

Analyzing Philippine Legal and Policy Frameworks for the Protection of Women Migrant Workers from HIV/AIDS

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The Article is an edited version of the Author's Thesis. The Article stems from the need to protect the rights of migrant workers as the nature of overseas work predisposes workers to discrimination and exploitation, making them vulnerable to human rights abuses. The Article intends to be a research aid in formulating a more gender-sensitive pre-departure program for women migrant workers that would reduce their vulnerability to HIV/AIDS.

In line with this, the Article examines pre-departure measures that the Philippine government has instituted to protect migrant workers from abuses and violation of their rights. The Article also discusses various pre-departure and on-site protection mechanisms for migrant workers and pre-departure seminars which are conducted by the Philippine Overseas and Employment Agency (POEA). The Article, however, focuses only on domestic workers and entertainers as they are the most vulnerable to HIV/AIDS infection and are predominantly women.

The Article provides a clear discussion on the legal framework for the protection of the rights of migrant workers. The framework not only includes the Philippine Constitution and the Law on Migrant Workers, but also various international agreements to which the Philippines is a signatory to. The Article also points out the failure of the government to properly educate women migrant workers on HIV/AIDS.

First, it analyzes the laws and policies on HIV/AIDS education for women migrant workers and the problem in the contents of such education. Second, it enumerates what is required in the contents of the seminar on educating these women. The HIV/AIDS education for women migrant workers should be comprehensive by including such content as health-related information, access to health service, risk perception, and more. The women migrant worker's right to health must also be discussed within the broader context of human rights, so that their claim to its realization is seen as a positive obligation on the part of the government.

The Author believes that the country's laws and policies which aim to protect women migrant workers from vulnerability to HIV/AIDS have

failed. The first reason is because of the self-defeating provisions in the laws that provide for their protection. Second, the implementing mechanisms are inadequate to accomplish its purpose. Third, the HIV/AIDS education failed to address the interactions between poverty, gender relations, and socialization of women. In fact, it failed to lead to the empowerment of women migrant workers.

Changes in the law and the implementing mechanisms such as the pre-departure orientation seminar should therefore be made and measures taken in order to address this appalling failure to educate women migrant workers. Above all, the government should prioritize its agenda on poverty alleviation in order to ensure that migration for work is merely an option and not a necessity.