



Republic of the Philippines
House of Representatives
Quezon City, Metro Manila



Nineteenth Congress

Third Regular Session
House Bill No. 10579

Introduced by:

HON. MARISSA 'DEL MAR' MAGSINO
OFW PARTY LIST

EXPLANATORY NOTE

As a signatory to the '*Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children*', the Philippines is actively engaged in combating human trafficking – an international problem that is an affront to the basic human rights of individuals.

Republic Act No. 9208, also known as the "*Anti-Trafficking in Persons Act of 2003*", provides the basic law that instituted policies to prevent human trafficking in the country. It aims to promote human dignity, protect the people from any threat of violence and exploitation, and mitigate pressures for involuntary migration and servitude of persons, to support trafficked persons, and to ensure their recovery, rehabilitation and reintegration into the mainstream of society.

Overseas domestic work or household service is one of the most important sources of employment for women Overseas Filipino Workers (OFWs) with about one-quarter of OFWs deployed overseas every year entering the domestic service sector. Unfortunately, domestic workers, or now known as household servicer workers, are also one of the most vulnerable victims of trafficking, exploitation and forced labor due to the hidden nature of domestic work within the private sphere of the employers' household and the largely informal employment arrangements currently being practiced. The situation is even more alarming in the case of migrant child domestic workers (CDWs).

Migrant CDW's are young, economically disadvantaged, usually female child workers who are extremely vulnerable to human trafficking and sexual exploitation.

Evidence also indicates that children in domestic work are exposed to a range of psychosocial and physical risks resulting from their long working hours, excessive employer control, and from physical and emotional violence in the employing households.

It was to protect Filipino migrant CDWs from these vulnerabilities that Republic Act No. 11862, also known as the '*Expanded Anti-Trafficking in Persons Act of 2022*', was enacted further amending RA 9208. It included as 'an act of trafficking in persons' to recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child for deployment abroad as migrant worker, without need of any accompanying unlawful acts such as with the use of force or threat, abduction or similar unlawful means to commit trafficking as enumerated in the law.

However, the amendment also included a proviso that '**in the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old**'. This proviso has stirred a hornet's nest.

The proviso is restrictive and discriminatory to Filipino migrant women domestic workers as it violates their right to work and travel, and is inconsistent with the '*Convention on the Elimination of All Forms of Discrimination Against Women*' (CEDAW) which forbids States to impose age-specific bans. **The restriction will necessarily result in the loss of overseas employment opportunity to Filipino domestic workers who are below 24 years of age as their recruitment and employment will be tantamount to human trafficking under the proviso.**

While women migrant domestic workers are prone to becoming trafficking victims, it does not incontrovertibly mean that limiting their mobility and employability based on their age is a sure-fire solution. A child is universally well-defined in numerous conventions and even in domestic laws as a person below eighteen (18) years old.

This bill seeks to remedy the situation by deleting the subject proviso in Section 4, paragraph (m) of RA 9208 as amended by Republic Act No. 11862.

Lastly, the proposed remedial legislation is in accord with the recommendation of the United Nations Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on the Third Periodic Report of the Philippines in 2023 which states:

'To review and repeal all gender-discriminatory provisions that constitute restrictions or exclusions on migration in law or in practice which limit opportunities for women and girls, including sex-specific bans and other restrictions that limit the mobility of women migrants on the basis of age, marital status, migration status... In particular, to amend Section 4 (m) of Republic Act No. 11862 of 2022, the Expanded Anti-Trafficking in Persons Act.'

This proposed measure is submitted upon the recommendation and support of the Center for Migrant Advocacy.

For the foregoing reasons, the immediate approval of this bill is earnestly sought.



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AN ACT
REMOVING THE AGE RESTRICTION ON FILIPINO MIGRANT DOMESTIC WORKERS,
AMENDING FOR THE PURPOSE SECTION 4 PARAGRAPH (M) OF REPUBLIC ACT NO.
9208, AS AMENDED, OTHERWISE KNOWN AS THE 'ANTI-TRAFFICKING IN
PERSONS ACT OF 2003'

Be it enacted by the Senate and House of Representatives of the Philippines in Congress assembled:

Section 1. Section 4 of Republic Act No. 9208, otherwise known as the 'Anti-Trafficking in Persons Act of 2003', as amended, is hereby further amended to read as follows:

'Section 4. Acts of Trafficking in Persons - It shall be unlawful for any person, natural or juridical, to commit by means of a threat, or use of force, or other forms of coercion, or through abduction, fraud, deception, abuse of power or of position, or through taking advantage of the vulnerability of the person, or by giving or receiving of payment or benefit to obtain the consent of a person having control over another person, any of the following acts:

x x x

x x x

x x x

- (m) To recruit, transport, obtain, transfer, harbor, maintain, offer, hire, provide, receive or adopt a child for deployment abroad as migrant worker.

Provided, That when the victim is a child, the means to commit these unlawful acts as enumerated in the first paragraph of this section shall not be necessary. [~~*Provided, further*, That in the case of overseas domestic work, a 'child' means a person below twenty-four (24) years old.~~]

Section 2. All laws, presidential decrees, issuances, executive orders, letters of instruction, rules or regulations inconsistent with the provisions of this Act are hereby repealed or modified accordingly.

Section 3. This Act shall take effect fifteen (15) days after its publication in the Official Gazette or in a newspaper of general circulation.

Approved.