

Philippines

The Government of the Philippines strengthened its legal and policy framework to combat the worst forms of child labor by creating anti-child pornography legislation and granting labor inspectors the authority to close businesses violating child labor laws. The worst forms of child labor continue to exist, especially in agriculture and domestic service. Significant gaps remain in child labor laws and enforcement efforts, and existing social protection programs are not sufficient to prevent and eliminate the worst forms of child labor.

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%



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in the Philippines are exploited in the worst forms of child labor,⁴¹⁴³ many of them in agriculture where they often work long hours, perform physically arduous tasks, use dangerous tools, and face a high risk of occupational injury. Children work in the production of bananas, coconuts, corn, rice, rubber, sugarcane, tobacco, and other fruits and vegetables.⁴¹⁴⁴ Children are also commonly employed as domestic servants or *kasambahays*.⁴¹⁴⁵ Many child domestics work long hours, and their isolation in homes makes them susceptible to sexual harassment and physical abuse. Domestic workers are sometimes subjected to forced labor. Children are also involved in compressor mining to extract gold, which requires them to dive into pools of mud with an oxygen tube.⁴¹⁴⁶ Deep-sea fishing is another pursuit in which children participate in two different dangerous activities. They dive from platforms to cast and retrieve nets in deep waters and they drag nets alongside boats, which can result in falls, drowning, and injuries from the nets such as burns and entanglement.⁴¹⁴⁷ In addition, boys and girls work in home-based manufacturing industries that range

from making fireworks to fashion accessories. This work can be harmful because children, particularly migrant children, work longer hours than allowed with no supervision.⁴¹⁴⁸ Rural to urban migration has swollen the ranks of the urban poor, adding to the number of children who may be found living, working, scavenging, and begging on the streets, and exposed to multiple dangers including criminal elements and severe weather.⁴¹⁴⁹

Children's exploitation in the prostitution, pornography, and sex tourism industries is also a significant problem in the Philippines.⁴¹⁵⁰ In addition, children, primarily girls, are trafficked from rural to urban areas for forced domestic service and commercial sexual exploitation.⁴¹⁵¹ Children are known to be involved in illicit activities, such as the production and trafficking of drugs.⁴¹⁵² 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 has made commitments to stop the recruitment and use of children as child soldiers, but the current status of children in its ranks

is unclear.⁴¹⁵³ The Abu Sayyaf Group and the New People's Army, two terrorist organizations, continue to recruit and use child soldiers.⁴¹⁵⁴

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 18.⁴¹⁵⁵

Republic Act No. 9231, An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, provides for the protection from and removal of children working in the worst forms of child labor, including forced labor; child trafficking, prostitution, pornography; and the use of a child for illicit activities. It also provides stringent penalties for violations of the act.⁴¹⁵⁶ Republic Act No. 9775, Anti-Child Pornography Act of 2009, protects children against pornography and specifies penalties for violations.⁴¹⁵⁷ Republic Act No. 9775 establishes strict penalties for persons responsible for the production, distribution, and publication of child pornography, including internet service providers and content hosts.⁴¹⁵⁸ Republic Act No. 9208, Anti-Trafficking in Persons Act prohibits trafficking in persons, including children.⁴¹⁵⁹

During the reporting period, the Government of the Philippines made changes to its legal framework that provide the Department of Labor and Employment (DOLE) broader authority in regards to enforcing child labor laws and setting penalties for child pornography.⁴¹⁶⁰ For example, DOLE's Department Circular No.3, series of 2009 providing for the Guidelines on the Procedure for Closure of Business, Firm, or Establishment under RA 9231 states DOLE regional directors have the authority to shut down workplaces found in violation of child labor laws, including the immediate closure of firms where the work may cause a child imminent physical or mental harm, especially establishments in which child prostitution occurs.⁴¹⁶¹

While the recent legal changes were important, two significant gaps remain. First, children in the Philippines are required to attend school only until the age of 11. This standard makes children ages 12 to 14 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. Second, child domestic workers also lack adequate legal protections. The Domestic Workers Bill, commonly known as the *Batas Kasambahay*, has been introduced to Congress repeatedly, but it has yet to be enacted.⁴¹⁶²

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	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

Institutional Mechanisms for Coordination and Enforcement

To coordinate efforts to combat child labor, the Government has established the National Child Labor Committee (NCLC), which is headed by DOLE and comprised of approximately 10 other departments, including the Departments of Education (DepEd), Health (DOH), Justice (DOJ), and Social Welfare and Development (DSWD).⁴¹⁶³ NCLC is intended to promote information sharing at the national level, and this monitoring mechanism has been replicated at the regional, local, and village levels.⁴¹⁶⁴

The Inter-Agency Council Against Trafficking (IACAT) coordinates, monitors, and oversees ongoing implementation of efforts to combat child trafficking.⁴¹⁶⁵ The Department of Justice (DOJ) is the chair of the IACAT, which is comprised of other government agencies including DSWD and NGOs.⁴¹⁶⁶ IACAT did not receive any budgeted, line-item funding from the National Government for FY 2009 and FY

2010, but did receive funding from the Office of the President and PAGCOR, a government-controlled corporation created to regulate the gaming industry in the country.⁴¹⁶⁷

DOLE is also the primary government agency responsible for the enforcement of child labor laws. It employs 208 labor and employment officers nationwide, who have numerous responsibilities related to the monitoring and enforcement of the labor code. Approximately 153 of them have inspection authority, and these officers monitor for child labor violations as part of their general labor law compliance inspections.⁴¹⁶⁸ While DOLE conducts regular trainings for its labor inspectors on child labor, the Government acknowledges that the limited number of labor inspectors makes it difficult to enforce child labor laws.⁴¹⁶⁹ The number of sites inspected dropped from 26,169 in 2008 to 4,670 in 2009.⁴¹⁷⁰ The Government attributes this decline to the financial crisis. Inspectors found violations in more than half of the establishments inspected, 2,954 out of 4,670. Only three, however, were child labor-related violations.⁴¹⁷¹ The small number of child labor violations uncovered during the period relative to the scope and prevalence of child labor points to an insufficient number of labor inspections in sectors where children are known to work.

In addition to DOLE's labor inspections, DOLE also leads an innovative community-based mechanism for detecting, monitoring, and reporting children working in abusive and hazardous situations through the *Sagip Batang Manggagawa* (SBM-“Rescue the Child Laborers”) Quick Action Teams (QAT). The SBM-QAT is composed of DOLE; DSWD; DOH; DepEd; DOJ; Philippine Information Agency; Philippine National Police (PNP); and the Department of the Interior and Local Government.⁴¹⁷² Other civil society groups are also part of the team, including Barangay (Village) Councils for the Protection of Children; school officials; social service departments of hospitals; labor groups; and other NGOs.

From January to December 2009, SBM-QAT conducted 16 removal operations involving 79 children engaged in exploitive labor.⁴¹⁷³ These children were referred to DSWD for rehabilitation and reintegration. However, it is unclear what activities the children

were involved in or whether subsequent legal action was taken against their employers under Philippine law. Additionally, reports indicate that SBM-QATs lack sufficient logistical supplies to carry out their mission.⁴¹⁷⁴

The Philippine National Police (PNP) is the principal enforcement agency for child trafficking and commercial sexual exploitation.⁴¹⁷⁵ There is no centralized hotline to report trafficking cases.⁴¹⁷⁶

In 2009, the PNP reported 154 cases of child trafficking under investigation, and the National Bureau of Investigations (NBI) reported 189 cases of both adult and child trafficking under investigation.⁴¹⁷⁷ The NBI does not disaggregate data by adults and children, so it is unclear how many of those cases involved minors, or whether the same cases were counted by both agencies. Children are trafficked for both sex and labor in the Philippines, but convictions have been limited to cases of trafficking for sex. In 2009, the Philippine Government convicted eight individuals in five cases of sex trafficking involving minors.⁴¹⁷⁸ Four of these eight convictions were initiated by NGOs, not the Government of the Philippines. In September 2009, a case filed by an NGO resulted in the conviction of two offenders. Each of the offenders was sentenced to life in prison and fined \$40,000.⁴¹⁷⁹

Government Policies on the Worst Forms of Child Labor

The Philippine National Strategic Framework for Plan Development for Children, 2000-2025, also known as “Child 21,” and the Philippine Program against Child Labor (PPACL) Strategic Framework 2007-2015 serve as the primary government policy instruments to prevent and eliminate child labor in the Philippines. Child 21 sets out broad goals to achieve improved quality of life for Filipino children by 2025, and the PPACL lays out the blueprint for reducing the incidence of child labor by 75 percent by 2015.⁴¹⁸⁰ To achieve this blueprint, PPACL identifies five strategic directions that aim to prevent, protect, and reintegrate children from the worst forms of child labor.⁴¹⁸¹ 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.⁴¹⁸²

In the Philippines, child labor has also been mainstreamed into the following national development agendas under the United Nations frameworks: Millennium Development Goals (2015), Medium Term Philippine Development Plan or MTPDP (2004-2010), 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).⁴¹⁸³ For example, the MTPDP includes measures for reducing the incidence of child labor, especially in hazardous occupations. In the plan, the Philippine Government specifically pledges to strengthen monitoring systems of child protection laws; develop “social technologies” to monitor child trafficking and pornography; and implement programs for children in armed conflict.⁴¹⁸⁴

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

The Government of the Philippines has participated in donor-funded projects to combat the worst forms of child labor in agriculture, mining and quarrying, fashion manufacturing, deep-sea fishing, domestic work, commercial sexual exploitation, garbage scavenging, and child trafficking in commercial sexual exploitation and forced labor.

In June 2002, the Philippines became the first country in Southeast Asia and fourth country in the world to launch a Timebound Program (TBP) and commit to a 75 percent reduction of the worst forms of child labor by 2015. The Philippine TBP has largely been financed in two phases from 2002 through 2013, for a total of approximately \$22.4 million in USDOL donor funding.⁴¹⁸⁵ Under the first phase, USDOL funded two projects between 2002 and 2008 totaling over \$11 million which provided education services and other supports to withdraw and prevent children from exploitive work.⁴¹⁸⁶ In addition, both projects achieved important advancements in raising public awareness and successfully advocated for legislative reforms.⁴¹⁸⁷

With continued funding from the United States, the Philippines is currently participating in second phases of both of these projects. A followup USDOL-funded \$6.6 million project from 2007 to 2011 will withdraw 18,303 children and prevent 12,097 children from

the worst forms of child labor.⁴¹⁸⁸ Another followup USDOL-funded \$4.8 million project from 2009 to 2013 will withdraw and prevent 9,350 children from the worst forms of child labor through the provision of educational and non-educational services.⁴¹⁸⁹ While these projects are important for the elimination of the worst forms of child labor, they can be sustained only if the Philippines integrates them into its existing social protection programs for children.

Although the Philippines has yet to adopt the measures necessary to ensure the long-term success of these internationally supported initiatives, it is taking some steps to target children in or at-risk of exploitive labor under the auspices of its own social protection programs. For example, in February 2010, DOLE issued a memo to the regional offices requiring them to allocate 5 percent of the Workers Income Augmentation Program (WINAP) funds for the implementation of the DOLE Child Labor Prevention and Elimination Program in specific sectors.⁴¹⁹⁰ DOLE’s Project Angel Tree provided 7,199 child laborers with educational assistance in 2009.⁴¹⁹¹ DOLE’s *Kabuhayan para Sa Magulang ng Batang Manggagawa* (KASAMA), or Livelihood for Parents of Child Laborers program, provides funds to parents, guardians, and older siblings of working children in exchange for the removal of those children from exploitive child labor.⁴¹⁹² In another project, the Philippine Government also specifically targets poor families with children engaged in labor or those with children at risk of becoming laborers to receive benefits through a conditional cash transfer (CCT) program to provide health care and educational subsidies. In 2009, CCTs were awarded to 692,798 households.⁴¹⁹³ The Government is also providing school nutrition programs to children at risk of becoming laborers, including those who also receive CCT benefits.⁴¹⁹⁴

DOLE’s Youth Education-Youth Employability program provides disadvantaged youth, such as former child laborers, with the resources to pursue post-secondary education through either academic or vocational courses.⁴¹⁹⁵

The DepEd has likewise created a comprehensive Alternative Learning System program that offers non-formal education to all out-of-school children, including child laborers, and also offers them

opportunities to attain education equivalency. While education equivalency has been difficult for many child laborers due to insufficient preparation, this avenue continues to be an option for child laborers to gain access to formal institutions, such as higher education or workforce development institutions.⁴¹⁹⁶

While the Government made efforts to reach vulnerable children and combat child labor, the existing resources and number of social programs are insufficient to reach the large number of children engaged in or at risk of the worst forms of child labor in the country.

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 match the minimum age for work.
- Enact the Domestic Workers Bill (*Batas Kasambahay*), which would extend legal protections to domestic workers.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase the number of labor inspectors responsible for child labor and devote more resources to enforcement of child labor laws, including by:
 - Targeting the number of inspections in sectors where children work.
 - Providing logistical supplies to the *Sagip Batang Manggagawa* Quick Action Teams (SBM-QATs).

IN THE AREA OF PROGRAMS:

- Expand social programs and dedicate additional resources to prevent children's involvement in the worst forms of child labor.

⁴¹⁴³ 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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