Committee on Rights, Obligations and Social Justice of the Consultative Committee to Review the 1987 Philippine Constitution
- Senior Officials Meeting on Transnational Crime (SOMTC) Work Programme to Combat People Smuggling 2019-2021
- Priority Gender and Development Indicators for Monitoring and Evaluation (M&E) Gender and Equality and Women Empowerment;
- Inter –Agency Council Against Trafficking (IACAT) Resolutions on (a) Standards in Building Communities that Protect Children from Trafficking, (b) Guidelines on the Grant of Financial Assistance to Victims of Trafficking, (c) Guidelines on Data Collection and Monitoring for Management of Knowledge on Trafficking in Persons, (d) Revised Guidelines on Departure Formalities
- Philippine Youth Development Plan 2016-2022: The Need to Include the Overseas Filipino Youth
- Guidelines on Filipino Au Pairs Departure for Europe
- Philippine Millennium Development Goals on Women and Girls
- Community-based Tourism Forum of the Department of Tourism that value the assets of women and men in the facilitation and generation of socio-economic and tourism opportunities
- 5th and 6th Philippine Report on the Implementation of the Convention on the Rights of the Child
- Framework on counting overseas Filipinos of the Philippine Statistics Authority
- Scoping Study on International Migration Statistics in the Philippines of the Philippine Statistics Authority

Questions No. 3 and 4

- *Please indicate any challenges and/or obstacles in the implementation of gender-responsive migration legislation and or policies?*
- *Based on the experience accumulated with these interventions so far, as well as the lessons learned, what would you have to do differently to maximize the gender responsive impact of these interventions?*

Response:

Following are few of the challenges in the implementation of gender-responsive migration legislation, with corresponding recommendations that respond as well to Question No. 4:

1. Lack of an institutionalized framework and mechanism to capture gender-disaggregated databases on migration. The CFO has a system in place that captures regularly the sex-disaggregated data of its clientele, such as permanent migrants, Filipino partners or spouses of foreign nationals, youth migrants, au pairs, and Exchange Visitor Program participants in the US. This however, does not cover or feed into other databases on overseas Filipinos by other national government agencies.

Sex-disaggregated and gender-sensitive data of all overseas Filipinos, that include temporary migrants, and undocumented overseas Filipinos should be made available and accessible at national and sub-national levels. This can be done through a development of a framework that mandates all migration-related government agencies to collect the data, towards strengthening the monitoring of the situation of migrants through sex disaggregated data collection and gender analysis of migration trends.

2. A regular public consultation on gender concerns should be systematized to collect necessary information from the migrants. Capacity building is therefore vital for government statisticians and representatives on gender issues, through information campaigns and trainings.

3) Provide for family reunification and for measures to uphold the rights of accompanying children irrespective of their parent's migration status, especially with regard to their birth registration and access to education and health care.

4) Provide access to psycho-social support programs for children of parents who are overseas, and raise awareness and capacities of parents who are left behind to effectively engage on both housework and child care.

Question No. 5

What support could other stakeholders (other than your Government) provide to make your migration policies, legislation, and practices more gender responsive?

Response:

The CFO recommends the following towards making a more gender responsive migration policies, legislation, and practices:

a) Interagency Partnerships.

Establishment of linkages and partnerships with government and both local and international non-government organizations; forging ties with host country; revitalizing relationships with overseas Filipino associations and families to expand the support network availability in the host countries. Bilateral arrangements with concerned government agencies should include provisions addressing the gender impact of migration on the migrants themselves and their families.

b) Pro-active and gender responsive inclusion of families left behind in policies, programs and projects addressing international migration.

Families of migrants left behind or resulting from migration such as in the case of inter-marriages and children of these unions need to be included in governments' and civil society's full-cycle of interventions (from pre-departure, on-site and upon return) if we are to fully maximize the gains of migration and to address the costs to the migrants' families and children.

c) Evidence-based policymaking. For evidence-based policymaking, we need to know how many there (families and children) are, where they are, how much their lives have improved, and how the various social structures (schools, Churches, migrant associations, peer groups, etc.) can form a support system to address the social costs of migration, especially on the families and children left behind.

d) Gender-responsive Migration and Development (M&D) mainstreaming in development plans.

Ensure that the development potential of migration is maximized. One of the most substantial way of doing this is by mainstreaming migration in national and local development plans utilizing a gender lens.

e) Ensure Continuous Commitment to Mainstream Gender and Development

CFO has since been implementing gender perspective policies, programs, activities and projects (PAPs). Aside from being mandated by various policies, this consciousness should already be deep-seated in one's plan of action and be considered as a commitment to an advocacy, instead of a mere compliance to statutory requirements.