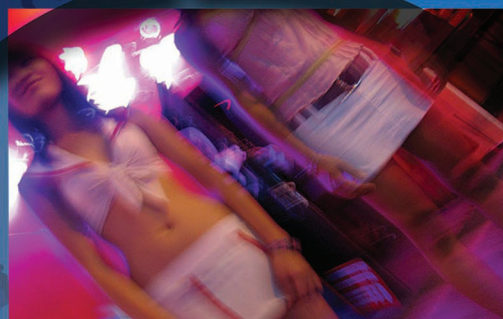


Developing a System of Linkages, Cooperation and Coordination of Service Providers in Italy, France and the Philippines to Improve Delivery of Services to Distressed Filipino Migrants, Particularly Victims of Exploitation and Trafficking



International
Labour
Organization



Regional Office for Asia
and the Pacific

Economic and Social Empowerment of Migrants, Including Victims of Trafficking
Returned from the European Union and Neighbouring Countries

**Developing a system of linkages,
cooperation and coordination
of service providers in Italy, France
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of services to distressed Filipino migrants,
in particular victims of exploitation
and trafficking**

By Elsa Ramos-Carbone

March 2012

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Introduction

As part of its Asia Regional Labour Migration Programme, the International Labour Organization (ILO) is implementing an EC-funded project “Going back – moving on: economic and social empowerment of migrants, including victims of trafficking, returned from the EU and neighbouring countries”. The project targets Filipino and Thai migrants, especially those who have experienced exploitation, returning from EU and neighbouring countries and seeks to assist them through social and economic empowerment interventions. The over-all objective of the project is to contribute to the reduction of the exploitation (labour and sexual) of migrants. Specifically, it hopes to enhance coordination and referral between and among stakeholders in destination countries and countries of origin, as well as improve capacities of service providers.

This study is a contribution towards the development of a more structured system of linkages, cooperation and coordination among service providers in Italy, France and the Philippines to address more efficiently and effectively the needs of distressed Filipino migrants. It seeks to assist stakeholders and service providers in the two EU countries and the Philippines in drawing up jointly a set of guidelines for such a delivery system which, hopefully, can be used as a model for other countries.

Providing a backdrop for this study are the conclusions of a meeting of the Philippine component of the project held in Tagaytay City, Philippines, on 22-23 April 2010 attended by service providers, constituents and stakeholders, including a number from Europe. Participants noted the paucity of information and data regarding return and reintegration, in general. Moreover, the available information – including the rapid appraisal report presented to the meeting - showed that in relation to other regions, few Filipino migrants return from Europe and trafficking cases involving Filipino migrants in Europe are likewise low

in number. Nevertheless, Filipino migrants in Europe are not immune to exploitation and abuse, and service providers - both in the Philippines and host countries - are called upon regularly to address cases of distressed Filipino migrants. In reviewing how such cases are dealt with, the participants noted the need for a more structured and coordinated service delivery system – including those related to return and reintegration – involving on-site Philippine service providers (i.e., the diplomatic missions and migrants’ associations) and those of the host countries. Linkages do exist, but are in the main informal and ad hoc and, in the long run, may not be sustained and are likely to create gaps in service delivery.

Italy and France were selected as the pilot host countries for this study, after consultations with key stakeholders and service providers in the Philippines, and on the basis of the density/ concentration of Filipino migrants and the existence of an enabling environment, such as the presence of active service providers and key stakeholders from both government and non-government entities, as well as trade unions and Filipino migrant associations. The study focuses on existing linkages, cooperation and coordination among service providers – governmental and non-governmental - in these host countries and their Filipino counterparts, notably the Philippine missions in Italy (Rome and Milan) and in France (Paris) and the Filipino migrant organizations.

The specific objectives of the study are to:

- a) examine existing services and delivery systems available to distressed migrants, in particular victims of exploitation and trafficking, in the Philippines, Italy and France, and the linkages, cooperation and coordination amongst service providers; and
- b) identify key challenges and propose ways to move forward in developing guidelines for cooperation

and coordination among service providers in the Philippines and in the host countries, and in improving provision of services to Filipino migrants.

Process

This report is based on meetings and discussions the consultant had with stakeholders and advocates in Manila, Milan, Rome and Paris and ILO officials in Manila, Brussels and Bangkok, as well as a desk study of papers, reports and publications on migration and related subjects. A number of stakeholders also provided useful information and their views in writing. A list of persons met and consulted, to whom the author would like to express her profound appreciation and gratitude, is appended to this report as is a list of resources which provided her with valuable and useful information, views and insights on the issue of migration and its various dimensions.

The consultant went on mission to Manila (7-9 December 2010), Milan and Rome (9-12 January 2011) and Paris (6-8 February 2011). It is to be regretted that, except for a meeting at the General Directorate for Global Development and Partnerships of the Ministry of Foreign Affairs in Paris no discussions could be held with Italian and French authorities. Information was gleaned from the official websites of the Italian and French governments and those of service providers in these countries, as well as research papers, press releases, reports, etc.

A first draft of this Report was sent to service providers in the Philippines, Italy and France in July 2011; the consultant would like to put on record her appreciation for their valuable and useful comments and suggestions which she took on board in the second draft. The second draft was discussed by Philippine service providers at a meeting held in the offices of ILO- Manila on 24 October 2011. The participants validated the findings and proposals and put forward additional amendments which were incorporated in the third draft. This served as the working document for the meetings held at the Philippine Embassy in Paris (9 February 2012) and in Rome (11 February 2012) which focused on France and Italy, respectively. Service providers in both countries also validated the findings and proposals. This final Report takes into account the comments and amendments made during these meetings.

The participants at these validation meetings agreed on immediate follow-up action:

Philippines (24 October 2011)

1. Service providers to inform their respective agencies/organizations of the study, with a view to giving concrete follow-up to the proposals in Section 4, as appropriate;
2. Service providers to strengthen the existing coordination among them, while recognizing that establishing formal procedures and processes may take time; in the meantime, to use these proposals to set up “road maps” for the future.
3. Service providers to ensure an effective cycle of transmission of knowledge and experience within their agencies/organizations, in particular among policy-makers.

France (9 February 2012)

1. Philippine migrants’ organizations, under the aegis of the Philippine Embassy to develop and produce a ‘Guide to Filipino migrants in France’ with ILO support. The guide will contain information on the current immigration policies and contexts in France, the rights and responsibilities of migrant workers and the institutions and persons they could contact in case of need of assistance.
2. Philippine service providers and migrants associations and French trade unions (CGT, CFDT and FO) to collaborate in assisting Filipino migrant workers in need/distress, holding regular meetings and information exchange, and advancing efforts to establish more formal arrangements.
3. Philippine migrants’ organizations, with the assistance of the Embassy, to call as soon as possible a meeting of their members and the wider community to inform them of these initiatives, including concretizing cooperation with trade unions, in particular on labour rights education and legal assistance. It was recommended that representatives of the trade unions be invited to speak on their programmes and services during the meetings of the Filipino migrants association.
4. French trade unions to inform their organizations of the study and raise their awareness about Philippine migrants, their situation and their contribution to their host country.
5. Contacts with French NGOs, notably those mentioned in the report, to be initiated by Philippine migrant organizations to share information on services provided to migrants in need and/or in distress and possible collaboration. The trade

unions' offer to facilitate these contacts was greatly appreciated by the Philippine organizations.

Italy (11 February 2012)

1. The ILO Office in Rome has agreed to convene a follow-up meeting between the ILO tripartite constituents and NGOs in Italy, on the one hand, and the Philippine mission, the migrants' associations and other service providers in Italy, on the other. The meeting will be a forum to exchange information on services provided to migrant workers and to discuss potential collaboration between and among these institutions and organizations. The report of the meeting on 11 February 2012 and the final paper should highlight the above agreement. The ILO Office in Manila will formally transmit these to ILO Rome with a request to take appropriate action.
2. The Philippine missions in Rome and Milan to compile and update list of Italian authorities at national, regional and municipal levels that provide assistance to migrant workers. Veneto Lavoro through its representative will provide the missions with the list in the Veneto region.
3. Migrant associations to be strengthened to provide assistance to Filipino migrants in distress apart from organizing social activities, become more active in political discussions and events concerning migrant workers, and affiliate/confederate organizations for accreditation purposes.

(Note: Reports of the validation meetings, including lists of participants, are available from the ILO Office, Manila.)

Section 1: PHILIPPINES

1. Some facts and figures

As at 31 December 2010, there were 9.4 million Filipino migrant workers: 4,176,400 in the Americas, 2, 868,200 in the Middle East and Africa, 1,675,500 in Asia/Pacific and 715,600 in Europe. In December 2009, Saudi Arabia led the top ten destination countries, followed by: the United Arab Emirates, Qatar, Hong Kong SAR, Singapore, Kuwait, Taiwan, **Italy**, Canada and Bahrain.¹

In 2010 Filipinos in Europe constituted only 7.58 per cent of the overseas Filipinos (down from 10% in 2009). Most of them lived in Italy and the UK. Out of every ten, six were temporary workers, three were permanent emigrants and one was an irregular migrant. France had the highest number (nearly 40,000) and proportion (82.8 per cent) of irregular Filipino migrants in Europe.² Women made up the majority of Filipino migrants in Europe.

2. Service providers

a. Government agencies

Providing services to Filipino migrant workers in distress, in particular victims of exploitation and trafficking, is a sacrosanct duty of government, enshrined in the Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act 8042, amended by RA 10022/2010). Section 23 of this Act identifies the major government agencies responsible for promoting the welfare and protecting the rights of migrant workers:

“(a) Department of Foreign Affairs (DFA)— The Department, through its home office or foreign posts, shall take priority action or make representation with the foreign authority concerned to protect the rights of migrant workers and other overseas Filipinos and extend immediate assistance including the repatriation of distressed or beleaguered migrant workers and other overseas Filipinos;

Migrant Workers and Overseas Filipinos Act of 1995 (Republic Act [RA] 8042) as amended by RA 10022): an Act to institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress and for other purposes.

Section 2: Declaration of Policies

(b) The State shall afford full protection to labor, local and overseas, organized and unorganized, and promote full employment and equality of employment opportunities for all. Towards this end, the State shall provide adequate and timely social, economic and legal services to Filipino migrant workers.

(e) Free access to the courts and quasi-judicial bodies and adequate legal assistance shall not be denied to any person by reason of poverty. In this regard, it is imperative that an effective mechanism be instituted to ensure that the rights and interest of distressed overseas Filipinos, in general, and Filipino migrant workers, in particular, documented or undocumented, are adequately protected and safeguarded.

¹ Enrico Fos, DFA, Manila, September 2011

² Stella Go, *The Philippines and return migration: Return, reintegration, policy and service delivery*”, presentation to the ILO/EU meeting, Tagaytay, Philippines, August 2010

(b) Department of Labor and Employment (DOLE)—The Department of Labor and Employment shall see to it that labor and social welfare laws in the foreign countries are fairly applied to migrant workers and whenever applicable, to other overseas Filipinos including the grant of legal assistance and the referral to proper medical centers or hospitals:

(b.1) Philippine Overseas Employment Administration (POEA)—.... the Administration shall regulate private sector participation in the recruitment and overseas placement of workers by setting up a licensing and registration system. It shall also formulate and implement, in coordination with appropriate entities concerned, when necessary, a system for promoting and monitoring the overseas employment of Filipino workers taking into consideration their welfare and the domestic manpower requirements.

(b.2) Overseas Workers Welfare Administration (OWWA)— shall provide the Filipino migrant worker and his family all the assistance they may need in the enforcement of contractual obligations by agencies or entities and/or by their principals.”

The Act explicitly instructs Philippine diplomatic officials to protect and provide services to migrant workers. With this in view, RA 8042 created the post of Undersecretary for Migrant Workers Affairs. RA 7157 defines this function, i.e. “to assist the Secretary of Foreign Affairs and provide advice on matters relating to the formulation and execution of Philippine foreign policy relating to the protection of the dignity, fundamental rights and freedoms of Filipino citizens abroad, while giving particular attention to the protection and promotion of the welfare and dignity of overseas Filipinos. The Office of the Undersecretary or Migrant Workers Affairs (OUMWA) works in coordination with various sectors - elected officials, other government agencies, OFWs and their families,

mass media, private organizations, international organizations, NGOs and religious group - to deliver timely assistance to nationals (ATN).³

The *Department of Foreign Affairs (DFA)* and its embassies and consulates extend outreach services and legal assistance, set negotiations with host country officials on extreme cases affecting distressed Filipino workers, and arrange the repatriation of distressed workers, including undocumented migrants. As provided for in Republic Act 8042, “All officers, representatives and personnel of the Philippine government posted abroad regardless of their mother agencies on a per country basis, act as one team under the leadership of the ambassador. In host countries where there are Philippine consulates, such consulates constitute part of the country team under the leadership of the ambassador.”

Under the *Department of Labor and Employment (DOLE)* various agencies provide services to Filipino migrant workers, notably: the Overseas Workers Welfare Administration (OWWA), the Philippine Overseas Employment Administration (POEA), the Philippine Overseas Labor Offices (POLOs), and the National Reintegration Center for Overseas Filipino Workers (NCRO). The Overseas Workers Welfare Administration (OWWA) is the lead government agency tasked to protect and promote the welfare and well-being of Overseas Filipino Workers (OFWs) and their dependents. It is the world’s biggest welfare fund for migrant workers, underwritten from the migrant’s payment of US\$25 per overseas work contract which they pay prior to departure. For its duly registered members, OWWA delivers a wide range of social benefits (insurance, burial, disability, medical rehabilitation), educational and training benefits (skills

³ DFA website: <http://www.dfa.gov.ph/main/index.php/office-of-the-undersecretary-migrant-workers-affairs>

Shared Government Information System

“**Section 13 of RA 10022** mandates the development of a Shared Government Information System for Migration. The Department of Foreign Affairs heads the committee that will spearhead the setting up of the information system, together with, among others, the Commission on Filipino Overseas (CFO), DOLE, Department of Tourism, Department of Justice, Bureau of Immigration, National Bureau of Investigation and Department of Interior and Local Government. The setting up or computerization of data system on migration, as mandated by Section 13 of RA 10022, requires a huge amount of financial and human resources. ...Given the high number of stakeholders involved in the production and use of migration data, it is important to improve the line of communication between various parties involved. Continuing dialogue among service providers would likely address competition and weaknesses in sharing of information.”

Leila de Lima, Secretary of Justice, in correspondence with ILO Manila, 15 September 2011

for employment, education for development, seafarers' training programme, pre-departure orientation programme), social services and family welfare assistance (24/7 operations centre, reintegration programme, loan guarantee fund), workers' assistance and on-site services, and repatriation assistance programme.

An IOM-ERCOF survey of Filipino remitters in Italy found that 82 per cent of respondents were members of OWWA, with six out of ten saying they obtained membership in Italy.⁵ As created by law, OWWA provides social services for the welfare and protection to its members and their families. On site, however, it does not make any distinction on whether the worker is a registered member or not. Under the one-country team approach, its welfare offices in the 38 posts across the globe (including Rome and Milan) provide shelter, board, medicine, beddings, counseling services, etc. to stranded workers, whether OWWA member or not, who seek the help of the Philippine mission. Under RA 10022 (Section 15), OWWA facilitates the repatriation of these workers by negotiating the issuance of the exit permit with their employer and coordinating the exit clearance with the immigration authorities. The repatriation programme includes components that address both the psycho-social issues of the distressed migrants as well as their economic needs, including assistance towards gaining gainful occupation in the Philippines.⁶

The Philippine Overseas Employment Administration (POEA) was created in 1982 to promote and to monitor the overseas employment of Filipino workers, taking into consideration their welfare and the domestic manpower requirements. Through RA Republic Act 9422 (2007), RA 8042 was amended in order to strengthen the regulatory functions of the POEA, mandating it to set up a licensing and registration system of private recruitment agencies. In the recruitment and placement of workers, the POEA is instructed to deploy them only to countries where the Philippines has concluded labour agreements or arrangements, "Provided, That such countries shall guarantee to protect the rights of Filipino migrant workers; and: Provided, further, That such countries shall observe and/or comply with the international

laws and standards for migrant workers." In addition to its powers and functions, the POEA ".....shall inform migrant workers not only of their rights as workers but also of their rights as human beings, instruct and guide the workers on how to assert their rights and provide the available mechanism to redress violation of their rights." The POEA is responsible for the implementation, in partnership with other law-enforcement agencies, of an intensified programme against illegal recruitment activities. It conducts the Pre-Employment Orientation Seminars (PEOS) that highlight the prevention of illegal recruitment.⁷

The primary functions of the Philippine Overseas Labor Offices (POLOs) are to:

- ensure adequate protection for Filipino workers through verification of employment documents and job orders, and policy recommendations;
- provide on-site assistance to OFWs with labour and welfare cases;
- seek new employment opportunities for Filipino job seekers by regularly gathering information and conducting labour market research on overseas manpower requirements; and
- promote the over-all welfare of Filipino workers through socio-cultural activities and programmes that will help them re-integrate into Philippine society.

Headed by the labour attachés, POLOs form an integral part of the 'one country team' of the Philippine embassies in the countries where they are situated.⁸ There are 39 POLOs in 30 countries in Asia, Middle East, the Americas and Europe (including Italy), with a staff of nearly 100 - labour attaches, assistant labour attaches and welfare officers - acting as the operating arm to administer and enforce the policies and programmes of the DOLE on international labour affairs.⁹

In February 2007, the National Reintegration Center for Overseas Filipino Workers (NRCO) was created as a "One Stop Center" for all reintegration services for OFWs and their families. It serves as a

5 ERCOF/IOM, "Harnessing the Development Potential of Remittances: The Italy-Philippines Migration and Remittance Corridor". *Economic Resource Center for Overseas Filipinos (ERCOF)* and International Organization for Migration (IOM), Manila, Draft May 2011.

6 Vivian Tornea, OWWA, in correspondence with ILO Manila, 14 September 2011

7 DOLE, "Labor and Employment Policy Reforms and Program: Implementation for the first 100 days of President Benigno S. Aquino III Administration: 30 June – 08 October 2010", Department of Labor and Employment, Manila, October 2010

8 A. Orbeta Jr., M. Abrigo and M. Cabalfin, "Institutions serving Philippine international labor migrants", Philippine Institute for Development Studies, Discussion Paper Series 2009-31, PIDS, Makati City, 2009

9 DOLE website: <http://www.dole.gov.ph/index.php>

‘Service Networking Hub’ coordinating and facilitating delivery of services by all cooperating stakeholders and service providers, which are attuned to communities’ needs. With its establishment, a single agency approach is taken to address the reintegration needs of OFWs, their families and communities. Hence, the NRCO and OWWA work closely together to implement the national reintegration programme for OFWs and their families. The three-fold thrust of the NRCO’s reintegration programmes and services are: personal, community and economic. Each thrust seeks to re-establish OFW’s ties – with his/her own values, family, community and country.¹⁰ The specific functions of the NRCO, are to:

- develop and support programmes and projects for livelihood, entrepreneurship, savings, investments and financial literacy for returning Filipino migrant workers and their families in coordination with relevant stakeholders, service providers and international organizations;
- coordinate with appropriate stakeholders, service providers and relevant international organizations for the promotion, development and the full utilization of overseas Filipino worker returnees and their potentials;
- institute, in cooperation with other government agencies, a computer-based information system on returning Filipino migrant workers which shall be accessible to all local recruitment agencies and employers, both public and private;
- provide a periodic study and assessment of job opportunities for returning Filipino migrant workers;
- develop and implement other appropriate programmes to promote the welfare of returning Filipino migrant workers;
- maintain internet-based communication system for on-line registration and interaction with clients, and maintain and upgrade computer-based service capabilities of the NRCO;
- develop capacity-building programmes for returning overseas Filipino workers and their families, implementers, service providers, and stakeholders; and
- conduct research for policy recommendations and programme development.

10 NRCO website: <http://www.nrco.dole.gov.ph/About.aspx>

The *Department of Social Welfare and Development (DSWD)* has institutionalized a system of providing social welfare services to Filipinos abroad, in response to the rising incidence of distressed migrant workers, pursuant to Republic Act 8042 and the mandate of the Department to protect disadvantaged individuals and groups. Executive Order 287, “Directing the Deployment/Posting of Social Welfare Attaches in Selected Diplomatic Posts for the protection of Overseas Filipino Workers (OFWs) and their families”, was signed on 24 February 2004. In coordination with the Department of Foreign Affairs, the DSWD has since deployed social workers to Malaysia and the Middle East countries where there are large concentrations of OFWs, providing the following services to distressed Filipino migrants and their families:

- Counseling Services - provided to individuals, groups or families in crisis to enable them to cope with homesickness and other related problems. Intensive therapeutic counseling to victims of abuse/ maltreatment, particularly of women and children, as necessary and in coordination with specialists.
- Critical Incident Stress Debriefing - individual or group sessions to those who have experienced traumatic events to relieve their stress.

RA 9208: Anti-Trafficking in Persons Act

The Anti-Trafficking in Persons Act of 2003 (RA 9208) mandates the DSWD to implement rehabilitative and protective programmes for trafficked persons. Section 16 of this Act “Programs That Address Trafficking in Persons” charges the DSWD to provide counseling and temporary shelter to trafficked persons and develop a system for accreditation among NGOs for purposes of establishing centers and programs for intervention in various levels of the community. The DSWD provides assistance to the victims-survivors of trafficking who are returning or have returned to the Philippines, to the family and relatives of the victims-survivors of trafficking, and to communities with high incidence of trafficking.

Source: P. Luna, Social Technology Bureau, DSWD, in correspondence with ILO Manila, September

- Assistance to Individuals in Crisis Situation - provision of limited financial and material assistance to meet a crisis situation.
- Referral - facilitating access to services of other concerned GOs and NGOs to meet the needs of OFWs, either in the host country or in the Philippines.
- Repatriation Assistance- to OFWs or other Filipino nationals to facilitate their safe return to the Philippines.¹¹

b. Non-governmental organizations (NGOs)

The importance of the role Philippine non-governmental organizations play in service delivery to Filipino migrants and their families is undisputed. Over the years, they have provided assistance and protection to migrants, both abroad and at home, ranging from guidance and counseling, skills training, financial help, legal assistance, etc., to facilitating their return and reintegration. These NGOs vary in size and coverage (provincial, local, church-based, sectoral, women, etc.), with their operations funded through projects and private donations. A number work in close partnership with governmental agencies and/or international organizations. Following are examples of services provided to migrants and their families by NGOs.¹²

- **Legal and Paralegal Services.** NGOs complement the services provided by government agencies by providing legal advice to victims of illegal recruitment, violations and human trafficking, contract violations, and other kinds of abuse in the workplace, as well as the facilitating the filing of cases against violators. Kanlungan Center Foundation, Inc. (Kanlungan), one of the pioneer migrant NGOs in the country, has a pool of volunteer lawyers to assist victims of illegal recruitment and trafficking, contract violations and workplace abuse. The Batis Women's Center and the Development Action for Women Network (DAWN), assist Filipino women migrants in Japan and their Filipino-Japanese children, providing legal and paralegal assistance not only for work-related cases, but also on civil cases, such as financial support/documentation and divorce.
- **Economic Services.** Economic services for migrants and their dependents include activities relating to the management of migrant workers'

resources, i.e. remittance, for the productive use not only by immediate dependents and the migrants themselves, but of the community, often in view of future reintegration of migrants to the community. The Migrant Services Foundation (MSF), through its member Unlad Kabayan, and the Economic Resource Center for Overseas Filipinos (ERCOF) Philippines, Inc. are among those which provide such services. The Migrant Forum Asia (MFA), a network of 290 migrant sector organizations in 14 Asian countries, pioneered the Migrant Savings for Alternative Investment (MSAI) in 1995, through the Asian Migrant Center in Hong Kong, and subsequently Unlad Kabayan in the Philippines. Since 2007, ERCOF has been one of the partners of the Bangko Sentral ng Pilipinas (BSP-Central Bank of the Philippines) in providing financial literacy education to promote a culture of savings among migrant workers and their families.

- **Psycho-social Services.** Psychosocial services for migrant workers include activities geared towards the psychosocial health of migrants and their families, e.g., counselling and value formation. These may also include similar services for victims of abuse, as well as for migrant workers afflicted with HIV/AIDS. Many programmes and services for migrant workers and their families have integral psycho-social aspects. The Atikha Overseas Workers and Communities Initiative, Inc.(Atikha), for instance, combines their migrant worker and family orientation-seminar on common problems and ways to cope with the migration process, with financial planning, budgeting and goals setting. Atikha likewise provides family and peer counseling to help family members cope with the separation from family members working abroad. Kanlungan and DAWN, on the other hand, offer counseling services to women subjected to violence abroad.
- **Other Auxiliary Services.** Other migrant support services include activities offered by NGOs which help migrant workers in the course of the migration process itself. Examples are the temporary shelter provided by the Scalabrini Center for People on the Move for migrants, refugees and returnees in transit or stranded in Manila; the airport/travel assistance provided by DAWN; and the repatriation assistance to on-site workers, and airport assistance to returnees provided by the Kapisanan ng mga Kamag-anak ng Migranteng Manggagawang Pilipino, Inc. (KAKAMMPI)). The Batis Center

¹¹ DWSD website: <http://dswd.gov.ph/>

¹² Op. cit., A. Orbeta and co.

for Women also provides airport assistance, shelter services, medical and legal help, individual counseling and group sessions and reintegration services to migrant women in distress.

c. The trade unions

Organizing migrant workers and advocating, campaigning and lobbying for the protection and promotion of their rights are the main thrusts of the work of the Alliance of Progressive Labor (APL), Federation of Free Workers (FFW) and Trade Union Congress of the Philippines (TUCP) at the national level and, through their affiliation with the Global Unions, at the regional and international levels. It should be noted that the major trade union centers in Italy and France are also affiliated to the Global Unions, notably the International Trade Union Confederation (ICTU). Although less involved than other entities in direct delivery service to distressed migrants, the APL, FFW and TUCP do receive requests for assistance from migrants in distress. Often, they refer the cases to government agencies or NGOs geared to deliver the services required.

The APL, which organizes Philippine domestic workers in Hong Kong, receives a few requests for assistance from OFWs, usually to help their families in the Philippines. The APL deals with these on a case-to-case basis, often referring them to the appropriate government agencies or NGOs.¹³

The FFW Women's Network has set up two community-based organizations: one in Davao City (with former migrant women workers, including victims of trafficking and illegal recruiters), and the other in Manila (with families of migrant workers). A few individual requests for assistance are received by the FFW through their members who have relatives or friends abroad or former members who migrated after retrenchment. Most requests are for legal assistance (e.g. monetary claims from recruiters); these are handled by the FFW legal center.¹⁴

The TUCP, with the assistance of the US trade union center AFL-CIO, is implementing an anti-trafficking project focused on prevention of human trafficking and referral of cases to appropriate reintegration services/programmes. In partnership with its community-based

multi-sectoral groups, TUCP provides counseling services, assistance in tracing family members and facilitating free transport to returning migrants, as well as free vocational courses and re-training for victims of trafficking and their families on in-demand skills (e.g. welding, housekeeping, accounting, call centers, etc.) and facilitating their access to employment. The TUCP also runs an anti-trafficking help desk and SMS emergency hotlines, installs public address systems with anti-trafficking information in transportation terminals; and shows anti-trafficking videos/movies on board vessels and in terminals and offices.¹⁵

3. Cooperation and coordination among service providers

As can be seen from the foregoing, there exists in the Philippines a host of agencies and organizations delivering services to migrant workers in distress. Each has its own set of procedures and system for delivery, some more detailed and comprehensive than others; some – as in the case of government agencies – have developed internal guidelines and manuals, as described further; many operate on an ad hoc basis with no formal procedures, relying on past practices and informal referrals/assistance from government or local authorities or NGOs. Various pieces of legislation stipulate the linkages and coordination among government service providers, both in the Philippines and in the destination countries through the 'one country team' approach (See 1.2.a). As regards services to returning migrants, the NRCO adopted the Single Agency Approach, which requires agencies and bureaus represented at the Center to deliver a unified package of reintegration services to OFWs and their families. The Center may likewise link up the OFW to other government agencies and private cooperating stakeholders based on the same approach. Moreover, members of the boards of the agencies include representatives from the other agencies, as well as from migrant organizations. Over the years, this *modus operandi* has been assessed and reformed, based also on inputs from the migrant organizations, trade unions and NGOs, in the search for better quality and more efficient delivery of services to OFWs.¹⁶

13 Joshua Mata, APL General Secretary, in correspondence with consultant, March 2011

14 Antonio Asper in interview and correspondence with consultant, December 2010 and March 2011

15 Anna Lee Fos, Project Coordinator, in correspondence with consultant, March 2011

16 Op. cit., A. Orbeta and co.

Auditing the POEA and OWWA

The Commission on Audit Sectoral Performance Audit report (COA, 2008) on the overseas workers programme covering 2005-2006 identified several lapses in the POEA operations. For instance, it pointed out that the fines may be so low that these do not compel agencies to comply with existing rules and regulations as indicated by the number of violations. In addition, there appears to be laxity in enforcement as agencies that had several violations and should have been suspended continue to operate. Surveillance operations have been noted to have declined and record on inspections is not maintained. Selective deployment to countries where rights are recognized and protected by law or by bilateral agreements as required by law (RA 8042) was not strictly observed. The coordination between the POEA and the POLOs was found insufficient. Finally, it was pointed out that there was no assurance that those who had gone through the Pre-Departure Orientation Seminar (PDOS) were indeed ready for deployment because no monitoring or evaluation was done.

In the case of the OWWA, the audit report also pointed out similar lapses. These include delayed release of benefit claims as no prescribed processing time was specified. OWWA also did not maintain complete records on repatriation so it was difficult to collect receivables from recruitment agencies as well as subject non-complying firms to suspension. In fact, agencies that were reported to have outstanding obligations with OWWA continued to operate as reflected in the POEA records.

In fairness to POEA and OWWA, these lapses may not be entirely their fault. Regulations and programmes are only as good as the capacities of institutions that implement them; government needs to invest on improving capacities in these institutions. In 2007, for instance, there were only 6 full-time inspectors serving 1,422 active agencies and 479 agencies applying for new licenses (i.e., 1 inspector for 317 agencies). Delays in the delivery of services have also been noted in the COA audit report. In addition, the audit pointed out that financing should not be too much of a problem as these institutions are generating more than they are spending.

Source: A. Orbeta Jr., M. Abrigo and M. Cabalfin, "Institutions serving Philippine international labour migrants", Philippine Institute for Development Studies, Discussion Paper Series 2009-31, PIDS, Makati City, 2009

Republic Act 10022, Section 1(h) calls on the governmental agencies to cooperate with NGOs: "The State recognizes non-governmental organizations, trade unions, workers associations, stakeholders and their similar entities duly recognized as legitimate, are partners of the State in the protection of Filipino migrant workers and in the promotion of their welfare. The State shall cooperate with them in a spirit of trust and mutual respect. The significant contribution of recruitment and manning agencies shall form part of this partnership."

The number of NGOs in the Philippines working in partnership with government agencies attests to the key role they play in the delivery of services to OFWs in distress, in particular victims of exploitation and trafficking. Many recipients of these services are irregular migrants.

Effective partnerships

"While the assumption is that government is responsible for the delivery of basic services, the method by which these services are created and delivered is changing. This reflects a greater need for the government to work with and harness the assistance of private sector or NGOs. Recent years have seen a marked increase in cooperation between government and the private sector in the delivery of a wide range of services to migrants. Partnerships with NGOs and international organizations, as well as trade unions, has been widely used as an effective method in providing assistance and services to migrants, amidst the lack of financial and human resources. Experience suggests that that quality of service achieved under said partnership is often better than the quality of services rendered independently."

Leila de Lima, Secretary of Justice, in correspondence with ILO Manila, 15 September 2011

Irregular/undocumented workers in Europe

Undocumented migrants are those without a residence permit authorizing them to regularly stay in their country of destination. They may have been unsuccessful in the asylum procedure, have overstayed their visa or have entered irregularly. The routes to becoming an undocumented migrant are complex and often the result of arbitrary policies and procedures over which the migrant has little or no control. Majority of undocumented migrants entered Europe legally but after a period of time, experienced difficulties and found themselves without the relevant permit for residence or employment. Irregularity is caused by an administrative infringement and is not a criminal offense - it is a process fueled by exploitation, redundancy, misinformation and administrative delays.

Once in an irregular status, migrants are systematically denied those elements which constitute a basic standard of living and face a de facto violation of their fundamental rights. They lack health care, are denied education, deprived of labour protections and occupy the worst housing conditions in Europe.

While it has been estimated by the OECD that there may be from 5 to 8 million undocumented migrants in Europe, they remain invisible in the eyes of policy makers. This situation puts enormous strain on local actors such as NGOs, trade unions, health care and educational professionals, and local authorities, who often work with limited resources to defend undocumented migrants' fundamental rights and guarantee them a basic standard of living. These local actors are confronted on a daily basis with situations in which they witness that irregular legal status is an obstacle for a sizable part of the population in accessing basic social services. Professional groups, such as doctors and teachers, experience clashes between what their professional ethics tell them to do and the incriminatory discourse regarding undocumented migrants.

Source: Platform for International Cooperation on Undocumented Migrants (PICUM), <http://picum.org/en/our-work/undocumented-migrants/>, PICUM, Belgium

National referral system on trafficking¹⁷

The Philippines has a national referral system (NRS) for the recovery and reintegration of victims of trafficking, and this system is linked to a national anti-trafficking database. The NRS starts from the identification of trafficked persons abroad through the Philippine posts and bridges on-site protection to local reintegration assistance through the national reintegration and welfare agencies for continuance of interventions. It contains a more formal system of procedures and mechanisms, including on referrals, for the staff of the OWWA, POEA, DSWD and other governmental agencies/authorities (e.g. the Department of Justice and local governments) as well as relevant NGOs.

The NRS is linked to a national anti-trafficking database called “The Philippine Anti-Trafficking Database” (PATD). The PATD has two main components: 1) the National Recovery and Reintegration Database (NRRD); and 2) The Law Enforcement and Prosecution Database (LEPD). The NRRD systematically stores information about the identified victims /survivors of trafficking as well as the services provided to and referrals made for them. It generates electronic reports on the profiles of victims and survivors; reports on the origin communities of trafficked persons by region, by province and by municipality and their destination; and reports on the history of service provision and the services provided, among others. The LEPD, on the other hand, generates information on the progress of investigation and prosecution of criminal cases filed for violation of the national anti-trafficking law (Republic Act No. 9208).

The NRS and the NRRD were established by the Department of Social Welfare and Development (DSWD), with assistance from the International Labour Organization (ILO), through

¹⁷ Robert Larga, National Project Coordinator, ILO-EC Economic and Social Empowerment of Migrants including Victims of Trafficking returned from the EU countries, ILO Manila, in interview and correspondence with consultant, December 2010 and July 2011/December 2010 and March 2011

a 3-year project funded by the UN Trust Fund for Human Security (HSF). The NRS and the PATD were approved by the national Inter-Agency Council Against Trafficking in Persons (IACAT) for nationwide implementation.

A case management manual was developed by the Overseas Workers Welfare Administration (OWWA) under the same ILO-HSF project mentioned above to guide its welfare officers in handling cases of trafficking especially in the provision of services from post to its regional welfare offices in the Philippines. Through the ILO-HSF project, several manuals were developed jointly by the partners to guide service providers in assisting victims of trafficking in their economic and social reintegration. These include: 1) Catalogue of Skills and Livelihood Training Programmes and Other Support Services; 2) A Manual for Coaching Returned Victims/Survivors of Trafficking Toward Gainful Careers; and 3) A documentation of emerging good practices and lessons learned in providing economic and social empowerment interventions. According to those who were involved in the project the process itself was an excellent exercise in coordination and cooperation amongst the different service providers, giving them an opportunity to share and learn from each other and clarifying the role and function of each partner at every step of intervention.

4. Key challenges

1. Information gaps: on return and reintegration; irregular workers; service providers in host countries and the Philippines; and the types of services and programmes available. Policies and programmes on return and reintegration have been advocated and implemented over the years as re-entry options for OFWs and their families, but the lack of full documentation on the activities of returning OFWs, fund and staff support have been on-going challenges for policy makers and programme implementers.¹⁸
2. Data sharing among service providers: Related to point 1 above, the stakeholders assessed data sharing to be weak. The joint data base on trafficking mentioned earlier is a major step in this direction.
3. Overlapping of services: From a quick reading of the description of service providers, it is not difficult to note the overlap in the services which distressed migrants can access. This is particularly true of the NGOs, especially those focused on special groups (e.g. women, children of migrants, returnees, victims of trafficking). However, the geographic scope of these services should be taken into account.
4. Enhancing the role of trade unions and NGOs: The crucial role of trade unions and NGOs in

¹⁸ Vivian Tornea, OWWA Director, in correspondence with ILO Manila, 14 September 2011

Lessons learned

“Inter-agency or multi-sectoral and multi-disciplinary approaches are crucial factors to ensure that a range of services are available for victims of trafficking and to ensure that the victims are fully recovered and reintegrated socially and economically. Although pertinent government agencies have already collaborated in the development of a referral system, the support of the local government units still need to be pursued in the effective implementation of RA 9208 (N.B. Anti-Trafficking Law enacted in May 2003).

The referral system could make the delivery of services efficient because services that cannot be provided by particular agencies can be covered by other agencies that deliver such services.The referral system would also be important in turning over the cases to proper authorities should the victim move to another location.”

Source: Rays of Hope: Emerging good practices in the provision of economic and social reintegration programs for victims/survivors of trafficking. Economic and social empowerment of returned victims of trafficking in Thailand and the Philippines. ILO Sub-regional Office for Southeast Asia and the Pacific. ILO Geneva, 2009

delivering services and protecting the rights of undocumented workers should be enhanced, in conjunction with a vigorous campaign to stop irregular migration and trafficking. Providing resources to enable them to assist this most vulnerable of groups should be considered. Partnership between Philippine trade unions and those of destination countries (see Section 5) should be encouraged and supported, not only for more effective delivery services, but also to facilitate integration of OFWs in the host countries and, importantly, to empower them to protect and promote their rights through workers' solidarity.¹⁹

5. Resources: While the needs seem to be infinite, resources are limited. Budget allocations to government agencies providing services to migrants and their families were deemed by stakeholders to be disproportionately low in relation to the volume of remittances from migrants and their contribution to the national economy. (Remittances from land-based overseas Filipinos in 2010 amounted to US\$14.956 billion, a 7.24 percent growth from 2009²⁰). There were frequent references to the turmoil in the Middle East and its impact on OFWs and the pressing need to ensure that sufficient funds are available for their return and reintegration. Concerns were expressed at the reduction of the DFA budget which would further reduce its capacity to implement effectively its mission to assist nationals. Often heard were comments about the limitations imposed by the OWWA statutes on the use of its 'enormous' funds only for its members and their families. In response, OWWA cited numerous examples of its funds having been used for non-members, in particular during crisis situations. This issue – a subject of long-standing discussions among migration

advocates and specialists in the country – is not within the scope of this study, except as it relates to the situation in Italy (see Section 2).

As NGOs are largely dependent on projects and donations, they are constantly in search of funds for their operations, even while relying on volunteers to assist them in delivering services to migrants in need. Those which have gained recognition for the quality and success of their work have regular donors, both national and international, and are often sought by government agencies as partners in delivering services. Still, the resource/self-sufficiency challenge is keenly felt by the NGOs.

6. Access of distressed migrants to services providers: There continues to be a lack of awareness among migrant workers, particularly those in irregular situations who have limited contact with migrant organizations or trade unions, of the array of services they can access and service providers they can approach. The leaflets and brochures in English and local languages produced by the government agencies are excellent, but need to be more widely disseminated within the Philippines and destination countries. Referring to point 1, a comprehensive, but reader-friendly brochure listing the various services and service providers (and contact details) would be very useful. At the very least, such a listing – which would need to be regularly updated – should be made available to the migrant organizations and service providers.

¹⁹ TUCP website: <http://www.tucp.org.ph/>

²⁰ Jeremiah Opiniano, "PHL migrant worker deployment slows down in 2010", 4 July 2011, in *Commission of Filipinos Overseas (CFO)* website: http://www.cfo.gov.ph/index.php?option=com_content&view=article&id=1445:phl-migrant-worker-deployment-slows-down-in-2010-jeremiah-m-opiniano&catid=109:overseas-filipino-new&Itemid=840

Section 2: ITALY

1. Some facts and figures²¹

- Population: 58,147,733
 - shrinking at the rate of 1.2 per cent
 - 13 % of children born in Italy has at least one parent who is an immigrant
 - life expectancy: 80 years
- Labour force: 17,800,000
 - unemployment rate: 6.1%

Immigration is a structural phenomenon

- the number of immigrants will continue to grow in the coming years
- an increase of 150,000-200,000 foreign workers each year is required for the industrial, agricultural, construction and service sectors
- 4 million legal immigrants in the country
- 700,000 estimated irregular or undocumented
- Philippine community exceeds 114,000 people (sixth largest)
 - 13,000: estimated number of undocumented Filipinos²²
 - Filipinos are mostly concentrated in urban centers, in particular Milan and Rome
 - women make up around 58 per cent
 - migration into Italy goes back to 1977
- Sectors with the greatest concentration of migrant workers:

- industry: 23.2% (of which 5.8% are Filipino workers);
- agriculture: 3.4%
- construction: 16.3% (of which 0.4% are Filipino workers)
- services: 56.2% (of which 93.8% are Filipino workers)
 - trade 9.1%
 - hotels and restaurants 9.1%
 - **Services to families 20.1% (has the greatest concentration of workers from the Philippines: 64.8%)**

- The social welfare system is so heavily dependent on migrant workers that the number of foreigners who are employed in assisting the elderly exceeds the total number of workers in the National Health Service.
- 132 billion Euros/year (approx. 10 per cent of GDP): amount produced by migrant workers
- more than 80 billion Euros: the flow of money in the current accounts of migrant workers
- 21 billion Euros/year: amount paid by migrants as taxes and national insurance contribution.
- There is a protocol in place between Italy and the Philippines with regard to pension contributions.

The **legislative framework** which governs the presence of immigrants in Italy is fairly recent; the first law on immigration was promulgated in 1986; the Turco Napolitano law of 1998 introduced some rights for immigrants; in 2002 the Bossi – Fini Law was passed which, through the introduction of the residence contract, essentially linked the migrant worker's stay within the country to her/his employment conditions. This legislative framework was made even more

21 Kurosh Danesh, Filipino Migrants in Italy and the activities of the CGIL, presentation to ILO/EU meeting, Tagaytay, Philippines, April 2011

22 Op. cit. ERCOF/IOM

Irregularity is not a crime!
EUROPEAN COURT OF JUSTICE: Ruling against the provisions in the Italian law making irregular immigration a crime

On 28 April 2011, the European Court Of Justice (ECJ) ruled against the provisions of the Italian 'Security Package' of 2009 foreseeing imprisonment for migrants who do not comply with the order to leave the country. Under Italy's 2009 law, migrants who enter the country irregularly and refuse to leave face a prison sentence of from one to four years, followed by an immediate expulsion. The Italian court of Trento had referred to the ECJ the case of Hassen El Dridi, an Algerian who in 2010 was ordered to leave Italy within five days because he did not have a residence permit. El Dridi ignored the court order and was given a one-year jail term which he appealed. The ECJ stated that following its ruling, judges in Trento should remove the jail terms contained in Italy's immigration legislation as such terms go against those of European Directive 2008/115/EC on common standards and procedures in Member States for returning irregularly staying third-country nationals. Italy's Minister of Interior Roberto Maroni said he was dissatisfied with the court ruling as it would make expulsions virtually impossible.

Source: La Stampa, 28 April 2011, quoted in PICUM Bulletin, 9 May 2011, Brussels

The law also introduced: restrictions for family reunions, mixed marriages and access to Italian citizenship; increased to a maximum of 18 months the detention time in the Identification and Expulsion Centers for irregular immigrants pending expulsion; created a points system for the grant of the resident permit (a sort of credit which the immigrant must sign when the residence permit is released or renewed), etc. Thanks to the intense campaign at grass roots level by migrant associations, human rights advocates and the trade unions during the Parliamentary debate, a few of the rights of migrants – such as health and education for all – were maintained.²³

Italian family reunification laws have allowed Filipino migrants with a permanent or legal status, to successfully petition qualified family members to join them in Italy. A community research project by the Filipino Women's Council on the situation of Filipina domestic workers revealed that the women (in focus group discussions) were themselves helped by the relatives who had come to Italy to work as domestic helpers. The first Filipinas to arrive fully sustained the travel costs and found work for the new arrivals through their employers' networks. There are actually

New Decreto Flussi

On 21 December 2010, the Philippine Overseas Labor Office (POLO) in Rome, Italy reported the signing by the Italian Prime Minister of the New Quota Decree 2010 (Decreto Flussi) on 30 November 2010. The Decree, which came to force on 21 March 2011 after publication in the Official Gazette, allows the entry of 100,000 foreign workers to Italy. Around 50,000 non-seasonal workers will be allowed to enter Italy from countries which have special agreements with the Italian government, amongst them Albania (4,500), Morocco (4,500), Moldavia (5,200), Egypt (8,000), Sri Lanka (3,500), Tunisia (4,000), India (1,800), Peru (1,800) and, although it is still in the process of forging a bilateral agreement with Italy, the Philippines (4,000). Employers are required to submit their applications for hiring third-country nationals residing abroad no later than 31st December 2011.

Source: POLO Rome, December 2010 and Italian Ministry of Interior press release of 22 March 2011 <http://www.interno.it/mininterno/export/sites/default/>

²³ Op. cit., Danesh

relationship chains that have developed over the past 25 years and the practice appears to persist.²⁴

Recent immigration policies have transformed the migrant worker from a person with rights to a simple 'labour force', the stay permit having become the work permit and its validity dependent on the work contract. In a market regulated by 'limited contracts', and the consequent insecurity, it is always difficult for the migrant workers to have an 'unlimited contract' that would allow them to stay in Italy on a longer basis. Thus, it becomes impossible to plan one's life and that of the family. The right to family reunification is linked not only to the income but also to the migrant workers' length

of stay and available decent housing for family.

As in other parts of the world, there exists a strong support network in the Philippine community in Italy involving family and friends, the church, migrant organizations and the Philippine Embassy in Rome and Consulate in Milan. The general impression of Italians is that Filipinos are good workers ('industrious', 'caring' and 'cheerful' are frequently used adjectives) and adapt well to Italian culture and tradition ("they're Catholics

24 Charito Basa and Rosalud Jing de la Rosa. *Me, Us and Them: Realities and Illusions of Filipina Domestic Workers*. EU/EQUAL (ESF) and Italian Ministry of Welfare, Rome, July 2004

The second generation

A complex facet of reunification which needs further study is managing the second generation integration in Italy. Those who arrived to join their parents as grown up children seem to be the most vulnerable and affected by changing family dynamics and estrangement. In addition, they have difficulty learning Italian, adjusting to a new socio-cultural environment; they have problems at school and coping with peer pressure (a number are already working as domestic workers themselves). This is a serious concern for the Philippine community heard time and again from stakeholders and service providers in Milan and Rome. When Ambassador Romulo Manalo took up his post mid-2010, he drew up a 7-point agenda, the first item of which was: "Looking after the welfare of the 2nd and 3rd generation Filipinos: dislocation among children of migrant workers (either they are too young to be on their own or are too old to be under the care of their parents but they can't find employment or live on their own because they are not self-sufficient)".

According to the 2010 Annual Report of Save the Children Onlus-Italia, there were nearly 17,300 Filipinos of minor age residing in Italy, representing 15.17% of the total Philippine community. Over 80 per cent are less than 14 years old. The numbers have been growing at a fast pace over the recent years due also to the increasing numbers of Filipino babies being born in Italy. Official data from the Philippine Embassy estimates the number of Filipino babies born in Rome and registered at the Embassy at around 750 per annum. Working youth continue to come as well, both through legal and informal means. This growing phenomenon—especially of children re-uniting with their parents after long periods of separation—is positive in that families are brought together more permanently. However, it has also created many problems and challenges for the parents, the Filipino groups and communities, the Philippine government, religious groups, as well as the Italian government and NGOs who provide support and services to help these migrant children and youth in their integration process.

"The frequent mention of the existence of these problems (i.e. education on sexuality, health and drug use') among Filipino by various sets of respondents affirms the growing concern of many parents and adults regarding this phenomenon. While this is certainly not a situation that afflicts only Filipino youth in Rome, being a widespread problem as well in the Philippines, it nevertheless presents a challenge to the Filipino community to start addressing the situation rather than merely seeing it as a given."

Sources:

Cristina M. Liamzon, *"The Phenomenon of Filipino Youth in Rome Today (An Exploratory Study)"*, Associazione Pilipinas OFSPES and the Filipino Chaplaincy, Rome, 2005.

Charito Basa and Rosalud Jing de la Rosa. *"Me, Us and Them: Realities and Illusions of Filipina Domestic Workers"*, EU/EQUAL (ESF) and Italian Ministry of Welfare, Rome, July 2004.

Luisa Anolin, *Report on Fellowship Training on a Study Tour to Rome, Italy on Return and Reintegration Initiatives and Inter-Agency Coordination and Mechanism (21-22 June 2010)*, Batis

like us”), but that they tend to keep to themselves. At the same time, there is admiration for the strong support system and the ability to find solutions to problems within the community. Following is a list, by no means exhaustive, of these problems:

- legal: regularisation, work permit, residence permit, contracts
- job (in-)security: no regular job, un- and under-employment
- salary/wages: underpaid, late payment of wages
- working conditions: hours of work, holidays/leave
- safety and health: abuse, maltreatment, stress
- personal: homesickness, alienation, depression, low self-esteem
- family-related: domestic violence, children and youth (see box on second generation)
- socio-cultural adaptation: no or little knowledge of Italian, difficulty in integrating, discrimination
- financial: inability to manage finances or pay debts (over-indebtedness has been the trend in recent years) ; no income
- over-skilling: can’t practice profession or use skills
- multiple jobs: to earn more due to family needs/pressure

Little information exists on cases of trafficking of Filipino migrants in Italy; the Philippine mission staff stated that “they have their contacts” for such cases. Italy’s Law No. 228/2003 assigns to the Ministry of Foreign Affairs, the Ministry of Interior and the Ministry of Equal Opportunities specific functions on trafficked persons. However, there is no central agency to assist trafficked persons. In general, the services are provided by local authorities, municipalities and local NGOs which, in principle, should receive funds from the central state in order to assist these persons. There are no standard procedures to deal with trafficking other than those related to the right of victims to receive a residence permit, as stipulated by international law. The National Association

of Italian Municipalities (ANCI) has a special committee on trafficking and plays a coordination role. The ANCI also deals with refugees and has a more structured organization for this purpose.²⁵

2. Service providers

a. Government agencies

In Italy – as in other European countries – there is not a single public authority that deals with immigration and integration. At the institutional level the main governmental agencies involved in migration policies are:²⁶

The Ministry of the Interior, which deals with migration issues both to ensure order and public security by combating illegal immigration as well to ease the reception and integration of regular immigrants, thus guaranteeing social cohesion. Therefore, as regards migratory policies and asylum, it controls entry, sojourn and legalisation of migrants in Italy.

The Ministry of Foreign Affairs, which deals exclusively with development policies, humanitarian aid and issues related to visa requests.

The Ministry of Labour, Health and Social Policies, which houses the Directorate General for Immigration, has a two-fold task: firstly, in collaboration with other government agencies, it participates in the annual planning procedure of migration flows and, through its data system, regulates and monitors the quotas at local level. Secondly, it is responsible for the social integration of migrants in Italy, through programmes aiming at facilitating the inclusion of migrant workers in Italian society (cultural mediation, promotion of language, cultural and Italian civil education courses, etc.).

The Department for Equal Opportunities - UNAR (National office against racial discrimination) is responsible for the promotion of equal treatment of migrant workers and combating discrimination based on race or ethnic origin. The Office is

²⁵ Sandra Rainero, in correspondence with consultant, March 2011

²⁶ Gloria Carrocio, General Directorate for Immigration, Ministry of Labour, Health and Social Policies, Italy, presentation at the Transnational Workshop “Integrated Services Provision to Immigrants”, Athens, June 2008

intended to be a reference point for people who claim to be victims of racial and ethnic discrimination, as well as an institutional body to monitor the effectiveness of instruments for the protection of equal treatment. The UNAR works in cooperation with trade unions and business associations to promote positive action through training courses, information campaigns and the promotion of codes of conduct in the workplace.

The division of responsibilities is more complicated within the welfare system.

- Health care and part of housing policies are the responsibility of the Regions;
- Employment services are the responsibility of the Province;
- Administrative procedures regarding the granting of residence and some social benefits are the responsibility of the city council;
- Insurance and pensions are the responsibility of para-statal agencies tasked to carry out these activities.

Regions can approve regional laws on immigration and implement social benefits and other integration measures in accordance with the existing national legal framework.

The fragmentation of responsibility within public administration at national and local level makes it difficult to combine the different sectors to bring about the implementation of a comprehensive office such as the One-Stop-Shop to address all of the procedures related to immigrants. One-Stop-Shops for immigration (*Sportelli unici per l'immigrazione - SUI*) have been set up at provincial level, within every prefecture, to provide foreign workers with guidance and help to gather the required documentation for first employment, family reunification and residence permit conversion.²⁸

Social security and health services

Migrant workers with legal status have the same rights as Italian workers and can thus access

social services and assistance from governmental agencies. Legislation on social security stipulates that it is the duty of the employer to register the worker with the INPS (Social Security System) and pay the corresponding contribution as per schedule established under the INPS regulations. Registration with the SSN – National Health Service entitles documented migrants to health care and medical assistance. Enrollment is done directly at the ASL – local health Office in the area of residence, after which the migrant worker can have his/her doctor. The ASL offices facilitate the connection of the client to the health service network.

Education

All foreign children, including those without a valid residence permit, are entitled to an education. Enrollment of foreign minors is based on the same procedures and requirements as those of Italian children and can be requested at any time of the school year. Foreign adults are also entitled to receive education. The right to study allows migrants to learn the Italian language, deemed as the most important requirement for integration into Italian society. Language and literacy courses at various levels are readily available to migrant workers, through the public educational system and voluntary organizations all over the country.²⁸

Irregular or undocumented workers basically have no rights or access to the above-mentioned services and depend on the trade unions, NGOs and church organizations for assistance. (See box “Irregular/undocumented workers in Europe”). They cannot access formal financial, banking or remittance services either because of the inability to present formal work documents, or for fear of disclosing their undocumented status. They have no choice but to send money home through informal channels and keep their earnings at their residences or carry money personally wherever they go. In general, irregular workers live under the shadow, hoping that they are able to obtain amnesty in the future. A significant number of undocumented Filipinos in Italy have availed of amnesty and regularization programmes offered by the

²⁷Ministry of Interior website: http://www.interno.it/mininterno/export/sites/default/en/themes/immigration/On-stop-shops_

²⁸ Op. cit. G. Carrocio

The 'Patronato' system

"Patronatos" are welfare organizations recognized by the government to provide various services to Italians and migrants. A number are linked with the trade unions. Those dealing with social security are funded by the INPS. Their role is to help people get social security entitlements by advocating the person's case with INPS. There are Patronati offices and branches in all Italian cities and most towns and work places. They are also present in overseas countries, such as Australia and Canada, where large numbers of Italian migrants reside.

An example is the INAS (Istituto Nazionale per Assistenza Sociale) which is linked to one of the three national trade union confederations, the CISL. The INAS "Patronato" Protocol with the Ministry of the Interior, in effect since December 2006, allows INAS to manage residence and stay permits, assigning the "patronato" the task of providing information, assistance, and consultancy services free of charge to immigrants, handling the electronic filing of applications for the issuance and renewal of residence and stay permits, and preparing the necessary documentation for the police. A second Protocol, in effect since February 2007, refers to matters falling under the responsibility of the "SUI" (joint immigration information office) for the entrance of foreigners for work reasons or family reunification.

Sources: Australian government website: http://www.fahcsia.gov.au/Guides_Acts/ssg/ssguide-10/ssguide-10.4/ssguide-10.4.1/ssguide-10.4.1.30.html; Cecilia Brighi, CISL International Department, in correspondence with consultant, March 2011

Italian government. The last time this was done was in 2002 when 646,829 foreigners were granted permits—including 9,821 Filipinos. Among regularized migrants who are in domestic work, Filipinos (89% of regularized undocumented domestic workers) are the highest ethnic group.²⁹

b. Trade unions

Trade unions in Italy are crucial stakeholders in migration, advocating for the rights of migrant workers in law and practice, providing services, and empowering migrant workers (including through membership and active participation in the trade unions, and collective bargaining). The three major confederations have frequently joined forces to push for the rights of migrant workers at the workplace and in society, and fight against racism and xenophobia in all its forms. A historic achievement was the successful negotiation and signing, in 2007, of the national collective agreement for domestic workers, majority of whom are migrants (more than 64% of migrants from the Philippines are domestic workers). The agreement defines a new professional classification for domestic workers, introduces new regulations concerning working hours and provides for safeguards in the event of illness, while creating a supplementary pension fund (see Section 5).

There are three main trade union confederations in Italy. The largest is the CGIL - *Confederazione*

Migration and Healthcare in Italy

A study carried out by the Italian Society of Medicine of Migrations (SIMM) and the healthcare department of Caritas Rome, sponsored by the Ministry of Health, presents an overview of the quality of the healthcare services provided to migrants by the regions, from a normative perspective. The region of Apulia has the most developed political and legislative process, whereas Calabria and Basilicata are found to be the least developed of all regions in this respect. Assistance to irregular migrants is guaranteed on the entire national territory with varying degrees. In the Lombardy region irregular migrants only have access to first aid structures, while in regions such as Apulia and Umbria and Trento provinces the legal status of a migrant does not influence their ability to access healthcare services. According to Caritas Migrantes, for the 300,000 – 500,000 estimated undocumented migrants in the country it is possible to access public healthcare structures on paper, but in reality this is not always the case.

Source: *Corriere della Sera*, 14 June 2011, in *PICUM Bulletin*, 4 July 2011, <http://picum.org/en/news/bulletins/27697>

29 Op. cit. ERCOF/IOM

Generale Italiana del Lavoro - which has 5,746,200 members, followed by the CISL - **Confederazione Italiana Sindacati Lavoratori** - with 4,542,400 members, and the UIL - **Unione Italiana del Lavoro** - with 2,184,900 members. Migrant workers make up a growing proportion of trade union membership, 9.1 per cent in 2006.³⁰ Fourteen per cent of the CGIL's memberships are migrant workers. At the 2007 Congress of the CISL, Liliana Ocmin, who migrated from Peru, was elected one of the top national leaders of the Confederation, a first in the history of the Italian trade union movement. There is no available information on trade union membership among Filipino migrants.

CGIL³¹

In accordance with its Statutes, the CGIL is a multi-ethnic trade union; its rights-based approach to migration takes into account migrant workers' "dual identity":

- as workers: through national bargaining agreements, the CGIL defends the social and economic rights of all workers, Italians and immigrants, and in second level bargaining (at the workplace), it introduces specific claims for immigrant workers such as the possibility to cumulate holiday allowance over a two-year period, prayer times, special meals in the company canteens, etc.
- as immigrants: intervenes through the CGIL migrant workers' bureaux which liaise with local institutions to resolve individual cases and provide various services to migrants, e.g. assisting in renewal of resident permits (134,000 procedures in 2009) and for family reunion (8,327 cases in 2009). During the regularisation of family assistance workers (domestic workers and carers) in 2009, the CGIL handled 33,000 cases. Its legal assistance desks which deals with individual cases of workers in dispute with their employers, registered 35% involving migrant workers in a sample of 100,000 cases.

The CGIL undertakes campaigns to explain to its members and the Italian public that unequal rights equals less rights for everyone; at the same time, to migrant workers that the defence and extension of their

rights always pass through the defence and extension of the general rights of all citizens living and working in Italy. One such campaign, under the slogan "Same blood same rights", urged all its departments and sections to organise workplace and public discussions on the truth about immigration to counter racist and xenophobic attitudes. Along with 26 NGOs and human rights groups, it is presently involved in a campaign among migrant workers, under the slogan "Don't be afraid, open up to others, open up to your rights".

CISL³²

Since the early 1990s, coinciding with the entry into force of the first immigration laws in Italy, CISL has been dealing with matters concerning migrants workers and their families. The role of the INAS "Patronato" in immigration matters is recognized by Legislative Decree no. 286/1998 – Consolidation Act on Immigration – and Law 152/2001 on "patronati" (Italian institutions for workers' social services- see Box "The Patronato System"). In particular, foreign citizens and their families can turn to INAS not only for social security and social welfare matters, but also for matters involving the immigrant's life in Italy, from arrival to obtaining a permit to stay, from work to family, from education to citizenship. The Patronato's services are free of charge and can be accessed by all those who hold a permit of stay for the purpose of asserting their rights and duties. For those undocumented migrants, initial assistance is provided in any case, in order to explain to them the legal integration possibilities in Italy. Although figures are not available, the CISL is certain that Filipino migrant workers have availed of the services of the 800 offices of the patronato (this was confirmed by a representative of Filipino migrant organizations in Milan). Of relevance is the special focus given by the CISL to the protection of female migrant domestic workers under its 'Trade and Services' sector.³³

ANOLF (Associazione Nazionale Oltre le Frontiere – National Association Across the Borders) is a national association linked to the CISL working for the social inclusion of migrants. Widely present in the country with regional (20), provincial (103) and local (10) sites, ANOLF promotes association

30 ETUI website: <http://www.worker-participation.eu/National-Industrial-Relations/Countries/Italy>

31 Op. cit, Danesh and discussions with CGIL officer in Milan, January 2011

32 Discussions with CISL officers in Rome and Milan, January 2011, correspondence with C. Brighi, and CISL website: www.cisl.it

33 "Integration of Female Migrant Domestic Workers: Strategies for Employment and Civic Participation", Integration of Third Country Nationals, Report of study visit, INTI Team, Mediterranean Institute of Gender Studies, November 2007

for social and cultural purposes; provides consulting and training services, and develops specific projects to foster employment among immigrants (i.e. cooperative network for immigrants, 2009; caregiver training in the district of Savona, 2009), cooperates at the European and national level with institutions, political organizations, trade unions and associations in social promotion initiatives aimed at favoring social inclusion of immigrants. ANOLF has established working relations with the Filipino Women's Council. Through the Philippine Embassy, it has also contacted Filipino organizations on portability of pensions, occupational safety and health, and facilitating access to benefits.³⁴

UIL³⁵

In handling cases against traffickers (particularly those related to prostitution and forced labour), the Migrant Department of UIL, enlists the assistance of experts, lawyers and cultural mediators. Over the years, the UIL has successfully obtained justice for victims of exploitation, securing their judicial protection and permits for them to stay in the country. A recent case involved Bangladeshi farm workers, aged between 22 and 30, who reported the severe forms of labour exploitation inflicted on them by their employer. The UIL, with the assistance of cultural mediators, took on their case obtaining their permit to stay based on humanitarian grounds. Other cases concerned young women domestic workers from Ethiopia and Somalia who worked in slavery-like conditions. The UIL provided psychological and later, legal aid, and brought their employers to court, whilst ensuring that the young women obtained permit to stay.

In 2007 – 2008, UIL-Lazio (a 'patronato' associated with the UIL) sponsored a project entitled "Decent work and forced labour." The project was implemented in five branches in the Lazio territory. Through contacts with 650 migrant workers, it uncovered serious forms of exploitation, including cases of forced labour, although none involving trafficking. In Rome, there were cases of exploitation of domestic workers, with employers taking advantage of the lack of information of domestic and caregivers about their basic rights. In the Latina district, the most serious exploitation occurred amongst agricultural workers - mostly Indians whose passports were often kept by

their employers and who were paid a pittance and worked excessively long hours under poor conditions.

c. Non-governmental organizations (NGO's)

In Italy, NGOs and church organizations are major service providers to migrant workers and their families, at national, regional and local levels. Large organizations like Caritas have offices and centres in various parts of the country, with an international Secretariat located in Rome.

*Caritas Internationalis and Caritas Italy (Rome)*³⁶

Caritas Internationalis is a confederation of Roman Catholic relief, development and social service organizations operating in over 200 countries and territories worldwide, including **Italy, France and the Philippines**. The 165 national Caritas members make up "the biggest network of Catholic charities in the world devoted to reducing poverty and campaigning for social justice". Caritas Europa's member organizations in Europe, including Italy and France, are particularly active on asylum and immigration. Their objective is to offer realistic solutions to people who, for whatever reason, need assistance because they are resident in a country other than their home country. Caritas' programmes include projects for the reception of asylum seekers, provision of legal and social counselling services, facilitation of processes for the integration of refugees and permanent residents as well as resettlement and voluntary return programmes. While filling the gaps in governmental assistance, Caritas stresses the states' responsibility to ensure dignified treatment of asylum seekers, refugees and other migrants.

One of the 6 focus areas for Caritas Internationalis is 'women and migration'. It organised a world conference in December 2010 in Senegal, aimed to create a greater understanding of the "feminisation of migration". The conference gave Caritas members and experts the opportunity to share their experiences and draw up recommendations for governments and member organizations for changing migration policy in a way that would support and protect women migrants, as well as tackling the root causes.

Caritas Italy publishes annually the Dossier Statistico Immigrazione which is the reference

34 ANOLF website: <http://www.anolf.it/>

35 Guiseppe Casucci, "Forced Labour in Italy and UIL Action", in Report on the International workshop for the preparation of a regional network of trade union focal points in source and destination countries, Kyiv, Ukraine, ILO/ITUC, November 2008

36 Discussions with Caritas International and Caritas Roma, January 2011 and Caritas websites: http://www.caritas.org/about/waht_is_caritas.html?ts=200805182338; <http://www.caritas-europa.org/code/EN/migr.asp?Page=655&menuPage=655>

Enhancing the capacity of public service workers in meeting the needs of migrants

In 2009-2010, the Public Services International (PSI), in cooperation with its Euro-Mediterranean affiliates and the European Federation of Public Service Unions (EPSU) implemented the project: 'Public service workers meeting migrants'. The project aimed to a) enhance the knowledge and capacity of public service workers in dealing with migration from the rights-based perspective through information sharing and exchange of best practices; and b) promote cooperation and union solidarity through the establishment of a mainstreaming policy and plan of action defending migrant workers' rights at the various stages of the migration process, i.e. arrival, employment, integration in the host country, as well as return and reintegration in the home country. It also aimed to build the basis for a database on existing support services for migrants in the participating countries.

The project included an exploratory research focusing on the assessment of the level of capacity and involvement of public sector workers engaged in public/outsourced services frequently accessed by migrants. The survey looked at the quality of service delivered, organization, professionalism, staff understanding and application of national and European laws and International Conventions in the promotion of human and labour rights. The services covered included border control, reception and support services for migrants and refugees such as health, housing, settlement, language training, job placement, etc.

Trade unions in the participating countries distributed a questionnaire among managers, employees and migrant users of the services. Nine public services unions responded to the questionnaire, covering 20 different services in 6 Euro-Med countries (France, Italy, Spain, Portugal, Greece and Malta). Information gathered through the survey included: existing good practices; knowledge of laws, policies and practices on migration and asylum by managers and employees of public/outsourced services; training needs / updating needs on migration-related issues for managers and employees of public/outsourced services; evaluation on usefulness/quality of public/outsourced services by migrant users; and setting up of a network to exchange information and best practices in different countries.

The project report (draft dated February 2011) underlined the issues and challenges that hamper the proper delivery of migration services and identified training needs for public service workers to enable them to provide top good quality services to migrants and refugees. Conclusions and recommendations included the following:

- There are not enough public services or qualified public service workers available to assist migrants, and, migrants are forced to wait too long to get the necessary information they need to make important life decisions. At the same time, despite the reality that the global financial and economic crises are forcing migrants into increasingly desperate situations, European countries are cutting back on urgently-needed migrant support services.
- The services more frequently approached by migrants users are: Housing, First Impact (i.e. reception), and Health Services. Nonetheless, data on the relation between type of services delivered and number of migrant users approaching them daily confirm that first impact services are those most frequently accessed by migrants.
- 45.4% of the workers ignore all migration-related international laws/tools and 70.4% never participated in, or organized a, training or an updating on migration and asylum-related issues. Notwithstanding, 74.8% finds those issues relevant to their daily work.
- Migrant users have difficulties in dealing with public services: the lack of information points in the areas where migration is particularly significant, the long wait to get answers to their requests/questions, and communication problems (lack of cultural and linguistic mediators).
- 93 per cent of migrant users surveyed think that migrants should be employed in public services.

The PSI and EPSU are addressing these concerns through a number of trade union initiatives, including: supporting cross-border trade union exchanges of best practices in assisting and organizing migrants; and lobbying governments to invest more in migrant services (e.g language, job training: employment placement) and in improving professional training for public service workers on migrant issues.

Source: Toneguitti, Raffaella Greco, Research Report. "Public Service Meeting Migrants". EPSU-PSI Mediterranean Group, Public Services International (PSI), France, February 2011, <http://www.world-psi.org/>

tool on migration facts and figures in Italy (idos@dossierimmigrazione.it).

Caritas Rome

Caritas Roma was among the first organizations to extend services to migrant workers and refugees when migration to Italy started in the 70s. The Center in Rome visited by the 2010 ILO-sponsored study tour assists around 20,000 migrants annually. Services include counselling and referral services, and direct assistance to migrants in need (majority are former regular migrants who have become irregular on expiration of their visa). Time frame for assistance is three months. The nursery at the Center was in the beginning populated with children of Filipino migrants. Filipino migration to Italy, according to officials met by the group, is considered a success. Caritas maintains a database containing personal information on the client, as well as their social situation, needs assessment and immigration status. Currently, Caritas is experiencing an upsurge in people accessing the services of their work sector.³⁷ Similar experiences and views were heard by the consultant when she visited one of the main Service Centers of Caritas Roma, near the Vatican. Majority of those seeking assistance there are migrants from Africa, the Maghreb and East and Central Europe; interpretation service in English and French are provided by volunteers. Caritas Roma also runs two shelters (one for women and one for men) for homeless migrants.

Italian Council for Refugees – CIR (Consiglio Italiano per i Rifugiati)³⁸

The Italian Council for Refugees is an independent, humanitarian and non profit organization founded in 1990 under the patronage of the United Nations High Commissioner for Refugees (UNHCR). CIR works with the aim of empowering and coordinating actions in defense of refugees and asylum seekers' rights in Italy, in particular in favor of vulnerable groups of people such as women, victims of gender violence, unaccompanied minors and victims of torture. Amongst its members, CIR counts important humanitarian associations and organizations, the three main Italian trade unions and national and international research institutes. CIR has been carrying out an extensive lobbying activity with Parliament and the

Government to pass a national comprehensive law on asylum. CIR provides social protection and legal assistance to refugees and asylum seekers at its main office in Rome and through its offices all over Italy, particularly at points of entry.

CIR's work on return revolves mostly around providing information on country of return in partnership with other European NGOs. Although Italy has no national return programme, it is implementing related projects such as those on trafficking, with the Ministry of Interior and the IOM. Presently, it is running the PARTIR voluntary-return project targeting 400 returnees. It consists of information dissemination, preparation for return, and organization of reintegration programmes in countries of origin. Resources made available to the returnees include a 400-Euro travel allowance and a 3,000-Euro reintegration budget. In Italy, IOM works with NIRVA (see Section 5). In discussions with the ILO study group, CIR very much welcomed the opportunity to work with groups in the Philippines and Thailand since they needed more partners in non-traditional countries of origin of migrant workers.³⁹

d. The Philippine Mission (Embassy in Rome and Consulate in Milan)

Due to the large number of migrant workers in Italy, the Philippine Mission - the Embassy in Rome and the Consulate in Milan - has full-time officials from various government agencies providing services to migrant workers. Under the 'one country, one team policy', all discharge their duties under the leadership of the Ambassador. The consultant had meetings with the Ambassador in Rome and the Consul in Milan and officials of the country team. Salient points from these meetings are:

1. The support system in the Philippine community is very strong and Filipinos generally try to find solutions to their problems within their families and their network of friends and/or the organization, frequently church-based, to which they belong. Filipino migrants also often make use of the patronatos to facilitate paper work as well as to access services such as health and social security. Nevertheless, the Consulate and Embassy receive daily many requests for assistance from both documented and undocumented migrants in regard to the following issues:

³⁷ Andrea Luisa Anolin, Report on Fellowship Training on a Study Tour to Rome, Italy on Return

³⁸ CIR Website: <http://www.cir-onlus.org/chisiamo2.htm>

³⁹ Op. cit. Anolin

- debt (inability to pay back credit companies)
- illness
- death and burial (documentation, costs, repatriation of remains)
- search for family members, mainly due to a abandonment (in Italy and in the Philippines)
- “personal” (family disputes; domestic violence; runaways-including from abusive employers)
- legal assistance (including against unscrupulous recruiters)
- family reunification
- labour (non-payment of wages, conditions of work, abuse and exploitation)
- access to services (health, social security)
- repatriation
- criminal (drug cases)

2. In dealing with these cases, where appropriate, the team would contact the Italian authorities and/or Filipino migrant workers’ organizations. Referral to Italian authorities, i.e., police, communal and district offices, social welfare offices are “fairly easy” and these generally respond quickly, especially in urgent cases, such as an abandoned child. Sometimes, the authorities may refer a case further to an NGO, e.g. a Caritas shelter. Other than crime-related cases (as per the Vienna Convention), the Italian authorities seldom contact the Embassy or Consulate about Filipinos in distress.

3. There is no systematic procedure or mechanism as regards coordination or referrals with Italian authorities and institutions. The mission officials, both in Rome and Milan have their contacts with the authorities (police, immigrations office, health and social services, etc.) whom they approach, depending on the case. They have little contact with Italian trade unions, NGOs or patronatos.

4. The general view is that the one country, one team approach works well: less overlap of functions and responsibilities; more strategic, more efficient and rapid response delivery; greater sharing of information, views and lessons learned. Each official follows her/his agency’s guidelines (e.g. OWWA Manual) in performing his/her tasks. The lack of human and financial resources is a perennial problem, given the volume of cases.

5. Problems encountered are often financial in nature. Resources allocated by the DFA for assistance to

nationals (ATN) are extremely limited; cases were cited of officials having to use personal funds for taxi fares to the airport, which is a long distance from the city, at night to assist stranded Filipinos. Remarks were made about OWWA’s ‘considerable’ funds and, the limitations of its use (only for members), though it was appreciated that in urgent cases flexibility would be applied.

e. Philippine migrants’ organizations

There is an overwhelming number of Filipino associations in Italy, nearly 70 in Milan alone:⁴⁰ most of these are based on religion/faith, place of origin, common objectives such as sports/recreational activities, assistance activities or projects, and special interest or focus (youth, women). Indeed, the “associational experience is a defining trait of Philippine migration in Italy, an essential component of the building of their (Filipinos’) identity, as well as the main form of Filipino presence ...in the public domain, albeit only partially perceptible outside the confines of the community itself and only partly distinguishable from religious experience.”⁴¹ A detailed profile of Filipino organizations in Rome and Milan is provided in the Italian report of Migrants’ Associations and Philippine Institutions for Development, published in September 2009. The report is based on a wide-ranging study of 40 associations, 20 in each city, carried out from May to November 2008. Among the findings are:

- 50% of the organizations had as a main objective: solidarity among and social assistance to its members, as well as to the community in general. Such assistance is described as “legal, medical, counselling, job referral, spiritual.”
- Only a few cited advocacy (vis-à-vis Philippine and Italian governments), promoting migrants’ rights and concerns, and creating networks of all Filipino groups as being objectives of their organizations.
- Generally, the provision of assistance is ad hoc and informal, through a social network able to sustain migrants in need. In this sense, the aim of extending assistance and support is associated with that of creating fellowship among members or intensifying social networks through promotion of social events.
- A number of organizations are members or part of

40 Philippine Consulate, Milan, http://www.philcongenmilan.net/filipino_community.html

41 Zanfrini L. and Sarli A., Italian Report (first year activity), Migrants’ Associations and Philippine Institutions for Development (MAPID), ISMU, Scalabrini Migration Centre, Milan, September 2009, <http://www.smc.org.ph/MAPID/network/>

organizations in the Philippines or have international links. This is the case with most church-based associations.

- More than 50% conduct religious activities, such as Mass celebrations in Tagalog, prayer groups, Bible training, etc.
- 95% carry out cultural, social and recreational activities, also as a means of raising funds.
- Most do not collect membership dues; some receive donations, in cash and in kind, from the private sector, usually Filipino (shops, banks or small businesses). Only 5% receive funds from international organizations and 2.5% from the public sector.
- 50% organize sports activities which provide recreation for young people, assuaging their solitude and adjustment problems, as well as occasions to meet Filipinos, Italians and other nationalities.
- 50% disseminate information on migration policies and issues in Italy and the Philippines, including through radio programmes in Pilipino, such as the Radyo Pilipino sa Roma which started broadcasting in 1989.⁴²

⁴² <http://www.radiomeridiano12.com/>

ONLUS

Non-profit Organizations of Social Utility (ONLUS) are legally registered entities - voluntary and non-governmental organizations, foundations, cooperative societies and other private non-profit entities - which have a 'social solidarity' and humanitarian objective. Areas of activities for ONLUS cover social and health care, charity, education and training, non-professional sports, promotion of arts and culture, nature and environment, civil rights and scientific research of particular social interest. Institutional activities carried out by the ONLUS are not considered to be commercial and are, therefore, exempt from taxation. ONLUS are eligible to receive public funds (through subsidies, projects, etc.) and private donations. A number of ONLUS have been set up by Philippine associations aimed to benefit Filipinos in Italy (medical assistance, sports, and cultural activities) and for projects in the Philippines (orphanages, etc.)

Source: <http://www.cir-onlus.org>

Filipino Women's Council (FWC)

Founded in 1991, the FWC's original aim was to provide a shelter for Filipino women victims of violence and exploitation. Over the years, the FWC's work has extended to cover the various dimensions of the gender issue - hitherto neglected by service providers and migrant organizations - through projects, publications, networking with Italian NGOs and campaigns. In 2004, under an IOM project, "The Migrant's Image in Italy through Media, Civil Society and the Labour Market", the FWC implemented a community research project and produced one of the first evidence-based report on the situation of Filipina migrants in Italy entitled "Me, Us and Them: *Realities and Illusions of Filipina Domestic Workers*". This was followed by a project with UN-INSTRAW, an outcome of which was the "Guide to Filipino Migrants in Italy". Currently, it is a partner organization in the EU-funded project "Maximize the gains, minimize the social costs of migration",⁴³ conducting capacity- building and financial literacy seminars and addressing barriers to reintegration such as misuse of remittances, the social cost of migration brought about by long separation from families behind, lack of trust in the government and perceived lack of opportunities. Mainstreaming the gender dimension in all these activities is a given. The FWC has forged partnerships within the Philippine community (it is the referral point for cases of gender-based violence) as well as with Italian institutions, trade unions and NGOs. It is a member of the European Network Against Racism (ENAR) and European Network on Migration and Development (EUNOMAD).⁴⁴

Filipino Chaplaincy in Rome or Sentro Pilipino

Established in 1991, the Filipino Chaplaincy in Rome, more popularly known as Sentro Pilipino, brings together 47 Catholic Church communities in Rome into one Chaplaincy. It is a mission center for the pastoral care of the Filipino migrants in the diocese of Rome, based at the Basilica Sta. Pudenziana. It functions like a "parish of Filipinos in Rome" and offers socio-cultural and spiritual services. As a coordinating center, the Sentro Pilipino has initiated all kinds of services and apostolate work aimed at assisting the different communities with their spiritual and apostolic needs,

⁴³ <http://www.gainsandcostofmigration.org/eng/index.html>

⁴⁴ Charito Basa in correspondence with consultant, August 2011

as well as with several programmes and activities for the Filipino youth.⁴⁵

3. Cooperation and coordination among service providers

In Italy, Filipinos in distress/need have easy access to the Philippine mission. For many, the Consulate in Milan and the Embassy in Rome are venues for assistance and services, as well as social networking. During her visit to the Consulate in Milan, the consultant witnessed the constant stream of people seeking all kinds of assistance, attending computer courses and forming groups in the hall and on the sidewalk to exchange news and views, etc. Regular meetings with the Filipino organizations are organised by the Embassy and Consulate to exchange information and discuss matters of mutual interest. The mission runs a 24-hour hotline service.

There is no standard procedure for case referrals amongst the various service providers. However, it is evident that there is an ongoing informal system between the Philippine mission and the migrant organizations: in cases of a more personal nature such as family disputes, the mission is likely to refer the person in need to the appropriate, often church-based organization; in cases involving unscrupulous recruiters, urgent medical attention, search for relatives, etc., the migrant organizations contact the mission. This informal system often depends on who knows whom, not necessarily on a directory or list of the most appropriate officials or organizations/associations.

The situation is similar as regards cooperation between Italian authorities and institutions on the one hand, and the Philippine mission and migrant organizations, on the other. By necessity, the Embassy and Consulate coordinate with authorities in cases of death, repatriation of remains, and the rare cases of crime. The Consulate in Milan mentioned the few cases referred to them by the police of young Filipinos brought in from the train station for vagrancy or drug abuse. A few organizations, especially long-standing ones, have established links with the trade unions and a number of patronatos, both in Rome and Milan. Church-based organizations maintain strong relations with their Italian counterparts.

The CGIL and CISL regional offices in Milan handle labour-related cases brought to their attention by the organizations.

There are a few information resources for migrants and service providers. For Filipino migrants

and their organizations, a “must” tool is the *Guide for Filipino Migrants in Italy*, produced by the Filipino Women’s Council (FWC) in 2010. This short user-friendly brochure provides essential information on requirements and procedures under Italian immigration legislation, service providers and remittances. The *Orientation Manual for Filipino newcomers to Rome* published by the Sentro Pilipino Chaplaincy and the OFSPES contains a wealth of information-- including useful Italian phrases. The European Union, Caritas Roma and the Minister of Interior information portal for migrants is in Italian, English, French, Spanish and Russian. The four sections: Rules and Regulations; Work; Education and Training; Learning Italian – contain practically everything every migrant needs to know, including useful links to major service providers in the country (<http://www.migrawork.com/homeen.html>). However, there is no consolidated directory of service providers, although regional or local directories are available on line, e.g. in Venice ([ww.immigrazioneveneto.it](http://www.immigrazioneveneto.it)), but only in Italian.⁴⁶

4. Key challenges

1. Strong willingness to cooperate and coordinate in the provision of services to distressed Filipino migrants was expressed by all service providers: the Philippine mission, Italian trade unions and NGOs, Philippine migrant workers’ organizations in Italy and trade unions and NGOs in the Philippines. Translating this into concrete action – including the setting up of a joint referral system - requires concerted reflection on practical and realistic strategies by the stakeholders and service providers. Factors to take into account include:
 - building the migrants’ trust and confidence in government authorities and services, both Philippine and Italian. “Trust is a major factor that has to be developed/earned and shared not only by migrants with service providers, but among service providers themselves for them to share information and data as well as work together”.⁴⁷
 - the general perception of Italian authorities and institutions that Filipino migrants have fewer issues/problems than migrants from

45 Cristina M. Liamzon, “*The Phenomenon of Filipino Youth in Rome Today (An Exploratory Study)*”, Associazione Pilipinas OFSPES and the Filipino Chaplaincy, Rome, 2005.

46 Op.cit., S. Rainero

47 Op.cit., V. Tornea

other countries. Consequently, the Filipino migrants are hardly on their radar as service seekers.

- the multiplicity of and division among Philippine migrant organizations
- the relatively low involvement and participation of Filipino migrants and their organizations in the wider migration community and Italian society, in general.
- the human and financial resources problems faced by the Philippine mission in Italy, as well as other service providers, on both sides.
- the ad hoc, case-to-case approach by service providers on the Philippine side
- the situation of irregular or undocumented migrants
- the absence/lack of policies and programmes on return and reintegration, both in the Philippines and Italy (and the EU in general).

2. While acknowledging the capacity of Filipino migrant organizations to take care of their own, it is in their long-term interest to be more involved in the wider immigrant community in Italy and be visible as important and valuable stakeholders, thus also contributing to promoting integration and empowerment of Filipino migrants. This is especially important today when restrictive migration policies and legislation are becoming the norm, demanding a strong and unified response from all workers, migrants (documented and undocumented) and nationals alike.

3. Urgent attention should be given to the second generation, bearing in mind the specific needs of the different groups of young people. Proposals put forward in various evidenced-based studies (see Appendix 3) bears consideration by stakeholders and service providers.

4. Even if return to the Philippines is at present not considered an option by many (though expressed by migrants in Italy as being their ardent desire), return and reintegration – voluntary or not – should be given urgent attention in the migration policy and programmes of the Philippines and Italy. Good practices in this regard have been documented including joint initiatives of the Philippine mission and NGOs, such as organising courses on financial literacy and starting up small businesses and investing in the Philippines (see Section 5).

5. Strong involvement of local governments is crucial

to ensure that migration effectively contributes to the long-term development of destination and origin countries. A noteworthy initiative is the setting up of Migrants /Migration Resource Centers at local government level in areas with high concentration of migrants through which economic and social services are provided by the local authorities, migrant organizations and NGOs (see Section 5). However, such initiatives require capacity building for the local government and other stakeholders in setting up and implementing programmes and services for migrants and their families

6. Various training needs were identified by stakeholders:

- for counsellors and mediators
- in financial literacy and entrepreneurship: managing personal income, risks of debts and loans, starting small businesses (both in Italy and in the Philippines), wise investments, etc.
- on the rights of migrant workers
- on the benefits of integration (language courses, Italian culture and tradition).

Section 3: FRANCE

1. Some facts and figures⁴⁸

- Population: 62.6 million (2010)
- Population under 15: 18.4% (2010)
- Migrants make up 10.7% of the population
- Women make up 51.3% of migrants
- Irregular immigrants: 200,000-400,000⁴⁹
- Filipino migrants: 50,013 distributed as follows: permanent, 8,221; temporary, 1,002; irregular, 40,790⁵⁰
- Receives the highest number of asylum seekers per annum in Western Europe⁵¹

France has a long history of immigration. In the 19th Century, it saw itself as a haven for persons seeking freedom from persecution for their political opinions. The process of industrialization in the 18th and 19th centuries, in conjunction with the fall in the birth rate resulted in labour shortages and the need for migrant workers. At that time, France concluded labour recruitment agreements with Italy, Belgium, Poland and Czechoslovakia. Already in 1931, France had 2.7 million migrants who made up 6.5 per cent of its population. After the Second World War and during the economic upturn of the 50s and 60s, France once again recruited workers from Italy, Portugal, Spain, Belgium, Germany, Poland and Russia. At the same time, immigration from the former colonies increased due to wars of liberation and the process of

decolonization⁵².

Filipino migration

The early 70s saw the arrival of the first wave of Filipino migrant workers to France. Fleeing the Iran-Iraq war, they arrived from the Middle East in the company of their employers, mostly diplomats; others hopped into the first plane available that would take them out of the region and landed in France (at that time, Filipinos did not require a visa to enter the country). This partly explains the nature of the activity of majority of Filipino migrants in France, as household employees (domestic workers, careers, nannies). Strict migration laws have obliged the majority of Filipinos who opted to stay after the departure of their employers to become undocumented and clandestine workers, after expiration of their visas. This is the reason why France has the highest number (nearly 40,000) and proportion (82.8 per cent) of irregular Filipino migrants in Europe⁵⁴.

Legislation

Since the mid-70s, immigration laws have tightened, leading to an increase in irregular immigration. In 1974, for the first time, official discourse referred to the “control of the migratory channels,” resulting in a generalized closing of the borders, severe controls on entry, and increased policing of clandestine immigrants already in the country. The most critical and sweeping reforms came in March 1986 and then in 1993, when the Interior Minister, Charles Pasqua, declared his goal to be ‘zero immigration’, later qualified to mean ‘zero illegal immigration’. These “Pasqua Laws” featured

48 IOM website: <http://www.iom.int/jahia/Jahia/france#mpr>

49 Anne-Marie Nicot, “Employment and working conditions of migrant workers — France”, European Working Conditions Observatory, June 2007 <http://www.eurofound.europa.eu/ewco/studies/tn0701038s/fr0701039q.htm>

50 Commission on Filipinos Overseas (2009)

51 ‘Global Detention Project for the Study of Global Migration, The Graduate Institute, Geneva <http://www.globaldetentionproject.org/countries/europe/france/introduction.html>

52 France—country profile, Focus Migration, Hamburg Institute of International Economics, <http://focus-migration.hwwi.de/France.1231.0.html?&L=1>

53 Sally Rousset, ‘Nature and Perspectives of Philippine Migration to France’, from *In de Olde Worlde: Views of Filipino Migrants in Europe*, ed. F.M Hoegsholm, Philippine Social Science Council, 2007

54 Op. cit, Stella Go

tougher visa requirements, a reduction in the number of visas issued, an expansion of police enforcement powers, an extension of the permitted detention period and a narrowing of the administrative review scheme. Following the 1993 laws, restrictive immigrant legislation intensified, in 2003 and 2006 (with only a brief reprieve in 1998), and the number of “*sans-papiers*” grew steadily.⁵⁵

The immigration and integration law, adopted on July 25, 2006, aimed to overhaul France's immigration system by giving the government new powers to encourage high-skilled migration, fight illegal migration more effectively, limit access to residency and citizenship and restrict family immigration, which accounts for nearly 65 percent of immigration to France.⁵⁶

According to Nicolas Sarkozy, then Interior Minister who had proposed the law, the rationale for revising the policy was to ensure that France can “...better regulate immigration, fight against the embezzlement of the immigration procedure, promote selective immigration and ensure successful integration in the interest of both France and the countries of origin...”⁵⁷ With the passage of the 2006 law, the French Interior Ministry instituted the controversial practice of establishing targets for deporting undocumented immigrants each year. Since then, the government has increased police raids to arrest unauthorized immigrants and introduced legislation to make it harder for immigrants to bring their families to France. On 16 June 2011, the Law on immigration, integration and nationality (No. 2011-627) was promulgated. The Law is based on 3 recent EU directives: on norms and procedures regarding the return of irregular migrants (December 2008); on the Blue Card and the facility of migration accorded to highly-skilled workers (May 2009); and on sanctions and measures against employers of irregular workers (June 2009). The Law strips foreign-born nationals who carry out violent crimes against the police of their French nationality and expels EU citizens for

The “*sans-papiers*” (undocumented immigrants)

“The term “irregular” applies both to those who entered France legally but now must take further steps to regularize their status as well as to those who entered France illegally and may therefore be removed from the country. Drawing the line between these two groups is challenging, largely because of the evolution of legislation and how administrative practices have contributed to the creation of “irregular” immigrants. *Sans-papiers* lack many of the rights and privileges granted to citizens, such as complete health care as part of French social security and welfare benefits for the care of children.

The French government has progressively withdrawn fundamental rights of *sans-papiers*, immigrants without documents authorizing them to live and work in France. Immigrants lacking legal status create an “irregular” legal and administrative situation, though defining exactly what “irregular” means and how an immigrant in France arrives at such a classification is complex. A *sans-papiers* social and political movement seeking regularized status for all immigrants lacking proper documents achieved notice in 1996 when 324 Africans occupied a church, demanding rights. By February of the following year, the *sans-papiers* had issued a manifesto, demanding legal papers “so that we are no longer victims of arbitrary treatment by the authorities, employers and landlords.” The *sans-papiers*’ predicament demonstrates the difficulties many immigrants faced even before the most recent laws due to “incessant discrimination and, more than anything, a rise in xenophobia and racism.” Moreover, the mere existence and subsequent treatment of *sans-papiers* created a “right-less zone” at the heart of French society, which some have argued is incompatible with the maintenance of a society founded on the protection of the basic rights and dignities of people. Tens of thousands of men, women, and children are largely left at the whim of legislative evolution and its application by police and the legal machinery of the government.”

Source: Emily B. Kanstroom, “*Sans-Papiers, Sans Recourse? Challenging Recent Immigration Laws in France*”, *Boston College International and Comparative Law Review*, 87-2010, <http://lawdigitalcommons.bc.edu/iclr/vol33/iss1/5>

55 Emily B. Kanstroom, “*Sans-Papiers, Sans Recourse? Challenging Recent Immigration Laws in France*”, *Boston College International and Comparative Law Review*, 87-2010, <http://lawdigitalcommons.bc.edu/iclr/vol33/iss1/5>

56 Kara Murphy, “*Fance’s New Law: Control Immigration Flows, Court the Highly Skilled*”, Migration Policy Institute, Washington, D.C., USA, November 2006. <http://www.migrationpolicy.org/about/index.php>

57 Meng-Hsuan hou and Nicolas Baygert, “*The 2006 French Immigration and Integration Law: Europeanisation or Nicolas Sarkozy’s Presidential Keystone?*”, ESRC Centre on Migration, Policy and Society Working Paper No. 45, University of Oxford, 2007 <http://www.compas.ox.ac.uk/fileadmin/files/pdfs/WP0745-Chou.pdf>

certain crimes such as repeated acts of theft, aggressive begging or for illegally occupying land⁵⁸

Social security system⁵⁹

The French social security system is made up of a number of statutory schemes, including:

- the compulsory general scheme which covers most employees and certain other categories (students, beneficiaries of certain benefits that have progressively come under the general scheme),
- various “special” schemes covering specific categories of non-agricultural workers against all or some risks (usually old-age, with other risks being covered by the general scheme),
- the compulsory basic and supplementary pension schemes, the health insurance scheme for non-agricultural, self-employed workers,
- an unemployment insurance scheme covering all wage earners and managed by representatives of employers and employees,
- the supplementary pension schemes, ARRCO and AGIRC, which are compulsory for all employees affiliated to the general and agricultural schemes.

The general scheme, introduced in 1945 to cover the entire population, is managed by a network of local, regional and national institutions organized by risk and administered by representatives of employers and employees under the supervision of the different ministries with responsibility for social security (Ministry for Labour, Employment and Health, Ministry for the Budget, Public Accounts, the Civil Service and State Reform and Ministry for Solidarity and Social Cohesion). The general scheme is financed mainly by contributions and taxes deducted from earnings. Contributions are calculated on the basis of percentage rates decided at national level and are borne partly by employers and partly by employees. The general scheme is divided into four branches:

- the sickness, maternity, paternity, disability and death branch and
- the accidents-at-work and occupational-diseases branch, which are administered as two separate entities by the National Health Insurance Fund for Employees (CNAMTS),
- the old-age insurance branch, administered by the National Old-Age Insurance Fund (CNAV),
- the family branch, administered by the National Family Benefits Fund (CNAF).

The general scheme is supplemented by an unemployment insurance scheme and various compulsory supplementary pension schemes.

All employers hiring an employee are first required to file a declaration of employment with the relevant institution in charge of collecting social security contributions (URSSAF). The declaration enables registration for social security purposes of employees without a Social Security number, as well as registration for unemployment insurance purposes. To come under the compulsory general scheme two basic conditions must be satisfied: the receipt of any form of remuneration on which contributions and social welfare taxes are deducted and a binding relationship with one or more employers. Undocumented workers have no access to social security benefits.

Statutory insurance-based health system⁶⁰

France has a national (statutory) health insurance system financed by contributions and taxes. This system is supplemented by complementary voluntary health insurance. Within the statutory health insurance system, there is a general scheme and other special schemes for certain categories of workers and self-employed individuals. Nationals and verified authorised residents in France are covered by the statutory health insurance system comprised of a basic health package (régime de base). For this health care package, they pay an income-related contribution and have the right to access an extensive range of medical services which include primary care, secondary care, dental care, medication, diagnosis tests, inpatient and outpatient care, medical transport, dental and optical prosthesis

58Panorama des lois: Loi du 16 juin 2011 relative à l’immigration, à l’intégration et à la nationalité, ‘Vie Publique’, Official site of the French Administration, 17 June 2011, http://www.service-public.fr/actualites/001620;html_panorama/texte-discussion/projet-loi-relatif-immigration-integration-nationalite.html

59Centre des liaisons européennes et internationales des sécurités sociales (CLEISS), website: http://www.cleiss.fr/docs/regimes/regime_france/an_0.html; and GIP SPSI (Groupement d’intérêt public Santé et protection sociale internationale - public interest group for health and social protection in the international arena), website: http://www.gipspsi.org/GIP/le_système_français_de_protection_sociale/

60 “Access to Healthcare for Undocumented Migrants and Asylum Seekers in 10 EU Countries: *Law and Practice*”, HUMA Network (Health for Undocumented Migrants and Asylum Seekers), 2009

and rehabilitation. The patients are obliged to pay the full cost of the service received at the point of delivery (except for inpatient care) and they are then reimbursed (about 70%) by the local health administration (Caisse Primaire d'Assurance Maladie). The patient pays the moderating fee ("ticket modérateur") for the remaining portion of the cost, which is waived in certain cases, e.g. certain hospitalisation and long-term diseases, pregnancy care for the last four months and care for newborn babies, certain invalidity pensioners, and work accidents and occupational diseases.

This system applies to nationals and foreigners with verified legal residence in France longer than three months and who are employed; otherwise, they are covered by the Couverture Maladie Universelle (CMU - universal sickness coverage) on the basis of the residence criteria. To benefit from the CMU, they only pay contributions if their yearly income is above a certain level (€8,774 for 2009). Those with very low income can benefit from the publicly-funded "complementary CMU" (Couverture Maladie Universelle complémentaire) allowing them access, free of charge, to all medical services beyond the basic package of the régime de base (basic plan), including glasses, dental prosthesis, hearing aids and other medical devices. Health service providers request reimbursement from the competent health authority, the Caisses Primaires d'Assurance Maladie. People slightly above the threshold for the "complementary CMU", can receive public subsidies to (partially) pay for supplementary insurance.

Undocumented migrants can access health care free of charge (with minor exceptions) through a parallel administrative system called "Aide Médicale État" (state medical assistance). However, to obtain the benefits provided by AME, they must comply with two conditions: residence in France for more than three months and be under a certain economic threshold. To comply with these conditions, they have to follow a number of administrative steps to overcome major obstacles such as proof of identity of the applicants and dependants (passport, national ID card, birth certificate, family record book, expired residence permits, etc.) and uninterrupted residence in France for three months (visa or border Stamp, copy of the lease or rent receipt, tax notices, hotel bills, etc.) and evidence in the last 12 months that they have remained under a certain economic threshold on the basis of resources (€621/month for one-person household for 2009).

The rest of undocumented migrants are only

entitled to access free of charge emergency care. Anecdotal evidence points to Filipino undocumented migrants paying great sums of money to private clinics, doctors and dentists. Most suffer from chronic fatigue, many are nervous and depressed, suffer from skin irritations due to chemical products regularly handled on the job. More and more cases of cancer and deaths are reported in the community.⁶¹

The Caisse Nationale d'Assurance Maladie (CNAM) is the public authority responsible for ensuring that social security policy is carried out on a national level and for negotiating conventions and agreements with medical professions. Sixteen regional sickness insurance fund offices (Caisse Régionale d'Assurance Maladie-CRAM) deal with questions regarding accidents at work and retirement and coordinate the actions of local social security offices (Caisse Primaire d'Assurance Maladie-CPAM), of which there are around 130 throughout the country (at least one in each department) dealing with everyday matters and reimbursements.

Education⁶²

In principle, all minor children present on the French territory must be sent to school without any condition linked to their parents' or legal guardians' lawful residence, or any condition of entry through the family reunification framework. Schooling is compulsory from the age of six; foreigners in France are required to have a residence permit only from the age of 18.

In spite of the numerous texts that confirm the right to education for all as well as the absence of discrimination with regards to nationality or the parents' residence situation, it is not uncommon for local authorities to require the display of the parents' residence permit as part of the necessary documents to register a foreign child. In case of refusal or when the registration runs into obstacles, appeals can be made. A network called "Réseau éducation sans frontières (RESF)" has been set up for a number of years, bringing together several sectors (teachers' unions,

61 Maya Noval-Jeweski, "A simplified map of the French-Philippines: a bird's eye-worm's eye-view", <http://www.babaylan-europe.org/wp-content/uploads/2010/02/MayasMapFrenchFinalPSSC2006.pdf>

62 Patrick Mony, Chapter on France, in "The Rights of Migrant Workers in the European Union", European Platform for Migrant Workers' Rights, December 18 vzw, Brussels, 2006; www.epmwr.net

human and migrants' rights organizations, etc.). The network intervenes on the ground to defend young students who are threatened with deportation, be they children of undocumented persons or undocumented adults themselves.

Housing⁶³

Immigrants are more numerous in the social housing sector because of their – generally – lower than average income. Individual financial aid for housing plays an important role in the access to social housing. This aid is accessible only to foreigners in a regular residence situation and is not available for irregular foreign residents. Immigrants are faced with more difficulties than nationals to access social housing and have to deal with much longer waiting periods. Many are deterred from applying because of the numerous documents required to submit an application. In addition, a one-year residence in the department or commune is also required.

Housing facilities are available for people in social distress, the homeless, and those who cannot get sufficient support from their entourage. The housing costs are covered for foreigners without lawful residence. Different types of housing exist:

- Emergency housing centers offer a temporary reception (one night renewable depending on the availability).
- Social hotels and housing and reinsertion centers provide accommodation for a varying length of time (a fortnight to six months renewable) to single people, couples and families. They are often specialised in the reception of a specific public, notably people who left prison or women who are victims of domestic violence.
- Mother/child reception centers accommodate single pregnant women or mothers with one or more children of which the youngest is under three years old. They have a multidisciplinary team offering education, social, psychological and financial support.

Admission modalities depend on the type of facility. Apart from the emergency centers, these facilities work towards the social and professional re-integration of the applicant, in order to prepare the move to an independent housing. Therefore, the absence of a

residence and work permit seriously jeopardizes the admissibility of undocumented migrants, because of the “lack of an integration project”.

Integration⁶⁴

The law on immigration dated 26 November 2003 stipulates that a prerequisite for obtaining the ten-year residence permits is the migrant's “republican integration, especially regarding his/her personal commitment to respect the basic principles of the French republic, the effective respect of these principles and the knowledge of the French language.” The Law of January 2006 makes the signing of a contract of entry and integration (contrat d'accueil et d'intégration – CAI) obligatory for all foreigners who enter France for the first time with the intention of settling in the territory. In case of non-respect of the contract by a migrant, the Prefect (Government representative appointed by the President and responsible to Ministry of Interior) can decide not to renew her/his residence permit. For this purpose, the State provides the following, implemented and financed by the French Office for Immigration and Integration (l'Office français de l'immigration et de l'intégration -OFII):

- A one-day civic training consisting of a presentation of French institutions and the values of the Republic, notably equality between women and men and secularism.
- Language training resulting in the issuance of a basic certificate; depending on the needs of the migrant, the training can be provided for 400 hours.
- A one-day information session on “life in France” with a view to familiarizing the newcomers on the functioning of French society (practical rights regarding school, employment, accommodation and health, etc).
- Social services, if required by the personal or family situation of the newcomer

2. Service Providers

a. Government agencies

Several ministries and their antennae at the departmental, regional and municipal levels are responsible for providing administrative, social and welfare services to migrants, refugees and asylum

63 Idem

64Ministry of Interior, Overseas France, and Immigration: http://www.immigration.gouv.fr/spip.php?page=dossiers_det_int&numrubrique=323&numarticle=1339

seekers. The key ministries are the Ministry of Labor, Employment and Health, Ministry for Solidarity and Social Cohesion, Ministry of Interior, and the Ministry of Justice.

The **Ministry of Labour, Employment and Health** is responsible for preparing and implementing the government's policy on labor, social relations, occupational safety and health, employment, training, public health and health systems. Decree no. 2010-1449 of 25 November 2010 defines the mandate of the Ministry, including authority on social security, jointly with the **Ministry of Solidarity and Social Cohesion** and the Ministry for Budget, Public Treasury, Civil Service and State Reform. It is responsible, jointly with the Ministry of National Education and Youth, for vocational training.⁶⁵

The **Ministry of Interior, Overseas France, Local and Regional Authorities and Immigration** is responsible for preparing and implementing the government's policy on immigration through its General Secretariat for Immigration and Integration.

The French Ministry of the Interior is one of the largest and most important government organizations in the European Union, and its remit is extremely broad. It is responsible for the general interior security of France, including both the French National Police and the Gendarmerie; civil defense and the French fire brigades. It has overall responsibility for the relations between central and local government, it organises political elections, and it issues passports, identity cards and driving licenses to members of the public.⁶⁶ The French Office for Immigration and Integration (*l'Office français de l'immigration et de l'intégration-OFII*) is under the responsibility of the Ministry of Interior.

Through the ARER (Reintegration and Assistance Return Programme), the International Organization for Migration (IOM) provides information, counseling and reintegration services in France targeting regular and irregular migrants.⁶⁷

Various public organizations provide care and services for immigrants, the most important and oldest among them being the Fonds d'Action et de Soutien pour l'Intégration et la Lutte contre les Discriminations (FASILD - Funds for Action and Support for

Information source on the Net: Service-public.fr

www.service-public.fr is the official website for the French civil service. Its mission is to simplify administrative procedures for citizens (and migrants), professionals and associations, to give them easy access to legal texts and inform them of their obligations. It is a single gateway to the information and practical online services provided by the public web. Along with Legifrance, gov.fr and vie-publique.fr, it gives citizens (and migrants) easier access to legal texts and extends their knowledge of public policies. It provides access to all administrative information, presented clearly and simply in three sections: a) Your rights and procedures (200 folders, 2,500 data sheets and answers to frequently asked questions and several thousand links to useful resources; b) forms, online procedures, reference texts, public websites, etc.), and c) What to do if... for all changes in status or situation and News. It contains a civil service directory (11,000 national services, 70,000 local civil services and 14,000 managers) and provides access to all town halls, the main portals of the States in the European Union, European institutions and international organizations.

Sources: Government website: <http://www.service-public.fr/> and <http://vosdroits.service-public.fr/N8.xhtml>

Integration and the Fight against Discrimination). Founded in 1958 for the 'Muslim workers of Algeria', this government agency finances operations in favour of the integration of immigrants into French society. Another organization working in this field is the Agence Nationale pour la Cohésion Sociale et l'Égalité des Chances (ACSÉ) – National Agency for Social Cohesion and Equal Opportunities, created by Law n° 2006-396 of 31 March 2006. Its priority areas of work as regards migrants are: a) access to employment for migrants (or people with a migrant background), and b) equal rights and opportunities for migrants in all fields.

Most of the actions of the agency are undertaken in partnership with other institutions or associations, the trade unions and employers, through framework-agreements or contracts.⁶⁸

65 IOM website: [http://www.iom.int/jahia/Jahia/france labour, Employment and Health](http://www.iom.int/jahia/Jahia/france%20labour,%20Employment%20and%20Health) website: <http://www.travail-emploi-sante.gouv.fr/>

66 Ministry of Interior website: http://www.interieur.gouv.fr/sections/a_1_interieur/immigration

67 IOM website: <http://www.iom.int/jahia/Jahia/france>

68 France - Specific policy issues and recent debates: Cultural diversity and inclusion policies, COMPENDIUM: Cultural Policies and Trends in Europe; website: <http://www.culturalpolicies.net/web/france.php?aid=424>

The prevention of discrimination is also the responsibility of the **HALDE** (*Haute Autorité de Lutte contre les Discriminations et pour l'Égalité – High Authority for the Prevention of Discriminations and for Equality*). Its role is to identify discriminatory practices, to prevent them and to solve the problems resulting from them. It also contributes to the promotion of equal opportunities. Individuals can refer their complaints for discrimination directly to the HALDE. The HALDE can also take the initiative to act against some discriminatory practices. It works in partnership with organizations and agencies working against all forms of discrimination. In 2007, the HALDE received 6222 complaints for discrimination; 53 per cent concerned discrimination at the workplace and 27 per cent were ethnic-based cases.⁶⁹

Trafficking

Trafficking for sexual and labour exploitation is a crime in France; the Criminal Code prescribes penalties which are commensurate with other grave crimes such as rape. French authorities also use other articles in the Criminal Code to prosecute trafficking cases, in particular the offence of soliciting prostitution, and the offences of “labor and living conditions against human dignity”. Victims of trafficking are provided with a six-month reflection period. A renewable six-month residence permit is given to those who choose to cooperate in criminal proceedings.⁷⁰

There are no official figures available for trafficked persons in France. Nevertheless, there is evidence from various NGOs working with trafficked persons, migrant workers, or on human rights issues that various forms of trafficking occur for the purpose of domestic or labour exploitation. There is no national coordinated anti-trafficking policy in France. However, the Ministry of Interior and the Ministry of Justice have taken a lead in setting up an inter-ministerial working group on trafficking in human beings. Several NGOs, among them the ALC (see below), Amnesty International and Caritas, have been invited to join this working group that officially started its activities in December 2008. The objective of this group is to set up a national plan of action, a coordinating body and designate a national Rapporteur. There is as yet no referral mechanism, though there are legal documents highlighting the role of police services in identifying

trafficked persons and referring them to appropriate NGOs and other administrative or social services.

The only specific referral mechanism that exists is coordinated by the NGO ALC (*Accompagnement, Lieux d'accueil, Carrefour éducatif et social*) in Nice and is intended to provide trafficked persons who face a danger with secure housing.⁷¹

b. Trade unions⁷²

There are three main union confederations with membership across the whole of the economy: the **Confédération générale du travail**, CGT (General Confederation of Labour), the **Confédération française démocratique du travail**, CFDT (French Democratic Confederation of Labour), and the **Confédération générale du travail - Force Ouvrière**, CGT-FO (General Confederation of Labour – Labour Force), known as the FO. Despite low membership - around 8 per cent of the labour force - French trade unions are able to mobilise French workers to great effect and, on occasion, change government policy, e.g. forcing the government to withdraw its plans for a new employment contract for young workers in 2006, and the massive demonstrations in September-October 2010 against the government's pension plans which brought up to 3 million onto the streets in the biggest day of protest.⁷³ French union clout comes partly from a long tradition of public sympathy for their causes and partly because they have a direct influence on electing work councils that have a strong say in conditions and benefits in the workplace. Unionized and non-unionized employees alike benefit from the fruit of their negotiation on job conditions through collective agreements.

Trade unions in France have a long history of defending and promoting the rights of migrant workers and maintaining close contacts with the trade unions of countries of origin, in particular those in Africa and the Maghreb, where majority of migrants in France come from. They provide information and guides for migrants workers on their rights and on how to access services; train their delegates and members on migration issues and how to combat racism, discrimination and xenophobia; provide legal

69 HALDE website: <http://www.halde.fr/>

70 European Commission: Fight against trafficking of human beings, website: <http://ec.europa.eu/anti-trafficking/showNIPsection.action?sectionId=a943bac4-ec15-4b05-b88b-4bc6ed5cebcc>

71 Prune de Montvalon, ALC, Nice, E-Blog, European NGOs Observatory on Trafficking, Exploitation and Slavery, January 2011, www.e-notes-observatory.org

72 CFDT website: <http://www.cfdt.fr/>; FO website: <http://www.force-ouvriere.fr/>; CGT website: <http://www.cgt.fr/>

73 L.L. Fulton, Worker representation in Europe. Labour Research Department and ETUI (online publication), 2011, <http://www.worker-participation.eu/National-Industrial-Relations/Countries/France/Trade-Union>

assistance (e.g. FO intervention on behalf of migrant workers against their employer, the Accor hotel chain); and lobby government and participate actively in public debates on the issue of migration.

The CGT, CFDT and FO have been particularly vocal in protesting against the new immigration law, denouncing its discriminatory policy of ‘selective migration’ which favours highly-skilled workers and the further erosion of migrants’ rights. They participated actively in the strike of the *sans papiers* in 2010, mobilizing their members and the public to support it. The CGT, CFDT and other trade unions, along with employers’ organizations and NGOs, drew up a joint position calling for pragmatic, constructive and positive solutions to the plight of the *sans papiers*.⁷⁴ Trade union membership of migrant workers – whatever their status – entitles them to all the services accorded to union members. Non-members who approach the unions are also assisted, mainly through legal and referral services. The CFDT and the FO have designated desks for migrant issues. The CFDT has a sectoral union for household workers, carers and nannies, the *Syndicat CFDT des Salariés du Particulier Employeur* (SPE) to which a number of Filipina migrants are affiliated. Zita Obra, a Filipina migrant, has been the elected Delegate of its section for the Ile de France region (including Paris) for many years, successfully negotiating collective agreements to improve the working conditions of domestic workers.

c. Non-governmental organizations

France has a large number of NGOs engaged in protecting and promoting the rights and well-being of migrants, asylum seekers and refugees. The *Association nationale d’assistance aux frontières pour les étrangers* (ANAFE – National Association for border assistance to foreigners) has on its website a list of these organizations,⁷⁵ amongst which are the following :

*France Terre d’Asile*⁷⁶

Founded in 1901 as a non-profit charity organization, France Terre d’Asile (France Asylum Haven) has as its main objective to maintain and

Trade union support for the *sans papiers*

In the 1980’s, undocumented workers employed in the clothing industry, unionised within the CFDT (Confédération française démocratique du travail), mobilized for the regularization of migrants. In 1991, asylum seekers whose application failed and who were unionized within the CFDT, CFTC (Confédération française des travailleurs chrétiens) and CGT (Confédération générale du travail), compelled these unions to take a position in favor regularisation. In 1993, the foreign spouses of French nationals or foreign parents of French children pressed the movement for family rights to take a position on the immigration policy and on the right to respect for family life. Since the occupation of the Saint Ambroise church in March 1996, several unions supported the movement of undocumented (“sans papiers”). The solidarity with the undocumented has enabled the trade union movement to reach out and to force the political powers into backing away from their repressive policy.

Source: Patrick Mony, Chapter on France, in “The Rights of Migrant Workers in the European Union” European Platform for Migrant Workers’ Rights, December 18 vzw, Brussels, 2006; www.epmwr.net

expand asylum rights, one of the oldest French traditions, and ensure the application in France of all relevant international conventions. FTA is present in 30 departments in 10 regions where more than 450 employees and several hundred volunteers provide assistance to people in situations of legal migration, particularly refugees and stateless persons:

- receiving, informing and orienting asylum seekers and legal migrants
- providing social and administrative assistance
- implementing and coordinating multiple programmes and projects to promote social and professional integration of migrants and refugees

*Groupe d’information et de soutien des immigrés (GISTI)*⁷⁷

GISTI (Migrants’ Information and Support

⁷⁴ Websites of CFDT: <http://www.cfdt.fr/rewrite/article/25005/salle-de-presse/communiqués/communiqué-de-presse-commun-du-8-mars-2010.htm?idRubrique=8990> and CGT: http://www.cgt.fr/spip.php?page=article_dossier2&id_article=37013

⁷⁵ ANAFE website: <http://www.anafe.org/liens.php>

⁷⁶ Website: France Terre d’Asile: <http://www.france-terre-asile.org/>

⁷⁷ GISTI website: <http://www.gisti.org/bienvenue/index.en.html>

Group) provides information and support to migrants. Based on its wide knowledge of immigration law - French, European, and international—and its experience of immigration practices, it defends foreigners, offers training and publications and participates in the debate on migration policies at national and European levels. GISTI publishes “Le Guide de l’entrée et du séjour des étrangers en France (Guide for foreigners’ entry and residence in France), available in English.

CIMADE (Comité Inter-Mouvements Auprès Des Evacués – Committee of Movements working with Evacuees)⁷⁸ Founded over 50 years ago to support and assist war evacuees, CIMADE has a long history in international solidarity. Today, the Movement’s work focuses on the issue of international migration, whilst continuing their activities to promote reconciliation between peoples and communities. Its four priorities areas of work are :

- Defending migrants, asylum seekers and refugees’ rights in transit countries
- Defending the rights of people who have been deported
- Migrants, actors for development
- Peace building

CIMADE’s work is implemented through a vast network of members and volunteers all over the country, organised in more than 60 local groups in 12 regions. Regional offices situated in major cities provide services and develop activities and campaigns along the lines of the four priorities. A few Philippine migrants’ organizations have contacts with CIMADE.

Medecins sans Frontiers (MSF)⁷⁹

One of the most well-known NGOs in France, MSF (Doctors without Borders) provides medical and psychological care to asylum seekers and migrants, in particular the sans papiers, who are extremely vulnerable and susceptible to anxiety and emotional trauma as a result of their experiences at home, the journey to France and their present living conditions. The MSF runs centers in Paris and other major cities.

France - Associations de Solidarité avec les Travailleuse-s Immigre-e-s (FASTI)⁸⁰

⁷⁸ CIMADE website: http://www.cimade.org/la_cimade/cimade/rubriques/6-organization

⁷⁹ MSF website: http://www.msf.org/source/annual/world_migration_day/2009/France.pdf

⁸⁰ FASTI website: <http://www.fasti.org>

Founded nearly 50 years ago, the French Organisations of Solidarity with Migrant Workers describes itself as “feminist, anti-capitalist and in solidarity with developing countries”. It runs centers at the local district levels in various cities all over the country, providing services to migrants: legal assistance, French language courses, student tutoring, special services and activities for women, etc. FASTI’s work, which depends in the main on volunteers, is rich and diverse; it depends on the history and on the volunteers of each centre. Many centers coordinate through networks or regional bodies. The Women’s Commission of FASTI has as objective to reflect on women’s issues, especially those of women migrants, and promote and support actions of FASTIs and their partners working on these issues. The Commission provides a venue for women to share knowledge and experiences and to plan and undertake collective action to push forward the issues and demands of migrant women at national level. The Commission ‘Sejour-Europe’ focuses on issues linked with rights, legal assistance, administrative and social support to migrants, in particular the application of non-discrimination legislation concerning the entry and stay of migrants and asylum-seekers. The Commission’s major areas of work include the regularization of the ‘sans papier’; closure of detention centers; abrogation of all discriminatory legislation; citizenship and residence rights for all; and full recognition of the right to asylum.

CCEM (Comite Contre l’Esclavage Moderne (Anti-Slavery Committee)⁸¹

The CCEM is committed to ending domestic bondage and forced labour in France and in areas from where the victims come from. It utilizes outreach to the French community in educating the country on modern forms of human rights abuses which occur. Lawyers, social workers, students and those interested in their efforts assist the CCEM as volunteers. Since its founding in 1994, it has assisted more than 500 victims, majority of whom were women, providing the following services:

- social: housing; medical and psychological care
- legal: free legal assistance; access to penal, labour, and civil courts as well as to the European Human Rights Court
- administrative: access to public authorities, e.g. prefectures, consulates

⁸¹ CCEM website: <http://www.esclavagemoderne.org/0038-missions/13-page.htm>

February 27, 2011 press release prepared by the Department of Foreign Affairs

The Philippine Embassy in Paris led by Ambassador Rora Navarro-Tolentino and Consul General Rosalita Prospero met and assisted overseas Filipino workers (OFWs) evacuated from Libya through the efforts of their employer. The OFWs transited in Paris Charles de Gaulle-Roissy International Airport en route to the Philippines. A group of 98 Filipino nationals employed by Vinvi Corporation-OEA Grand projects were successfully repatriated from Tripoli to Paris where they boarded six commercial flights back to Manila today.

Source: Official Gazette, Office of the President,

<http://www.gov.ph/2011/02/27/phl-embassy-in-paris-assists-filipino-evacuees-from-libya/>

d. Philippine Embassy in Paris

Assistance to Nationals (ATN) is a daily task of the Philippine Embassy in Paris, which responds to requests received directly from individuals or through the various migrant organizations, in metropolitan France and Monaco. Depending on the case, the Embassy contacts the OWWA or the DFA directly; from all accounts, both “respond quickly”. As in other countries, there exists an ongoing informal referral system between the Embassy and the migrant organizations. Well aware of the high number of undocumented Filipino migrants in the country, the Philippine Embassy in Paris adopts a ‘low profile’ vis-à-vis the French authorities, although it contacts the relevant administration for certain cases (e.g. criminal, domestic violence, etc.). The Embassy has no or little relations with the trade unions or NGOs in France. On the other hand, it maintains excellent relations with the Filipino community; on migration and labor/employment issues, it coordinates with various Philippine migrant organizations and leaders who, according to an Embassy official, “help out and work closely with us”.⁸² The Ambassador attends the regular meetings of the General Assembly of Philippine Associations in France (Filcom), which groups together many of the 40 or so organizations registered at the Embassy. During the last months, discussions were focused on how best to respond to the numerous and varied requests for assistance from distressed Filipinos, many of whom are unable to access public services due to their ‘sans papiers’ status. The lack of resources for ATN – to cover legal fees, interpreters, etc. and the occasional emergency such as the transit in Paris last February of migrant workers fleeing Libya - is a perennial problem.

⁸² Winston Almeda, Philippine Embassy Paris, in correspondence with consultant, 20 September 2011

e. Philippine migrants’ organizations

There are over 40 organizations registered with the Embassy; most were established for social and networking purposes or on the basis of common objectives such as sports, while some are faith-based. As in Rome and other parts of the world, these organizations and groups also provide assistance, in various forms, to their members and the wider community. There is also a Philippine Chaplaincy in Paris and Nice.

The SAANC

After months of discussions under the auspices of the Embassy, representatives of the member organization of the General Assembly of Philippine Associations in France (Filcom) agreed on 27 March 2011 on the final text of the Implementing Guidelines of the Social and Assistance to Nationals Committee (SAANC). The Committee’s mission is to provide assistance to Filipino nationals in France and Monaco who are in need and/ or in distress, and conduct activities related to this (see Section 5). On 6 November 2011, the Filcom elected the Maharlika Association headed by Lito Gomez to coordinate the SAANC. On 18 December the list of organizations forming the Corp of Volunteers (COV) was adopted. Based on the provisions of the SAANC guidelines, the Secretary and Treasurer have been chosen by the COV. Compliance with these requirements resulted in the activation of the SAANC petty cash of 1,400 Euros which is 10 per cent of the net proceeds of ‘Pista sa Paris’. It is expected that the SAANC should be operational in the first quarter of 2012. The Filcom has agreed to undertake an evaluation of the SAANC’s operation after a full year’s run.⁸³

⁸³ Winston Almeda, Philippine Embassy, Paris, in correspondence with consultant, 9 November 2011

Asosasyon ng Sangguniang Filipino (ASF)

One of the most active members of the SAANC is the ASF whose objective is to extend ‘physical and moral support’ to members and non-members in times of difficulties’. Founded in February 2005 by seven migrant workers, it has today a membership of 175. Over the years, its work has extended to providing information, training and guidance to its members and the community at large on migration issues, focusing on workers’ rights and responsibilities and promoting integration into French society. The organization has acquired a solid reputation in the community for its readiness to assist those in need and effective intervention, thanks to its network among French service providers. Since January 2011, thirty-five migrant workers have been following French language courses run under the auspices of the ASF.⁸⁴

Babaylan, Femmes Philippines en France - Filipino Women in France

Babaylan is a loose association of Filipinas addressing issues pertaining to OFWs as women, migrants and workers in France. Babaylan organizes meetings and encounters with women on specific subjects like: domestic violence, French laws (collective agreements pertaining to domestic workers), spirituality, health, etc. Babaylan has also organized cultural activities like art exhibits featuring Filipina and Filipino domestic worker artists. In cooperation with the European network, RESPECT, Babaylan has trained women in the use of theatre as means of communicating and reflecting on pertinent topics like domestic violence and working conditions. As one member put it: “Babaylan-France lives with the ‘distress’ among our women OFWs in France, which is why we also devote part of our time to meeting the women concerned, either individually (counseling) or as a group.” Babaylan aims to collect and disseminate information to contribute to the empowerment and self-esteem among women migrant workers, modifying attitudes to create a wider vision concerning the home-country, the Philippines. Besides working with French NGOs and associations, Babalyan has links with Philippine NGOs, mainly in Mindanao.⁸⁵

3. Cooperation and coordination among service providers

In general, the Philippine service providers

Filipino migrants and trade unions

“One important turning point that began to change this situation of insecurity occurred in the early 1980s. With the election to the presidency of the French Socialist Party candidate, François Mitterrand, the occasion was seized by Filipino community organizers to benefit from a likely opening in the immigration policy of the new government. They solicited the support of the CFTD, the trade union confederation related to the Socialist Party, which was also the only union then that had a section for household employees. Filipinos who sought regularization joined the trade union and some 600 applications processed through the trade union (this happened during two phases of regularization) eventually got accepted. A big success! This effort of relating with a French institution was not only vital for this prompt and urgent need to obtain “papers,” but also to get the Filipinos to integrate with other French workers and to give them the opportunity to develop a certain political experience. However, while the former objective was achieved, the latter unfortunately failed. This experience still needs to be properly documented and studied, and lessons will undeniably benefit both Filipino and French workers and the trade union structures as well.”

Sally Rousset, in ‘Nature and Perspectives of Philippine Migration to France’, from IN DE OLDE WORLDE: Views of Filipino Migrants in Europe, ed. F.M Hoegsholm, Philippine Social Science Council, 2007

(Embassy and migrant organizations) have minimum contact with French service providers. This is due mainly to the propensity of Filipino migrants to find solutions to their problems within the community. As one Filipina put it: “Love thy neighbour” - the bayanihan spirit - is part of being Pinoy; works for housing, employment and serious health problems or death”.⁸⁶ Lack of information about availability and access to services – including for sans papiers - and the language factor also come into play. On the

⁸⁴ Report of Zita Obra at 6th anniversary celebrations of ASF, Paris, February 2011

⁸⁵ Maya Noval-Jeweski, Babaylan, in correspondence with consultant, 23 September 2011

⁸⁶ Josephine Bautista, AFS, in correspondence with consultant, September 2011

French side, the CFDT has relations with the Philippine migrant workers which go back to the 80s when the trade union accompanied – successfully - many irregular OFWs through the regularization process. As mentioned earlier, good relations exist between the Philippine Embassy and the migrant organizations.

4. Key challenges

1. Due to the proportionately low percentage of Filipino migrants in France, they tend to be ‘on

the radar’ of service providers who are usually occupied with migrants from the Maghreb and Africa. In addition, as mentioned earlier, Filipino migrants tend to seek solutions to their problems and responses to their needs from within the Philippine community.

2. Given the increasingly restrictive immigration policy of the government, the large number of undocumented Filipinos remains the biggest

Filipinas in distress in France (an account of Babaylan’s work with Filipina migrants)

“An OFW’s distress starts very early in the migration experience: before departure, the decision to “sacrifice” for a good cause, giving up a “respectable” profession to engage in what is considered one of the lowliest of jobs (domestic work) for a Filipina; choice of ways and means to leave the country (mostly extra-legal, having to approach unscrupulous agents who do not hesitate to fake travel-documents, extract excessive sums of money, organize expensive activities like going to another Asian country, paying a hotel for weeks, sometimes getting caught by local authorities, spending time in prison ...); having to dispose of property or borrow at high interest rates; breaking away from family, children, brothers and sisters, friends, a support community; having to entrust children to family members; then, the stress of travelling to Europe, often with fear of getting caught at the airport (I know one who tried eleven times!) in Manila or at the port of entry ... who fall into the trap of human trafficking, unknowingly.

Many OFW mothers are single mothers, with their own personal trauma of being used, abused or abandoned by men, having to bring up a child or children on their own, with the help of parents, perhaps. Some are victims of fictitious or bigamous marriages; some were battered wives or partners. There are a good number of ‘normally’ married women with either jobless husbands or husbands who give up their meager salaries to take care of the children who, like him, have been left behind by the OFW.

There are still a good number from the Middle-East or Lebanon who find themselves in Paris and try to get help (in parks, hotels, grocery shops, on the Champs Elysées and other important avenues where we sometimes see domestic workers waiting out in the cold while their employers dine in posh restaurants). Many bear the trauma of their employment: frequent if not daily physical violence, starvation, 24-hour work, overwork, unpaid work, sexual harassment if not rape, constant and violent insults, terrorism. There are also Filipinas who come from war-torn areas in Mindanao who have problems locating their families during military encounters, where communities get uprooted and put in refugee camps.

The OFW who succeeds in getting into France considers herself very lucky, for many will have tried and tried before entering French territory. She’s met at the airport by her agency’s contact, or a friend, or a relative ... or she finds herself all alone to wander in the Parisian streets in hope of meeting a kababayan. She usually does. To lessen the distance between France and the Philippines, mothers hang on to bargain phone cards for daily phone-calls to their children and spouses; those who have laptops, can connect via the internet and Skype. These and constant trips to remittance offices are their links with home.

If the Filipina could work 24 hours a day, she would, on condition that she’s duly paid, of course. Their preferred occupation is a part-time job, but multiplied many times! So, a Filipina can brag about working for 10 or 12 employers, paid by the hour, earning maximum and sending home maximum. She will live as poorly as possible, housed in a little hole-in-the-wall-type service room on the sixth floor, mostly without a lift, engaging in different odd jobs (sewing, cooking, and doing manicure ...). She has little leisure, has irregular

meals, works herself to the bones ... now, many are ill, many have cancer, a few have died, mostly at an early age.

Many newly arrived OFWs think that they're not here to stay; they'll earn enough money to go home with. But in fact, their beneficiaries and dependents expand with the years abroad and OFWs end up working many more and longer years.

In general, Filipina domestic workers judge their employers "correct", "mabait" (good/kind), or even generous. Most French employees give the impression of knowing and fearing the law. In fact, cases of unfair labour practise are not rare in France, mostly in violation of the Collective Agreements regarding working hours and pay. Many employers declare only part of the real working hours, which is a big disadvantage, come sick-leave and retirement which are compensated only on the basis of the working hours declared. Some employers take advantage of the « sans-papiers », demanding free baby-sitting jobs on week-ends or unpaid overtime. Examples of subtle or less subtle abuses:

- non-respect of working space of domestic worker: undressing or walking naked in front of employee,
- totally entrusting baby or little child to domestic worker, to be able to travel or take holidays (worker either sleeps in the working place or takes the baby or child to her service room),
- promises of regularization as means of pressure to work more for less ... using one domestic worker to serve during holidays with friends (like being paid by one employer but working for several),
- forcing workers to take holidays at the same time as employer..otherwise, no employer no pay.

We have met victims of physical violence (one with burns from hot iron, on an arm). Some have been helped by trade unions, others by French associations, like the Committee against modern forms of slavery. Violence in the community happens mostly at home. It is truly distressing to deal with cases of battering by partners, husbands or boy-friends who are Filipino, Sri-Lankan, Iranian, and French. Specialized NGOs address these problems (Solidarité Femmes, for instance); there's an emergency phone number we've used several times, but these problems of domestic violence are mostly addressed within the community. Even French social workers advise us to try to take care of our own compatriots, to lessen the cultural shock and added psychological distress of a victim being moved from home to home, not speaking French, with the trauma of beatings in her being, on her body. Moreover, her irregular situation limits assistance to temporary lodging, with frequent transfers. Counseling is extremely difficult to arrange in Paris, because of the language barrier. One Filipina with acute mental anguish was lucky to find an English- speaking psychologist in the American Church; but, she still had to go home to heal.

For quite some time now, several business initiatives combine service with money-making: real estate agencies, forwarding offices (mainly for Balikbayan boxes), travel agencies, job-placement agencies. The OFW is a big source of income for businesses. Distress is great in cases of over-indebtedness. This is becoming a major problem in the community. Coupled with usury, this phenomenon calls for serious action. The OFW falls into the over-indebtedness trap because of the compulsion to remit all or most earnings, the onerous effects of remittances (developing materialistic values among beneficiaries, the need to maintain or improve on the new image, production of artificial needs and superfluous concerns, encouraging overspending and vice among beneficiaries ... etc.), demands exceeding earnings, unable to say « no! », borrowing left and right, compounding interest rates with money-lenders... in short, the Filipina, like most Filipinos, is unfamiliar with the "Money Culture"; she has serious problems managing her finances."

Maya Noval-Jeweski, Babaylan, in correspondence with consultant, September 2011

challenge for the Philippine authorities and community. From the scant information concerning expulsion of Filipinos, one could conclude – perhaps erroneously - that these cases are few and far between. Still, the vulnerable and precarious situation of Filipino sans papiers is a continuing concern to the Philippine authorities and migrant workers' organizations whose resources are woefully inadequate to meet their myriad needs. SAANC is a welcome step in this direction.

3. However, keeping a low profile should not deter the Philippine service providers from linking up with their French counterparts, in particular the trade unions and non-governmental organizations working for migrants' rights. They are the natural allies of Filipino migrant workers and useful sources of information and expertise on everything which concerns the migrants' working and living conditions. Their services and facilities (legal and administrative assistance, representation, training, health and welfare, etc.) are accessible to migrants, whatever their status, especially those in distress. It should be noted that the Labor Code recognizes the right of irregular workers to bring cases of exploitation and abuse to the *Conseil du Prud'homme* (Industrial Tribunal). The CFTD and the FO, whom the consultant met, expressed their strong support for the rights of Filipino migrants and their readiness to link up with their organizations in defending and promoting these rights.
4. Great concern was expressed by stakeholders over the abusive treatment meted to many migrant domestic workers by their employers in the diplomatic service who enjoy immunity from prosecution. There is anecdotal evidence of a number of Filipinas who escaped from such employers and sought the assistance of the Philippine mission and/or migrant organizations.

Section 4: MOVING FORWARD: SOME PROPOSALS

Based on the key challenges identified, the following proposals were put forward for consideration by migrant workers and their organisations and service providers in the Philippines, Italy and France. A number had been proposed in past meetings, forums, conferences and studies, but had not pushed through for a variety of reasons, including weak follow-up, changing priorities and lack of resources. With a view to avoiding this pitfall, validation meetings were organized in Manila (October 2011) and in Rome and Paris (February 2012). Major service providers participated in these meetings which: i) reviewed the key challenges and proposals, and determined what is feasible, doable, practical and effective; and ii) agreed on immediate follow-up action towards establishing and strengthening linkages, cooperation and coordination among service providers for better delivery of services to distressed Filipino migrants (see Introduction).

Building and strengthening links among service providers

1. In the **Philippines**, stakeholders and service providers to assess efficiency and impact of existing service delivery, particularly on the timely delivery of assistance, so that improvement can be made and overlapping of services can be addressed.
 - Memoranda of understanding or cooperation with NGO service providers should be prioritized in order to institutionalize the delivery of services and referral system. A first step towards this is for the service providers to ‘establish their credentials with each other’, building trust and understanding.
2. In **Italy**, Philippine service providers – Philippine mission and migrant organizations - to assess together the efficiency and impact of existing service delivery to migrants in distress/need and

work out practical and concrete procedures to improve delivery of services, (ref. Section 5). Factors to take into account include:

- building the migrants’ trust and confidence in government authorities and service
- the multiplicity of and divisions amongst Philippine migrant organizations
- the human and financial resources problems faced by the Philippine mission and the migrant organizations;
- the ad hoc, case-to-case approach by service providers on the Philippine side
- the especially vulnerable situation of irregular workers
- overlapping of services delivered to migrants
- Philippine and Italian service providers to discuss and agree on joint work to deliver efficient, timely and effective services to Filipino migrants in distress/need; if feasible, such an agreement is formalized in a memorandum of cooperation. Factors to take into account include:
 - building the migrants’ trust and confidence in government authorities and services, both Philippine and Italian
 - the general perception of Italian authorities and institutions that Filipino migrants have fewer issues/problems than migrants from other countries. Consequently, the Filipino migrants are hardly on their radar as service seekers.
 - the relatively low involvement and participation of Filipino migrants and their organizations in the wider migration community and Italian society, in general.

- keen interest and readiness expressed by trade unions and NGOs to work with Philippine migrant organizations in promoting rights of and providing services to migrants in distress/ need
 - the human and financial resources problems faced by the Philippine mission in Italy, as well as other service providers, on both sides.
 - the situation of irregular or undocumented migrants
 - the absence/lack of policies and programmes on return and reintegration, both in the Philippines and Italy (and the EU in general).
 - overlapping of services delivered to migrant workers
3. In **France**, SAANC, Philippine Embassy, trade unions and selected NGOs to discuss and agree to work jointly to deliver efficient, timely and effective services to Filipino migrants in distress/ need; if feasible, such an agreement is formalized in a memorandum of cooperation. Factors to take into account include:
- the expressed interest and readiness of French trade unions to work with Philippine service providers
 - building the migrants' trust and confidence in Philippine and French service providers
 - the large number of Filipino sans-papiers and the need to exercise prudence and care so as not to jeopardise their situation
 - the human and financial resources problems faced by the Philippine mission in France – which also covers Monaco- as well as other service providers, on both sides.
 - The ad hoc, case-to case approach by service providers on the Philippine side.
- review and assess existing inter-agency systems and referrals especially in the area of providing return migrants who have experienced abuse and exploitation including victims of trafficking, with economic reintegration assistance (other than the normal legal assistance), with special attention being given to possible referrals to NRCO.
 - As starting point in filling in the gaps, map out of the information already in the records or database systems of different government agencies and NGOs, and other stakeholders. An example is the information stored by the PATD, the Philippine Anti-Trafficking Database, which is managed by the DSWD and the Department of Justice (see Section 1.3). PATD is a component of the capacity-building campaign of the Foreign Service Officers (FSOs). It is, however, not exclusively for government agencies; NGOs are encouraged to join, as they have much data on services extended to trafficking victims.
2. In **Italy**, service providers to determine what kind of information should be shared a) amongst Philippine service providers and b) between them and Italian service providers (government, trade unions and NGOs), taking care not to jeopardize the situation of migrant workers, in particular those who are undocumented.
3. In **France**, SAANC, Philippine Embassy and selected French service providers to develop together a system of information gathering and sharing.
4. For **Philippine missions** in Italy and France, compile and regularly update list of major and relevant service providers in host country – public, trade unions and NGOs - and identify useful contacts therein.

Information gathering and sharing of data

1. In the **Philippines**, service providers to:
- explore ways and means to improve data gathering on returnees and their situation, including through the local government units (LGUs).
 - evaluate the joint data base on trafficking and explore the possibility of creating a window for cases of abuse and exploitation of migrants which are not legally and technically considered as trafficking such as illegal recruitment.

Improving access of migrants to service providers

1. Production and wide dissemination of leaflet (bilingual, in the case of **France** and **Italy**) listing available services, how to access these, and contacts; special outreach to irregular migrants through Philippine migrant organizations and Chaplaincies.
2. In **Italy**, update and wide distribution of the comprehensive, reader-friendly guide for Filipino migrants; in **France**, production of a similar guide and dissemination, also to OFWs in Monaco. As far as possible, these guides should be in English

and Pilipino. These should also be distributed at the POEA pre-departure seminars.

Return and reintegration

1. In the **Philippines**, NRCO to compile and update list of services and providers for returning migrants (advice, assistance, etc.) for distribution by Philippine missions and organizations in host countries and at Philippine points of entry.
2. Good practices on return and reintegration to be disseminated and replicated, as appropriate (see Section 5), including joint initiatives of the Philippine mission and NGOs, such as organising courses on financial literacy and starting up small business and investing in the Philippines.
3. More information to be disseminated on return and reintegration during pre-departure training; focus also on crucial role of families in migrants's return and reintegration.
4. Encourage migrant workers who pay into the Philippine SSS (social security system) to continue with their contributions; this should be facilitated by the relevant authorities.

Capacity building

1. In cooperation with trade unions and NGOs in host countries, Philippine service providers to organise information and training sessions for counsellors and mediators (**Italy**) and on rights of migrant workers, benefits of integration, etc. for the whole community. (**Italy and France**).
2. In cooperation with service providers in the Philippines, Philippine service providers in **Italy** and **France** to organise training on financial literacy and entrepreneurship.
3. Capacity-building activities for service providers (**Philippines, Italy and France**) on improving delivery of services, labour and other relevant laws, policies and regulations of destination countries, etc.

Victims of trafficking

1. **Philippine** authorities abroad to fully implement the National Referral System for Victims/Survivors of Trafficking and the Philippine Anti-Trafficking Database. Return procedures should be linked to economic and social reintegration services in the country, in particular at provincial-level, including legal assistance.
2. Strengthen coordination between embassy and

consular officials (including OWWA Welfare Officers, Labour Attaches) and the IACAT and its member agencies to optimize available services for trafficked persons.

ILO Convention no. 189: Decent Work for Domestic Workers

In June 2011, the International Labour Conference adopted, with an overwhelming majority, ILO Convention no. 189 on decent work for domestic workers. The Convention (Appendix 1) sets out the minimum international labour standards for domestic workers, both nationals and migrants. Its accompanying Recommendation (no. 201) provides a guide for states seeking to improve the working conditions of domestic workers, beyond the minimum standards. Given that the majority of Filipino migrant workers in France and Italy are in domestic work, these two instruments are useful and excellent tools for migrant rights' advocates and service providers.

Related Proposals

1. In view of the current economic and financial crisis in Europe, to hold as soon as possible, under the auspices of the ILO, a meeting of frontline service providers to discuss the impact of the crisis on Filipino migrant workers, with a view to drawing up concrete and realistic strategic to meet the challenges and provide assistance and support to those in need/distress.
2. To further increase the level of awareness of all departing Filipinos on the realities of irregular migration to destination countries and the level of access to administrative and legal institutions or services.
3. OWWA to undertake information and recruitment campaign amongst Filipino migrants in France and other host countries, exploring ways to provide services to members in countries where OWWA officials are not stationed.
4. Deployment of additional personnel and resources to effectively prosecute employers who violate labour laws and physically or sexually abuse migrants.
5. Wherever feasible and appropriate, set up support and welfare centers also in countries with increasing number of irregular migrant workers. In France and Italy, these centers could also function as community centers which would centralize information, give space for cultural activities,

social, educational occupations; where associations can meet and practice for performances, learn French/Italian and acquire skills that can add to an OFW's prestige and job possibilities; where health (physical, mental) issues can be addressed. In the short-term, opening of a small office where someone can oversee existing services in the community and do referrals or consultations.

6. In **France**, set up and train teams of counselors and mediators able to assist and accompany migrants in distress/need (newcomers, non-French speakers, on urgent trips to and from offices, hospitals or police stations, etc.)
7. **In France and Italy** production and dissemination of a user-friendly guide for domestic workers, in English and Filipino, with assistance and support from trade unions and NGOs (the Respect-European network guide could be adapted).

Section 5: GOOD AND PROMISING PRACTICES

Philippines - NGO-led multi-sectoral cooperation on migration and development issues in La Union through the ILO/EU reintegration project

La Union province is a major supplier of migrant workers to the global world economy. In 2009 alone, La Union generated over PhP 6 billion of household savings from households receiving foreign remittances. Still, many workers in the province remain vulnerable to unscrupulous illegal recruiters and human traffickers. In fact, Kanlungan's office in San Fernando, La Union receives more than 20 cases of distressed migrants and their families every day. Kanlungan thus welcomed the opportunity to partner with the International Labour Organization (ILO), with funding from the European Union, on a project aimed at reintegrating returned migrant workers and trafficked women back to their communities through economic and social interventions.

Realizing the need to bring together and engage national and local stakeholders in the province, Kanlungan and ILO partnered with the provincial government of La Union and Bannuar ti La Union, an association of return migrants, in developing a provincial strategic plan to address migration issues and its importance in overall development of the province. Kanlungan conducted province-wide consultations with local government units, national line agencies in the province, migrant workers, the private sector, civil society and other relevant agencies. The consultations gave an overview of existing programs and services and other assistance available for migrants. The ILO-EU project commissioned the preparation of a situation analysis of outbound and return migration in La Union and the development of a plan. On September 26, 2011, the La Union Migration and Development Plan (2011-2016) were officially launched at the Provincial Capitol with the provincial leadership and other local actors

expressing support to its implementation. The plan seeks to promote the welfare and protection of migrant workers and optimize the beneficial effect of migration in the sustainable development of the province. The said plan will soon be integrated as a sectoral plan in the overall development plan of the province.

Source: Robert Larga, ILO Manila, November 2011

Philippines - Batis Center for Women: LESS is More for Women Migrant Workers

Since 2000, Batis Center for women has provided assistance, including reintegration services, to women migrant returnees from Germany, the Netherlands and Russia, amongst others. The number of the institution's caseloads from Europe, however, is small compared with that of countries in East and Southeast Asia and the Middle East. Over the years, Batis has developed a multi-dimensional approach to return and reintegration, addressing the medium-term needs of the women returnees through awareness-raising, organizing, alternative livelihood projects / social enterprise development, and other social and economic reintegration activities. Through its Batis AWARE and other group formations, it has assisted individuals and groups all over the country in the setting up of alternative livelihood enterprises, such as sewing shops, vigil candle shops, small canteens and eateries and a laundromat.

In 2007, Batis initiated community organizing work in identified areas in Bulacan and Nueva Ecija, after it was established that a clustering of the institution's clients were to be found in these provinces. In 2010, Batis included Ilocos Sur in the scope of its geographic work through support from the ILO-EU Reintegration Project. Batis' strategy is to develop a social and economic support and reintegration network (returnees, local government, migrants' organizations, the private sector and other stakeholders) at the local

level, which would create an environment where individual initiatives can flourish and be sustained. Batis calls this strategy “LESS (Linking Economic initiatives for Support, Scaling-up and Sustainability) is More for Women Migrant Workers”. Batis is working to link the economic initiatives of its clientele/beneficiaries with the following:

- the economic initiatives of successful migrants in the same geographic area;
- the pioneers/experts of a similar or related enterprise;
- the initiative of active migrants in Europe and elsewhere who are looking for viable alternative investment opportunities back home; and,
- the available and existing services of the local governments, offices of national government agencies, and the private sector towards local economic development.

Source: Andrea Luisa Anolin, in correspondence with consultant, July 2010

Philippines - Trade unions: Inter-union cooperation – TUCP/ATUC

The Trade Union Congress of the Philippines (TUCP) has developed cooperating mechanisms for joint anti-trafficking initiatives with the Asean Trade Union Council (ATUC) and the national trade union centers in Japan (RENGO) and Korea (FKTU) to assist migrant workers in distress. A standard reporting form was developed by ATUC members to monitor and document complaints on violation of migrant workers’ rights, including trafficking, and/or requests for assistance to distressed workers. Major trade union centres of receiving countries, including RENGO, FKTU and the Singapore TUC are working with ATUC through designated focal persons. The ATUC affiliates approved the draft protocol referred to as “Best Practices Guide for Union Action on Servicing Migrant Workers/Trafficking Victims.” ATUC members identified NGO partners and appointed focal persons on migrant workers’ concerns. Amongst the issues covered are: provision of preliminary support including information materials; legal assistance; temporary shelter; facilitating migrant workers’ departure, journey and reception including reception assistance in processing of exit documents; referral to appropriate agencies and monitoring assistance to migrant workers; mainstreaming migration and human trafficking issues

in the ATUC and members’ regular activities including in high-level dialogues and collective bargaining. Currently, the TUCP is discussing joint initiatives with the CISL Italy, under the auspices of the International Trade Union Confederation (ITUC), to which both are affiliated.

Source: Ana Lee Fos, TUCP, in correspondence with Consultant, March 2011

Philippines/International - The SOS SMS system for Filipino OFWs in distress

This project initiated, conceptualized and developed by OFWs for OFWs around the globe, was launched and activated in February 2006. The SOS SMS information system for distressed Overseas Filipino Workers is a 24/7 text-based mechanism to relay situations of distress involving OFWs in need of immediate relief and action, or intervention, from the Philippine government and migrant NGOs.

On the NGO side, the project is implemented by various partners of the Center for Migrant Advocacy (CMA), which includes PSAP-PAROLA (Seamans’ Association). On the government side, two government agencies are directly involved: the DFA-Office of the Undersecretary for Migrant Workers Affairs and the OWWA. SOS messages are simultaneously received by CMA, DFA-OUMWA, and OWAA, and are immediately acted upon. The distressed migrant simply sends a text message to a number +63 9209 OFW SOS (+63 9209 639 767), with her/his name and message, which are immediately relayed to the CMA, DFA-OUMWA and OWWA for urgent action.

Immediately after its launch, the system was successfully applied by PSAP, CMA and the DFA in a case involving the Filipino crew of a Danish vessel who had gone on strike.

Source: Philippine Seafarers’ Assistance Programme, <http://www.psap-parola.org/announcements/the-sos-sms-system-for-ofws-in-distress/>

Philippines/Italy - Joint action of Migrants, Migrant Families, Migrant Organizations and NGOs

“Maximizing the Gains and Minimizing the Social Cost of Migration in the Philippines” is a joint project of Atikha, an NGO based in the Philippines, Comitato Internazionale per lo Sviluppo dei Popoli (CISP) an NGO based in Italy and Filipino Women’s

Council (FWC), a migrant women's organization in Italy. One of the most effective interventions of the project was the training of migrant leaders in Italy in conducting seminars on financial literacy. Modules developed for the training addressed not only financial issues but also family issues that drain the migrants' resources. The intervention was effective because the financial literacy seminars were also conducted for the families in the Philippines to enjoin their active participation to combat dependency and direct migrant resources towards more productive initiative. To reach them in their numbers, various stakeholders working with migrant families were given training of trainers on financial literacy.

A strength of the project is the twin approach where the stakeholders from Italy and the Philippines are actively involved in the intervention. After identifying Rome, Italy and Batangas, Philippines as significant migration corridors - around 40,000 Filipino migrants from Batangas are working in Italy - partnerships have been forged between migrant organizations, NGOs and local government units on both sides of the corridor. A Memorandum of Agreement between the Province of Batangas and the Province of Rome is currently being discussed between the two local governments for a study mission to explore further cooperation through social and economic programmes in Rome and in Batangas.

Another component of the project is the development of a school-based programme addressing the social cost of migration. A teachers' training program was designed and is currently being implemented by partner schools for the children of migrants. The project is also working with the Department of Education in the Philippines to develop teaching materials to integrate migration issues in the curriculum. These interventions are effective in reaching the children left behind who are prospective second generation migrants.

Contributing to the success of the project implementation is the full collaboration of the Philippine Embassy in Rome and all the Philippine Consulates and all the attached agencies (POLO, OWWA, SSS, PAG-IBIG) in Italy (Milan, Florence, Reggio Calabria). More information on this project is found at www.gainsandcostsofmigration.org.

Source: Mai Dizon-Anonuevo, of Atikha, Giordana Francia of CISP and Charito Basa of FWC, contribution to e-consultation on enhancing EU Migration & Development Policy, m4d@groups.dev-nets.org, 2 June 2011

Philippines/Netherlands - "Maria for the MDGs: harnessing the diaspora, local women's groups, rural banks and local governments for rural development"

Partners: Economic Resource Centre for Overseas Filipinos and COS Utrecht

Countries: Philippines and the Netherlands

This project operated in the complex environment of Mindanao, where a number of insurgencies against the Government and the resulting instability make development assistance difficult to deliver. The projects assisted rural women in a number of targeted communities to access credit and establish well-designed social enterprises and ensure sustainable income-generating activities through the production of locally marketable goods. Project activities were implemented by a group of partners, including an 'informal' partner. The Filipino migrant association Damayan had previously undertaken similar activities on a smaller scale and, by allying with the more established COS Utrecht, was strongly involved in the design and implementation of the action. This strategy allowed Damayan to secure access to resources to replicate and expand its previous initiatives. The specific positioning of this migrant association within the partnership and the fact that this intervention was born out of previous experiences of collaboration with home communities demonstrate the potential that migrant networks can have in linking home and host countries, as well as development actors within the host country. The project provided an opportunity for the Filipino diaspora to contribute directly to local development processes. In turn, migrant involvement facilitated access to local communities in an otherwise difficult area and favoured the establishment of trustful relations with local authorities from the early stages of the project. This ensured political support for project activities, for instance when the established social enterprises were launched and events were attended by institutional and religious authorities in the communities.

Another interesting aspect of this project lies in the importance of its gender dimension. The choice to focus on women generated solidarity and support to the project on behalf of women in the Filipino diaspora, but also of women in local governments, in NGOs, and among funders. Coupling the idea of women with the Millennium Development Goals, moreover, also allowed the beneficiaries to identify with something

concrete and to commit to aspire to improve their positions in their own municipalities. By relying on a combination of direct diaspora engagement in their home communities and gender as a binding element, this project ensured that the social networks of migrants could be put to the service of local development goals. This also ensured that a highly participatory and consultative process was adopted throughout the action.

Source: MIGRATION FOR DEVELOPMENT: A BOTTOM-UP APPROACH (a handbook for Practitioners and policymakers), Joint Migration and Development Initiative-JMDI, EU and United Nations (“Delivering as One”), August 2011

France - Newly-established committee of migrant organizations to service migrants in distress

Following several months of discussion under the auspices of the Philippine Embassy in Paris, Philippine migrant organizations in France agreed to set up a national committee to service migrants in distress in March 2011. Below is the text of the Implementing Guidelines of the Social and Assistance to Nationals Committee (SAANC):

IMPLEMENTING GUIDELINES OF THE SOCIAL AID AND ASSISTANCE TO NATIONALS COMMITTEE (SAANC)

I. Legal Basis:

These Guidelines are promulgated in accordance with Article IV C. 1 of the Internal Rules and Regulations of the General Assembly of Philippine Associations in France (hereinafter referred to as the IRR). In case of conflict, the IRR shall prevail.

II. Mission:

To provide assistance to Filipino nationals in France and Monaco who are in need and/ or in distress, and conduct activities related to this.

III. Objectives:

- To provide appropriate, effective and timely assistance to Filipino nationals in need and/ or in distress;
- To formulate strategies, approaches and techniques for successful interventions; and
- To develop a database containing particulars of all cases handled and written summaries of

the assistance/ intervention provided as well of the strategies, approaches and techniques employed in said cases.

IV. Definition of Terms:

- Filipino nationals in need and/or in distress – refer to those who are seriously ill; hospitalized; aggrieved; detained; imprisoned; facing penal charges; or are in similar circumstances.

Assistance/ Intervention – refers, but is not limited to legal, financial and social assistance. When applicable, paralegal assistance, counseling, mediation and moral support may likewise be provided, except for the payment of lawyer’s fees.

Related Activities – refer to efforts to be undertaken by the Coordinator and volunteers of the SAANC, which may directly or indirectly contribute to the successful outcome of the assistance/ intervention.

Corps of Volunteers – refer to individuals or groups of individuals from a registered Filipino Community (Filcom) association that is a member of the General Assembly, who have volunteered to be members of the SAANC.

Cases Database – a compilation of information containing particulars of all cases handled and written summaries of the assistance/ intervention provided as well as the strategies, approaches and techniques employed in said cases.

V. Functions

- a. The SAANC Coordinator shall be appointed by the General Assembly. The term of office of the SAANC Coordinator shall be one (1) year and he/ she may be reappointed for a maximum of two (2) consecutive years.

The Coordinator shall, among others, perform the following functions:

- Recommend to the Coordinating Committee of the General Assembly the extension of assistance/ intervention. Adoption of the recommendation shall be through a simple majority vote;
- Manage SAANC operations;
- Conduct follow-up with the Corps of Volunteers pursuant to the effective
- and efficient implementation of the assistance/ intervention;

- Assess/ Evaluate the appropriate budget for the assistance/ intervention, if required;
 - Request, when applicable, the General Assembly for translators, paralegal assistants, etc., to participate in the assistance/ intervention;
 - Submit a written summary of all relevant information, including the strategies, approaches and techniques employed in said case, within 60 days after every case, for incorporation in the cases database;
 - Accept donations for and in behalf of the General Assembly; and
 - Update the General Assembly of developments regarding ongoing assistance/ intervention during its regular meetings.
- b. A Secretary shall be chosen by consensus by the members of the Corps of Volunteers, whose functions shall be as follows:
1. Prepare the Minutes of Monthly Activities, as provided for under Article IX hereof; and
 2. Enter all assistance/intervention and other significant activities in the SAANC Minutes of Monthly Activities, which shall in turn be regularly submitted to the General Assembly for its information and reference.
- c. A Treasurer shall be chosen by consensus by the members of the Corps of Volunteers, whose functions shall be as follows:
1. Disburse funds of the SAANC;
 1. Disburse funds of the SAANC;
 2. Prepare within 60 days after the conclusion of every case a summary of disbursements with original receipts, etc., which shall be submitted by the SAANC Coordinator to the Treasurer of the Coordinating Committee of the General Assembly; and
 3. Prepare, on a semi-annual basis (every 30th of June and 31st of December), a consolidated financial report of its operations, for submission by the Coordinator to the Treasurer of the General Assembly.
- d. The Corps of Volunteers shall work with the support the Coordination towards the successful

and efficient implementation of SAANC activities. The Corps of Volunteers shall have the following functions:

1. Interview the person/s in need of assistance/ intervention to obtain necessary/ relevant information. A questionnaire shall be made for such purpose to facilitate the retrieval and archive of information;
2. Provide advice to the person/s in need of assistance/ intervention on the possible courses of action and implications or consequences of the steps that will be taken (i.e. financial costs, possibility of counter suit, etc.);
3. Assist, when applicable, in accomplishing a Police Report and other documents required under French law;
4. Recommend and assist, when applicable, in securing a lawyer, counselor or mediator: and
5. Lend, when applicable, his/ her presence during court hearings, counseling sessions and mediation proceedings.

VI. Guidelines for Assistance/ Intervention:

The SAANC shall provide assistance/ intervention to Filipino nationals in need and/or in distress under the following five (5) categories:

Integration cases – refer to cases involving nationals who face repatriation for lack of proper documentation.

Medical cases – refer to cases of nationals who are in hospital; suffering from acute medical conditions; in need of immediate hospitalization; or urgent occupational therapy.

Labor and employment cases – refer to cases of nationals who have been subjected to physical and/ or psychological abuse committed by employers, irregular or non-payment of wages and benefits; or unlawful termination.

Criminal cases – refer to cases of nationals who have been victims of theft or robbery, sexual assault, verbal abuse, domestic violence; suffered physical injuries; and are in need of assistance/ intervention in obtaining legal recourse.

Human Relations cases – refer to cases of nationals in need of counseling or mediation

relative to marital or personal problems; are facing eviction; and are in need of assistance/ intervention in locating missing next-of-kin (NOK) or relatives.

In order to optimize the use of the General Assembly's financial, manpower and other resources, the SAANC shall prioritize the cases to which it shall provide assistance/ intervention. In its prioritization of cases, the SAANC shall be guided by the following criteria:

1. If it is life-threatening;
2. If time element is a crucial factor; and
3. Membership in any Filcom association.

3.1 It is understood that the Filcom association to which a Filipino national in need or in distress belongs to has a primary responsibility to provide assistance/ intervention to the said national

3.2 If a Filipino national in need or in distress does not belong to any Filcom association, he/ she qualifies for emergency assistance, taking into consideration the other criteria mentioned above.

For issues/ cases involving financial aid/ assistance, the following shall be considered:

1. Financial capability of the person concerned;
2. The maximum amount that the General Assembly can provide which will be material to the outcome of the assistance/ intervention; and
3. Assistance/ intervention available or obtained from external sources.

Upon the determination that assistance/ intervention shall be extended, the Coordinator, with a written authorization by the General Assembly to proceed with the assistance/ intervention, shall, when applicable, disburse the amount corresponding to the approved budget for said case. The approved budget shall cover expenses deemed required and justifiable. In addition, all disbursements of the SAANC shall be subject to the accounting and auditing procedures of the General Assembly.

The liquidation of expenses and preparation of a written summary of all relevant information regarding an assistance/ intervention within sixty (60) days after the conclusion of the last prior case is a mandatory requirement for the Coordinator to be able

to recommend succeeding cases eligible for SAANC assistance/ intervention.

Funds: The Funds of the SAANC shall consist of:

- Ten percent (10%) of the net proceeds raised from the Pista sa Paris of the previous year;
- Any other additional funds that may be allocated by the General
- Assembly; and
- Funds donated by other parties and/or external sources.

The Funds of the SAANC shall be held in a bank account specifically opened for the SAANC, and separate from the bank account of the General Assembly. The SAANC Coordinator and SAANC Treasurer shall be the joint signatories of the SAANC account.

The SAANC shall not solicit any money or funds, or ask for payment in exchange for their assistance/ intervention. However, donations, which may consist of money, goods or services, may be accepted.

Donations shall be officially received by the SAANC Coordinator, who shall provide a Certificate of Donation to the donor as proof of donation. The Coordinator shall indicate donation/s in the Minutes of Monthly Activities during the month when the donation was received and shall provide the Treasurer or Property Custodian of the Coordinating Committee, as the case may be, a copy of the Certificate of Donation.

The Committee shall have a petty cash of One Thousand Euros (Euros 1,000.00), which shall be held by the SAANC Treasurer.

VII. Reports

The Committee shall submit a report of its activities (Minutes of Monthly Activities) at each monthly meeting of the General Assembly and shall provide an Annual Report at the first monthly meeting of the following year.

VIII. Revocation of Membership in SAANC

Any member of the General Assembly, including any member of the SAANC, may recommend for the General Assembly's approval the revocation of membership to the SAANC on grounds of non-performance, and acts deemed detrimental to the welfare and good standing of the General Assembly.

IX. Amendments

These Guidelines may be amended one (1) year after its adoption. Amendments shall be adopted through a simple majority vote of the General Assembly.

X. Effectivity

These Guidelines shall take effect upon its approval by a simple majority vote of the General Assembly.

Source: Philippine Embassy, Paris, July 2011

Italy - Skills training for economic empowerment

The Overseas Filipinos' Society for the Promotion of Economic Security (OFSPES) is a non-stock, non-profit association in the Philippines. Its aim and objectives are to assist Filipino migrants and their families in their economic empowerment through policy advocacy, studies and capacity-building programs. Its members volunteer to work with migrants and their families through financial literacy programs, social entrepreneurship training and research activities. It works in close partnership with its sister-NGO, the Associazione PILIPINAS OFSPES, which is based in Rome, helping to empower migrant Filipinos. In 2008 and 2009, two Leadership and Social Entrepreneurship (LSE) Training Programmes for Filipinos were conducted in Rome; a third was organized in Naples in 2010 and a 4th, in Milan in 2010-2011. Over 180 Filipino migrants were trained under these LSE programmes which consist of 120 hours of classroom time spread over at least six months plus other practicum activities and mentoring by senior members of the two associations and professors from the Ateneo de Manila University.

In partnership with the Philippine Embassy, POLO and OWWA, OFSPES has also been running for the last three years the Community Technology Learning Centre (CTLCL). Sponsored by Microsoft, the Centre organizes 6-lesson courses on consecutive Sundays in Rome and Milan. So far, 950 migrants have graduated from these courses.

Source: OFSPES website: <http://www.pilipinas-ofspes.net/>

Italy - Outreach: visit of Philippine Ambassador to Reggio Calabria

On 22-25 October 2010, Ambassador Romeo Manalo visited Reggio Calabria. He met with 5 key local government officials, including the Prefect (representative of the executive branch of government in each province), the Mayor, the President of the Regional Council of Calabria and the Prefect and Mayor of Messina. The local government officials were unanimous in conveying to the Ambassador the appreciation of the Italian people and government for the hard work, dedication and honesty of Filipinos migrants in Italy; and for being a migrant community that has been integrated in the Italian society.

In response, Ambassador Manalo thanked the local government of Italy for its hospitality and acceptance of the estimated 3,000 Filipino migrants based in Reggio Calabria and Messina. The Ambassador also stressed his commitment to work for a holistic and deeper understanding and appreciation by Italians of the true essence of a Filipino: his history and culture.

Collaborative projects between the Embassy and the local government officials were encouraged to strengthen bilateral political and economic relations, as well as to further enhance the welfare of Filipinos in Italy.

To cap the first day of his visit, the Ambassador met with the members of the Filipino community in Messina. They expressed gratitude and appreciation to Ambassador Manalo who was the first Filipino Ambassador to visit Messina.

On the second day of his visit, the Ambassador held a forum with the leaders of the Filipino community in Reggio Calabria and Messina. In the afternoon of the same day, the Embassy team of 6 officials commenced its two-day consular service outreach for the Filipino community residing in the southern most parts of Italy, such as Reggio Calabria, Messina, Cosenza, Catania and Palermo. The office of the Philippine Honorary Consulate General in Reggio Calabria served as the venue of the outreach. With volunteers from the Filipino community, including youth representatives, the Embassy team rendered consular services – passport renewals, notarial, authentication, and acquisition of dual citizenship - to nearly 500 Filipinos. The team also registered the births of 47 Filipino babies.

In his meetings with the Filipino community, Ambassador Manalo encouraged all Filipinos to avoid

complacency, aim high, learn the Italian language, integrate better and continue to appreciate one's roots – to achieve the common goal of a better future for themselves and for their children.

Source: Newsletter of the Philippine Embassy, Rome

Italy - The national collective agreement for domestic workers

In February 2007, trade unions and employer organizations reached agreement on a new national collective agreement for domestic workers in Italy. The agreement defines a new professional classification for workers, introduces new regulations concerning working hours and provides for safeguards in the event of illness, while creating a supplementary pension fund.

In Italy, some 600,000 people are employed as domestic workers, the great majority of whom are non-EU nationals. This category of workers includes a large number of family members who are engaged in care-giving roles; domestic work also gives rise to irregular working arrangements carried out by non-EU nationals who are not legal residents and who are therefore working illegally. In fact, some reports estimate that 1.2 million workers are involved in providing domestic services to individuals.

On 13 February 2007, after two years of negotiations, the sectoral trade union organizations and employer organizations representing domestic workers signed a new national collective agreement. Signatories on the trade union side were the three unions affiliated to the three main trade union confederations, the Italian Federation of Service, Commerce and Tourism Operators (Federazione Italiana Sindacati Addetti Servizi Commerciali Affini e del Turismo, Fisascat-Cisl), the Italian Federation of Commerce, Tourism and Service Workers (Federazione Italiana Lavoratori Commercio Turismo e Servizi, Filcams-Cgil), the Italian Tourism, Commerce and Service Workers' Union (Unione Italiana Lavoratori Turismo Commercio e Servizi, Uiltucs-Uil), and Federcolf. On the employer side, the Italian Employers' Federation of Domestic Labour (Federazione Italiana Datori di Lavoro Domestico, Fidaldo) and the National Employers' Association of Domestic Labour (Associazione Nazionale dei Datori di Lavoro Domestico, Domina) signed the agreement.

Content of agreement

New definition of tasks: A new feature of the agreement concerns the classification of workers. Four

levels of classification have been introduced, each of which is broken down into two pay scales, the greater of which is called the 'super' scale. Redrawing these parameters and the definition of the job descriptions was necessary in order to respond to changes within the sector and, in particular, to enhance the professional nature of the tasks assigned to homecare providers.

Three schedules of working hours have been established as follows:

- a maximum of 54 working hours a week for live-in assistance to family members who are not self-sufficient;
- a limit of 40 hours a week for live-out assistance;
- a maximum of 30 hours a week for part-time, live-in assistance to self-sufficient individuals.

Moreover, it will now be possible to hire workers on a 'job sharing' basis, which will permit the use of two or more workers for a single job.

Pay elements: The average salary increase for domestic workers will be €170, with 50% of this increase being introduced from 1 March 2007 and the remaining 50% from 1 January 2008. The agreement also stipulates the amount of contribution payable to the supplementary pension fund as 0.55% of workers' salaries and as 1% of a contribution by employers. At the same time, a sickness fund is to be established. For both funds, the parties are set to devise and finalise a specific set of rules no later than 30 April 2007.

Maternity coverage: In relation to safeguards for workers, the agreement calls for increased guarantees regarding maternity cover. Indeed, the same safeguards provided for workers in other private sectors are extended to also cover domestic workers, particularly in relation to the ban on the termination of employment contracts during pregnancy.

New observatory: The agreement provides for the establishment of a bilateral body to govern the category of domestic workers; half of this body will be composed of employer representatives and half of worker representatives. The bilateral body will serve as an observatory, devoting itself to analysis and the study of trends in the industry, as well as promoting initiatives with regard to training and professional qualification.

Source: European Industrial Relations Observatory, <http://www.eurofound.europa.eu/eiro/2007/02/articles/it0702079i.htm>

Belgium - Victims of smuggling – access to information and legal representation

An administrative regulation, which entered into force on 26 September 2008 in Belgium, provides that where migrants were smuggled under aggravating circumstances they are offered the same protection as victims of trafficking. The regulation defines the persons who can benefit from the protection as: (a) victims of trafficking as provided for in article 433 of the Belgium Criminal Code; and (b) smuggled migrants who endured certain forms of aggravated offences of smuggling of migrants as provided for in article 77 of the Belgium Law on Aliens (relating to unaccompanied minors; abuse of a situation of particular vulnerability; use of manipulation, threat or force; endangerment of life; and causing of an incurable illness, injury or permanent disability).

The regulation stipulates that when the police are faced with a situation in which there is evidence to suggest that a person is a victim of human trafficking or smuggling of migrants, the police must first try, in collaboration with the specialist services, to gather additional material evidence indicating that that person is indeed a victim. At this stage, brief information can be provided to the presumed victim concerning the possibilities offered by victim status if the victim collaborates with the judicial authorities. As a second step, on the basis of the material evidence gathered, the regulation stipulates that the relevant police service: (a) informs the public prosecutor; (b) contacts one of the three specialized non-governmental organization shelters registered in Belgium to request the shelter to take the victim under its charge; and (c) notifies the Department of Federal Immigration. The public prosecutor will then assess whether or not granting victim status is justified at that stage of the procedure. The regulations outline three general conditions that all have to be met by the presumed victim for victim status to be granted:

- He or she must sever contact with the presumed offender(s)
- He or she must remain under the charge of a specialized shelter at all times
- He or she must cooperate with the judicial authorities by filing a charge or making a statement, which will be assessed by the prosecutor.

The procedure of granting victim status comprises, among other things:

- A reflection period: the presumed victim is allowed to stay in Belgium for a period of 45 days, which enables the victim to sever contact with the criminal milieu and decide dispassionately whether he or she wished to collaborate with the judicial authorities. During this stage, the victim can also decide to return to his or her country of origin, but may not be deported.
- Subsequent permission to stay for a maximum of three months (with the possibility of a one-month extension): at that stage the victim decides to file a charge or make a statement. From the time of issue of the registration document, the victim can obtain a class C work permit.
- Permission to remain in the country for an unlimited period: this permission is issued when the statements made or charges filed by the victim have led to a conviction or, as a minimum requirement, when the public prosecution service has established the charge of trafficking or aggravated trafficking in the case for the prosecution.

Source: Toolkit to Combat Smuggling of Migrants - Tool 8: Protection and Assistance Measures, UN Office on Drugs and Crimes (UNDOC), New York, 2010

Europe - Protection of the rights of undocumented workers – PICUMract

The Platform for International Cooperation on Undocumented Migrants is a non-governmental organization that aims to promote respect for the human rights of undocumented migrants within Europe. The Platform also seeks dialogue with organizations and networks with similar concerns in other parts of the world. The Platform promotes respect for the basic social rights of undocumented migrants, such as the right to health care, the right to shelter, the right to education and training, the right to minimum subsistence, the right to family life, the right to moral and physical integrity, the right to legal aid and the right to fair labour conditions.

The activities of the Platform are focused on five main areas:

- Monitoring and reporting: improving the understanding of issues related to the protection of the human rights of undocumented migrants through improved knowledge of problems, policies, and practice

- Capacity-building: developing the capacities of non-governmental organizations and all other actors involved in effectively preventing and addressing discrimination against undocumented migrants
- Advocacy: influencing policymakers to include undocumented migrants in social and integration policies on the national and European levels
- Awareness-raising: promoting and disseminating the values and practices underlying the protection of the human rights of undocumented migrants among relevant partners and the general public
- Global actors on international migration: developing and contributing to the international dialogue on international migration within the different United Nations agencies, international organizations and civil society organizations

Source: PICUM website: www.picum.org/

Appendix 1

ILO no. 189 Convention on Domestic Workers

The General Conference of the International Labour Organization,

Having been convened at Geneva by the Governing Body of the International Labour Office, and having met in its 100th Session on 16 June 2011, and

Mindful of the commitment of the International Labour Organization to promote decent work for all through the achievement of the goals of the ILO Declaration on Fundamental Principles and Rights at Work and the ILO Declaration on Social Justice for a Fair Globalization, and

Recognizing the significant contribution of domestic workers to the global economy, which includes increasing paid job opportunities for women and men workers with family responsibilities, greater scope for caring for ageing populations, children and persons with a disability, and substantial income transfers within and between countries,

Considering that domestic work continues to be undervalued and invisible and is mainly carried out by women and girls, many of whom are migrants or members of disadvantaged communities and who are particularly vulnerable to discrimination in respect of conditions of employment and of work, and to other abuses of human rights, and

Considering also that, in developing countries with historically scarce opportunities for formal employment, domestic workers constitute a significant proportion of the national workforce and remain among the most marginalized, and

Recalling that international labour Conventions and Recommendations apply to all workers, including domestic workers, unless otherwise provided, and

Noting the particular relevance for domestic workers of the Migration for Employment Convention (Revised), 1949 (No. 97), the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143), the Workers with Family Responsibilities Convention, 1981 (No. 156), the Private Employment Agencies Convention, 1997 (No. 181), and the Employment Relationship Recommendation, 2006 (No. 198), as well as of the ILO Multilateral Framework on Labour Migration: Non-binding principles and guidelines for a rights-based approach to labour migration (2006), and

Recognizing the special conditions under which domestic work is carried out that make it desirable to supplement the general standards with standards specific to domestic workers so as to enable them to enjoy their rights fully, and

Recalling other relevant international instruments such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Convention against Transnational Organized Crime, and in particular its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and its Protocol against the Smuggling of Migrants by Land, Sea and Air, the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, and

Having decided upon the adoption of certain proposals concerning decent work for domestic workers, which is the fourth item on the agenda of the session, and

Having determined that these proposals shall take the form of an international Convention; adopts this ... day of June of the year two thousand and eleven the following Convention, which may be cited as the Domestic Workers Convention, 2011.

Article 1

For the purpose of this Convention:

- (a) the term “domestic work” means work performed in or for a household or households;
- (b) the term “domestic worker” means any person engaged in domestic work within an employment relationship;
- (c) a person who performs domestic work only occasionally or sporadically and not on an occupational basis is not a domestic worker.

Article 2

1. The Convention applies to all domestic workers.
2. A Member which ratifies this Convention may, after consulting with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers, exclude wholly or partly from its scope:
 - (a) categories of workers who are otherwise provided with at least equivalent protection;
 - (b) limited categories of workers in respect of which special problems of a substantial nature arise.
3. Each Member which avails itself of the possibility afforded in the preceding paragraph shall, in its first report on the application of the Convention under article 22 of the Constitution of the International Labour Organization, indicate any particular category of workers thus excluded and the reasons for such exclusion and, in subsequent reports, specify any measures that may have been taken with a view to extending the application of the Convention to the workers concerned.

Article 3

1. Each Member shall take measures to ensure the effective promotion and protection of the human rights of all domestic workers, as set out in this Convention.
2. Each Member shall, in relation to domestic workers, take the measures set out in this Convention to respect, promote and realize the fundamental principles and rights at work, namely:
 - (a) freedom of association and the effective recognition of the right to collective bargaining;
 - (b) the elimination of all forms of forced or compulsory labour;
 - (c) the effective abolition of child labour; and
 - (d) the elimination of discrimination in respect of employment and occupation.
3. In taking measures to ensure that domestic workers and employers of domestic workers enjoy freedom of association and the effective recognition of the right to collective bargaining, Members shall protect the right of domestic workers and employers of domestic workers to establish and, subject to the rules of the organization concerned, to join organizations, federations and confederations of their own choosing.

Article 4

1. Each Member shall set a minimum age for domestic workers consistent with the provisions of the Minimum Age Convention, 1973 (No. 138), and the Worst Forms of Child Labour Convention, 1999 (No. 182), and not lower than that established by national laws and regulations for workers generally.
2. Each Member shall take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.

Article 5

Each Member shall take measures to ensure that domestic workers enjoy effective protection against all forms of abuse, harassment and violence.

Article 6

Each Member shall take measures to ensure that domestic workers, like workers generally, enjoy fair terms of employment as well as decent working conditions and, if they reside in the household, decent living conditions that respect their privacy.

Article 7

Each Member shall take measures to ensure that domestic workers are informed of their terms and conditions of employment in an appropriate, verifiable and easily understandable manner and preferably, where possible, through written contracts in accordance with national laws, regulations or collective agreements, in particular:

- (a) the name and address of the employer and of the worker;
- (b) the address of the usual workplace or workplaces;
- (c) the starting date and, where the contract is for a specified period of time, its duration;
- (d) the type of work to be performed;
- (e) the remuneration, method of calculation and periodicity of payments
- (f) the normal hours of work;
- (g) paid annual leave, and daily and weekly rest periods.
- (h) the provision of food and accommodation, if applicable;
- (i) the period of probation or trial period, if applicable;
- (j) the terms of repatriation, if applicable; and
- (k) terms and conditions relating to the termination of employment, including any period of notice by either the domestic worker or the employer.

Article 8

1. National laws and regulations shall require that migrant domestic workers who are recruited in one country for domestic work in another receive a written job offer, or contract of employment that is enforceable in the country in which the work is to be performed, addressing the terms and conditions of employment referred to in Article 7, prior to crossing national borders for the purpose of taking up the domestic work to which the offer or contract applies.
2. The preceding paragraph shall not apply to workers who enjoy freedom of movement for the purpose of employment under bilateral, regional or multilateral agreements, or within the framework of regional economic integration areas.
3. Members shall take measures to cooperate with each other to ensure the effective application of the provisions of this Convention to migrant domestic workers.
4. Each Member shall specify, by means of laws, regulations or other measures, the conditions under which migrant domestic workers are entitled to repatriation on the expiry or termination of the employment contract for which they were recruited.

Article 9

Each Member shall take measures to ensure that domestic workers:

- (a) are free to reach agreement with their employer or potential employer on whether to reside in the household;
- (b) who reside in the household are not obliged to remain in the household or with household members during periods of daily and weekly rest or annual leave; and
- (c) are entitled to keep in their possession their travel and identity documents.

Article 10

1. Each Member shall take measures towards ensuring equal treatment between domestic workers and workers generally in relation to normal hours of work, overtime compensation, periods of daily and weekly rest and paid annual leave in accordance with national laws, regulations or collective agreements, taking into account the special characteristics of domestic work.
2. Weekly rest shall be at least 24 consecutive hours.
3. Periods during which domestic workers are not free to dispose of their time as they please and remain at the disposal of the household in order to respond to possible calls shall be regarded as hours of work to the extent determined by national laws, regulations or collective agreements, or any other means consistent with national practice.

Article 11

Each Member shall take measures to ensure that domestic workers enjoy minimum wage coverage, where such coverage exists, and that remuneration is established without discrimination based on sex.

Article 12

1. Domestic workers shall be paid directly in cash at regular intervals at least once a month. Unless provided for by national laws, regulations or collective agreements, payment may be made by bank transfer, bank cheque, postal cheque, money order or other lawful means of monetary payment, with the consent of the worker concerned.
2. National laws, regulations, collective agreements or arbitration awards may provide for the payment of a limited proportion of the remuneration of domestic workers in the form of payments in kind, which are not less favourable than those generally applicable to other categories of workers, provided that measures are taken to ensure that such payments in kind are agreed to by the worker, are for the personal use and benefit of the worker, and that the monetary value attributed to them is fair and reasonable.

Article 13

1. Every domestic worker has the right to a safe and healthy working environment. Each Member shall take, in accordance with national laws, regulations and practice, effective measures, with due regard for the specific characteristics of domestic work, to ensure the occupational safety and health of domestic workers.
2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 14

1. Each Member shall take appropriate measures, in accordance with national laws and regulations and with due regard for the specific characteristics of domestic work, to ensure that domestic workers enjoy conditions that are not less favorable than those applicable to workers generally in respect of social security protection, including with respect to maternity.
2. The measures referred to in the preceding paragraph may be applied progressively, in consultation with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 15

1. To effectively protect domestic workers, including migrant domestic workers, recruited or placed by private employment agencies, against abusive practices, each Member shall:
 - a. determine the conditions governing the operation of private employment agencies recruiting or placing domestic workers, in accordance with national laws, regulations and practice;
 - b. ensure that adequate machinery and procedures exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies in relation to domestic workers;
 - c. adopt all necessary and appropriate measures, within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of domestic workers recruited or placed in its territory by private employment agencies. These shall include laws or regulations that specify the respective obligations of the private employment agency and the household towards the domestic worker and provide for penalties, including prohibition of those private employment agencies that engage in fraudulent practices and abuses;
 - d. consider, where domestic workers are recruited in one country for work in another, concluding bilateral, regional or multilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment; and
 - e. take measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers.
2. In giving effect to each of the provisions of this Article, each Member shall consult with the most representative organizations of employers and workers and, where they exist, with organizations representative of domestic workers and those representative of employers of domestic workers.

Article 16

Each Member shall take measures to ensure, in accordance with national laws, regulations and practice, that all domestic workers, either by themselves or through a representative, have effective access to courts, tribunals or other dispute resolution mechanisms under conditions that are not less favorable than those available to workers generally.

Article 17

1. Each Member shall establish effective and accessible complaint mechanisms and means of ensuring compliance with national laws and regulations for the protection of domestic workers.
2. Each Member shall develop and implement measures for labour inspection, enforcement and penalties with due regard for the special characteristics of domestic work, in accordance with national laws and regulations.
3. In so far as compatible with national laws and regulations, such measures shall specify the conditions under which access to household premises may be granted, having due respect for privacy

Article 18

Each Member shall implement the provisions of this Convention, in consultation with the most representative employers and workers' organizations, through laws and regulations, as well as through collective agreements or additional measures consistent with national practice, by extending or adapting existing measures to cover domestic workers or by developing specific measures for them, as appropriate.

Article 19

This Convention does not affect more favourable provisions applicable to domestic workers under other international labour Conventions.

Appendix 2

List of persons consulted (meetings, interviews and correspondence)

Philippines

- Mr. Enrico Fos, Executive Director, Office of the Undersecretary for Migrant Workers' Affairs, Department of Foreign Affairs
- Ms. Vivian F. Tornea, Director, National Reintegration Center for OFWs (NRCO)
- Mr. Josefino Torres, Deputy Administrator, Overseas Welfare Workers Administration (OWWA)
- Mr. Eduardo Bellido, Chief, Advocacy and Social Marketing Division, OWWA
- Mr. Eric Parungao, Welfare Officer, OWWA
- Ms. Marivic Clarin, Planning and Program Development Division, OWWA
- Ms. Concepcion Burgos, Consultant, OWWA
- Ms. Beverly Nones, Policy and Program Development Office, OWWA
- Ms. Helen Custodio, Labour Attache, Department of Labour and Employment (DOLE-ILAB)
- Ms. Charisse Tiongson, DOLE-ILAB
- Ms. Catherine A. Duladul, DOLE-ILAB
- Ms. Gemma Gabuya, Assistant Director, Social Technology Bureau, Department of Social Welfare and Development (DSWD)
- Ms. April Ma-an Mendoza, Project Officer, DSWD
- Ms. Andrea Luisa Anolin, Executive Director, Batis Center for Women
- Ms. Berly Grace Cruspero, Social Worker, Batis
- Ms. Ma. Aurora Lolita L. Lomibao, Executive Director, Kanlungan Center Foundation
- Ms. Roryvie M. Ilumin, Case Manager, Kanlungan
- Ms. Rosalinda Bayan, Kanlungan
- Mr. Antonio Aspers, Executive Assistant to President, Federation of Free Workers (FFW)
- Mr. Joshua Mata, General Secretary, Alliance of Philippine Labour (APL)
- Ms. Anna Lee Fos, Project Coordinator, Trade Union Congress of the Philippines (TUCP)
- Mr. Jermiah Opiniano, journalist/migration specialist

Italy

- Ambassador Romeo Manalo, Philippine Embassy, Rome
- Consul General Danilo Ibayán, Philippine Embassy
- First Secretary and Consul Leila Lora Santos, Philippine Embassy
- Consul Kristine Salle, Philippine Embassy
- Labour Attache Chona Mantilla, Philippine Embassy
- Ms. Nancy Garcia Pantoja, Assistance to Nationals (ATN), Philippine Embassy
- OWWA Welfare Officer Lyn Vibar, Philippine Embassy
- Consul Gerardo Abiog, Philippine Consulate, Milan
- OWWA Welfare Officer Wilfreda Misterio, Philippine Consulate
- Legal Officer Cheryl Vitales, Philippine Consulate
- Ms. Chona Brijuega, Bicol Migrants' Association, Milan
- Mr. Brigg Brijuega, Bicol Migrants' Association
- Mr. Riccardo Placentini, Migrants Bureau, CGIL Lombardy, Milan
- Ms. Liliana Ocmin, Confederal Secretary, CISL National, Rome
- Ms. Cecilia Brighi, International Department, CISL National
- Ms. Maria Marta Farfan, INAS/CISL, Rome
- Ms. Miriam Ferrari, International Department, CISL Lombardy, Milan
- Ms. Paola Bordi, ISCOD/CISL Lombardy
- Ms. Luigia Cassina, CISL Lombardy

- Ms. Maria Grazia Bove, ANOLF/CISL Lombardy
- Mr. Lorenzo Todeschini, ANOLF/CISL Lombardy
- Ms. Charito Basa, FWC , Rome
- Ms. Aubrey Abarintos, FWC
- Fr. Sanny Sanedrin, CARITAS International, Rome
- Ms. Martina Liebsch, Policy Director, CARITAS International
- Mr. Lorenzo Chialastri, Caritas Centre for Migrants, Rome
- Ms. Sandra Rainero, Regional Expert, Special Projects, Veneto Lavoro

France (Paris)

- Ambassador Rora Navarro-Tolentino, Philippine Embassy
- Ms. Rosalita Prospero, Minister and Consul General, Philippine Embassy
- Mr. Winston Almeda, Third Secretary and Vice-Consul, Philippine Embassy
- Ms. Catherine Schlachter, Confederal Secretary in charge of International and European division, CFDT National Secretariat
- Mr. Ommar Benfaid, Economic and Social Service, CFDT National Secretariat
- Ms. Zita Obra, Trade Union Delegate , CFDT – Sector for Domestic and Household Staff for Ile-de France and leader of ASF
- Ms. Andree Thomas, Confederal Secretary, CGT-FO National Secretariat,
- Ms. Emilie Bousquier, Directorate General, Globalisation, Development and Partnership, Ministry of Foreign Affairs
- Ms. Amina Pedrosa, Treasurer, Asosasyon ng Sangguniang Filipino (ASF)
- Ms. Josephine Bautista, Secretary, and other leaders of ASF
- Ms. Sally Rousset, Babaylan France
- Ms. Maya Noval-Jeweski, Babaylan France

Belgium (Brussels)

- Ms. Joyce del Rosario, Samahan ng mga Manggagawang Pilipino sa Belgium,
- Ms. Claire Courteille, Director, Equality, International Confederation of Trade Unions (ITUC)

ILO

- Ms. Thetis Mangahas, Deputy Regional Director, Asia-Pacific, Bangkok
- Ms. Pannuda Boonpala, Chief Technical Adviser, ILO-EU Project, Bangkok
- Mr. Robert Larga, National Project Coordinator, ILO-EU Project, Manila
- Ms. Kusumal Rachawong, National Project Coordinator, ILO-EU Project, Thailand
- Ms. Maria Galloti, Migrant, Brussels
- Ms. Renate Mastromarino, ILO Office, Rome
-

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Appendix 3

List of resources

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Developing a System of Linkages, Cooperation and Coordination of Service Providers in Italy, France and the Philippines to Improve Delivery of Services to Distressed Filipino Migrants, Particularly Victims of Exploitation and Trafficking

This study contributes toward the development of a more structured system of linkages, cooperation and coordination among service providers in Italy, France and the Philippines to address more efficiently and effectively the needs of distressed Filipino migrant workers. It seeks to assist stakeholders and service providers in the two European Union countries, as well as the Philippines in jointly drawing up a set of guidelines for such a delivery system which, hopefully, can be used as a model for other countries.



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