

Migration and Filipino Children Left-Behind: A Literature Review

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Introduction

“People have been on the move since human life began. Migration is neither a new phenomenon, a failure of development, nor a substitute for development... individuals move as part of their effort to improve their lives and the lives of their families, to learn new skills, to gain new experiences, to find a job or to flee insecurity, disaster or famine. Migration is an economic, social and political process that affects those who move, those who stay behind, and the places where they go.”¹ And with the advent of globalization, labor migration has become a worldwide phenomenon. People are crossing borders to search for better job opportunities and to provide a better future for their families. Along this development is the plight of more children being left behind by either one or both parents, leaving them to the care of extended family members or friends.

In Asia, the Philippines is the major supplier of labor migrants to over 100 countries and the leading female migrant sending countries along with Indonesia. More than 8 million² (10%) out of the 85 million Filipinos were working or living abroad. While over 72% of total migrants from Philippines were women workers.³ Many of these women work as domestic helpers, nurses, caregivers, and entertainers. With this huge number of Filipino migrants (and still more) living the country temporarily (or permanently⁴), a more pressing concern is with regards to children left behind. Though there is no systematic data on the number of children left behind, it is estimated to be 9 million or 27% of the total youth.⁵

The impact of migration varies - ranging from economic benefits not only for the family but the country in generally through its remittances to the security and well being of the family of migrants. But a major concern here is the social costs of migration specifically to the children left behind. A study by Scalabrini reveals that there is a variation in terms of gender roles when women migrate compared to men. *“When men migrate, the left-behind wives indeed assumed more responsibilities with their dual roles as fathers and*

¹ “Moving Out of Poverty – Making Migration Work Better for Poor People”, Department for International Development (DFID), March 2007

² “Stock Estimate of Overseas Filipinos” (2005), Commission on Filipinos Overseas, Republic of the Philippines

³ HUGO, Graeme, “Migration in the Asia-Pacific Region”, (2005), Global Commission on International Migration, <http://www.gcim.org/mm/File/Regional%20Study%202.pdf>

⁴ Especially true for women who would like to escape their difficult marriage

⁵ Based on the compilation and study of the coalition of NGOs and advocacy groups.

mothers. But when women migrate, it appears that families go through more adjustments – this is not surprising because changes in women’s roles often have more implications for the family than changes in men’s roles. If women assume men’s responsibilities when the men are not around, men do not as readily take up care giving. (Scalabrini, Hearts Apart, 2003). This interchanging of gender roles in the family could also impact positively or negatively depending on how the father left behind accepts his “new” role.

Parental absence creates “displacement, disruptions and changes in care giving arrangement.” There is always an emotional aspect that goes along with parents leaving their children, especially for long periods of time. Nevertheless, it is also a relief to have the extended family looking after the children left-behind. However, it cannot negate the fact that the children are longing for the love and care of their biological parents.

Who are the children?

Using the definition of the Convention on the Rights of the Child (CRC), “a child means every human being below the age of eighteen” who are likewise needing protection against all forms of discrimination. Under the Convention, the parents have the moral obligation and responsibilities for the upbringing and development of the children.

The gravity of the impact of migration on children varies depending on their situation. Children affected by migration can be categorized in the following – (a) children as migrants, (b) children of inter-racial marriages or relations, and (c) children left behind by migrant parents.⁶

More than three thousand Filipino workers leave the country everyday as overseas contract workers⁷, hence “transnational family has become a norm in the Philippines. There really is no exact data on the number of children affected by migration but based on several studies done by nongovernmental organizations and local government organizations in Manila, there are approximately 9 million Filipino children under the age of 18 who are left behind by one or both parents to work tentatively or live permanently abroad.

General Impact on Children

Children have a different level of acceptance or tolerance of the situation depending on their “cognitive development”⁸. For young children, they only see migration as a form of abandonment of their parents; while adolescents may either be receptive or resentful. Related articles on children left behind also focus on the effects of mother’s absence to children, where children have varied reactions to migration situation depending on the

⁶ Dizon, Añonuevo and Añonuevo, 2002

⁷ From the lecture of Ms. Vivian Tornea of Overseas Welfare Workers Administration during the Summer Institute on Migration, Miriam College, May 2008

⁸ Carandang, 2007

age of the child – i.e. for pre-school children (0-5 years old), the absence of mothers is somewhat easily accepted since no bonding has yet been established but the adjustment for those children ages 6-16 years of age is more difficult because they had already known and established affection with their mothers.⁹

Compared to public perceptions about the negative impact of migration to children, most research studies reveal a different perspective. Several studies (i.e. Cruz, 1987; Asis, 2000 & 2006; Parreñas, 2006; Bryant, 2007) conducted did not show a big difference in terms of attitudes, behaviors, and values between children of migrants and non migrants. This was also validated by the 2003 Children and Families Study of Scalabrini conducted in selected areas in Luzon (NCR, Bulacan, Cavite, Laguna), Visayas (Cebu and Negros Occidental), and Mindanao (Davao). There are several factors that may negatively or positively affect the formation and personal development of the children:

1. Global parenting

It was highly recognized that “the transmission of values, including spiritual formation, from one generation to the next is one of the major responsibilities vested in the family.” But the 2003 study found that migration of parents did not matter in the formation of important values and spirituality since this is also passed on from parents or caregivers. At the same time, through the help of advance technology, a different level of intimacy which also strengthens the linkage and nurturing bonding is being established among migrant families. This is what Tanalega (2002) is also talking about (Global Parenting) wherein parenting becomes a long distance love affair synchronized with the fast paced development of technology. The absence of the parents is substituted through the different technological mechanisms (cellphones, emails, videocams) to make their presence felt by their children even if they are thousand miles away. Unfortunately, this “techy” parenting will still not replace the emotional bonding that can develop in the relationship when they are physically present. At the same time, they will miss the growing up years of their children and their value formation.¹⁰

2. Search for role models

“The strength of family relationship particularly the children’s closeness to their parents, is reflected in the children’s choice of their parents as role models.”¹¹ Migration has somehow influenced the children’s choice of career and future plans. In the 2003 study, 60% of OFW respondents would like to work abroad and would like to take courses in medicine/nursing, teaching, and engineering/architecture. This view is likewise supported by Añonuevo (2002) showing an alarming reality in terms of children’s aspiration to work like their parents. Even if they dream of finishing college education, they already developed in their consciousness that they could get a higher salary abroad even without having a college diploma.¹²

⁹ Añonuevo, “Coming Home: Women, Migration and Reintegration, 2002

¹⁰ Tanalega, “Families on the Move”, 2002

¹¹ 2003 Philippine study by Scalabrini

¹² Añonuevo, “Coming Home; Women, Migration and Reintegration, 2002

3. Academic performance and school behavior

Unlike the perceived notions, children of migrants performed well especially during grade school compared to non migrant children (based on the study of Scalabrini). But it was also evident that children of migrant mothers tend to score lower than the other children. This finding also came out in the 1996 study (Battistella and Conaco) and seems to suggest the importance of mother's presence in the academic performance of the children. At the same time, based from the actual interview and observation of Parreñas (2006) in the conduct of her study, the two boys she met in one school who were labeled as trouble maker by the guidance counselor have acted with respect and obedience and have higher cognitive skills. This can also be seen in Cruz' study (1987), where students' performance did not show significant difference between children of migrants and non-migrants, majority even received good ratings in terms of conduct and discipline in class from the teachers (78% children of migrants and 81% children of non-migrants). Cruz (1987) also noted that children of migrants interact more with classmates and actively participate in class discussion/activities and extra-curricular activities.

Asis (2000) also did not find any empirical evidence to prove that children of migrant workers are more likely to engage in juvenile delinquency than children of non-migrants.

4. General well being

The 2003 study found that "children of migrants were generally fine and faring better than the children of non migrants". Surprisingly, "children of migrants are less anxious and less lonely compared with the children of non migrants". This is in contrast with Battistella and Conaco's (1996) findings showing children of migrant parents experiencing higher anxiety and loneliness. However, the low level of anxiety and loneliness can also be attributed to the increase of family communication. On a sad note, the children of migrant mothers reported being lonely, angry, unloved, unfeeling, afraid, different from the other children, and worried compared to all groups of children, including non OFW children.¹³

5. Socialization of children and learning to be independent

Social behavior of children can also be affected by migration of either one or both parents. In the previous study by Battistella and Conaco (1996), children with absent mothers showed poorer social adjustment and suffered impeded psychological development. But in the 2003 Scalabrini study, it showed that children have generally adjusted socially mainly because of the strong social support from family members and relatives.

Regardless of whether the parents are here or not, children also share some responsibility in the household chores. Among the common chores are cleaning the house, setting the table/washing dishes, taking care of the siblings, doing errands, watering plants, taking care of the animals, etc. And although "migrant children reported experiencing

¹³ 2003 Philippine Study by Scalabrini

difficulties and longing for their absent parents, they also acknowledge that they learned to be more independent in the process.”¹⁴

Towards Migration and Development

Using the thematic issues of the Global Migration and Development as a framework for the review, this section will look into the possible impacts/issues on children affected by migration vis-à-vis the thematic issues.

1. Migration, Development and Human Rights

The Philippines, being one of the largest migrant sending countries around the globe where approximately 10% of its population is abroad, has always been in the forefront in the promotion and protection of human rights, much more children’s rights. Enshrined in its constitution (Article 13 on Social Justice and Human Rights), the Philippines has created institutional machineries and mandates to realize the State’s policy of valuing the dignity of every human person and guaranteeing the full respect for human rights. Furthermore, the country is a signatory to all the seven core international instruments¹⁵ on human rights and had passed several laws and policies to implement such commitment.

Among the sending countries, the Philippines is the most advanced in forging bilateral agreements. The Government has entered into social security agreements with eight countries and one provincial territory: the United Kingdom, France, Austria, Spain, the Netherlands, Canada, Switzerland, Belgium, and Quebec. *“In general, these agreements provide for the totalization of periods of insurance, employment, or residence and of assimilated periods for the purpose of the acquisition, maintenance or recovery of rights and calculation of benefits. Thus, a person who did not complete the required payment years in the Philippines may still receive benefits if his/her total years of contribution in the Philippines and the contracting party will make him/her eligible to receive benefits. Calculations will be based largely on the agreement between the two parties. Fund transfers and mutual administrative assistance are also enclosed in these agreements. Fund with the conditions and procedures agreed upon by both parties. The contracting parties likewise provide administrative assistance in facilitating the application for social security and claims free of charge.”*¹⁶

¹⁴ Asis, Maruja M.B., “Migration and Families in Asia”, 2000

¹⁵ (1) International Convention on the Elimination of All Forms of Racial Discrimination, (2) International Covenant on Civil and Political Rights, (3) International Covenant on Economic, Social and Cultural Rights, (4) Convention on the Elimination of All Forms of Discrimination against Women, (5) Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (6) Convention on the Rights of the Child, and (7) International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families

¹⁶ “Handbook for Filipinos Overseas”, Seventh Edition, Commission on Filipino Overseas, 2005

With the exception of South Korea, it can be observed that bilateral agreements are often with Western countries, thus no agreement has been made yet with countries hosting large numbers of Filipino workers like Saudi Arabia, Singapore, Malaysia, and Brunei.¹⁷

Economic benefits vs social cost

In 2006, approximately US\$300 billion remittances were sent to migrants' households in their places of origin.¹⁸ "From a development perspective, this enormous transfer of resources from wealthier to more impoverished regions of the world represents a unique opportunity for improving the well being of those communities involved."¹⁹

The economic benefits of migration to families (including children), communities, and the state are undeniably true. But even if millions of households in developing countries, particularly in the Philippines, receive financial support from family members overseas, there are hardly evidences to show how households benefit from it. In a Philippine research focusing on household with relatives working abroad, they found out that "when migrants' economic prospects improve, they send more money home. In turn, the recipient households use these resources to make crucial investments for the future, leading to increased child schooling, reduced child labor, and greater entrepreneurial activity in migrants' source households."²⁰

Yang (2004) also shows how a favorable exchange rate shocks can increase the remittance receipts of households, for a 25% improvement in the exchange rate is equivalent to a 6% increase in the remittances share of household income.

Table 1: Impact of Favorable Migrant Exchange Rate Shocks on Philippine Households²¹

Outcome	Value prior to crisis	Impact of 25 percent improvement in migrant's exchange rate vs Philippine Peso
Remittances	40 percent of household income	+ 6.0 percent
Educational expenditures	5.4 percent of household income	+ 0.7 percent
Total hours worked in self-employment by household members (per week)	21.5	+ 2.5 hours
Probability of attending school (ages 10-17)		
Girls	95 percent	+ 3.3 percent
Boys	93 percent	+ 1.7 percent
Average hours worked per week (ages 10-17)		

¹⁷ "Labour Migration in Asia – Role of Bilateral Agreements and MOUs", ILO Presentation at the JIPLT workshop on International Migration and Labour Market in Asia, Tokyo, 17 February 2006

¹⁸ IFAD, 2007 as cited in "Gender, Remittances and Development: The Case of Filipino Migration to Italy", United Nations INSTRAW, IFAD, and Filipino Women's Council, 2008

¹⁹ "Gender, Remittances and Development: The Case of Filipino Migration to Italy", United Nations INSTRAW, IFAD, and Filipino Women's Council, 2008

²⁰ Yang, Dean, "How Remittances Help Migrant Families", University of Michigan, December 2004

²¹ Yang, Dean, "How Remittances Help Migrant Families", University of Michigan, December 2004

Girls	0.64 hours	- 0.54 hours
Boys	1.53 hours	- 0.81 hours
Probability of owning		
Television	83 percent	+ 2.4 percent
Living room set	68 percent	+ 1.5 percent
Vehicle (jeep, motorcycle or car)	12.9 percent	+ 3.6 percent
Note: Results for girls' hours worked and for boys' schooling are not statistically significant.		

Another significant study on remittances was the influence of gender migration to remittances and development. This study is based from Filipino migration to Italy where Filipino women are the primary senders of remittances (UN INSTRAW:2008). Aside from the basic household consumption, the study revealed the two types of investments that are fundamental in the migratory flow – (1) investment in the purchase of lands and technology for agricultural production and (2) investment in education of migrants' children and siblings.²² Still, these investments have both positive and negative impacts. For investment in agricultural land, it could contribute to greater production and diversification of crops, however, most of these lands are transformed into commercial establishments or housing settlement. On a gender perspective, “a greater number of female adult migrants have been progressively acquiring lands in their names.”²³ In terms of investment in education, it likewise increased the levels of educational attainments among migrant children giving them more opportunities for their future. However, this can also contribute to migration trend as children in the rural areas tend to study in urban communities which later on decide to permanently stay in the area. Some, however, would eventually follow their parents abroad or go to another country after finishing school.

Table 2: Summary of Remittances' Impacts on Agricultural Production, Household Food Security and Gender Equality²⁴

Aspects of Community Development	Benefits	Risks
Agricultural Production	<ul style="list-style-type: none"> - ability to purchase and invest in agricultural land - intensification and diversification of agricultural activity - improved harvests resulting from technological investments - changes in the organization of agricultural and 	<ul style="list-style-type: none"> - loss of interest in farming activities - reduction in cultivable agricultural land due to remittance-based investments in the construction of houses and businesses

²² “Gender, Remittances and Development: The Case of Filipino Migration to Italy”, United Nations INSTRAW, IFAD, and Filipino Women’s Council, 2008

²³ “Gender, Remittances and Development: The Case of Filipino Migration to Italy”, United Nations INSTRAW, IFAD, and Filipino Women’s Council, 2008

²⁴ “Gender, Remittances and Development: The Case of Filipino Migration to Italy”, United Nations INSTRAW, IFAD, and Filipino Women’s Council, 2008

Household Food Security and Consumption Patterns	<ul style="list-style-type: none"> - household labor - purchasing power has led to improvement in quantity, quality and selection of food for families of OFWs - new preferences for imported food products and fast food - reduced dependency on subsistence agriculture for food supply - ability to stock and sell food to cover periods of lower productivity or natural catastrophe 	<ul style="list-style-type: none"> - greater dependency - remittances store bought food for consumption - rising prices of food supplies and farm technologies put non-migrant households' at risk for food insecurity - debt accrue among migrants wishing to meet remittance expectations of family members in the Philippines
Gender Equality	<ul style="list-style-type: none"> - women's economic empowerment via migration increases and diversifies employment opportunities for women - women's transition from unpaid subsistence agricultural work to administration of small businesses (e.g. sari sari store) - increased levels of educational attainment amongst daughters of migrants-increases in women's household paid decision-making power - increased landownership among women 	<ul style="list-style-type: none"> - transfer of gender-based inequalities amongst women - promotion of the social construction of Filipino women as "self sacrificing" migrants and heroines of their households and communities - risk of women's instrumentalization: their altruism for the sake of their transnational families even to the detriment of their own well being – is increasingly praised

Remittances do help improve the quality of life of the migrants and their families. A huge percentage of the remittances go to tuition fees of children, thus, children of migrants have better educational opportunities where they can enroll in private schools offering good quality education.

Despite the gains of remittances, one study shows that there is not much tremendous improvement in the lives of the families, the money being sent is just enough or sometimes hardly meet the demands and needs of the families left behind. (Arellano, et al: 2007). Narratives of this book were based from real life stories of families in poor urban communities where the mother is the migrant worker. The stories illustrate the realities faced by the left behind families including how they manage the remittances which are hardly enough to sustain their daily needs especially if the remittances have been delayed. Likewise, Edillon (2008) asserted that there is not really much of a significant difference with regards to the family's economic status as they remain poor. Hence, other priorities such as health considerations including hygiene-related health problems are taken for granted. Visit to doctors only occur when very ill (though this is

also true even to poor non-migrants). They are also vulnerable to “economic shocks” especially related to the country’s economic and political situation.²⁵

In the recent article of Jeremiah Opiniano (*OFW Journalism Consortium*, “*Stories of Faraway Filipino*, March 2008), extreme reliance on money from Filipino overseas has not helped the country get out of the poverty. The 2006 FIES (Family Income and Expenditures Survey) showed that there were 27.6 million poor Filipinos (an increased of 3.6 million from 2003 survey). Though it does not discount the fact that remittances have positive and significant effects on the well-being of poor households, but in terms of regional development, it does not benefit low-income household as much as higher income families. Soledad Rica R. Llorente in her article at the Journal of Filipino Studies (*A Futuristic Look into the Filipino Diaspora: Trends, Issues and Implications*) also talks about the economic benefits and social cost of remittances/migration. The increasing sending of remittances of overseas Filipinos in the country had given them the label of “*bagong bayani*” or modern-day heroes. As shown in the table, economic benefits are really the significant result of overseas employment.

Table 3: Remittances of Overseas Filipino Workers²⁶

Year	Remittance (US\$billions)
1990	1.2
1992	2.2
1994	2.9
1996	4.3
2000	6.8
2003	7.7
2004	8.5

In the study of Coronel and Unterriner (2007), the authors look at other areas where remittances can be used for the benefit of the child: (a) access not only to leisure and recreation but also to cultural activities, (b) contribution to higher achievements at school, (c) ensuring that other critical elements such as physical, mental, moral, spiritual and social aspects of living are considered, among others.²⁷

While the current volume of remittances reaching \$14 billion by December 2007 seems to constitute a great resource to tap for the promotion and protection of children’s rights, the prevailing separation of one or both parents from their children definitely goes against the interest of the children. It is, therefore, almost imperative to determine how these remittances are utilized to find ways to increase the positive effect of remittances on these rights and promote their best use to ensure the creation of assets for the stability of the future in terms of enhancing human and social capital. (Dungo, 2008)

²⁵ Edillon, Rosemarie G. “The Effects of Parent’s Migration on the Rights of Children Left Behind”, Asia Pacific Policy Center, UNCEF, 2008

²⁶ Foreign Exchange Department, Central Bank of the Philippines, 2005, as cited in Llorente’s article

²⁷ Coronel, F.K. and Unterriner, F. “Increasing the Impact of Remittances on Children’s Rights: Philippines Paper”, UNICEF, 2007

A paper by Coronel and Unterriner (2007) points out that “in order for remittances to have a maximum effect on the realization of children’s rights, the status of the migrant must be improved so that they can avoid being in vulnerable situations abroad which would negatively affect their ability to provide care for their children.”²⁸

However, the social cost of migration is also something that needs serious attention. While economics may focus more on the impact of remittances which include but not limited to increase in the country’s GNP, better standard of living of the migrant families, good education opportunities of children, and assistance to community development, among others; the unfortunately reality which may not be measurable by money (and which cannot be bought by any currency) is the impact of migration to families left behind especially on children.

There were several studies to show migration of parents is indeed heart breaking for children:

- longing for parental care

Though family separation may not necessarily lead to extreme cases of emotional disturbance and delinquency among children (Scalabrini:2004 and Asis:2000), children have different levels of acceptance and tolerance of the migration depending on their “cognitive development”. For young children, they see this as an abandonment and not seeing the other side of the picture; it could however have either a positive or negative effect for the adolescents – somewhat happy because of the material benefits but the painful one is they cannot hide their sadness. (Arellano-Carandang, et al: 2007 and Anonuevo: 2002). But regardless of the material benefits and possibly the care that these children left behind receive from their parents from a distance nor from their relatives, children of migrant particularly of migrant mothers still consider the migration as a form of abandonment. Children have much higher expectations for mothers to provide care for the family even if they are working abroad. Though they recognize the economic benefits they are gaining, they do not recognize this as a form of care. (Parrenas: 2006). This situation is also consistent with Battistella and Conaco’s (1996) study which reveals that parental absence is experienced particularly as a sense of loneliness and abandonment and that children of left behind generally lagged behind from their classmates with both parents present.

On the level of psychological and emotional well-being, children of migrants revealed that they were less socially adjusted. Children with the mother abroad tend to be more angry, confused, apathetic and more afraid than other children. It is also asserted that the absence of the mother could be the most disruptive in the life of the children. (Battistella and Conaco: 1996 and Migrante-Anak Pamilya Foundation: 2005). Likewise, children do not want their mother to work overseas. (Cruz:1987)

²⁸ Coronel, F.K and Unterriner, F. “Increasing the Impact of Remittances on Children’s Rights: Philippinen Paper”, UNICEF, 2007

The parents' long period of absence gives an OFW's child a feeling of "permanence of absence," very similar to those experience by orphans and abandoned children. Most of them have not really gotten to know their parents well because they have not lived with them for years. Children can only associate their parents with the money, gifts and phone calls (Atikha and Balikbayani: 2002).

- burden of girl children in performing the "caring" work

Many young adults who have migrated mothers felt neglected or abandoned. They do not see their fathers as performing the 'caring' work in the family, rather they pass over the caring responsibilities to other women in the family, more often to the eldest daughter. This immense responsibility in turn affects their performance in school. (Parrenas: 2006). As noted in another study, when mother migrates, the father does not automatically assume the roles previously undertaken by women, hence, it becomes a burden to the girls in the family who assume the roles of the mother migrants. (Asis: 2000).

- Confusion over gender boundaries and reversal of gender roles

It is unfortunate that gender boundaries are very much keen on children's views on parental migration, "*children of migrant fathers are more likely to say that their father left the Philippines to provide for the family, whereas children of migrant mothers more commonly claim that their mothers left to escape poverty.*" (Parrenas:2006). This study of Parrenas further shows how the society views the dysfunctional transnational families by blaming the migrant women's disruptions of the gender conventions where there is also a greater demand for children's care expectations from women than from men. And when the father is the one left at home, there is an impact to children of the reversal of roles of fathers from being a main provider to that of a nurturer. (Pingol:2001). There is also confusion and resentment of children over the transformation of traditional gender roles especially where most fathers refuse to perform nurturing roles even in the absence of the mothers. (Yeoh and Lim: nd)

- Developing a consumerist attitude

Most children accept the migration of their parents as an opportunity to have a better life, they only see the "money equivalent" of migration. As long as they receive their money regularly, they will be fine.²⁹ This also leads to a materialistic attitude of children of migrants.

- Vulnerability to abuses

Vulnerability of children to abuse and violence is one of the worrying aspects of parental absence. Study shows that among the common form of abuse are verbal, intimidating and hurting children. And among children of migrants, it is the male children who reported experiencing more abuse³⁰ than female children. "Gender differences were largest for

²⁹ Scalabrini, 2004

³⁰ The boys left behind by migrant parents were particularly vulnerable to being touched in sensitive areas

such abuses as being belittled and being hurt. The feeling of being abandoned was rather pronounced among the children of migrant mothers (boys and girls alike).³¹

2. Secure, Legal Migration can achieve stronger development impacts

Due to extreme poverty, Filipinos see migration as the only option to get out of their impoverished situation. And just to go to other countries for more job opportunities, people will use all alternatives and means even through illegal channels without considering the possibilities of subjecting themselves to more extreme abuses. If parents are into this kind of situation, the children are definitely mostly affected. Aside from the fact that they cannot visit the Philippines regularly, thus, leaving no other physical visitation alternatives to their children, the parents cannot demand and access for protection and social services in the host country leaving them vulnerable to human rights violations.

International Standards/Conventions on Migration

According to Stephanie Grant, “migrants have been invisible in much human rights discussion, and that fact has contributed to popular belief that they were a group apart, without the same fundamental rights as others.”³² It is true that there were several international and regional treaties and standards on migrant workers (see Annex 1 for the listing of international and regional treaties), but none of which specifically addressed the needs and concerns of neither children of migrants nor migrant children in general.

A comprehensive international treaty on protecting migrants is the *Convention on the Protection of the Rights of All Migrant Workers & Members of their Families* calling for equal treatment and same working conditions for migrants in the host countries as well as non discrimination of migrants and their families. It also ensures that the right of migrant to remain connected to their country of origin is guaranteed. But it has no specific provision for children. As of July 2007, the Convention has 37 parties³³ (with 28 signatories), but it is unfortunate to note that “no western migrant-receiving country has ratified the Convention, even though the majority of migrant workers (nearly 100 million out of a total of 175) live in Europe and North America. Other important receiving countries, such as India, Japan, Australia and the Gulf States, have not ratified the Convention either.”³⁴

Even the two ILO conventions do not have provisions specific for children. *ILO Convention No. 97 Concerning Migration for Employment (1949)* calls State Parties to

³¹ 2003 Philippine Study by Scalabrini

³² Stephanie Grant, *International Migration and Human Rights*, GCIM, Sept 2005

³³ Albania, Algeria, Argentina, Azerbaijan, Bangladesh, Belize, Benin, Bolivia, Bosnia & Herzegovina, Burkina Faso, Cambodia, Cape Verde, Chile, Colombia, Comoros, Ecuador, Egypt, El Salvador, Gabon, Ghana, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Indonesia, Kyrgyzstan, Lesotho, Liberia, Libyan Arab Jamahiriya, Mali, Mauritania, Mexico, Montenegro, Morocco, Nicaragua, Peru, Philippines, Sao Tome and Principe, Senegal, Serbia, Seychelles, Sierra Leone, Sri Lanka, Syrian Arab Republic, Tajikistan, Timor-Leste, Togo, Turkey, Uganda, Uruguay

³⁴ Information Kit on the United Nations Convention on Migrants Rights.

www.unesco.org/most/migration/convention

provide adequate and free service to assist migrants for employment as well as providing them with accurate information. Measures should be established to facilitate the departure, journey and reception of migrants for employment including fair provision for remuneration, accommodation, benefits, and social security. Furthermore, *ILO Convention No. 143 Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers (1975)*, provides protection for legal migrants such as enjoyment of equal treatment with nationals in respect to guarantees of security of employment, relief work and retraining.

Of course, the UN Convention on the Rights of the Child (CRC) particularly addresses the needs and concerns of migrant children where State Parties should uphold regardless of the children's status within their territory. The CRC also has a General Principle relating to non-discrimination, best interests of the child, right to development, and right to be heard. The Committee even adopted a General Comment (No. 6) on the treatment of unaccompanied and separated children outside their country of origin.

Though the laws and standards are there, the enforcement and implementation of such policies is a different thing.

Host Countries' Policies on Child Migrants

One affirmative action to look at with regards to upholding the rights of child migrants is their right to education which in turn can aid them in their integration to the host country. The European Community has clear directive concerning the education of children of migrant workers. According to European law, "minors who are children of third-country nationals with the status of long-term residents have since November 2003 received the same treatment as nationals as far as education is concerned, including the award of study grants."³⁵ However, European countries and even other countries of destination often require language proficiency before they can access the education system and at the same time those who are not permanent residents are not entitled to educational benefits. Aside from this, the host countries do not have control over some prejudices and discrimination that children migrant might experience from other nationals of the host country, specifically the children and the parents. .

Below are some country specific policies on child migrants:

- Italy

Italy has been one of the favorite host countries not only of the Philippines but also of Eastern Europe, Northern Africa, and China.³⁶ And since im/migrant families were already able to obtain legal permission to live in Italy together with their families, the number of im/migrant children in Italian schools is also increasing. Italy has a national

³⁵ "Integrating Immigrant Children into Schools in Europe", Directorate-General for Education and Culture, European Commission, 2004

³⁶ "Children of Immigrants in Early Childhood Settings in Five Countries: A Study of Parents and Staff Beliefs", Children Crossing Borders, 2006

policy for im/migrants including services on early childhood education. “The Italian attitude towards non-Italian children in early childhood services and schools is in general positive, compared to a more mixed national attitude to adult immigration.”³⁷

“New laws specify that im/migrant children, even those whose families have not received legal permission to live in Italy, should be enrolled in public schools and that im/migrant children should attend regular classes with children of their age level.”³⁸

- Japan

Following the inevitable trend of immigration flow, the Japanese government has recognized the need to facilitate migrants settlement into Japanese society. But despite of the efforts made, immigrants continue to face some difficulties with regards to social integration including education problems when their children start to go to school. The Japanese government still lacks effective means to address such problem; it does not even have a one-stop agency for immigrants.³⁹ Despite of this, there is an increasing duration of residency among migrants especially those coming from China, Brazil, the Philippines, and Peru. “As of late 2001, there were 280,436 individuals registered as a Spouse or Child of a Japanese National.”⁴⁰ In the case of the Philippines, this can be attributed to the many Filipinas who worked as entertainers and later on married a Japanese man.

The Japanese government does not automatically grant citizenship even to those married to Japanese nationals. They, however, have the “Second Basic Plan for Immigration Control” (2000) which contains a section on “The Smooth Settlement by Long-Term Foreign Residents in Japan”. Under this provision:

“ a foreigner who is parenting or in guardianship of a child who is the actual child of a Japanese and who wishes to stay in Japan with the child, will be granted 'long-term residency' as a general rule, provided certain conditions are met - 1) that the child produced with a Japanese national has been in the care or under the guardianship of the person for a considerable period of time, 2) the person has parental authority (*shinken*) regarding the child, and finally 3) the child is recognized by a Japanese father to be his child.”⁴¹

³⁷ “Children of Immigrants in Early Childhood Settings in Five Countries: A Study of Parents and Staff Beliefs”, Children Crossing Borders, 2006

³⁸ “Children of Immigrants in Early Childhood Settings in Five Countries: A Study of Parents and Staff Beliefs”, Children Crossing Borders, 2006

³⁹ Yuka Ishii, “The Residency and Lives of Migrants in Japan Since the Mid-1990s” in Electronic Journal of Contemporary Japanese Studies, Ritsumeikan Asia Pacific University, August 19, 2005

⁴⁰ Yuka Ishii, “The Residency and Lives of Migrants in Japan Since the Mid-1990s” in Electronic Journal of Contemporary Japanese Studies, Ritsumeikan Asia Pacific University, August 19, 2005

⁴¹ Yuka Ishii, “The Residency and Lives of Migrants in Japan Since the Mid-1990s” in Electronic Journal of Contemporary Japanese Studies, Ritsumeikan Asia Pacific University, August 19, 2005

But a progressive amendment was made, which is allowing the female foreigner to reside even after the divorce from a Japanese spouse in order to protect the rights of people living together as a “family”.⁴²

In terms of education, there are problems concerning the teaching of the Japanese language. The problem is basically rooted in migrants’ lack of Japanese language ability. Japanese is essential in migrant children participation in school and social activities.

- Finland

In Finland’s fourth periodic report to the Committee on Elimination of all forms of Discrimination Against Women, the government indicated that about 1.7% of the population living permanently in the country are non-Finnish nationals. The increasing number of immigrants is primarily due to “arranged marriages” between Finnish men and foreign women (specifically Filipino women).

Finland has a law on the integration of immigrants (Immigrant Act, 1999) which aims to provide foreign citizens with a knowledge of Finnish, its culture and society, and possibilities for education and work.⁴³ Integration in cultural terms in Finland is an option since immigrants may still maintain their own culture, language and ethnic identity.⁴⁴ Such as in other Nordic countries, the social security system in Finland is based on residence (not on employment), thus all residents (including immigrants) are entitled to social security and welfare services.⁴⁵

Although immigrants including women and children enjoy certain privileges and access to services such as in education and participation in the economy, the lack of language skills hurdles women and migrant children’s participation in social, political, and economic activities.

- France

Nationality law in France has been very open since 1889, “the integration of migrants and their children was ideologically centred on a political programme linked to values

⁴² Yuka Ishii, “The Residency and Lives of Migrants in Japan Since the Mid-1990s” in Electronic Journal of Contemporary Japanese Studies, Ritsumeikan Asia Pacific University, August 19, 2005

⁴³ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁴⁴ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁴⁵ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

symbolized by the French Revolution.”⁴⁶ This principle known as “assimilation policy” is an attempt to transform a population of foreign origin into French men and women.⁴⁷

The school system is considered to be the best instrument for integrating the children immigrants into the national culture. Special measures have been installed to help the children in adopting to the mainstream system, these include *special classes, training and information centers supporting the education of immigrants’ children*.⁴⁸

- Cambodia

Cambodia, in its 2006 report to CEDAW Committee, indicated a high incidence of trafficking of women and children from the rural areas to international borders. To address this situation, the government passed several laws that directly or indirectly deal with human trafficking, i.e. Suppression of Kidnapping, Trafficking/Sale and Exploitation of Human Persons Act; Law on Contracts and Other Liabilities, Labor Law; Law on Marriage and Family; Law on Immigration and the Transitional Penal Code.

- Spain

An “Inter-ministerial Plan for the Integration of Immigrants” was created in 1994. This allows full citizenship for legalized immigrants – granting them the same civil and social rights and responsibilities as Spanish citizens.⁴⁹ “Children of migration background are integrated within the general Spanish education system and expected to follow the same school curriculum as Spanish pupils.”⁵⁰

However, this incorporation only pertains to immigrants and their children and not for temporary migrants and their families. Hence, there are criticisms on Spain’s integration policy due to lack of multidimensionality – *i.e. its integration model involves a low level of incorporation of migrants into the Spanish labor market, dependence for access to*

⁴⁶ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁴⁷ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁴⁸ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁴⁹ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁵⁰ “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

*social services on the registration in the census which can be easility controlled by police forces, as well as absence of any decision on voting rights for immigrants.*⁵¹

- United States

The United States recognize the pivotal role that education play in maintaining the social fabric of educating good citizens in their country including maintaining their political and cultural heritage.⁵² Realizing that illegal migrants may continue to flow in the country, the Congress passed in 1982 the “Immigration Reform and Control Act” which imposes sanctions on employees who hire illegal aliens. An amnesty program for undocumented aliens was also included in the law.⁵³

“The social climate in some US states is hostile to bilingual education. Mandates by state and local boards of education to teach only English in public schools have signaled a resurgence of xenophobic attitudes and policies directed at migrant families and their children.”⁵⁴ Furthermore, there are proficiency tests required in elementary and secondary schools which further isolated migrant and undocumented children. However, there are also some schools that have migrant-friendly admission and school procedures and quality educational practices even to undocumented families and children.⁵⁵

Impact on Children Migrants

Whether migrants went through the legal or illegal process, children migrants generally experience difficulties in coping and adopting in the new environment.

- lost identity or culture gap

Children migrants experience the dilemma of lost identity or identity crisis. This second generation living abroad not only have difficulty in being accepted in the mainstream of the country where they grew up because they look physically different from the natives but at the same time they could not connect with their parent’s home country. This is also known as the culture gap, especially in the United States where “Filipinos are the fastest growing Asian minority.”⁵⁶

⁵¹ Morén-Alegret, 2005 in the “Local Integration Policies for migrants in Europe”, European Foundation for the Improvement of Living and Working Conditions, Luxembourg: Office for Official Publications of the European Communities, 2007

⁵² Green, Paul, “The Undocumented: Educating the Children of Migrant Workers in America”, University of California, Riverside, nd

⁵³ Green, Paul, “The Undocumented: Educating the Children of Migrant Workers in America”, University of California, Riverside, nd

⁵⁴ Green, Paul, “The Undocumented: Educating the Children of Migrant Workers in America”, University of California, Riverside, nd

⁵⁵ Green, Paul, “The Undocumented: Educating the Children of Migrant Workers in America”, University of California, Riverside, nd

⁵⁶ “The Investigative Reporting Magazine”, Manila, Jan-Mar 1997

In San Francisco, USA where there are many immigrants living in the inner city, “their kids go to multi-racial high schools where those belonging to the same ethnic group tend to stick to each other for protection.”⁵⁷ Since the parents are often busy with their work, they could not spend much time with their children, living the children with difficulty of understanding and finding a common ground which is being exacerbated by insufficient community facilities that cater to their needs. This same scenario happens to Filipino immigrants elsewhere in the world. As shared by a Filipino parent in London, “*when we first came in this country, our children were babies. Now they are young adults with their own culture and their own ideas – and we don’t know how to deal with them.*”⁵⁸ Unlike in the Philippines, where extended families and social networks can be counted on to look after the children when parents are at work, in other countries, migrants have no one else to rely on except themselves. As such, these kids spend much of their time with their friends who could influence them either positively or negatively. And sometimes, these children blame their parents as they undergo the process of searching their identity, as lamented by a former gang member in London, “*my mom was always sleeping during the day because she works at night and my dad is working all the time...they thought that getting money on the table was the only thing they should do.*”⁵⁹

- fear of xenophobia

Migrant children feel discriminated especially since they are the minority and therefore has a feeling of inferiority. In several European countries, “there are extreme political parties and groups promoting prejudices and fear...some of them have got a foothold in parliaments or local assemblies...extremist media have also played a negative role and disseminated stereotypes and in some cases even hate propaganda.”⁶⁰

Mr. Thomas Hammarberg, the Commissioner for Human Rights of the Council of Europe, recognized that poverty, exclusion and discrimination do have social consequences, and that “gaps in the schooling reduce the chances of future employment. The feeling of not belonging and the lack of hope about the future contribute to a destructive atmosphere.”⁶¹ He further stressed of the connection between welfare policies and harmony, that is having mutual respect between individuals in society.

- Challenge in the access to education system

Children’s mobility can have an effect to children’s performance in school as well as finishing and meeting school requirements. And when in school, children migrants experience bullying from other children. They have difficulty in socializing due to

⁵⁷ “The Investigative Reporting Magazine”, Manila, Jan-Mar 1997.

⁵⁸ “The Investigative Reporting Magazine”, Manila, Jan-Mar 1997

⁵⁹ “The Investigative Reporting Magazine”, Manila, Jan-Mar 1997

⁶⁰ Hammarberg, Thomas, Commissioner for Human Rights of the Council of Europe, “The Rights of Children in Migration must be Defended” presented during the Save the Children Sweden Conference in Warsaw, March 20, 2007

⁶¹ Hammarberg, Thomas, Commissioner for Human Rights of the Council of Europe, “The Rights of Children in Migration must be Defended” presented during the Save the Children Sweden Conference in Warsaw, March 20, 2007

language barriers, cultural differences, and their physical differences. This problem is much more profound to undocumented children.

3. Policy and Institutional Coherence and Partnership

Philippine Response

“Compared to other countries of origin, the Philippines is considered to be quite progressive in terms of having established institutions and mechanisms to curb irregular migration at the source. Despite this, however, many unlicensed agencies or recruiters escape regulation. Lacking a legal identity, they are difficult to monitor. Unless migrants report incidents of abuse or victimization, illegal recruitment cases fade into oblivion and may be repeated involving other victims”⁶²

Knowing the vast contribution of overseas workers to the Philippine economy, the government has provided support mechanisms and policies to assist overseas workers and their families. For one, there is the Overseas Workers' Welfare Administration (OWWA), which aims to protect the OFWs and their families by providing a wide range of comprehensive services and programs. Among its programs and services include: (a) insurance and health care benefits, (b) education and training, (c) social services and family welfare assistance including repatriation and reintegration program, (d) workers' assistance and on-site services, (e) half-way house for distress OFWs, (f) airport assistance desk, (g) 24/7 OWWA operation, among others.⁶³ Other specific programs⁶⁴ of the government are the following:

Medicare: By virtue of the Executive Order No. 182 as amended, the Medicare Program formerly administered by the Overseas Workers Welfare Administration (OWWA) is now being implemented through the Overseas Workers Program of the Philippine Health Insurance Corporation (PhilHealth). The program provides for mandatory health care which includes medical assistance and hospitalization benefits for overseas workers and their dependents.

Pag-ibig Overseas Program: The PAGI-IBIG Overseas Program (POP) is a voluntary savings program which aims to provide Filipino overseas contract workers, immigrants and permanent residents abroad the opportunity to save for their future and avail of a housing loan of as much as Php2 million

Philippine Schools Overseas: The establishment of Philippine schools overseas is being encouraged in other countries where there are large concentrations of Filipino school children. These schools follow the prescribed Philippine curriculum and ensure that quality education in the elementary and high school levels is made available to children of Filipino migrants, so that these students can be readily integrated into the Philippine educational system on their return to the Philippines. These schools also provide a venue for learning about Filipino heritage and culture.

⁶² “PMRW report shared at GCIM regional hearing” in the The Migrant Watch, Volume 3 No. 2, June 2004

⁶³ Culled from the presentation of Ms. Vivian Tornea of OWWA during the 2nd Summer Institute on Migration, Miriam College, May 2008

⁶⁴ Based from the “Handbook for Filipino Overseas”, Seventh Edition, Commission on Filipino Overseas, 2005

In May 2000, Executive Order No. 252 was issued to strengthen the Inter-Agency Committee on Philippine Schools Overseas which was created through a memorandum of agreement signed on 24 February 1995. The Committee is a policy-making body and a forum for discussion and resolution of issues concerning the establishment, operation, and management of Philippine schools overseas or such types of schools or educational programs abroad.

There are now 37 Philippine schools overseas which 28 are already accredited by the Department of Education. These schools are located in Bahrain, China, Greece, Kuwait, Libya, Oman, Qatar, Kingdom of Saudi Arabia, and United Arab Emirates.

Since labor migration remains to be an attractive option (or the only option) to many workers in the Philippines despite of the various problems they might face in the countries of destination (i.e. non payment of salaries, contract violations, illegal detention, physical and sexual abuse, and psychological distress), the government initiated and implemented several actions and policies to ensure Filipino migrant workers' protection. Among are the following:

- A pre-departure orientation program especially for women in domestic employment who are vulnerable to maltreatment, abuse and other forms of violence. Included in the syllabus are the modules on health and sexuality, HIV/AIDS, self-defense techniques, etc.
- A comprehensive orientation program for overseas performing artists or entertainers regarding their rights, health, illegal recruitment, trafficking, self-development, and better career options.
- Presence of Female Philippine Overseas Labor Officers and female welfare officers in countries where there are large populations of Filipino women workers
- Setting up of welfare centers, bilateral negotiations with receiving countries, and lobbying for policy reform and programs for migrant workers at international fora.
- Passage of the Anti-Trafficking in Persons Act, Anti-Mail Order Bride Law, and the Migrant Workers and Overseas Filipinos Act
- Ratification of the UN Convention on Transnational Organized Crime, OP on Anti-Trafficking, and the OP Against Smuggling of Migrants by Land.
- Reinforcing the integrity of the Philippine passport as implemented under the Philippine Passport Act, Philippine Labor Code and certain provisions of the Immigration Act.
- The Office of the Undersecretary for Migrant Workers Affairs is at the forefront on matters related to assistance to Filipinos in distress overseas, created by virtue of the Migrant Workers and Overseas Filipinos Act

Toward a Concerted Efforts

Addressing migration issues and concerns is not just the sole responsibility of the State, all sectors (church, schools, community, family) of society have a stake in this issue and therefore should facilitate a migrant-friendly environment. They should not discourage

the participation of families outside the conventional paradigm⁶⁵ and instead be supportive to the transfiguration and changing of gender roles occurring in transnational households. Biases against children of migrants should be avoided because it has a profound impact on children. In the study of Parreñas (2006), teachers/counselors are often biased on the performance of students with migrant parents by labeling them as delinquent, hard-headed, lazy, and not intelligent.

With regards to the use of remittances for the realization of children's rights, interventions and collaborations among stakeholders is needed, especially that "a large share of the remittances are used to repay debts incurred as a result of the heavy cost association with migration"⁶⁶

There are already several non government and community organizations in the country that provide services and programs for migrants including policies towards children of migrants. The different stakeholders are indeed important partners in development and could be direct partners in the implementation of policies. They also have a pivotal role in political and policymaking process.

Some of the NGOs and community based organizations working on migration issues were:

1. Migrante Anak Pamilya which provide workshops for children of migrants and their caregivers, provision of information to entertainers, and the publication of a magazine for children of migrants⁶⁷
2. Episcopal Commission on the Pastoral Care of Migrants and Intinerant People (ECMI) which is a service arm of the Catholic Bishops' Conference of the Philippines. It provides information about migrant issues, gives legal advice and counseling to migrants and their families, and organizes livelihood training and microfinance.⁶⁸
3. Atikha provides economic and social services to overseas Filipinos and their Families. It has developed programs and services that address the economic concerns of the overseas Filipinos – i.e. formed *Koop Balikabayani International*, a credit cooperative; organized *Batang Atikha Savers Club* among the children of the overseas Filipinos and other members of the community; conducted entrepreneurship workshops and business opportunity seminars.⁶⁹
4. Unlad Kabayan Migrant Services Foundation is a social entrepreneurship NGO linking migration to community development in the homeland. It pioneered the

⁶⁵ The conventional paradigm is having both parents physically performing the fathering and mothering acts for their children (Parreñas:2006)

⁶⁶ Coronel, F.K and Unterreriner, F. "Increasing the Impact of Remittances on Children's Rights: Philippien Paper", UNICEF, 2007

⁶⁷ Opiniano, Jeremiah, "Statistics on Filipinos' International Migration: Issues and Steps Towards Harmonizing the Data", 2007

⁶⁸ Opiniano, Jeremiah, "Statistics on Filipinos' International Migration: Issues and Steps Towards Harmonizing the Data", 2007

⁶⁹ http://www.atikha.org/atikha_about.html

- innovative approach of harnessing migrant workers' resources to bear on local economy development.⁷⁰
5. Kanlungan served as a crisis intervention center for prospective and returned migrant workers and their families providing free legal assistance for workers seeking justice for violations committed against them, counseling, therapy, etc. It also facilitates and assists in the development of the workers' individual and collective strengths and capabilities through information, education, training and advocacy. Kanlungan has also started its Community Extension Services Program or the formation of migrant support programs/desks at the community level.⁷¹
 6. Center for Migrant Advocacy is an advocacy group that promotes the rights of overseas Filipinos - land- or sea-based migrant workers and Filipino immigrants - and their families. The Center works to help improve the economic, social and political conditions of migrant Filipino families everywhere through policy advocacy, information dissemination, networking, capability-building, and direct assistance.⁷²

These organizations along with other civil society and government organizations working with children of migrants are actually doing policy interventions such as – (a) use of radio, television, schools, magazines, pre-departure seminars to share advice and information on the care of children of migrants, (b) use of teachers to monitor children of migrants – these teachers are given training in what to expect and how to react towards them, (c) workshops with children and caregivers, (d) individual counseling – can be expensive but an effective way to really monitor the children of migrants.⁷³

There is, however, no global coordinating mechanism or commonly agreed framework to guide policymaking on migration, meaning the international regulatory framework to protect migrants is fragmented, poorly developed and distinctly marginalized within the UN system. The key treaty on migrant rights, the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families reached the required minimum number of ratifications, all of which are by migrant-sending countries. So far not one Northern, migrant-receiving country, has ratified the convention nor have other important receiving countries such as India, Japan, Australia, or the Gulf States.⁷⁴

Looking Forward & Some Recommendations

Before concrete actions can be done to protect and promote children of migrants and migrant children, there should first be recognition that these children are “children”

⁷⁰ <http://www.unladkabayan.org>

⁷¹ <http://www.kanlungan.ngo.ph/>

⁷² <http://www.pinoy-abroad.net/>

⁷³ Opiniano, Jeremiah, “Statistics on Filipinos’ International Migration: Issues and Steps Towards Harmonizing the Data”, 2007

⁷⁴ Jolly Susie and Reeves, Hazel. “*Gender and Migration: Overview Report*” in BRIDGE Development – Gender. University of Sussex, Brighton: Institute of Development Studies, 2005

which should enjoy the same rights and privileges as the other children. Below are some possible recommendations that can be looked upon:

1. There is a need to review existing government programs for OFWs since most of these programs or projects were economic assistance which very few targeted young children. Programs for children are often only special programs with short term basis such as drama, play, or workshops. The 2003 study of Scalabrini *revealed that there is a need for training (particularly in counseling, approaches in community organizing), financial resources to carry out the programs, and awareness about good practices and strategies based on the experiences of other organizations and institutions.*
2. There should be continuous dialogues, bilateral agreements between the Philippines and the receiving or host countries to ensure protective measures of its citizens.
3. Right to education is a central right for children and thus “migrant children should be ensured access to compulsory education – irrespective of their parents’ legal status. In some European countries – for instance, in France and Switzerland – migrant parents with irregular status hesitate to send their children to school fearing that their registration would lead to the expulsion of the family.”⁷⁵

Likewise, schools should have teachers who are migrant-friendly. And since language barriers often get in the way for accessing quality education, the “intercultural approach” to teaching is the way forward.⁷⁶

4. Right to health as well should be given priority. Government should ensure that there are appropriate policies which are effectively implemented in ensuring that basic health care services are provided for children.
5. Policy for family reunification should also be considered. “The Council of Europe Parliamentary Assembly has recommended states “to facilitate the family reunification of separated children with their parents in other member states even when parents do not have permanent residence status or are asylum seekers, in compliance with the principle of the best interest of the child” (Recommendation 1596).⁷⁷

⁷⁵ Hammarberg, Thomas, Commissioner for Human Rights of the Council of Europe, “The Rights of Children in Migration Must be Defended”, Save the Children Sweden Conference, Warsaw, March 20, 2007

⁷⁶ Hammarberg, Thomas, Commissioner for Human Rights of the Council of Europe, “The Rights of Children in Migration Must be Defended”, Save the Children Sweden Conference, Warsaw, March 20, 2007

⁷⁷ Hammarberg, Thomas, Commissioner for Human Rights of the Council of Europe, “The Rights of Children in Migration Must be Defended”, Save the Children Sweden Conference, Warsaw, March 20, 2007

6. There must be a pre-departure and post-arrival comprehensive briefing and orientation. This pre-departure orientation should not just be concentrated in Manila but should also have provincial or regional centers.

Finally, migration should first and foremost be just one of the options of Filipinos, therefore, government should be able to create more jobs with decent wages, ensuring as well that prices of basic commodities are affordable.

Annex 1: International and Regional Standards on Migrant Workers

INTERNATIONAL TREATIES ON MIGRANT WORKERS

ILO Standards Protecting Migrant Workers

- Migration for Employment Convention (Revised), 1949 (C.97)
- Migrant Workers (Supplementary Provisions) Convention, 1975 (C.143)
- Migration for Employment Recommendations (Revised), 1949 (R.86)
- Migrant Workers Recommendation, 1975 (R.151)
- Equality of Treatment (Social Security) Convention, 1962 (C.118)
- Maintenance of Social Security Rights Convention, 1982 (C.157)
- Maintenance of Social Security Rights Recommendation, 1983 (R.167)
- Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955 (R.100)
- Migration for Employment (Cooperation between States) Recommendation, 1939 (R.62)

Council of Europe

- European Convention on the Legal Status of Migrant Workers, 1977
- Right of Permanent Residence for Migrant Workers & Members of their Families, 1988 (Recommendation 1082)
- Concerning Women Migrants, 1979 (Recommendation 79)

United Nations

- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (UN, 1990)
- Protocol Against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention Against Transnational Organized Crime (2000, not in force)
- Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the UN Convention against Transnational Organized Crime (2000, not in force)
- International Covenant on the Elimination of All Forms of Racial Discrimination, 1965
- UN Convention Against Transnational Organized Crime, 2000

OTHER REGIONAL INSTRUMENTS RELATED TO MIGRANT WORKERS

- Africa - Protocol on Facilitation of Movement of Persons in
 - Southern African Development Community (SADC)
 - Common Market of Eastern & South Africa (COMESA)
 - East African Community (EAC)
 - Economic Community of Central African States (ECCAS)
 - Economic Community of West African States (ECOWAS)
 - West African Economic and Monetary Union (UEMOA)
- Bilateral Treaties / Protocols / Agreements
 - MOU Between Republic of Indonesia and Malaysia Legalizes Commodification Practices and Makes Indonesian Female Migrant Workers – Domestic Workers in Malaysia More Vulnerable.
 - United States Bilateral Agreements on Social Security with Austria, Belgium, Canada, Chile, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Norway, Portugal, South Korea, Spain, Sweden, Switzerland, and United Kingdom
 - Protocol Regarding the Free Movement of Persons Between Switzerland and Liechtenstein
 - Treaty Series No. 11/1964: [Agreement between the Government of the Republic of South Africa and the Government of the Republic of Portugal](#) regulating the employment of Portuguese workers from the Province of Mozambique on certain mines in the Republic of South Africa (*Place and Date of Signing: Lisbon, 1st October, 1964; Date of Entry into*

Force. 1st January 1965; Amended by exchange of Notes: 24th February, 1971 and 11th May, 1971).

- Treaty Series No.10/1967: [Agreement between the Governments of the Republic of South Africa and Malawi](#) relating to the Employment and Documentation of Malawi Nationals in South Africa (*Place and date of signing: Pretoria and B/antyre, 1 August 1967, Date of entry in force: 1 August 1967*)
- Treaty Series No. 1/1973: [Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho](#) relating to the establishment of an office for a Lesotho Government Labour Representative in the Republic of South Africa, Lesotho Citizens in the Republic of South Africa and the movement of such persons across the international border (*Place and date of signature: Pretoria and Maseru, 24 August 1973; Date of entry in force: 24 August 1973*)
- Treaty Series No.3/1973: [Agreement between the Government of the Republic of South Africa and the Government of the Republic of Botswana](#) relating to the establishment of an office for a Botswana Government Labour Representative in the Republic of South Africa, Botswana Citizens in the Republic of South Africa and the movement of such persons across the international border (*Place and date of signature: Pretoria Gaborone, 24 December 1973; Date of entry in force: 24 December 1973*)
- Treaty Series No.3/1986: [Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Swaziland](#) relating to the establishment of an office for a Swaziland government Labour Representative in the Republic of South Africa, certain Swaziland citizens in the Republic of South Africa, the movement of such persons across the common border and the movement of certain South African citizens across the common border, and addendum thereto (*Place and date of signature: Pretoria, 22 August 1975, Date of entry in force: 22 August 1975*)

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