

An Overview of Child Domestic Workers in Asia

By

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The responsibility for opinions expressed in this paper rests solely with the author and the paper does not constitute an endorsement by the International Labour Office of the opinions expressed in it

TABLE OF CONTENT

PART 1		
1.	INTRODUCTION	3
1.1	Definition of child domestic labour	4
1.2	Purpose of the Report	6
1.3	Scope of the Analysis	6
1.4	Sources of Information	6
1.5	Limitations	7
2.	OVERVIEW OF CHILD DOMESTIC LABOUR IN THE CONTEXT OF CHILD LABOUR	7
3.	CHILD DOMESTIC LABOUR VIS-À-VIS THE ILO POLICY AND MANDATE (C.138, C.182)	9
PART 2		
4.	CHILD DOMESTIC LABOUR IN ASIA	11
4.1	Who are the children in domestic labour?	12
4.2	How do children enter domestic labour?	17
4.3	Working conditions, risks and consequences on girls and boys	21
4.4	Child domestic labour and other worst forms of child labour	28
4.5	Who are the employers?	29
4.6	Gender dimensions in Child Domestic Labour	31
5.	SITUATION ANALYSIS OF CHILD DOMESTIC LABOUR: LIGHT WORK, HAZARDOUS WORK AND THE WORST FORM OF CHILD LABOUR	32
6.	THE CAUSES OF THE PROBLEM	33
7.	THE KNOWLEDGE GAPS	34
PART 3		
8.	EMERGING POLICY RESPONSES AND PROGRAMME INTERVENTIONS	36
9.	THE WAY FORWARD	38
9.1	Towards effective policy responses	39
9.2	Improving the prevention, protection, withdrawal and reintegration of children in domestic labour	42
9.3	Specific roles and contribution of the ILO's constituents	46
	CONCLUSION	48
	COUNTRY CASE STUDY	
	Nepal	50
	Thailand	56
	Indonesia	61
	BIBLIOGRAPHY	67
	ANNEX 1	70
	ANNEX 2	71

LIST OF ABBREVIATIONS

ASI	Anti-Slavery International, London, The United Kingdom
CBS	Central Board of Statistics, Indonesia
CDL	Child Domestic Labour
CDW	Child Domestic Worker
CRC	United Nations Convention of the Rights of the Child
CWA	Child Workers in Asia, Thailand
CWIN	Child Workers in Nepal Concerned Centre, Nepal
CWISH	Children-Women in Social Services and Human Rights, Nepal
DECONT	Democratic Confederation Of Nepalese Trade Unions, Nepal
FCD	Foundation for Child Development, Thailand
GEFONT	General Federation of Nepalese Trade Unions, Nepal
GTZ	German Agency for Technical Co-operation
ILO	International Labour Organisation
IPEC	International Programme on the Elimination of Child Labour
KMC	Kathmandu Metropolitan City
NGO	Non-Governmental Organisation
NLA	National Labour Academy, Kathmandu, Nepal
NTUC	Nepal Trade Union Congress, Nepal
PRSP	Poverty Reduction Strategy Paper
TBP	Time-Bound-Programme
Unicef	United Nations Children's Fund
VF	Visayan Forum, Philippines
WTO	World Trade Organisation

PART : 1

1. INTRODUCTION

The effective abolition of child labour is being seen as one of the most urgent challenges of our time¹. Of the more than 200 million child labourers worldwide, some 180 million are now suspected to be toiling in the worst forms of child labour² - those activities that have been agreed globally to be intolerable under any circumstances and that are to be eliminated without delay.

Child labour is a sensitive subject and numbers regarding its magnitude play an important role in global policy-making and advocacy efforts. In the year 2000, it is estimated that there were approximately 211 million children aged 5-14 years who were at work in an economic activity in the world³. Out of these, with 127.3 million in total, the Asia-Pacific region harbours the largest number of child workers in this particular age group⁴. Almost nine economically active children in ten were reported to be in a child labour situation that requires elimination as per ILO Convention Nos 138 and 182⁵. The majority of these, about 110 million, were below the age of 12 years⁶.

Employing a person to undertake domestic household chores is an integral part of Asian tradition. Some domestic workers work on a daily basis (coming and going to the employer's house everyday while living at their own home) while others are so called "live-in workers" and live with the family that employs them. Among domestic workers it is widespread to find young children working as child domestic workers (CDW), a practice that, due to economic and social changes as well as cultural factors, is becoming increasingly common in many Asian countries.

In several cultures in Asia, and indeed world-wide, children are still regarded as very much under the control and guidance of their parents. The concept that children have 'independent rights' of their own is an unfamiliar one. Instead, it is often common for employers of CDWs to be seen as looking after them and providing them with a place to live. As such, the circumstances of exploitation or even child servitude (in the case of ruthless employers⁷) is perceived as natural, or at least acceptable⁸, both by employers and parents of children in domestic labour and by society in general.

This perspective has only begun to be challenged recently, mainly as the outcome of the emerging response to the child labour problem worldwide. In the last decade, the issue of child domestic work has gradually become more visible on the international platforms where child labour issues are discussed. Now there is a far higher level of awareness, mainly due to the pioneering work of some country-based non-governmental organisations (NGOs) and the

¹ A Future Without Child Labour, p.1 Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work 2002; p.1

² Ibid; p.1

³ Every Child Counts, New Global Estimates on Child Labour; April 2002, p.15

⁴ Ibid; p.16

⁵ Ibid; p. 19

⁶ Ibid; p. 19

⁷ those employers, for example, who do not provide adequate food or lodging, who insist on extremely long hours of work and who do not regard the CDW as an employee with rights

⁸ Black, M.; child domestic workers A handbook for Research and Action; September 1997; p.iii

growing number of studies undertaken by them or by researchers associated with them as well as by renowned social workers. Debates have also been set off by the UN Convention on the Rights of the Child (CRC) and the recently adopted ILO Convention No. 182 on the worst forms of child labour. The CRC provides a set of benchmark standards relating to childhood, many of which are actually or potentially breached for children employed as domestic workers⁹ (see Annex 1 for a list of the rights set out in the CRC but not enjoyed by CDWs). International organisations have also played an important role in the development of services for child domestic workers, and in their advocacy. They have given an international profile to the issue of child domestic labour (CDL) through publications, lobbying, helping the development of networks and bringing those organisations that are active on the ground together in order to share experiences and develop a common agenda.

Awareness-raising about child domestic labour and the publicity related to a handful of prominent cases of extreme abuse of child domestic labour have contributed to bringing this issue to the attention of the general public and to those working on child labour.

1.1. Definition of child domestic labour

In many countries of the world, children working as child-minders, maids, cooks, cleaners, gardeners and general house-helpers are a familiar sight. In fact, as found in much of the literature available, domestic work is one of the most common and traditional forms of child labour¹⁰. As far back as 1989 the ILO stated “Youngsters working as household domestic servants may be the most vulnerable and exploited children of all, and the most difficult to protect”¹¹. Until recently, however, not much was known about child domestic workers and the characteristics of their employment practices such as the age range of the workers, how they entered domestic work, the terms and conditions of their work, and their feelings about it.

This has changed somewhat over the last 10-15 years since a number of NGOs and other organisations, governmental as well as international ones, have become more aware of children in domestic work and thus have initiated work on the issue. Preliminary research has been carried out and initial programmes have been implemented to create awareness about children in domestic work and to work towards eliminating it in those individual cases where it might be one of the worst forms of child labour. As a result, fragments of more general information are now available regarding the broad characteristics of CDWs (see Part 2, section 4.1.). It is, however, by no means sufficient to write a conclusive report about it. Indeed, there continues to be a lack of specific data and information to allow for a thorough analysis of the incidence and nature of CDL in many Asian countries.

⁹ Black, M.; A handbook on advocacy Child Domestic Workers: Finding a voice; London; 2002; p. 53

¹⁰ for example, ILO publications; Black, M.; child domestic workers A handbook for Research and Action; op.cit.; p.1; Pflug, B. and Braganza Passanha, R.; “Child Domestic Workers: Analysis and Case Studies”; in Voll, Klaus (ed); Against Child Labour. Indian and International Dimensions and Strategies; New Delhi, India; 1999; innocent digest 5; Child Domestic Work; unicef; Florence; May 1999; p.2

¹¹ Still so far to go: Child Workers in the World Today; Geneva, 1989; quoted in Blagbrough, J.; Child Domestic Work in Indonesia. A preliminary situation analysis; London; June 1995; p.14

Estimates of the prevalence of Child Domestic Labour:

- in Dhaka, Bangladesh, as many as 300,000 children work in domestic labour
- in Jakarta alone, an estimated 700,000 domestic workers are under the age of 18
- in Nepal, approximately 62,000 domestic workers are under the age of 14
- in the Philippines an estimated 29,000 domestic workers are between the ages of 10 and 14 years old. this represents 4 % of the total 766,000 domestic workers nationwide. the largest group (36%) are between 15 and 19 years old
- in Sri Lanka, an estimated 100,000 children are employed in domestic work and food catering.

source: innocenti digest 5 ; op.cit ; p. 3

In comparison to these figures, the ILO-IPEC Rapid Assessment carried out in Nepal estimates that there are about 55,600 CDWs in the urban areas of Nepal¹² while the ILO-IPEC Rapid Assessment in Sri Lanka has found that in the urban area of Galle about 1 in 10 households employs a CDW¹³. As the Rapid Assessment in Thailand focussed on the 115 CDWs that formed the sample for the study, it does not provide any national estimates as to how many children are involved in domestic labour in Thailand¹⁴. Neither does the report by the Foundation for Child Development give any national estimates stating that there is no national statistical data that indicates the number of CDWs in Thailand¹⁵.

There is, of course, not one single definition for child domestic labour. Internationally, domestic child labour is generally defined as children working in an employer's house, with or without wages¹⁶. Child domestic workers are engaged to perform domestic chores such as washing dishes, laundry, cooking, cleaning the house, looking after young children or elder members of the household and any other household related activities. The CDW may be considered a "helping hand" in the household like, for example, in Nepal or be entirely responsible for the running of various activities related to the household.

The UN Convention on the Rights of the Child (CRC) and the ILO Convention No 182 on the Elimination of the Worst Forms of Child Labour stipulate a child to be a person below 18 years of age who should thus be protected from employment in the worst forms of child labour. There is, however, room left for individual countries to be flexible. The ILO Convention 138 provides the minimum working age generally to be 14 or 15 years, depending on the national legislation of each country (in some countries such as India, Pakistan and Bangladesh this can go down to 12 years, depending on the sector of work that is being referred to). Some of the documents used for this background report have analysed the situation of CDWs below 18 years of age. The Rapid Assessment of Child Domestic Workers in Nepal, for example, considers any child from the age of 7 to 18 working in an employer's household as a domestic labourer¹⁷. In most

¹² Sharma, S.; et al; Nepal Situation of Domestic Child Labourers in Kathmandu: A Rapid Assessment; ILO-IPEC Investigating the Worst Forms of Child Labour No 3; Geneva; November 2001; p.1

¹³ Amarasinghe, Sarath W.; Sri Lanka The Commercial Sexual Exploitation of Children: A Rapid Assessment, ILO-IPEC Investigating the Worst Forms of Child Labour No 18; Geneva; February 2002; p. 3

¹⁴ Phlainoi, Nawarat; Thailand Child Domestic Workers: A Rapid Assessment; ILO-IPEC Investigating the Worst Forms of Child Labour No 23; ILO; Geneva; April 2002

¹⁵ Foundation for Child Development; Report on Child Domestic Workers in Thailand; Bangkok, Thailand; 2002; p.1

¹⁶ Sharma,S. et al; op.cit ; p.2

¹⁷ Sharma, S. et al; op.cit ; p. vi

countries of Asia, however, it is the national minimum age for employment that is regularly referred to when discussing the issue of children in domestic work¹⁸.

1.2. Purpose of the report

This report, which contains an overview on child domestic labour in Asia as drawn out of available literature, serves as a background document for the participants of the tripartite Asian meeting on Action to Combat Exploitation of Child Domestic Labour, to be held in Chiang Mai, Thailand, October 2-4, 2002. In addition to a desk review of existing literature on child domestic workers in Asia, the report is based on field visits to Thailand, Indonesia and Nepal where information was gathered for the country-specific case studies that can be found in Part 2 of the paper.

1.3. Scope of the analysis

Part 1 of this background paper looks at the definition of child domestic labour, gives an overview of child domestic labour in the context of child labour and analyses child domestic labour vis-à-vis the ILO policy and mandate.

Part 2 takes a closer look at child domestic labour in Asia concentrating on their profile, how they entered domestic work and what their working conditions are. It examines Child Domestic Labour as related to other worst forms of child labour, highlights the gender aspect of child domestic labour and looks at those who employ child domestic workers. Part 2 also goes in to a situation analysis of child domestic labour, examines the causes of it and identifies the knowledge gaps that exist at this point in time. Three country-specific case-studies of Nepal, Indonesia and Thailand focus on the policy development, the existing knowledge base, current interventions and on the way forward with regard to CDL in those countries. A further study on the situation in the Philippines, examining the good practices there, will be distributed during the meeting¹⁹.

Part 3 focuses on the emerging policy responses and programme interventions and consolidates ways to improve the prevention, protection, withdrawal and reintegration of child domestic workers. It also specifies roles and contributions from the ILO constituents with regard to child domestic workers.

1.4. Sources of information

The sources of information for this background paper consist of available literature supplied by ILO-IPEC Geneva, Jakarta, Bangkok and Kathmandu as well as resources obtained from other organisations and individuals. The aforementioned field visits to Thailand, Indonesia and Nepal and discussions with those met during these visits added vital information.

A complete list of the literature used in the desk review as well as of all the meetings that took place during the field visits can be found in the Bibliography and Annex 2. Meetings were held with representatives of workers' and employer's organisations as well as with the government, relevant NGOs and others implementing projects in the field of child domestic labour.

¹⁸ For example, when discussing the issue of children in domestic labour during the field visits, several of those spoken to would not consider a 16 or 17 year old girl working as a domestic worker to fall into the category of a CDW, especially if the national minimum age for employment is 15 or 16 years of age.

¹⁹ Blagbrough, Jonathan; Action to combat child domestic labour – The Philippines experience; Geneva; February 2002

1.5. Limitations

As with every background paper, there are limitations associated with writing a background paper on an issue with such limited specific data and literature. Due to the nature of the topic and due to the unavailability of material for several countries in Asia, unfortunately, not all countries are represented equally.

This paper was written within a limited time-frame and covers a large geographical area. It is mostly certainly possible that some sources of information were unknowingly omitted and thus have not been incorporated into this report. There might be more relevant studies and research papers on child domestic labour in Asia that the writer was not aware of.

As this paper is largely based on a desk review of literature, field visits were made to only three countries (Indonesia, Thailand and Nepal). There are, therefore, only three country-specific case studies based on these field visits (as mentioned earlier, a separate paper on the Philippines will be distributed). These again, are limited as they only present a snapshot of the practical, day-to-day reality for child domestic workers in Asia and of those who work on the issue.

The large majority of the available studies have concentrated on urban areas in Asia. There is, therefore, a vast lack of information on children in domestic work in rural areas.

As you read this report you will notice that there are some sections which do not have enough specific detailed information, such as the section on employers and the one highlighting gender issues in child domestic work. This is due to the fact that sufficient reliable and comprehensive knowledge is not available.

Further limitations, relating to available information, can be found in the section on knowledge gaps, Part 2, section 7.

2. OVERVIEW OF CHILD DOMESTIC LABOUR IN THE CONTEXT OF CHILD LABOUR

Historically the concept of working children in Asia was partly seen as a give-and-take relationship with their parents - children being brought up by their parents and parents in turn expecting their children to help them, in terms of helping out in the family (such looking after cattle or helping in the paddy fields) and later on with economic assistance and looking after them in old age. The problems of exploiting children through labour have originated from poverty, political, social and economic changes as well as cultural factors within Asia over several decades and, consequently, worst forms of child labour in certain types of work have been recognised.

Child domestic workers are part of a trend that seems to grow along with urbanism in most Asian countries. Those living in the urban areas are bound to timeframes, commuting and daily activities defined by certain schedules and are thus under pressure to engage helpers for household work. Though housework is essential, it receives a low professional value and as much as possible those who can afford to (lower-middle, middle and higher classes) employ others to do their housework. With the social changes occurring in Asia (such as the move towards nuclear families, more women working and urbanisation) it is seen as especially critical to find helpers, including domestic workers to do various tasks including taking care of the young and the elderly. In the urban society of most Asian countries today, working children are

in demand due to the fact that they fulfil these requirements while contributing cheap labour to the household. With no exact figures available, it is assumed that there is a huge number of child domestic workers working in the urban centres of Asia alone.

The term 'child labour' does not encompass all work performed by children under the age of 18. There are many children, in different national circumstances, who carry out work that is entirely consistent with their educational and full physical and mental development²⁰. Based on ILO Conventions Nos. 138 and 182, the report "A Future Without Child Labour" clarifies the boundaries of child labour for abolition and identifies three categories of child labour to be abolished²¹:

1. labour performed by a child who is *under a minimum age* specified in national legislation for that kind of work
2. labour that jeopardises the physical, moral or mental well-being of a child, known as *hazardous work*.
3. the *unconditional worst forms of child labour*, which are internationally defined as slavery, trafficking, debt bondage and other forms of forced labour, forced recruitment in armed conflict, prostitution and pornography, and illicit activities.

Some estimates of the numbers involved in each category of child labour for abolition published by the ILO, reveal disturbing realities²²:

- based on the global estimate of child labourers in 2000, around 180 million children aged 5-17 (73% of all child labourers) are believed to be engaged in hazardous and the unconditional worst forms of labour. This means one child in every eight children in the world. Of the around 171 million children engaged in hazardous work, nearly two thirds are under 15.
- 67 million children in the 5-14 age group are engaged in non-hazardous labour that, according to their age, they should not be undertaking
- about 111 million children are involved in work that actually jeopardises their well-being
- among older children aged 15-17 years (who are above the minimum age for employment) it is estimated that 59 million, equalling 42%, are involved in hazardous work.
- worldwide over eight million children are trapped in the unconditional worst forms of child labour.

Given the extreme difficulty of gathering data on these hidden and often illegal activities, these figures, of course, must be treated with caution.

Some child labourers, such as street children working in the informal urban sector, are very visible. Others, such as child domestic workers, are effectively hidden from public view and are therefore especially vulnerable to these worst forms of exploitation. This is particularly so since employers have the legal right not to grant permission to individuals or agencies to enter and inspect their households. The nature of domestic work can deprive children of their freedom of movement and they are forced to lead a lonely life, responding to the needs of every member of the household at all times.

²⁰ *A Future Without Child Labour*; op.cit.; p. x; In line with the United Nations Convention on the Rights of the Child (CRC), 1989, a child means "every human being below the age of eighteen years".

²¹ Ibid; p. x

²² Ibid; p. x

3. CHILD DOMESTIC LABOUR VIS-À-VIS THE ILO POLICY AND MANDATE (C.138, C.182)

“In the case of the ILO, the task at hand is to protect and strengthen the rule of law; to see that human rights are respected; to promote employment; to meet the basic needs of the most poor, and to define internationally the standards and measures needed to improve workers’ conditions”²³.

As such, the ILO is responsible for the improvement of working conditions by setting standards for working conditions in the form of Conventions and Recommendations. ILO standards exercise a widespread influence, even where they are not formally accepted. There has been a growing impetus towards priority-setting in international action against child labour since the early 1990’s and in 1992 the International Programme on the Elimination of Child Labour (IPEC) was launched as the ILO part in this fight. In addition, the ILO has existing international instruments which condemn child labour, including Convention 138 (Minimum Age for Admission into Employment, 1973) and Recommendation 146 as well as Convention 182 on the Elimination of the Worst Forms of Child Labour and its accompanying Recommendation 190 on specific, urgent action in the elimination of child labour adopted at the International Labour Conference in 1999.

The purpose of Convention 182 is not to replace Convention 138 and Recommendation 146 which are still fundamental child labour instruments, but to complement them by providing basic measures to secure the immediate suppression of all extreme forms of child labour. Accompanying Recommendation 190 gives further guidance for legislative and practical action.

These two legal mechanisms help governments and special interest groups to work more effectively towards the elimination of the worst forms of child labour. They stress the importance of basic education by pinpointing the worst forms of child labour with hopes of improving the educational system. Convention 182 is the only existing international legal instrument that addresses the worst forms of child labour, setting their abolition as priority national and international objectives.

As per Article 3 of ILO Convention No.182, the worst forms of child labour include:

- slavery or practices similar to slavery including debt bondage, sale of children, serfdom and forced or compulsory recruitment of children for use in armed conflict
- the use, procuring or offering of a child for prostitution or for pornography
- the use of children for illicit activities – particularly within the drug trade
- work that is likely to endanger the health, safety or morals of children

The accompanying Recommendation (No. 190) draws attention to such cases where children are exposed to:

- physical, psychological or sexual abuse
- work underground, under water, at dangerous heights, in confined spaces
- work with dangerous machinery, equipment and tools
- manual handling or transport of heavy loads
- an unhealthy environment exposing workers to hazardous substances, agents or processes, or temperatures, noise levels or vibration damaging to health
- work under difficult circumstances, including long hours during the night

²³ Blanchard, 1977, cited in Tenorio, Airyn de; [Child Labour In Domestic Service: Trade Union Manual](#); Methods and Strategies for Policy Development and Action Plans; Bureau for Workers Activities; Nairobi; Kenya; 16-20 November 1998; p.44

- unreasonable confinement to the employer's premises

It is, of course, difficult to position child domestic labour within any hierarchy of hazardous and exploitative work. According to the spirit of the UN Convention on the Rights of the Child as well as to ILO Conventions Nos. 29, 138 and 182, the worst form of child labour is said to exist if

- the child is sold
- is bonded
- works without pay
- works excessive hours
- works in isolation or during the night
- is exposed to grave safety or health hazards
- is abused
- is at risk of physical violence or sexual harassment and
- works at a very young age

The presence of any or a combination of these elements would therefore render domestic child labour a worst form of child labour. This background report will provide information supporting this notion in many, though not all, cases of children working in domestic work.

It is clear that not all child domestic workers necessarily suffer abuse, neglect or exploitation and that the work itself is not automatically dangerous and inhumane. However, when this natural part of childhood upbringing takes up the entire day, exhausts the child and prevents the child from attending school and enjoying other rights, then the picture is dramatically altered.

As can be seen in Part 2 of the background paper, a large majority of children in domestic work are exposed to hazardous working conditions, including to physical, emotional and sexual abuse. Socially, the profession itself is deemed to be low and undignified. This may then lead to the condition in Article 3 (d) of Convention 182, defining the term *worst forms of child labour* as comprising, among others, “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children”.

“A Future Without Child Labour” suggests that some activities seeming harmless at first sight may in fact be damaging to the children involved, particularly in the long term. In the case of CDWs, due to the secluded and personal arrangement, the worst forms of child labour can occur more easily than in other situations, and go unobserved by the outside. Initially it is believed that ‘a bit of help in the household’ will do no harm. When this notion is explored further and the real working and living conditions of the majority of CDWs in Asia becomes apparent a different picture emerges²⁴.

²⁴ [A Future Without Child Labour](#); p.xi

PART : 2

4. CHILD DOMESTIC LABOUR IN ASIA

The placement of children – especially girls – in domestic work has been a common practice worldwide for centuries. Children from poor families are often placed with extended family members, friends or better off families. This does not necessarily always result in the exploitation of the child; in the majority of cases, however, the relationship is either exploitative from the start or turns so over the course of time. Poor rural girls in particular are vulnerable for recruitment for domestic work as household chores are traditionally considered to be women's/girls' work and as it is seen as a relatively 'safe' working environment for them. In many countries thus, the possibility of domestic labour for girls is considered culturally acceptable and even desired.

As in other parts of the world, accurate data on the number of children involved in child domestic work in Asia do not exist and little is actually known about the real situation of child domestic workers. At best, figures given nationally are only guessed estimates arrived at through the in-depth knowledge of organisations working in the sector²⁵.

However, it is impossible to formulate policy responses and interventions and discuss the way forward, without an understanding of the situation of children in domestic work. Following is a brief outline of some of the main issues that need to be taken into account when discussing children in domestic work. There are certain significant characteristics, both similarities and differences, of CDWs that spread across those Asian countries on which literature was available. Some of the similarities include²⁶:

- *poverty has been defined as one of the major root cause of child domestic work. Other factors, such as cultural attitudes to child labour and to CDW in particular, and traditions of fostering, also come into play. In many urban centres of Asia the increasing need for both men and women in the household to go outside the home to work, means that an increasing number of young women and children are pulled into domestic work .*
- *the real scope and scale of children in domestic work are not known – because children in domestic work is hidden work and to find out about it may infringe laws on, and notions of, household privacy. Furthermore, until relatively recently, child domestic labour was not readily acknowledged by all governments as a phenomenon or a problem. This means that, despite surveys, all figures given are estimates. In the Philippines, for example there may be about one million CDWs. In Pakistan, maybe hundreds of thousands. Most CDWs are girls (though the proportions of girls and boys vary from place to place)*
- *most CDWs come from poor and disadvantaged areas and find employment in lower and middle class families in towns. Some also come from poor urban areas, and some work for upper middle class families. High education levels and religious*

²⁵ Crawford, Sheena and Poulsen, Birgitte; Thematic Evaluation On IPEC Interventions: Child Domestic Workers; Draft 1; Geneva; 12 December 2000; Annex 3 Experiences from IPEC Philippines; p. 2

²⁶ Crawford, Sheena and Poulsen, Birgitte; Thematic Evaluation On IPEC Interventions: Child Domestic Workers; Draft 1; Geneva; 12 December 2000; p. 8-9

adherence amongst employers do not guarantee that children will be well-treated. In the Philippines, for instance, much work has been done through the church to change the behaviour and attitudes of employers who are regular church-goers and devout Christians.

- *most CDWs live away from their immediate families (although some work for relatives) and get little, or no, chance to go home.*
- *children working for an employer outside family activities and undertakings are especially vulnerable to exploitation and to working in intolerable and inhumane conditions.*
- *in some prevailing circumstances, CDL infringes on children's rights, leaves them open to all kinds of abuse – including physical, sexual and emotional abuse – and deprives them of education opportunities. For many CDWs, reports suggest that abuse, especially sexual abuse, is seen as “part of the job”. Children are constantly “on call”, are deprived of sleep, do not get adequate food, and may be required to do hazardous jobs.*
- *however, CDWs, and their families, usually start out by seeing domestic work as an “easy” and safe form of labour, especially for girls (easier than agricultural work, for example).*
- *parents usually believe that children will be “better off” doing domestic work in the cities, rather than remaining at home.*
- *children who “fall out” of domestic work – either because they are thrown out by their employers, or because they run away – run a very high risk of ending up in prostitution or other forms of commercial sexual exploitation.*

4.1. Who are the children in domestic labour?

As mentioned in Part 1, until recently there was a general lack of information about children in domestic work. There are a number of reasons for this absence of information. One is that almost every worker is employed in individual and separate household. As a group, therefore, CDWs are invisible and difficult to reach and to count. A further reason is that job arrangements, in most cases, are informal and are made between the child's parents and the employer. Most of these jobs are neither registered nor do they form part of any system of official job register. As such they do not feature in employment statistics. The variations of domestic work add to the lack of information. Conditions of work and rates of payment vary not only from country to country, but from city to city and within cities.

Other reasons for patchy information include the fact that children in domestic work are not recognised as ‘child labour’ by society at large and by a number of governments, but rather as a normal feature of society. Thus, motivation to probe into their situation is likely to be limited and, at times, there is a reluctance even among child activists to take special notice of child domestic workers, who are seen as a ‘cared for’ rather than an exploited group²⁷.

Over the last 10-15 years continuous work has been carried out by several NGOs, international as well as academic research organisations and social workers in Asia and this has led to considerably more information about children in domestic work, including the characteristics of their work and employment. These organisations, researchers and social workers have begun to enquire into and to work with children in domestic work. In some instances the interest was aroused by cases of abuse of CDWs that had come to the attention of the public and of organisations. In other instances, concern for working children in general has alerted to the

²⁷ innocent digest 5 ; op.cit ; p.3

practice of children in domestic work together with its potential denial of family life, schooling, liberty, sense of self-worth and other attributes of a healthy childhood. The knowledge we have today, however, still is not sufficient to fully understand and improve their situation in all Asian countries.

According to the National Sample Survey of India (1979), 10-20% of the total child labour force (13.5 million according to the Census of 1981) are engaged as domestic labour. A survey referred to in the UNICEF report on the State of the World's Children 1997 states that in India, which has the largest number of working children in the world, 17% of domestic workers were under 15 years of age and that girls aged 12 to 15 were the preferred choice of 90% of employing households. A study conducted by Nirmala Niketan College of Social Work, Mumbai, India, revealed that 40% of 400,000 domestic workers are girls under 15 years of age²⁸.

Various studies carried out in Asia make it possible to say, that the number of children working in domestic labour are likely to be extremely high. It is thought that there may be at least 1 million CDWs in the Philippines, possibly nearly this many in Metro Manila alone. This means that the sector is much larger, for instance, than that of recognised expatriate workers. It also means that children in domestic work make a major, if largely unrecognised, contribution to the national economy. They contribute to the productivity of the household and, by their domestic labour, "allow" the women in households to seek employment outside the home. As most families in urban areas cannot make ends meet unless men and women both work outside the home, the work of CDWs is essential to a family's financial and social well-being²⁹.

A detailed Rapid Assessment on Child Domestic Labour carried out in Sri Lanka estimates that there are 19,110 child domestic workers in the country (this excludes information from the Northern and Eastern provinces, p.3). The Rapid Assessment covered the sending communities and included a school survey in 5 major urban districts in Sri Lanka. Among those households included in the Rapid Assessment, two child domestic workers below the age of 5 years were identified while the majority was between 15 and 18 years of age.

Source: ILO-IPEC Rapid Assessment Sri Lanka; p.31

Age: Research in several Asian countries, for example focus group discussions and key informant interviews in the Rapid Assessment on Child Domestic Workers carried out in Nepal, have reinforced that there is a preference in hiring younger children for domestic work. This is mostly due to the fact that salaries increase with age and that teenagers and adults are perceived to be more difficult to manage for employers³⁰. In India, for example, it is estimated that 20% of all domestic workers are below the age of 14 years; many begin to work as early as 5-10 years of age³¹. A Rapid Assessment in Bangladesh found the ages of children in domestic work ranging from 7 to 17 years³². Other research conducted in Dhaka, Bangladesh, concluded that more than 20% of CDL were between 5 and 10 years old³³.

²⁸ D'Sami, V. ; Child Domestic Workers in India: Country Paper; presented at the 2nd Regional Consultation on Child Domestic Workers in Asia; Makati City, Metro Manila, Philippines; July 26-28, 2002; p. 3

²⁹ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Experiences from IPEC Philippines; p. 2

³⁰ Sharma, S. et al ; op.cit. ; p. 10

³¹ Braganza Passanha, Raynah; Pflug, Bharati et al; Domestic Workers – A Modern Manifestation of Slavery; Mumbai, India ; 1999 ; p.3

³² Rahman, Wahidur; Child Labour Situation in Bangladesh - A Rapid Assessment; 1997; p.81

³³ Shamin, I., N. Mirza and S. Mahmud; Child domestic work in Dhaka: A Study of the Exploitative Situation; London, 1995, quoted in innocenti digest no 5, p. 4

Even though most children start working as CDWs around the age of 10 years, studies have discovered that in some countries, such as Pakistan, Bangladesh and India, many start at as young an age as 5 years old³⁴. These are often the children of adult domestic workers or children given in bonded labour. In other countries, as in the Philippines, they tend not to be younger than 10 or 11 years of age³⁵. This is because children are inclined to complete primary school before going into domestic work. Since there are few secondary school opportunities in the rural areas, many children go to towns to enter domestic work in the hope that this will give them a chance to go to secondary school.

It is generally accepted that those who enter the labour market at a very young age and without education are at a greater risk of experiencing exploitation in the category of the worst forms of child labour as they are less aware of their rights and have less bargaining power with their employers.

Education / literacy. In Asia as a whole, only a small number of CDWs are given the opportunity to attend school while working in an employer's household. A few get the opportunity to finish primary school and almost none reach the level of secondary school – this is in strong contrast to the children of the employer's family. This not only has implications on the future options of the CDW, but also contributes to a sense of isolation as children with a low level of literacy are not able to write or receive letters from home. Even in cases where CDWs are permitted to attend school, they must usually fit this in around their duties and time off work (for example, evening school). Often they are too tired from their work and do not have enough time to do their homework or to keep up with other children. A study in Indonesia shows that young CDWs are pessimistic about their future because of their lack of education³⁶. In India, it is a common belief that if one can read and write then one does not need to do domestic work. On the one hand, implications of this are that, if you cannot read and write, then a life of servility is all you are fit for³⁷. On the other hand, this could also mean that children should be motivated to attend school and study in order to find better job opportunities.

In comparison, in the Philippines, society as a whole values education highly. In the remote rural areas, there are few opportunities for secondary schooling, and many families cannot afford to meet the costs of educating their children. Children leave home, therefore, to go into domestic work hoping to be given free time to continue their studies. Some children get their first job as a domestic worker with their teachers, or with members of their extended family already living in town. As a result, many children in the Philippines are in domestic work because they want to get an education and thus move on to a better job opportunity.

Lack of schooling not only reduces skills and knowledge but also limits personal growth. Most employers, however, do not think that education is important for CDWs (at least, this seems to be the attitude before extension and advocacy takes place) and thus are not willing to give them time off to pursue their studies. Access to non-formal education and / or vocational training opportunities for children in domestic work are rare. An important reason on behalf of the employer to deny the child access to education is that the child may become qualified for jobs other than domestic work³⁸. The child might therefore become less dependent on the employer and more likely to leave the domestic work sector.

³⁴ Pflug, Bharati, Child domestic workers may work in many houses but still have no home – the Domestic Workers' Movement", in *Contacts*, Nr. 1; Arbeitsgemeinschaft für Entwicklungshilfe; Cologne, Germany; March 1999, p.8 and Crawford, Sheena and Poulsen, Birgitte; op.cit; p.8

³⁵ Crawford, Sheena and Poulsen, Birgitte; op.cit; p.8

³⁶ *innocenti digest*, op.cit. ; p.7

³⁷ *innocenti digest*, op.cit. ; p.7

³⁸ Black, M.; *child domestic workers A handbook for Research and Action*; September 1997; p.16

Other reasons for a CDW not having access to education include the facts that children at times are working in households too far away from schools³⁹, they do not have sufficient information about the possibilities of attending school and, in some cases, they do not have the required papers / documentation to get into school. Although a small number of CDWs are allowed to attend classes if it is seen to improve their performance at work, employers as a whole do not feel that the value of the child increases as the result of schooling, especially since formal education is not required for domestic work. As a result of advocacy by NGOs and other organisations involved, this attitude seems to be changing in a number of countries in Asia. In Nepal, for example, several initiatives such as the Drop-In Centres in Kathmandu⁴⁰ as well as the NGO CWIN (Child Workers in Nepal Concerned Centre) encourage employers to allow child domestic workers to attend non-formal education classes and to follow this with formal schooling⁴¹.

In the ILO-IPEC Rapid Assessment carried out in Nepal, about 18% of the respondents reported that they could not read or write with another 10 % being just literate, meaning they can only read or write their own names⁴². 70% of those CDWs interviewed in the Rapid Assessment were school drop-outs. The Rapid Assessment does not specify whether they had to drop out of school in order to work or because of other reasons⁴³.

Family and community background / Ethnicity: In general, it used to be said that CDWs are most likely to come from poor rural, often farming, families. Poorer regions such as the islands of the Visayas and Mindanao in the Philippines, for example, are traditional sources of child domestic workers – the majority of whom come from large farming and fishing families - and many of them eventually end up in the capital Manila⁴⁴. Nowadays, this general description of the background of a CDW is no longer constricted to poor rural families, but has widened to include poor urban families. A large number of CDWs come from backgrounds where frequently the mother is either widowed or has been abandoned. Their placement in a ‘better home’ is therefore seen as an advantage and their ‘help’ around the house is considered as a natural payment and as a training for a future life of domesticity.

Depending on the geographical location in Asia, there are, of course, several other factors that determine the likelihood of children working as domestic workers. As in Nepal, for example, there might be a large number of children from a particular caste or ethnic group in domestic work⁴⁵. The probability of a child entering domestic work may be increased if there is a local custom that considers one social or ethnic group to be subservient to another⁴⁶ thus allowing for them to supply domestic labour to other groups of the population. In Nepal, for example, it is speculated that many CDWs come from former *Kamaiya* (bonded labour) households⁴⁷.

³⁹ This is taking into consideration that, even though most CDWs are working in the urban areas and therefore are closer to schools than children in the rural areas, they still have to fit school into their work schedules. If the school is a long walk away they might not be back in time to complete their chores.

⁴⁰ These Drop-In Centres are run by GTZ/CWISH and by ILO-IPEC in co-operation with the Kathmandu Metropolitan Corporation (KMC). More information about them can be found in the Nepal case-study.

⁴¹ visit to drop-in centres in Kathmandu, Nepal

⁴² In the Nepali context these two terms, “illiterate” and “just literate” refer to children who have never attended school. Sharma, S. et al ; op.cit. ; p. 11

⁴³ Sharma, S. et al ; op.cit ; p.11

⁴⁴ Blagbrough, J. ; Action to combat child domestic labour – The Philippines experience; op.cit.; p. 6

⁴⁵ see also the Nepal case-study and the reasons given for the relatively large number of Brahmin and Chhetri boys found working as CDWs in the Kathmandu area.

⁴⁶ Black, M.; child domestic workers A handbook for Research and Action; September 1997; p.13

⁴⁷ Sharma, s. et al; op.cit; p. 12

Children from families where the mother is a domestic worker regularly accompany and help their mothers at work and so get pulled into domestic work. This is often the case in a city like Mumbai, India, where both the adult domestic worker and CDWs can come from a poor urban slum area.

Status of migration: Industrialisation and economic reform all over Asia have encouraged a migration of people, including children, from poorer rural areas to urban centres looking for better economic possibilities and employment.

In some cases, children decide to leave their home based on misinformation by friends, relatives or fellow members of the community filled with the illusion of the good life in the city. Many are attracted by the promise of higher wages, training, better living conditions and the vision of a brighter future. Some have also been given false promises by deceiving recruitment agents. Once they are far from home, from the protective net of the family and from known social support structures, they are obliged to submit to the working and living conditions imposed upon them by their employers⁴⁸.

Even though economic conditions and employment opportunities in some countries in Asia, Thailand for example, are improving, there still are driving forces in the rural areas, which lead to the migration to urban areas in search of a better life. The need to have cash drives is one such factor which pushes poor rural children to become CDWs - for their survival and that of their families - even though this work is not seen as a respected type of labour⁴⁹.

In Thailand, migration patterns to work in Bangkok or elsewhere for adults and children are through the migration network. Those having migrated convince others to follow. When a workplace needs more workers, current migrants use their contacts in their villages to bring in more workers.

Migration from the rural to the urban areas appears to be very organised with regular shuttle buses between villages and Bangkok. There are migration networks that ensure the security of children and facilitate the process of job-seeking as well as providing easy communication channels. Bus drivers are known to the parents so they are not afraid to let children travel on their own. These same buses also bring back packages from the children to their families.

Children are motivated because they have an image of Bangkok being a beautiful and civilised place of many opportunities. This image is being encouraged by returning migrants who are usually well-dressed when they return home for important festivals. They have money to distribute giving the impression that all is well in the city. However, Thai children state that they prefer to wait until they have completed ninth grade in order to find jobs better than domestic work.

With children entering the work force at an older age and with a higher level of education, it is expected that there is less opportunity for them to be exploited as they will have more freedom of choice and job alternatives).

Source: ILO-IPEC, Rapid Assessment, Thailand, p. 38-39

Many working children in Asia come from landless families and it can be argued, as in the case of Nepal, that the process of migration and of settling in urban areas makes children vulnerable to the worst forms of child labour⁵⁰, with CDL identified as being one of them.

⁴⁸ Tenorio, Airyn de; op.cit.; p.9

⁴⁹ Phlanoi, Nawarat; op.cit.; p. 30

⁵⁰ Project Document; [The Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Nepal](#); Kathmandu, Nepal; 2001; p.15; In the case of Nepal, however, it should be noted that while most of the children in bonded labour indeed come

In the case of Thailand and the Rapid Assessment done in Bangkok, the picture of CDWs is slightly different. Most of the CDWs interviewed state that their family owns a small plot of land and have their own homes, their parents live together and a majority are able to read and write. Most of the children left home between the ages of 12 and 16 years old. This reflects the age group in the range of those having finished primary education (12-13 years) and those who finish secondary education (15-16 years) and corresponds to the children saying that they graduate before leaving to find work.

Source: ILO-IPEC, Rapid Assessment Thailand, p. 41-55

4.2. How do children enter domestic labour?

There are several means by which children end up in domestic work:

- they may have been cheated and lured by false promises from the recruitment agent, family member, friend or employer*
- some seek their own employment upon having migrated from the rural areas to the urban centres*
- parents or guardians may also seek employment for their children or place them into debt bondage*
- a child may find employment through contacts of immediate or distant relatives (aunties) whose intention is to have food, clothes and shelter provided to the child as payment for their labour, or*
- through dishonest family members or agents pretending to help, give false impressions of how good the child's life will be. In fact, they are not interested in the well-being of the child but only in the profit they can make from 'brokering' a CDW for a family in an urban centre.*
- children may also be recruited through labour bureaus or street agencies with varying degrees of honest intentions of providing these children with proper and safe employment. At times the agent him or herself adds to the exploitation of the child by charging additional fees such as brokerage expenses, transportation costs, etc that will leave the child eternally indebted to them.*
- some children are taken into families under terms of "false adoption". This means that a family gives the impression that the child has been adopted and is part of the family, but it is not treated as a family member. Instead, the child is exploited as free labour. These children are the hardest to reach as they are within the employer's household under the pretence of being part of the family.*

Source: Tenorio, Airyn de; op.cit.; p. 14-15

From traditional values to commercialisation

The idea of work as part of childhood training has a long history worldwide and parents, not only in Asia, have always brought up their children – especially girls – to perform tasks about the house. Thus, traditionally, children have always played a part in domestic work. Their help is required in washing dishes and clothes, in looking after younger siblings and elderly family members and other activities that make a household function. Appropriate instruction in doing these things correctly has always been considered as a fundamental preparation for the child's future adulthood, marriage and parental life.

from poor and landless families, the average land-size of family holdings of children in domestic work (and in rag-picking) was not much lower than the national average

In most places where the practice of employing a CDW is common, it is regarded as something so familiar that it is not questioned. One reason for this can be found in its strong traditional roots as child domestic labour occurs in societies where the use of domestic assistance is common. In some countries in Asia, such as Nepal, this may be connected to a traditional value system which believes that one religious or ethnic group or caste should serve another and have customarily supplied others with domestic labour. In countries with minority populations, children from indigenous groups are sent to work in households of the majority population. In the Philippines, for example, young girls from indigenous groups have few other opportunities but to enter domestic work⁵¹. Employing a CDW can also be a traditional part of local economic life. In many instances, children are engaged because they are cheaper and more submissive than adults would be.

In India, children are sometimes given for domestic labour as part of a woman's "Shreedhan" (form of dowry) at the time of marriage along with clothes, kitchen utensils and furniture¹. This reinforces the fact that many employers consider CDWs to be 'things' or a possession to do with as one pleases.

Source: D'Sami, V.; op.cit.; p. 4

It is also not unusual, for a large family or within the joint family system, to send a child to live in a related household for a part of his or her upbringing. Often this is because the relatives are childless or elderly or because they are wealthier and can help a child to get a better start in life.

The important change that has taken place from these traditional roles of help in the household, is that this kind of traditional child help has become commercialised and therefore more potentially exploitative. As Maggie Black points out, increasingly, it is no longer a family arrangement to suit the needs of the child, but rather "the outcome of a financial transaction in which the traded commodity is the child's labour"⁵².

In the Philippines, as elsewhere, most of the children in domestic work are girls and most come from the rural areas with a study undertaken by the Visayan Forum for the ILO in 1996 showing that 77% of CDWs were from farming families. Children leave their homes in the countryside to seek domestic work in nearby towns and in the capital city, Metro Manila. They may start by working in their regional town and later move to Manila itself. The level of education amongst them is mixed, but the vast majority said that they came from a poor background and had gone into work to help their families and relieve the burden on their parents. Many enter employment in an attempt to further their education. Most were facilitated into work by a known person with parents often condoning children in domestic work as they were employed the same way themselves and because child domestic labour is considered to be "easier" than agricultural work⁵³. Some work only seasonally as CDWs, returning to the rural areas for the harvests⁵⁴.

⁵¹ innocent digest no 5; op.cit.; p.4

⁵² Black, M.; child domestic workers A handbook for Research and Action; op.cit.; p. 3

⁵³ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Philippines; p. 8

⁵⁴ A Preliminary Study on the Profile and Working Conditions of Children Household Service Workers in Batangas, Davao and Cebu Cities, Visayan Forum, ILO, Manila 1996

Breakdown in traditional family systems and ethnic conflicts

Breakdowns in traditional family systems through changing social structures, upheaval or war can increase the possibility of children entering domestic labour. In Sri Lanka, the migration of a large number of women and adolescents as domestic workers to the Middle East and other countries, has created a demand for younger children to work in their place within Sri Lanka. In addition, the ethnic conflict has left many children displaced or abandoned and consequently easy prey for 'job placement' agents who pick them up from the streets, in villages or even from within refugee camps and sell them into employment⁵⁵. The fact that the current conflict in Nepal will have a similar impact on child domestic labour and other forms of child labour cannot be ignored. As in Sri Lanka, it can be expected that the conflict will push more children into child labour, possibly the worst forms of child labour, including child domestic labour.

Helping out parents and adults

Judging the numbers of CDWs is difficult because of the ways that children become involved in CDW. Some may be sent from rural areas, specifically to work for a family in town. Whereas most CDWs live away from their families, in Pakistan, for example, children may work as part of a "family package" – living with their parents and siblings in the household compound and getting free accommodation in return for work. Children are expected to "help out" adult workers (often their parents) – though in many instances, adults may not do the work, but leave children to do it all. Frequently, this may mean that children work instead of their parents⁵⁶. In other instances, for example in Islamabad, CDWs come from families in lower military housing and work on a daily basis for better-off families in town. Still other children are taken along with parents to work in more than one house a day – it is stated that children "helping" in this way will, at least, be provided with some food⁵⁷.

Parents do expect remittances from their children. But they also expect them to gain knowledge, experience, good habits and advice on education from their employers. They do acknowledge that there are negative sides to being a CDW: irregular working hours and bed times and unspecified job descriptions. In general, parents feel that there are more positive than negative results to being a CDW

Source: ILO-IPEC, Rapid Assessment Thailand, p. 38

Need for economic contribution to the family

Of the children interviewed for the Rapid Assessment in Nepal, almost two-thirds were either the first or the second child in the family. It was suggested by several key informants, such as the ward authorities in Kathmandu, that it is common for the economic burden to support the family to fall on the eldest child first. This is not only due to traditional values but also to the fact that as younger children grow up they can take over the household work, leaving the older children (who in most cases used to do the domestic work in their own households) to earn wages as labourers or as domestic workers⁵⁸. This is true for several countries in Asia where a large number of CDWs feel it is their duty and responsibility to migrate to the urban centres to help cope with poverty at home.

⁵⁵ Goonesekere, S.; *Children in Domestic Service in Sri Lanka*, ILO, Geneva, 1993; quoted in *innocenti digest* No 5, p. 4

⁵⁶ Crawford, Sheena and Poulsen, Birgitte; *op.cit.*; p. 8-10

⁵⁷ *Ibid.*; Annex 4 Pakistan; p.3

⁵⁸ Sharma, S, et al; *op.cit.*; p. 16

Although the principal cause for children to work in Bangkok is linked to family needs, the RA has revealed many other causes including family problems, boredom with hometown living conditions, attempts to further their studies by earning money and the opportunity to experience a new and exciting life in Bangkok. Almost 55% of those interviewed feel that a child should work in order to support itself and its family, to realise the value of money and to have an experience which might be beneficial for the future. Almost 40%, however, also state that a child should be in school and is not mature enough to carry out such responsibilities and make decisions.

Source: ILO-IPEC, Rapid Assessment Thailand, p. 56-60

The Rapid Assessment in Nepal reinforces that the children themselves have very limited economic control over their salary. In the case of Nepal, this supports the notion that parents are responsible for sending their children into domestic work as part of an income-generating strategy for the household⁵⁹. Several children insist that they could not leave their present job because their parents would not allow it or because their parents had taken a loan from the employer. This supports the concept that parents and their financial status are one of the main reasons for these children to be employed as CDWs. It also indicates that a large portion of them are bound to their present job by some agreement between their employers and parents⁶⁰.

Patterns of Recruitment

A study in Indonesia reconfirmed two basic approaches to the pattern of recruitment for child domestic workers: firstly (covering the majority) through current child and adult domestic workers, and, secondly, through informal brokers. In both cases, very few prospective child domestic workers or their parents know, or have met, the child's prospective employer⁶¹. The Rapid Assessment in Nepal found that relatives play an important role in enrolling children to work as CDWs (46%), while 16% were sent to work by their own parents. In many cases the employers themselves use the connections they have in a village to recruit a CDW. Such recruitment networks tend to be informal, personalised and usually family-based⁶².

In many countries in Asia, children go straight from the rural areas to the big towns to seek domestic employment. In the Philippines, however, they sometimes go through "staging posts" – stopping off in regional towns en route to the big cities and Metro Manila.

'Adoption'

The situation is further complicated by the systems of patronage, tribal affiliation, fostering and feudalism. Better off people consider that they are supporting the poor by providing work and housing. The rural poor may categorically use clan ties to request work in towns. Families are likely to send their children to town on this basis, and the child then may become bonded. Children who are "fostered"⁶³ may be put to work in the household as domestic workers or as companions, for the family's own children. The difference between claimed 'adoption' and domestic employment is sometimes hard to pin down⁶⁴.

⁵⁹ Ibid; p. 20

⁶⁰ Ibid; p. 23

⁶¹ Blagbrough, J.; *Child Domestic Work in Indonesia. A preliminary situation analysis*; June 1995; p.27

⁶² Sharma, S. et al; op.cit.; p. 13

⁶³ in Islam, adoption, as it is known in non-Islamic countries, is not possible, but fostering usually implies a long-term arrangement and may involve children from the extended family or clan; Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 4 Pakistan, p. 3

⁶⁴ *innocenti digest 5* ; op.cit. ; p.2

Trafficking

As the demand for children in domestic work grows, their supply also becomes more organised and recruitment agents – and often traffickers – are becoming systematically involved. While the relationship between trafficking and commercial sexual exploitation is well-known and analysed and with commercial sexual exploitation remaining the leading form of exploitation of trafficked children, there are a number of IPEC studies illustrating that children are also trafficked for labour exploitation in general⁶⁵. Among these forms of labour exploitation, exploitative domestic work features strongly. In many countries in Asia, child domestic labour is directly linked to trafficking because young children are recruited from rural areas in a systematic manner for domestic work in, usually, urban centres⁶⁶ and at times it is difficult to differentiate between a relative, a broker and / or a trafficker. Such trafficking frequently takes the form of an inter-country issue, for example in the border areas of Thailand or between Indonesia, Malaysia and Singapore and the Middle Eastern countries.

Another link between domestic work and trafficking is that domestic work is such an accepted occupation for children that it is often used as the lure by which traffickers involve children in other worst forms situations, such as prostitution⁶⁷.

4.3. Working conditions, risks and consequences on girls and boys

Within Asian society, domestic workers in general have a very low image with domestic work not recognised as a respectable profession⁶⁸. Those with an education would always choose to do another job⁶⁹ and thus domestic work is perceived to be left for those who have no other option. Negative psychological and cultural feelings towards the career are enforced by the nature of the work, the isolation and the constant 'on-call' availability to meet employer's needs. In addition, unattractive, or rather, non-existent fringe benefits coupled with a powerlessness in negotiating job conditions as well as the fact that it does not help in finding better jobs since it does not provide professional skills, have to be considered. Domestic work is typically presented as an option to those from poor backgrounds.

A very low percentage of those interviewed in the Rapid Assessment in Thailand (1.7%), all women, wanted to stay in domestic work. Others wanted to become teachers, nurses, soldiers, police officers or company employees or have their own businesses. 15% had a negative opinion of their own job feeling that they had no other choice or that it was the most suitable job for someone as uneducated as them

Source: ILO-IPEC Rapid Assessment Thailand, p. 59

The situation today is that many children work in houses that are not related to their own. Neither parents nor employers see anything wrong in this as it is considered a positive opportunity for the child. Very poor parents are relieved that the child will be fed and will have somewhere to stay. It is hoped that the child will receive an education and may be marry somebody better off. After all, many others go from rural areas to work in towns and cities where

⁶⁵ Unbearable to the human heart. Child trafficking and action to eliminate it; 2002; p.17

⁶⁶ *Ibid*; p.21

⁶⁷ Blagbrough, J.; Action to combat child domestic labour – The Philippines experience; op.cit; p.6

⁶⁸ It must, however, be taken into consideration that there are a number of domestic workers with multi-skills such as home-keeping, foreign languages, sophisticated cooking skills and managing households and staff who serve higher-class or expatriate families. Such type of domestic work is respected and seen as desirable. Children, however, very rarely have these skills.

⁶⁹ discussions during field visits to Thailand, Nepal and Indonesia, Aug/Sept 2002

life is perceived to be much better. Employers, on the other hand, may initially sincerely intend to look after the child and his or her interests.

The consequences, however, tend to be very different. CDWs, especially when they are live-in workers, are frequently far away from home and family. They are under the control of adults whose first concern is not the well-being or the needs of the child but those of the household. The love and care that children ought to receive is missing and can never be guaranteed. The preparation for adult life other than domestic skills is absent. CDWs are likely to be denied the chance of going to school. If they are over-worked, neglected or abused they have no one to turn to. Many feel isolated and trapped.

Terms of employment

The terms on which children are employed are important indicators as to whether the CDW is at risk of gross exploitation, may be even to the extent of being in conditions of servitude, bondage or slavery. In most cases written contracts between employers and CDWs are non-existent. It must, however, be made clear here that the absence of a written contract does not automatically mean that exploitation or mal-treatment is taking place. Yet, the lack of a written contract does put the CDW completely at the mercy of the employer and young and vulnerable children depend on the honesty and goodwill of their employers regarding the promises of pay and conditions of work.

Often children are not even informed about the terms on which they were recruited. Even in cases where a CDW has clearly understood the agreement about pay, the child may not always receive the wages he or she has been promised. Instead, the wage may be paid by the employer directly to the parents or to the child's 'informal guardian' in the neighbourhood. However, as well as being a carer, this 'guardian' may also be an exploiter and in some cases part of the CDW's salary might be given to the guardian in repayment of unspecified travel 'debts' or brokerage fees⁷⁰.

In other instances, if there is nobody to be adamant about or collect the child's wages, they may never be paid. Employers can decide to withhold the payment of wages on any number of reasons – for example, for having broken something or for bad behaviour, be it real or imagined. In the case of girl domestic workers, employers are known to withhold wages in order to save money which can be put towards the paying of a dowry. Often there is an understanding between the employer and the parents to find the girl a husband in due course. However, any kind of postponement of wages not only denies the child access to her own money but also ties the child even further to the employer⁷¹.

CDWs may, or may not, receive wages. In the Philippines, a large number do get cash wages – though this may be withheld or paid late. The recent advocacy around CDW and the work of the Visayan Forum and the domestic workers' union have improved the wage situation for many workers. Children who work with relatives are less likely to get paid, swapping their work for housing and a chance (which may not be forthcoming) to get education⁷²

⁷⁰ Black, M.; child domestic workers: A handbook for Research and Action; op.cit.; p. 9

⁷¹ Ibid; p. 9

⁷² Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Philippines; p. 3

Exploitative employment practices do not need to involve the exchange or non-exchange of money. Many CDWs, especially those below the age of 12, have been *given* by parents or guardians to another person to be 'looked after'. This may also be called 'fostering' but in reality the child becomes an unpaid servant for the host family – a practice also known as 'false adoption'. Such children are the most difficult of all CDWs to reach because they are regarded as part of the employers family while being hideously exploited and ill-treated at the same time. Since they are declared to be part of the family they are not recorded as CDWs and hence have no access to organisations or programmes working with CDWs.

Working Conditions

Maggie Black has differentiated among and summarised the various aspects of the working conditions of CDWs⁷³. These aspects have been confirmed not only by the findings in the ILO-IPEC Rapid Assessments on CDWs but also by various other studies, bodies of research and writings on children in domestic work in Asia⁷⁴.

One of the key differences between child domestic work and other forms of child labour is the *24-hour nature of the job*. A CDW is likely to be called on at any time of day or night, seven days a week – the main reasons for this is that the place of rest is the same as the place of work. In addition, the terms of employment, such as fixed working hours, are not likely to be clearly defined.

Once the assigned tasks are done, a CDW has innumerable other errands to do - getting a glass of water, polishing shoes, nursing a sick child at night, even getting up in the middle of the night to open the door for a member of the family returning late.

Lack of time off: Real time off is exceptional. A CDW has to take rest periods whenever possible and not when necessary; sleeping on the job is often punished. Holidays are very rare, if at all, and may only consist of one visit home per year or every two years.

Hazardous working conditions: CDWs are forced to do dangerous and risky chores, often under no supervision. They are required to cook and serve (chopping vegetables using sharp knives, boiling water, lighting fires, carrying charcoal or wood, dealing with gas and electricity). They have to fetch and carry heavy water pots, handle disinfectants and other chemicals. They wash and iron clothes, often taking clothes and linen out of boiling water and operating hot irons (electrical or those filled with hot coal). They have to go to the market carrying heavy bags often being exposed to sexual suggestions in the street. Frequently these tasks are undertaken while looking after the employer's children and making sure that they are safe and well looked after. Admittedly, several of these tasks are not hazardous under normal circumstances; however, when they are undertaken in a state of fatigue due to long hours of work and interrupted sleep, even simple tasks can become hazardous⁷⁵.

Violence and abuse. CDWs are often victims of verbal, physical and sexual abuse or harassment. Being shouted at or being beaten is a common form of punishment for working slowly or for doing a task badly. Girl domestic workers are at risk of sexual harassment and rape not only by male members of the employer's household but also by male visitors.

⁷³ Black, M.; op.cit; p.10-13

⁷⁴ see, for example, country-papers of Nepal and India presented at the 2nd Regional Consultation on Child Domestic Workers, July 2002

⁷⁵ Black, M.; child domestic workers: A handbook for Research and Action; p. 11

Abuse in work is so prevalent as to be considered “part of the job” by most CDWs. Abuse ranges from being forced to work long hours, being constantly on-call, not being given adequate food and being shouted at to physical and psychological punishment and sexual abuse. Children who run away from their employers because of abuse are particularly vulnerable to becoming victims of other worst forms of child labour. So, too, are children arriving in towns, especially in the port cities and big metropolitan centres of Asia who are not met by their prospective employers – and instead are being left stranded. These children are especially likely to be exploited with many being pulled into prostitution.

Separate treatment. Although CDWs are often referred to as ‘being part of the family’ towards outsiders, reality is very different. While the CDW does the cooking or helps in preparing food, he or she generally receives smaller portions of food or is expected to eat the leftovers after the family members have eaten. Usually the child is not allowed to eat at the same time as the employer’s family and has to eat afterwards, alone in the kitchen, or even outside the house. In cases where the CDW is allowed to watch TV with the family, he or she usually has to sit apart from the rest of the family. Sleeping arrangements are likely to be basic; quite often a mat spread out on the kitchen or even on the bathroom floor. Likewise, toilet and washing facilities of the CDW tend to be apart from those of the family. There were cases in India where CDWs had to use the public toilets at the end of the street where their employers lived. While the employer’s children are sent to school the same hardly ever applies for the CDW who are supposed to be in the employer’s care.

Confinement. Frequently employers are reluctant to permit their CDWs to leave the house, to have visitors or to have contacts other than with the employers. Other social contacts are considered as a distraction from the child’s duties as well as an opportunity for the child to pick up bad habits. Thus CDWs spend most of their time inside the employer’s house; many are not allowed to go outside even during their rest periods. There are known cases of employers locking CDWs into the house when going to work, leaving the child locked inside a house or an apartment for the entire day without the possibility of leaving, even in the case of an emergency. For many CDWs the only chance to meet other people is when doing the shopping at the local market or while running other errands. One example of an opportunity to make friends or to get to know the neighbouring households is when putting up the washing on the roof terrace at the same time as the domestic worker next door⁷⁶.

CDWs experience a *loss of their rights* in numerous ways. The obvious violation is their economic exploitation, as in the case with other types of child labour. But they also suffer from neglect, violence or abuse and they lose many of their professional and personal opportunities. Any analysis that focuses only on working conditions but ignores the way the child is confined inside the household and misses out on schooling, will not fully indicate the extent of the potential or actual damage to his or her childhood.

⁷⁶ Ibid; p.12

As in other countries, a working day for a CDW in Thailand starts at 5.00 am and goes on until 10 pm. These timings, however, vary greatly from individual to individual although all work more than an 8-hour day. What is sure is that their waking and going to bed times are completely different from other children of their age. Many do not get enough sleep, particularly those who have to do housework during the day and care for children and the elderly at night. Several stated that although the work itself is not that hard or heavy, the difficulty lies more in the fact that they have no freedom and have to be available at all times. They have very little free time which they use to relax, chat with friends or listen to music.

Most respondents have to work seven days a week and have low salaries, with a small percentage not getting anything in return for their work. Those who receive a salary said they divided it into four parts: their parents, personal expenses, education and savings. Most allocate at least half or three fourths of their salary to their parents. Surprisingly, a large majority of respondents revealed that they had never been punished by their employers. Those who had been, said it was not often and the punishments took the form of scolding or warning. Among those who have been ill 18% were taken care of by their employers providing them medicine or taking them to see a doctor.

Working and living far away from home and family has unfavourable impacts on the emotional state of many CDWs and they seek consolation either from co-CDWs or from relatives living in Bangkok, some even from their employers. Most children have agreed that the living conditions and the food they receive from their employers is better than what they could expect at home; several have their own bedroom or share a room with the young or the elderly person they are looking after. Almost 70% feel they could leave their current job if they chose to; a little over 20% however, state that they are unable to do so as their families are still in debt or because they are unable to find better jobs. The reasons tend to be more personal rather than with an employer refusing to let them go.

Source: ILO-IPEC, Rapid Assessment Thailand, p. 41-55

Maggie Black has gone further from here and has included the impact of a child's employment in domestic work on the child's physical, intellectual and psycho-social development in her analyses of CDWs. As such she examines the following⁷⁷:

Separation from parents and family. Children are often separated from their families at a very young age. This separation may be for life as many children are too young at the time to remember their full name or where they came from. They are transplanted into a set up and culture alien to them and very minimal (if any) adjustment assistance is provided to them. They are forced to grow into sudden adulthood and many cannot comprehend why they had to leave their parental home and carefree childhood only to be plummeted into a life of hard work and no freedom⁷⁸.

Children often work long distances away from their families. This is especially so in the case of rural-to-urban migration where a child from the rural area has been sent to work in an urban town or city. Although some employers may allow visits from parents or other family members, usually they live too far away to be able to afford to make the journey regularly. Live-in CDWs may only be allowed to travel home once a year (if at all); this is usually at the time of a major festival or in the summer months when the employers are on holiday and do not require the CDW to accompany them.

⁷⁷ Ibid; p.14-17

⁷⁸ Pflug, B.; "Child domestic workers may work in many houses but still have no home – the Domestic Workers' Movement"; op.cit.; p. 9

Physical health. Hazardous working conditions, such as exposure to heat, the possibility of electrical short-circuits and climbing up ladders as well as long and irregular hours of work, poor and insufficient food and overwork naturally impact on the physical well-being of the CDW. In addition, there are occupational health hazards, such as, for example, a wrong work posture and heavy lifting. Routine preventative health measures (such as immunisations) and health checks are rarely given to the child and when a CDW falls ill, the doctor is not always called immediately. In the case of an accident first aid tends to be superficial⁷⁹.

Psycho-social health and development. The discrimination and isolation that a CDW experiences is known to have negative effects on the child's self-esteem, sense of identity, ability to socialise and make friends⁸⁰. In the case of actual abuse, verbal or physical, the effects may be even more acute. In general, employers make little attempt to take on the role of a 'parent' other than in disciplinary matters, therefore failing to offer the child encouragement and guidance for personal development. Normal childhood development is prevented by denying play, recreation and socialising with peers of the same age group and interests⁸¹.

The alienation and isolation child domestic workers suffer tend to be greater in the urban areas than in the rural. In urban areas child domestic workers are completely cut off from their known surroundings and are frequently deprived of their access to even environmental resources such as space and open air⁸². Many CDWs feel lonely, being immobile and too far away from home, without seeing their family and friends for years⁸³.

As they watch the children of the households they work in play, study, enjoy sweets and go on outings - in short, have a childhood - the sense of deprivation child domestic workers experience is disheartening. Their social interaction, if not completely prohibited, is limited. They have no coping mechanisms and often experience a sense of rejection. These conditions, especially when compounded by verbal, physical abuse and harassment can at times result in personality disorders⁸⁴.

⁷⁹ Black, M., child domestic workers: A handbook for Research and Action; op.cit.; p.14

⁸⁰ Ibid; p.14

⁸¹ Ibid; p.14

⁸² Pflug, B.; "Child domestic workers may work in many houses but still have no home – the Domestic Workers' Movement"; op.cit.; p. 9

⁸³ Sharma, S. et al; op.cit.; p.2

⁸⁴ Pflug, B. and Braganza Passanha, R.; "Child Domestic Workers: Analysis and Case Studies"; op.cit.; p.240

Children serving children

A survey carried out of 80 full-time live-in domestic workers (71 girls, 9 boys) in Bangladesh found that the way the child domestic worker is treated commonly has repercussions on the other children in the household. The young 'masters' or 'mistresses' often give order to the domestic workers looking after them – even when they themselves are much younger than the domestic worker. This contrasts with the deference and respect age usually commands in their society (and in most of Asia). It also reinforces the wealthier children's sense of superiority and entitlement to privilege.

Violent punishment inflicted to the child domestic worker can be distressing to other children in the household; some, when interviewed, stated that they felt it was wrong for their parents to slap or hit domestic workers. At the same time, cases have been reported of children, imitating their parents, beating the CDW themselves. The employer's children also accept as normal such serious abuses of children's rights as the denial of education, leisure and contact with one's own family and learn to disregard the dignity and rights of others as part of their upbringing.

Source: innocenti digest 5; op.cit.; p. 7-8

*Child domestic workers may work in many houses but still have no home*⁸⁵. An important characteristic of CDWs is that they live and work in a family environment although they may not belong to the employer's family. They exist in a set social structure and as they live with different families at an impressionable age, they have to adapt to many norms of societal behaviour depending on the outlook and value system of each family. In a typical case scenario, a CDW works for several households before reaching adolescence, each time having to adapt to the employer's distinctive tastes, outlook and cultural norms and values. Such a lack of permanence can generate a sense of insecurity and allows little opportunity to form lasting relationships. At the age where other children are developing their identities, a CDW finds herself constantly having to change in order to please and suit the demands of the current employer⁸⁶. Such experiences reinforce a vulnerability to manipulation and exploitation and can also distort normal psychological development. This sense of isolation is, of course, different for part-time CDWs who are living at home.

Rather than being taken in and treated as part of the family, the majority of child domestic workers are viewed as a transferable resource that is only as useful as her/his productivity. Employers, instead of seeing themselves as exploiters, regard themselves as benefactors and this assumption, ingrained in the minds of many, is difficult to challenge.

This leads to a special case of dependency where any decision-making power is in the hand of the employer. This complete dependency upon the employer means that the child is unable to make any decisions regarding her own welfare and that she is subjected to the whims of the employer. Not only are the child's choices limited, but the child's right to freedom of choice is taken away all together. The child domestic worker is not able to insist on her/his rights or on decent treatment as she/he has no support structure outside her place of work.

⁸⁵ Pflug, B.; "Child domestic workers may work in many houses but still have no home – the Domestic Workers' Movement"; op.cit.; p. 8

⁸⁶ Pflug, B. and Braganza Passanha, R.; "Child Domestic Workers: Analysis and Case Studies"; op.cit.; p.240

Children are preferred domestic workers because

- Child domestic labour is cheap; frequently employers pay no wage at all
- Children are easy to manipulate, are often unaware of their rights
- Children are unable to organise themselves in a trade union
- Employers can easily oppress them with threats or physical force
- Children are considered to be faithful, obedient, hard-working and, generally, will not complain
- Many CDWs do not know that they have rights, that these rights are being violated and that their situation can be better
- They cannot organise themselves against the employer and as such are weak and without bargaining power
- Children working in an employer's house can only be reached with difficulty by trade unionists, individuals or NGOs

Source: Tenorio, Airyn de; op.cit.; p. 15-16

4.4. *Child Domestic Labour and other worst forms of child labour*

Although there are, of course, social, cultural and economic differences in the practices of child domestic labour among countries in Asia, child domestic labour as such has features that distinguish it from other forms of child labour⁸⁷:

- domestic work is among least regulated and poorest remunerated (if at all)⁸⁸ of all occupations, whether performed by adults or children. In addition, it is perceived to be of the lowest status.
- most CDWs live with and are under the exclusive, round-the-clock control of the employer; they have little freedom or free time with some working up to 12 or 14 hours a day
- about 90% of CDWs are girls and their powerlessness within the household makes them particularly vulnerable to sexual abuse
- scores of CDWs do not handle their earnings; many are unpaid, the wages of those who are paid are often given to their parents or others who take on the role of a 'guardian' (in many cases, these are recruitment agents)
- since it is possible for very young children to undertake light household tasks, the entry of a CDW into working conditions can be as young as 5 years of age
- the live-in CDW is cut off from her or his family, has little opportunity to make friends and there is almost no social interchange with peers

⁸⁷ innocent digest No 5; op.cit.; p.3

⁸⁸ the ILO-IPEC Rapid Assessment in Thailand (p. 63) shows that the monthly salary range for CDWs is between 3,000-5,000 Baht (approximately 73- 121 US\$). The ILO-IPEC Rapid Assessment in Nepal (p.20) shows 39.3% of those interviewed earning up to 4,000 Rupees (approximately 51 US\$) per year while 20 % earn above 6,000 Rupees (approximately 77 US\$). 40% have an annual salary between 4,000 and 6,000 Rupees.

When children in domestic work in Bangkok were asked how they perceive domestic work themselves it became clear that most view it as an honest and legal career generating income for oneself. The job is seen as one that is fundamental working experience process, leading to other jobs that require higher skills, such as working in factories. Domestic work is also perceived to be safer than working in factories where children have to deal with machinery. Furthermore, a CDW does not have to commute to work and is provided with food and accommodation thus being able to save all money for personal use, parents, sibling's education and own education in the non-formal education school. Thus, working as a CDW is essential to relieving the burdens of parents.

On the negative side, domestic work is viewed as work for someone with no or low level of education. Children do know that it is hard and tiring work, that employers punish them if the work is not done properly, that there is very little rest and hardly any holidays. There is no freedom to socialise with other people, especially in a big city where CDW actually gets to know very few people. As a result, children interviewed view domestic work as aimless and without future.

Source: ILO-IPEC, Rapid Assessment Thailand, p. 40

In Bangladesh, on the other hand, a survey found that although CDWs were perceived to have some advantages by other working children (for example, work within the house instead of under the sun and in the public view), on the whole their work was viewed more negatively than that of porters, street workers and factory workers because they are at the mercy of their employers⁸⁹.

As such, the following types of ill-treatment relating to child domestic labour can be identified. The degree of severity, of course, varies from setting to setting⁹⁰:

- loss of liberty; effective slavery or servitude
- loss of adequate physical and emotional care
- loss of parental contact, family life and ties of affection
- lack of personal and social development, play and recreation
- lack of education
- loss of self-esteem and sense of worth, psychological distress
- economic exploitation, no pay to low pay and overwork; lack of time off
- lack of alternative opportunities
- verbal and physical abuse, including sexual abuse
- lack of redress against an exploitative or violent employer

As can be seen in Chapters 8 and 9, emerging policy responses and suggestions for the way forward need to take these aspects of CDL, as opposed to other worst forms of child labour, into consideration.

4.5. Who are the employers?

CDWs are dispersed and can be found in a broad range of households and women are often cited as their main employers⁹¹. Due to the lack of specific information on employers of CDWs in Asia in general, this section focuses on the knowledge gained from the Rapid Assessment in Nepal.

⁸⁹ innocenti digest No 5 ; op.cit. ; p. 6

⁹⁰ Black, M.; child domestic workers: A handbook for Research and Action; p.20

⁹¹ Tenorio, Airyn de; op.cit.; p.16

When looking at the different castes in Nepal, the Rapid Assessment in Nepal⁹² discovered that the majority of CDWs in the Kathmandu area are employed by the Brahmins, followed by the Newars, Chhetris and Janajati. Although Newars do not traditionally employ domestic workers for household activities, there is a growing trend among the economically more advantaged members of this group to employ domestic help. This seems to be indicative of many societies in Asia where the need for both adults to earn a salary has led to an increase in the use of CDWs not only for doing household chores, but also for looking after the young and elderly household members. A study in Indonesia strengthens this argument as it found that most employers were young couples with small children. While the majority of the female employers in this study were housewives, a sizable number of women had outside jobs and many were self-employed⁹³.

In terms of occupation, in the urban area of Kathmandu, government and non-government employees form the largest number of employers of CDWs. It is believed that households where at least one adult is employed full time are most likely to employ children for domestic work.

Employers who were interviewed for the Nepal Rapid Assessment were willing to be included in the study and the CDWs working for them could be approached easily. The authors of the study concluded that this goodwill of the employers was closely linked to the widespread perception among the employers that they are benefactors who are securing a better future for the CDW. Remarkably, in all the households surveyed for the Rapid Assessment, every employer referred to the same story of how a child, lost and found, is now leading a better life⁹⁴. When stating this, it is generally ignored that CDWs are on call all hours of the day and night, that they are discriminated against in the household and, as a consequence, sacrifice their own childhood. As Maggie Black points out, this tends to result out of a confusion between 'work as upbringing' and 'work as employment', and between patronage and exploitation⁹⁵.

In Nepal⁹⁶ as well as in Indonesia⁹⁷, comments made by both employers and member of the general public indicate that most do not regard the employment of children as domestic workers as hazardous or exploitative work. As found in many Asian countries, it is argued that these children are better off compared to the lifestyle they would be exposed to at home. In fact, many employers regard their actions as philanthropic as they feel they are supporting a poor family. However, when looking at case-by-case examples, it becomes clear that although a selected few CDWs may have a relatively good lifestyle and treatment, the majority live and work in intolerable conditions.

It should, however, also be noted that 'good employers' certainly exist; those who enable CDWs to go to school, who insist on regulated and appropriate working hours and conditions and who treat the CDL with dignity and respect.

In the Philippines, many employers of CDWs are devout, church-going Christians from educated middle-class families. Unfortunately, this does not mean that CDWs in their employment are necessarily being treated well. It does, however, mean that there is a good forum, the church, through which to advocate and press for change. The NGO Visayan Forum is making good use

⁹² Sharma, S. et al; op.cit.; p.8-9

⁹³ Blagbrough, J.; Child Domestic Work in Indonesia. A preliminary situation analysis; op.cit.; p. 20

⁹⁴ Sharma, S. et al; op.cit. ; p. 9

⁹⁵ Black, M.; child domestic workers: A handbook for Research and Action; p.2

⁹⁶ Sharma, S. et al; op.cit.; p.3

⁹⁷ Blagbrough, J.; Child Domestic Work in Indonesia. A preliminary situation analysis; p. 20

of this channel and has formed important partnerships with the church in their work to improve the conditions of CDWs⁹⁸.

4.6. Gender dimensions in Child Domestic Labour

It is a well-known fact that due to the nature of the work (household chores) most domestic workers tend to be women and young girls. While there is very little statistical evidence as to the exact number of children in domestic work and even fewer gender-disaggregated statistics, it is accepted in most of the literature available on Asia that the majority of CDWs are girls. A study in Bangladesh, for example, showed that in one key location in Dhaka, out of 770 child domestic workers, 81 % were girls and only 19 % boys⁹⁹. One of the reasons for this is that the greater part of the work done by CDWs is inside the house and that girls are perceived to be more silent and submissive and are less likely to run away¹⁰⁰. In the few cases where a CDW is expected to help in the fields, markets or in shops, these jobs are predominantly carried out by boys. In fact, it is also believed that as their work is often based outside the house, boy CDWs living with an employer may feel less of a sense of isolation as they regularly have contact with persons from outside the household and are able to build social relationships outside the place of work.

The Rapid Assessment in Nepal, however, found a large number of boys working as CDWs in the Kathmandu area. The extraordinary pattern of a higher number of boy CDWs in Nepal may be due to the cultural context in Nepal. Girls, in general, are less mobile than boys and only a few leave their village and family unless and until they are married. Some ethnic groups consider girls or women to be 'impure' during the time of their menstruation – they are therefore not allowed to work in or enter the kitchen and other rooms of the house during that time. Girls who are employed as CDWs also tend to leave domestic work earlier as it is commonly thought inappropriate for single adolescent females, who are non-family members, to live and be employed within households. Added to this comes the fact that as a girl approaches and reaches puberty, her parents will want to get her married¹⁰¹.

Interestingly, in this Rapid Assessment a larger proportion of girls claimed to have followed their parents advice whereas a larger proportion of boys claimed they made the decision to enter child domestic labour by themselves. This could be ascribed to the fact that boys might not want to admit that their parents were involved in the decision, or that a majority of boys start work as a CDW at an older age by which they make their own decisions. It is also possible that this is related to gender differences in Nepal, whereby boys have more say in their future than girls do¹⁰².

The Rapid Assessment also confirms that girls receive significantly lower wages than boys. Over 50% of girls are paid less than Rupees 4,000 (approximately US\$ 51) a year, compared to only 28% of boys¹⁰³. In addition, in most cases parents collect the wages in the case of girls. The discrepancy between boys and girls in terms of their salaries and control over it can probably be related to established gender equality issues, especially so in the rural areas¹⁰⁴.

Adding to the gender dimensions in child domestic labour is the fact that according to traditional values in Asia, poorer families where at least some of the children might have to work, may

⁹⁸ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Philippines; p. 3-4

⁹⁹ Rahman, W.; Child Labour Situation in Bangladesh - A Rapid Assessment; Dhaka, Bangladesh; 1997; p.81

¹⁰⁰ innocenti digest no 5; op.cit.; p. 4

¹⁰¹ Sharma, S. et al; op.cit.; p. 10-11

¹⁰² Sharma, S. et al; op.cit.; p. 13-14

¹⁰³ Ibid; p. 20

¹⁰⁴ Ibid; p. 20

choose to educate boys and not girls¹⁰⁵, adding to a higher number of girls in child labour and especially in domestic work.

The often-mentioned 'invisibility' of child domestic workers also derives from the fact that the majority are girls. Doing domestic work in a household other than their own is seen merely as an extension of their duties, and the concept of employment is often missing¹⁰⁶. In many value systems, girls' and women's work is still economically disregarded – simply because girls and women do it.

5. SITUATION ANALYSIS OF CHILD DOMESTIC LABOUR: LIGHT WORK, HAZARDOUS WORK AND THE WORST FORM OF CHILD LABOUR

As stated earlier, not all children in domestic work are necessarily confronted with hazardous work or with other forms of the worst forms of child labour. Without doubt there are many good employers who take care of CDWs, allow them to attend non-formal education classes or formal schooling and who give them a workload appropriate to their age.

Nevertheless, it can be stated that, in their daily working life, a large number of child domestic workers are exposed to hazardous work - factors contributing to the identification of hazardous work are the age and sex of a child, the hours and conditions under which the child works, the physical or psychological exertion of the activity, or the exposure to dangerous and toxic agents¹⁰⁷.

Although there is a widespread belief that domestic labour provides disadvantaged children with a relatively safe, comfortable option out of poverty or other forms of child labour, a closer examination of CDL in general, and specific cases in detail, clearly point to some cases of this occupation being one of the worst forms of child labour. Based on the Kathmandu study alone, 53% of CDWs do not receive any pay, 47% work excessive hours (14 hours for non-school goers, over 16 hours in the case of school goers as they are still required to complete domestic tasks) and 79% work at night¹⁰⁸.

There are many practical characteristics of child domestic labour that are akin to slavery. The exploitative nature of their engagement in the workforce and the lack of recognition of their work as a viable market commodity leave them with little or no option for personal or social development. Their duties are many and, at times, dangerous. They serve under extremely poor working conditions.

The following points can be summarised when looking at child domestic work as one of the worst forms of child labour:

- a significant number of children in domestic work are recruited from particular geographical areas or ethnic groups, which at times reinforces discrimination against them within the employer's household¹⁰⁹. Many come from a background of bonded

¹⁰⁵ Tenorio, Airyn de; op.cit.; p.12

¹⁰⁶ innocenti digest No 5; op.cit.; p.3

¹⁰⁷ Tenorio, Airyn de; op.cit.; p.21

¹⁰⁸ Sharma, S. et al; op.cit.; p. 26

¹⁰⁹ Black, M., A handbook on advocacy Child Domestic Workers: Finding a voice;op.cit.; p. 5

labour where parents have incurred a debt from the employer and the children are not free to leave the employer until the debt is paid back¹¹⁰.

- a majority work without pay; though some are given the opportunity to go to school which, according to the employer, justifies the non-payment of wages
- child domestic workers work excessive hours, often more than more than 14 hours a day and without defined hours of time off
- a large majority work until 9 pm or later, meaning they work at night
- a significant number are employed before the age of nine
- the child may be virtually imprisoned and treated as a 'belonging' or 'possession' of the employer
- some children are victims of emotional deprivation, physical and psychological violence and physical abuse

6. THE CAUSES OF THE PROBLEM

In general, widespread poverty is said to be the common reason for the prevalence of child domestic labour. Since in many Asian countries large families and small land holdings are synonymous with poverty (such as in the agrarian economy of Nepal), it can be argued that poverty is a determining cause of the worst forms of child labour and thus of children in domestic work. Yet, it is not the only cause.

Rapid commercialisation and the consumerism developing in countries undergoing economic transition are linked to the growing market for child domestic workers. Added to this, undoubtedly, the poverty of a family and the need for cash in today's social and economic set up are factors that contribute to sending young children into domestic work.

In addition, the breakdown of traditional family structures often due to wars, ethnic conflict, disease or changing social structures contribute to forcing children into domestic work. Many children in domestic work are daughters and sons of women who have been widowed or abandoned, or who for some other reason are forced to raise the family without any other support.

Factors in the community of origin have remained the push factors for migration as in the past – such as, insufficient income from agriculture, free time during the off-work season and the lack of supplementary careers. There are, however, additional factors that encourage young children to start working in domestic labour with CDWs themselves often taking on the role of agents and bringing more children into the employment market.

A practice that is still common in many countries in Asia is that of 'bonded labour' or 'debt bondage' where a family that is unable to repay a debt to a local landlord or moneylender sends their child to work as a domestic worker in repayment of the debt. This includes the child in the never-ending cycle of debt and bondage with the employer.

As referred to earlier, in modern middle-class households in most urban centres in Asia, it is necessary for both men and women to contribute to the household earnings. As they can no longer rely on the extended family for household help they seek out the cheapest alternative - the use of children in domestic work as childminders and as carers for the elderly.

¹¹⁰ Ibid; p.19; see also, for example, sharecropping arrangements referred to in the ILO-IPEC Nepal Rapid Assessment (p. 12) where the daughter of the sharecropper is often used as collateral in the sharecropping arrangement and where, subsequently, she is sent to work as a CDW in the house of the landowner.

Some of the causes for children in domestic work are

- poverty
- economic reforms
- poor or inadequate educational system
- rural to urban migration
- large household sizes
- social problems within the family structure (single-parent household, alcohol and substance abuse)
- the need for both women and men to earn a salary
- the lure of the big city
- cultural beliefs (discrimination between boys and girls, part of a child's upbringing, parents' ignorance of what is really happening to the child and the impacts it will have on their child)

Source: Tenorio, Airyn de; op.cit.; p. 16-18

7. THE KNOWLEDGE GAPS

As has already become apparent in this background paper, there is still not enough comprehensive information on child domestic workers, even though this is changing with the various Rapid Assessments that are being carried out by ILO-IPEC as well as studies done by other organisations active in the field. One of the reasons for this is that in many countries domestic work is not counted as an economic activity, neither in official statistical data, nor by the parents of many children. Thus it is not seen as an integral part of society worthy of studying or documenting.

The lack of exact statistics is also due to the nature of the work, such as it being hidden work and the CDW being claimed to be part of the family. Despite much awareness-raising, it is still not considered an issue by many individual employers and by several governments in Asian countries.

The psychological impact of domestic labour on CDWs needs further studying and analysis. For example, those who enter domestic work with the hope of attaining a better life – do they achieve it? To attain that kind of insight and understanding, longer periods of time and qualitative interaction with the children are necessary. It can be assumed that children are greatly affected by various forms of emotional deprivation and psychological violence that society considers to be less severe or less obvious, if not even socially acceptable¹¹¹.

Most of the information available focuses on urban areas in Asia where research has been carried out. There is a strong lack of information on child domestic workers in the rural areas and this gap of knowledge needs to be filled.

There is a lack of knowledge about the employers of CDWs as well as of concrete statistics as to the number of children in domestic labour. Ideally, such statistics would take gender concern into consideration.

¹¹¹ Sharma, S. et al; op.cit.; p. 25

During the field visits further gaps of knowledge were identified in the following areas:

1. the exploitation of foreign children in domestic labour in Thailand. More research is deemed vital in order to understand the processes by which foreign child workers (including a large number in CDWs) enter the labour market. The need for gathering statistics on foreign CDWs was also expressed.
2. the use of Indonesian children as domestic labour outside of Indonesia
3. more research is necessary to develop a knowledge of what happens to children who returned home after having been taken out of CDL
4. how can CDL be made to figure in national household surveys and in the national census; that is, how can questionnaires and surveys methodologies be adapted to capture the instances and conditions of CDWs?
5. more research is considered necessary on the contributions of CDWs to the national economy
6. the need for a survey on employers of CDWs is seen as central in developing methodologies and approaches of successfully working with employers

PART : 3

8. EMERGING POLICY RESPONSES AND PROGRAMME INTERVENTIONS

Over the last decade, throughout Asia, considerable emphasis has been placed on bringing the issue of CDL into the public's awareness. This is both in terms of raising consciousness amongst the general public, parents and employers of workers, and promoting practical action on the issue at the public and government level.

Bringing the issue out into the open

A number of children in domestic labour have indirectly benefited from interventions which tackle the situation of child labour in general. However, the nature of CDL as a particularly hidden form of employment, means that the impact of the broader, policy level interventions which are not specifically geared to CDWs, is slow, and, in most places, minimal. Bringing CDL into the open and to the forefront of the policy agenda, as is happening, for example, in the Philippines and Nepal, can lead towards the potential benefits of focusing attention on CDWs as a major part of interventions that aim to progressively eliminate child labour and urgently combat the Worst Forms of Child Labour¹¹².

Humanising working conditions of CDWs

As many CDL come from poor households, children of these families have to continue to support the family or look for better economic opportunities and are therefore pushed into various forms of labour. At the same time, unequal growth patterns have caused rapid urban expansion as well as the growth of the working middle class, a large majority of which is reliant on CDWs to undertake their household activities. Therefore, the Rapid Assessment of Child Domestic Labour in Nepal states that in order to eliminate the worst forms of domestic child labour, steps must be taken not only to discourage recruitment, but also to humanise the working conditions for those children already in domestic work¹¹³, such as, the reduction of working hours, having regular fixed times off during the day as well as regulated annual leave.

In the Philippines, for example and as in most countries of Asia, it is generally accepted by policy makers as well as practitioners that children will continue to be engaged in domestic work in the near future. The general tendency seems to be towards a two-pronged approach, that is, making the conditions of work acceptable for those under the national minimum working age (the efforts of the domestic workers union, and the attempts to introduce a new law – a “magna carta” for domestic workers, point to this practical approach¹¹⁴), while pursuing the long term goal of child labour elimination and setting a time bound target for eradicating the worst forms of child labour through the time bound programme¹¹⁵. At the same time, the withdrawal of CDWs engaged in hazardous work and those in other circumstances of abuse and extreme ill-treatment continues.

¹¹² Crawford, Sheena and Poulsen, Birgitte; op.cit; p. 7-8

¹¹³ Sharma, S. et al; op.cit.; p.27

¹¹⁴ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Philippines; p.4

¹¹⁵ The TBP in the Philippines will begin in November 2002

The Department of Education in the Philippines has now included child domestic labour as a topic in the school curriculum and makes special education provisions for CDWs. Although the major unions have not become involved in the issue this has been overcome by the formation of a new union for domestic workers. Employers' organisations are not involved, since the employers of CDWs are, as yet, part of the informal system¹¹⁶.

Throughout the Philippines there are now thousands of children, employed in domestic work, who are attending special evening or Sunday schools. Not all CDWs are allowed free time for study by their employers, and even when they are, CDWs are often too tired to study properly, and do not get time to complete homework. Nevertheless, where schooling is available, the results seem highly favourable (from school reports during the mission, based on national statistics). The special schools are run in mainstream schools, either by government, or by church organisations. In all special schools, efforts are made to adapt the national syllabus to the needs of CDWs. It is also recognised that teachers need particular skills and different approaches in teaching CDWs – who are at times too tired to concentrate and who also have different perceptions on the world from those held by children who are not in employed work¹¹⁷.

Work with children and employers - a clear emerging policy response

Since a lack of better opportunities, or the prospect of a better lifestyle in the city, encourage children to leave their current unpaid occupations to seek work as a domestic worker, programme interventions need to be targeted not only at the employer level but also at the children themselves.

While in Thailand it is felt that “attempts to prevent and solve the problem of the worst forms of child labour at the place of destination are practically futile because violence against child labourers is concealed or in invisible form”¹¹⁸, other countries are convinced of the opposite. In the Philippines and India, for example, work with employers has been successful and crucial in improving the working conditions (such as hours of work, remuneration, time off) for numerous CDWs. The Visayan Forum (Philippines) and the National Domestic Workers' Movement (India) actively work with employers of children in domestic labour in order to create awareness about the concept of the worst forms of child labour, to improve the situation of CDWs and to prevent it from happening again. The National Domestic Workers' Movement, for example, encourage employers to make use of a contract that it has developed, stating working hours, remuneration, time off and other conditions that were designed in co-operation with domestic workers. This type of advocacy has involved direct contact, discussions and consultations with the employers. Even though it is difficult to know where CDWs are and extremely difficult to start working with employers, once a network has been established in a particular community or society, employers usually attempt to co-operate as in many cases the social pressure is too strong to do otherwise.

¹¹⁶ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Philippines; p.5

¹¹⁷ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 3 Philippines; p.3, Only in the Philippines does the type of school education supported go beyond the primary level. The social attitude to education, and the level of government education provision reached, means that the context is different from that in other countries. Nevertheless, there is much in the Philippines experience that could be pursued in other places. In the Philippines, government has financially supported the provision of special schools (in evenings or on Sundays) for CDWs, and thousands of CDWs attend these. The most successful are those staffed by teachers employed especially for these schools (rather than teachers on overtime).The schools provide an exceptional focus for rights and legal education and to encourage CDWs to join the national SUMAPI union. In some places, the involvement of employers in assessing the CDWs (for home economics) has strengthened the rapport between school and “home”.

¹¹⁸ Phlainoi, N.; op.cit.; p. 62

In both the Philippines and India it was felt that, whilst it is possible to concentrate solely on contact with CDWs, real impact cannot be achieved until employers and communities are reached. This is, of course, time-consuming and involves courage as well as particular skills. In other places, such as Pakistan, it is considered too threatening to “challenge” the employers, so little has been done on this level¹¹⁹.

9. THE WAY FORWARD

The way forward, on the one hand, will necessarily entail debates and discussions on what is acceptable when it comes to children in domestic work, such as the age of children and the working conditions they are exposed to. This implies that decisions will have to be reached as to what is definitely not acceptable (again in relation, for example to age, working conditions), bearing in mind the aspects of exploitation and the possibility that certain situations CDWs find themselves in reflect the worst forms of child labour. Ways of dealing with the unacceptable will have to be defined.

Further issues that will have to be borne in mind are the identification of priorities, such as, for example, developing a time-frame for time-bound programme and programme interventions to create options for vulnerable children as well as the question of how to ensure legal and social measures using, for example, Convention 138 as a guide. The work done in the Philippines (such as the protection of the rights of CDWs and employers'-employee relationships) could perhaps be used as an example.

Provisions will have to be made for the fact that there is always a grey area and that what is acceptable could easily turn into “unacceptable”. There will, therefore, be a need to analyse the measures to prevent, protect and support the children’s right to protection, development, decent work conditions and education. Decisions will also have to be made on who could do what and take on which responsibilities, based on existing experience and where ILO constituents perceive their own strengths to be.

Reflecting the available literature, the way forward is based on the following recommended interventions:

- to encourage more organisations to become involved in the issue of children in domestic work, and to increase active co-ordination through support for a co-planned and implemented research strategy. This research should provide both qualitative and quantitative data complementing and verifying already available data in the process.
- to use good practices of other countries in drawing up an holistic and strategic approach to CDW, based on a sound understanding of the issue.
- to link all interventions into mainstream services for children
- to invest in wide-scale advocacy, with all sectors of society and particularly with employers.
- to support organisations that are able to lobby for eventual inclusion of CDL in the law (where not already the case) and for the better implementation of existing relevant labour laws.
- to develop a process for involving the community in planning, monitoring and evaluating interventions from the earliest opportunity.

¹¹⁹ Crawford, Sheena and Poulsen, Birgitte; op.cit; p.25

9.1. *Towards effective policy responses*

The literature review as well as meetings with ILO constituents and interventions in Thailand, Nepal and Indonesia have made it clear that in order to eliminate the worst forms of child labour, including CDL where it is deemed to be so, efforts have to be made in a holistic manner, simultaneously in all the complementary areas of action.

In order to arrive at such an approach, it is obvious that effective policy responses, both short and long-term, need to take the following into consideration:

1. *Clear strategies*

For a successful approach to children in domestic labour real, strategic, goal-orientated purposes and approaches need to be defined. Transparent goals need to be set, clearly explaining expected achievements, including targets and a clear planning framework. As such, the integrated approach of the Visayan Forum in the Philippines, for example, contains the possibility of being replicated in other Asian countries. Any work regarding children in domestic work needs to be truly embedded in a strategic approach to child labour.

2. *Multi-sectoral co-ordination: co-operation with governments, co-operation and interaction with other organisations including NGOs, sharing of information and ideas*

It is crucial to have strong links to the government and its agencies responsible for child labour issues. Interventions regarding children in domestic labour need to be brought to scale encouraging governments to take them up. The strategy for CDL needs to move beyond an extension and increase in direct action programmes and, instead, needs to work directly with governments to develop and promote national approaches to CDL.

The co-ordination and cooperation between organisations working in the field of CDW is vital. Emphasis needs to be placed on knowledge management and on sharing lessons between projects and organisations working in the same sector and developing means by which lessons learned are documented and regularly shared with partners and other interested organisations¹²⁰. This is true globally as well as within countries.

In some countries, where intra- and inter-country learning has been promoted, linking and networking has worked well, particularly in awareness raising and in providing good quality direct assistance (for example, in vocational training for children or technical support for income generation). Sharing information and learning from each other are essential when working on such a sensitive issue as child domestic labour.

3. *Legislation*

Support is needed for interventions which bring CDL into formal recognition under national laws. National laws regarding child labour must be worked on in order to include children in domestic work. Laws must be relevant so that they are implemented and their enforcement is practical. How this is done, will differ from context to context. In the Philippines, efforts to bring CDL into the law are, in themselves, strengthening interventions for CDWs. Through this, attention is also being given to proving that CDWs make an important contribution to the productive economy

¹²⁰ Ibid; p.21-25

(because of the large numbers of workers – far greater, for instance than migrating workers – and because CDWs free women employers to enter the job market)¹²¹.

The difficulties of operating any system of regulation of CDL are those integral to any type of informal labour, with the compounding factor being that the place of employment is the private home. The use of law as a means of regulation and protection is even more problematic when CDWs are not seen as paid workers but as helpers around the house. However, the law can be used to prosecute those guilty of violence and gross abuse of children, including CDWs¹²².

The question of the registration of CDWs have led the Trade Unions to point out firmly that while registration can be used for collecting statistical data and providing a clearer picture of CDWs, it should not lead to the legalisation of children working in domestic work¹²³.

4. *Research / data*

If the real situation of CDWs in Asia is to be understood, there is great need for co-ordinated research involving both governmental and non-governmental organisations. CDL needs to be looked at as a specific form of employment by national bureaus of statistics, and statistics need to be dis-aggregated by gender and age.

If government partners work together with organisations experienced in participatory research methods a much clearer picture of the situation of CDWs could be built up. This would need to involve quantitative and qualitative research with CDWs and their families and is vital for further planning and targeting of interventions. Without greater knowledge and a more reliable data-base, governments cannot be persuaded to bring CDL fully into the legal framework¹²⁴, nor will they be inclined to take firm action on the issue of CDL¹²⁵.

In line with the Recommendation (190) to Convention 182, it is imperative that this data-base include not only a statistical analysis, but also that a qualitative understanding is developed with CDWs, their families and their employers. As the scope and scale of the problem of children in domestic labour is different among countries in Asia, context-related responses based on sound data and understanding need to be emphasised¹²⁶. Research should also focus on CDL trends within countries and between countries.

5. *Capacity building*

Much of the success of the work carried out with regard to CDL depends on the ability of implementing agencies to work efficiently within the system. Depending on the experiences of implementing partners available in the CDL sector this may require capacity building.

Along with the development of the enabling legal framework and adoption of CDL in the national agenda, community-based approaches to the prevention of and protection for CDWs are considered of importance in some of the literature available. Such approaches require a long-term strategy and skills in participatory development work are necessary. Relevant types of

¹²¹ Crawford, Sheena and Poulsen, Birgitte; op.cit; p. 30

¹²² innocenti digest No 5; op.cit; p. 10

¹²³ Interview with Mr. R.B. Raut, President, and Mr. K.N. Dahal, General Secretary, Democratic Confederation of Nepalese Trade Unions (DECONT); Kathmandu, Nepal; 30.08.2002; see the Nepal case study for further details

¹²⁴ Crawford, Sheena and Poulsen, Birgitte; op.cit; p.32

¹²⁵ interviews with government staff during the field visits to Indonesia, Nepal and Thailand clearly indicated the need for more information on CDL, especially statistical evidence of the number of children involved.

¹²⁶ Crawford, Sheena and Poulsen, Birgitte; op.cit; p.32

capacity building with implementing agencies might therefore be indispensable¹²⁷, such as, for example, the capacity of local authorities to monitor child domestic labour.

6. *Work with and in communities*

Experience in the Philippines has shown the fundamental value of involving the communities from the start of interventions, and of working in direct prevention. Although community-based work is time and resource demanding and requires particular skills and follow-up, it has been shown to be successful in several Asian countries.

Real connections to the community and being in contact with those affected, both in the places of origin and the places of work, is essential to being in a position to develop policies and interventions that will lead to positive impacts in the short and long term. Experience in direct prevention at the community level would seem to suggest that great impact will be gained through working at this level.

7. *Participatory approach, involving children, skills*

The development of more participatory approaches is central in increasing the chances of realistic planning and the setting of realisable indicators of achievement. Without participation, CDWs will always be seen as victims whereas, in numerous cases, they are capable of making positive life choices for themselves, and in support of their families¹²⁸. As was stated very clearly by an NGO in Nepal, children themselves (both CDWs and children of the employers) are important agents in awareness-raising about CDL and in bringing about a change in attitudes towards them and in their living and working conditions¹²⁹.

Though the market-worth of the skills training on offer for CDWs is often debatable, there is no doubt that *any* training opportunities can increase a CDW's sense of self-worth and can lead to a reduction in exploitation.

8. *Reporting on Child Domestic Labour*

There has been mixed success in getting CDL included in the general reporting on child labour by the governments. This is largely due to the prevailing unwillingness of governments and employers to recognise domestic work, including CDL, as "real work". The need for comprehensive reporting, however, is absolute as it would not only provide valuable national statistical data on CDWs but could also allow to include CDWs in labour inspections. More knowledge about the scope and circumstances of CDWs at national level would also contribute to the designing and implementing of effective policies and activities leading to the elimination of CDL. So far, most success in this field has been gained in the Philippines – with increasing recognition of domestic workers as professionals, and support for their unionisation¹³⁰.

9. *Long-term planning*

It is accepted that CDL demands immediate attention because of the sheer extent of the problem and the fact that they are vulnerable to severe exploitation and abuse due to their

¹²⁷ Ibid; p. 33

¹²⁸ Ibid; p.29-34

¹²⁹ interview with Ms. Ms. Sumnima Tuladhar; CWIN, 29.08.2002

¹³⁰ Crawford, Sheena and Poulsen, Birgitte; op.cit; p.26

cultural and physical invisibility as well as their separation from the protective influence of their parents¹³¹.

Positive impacts on the situation of child domestic workers, however, will take time and skilled resources. Achievements will tend to be limited and more individual and case-by-case over the initial short period of time. Since attitudinal and social changes are involved, much will have to be invested in long-term planning not only at the social level but also at the national economic level, especially when tackling some of the root causes of CDL such as poverty. Long-term planning will also be relevant when planning projects or interventions in relation to CDL. Discussions during the field visits reinforced that steps towards the elimination of CDL will have to be taken one at a time.

Following are some examples of such steps that, over time, would contribute to achieving sustainable, long-term impact with regard to the elimination of CDL:

- change the perception of domestic work throughout society
- organise, empower and mobilise communities so that they, themselves, prevent children from going into hazardous working circumstances
- promote the importance of education, emphasising its quality and access to it particularly among communities and families where children might be at risk to CDL
- influence local policies at local level to acknowledge the issue of CDL and to design and implement measures to combat it
- assist communities to gain greater access to social development services
- build partnerships with organisations that can promote alternative sustainable livelihoods in the communities.

9.2. *Improving the prevention, protection, withdrawal and reintegration of children in domestic labour*

Most project responses to CDL work on two basic premises¹³²:

1. that the relationship between the CDL and the family she or he works for must be recognised as an employment relationship, and
2. that there should be a 'bottom line' below which children should not be employed as CDL, whether this is due to their age or because they are in an abusive situation.

The nature of the projects incorporating these two basic premises varies. Some NGOs have developed innovative protective and preventative approaches to different aspects of the CDW's situation, depending on the local setting, the most conspicuous needs, and the organisation's own expertise. Some NGOs, such as the Visayan Forum in the Philippines, address the issue holistically. Practical responses can be grouped into the following categories¹³³:

- drop-in centres
- crisis intervention
- educational programmes, including non-formal and formal education and skills training
- social life, recreation, counselling

¹³¹ Blagbrough, J. ; *Action to combat child domestic labour – The Philippines experience*; op.cit.; p. 8

¹³² innocenti digest No 5; op.cit; p.8

¹³³ Ibid; p.8

The question remains as to how best advocate on behalf of CDWs. Should their employment be discouraged altogether? Should they be provided with education or health services? Or do they most need personal support and a social life?

Until now, interventions on CDW have been carried out using the following approaches:

Prevention

- for example, direct prevention including income-generation activities in the communities of origin, credit and saving schemes,
- advocacy, working with the communities of origin of CDWs both in the rural and urban areas, tackling the root causes of CDL such as poverty, community mobilisation, capacity-building, training, social appraisals, new legislation

Protection

- for example, shelters for abused children,
- could also include labour inspections, skills and literacy programmes, advocacy including with employers, referral and treatment where necessary, counselling, health checks

Withdrawal and Integration

- rescue from situations of hazardous work and abuse, providing refuge
- rehabilitation measures such as education
- new legislation covering domestic workers and CDWs (for example, the domestic workers' union SUMAPI in the Philippines)

The above is by no means an exhaustive list; instead, they are only a few examples in order to clarify what activities could be included when the terms prevention, protection, withdrawal and integration are used.

Prevention

A distinction needs to be made here between prevention measures, such as advocacy, which attempt to raise people's awareness of the hazardous nature of child domestic labour, and direct prevention measures which tackle the root causes of children in domestic work. Prevention includes measures such as bringing the issue to the public's awareness as well as advocacy with employers which can successfully improve the conditions for numerous CDWs.

Despite integrated measures being crucial, so far, there has been relatively little emphasis on direct prevention work with regard to the improvement of the situation of CDWs.

Preventative measures are essential to deter the projected increase of children entering domestic labour. It is important to involve local governments, national leaders and the mutual co-operation and assistance of the international community to create a long term sustainability of these actions.

Although many agencies can be said to be involved in prevention in some way or another - through advocacy and campaigning work, networking - more need to be actively involved in community development and empowerment which might actually prevent children entering domestic labour.

Most children in domestic work have no alternatives or negotiating power and, hence, can easily be taken advantage of. Society, especially the state sector must therefore pay attention to these children. The researchers of the Rapid Assessment for Thailand, for example, state that the “suppression of the worst forms of child labour must be carried in the place of child labour origin”¹³⁴ and that all children must attend school and that schools and teachers should be able to identify which children are at risk.

Schools and teachers on their own, however, are not sufficient to prevent or suppress the worst forms of child labour. There are other state agencies that must be concerned, such as the Ministries of Labour, Social Welfare, Education and Interior, and that should be encouraged to cooperate in developing child labour protection and management mechanisms suitable to protect children.

Greater emphasis needs to be placed on the recognition that prevention also involves preventing CDWs being pulled into worse circumstances (such as homelessness and prostitution).

Protection

Protection in the case of CDWs refers to, for example, ensuring that children are given the necessary rights while at work (in cases where they have to work), that they are not deprived of their right to schooling, that they do not suffer abuse, that they receive the assistance they need when they are in trouble and that they are protected by law as minors.

There are interventions that contain elements targeted specifically at the protection of CDWs though all tend to tackle protection in a different way. In some cases, the aim is specifically to “rehabilitate” the children and provide them with skills which may lead them to other employment. The Visayan Forum in the Philippines, or the National Domestic Workers’ Movement in India, are regularly called out to “rescue” children in need, and to house referrals from other services. The Visayan Forum also runs a hostel in the port area of Manila as a “safe base” for children arriving from the provinces without a workplace or employers to collect them. Other projects in the Philippines, for example, have a component providing shelter for abused children in domestic labour. These protection elements are thus part of a wider framework of work with children in domestic work. In Pakistan, on the other hand, less emphasis is put on protection in the here-and-now (other than in the form of medical check-ups), and more on the protection that education can offer for the future¹³⁵.

One of the issues for all organisations working with CDL is where, and how, to contact child workers. The argument is that if contacts are restricted to the public arena, for example, in parks, streets or schools, then the most vulnerable children will be missed. Community visits to employers may also miss these children. The numbers of extremely vulnerable children may be low – in comparison to the large numbers of CDWs in general – but they still need to be reached and to be protected. It is difficult to find the balance between reaching the widest possible numbers and also providing services for the most needy. It is partly for this reason that emphasis might be placed on prevention at the community level.

¹³⁴ Phlainoi, N.; op.cit.; p. 62

¹³⁵ C Crawford, Sheena and Poulsen, Birgitte; op.cit; p.18

Withdrawal and Re-Integration:

When it comes to discussing the withdrawal of CDWs from their workplace there are differing opinions as to what it could mean. There are those who advocate the withdrawal from the workplace of all CDWs below the age of 14 years¹³⁶, meaning the removal of the child from its working environment. Others promote the withdrawal of CDWs from their working environment in specific cases of severe ill-treatment or abuse and not the general withdrawal of CDWs of a certain age-group.

The plain removal of CDWs from their working environments, be they extreme forms of child labour or not, on its own, however, is not sufficient. Withdrawal programmes need to be integrated with alternatives to employment. In many cases, due to the abusive nature of their previous work, social and psychological rehabilitation will also be necessary in order for the child to be able to integrate back into society. Improved measures for withdrawal and re-integration (often also referred to as integration or rehabilitation) must include counselling programmes, medical assistance, the possibility of education and / or vocational training and skills development and non-formal training centres¹³⁷.

Re-integration is not simply a matter of integrating CDWs with their families or into “mainstream” society after having removed them from labour. In fact, in relation to CDL and, indeed, in relation to all child labour, tackling the issue of re-integration implies action and intervention at a number of different levels. It is, for example, possible to have a well-integrated child in domestic work. Ideally, such a child would be able to go to school, live with its family (or with the employer) while working reasonable hours at the home of the employer under acceptable working conditions and in a safe working environment, doing non-hazardous tasks appropriate for its age, developing a sense of responsibility and capabilities. Such a CDW would have the opportunity to get together with other CDWs, to build healthy social relationships outside the home of the employer and have access to counselling, if necessary.

Great care is necessary in assessing the appropriateness of any interventions which seek to reunite CDWs with their families. Children leave their homes and go to work elsewhere for a variety of reasons – but, if the situation at home were tenable, one assumes, they would not leave. Poverty has been identified as the main push factor for children leaving their homes but other factors are just as important, such as the search for education for example. Children may need to leave home to work because there is literally no room for them to live with their families once they pass a certain age. Other children leave abuse at home, to enter abuse in work. Whatever the reasons, there is little point in trying to return children to their families, unless the situation at home has improved. This is another reason why community-based direct prevention work is vital¹³⁸.

A broader and more comprehensive process of re-integration thus could involve the following components¹³⁹:

- mainstreaming the issues of CDL into the national agenda – at policy and practice levels
- tackling the root causes of CDL

¹³⁶ as, for example, the National Domestic Workers' Movement in India; see Black, M.; A handbook on advocacy Child Domestic Workers: Finding a voice; p. 19

¹³⁷ Tenorio, Airyn de; op.cit.; p.120-121

¹³⁸ Crawford, Sheena and Poulsen, Birgitte; op.cit; p. 29-34; Current research on this subject, by SC-UK in Haiti with Restaveks (CDWs) on this subject may be illuminating. The research is particularly important as it is being carried out by the CDWs themselves.

¹³⁹ Crawford, Sheena and Poulsen, Birgitte; op.cit; p. 20-21

- improving their working conditions and securing a safe working environment are necessary in cases where children need to continue working due to lack of options or alternatives
- assisting CDWs to get together, for example, in self-help groups, which will create a space for exchanging information, for building social relationships and being in contacts with others in a similar situation
- widening the opportunities for CDWs to increase their education and skills, preferably through mainstream education services
- providing special protection where necessary (for example, children in abusive situations)

Where does prevention stop?

There is another way of looking at the types of the above-mentioned approaches towards children in domestic labour. This perspective would see all interventions as preventive – since all action taken helps to prevent children falling into even worse circumstances¹⁴⁰. This would include prevention at all stages of the CDW process – that is, preventing children involved in domestic work from getting into worse circumstances and preventing the cycle from continuing by offering new opportunities for skills development to CDWs¹⁴¹.

9.3. Specific roles and contribution of the ILO's constituents

The ILO constituents are made up of representatives of the governments, workers' organisations and employers' organisations of the ILO member countries. Other central stakeholders include civic societies, social partners and communities.

With regard to the elimination of child domestic labour, it is necessary to establish a set of working relationships between all the stakeholders, or all sections of society including parents, children, employers, trade unions, NGOs, other interest groups and the general public.

In order to combat CDL all stakeholders and interest groups must work together. New strategies and methods of prevention, removal and rehabilitation must be developed and integrated into trade union policy, employer's agreements, public action programmes and governmental legal legislation for the eventual elimination of child domestic labour and the provision of alternatives.

The following recommendations for the specific roles and contributions of ILO constituents were brought up and discussed during field visits to Indonesia, Thailand and Nepal in August 2002:

¹⁴⁰ Ibid; p. 12

¹⁴¹ Ibid; p.28; Skills training has to fit into a wider, local, regional or national framework and be based on market predictions for saleable skills in the short as well the long term. Despite the benefits of offering any type of training, there will be little chance for sustainability of achievements if skills developed do not lead to long-term job opportunities.

Employers:

- use existing national networks of field offices and other contacts to raise awareness about the issue of CDL
- encourage members not to employ CDWs themselves. If it cannot be avoided, promote acceptable working and living conditions for CDWs among members of employers' organisations
- introduce a Code of Conduct among members opposing the employment of CDL

Trade Unions:

- Trade unions can use their far-reaching networks and institutions within their own structure, such as include child labour units, child labour committees¹⁴² to raise awareness about CDL.
- Trade Unions along with NGOs can be involved in the work towards the legal recognition of domestic workers as professional workers, covering such issues as working conditions, minimum wage, working hours and annual holidays. While this should not legalise CDL, it can be expected that CDWs will also benefit from this recognition in terms of having a higher bargaining power when it comes, for example, to working conditions and salaries.
- Trade Unions feel that they can provide the continuity (in the sense of being established organisations) that is needed in eliminating CDL as a Worst Form of Child Labour. Although the mere presence of Trade Unions does not guarantee the elimination of child labour in general and CDL in particular, they are convinced that their long and recognised presence in society puts them in an ideal situation to contribute effectively to the elimination of CDL.
- Code of Conduct among members to discourage employment of CDL, or at least endorse acceptable working and living conditions
- Workers' organisations can also contribute to the difficult role of organising CDWs in self-help groups, social get-togethers

Government:

- ensure appropriate legislation covering and protecting CDWs (such as, minimum age and working conditions)
- in consultation with worker's and employers' organisations and others, set indicators under which CDL falls in the categories of the Worst Form of Child Labour
- include CDL in National Plan of Action to Combat Child Labour
- involve local authorities in the monitoring of CDL
- promotion and implementation of relevant policies

A general comment during the field visits was that all those involved in the work with child domestic labour need to make better use of international legal mechanisms that are already in place and ensure that they are implemented.

No single group can achieve all of the above on its own. There must be collaboration between workers' organisations, government, interest groups, NGOs and employer's organisation in order for the elimination of child domestic labour to become attainable.

¹⁴² Tenorio, Airyn de; op.cit.; p.96

CONCLUSION

Without knowing the scope and the magnitude of child domestic labour in Asia, it is difficult to make immediate and consequential changes.

The demand for children in domestic work in certain regions of the world has never been greater. As adult workers prefer to take on higher paid factory jobs or to go abroad to work as migrant domestic workers, younger children find themselves in demand to work as domestic workers. These children are rarely, if at all, consulted regarding the work they are required to do or about their working conditions. Instead, it is the adults who make decisions about the children's working roles based on the needs and wants of the adults themselves.

Whatever its rights and wrongs, the practice of child domestic labour in Asia is likely to continue in the near future. Until it can be eliminated altogether, the best option might be to work towards improvements in the child worker's situation – such as a better status in the household, access to education, social activity, rest and recreation. In the right circumstances, child domestic work could be an important and acceptable form of child work which might, at times, offer children better chances of protection than they might have without this work. However, it also leaves a vast majority open to exploitation and abuse. For the time being, CDL can only be tolerated where this abuse and exploitation is stopped.

Given that the issue of CDL is still so “hidden”, and that the support for CDWs is relatively recent, the achievements to date are, at times, impressive. There are some countries where more has been achieved than in others. This is due to situations where a number of positive national circumstances have combined to allow the work to develop. In others, due to the prevailing political, social and cultural circumstances, circumstances have not been so positive as for successful interventions to be developed. In countries, where there has not been such intensive work on CDWs, for example Pakistan, it has been an achievement to bring the issue to some kind of national attention¹⁴³.

In general in Asia, however, advocacy work has had some impact. In most cases, this impact spreads beyond the area, and country, of activity. People in many places of the world are now much more aware of the issue of CDL than they were a decade ago although the actual number of children reached still remains low.

The report ‘A Future Without Child Labour’ sums up the important lessons learned in the following manner¹⁴⁴:

¹⁴³ Crawford, Sheena and Poulsen, Birgitte; op.cit; Annex 4 Pakistan; p. 4. In Pakistan, IPEC has been restricted to a very small-scale action programme providing protection and education to girl CDWs in Islamabad, and supporting the one national conference on the issue.

¹⁴⁴ Future without Child Labour; op.cit.; p.xiii

- the need to understand the problem of CDWs in Asia by thorough research and consulting with a wide range of stakeholder, including children
- the need for an integrated approach that combines prevention with rescue and rehabilitation
- the need for viable economic alternatives to be in place for families before children are withdrawn from labour
- the importance of local ownership of all project interventions
- the central role of education in any strategy to combat child labour
- efforts to combat child domestic labour must be firmly embedded in overall national economic and social policy frameworks

The issue of child domestic labour is a vital area for intervention. World-wide, there are likely to be many more tens of thousands of CDW than are formally recognised. ILO-IPEC, along with many other NGOs and organisations working in the field of CDL believe this occupation can be one of the worst forms of child labour especially when traditional childhood training becomes a job in which the child's development may be adversely affected.

Many of these children are in conditions that make their work a Worst Form of Child Labour. Others are still engaged in child labour – but in conditions that may be evaluated as tolerable and, in a few cases, even beneficial. As this background paper has shown, the ability of interventions to “turn around” the circumstances of CDWs so that they become acceptable, is likely to be crucial in continuing efforts to offer children not only protection in their work – but also to prevent their involvement in more, hazardous and exploitative forms of labour, such as prostitution, other commercial sexual exploitation, or illicit activity¹⁴⁵ and to contribute to the elimination of CDL as a worst form of child labour.

¹⁴⁵ Crawford, Sheena and Poulsen, Birgitte; op.cit; p. 7

COUNTRY CASE STUDY - THAILAND

Based on figures of the projected population of 1999, it is estimated that of about 4.7 million children aged 6-14 years in Nepal, 25.5% are economically active and about 4.4% are wage workers¹⁴⁶. Among the children working for a wage, almost 40% (about 83,000 children) work in the informal sector which is largely comprised of domestic labour¹⁴⁷. The ILO-IPEC / NLA Rapid Assessment estimates that 55,655 CDW work in the urban areas of Nepal¹⁴⁸.

Surveys on CDWs in Kathmandu and Pokhara by INSEC (1996) and Luintel (2000) reveal that CDWs in Nepal are mostly migrant children with almost half not receiving any pay. In comparison, the ILO-IPEC Rapid Assessment estimates that while 52.7% of CDWs do not receive a salary, 38.4% do¹⁴⁹. The INSEC and Luintel studies only focussed on households having CDWs and therefore cannot be used in estimating the overall incidence of CDL in Nepal. They are useful, however, in understanding some of the socio-economic characteristics of those CDWs included in the surveys such as that many receive room, board and clothing and that some may be allowed to attend school¹⁵⁰. The ILO-IPEC Rapid Assessment confirms this by stating that 32.5% of CDWs are currently going to school¹⁵¹. Among those interviewed for the ILO-IPEC Rapid Assessment, 64.3% of CDWs said that they work between 14-16 hours a day¹⁵² and a large number felt extremely lonely as they live in confinement and are not able to move around freely, often not seeing their family and friends for years¹⁵³.

Almost two-thirds of the respondents were in the age group of 10-14 years. Only 30% of the respondents were between 15-18 years old and 2% were below the age of 10 years¹⁵⁴. This is in contrast to other countries in South Asia where there seems to be a larger percentage of CDWs below the age of 10 years. The most important finding in the Nepal body of research, as already pointed out in Part 2, section 4.6 of the background paper (Gender dimensions in child domestic labour) and clearly documented in the ILO-IPEC Rapid Assessment is that 57 percent of all CDWs in Nepal are boys. That is, there is a majority of boys in an occupation which is traditionally and throughout the Asian continent perceived to be 'female'¹⁵⁵.

None of the CDWs interviewed came from the Dalit ethnic group, most likely because they are considered to be 'untouchable' in the traditional caste system, and are therefore not allowed to perform household activities in the homes of other castes. This in turn restricts them to other forms of labour. Significantly, roughly a quarter come from the 'Janajati' ethnic groups who were traditionally outside the caste system and thus not subject to some of the cultural taboos observed with other castes. An explanation for the dominance of Brahmins and Chhetris in domestic work could be that they are considered 'pure' and thus may seem more suitable for kitchen work¹⁵⁶. Brahmin boys are mostly recruited through networks of caste, communities and kinship; for example, a Brahmin family will send their sons to work for other Brahmin families

¹⁴⁶ Sharma, S.; et al; Nepal Situation of Domestic Child Labourers in Kathmandu: A Rapid Assessment; ILO-IPEC Investigating the Worst Forms of Child Labour No 3; November 2001; p. 1

¹⁴⁷ Ibid; p. 1

¹⁴⁸ Ibid; p.7; and Project Document; The Time-Bound Programme on the Elimination of the Worst Forms of Child Labour in Nepal; Kathmandu, Nepal; 2001; p.15

¹⁴⁹ Sharma, S. et al; op.cit.; p.20

¹⁵⁰ Ibid; p. 2

¹⁵¹ Ibid; p.22, this includes primary, lower secondary, secondary and higher secondary levels.

¹⁵² Ibid; p.19

¹⁵³ Ibid; p. 2

¹⁵⁴ Ibid; p.10

¹⁵⁵ Ibid; p. 10

¹⁵⁶ Ibid; p. 11-12

hoping that they will receive schooling or perhaps be offered a better job through the networks of urban Brahmin families.

1. POLICY DEVELOPMENT

Legislation

Different legislation in Nepal has defined children according to different age limits. The Labour Act 1992 defines "ketaketi" (children) to be below 14 years of age, while the Children Act 1992 defines "balak" (a child) to be below 16 years of age. The Labour Act also defines a "nabalik" (a minor) to be between 14 and 18 years of age. The Child Labour (Prohibition and Regularisation) Act 1999, however, defines "balak" (child) to be below 16 years of age and amends the definition of "ketaketi" in the Labour Act. As per national law, therefore, a child is defined as a person less than 16 years old and a minor is between 16 and 18 years of age¹⁵⁷.

The truly important issue is that the national legislation corresponds to the international conventions Nepal has ratified, including ILO Conventions Nos. 29, 105, 138 and 182 as well as the UN Slavery Conventions¹⁵⁸.

In the National Master Plan On Child Labour (2001-2010), the government has drawn up a policy framework stating that it intends to eliminate the worst forms of child labour by the year 2005 (this has just been changed to 2007) and all forms of child labour by the year 2010¹⁵⁹. Although there still are loopholes and a lack of resources that the government is struggling with, it has paved the way for NGOs and bilateral as well as multilateral organisations to work within the framework of this Master Plan.

Specific programmes with regard to child labour in the 9th Five-Year Plan (2054-2059) are the formulation on child labour policy, action plan and strategies, identification of target areas, awareness raising, income generation, rehabilitation, education and skill development programmes. The Plan has identified carpet factories, tea gardens and brick kilns for immediate elimination of child labour programmes with programmes on non-formal education and family reunion through the child development and rehabilitation fund¹⁶⁰. The 10th Five-Year Plan has clear policies and strategies towards the elimination of child labour which has been identified as a government priority.

Regulatory and Institutional Measures

The Children Act 1992 and Labour Act 1992 provide for the prohibition of the use of children below 14 years as labourers. Minors (children 14-16) are allowed to work only from 6 am to 6 pm, up to 6 hours a day, and 6 days a week. The use of children between 14 and 16 years as labourers is not allowed "in work that is likely to be harmful to their health or to be hazardous to their life"¹⁶¹.

A more comprehensive Act has been enacted more recently – the Child Labour (Prohibition and Regularisation) Act 1999. This Act nullifies or revises a number of Articles or Clauses in the

¹⁵⁷ National Master Plan On Child Labour (2001-2010); His Majesty's Government of Nepal; Ministry of Labour & Transport Management; Nepal; p.3

¹⁵⁸ There are important discrepancies, not so much with regard to the minimum age for admission to employment, but more so with regard to the age of admission to hazardous work - this should be 18 years as per the conventions Nepal has ratified.

¹⁵⁹ National Master Plan On Child Labour (2001-2010); op.cit.:p.10

¹⁶⁰ Ibid; p.10-11

¹⁶¹ Ibid; p.11

Children Act and in the Labour Act. The Act, which is yet to be implemented, lists different occupations as hazardous work and work environment; it also bars the use of children below 16 years of age in such activities or work. The new Act provides harsher penalties and has provisions for a Child Labour Elimination Committee and Child Labour Elimination Fund. The Child Labour Act, however, needs to be amended because the activities listed are not specific enough and not all activities indicated by ILO convention 182 are included. Most importantly, the informal sector and self-employment are not covered by the act¹⁶².

There are a number of other Acts that have provisions with regard to child labour or related issues. They are the Civil Code 1963, Begging Prohibition Act 1962, Traffic in Human Beings (Control) Act 1986, Some Public Offence and Punishment Act 1970, Army Act 1959 and Drug Trafficking (Control) Act.

The government agencies responsible for the legal enforcement of child rights and child labour consist of two Ministries. The Ministry of Labour and Transport Management is the government focal point for action against child labour in Nepal and hosts the Child Labour Section. The Ministry of Women, Children and Social Welfare has responsibility towards children from a child development perspective and is the focal agency on issues relating to domestic child labour.

2. THE KNOWLEDGE BASE

A small number of studies focussing on child domestic labour have been conducted, the most detailed one being the Rapid Assessment on the situation of child domestic labourers in Kathmandu carried out on behalf of ILO-IPEC by the National Labour Academy. Unicef as well as the NGO CWIN (Child Workers in Nepal Concerned Centre) have conducted short studies on child domestic labour in Nepal. GTZ has also carried out action research in this field.

ILO-IPEC is presently in the process of conducting a TBP Baseline, which will provide updated and reliable, sample-based data on domestic child labour in Nepal. ILO-IPEC is also in the process of incorporating questions on child labour and domestic child labour into the new nationally representative Nepal Living Standards Survey. This is co-operation with DFID, the World Bank and HMG/Nepal Central Bureau of Statistics. As in other countries in Asia, children working in private households in Nepal are not adequately covered in national household-based surveys.

Although the use of CDWs is common in Nepal, both among the lower classes and the affluent ones at urban level, a general lack of comprehensive knowledge at local and at national level does not allow for a thorough analysis of the incidence and nature of CDL in Nepal.

3. INTERVENTIONS

The interventions carried out so far with regard to child domestic labour mirror those agencies involved in the studies and research mentioned above. The main actors thus are ILO-IPEC, GTZ, Unicef and CWIN.

In the field of NGO interventions, CWIN is a member of the Task Force on Child Domestic Workers in Asia that has been initiated by the recent 2nd Regional Consultation on Child

¹⁶² Ibid; p.11

Domestic Workers in Asia (July 26-28, 2002) in the Philippines. CWIN co-operates with the Kathmandu Metropolitan Corporation in distributing leaflets about the minimum standards for CDL; while doing this, members of the organisation have come across several examples of 'good employers' who not only provide good working and living conditions to CDWs but also encourage them to either start or to continue their education¹⁶³.

CWIN reports that of all the calls received on its helpline last year, 40% were from child domestic workers¹⁶⁴. It is frequently involved in the rescues of ill-treated and abused CDWs and, with the support of paralegal organisations, has filed various cases in court on behalf of some of these children. While such court cases contribute to public awareness regarding CDL, some have been successful in obtaining compensation for CDWs.

CWIN, in co-operation with the National Human Rights Commission, has initiated a Code of Conduct among government employees and NGOs asking employers not to employ a child below 14 years of age as a domestic worker. Those who already employ CDWs are implored to follow basic standards that have been identified within the Code of Conduct. CWIN follows up on the acceptance and impacts of the Code of Conduct among NGOs, while the National Human Rights Commission follows up among civil servants.

Several Drop-In Centres for CDWs run by GTZ/CWISH (Children-Women in Social Services and Human Rights) as well as by the Kathmandu Metropolitan City (KMC) allow for CDWs to spend a few hours every day away from the employer's house. They have the opportunity to be with other children, to play and at the same time to follow a nine-month non-formal education curriculum that prepares them for the entry into formal education. Working with schools in the relevant areas and due to the crucial support of the employers, both organisations running the Drop-In Centres have been successful in enrolling a number of CDWs in formal education. KMC, with the support of ILO-IPEC, has also commenced the registration of CDWs in three of the 35 Wards in Kathmandu. It is planned to expand this to the remaining 32 Wards under the Time Bound Programme which will be implemented in the near future.

Two of the three Trade Unions have also adopted a Code of Conduct discouraging the employment of CDWs among their members¹⁶⁵. The third Trade Union implied that Codes of Conducts were not necessary for trade unionists who had the moral responsibility not to employ child labourers¹⁶⁶.

The Time-Bound Programme (TBP), the ILO-IPEC new approach to combating the worst forms of child labour, will be implemented in Nepal in the near future. In fact, along with El Salvador and Tanzania, Nepal is one of the first three countries in the world in which the TBP for the elimination of the worst forms of child labour will be implemented.

There has been consistent political support for the TBP in Nepal and it has been designed to form part of the Master Plan prepared by His Majesty's Government of Nepal. It has also been designed with a view to the Poverty Reduction Strategy Paper (PRSP), the 10th Five-year Plan and the process of decentralisation in the country¹⁶⁷. Of the 16 worst forms of child labour identified in the Master Plan, the TBP will specifically target seven selected worst forms of child labour within an overall time frame of seven years, one of which is child domestic labour¹⁶⁸.

¹⁶³ Interview with Ms. Sumnima Tuladhar CWIN, 29.08.2002, Kathmandu, Nepal

¹⁶⁴ Ibid

¹⁶⁵ interviews with Mr. R. B. Raut (DECONT), Mr. Bishnu Rimal (GEFONT), 30.08.2002, Kathmandu, Nepal

¹⁶⁶ Interview with NTUC, 30.08.2002, Kathmandu, Nepal

¹⁶⁷ TBP project document; op.cit; p. 3

¹⁶⁸ Ibid; p. 4. The other 6 selected worst forms of child labour are children in bonded labour, child trafficking for labour and sexual exploitation, child rag pickers, child porters, children in mining and child labour in the carpet sector.

The activities of the TBP are not designed to meet all the demands and needs identified in the Master Plan to eliminate the worst forms of child labour in Nepal. However, they will contribute significantly to creating an enabling environment and in building national capacity for the elimination of child labour at the national level.

4. THE WAY FORWARD

Trade Unions

Until now, the Trade Unions in Nepal have not played an important role with regard to CDL. During discussions, however, they stated that they see their role in enforcing the Code of Conduct among their members as well as in using their large national networks to raise awareness about CDL in Nepal. They feel that the feudal concept still existing in Nepali society needs to be removed in order to start improving the situation of CDWs¹⁶⁹.

An idea that was brought up during discussions with representatives of the trade unions was one of not directly unionising, but simply organising adult domestic workers in a way that will allow for an exchange of experiences, of building support networks and of seeking assistance from others – similar to a social movement against child domestic labour and for improved working conditions for adult domestic labour – which could be supported by the trade unions¹⁷⁰.

The Trade Unions state that since the Time-Bound Programme (which has been passed by the government) includes CDL as a Worst Form of Child Labour, it can now be talked about openly as an issue. They still see a difficulty in identifying employers of CDWs as CDL takes place in the informal sector. One approach to this, the Trade Unions believe, could be the threat of social exposure and pressure - this is something that employers are afraid of.

While Trade Unions support the registration of CDWs in the municipality, they do not want this to lead eventually to the legalisation of CDL. The registration should serve the purpose of having accurate data, of developing effective programmes improving the situation of CDWs and of eliminating CDL in the long term.

Trade Unions feel that while they can advocate on behalf of CDWs, the activities themselves need to be carried out by the government. They also request a common programme where the various unions can work together with the government, employers' organisations and NGOs.

Government

While the government has been forward in its policies towards child labour and in its support to awareness-creating measures, all those spoken to during the field visit strongly feel that the government needs to be stricter in enforcing the implementation of all existing policies regarding child labour, including CDL. The government itself has expressed this sentiment and feels that local bodies (Village Development Committees and District Development Committees) should be used increasingly to work on issues of CDL. Policies need to be realistic in order to reach those they are intended for; they also need to be accessible to those affected.

¹⁶⁹ interviews with Mr. R. B. Raut, DECONT, 30.08.2002, Kathmandu, Nepal

¹⁷⁰ meeting with NTUC, 30.08.2002, Kathmandu, Nepal

Employers

Employer's organisations in Nepal see their role in using their existing networks to create awareness about CDL. They believe in creating social pressure through increasing the visibility of 'good employers' and encouraging others to follow suit. They feel that the Code of Conduct will contribute to discouraging members from employing CDWs and to improving the situation of those CDWs who are already employed by members of the employer's organisations.

Unfortunately there was no opportunity to visit some of the Rotary and Lion's clubs in Kathmandu where there might be a vast potential and resources to tap into¹⁷¹.

Involvement of children

Most agencies involved in work with CDWs strongly believe in child participation and that children themselves, both CDWs and children of employers, need to be involved in any given way forward. Children are able to bring about tremendous change when they are given the dignity and appropriate responsibilities. Children can be involved as monitors, informers and advocates. Children as agents of change or as 'messengers of child rights' will be able to influence the actions of adults and of other children towards CDL¹⁷².

Child marriages

An issue particular to Nepal that has come out during the field visit is that of child marriages for domestic labour¹⁷³. Dr. Sharma explained that a large majority of child marriages lead to the newly married young girl to be effectively a CDW her new husband's family home¹⁷⁴. This occurs mainly in the rural areas and Sharma believes this form of CDL will have to be approached in awareness-raising campaigns and be incorporated into interventions focussing on CDL.

Further issues that were raised during the field visits and that need to be taken into consideration when deciding on the way forward are the following:

- the question of whether children working in hotels and restaurants should be included in CDL. The work they do is comparable to that of CDWs and in many cases, the circumstances are similar, too, as they often live with those who employ them.
- more work needs to be done in the field of prevention as most of the interventions at the moment concentrate on improving existing situations, withdrawals and integration
- how can CDL be made to figure in household surveys and in the national census; that is, how can questionnaires and surveys methodologies be adapted to capture the instances and conditions of CDW?
- more research is considered necessary on the contributions of CDWs to the national economy
- follow-up on what happens to those children who leave domestic labour is vital in deciding whether current approaches to CDL are successful

¹⁷¹ notion expressed by ILO-IPEC staff during the field visits

¹⁷² Interview with Ms. Sumnima Tuladhar CWIN, 29.08.2002, Kathmandu, Nepal

¹⁷³ Interview with Dr. S. Sharma; 28.08.2002, Kathmandu, Nepal

¹⁷⁴ it might be interesting to analyse relevant international literature on how marriages can be seen as an exchange of labour

COUNTRY CASE STUDY - THAILAND

Different societies and cultures interpret and understand social behaviours differently. Historically, in many Asian countries children have always contributed their labour to the family upkeep – for example, looking after cattle, helping in kitchen or in the paddy fields. The fact that a child was working was seen to be part of the child's learning process with, of course, the work assigned to children needing to be appropriate for their age and capacities¹⁷⁵. This aspect of differing cultural perceptions was pointed out at several meetings during the field visits in Bangkok.

Organisations working with children in domestic work in Thailand, such as the Foundation For Child Development (FCD), believe that there continues to be a high demand for CDWs in the Thai labour market¹⁷⁶. It is, however, difficult to recruit Thai children as, in general, they do not like to do domestic work due to its low image in society¹⁷⁷ and are therefore found to change jobs frequently. Thai children are known to prefer working in factories to being a full-time domestic worker in a household¹⁷⁸.

Children who immigrate illegally from neighbouring countries such as Myanmar, the Lao Republic, China and Cambodia have been found to be replacing Thai children in domestic work. This is due to the fact that they have no alternative but to accept low wages, longer working hours and other conditions that come with child domestic labour¹⁷⁹. In general, foreign child workers are subject to additional and much more severe abuse than Thai child labourers; in most cases they do not understand the language, they do not know anyone who might help and cannot expect police assistance because of their illegal presence in Thailand¹⁸⁰.

A recent study on the Worst Forms of Child Labour confirms that one of the categories that foreign child workers aged 12-17 years were found in is that of housework, while those aged 7 to 11 were often found to be working as babysitters¹⁸¹.

The situation that many of these immigrant children face is similar to the problems that Thai child labourers used to face. An important addition is the fact that those employers who hire immigrant CDWs illegally are likely to keep them even more secret than other forms of child labour.

The government emphasises that it is difficult to find CDL in Thailand as the 12-year compulsory education policy ensures that children will be 18 or 19 years old before they can enter the workforce (this policy, however, has not yet been enacted; at the moment compulsory education is for 9 years). The government also points out the fear of the trade policies of the World Trade Organisation (WTO) that boycott companies and countries where child labour is prevalent as

¹⁷⁵ Phlainoi, Nawarat; Thailand Child Domestic Workers: A Rapid Assessment; ILO-IPEC Investigating the Worst Forms of Child Labour No 23; Geneva; April 2002; p. 37

¹⁷⁶ Foundation For Child Development; Report on Child Domestic Workers in Thailand; Bangkok, Thailand; 2002; p. 1

¹⁷⁷ Interview with Mr. Kirasak Chantaracharaswat, Deputy Permanent Secretary, Ministry of Labour and Social Welfare, 26.08.02; Bangkok, Thailand; The low status of domestic work in general is reflected by even adults preferring to for a company that offers cleaning services rather than as a domestic worker.

¹⁷⁸ Interview with Mr. Kirasak Chantaracharaswat, Deputy Permanent Secretary, Ministry of Labour and Social Welfare, 26.08.02; Bangkok, Thailand

¹⁷⁹ Foundation For Child Development; op.cit.; p. 1

¹⁸⁰ National Child Labour Prevention and Solution Plan, 1997-2001, p.19

¹⁸¹ Phromphanthum, Vichitra; Study Report Subject: The Worst Forms of Child Labour; Proposed to: Ministry of Labour and Social Welfare; September 2002; p. 32

contributing to the fact that there is (officially) very little child labour in Thailand¹⁸². Records do show that child labour decreased by 18.4% within a 10 year-span from 1984-1994¹⁸³.

1. POLICY DEVELOPMENT

While the political will has been shown by successive Thai governments to eliminate child labour¹⁸⁴, in general, it is perceived that CDL is not an issue that has come to the public attention in Thailand. There is no policy that deals directly with the protection of domestic workers and children in domestic labour do not figure in the concept of child exploitation. There is, however, a policy that allows immigrants to do domestic work; although this is without clear protection¹⁸⁵. Even if the law covers some aspects of their work, it lacks protection in the basic rights - such as minimum wage and age, days off and other benefits.

The current Labour Protection Law in Thailand does not apply to domestic workers. In cases of torture or ill-treatment of domestic workers the only legal option lies in reverting to Criminal Law. There are no specific policies that relate to children in domestic work in particular, although some policies cover children in factories.

When the current Labour Protection Law was amended in 1998, it was initially suggested to include the protection of domestic workers, thus treating domestic workers as ordinary workers - due to opposition this suggestion was dropped in the second reading of the law¹⁸⁶. At this point in time only three types of protection are given to domestic workers under the law: they must receive a wage, they must have a minimum 6-day annual leave, and they are protected from sexual harassment¹⁸⁷. Since the minimum age of working in Thailand is 15 years of age, those CDWs who are between 15 years and above fall under this law and can use the above-mentioned provisions.

Thailand ratified the ILO Convention No. 182 in February 2001. While Convention 182 allows for domestic child labour to be identified as a type of hidden/underground form of child labour and at risk of being part of the worst forms of child labour, it is, however, not identified in any of the Thai national strategies relating to child labour. The National Plan to Combat Child Labour does not include CDL since it is only concerned with the formal and organised aspects of child labour, not with the informal ones.

The majority of CDWs in Thailand are unaware of their legal rights and as they are in an informal relationship with their employers they have no legal status.

As education is given much importance in Thailand, the Ministry of Education and the Department of Skill Development in the Ministry of Labour are responsible for those children who do not go to school. They conduct village and school surveys in order to track those children who are not attending school and provide vocational training for them as well as non-formal education. NGOs and temples also cooperate in tracking down children who have either dropped out of school or who have never been to school.

¹⁸² It must be taken into consideration that, just because there are no official records on the numbers of child labour in Thailand, this does not automatically mean that there is very little or no child labour in Thailand. Further, although children under 15 are not allowed to work by law, this again does not imply that there are no children below 15 years of age who are working.

¹⁸³ ?

¹⁸⁴ National Child Labour Prevention and Solution Plan, op.cit.; p. 20-21

¹⁸⁵ Foundation for Child Development; op.cit.; p.5

¹⁸⁶ interview with Associate Professor Lae Dilokvidhyarat, Director, Labour and Management Centre, Chulalongkorn University; 23.08., Bangkok, Thailand

¹⁸⁷ Ibid

The Child Protection Law is expected to be launched this year. The 8th National Economic and Social Development Plan (1997-2001) includes development opportunities for children in difficult circumstances which, when following the guidelines, could be taken to include CDL¹⁸⁸.

2. KNOWLEDGE BASE

There is a lack of detailed and sufficient information on CDL in Thailand. There is no quantitative or qualitative survey at the national level that could provide statistics or information about the characteristics of CDWs.

There are a number of individual studies on children in domestic work that have been identified. One is by the Foundation for Child Development, another the Rapid Assessment carried out by ILO-IPEC.

The government states that more research and data are indispensable in order to decide whether policies relating to CDL are necessary.

3. INTERVENTIONS

The results of the ILO-IPEC Rapid Assessment were presented in a national seminar, thereby contributing to the awareness-raising process in Thailand.

Very few organisations in Thailand specify CDWs as a separate major target group for programme interventions. In the majority of cases it is, instead, only approached when it is in combination with other issues of child labour. Although some individual social workers and organisations have been working on the issue (including in the northern parts of the country), it still does not appear to have become a wide social issue. Research on CDWs is currently being carried out in Chiang Mai.

Child Workers in Asia (CWA) is known to work on the issue of CDL. Unfortunately, a meeting during the field visit was not possible. Interventions carried out by CWA will have to be taken into consideration when looking at interventions in Thailand.

4. THE WAY FORWARD

It is strongly felt that the current Labour Protection Law needs to be extended in order to cover domestic workers. Instead of just three provisions being applicable to them, they should be regarded as ordinary workers and should thus be fully protected under the law.

The need to build up a social consciousness within Thai society and to make society aware of CDL was stated repeatedly. The understanding that CDWs are no longer automatically treated as part of the family, but that there are cases of exploitation occurring regularly needs to be fostered. This awareness-raising is considered to be the responsibility of NGOs¹⁸⁹ as the government does not seem to be aware that CDWs are at risk of being abused and exploited and thus is unlikely to initiate this topic from their end.

¹⁸⁸ Phromphanthum, Vichitra; op.cit.; p. 40

¹⁸⁹ Interview with Ministry of Labour

Since family houses are considered to be private property, authorities are prevented from searching individual homes. To enter a private home requires permission from a court of law based on suitable reasons, otherwise it is considered as trespassing. Therefore, a recommended option is to make the registration of CDWs and their employers mandatory so that, at least, quantitative information on CDWs will be available. This will also allow for necessary measures to be set up to provide protection and welfare to those CDWs who need it¹⁹⁰. It must, however, be studied carefully whether the registration of CDWs will lead to the legalisation of CDL and whether it is likely to have negative consequences for those who are with good employers. The impacts of such a registration on migrant CDWs who will not be able to be registered due to their illegal status in Thailand will also have to be considered (that is, will employers be even more secretive about a foreign CDW thus giving the CDW even less opportunities, for example, to find out about her/his rights, to meet with other CDWs and to contact those who could be of help in emergencies?).

In order to uncover the accurate number of children involved in domestic labour, it has been suggested to have researchers in the villages of origin at the time of three major festivals (New Year, Chinese New Year, Songkran) when working children are most likely to return to their homes. This will be a more precise way of identifying CDWs than trying to approach them in Bangkok or in other urban centres¹⁹¹. In metropolitan Bangkok, community health workers can be used to identify Thai and foreign children involved in domestic labour¹⁹². The mobility of child domestic labourers will, of course, have to be taken into account when trying to come up with precise numbers. In the Household Surveys, the National Statistical Office, apparently does ask about domestic workers in a household but does not go into details such as their age. Quantitative and qualitative surveys on CDWs should be added to the household survey¹⁹³. A few detailed questions about domestic workers (such as age, gender, place of origin, education) could shed light not only on the number but also on the profile of domestic workers and CDWs.

It is believed that in order to successfully raise CDL as a social issue in Thailand, employers must be appealed to on a humanitarian basis rather than through enforcing an employer-employee relationship¹⁹⁴. Employers also need to be motivated to provide their child employees with educational opportunities as a means to increase their future alternatives. They should be encouraged to see these children from a perspective of childhood rather than 'labour hood'. The idea of social monitoring through employers as well as children is gaining ground as a way to control CDL and to encourage an improvement in the situation of CDWs. There is faith that a strong Civil Society Movement can be one of the answers to CDL¹⁹⁵. In order to provide more alternatives to children and their families, this, however, needs to be in combination with agencies concentrating on preventive measures for children entering the job market, on educational opportunities and on income development at the place of origin.

In Thailand, the tendency of child exploitation through labour in general is decreasing due to the 12-year compulsory education system (still to be implemented), trade barriers of developed countries, strong social monitoring mechanisms and more alternatives for children. Nevertheless, underprivileged children and violence against children still persist, in particular when it comes to children engaged in prostitution and the exploitation of children in the drug

¹⁹⁰ Phlainoi, N.; op.cit.; p. 29

¹⁹¹ interview with Associate Professor Dr. Nawarat Phlainoi, Faculty of Social Sciences and Humanities, Mahidol University; 02.09.02, Bangkok, Thailand

¹⁹² Ibid

¹⁹³ Foundation For Child Development; op.cit.; p.1

¹⁹⁴ Interview with Associate Professor Lae Dilokvidhyarat, Director, Labour and Management Centre, Chulalongkorn University; 23.08.2002, Bangkok, Thailand

¹⁹⁵ interview with Associate Professor Dr. Nawarat Phlainoi, 02.09.02, Bangkok and Ms. Siriwan Romchatthong, Executive Director, Employers' Confederation of Thailand (ECOT), 03.09.02

trade¹⁹⁶. It is expected that once the 12-year compulsory education system is fully implemented by October 2002, child labour among Thai children will no longer be an issue. While the career of domestic work as such would remain, it is anticipated that older workers as opposed to children would enter it¹⁹⁷.

The ILO-IPEC Rapid Assessment on children in domestic labour in Thailand claims that their circumstances are not a priority for action in the context of the worst forms of child labour. Reasons for this include the fact that communities of origin, to a certain extent, have developed mechanisms and social networks to ensure confidence in the recruitment and conditions of their children into this labour market¹⁹⁸. Added to this and due to the successful expansion of education into the Thai rural areas, there actually is a scarcity of Thai CDWs. Domestic work is not as popular among children as other jobs and youth today prefer to undertake activities and professions that allow them to lead more independent lives and that have a higher status in society. Consequently, Thai CDWs have a higher negotiating power with their employers. When making such statements, the small sample size of the survey and the hidden nature and the difficulty of reaching children in domestic labour must, of course, be taken into consideration.

The increased number of foreign child workers, particularly from Myanmar, Cambodia and Laos, who are entering into domestic work to fill the gap¹⁹⁹ left by Thai children, add a new dimension to the issue of CDL in Thailand. Those at risk are not necessarily from the north-eastern region alone but from remote communities in any regions, including the border areas²⁰⁰. Interviews have revealed that the exploitation of foreign child labour is increasing. This emerging phenomena is caused by the fact that these children are illegal migrants and are thus vulnerable to exploitation. They are cheap labour (at times even bonded labour) and have no legal status or protection under Thai law. In fact, while Thai children might not be severely at risk, the labour group of foreign CDWs could be the next target for the worst forms of child labour.

¹⁹⁶ Phlainoi, N.; op.cit.; p.29

¹⁹⁷ Ibid; p.36

¹⁹⁸ Ibid; p.16

¹⁹⁹ Ibid; p.16

²⁰⁰ Ibid; p.63

COUNTRY CASE STUDY - INDONESIA

From the research that has been undertaken, it has become clear that the issue of child domestic labour in Indonesia is not only a serious issue, but that it is also one that has been overlooked for a long time – in terms of public consciousness, in official statistics, in reports and studies on child labour and in any kind of protective legislation²⁰¹.

Estimates as to the total number of domestic workers, and thus child domestic labour, fluctuate greatly. There are no reliable figures for Indonesia as a whole as most of the research until now has concentrated on the urban areas. A compilation of available figures in 1995 vary from 1.4 million to 1.6 million domestic workers in the greater Jakarta area. Others maintain that the number of domestic workers in cities is almost the same as the number of households and estimates the number for the Greater Jakarta Area to be anywhere between 1.6 to over 2 million domestic workers. One survey estimates the number of child domestic labour (under 18 years) to be 55 % of all domestic workers; another claims that those between 13 and 18 years of age make up a more moderate 39.5% of all domestic workers. Out of these it is found that over 90% contacted during a telephone survey were girls. While around 30% of domestic workers were found to be under 15 years of age, hardly any children under the age of 12 were found. The single largest category of child domestic labour was found to be in the age range of 13-18 years²⁰². A more recent study found that all child domestic labour in Jakarta are migrants from West Java, Central Java and South Sumatera (Lampung)²⁰³.

The Central Board of Statistics (CBS) data of 1999 estimates 23% (70,792 children) of domestic workers are between the ages of 10-18 years²⁰⁴. This is generally considered to be a low estimate.

1. POLICY DEVELOPMENT

As in other Asian countries, poverty has been identified as one of the major reasons for children in domestic work in Indonesia. This was stated repeatedly in discussions during the field visits, specifying that one of the impacts of the economic crisis in Indonesia has been an increase in the number of children working in domestic work. In addition, poor education (while 99% of children attend elementary school, only 55% go on to secondary school and only 32% complete high school) and cultural attitudes towards children in domestic work are cited as the main reasons for children to work as child domestic workers²⁰⁵.

The minimum working age in Indonesia is 15 years of age. Indonesia ratified Convention 182 (law No. 1/2000) and, consequently, a National Committee on the Worst Forms of Child Labour was established by Presidential Decree. On August 13th, 2002, a further Presidential Decree published a National Plan of Action on Child Labour. In it, child domestic work has not yet been identified as a priority sector for the first five years. However, it is being considered and will be worked on as an issue during the next five years. Once the hazardous forms of child labour have been defined, the intention is to include child domestic labour as a hazardous form of child labour. Following this, a Ministerial Decree can be made towards the protection of CDWs.

²⁰¹ Blagbrough, Jonathan; Child Domestic Work in Indonesia, A preliminary situation analysis; London; June 1995; p. 14

²⁰² all figures taken from Ibid; p.15-16

²⁰³ Child Domestic Workers in Urban Areas: A Study for Raising Awareness Campaign; Centre for Societal Development Studies, Atma Jaya Catholic University; Jakarta, Indonesia; March 2002; p. 3

²⁰⁴ Ibid; p. 2

²⁰⁵ these points were raised in discussions during the field visit

Both the Ministry of Manpower and Transmigration as well as the Ministry of Women Empowerment have recommended a one-day off a week for child domestic workers.

The PRADA, a set of local government regulations for Jakarta published in 1995, include domestic workers, though not child domestic workers specifically. The regulations particularly touch on wages, working conditions and time off for domestic workers. The Governor, however, has not yet decided on a minimum wage for domestic workers. It is expected that this will most probably be different from the general minimum wage, taking into account the fact that many of those who employ CDWs are from the lower middle class and will, therefore, not be able to spend a large amount on wages for a domestic worker. An average wage for a domestic worker in Jakarta is between 150.000 to 400.000 Rupiah a month (US\$ 17 to 46). The minimum wage for a labourer is 600.000 Rupiah. It would be almost impossible for such a labourer to pay the minimum wage to a CDW.

There is doubt amongst those met during the field visit whether these regulations have been publicised enough for people to be aware of them. If citizens really know about such regulations, the question remains as to how much they know about them and how far they are implemented. It seems that only a few people are aware of these regulations and they are not enforced by any means.

In Indonesia, as in most Asian countries, children in domestic work are part of the informal sector and thus do not fall within any of the labour sectors and are not covered by general labour laws. It was suggested in one of the meetings that the Ministry for Manpower and Transmigration needs to redefine the term and understanding of 'labour' in order to include child domestic workers.

2. KNOWLEDGE BASE

Like in many other countries in Asia, there is no comprehensive set of information available about the situation of CDWs in Indonesia. A few studies have been conducted and only a little research has been done in the area. NGOs use statistics found in the National Survey on Employment (1999) which utterly underestimates the number of children in domestic work (those below 18 years of age). According to the survey there would be roughly only 70.000 CDWs in Jakarta. As this figure has been published by the Government Statistics Bureau it is the only official figure as such that can be consulted – even though it is only an assumption.

In June 1995, a preliminary situation analysis on child domestic work in Indonesia was carried out by Jonathan Blagbrough of Anti-Slavery International, London²⁰⁶. In it, Blagbrough refers to a study conducted in 1992 by Wiladi Budiharga for the Research and Documentation Centre for Manpower and Development. Blagbrough considers this to be one of the most important studies carried out in the field of child labour and domestic workers in general in Indonesia²⁰⁷.

GTZ (German Agency for Technical Co-operation) recently funded a three-month research into child domestic workers in Jakarta, Surabaya, Semarang and Yogyakarta.

ILO-IPEC has carried out a Rapid Assessment on Child Domestic Workers. The report is not yet completed but is expected to be available soon. The Rapid Assessment covers Bali, Surabaya and Jakarta and should provide detailed information on child domestic workers in those three

²⁰⁶ Blagbrough, J.; op.cit.

²⁰⁷ Ibid; p. 14

areas. A study focussing on child domestic workers in Surabaya carried out in the year 2000 (available in Bahasa Indonesia) will be incorporated into the final version of the Rapid Assessment.

A more recent study on child domestic labour in the urban areas was carried out by the Centre for Societal Development Studies of the Atma Jaya Catholic University²⁰⁸.

According to local government regulations, all over Indonesia, domestic workers have to be registered with / reported to the local authorities as part of the information on the household. This information is then used for statistical purposes. It is not yet being used for analysis or devising strategies regarding child domestic workers. It could, nevertheless, be one of the sources for statistical data as well as for the further analysis and planning of interventions.

The gathering of knowledge and information about CDWs is made more difficult by the issue of privacy and the strong belief that what happens in a house is private and is up to the family alone. It is therefore left to the family how they treat a domestic worker. Due to the strong traditional cultural attitude that a CDW is part of the family, only very few employers would openly admit to employing a CDW. This adds to the difficulty of reaching and working with CDWs.

The currently available information tends to look more at domestic workers in general, rather than at CDWs in particular.

3. INTERVENTIONS

In general, there is a lack of enforcement of those regulations that are available (for example, local government in Jakarta, Prada) as well as of ILO Convention 182.

Several interventions, although small and scattered, with regard to children in domestic work have been carried out recently.

In August 2002, a group of NGOs made a declaration on domestic workers (covering, for example, protection for domestic workers). This has been handed over to the Ministry of Manpower and Transmigration and will be examined by the legal bureau of the ministry.

The NGO-network JARAK has recently introduced the "Weekly Rest Campaign" which campaigns for a one-day off, or a day of rest per week, for CDWs. At this point, it was pointed out by JARAK representatives, that one needs to be careful with campaigns that concentrate on financial aspects such as a minimum wage²⁰⁹. If the regulation is too strong, it is feared that those children who depend on the job might lose it.

Besides the research on the condition of child domestic workers, GTZ has carried out a number of small-scale interventions such as child advocacy in Surabaya and public and parent awareness-raising in Yogyakarta and Jakarta. A partner organisation of GTZ has worked with parents in the villages of origin of child domestic workers and has also been giving training to CDWs on their rights and conditions. All the children they have worked with are below 18 years of age.

²⁰⁸ [Child Domestic Workers in Urban Areas: A Study for Raising Awareness Campaign](#); op.cit.

²⁰⁹ Meeting with JARAK representatives, 19.08.2002, Jakarta, Indonesia

In August 2002, GTZ and JARAK organised a workshop on domestic workers within the Ministry of Manpower and Transmigration. The objectives of the workshop were to share the results and experience from GTZ-supported activities in the field of CDL and to develop a strategy and action plan for the future. It was attended by approximately 100 people and received coverage in both the Indonesian and English press.

Following the recommendations from this workshop, the Ministry of Manpower and Transmigration has 'accepted' or 'recommended' that child domestic labour be seen as 'workers'. This is, however, not an official or formal recognition as domestic work falls within the informal sector – hence a legal recognition is not possible.

In a paper kindly provided by GTZ Jakarta, two NGOs in Yogyakarta are referred to that have been running activities with child domestic labourers below the age of 18 for several years²¹⁰. The short paper also accounts for the different approaches towards CDL by different institutions with NGOs in Jakarta focussing on child labour and education, the NGOs in Surabaya focussing on abuse of and violence against children and women, while the NGOs in Yogyakarta work with domestic workers (children and adults) and migrant workers²¹¹.

Interestingly, in Yogyakarta, a trade union representing the concerns of domestic workers was started by domestic workers at the end of 2001. This was facilitated by an NGO and there are currently approximately 25 members. Unfortunately, more information on this association was not available during the field visit.

IPEC is about to implement an Action Programme on Child Labour with the working title of "Participatory Action Research to Progressively and Effectively Eliminate Child Domestic Workers in Greater Jakarta".

4. THE WAY FORWARD

As expressed by several government officials, the government must recognise CDL as a worst form of child labour, therefore prohibiting it by law and eliminating it in the near future. Officials from the Ministry of Manpower and Transmigration feel that the Ministry should do this within the new National Plan of Action on Child Labour. It was strongly expressed that regulations covering working conditions and hours of work are necessary. A balanced situation must be created between the need of CDWs and the capacity of society to implement these regulations. Regulations should be based on the tripartite concept and a system of protection needs to be developed for those children who are ill-treated and abused.

Some NGOs strongly insist that the right of the child should be a priority when thinking about the way forward. While government regulations undoubtedly will be a powerful intervention, the elimination of CDL needs to happen step-by-step, taking into account the possibility of alternatives. The enforcement of such regulations needs to be followed up. It is agreed widely that the minimum wage for domestic workers might have to be separated from the general minimum wage in Indonesia as those employing domestic labour themselves often only receive a minimum wage. This opinion was strongly reinforced by the Trade Union representative.

²¹⁰ Report on Dr. Christa Wichterich's visit in Indonesia (July-August 2001), p.1

²¹¹ Ibid; p.1

All those involved in discussions during the field visits have reiterated that more research on CDL in Indonesia is absolutely necessary. Although scattered information about CDL seems to be available, there is insufficient comprehensive knowledge as well as capacity regarding this issue among NGOs, the government sector and employers / workers organisations. A sound knowledge of the dimensions of the problem, including statistics, is essential. A need for research looking at the real reason for children entering domestic work was expressed. Based on such a survey, government regulations can be formulated and interventions can be planned tackling those causes of CDL that have been identified.

ILO-IPEC Jakarta articulated the need for a survey on employers in order to present a complete picture of the situation of CDWs in Indonesia. While it is understood that the government needs to set up minimum standards and requirements, common standards also need to be established, for example, on “good domestic workers”, “good employers” and “good brokers”.

ROLE OF ILO CONSTITUENTS (AS EXPRESSED BY THOSE SPOKEN TO) :

The following summarises how the ILO constituents in Jakarta perceive their own roles in the way forward in their work with child domestic labour.

NGOs: continue the “Weekly-Rest-Campaign” and work towards making it into a government regulation. A coalition among NGOs can inform the government of the situation of CDWs and help formulate policies. NGOs see their role in awareness-raising on the issue, in working on the aspect of prevention of CDL and in providing non-formal education.

Trade Union: The Trade Union also sees its role in awareness-raising at district, regional and national level. Child labour is a regular topic in their newsletter, with the next edition completely devoted to CDL. In addition, the Trade Union also sees its role in negotiating with employers as well as the government, not only regarding working conditions but also regarding the quality of life of child domestic workers. The Trade Union believes that if the general condition of employees is improved, then there will also be an improvement in the condition of domestic workers. Employers need to be encouraged to fulfil their social obligations towards society and this will have a positive, long-term impact on CDWs.

Employers: The Employers’ Association has agreed that the enforcement of new regulations will be difficult (as in the case of 1995 ruling that all children must go to school for at least 9 years and which is not yet being enforced), especially when a job is at stake. Employers feel that the initial steps in any new regulations regarding CDWs should focus on issues such as working hours and weekly rest, while the question of salary should be the last step.

Government: Within the Ministry of Manpower and Transmigration discussions are being held on declaring CDL to be prohibited in 20 years time (by 2022). One government official felt that the government should encourage the elimination of CDL through local governments and that society must be involved in monitoring the occurrence of child domestic labour. It is suggested that regulations to begin improving the situation of children in domestic labour should concentrate on the age of domestic workers (need to be above 18 years of age) and the weekly day of rest. The government agreed that the topic of salary would be more difficult to approach. There appears to be a personal commitment within the Ministry of Manpower and Transmigration government to eliminate child domestic labour.

So far, actions in Indonesia have concentrated on child labour in the agricultural sector as this is where 60% of child labour can be found. As stated by the Ministry of Manpower and

Transmigration, guidelines for policy makers regarding child labourers in the agricultural sector are being worked on and it is hoped to follow these with similar guidelines on children in domestic work.

ILO-IPEC: ILO constituents stated that IPEC should be involved in advocating with all concerned stakeholders. Besides providing financial backing, it is expected to provide the technical know-how and stimulate co-operation amongst these stakeholders.

The sharing of information and using the strengths of those organisations involved in the field of CDL, such as the strength of NGOs in advocacy, were seen as being essential in the way the forward towards a set of regulations covering child domestic workers.

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THE UN CONVENTION ON THE RIGHTS OF THE CHILD (CRC)

The implementation process of the *UN Convention on the Rights of the Child* (1989) has brought international, regional and national focus onto children's issues and has created broad coalitions of groups that share related child rights and welfare aims.

In analysing the situation of child domestic workers, the CRC provides a set of useful norms to determine how far their childhood is actually or potentially being abused. The rights set out in the Convention which child domestic workers often do not, or may not, enjoy are as follows²¹²:

- *Non-discrimination, on grounds of ethnic or social origin, birth or other status (Article 2)*
- *To be cared for by his or her parents (Article 7)*
- *To preserve identity, nationality, name and family relations (Article 8)*
- *To maintain regular contact with parents if separated from them (Article 9)*
- *Freedom of expression (Article 13)*
- *Freedom of association (Article 15)*
- *To be brought up by parents or guardians whose basic concern is his or her best interests (Article 18)*
- *Protection from physical or mental ill-treatment, neglect or exploitation (Article 19)*
- *Conditions of living necessary for his or her development (Article 27)*
- *Education (Article 28)*
- *Rest, leisure, play and recreation (Article 31)*
- *Protection from economic exploitation and from performing any work that interferes with his or her education or is harmful to his or her mental, spiritual or social development (Article 32)*
- *Protection from all forms of sexual exploitation and sexual abuse (Article 34);*
- *Protection from abduction, sale or trafficking (Article 35)*
- *Protection from cruel or degrading treatment, and arbitrary deprivation of liberty (Article 37)*

²¹² Black, M.; *A handbook on advocacy Child Domestic Workers: Finding a voice*; op.cit.; p. 2

FIELD VISITS

Indonesia, 18-22 August 2002

- ILO-IPEC staff members
- Mr. Achmad Marzuki, JARAK (NGO network)
- Ms. Ari Sunarijati, BUPERA, FSPSI Ref.
- Mr. Bambang S., YKAI
- Mr. Haryono, DPP Apindo, The Employers' Association of Indonesia
- Ms. Arum, BUPERA, FSPSI Ref.
- Mr. Handoyo, Ministry of Manpower and Transmigration
- Mr. Alan Boulton, Director, ILO, Jakarta
- Dr. Zulmiar Yanri, Director of Occupational Safety and Health Standards, Directorate General of Industrial Relations and Labour Standards, Ministry of Manpower and Transmigration
- phone conversation with Mr. Riza Tadjoeidin, GTZ

Thailand, 23-27 August, 2002, 1-3 September 2002

- ILO-IPEC staff members
- Ms. Siriwan Romchatthong, Executive Director, Employers' Confederation of Thailand (ECOT)
- Ms. Rakawin Leechanavanichpan, Coordinator, Homenet, Thailand
- Associate Professor Dr. Nawarat Phlainoi, Faculty of Social Sciences and Humanities, Mahidol University
- Ms. Wanee B. Thitiprasert, Programme Officer, Committee for Asian Women (caw)
- Mr. Tim de Meyer, Specialist on International Labour Standards and Labour Law, ILO
- Mr. Herve Berger, Project Manager/CTA Mekong Project to Combat Trafficking in Children and Women, ILO-IPEC
- Phone conversation with Ms. Khemporn, Foundation for Child Development
- Associate Professor Lae Dilokvidhyarat, Director, Labour and Management Centre, Chulalongkorn University
- Mr. Kirasak Chantaracharaswat, Deputy Permanent Secretary, Ministry of Labour and Social Welfare, Chairman of NSC of IPEC Thailand

Nepal, 23 August – 1 September, 2002

- Ms. Leyla Tegmo-Reddy, Director, and ILO-IPEC staff members
- Dr. Shiva Sharma, Executive Director, National Labour Academy (NLA)
- Mr. Ramesh Chandra Adhikari, Under Secretary & Mr. Sita Ram Uprety, Under Secretary, Ministry of Labour & Transport Management (MOLTM)
- Mr. P. Pathak, Joint Secretary, Ministry of Women, Children and Social Welfare (MOWCSW) and Mr. Deepak Sapkota, Director, Central Child Welfare Board (CCWB)
- Ms. Sumnima Tuladhar, CWIN
- Mr. R.B. Raut, President, and Mr. K.N. Dahal, General Secretary, Democratic Confederation of Nepalese Trade Unions (DECONT) & Team

- Mr. Bishnu Rimal, Secretary General, General Federation of Nepalese Trade Unions (GEFONT) & Team
- Mr. Ganesh Niraula, Treasurer, and Mr. Puskar Acharya, General Secretary, Nepal Trade Union Congress (NTUC) and Team
- Mr. Megh Nath Neupane, Executive Director, Federation of Nepalese Chambers and Commerce Industry (FNCCI)
- Wrap-up meeting with ILO-IPEC staff
- Field visit to GTZ/CWISH's drop-in-centres, Mr. Milan Dharel, Development Officer, CWISH
- Field visit to ILO-IPEC/KMC' s drop-in-centres, Raju Shrestha, Programme Officer, Kathmandu Metropolitan city (KMC); Mrs. H.D. Ranjitkar, Head of Social Welfare Department, KMC