



# Evaluation Summaries

## Programme to Combat Child Domestic Labour: Philippines and Indonesia

### Quick Facts

**Countries:** *Philippines and Indonesia*

**Final Evaluation:** *December 2003*

**Mode of Evaluation:** *independent*

**Technical Area:** *Child Labour*

**Evaluation Management:** *IPEC DED*

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**Project Code:** *INT/00/12/NET*

**Donor:** *The Netherlands*

**Keywords:** *Child labour, domestic labour*

### Excerpted from the Evaluation Report Introduction and Summary

#### 1.1 Introduction

This report describes the findings of the evaluation of Project INT/00/12P/NET: Programme to combat child domestic labour aimed at eliminating the worst forms of child labour in domestic work in Indonesia and the Philippines. This Project was the first contribution by the Government of the Netherlands towards the IPEC-supported 'Global Programme To Combat Child Domestic Labour'. The Project was approved in August 2001 with a budget of US\$377,358 for a two-year period; it was extended for 5 months up to 31 December 2003.

The aims of this evaluation were to identify lessons and good practices on

viable strategies and mechanisms for future action against child domestic labour exploitation (CDL) both in the participating countries, and for replication in other countries with specific reference to:

- Legislative development and reform for labour protection of domestic workers and prevention of exploitation of child domestic workers
- Institutional development, mechanisms and learning
- Direct action measures such as self-organization of young and older domestic workers for protection of children, improving employment and working conditions, rehabilitation and alternative livelihood training
- Advocacy measures in support of the above
- Future programme development on sector-specific action on CDL within the larger framework of the Time-Bound Programmes (TBP) against the Worst Forms of Child Labour (WFCL), as well as a new ILO-supported initiative to protect domestic workers from forced labour and trafficking in SE Asia, including Indonesia and the Philippines.

#### 1.2 Context and policy framework on action against the WFCL in the Philippines and Indonesia

Action against child labour exploitation continues to be a considerable challenge in the Philippines and Indonesia both in terms of the numbers involved and the

nature of exploitation. Persisting poverty, especially in rural areas and income inequalities contribute to the problem:

- In the Philippines, the total number of working children increased by 12 per cent between 1995 and 2001 amounting to 4 million in 2001, and representing 16 per cent of the 25 million children between 5 and 17 years old. Reliable data on the number of CDWs were not available at the time of the evaluation mission.

- In Indonesia, almost 4.9 million or one in 7 children between 10 and 17 years old were found in the labour force in 2000. Estimates from 2002 indicate that almost 690,000 or one-third of all domestic workers are less than 18 years old. Both countries are signatories to the key international conventions for the protection of children. They signed the UN CRC in the early 90s, and the ILOs Minimum Age and the Worst Forms of Child Labour conventions at the turn of the century. Progress has been made since then in both countries in terms of legislative developments on the WFCL at the national level:

- In the Philippines, the current Government administration is creating a conducive policy environment for action, as evidenced by the signing of the Anti-Trafficking in Persons Act and a Comprehensive Law against Child Labor in 2003. Progress has also been made in 2003 with the processing of the *Batas Kasambahay* or the *Magna Carta* for Household Helpers which has been approved by the House of Representatives and is now under discussion in the Senate.

- In Indonesia, legislative action is also proceeding albeit at a slower pace. The Child Protection Act 23/2002 came into force recently and the Manpower Act 13/2003 prohibits the employment of children in the WFCL. National legislation against the trafficking of people and on migration is in development. There is only one PERDA (provincial regulation) operational in Jakarta which regulates the

work of recruitment agencies for domestic workers but a law to protect domestic workers does not exist.

Indonesia has been an ILO-IPEC partner since 1992 and the Philippines joined IPEC in 1994. At the start of this millennium both the Filipino and the Indonesian Governments embarked on a Time-Bound Programme to eliminate the Worst Forms of Child Labour (WFCL) with ILO-IPEC support and financing from the US Department of Labour. Both countries have adopted comprehensive action plans against the WFCL, known as the National Program Against Child Labor (NPACL) in the Philippines and as the National Plan of Action against the WFCL (NPA-WFCL) in Indonesia.

In the Philippines, child domestic workers have been recognized as a priority target group within the Government's National Program against Child Labor since its start in the mid 90's and they continue to be one of the six priority target groups in the current NPACL. In Indonesia, child domestic work ranks among the top employment sectors where children are found, after agriculture, manufacturing and trades. However, the acknowledgement of child domestic labour as a problem is of a much more recent date, and CDL is not included as a priority area in the first phase of the NPA-WFCL and the TBP.

### **1.3 Main findings and recommendations in the Philippines**

Action against exploitative child domestic labour by the Visayan Forum Foundation, Inc. (VF) started in 1995 with ILO-IPEC support. Under this Project, VF Implemented Action Programme (AP) 'Consolidating National Action for Child Domestic Workers (CDWs): The Philippines *Kasambahay* Programme' (US\$140,000) from December 2001 up to April 2003.

As the VF has been a longstanding IPEC partner and became actively involved in

the TBP in 2003, the evaluation team went beyond reviewing the AP as a stand-alone project, and focused on assessing the impact to date of VF initiatives for future programme development.

The main VF strategies and programme components reviewed by the evaluation were:

- Direct services and social protection for children in domestic work geared at prevention, removal and rehabilitation
  - Empowerment and promotion of self-help organizations
  - Advocacy for legislation, policies and programmes against the WFCL and protection of child domestic workers
  - Set-up of a Resource Centre on CDWs.
- The overall impression of the evaluation team is that the work carried out by VF is excellent and impressive. The sector-specific expertise against the exploitation of child domestic workers within VF remains highly relevant because (i) labour and other abuses among CDWs continue to exist and their numbers are not expected to decrease in the near future; and (ii) within the NPACL and the TBP framework of action a wider range of organizations needs capacity building so they can carry out effective sector-specific work on CDL.

During the period under review steady progress has been made in creating a consensus in society on the unacceptability of the physical and sexual abuse of children in domestic work.

However, the (forced) labour exploitation dimension of CDL is still rather invisible in the eyes of the larger public, including many employers and (potential) service providers, such as local government structures. In relation hereto the mission noted that the Forced Labour Convention (No.29), one of the core ILO standards, has not yet been ratified by the Government of the Philippines.

During the period under review VF carried out effective upstream (policy advocacy at the national and local levels) and downstream (direct action and capacity building of CDWs and partner organizations) work and raised the capacity of many stakeholders to take action against CDW exploitation and the trafficking of people. Special VF achievements during the period under review relate to:

- the successful lobbying for better legislation against child labour and trafficking as well as the processing of landmark legislation on domestic work, known as the Magna Carta for Household Helpers at national level and the mobilization of decentralized city and local governments (barangays) to protect CDWs
- the provision of an integrated package of multi-sectoral direct support services with a range of partners to prevent trafficking and CDL abuses, reach out and empower CDWs, and work place monitoring, including mediation, legal action and rehabilitation
- the organization and tapping of talents of (ex-) child and adult domestic workers, establishing and strengthening SUMAPI, an Association of (Child) Domestic Workers.
- obtaining the commitment of employers and their organizations and mobilization of a workers' organization against CDL abuses.

Recommendations for VF and ILO-IPEC are as follows.

### **Policy and public advocacy**

Government structures, other service providers and the general public need to become more aware of the forced labour dimension in (child) domestic work such as very long working hours, no or too little pay resulting in continuous debt situations, and lack of freedom. This will require action in fields such as:

- Collection and analysis of more reliable, quantitative ‘hard’ data to document the exact nature and extent of labour abuses in (child) domestic work as compared to ‘benign’ working conditions in this sector
- Development and dissemination of key messages for policy advocacy with legislators, law enforcers, service providers and the public at large on the forced labour dimension of (child) domestic work, in addition to continued lobbying for the approval of the Magna Carta for Household Helpers. There is a need to revise outdated minimum wage legislation for domestic work and to give children and youth control more over the income earned from their labour.
- The introduction of SSS registration and a model employment contract are potentially viable measures to regulate the employer-employee relationship in domestic work. This work needs to continue, as too little experience has been gained on the effects of such measures so far.
- A VF plan to develop and monitor the application of a specific Code of Conduct on domestic work along the lines of the Magna Carta for Household Helpers with specific pilot groups of employers will be a worthwhile measure to support the application of the Magna Carta, and create support for legislation in this field. Further work is also needed to gain the support of networks of women employers.

### **Capacity building, networking and linkages**

- VF has developed and demonstrated the practical use of a series of effective strategies related to policy and public advocacy, workplace monitoring and conflict mediation, provision of psychological support and organization of CDWs, and the prevention of trafficking, but innovative, successful measures are hidden in daily work and practices, which are known only to insiders. Further investment is needed in documentation

and dissemination of good practices and effective strategies to enable systematic and extensive training and capacity building of stakeholders in various Regions in the Philippines and in other countries. This will require systematic training and information materials development, trainers’ training and website expansion.

- It is recommended that VF establish small Kasambahay Centres in the new Regions covered by the TBP which focus on CDWs, because the new partners need to learn-by-doing alongside VF.
- At the same time VF and ILO-IPEC need to develop a more strategic and phased approach to capacity building of other organizations within the TBP framework. So far experience has been gained in capacity building of partners by working with them.

However, in most instances it would seem that VF continues to be the motor of change and the main implementer. VF needs to decide to what extent the organization wishes to continue to expand the carrying out of direct action in regions where they have worked for several years or whether it would be preferable to gradually transfer responsibility for such activities to other partners. VF can then focus on demonstrating new types of direct action only and give priority to the capacity building of partners and SUMAPI with regard to successful direct action measures.

- Sector-specific work on CDL would also seem warranted in the Regions where child domestic workers have not been selected as a priority target group under the TBP as the CDL problem would seem to exist alongside other types of worst forms of child labour in all Regions affected by poverty.

### **Gender equality promotion**

Further work is needed to strengthen the gender dimension in action against CDL:

- Further work is needed with public or private sector training providers to provide high quality vocational training geared at upgrading the status of household management, and thereby improving the position of domestic workers
- Reproductive rights training (including action against sexual harassment at work) needs to be included in the life skills training series for CDWs. This will benefit CDWs already included in the SUMAPI network, and attract new CDWs to the programme
- Muslim and indigenous women face many gender and cultural barriers, and VF has found that they are also at risk of ending up in the worst forms of child and/or forced labour. It would seem a good idea if VF build bridges in Muslim communities, for example by starting a Community Child Watch project and/or recruit female staff from these groups, if the opportunity arises.

### **Self-organization of (child) domestic workers**

The organization of (child) domestic workers in an association known as 'SUMAPI' has potential, because it encourages the participation of CDWs and other child workers in child, youth and union networks. This will require more investment in the systematic and continuous training of SUMAPI leaders, gradual increases in the number and type of services that they provide and further profiling of the organization among the public at large. For the long term viability of a specific domestic work organization it will be necessary to expand membership and services to adult domestic workers.