

Children affected by migration in ASEAN Member States

COUNTRY BRIEF: PHILIPPINES

Southeast Asia is a major migration hub comprising countries of origin, destination and transit – with some countries being a mix of all three – for a large number of migrants. Migrants include displaced persons moving both within and between countries for diverse and mixed purposes. In 2020 alone, there were 1.3 million (1,266,009) child migrants in ASEAN and in 2021, around 630,000 (627,390) refugees from ASEAN countries in the world were children. Natural disasters and conflict led to more than 2.5 million (2,522,801) internal displacements of children in 2021. Millions more children remained behind while parents migrated for work, leaving many children at risk.

Data snapshot: Philippines migration trends

- There are 1.83 million registered ‘Overseas Filipino Workers’ who have migrated internationally for work.¹
- While exact data are not available, it is estimated that anywhere from two million to nine million children in the country have remained behind when parents migrate.
- There were 1,150,368 internally displaced persons in the Philippines at the start of 2021 (the number of children included within this figure is not reported).² Around 140,100 new instances of displacement (not total number of persons displaced) associated with conflict and violence were recorded in the Philippines in 2021, the majority in Mindanao.³
- The Internal Displacement Monitoring Centre recorded just under 5.7 million instances of displacement linked to natural disasters, some of which were pre-emptive evacuations.
- In 2020–2021 there were 312 reported cases of child trafficking victims although the number of trafficking cases is likely to be much higher, given the challenges in detecting and reporting these cases.⁴

Many of the Philippines’ children are affected by migration and displacement. The Philippines is one of the largest labour-sending countries and among the top five remittance-receiving countries in the world.⁵ Currently, around 1.83 million Philippine nationals are working abroad under the country’s Overseas Filipino Workers programme, predominantly in countries in the Middle East.⁶ While concrete data are unavailable, it is estimated that millions of children remain behind when parents migrate, many left in the care of a non-migrating parent

¹ Philippine Statistics Authority, ‘2021 Overseas Filipino Workers (Final Results)’, 2 December 2022, <https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos> (includes those who worked overseas at any time from April to September 2021).

² United Nations High Commissioner for Refugees, *Global Trends: Forced displacement in 2021, 2022*, Full Annexed Tables (Table 4).

³ Internal Displacement Monitoring Centre, Philippines, < www.internal-displacement.org/countries/philippines>.

⁴ Data provided to the authors by the Philippine Statistics Authority (2022).

⁵ International Organization for Migration, *World Migration Report, 2020*, p. 36.

⁶ Philippine Statistics Authority, ‘2021 Overseas Filipino Workers (Final Results)’, 2 December 2022, <<https://psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos>> (includes those who worked overseas at any time from April to September 2021).



Children attend class in a temporary learning space after Typhoon Odette severely damaged nine out of 12 classrooms at the Magallanes Elementary School on the Philippines' Limasawa Island.
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or extended family members.⁷ The Philippines also has a long history of internal displacement and it regularly ranks among the world's top countries for new displacements associated with natural disasters. Displacements associated with conflict and violence are also common, particularly in the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM), where internal conflicts involving various actors have displaced people for decades. Migration and internal displacement can expose children to higher-risk movements, including smuggling and trafficking, along with a range of other protection risks.

This country brief summarizes the key findings of a report on the situation of children affected by migration in ASEAN Member States, along with an in-depth case study on the responses to the protection needs of internally displaced children and families in BARMM. The regional study examined the unique drivers of child migration; the ways in which children are affected, including protection risks associated with unsafe migration; and the laws, policies and services for children and families affected by migration.

It is important that the unique situation and needs of children affected by migration are understood so that more effective and targeted policy and programmatic responses can be developed. Until recently, much of the migration literature focused on the experiences of, and the impact on, migrant adults. Children and their interests have been largely invisible, with little knowledge generated about the unique drivers or impact of migration and particular migration policies on children.

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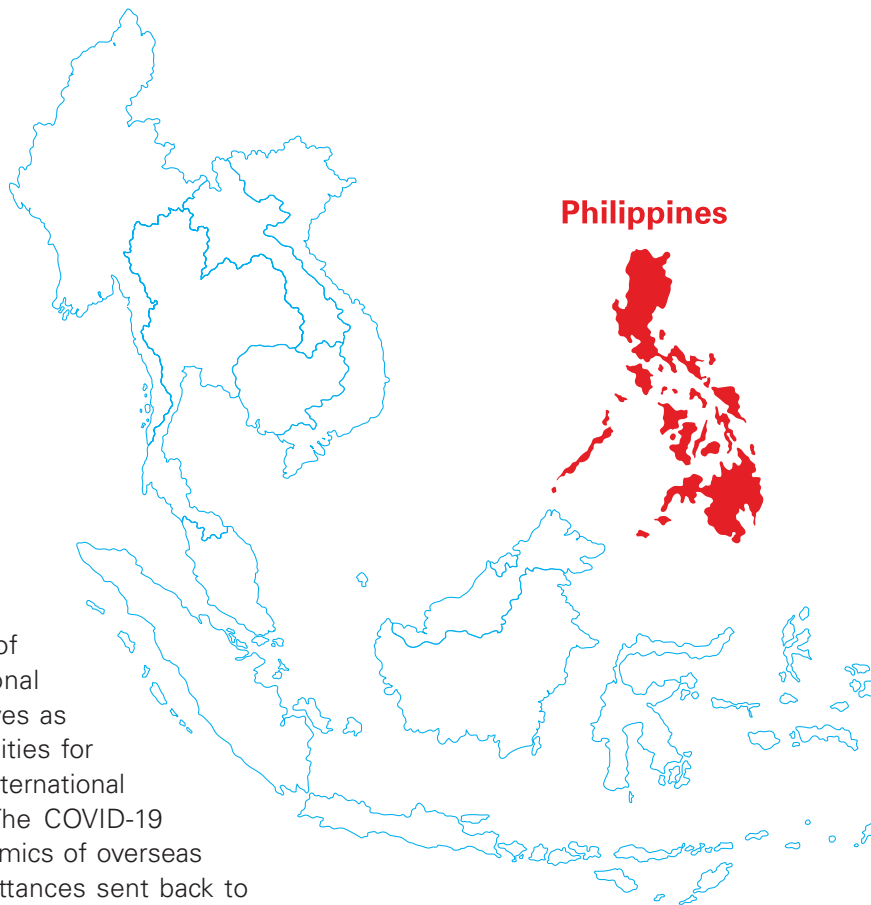
'Children affected by migration' is a broad umbrella term that encompasses children (those aged under 18 years)⁸ who move or have moved within their country of origin or across the border into another State, temporarily or permanently. This includes children who migrate voluntarily or involuntarily (as a result of forced displacement due to a natural disaster or conflict); or for economic, social, educational or cultural reasons. It includes children who move individually or to accompany parents who have migrated. It also includes children who remain behind while one or both of their parents migrate ('children remaining behind').⁹

⁷ Dominguez, G. B., and B. J. Hall, 'The Health Status and Related Interventions for Children Left Behind Due to Parental Migration in the Philippines: A scoping review', *The Lancet Regional Health – Western Pacific*, vol. 28, no. 2, November 2022.

⁸ This is in accordance with international definitions of childhood in particular as set out in the Convention on the Rights of the Child, Article 1. It should be noted that in the domestic laws of some ASEAN States, such as Thailand, children who have attained majority through marriage are not included within the definition of 'child' in the Child Protection Act 2003. In addition, in some domestic laws, such as the Philippine Republic Act 7610, a child over the age of 18 who cannot fully take care of themselves because of a physical or mental disability or condition is included within the definition of a child.

⁹ Joint general comment No. 3 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 (2017) of the Committee on the Rights of the Child on the general principles regarding the human rights of children in the context of migration, CRC/C/GC/22 16 November 2017, para. 9. See also UNDESA which defines an international migrant as anyone who changes their country of usual residence 'Recommendations on Statistics on International Migration', 1998; and International Organization for Migration, 'IOM Definition of "Migrant"', <www.iom.int/who-is-a-migrant>.

1. Profile of children affected by migration in the Philippines



Millions of workers from the Philippines have migrated internationally, with the top destinations including countries in the Middle East: 26.6 per cent of OFWs moved to Saudi Arabia and 14.6 per cent to the United Arab Emirates in 2020.¹⁰ The international migration flow has been increasing since the 1970s, when the Government of the Philippines actively promoted international migration through various policies and incentives as a means of increasing labour market opportunities for Filipino workers. Women outnumber men in international migration, by 56 per cent to 44 per cent.¹¹ The COVID-19 pandemic had a significant impact on the dynamics of overseas foreign workers, reducing the amount of remittances sent back to families and children who remained behind in the Philippines.¹² Additionally, a large number of migrant parents who returned to their families in the country faced significant challenges securing livelihoods.¹³

A large number of children in the Philippines remain behind when their parents migrate, although recent reliable data are not available. Current estimates vary widely, with experts estimating the number of left-behind children in the Philippines at anywhere from two million to nine million.

There are large numbers of displaced persons in the Philippines, particularly in BARMM. Displacement is driven by protracted conflict between different armed groups and the Armed Forces of the Philippines.¹⁴ Large-scale displacements also occur as a result of natural disasters: Earthquakes, volcanic activity, cyclones, storms and floods displace millions of people every year across the country.¹⁵

Some stateless populations also reside in or originate from the Philippines. For example, children of the Sama Bajau indigenous group, who are a community of sea-faring indigenous peoples residing in the Philippines and Malaysia, are at risk of statelessness due to frequent border crossings and generations of non-registration at birth. They are unlikely to have any documentation relating to their identity and are commonly not recognized by any State.¹⁶

¹⁰ '2021 Overseas Filipino Workers (Final Results)'.

¹¹ International Organization for Migration, *Country Report: Philippines*, 2013, p. 100.

¹² Mogato, Manuel, 'Phil May Lose up to \$10 billion in OFW Remittances Amid Covid-19 Pandemic', *One News Philippines*, 9 April 2020, <www.onenews.ph/phil-may-lose-up-to-10-billion-in-ofw-remittances-amid-covid-19-pandemic>.

¹³ The Department of Labor and Employment reported in January 2021 that 410,211 OFWs had returned to their communities since the start of the pandemic: Republic of the Philippines, Department of Labor and Employment, '400k OFWs Sent Home', News release, 17 January 2021, <www.dole.gov.ph/news/400k-ofws-sent-home/>.

¹⁴ Weerasinghe, Sanjula, *Bridging the Divide in Approaches to Conflict and Disaster Displacement: Norms, institutions and coordination in Afghanistan, Colombia, the Niger, the Philippines and Somalia*, United Nations High Commissioner for Refugees and International Organization for Migration, 2021.

¹⁵ Ibid.

¹⁶ DHRRA Malaysia, 2019, referenced in UNICEF Malaysia, *Situation Analysis of Women and Children in Malaysia*, United Nations Children's Fund, 2020, p. 80.

2. Drivers of (child) migration

Children in the Philippines are affected by migration and displacement for a range of reasons. The figure below explains the drivers of migration in the Philippines, including individual and family drivers, along with factors that operate at community and structural levels in a child's life.



Structural drivers

- High unemployment in the Philippines is a major driver of cross-border migration from the country.
- Government policies have encouraged out-migration in order to address limited economic opportunities and high levels of poverty at home.
- Environmental and natural disasters and the impacts of climate change contribute to displacement. Natural disasters leading to food insecurity and water shortages drive migration as a strategy for survival.
- Armed conflict leading to economic insecurity and unemployment has driven migration and internal displacement from the areas affected by insurgencies.



Community drivers

- Social and family networks, particularly with previous experience of migration, provide children and families with information, access to opportunities and logistical and financial support that encourages their migration.



Family drivers

- The search for economic opportunities has been linked to a 'culture of migration' or 'cultural pressure' (particularly on girls) to support the family by migrating internally to urban areas or internationally in search of work.



Individual drivers

- Child marriage, including child marriage trafficking, can be considered as a driver of migration.
- Social aspirations, underpinned by the rise of a 'consumer culture', has been found to influence migration among youth in the Philippines.

3. Protection risks

Children affected by migration and internal displacements in the Philippines face a range of protection risks.

Trafficking is a serious issue in the Philippines. In 2020–2021, there were 312 reported child trafficking victims although the number of trafficking cases is likely to be much higher, given the challenges in detecting and reporting these cases.¹⁷ Most people convicted for trafficking offences were involved in perpetrating crimes against minors in the context of sex trafficking, although there were also convictions for involving children in forced labour and the sexual exploitation of children online.¹⁸ The majority of victims in reported cases of trafficking involving sexual exploitation were women and girls.¹⁹

Children in displacement are exposed to a range of protection risks. Displacement due to conflict has been identified as a driver of trafficking in the Philippines, as families may view marriage as a way of ensuring the safety of children in unstable contexts.²⁰ Data also indicate that rates of child marriage and adolescent pregnancy tend to increase in the context of conflict, natural disasters and displacement.²¹ In addition, children, particularly girls, residing in evacuation centres as a result of displacement, are at risk of sexual exploitation and abuse, sometimes triggered by the lack of child- and family- friendly spaces and facilities. Children in displacement may also be drawn into child labour – at times in hazardous situations – given the disruption to the livelihoods of their parents/family caused by the displacement.

Children who remain behind when their parents migrate may benefit from improved living conditions and access to education and other services due to remittances sent home by migrating parents. However, migration also brings potential emotional harm as a result of separation from one or both parents, often for considerable periods of time, during children’s formative years.²² It has been found that children who remain behind may be at an increased risk of violence due to parental absence and lack of supervision.²³ In the Philippines, more women migrate internationally than men, which is significant as studies have shown that when women migrate and leave children behind, a child’s living arrangements are likely to be more disrupted, given that responsibilities for child rearing are typically borne by mothers.²⁴



A volunteer holds cartoons depicting different forms of child abuse during a violence awareness workshop at a children's centre in Roxas City, Philippines.
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¹⁷ Data provided to the authors by the Philippine Statistics Authority (2022).

¹⁸ United States Department of State, *2021 Trafficking in Persons Report: Philippines*.

¹⁹ Ibid.

²⁰ University of the Philippines Manila, The University of Edinburgh, Child Protection Network and UNICEF Philippines, *A Systematic Literature Review of the Drivers of Violence Affecting Children in the Philippines*, UNICEF Philippines, Manila, 2016, p. 4.

²¹ Girls Not Brides, 'Child Marriage in Humanitarian Contexts', Thematic brief, August 2020, <www.girlsnotbrides.org/documents/959/Child-marriage-in-humanitarian-contexts_August-2020.pdf>.

²² Jordan, L., and E. Graham, 'Resilience and Wellbeing Amongst Children of Migrant Parents in Southeast Asia', *Child Development*, September/October 2012, vol. 83, no. 5, pp. 1672–1688.

²³ *A Systematic Literature Review of the Drivers of Violence Affecting Children in the Philippines*, p. 2; Reyes, M., *Migration and Filipino Children Left-Behind: A literature review*, United Nations Children's Fund, p. 11.

²⁴ International Organization for Migration, *Country Report: Philippines*, 2013, p. 100.

Protection risks for children and families in internal displacement in BARMM

Qualitative research was carried out in 2022 in 'SPMS Box' (an area within BARMM that is characterized by ongoing conflict between government and non-government armed forces). The research entitled '*Responses to the protection needs of internally displaced children and families in Bangsamoro Autonomous Region in Muslim Mindanao (BARMM)*²⁵', involved a series of focus group discussions and in-depth interviews with displaced children and parents/caregivers, along with key informant interviews with service providers. Research participants were exposed to routine and recurring displacements, driven by a mix of conflict, flooding and *rido* (clan-based feuds), which have negatively impacted the ability of families and service providers to ensure a protective environment for children.

Research participants noted a range of protection risks, including the direct impacts of conflict and displacement, involving the risk of injury and even death arising from recurring eruptions of violence; the involvement of children – particularly boys – with armed groups; and the risk of separation of children from their parents in sudden-onset conflict as key protection risks to which children were exposed. They also detailed other protection risks, including exposure to negative coping mechanisms such as child marriage; and, perhaps, increased risk of family violence triggered by economic and psychological stress. These risks, which are driven by poverty, restricted access to livelihoods and existing gender norms and beliefs relating to the perceived need to regulate the sexuality of girls, are compounded during routine and constant displacement.

Service provider: *"Where life becomes hard during emergencies, especially for the caregivers to provide for the needs of children, there are negative coping mechanisms and one of these is to marry children to older men, so the family will no longer have to meet the needs of the child... Sometimes parents quarrel because of the problems caused by displacement. They have no money, no food to eat, they are stressed and may abuse their children physically, emotionally, psychologically."*²⁶

Parent: *"Some children work in farming and some are drivers... We cannot blame them, since they need to provide for their family. We know that it is not allowed to let them work, but we don't have a choice."*²⁷

Preventing and responding to child protection risks in a context of sudden-onset and recurring evacuations within a child protection system that is already greatly undercapacitated was found to be a considerable challenge. Available social workers are routinely being deployed to distribute food and other non-food items, limiting their ability to address child protection needs. Recurring displacement was also found to limit the ability of social workers to provide continuity of child protection case management interventions and hampered local service delivery when service providers are also displaced. It was noted that, at times when whole communities need to evacuate, systems and services were disrupted because local level service providers were also in displacement, limiting their ability to provide continuous, quality service delivery.

²⁵ Background case study to the *Situation of Children Affected by Migration in ASEAN Member States*, United Nations Children's Fund East Asia and the Pacific Regional Office, April 2023.

²⁶ Key informant interview with Child Protection Officer, UNICEF, Cotabato City, Philippines, 18 March 2022.

²⁷ Focus group discussion with five parents/carers aged 36–52, Datu Salibu, Philippines, 17 March 2022.

4. Policies, laws and services for children affected by migration

ASEAN Member States, including the Philippines, have taken important steps towards protecting the rights of children affected by migration. In particular, the ASEAN Declaration on the Rights of Children in the Context of Migration, which was adopted in November 2019, and the Regional Plan of Action on implementing the Declaration, which was adopted in October 2021, provide a solid framework for the protection of children in the context of migration. The Philippines has also ratified the United Nations Convention on the Rights of the Child, which sets out a comprehensive framework of rights, including for children affected by migration. The Philippines is one of only two countries in ASEAN that have ratified the Refugee Convention 1951 and Refugee Status Protocol 1967; recognizing asylum-seekers and refugees as distinct categories under the Philippines' national legal frameworks.

There are a range of national laws in place in the Philippines that address child protection issues. The Philippines' Child and Youth Welfare Code entitles all children to the comprehensive set of rights contained in the Code 'without distinction'. In accordance with international standards, the Philippines' immigration laws require the best interests of the child to be a primary consideration in immigration processes and decision-making. The Special Protection of Children Against Abuse, Exploitation and Discrimination Act provides that the best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities and legislative bodies. Despite this, the Immigration Law of 1940 provides that unaccompanied children who are under 15 years of age and who do not claim asylum and are not refugees are to be considered as "aliens" who are to be excluded from entry into the Philippines, unless they are coming to join parents.²⁸ In addition, the Philippine Immigration Act allows for the detention of "aliens" for the purpose of determining whether the person belongs to any class excluded by the immigration laws.²⁹

The Anti-Trafficking in Persons Act of 2003³⁰ provides comprehensive protection to child victims of trafficking in line with international law. The Act also recognizes trafficked persons as victims and, as such, they cannot be penalized for unlawful acts committed as a direct result of, or as an incident or in relation to being trafficked, or in obedience to an order of the trafficker.³¹

The Philippines also has a range of laws and policies that apply to displacement and disaster risk management, including the Children's Emergency Relief and Protection Act 2016 (RA No. 10821). Under this Act, a comprehensive and strategic programme of action provides children affected by disasters and other emergency situations with support and assistance for immediate recovery and protection.³² In addition, the Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof (RA 11188) is applicable to all children involved in or affected by displacement due to armed conflict.³³ This Act explicitly references the United Nations Guiding Principles on Internal Displacement 1998 and addresses the rights and protection of children in situations of armed conflict, which apply to internally displaced children,³⁴ including children who have fled in the context of armed conflict and situations of generalized violence.³⁵ However, the absence of a specific law for internally displaced persons that is compliant with international standards has created gaps in the protective framework for children and families affected by displacement.

Despite this strong legal framework, there are a number of challenges in operationalizing the child protection system, particularly in the context of displacement. For instance, limited capacity at the subnational level is a key gap that hinders effective service delivery. In the context of displacement, the limited social welfare workforce may be redeployed to deliver food and other essential items and continuity of case management and other services can be disrupted. Effective, coordinated data collection and monitoring is also a key challenge, limiting the ability of the Government to develop evidence-based policies and programmes for children affected by migration.

²⁸ The Philippine Immigration Law of 1940, Section 29(12).

²⁹ Commonwealth Act No 613 also known as The Philippine Immigration Law of 1940, Article 25.

³⁰ Republic Act No 9208 as amended by Republic Act 10364 2022.

³¹ Republic Act No 9208 (2003), Section 17, as amended by Republic Act 10364, the Expanded Anti-Trafficking in Persons Act of 2012.

³² Section 2, Children's Emergency Relief and Protection Act 2016.

³³ Section 5, Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof (RA 11188).

³⁴ Section 5(k), Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof (RA 11188).

³⁵ Section 5(v), Act Providing for the Special Protection of Children in Situations of Armed Conflict and Providing Penalties for Violations Thereof (RA 11188).

5. Suggested next steps



Data and research

It is recommended that the Government of the Philippines strengthen data collection and monitoring systems for children affected by migration.

Gaining a robust and comprehensive understanding of the scale, profile and needs of children affected by migration, including those who remain behind and those in displacement, is crucial to the development of effective, targeted policies and programmes. Data on the scale, profile and needs of children who remain behind and children in displacement should be collected routinely through household surveys and made publicly available.



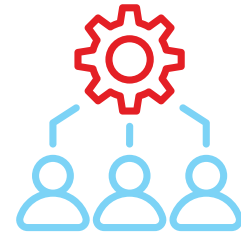
Law and policies

It is recommended that the Government of the Philippines strengthen the implementation and operationalization of the child protection system.

There is a need to strengthen the child protection system, particularly at the subnational level, and ensure collaboration and capacity-building at all levels of the system. This could include through strengthening coordination and case management among the different mandated departments and agencies, including the newly created Department of Migrant Workers, and improving case management and service delivery for children affected by migration, including those that remain behind.

It is also recommended that the Government of the Philippines adopt a specific law on the rights of internally displaced persons.

This law should be consistent with international standards and comprehensively set out the rights and protections afforded to persons in displacement, with specific provisions on children.



Programmes

It is recommended that the Government of the Philippines provide capacity-building to all government officials with responsibility for child protection to ensure that laws and policies can adapt to and encompass children affected by migration, particularly at the Local Government Unit level.

Effective, targeted and institutionalized training programmes for social services staff at all levels of the system should include capacity-building and skills development to enable the identification of and effective response to the protection needs of children affected by migration, including children in displacement and those at risk of child trafficking.



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