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## Good Practices against Child Domestic Work in the Philippines

### Child labor in The Philippines

#### **Incidence of child labor**

In 2001, the Philippine National Statistics Office estimated that 4 million (16.2 percent) of the 24.9 million children 5-17 years old work in the Philippine islands. Almost half of working children (48.1 percent) were 10-14 years old. "More than two-thirds (69.8 percent) of the working children were found in rural areas."<sup>1</sup>

Nearly 60 percent of working children (2.4 million) were exposed to hazardous work environment.<sup>2</sup>

1.3 million working children did not attend school.<sup>3</sup> Almost half of those who did attend school (44.8 %) admitted that they had difficulty working and studying at the same time.

1.5 million (36.5%) working children admitted that they had stopped/dropped out of school.<sup>4</sup> "About 2.7 million (68.2%) working children reported that they prefer to attend school than work."<sup>5</sup>

### **Nature of child labor**

Fifty-eight percent (2.3 million) of the working children are engaged in agriculture, hunting and forestry. About 31.7 percent (1.3 million) are engaged in the *services/shop* sector. Of these, approximately 234,000 work in private households. About 6.6 percent (266 thousand) of the working children work in the industry sector, including manufacturing.<sup>6</sup> These children work in informal footwear production, pyrotechnics production, deep-sea fishing, mining and quarrying. Children living on the streets scavenge and beg. Children are also used in drug trafficking and the commercial sex industry, including in the production of pornography and sex tourism.<sup>7</sup> Children are reportedly trafficked internally for both labor and commercial exploitation. Children under the age of 18 are used by paramilitary and armed opposition groups, such as the Abu Sayyaf Group, etc., as soldiers."<sup>8</sup>

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### Scope and nature of child domestic work

This section looks specifically at the situation of child domestic workers, or "maids". Before the Asian financial crisis in the mid-late 1990s, figures estimated that there were 1 million child domestic workers in the Philippines.<sup>9</sup> Government statistics include paid domestic workers, excluding children who work for room and board or the chance to study. They typically refer only to domestic workers who are at least 15 years old. Thus younger workers are unreported, rendering them vulnerable to further abuse ranging from verbal, physical and sexual abuse to even murder.

Many child domestic workers work in isolation up to 15 hours a day (often at night) for an average of Philippines Pesos 800 (US\$14.33) a month. Child domestic workers are on call 24 hours a day and limited to one day off a month. Many have no days off at all.

### **Rosalie's story**

Fourteen-year-old Rosalie is a child domestic worker. In addition to household chores,

Rosalie is responsible for caring for her boss's 14 dogs, which he breeds. She said, "The dogs are so big! I'm afraid to go near them. Every day I prepare kilos of dog food, wash out their pens, and take care of the female dogs with newborn puppies. Sometimes I can't sleep properly for three nights in a row, for fear the puppies may die. My employer doesn't allow me to have any of the family's leftovers. I'm always hungry! One day I couldn't tighten my belt anymore, so I ate the food of the dogs."<sup>10</sup>

### **Ana's story**

Ana's dying wish was to tell the truth so that justice may be served. After months of therapy and operations, then sixteen-year-old Ana disclosed to doctors that her employer had forced her to drink acid (used to unclog kitchen drains). As a result, she sustained both internal and external injuries, including severe internal bleeding and burns affecting her entire digestive track (from her esophagus to her stomach), as well as her back and legs. Afterward, she had been unable to speak or swallow. The day before she died, Ana filed a criminal case of murder and violation of Republic Act 7610 against her employer.<sup>11</sup>

Her legal counsels soon learned the hard lesson that the justice system can heavily favor the social standing and financial capacity of the employer. The employer was able to rally other members of her household as witnesses. The gravity of Ana's deathbed testimony fell, as her weight had dropped from 115 to 60 pounds.

Ana's story represents the epitome of a society's indifference and neglect toward domestic workers, who provide others with both comfort and the opportunity to work. Ana must not be forgotten.

### **Which children do housework?**

Most **child domestic workers** are 15 to 19-year-old girls who leave very poor families in poor areas in the southern provinces of Bicol, Visayas and Mindanao and go to Manila and other cities looking for economic and educational opportunities. (Link to map.) In some regions, children as young as 7 or 8 years old work under the supervision of their parents or relatives, who are often housekeepers as well. Most trafficked children are girls, some as young as 12 years old.<sup>12</sup>

### **Connection between child domestic work and trafficking**

Many traffickers promise domestic/household work as a job to recruit children from parents who believe domestic work is safe for their children. Many children are promised a decent job in somebody's house, but upon arriving in destination cities recruiters take them anywhere - from factories, and homes to bars and brothels.<sup>13</sup> Most are unaware of their precise final destination, future work or employers. For many trafficked children it is their first time in a city. Often they only have a one-way ticket. Nearly one-third of trafficked children travel with no money and they are unaware that recruitment fees and travel fares are already deducted from their future salaries.<sup>14</sup> Typically, all travel documents, contact addresses and telephone numbers are confiscated from these children. The recruiters warn them not to talk to anyone. However, they are coached to memorize

false names and ages and to rehearse a standard reply in case they are questioned by authorities.<sup>15</sup> Thus, many trafficked children end up in exploitative situations.

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### Some causes of child labor

Costs related to education, a high unemployment rate, a cultural propensity toward migration, a weak rule-of-law environment, and sex tourism all contribute to child labor and trafficking in the Philippines. Unbalanced regional growth, inequitable land distribution, unfair trade practices, inaccessible education, lack of basic social services, gender inequality, environmental degradation, armed conflict, natural disasters and deep-rooted cultural practices pull thousands of children into the workforce.<sup>16</sup>

### **Weak rule-of-law**

The **enforcement of laws** related to child labor is reportedly weak due to lack of resources and manpower, inadequate judicial infrastructure, low rates of convictions and legislative shortcomings. Corruption and a weak judiciary hinder the effective prosecution of traffickers.<sup>17</sup>

Refusal to recognize domestic work as hazardous and prohibited work for children, poses serious difficulties in monitoring, implementation and inspection. Government agencies face obstacles in implementing related laws because household work is classified as "informal". Laws on labor inspections generally focus on monitoring *industries* and establishments, rather than *homes*. They fail to address the *hidden* nature of domestic work. It is difficult to implement inspection laws due to the privacy of the home.<sup>18</sup> Inspection in *households* requires the existence of child abuse or injury. However, after a child has already been harmed is too late.<sup>19</sup> While many instances justify enforcing the power to inspect a home, trespassing on the right to privacy is much feared. As labor inspectors are only mandated to monitor *formal workplaces*, such as factories, they are wary of entering *private households*. Social workers can impose their custodial powers, but only to minors. Even so, the implementation of laws stipulating a minimum age for entering work in order to prevent the exploitation of children should cover children in the informal sector.

### **Costs related to education**

Although primary and secondary education are free, families must cover **costs related to education**, such as transportation and school supplies. Even when schools are tuition-free, covering related expenses makes it difficult for children to remain in school. Thus, they drop out and end up working. Not all parents appreciate the value of sending their children to school over having them contribute financially by working.

### **Unemployment and migration**

The number of unemployed persons in the Philippines was recorded at 3.9 million in October 2004.<sup>20</sup> Ironically, this figure closely matches the nearly 4 million working children. This intimates a link between child labor and unemployment. Child labor

contributes adult unemployment and hinders the ability of adults to bargain for fair wages, as children are paid less than adults. Thus, child labor perpetuates poverty. If jobs were filled by adults instead of children then the economy would grow.

Despite economic growth and strong legal protections for children in the Philippines, the migration of children from rural to urban areas in search of work *continues*, indicating that development for the poor remains less tangible.

### **Cultural trends**

Many child domestic workers are unaware of their basic human rights. Very *few* domestic workers, especially children, file legal cases of verbal abuse, delayed or no payment of salary, physical injuries, or illegal detention against their employers. Children are scared and the procedure is too long. Usually cases are settled out of court or compromised. Only a few criminal cases are filed against abusive employers. The "**debt of gratitude**" is too strong; domestic workers look back and favor the benevolence of the employer for having hired them.

The institution of household help is an integral part of Philippine society, deeply rooted in the history and culture of the Filipino people. Employing a domestic worker is a socially accepted practice, with slavery as its historical root. The phenomenon stems from a culture where "being served" or having a servant is a socially acceptable norm, or even a symbol of one's social status regardless of the servant's age and wage. In fact, household helpers are considered to be extensions of the Filipino family, not just indentured servants.

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### Some results of child labor

Child labor perpetuates inter-generational poverty and hinders the achievement of education for all. According to Norwegian Minister of Development and Human Rights Hilde F. Johnson, "Child labor is both a consequence and a cause of poverty, and strategies for poverty reduction are needed to address the root cause of child labor."<sup>21</sup> Children who work prematurely and extensively may never receive the education and training needed to obtain a livable wage. As adults, they will remain too poor to send their own children to school, repeating the cycle. Child labor creates generations of illiterate, unskilled adults by denying education to the future workforce. Eliminating child labor is the key to achieving Education for All and alleviating poverty.

Poverty does not necessarily induce child labor or hinder children from attending school. In many *poor* households, some children (particularly boys) are singled out to *attend* school. There are regions in *less* developed countries where child labor is not extensively practiced. For example, Kerala State in India has virtually abolished child labor. At the international level, a country may be poor, yet have relatively low levels of child labor.

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Relevant and slightly obsolete legal framework

Aside from the Constitution, the Philippines has laws enacted as early as 1923 regulating child labor and education. This section begins to highlight some of the more recent laws and international instruments relevant to working children, particularly child domestic workers, and the fact that the Labor Code needs reforming to correspond with the new laws and conventions.

As time passes, some laws become irrelevant and outdated. For example, written more than twenty years ago, one of the provisions of the Labor Code sets P800 (US\$14.33) as the minimum wage for *domestic workers* in cities, and P600 (US\$10.75) for those in rural areas. Despite the consecutive wage increases for the *formal* sector, this rate remains for domestic workers.

The modern **Republic Act 7655** remains tied to outdated laws. It sets standards for the terms and conditions of domestic work, including mandatory social security registration. However, the legislated salary for domestic workers in the Labor Code is pegged at P800 (US\$14.33), excluding domestic workers from benefiting from the Social Security System.

Article 14 of the **Labor Code** defines domestic, or household, service as "services in the employer's home, which are usually necessary or desirable for the maintenance and enjoyment thereof, including *ministering to the personal comfort and convenience* of the members of the employer's household."

This is a dangerous definition because it describes without setting limits; it explains without clarifying. It gives employers much leeway to interpret the phrase, "ministering to the personal comfort and convenience." There is no specific list of tasks with which employers and domestic workers agree during the hiring stage. They employ an "all-around worker". None of the national codes specifically define "child domestic worker".

To examine some other applicable contemporary national laws please see Appendix A.

With respect to international conventions, the Government of the Philippines ratified **ILO Convention 138** on the minimum age for employment June 4, 1998. In ratifying the **United Nations Convention on the Rights of the Child** in 1990, the government recognized "the right of the child to be protected from economic exploitation and from performing any kind of work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development."

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## The Visayan Forum and its Kasambahay Program

The national non-governmental organization Visayan Forum was established in Manila in 1991. Visayan Forum endeavors to mobilize national efforts to build a society where marginalized migrants, especially invisible working children, are free and empowered by:

Advocating for policies and programs that create long-term positive social change;

- Providing special care for migrants at risk, especially invisible working children, including child domestic workers and trafficked children;
- Organizing working children and other stakeholders; and
- Modeling community-based integrated programs dealing with the root causes of child labor, trafficking and migration.

With the support of the International Labor Organization's International Program on the Elimination of Child Labor (ILO-IPEC), the national Kasambahay Program began in May 1995. Visayan Forum provides offers *temporary shelter*, legal help and family repatriation for abused housemaids. As child domestic workers are not old enough to make well-informed decisions about their lives, Visayan Forum developed strategies to reach out to, empower, and work with child domestic workers to enable them to help themselves. Through the participation of local members of the Association of Domestic Workers in the Philippines (SUMAPI), Visayan Forum offers outreach and telephone counseling in Batangas, Bacolod and Davao; cities highly concentrated with maids. Finally, Visayan Forum advocates for effective legislation, policies and programs to improve the support structure of domestic workers.

### **Key features**

This section discusses some of the key features of the Kasambahay Program.

#### **Promotion of the term "Kasambahay"**

Visayan Forum has advocated using the humane word "kasambahay" to refer to a child domestic worker instead of the traditional less complementary words. Domestic workers are usually called "katulong" (helper) or "alalay" (assistant). However, in the context of domestic work, these names take on a whole new meaning. The low value a society gives to domestic work extends to the persons who do it.

In the Labor Code, domestic workers are called "domestic servants," perhaps to differentiate them from civil servants. The National Commission on the Filipino Language translates the word "servant" into "utusan" (errand runner), "alila" (slave) and "katulong sa bahay" (helper in the house). Utusan refers to a person whose role is to be ordered around or given orders. It limits the existence of domestic workers to following orders. Alila has additional degrading connotations. They are to be ordered around and mistreated. The terms "tsimay" and "atsay" are corrupted demeaning Chinese terms for domestic workers.

Household helpers work *alongside* employers. They are not supposed to slave *under*

them. Kasambahay is a contraction of *kasama sa bahay* (companion at home), or household partner. It better describes the affinity between the homeowner and the home companion. It is an endearing and respectful term, which recognizes the dignity of both household work and helpers. It encapsulates the fullest trust and confidence, and encourages partnership between the worker and the employer. In a partnership, diverging goals are accommodated. Kasambahay are considered partners in managing the welfare of the home, freeing the employer to accomplish other goals.

### **Sunday at the Park**

The staff at Visayan Forum frequent and identify child domestic workers in areas highly concentrated by them, such as parks and other recreational areas, churches and schools. In June 1995, Visayan Forum started field outreach activities at Luneta Park in Manila. Sunday-at-the-Park is a regular event, where children are encouraged to express themselves, discuss their rights, problems and dreams and to play. The activities are short, visually engaging, participatory and fun. Outreach still continues in parks, ports, churches and schools. In January 2001, Visayan Forum began working with the *National Health Insurance System* (PhilHealth) and the *Social Security System* at these venues to register domestic workers for social security benefits.

**Establishment of the Association and Linkage of Domestic Workers in the Philippines** Visayan Forum facilitated the rise of child leaders, who founded in December 1995 Samahan at Ugnayan ng mga Mangagawang Pantahanan sa Pilipinas (SUMAPI)/**Association and Linkage of Domestic Workers in the Philippines**, the first nationwide network of organizations for child domestic workers. SUMAPI means "to join". It is a strong *peer-support system for child domestic workers*. Over the last ten years, SUMAPI has grown from a small group of child domestic workers rescued from abuse to a vibrant organization of 5,000 members with 17 core groups. These children and youth were convinced that building peer knowledge of children's rights and entitlements under the law could help prevent their peers from working in exploitative situations. SUMAPI affiliates are most visible in parks, where child domestic workers relax on their days off by meeting friends. They educate child domestic workers about their rights and help them to recognize their contribution to society through the use of a flipchart and the distribution of flyers. Their presence in parks, as well as alternative schools, helps to create an atmosphere of trust, cooperation, and sharing among child domestic workers, who otherwise normally bear their burdens alone. Leaders of SUMAPI help their friends file legal cases against abusive employers, try to rescue friends who call their hotlines, convince members to register in the government's Social Security System, and help each other persevere with working and studying at the same time.

### **Partnership with the Catholic Church in Batangas City**

Batangas is one of the critical ports used to traffic persons within the Philippines. It is also an active international seaport connecting to the Calabarzon area (Cavite, Laguna, Batangas, Rizal, Quezon provinces), the country's export processing zone. Batangas is a vibrant city, which attracts persons dreaming of a better life, traffickers and job recruiters.

Batangas is a destination and transit place, where jobs may be found and through which

children pass en route to a southern or northern island in the Philippines. However, many children are recruited for child domestic work, factory work or even prostitution in Batangas.

In 1996 Visayan Forum conducted research on child domestic workers in Batangas. The study interested Monsignor Rafael Orondo, a priest in the Roman Catholic Church in Batangas, who instigated the formation of a strong partnership with the city's Catholic Church. This cooperation was significant because in the Philippines the Church is an authority that can sway public opinion. Through sermons priests are able to target messages directly to the employers of child domestic workers (some of whom are parishioners), sensitizing them to their obligations to kasambahays. Monsi, as Monsignor Orondo is called, has challenged his parishioners to be considerate of their kasambahays through the provisions of decent pay, days off/rest days, insurance benefits and proper working conditions.<sup>22</sup>

### **Involving employers of child domestic workers**

The extensive reach and influence of the church has allowed Visayan Forum to teach employers how to better relate with their Kasambahays. For instance, a local church-owned and run radio station called *Spirit FM* airs 30 second to one minute spots, in which church leaders interject "thoughts for the day" with the aim of transmitting messages about basic rights and fair treatment of domestic workers.

### **Establishment of a Center**

The Church further demonstrated its support by agreeing to set up a Center on its premises. The Center serves as a *temporary shelter* for trafficked or rescued child domestic workers. Children are given *legal assistance* and *psychological attention*, including specialized *counseling* services. Counseling through letters is used when a kasambahay is not allowed to leave their house of employment. Sometimes it leads to a "pull-out plan;" a plan to remove a child from her work environment. In 1998 SUMAPI expanded and became an integral part of the project initiatives in Batangas.

### **Telephone hotline counseling**

The Center maintains a *24-hour hotline* to answer questions about child domestic work. The hotline is manned by social workers and volunteers. One social worker is based at the Center in Batangas. The hotline not only provides counseling to kasambahays, but also responds to inquiries from employers and companies interested in supporting the initiative. The hotline is connected to "quick action teams" across the country and facilitates coordination with the Department of Social Welfare and Development (DSWD), the government's lead agency for rescuing exploited children. The DSWD maintains its own 24-hour hotline for abused children and women.

### **Workplace monitoring and rescuing exploited children**

Volunteers trained in child rights and relevant law conduct workplace monitoring by calling up kasambahay in the afternoon to check on their situations. In cases of abuse or discontent, a "pull-out plan" is developed in coordination with the Department of Social Welfare and Development and the Philippine National Police. When repatriation is

necessary, Visayan Forum usually facilitates it. Otherwise, the Department of Social Welfare and Development assumes the responsibility.

### **Skills training and other activities**

The Center has become a venue where kasambahays learn livelihood *skills* on Sundays. In coordination with the Technical Education and Skill Development Authority and the Department of Education's Bureau of Non-Formal Education, SUMAPI offers training in *dressmaking, stuffed-toy making and food processing*. To date, more than 30 kasambahays have undergone training and are now trainers themselves.

There are a number of other activities, such as personal hygiene and grooming managed by Avon (a leading direct seller of beauty products). Some kasambahays have become AVON representatives.

### **Partner with school personnel**

Visayan Forum works with the administrators of schools and colleges in Batangas - such as St. Bridget's College and the University of Batangas - to offer discounted tuition fees and subsidized night classes for child domestic workers, as well as to reform curriculum so that it is relevant to the child domestic workers. As a result, child domestic workers learn about their rights and how to improve their life skills.

Visayan Forum conducts training for *teachers* to better understand the situation of child domestic workers and their roles not only as teachers, but also as caregivers. Teachers also learn how to report cases of suspected abuse. *Guidance counselors* register child domestic workers and provide them with necessary counseling. They also supervise student-volunteers who tutor child domestic workers.

As a peer-support system, SUMAPI sustains the child domestic workers' determination to study. Its sub-group system helps to monitor the performance of individual children and coordinate training. Volunteer students and teachers offer tutorial or extra lessons.

### **Emergency educational assistance (work-study program)**

Visayan Forum's provision of "Emergency Educational Assistance" is aimed at preventing child domestic workers from dropping out of school in the short-term and improving their employment opportunities in the long-run.

Emergency educational assistance comes in two forms:

- 1.) a soft loan of a maximum of 2,000 pesos (approximately US\$35.) without interest and payable within the year for emergency school needs, and
- 2.) a loan of 200 pesos (roughly US\$3.58), a school bag and uniform for qualified child domestic workers enrolled in high school. In other instances, Visayan Forum pays the school directly.

### **Introduction of the Magna Carta for Household Helpers<sup>23</sup>**

What remains to be done is to synchronize the laws that strongly support domestic workers. The Magna Carta for Household Helpers or the Batas Kasambahay (Domestic

Workers' Bill) was filed by Congressman "Jack" Enrile December 7, 1999. It attempts to develop a comprehensive law recognizing the value of domestic workers in society. For instance, Filipino maids in Hong Kong have freed and enabled its skilled population to devote itself to economic activities for their personal success and the progress of the economy. Kasambahays act as productivity multipliers. Furthermore, they directly support their dependents in the countryside, generating economic well-being in the less developed areas of the country. The Magna Carta attempts to elevate and appreciate the important contribution that household helpers make to society.

Representatives from both SUMAPI and Visayan Forum took part in drafting the Batas Kasambahay. SUMAPI leaders continue to educate their members about the rights protected in the bill and to advocate for its enactment. Visayan Forum has launched a national campaign to advocate for the passage of this new law, which conforms outdated laws to coincide with new laws and conventions.

While existing laws state in very general terms that employers should treat domestic workers fairly and humanely, they do not specifically spell out what should not be done. They lack specifications on what is exploitative and unacceptable. The Magna Carta requires a *written employment contract* between the homeowner and household helpers for no more than two years. Among other things, the contract must include exact duties and responsibilities. Making the expectations very clear at the beginning of the hiring process reduces many problems that emanate from unmet expectations.

Besides Social Security System registration, the Magna Carta prescribes additional benefits for household helpers. It *increases the monthly minimum wage* to P1,200 (US\$21.50) for household helpers working in the capital region and P1,000 (US\$17.90) for those working in chartered cities and first class municipalities - which is attuned to the Social Security registration mandated by RA 7655. These wages should be paid at least once every two weeks, or twice a month. There should also be an automatic annual salary increase mutually determined and agreed to by the parties and clearly stated in the contract.

A few more of the long-deserved entitlements for household helpers listed in Article 2 of the Bill are Philippine Health Insurance Corporation (*Philhealth*) coverage and assured days off. The Magna Carta proposes fairer standards for *normal work hours* (not more than 10 hours per day), *regular working days* (not more than 6 days a week), *paid 14-day vacation leave* in addition to four regular days off a month, *maternity benefits*, and just termination.

Article 3 ensures "just and humane treatment," the provision of enough food, medical assistance, privacy, and access to outside communication and lawful third-party mediation. Section 4 prohibits charging the household helper with recruitment fees or finder's fee. The bill authorizes the Department of Labor and Employment (DOLE) to expand its inspection mechanisms to the *informal* sector of domestic work and non-governmental organizations to provide help.

Article 4 of the Magna Carta **prohibits the employment of children below fifteen years of age as household helpers**, making the recruitment of these children in domestic work illegal. It affords the same protections and benefits (e.g., minimum wage) as well as special rights and privileges for "household helpers of minority age;" children 15 to 17 years of age. The bill limits work for these household helpers to 5 days a week, prohibits their employment in any hazardous work and their work between 10p.m. and 6:00a.m., guarantees the right to receive directly wages, and ensures repatriation for abused or exploited household helpers of minority age.

Additionally, there are special provisions for kasambahay *education* (article 6). The employer shall allow the helper who is 18 or older to pursue his/her education. No helper of minority age (15-17 years old) shall be deprived of education.

The Batas Kasambahay or Senate Bill 751 and House Bill 5804 are still pending in the legislature.

### **Rosemarie's story**

Thirteen-year-old **Rosemarie** is a former child domestic worker from Sagay City in the province of Negros Occidental. Her father is a farmer. Her mother is a part-time sugar cane-harvester. Rosemarie does not know how her parents manage to feed and raise their seven children.

When she was 11 years old, Rosemarie was invited by her Grandmother Azon to attend school and work for her Aunt Melinda in Batangas. The attraction of city life was so intense that Rosemarie convinced her parents to let her to go in June 2002. However, when she arrived, Rosemarie did not end up attending school or receiving a salary for doing house work.

One day Aunt Melinda instructed Rosemarie to go to the house of her Aunt Yoly, who was moving and needed help packing. However, instead of packing, Rosemarie was caught watching television by her Aunt Yoly, who immediately kicked her out.

Subsequently, Rosemarie went to her Aunt Darla's house, where she stayed for several weeks. Since neither she nor Gina, another house-hold helper, were compensated for their works, they looked for another employer.

With someone's help, they secured work from Mildred Vitness, as a domestic worker and a nanny, respectively. However, Rosemarie was not paid the pre-agreed amount of PHP 1,000 (\$17.90) per month, for three months.

Thus they both went to Rosemarie's Aunt Yoly, who turned them over to social workers at the Batangas *Department of Social Welfare and Development*. Utilizing the money she had received from Mildred, Gina returned to Silay City.

Rosemarie, who had no money, was referred to the Visayan Forum, which provided her temporary shelter. At the Center in Batangas, Rosemarie received counseling and

attended activities and meetings for members of SUMAPI. The Department of Social Welfare and Development required Mildred to pay Rosemarie. Furthermore, it established contact with Rosemarie's parents in Silay. With the help of Mildred's payments and the Silay Department of Social Welfare and Development, Rosemarie was repatriated home. She looked forward to returning to school so that she could help other vulnerable children and her family.

### **Main results achieved by the Kasambahay Program**

#### **SUMAPI and the transformation of children**

Through SUMAPI, thousands of child domestic workers have overcome their disconnectedness and invisibility. Members have been able to identify and reach even severely isolated child domestic workers. From 2000 to May 2003, SUMAPI reached 1,758 child domestic workers in Batangas. These children and youth actively participate in either school core groups or community and park activities. Many formerly-tentative youth have regained their self-confidence and developed their leadership skills. They have given each other inner strength and hope. Many members have grown into effective and persuasive activists who look out for each other. Around fifty children have been trained to become SUMAPI officers.

#### **Transformation of public attitude**

Partnering with schools and the church has transformed people's attitudes toward child domestic workers. *Teachers* have learned to adjust class activities to meet the needs of child domestic workers. Many *employers* have learned to support their child domestic workers.

#### **Critique of Kasambahay Program**

Work-study strategy places a double burden on working children

The work-study-strategy is not ideal as child laborers have difficulty combining work and school. It places the double burden of working and studying on child domestic workers, which can leave them tired and unable to focus on either their studies or work.

Furthermore, arranging classes for child domestic workers in the evening or only on Sundays all day is neither the best solution to ending child labor, nor the best preparation for children to achieve their dreams. All children deserve access to free full-time education of good quality. In addition, school fees and absenteeism are very real concerns. In an attempt to prevent such problems, Visayan Forum has formed agreements with employers.

#### **Charity's story**

At age 12 **Charity** started working as a child domestic worker for her teacher. She was given free room and food and the opportunity to *finish school, while doing household chores*, ranging from waking up early to prepare breakfast for the family to washing and ironing clothes. She used to earn only an average of PhP100 (US\$1.79) a week. Her father's death in the year 2000 prompted Charity's sister Aiza (then 15 years old) to work with her.

Aiza and Charity participate in Visayan Forum's *work-study program*. Charity works during the day, while Aiza attends school. When Aiza takes over the household chores after 5p.m., Charity goes to evening classes at St. Bridget College.

Now, 24-year-old Charity is completing certification as a computer secretary and serving her second year as the President of SUMAPI-Batangas. She earns PhP 1,500 (US\$26.87) a month. During a discussion with SUMAPI members, Charity shared, "Growing up as a house-helper inspired me to dream and work harder to realize my dreams. We should not let our situations stop us from changing our lives for the better."

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Lessons learned

### **Child domestic workers are isolated**

Initially Visayan Forum set up services for child domestic workers in its office and the staff waited for them to call or visit. However, over a few months only a few child domestic workers trickled in. The staff learned that they needed to go out and look for child domestic workers, who were isolated from the mainstream.<sup>24</sup>

### **Workplace visits are counter-productive**

Initially, the staff of Visayan Forum visited child domestic workers in their places of work. However, visiting the homes of their employers did not yield results due to issues of fear. The children could not speak freely about their situations. They could not offend their employers who were within hearing distance.<sup>25</sup>

### **Teamwork is critical**

It is important to be inclusive, welcome the contributions of all stakeholders - including workers, employers, civil society and the government - and to maximize each others' strengths.<sup>26</sup> Teamwork has generated pooled-resources, enabling Visayan Forum to achieve big goals. The *Church* has helped Visayan Forum to provide a temporary shelter for rescued children and to educate and mobilize the critical masses. The partnership with *school personnel* has resulted in the adjustment of tuition fees, the introduction of night classes and the revision of curricula to meet the needs of kasambahays. *Child* and *youth*-members of SUMAPI play vital roles in the implementation and governance of Visayan Forum's program.

Through these efforts it is hoped that children less than 15 years old will be protected from doing house work and household workers will receive the same benefits and protection accorded by law to the formal sector of labor. The exploitation and abuse of domestic workers should not be tolerated or accepted.

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Appendix A: Other applicable contemporary national laws

Republic Act No. 7658 of 1993 and the Labor Code prohibit the employment of children under the age of 15, except when working directly under the sole responsibility of the parent. In this case, work should neither jeopardize the child's life, safety, health, moral and normal development, nor interfere with schooling. It also mandates the employers to secure a work permit from the Department of Labor and Employment (DOLE) before the child begins to work.<sup>27</sup>

In December 2003, **Republic Act 9231** was signed into law, creating measures to prevent the worst forms of child labor. Specifically, the new law prohibits employing children below 15 years old, without special permission from the Department of Labor. It also limits the number of working hours for children and guarantees access to education for working children.<sup>28</sup> The act codifies in domestic law the provision of **ILO Convention 182** on the worst forms of child labor, which the Government of the Philippines ratified on November 28, 2000.

The **Labor Code** authorizes the Secretary of Labor and Employment to limit working hours for children ages 15 to 18 years, and prohibits hazardous work for children less than 18 years of age.<sup>29</sup> **Department of Labor and Employment's Order No. 4** of 1999 defines "hazardous work" for children and limits work for long hours, night work, or work where children are unreasonably confined to the premises. **Policy Instruction No. 23** of 1977 prohibits night work for children under 16 years old from 6 p.m. to 6 a.m. and forbids children 16 to 18 years old from working after 10 p.m.<sup>30</sup>

In May 2003, the government enacted **Republic Act No. 9208**, a new counter-trafficking law protecting women and children from forced labor and sexual exploitation. The law criminalizes trafficking for the purpose of exploitation, including for arranged marriage, sex tourism, prostitution, pornography, or the recruitment of children into armed conflict.<sup>31</sup> It recognizes trafficked persons as victims and does not penalize them, as well as imposes harsh penalties against traffickers and clients.<sup>32</sup>

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<sup>1</sup> National Statistics Office, 2001 Survey on Children 5 to 17 Years Old: Final Report, ILO, Manila, Philippines, May 2003, pp. xviii, 23 and 25, available from [http://www.ilo.org/public/english/standards/ipecc/simpoc/philippines/report/ph\\_rep\\_2001.pdf](http://www.ilo.org/public/english/standards/ipecc/simpoc/philippines/report/ph_rep_2001.pdf); Internet accessed January 31, 2005.

<sup>2</sup> Ibid, p. 55

<sup>3</sup> Ibid, p. 26

<sup>4</sup> Ibid, p. 82

<sup>5</sup> Ibid, p. 77

<sup>6</sup> National Statistics Office, 2001 Survey on Children 5 to 17 Years Old: Final Report, ILO, Manila, Philippines, May 2003, p. xix, available from [http://www.ilo.org/public/english/standards/ipecc/simpoc/philippines/report/ph\\_rep\\_2001.pdf](http://www.ilo.org/public/english/standards/ipecc/simpoc/philippines/report/ph_rep_2001.pdf); Internet accessed January 31, 2005.

<sup>7</sup> US Department of Labor, 2003 Findings on the Worst Forms of Child Labor, Bureau of International Labor Affairs, 2004, p. 326.

<sup>8</sup> US Department of Labor, 2003 Findings on the Worst Forms of Child Labor, Bureau of International Labor Affairs, 2004, p. 326.

<sup>9</sup> 1M Filipino Children Working as Domestics, Philippine Daily Inquirer, July 29, 2002, available from [http://www.visayanforum.org/misc/press\\_releases/press\\_archive13.html](http://www.visayanforum.org/misc/press_releases/press_archive13.html), Internet accessed February 2, 2005.

<sup>10</sup> Flores-Oebanda, Pacis and Montano. The Kasambahay-Child Domestic Work in the Philippines: A Living Experience. ILO Publications: Manila, Philippines, 2001

<sup>11</sup> "Justice for Ana" Kasambahay Journal, Visayan Forum Foundation, Inc., April 2003, Manila, Philippines, p. 3.

<sup>12</sup> Situational analysis of major ports in the Philippines, Visayan Forum Foundation.

<sup>13</sup> That Trafficking Connection, Kasambahay Journal, Visayan Forum Foundation, Inc., April 2003, Manila, Philippines, p. 10.

<sup>14</sup> Kasambahay Journal, Visayan Forum Foundation, Inc., April 2003, Manila, Philippines, p. 10

<sup>15</sup> Kasambahay Journal, Visayan Forum Foundation, Inc., April 2003, Manila, Philippines, p. 10

<sup>16</sup> Working Children in Source Communities: The Challenge, available from <http://www.visayanforum.org/children/source.html>; Internet accessed February 2005.

<sup>17</sup> Anti-trafficking law enforcement efforts in the Philippines remained weak in 2003. The paltry number of prosecutions and convictions is a serious shortcoming. See U.S. Department of State, Trafficking in Persons Report - 2004: Philippines, Washington, D.C., June 2004, p. 105; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/>; Internet accessed February 2, 2005.

<sup>18</sup> Looking at the Magna Carta Inside Out, Kasambahay Journal, Visayan Forum Foundation, Inc., April 2003, Manila, Philippines, p. 6.

- <sup>19</sup> Study on the Legal Protection of Child Domestic Workers in the Asia-Pacific, Kasambahay Journal, Visayan Forum Foundation, Inc., April 2003, Manila, Philippines, p. 9.
- <sup>20</sup> Philippine Labor Force Survey, October 2004, Number 2004-87, released December 5, 2004, Income and Employment Statistics Division, Household Statistics Department, National Statistics Office, Manila, Philippines, available from <http://www.census.gov.ph/data/pressrelease/2004/lf0404tx.html>; Internet accessed February 2005.
- <sup>21</sup> World of Work, The Magazine of the ILO, No. 22 December 1997, pg. 24
- <sup>22</sup> Interview with Monsignor Oriundo, The Philippines, 2003.
- <sup>23</sup> Full text of the Magna Carta for Household Helpers, available from: <http://www.visayanforum.org/misc/resource/archives/article16.html>; Internet accessed April 2005.
- <sup>24</sup> Oebanda, Pacis and Montano. The Kasambahay, Child Domestic Work in the Philippines: A Living Experience. International Labor Organization, 200.
- <sup>25</sup> Ibid.
- <sup>26</sup> Blagbrough, Jonathan. Good Practice and Methodological Guidelines for Action to Combat Child Domestic Work-The Philippines Experience. A study prepared for ILO-IPEC, 2002.
- <sup>27</sup> National Statistics Office, 2001 Survey on Children 5 to 17 Years Old: Final Report, ILO, Manila, Philippines, May 2003, pp. 14, available from [http://www.ilo.org/public/english/standards/ipecc/simpoc/philippines/report/ph\\_rep\\_2001.pdf](http://www.ilo.org/public/english/standards/ipecc/simpoc/philippines/report/ph_rep_2001.pdf); Internet accessed January 31, 2005.
- <sup>28</sup> Sections 2, 3 and 4 of Republic Act No. 9231, Congress of the Philippines, available from <http://www.visayanforum.org/misc/ra9231.html>; Internet accessed February 2005
- <sup>29</sup> US Department of Labor, 2003 Findings on the Worst Forms of Child Labor, Bureau of International Labor Affairs, 2004, p. 327.
- <sup>30</sup> US Department of Labor, 2003 Findings on the Worst Forms of Child Labor, Bureau of International Labor Affairs, 2004, p. 327.
- <sup>31</sup> US Department of Labor, 2003 Findings on the Worst Forms of Child Labor, Bureau of International Labor Affairs, 2004, p. 327. See also Republic Act 9208 and Anti-Trafficking in Persons Act, Sections 3-4.
- <sup>32</sup> Anti-trafficking law enforcement efforts in the Philippines remained weak in 2003. The

paltry number of prosecutions and convictions is a serious shortcoming. See U.S. Department of State, Trafficking in Persons Report - 2004: Philippines, Washington, D.C., June 2004, p. 105; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/>; Internet accessed March 2005.