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United Nations Institute for Training and Research

## **Special Rapporteur on the Human Rights of Migrants** **After one and half year: the impact of COVID-19 on the human rights of migrants**

### **University of the Philippines - *Centre International de Formation des Autorités et Leaders*** **(UP-CIFAL) Philippines Submission of Inputs**

- **Please provide information on the healthcare responses taken by your Government to counter the pandemic providing migrants and their families' access to adequate health care on the same basis as nationals. These include equitable access to treatment, testing, vaccines, reproductive health, gender responsive health protocols, protective equipment and other health and basic services such as water, sanitation, and information. Please also indicate if adequate firewall protections and professional capacities are available to ensure that migrants who fear seeking medical support can access health services without risking immigration enforcement measures; as well as personal data protection measures.**

There are two legislations enacted in the Philippines to respond to the COVID-19 pandemic. One of which is the Republic Act (RA) 11494 known as the *Bayanihan* to Recover As One Act that was enacted last September 2020. It stipulates measures of the country's COVID-19 response and recovery interventions which includes migrant-inclusive emergency response measures. Such measures include, but are not limited to, emergency subsidies, repatriation assistance, and livelihood and loan assistance to migrants and their families impacted by the pandemic.

Crucial to migrant-inclusive approaches during the COVID-19 pandemic are making use of existing relevant whole-of-government mechanisms in the Philippine overseas employment framework: a) the Joint Manual of Operations in Providing Assistance to Migrant Workers and other Filipinos Overseas and; b) the Inter-Agency Medical Repatriation Assistance Program (IMRAP).

First, the Joint Manual of Operations is a document that defines the roles and responsibilities of migration-related government agencies in providing a cohesive delivery of services to overseas Filipinos especially to those in distress. Signed in 2015 by the Department of Foreign Affairs (DFA), the Department of Labor and Employment (DOLE), the Department of Social Welfare and Development (DSWD), the Department of Health (DOH), the Overseas Workers Welfare Administration (OWWA), and the Philippine Overseas Employment Administration (POEA), this strengthens the one-country team approach (OCTA), a mechanism where all officials, representatives, and employees of government officials posted overseas must act and behave as one team per the Migrant Workers Act RA 8042 (1995) as amended by RA 10022 (2010).

Second, under the DOH Administrative Order 2016-007, a national policy framework for addressing the health of migrants and overseas Filipinos was implemented including the establishment of a Migrant Health Unit at the DOH. Among the Migrant Health Unit's programs and services include the IMRAP per DOH Department Memorandum No. 2017-0191, to streamline migration-related agency efforts in facilitating medical repatriation for Filipino migrants in partnership with the DFA, DOLE, OWWA, POEA, DSWD, and the Manila International Airport Authority (MIAA).

Hence, these government mechanisms were significant in providing assistance to both Filipino migrants who were displaced but remained overseas and those who were repatriated back to the Philippines, even before the COVID-19 pandemic. In other words, these frameworks helped provide

immediate assistance to migrants and their families affected by the COVID-19 pandemic by making use of existing guidelines and implementing additional protocols to address the coronavirus.

To demonstrate, key services provided to Filipino migrants since the start of the pandemic to this day include unemployment protection, repatriation assistance, and vaccination services as follows:

The DOLE - *Abot Kamay ang Pagtulong* (AKAP) program extends a one-time financial assistance of PHP 10,000.00 to job displaced Overseas Filipino Workers (OFWs) due to the COVID-19, regardless of their status. The OWWA administers online applications for cash assistance beginning April 2020. As of May 2021, 14,514,630 OFWs were benefitted from this program, amounting to PHP 5.1 billion total of cash assistance provided since then.

OWWA has been in charge of assisting distressed OFWs, offering hotlines and online help desks (e.g., e-CARES and OFW Watch) that share information and advisories, as well as distributing free food, transportation, and hotel accommodation to returning OFWs in coordination with local governments. For example, the Quezon City Local government through their Migration and Development Council provided relief distribution and transportation assistance for stranded OFWs and medical assistance to repatriated OFWs. Additionally, they are involved in the OFW *Uwian* Program (transportation assistance from quarantine facilities) and financial assistance, both in partnership with the OWWA.

Lastly, last June 12, in celebration of Philippine Independence Day, the Philippine Embassy in Bahrain implemented the *Bakuna Para Kay Juan at Juana* program, providing free COVID-19 vaccination to Overseas Filipinos in the country, whether documented or undocumented, in partnership with the host government. It is noteworthy to mention that Bahrain has provided free vaccine services to residents in their borders, regardless if they are nationals or expatriates.

Nevertheless, challenges remain as government funds to provide assistance to OFWs and their families are depleting and demand for immediate services due to COVID-19 are still at a high. All these greatly consume the bureaucratic capacities of short-staffed frontline operations and service providers.

- **Please indicate what solidarity measures and initiatives have been put in place or are planned by the Government, the civil society and other relevant stakeholders to support migrants in the context of the pandemic.**

The COVID-19 pandemic has shifted government operations online. This has resulted to immediate assistance and closer tracking of OFWs in need. To demonstrate, the availability of online legal assistance extended by the POEA has greatly increased the rates of reporting of illegal recruitment cases to the POEA. The POEA intends to continue online recruitment systems and services for the foreseeable future.

Similarly, the Inter-Agency Council Against Trafficking (IACAT), its members consisting of DFA, DOLE, Department of the Interior and Local Government, POEA, Bureau of Immigration, Philippine National Police, Philippine Commission on Women, Commission on Filipinos Overseas (CFO), Philippine Center for Transnational Crimes, Coalition Against Trafficking In Women – Asia Pacific, Blas F. Ople Policy Center and Training Institute, and International Justice Mission, have strengthened efforts to address trafficking of Filipinos. Due to the unemployment caused by the COVID-19 pandemic, Filipinos are desperately searching for job opportunities abroad, resulting to an increased risk of vulnerability of going through unsafe channels to find work through unscrupulous traffickers and recruiters. In this regard, the IACAT is improving their Integrated Case Management System (ICMS), to track and address illegal recruitment and trafficking cases amid the COVID-19 pandemic.

But this also reveals that traffickers and unlicensed recruitment agencies have also shifted their operations online. This requires digital transformation of government services to counter such operations.

The CFO has been conducting *Ugnayan* online series to engage with the Filipino diaspora around the globe. For example, on August 22, 2020, *Ugnayan sa Japan* was held, in which CFO facilitated the dialogue between the Philippine embassies, government and non-government agency partners, migrant group organizations and community leaders regarding the economic, health, and socio-legal situations of Filipino migrants in Japan, and the ways in which multi-sectorial partnerships can be forged to ensure continuing support for Filipino migrants coping with the pandemic. The Filipino migrant communities in Los Angeles, Hawaii, South Korea and Australia have also been featured in the series.

Information and advocacy campaigns have also been implemented by the CFO through the #BayanihanKahitSaanMan and #FallenButNotForgotten tribute series. Under the #BayanihanKahitSaanMan series, the CFO commends the Filipino migrant community organizations' aid they have provided to their fellow compatriots and even the rest of the citizenry in their country of destination. Such diasporic philanthropic efforts are commended and archived through this tribute series at the CFO's Facebook page.

In the same vein, the commendable services of overseas Filipino healthcare workers who have lost their lives in containing the health crisis were recognized and honored through the #FallenButNotForgotten series at their Facebook page as well. These tribute series are meaningful in not only recognizing the Filipino diaspora's resilience and contribution in addressing the pandemic, but also strengthening the ties between migration and development as the government highlights the charitable efforts of Overseas Filipinos during the COVID-19 pandemic. A key challenge, like other donor-driven campaigns to provide aid to those affected by the pandemic, is donors' fatigue as volunteerism and resources may diminish as time goes on.

Civil society organizations, Filipino community organizations, private sector, and other relevant stakeholders have also contributed to increase awareness and advocacy campaigns on providing support to migrants and their families through continuous webinars, campaigns, consultations, and rapid reports and assessments. Exemplifying this is the multi-stakeholder consultation on mapping the health needs and services for women migrant workers to address gender-based violence of women migrant workers during the COVID-19 pandemic and improve coordination and service delivery in this regard. This consultation was implemented under the Safe and Fair project, a partnership between the International Labour Organization (ILO) and UN Women which aims to ensure that labor migration is safe and fair for all women in the Association of Southeast Asian Nations (ASEAN) region.

The academe has also disseminated key discourse on the impact of and ways forward in the COVID-19 pandemic on migrants. Last 2020, the University of the Philippines-Centre International de Formation des Autorités et Leaders (UP-CIFAL) Philippines, a programme of the UP and one of the 22 global centers affiliated with the United Nations Institute for Training and Research (UNITAR), conducted webinars on ensuring safe migration and non-discrimination of Chinese migrants in the Philippines, dignified repatriation of migrants from the Gulf Cooperation Council (GCC) countries, and ensuring educational opportunities for Filipino migrant children overseas. These were conducted as part of education/capacity building efforts on migration and COVID-19 showing the impact and downturn on the treatment of inward migrants in the Philippines and Overseas Filipinos and their families especially children. Similarly, the Philippine Migration Research Network has also conducted online migration dialogues on COVID-19 and its impact on remittances, Overseas Filipinos in the United Kingdom, Filipino seafarers and healthcare workers, return migration, and Association of Southeast Asian Nations (ASEAN) mobility.

- **Please provide information on actions taken to prevent and address racial discrimination, hate speech, xenophobia and related intolerance faced by migrants, particularly in the COVID-19 context.**

Since 2019, the UP-CIFAL Philippines has implemented the Professional Course on Global Migration (PCGM), a continuing education for migration practitioners interested in a comprehensive and pragmatic approach on the challenges on migration governance in line with the sustainable development goals.

Given the impact of the pandemic on human mobility, the UP-CIFAL Philippines modified the PCGM to offer the course as a distance education on understanding migration as impacted by the COVID-19 pandemic and focusing on migrant-inclusive services provisions, policies, and discourse to address discrimination faced by migrants. Last May, sixteen migration practitioners, scholars, and advocates from Bangladesh, Philippines, Mexico, Venezuela, Ecuador, Burkina Faso, Kenya, Ghana, Finland, Spain, Egypt, and Tunisia, completed the PCGM with a culminating activity of conducting a class-organized webinar on sharing their learnings and experiences on migrant health, gender equality, social inclusion, and media narratives amidst the COVID-19 pandemic and proposing ways forward in addressing these issues.

- **Please indicate if your country has adopted or is planning to adopt a COVID-19 socio-economic response and recovery plan, and if a human rights-based approach and human rights and gender-sensitive indicators are considered to ensure that no one will be left behind. Please indicate which are the available mechanisms enabling different parts of the Government as well as civil society actors and other key stakeholders to participate at all stages of the response and recovery plans and to monitor them.**

Recalling the repatriation efforts during the COVID-19 pandemic, types of repatriation cases are sorted according to relief, repatriation, recover, return, and reintegration. Aside from a whole-of-government approach as previously mentioned, it is also in collaborative efforts with non-migration-related government agencies such as the Department of Tourism (DOT), Department of Transportation (DOTR), and the Coast Guard, along with the Philippine Red Cross and other stakeholders.

In her research paper on repatriating Filipino migrant workers in the time of the pandemic, Asis (2020) cites emerging good practices of repatriation of Filipino migrants that have contributed to a whole-of-nation approach. These are collaboration with recruitment agencies as legally deployed OFWs go through licensed recruitment agencies, online and social platforms as means to provide support to Filipinos overseas and those who have returned, and the OFW Assistance Information System (OASIS) tracking system which is an online platform for returnees to register their profile to facilitate better service delivery. In the case of online social platforms, the DFA - Office of the Undersecretary for Migrant Workers' Affairs (OUMWA) conducts to this day OFW Town Hall series with Filipino migrant communities around the world during the COVID-19 pandemic at their OFW Help Facebook page. The OFW Town hall series provides an avenue for Overseas Filipinos to interact with officials from the Philippine foreign posts, even officials from the host governments, and Filipino migrant community leaders.

Given this, current state and non-state efforts are paying close attention to return and reintegration of migrants affected by the COVID-19 pandemic. Through the Bridging Recruitment to Reintegration Migration Governance (BRIDGE) programme -- a United Nations program, particularly by the International Organization for Migration (IOM), ILO, UN Women, and the Office of the UN Resident Coordinator, and in partnership with the DFA and DOLE -- the Philippines aims to promote fair and ethical recruitment and ensure that returning OFWs are able to successfully reintegrate through migrant-centric, gender-responsive, and holistic approaches. This is especially timely in responding to the impact of the COVID-19 to Philippine migration.

At this time of writing, the BRIDGE programme is mapping existing programs and services and referral pathways for the OFW reintegration advisor in consultation with the government, civil society,

Filipino migrant communities, private sector, academe and relevant stakeholders. The programme also seeks to implement interventions that will support sustainable reintegration of migrant workers.

- **Has the Government experienced specific challenges in protecting and fulfilling the human rights of migrants in the COVID-19 context - including their right to health, housing, education, information, social protection, basic services, safe and dignified return and sustainable reintegration and others? Kindly provide information on emerging practices and opportunities for strengthening the protection of migrants in the context of the COVID-19 pandemic.**

In terms of safe and dignified return and sustainable reintegration programs, the following are commendable programs implemented to address the situation of OFW returnees during the COVID-19 pandemic.

The Atikha Overseas Workers and Communities Initiative, Inc., a non-governmental organization involved in addressing the social cost of migration and reintegration, preparedness of OFWs and their families, the Philippine National Volunteer Service Coordinating Agency (PNVSCA) and OWWA implemented the *Balikabayanihan* campaign to call for the support of all sectors of the society and volunteers to help address the situation of the OFWs impacted by the COVID-19 pandemic. Furthermore, the *Balikabayanihan* Start and Improve Your Business (SYIB) is a comprehensive program to aid OFWs and their families from the national to the local level through business planning and skills training, linkages to loans/grants institutions, continuing mentorship and monitoring and evaluation of business planning and implementation. This is in coordination with the National Reintegration Center for OFWs (NRCO), the Department of Science and Technology, the Department of Trade and Industry, the Department of Agriculture, local government units, finance and banking institutions and the academe.

Similarly, the Coca-Cola company, OWWA, DOLE, Technical Education and Skills Development Authority (TESDA), and the Philippine Trade Training Center (PTTC) jointly developed and implemented a program called the OFW Re-Integration through Skills and Entrepreneurship (RISE) Program that provides repatriated OFWs skills in entrepreneurship.

Adding to these are existing livelihood, education, training, and scholarships program offered by the OWWA and NRCO. However, while there are multiple livelihood grants and entrepreneurship training extended to migrants, migrant groups, and migrants' families, they seem to not be enough to help sustain the businesses they venture. For example, as of 2020, the NRCO reported a 12% sustainability rate based on 768 out of 6,198 beneficiaries of their livelihood programs were able to sustain their businesses for more than 6 months.

It must be highlighted how much unemployment has affected Filipino migrants who have returned to the country. According to the DOH, in 2020, a total of 791,623 Overseas Filipinos returned to the Philippines due to the pandemic. When compared to the 2019 Philippine Statistics Authority Survey on Overseas Filipinos' estimates of OFWs, it means that roughly 39% of OFWs around the world have returned to the Philippines due to the impact of the coronavirus. To illustrate, both the IOM and NRCO conducted separate rapid surveys of OFW returnees affected by the COVID-19 pandemic, with similar reports of the large loss of employment due to the pandemic (83% from IOM 2021 and 77% from NRCO 2020).

Hence, it is timely to address the livelihood of migrants by not just providing job opportunities, but also upgrading skills, businesses, and sectors in relation to pandemic response services. This comes in light in the recently published COVID-19 impact assessment on returned OFWs by the IOM (2021) where they report that more than half of OFWs (52%) are seeking to upgrade their skills.