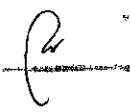


FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

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SENATE
P. S. R. No. 237

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

RESOLUTION
DIRECTING THE PROPER SENATE COMMITTEE TO CONDUCT AN
INQUIRY, IN AID OF LEGISLATION, ON THE INCREASING NUMBER OF
LABOR AND HUMAN RIGHTS ABUSES SUFFERED BY FILIPINO DOMESTIC
WORKERS IN KUWAIT

WHEREAS, the Constitution, Article 13, Section 3 mandates that: "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";

WHEREAS, Republic Act No. 8042 also known as the Migrant Workers and Overseas Filipinos Act, Section 4 on Deployment of Migrant Workers provides: "The State shall deploy overseas Filipino workers only in countries where the rights of Filipino migrant workers are protected. The government recognizes any of the following as guarantee on the part of the receiving country for the protection and the rights of overseas Filipino workers:

- (a) It has existing labor and social laws protecting the rights of migrant workers;
- (b) It is a signatory to multilateral conventions, declaration or resolutions relating to the protection of migrant workers;
- (c) It has concluded a bilateral agreement or arrangement with the government protecting the rights of overseas Filipino workers; and
- (d) It is taking positive, concrete measures to protect the rights of migrant workers;"

WHEREAS, based on the report by Human Rights Watch (HRW) entitled "Walls at Every Turn: Exploitation of Migrant Domestic Workers Through Kuwait's Sponsorship System", there has been a significant increase in the incidents of abuse of domestic workers in Kuwait, and maids in the Gulf emirate face prosecution when they try to escape;

WHEREAS, the report was based on interviews of dozens of runaway maids at either their embassies or at small government-run shelters;

WHEREAS, more than 660,000 foreign domestic workers from Asia and Africa, majority of whom are women, work for Kuwait's 1.3 million citizens, as well as for foreign residents living in the country;

WHEREAS, women workers migrate to Kuwait and other countries in the Middle East chiefly from India, Indonesia, Sri Lanka, the Philippines, Nepal, and Ethiopia, for financial reasons that include the desire to support their children, invest in small businesses, or buy a house back in their home country;

WHEREAS, in 2009, embassies of labor-sending countries in Kuwait City received more than 10,000 complaints from domestic workers about nonpayment of wages, excessively long working hours without rest, and physical, sexual, and psychological abuse;

WHEREAS, many more abuses likely remain unreported since domestic workers have few avenues for redress; this is attributable to the fact that Kuwait's labor laws exclude domestic workers, while its immigration laws prohibit them from absconding from the workplace like leaving or changing jobs without their employer's consent;

WHEREAS, the migrant domestic workers have minimal protection from employers who withhold salaries, force them to work long hours with no days off, deprive them of adequate food, or abuse them physically or sexually;

WHEREAS, the report also highlighted the fact that even if governments of labor-sending countries depend upon the financial contributions that migrant domestic workers make to their local economies, they take insufficient steps to protect nationals migrating for domestic work either before or during their migration;

WHEREAS, the report placed the blame squarely on Kuwait's *kafala* (sponsorship) system which effectively shields employers from legal responsibility to respond to charges of nonpayment, forced labor, or abuse, by allowing them to petition immigration authorities to cancel the workers' legal residency, and by providing workers with few practical avenues for redress;

WHEREAS, considering all these abuses perpetrated on our so-called modern heroes, it is imperative for the State to follow these recommendations:

1. strictly monitor recruitment practices in workers' home countries; prosecute and punish agents or recruiting personnel who charge recruitment fees that contravene national laws or violate international standards;
2. ensure that workers understand and sign any standardized contract required under the destination country's domestic law, and that workers and their families have the name and contact details of the recruitment agency in Kuwait that will handle their employment;
3. facilitate speedy provision of temporary travel documents when domestic workers cannot recover their passports;
4. provide trained staff able to assist in the mediation of labor disputes and navigating Kuwaiti complaint mechanisms;
5. arrange legal representation, when not provided by the Kuwaiti government, for domestic workers pursuing redress for abuse or for those accused of being in conflict with the law;
6. inform all domestic workers before they travel abroad of their contractual rights as well as their rights under the laws of their home country, Kuwait, and international law;
7. provide information on means of support and legal assistance, as well as contact information for embassy officials and other resources in Kuwait;

8. support the creation of a binding international convention and recommendation on decent work for domestic workers at the International Labor Organization and ratify;
9. prioritize protection of domestic workers abroad in budget allocations and political dialogue;
10. support domestic worker reintegration into local job markets and society;

WHEREFORE, be it hereby resolved by the Philippine Senate, to direct the proper Senate Committee to conduct an inquiry in aid of legislation, on the increasing number of labor and human rights abuses suffered by Filipino domestic workers in Kuwait.

Adopted,

Miriam Defensor Santiago
MIRIAM DEFENSOR SANTIAGO

/dpm