

20 March 2018

**SENATOR JOEL VILLANUEVA**

Chairperson  
Committee on Labor, Employment and  
Human Resources Development  
Senate of the Philippines  
Pasay City

Dear **Chairperson Villanueva:**

The Department of Social Welfare and Development supports Senate Resolutions 626, 627, 631, 634, 636 and 638 which call for exhaustive inquiries and investigations on the abuses, exploitation and deaths of Overseas Filipino Workers (OFWs) as well as the re-examination of government policies to ensure their/their families' protection.

We are also aware that there is a woeful lack of comprehensive legislative protection for OFWs in destination countries where most violations happen. Because of this, it is important that the Philippine government and its concerned units are united behind efforts to protect these workers and enforce measures on the protection and promotion of their rights that are binding.

To respond to the increasing number of OFWs who are reportedly being abused, exploited or in crisis situations, our Department deploys Social Welfare Attachés (SWAtt) in countries with high concentration of distressed OFWs including the Middle East. The first SWAtt in Kuwait had a tour of duty from 01 March 2014 to 30 June 2015, followed by another one with a tour of duty from 01 July 2015 to 30 June 2018 as shared during the 21 February 2018 hearing.

In terms of clientele, our SWAtt in Kuwait primarily serves distressed OFWs, both documented and undocumented, who are abused, maltreated, in poor working or living conditions, with expired or lost passports, overstaying or experiencing health problems. From 2014 to 2017, our SWAtt's were able to serve 4,334 clients, 44% (about 1,924 individuals) of which are undocumented and 66% (about 2867 individuals) are females. The top three (3) client categories during this period are victims of various forms of abuse (1,016 individuals), those with documentary related problems (913 individuals), and victims of exploitation and unfair labor practices (848 individuals).

In response, our Department through the SWAtt's have provided a number of interventions to these distressed workers including:

- Psychosocial services: counseling, critical incident stress debriefing, emotional healing / value inculcation service, play therapy for children
- Repatriation services: processing of travel documents in coordination with the Assistance to Nationals (ATN), endorsement to Immigration for issuance of exit pass, coordination with clients' families, provision of transportation assistance and airport assistance
- Provision of basic needs: food and toiletries, medical, shelter and clothing assistance
- Information on DSWD Services and Referral of Clients to Concerned DSWD Field Offices: minors traveling abroad and adoption processes and procedures, family assessment and provision of family reintegration services
- Referral of clients for other support services, mediation between client and agent/employer, visitations in detention centers, jails and hospitals

Please note that our service count for this period is 13,738 for the 4,334 clients served. This means that the ratio of client to service availed is 1:3.

Further, as an update on repatriated OFWs and their children as a result of Kuwait's Amnesty Program, may we share with you that 164 of the 237 (or 69%) repatriated OFWs as of 08 March 2018 were extended airport and financial assistance by our Department. They were also referred to the concerned DSWD Field Offices for monitoring and further assistance. The remaining 73 repatriated OFWs (or 31%) who refused to be interviewed upon arrival in the country will also be monitored by the concerned Field Offices once we receive further information from our SWAtt in Kuwait.

Related to this, we also wish to call the attention of the Chairperson and the Committee Members on the situation of migrant workers' children in Kuwait in the hope that we, as a government, can expedite the development of appropriate policies and interventions in their aid:

1. Undocumented Filipino children in Kuwait are denied access to education and other basic services including health. The illiteracy rate among these undocumented children is very high.
2. Legitimate children of migrant OFWs in Kuwait become undocumented when the salaries of their biological fathers do not meet the minimum standard salary criteria of KD 450.00 (US\$1,485) monthly. The concerned government agency (Residency and Passport Affairs Department of the Ministry of Interior) refuses to issue residence permits to the children because the monthly salaries of their respective fathers are



deemed insufficient to support the children. Due to limited resources, fathers as expected, tend to keep the children with them, which results to both parents and children being categorized as “overstaying” in Kuwait.

3. When the father’s residency permit (visa sponsor) expires, the child’s residency permit also expires. Overstaying OFWs are required by the Government of Kuwait to pay a penalty of KD2.00 (US\$6.670) per day and maximum of KD600.00 (US\$1,485) per child.
4. Only a father as “Head of the Family” can sponsor a child’s residence in Kuwait. Mothers are not allowed to sponsor the same even if they receive more than KD600.000 (US\$1,485) monthly.
5. Common law relationships, co-habitation between unmarried individuals are deemed immoral and are considered criminal offenses subject to severe punishment. Private hospitals do not admit unmarried pregnant women who are about to give birth if they are unable to present their marriage contract.
6. Hospitals do not issue birth certificates to children born out of non-marital relationships. These children are then rendered “stateless”, with no names and identification.

Lastly, we would also like to offer some insights on the general plight of our OFWs in relation to the core intent of the Committee’s proposed legislative actions:

First, we hope that we can secure the full assistance of our Philippine embassies and consulate offices on efforts to investigate violations against OFW rights, including investigations into the mysterious deaths of OFWs.

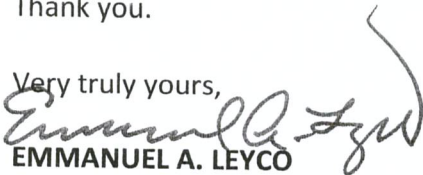
Second, as the government’s lead social welfare and development agency, the DSWD believes that national, regional and international migration policy must take place within a human rights framework that protects, promotes and fulfills the rights of migrant workers. Human rights standards in general, as well as those concerning migrants, have been codified into international human rights law, through treaties and conventions, as well as incorporated into domestic law. We share concerns of many migrant organizations that there is a need to realize the civil, political, economic, social and cultural rights of migrants.

Finally, we also echo the view of migrant rights organizations that the most basic right of migrant workers is to be able to have decent, regular work and livelihood at home without having to seek these in other countries under likely very difficult conditions. This draws attention to how recommendations need to first of all be grounded in a solid understanding of the root causes of forced migration which create the basic conditions for rights violations. Addressing these root causes and implementing policies that prevent forced migration are

crucial, and these should be part and parcel of all other efforts to protect OFWs and promote migrant workers' rights.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Emmanuel A. Leyco". The signature is fluid and cursive, with a large, sweeping flourish at the end.

**EMMANUEL A. LEYCO**

Undersecretary and Officer-in-Charge