Philippines

The Government of the Philippines expanded social programs to low income and vulnerable families, including the conditional cash transfer program. The worst forms of child labor continue to exist, especially in agriculture and domestic service. Significant legislative gaps remain, including compulsory education and protection for domestic workers.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	15.3*
Attending School	5-14 yrs.	79.6
Combining Work and School	7-14 yrs.	11.3

* Population of working children: 2,736,901

Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Philippines are engaged in the worst forms of child labor,⁴⁷⁹⁵ including agriculture and domestic service. Many children in agriculture work long hours, use dangerous machinery and tools, carry heavy loads and apply harmful pesticides. Children work in the production of sugarcane, coconuts, corn, rice, rubber, tobacco, bananas and other fruits and vegetables.⁴⁷⁹⁶

Children are commonly employed as domestic servants or *kasambahays.*³ Many child domestics work long hours, and their isolation in homes makes them susceptible to sexual harassment, verbal and physical abuse. Child domestic servants are often denied access to education.⁴⁷⁹⁸ Domestic workers are sometimes subjected to nonpayment or garnishing of wages or conditions of bonded or forced labor.⁴⁷⁹⁹

Children are also involved in compressor mining to extract gold, which requires them to dive into pools of mud with an oxygen tube.⁴⁸⁰⁰ Deep-sea

fishing is another hazardous occupation in which children work. Dangerous activities include diving from platforms to cast and retrieve nets in deep water, and dragging nets alongside boats, which can result in falls, drowning or entanglement in the net.⁴⁸⁰¹

In addition, boys and girls work in home-based manufacturing industries that range from fireworks to fashion accessories.⁴⁸⁰²

Children may also be found living, working, scavenging and begging on the streets. They are exposed to multiple dangers including criminal elements and severe weather.⁴⁸⁰³

Children's exploitation in the prostitution, pornography and sex tourism industries is a significant problem.⁴⁸⁰⁴ In addition, children, primarily girls, are trafficked domestically from rural to urban areas for forced domestic service and commercial sexual exploitation.⁴⁸⁰⁵ Children, particularly girls, are also trafficked from the Philippines internationally throughout Asia and the Middle East for forced labor and prostitution.⁴⁸⁰⁶ Children are also known to be involved in other illicit activities such as the trafficking of drugs.⁴⁸⁰⁷

There are no reports of children in the government armed forces in the Philippines but child soldiering is a problem among anti-government and terrorist organizations. The Moro Islamic Liberation Front and the New People's Army have indicated willingness to stop the recruitment and use of children as child soldiers, but the current status of children in their ranks is unclear.⁴⁸⁰⁸ The Abu Sayyaf Group, a terrorist organization, continues to recruit and use child soldiers.⁴⁸⁰⁹

Laws and Regulations on the Worst Forms of Child Labor

The Labor Code sets the minimum age for work at 15 and the minimum age for hazardous work at 18.⁴⁸¹⁰ The Labor Code, however, also allows children younger than 15 to work in nonhazardous activities when under the responsibility of their parents or guardians.⁴⁸¹¹

		,
HIO	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	\checkmark
	CRC	\checkmark
	CRC Optional Protocol on Armed Conflict	\checkmark
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	\checkmark
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	15
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	11
	Free Public Education	Yes

Republic Act No. 9231, Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, mandates the Government to protect and remove children from the worst forms of child labor, including forced labor, child trafficking, prostitution, pornography and the use of a child for illicit activities. It defines and prohibits worst forms of child labor, barring children from using dangerous machinery or tools, transporting heavy loads, working underground or underwater, handling explosives or being exposed to unsafe substances; and it prescribes stringent penalties.⁴⁸¹²

The Labor Code and Republic Act No. 9231 do not offer child domestic workers adequate legal protections. The Labor Code mandates that child domestic workers under the age of 18 be provided elementary education, which rarely happens in practice.⁴⁸¹³ The Batas Kasambahay, or Domestic Workers Bill, has been introduced to Congress repeatedly in different versions, but it has yet to be enacted.⁴⁸¹⁴ During the reporting period, the Senate passed the proposed bill; however, it remains stalled under debate in the House. This bill would require household workers to have a written employment contract and be enrolled in the social security system, and it would make it illegal for employers to withhold wages or for workers to be bonded by debt.

Republic Act No. 9775, the Anti-Child Pornography Act of 2009, protects children against exploitation in pornography and establishes strict penalties for persons responsible for the production, distribution and publication of child pornography.⁴⁸¹⁵ Republic Act No. 9208, the Anti-Trafficking in Persons Act of 2003, prohibits trafficking in persons, including the recruitment, transfer or harboring of children for prostitution, pornography or forced labor. The Act stipulates strict penalties for those convicted of trafficking of children.⁴⁸¹⁶

Military recruitment is voluntary at age 17 for training and 18 for service.⁴⁸¹⁷ The recruitment, transport or use of children under age 18 in armed conflict, including as guards, couriers or spies, is prohibited in the Special Protection of Children against Abuse, Exploitation and Discrimination Act, the Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child and the Anti-Trafficking in Persons Act of 2003.⁴⁸¹⁸

Education is free for children ages 6 to 15; however, school attendance is compulsory only at the primary level, from ages 6 to 11.⁴⁸¹⁹ Children ages 12 to 14 are particularly vulnerable to the worst forms of child labor as they are not required to be in school and are not legally permitted to work. Despite a policy of free education, in practice the costs of books, uniforms, meals, and transportation are prohibitive for many families.⁴⁸²⁰ In addition, school locations are often not accessible for rural students, especially at the secondary level.⁴⁸²¹

Institutional Mechanisms for Coordination and Enforcement

The National Child Labor Committee (NCLC), which is headed by the Department of Labor and Employment (DOLE) and comprised of 15 other agencies, coordinates national efforts to combat child labor.⁴⁸²² The NCLC is intended to promote information sharing at the national level, and this coordinating mechanism has been replicated at the regional and provincial levels.⁴⁸²³

DOLE is the primary government agency responsible for the enforcement of child labor laws. It employs 219 labor and employment officers nationwide who monitor for child labor violations as part of their general labor law compliance inspections.⁴⁸²⁴ In July 2010, DOLE launched the Labor Enforcement and Action Program (LEAP) to intensify inspections to protect workers rights, including enforcement of child labor laws.⁴⁸²⁵ Under LEAP, the number of inspections is increasing significantly from 2009. DOLE reportedly inspected 27,764 establishments in 2010.⁴⁸²⁶ Inspections focus on compliance with core labor standards in businesses with 10 to 199 employees, such as in cooperatives, factories, restaurants and security companies.⁴⁸²⁷ This targeted approach still fails to address much of the agriculture sector, where most child labor occurs.

Even with the increase in inspections, between January and October 2010, DOLE identified only 35 child laborers through workplace inspections, an additional 50 child laborers were identified during a DOLE assessment of informal gold mines in Mindanao, and 26 children were found in sugarcane plantations in Iloilo and Negros Occidental.4828 Twenty cases of child labor violations were filed in 2010 by the Department of Social Welfare and Development (DSWD) and Philippine National Police Office of the Prosecutor.⁴⁸²⁹ The small number of child labor violations uncovered during the period relative to the scope and prevalence of child labor points to gaps in the labor inspection process. Further information on fines imposed or other penalties is not available. Research did not indicate whether sanctions were issued in these cases.

DOLE also leads an innovative regional mechanism for detecting, monitoring and reporting children working in abusive and risky situations through the Sagip Batang Manggagawa (SBM-"Rescue the Child Laborers") Quick Action Teams (QAT). The SBM-QAT is composed of Government agencies and law enforcement, local governments and NGOs.4830 SBM-QATs respond to reports of possible instances of child labor in the formal and nonformal sectors and coordinate a response among the relevant agencies for each case. Some reports indicate that SBM-QATs lack sufficient resources to carry out their mission. Between January and September 2010, the SBM-QAT reportedly rescued 35 child laborers across 6 regions, many from commercial sexual exploitation.⁴⁸³¹ Research did not confirm whether these children were the same as those reportedly identified by DOLE during workplace inspections. These children were referred to DSWD for rehabilitation and reintegration.4832 However, it is unclear whether subsequent legal action was taken against their employers under Philippine law.

Research did not confirm whether the Philippines has enforcement and protection mechanisms for children working on the streets, or as domestic servants or in other residential-based sectors.

The Inter-Agency Council Against Trafficking (IACAT) coordinates, monitors and oversees ongoing implementation of efforts to combat child trafficking. IACAT is chaired by the Department of Justice (DOJ) and co-chaired by DSWD, and is comprised of relevant Government agencies and NGOs.⁴⁸³³ IACAT did not receive any budgeted, line-item funding from the national Government for fiscal year 2010, but Congress approved a budget of approximately \$500,000 for 2011.4834 During the reporting period, IACAT and the DOJ established the National Anti-Trafficking Task Force as a mechanism for collaboration between the police and prosecutors, as well as social service providers, to develop stronger cases against traffickers. DOJ subsequently strengthened the trafficking task force at the Manila airport and created four regional trafficking task forces in Cebu, Zamboanga, Davao and Bicol.⁴⁸³⁵ In March 2011, IACAT launched a national trafficking hotline to provide immediate response or aid to emergency calls or refer cases to appropriate government agencies or NGO partners.4836

The Philippine National Police (PNP) and the National Bureau of Investigation (NBI) are the principal law enforcement agencies for child trafficking and commercial sexual exploitation.4837 From January to October 2010, the PNP investigated 88 cases of child trafficking involving 112 children. Of those, 79 cases were filed for prosecution in court. In addition, NBI reported 125 cases of both adult and child trafficking under investigation between January and September 2010, of which 17 were filed for prosecution.4838 The NBI does not disaggregate data by age groups, so it is unclear how many of those cases involved minors. In addition, it is unclear whether the same cases were counted by both agencies. In 2010, the Government reported convicting 10 individuals on charges of sex trafficking; however, only 3 of the 9 cases involved minors.4839

Government Policies on the Worst Forms of Child Labor

The Government has two primary policy instruments to prevent and eliminate child labor. The Philippine National Strategic Framework for Plan Development for Children, 2000–2025, also known as "Child 21," sets out broad goals to achieve improved quality of life for Filipino children by 2025.4840 The Philippine Program against Child Labor (PPACL) Strategic Framework 2007–2015 lays out the blueprint for reducing the incidence of child labor by 75 percent by 2015.4841 To achieve this goal, PPACL identifies five strategic approaches to prevent, protect and reintegrate children from the worst forms of child labor.4842 To translate this strategic framework into action, the Plan of Action (2008-2010) was developed to identify concrete programs, projects and activities with specific indicators as benchmarks.4843

The goal of reducing exploitative child labor has also been mainstreamed into the following national development agendas under the United Nations frameworks: Millennium Development Goals (2000–2015), Medium Term Philippine Development Plan (2004–2010 and 2011-2016), Philippine Decent Work Common Agenda (2010), Education for All National Plan (2004–2015), Basic Education Reform Agenda and United Nations Development Assistance Framework Workplan (2011).⁴⁸⁴⁴ The President also prioritized child and forced labor concerns in his 2010 labor agenda to be implemented by DOLE.⁴⁸⁴⁵

Research did not conclude whether these policies were fully operationalized to reach vulnerable children nationwide, or effectively implemented to protect children from the worst forms of child labor.

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

Under the PPACL, the Government is implementing a number of programs to eliminate child labor. DOLE's Project Angel Tree provided 703 child laborers with educational and livelihood assistance from January through November 2010.⁴⁸⁴⁶ DOLE's *Kabuhayan para Sa Magulang ng Batang Manggagawa* (KASAMA), or Livelihood for Parents of Child Laborers program, provided funds to 101 parents of working children, from January through September 2010, in exchange for the removal of those children from exploitative labor.⁴⁸⁴⁷

In February 2010, DOLE issued a memo to its regional offices requiring them to allocate 5 percent of the Workers Income Augmentation program funds for the implementation of the DOLE Child Labor Prevention and Elimination program.⁴⁸⁴⁸ In 2010, 2,685 children were reported to have been prevented or removed from child labor through livelihoods and education services.⁴⁸⁴⁹

It is not clear whether these programs target all sectors where children are known to work.

DOLE's Youth Education-Youth Employability program provides disadvantaged youth ages 15 to 24, such as former child laborers, with the resources to pursue post-secondary education through either academic or vocational courses.⁴⁸⁵⁰

The Department of Education has an Alternative Learning System program that offers nonformal education to all out-of-school children, including child laborers, and offers them opportunities to attain education equivalency. While education equivalency has been difficult for many child laborers, this avenue continues to be an option for them to gain access to formal institutions, such as those that provide higher education or workforce development.⁴⁸⁵¹

The DSWD provides cash transfers, through the *Pantawid Pamilyang Pilipino* program to low income and vulnerable families. The cash transfer is conditional upon children's monthly school attendance rate of at least 85 percent and regular medical check-ups and immunizations.⁴⁸⁵² In

2010, cash transfers were awarded to 2.34 million households.⁴⁸⁵³ In 2010, DSWD also provided school nutrition to 361,288 vulnerable children, including those who also receive cash transfer benefits.⁴⁸⁵⁴ The impact of this program on the worst forms of child labor does not appear to have been assessed.

The Government is participating in a USDOLfunded \$6.6 million program from 2007 to 2011, which will withdraw and prevent a total of 30,400 children from the worst forms of child labor through education and livelihoods interventions in the National Capital Region, Bulacan, Camarines Norte, Iloilo, Negros Occidental, Negros Oriental, Cebu, Leyte and Davao del sur, Compostela Valley.⁴⁸⁵⁵ Children are withdrawn and prevented from work in the following sectors: sugarcane plantations, other commercial agriculture, child domestic work, commercial sexual exploitation, deep-sea fishing, mines and quarries, garbage scavenging and pyrotechnics.

Another USDOL-funded \$4.75 million project, implemented by ILO-IPEC from 2009 to 2013 will withdraw and prevent 8,500 children from the worst forms of child labor through the provision of educational and noneducational services in Quezon, Masbate, Northern Samar and Bukidnon.⁴⁸⁵⁶ The project targets children engaged in farming, mining, fishing and working as child domestics as well as children trafficked for commercial sexual exploitation and forced labor.

The Government, at national and regional levels, coordinates with the *Kasambahay* Program to provide immediate services to child domestic workers including shelter, psychological support and reintegration.⁴⁸⁵⁷

Given the scope and magnitude of child labor in the Philippines, the limited reach of these programs is not sufficient to combat child labor, especially in agriculture and domestic service sectors.

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Philippines:

IN THE AREA OF LAWS AND REGULATIONS:

- Increase the age of compulsory schooling to 15, the minimum age for work.
- Enact the Batas Kasambahay to extend legal protections to domestic workers, including minors of legal working age.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Target child labor inspections in sectors and establishments where children work including agriculture.
- Create enforcement and protection mechanisms for children working on the streets, as domestic servants or in other residence-based sectors.
- Disaggregate trafficking data reported by NBI by age group and ensure that trafficking data is not reported in duplicate by both NBI and PNP.

IN THE AREA OF POLICIES:

- Fully implement education policies to ensure that all children have access to nearby schools and without prohibitive costs for education-related expenses.
- Operationalize policies to eliminate the worst forms of child labor.

IN THE AREA OF PROGRAMS:

- Expand programs that indirectly combat child labor to all sectors in which children work, specifically those providing education services to children and livelihood support to parents of child laborers.
- Assess the impact of the *Pantawid Pamilyang Pilipino* conditional cash transfer program on the worst forms of child labor.
- Expand programs combating child labor, especially targeting the agriculture and domestic service sectors where children are known to work.

⁴⁷⁹⁵ Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data provided are from 2001. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

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⁴⁷⁹⁸ Anti-Slavery International, *Domestic Workers in the Philippines*.

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section II) 5. See also Philippine Commission on Women, *Kasambahay Bill Situationer*. See also Anti-Slavery
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⁴⁸⁰⁷ U.S. Department of State, "Country Reports- 2010: Philippines," page 34.

⁴⁸⁰⁸ IRIN, "Philippines: Moves to End Use of Child Soldiers, but Problem Persists", IRIN, [online], April 08, 2011 [cited May 09, 2011]; available from http://www.irinnews.org/ PrintReport.aspx?ReportID=92416. See also Coalition to Stop the Use of Child Soldiers, "Philippines," in *Child Soldiers Global Report 2008*, London, 2008; available from http://www.childsoldiersglobalreport.org/files/country_pdfs/ FINAL_2008_Global_Report.pdf.

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⁴⁸⁵⁴ Ibid., section VII) 1.

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