



**July 2008**

**Information on the Philippines  
Compliance with ILO Convention No.182 on the Worst Forms of Child Labour  
(ratified in 2000)**

**Child domestic workers and child trafficking**

In the Philippines, hundreds of thousands of children work as domestic labourers. The vast majority of domestics are girls, deprived of opportunities for education, isolated from their families and opportunities to make friends, and under the total control of their employers. Child domestic labourers are invisible and marginalised both economically and socially. While many regard domestic work as a 'safe' form of employment, in reality physical, verbal and sexual abuse routinely accompany this type of work. Many children are trafficked into forced labour.

Despite the fact that the Philippine Government is committed to taking immediate and effective measures to eliminate the worst forms of child labour in the Philippines, the Domestic Workers Bill, known popularly as *Batas Kasambahay*, which would constitute a major step forward in tackling the exploitation of domestic workers, still has not been approved even though it was first put before Congress in 1995.

**The scale of child domestic labourers**

According to the Philippines Survey of Working Children conducted in 2000 by the National Statistics Office, there are 240,000 children who are part of the 1.5 million people "employed in private households". These jobs account for 13.7 per cent of paid employment in the Philippines.<sup>1</sup> The 2004 ILO-IPEC report on child domestic labour<sup>2</sup> quotes a figure of 29,000 child domestics in the Philippines between the ages of 10 and 14 and 273,000 between 15 and 19 years old.

The Visayan Forum Foundation (VF), a non-governmental organisation working with child domestic labourers for more than a decade, estimates that there are at least one million children in domestic work in the Philippines. The discrepancy in these figures underscores the lack of attention being given to children in domestic labour and their hidden nature, but they at least indicate the major scale of the problem.

**Child domestic work as one of the worst forms of child labour**

---

<sup>1</sup> <http://www.census.gov.ph/data/sectordata/2004/lf040203.htm>

<sup>2</sup> *Helping hands or shackled lives? Understanding child domestic labour and responses to it*, ILO, 2004.

Much child domestic work falls under the worst forms of child labour as set out in ILO Convention 182. The reasons for this are outlined below:

***Exposure to physical, psychological and sexual abuse***

Child domestic workers are frequently subjected to verbal and physical abuse at the hands of their employers. Visayan Forum has documented cases of physical abuse sometimes resulting in serious physical injuries or even death. Child domestics are also vulnerable to sexual abuse.

*Roselle was sexually assaulted by her 70-year old employer when she was just 12. She was also hit, slapped and had her hair pulled by her employer and other family members.*<sup>3</sup>

*In December 2007, 14 year old Maita was recruited for a job as a domestic worker in Manila by a woman named Julia who convinced Maita's family that working in Manila would be beneficial for her. Soon after Maita started her job, she was sexually assaulted by her employer's nephew who sexually abused her on several other occasions when her employers were out of the house. Maita was too scared to tell her employers because she thought they might not believe her and would beat her instead. In February 2008, Maita escaped after she was alone in the house. She was referred to the Visayan Forum, where she is receiving counselling, training and legal assistance.*<sup>4</sup>

***Exposure to harmful and hazardous working conditions***

Child domestic labourers may have to use electrical equipment, machinery, chemicals, and other hazardous materials, often without training or protection. They are expected to perform skilled tasks such as childcare with minimum training and are severely punished for their mistakes.

Child domestic labourers can also be on call 24 hours a day. They may be awakened during the middle of the night to tend to the needs of their employers. They perform multiple tasks often under the supervision and discipline of different employers.

Child domestic workers struggle with constant demands and responsibilities without the support of their family and friends, access to school and time for leisure activities. Many live and work away from home. Research from the ILO-IPEC Time Bound Program indicates that more than 83 per cent of children live in the homes of their employers and that less than half of child domestics are allowed to take at least one day off per month. As they live and work in private homes, the employers have a significant impact on the development of child domestics. For those who are abused and exploited, the psychological effects can last a lifetime.

---

<sup>3</sup> Visayan Forum case cited in *Long march to free Philippine child domestic labor from "virtual prison cell"*, Xinhua News Agency, 22 January 2005.

<sup>4</sup> Visayan Forum case, 2008.

*Nina, from the Ilocos mountains in the north of the Philippines, was 16 when she dropped out of school and became a domestic worker because of family poverty. A recruiter assured Nina's mother that she would be treated well by her employers and would earn PHP1,700 (US\$40) a month for doing the laundry and cleaning the house. In reality, Nina typically woke up at around 4.30am would cook all the family's meals, clean the house, scrub the floor, wash and iron the family's clothes and wash the pet dog. Her only opportunity for a rest came when she took a bath and she had no day off.*

*After her employers left for the United State, Nina was subjected to repeated abuse by their daughter and her friends. They would force her to participate in their drinking sessions, threatening to withhold her salary if she refused. They would then force Nina to undress and filmed her using a mobile phone. She was beaten whenever she refused to cooperate.*

*Nina tried to run away, but was brought back to the house by a local government (barangay) official, where she was locked up, beaten and barely fed. After escaping a second time, Nina went to a hospital and was referred to the Visayan Forum for shelter and assistance. Now 19, she has resumed her studies and has filed a case against the daughter and her friends.<sup>5</sup>*

*Tina, aged 14, endured a heavy workload and physical abuse as a child domestic worker. After almost five months in the employer's household, Tina was made to take care of an epileptic adult daughter of her employer aside from other tasks including laundry, cleaning and cooking. For every mistake she made she would receive verbal abuse. On one occasion her employers beat her because she was accused of neglecting her duty to look after the epileptic woman who accidentally fell during a seizure.<sup>6</sup>*

### **Lack of opportunities for education**

Many children take work as domestics in order to get an education. In an analysis of child domestic labourers carried out by VF as part of the Philippines Time Bound Programme<sup>7</sup> more than 20 per cent of the children interviewed "came to the city to avail themselves of better educational opportunities". However, the analysis shows that more than half of the 1,479 children interviewed had dropped out of school and that 60 per cent had not yet re-enrolled.

Educational institutions currently fail to absorb and retain child domestic workers because they fail to take account of their heavy workloads or combine the provision of education with the delivery of direct services to child domestics. The Government's efforts to provide Non-Formal Education (NFE) and other Alternative Learning Systems (ALS), as a bridge to help children reintegrate back into the education system, have been largely unsuccessful due to the lack of learning centres and teachers. The quality of the

---

<sup>5</sup> Visayan Forum case, 2008.

<sup>6</sup> Visayan Forum [www.visayanforum.org/article.php?mode\\_id=277](http://www.visayanforum.org/article.php?mode_id=277)

<sup>7</sup> This Time Bound Programme was launched in June 2002 with the assistance of ILO -IPEC in order to reduce the worst forms of child labour by 75 per cent by 2015.

sessions has also been questioned as a large number of children enrolled in NFE or ALS have failed in the equivalency examinations.

### **Vulnerability to trafficking and debt bondage**

Many children are easy targets for trafficking because of the common belief among parents that child domestic labour is the safest work for children. In the Visayan Forum-Philippine Ports Authority (PPA) Port Halfway House, a safe house that provides protection and direct services to victims and potential victims of trafficking, 75 per cent of the 4,000 women and children provided with assistance were recruited for domestic work.<sup>8</sup>

Children who are recruited to work as domestics generally receive no information on the terms and conditions of their work or on the agencies and institutions that can help them in cases of abuse or disputes with their employers.

Recruiters often collect an advance payment from employers which they retain while charging domestic workers for their placement, transportation, handling, accommodation and other fees against their future income. To encourage parents to allow their children to work, recruiters pay them cash advances. The children then find themselves in a situation of bonded labour where they are forced to endure exploitative work conditions because of the debts they have incurred. The recruiters work with little fear of reprisals, as child domestic workers have no contracts.

*Jane was 15 and living with her Aunt in General Santos City (south of the Philippines), when she was recruited to become a domestic worker in Manila. She travelled by boat to Manila along with 30 others and was instructed to memorise the details of a false birth certificate she was given. Jane was employed to work for a Chinese businessman. She was promised a monthly salary of PHP 2,000 (US\$48) and told she would only be responsible for cooking meals. On arrival, her salary was reduced to PHP1,800 (\$42) - to cover the agency's transportation expenses - and she was told she would have to perform all the domestic tasks around the house.*

*Jane was verbally abused on numerous occasions, pushed down the stairs and, along with the other domestic workers, was sexually abused by her male employer, who would use his key to enter their locked quarters at night.*

*After six months, Jane's employers told her that she would only be given her salary after she had worked for them for a year. In May 2007, Jane ran away and sought police assistance. Even with the intervention of the police she was still only paid PHP 8,000 (US\$187) by her employers. Jane wanted to return home, but could not afford the boat ticket. She was referred to Visayan Forum who gave her shelter and assistance.*

---

<sup>8</sup> Many victims of trafficking who end up in prostitution were originally promised work as domestics. Parents rarely find out when their daughters are sold into prostitution.

Both adult and child domestic workers may also be subject to cross border trafficking, especially as the Philippines is one of the leading source countries of migrant workers internationally. In 2007, the remittances from Overseas Filipino Workers (OFWs) rose to \$13.1 billion which is 14 per cent higher than 2006.

There are numerous accounts of overseas domestic workers being subjected to trafficking, forced labour and other forms of exploitation and abuse. An increasing number have sought refuge in Philippine embassies. In April, nine were repatriated back to the Philippines from Jordan. The youngest was 13 years old.

A practice has been noted where recruiters target children from poor areas like Maguindanao, Sultan Kudarat, and Cotobato (southern Philippines) who were born at their homes and do not have birth certificates. The recruiters are said to facilitate the issuing of a ‘delayed registration of birth certificate’ on which they falsify the date of birth to make the child old enough to qualify for an overseas job.

### **The Government response**

The Government has targeted child domestic labour as a priority area in its Time Bound Programme (TBP) to eliminate the worst forms of child labour and has undertaken some positive initiatives at the local level. For example, local government units in Quezon City and Makati City (National Capital Region) and in the cities of Iloilo, Lapu-Lapu and Bacolod (Visayas region), have developed and implemented local legislation and programmes on regulating the employment of domestic workers, mostly focused on the registration of domestic workers. Other local government units in the cities of Baguio and Batangas have started the process of enacting similar local legislation.

The Committee of Experts report (2008) notes information from the ILO/IPEC Progress Report 2007 on the TBP in the Philippines in which it states that 3,224 children were prevented from entering into exploitative child domestic labour (mostly through the provision of education or training) and 4,658 children were withdrawn from exploitative child domestic labour.

In relation to combating trafficking, the Philippines Ports Authority is opening a further three Halfway Houses in the Ports of Iloilo, Suriago and Zamboanga, in addition to those already established with the Visayan Forum in Mails, Batangas and Matnog and Davao. A partnership between the Visayan Forum and the Manila International Airport Authority aims to replicate the efforts at sea ports, by building a Halfway House and seeking to build the capacity of the Anti-Trafficking Task Force.

Some local government units have passed local legislation to address trafficking of children by implementing and enforcing the provisions of the Anti-Trafficking in Persons Act of 2003 (RA 9208). The Committee of Experts (2008) also notes that the Department of Labour and Employment (DOLE) has prepared amendments to the Rules Governing Private Recruitment and Placement Agencies to Local Employment, which will incorporate the provisions against child trafficking contained in the Anti-Trafficking in Persons Act 2003 and Act No.9231 (Act providing for the elimination of the worst forms

of child labour), but Anti-Slavery International has no further information about the status of these proposed amendments.

With regard to prosecutions under the 2003 Anti-Trafficking in Persons Act, the Committee of Experts notes information from the Government that it was engaged in 107 prosecutions of trafficking crimes in 2007. However, according to information from the Visayan Forum, there have been only ten convictions in the five years since the law was passed and four of these cases involved trafficked children- all of whom were trafficked for prostitution. Given that 230 members of the Philippine National Police have been trained for the investigation of child trafficking and that there are 17 dedicated anti-trafficking prosecutors in the Department of Justice, the number of successful prosecutions for trafficking to date is disappointing, particularly as none of these cases relate to the trafficking of children for domestic work.

Despite the Government's increased efforts towards alleviating the plight of child domestic labourers, there are still a number of weaknesses both law and practice which need to be resolved.

### **Inadequate legal provisions**

There is an urgent need for a consolidated piece of legislation on domestic workers because the present laws are incomplete, outdated and do not give enough protection to domestic workers, especially child domestic workers.

While the Labour Code urges employers to "fairly and humanely treat their domestic workers", it lacks specific measures to tackle existing exploitative practices, including debt bondage and trafficking. Worse still, Article 141 of the Labor Code describes "domestic or household service" as "service in the employer's home which is usually necessary or desirable for the maintenance and enjoyment thereof and includes ministering to the personal comfort and convenience of the members of the employer's household". The phrase "personal comfort" in this definition is both general and inappropriate and creates a negative idea about the nature and scope of domestic work as allowed by law. For example, it suggests that it would be perfectly legal to force young girls to massage their male employers as this could be considered as ministering to their personal comfort.

In the existing law, the minimum monthly wage rate for domestic workers in Manila is only PHP800 (approximately US\$19) and this falls to just PHP550 (US\$13) in smaller municipalities. This is currently well below the national minimum wage and this is made possible by the fact that the law explicitly exempts domestic workers from benefiting from any increases to the national minimum wage.

The administrative machinery required to implement the existing laws is also deficient as the various relevant institutions lack co-ordination or do not take responsibility for dealing with cases involving the abuse of child domestic workers. For example, inspectors from the Department of Labour and Employment may refuse to take on such

cases because the households are not defined as “workplaces”. Law enforcement officials, such as Philippine National Police Officers, have not been enthusiastic about intervening in such cases, while social workers do not have enforcement powers. There is also a clear need to consolidate the scattered efforts of local government and other stake holders.

The lack of clear, mandated responsibilities among agencies has severely restricted action to protect child domestic labourers. In many cases, children have to suffer extreme abuse before anyone will act. Even then there is very little chance for child domestic workers to pursue cases against their employers because of the lack of a necessary support system.

It is these deficiencies that the *Batas Kasambahay* seeks to resolve.

### **The Domestic Workers Bill (*Batas Kasambahay*)**

The *Batas Kasambahay* was first filed in 1995 and it sets out to provide key protections to all domestic workers. The latest “Magna Carta” draft of the *Batas Kasambahay* sets out the rights of domestic workers, defines decent working standards and puts forward practical measures for ensuring their implementation. It proposes a proactive role for local governments in providing services and mechanisms to settle disputes which prioritises the protection of domestic workers while also recognising the rights of the employers.

If enacted, the *Batas Kasambahay* would bring the treatment of domestic workers closer towards the standards accorded by law to the formal labour sector. Its provisions ensure that domestic workers have the right to humane treatment, basic food and shelter, security of employment, standard minimum wage and bonuses, prescribed hours of work, regular rest days, mandatory registration and written contracts of employment, protection for minors, membership to SSS (Social Security System) and Philhealth (health system), opportunities for education and training, and the right to form self-help organisations and unions.

Under the Philippines’ bicameral system, legislation requires approval by both the Lower House and Senate, and then final approval by the President, before it is enacted into law. The Senate has approved a version of the *Batas Kasambahay* which consisted of amendments to the Labour Code on the domestic work sector, but was not the more complete “Magna Carta” version. In May 2008, the “Magna Carta” version of the *Batas Kasambahay* was filed in the Lower House by Congressman Diosdado Macapagal-Arroyo and had its first reading.

The passage of the *Batas Kasambahay* has been delayed for over 10 years by Presidential impeachment proceedings and various other postponements. Enactment of the *Batas Kasambahay* would be a vital step in addressing the abuse and exploitation of child and adult domestic workers in the Philippines.

The Bill enjoys popular support. A 2005 survey, conducted by the Social Weather Station, found that 87 per cent of Filipinos strongly agreed that there should be a law addressing the domestic work sector.

The Committee of Experts (2008) expressed its “serious concern at the economic and sexual exploitation which continues to be experienced by child domestic workers” and its “firm hope that the Domestic Workers Bill (Batas Kasambahay), which would specifically address the situation of domestic workers, will be enacted soon”.

### **Conclusions and recommendations**

The Government’s failure to secure the approval of the Domestic Workers Bill over such a long period of time is not consistent with its obligation under ILO Convention No.182 to take immediate and effective measures to eliminate the worst forms of child labour in the Philippines. In light of this and other concerns raised above, Anti-Slavery International and Visayan Forum Foundation would urge the Government of the Philippines to take the following measures as a matter of priority:

1. Ensure that the passage of the Domestic Workers Bill, which provides protection measures specifically focused on the needs of both child and adult domestic workers, is prioritised and enacted in the current legislative year. This should also help improve institutional coordination between local government, trade unions, NGOs and other stakeholders.
2. Ensure that the Public Employment Service Offices, the Department of Labour and Employment, and local government offices will:
  - Properly apply existing legislation prohibiting trafficking and child labour (RA9208 and RA 9231 respectively) and provide details on the number of prosecutions obtained and sentences passed;
  - Ensure that the amendments proposed by the DOLE on the regulation on private recruitment and placement agencies are consistent with the 2003 Anti-Trafficking in persons Act and are fully implemented;
  - Ensure proper co-ordination between and among the relevant agencies and, together with partner agencies and NGOs, deliver professional services to protect and support actual and potential victims of trafficking;
  - Support initiatives to train and organise domestic workers, particularly through trade unions.
3. Improve access to education for child domestic workers and other child labourers through:
  - Non-formal or alternative learning systems (e.g. night and Sunday schools);
  - Provision of integrated support and protection measures in the education system, including special tutorial sessions, emergency financial assistance and counselling;

- Developing capacities of educators in understanding and responding to the needs and development of child domestic labourers, including abuse prevention, detection and reporting;
- Greater synergy between formal, alternative and vocational education systems and in career and learning paths for child domestic labourers.