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Interrogating Reluctance: Residual Colonial Ideologies and Filipino Migrant Worker Vulnerability

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Table of Contents

Abstract	2
Introduction	3
Historical Background	7
Literature Review	12
Section I: Colonialism and Coloniality	12
<i>Coloniality of Power</i>	13
<i>Coloniality of Gender</i>	16
<i>Internalized Colonialism</i>	20
Section II: The Philippine government’s treatment of OFWs.....	23
Theoretical Intervention: The Case of Flor Contemplacion	28
<i>Case Context</i>	28
<i>Theory Application</i>	34
Conclusion	36
Acronym List	40
Bibliography	41

Abstract

Flor Contemplacion, a Filipina domestic worker based in Singapore, tragically faced execution after being falsely accused of a double murder. Her case epitomizes the systemic neglect and exploitation experienced by many overseas Filipino workers (OFWs) because of their own government's inaction. Despite substantial remittances flowing back to the Philippines, the government has failed to address the grievances of maltreatment and safeguard the rights of its overseas citizens. This paper investigates the root causes behind the neglect of Filipino migrant workers by the Philippine government, answering the question: *how is it possible that Filipino migrant workers are neglected and therefore exploited by the Philippine government?* While existing literature highlights the country's dependency on remittances, it often overlooks the profound influence of colonial legacies on labor migration policies and governance gaps. Through an analysis of Flor's case and other anecdotal evidence, I argue that coloniality perpetuates conditions conducive to the neglect and exploitation of Filipino migrants. By neglecting the welfare of OFWs in receiving countries, the Philippine government perpetuates the logic of race, labor, and gender birthed during colonialism. This failure not only perpetuates the dehumanization of labor and cultural identity of Filipinos but also prevents the nation's efforts towards decolonization. This research aims to contribute to a deeper understanding of the structural forces shaping the treatment of Filipino migrant workers and to promote existing advocacy for policy reforms that prioritize overseas Filipino workers' welfare and rights.

Keywords: the Philippines, overseas Filipino workers, overseas contract workers, coloniality, coloniality of power, coloniality of gender, decolonization, internal colonialism

Introduction

On January 29th, 1993, Flor Contemplacion, a female Filipino domestic worker based in Singapore, was framed and convicted of a double murder and sentenced to death by the High Court of Singapore.^{1,2,3} Two years following the conviction, on March 17th, 1995, Flor was hung in Changi Prison.⁴ Her pleas for mercy from Singapore and for help from her home country were some of her last few words.⁵ From the beginning of her case and throughout her several trials, there had been serious doubts about the fairness of Flor's case. It was believed she was convicted based on forced confessions under coercive tactics and abuse.⁶ Even with the doubt circling this case, a proper investigation of her alleged crime was not conducted by the Philippine government until *after* her execution.⁷ Given the timeline of events, when the order had gone out to begin the investigation, Filipino nationals in the Philippines and around the world did not forget then-President Fidel Ramos' inaction throughout those four painful years for Flor. The general public scrutinized Ramos' presidency and perceived that the investigation was only issued in response to public outrage from Filipinos around the world.⁸ Flor Contemplacion was one of many Overseas Filipino Workers (OFWs),⁹ an Overseas Contract Worker (OCW) to be exact.¹⁰ She had been

¹ "Singapore: Death Penalty: Flor Contemplacion (Includes Correction)," Amnesty International, February 2, 1993, <https://www.amnesty.org/en/documents/asa36/001/1993/en/>.

² James A. Tyner, *The Philippines: Mobilities, Identities, Globalization* (New York: Routledge Taylor & Francis, 2009), 77.

³ Daiva Stasiulis and Abigail B. Bakan, "Flor Contemplacion: A Study in Non-Citizenship," *Philippine Journal of Public Policy* 3, no. 2 (1999): 25.

⁴ "Singapore: Death Penalty: Flor Contemplacion (f), 42, Domestic Worker," Amnesty International, March 10, 1995, <https://www.amnesty.org/en/documents/asa36/004/1995/en/>.

⁵ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 21.

⁶ Amnesty International, "Singapore: Death Penalty," February 1993.

⁷ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 22.

⁸ *Ibid.*

⁹ Also recognized as Filipino nationals who work abroad. This may include nationals who are tourists or visiting, students, abroad for medical purposes, and nationals who have other types of non-immigration visas but are employed and working full-time abroad.

¹⁰ OCWs are a specific kind of OFW. They have existing work contracts that dictate their employment abroad.

working in Singapore for well over three years before she was mixed up in this criminal case and fell victim to mistreatment while she was abroad.¹¹

In truth, migrant domestic workers, specifically, make up an integral part of Singapore's and other receiving nations' economic and social growth. Regardless of this fact, many are treated as outsiders.¹² From receiving their payments late or being withheld from payment entirely to verbal, physical, and sexual abuse, migrant domestic workers are highly susceptible to mistreatment by their employers.¹³ However, while it makes sense to carefully examine how Singapore manages migrant laborers, placing all blame on Singapore or receiving countries, in general, would be incomplete. Migrant workers are foreign nationals. This is not to say that receiving countries should be pardoned; it means that it is important to turn toward the sending country to see what it is doing to mitigate these issues of mistreatment. In this case, the sending country is the Philippines.

As globalization continues to link economies and make the world more interdependent, the Philippines has become an increasingly popular supplier of labor in the world market. Its position as a supplier started widely during and continued after the United States (US) colonial rule of the Philippine Islands; most notably in the 1970s with former president and dictator Ferdinand Marcos Senior's Philippine Labor Export Program and Code.^{14,15} Since the 1970s, OFWs have expressed their grievances with the way they are treated while abroad, but those grievances have been ignored and overlooked. This is because the Philippine government perceives that it would be against its

¹¹ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 21.

¹² Tan Rui Bin, "The Lived Realities of Migrant Domestic Workers in Singapore," Global Research and Consulting Group Insights, November 27, 2022, <https://insights.grcglobalgroup.com/the-lived-realities-of-migrant-domestic-workers-in-singapore/>.

¹³ Ibid.

¹⁴ "Never Again. Never Forget. 51st Anniversary of Martial Law," Damayan Migrant Workers, September 21, 2023, <https://www.damayanmigrants.org/news/2023/9/21/never-again-never-forget-51st-anniversary-of-martial-law>.

¹⁵ Denison Rey A. Dalupang, "Manpower and One Man's Power | 31 Years of Amnesia," accessed April 20, 2024, <https://newslab.philstar.com/31-years-of-amnesia/ofws>.

interests to make complaints on behalf of its OFWs. After all, this might lead foreign employers to be reluctant to hire Filipino workers. In 2022, the Philippine Statistics Authority (PSA) estimated that 1.96 million OFWs were abroad.¹⁶ This number was estimated to have risen to 2.33 million in 2023.¹⁷ In 2023, cash remittances (funds that migrants send to their relatives in their home country while working and living abroad) rose to a new record as OFWs sent home 33.491 billion United States Dollars (USD).¹⁸ Meanwhile, personal remittances reached 3.625 billion USD.¹⁹ In total, the full-year figure was 37.21 billion USD.^{20,21} The PSA remarks that OFWs have long competed with the Philippines' other export sales of manufactured goods, but in recent years, remittances collected by OFWs are comparable to its highest commodity group (electronic products). Data from the Semiconductor and Electronics Industries in the Philippines Foundation, Inc. (SEIPI) show that the industry exported 33.75 billion USD in products, in 2023, meaning remittances surpassed this industry.²²

The major benefit of this increase in remittances, other than being a fraction of the country's gross domestic product (GDP), is that remittances have long aided in human capital accumulation and improved living standards in the Philippines. Households can spend more on schooling by investing in education, which also reduces child labor.²³ Moreover, remittances have positively

¹⁶ "2022 Survey on Overseas Filipinos (Final Result)," Philippine Statistic Authority | Republic of the Philippines, October 11, 2023, <https://www.psa.gov.ph/statistics/survey/labor-and-employment/survey-overseas-filipinos/node/1684061314>.

¹⁷ "Philippines: Number of OFWs 2023," Statista, March 27, 2024,

<https://www.statista.com/statistics/1287067/philippines-number-of-overseas-filipino-workers/>.

¹⁸ Keisha B. Ta-asan, "2023 OFW Remittances Hit All-Time High," BusinessWorld Online, February 15, 2024, <https://www.bworldonline.com/top-stories/2024/02/16/576105/2023-ofw-remittances-hit-all-time-high/>.

¹⁹ Ibid.

²⁰ Ibid.

²¹ "Philippine Remittances Hit All-Time High in 2023," Xinhua Net, February 15, 2024,

<https://english.news.cn/asiapacific/20240215/d8ae4b8b002e45f38914f7ddb64a80/c.html>.

²² Kris Crismundo, "PH Monthly Electronics Exports Grow 4.6% in September," Philippine News Agency | Republic of the Philippines, November 8, 2023, <https://www.pna.gov.ph/articles/1213267>.

²³ Dean Yang, "International Migration, Remittances and Household Investment: Evidence from Philippine Migrants' Exchange Rate Shocks," *The Economic Journal* 118, no. 528 (2008): 614.

affected the health status of citizens as many can choose to work less and have gained access to proper nutrition and health care services.^{24,25} OFWs are not just integral to receiving countries, but to the Philippines as well.

Given the value of OFWs to the Philippines' economic and social development, it is strange that they are not properly defended while abroad. By studying the intense migration industry in the Philippines, I aim to answer: how is it possible that Filipino migrant workers are neglected and therefore exploited by the Philippine government? Existing literature on the Philippines and the migration industry explains how the Philippines became a remittance-dependent country and why other economic strategies have not worked as well. The Philippine government has its financial motivations to support an economy that became a mess because of corruption and the legacy of colonialism. The literature, however, does not discuss the ways colonial legacy affects labor migration policy and the lack thereof; this is where my research comes in. I argue that coloniality makes this treatment of Filipino migrants possible because it creates permissive conditions for which neglect of migrants exists. The logic and institutions of race, labor, and gender, birthed during colonialism, have been adopted by the Philippines in this post-colonial world. Thus, the Philippine government's reluctance to protect its OFWs' welfare in receiving countries perpetuates the dehumanization of labor and cultural identity of Filipino people.

I begin the paper by providing a historical background of the Philippines to explain how the economy became dependent on remittances for a portion of its income. Next, I go into the literature on coloniality (coloniality of power, coloniality of gender, and the internalization of

²⁴ Alvin P Ang, Guntur Sugiyarto, and Shikha Jha, "Remittances and Household Behavior in the Philippines," ADB Economics Working Paper, no. 188 (December 2009): 9.

²⁵ Jørgen Carling, "Remittances: Eight analytical perspectives" in *Routledge Handbook of Migration and Development*, edited by Tanja Bastia and Ronald Skeldon, 120. Abingdon: Routledge, 2020.
<http://www.routledge.com/9781315276908>.

coloniality by formerly colonized societies) and the treatment of OFWs by the Philippine government. The literature review provides a foundation to establish my theory and argument that coloniality makes the exploitation of Filipino migrant workers possible because it creates the conditions of reality for this experience to happen. Then, I apply this theory to Flor Contemplacion's case and investigation as a means to address and apply coloniality to her unfair execution. In the final part of the paper, I conclude, zooming out of Singapore to address other Filipino domestic workers in their fight for their right to protection by the Philippine government in more contemporary times.

Historical Background

I will first provide a timeline for how the Philippines became one of several low- to middle-income countries (LMICs) dependent on remittances.²⁶ I will focus on the United States in order to highlight the US' impact on the Philippines during- and post-colonialism. Secondly, I chose to focus on the US because it continues to be one of the largest sources of remittances for LMICs now.²⁷

The United States occupied the Philippine Islands in 1898, maintaining colonial rule until independence in 1946. As one of the last nations to occupy the Philippines in the early 20th century, the United States was able to establish higher education institutions that offered a standardized English language bachelor's level education; these institutions ensured Filipinos were well-qualified to work in English-speaking receiving markets, especially engineers, technicians, nurses,

²⁶ "World Bank Country and Lending Groups – World Bank Data Help Desk," accessed March 29, 2024, <https://datahelpdesk.worldbank.org/knowledgebase/articles/906519-world-bank-country-and-lending-groups>.

²⁷ "Remittance Flows Continue to Grow in 2023 Albeit at Slower Pace | Migration and Development Brief 39," World Bank, accessed March 29, 2024, <https://www.worldbank.org/en/news/press-release/2023/12/18/remittance-flows-grow-2023-slower-pace-migration-development-brief>.

and other service-related occupations.²⁸ Staffing gaps in public health in the United States, specifically, placed more emphasis on the latter two occupations: nursing and domestic care. However, the initiative for education originated as one of the US' projects of "benevolent assimilation" which aimed to transform the opinions of Filipino people about American colonization.²⁹ This was important for the Philippines because the use of US education created channels for Filipino nationals to work abroad, setting the tone for the Philippines' global trade behaviors in the 1950s and beyond.

After independence, the Philippines issued a "Filipino First" policy that led to the restructuring of its economy to use an import-substitution strategy. The goal was to reduce imports, increase domestic manufacturing and industrialization, and reduce dependence on foreign countries such as the United States.^{30,31} However, by the late 1960s, the Philippines could not meet the growing demands and benchmarks for economic development in the world market. Most of its older, established manufacturing industries could not expand past protected home markets, and domestic industrialization could not absorb the steep growth of the labor force.³² The ratio of available jobs to unemployed people seeking employment became increasingly disproportionate. The failing economic strategy, in addition to the fiscal expansion policies and short-term, foreign

²⁸ Leah E Masselink and Shoou-Yih Daniel Lee, "Government Officials' Representation of Nurses and Migration in the Philippines," *Health Policy and Planning* 28, no. 1 (January 1, 2013): 90–99, <https://doi.org/10.1093/heapol/czs028>.

²⁹ Robyn Magalit Rodriguez, *Migrants for Export: How the Philippine State Brokers Labor to the World*. Minneapolis: University of Minnesota Press, 2010, 5.

³⁰ James A. Tyner, "The global context of gendered labor migration from the Philippines to the United States," *American Behavioral Scientist* 42, no. 4 (1999): 671–689. doi: 10.1177/00027649921954417. <https://journals-sagepub-com.proxy.uchicago.edu/doi/epdf/10.1177/00027649921954417>.

³¹ James A. Tyner, *The Philippines: Mobilities, Identities, Globalization* (New York: Routledge Taylor & Francis, 2009).

³² Tyner, "The global context of gendered labor migration from the Philippines to the United States," 677.

borrowing during former President Marcos Senior's first term, led the nation to accumulate payment deficits and foreign debts.³³

With the worsening economic state, political conditions worsened, too. There was a rise in demonstrations and violence as some nationals began voicing their desire for foreign intervention from the World Bank and the International Monetary Fund (IMF).³⁴ Whereas other nationals, with higher levels of nationalism, wanted to prevent as much foreign intervention as possible.³⁵ In his attempt to restore order, prolong his term in office, and fix many economic issues in the Philippines, Marcos Senior declared martial law in September 1972.³⁶ To a certain extent, an external intervention was almost inevitable for the Philippines, especially when the World Bank and IMF were reporting on the South Korean and Brazilian "miracles" of economic growth that were taking place at the same time.³⁷ World Bank and IMF officials remarked on the usefulness of an export-oriented strategy which both South Korea and Brazil made use of in addition to their acceptance of other strategies provided by both organizations.³⁸

The original "Filipino First" policy shifted as the Marcos Senior administration initiated a series of reforms including land reform and public development investment programs.³⁹ Just the same, Marcos Senior launched the Philippine Labor Export program and later legislated the Labor Code in 1974 which promoted overseas contract work.^{40,41} Marcos Senior's administration was

³³ Robert Dohner and Ponciano Intal, "Debt Crisis and Adjustment in the Philippines," in *Developing Country Debt and the World Economy* (University of Chicago Press, 1989), 170, <https://www.nber.org/books-and-chapters/developing-country-debt-and-world-economy/debt-crisis-and-adjustment-philippines>.

³⁴ Dohner and Intal, "Debt Crisis and Adjustment in the Philippines," 170.

³⁵ Tyner, "The global context of gendered labor migration from the Philippines to the United States," 677.

³⁶ Dohner and Intal, "Debt Crisis and Adjustment in the Philippines," 170.

³⁷ James A. Tyner, *The Philippines: Mobilities, Identities, Globalization* (New York: Routledge Taylor & Francis, 2009).

³⁸ *Ibid.*

³⁹ Dohner and Intal, "Debt Crisis and Adjustment in the Philippines," 170.

⁴⁰ Damayan Migrant Workers, "Never Again. Never Forget. 51st Anniversary of Martial Law."

⁴¹ Dalupang, "Manpower and One Man's Power | 31 Years of Amnesia."

fully supported by the United States, which continues to be a subject of controversy for many Filipinos.⁴² Filipinos are split between two arguments about martial law's impact on the Philippines. The first is that many view the Labor Export Program and Code to have helped secure occupations for the Filipino working class.⁴³ Considering that remittances continue to reach new records annually, Filipinos have also concluded that Marcos Senior saved the Philippines, marking martial law as the “golden era”.⁴⁴ Marcos Senior was just one of many leaders who used migration management as a “safety valve,” meaning the outflow of service labor was intentional to reduce labor surpluses and ease sociopolitical and economic issues.⁴⁵ OCWs were meant to be a temporary fix for the Philippines’ debt issue but the results of the first two years after the Labor Export Program were too good for Marcos Senior to pass up.

The second view on martial law, however, was not as positive. Many Filipinos cannot ignore that Marcos Senior was a dictator who imposed fascist rule on the Filipino people; he imprisoned, tortured, and killed over 100,000 Filipinos in opposition to him.⁴⁶ Further, the Labor Export program had been a major push for the massive, forced migration of over 10 percent of the population.⁴⁷ Fortunately, the US Immigration and Nationality Act had been signed and enforced alongside the US Exchange Visitor Program which promoted family reunification and led to even more Filipino migration.⁴⁸ Despite this, Filipinos believe that Marcos Senior’s implementation of the IMF’s structural adjustment strategies had further plummeted the economic state of the

⁴² Dohner and Intal, “Debt Crisis and Adjustment in the Philippines,” 170.

⁴³ Dalupang, “Manpower and One Man’s Power | 31 Years of Amnesia.”

⁴⁴ Ibid.

⁴⁵ Fiona B. Adamson and Gerasimos Tsourapas, “The Migration State in the Global South: Nationalizing, Developmental, and Neoliberal Models of Migration Management,” *International Migration Review* 54, no. 3 (September 1, 2020): 866-7, <https://doi.org/10.1177/0197918319879057>.

⁴⁶ Damayan Migrant Workers, “Never Again. Never Forget. 51st Anniversary of Martial Law.”

⁴⁷ Ibid.

⁴⁸ Leah E Masselink and Shouu-Yih Daniel Lee, “Government Officials’ Representation of Nurses and Migration in the Philippines,” *Health Policy and Planning* 28, no. 1 (January 1, 2013): 90–99, <https://doi.org/10.1093/heapol/czs028>.

Philippines. This allowed the US to tighten its imperialistic control of the Philippines and maintain the colonial relationship between both nations.⁴⁹ Filipinos are not the only ones who have noticed this relationship as others in the international development community see the remittance-driven economic strategy as “invalid and unsustainable” because it fosters high dependency on foreign nations and undermines productive investment.⁵⁰ Marcos Senior made overseas contract work permanent when the initial program proved itself to be lucrative. With the Labor Code, US-Philippine relations were able to maintain a strong bond. Moreover, it was through the Labor Code, that the Marcos Senior administration regulated all private sector activities dealing with labor exports, including the Department of Labor and Employment.⁵¹ The Secretary of Labor and Employment negotiated with employers in the US to set fixed, minimum wages for OCWs, effectively giving the US “a cheap, disposable workforce” to satisfy temporary labor needs.⁵²

“Cheap” and “disposable” are not descriptors personal to the US when addressing OFWs, rather these characteristics have been internalized within the Philippines by the presidential administration following the end of Marcos Senior’s term. Succeeding Marcos Senior was Fidel Ramos, who continued the 1972 and 1974 Labor Export Program and Code. This Program and Code are the root cause for the current overflow of OFWs and the lack of response from the Philippines government on the many cases of mistreatment and exploitation faced by Filipino nationals. The Philippine economy is fragile and is dependent on the relationship it has with the US and other labor-receiving nations. This dependence started because of the Philippines’ uneven incorporation into the world economy as a result of the US’ colonial practices while occupying the

⁴⁹ Damayan Migrant Workers, “Never Again. Never Forget. 51st Anniversary of Martial Law.”

⁵⁰ Carling, “Remittances: Eight analytical perspectives,” 120.

⁵¹ “Presidential Decree No. 442, s. 1974 | GOVPH,” Official Gazette of the Republic of the Philippines, May 1, 1974, <https://www.officialgazette.gov.ph/1974/05/01/presidential-decree-no-442-s-1974/>.

⁵² James A. Tyner, “The gendering of Philippine international labor migration,” *Professional Geographer* 48, no. 4 (1996): 405-416. doi: 10.1111/j.0033-0124.1996.00405.x.

nation.⁵³ The practices in question were similarly exploitative and dehumanizing as they are now (little or no pay, verbal, physical, and sexual abuse, killing, etc.), but these practices were far more egregious back then when there were no consequences for treating workers this way. It was the norm, so these acts were permitted. Now, the world values human rights, so these acts are no longer condoned. However, if the Philippines does nothing for its migrant workers, it tells a different story. It tells the world that the Philippines is okay with these human rights violations. It was under these violations that “cheap” and “disposable” labor built many developed nations, notably the United States. Despite being in a post-colonial world, the norms established during colonialism structured the current state of the world now, including the treatment of low-skilled laborers. Because these methods have proven to continue to work in this new era of the world, developing nations such as the Philippines, who are trying to catch up with developed nations, are resorting to the old methods for economic growth and development.

Literature Review

Section I: Colonialism and Coloniality

To restate, my central argument is that the Philippines is reluctant to aid its migrant workers and neglects them; this mistreatment of OFWs is made possible because of coloniality. The logic and institutions of race, labor, and gender, birthed during colonialism, were adopted by the Philippines since Marcos Senior’s administration and have persisted throughout future presidential administrations. As a result, the Philippine government’s reluctance to protect its OFWs’ welfare in receiving countries perpetuates the dehumanization of the labor and cultural identity of Filipino people. My argument is primarily rooted in the findings of Anibal Quijano (2000), Maria Lugones

⁵³ James A. Tyner, *The Philippines: Mobilities, Identities, Globalization* (New York: Routledge Taylor & Francis, 2009).

(2007), and Jasmine K. Gani (2021). The purpose of this section of the literature review is to provide further context to the historical background of the Philippines provided above. I aim to explain what it is I mean by coloniality and what it looks like.

Coloniality of Power

The historical background provided an overview of what contributed to making the Philippines a remittance-dependent nation in this era of globalization and capitalism, bringing great emphasis to the impacts of colonialism. Because I have mentioned colonialism *and* coloniality, I want to further emphasize that there is a distinction between the two. Colonialism was the practice of political and administrative domination over another country, supported by a set of institutions and norms.⁵⁴ Whereas coloniality refers to a pattern of global power.⁵⁵ Colonialism was a historical experience that is constitutive of coloniality, meaning it is an expression of what we understand to be a global power. This expression of global power dictated a hierarchy: the colonizer and the colonized, the civilized and the uncivilized.

Quijano claims that the global hegemonic model of power today, capitalism, contains an element of coloniality. It started with globalization, which he defines as the culmination of a process that began with the formation of America and modern/colonial, Eurocentered capitalism as the new global powers.⁵⁶ Globalization was made possible because of the social classification of the world known as *race*, and the *control of labor* and its resources and products through slavery, serfdom, trade, and the like.⁵⁷ Following the initial workings of globalization came the economic and political system of capitalism. Global capitalism was birthed from two major axes: the

⁵⁴ Eduardo Restrepo, "Coloniality of Power," in *The International Encyclopedia of Anthropology*, ed. Hilary Callan, 1st ed. (Wiley, 2018), 2, <https://doi.org/10.1002/9781118924396.wbiea2118>.

⁵⁵ Ibid.

⁵⁶ Aníbal Quijano, "Coloniality of Power, Eurocentrism, and Social Classification," in *Coloniality at Large: Latin America and the Postcolonial Debate*, edited by Mabel Moraña, Enrique Dussel, and Carlos A. Jáuregui, translated by Michael Ennis, 181. New York, USA: Duke University Press, 2008. <https://doi.org/10.1515/9780822388883-009>.

⁵⁷ Ibid, 182.

coloniality of power and modernity. The coloniality of power is understood as the systematic, racial division of labor, also known as the coloniality of labor. Quijano explains that both race and the division of labor are structurally linked and mutually reinforcing although neither of them is necessarily dependent on the other to exist or change. However, the ability to reinforce one another is how a racial division of labor is seen.⁵⁸ It was through the racial classification of populations and the early association of new racial identities of the colonized, that forms of controlled and unpaid, unwaged labor became associated with the colonized. In return, Europeans developed the perception that paid labor was only a white person's privilege. In other words, the coloniality of labor provided a new wage-labor relation where unpaid labor became assigned to colonized races (American Indians, Africans, Asians, and mixed-race peoples) and salaried labor was assigned to colonizing Europeans. This is a relationship seen with migration industries across developing nations. Migrant workers are, at the very least, paid amounts close to minimum wage because their work is seen as unskilled or low-skilled. However, when nations like the Philippines effectively raise an army of migrant workers to go abroad, that minimum wage will accumulate into incredibly lucrative gains and remittances. This process is successful seeing that the Philippines has continued its migration industry for roughly 50 years now.

Coloniality of labor also determined both geographic distributions of labor in global capitalism and the social geography of capitalism. This happened because labor was controlled by European colonizers. Geographically the West, or Europe, took control of capital and labor, and the ones supplying them with capital and labor were from the Global South. As a means for control of wage labor, capital serves as a focal point at which all forms of labor control, resources, and products are linked. However, capital's specific social configuration was geographically and

⁵⁸ Ibid, 184.

socially concentrated in Europe, letting Europe become the center of the capitalist world economy.⁵⁹ Along with the centralization of capital in Europe, modernity became chiefly understood through a European lens. Eurocentrism, Quijano writes, is “the name of a perspective of knowledge whose systematic formation began in Western Europe before the middle of the seventeenth century”.⁶⁰ And this, Eurocentrism, is tied to the conceptualization of what modernity is by looking at the global model of power that is both colonial and capitalist. Colonial because of the constitution of racial classification and the imposition of Eurocentric ideologies, and capitalist because of the method by which Europe took control of the world market: control of labor. This means that modernity does not exist without coloniality.⁶¹ But more specifically, coloniality exists within modernity.

Eurocentrism and modernity are also tied to the concept of the nation-state. Quijano argues that a nation-state is a society; all societies are power structures because there is usually some or total imposition of practices, laws, and norms, by one group (usually smaller such as a government body) on another (usually larger such as the average citizen population).⁶² This structure of power operates on four elements: (1) control of labor, its resources, and products; (2) sex, its resources, and products; (3) authority; and (4) intersubjectivity and knowledge. Intersubjectivity is the exchange of both conscious and unconscious thoughts or feelings between two subjects. When making the two subjects Europeans and non-Europeans, there is a clear idea of how both parties internalize their relationship with each other: Europeans view the East and Global South as subhuman and in need of civilizing, and through colonization, the East and Global South were brainwashed into viewing the West as comparatively more civil and ideal. This is important

⁵⁹ Ibid, 187.

⁶⁰ Ibid, 197.

⁶¹ Restrepo, “Coloniality of Power,” 2.

⁶² Quijano, “Coloniality of Power, Eurocentrism, and Social Classification,” 206.

because contemporarily, the nation-state has sovereignty over its borders and its citizens who are relatively homogenous. If the formerly colonized believe that they exist as the exteriority of modernity, simply put inferior, the expression of this complex can appear in detrimental ways.

Coloniality of Gender

Before analyzing the expression of the inferiority complex of the formerly colonized, there is another dimension of coloniality to dissect: gender. To reiterate, coloniality refers to a comprehensive and profound pattern of global power; coloniality consists of the global internalization of Western dominance established by the inferiorization of places, human beings, knowledge, and subjectivities, coupled with resource extraction and the exploitation of labor under the justification of expanding capital.⁶³ The two patterns or dimensions of coloniality that Quijano expands on are power and labor. However, there also exists the coloniality of “knowledge” in which knowledge that does not respond to the model of Western thought—conventional science and expert/academic discourses—becomes subaltern or subordinate.⁶⁴ Ultimately, non-Western thought or practices are unreliable sources of knowledge because of their “primitive” nature. Another dimension of coloniality is the coloniality of “being” in which determined populations are described as inferior depending on “colonial difference”.⁶⁵ “Colonial difference” is that exteriority of modernity mentioned above. Something about the livelihood of a population renders it inferior comparably to Western/European livelihood. A specific example of how this may look has been determined by Lugones’ coloniality of “gender” which I would posit is a subcategory of the coloniality of “being”.

⁶³ Restrepo, “Coloniality of Power,” 3.

⁶⁴ Ibid.

⁶⁵ Ibid.

Lugones argues that colonialism introduced a very specific form of patriarchy that came with race and gender. Heterosexism is a key part of how gender is linked to race in the operation of colonial power; it is an intersectional form of colonialism. She says there is a modern/colonial organization of gender, and this model has a “light” and “dark” side.⁶⁶ Quijano accepts that through the global, Eurocentered, capitalistic understanding of gender, nonwhite, colonized women have been disempowered.⁶⁷ This is the “light” side of the modern/colonial organization of gender because it has been unveiled and understood temporarily as biological dimorphism, heterosexualism, and patriarchy.⁶⁸ Lugones argues that Quijano falls short in his framework because it limits gender to the organization of sex, its resources, and its products. He fails to address that the control of sex has been primarily a discussion among men and about men’s control of resources that they understand as female.⁶⁹ To expound on her argument, Lugones provides a “dark” side of the modern/colonial gender organization: the disappearance of nongendered and gynecocratic egalitarianism. We must conceptualize this “dark” side as it relates to the Philippines. The English-speaking, higher education institutions built by the US allowed more women in the Philippines to obtain educational and occupational credentials in “preferred” health care and domestic care sectors.⁷⁰ This meant that eventually women arriving from the Philippines to the US quickly outnumbered their male counterparts in the service industry. This did not come as a surprise because it was during colonialism that essential care work had become a sex role stereotyped as female. Even now, society continues to assume that feminine characteristics and

⁶⁶ María Lugones, “Heterosexualism and the Colonial / Modern Gender System,” *Hypatia*, Writing Against Heterosexism, 22, no. 1 (2007): 189.

⁶⁷ *Ibid*, 190.

⁶⁸ *Ibid*.

⁶⁹ *Ibid*, 194.

⁷⁰ Tyner, “The global context of gendered labor migration from the Philippines to the United States,” 678.

traits are required to succeed in these roles.⁷¹ This practice is gender subordination which the world has not moved on from since colonialism.

Before colonialism, many societies did not have the same concept of gender as white Europeans. Gender for them was more egalitarian. The introduction of a colonial gender system resulted in the subordination of females in all aspects of life.⁷² For Yoruba society, for example, women were mostly anatomically defined in relation to men (individuals who had or did not have male genitalia), so there was no strong emphasis on gender organization.⁷³ In a similar vein, in many Native American tribes, women tended to be central figures, assuming authoritative roles.⁷⁴ However, colonialism displaced and replaced many female leaders with male-gendered leaders to fit this mold of the gender binary.⁷⁵ Colonialism, in this way, was a two-fold process of racial inferiority and gender subordination; no longer was there equality amongst genders. Rather, the European gender organization began imposing its characterization of women on colonized societies. It was made known that white, European women were fragile, unfit to work, and sexually pure compared to their nonwhite, colonized counterparts.⁷⁶ Conversely, non-European women, while they were not fragile, were still not supposed to be dominant. They could work, but it would be unwaged. Most importantly, they were not sexually pure and thus “owed” their sexuality to men. This gendering further evolved in the 19th century and into the present day.

Gender and sexuality are very closely related to racism. For example, women of color are oversexualized and seen as undeserving of the social and sexual protections that their white counterparts receive.⁷⁷ Asian women, for example, have been seen as super feminine and docile

⁷¹ Ibid.

⁷² Lugones, “Heterosexualism and the Colonial / Modern Gender System,” 197.

⁷³ Ibid.

⁷⁴ Ibid, 198.

⁷⁵ Ibid, 199.

⁷⁶ Ibid, 203.

⁷⁷ Ibid.

which has put them at this risk. This is why female domestic workers are highly vulnerable to abuse. According to an International Labour Migration (ILO) analysis reporting on OFWs, there was a study in which the majority (85 percent) of respondents who were female domestic workers reported facing some form of violence while working or working in abusive environments.⁷⁸ 55 percent of the cases stated that the perpetrator of verbal and physical abuse was the female employer.⁷⁹ These female employers accused their domestic workers of being lazy, flirtatious, rude, and other negative insults for things they were not responsible for. For example, in the cases of attempted or successfully executed sexual abuse, these women reported that the perpetrator was a relative—brother, father, or uncle—of the employer.⁸⁰ This, of course, does not exclude the male employers themselves which in many cases fuels the disdain the female employer—wife of the male employer—would have towards domestic workers. The common types of sexual abuse that female OFWs have experienced include but are not limited to lewd innuendos, perverse behavior, molestation, incest, prostitution, pornography, rape, and attempted rape.⁸¹ These cases are not given the proper attention they deserve by the Philippine government, so these women reported that these issues can only be “resolved” by the employer moving the sexual predator outside or to a different room of the house or by the domestic worker having to quit her job altogether.⁸² This blatant neglect of OFWs, specifically, domestic workers is a result of self-serving negligence from the Philippine government that can be explained by internalized colonialism.

⁷⁸ Nicole J. Sayres, “An Analysis Of The Situation Of Filipino Domestic Workers” (International Labour Organization, December 14, 2007), https://www.ilo.org/wcmsp5/groups/public/@asia/@ro-bangkok/@ilo-manila/documents/publication/wcms_124895.pdf, 22.

⁷⁹ Ibid.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Ibid.

Internalized Colonialism

Gani does not directly interact with Quijano, Lugones, or other authors who discuss coloniality; rather, she builds upon Frantz Fanon's psychoanalytical work about the production of racial hierarchies and the internalization of stigma.⁸³ Fanon describes colonization as transitioning from physical to mental oppression when the colonized started to internalize imperialist ideology.⁸⁴ Fanon categorizes internalization into three types of responses to colonization: (1) the colonized who accept colonial hierarchies as the "natural order" of humanity; (2) the colonized who internalize colonial stigmas but also aim to resist them; and (3) the colonized who have completely emancipated themselves from the hierarchies and stigmas of colonialism, mental detaching themselves.⁸⁵ Gani prioritizes the second category to build on Fanon's idea that there are heavy contradictions regarding resistance to colonization: rather than society freeing itself from the imposed inferiority complex, society tightens the bond between the colonized and colonizer.⁸⁶ This is very similar to the rhetoric from Filipino nationals who disapproved of Marcos Senior's relationship with the IMF and the US when he declared martial law. Gani allows us to properly define Marcos Senior's and future presidential administrations' treatment of OFWs with two types of mimicry: fleeing and transferal.⁸⁷

Gani writes, "fleeing can be identified, in its mildest form, through a refutation of the colonizer's charges of inferiority, but in more extreme forms it is found in mimicry and a desire for proximity to the 'civilized'".⁸⁸ To elaborate, fleeing can look partial, meaning the colonized

⁸³ Jasmine K Gani, "Racial Militarism and Civilizational Anxiety at the Imperial Encounter: From Metropole to the Postcolonial State," *Security Dialogue* 52, no. 6 (December 1, 2021): 549, <https://doi.org/10.1177/09670106211054901>

⁸⁴ Ibid.

⁸⁵ Ibid.

⁸⁶ Ibid.

⁸⁷ Ibid, 550.

⁸⁸ Ibid.

will outright deny the claims of inferiority made against them by the colonizer. Total fleeing, on the other hand, means that to deny the claims of inferiority, the colonized will mimic the colonizer. This is accomplished by completely discarding their native or “uncivilized” traits in favor of expressing “civilized” traits.⁸⁹ Language and culture may be an example of total fleeing. For example, Haitians who traveled to France prior to the Revolution and had an inferiority complex imposed on them may seek to get out of this category of inferiority by completely reimagining themselves; they might shun their native Creole and pick up French words, accents, and mannerisms.⁹⁰ Fleeing may also look mixed; in this way, societies may consciously pick and choose native traits to be accepted and celebrated and which traits should be discarded depending on how closely they appear to be inferior.⁹¹ For example, the concept of professionalism has warped standards for traditional garb or natural hair in professional, business, or academic settings. Thus, there is great emphasis on assimilating to these imposed standards while not completely removing traditional or native standards. A public appearance versus a private appearance. This may be a symbol of wealth or high status in formerly colonized societies.

Transferral internalization is defined as a strategy used when it becomes seemingly insufficient to resist internalized stigmas by fleeing alone.⁹² When this realization dawns upon those wanting to resist their internalized inferiority, they find it justified and necessary to extend the imperialist, civilizational hierarchy downwards, within the colonized communities.⁹³ This allows them to no longer feel like they are at the bottom of this hierarchy, especially within their community.⁹⁴

⁸⁹ Ibid.

⁹⁰ Ibid.

⁹¹ Ibid.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ Ibid.

This transferal internalization is something Casanova (1965) observed to be internal colonization. Internal colonization, he claims, is something that started in the independence movements of former colonies. He writes:

With *political* independence the notion of an integral independence and of a neocolonialism slowly arises. With the creation of the nation-state as a motor of development and the disappearance of the “imperialistic ogre,” there appears a need for technicians and professionals, for contractors and capital. With the disappearance of the direct domination of foreigners over natives, the notion of domination and exploitation of natives by natives emerges.⁹⁵

The “end” of colonialism itself only removed problems that arose from foreign control; however, oppression itself continues, especially from sector to sector.⁹⁶ In the case of the Philippines, this oppression is felt by OFWs and feels more intolerable than the conditions established by former colonizers because their people are the ones guilty of neglecting and exploiting them. I argue that the Philippines is expressing transferal internalization, also known as internal colonialism, with the way it manages its OFWs. Casanova adds, “The upper classes, including many government intellectuals, are prepared to manipulate the unprotected masses in a way similar to that used by the foreign masters whose rule they have broken”.⁹⁷ This is seen in practice in the Philippines. According to the same ILO analysis that reported on Filipino migrant workers, all departing OFWs, including domestic workers, are required to attend pre-departure orientation seminars (PDOS).⁹⁸ The PDOS is standard; it usually takes place a few days before departure and is roughly five hours long. Some topics of the seminar include values clarification, the code of discipline for OFWs, coping mechanisms, rights and obligations in the employment contract, duties and responsibilities,

⁹⁵ Pablo Gonzalez Casanova, “Internal Colonialism and National Development: Studies in Comparative International Development,” *Studies in Comparative International Development* 1, no. 4 (April 1965): 27, <https://doi.org/10.1007/BF02800542>.

⁹⁶ *Ibid.*

⁹⁷ *Ibid.*, 28.

⁹⁸ Sayres, “An Analysis Of The Situation Of Filipino Domestic Workers,” 19.

institutional support systems, remittance procedures, HIV/AIDS education, travel procedures, and self-defense training provided by the International Organization for Migration (IOM).⁹⁹ On paper, OFWs are set to succeed while they are abroad given the abundance of resources they are introduced to during the PDOS. However, this is far from the truth.

There are several issues with the PDOS system, namely that 90 percent of the seminars are provided by recruitment agencies themselves.¹⁰⁰ These agencies earn fees for each recruit they send abroad, so there is greater self-interest in letting recruits begin their employment without being fully briefed. Anecdotal remarks from OFWs show that agencies often let OFWs skip the PDOS but still submit paperwork that indicates that they did receive training.¹⁰¹ Conversely, when OFWs are briefed and given training, most reports indicate that the PDOS is solely focused on the remittance process which leaves very little to no time to discuss other pressing topics such as dealing with harassment, risks of trafficking, and other forms of abuse.¹⁰² The systems are put in place, but they are not being properly utilized by OFWs because they are unaware of how to use them. Moreover, when they find the proper channels to express their grievances, such as through embassies or consulate offices, their cases are not addressed. Yet miraculously, the Philippines still manages to find many nationals to recruit to its Labor Export Programs. To see how this is done, we must turn to the words of Philippine government officials to see the tactics put in place to convince their citizens to go abroad.

Section II: The Philippine government's treatment of OFWs

In the 1970s, reliance on foreign contractor procurement became big for the Philippines. Marcos Senior further cemented this dependence with his Labor Export Program in 1972 and his

⁹⁹ Ibid.

¹⁰⁰ Ibid.

¹⁰¹ Ibid.

¹⁰² Ibid.

Labor Code following in 1974. Both programs aimed to promote overseas work in hopes of securing political and economic stability. On top of these two programs, Marcos Senior introduced and enacted a third program in 1973: the Balikbayan Program, also known as the National Returnees Program.¹⁰³ The Balikbayan program was an attempt to attract Filipino immigrants back to the Philippines as glorified tourists.¹⁰⁴ These returnees included those who had gone abroad several years before or who were displaced because of Marcos Senior's mass migration a little over a year ago. The goal was to have immigrants under the Balikbayan status remit their foreign dollars (preferably USD) or spend it through tourism so that the extra income would further invigorate the Philippine economy.¹⁰⁵ The other added benefit was that with enough tourists coming to the nation, foreign investors became assured that the Philippines, under martial law, was still politically stable.¹⁰⁶ To promote this program, Marcos Senior had national and local government offices provide Balikbayans with festivals and tax exceptions to appeal to their sense of nationalism.¹⁰⁷ However, there still exists feelings of resentment toward Marcos Senior's program because of the harm he committed against his citizens under martial law.¹⁰⁸ In a way, the Balikbayan program appeared to be a manipulation tactic to have Filipinos overlook the things Marcos Senior and his administration had done.

Similarly, former president Fidel Ramos had done the same. It was former president Corazon Aquino, Ramos' predecessor, who first characterized OCWs as "new national heroes and heroines".¹⁰⁹ In contrast to the Balikbayan program, the "new national heroes" label attempted to

¹⁰³ Robyn Magali. Rodriguez, "Migrant Heroes: Nationalism, Citizenship and the Politics of Filipino Migrant Labor," *Citizenship Studies* 6, no. 3 (September 1, 2002): 345, <https://doi.org/10.1080/1362102022000011658>.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Damayan Migrant Workers, "Never Again. Never Forget. 51st Anniversary of Martial Law."

¹⁰⁹ Rodriguez, "Migrant Heroes: Nationalism, Citizenship and the Politics of Filipino Migrant Labor," 347.

incorporate (current) migrant laborers and not just the emigrants as important figures to the nation.¹¹⁰ In doing so, “new national heroes” were granted special status like Balikbayans; Filipino migrant workers as a whole had elevated and extended economic and welfare rights domestically, building even more incentives to work abroad. However, to be a “new national hero,” the state needed migrants to be a particular kind of citizen: dedicated, resilient, but above all, heroic. Government officials would go as far as to hang banners of the “new national heroes” motto in schools to instill nationalistic pride into citizens from a young age.¹¹¹ Because of these acts that promoted the status of being a “new national hero” and the occupation of being an overseas contract worker, this label quickly became popularized by citizens and politicians. The label was popular when it was originally introduced and is still popular in the present day.¹¹² However, as aforementioned, Filipinos such as Dr. Robyn Magalit Rodriguez, find these programs and statuses to be manipulative.

Rodriguez argues that the use of citizenship in this way, and the obligations attached to it, is solely a strategy for income generation for the Philippine government. Further, Rodriguez expresses that the “new national heroes” program is a means by which the Philippine state disciplines migrants as “cheap” and “disposable” workers. The job is not supposed to be “easy,” so the government needs citizens willing to endure hardships because coming out on top shows the strength of the nation. By doing this, however, the government is not only instrumentalizing Filipinos, but it also simultaneously reconstructs the cultural identity of its people by glorifying these specific nationals who are overseas workers. To be a Filipino national is now equated to being an OFW; thus, this distances citizens from uplifting existing cultural elements that connect

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

them to their homeland. This ambivalent relationship between state and citizen would only worsen by the 1990s because the claimed existing protections for OFWs and OCWs were not properly acted upon.

On June 7th, 1995, the Migrant Workers and Overseas Filipinos Act, also known as Republic Act 8042 (RA8042) was ratified.^{113,114,115} The week it was finalized was also declared to be “Migrant Heroes Week” by the Philippine government, and later the government would also honor a Migrant Hero of the Year.^{116,117} Every June since 1995, the government has thrown a celebratory week for its OFWs. However, the objective of these celebrations is to continue tethering citizens who work abroad to the nation. There is always a great emphasis on maintaining connections to the country whether it be economic, political, or affective. This is why when RA8042 was enforced, the response from Filipinos was skewed.

RA8042 promised to “institute the policies of overseas employment and establish a higher standard of protection and promotion of the welfare of migrant workers, their families and overseas Filipinos in distress, and for other purposes”.¹¹⁸ However, the number of protests that happened after this act was signed demonstrates how Filipinos are still not satisfied or impressed with the declared improvement of protections.¹¹⁹ After all, the Philippine Overseas Employment Administration (POEA)’s Welfare Services Branch has always operated in guileful, untrustworthy ways. The moment OFWs are unable to send in remittances, they are issued letters by the POEA such as the following.

¹¹³ Ibid.

¹¹⁴ “Republic Act No. 8042 | GOVPH,” Official Gazette of the Republic of the Philippines, June 7, 1995, <https://www.officialgazette.gov.ph/1995/06/07/republic-act-no-8042-2/>.

¹¹⁵ Robyn Magalit Rodriguez, *Migrants for Export: How the Philippine State Brokers Labor to the World*. Minneapolis: University of Minnesota Press, 2010, 75.

¹¹⁶ Ibid.

¹¹⁷ Ibid, 78.

¹¹⁸ Republic of the Philippines, “Republic Act No. 8042”.

¹¹⁹ Rodriguez, *Migrants for Export*, 78.

We would like to remind you that as an overseas Filipino worker, it is one of your obligations to provide ample financial and moral support to your family. Make your loved ones feel your presence as though you were with them through constant communication. Failure to comply with this responsibility affects not only the socio-economic but also the moral and mental well-being of helpless dependents, thus adversely affecting their struggle for survival. We, therefore, hope you understand our writing you (Welfare Services Branch).¹²⁰

After several warnings, OFWs can be placed on a watchlist and eventually prevented from applying for future overseas work.¹²¹ The issue with this is the fact that remittances have been shown to help the families of these migrant laborers. Some of the maltreatment that migrant workers face while they are abroad includes being withheld from payment, amongst other terrible acts, so they can be punished for something that is not under their control. Migrants may continue to live in abusive environments but still not receive any help. To receive such a message, once, twice, or even three times, from the POEA after making multiple abuse claims only demonstrates to migrant workers that they are not listened to or respected. Instead, they are guilty for underperforming in working conditions that are not safe. Unfortunately, OFWs have long noticed this pattern. It comes as no surprise when the true intentions of the government surface now and then. At the opening ceremonies for the 2001 Migrant Heroes Week, several speeches were given to congratulate OFWs. One in particular had the following lines: “migrant work overseas was not only for [OFWs’] families but for the nation. As the new national heroes, may you equip your families with the values they need, and may they remember the fact that you were contributing to the economy”.¹²²

The state of the economy is not the best in the Philippines given that it so heavily relies on remittances to make up a decent percentage of its income. Not only are migrants put under heavy

¹²⁰ Ibid, 86.

¹²¹ Ibid.

¹²² Ibid, 87.

pressure to perform to code, but they are placed under this pressure without proper support. This is exploitative behavior. The Philippine government is not defending its migrants because of its financial motivations, but in doing so, it only reinforces the behaviors commonly seen during colonialism between the colonizer and the colonized. The Philippines has transferred these acts into its nation and is committing them against its citizens.

Theoretical Intervention: The Case of Flor Contemplacion

I decided to pay close attention to Flor Contemplacion's case because it was extremely controversial. Her death outraged many Filipinos across the world because it felt like her case in particular was the ultimate example of how the Philippines blatantly turns its back on its citizens while they are abroad. The fact that her case ended by the hands of her own people due to inaction was enough to seriously mobilize Filipinos in the Philippines to protest against the government as well as Filipinos globally to mobilize into support groups to defend themselves because they no longer had faith their government would.

Case Context

In 1991, Flor Contemplacion, a Singapore-based Filipina domestic worker, was framed and charged with the double murder of another Filipina domestic worker—Delia Maga, 34 years old—and her charge—Nicholas Huang, 4 years old.^{123,124} On January 29th, 1993, Flor was convicted of the murders by the High Court of Singapore.^{125,126,127} On March 17th, 1995, two years following the conviction, Flor was executed by hanging in Changi Prison.¹²⁸ Between the four years of her

¹²³ James A. Tyner, *The Philippines: Mobilities, Identities, Globalization* (New York: Routledge Taylor & Francis, 2009).

¹²⁴ Daiva Stasiulis and Abigail B. Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 20.

¹²⁵ Amnesty International, "Singapore: Death Penalty," February 1993.

¹²⁶ Tyner, *The Philippines: Mobilities, Identities, Globalization*, 77.

¹²⁷ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 25.

¹²⁸ "Singapore: Death Penalty: Flor Contemplacion (f), 42, Domestic Worker," Amnesty International, March 10, 1995, <https://www.amnesty.org/en/documents/asa36/004/1995/en/>.

initial charge and execution, there was no proper investigation into her case by the Philippine government. While this may seem like a crime to be dealt with by international law because it took place across international waters, Flor was owed justice and had every right to proper representation by her country.

The Vienna Convention on Consular Relations was adopted in April 1963 by the United Nations (UN) Conference on Consular Relations.^{129,130} Split into four chapters, the convention discusses the actions states can take through their consulates regarding all matters dealing with their nationals, employees of the consulate, and the state in which the consulate operates. The Philippines signed the convention on April 24th, 1963, and later ratified it on November 15th, 1965, over two decades before Flor's initial charge.¹³¹ This means the Philippines gave formal consent to validate the convention in its nation, but to also make use of the rights it had based on the contents of the convention. Articles 5 and 36 of the Vienna Convention, specifically detail the kind of jurisdiction that the Philippines had regarding a case such as Delia Maga and Flor Contemplacion. They read:

Article 5: Consular functions

Consular functions consist in:

- (e) helping and assisting nationals, both individuals and bodies corporate, of the sending State;
- (i) subject to the practices and procedures obtaining in the receiving State, representing or arranging appropriate representation for nationals of the sending State before the tribunals and other authorities of the receiving State, for the purpose of obtaining, in accordance with the laws and regulations of the receiving State, provisional measures for the preservation of the rights and interests of these nationals, where, because of absence or any

¹²⁹ "Vienna Convention on Consular Relations, 1963" (United Nations, April 24, 1963), https://legal.un.org/ilc/texts/instruments/english/conventions/9_2_1963.pdf.

¹³⁰ "CHAPTER III PRIVILEGES AND IMMUNITIES, DIPLOMATIC AND CONSULAR RELATIONS, ETC | 6. Vienna Convention on Consular Relations," United Nations Treaty Collection, April 24, 1963, https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=III-6&chapter=3.

¹³¹ Ibid.

other reason, such nationals are unable at the proper time to assume the defense of their rights and interests;

(j) transmitting judicial and extrajudicial documents or executing letters rogatory or commissions to take evidence for the courts of the sending State in accordance with international agreements in force or, in the absence of such international agreements, in any other manner compatible with the laws and regulations of the receiving State;

(m) performing any other functions entrusted to a consular post by the sending State which are not prohibited by the laws and regulations of the receiving State or to which no objection is taken by the receiving State or which are referred to in the international agreements in force between the sending State and the receiving State.¹³²

Article 36: Communication and contact with nationals of the sending State.

1. With a view to facilitating the exercise of consular functions relating to nationals of the sending State:

(b) if he so requests, the competent authorities of the receiving State shall, without delay, inform the consular post of the sending State if, within its consular district, a national of that State is arrested or committed to prison or to custody pending trial or is detained in any other manner. Any communication addressed to the consular post by the person arrested, in prison, custody or detention shall be forwarded by the said authorities without delay. The said authorities shall inform the person concerned without delay of his rights under this subparagraph;

(c) consular officers shall have the right to visit a national of the sending State who is in prison, custody or detention, to converse and correspond with him and to arrange for his legal representation. They shall also have the right to visit any national of the sending State who is in prison, custody or detention in their district in pursuance of a judgement. Nevertheless, consular officers shall refrain from taking action on behalf of a national who is in prison, custody or detention if he expressly opposes such action.¹³³

This information is critical when considering Flor’s case because it means that under Article 36, the Philippines should have been informed of Flor’s initial arrest and the charges placed against her. Moreover, consular officials should have been able to see Flor, and while they could not represent her, Article 5 states that they could have proper representation for her under Singapore’s criminal law. The Philippines had the right to help and assist her and had every right to receive as much transparency about her case as they could. However, they did not exercise this right when it

¹³² “Vienna Convention on Consular Relations, 1963.”

¹³³ Ibid.

counted as a proper investigation of Flor would not be held until after her death. A potential excuse to justify the Philippines, specifically Ramos' inaction would be the fact that by this point in time, Singapore had not signed nor ratified the Vienna Convention on Consular Relations. Accession would be signed 10 years later on April 1st, 2005, meaning Singapore would not accept the conditions of the Convention until 10 years after Flor's death.¹³⁴ However, the US has had diplomatic relations with Singapore and the Philippines since the 1960s, so the Philippines could have utilized a stronger, third party to negotiate a plan to lessen the punishment placed on Flor.¹³⁵ Moreover, the Philippines could have sought counsel from the UN. No attempts were made.

On April 10th, 1995, former president Ramos signed Administrative Order No. 184. This order created a special committee by the Presidential Fact-Finding and Policy Commission on the Protection of Overseas Filipinos (Gancayco Commission) to investigate the charges placed on Flor in the Delia Maga-Flor Contemplacion Case.^{136,137} According to evidence uncovered by the Gancayco Commission, Flor "appeared to have been mistakenly hanged".¹³⁸ This is because the Commission found conflicting evidence on three issues: (a) the coroner's findings regarding Delia's autopsy; (b) the absence of due process regarding legal counsel for Flor while she was in custody; and (c) the blatant coercion of a confession from Flor under conditions of abuse and torture while she was being detained.¹³⁹ Because of these findings, there was evidence that the series of events detailed by Singaporean courts provided a different story to accuse Flor and defend the alternative suspect to the murders.

¹³⁴ Ibid.

¹³⁵ "U.S. Relations With Singapore," *United States Department of State* (blog), accessed April 26, 2024, <https://www.state.gov/u-s-relations-with-singapore/>.

¹³⁶ "Administrative Order No. 184, s. 1995 | GOVPH," *Official Gazette of the Republic of the Philippines*, April 10, 1995, <https://www.officialgazette.gov.ph/1995/04/10/administrative-order-no-184-s-1995/>.

¹³⁷ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 21.

¹³⁸ Ibid.

¹³⁹ Ibid, 22.

To start, the original story of the double murders was simple: Flor had come to Delia's employer's home, killed the child, Nicholas, by drowning him, and then killed Delia by strangling her with an elastic cord.¹⁴⁰ However, it was revealed that Nicholas suffered from epilepsy, so his death was truly accidental. What is more, Delia's autopsy revealed that contusions on her body were far too extreme to be something that Flor could have done unless she was, quite frankly, a really strong woman or a man.¹⁴¹ Seeing that Nicholas' father was the one to report the crime, blame was slowly being shifted onto him. Later, it came out that he admitted to his brother that he did kill Delia after being overcome with anger upon seeing his deceased son.¹⁴²

Moving on to the lack of legal representation, I already mentioned that the Philippines had every right to intervene and help Flor. However, it was found that Philippine embassy officials in Singapore adopted a "passive position" regarding Flor's case up until she was convicted in 1993, two years after the charge.¹⁴³ The Commission reported that the embassy did not have any information regarding Flor's case at all and that the embassy simply did not care about her.¹⁴⁴ To make matters worse, due to the lack of attention given to Flor, the corruption in Singapore's judicial system was overlooked as well. When Nicholas' father eventually discovered that his son had passed away due to his medical condition, he used his connections to a political party mate to ask him to ensure that the police continued to frame Flor.¹⁴⁵

Lastly, there was ample evidence to show that Flor was coerced into giving a false confession. Virginia Parumog, another Filipino domestic worker arrested in Singapore, was also held in Changi Prison, where she and Flor shared a room. According to Virginia's recounts, in the

¹⁴⁰ Ibid, 23.

¹⁴¹ Ibid.

¹⁴² Ibid, 28.

¹⁴³ Ibid, 25.

¹⁴⁴ Ibid.

¹⁴⁵ Ibid, 27.

period between January 1992 to January 1993, Flor was fed a capsule by the prison officials each time she was taken to her trial; Flor later confirmed the capsule to be a drug.¹⁴⁶ This means Flor was never sober and often disoriented while at her trial. What is more, as the Commission went through more evidence, it found a report that was sent anonymously to the Singapore Police Criminal Investigation Division one month after Flor's execution. This report revealed that Flor had been seriously tortured: she was stripped of clothes, forbidden to leave the torture room to relieve herself, forced to stay awake, and had ice-cold water thrown on her when she showed signs of dozing off, drugged, shocked with electricity, raped by lower-ranking officers, and even hypnotized into admitting her crime.¹⁴⁷ Finally, with all the evidence pointing toward Flor's innocence, she was determined to be a victim of a profound lack of justice. Here is the true story uncovered from lies and deceit:

The story as it is now understood is that the four-year-old child, Nicholas Huang, had accidentally drowned in a pail of water in the bathroom while he was under Delia Maga's care. Flor was at Delia's employer's home on the night of the accident. She was delivering gifts and money for Delia to take home for Flor's children. When the child was found dead, Delia urged Flor to leave and return to her own employer's home immediately. Upon discovering his son's death, the child's father erupted in abusive rage and strangled Delia.¹⁴⁸

It was truly unfortunate what happened to Flor as she was only fulfilling her "obligations" as an OFW to both her family and her country. Even with all her dedication to performing well, she was not given grace by her nation even though it had the facilities to support her.

¹⁴⁶ Ibid, 26.

¹⁴⁷ Ibid, 27.

¹⁴⁸ Ibid, 28-9.

Theory Application

The creation of RA8042 started on July 25th, 1994, and wasn't finalized until June 7th, 1995, two months after Flor's execution.¹⁴⁹ Section 2 of the act provides the following declaration of its policies:

(a) In the pursuit of an independent foreign policy and while considering national sovereignty, territorial integrity, national interest, and the right to self-determination paramount in its relations with other states, the State shall, at all times, uphold the dignity of its citizens whether in country or overseas, in general, and Filipino migrant workers, in particular.¹⁵⁰

While Ramos was focusing on this Republic Act, he could have been focusing on Flor. In fact, he had three years prior to the drafting of this act to focus on Flor. What is more, instead of drafting this act altogether, he could have turned to the Consular Relations convention that his predecessor had signed and ratified. Even though *Ramos* hadn't ratified the convention, he was still the president and had the responsibility to respond to the values former administrations stood for. He proved, in this case, that he did not stand for his migrant workers. There was ample opportunity to act, to intervene, to prove that Flor, as an OFW, was as valuable as she was led to believe. She was allegedly a hero who was saving her family, and her nation's economy, but she had to carry that burden all alone when things became incredibly tough for her. So, what did Ramos do? He tried masking the injustice. A little over two months after Flor was executed, he launched his Migrant Heroes Week, and unfortunately, he was quite successful in running away from this controversial case. On the other hand, many Filipinos were far too upset about Flor to ignore the history of injustice OFWs and OCWs have faced to give Ramos any grace.

This kind of mistreatment of this group of people is not a new concept. Rather, it is a display of internal colonialism or transferal internalization. The Philippine government, in its desperate

¹⁴⁹ Republic of the Philippines, "Republic Act No. 8042".

¹⁵⁰ Ibid.

attempt to catch up to developed nations, will do anything, including sacrificing its citizens, to get there. To build on this concept, this relationship between citizen and state displays the difference between citizenship and non-citizenship. Stasiulis and Bakan (1997) describe the most common conception of citizenship to be a largely judicial relationship between an individual and a single nation-state, uniquely one that is post-Cold War capitalist; by that, they mean people perceive citizenship as something that you are either granted or not.¹⁵¹ However, Stasiulis and Bakan find that there is a negotiation process that comes with citizenship that is largely influenced by conditions set by global capitalism, class exploitation, racism, and sexism.¹⁵² In turn, citizenship and non-citizenship are on a spectrum of rights that are subject to change or can be denied.¹⁵³ This spectrum describes the active agency of the non-citizen, that agency being something variable or denied.¹⁵⁴

In the case of Flor and other OFWs, this negotiation has been rather one-sided. This is because they have a special kind of citizenship, something best described as migrant citizenship, meaning that their membership in the Philippines is increasingly determined by their employment overseas.¹⁵⁵ To that end, the Philippines describes its migrants as “heroes” and presents itself as grateful for the labor its migrants commit themselves to. To show this gratitude, the Philippines allegedly extends benefits and protections to migrants they would normally receive as citizens who do not emigrate.¹⁵⁶ On the spectrum of citizenship to non-citizenship, migrant citizenship sits in the middle. It is, however, free to slide in either direction, closer to citizenship or closer to non-citizenship. The moment migrant workers return home after their contract work is completed and

¹⁵¹ Daiva Stasiulis and Abigail B Bakan, “Negotiating Citizenship: The Case of Foreign Domestic Workers in Canada,” *Feminist Review* 57, no. 1 (September 1, 1997): 113, <https://doi.org/10.1080/014177897339687>.

¹⁵² *Ibid.*, 114.

¹⁵³ *Ibid.*

¹⁵⁴ *Ibid.*

¹⁵⁵ Rodriguez, *Migrants for Export*, 79.

¹⁵⁶ *Ibid.*, 79.

all remittances have been sent back, they are praised, celebrated, and even encouraged to go back to work through the festivities and tax exemptions. However, the moment migrant workers appear to fall behind, there is pressure placed on them to pick up the slack. Even worse, when they appear to no longer be useful, they are abandoned.

Coloniality has made it possible for Filipinos to mistreat and exploit other Filipinos. By this, I mean that the introduction of capitalism to the world market through means of racialized and gendered labor has paved the way for former colonizing, European nations to be as wealthy and advanced as they are today. While colonialism is no longer a global norm, the ideologies most dominant during this time are still present. Most importantly, capitalism is still the current economic and political system of the world market today. Because former colonizing nations have had a head start in reaching extreme levels of wealth through this system, former colonized nations feel that the best way to catch up is to mimic what had been done before. The unfortunate caveat of this is that the formerly colonized remain dependent on the former colonizing nations, resulting in a dangerous cycle that makes it incredibly difficult to decolonize the world. For Flor, this takes two dimensions: race and gender. Would things have been different in this case had Flor been a man instead of a woman? Would there have been more value attached to her if she were a man instead of a woman? Women are treated as subordinate to men, after all, so it begs the question: did the Philippines, more specifically Ramos' administration, see her as more expendable and not worth the resources, not worth the risk to try and save?

Conclusion

The Philippine government must be held accountable for the exploitative nature of its migration industry. Its reluctance and lack of measures to protect its OFWs' welfare from verbal, physical, and sexual abuse further dehumanizes labor and the cultural identity of Filipino people.

Logics and institutions of race, labor, and gender, birthed during colonization, have been adopted by the Philippines and are still in effect today. Unconsciously, the government views the value of its migrant workers based on how much they remit home. The effects of this treatment have been nothing but devastating for the livelihood of migrant workers.

Following the death of Flor Contemplacion, there were massive campaigns for justice in the US, Japan, Canada, and the Philippines that challenged the effectiveness of Ramos' presidency.¹⁵⁷ Some of the Philippine organizations who held campaigns in Flor's honor included Gabriela, a women's rights organization;¹⁵⁸ Migrante International, an immigrants' rights organization based in the Philippines and continuing operations in Canada;^{159, 160} Karapatan Alliance Philippines, a human rights organization;¹⁶¹ the Kilusang Mayo Uno (KMU, the May First movement), an independent trade union;¹⁶² and Bagong Alyansang Makabayan or Bayan (the New Patriotic Alliance), a multisectoral formation struggling for national and social liberation against imperialism, feudalism, and bureaucratic capitalism.¹⁶³ Gabriela and Migrante International were very vocal about wanting to bring justice to Flor, so much so that when her remains were repatriated, supporters made a point to block Ramos from being able to intercept with flowers.¹⁶⁴ By this point, his reputation had tanked tremendously, and he was desperately trying to restore his name.

¹⁵⁷ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 29.

¹⁵⁸ "GABRIELA – NATIONAL ALLIANCE OF FILIPINO WOMEN Southeast Asia – Philippines, Indonesia, Thailand, Vietnam, Singapore, Malaysia, Cambodia, Laos –," accessed April 26, 2024, <https://www.onebillionrising.org/41139/gabriela-national-alliance-of-filipino-women-southeast-asia-philippines-indonesia-thailand-vietnam-singapore-malaysia-cambodia-laos/>.

¹⁵⁹ "Migrante International | Home," Migrante International, April 5, 2024, <https://migranteinternational.org/>.

¹⁶⁰ Pura Velasco, "Filipino Migrant Workers amidst Globalization," *Canadian Woman Studies*, 2002, 131–35.

¹⁶¹ "Karapatan Alliance Philippines | Home," Karapatan, accessed April 26, 2024, <https://www.karapatan.org/>.

¹⁶² "ABOUT - Kilusang Mayo Uno," February 1, 2024, <https://kilusangmayouno.com/about/>.

¹⁶³ "Bagong Alyansang Makabayan | What Is Bayan?," accessed April 26, 2024, <https://bayan.ph/site/about/>.

¹⁶⁴ Stasiulis and Bakan, "Flor Contemplacion: A Study in Non-Citizenship," 30.

Today, Flor Contemplacion's life and death continue to be a rallying call in the international community and the Philippines. Flor has become a symbol of government neglect among overseas Filipino workers, bringing forth the harsh realities and vulnerabilities that migrant workers are exposed to when they agree to go abroad for the sake of their families and their nation. To this day, Migrante International has spearheaded the marches to resist the plight of Filipino migrant workers which is exacerbated by government negligence and incompetence.¹⁶⁵ Under the leadership of Rodrigo Duterte, the most recent former president, the number of migrant deaths, abuses, arrests, death row convicts, victims of human trafficking, and labor rights violations has only increased.¹⁶⁶ OFWs have a long fight and struggle ahead of them to improve the conditions they are expected to work.

It is unclear where current president Ferdinand Marcos Junior stands regarding making strides to better the relationship between the Philippines and labor-receiving nations to improve the treatment of OFWs. Journalists have taken note that whenever headlines such as "Abused Filipino workers trafficked in Syria"¹⁶⁷ or "Murder of Filipina Worker in Kuwait,"¹⁶⁸ Marcos Junior remains silent. This is unfortunate because the majority of OFWs work in Asia with the top destinations being Saudi Arabia, United Arab Emirates, Hong Kong, Kuwait, Singapore, and Qatar.¹⁶⁹ Others find work in Canada, the United States, the United Kingdom, and Germany, which

¹⁶⁵ "Commemorate the Life and Death of Flor Contemplacion! Fight for Justice for All Victims of the Labor Export Program! Struggle for Aid, Livelihood, Rights and Protection! Solve the Root Causes of Forced Migration!," *Migrante International* (blog), March 17, 2022, <https://migranteinternational.org/commemorate-the-life-and-death-of-flor-contemplacion-fight-for-justice-for-all-victims-of-the-labor-export-program-struggle-for-aid-livelihood-rights-and-protection-solve-the-root-causes-of-force/>.

¹⁶⁶ Migrante International, "Commemorate the Life and Death of Flor Contemplacion!"

¹⁶⁷ Ellie Aben, "Philippines to Bring Home Abused Filipino Workers Trafficked to Syria," Arab News, January 27, 2021, <https://www.arabnews.com/node/1799556/world>.

¹⁶⁸ Ellie Aben, "Murder of Filipina Worker in Kuwait Sends Shockwave through the Philippines," Arab News, January 28, 2023, <https://arab.news/6tsde>.

¹⁶⁹ "Overseas Filipino Workers: The Modern-Day Heroes of the Philippines," Harvard International Review, August 11, 2023, <https://hir.harvard.edu/overseas-filipino-workers-the-modern-day-heroes-of-the-philippines/>.

too have been reported abusing OFWs. The question now is if Marcos Junior can step up to correct some of the decisions of his father and other previous presidencies to safeguard the migrant workers he knows are incredibly valuable to the country. Until concrete change is made in government, Filipinos will continue to mobilize, protest, advocate, and campaign for justice and decolonization.

Acronym List

OFW	Overseas Filipino Worker
OCW	Overseas Contract Worker
PSA	Philippine Statistics Authority
US	United States
USD	United States Dollar
SEIPI	Semiconductor and Electronics Industries in the Philippines, Inc.
GDP	Gross Domestic Product
LMIC	Low- Middle-Income Country
IMF	International Monetary Fund
ILO	International Labour Organization
PDOS	Pre-Departure Orientation Seminar
IOM	International Organization for Migration
RA8042	Republic Act 8042, Migrant Workers and Overseas Filipinos Act
POEA	Philippine Overseas Employment Administration
UN	United Nations

(Gancayco) Commission, Presidential Fact-Finding and Policy Commission on the Protection of Overseas Filipinos

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