

Pre-situational analysis report on child labour and working conditions in artisanal small-scale mining communities in the Philippines

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Table of contents

Abbreviations	iv
Executive summary	1
1. Objectives	3
2. Methodology	Error! Bookmark not defined.
2.1 Discussions for objective 1.....	Error! Bookmark not defined.
2.1.1 Macro perspective.....	Error! Bookmark not defined.
2.1.2 Meso perspective	7
2.1.3 Provincial and municipal ordinance	7
2.1.4 Provincial and municipal government offices	9
2.1.5 Municipal levels.....	11
2.2 Municipality Miners' Associations	Error! Bookmark not defined.
2.2.1 Camarines Norte	Error! Bookmark not defined.
2.2.2 South Cotabato	13
2.3 Situation of children in ASGM communities	Error! Bookmark not defined.
2.3.1 Camarines Norte	Error! Bookmark not defined.
2.3.2 South Cotabato	Error! Bookmark not defined.
2.4 Working conditions in ASGM industries.....	Error! Bookmark not defined.
2.4.1 Camarines Norte	Error! Bookmark not defined.
2.4.2 South Cotabato	15
3. The case of child labour free ASGM in T'boli, South Cotabato .	Error! Bookmark not defined.
3.1 Discussions for objective 2.....	16
3.1.1 Component 1.....	Error! Bookmark not defined.
3.1.2 Component 2.....	2Error! Bookmark not defined.
3.2 Discussions for objective 3.....	Error! Bookmark not defined.
References	Error! Bookmark not defined.
List of appendices	31
Appendix 1. Definition of terms (CARING-Gold Working Project, n.d.)	Error! Bookmark not defined.
Appendix 2. General descriptions of Labo and Paracale, Camarines Norte and T'boli, South Cotabato	3Error! Bookmark not defined.
Appendix 3. Key stipulations in national laws, provincial-municipal ordinances, presidential decrees and executive orders on ASGM, child labour and working conditions.....	36
Appendix 4. Drawn images of tools used in small-scale which are also used by children who are engaged in ASGM in barangays Kematu and Desaw, Municipality of T'boli	41
Appendix 5. Sample form of small-scale monitoring used in the Province of South Cotabato	42
Appendix 6. List of attendees in focus group discussions in Sitio Elubog, Tunnel of barangays Kematu and Desaw and names of interviewed key informants.....	43

Abbreviations

ASGM	Artisanal and Small-Scale Gold Mining
ASGM TWG	Artisanal Small-Scale Gold Mining Technical Working Group
BADAC	Barangay Anti-Drug Abuse Council
BCPC	Barangay Council for the Protection of Children
BLGU	Barangay Local Government Unit
BWSC	Bureau of Workers with Special Concerns
CBMS	Community-Based Monitoring System
CCT	Conditional Cash Transfer
CNPIA-SBM/SBM	Camarines Norte Provincial Inter-Agency Sagip-Batang Manggagawa/ Sagip Batang Manggagawa
CSO	Civil Society Organization
DENR	Department of Environment and Natural Resources
DepEd	Department of Education
DILG	Department of the Interior and Local Government
DISSMA	Desaw Integrated Small-Scale Mining Association
DKSK	DOLE's <i>Kabuhayan para sa Magulang ng Batang Manggagawa</i>
DOH	Department of Health
DOLE	Department of Labor and Employment
DSWD	Department of Social Welfare and Development
DWO	Desaw Women's Organization
ECCD	Early Childhood Care and Development
EMB	Environmental Management Bureau
EMS	Environmental Management System
ENRAMIS	Environment and Natural Resources Accounting and Management Information Service
EO	Executive Order
EWO	Elubog Women's Organization
FGD	Focus Group Discussion
ILO	International Labour Organization
IP	Indigenous Peoples
IPRA	Indigenous People's Rights Act
KALAHI-CIDDS	Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services
KKSSMAI	KuluKmotu Small-Scale Mining Association Incorporated
LGU	Local Government Unit
LLCO	Labour Law Compliance Officer
MACLC	Municipal Anti-Child Labour Committee
MCPC	Municipal Council on the Protection of Children
MEMO	Municipal Environment Management Office
MENRO	Municipal Environment and Natural Resource Office
MGB	Mines and Geosciences Bureau
MMA	Municipal Miners' Association
MNAO	Municipality's Nutrition Action Office
MNO	Municipal Nutrition Office
MOU	Memorandum of Understanding
NCLC	National Child Labour Committee
NCPC	National Crime Prevention Council
NCSSM	National Coalition of Small-Scale Miners

NGO	Non-Government Organization
OFW	Overseas Filipino Worker
OSH	Occupational Safety and Health
OSY	Out-of-School Youths
P/CRMB	Provincial/City Mining Regulatory Board
PACLC	Provincial Anti-Child Labour Committee
PCPC	Provincial Council for the Protection of Children
PCWC	Provincial Council for the Welfare of Children
PD	Presidential Decree
PED	Persons with Disabilities
PEENRA	Philippine Economic-Environmental and Natural Resources Accounting
PEMO	Provincial Environment and Management Office
PENRC	Provincial Environment and Natural Resources Council
PENRO	Provincial Environment and Natural Resources Office
PESO	Public Employment Service Officer
PIACAT	Provincial Inter-Agency Committee Against Trafficking
PMRB	Provincial Mining Regulatory Board
PO	Provincial Ordinance
POCRWC	Provincial Ordinance on Child Rights and Welfare Code
PPACL	Philippine Programme Against Child Labour
PPMED	Planning, Programming, Monitoring and Evaluation Division
PPS	Planning and Policy Service
PPSO	Planning and Policy Studies Office
PSA	Pre-Situational Analysis
PSSMA	People's Small-Scale Mining Area
PUDO	Public Desk Officer
RA	Republic Act
SALIGAN	Sentro ng Alternatibong Lingap Panligal
SCD	Statistical Coordination Division
SEC	Securities and Exchange Commission
SME	Small-Medium Enterprise
SSMC	Small-Scale Mining Contract
SSMP	Small-Scale Mining Permits
SOPA	State of the Province Address
T/FCSSMA	Tolik/Fagalas Clan Small-Scale Mining Association
TESDA	Technical Education and Skills Development Authority
TISSMCAI	T'boli Integrated Small-Scale Mining Contractors Association Incorporated
TVI	Technical Vocational Institutes
TWG	Technical Working Group
VAWC	Violence Against Women and Children

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EXECUTIVE SUMMARY

In this pre-situational analysis (PSA) qualitative report, the study revolved around three interrelated points, namely: (a) key points of analysis – general and area specific; (b) recommendations to address child labour issues and concerns; and (c) recommendations to improve working conditions in artisanal small-scale mining (ASGM) communities in the municipalities of Labo and Paracale, Camarines Norte and T'boli Municipality, South Cotabato.

General key points of analysis. ASGM is largely informal in the country. As an unregulated mining activity, its contribution to the economy, its issues and role in the lives of many small-scale miners have remained undocumented and unaddressed. This lack of interest on the nature of small-scale mining was generally the case in-between 1990's to 2010 (Gutierrez, 2015) despite the creation of Republic Act (RA) No. 7076 or The People's Small-Scale Mining Act of 1991. With the current administrations' strong stance against large-scale mining operations in the country specifically with President Duterte's support over Department of Environment and Natural Resources (DENR) Secretary Ms Gina Lopez's position against so-called erring and unregulated mining operations, how does the government frame the status of ASGM? This is one concern that sets the need to look into the way the government treats and regards ASGM in the country. This also grounds the first key point of analysis in the PSA report – a policy ecology analysis especially between laws governing large-scale mining and small-scale mining (SSM).

In the study, part of the recommended goal is: (a) to amend RA No. 7076 and Presidential Decree (PD) No. 1899 to make it more responsive to the needs of artisanal and small-scale miners; (b) the operationalization of Provincial/City Mining Regulatory Board (P/CMRB) as per RA No. 7076; and (c) the training of local government units (LGUs) on improvements in law affecting SSM – strengthening of PMRB/CMRB (Gutierrez, 2015). These recommendations also need to be backed-up by research accounts on the experiences of small-scale miners in their application for permits and other issuances. These proposed amendments will hopefully benefit the small-scale miners in Labo, Paracale, Camarines Norte and T'boli, South Cotabato.

The need to re-visit the policy ecology of mining laws also point to the importance of ensuring that the current laws are in place such as Indigenous People's Rights Act (IPRA) or RA No. 8371. In an indigenous peoples (IP) municipality such as T'boli in South Cotabato, the issue on the relation between large-scale mining corporations and the small-scale miners should be looked into. This proposition springs from a concern of a sitio in Barangay Kematu, which has long been waiting for the result of their application to mine in their community. As IP's, the sitio is at a lost on why they are disbarred from mining from their ancestral domain. This is a case that calls for a study on the concept and practical implications of representation in IP communities who have claims over ancestral domains.

The third key point of analysis centres on an issue that emanates from the lack of regulation in ASGM – child labour. Since the national laws, provincial ordinances and even policies in the barangay (village) have formulations against child labour in mining communities, implementation remains its recurring problem given the problems arising from poverty and lack of viable livelihood options. This is the scenario repeatedly described in the accounts of child labour in Labo and Paracale, Camarines Norte and even in T'boli, South Cotabato despite its awards as a Province and Municipality. Since child labour is always cloaked as part of the family's strategy to survive, child labour persists and is recognized by

communities as something that cannot be entirely removed from the practices in small-scale mining communities.

By staying hopeful that the child labour problem can be solved in ASGM communities, Sison-Arroyo (2016) provides a list of recommendations to help confront the problem: (a) creation of alternative livelihood and employment for families (Department of Labor and Employment (DOLE) case study 8); (b) emphasizing education (DOLE case study 8); (c) facilitate access of child labourers to basic health services in the community (DOLE case study 8); (d) establish a network of community support (DOLE case study 8); (e) stimulate the development of complementary and alternative productive ventures necessary for sustainable poverty alleviation; (f) development of small industries based on local mining production; and (g) prolongation of production lines nevertheless should focus the creation of complementary activities through matchmaking with other groups, and not as frequently proposed, as an additional activity of the miners themselves. These strings of suggestions aim to provide holistic support to children to dissuade their families from allowing their children to participate in small-scale mining processes.

The fourth key point of analysis centres on the status of working conditions in a small-scale mining community. Given the extractive nature of ASGM issues surrounding health, safety, access and regulation abound. If child labour is to be addressed, working condition concerns must also be attended to (CARING-Gold, n.d.). In Sison-Arroyo's (2016) recommendations, working conditions can be improved if these points are attended to: (a) enhance capacity of LGUs to regulate ASGM operations toward ensuring compliance with labour standards (Artajo, 17); (b) encourage stakeholders' involvement in enforcing health and safety and environmental protection standards (Artajo, 17); (c) conduct on-site health, environmental and safety training courses, which may be included in the list of requirements for acquiring/renewing licenses/contracts (Artajo, 17); (d) extend social protection mechanisms to small-scale miners whenever operations are stopped (Artajo, 17); (e) ensure establishment of P/CMRBs and encourage creation of multi-stakeholder technical working groups (TWGs) (Artajo, 17); (f) explore the creation of Mining Councils composed of all concerned stakeholders, at the local level to ensure coordination and provide venue for consultation (Artajo, 17); and (g) how to strengthen the child labour Project Management Team and other non-government organization (NGO) partners in undertaking appropriate occupational safety and health (OSH) programmes to protect children working in small-scale mines (DOLE case study 8).

With the recommendations proposed by Sison-Arroyo (2016) and Gutierrez (2015), this PSA report also underscored the importance of framing the child labour and working condition issues in ASGM communities using the macro-meso-micro perspective. In this study, the following central discussions emerged: (a) For the macro perspective, the important concerns to be addressed revolve around two things: (i) Policy Ecology Analysis especially between large-scale mining and small-scale mining relations; and (ii) specific to South Cotabato, IPRA law's application should be strengthened especially for marginalized IP communities in the T'boli municipality; (b) For the meso perspective, there is a need to address gaps revolving around the: (i) strengthening and monitoring of the PMRB; and (ii) need to emphasize the link between the Province and the Municipality through a feedback mechanism on child labour and working condition issues in ASGM communities; and (c) For the micro perspective, the study identified the necessity to empower the barangay to closely monitor its ASGM activities to: (i) provide sufficient livelihood opportunities to parents and scholarships to children, which are important opportunities to break the cycle of poverty in ASGM communities; and (ii) further organize small-scale miner's associations and include the voice of women and children.

Given the macro-meso-micro recommendations, attention is also required in the relation between the national laws and national government agencies and the provincial-municipal laws and efforts, and the policies-mechanisms in the level of the barangay. This dialogical relation between the top-down and bottom-up approach is a feature that needs to be looked into to ensure two things: (a) the cascading of

protective mechanisms as stipulated in laws, and the programmes initiated by government agencies; and (b) the feedback to programmes and laws as experienced from the ground. This is an area that requires fastening in order to facilitate monitoring mechanisms among three levels of the government: (a) the national agencies and law-making body; (b) the provincial-municipal agencies and ordinance-making bodies; and (c) the barangay level committees and organizations.

1. OBJECTIVES

This report aims to provide PSA of the Philippines' capacity to reduce to child labour and improve working conditions in Artisanal Small-Scale Gold Mining (ASGM) communities.¹ This overall aim shall be specifically situated within the three components of the CARING-Gold Project to form a baseline information on child labour and working conditions in selected municipalities in Camarines Norte and South Cotabato.² The components of the CARING-Gold Project are as follows:

- (a) Laws and institutional frameworks on ASGM and child labour and working conditions in ASGM communities.
- (b) Access to social protection, social services and livelihood for children and the ASGM communities.
- (c) Awareness on child labour and working conditions in ASGM and monitoring mechanisms.

To present the situation of child labour and working conditions for each of the three components, the following objectives shall be addressed:

- (a) To present the existing situation of the child labour and working conditions in ASGM communities in the Philippines according to the macro-meso-micro perspective.
- (b) Identify the gaps within the macro-meso-micro perspective for each of the CARING-Gold's Project component.
- (c) Present an analysis of the gaps, which can be used as baseline for the CARING-Gold Project interventions to help eliminate child labour and improve working conditions in ASGM communities in the country.

2. METHODOLOGY

The bias of this report is qualitative in nature. This means that this account shall be attuned to the contextual, historical and textual considerations as it conceptually and practically situates the discussions on child labour and working conditions in ASGM communities. Guided by such bias, the objectives in this study are approached in the following manner:

- (a) The first objective is addressed through desk research using the available secondary literature such as reports and frameworks on ASGM in Labo and Paracale in Camarines Norte and T'boli, South Cotabato of the International Labour Organization (ILO) and Ban Toxics. The literature review is framed according to the macro-meso-micro continuum, wherein the macro domain refers to the national laws and social programmes that cover the small-scale mining activities and industries, and child labour and working conditions in ASGM; the meso level stands for the role of the LGU acting as the primary social institution that connects the national laws and programmes to ASGM communities, and the micro domain shall privilege the actual situation of working conditions and community of relations in the barangay between households, families and children in selected ASGM communities.

¹See Appendix 1 for working definitions on child labour, working conditions and other relevant terms in this report.

²See Appendix 2 for geographical description of Labo and Paracale, Camarines Norte and T'boli, South Cotabato.

- (b) The second objective enabled by a force field analysis is situated within the macro-meso-micro domains. More to the point, the issues in each domain are identified, and the push and pull factors that enable or constrain the targeted change are itemized. Through this framework, the specific gaps and the general reasons why child labour and less than ideal working conditions in some ASGM communities persist are described and discussed.
- (c) The third objective is addressed through a listing of key analyses, and recommendations for child labour and working conditions. These points function as baseline for the CARING-Gold Project interventions to help eliminate child labour and improve working conditions in ASGM communities in the country.

In the conduct of the study, a combination of field visits, focus group discussions (FGDs) and key informant interviews were done to fill-in the gaps in the available literature. The list of the attendees in the FGDs and names of persons interviewed from the municipality of T'boli and the provincial heads of selected offices are itemized in Appendix 6.

2.1 Discussions for objective 1

2.1.1 Macro perspective

The discussion on child labour in ASGM in the Philippines involves the national laws on small-scale mining and the national programmes for social and livelihood programmes (CARING-Gold, n.d.). These national laws and programmes function as the backbone against which ASGM communities are institutionally and legally considered by the national government. The presence of such legislations, therefore serves as key basis in setting out prescribed parameters in the conduct and regulation of ASGM, and the prohibition of child labour in ASGM in the country.

In relation to laws and rules governing small-scale mining in the country, (Sison-Arroyo, 2017) presents in her draft report the landscape of legislations, which this study categorizes into these domains: (a) international agreements; (b) national laws/legislations; (c) labour laws; (d) laws governing the environment; and (e) child labour. These laws and legislations are summarized in this table:³

International agreements	On small-scale mining	On labour	On the environment	On child labour
ILO Convention No. 176 (C. 176) concerning Safety and Health in Mines.	PD No. 1150 gold panning and sluicing.	Article 128 of the Labor Code gives visitorial and enforcement powers to the Secretary of Labor and Employment, hence, it is the foundation for labour law compliance.	DENR Administrative Order No. 97-30, series of 1997 or the <i>Small-Scale Mine Safety Rules and Regulations</i> .	ILO Convention No. 138 (C. 138) or the <i>Minimum Age Convention</i> .
Minamata Convention on Mercury.	1984 PD No. 1899.		DENR Administrative Order No. 2000-98 or the <i>Mine Safety and Health Standards</i> , which was created pursuant to Section 8 of RA No. 7942.	ILO's international treaty: Convention No. 182 (C. 182) or the <i>Worst Forms of Child Labour Convention</i> .
ILO Convention No. 138 (C. 138) or	The People's Small-Scale Mining Act of 1991 or RA No. 7076.	Revised Rules on Labour Laws Compliance system introduced a developmental	Department of Health (DOH) Administrative	The Philippines enacted RA No. 9231 or <i>An Act Providing for the Elimination of the Worst Forms of Child Labour</i>
	The Philippine Mining Act of 1995 or RA No. 7942.			

³See Appendix 3 for salient propositions and claims per law, ordinance, executive order and presidential decrees.

the <i>Minimum Age Convention</i> . ILO's international treaty: Convention No. 182 (C. 182) or the <i>Worst Forms of Child Labour Convention</i> .	In 2012, Executive Order (EO) No. 79, series of 2012. Indigenous People's Rights Act (IPRA).	approach to compliance where employers, workers and the Labour Law Compliance Officer (LLCO) conduct the assessment jointly.	Order No. 2013-0018 "National Occupational Health Policy for the Informal Mining, Transport and Agricultural Sectors". EO No. 79 clarifies that the Environmental Impact Statement System requirements under PD No. 1586 applies to small-scale mining.	<i>and Affording Stronger Protection for the Working Child</i> , which amended RA No. 7610 or the <i>Special Protection of Children Against Abuse, Exploitation and Discrimination Act</i> . The PD No. 442 also known as the Labor Code of the Philippines which stipulates the minimum age of employment and the prohibition of children to undertake hazardous work. DOLE Department Order No. 65-04 and No. 149, series of 2016 or the Guidelines in Assessing and Determining Hazardous Work in Employment of Persons below 18 years of age declaring mining as hazardous to persons below 18 years. RA No. 10364 or the <i>Expanded Anti-Trafficking in Persons Act of 2012</i> .
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These five domains or categories of laws and promulgations create an ecology of policies, which needs scrutiny and detailed attention. To elucidate this point, for instance, Sison-Arroyo (2017) shares this observation: (a) PD No. 1899 grants authority to LGUs to issue small-scale mining permits, but RA No. 7076 gives the provincial or city mining regulatory power over ASGM (also in COSTREC-ASGM, 2016); and (b) Department Administrative Order No. 97-30 on small-scale mine safety rules and regulations, make it almost impossible for small-scale miners to apply for formalization, thereby making national laws contributory to the informalization of ASGM (Artajo and Sison-Arroyo, 2017). These gray areas call for more discussions among policy makers and stakeholders of ASGM in the country.

Another concern is the implementation of laws. Child labour laws, which protect children in ASGM communities, for instance, are already clearly formulated. RA No. 10364 or the *Expanded Anti-Trafficking in Persons Act of 2012*, for example, specifies that hazardous work situation and location already qualifies as basis to treat child labour in ASGM as a form of human trafficking. This clarity, however, begs the following questions: "Why does child labour persist in many ASGM communities?" and "Do the working

conditions in an ASGM community uphold safety rules and standards as prescribed by the law?” These queries, in turn, call for better monitoring mechanisms and enforcement of laws in ASGM communities.

The national programmes, committees and coalition on social protection, which work against child labour and uphold enabling working conditions in ASGM, address poverty issues and work for community development can be summarized in the ensuing table:

National Child Labour Committee (NCLC)	Artisanal small-scale mining technical working group (ASGM TWG)	Conditional cash transfer (CCT) and KALAHI-CIDDS of Department of Social Welfare and Development (DSWD)	Alternative learning system (ALS) of Department of Education (DepEd)	DOLE livelihood programmes	Creation of National Miners' Association
This Committee crafted the Philippine Programme against Child Labour (PPCL) and is the official national programme that seeks to eliminate child labour in the country. The DOLE also chairs the NCLC (COSTRECT-ASGM, 2016).	National Strategic Plan for the Phase-out of Mercury in Artisanal and Small-Scale Gold in the Philippines is guided by this goal: “Protect human health and the environment through the introduction of responsible ASGM practices focusing on mercury use reduction and eventual elimination of mercury use and releases in the environment, adoption of cleaner and toxic-free gold production technologies and simultaneously address social, institutional, regulatory	These DSWD programmes target the poorest members of the community. The CCT is a bridging programme for the Filipino family, which specifically targets children aged 0-18 years old. The key aim of the CCT is to help improve the health, nutrition and education of these children. The KALAHI-CIDDS (Kapit-Bisig Laban sa Kahirapan-Comprehensive and Integrated Delivery of Social Services) is also a DSWD programme. It is a community-driven development approach, which centres in service delivery, poverty reduction and good governance as target	Through the DepEd, the ALS is a free education programme for the marginalized sector aiming to provide practical option to existing formal education (COSTRECT-ASGM, 2016).	DOLE’s BWSC (Bureau of Workers with Special Concerns) programmes aims to develop policies, programmes, projects and systems that can provide advisory and technical assistance to the Secretary and the Regional Offices relative to the development and protection of the workers with special concerns towards their decent and productive employment.	April 2016, a National Coalition of Small-Scale Miners (NCSSM) was formed with the thrust of being advocates of responsible mining. A number of miners from Jose Panganiban and Labo are members in the coalition (COSTRECT-ASGM, 2016).

	reform, among others.” More specifically, it aims to amend DAO 97-38 to ban importation of elemental mercury and certain mercury compounds and phase-out and control mercury containing products into the country.	outcomes (COSTRECT-ASGM, 2016).			
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These programmes, committees and coalition are expected to uphold the key principles in the international agreements, national laws on small-scale mining, labour, environment and child labour. An important issue with the landscape of committees, however, needs attention: the non-inclusion of working conditions in the NCLC’s mandate; and the ASGM TWG’s focus on the elimination of mercury use, which thereby excludes child labour issue in its mandate. Given such lack, it opens the need to create a national group/committee on ASGM, which can intersect the working conditions, child labour and mercury use issues. This to date is a proposal, which will help fill-in the gaps in the national committees and programmes that try to deal with ASGM issues in the country.

2.1.2 Meso perspective

The role of the provincial-municipal government and provincial-municipal efforts locate the meso perspective, which describes how national laws and programmes are approached and operationalized in the provincial and municipal levels.

The presentation in this section shall be three-fold: (a) the provincial and municipal ordinance in the management of child labour and working conditions in ASGM; (b) the provincial and municipal government offices and committees on the regulation of child labour and working conditions including environmental and health conditions in ASGM, and the services from the DSWD, DOLE and DepEd; and (c) the municipal miners’ association (MMA).

2.1.3 Provincial and municipal ordinance

Camarines Norte

a) Provincial level

The province of Camarines Norte has these ordinances that tackle child labour and working condition issues. These include the Provincial Ordinance on Child Rights and Welfare Code (POCRWC) is guided by these objectives to: (a) ensure the survival, development, protection and participation rights of children in the province; and (b) serve as model for municipal government units in the formulation of their respective codes; the Rules and Regulations Implementing the Provisions of Provincial Ordinance (PO) No. 004-01, otherwise known as the Children’s Rights and Welfare Code of the Province of

Camarines Norte and Providing Penalties for Violations Thereof; and the PO No. 71-2010: An Ordinance Revising the Children's Rights and Welfare Code of the Province of Camarines Norte.

b) Municipal level

For Labo Municipality, it is currently amending Municipal Ordinance No. 202-2005, which prohibits children below 15 years old from working in public and private hazardous undertakings within the municipality (COSTREC-ASGM, 2016).

For Paracale Municipality, it is guided by PO No. 21-95, which regulates the small-scale mining industry in the province. The provincial ordinance, more specifically, calls for the promotion and protection of the right of children by banning them from all forms of hazardous work, prohibition of children from being engaged in mining activities. The province also has PO No. 032-2013 that regulates the utilization of natural resources for the protection and conservation of the environment in the province, Section 17 of the PO order, which grounds the creation of Provincial Environment and Natural Resources Council (PENRC), and Section 14.b of the PO which tackles and prohibits the transport, dumping or discharge of prohibited chemicals, substances or pollutants listed under RA No. 6969.

South Cotabato

a) Provincial level

The South Cotabato province is enabled by PO No. 07-2003: An Ordinance Levying Taxes, Fees, Charges, Mineral Processing Operations and Transporting of Mineral Ore within the Province of South Cotabato and Providing the Rules and Regulations therefore. This Ordinance specifies the following pertinent sections on child labour and working conditions: (a) Section 37 specifies that "No Person under sixteen (16) years of age shall be employed in any phase of mineral mining and processing operations and no person under eighteen (18) years of age shall be employed underground in a mine."; and (b) Section 31 makes it clear that "The following constitute the unlawful prohibited acts in small-scale mining and mineral processing activities – use of mercury, use of explosives and cut trees within the immediate vicinity of the mine workings to maintain ground stability."

Together with PO No. 26-2015: South Cotabato Children's Welfare Code, this code points out the following relevant sections: (a) Section 6 states the prohibition of worst forms of child labour invoking the definition in RA No. 9231, which protects children from "hazardous or likely to be harmful to the health, safety or morals of children" such as "underground, underwater or at dangerous heights," which usually characterizes ASGM activities; and (b) Section 27 demands that there should be an annual comprehensive survey of children establishing a database specifying health, nutrition, education and special needs concerns.

The province is also guided by these policies, which were shaped by the key stakeholders in the province – the Muslims and T'bolis. For the IP community, they created the South Cotabato IPs 9-point declaration of policy on child protection. In this policy, the third statement forbids child labour, and the 5-point states that children ages 3-17 years old must be in school. For the Muslim community, they have the 12-point declaration of policy on child protection. For this policy, the 6-point holds that children ages 3-17 must be in education facilities, and the 10-point specifies that no Muslim child shall be engaged in child labour.

Another PO monitors the ASGM activities in the area, EO No. 12-2012: An Order Creating the Provincial Anti-Banlas⁴ Intelligence and Investigation Task Force. This policy shall conduct “in-depth investigation, monitoring, raids, apprehensions and other necessary actions to identify and crackdown key people behind illegal hydraulic banlas mining within the province of South Cotabato.”

To date, the province is also working on a Memorandum of Understanding (MOU), which focuses on ‘mining tourism’ as part of the eco-tourism in the municipality. This MOU is also based on the State of the Province Address (SOPA) in 2013 wherein the governor expressed support for mining tourism in the T’boli municipality.

b) Municipal level

For the T’boli Municipality, the Municipal Council on the Protection of Children (MCPC) and the committee on family and social services are guided by the South Cotabato IP 9-point declaration of policy on child protection. In this policy, these points are stipulated: (a) gradually stop the practice of pre-arranged/early/poorly-planned marriages; (b) modify the dowry system; (c) stop child labour; (d) stop corporal punishment; (e) ensure that all children ages 3 to below 18 years old are in school; (f) prevent the recruitment of indigenous minors for armed struggle and criminality; (g) regulate the participation of indigenous minors to benefit dances and other forms of socialization; (h) model abstinence from all vices; and (i) champion family planning and family management. With these policies, the municipality also recently created EO No. 29-2016: A policy which prohibits disco in the 25 barangays to help avoid activities and situations that may bring harm to the children in the municipality.

An important achievement of the municipality also needs to be mentioned: Barangay Resolution in Kematu, which prohibits child labour in ASGM. This is strictly observed in Sitio Elubog where ASGM stopped after the closure order of ASGM in the area in 2009.

2.1.4 Provincial and municipal government offices

Camarines Norte

a) Provincial offices-councils

The Provincial Offices on Social Protection, Social Services and Livelihood include the DSWD, DepEd, DOLE and the Provincial Government’s Scholarship Programme. The salient achievements of these offices are as follows:

(a) For the DSWD, it has its KALAHYI-CIDSS programme, which allocated to the Municipality of Labo: 80 Philippine pesos (Php) million and for Municipality of Paracale: Php20.7 million, which were used for infrastructure projects. This office also provides the CCT programme, which included family development trainings for 67 family members in Labo and 3,316 individuals in Paracale. As part of its CCT programme, the province also leads in the conduct of Annual Search for *Hunwarang Pantawid Pamilya* and Exemplary Child – recognized family values, increase enrollment and access to health services.

(b) The DepEd provided ALS which includes 416 graduates under this programme as of August, 2016.

⁴Banlas mining is considered a highly-destructive mining method. It involves the pouring of large amounts of water using high-pressure water jets on a mountain’s surface to extract the rocks containing the gold ore, and then pan them with mercury.

(c) DOLE also gave skills transfer trainings for the Municipality of Labo with 70 beneficiaries, and for the Municipality of Paracale with 15 beneficiaries. With regard to Livelihood Assistance, the DOLE's *Kabubayan para sa Magulang ng Batang Manggagawa* (DKSK) handed Php10,000 each for 58 families in Jose Panganiban.

Apart from the offices, the Province also regularly meet each quarter as Provincial Council for the Welfare of Children (PCWC) – Conduct of Provincial Council for the Welfare of per EO No. 2011-11: Mandating the Reorganization of the Existing Joint Provincial Council for the Welfare of Children and Provincial Early Childhood Care and Development (ECCD) Coordinating Committee, Expanding its Membership and Revising its Functions. An important project of this council is the Institutionalization of Annual Search for Child-Friendly Barangay. This council also works with the Camarines Norte Provincial Inter-Agency Sagip-Batang Manggagawa/Sagip Batang Manggagawa Quick Action Team (CNPIA-SBM/SBM): An anti-child labour mechanism designed to detect, rescue, rehabilitate and reintegrate children in hazardous occupations into mainstream society.

As an institution, the provincial government also provides scholarships. To date, it has given Provincial Scholarships for High School students (Labo – 386 and Paracale – 193) and Scholarship Programme for College students (Labo – 205 and Paracale – 8).

b) Provincial committees

The following are the provincial committees that deal with child labour and working conditions issues in ASGM in the province:

(a) Provincial Anti-Child Labour Committee (PACLC), which hoped to amend the current Children's Rights and Welfare Code of the Province (COSTREC-ASGM, 2016).

(b) Provincial Inter-Agency Committee Against Trafficking (PIACAT) and Violence Against Women and Children (VAWC) Council Meetings per EO No. 2011-25A: An Order Reorganizing the Provincial Inter-Agency Council Against Women and their Children (PIACAT-VAWC).

(c) Provincial Mining Regulatory Board (PMRB), which is designated as the implementing body by the DENR to implement the identification of a *Minabang Bayan* (People's Small-Scale Mine). It has the authority to declare and set aside *Minabang Bayan* in sites onshore suitable for small-scale mining operations subject to review by the DENR Secretary through the regional executive director. For the PMRB, the board is composed of the Mines and Geosciences Bureau (MGB) regional director as chair; the provincial governor or his/her authorized representatives, as vice-chair; and members composed of duly appointed representatives from the small-scale miners; large-scale miners and NGO with environmental concerns.

(d) Based on the 1991 Local Government Code, the Provincial Environment and Natural Resources Office (PENRO) shall take charge of the office on environment and natural resources and shall formulate measures for the consideration of the Provincial Council and provide technical assistance and support to the Provincial Governor in carrying out measures to ensure the delivery of basic services and provision of adequate facilities relative to environment and natural resources services as provided for under Section 17 of the 1991 Local Government Code; and develop plans and strategies on environment and natural resources programmes and projects and implement the same upon approval thereof by the Governor.

(e) The Provincial Environment and Management Office (PEMO) is the frontline of the delivery of services concerning the environment and natural resources, particularly in the renewal and rehabilitation of the environment during and in the aftermath of man-made and natural calamities and disasters.

c) Municipal level

For Labo Municipality, the Public Employment Service Office (PESO) provides training such as Short-Term Skills Training for Out-of-School Youth (OSY), 70 OSY and for Paracale Municipality, it has given Short-Term Skills Training for 15 OSY.

For Municipal Office/Committees, the Labo Municipality has a Municipal Anti-Child Labour Committee (MACLC), and Municipal Environment Management Office (MEMO). The same committee and office is available in the Paracale Municipality.

South Cotabato

a) Provincial offices-councils

For the Provincial-Municipal Offices on Social Protection, Social Services and Livelihood, the: (a) DepEd has consistently given (ALS, through the Department of the Interior and Local Government (DILG) Memorandum Circular 2015-138 or the TraBAJO programme it tasks the Technical Education and Skills Development Authority (TESDA) to provide trainings according to the National Competency Award II and its Accredited Technical Vocational Institutes (TVI) and the Abot Alam Programme; (b) DOLE also has provided Skills/Training and Livelihood Assistance through the DILG's Memorandum Circular 2015-138, which itemize the guidelines on the implementation of training for better access to job opportunities (TraBAJO), which also targets these sectors: OSY, Persons with Disabilities (PED), IP and CCT recipients. The circular also stresses the need to establish a skills registry system in the municipality; and (c) Provincial government has allotted to the T'boli Municipality these funds for education-scholarships in 2016: Php8.4 million for elementary and high school education and Php2.9 million for college education.

b) Provincial committees

For the Provincial Committees, the province has organized the: (a) Provincial Anti-Child Labour Committee (PACLC), which hoped to amend the current Children's Rights and Welfare Code of the Province (COSTREC-ASGM, 2016); (b) Provincial Council for the Protection of Children (PCPC) is composed of 36 members, which specifically includes: 14 CSO's, two child representatives, Youth Council Federation President, Provincial Council members, pillars of the justice system and provincial government offices. For this achievement, it is important to note that in crafting the Children's Code of South Cotabato, the PCPC worked with SALIGAN (Sentro ng Alternatibong Lingap Panligal) a local NGO and Save the Children in 2013; (c) the Provincial Mining Regulatory Board (PMRB) which is composed of: (i) the provincial governor as chair, (ii) representative of the governor as vice-chair; and (iii) three members: representative from the provincial association of small-scale operators, representative from provincial association of large-scale operators and representative from an NGO concerned with environmental protection. According to PEMO, the PMRB meets twice a month; and (d) PEMO requires small-scale mining applicants to fill-in its: (i) small-scale mining area verification checklist, which will be subjected to its; (ii) small-scale mining area monitoring checklist. In its verification checklist, it specifies mine health and safety parameters which includes this section: "No minor at work site," which is also found in the monitoring list.

2.1.5 Municipal levels

a) Municipal offices

With the T'boli Municipality, the following government offices provide these development assistance to the local community:

(a) DOLE, Public Employment Service Officer (PESO), Small-Medium Enterprise (SMED), Public Desk Officer (PUDO) and Overseas Filipino Worker (OFW). It is, however, relevant to mention that for this municipality, one officer handles the functions of DOLE/PESO/SMED and PUDO. In the interview with the DOLE head, he marked the following key information: (a) in 2009, the municipality allotted Php650,000.00 for a comprehensive inventory of child labour in ASGM in the area. This survey identified 65 cases of child labour; (ii) in 2013, an exhibit in General Santos City on child labour in Veranza Mall for media coverage was conducted, which was part of the advocacy against child labour; (iii) in 2013, there were quarterly symposia on early marriage, drugs, values and jobs in the municipality; and (iv) in 2014-15, Php2 million was allotted for skills training such as jewelry making, which resulted in a T'boli trade fair headed by Ms May Ann Pagalos.

(b) The DepEd in the municipality also facilitated these funds for education-scholarships in 2016 from the province: Php8.4 million for elementary and high school education; and Php2.9 million for college education.

(c) Municipal Environment Management Office (MEMO), in relation to ASGM is tasked to conduct mine safety inspection guided by the PEMO's monitoring checklist and when violations are identified shall accord citation ticket, and identify the violation (such as extraction without permit, issuance of fraudulent doctor, and so), the volume (in cubic metres) and the vehicle used when applicable). These violations are reported back to PEMO and the apprehended violator is given three days to contest the violation.

(d) The Municipal Nutrition Office (MNO) noted that in 2016, the municipality started the school-feeding programme, which was done in consultation with the school's principal and the municipality's nutrition action office (MNA). The officer of MNA also pointed that as of 2016, only 15 children are malnourished in Barangay Kematu.

(e) Through the Municipality Women's Federation since 2013, the municipality has conducted these trainings for women: Banana Chips Making, Table Skirting, Processed Meat Making, Beads Making, Malong Weaving, Dress Making, Cosmetology, Beauty Care, Food Processing, Dishwashing and Fabric Conditioner Making and Rug Making.

b) *Municipal committees*

The municipality in relation to child labour and working conditions has these committees and community based efforts: (a) Municipal Anti-Child Labour Committee (MACLC); (b) Municipal Council on the Protection of Children (MCPC); and (c) Women's Federation in the municipality (sample members: Desaw Women's Organization (DWO) and Elubog Women's Organization (EWO)).

2.2 Municipality Miners' Associations

2.2.1 Camarines Norte

With Labo Municipality, there are three Municipal Miners Associations (MMAs) and they are as follows: (a) one Miners' Association duly-registered in DOLE; (b) Samahang Magkakabod ng Dalas with 34 members (as of DOLE registration); and (c) Benit and Masalong are in the process of being organized.

For Paracale Municipality, it has six MMAs: (a) Miners' Associations (DOLE Registration ongoing); (b) Samahan ng mga Minero ng Barangay Tawig; (c) Samahan ng mga Minero ng Barangay Tugos; (d) Samahan ng mga Minero ng Barangay Casalugan with 26 members; (e) Samahan ng mga Minero ng Barangay Gumaus; and (f) Samahan ng mga Minero ng Paracale (Federation).

Between MMAs in the two municipalities, it shares in these features: (a) some associations are federated and registered with Securities and Exchange Commission (SEC); (b) COSTREC-ASGM (2016) holds that there is an advantage if MMA's are formed in mining communities since its members gain a collective voice advantageous for dialogues and negotiations processes; and (c) only MMA's in Labo are members of the National Coalition of Small-Scale Miners (NCSSM).

2.2.2 South Cotabato

With the T'boli Municipality, these four MMAs exist: (a) T'boli Integrated Small-Scale Mining Contractors Association Incorporated (TISSMCAI), which works alongside Indigenous People's Structures especially for their Social Development Management Plan/Progress; (b) KuluKmotu Small-Scale Mining Association Incorporated (KKSSMAI), which is for approval to the PMRB; (c) Desaw Integrated Small-Scale Mining Association (DISSMA), which has been in existence for 25 years; and (d) Tolik/Fagalas Clan Small-Scale Mining Association (T/FCSSMA), which has existed for 6 years.

It is also important to note that the ASGM areas have Associations of Claimants in the Mining Areas in Barangay Kematu, T'boli Municipality, which include: Datu Legal Clan; *Minahang Bayan*; Maguan Clan; Tribal Mining Corporation; and 116 Area Macopa.

The features and challenges that these associations deal with consist of: (a) members of KKSSMAI submitted its permit request yet still waits for the approval of the PMRB despite their claim of the land as ancestral domain. To this effect, the residents in Sitio Elubog and Blangas would want to be clarified over the reasons for the delay; (b) in Barangay Desaw, families who live in the area choose not to be part of mining associations; and (c) the closure in Sitio Elubog, which means having unclear livelihood source for the residents, hence, their request for livelihood programmes in the community.

a) Micro perspective

The reports of Ban Toxics (2016) on the situation of the ASGM communities in Labo, Paracale and T'boli provide a micro-representation of the situation of child labour and their working conditions in such municipalities, and the realities that an ASGM community deals with. For this section, the presentation is as follows: (a) situation of children in ASGM communities; (b) working conditions in ASGM industries; and (c) the case of child labour-free ASGM in T'boli, South Cotabato.

2.3 Situation of children in ASGM communities

2.3.1 Camarines Norte

In Labo Municipality, there are 19 children working in ASGM in Barangay Benit. The nature of their work entails one or a combination of these activities: Surface Mining, Pangungulipaw⁵, Gold Panner, Sluice Box, Tunnel and Sluice Mining. In relation to the non-enrollment of children in schools, study shows that 43.46 per cent of children between 13-16 years old are no longer enrolled in secondary school from the total population of 8,900 and 22.37 per cent of children between 6-12 years old are not enrolled in an elementary school from a total of 16,151 (Ban Toxics, 2016).

In Paracale Municipality, there are 109 children working in ASGM. Their work may entail these types of participation: Surface Mining, Pangungulipaw, Volunteer, Gold Panner, Sluice Box, Tunnel and Pag-aakaw⁶. With regard to education, the non-enrollment of children in schools is 15 per cent from

⁵Pangungulipaw is a traditional practice in the mining sites of Camarines Norte where an individual community member requests for a small portion of ore from successful miners who extracts a high grade gold ore. The individual will usually process the ore by crushing, panning and smelting.

⁶Pag-aakaw is a mining process done by using sluice box and launder, which is performed in river banks and seashores.

6-12 years old are not attending elementary school from a total population of 1,236 and 35.3 per cent from 13-16 years old are not attending high school from a total population of 1,444 (Ban Toxics, Oct to Dec, 2016).

For these municipalities, a common issue is that ASGM is a family activity, which conceals child labour as contributory to the family's income (COSTREC-ASGM, 2016). This means that child labour persists in ASGM communities, and that working conditions in ASGM communities make child labour participation even worse as they are exposed to toxics such as mercury use.

2.3.2 South Cotabato

In the T'boli Municipality, children also participate in ASGM as workers. Based on the three FGDs, children predominantly work as: atrasero (transport of ore inside the tunnel); laba sako (washing of used sacks, which were once filled with ores); pili/hugas bato (scavenging of stones for gold); Packers/haulers (carrying of sacks-filled with ores to vehicles and rod mills); panning, banlas/slucing and abantero (uses tools such as maso and moil).⁷

The presence of child labour in ASGM may also be connected to the Statistical Overview on Children (2015) of the province:

Estimated population (aged 0-17)	379,015.00
Infant mortality	12 per 1,000 live births
Maternal mortality	60 per 100,000 live births
Net enrolment ratio (Elementary)	96.35%
For SY 2013-2014, the net enrolment ratio (High School)	54.72%
Malnutrition prevalence rate	5.67% (pre-schoolers)
Number of children in conflict with the law (CICL)	752
Number of reported cases of violence against women and their children	1,146
Teenage pregnancy rate	Timely registration – 5.04% Late registration – 11.64%

The crucial issues with child labour and working conditions as revealed in the FGD, point to the following: (a) poverty issues which are traced back to lack of livelihood opportunities in the community; (b) ASGM as a family activity, which conceals and conditions the acceptance of child labour; (c) early marriage among T'boli's is a cultural phenomenon, which locates the need to work in ASGM to support the new family; (d) too many projects and requirements in public school's projects, which drains the family's economic resource then becomes the reason for absences in school; (e) common health issue: stomach aches/pain, which the community traces back to lack of clean drinking water in the tunnel sites and the community; and (f) women's federation in the municipality did not encounter child labour as one of the issues of women in the community, which can also be a cause of alarm given that the issue may no longer be considered as a problem.

2.4 Working conditions in ASGM industries

2.4.1 Camarines Norte

In Labo Municipality's ASGM industries, there are Rodmill (Barangay Benit and Masalong). The working conditions concern for this industry is that there is no single rule in the amount of mercury being

⁷See Appendix 4 for images of these tools as drawn by the participants in a focus group discussion.

used (Ban Toxics, 2016), however, it has been found that approximately 4,500 kilograms of mercury is released from Camarines Norte into the environment every year.

Another ASGM industry is the Compressor, Open Pit, Surface Panning and/or Tunneling Techniques. For this practice, the miners extract gold laden ores from rivers and streams (*akawan*), common method employ by women miners. However, underground mining, which accordingly has been largely influenced by large-scale mining firms has become widespread. Underwater mining, which involves suction and compressor mining has also become prevalent in the town of Paracale. Underground mining involves digging of shafts or adits (balon/well) up to 150 feet deep below the surface in search of gold veins. To prevent cave-in or mine collapse, timbers mostly coconut lumbers are used for tunnel support. Underwater mining involves the extraction of gold-bearing ores beneath muddy rice fields and underneath the sea or river. Under this method, miners use a hose that is attached to a compressor, which provides artificial air enabling them to breathe underwater for a long time.

Another industry revolves around suction mining, which involves the use of a boat equipped with a machine, compressor, suction hose, sluice box and other dredging devices. Under this method, the miners use makeshift raft or *balsa* to carry improvised machineries and tools to dig for gold and other metals underwater. The *maglilidip* dives into muddy waters to dig the soil only to be provided with air through a tube attached to a compressor. A miner dives down underwater with a big suction hose to catch auriferous gravel and sand believed to be washed away from the mountains to the rivers and seas. The gravel and sand then passes through a wide sluice box, which catches the gold from the sand or gravel that slides down from the box.

In Paracale Municipality's ASGM industries, it commonly include: (a) quarrying, (b) rodmill, which remains highly pollutive and/or hazardous; and (c) processing plant wherein most of the processing plants are located in the town of Paracale; five in Gumaos and seven in Tugos.

2.4.2 South Cotabato

For T'boli Municipality's ASGM industries, there are no data from the municipality on the industries in the area but the FGD point out these industries: processing plants, rodmill, banlas and sluicing. Moreover, there are no data on intensity classification according to the industry, but the FGD's reveal the following realities on child labour and working conditions in Sitio Tunnel, Barangays Kematu and Desaw: (a) tubes are used to provide oxygen to atraseros and abanteros in the tunnel area. This is a risky practice in ASGM; (b) some tunnels also accommodate groups of children who serve as atraseros who are paid as a group despite the difficult situation inside the tunnel; (c) the FGD also reiterated the presence of tunnel, whose holes can only fit the size of young kids. The presence of these stories means that child labour and unfavorable working conditions persist in the community; and (d) children wash used sacks, which may be contaminated by chemicals and toxics. Being a lighter type of work, the possibility of exposure to chemicals, however, make it as one of the dangerous activities in the ASGM.

3. THE CASE OF CHILD LABOUR FREE ASGM IN T'BOLI, SOUTH COTABATO

The T'boli Municipality has its successes in ensuring that child labour is discouraged and that the working conditions are enabling for ASGM miners. These may be reflected in the Awards received: (a) Barangay (Village) Kematu was declared Child Labour-Free in 2012; (b) 2015 Most Functional Local Council for the Protection of Children in Region XII; (c) Mercury-Free in the *Minahang Bayan*; and (d) *Galing Pook* (Good Governance) Award in 2014, which is an annual competition participated in by 72 provinces across the country. These awards were enabled by these decisions and promulgations in the municipality: (a) closure of ASGM in Sitio Elubog (part of a village) was ordered in 2009; (b) creation of 2015 Children's Welfare Code for South Cotabato, which was participated by various stakeholders and

NGOs; (c) mercury is prohibited in PO No. 07-2003: Section 31; and (d) *Galing Pook* Award requires that child labour and working conditions issues in ASGM are addressed.

The awards and recognitions, however, may be short-lived given the following situations: (a) there were no monitoring visits after the award in 2012, and actual visits in the area reveal child labour and unsafe working conditions; (b) according to DOLE, the survey on child labour in ASGM communities in Barangay Kematu was only done in 2009 by the municipal government; (c) with the banning of mercury, no storage facility, however, is available in the province and municipality as specified by PEMO head; and (d) the conversion of ball mills into a mercury-free facility costs Php150,000.00 which can be very expensive for the province and operators also according to the PEMO head.

3.1 Discussions for objective 2

In this section, Lewin's Force Field Analysis will take centre stage identifying the push (enabling) and pull (disabling or constraints) factors with regard to the aspired change for each of the three levels discussed in the first objective. More specifically, the macro-meso-micro domains shall be situated within each of the three components of the CARING-Gold Project in the country. This means that each component shall have its macro-, meso- and micro perspective and shall be separately presented and discussed.

3.1.1 Component 1

Laws, policies and action plans to address child labour and/or working conditions in ASGM in the Philippines are adopted, enforced and/or implemented

MACRO

<div> <div>Force Field Analysis</div> <div> <div>Push factors</div> <div>→</div> <div>←</div> <div>Pull factors</div> </div> </div>		
Push factors	Ideal situation	Pull factors
<p>*National laws (Environment/child labour/working conditions) and underscoring the ecology of policies perspective in the analysis of policies on ASGM, child labour and working conditions:</p> <ul style="list-style-type: none"> - RA No. 7076, RA No. 9231 - RA No. 10364, PD No. 442 - PD No. 1899, RA No. 7942 - EO No. 79-2012 - IPRA - EO No. 79 <p>*Mandate of government agencies in the enforcement of the law:</p> <ul style="list-style-type: none"> - DOLE (for child labour and working conditions issues above the surface). - DENR (for ASGM operations and working 	<p>*Laws, policies and action plans are sufficient to effectively address child labour and issues surrounding working conditions in ASGM.</p> <p><u>*ILO Convention No. 176 (C. 176) concerning Safety and Health in Mines:</u></p> <p>(a) Member States prescribe, implement and periodically review coherent national laws and regulations on safety and health in mining.</p> <p>(b) Employers are responsible for taking preventive and protective measures.</p> <p>(c) The State and employers recognize the rights and duties of workers and their representatives.</p> <p><u>*Minamata Convention on mercury:</u></p> <p>(a) This global treaty is upheld which means that new mercury mines are banned.</p>	<p>*Policy inconsistencies and impossibility of requirements for the formalization of ASGM.</p> <p>*Confusion on what is the governing law.</p> <p>*Unrealistic and restrictive requirements for SSM operations.</p> <p>*Laws apply to regulate small-scale mining in the formal sector, but not to informal sector.</p>

<p>conditions issues below the surface).</p> <p>*Existing policies issued by government agencies such as Administrative Order or Resolutions:</p> <ul style="list-style-type: none"> - DAO 97-30, 1997 (DENR) - DAO 65-04 and 149-2016 (DOLE) - DAO 2000-98 (DENR) - DAO 2013-0018 (DOH) <p>*Existing action plans of NCLC and ASGM TWG.</p> <p>*Framing child labour and working condition issues as human rights issue.</p>	<p>(b) The existing ones are phased-out within the period of 15 years from the date of entry into force of the convention.</p> <p>(c) ASGM in which mercury amalgamation is used to extract ore is regulated.</p> <p><u>*ILO Convention No. 138 (C. 138) or the Minimum Age Convention:</u></p> <p>The country upholds its legislated law in RA No. 9231, which does not allow children below 18 years old to work in ASGM, since this type of work is likely to jeopardize their health, safety and morals.</p> <p><u>*ILO's international treaty: Convention No. 182 (C. 182) or the Worst Forms of Child Labour Convention:</u></p> <p>Child labour is completely eradicated in ASGM, since the types of work in its industries are likely to harm the health, safety and morals of children.</p>	
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Analysis:

It is important to highlight in this section, the pull factors that affect that proper and effective implementation of national laws and the possibility of achieving the ideal situations envisioned in international conventions. A key constraint is the confusion on what is the governing law; the unrealistic and restrictive requirements for SSM operations; and the laws apply to regulate small-scale mining in the formal sector but not to informal sector.

The ambiguity with the governing law can be the reason why the National Crime Prevention Council (NCPC) and the ASGM TWG do not have intersecting concerns. It can be recalled that the NCPC is focused on child labour without regard for working conditions, while the ASGM TWG lean towards the environment and does not consider labour such as child labour as part of its mandate. This lack of intersecting relation can be traced back to confusion on the governing law for ASGM. Moreover, its informal nature – especially if the informal sector is always considered as the negation of the formal sector will render the national policies favouring formal ASGM activities. The reality, however, points to the huge gap in terms of intervention and regulation between formal and informal ASGM activities.

MESO

Force Field Analysis		
Push factors	Ideal situation	Pull factors
<p>Camarines Norte</p> <p>*Rules and regulations implementing the provisions of Provincial Ordinance No. 004-01, otherwise known as the Children's Rights and Welfare Code of the Province of Camarines Norte and Providing Penalties for Violations Thereof.</p> <p>*Provincial Ordinance No. 71-2010: An Ordinance Revising the Children's Rights and Welfare Code of the Province of Camarines Norte.</p> <p>*Paracale Municipal Ordinance No. 10, series of 2011 or "An Ordinance Banning the Employment of Children 15 years of age and below in all mining activities, quarrying and related occupations that are hazardous to young workers in the municipality".</p> <p>*The said resolution was adopted by barangays Palanas, Tugos and Casalugan in 2012 and barangays Malaguit, Tawig and Gumaos in 2013. These barangays are noted with high incidence of child labour cases in Paracale and became the target areas of the programme.</p> <p>*Provincial/ Municipal development plans.</p> <p>*PMRB as structure exists (but is weak and passive).</p> <p>South Cotabato</p> <p>*Provincial/ Municipal development plans reflects plans for 'mining tourism' as part of the eco-tourism package.</p> <p>*In South Cotabato, the PMRB meets at least twice a month according to the PEMO head.</p>	<p>Child labour and working conditions incorporated in the local laws, policies, development plans, regulations, licensing contracts, action plans and budget allocations.</p> <p>Inter-agency coordination mechanisms in ASGM at the local levels is being implemented.</p>	<p>Camarines Norte</p> <p>*Complications and delays in the <i>Minahang Bayan</i> declaration process.</p> <p>*Unrealistic and restrictive requirements for SSM operations.</p> <p>*Staggered licensing practice – one for mining, processing and marketing.</p> <p>*No data on the representation of women's and children's voice in discussion and creation of the provincial and municipal ordinance.</p> <p>South Cotabato</p> <p>*No data on the representation of women's and children's voice in the discussion and creation of the Provincial and Municipal Ordinance.</p>

<p>*The creation of EO No. 10-2012 or the Order creating the provincial anti-banlas intelligence and investigation task force has recorded 56 violations and citations in 2016 to 2017 March. In the list of violations, however, there was no record of child labour and working conditions as grounds for the violation.</p> <p>*In 2013, the State of the Province Address (SOPA) declared the provincial plan of including mining tourism as part of the eco-tourism package of the province. This direction is also guided by South Cotabato Indigenous Peoples 9-point declaration of policy on child protection, which has a specific clause against child labour.</p>		<p>* Monitoring on child labour and working conditions has not been done since 2009.</p> <p>*In the municipality's mayor speech in 2016, out of ten high school graduates, only three are T'boli, which point to the lack of education among T'boli youth.</p>
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Analysis:

The delays in declaration of a *Minabang Bayan* (People's Small Scale Mining Area) in Camarines Norte requires serious attention as its consistent delay may mean that there is a lack of political will for the province to pursue such declaration. The delay also means deprivation of better livelihood opportunities and arrangements in ASGM communities, and the perpetuation of child labour and unfavorable working conditions. How does the provincial PMRB perform its tasks? Who checks on the PMRB to perform its function? These are questions that stress the supposed link between national agencies and the provincial government. A similar problem persists in Sitio Elubog, T'boli Municipality, South Cotabato, wherein the IP community is at a loss as to why their application for a *Minabang Bayan* in their ancestral domain remains hanging or uncertain. What additional documents are needed to submit? The question posed during the FGD point to the unclear process of ASGM application despite the presence of clear, itemized forms for applicants.

MICRO

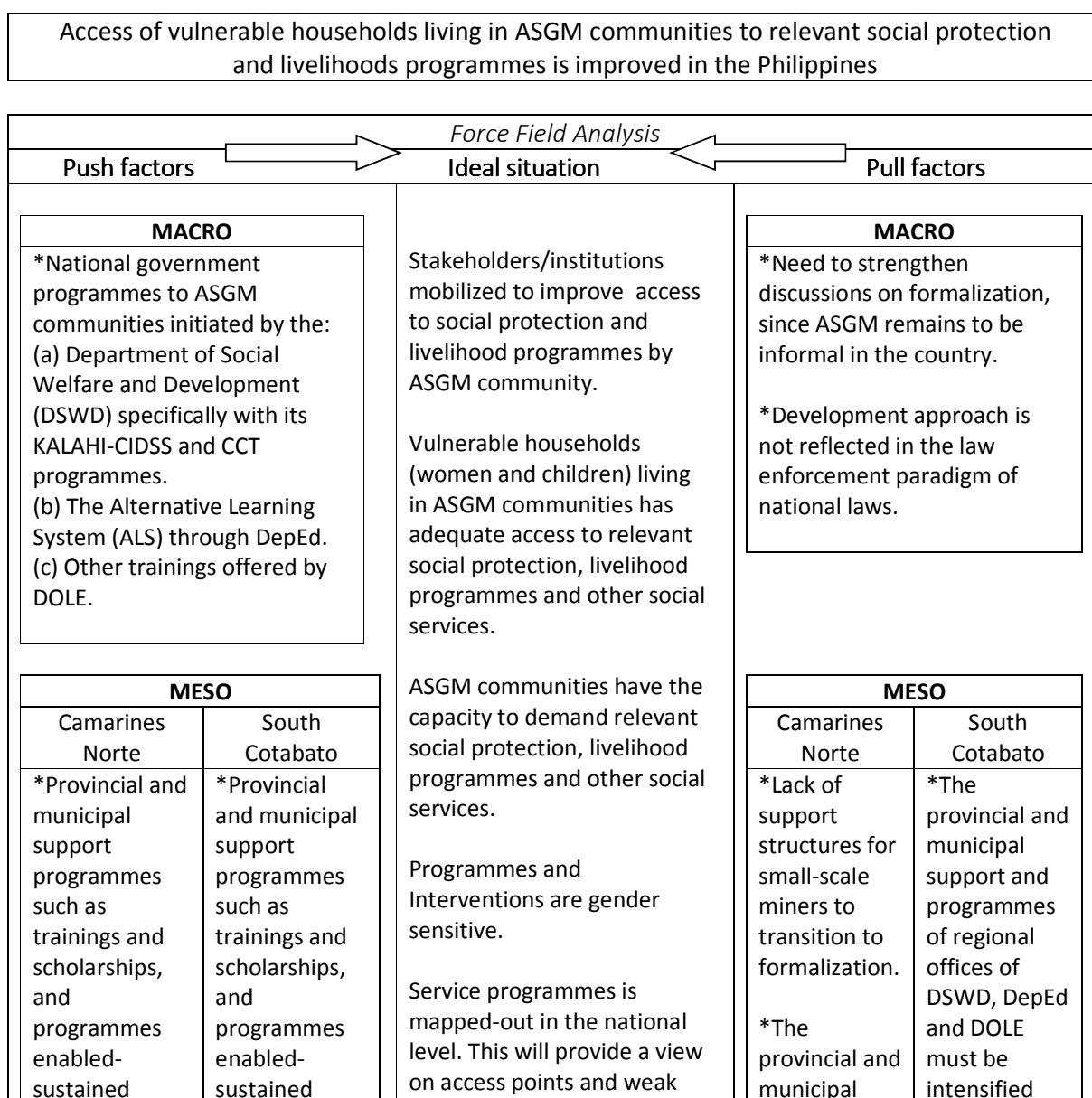
<div> <div>Force Field Analysis</div> <div> <div>Push factors</div> <div>Ideal situation</div> <div>Pull factors</div> </div> </div>		
<p>Camarines Norte</p> <ul style="list-style-type: none"> *Barangay ordinance in Paracale on the following: Tailings, Bitu, Rodmill, Balon. *Organized and functional Barangay Council for the Protection of Children (BCPC) and Barangay Anti-Drug Abuse Council (BADAC) in Paracale. *In Labo, Barangay Council of Tugos ordinance which requires cyanide processing plants to pay Php1.00 per sack of sand tails and rodmill operators to pay Php100.00 a month. <p>South Cotabato</p> <ul style="list-style-type: none"> *Barangay development plans such as Community Development Plans specifies the creation of committee on monitoring of child labour which is present in Barangay Kematu. In Barangay Desaw, there is no similar committee in place. *Child Labour-Free Award in 2012 for Barangay Kematu in an ASGM Community. 	<p>Child labour and working conditions incorporated in the local laws, policies, development plans, regulations, licensing contracts, action plans and budget allocations.</p> <p>Inter-agency coordination mechanisms in ASGM at the local levels is being implemented.</p>	<p>Camarines Norte</p> <ul style="list-style-type: none"> *Actual experiences of miners who have difficulty in formalizing their ASGM practice vis-à-vis the requirements from the laws are not documented, which can be used to push for amendments or very few ASGM proof of difficulty. *Lack of consent of large-scale mining companies. *Lack of study on the situation and roles of women and children in ASGM communities in the barangay level. *Child-labour persists in Labo and Paracale, Camarines Norte despite of Labo's Municipal Ordinance. *Ordinance on mercury-free ASGM practices remain violated, since mercury and other toxics are used in the production of gold specifically in Camarines Norte. *Limited incentives from the government for SSM to operate legally. <p>South Cotabato</p> <ul style="list-style-type: none"> *Lack of study on best policies and practices in ASGM communities such as the T'boli, South Cotabato in the barangay level. *Lack of study on the situation and roles of women and children in ASGM communities in the barangay level. *Only one barangay is declared child labour-free last 2012 and no monitoring activity was conducted since then. *Child labour still persist especially in neighbouring barangays.

Analysis:

In the presence of national laws, it is important that the provincial, municipal and barangay levels enact respective ordinance to ensure that the national laws are implemented and localized. This means that all provinces, municipalities and barangays, which are yet to pass local legislations on ASGM must address such lack and must be present in barangay, municipal and provincial development plans.

The specific lack that can be recognized for component one of the first force field analysis is the ambiguity, if not lack of barangay ordinance with regard to child labour and working conditions. While a committee on monitoring is structurally present in Barangay Kematu, South Cotabato, its counterpart barangays do not have such feature. In general, the policies in the barangay level must be formulated, strengthened and encouraged by the municipal government.

Component 2



through the regional or local offices of the DSWD, DepEd and DOLE.	through the regional or local offices of the DSWD, DepEd and DOLE.	points when service delivery is problematic. Management of ASGM operations improved.	support and programmes of regional offices of DSWD, DepEd and DOLE must be intensified given that child labour persists in ASGM communities.	given that child labour persists in ASGM communities.

	<p>also provided with livelihood skills training as reported by the head of Women's Federation in the municipality (11 trainings to date, since 2013).</p> <p>*In Sitio Elubog, there is a self-help organization of women who contribute funds for the maintenance of their early childhood day care centre/facility.</p>			<p>did not match with their interests.</p>
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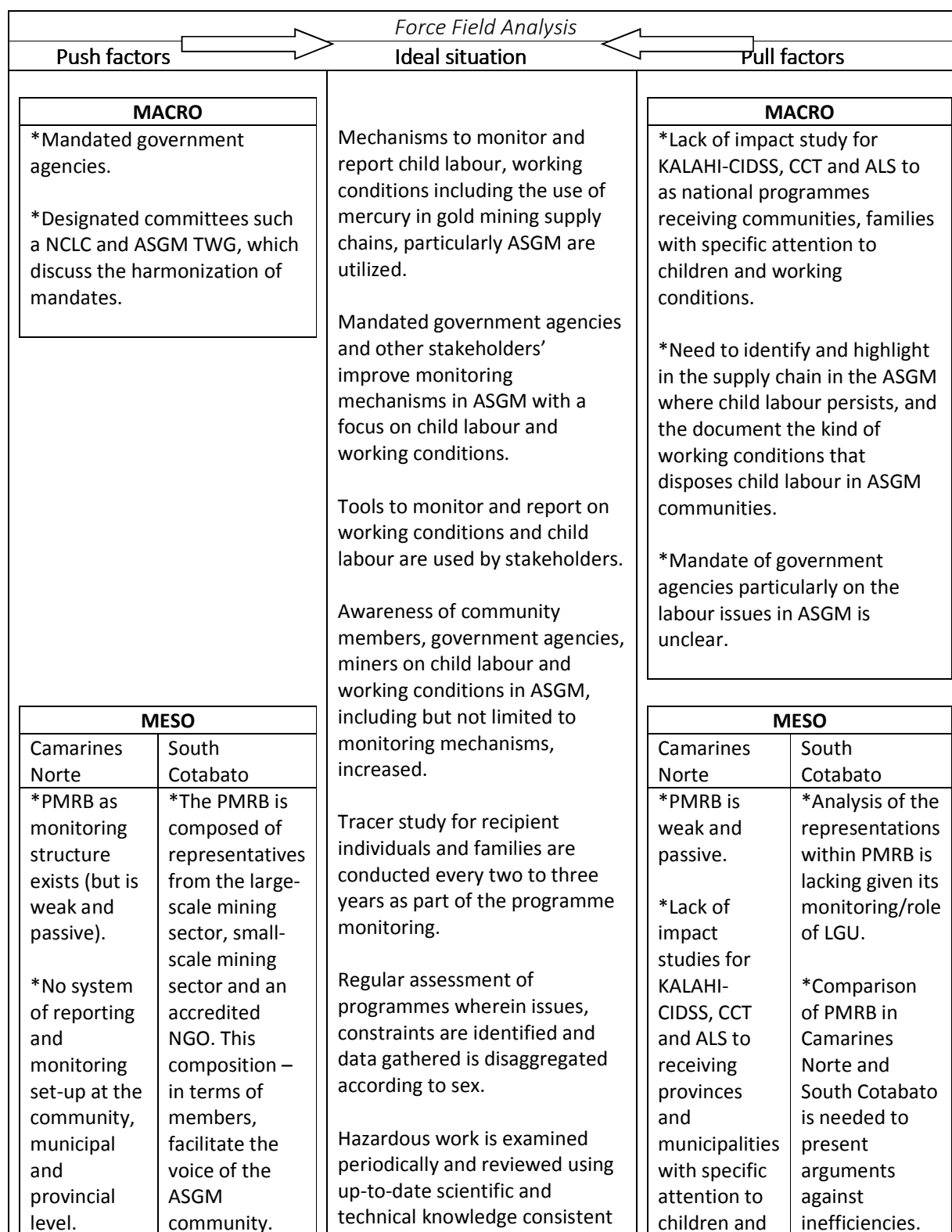
Analysis:

With the second component of the CARING-Gold Project, a key concern that needs attention is the integration of all relevant governmental institutions that provide social protection mechanisms and livelihood programmes (Sison-Arroyo, 2016). This move is advised to facilitate the holistic distribution of programmes from the national to provincial and to barangay levels. This integrative approach, for instance, means that the people in sitios and barangays are consulted especially when one talks of livelihood trainings. This suggestion is underlined to help make trainings sustainable, and to include the people in the planning aspect of the social protection programme.

When one talks of education support, for instance, the overall importance of working conditions in an ASGM community becomes more obvious given that the reasons why children opt not to proceed in their studies include: lack of money for fare; food; and school projects, which are all related to poverty and livelihood issues. Moreover, the FGD in Elubog, Barangay Kematu, South Cotabato, as a case in point, highlighted the common health problems of children such as dengue and stomach pain, which they attribute to the worsening pollution in the environment. If the municipality does not share in this sentiment, it will be difficult for the residents in Sitio Elubog, Tunnel and Barangay Desaw to imagine the possibility of receiving help from the municipality. The lack of detailed attention to the micro-level concerns affirms the distance of the municipal government from the day-to-day grind and struggles in the community.

3.1.2 Component 2

Mechanisms to increase monitoring of child labour and working conditions in gold mining supply chains, particularly ASGM are developed and implemented in the Philippines



<p>*Lack of concrete interventions for ASGM.</p>	<p>*The LGU, through the Municipal Environment and Natural Resource Office (MENRO) monitors compliance and requires miners or facility owners to fill-out a self-monitoring form or checklist, and the small-scale mining area verification checklist when applying for permits.⁸</p>	<p>with the recommendation of the ILO Convention No. 38 on Minimum Age.</p>	<p>working conditions.</p> <p>*Lack of monitoring reports on child labour and working conditions per ASGM barangay.</p> <p>*Lack of tracer studies for graduates of ALS and other scholarships as a way of arguing for the increase in budget in the provincial and municipality levels and to determine, which type of skills make a difference in the lives of the members of children in ASGM communities.</p> <p>* Need to enhance capacity of LGUs to regulate ASGM operations toward ensuring compliance with labour standards (Artajo, 17).</p>	<p>*Lack of monitoring reports on child labour and working conditions per ASGM barangay.</p> <p>*Lack of tracer studies for graduates of ALS and other scholarships as a way of arguing for the increase in budget in the provincial and municipality levels and to determine, which type of skills make a difference in the lives of the members of children in ASGM communities.</p>
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⁸See Appendix 5 for the sample forms of the small-scale mining area verification checklist and small-scale mining area monitoring checklist.

MICRO			MICRO	
Camarines Norte	South Cotabato		Camarines Norte	South Cotabato
<p>*Role of Community Associations or Barangay Local Government Unit (BLGU) in monitoring child labour and working conditions in respective communities such as the requirement of cedula of migrants and barangay clearance from their original residence in Paracale.</p>	<p>*Role of Community Associations or BLGU in monitoring child labour and working conditions in respective communities.</p> <p>*BCPC exists but is not functional. In Barangay Kematu, for instance, only one Barangay Kagawad attended a monitoring seminar on child labour in Zamboanga in 2010. There was no training afterwards.</p>		<p>*Lack of study on the working conditions that made the T'boli, South Cotabato ASGM Child Labour-Free, which can be traced to the social services and programmes offered in this community, and later compare with the situations in Labo and Paracale, Camarines Norte.</p> <p>*BCPC lacks capacity training and there is a need to further define its functions, roles and responsibilities.</p> <p>*Sex disaggregated data on the services and programmes availed by young boys, girls, men and women are amiss. This is important to disaggregate issues and concerns of women, men, boys and girls</p>	<p>*Lack of study on the working conditions that made the T'boli, South Cotabato ASGM Child Labour-Free, and assess the impact of the award – if any, to the community.</p> <p>*Sex disaggregated data on the services and programmes availed by young boys, girls, men and women are amiss. This is important to disaggregate issues and concerns of women, men, boys and girls in ASGM communities.</p> <p>*BCPC does not monitor child labour.</p> <p>*Partisan politics.</p> <p>*Partisan selection of participants for trainings and skills improvement.</p>

		<p>in ASGM communities.</p> <p>*BCPC does not monitor child labour.</p> <p>*Drug prevalence in the ASGM communities.</p> <p>*Working conditions and risks in Labo: degradation of land and water, unsecure land tenure for small-scale gold miners, unregulated migration in ASGM areas.</p>	
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Analysis:

The result of the force field analysis shows the insufficiency of empirical study on the situation of child labour in Labo and Paracale, Camarines Norte, and lack of study to date on the reasons why Barangay Kematu in the T'boli ASGM community in South Cotabato has been declared child labour-free in 2012.

Not discounting the initial studies done by the Ban Toxics in its own research on the incidence of child labour in the mining areas – especially in areas outside of the radar such as families panning in the rivers, illegal mining activities and in processing areas where children are paid to crush ores, lift bags of ores or perform amalgamation process, and clandestine processing of mercury done at home, the need to boost empirical studies on child labour and working conditions in ASGM, especially with regard to the monitoring mechanism, serves as a viable ground to tie-up the role and working conditions as a whole of the ASGM community in making it child labour-free and address working condition issues.

3.2 Discussions for objective 3

In this section, the salient points of analyses shall be presented alongside the recommendations to address child labour issues, concerns and suggestions to help alleviate working conditions in ASGM communities specifically in Labo and Paracale municipalities of Camarines Norte and T'boli ASGM community in South Cotabato. These are the key points that can serve as baseline for future interventions:

Areas	Key points of analysis A	Key points of analysis B (Gutierrez, 2015)	Child labour recommendations (Sison-Arroyo, 2016)	Working conditions recommendations (Sison-Arroyo, 2016)
Camarines Norte	<p>Macro perspective:</p> <ul style="list-style-type: none"> *Policy Ecology Analysis especially between large-scale mining and small-scale mining relations. *Specific to South Cotabato IPRA law's application should be strengthened especially for marginalized IP communities in the T'boli municipality. 	<ul style="list-style-type: none"> *1990's to 2010 – government favoured large-scale mining – created an atmosphere of distrust = miners vs government. *Major mining areas are in conflict areas – rebels, religious, tribal. *Government abandoned small-scale mining. 	<ul style="list-style-type: none"> *Creation of alternative livelihood and employment for families (DOLE case study 8). *Emphasizing education (DOLE case study 8). *Facilitate access of child labourers to basic health services in the community (DOLE case study 8). *Establish a network of community support (DOLE case study 8). *Stimulate the development of complementary and alternative productive ventures necessary for sustainable poverty alleviation. *Development of small industries based on local mining production. *Prolongation of production lines nevertheless should focus the creation of complementary activities through matchmaking with other groups, and not, as frequently proposed, as an additional activity of the miners themselves. For example, most experiments to teach miners jewelry failed. 	<ul style="list-style-type: none"> *Enhance capacity of LGUs to regulate ASGM operations toward ensuring compliance with labour standards (Artajo, 17). *Encourage stakeholders' involvement in enforcing health and safety and environmental protection standards (Artajo, 17). *Conduct on-site health, environmental and safety training courses, which may be included in the list of requirements for acquiring/ renewing licenses/ contracts (Artajo, 17). *Extend social protection mechanisms to small-scale miners whenever operations are stopped (Artajo, 17). *Ensure establishment of P/CMRBs and encourage creation
South Cotabato	<p>Meso perspective:</p> <ul style="list-style-type: none"> *Strengthening and monitoring of the PMRB. *Emphasizing the link between the province and the municipality through a feedback mechanism on child labour and working conditions issues in ASGM communities. <p>Micro perspective:</p> <ul style="list-style-type: none"> *Empowering the barangay to closely monitor its ASGM activities. 	<ul style="list-style-type: none"> *Publicized interventions in mining areas have only pointed at the negative. *Very strong anti-mining sentiment from civil society. *ASGM sector largely informal. 		

	<p>*Provide sufficient livelihood opportunities to parents and scholarships to children. These are important opportunities to break the cycle of poverty in ASGM communities.</p> <p>*Further organize small-scale miner's associations and include the voice of women and children.</p>			<p>of multi-stakeholder TWGs (Artajo, 17).</p> <p>*Explore the creation of Mining Councils composed of all concerned stakeholders at the local level to ensure coordination and provide venue for consultation (Artajo, 17).</p> <p>*How to strengthen the Child Labour Project Management team and other NGO partners in undertaking appropriate OSH programmes to protect children working in small-scale mines (DOLE case study 8).</p>
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⁹See Appendix 6 for list of attendees in Focus Group Discussions in Sitio Elubog and Tunnel, Barangay Kematu and Barangay Desaw, and names of persons interviewed as key informants.

List of appendices

Appendix 1
Definition of terms (CARING-Gold Working Project, n.d.)

Terms	Working definitions
Child	Refers to any person less than 18 years of age. This is stated in Section 2 Republic Act No. 923, which is an Act providing for the elimination of the Worst Forms of Child Labour and affording stronger protection for the working child.
Child labour	Refers to any work or economic activity performed by a child that subjects him/her to any form of exploitation or is harmful to his/her health and safety or physical, mental or psychosocial development. This can be gleaned in Section 3 Department Order No. 65-04 Rules and Regulations Implementing Republic Act No. 9231, section 2 Republic Act No. 9231, and article 139 Presidential Decree No. 442 Labor Code of the Philippines.
Worst forms of child labour	All forms of slavery or practices similar to slavery such as sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including recruitment of children for use in armed conflict. The use, procuring, offering or exposing of a child for prostitution, for the production of pornography or for pornographic performances; or the use, procuring or offering of a child for illegal or illicit activities, including the production and trafficking of dangerous drugs and volatile substances prohibited under existing laws; and work which, by its nature or the circumstances in which it is carried out, is hazardous or likely to be harmful to the health, safety or morals of children. These statements are sourced from Section 3 Republic Act No. 923.
Hazardous work and activities	Work and activities under the following industrial classifications which include the following: (a) Mining and quarrying – extraction of minerals, underground or surface mining, well operation or seabed mining. (b) Construction – general and specialized construction activities for buildings; new work, repair, alteration and erection of prefabricated buildings. (c) Transportation and storage – provision of passenger or freight transport by rail, road, water or air and associated activities such as terminal and parking facilities, cargo handling and storage. (d) Water supply; sewerage, waste management and remediation activities – management of various forms of solid or non-solid waste, household waste as well as contaminated sites. (e) Forestry and logging – production of round wood as well as extraction and gathering of non-wood forest products. (f) Fishing and aquaculture – capturing and gathering fish, crustaceans, mollusks and other marine organisms. (g) Hunting, trapping and related service activities.

	<p>(h) Security and investigation – services such as investigation and detective, guard and patrol, delivering money, receipts and valuable items.</p> <p>(i) Manufacturing of alcoholic beverages, tobacco, pyrotechnics, rubber, plastics, chemicals, metals, weapons.</p> <p>This is specified in Section 6 DOLE Department Order No. 149 Guidelines in Assessing and Determining Hazardous Work in the Employment of Persons below 18 Years of Age.</p>
Artisanal small-scale mining	<p>Refers to mining activities, which rely heavily on manual labour using simple implements and methods and do not use explosives or heavy mining equipment. It is also a single unit mining operation having an annual production of not more than 50,000 metric tons of ore and satisfying the following requisites: (a) the working is artisanal, either open cast or shallow underground mining, without the use of sophisticated mining equipment; (b) minimal investment on infrastructures and processing plant; (c) heavy reliance on manual labour; and (d) owned, managed or controlled by an individual or entity qualified under existing mining laws, rules and regulations. These stipulations can be seen in Section 3, Republic Act No. 7076: An Act Creating a People's Small-Scale Mining Programme and for Other Purposes, and in Presidential Decree No. 1899: Establishing Small-Scale Mining as a New Dimension in Mineral Development.</p>
Working conditions	<p>Working conditions in ASGM should comply with health and safety provisions of DENR Administrative Order No. 97-30 (Small-Scale Mines Safety Rules and Regulations). These cover the following areas:</p> <p>(a) Underground Mining Rules; (b) Surface Mining Rules; (c) Health and Sanitation Rules; (d) Emergency Preparedness Rules; (e) Plant Operation Rules; (f) Electrical and Mechanical Rules; (g) Traffic Safety Rules and Regulations; (h) Materials Storage and Handling; and (i) Other Safety Rules which includes the use and care of hand tools, construction and installation of ladders, piping installation, working on top of platform and scaffolds, road works and welding and cutting operations. These pronouncements are found in DENR's Administrative Order No. 97-30 Small-Scale Mine Safety Rules and Regulations.</p>

Appendix 2

General descriptions of Labo and Paracale, Camarines Norte and T'boli, South Cotabato

<p>Labo, Camarines Norte</p>	<p>Location: The municipality of Labo is geographically located at the centre of the province of Camarines Norte. It is approximately 335 kilometers south of Manila and 15 kilometers away from the capital town of the province, situated at the coordinates between 14°01'06" and 14°11" north latitudes and 122°21'00" and 122°52'20" east longitudes. On the North, it is bounded by the municipalities of Paracale, Jose Panganiban and Capalonga, on the South by the province of Quezon and adjoining province of Camarines Sur, on the East by the municipalities of Vinzons and San Vicente and on the West by the municipality of Sta Elena. The Maharlika highway links this municipality to provinces and cities of the Bicol Region and the Southern Tagalog region.</p> <p>Moreover, the municipality is the biggest among the 12 municipalities of the province. Its aggregate land area of 64,884 hectares occupies more than 25 per cent of the total land area of the province. The total taxable land area comprises 72.754 per cent prorated to the following land uses; residential, agricultural, commercial and industrial while the non-taxable land area comprises 27.246 per cent that include government, religious, education, special exempt and intended reserved are for roads, streets, riverbanks and legal easement for creeks (Ban Toxics, 2016).</p> <p>Demographic and socio-economic characteristics: Labo is the biggest municipality in the province in terms of land area. It ranks second in terms of population having registered a total head count of 91,226 during the 2013 Community-Based Monitoring System (CBMS) data of the province. Labo has more male than female population, 51.40 per cent male and 48.60 female.</p> <p>Based on the CBMS 2013, 52.27 per cent of the households are below poverty threshold and 36.00 per cent are below food threshold. Only 1.68 per cent of the labour force is unemployed and 4.37 per cent of the households eat less than three meals a day. In education, 43.46 per cent of children aged 13-16 years old are not in secondary school and 22.37 per cent of children aged 6-12 years old are not in elementary school. In water and sanitation, 29.2 per cent of the households have no access to safe water and 15.99 per cent of the households have no access to sanitary toilet facilities. Only 0.53 per cent of children aged 0-5 years old died while 0.18 per cent of women died due to pregnancy-related causes and 7.39 per cent of children aged 0-5 are malnourished (Ban Toxics, 2016).</p>
<p>Paracale, Camarines Norte</p>	<p>Location and political subdivision: The municipality of Paracale is a coastal municipality within the province of Camarines Norte. It is bounded on the North by the Pacific Ocean; on the East by the municipality of Vinzons; on the South by the municipality of Labo; and on the Northeastern portion of Camarines Norte at 14 15" latitude and 122 45" longitude. It is 40 kilometers away from the capital town of Daet and 20 kilometers from the National Highway known as the Manila South Road now Maharlika Highway, 133 kilometers from the City of Naga and 236 kilometers from the City of Legazpi (Ban Toxics, 2016).</p>

	<p>Demography: As of 2015, the working/middle age (15 years old-64) is 32,365 where 16,670 are males while 15,695 are females. The 38.49 per cent of the total population is composing of 19,519 young (0-14) where 10,071 are males while 9,448 are females; and 1,817 old (65 and over) where 806 are males while 1,001 are females. The male population is the dominant sex structure with 51.33 per cent of the total population while the female population consists of 48.47 per cent. The school going population of 22,790 denotes that 44.94 per cent of the population needs supplementary plans to enhance the quality of education in the town premises. Dissecting the school going population, it is noted that 23.80 per cent comprises the preschoolers, 36.14 per cent are the elementary pupils, and the secondary students encompass 17.94 per cent while the rest belongs to the tertiary level with 22.12 per cent (Ban Toxics, 2016).</p> <p>Employment: The generation of employment in the commercial establishments remains constant in 2009-2010. Wholesale and retail trade provided 40 employments in the 510 establishments; health and social works created 85 employments in the 63 establishments; 40 workers were benefited by 47 establishments in the hotel and restaurant, transport and storage; the 13 communication establishments produce 22 employments; and the public administration establishment granted two employments for the Paracaleños (Ban Toxics, 2016).</p>
T'boli, South Cotabato	<p>Location and brief facts: The municipality of T'boli is located in the hinterlands, on the southwestern portion of Province of South Cotabato and is predominantly inhabited by the T'boli and B'laan ethnic tribes. With rugged, rolling terrain, valleys and high slopes atop the mountain ranges, it is the hope of the many tribes of the lumads of Mindanao. Lake Holon (formerly Lake Maughan) nestled at the crater of Mt. Melibengoy (Mt Parker) was adjudged as the cleanest lake in Region XII and ranked first in the 2003 and 2004 search for the Cleanest Inland Bodies of Water in the whole Philippine archipelago. Mt Melibengoy (Parker) Mountain Range considered as one of the highest and longest in the municipality is located some 31 kilometers from Poblacion. It encompasses the areas of Barangay Tudok, Datal, Dlanag and Salacafe. Since time immemorial, this mountain has been considered as one of the sacred places of the T'bolis. Lake Holon can be reached from Poblacion to Salacafe on a 1-hour ride by Skylab (extended carrier motorcycle) then Salacafe to Lake Holon through a 3-hour trek (http://www.southcotabato.gov.ph/city-municipalities/tboli/).</p> <p>Eco-cultural features: T'boli is the eco-cultural tourism destination, it has gifted with gold reserve, crop plantations (pineapple tropical fruits), corn, livestock, cement manufacturing potential, forest products (rattan, bamboo) abaca handicrafts (t'nalak), ornamentals ferns production potential, watershed resources, inland fishing, geo-thermal resources and wildlife resources.</p> <p>Seslong Festival, a celebration that portrays the gathering of people of the highlands to barter goods that reflects the cultural heritage and ancestry of the province (http://www.southcotabato.gov.ph/city-municipalities/tboli/).</p>

Appendix 3
Key stipulations in national laws, provincial-municipal ordinances, presidential decrees and executive orders on ASGM, child labour and working conditions

Laws, ordinances, presidential decrees and executive orders	Key declarations or points.
The People's Small-Scale Mining Act of 1991 or RA No. 7076	"It is hereby declared of the State to promote, develop, protect and rationalize viable small-scale mining activities in order to generate more employment opportunities and provide an equitable sharing of the nation's wealth and natural resources, giving due regard to existing rights as herein provided."
The Philippine Mining Act of 1995 or RA No. 7942	"All mineral resources in public and private lands within the territory and exclusive economic zone of the Republic of the Philippines are owned by the State. It shall be the responsibility of the State to promote their rational exploration, development, utilization and conservation through the combined efforts of government and the private sector in order to enhance national growth in a way that effectively safeguards the environment and protect the rights of affected communities."
Presidential Decree No. 1899	<p>*PD No. 1899 and RA No. 7076 shall continue to govern small-scale mining operations. For areas not declared as People's Small-Scale Mining Area (PSSMA) under RA No. 7076, the pertinent rules and regulations of PD No. 1899 shall apply (http://www.mgb10.com/news/clarificatory%20guidelines%20ssm.html).</p> <p>*Small-scale mining operations in areas not declared as PSSMA shall be covered by Small-Scale Mining Permits (SSMPs) issued under PD No. 1899. Small-scale mining operations in PSSMAs declared under RA No. 7076 shall be covered by Small-Scale Mining Contracts (SSMCs) pursuant to the pertinent provisions thereof (http://www.mgb10.com/news/clarificatory%20guidelines%20ssm.html).</p> <p>*In case where a PSSMA is declared covering SSMP areas, the term of the SSMPs including their renewal, shall be recognized unless such SSMPs are revoked, cancelled or terminated with the cause: Provided, that the SSMP shall have the option to shift to a SSMC pursuant to the provisions of DAO No. 34, series of 1997 (http://www.mgb10.com/news/clarificatory%20guidelines%20ssm.html).</p>
Presidential Decree No. 1150 gold panning and sluicing	Section 3. "No permit for panning or sluicing shall be issued unless the claim owner or landowner or government agency concerned shall have consented in writing to such panning or sluicing Provided, however, That if the mining claim or claims are covered by an operating agreement, the consent shall be given by the operator."

	<p>Section 4. “It shall be unlawful to employ minors in any panning or sluicing operation, or to conduct such operations during nighttime.”</p> <p>Section 5. “The activities to be permitted shall be limited to panning by hand or sluicing by the use of sluice boxes. No drilling, blasting, crushing or grinding by machineries or similar activities shall be allowed. The claim owner or operator, landowner or government agency concerned shall not be responsible in any manner whatsoever for damages, injuries or deaths arising out of or resulting from such operations.” (http://www.gov.ph/1977/06/06/presidential-decree-no-1150-s-1977/).</p>
In 2012, Executive Order No. 79, series of 2012	<p>Section 11. Measures to Improve Small-Scale Mining Activities.</p> <p>To improve and address issues on small-scale mining, the following measures shall be undertaken:</p> <p>(a) Small-scale mining activities shall comply with RA No. 7076 or the People’s Small-Scale Mining Act of 1991, and the Environmental Impact Statement System requirements under PD No. 1586.</p> <p>(b) Pursuant to RA No. 7076, small-scale mining operations shall be undertaken only within the declared People’s Small-Scale Mining Areas or <i>Minahang Bayan</i>.</p> <p>(c) Pursuant to Section 24 of RA No. 7076, P/CMRBs in provinces and cities where they have not been constituted shall be operationalized within three months from the effectivity of this Order.</p> <p>(d) Small-scale mining shall not be applicable for metallic minerals except gold, silver and chromite, as provided for in RA No. 7076.</p> <p>(e) The use of mercury in small-scale mining shall be strictly prohibited.</p> <p>(f) Training and capacity building measures in the form of technical assistance for small-scale mining cooperatives and associations shall be conducted by the concerned government agencies (http://www.gov.ph/2012/07/06/executive-order-no-79-s-2012/)</p>
Indigenous People’s Rights Act (IPRA), RA No. 8371	<p>Section 4. “Concept of Ancestral Lands/Domains — Ancestral lands/domains shall include such concepts of territories which cover not only the physical environment but the total environment including the spiritual and cultural bonds to the areas which the ICCs/IPs possess, occupy and use and to which they have claims of ownership.”</p> <p>Section 5. “Indigenous Concept of Ownership — Indigenous concept of ownership sustains the view that ancestral domains and all resources found therein shall serve as the material bases of their cultural integrity. The indigenous concept of ownership generally holds that ancestral domains are the ICC’s/IP’s private but community property which belongs to all generations and therefore cannot be sold, disposed or destroyed. It likewise covers sustainable traditional resource rights.” (http://www.gov.ph/1997/10/29/republic-act-no-8371/)</p>
Article 128 of the Labor Code	<p>“The Secretary of Labor and Employment or his duly authorized representatives, including labour regulation officers, shall have access to employer’s records and premises at any time of the day or night whenever work is being undertaken therein, and the right to copy there from, to question any employee and investigate any fact, condition or matter which</p>

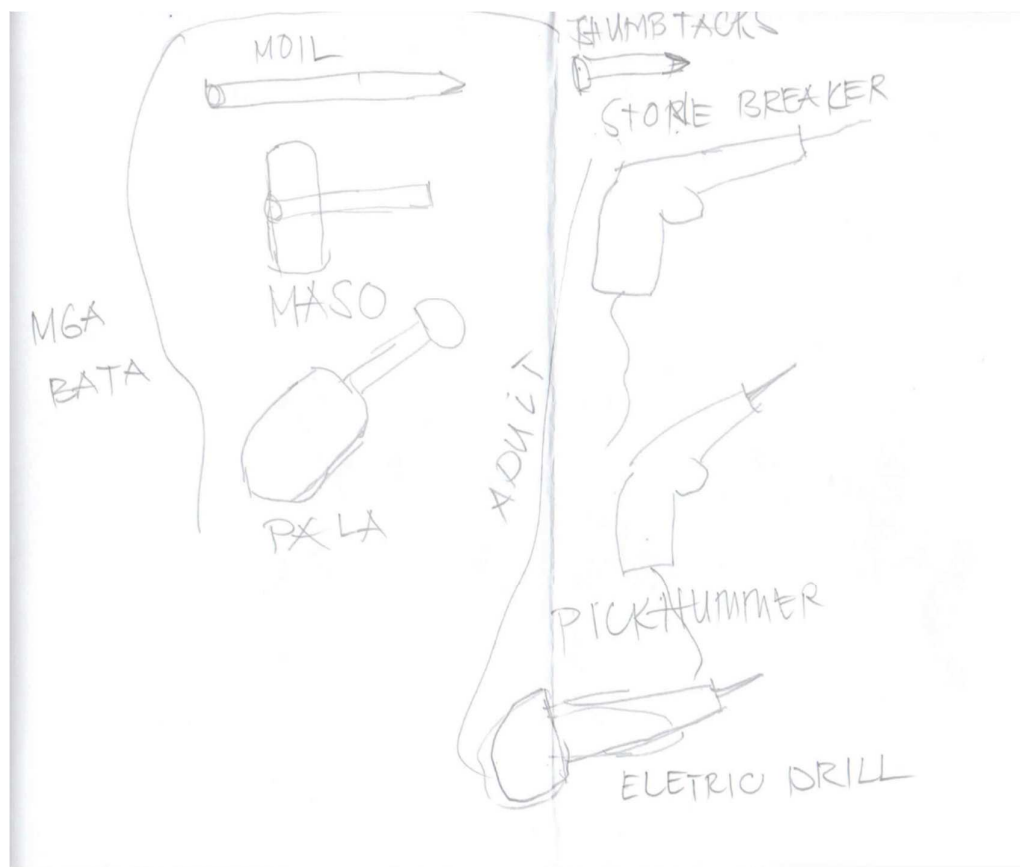
	<p>may be necessary to determine violations or which may aid in the enforcement of this Code and of any labour law, wage order or rules and regulations issued pursuant thereto.”</p> <p>(http://www.dole.gov.ph/labor_codes/view/4)</p>
<p>DENR Administrative Order No. 97-30, series of 1997</p>	<p>“In the interest of the service and pursuant to Presidential Executive Order No. 406, institutionalizing the Philippine Economic-Environmental and Natural Resources Accounting (PEENRA) System, the DENR Planning and Policy Studies Office (PPSO) is hereby reconfigured/redefined as follows.</p> <ol style="list-style-type: none"> 1. The Research and Statistics Division shall be renamed as the Statistical Coordination Division (SCD) and together with the Management Information Systems Division shall compose the Environment and Natural Resources Accounting and Management Information Service (ENRAMIS). 2. The Project Development and Evaluation Division and the Planning and Programming Division shall be combined and renamed as the Planning, Programming, Monitoring and Evaluation Division (PPMED) and together with the Policy Studies Division shall compose the Planning and Policy Service (PPS).” <p>(www.mgb.gov.ph/images/stories/DAO_1997-30.pdf)</p>
<p>DENR Administrative Order No. 2000-98 or the Mine Safety and Health Standards, which was created pursuant to Section 8 of Republic Act No. 7942</p>	<p>“Rule 30 – The Central Safety and Health Committee shall:</p> <ol style="list-style-type: none"> 1. Provide a forum for consultation and cooperation between the employer or manager of the mine, employees and members in initiating, developing and implementing measures designed to ensure the safety and health of employees at the mine. 2. Be well-informed of the safety and health standards and to review and recommends to the manager or employer the rules and procedures as regards to the safety and health of the employees. 3. Recommend to the manager or employer the establishment, maintenance and monitoring of programmes, measures and procedures relating to the safety and health of employees. 4. Conduct a monthly safety meeting and the minutes of which to be submitted to the manager/employer and the Bureau/Regional Office. 5. Review reports of inspection and accident investigations for proper implementation of mitigating measure. 6. Develop and conduct semi-annual drill and review of the emergency response and preparedness programme of the company to test its effectivity to respond to every perceivable hazard that may arise in the mine. 7. Provide necessary support to the Bureau in the enforcement of the safety rules and regulations.” <p>(www.denr.gov.ph/section-policies/viewrec.php?id=2448&page=28)</p>
<p>The Philippines enacted Republic Act No. 9231</p>	<p>“It is hereby declared to be the policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development including child labour and its worst forms; provide sanctions for their commission and carry out a programme for prevention and deterrence of and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts against the child are committed</p>

	by the said parent, guardian, teacher or person having care and custody of the same.” (www.bwsc.dole.gov.ph/files/cl/RA-9231-booklet.pdf)
The Presidential Decree No. 442	<p>“Article 15. Bureau of Employment Services: (a) The Bureau of Employment Services shall be primarily responsible for developing and monitoring a comprehensive employment programme. It shall have the power and duty:</p> <ol style="list-style-type: none"> 1. To formulate and develop plans and programmes to implement the employment promotion objectives of this Title. 2. To establish and maintain a registration and/or licensing system to regulate private sector participation in the recruitment and placement of workers, locally and overseas, and to secure the best possible terms and conditions of employment for Filipino contract workers and compliance therewith under such rules and regulations as may be issued by the Department of Labor and Employment. 3. To formulate and develop employment programmes designed to benefit disadvantaged groups and communities. 4. To establish and maintain a registration and/or work permit system to regulate the employment of aliens. 5. To develop a labour market information system in aid of proper manpower and development planning. 6. To develop a responsive vocational guidance and testing system in aid of proper human resources allocation. 7. To maintain a central registry of skill, except seamen.” <p>(http://www.gov.ph/1974/05/01/presidential-decree-no-442-s-1974/)</p>
DOLE Department Order No. 65-04 and No. 149, series of 2016	<p>Section 2. Declaration of State Policy and Principles:</p> <p>“The State shall provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination and other conditions prejudicial to their development including child labour and its worst forms; provide sanctions for their commission and carry out a programme for prevention and deterrence of, and crisis intervention in situations of child abuse, exploitation and discrimination. The State shall intervene on behalf of the child when the parent, guardian, teacher or person having care or custody of the child fails or is unable to protect the child against abuse, exploitation and discrimination or when such acts are committed by the said parent, guardian, teacher or person having care and custody of the child. The State shall also protect and rehabilitate children gravely threatened or endangered by circumstances which affect or will affect their survival and normal development and over which they have no control. The best interest of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities and legislative bodies, consistent with the principles of First Call for Children as enunciated in the United Nations Convention of the Rights of the Child.” (www.dole.gov.ph/issuances)</p>
Republic Act No. 10364, or the Expanded Anti-Trafficking	<p>Section 2. Declaration of Policy.</p> <p>“It is hereby declared that the State values the dignity of every human person and guarantees the respect of individual rights. In pursuit of this policy, the State shall give highest priority to the enactment of measures and development of programmes that will promote human dignity, protect the people from any threat</p>

<p>in Persons Act of 2012</p>	<p>of violence and exploitation, eliminate trafficking in persons, and mitigate pressures for involuntary migration and servitude of persons, not only to support trafficked persons but more importantly, to ensure their recovery, rehabilitation and reintegration into the mainstream of society.” (http://www.gov.ph/2013/02/06/republic-act-no-10364/)</p> <p>“It shall be a State policy to recognize the equal rights and inherent human dignity of women and men as enshrined in the United Nations Universal Declaration on Human Rights, United Nations Convention on the Elimination of All Forms of Discrimination Against Women, United Nations Convention on the Rights of the Child, United Nations Convention on the Protection of Migrant Workers and their Families, United Nations Convention Against Transnational Organized Crime Including its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children and all other relevant and universally accepted human rights instruments and other international conventions to which the Philippines is a signatory.” (http://www.gov.ph/2013/02/06/republic-act-no-10364/)</p>
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Appendix 4

Drawn images of tools used in small-scale mining which are also used by children who are engaged in ASGM in barangays Kematu and Desaw, Municipality of T'boli



In this drawing, the FGD participants identified the following tools usually used by minors in the ASGM sites in their communities, namely: Maso; Moil; Pala; and Thumbtacks. They also distinguished the tools used by adults: pick hammer; electric drill; and stone breakers.

Appendix 5
Sample form of small-scale mining monitoring used in the Province of South Cotabato

SMALL SCALE MINING AREA MONITORING CHECKLIST

Name of Contract Holder	
Name of Tunnel	
Land Owner	
Address	
Association affiliation	
CIP/ Ballmill Contractor	
Elevation	
Coordinates	
SSM contract date expiration	
Sharing scheme distribution	
Length of tunnel/No. of timber sets	
Number of mine workers	
Date of Verification	

MINE HEALTH AND SAFETY PARAMETERS	NOTES/ REMARK/COMMENTS
Mine record book available	
Accidents or occurrences notified to PMRB/PEMO	
Daily or shift inspection conducted by competent person	
Availability of <i>Mines Safety and Pollution Control Inspectors</i>	
Facilities maintained and cleaned, adequate ventilation, washing facilities available	
Adequate potable water available	
Toilet facilities provided and maintained	
Slips, trips or fall hazards controlled	
Principal hazards identified	
Appropriate PPE used for the hazardous jobs or tasks performed	
General work area clean and tidy	
Communications (emergency and general) and pit call-up procedures adequate	
Signage (PPE, safety and restricted access) visible, legible, good condition	
No minor at work site	
With Safe portal entrance	
Stockpiles maintained in safe condition	
Tunnel properly timbered, protected and stabilized	
Pit wall stable and without cracks, overhangs, loose material	
Electrical installations and equipment safely installed	
• Electrical equipment and installations maintained	

In this checklist, part of the health safety parameter in an ASGM site include not having a minor at work site for child labour issues and having potable water, PPEs, among others, safety nets for working conditions concerns. This is a checklist form required by the PEMO for small-scale miners.

Appendix 6

List of attendees in focus group discussions in Sitio Elubog, Tunnel of barangays Kematu and Desaw and names of interviewed key informants

Focus Group Discussion : SITIO ELUBOG 31/7/2017 9am					
Name	Male	Female	Designation	Address	Signature
1 Bden u ungo	✓	✓	Sitio Leader	Sitio Elubog.	Bden
2 Sinda T. Tanon		✓	Women member.	11 11	Sinda
3 ELUA T Diwan		✓	Women member	Sitio Sugan.	Elua
4 Jod G kala	✓		Sitio Leader	Sitio Blango	Jod
5 Ann S Kayang		✓	Member	Sitio Elubog	Ann
6 Jenifer Tanggal		✓	Member	Sitio Elubog	Jenifer
7 Danilo Centillio	✓		Member	Sitio Elubog-	Danilo
8					
9					
10 FGD 2			SITIO		
11 SORATA GELGA		✓	WOMENS	SITIO IPIL-IPILAN	Sorata
12 Junalita Anober		✓	WOMENS	SITIO IPIL-IPILAN	Junalita
13 Analic Albendo		✓	WOMENS	Sitio Ipil-Ipil	Analic
14 Maricel Opong			WOMENS	Sitio Ipil-Ipil	Maricel
15 Marissa Apostol			11	11	Marissa
16 Josephine Gumabon			womens	Sitio-Ipil-ipil	Josephine
17 Ernesto Binias Jr				11	Ernesto
18 ESCALA FELPE					Escala
19 Lorena S. Quinlan			womens	Sitio-ibil-ibil	Lorena
20 Celia P. Pedran				Sitio-epelpen	Celia
21 Emmanay L. Parnay		✓	Pak. Ipil 2x	Kematu Ibil, South	Emmanay
22					

A FGD was done in Sitio Elubog, which was attended by seven community members and in Sitio Tunnel, 11 participated in the FGD. Each FGD lasted for almost 2 hours. Both Sitios are in Barangay Kematu.

Name	Male	Female	Designation	Address	Signature
1 Cheryl Sanan		-	Barangay Health Worker 4PS Resident Leader	Desano, Tboli	Jan
2 Yon Sanan		-	Senior Citizen	Desano, Tboli	
3 Bayo Sanan		-	Senior Citizen	Desano, Tboli	
4 Marilyn V. Ming		-		Desano Tboli	Ming
5 Gemma S. Pascardo		-		- do -	Pascardo
6 Imelda S. Pascardo		-		"	Pascardo
7 JERRY S. PASCARDO	✓		EX BRGY KAND	"	Jerry
8 Gina Odina		✓			Gina
9 Marieluna Odina		✓			Marieluna
10 Jesserle P. Corino					Corino
11					
12					

The third FGD was done in Barangay Desaw, which was joined by ten participants. The FGD lasted for one and a half hours.

For the key informant interviews, the following persons were consulted in South Cotabato: (a) DOLE Officer, Mr Emilio Daway; (b) PEMO Officer, Mr Siegfried Flariano; (c) Municipal Councilor, Mr Ronie de la Peña; (d) Municipal Nutrition Officer, Ms Rose Dane Sta. Maria; (e) Women's Federation President, Ms Lorna Galis; and (f) Ban Toxics Officer in T'boli Municipality, Ms Jimbea Lucino. It should also be mentioned in this section that Mr Nono Perez served as our guide and coordinator for the study in T'boli Municipality.