

RELEVANT INFORMATION ON US DOL'S LIST OF GOODS PRODUCED BY CHILD LABOR OR FORCED LABOR IN THE PHILIPPINES

The Philippines has been included in the 2009 Report on the Trafficking Victims Protection Reauthorization Act's (TVPRA) *List of Goods Produced with Child Labor* which states that certain goods from the Philippines are made with child laborers, namely: banana, sugarcane, rubber, hogs, rice, corn, coconut, tobacco, pyrotechnics, gold, fashion accessories, and pornography.

While the Philippines has the most number of goods (12) identified, the US DOL qualifies that countries with relatively large numbers of goods on the list may not have the most serious problems of child labor. It explains that "often, these are countries that have adopted a more open approach to acknowledgement of the problems, have better research and have allowed information on these issues to be disseminated. Such countries include Argentina, Bolivia, Brazil, Colombia, Ecuador, India, Kenya, Mexico, Philippines, Tanzania, Turkey, and Uganda. The number of goods on the List from any particular country should not be interpreted as a definitive indicator that these countries have the most extensive problems of child labor and forced labor."¹

This paper aims to provide relevant information on the action being made by the Philippine government and its social partners in responding to the challenge of eliminating child labor, particularly its worst forms. The Philippine government and all sectors involved in the anti-child labor campaign are seriously looking into the results of the report. As one of the first countries to immediately ratify the UN Convention on the Rights of the Child, ILO Convention 182 on the prohibition and immediate action for the elimination of the worst forms of child labor, and ILO Convention 138 on the minimum age for admission to employment, the Philippines is very much concerned with its compliance to international labor standards.

The paper is divided into five parts: 1) the present child labor situation in the Philippines; 2) recent policy and program actions of the Philippine government in eliminating child labor; 3) specific actions on sectors included in the list of goods produced with child labor; and, 4) future actions of the Philippine government to reduce child labor incidence in the identified sectors.

¹ US Department of Labor, International Labor Affairs Bureau. *2009 TVPRA's List of Goods Produced by Child Labor Or Forced Labor*. P. 29

I. Child Labor in the Philippines is declining

As a developing country battling with poverty and hunger, we acknowledge the sad fact that child labor does exist in the Philippines. But the Philippine government has always been committed to the gradual elimination of child labor. The Philippine Constitution explicitly states that it is 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. The Philippines has concretized this provision through various laws and policies including those aimed at eliminating all forms of child labor, particularly its worst forms. The country, in fact, was one of the first to ratify ILO Convention 182 and enact a law against the worst forms of child labor. The Philippine Program of Action Against Child labor now boasts of more than 600 partners, united in the campaign against child labor.

Today, with the relentless efforts of government and social partners working towards the elimination of child labor and achieving the Millennium Development Goal of reducing poverty, the number of working children in the Philippines has considerably gone down as recent estimates show.

National data on working children sourced from the Philippines' National Statistics Office reveals that there is a steady, albeit slow, decrease in the number of working children within the last four (4) years (Table 1). From 2007-2008, a good 28% decrease in the number of children aged 5-9 years is evident while there is about 13% decrease among those in the 10-14 years. Still, a mere 2% decrease is registered among working children 15-17 years. Overall, there is still a 7% decrease in the total number of working children among all the age groups. This downward trend could be attributed to a range of interventions, both national and local levels and across sectors of the government, non-governmental and the civil society within the ambit of policy and program spheres.

Table 1. Working Children by Age group, Philippines: 2005-2008

AGE GROUP	2005	2006	2007	2008	% Difference for 2007 and 2008
All Age Groups	2,290	2,354	2,316	2,153	(7%)
5-9 yrs	143	123	120	86	(28%)
10-14 yrs	776	783	742	643	(13%)
15-17yrs	1,370	1,448	1,454	1,425	(2%)

Source: 2009 Gender Statistics on Labor and Employment²

² GSLE is a regular publication of the DOLE's Bureau of Labor and Employment Statistics which brings together related sex-disaggregated indicators and data available from various government agencies.

In spite of the reduction in the number of working children, however, the country is still faced with the challenge of removing children in the worst forms of child labor which include those engaged in hazardous work such as children in agriculture, mining, manufacturing, and pornography. A concerted, multi-pronged strategy is adopted by the Philippine government in collaboration with its social partners to gradually remove children from hazardous situations through a combination of regulatory and developmental approaches.

II. Sustained Philippine Government Action to Eliminate Child Labor

A Policy environment conducive to eliminating child labor in the country

At the national level. National commitment is the key to the effective abolition of child labor. While it is truly a daunting task, modest efforts are likely to have the best results if they are backed up by resources and translated into effective actions. The DOLE takes the lead and carries the obligation to develop, implement and monitor policies and standards and translate these into concrete action.

The **Philippine National Strategic Framework for Plan Development for Children (2000-2025)** or *Child 21* reflects the country's goals for children taking into consideration the Millennium Development Goals and the goals set forth in the World Fit for Children. It is designed to be the country's strategic framework, painting a vision for the quality of life of Filipino children in 2025 and a roadmap to achieve the vision.

Taking off from *Child 21* is the National Plan of Action for Children (NPAC) covering the period 2005-2010. The Plan discusses priority concerns and the agenda for the five-year period in order to achieve the *Child 21* vision for 2025. It is a comprehensive plan which aligns the commitments of stakeholders for the protection and promotion of children's rights. Like *Child 21*, is rights-based and uses the life cycle approach. The programs and interventions identified in the NPAC for children in need of special protection focus on: abused children; children with disabilities; victims of child labor; children in conflict with the law; street children; children in armed conflict.

Child labor concerns have been incorporated in national development plans such the **Medium-Term Philippine Development Plan (2004-2010)**, particularly under the Chapter on Labor.

Under the **Philippine Decent Work Common Agenda (2008-2010)**, with the goal to reduce decent work gaps by enhancing workforce productivity, competitiveness, representation and equity at work, the issue of child labor is given priority. The *Sagip Batang Manggagawa (Rescue the Child Laborers)* mechanism and *Kabuhayan Para Sa Magulang ng Batang Manggagawa (KaSaMa) Project or Livelihood for Parents of Child Laborers* were committed under the strategic objective to promote and realize standards, fundamental

principles and rights at work, among which, the intended outcome is the elimination of child labor.

Enforcement of Republic Act No. 9231 (Anti-Child Labor Law of 2003). The Philippines has a very strong legal framework, which prohibits child labor in all industries, including its worst forms. In December 2003, Republic Act No. 9231 (*An Act Providing for the Elimination of the Worst Forms of Child Labor and Affording Stronger Protection for the Working Child, Amending for this Purpose Republic Act 7610, as Amended, Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploitation, and Discrimination Act"*) was passed into law to protect and remove children from the worst forms of child labor. It penalizes the hiring of children and the maximum penalty for doing that is life imprisonment and a fine of two million pesos (\$44,400). The following year, the Department of Labor and Employment (DOLE) issued the corresponding Implementing Rules and Regulations of RA 9231 through Department Order No. 65-04 and the procedure for closure of business, firm or establishment through Department Circular No. 3-09.

The DOLE, in coordination with the UNICEF, conducted two (2) batches of *Training for Labor Inspectors, Hearing Officers and Sheriffs on the Effective Enforcement of RA 9231 and RA 9208* in 2009. A total of 62 labor inspectors, hearing officers, sheriffs and child labor focal persons from the DOLE participated in the training.

This training yielded inputs for the development of a *Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases*. The Manual will serve as a guide to the provisions of RA 9231 and its Implementing Rules and Regulations. It builds on the combined experiences and lessons learned by DOLE Regional Offices in implementing RA 9231 and related laws. It provides operational procedures on: Responding to information or complaints involving grounds for immediate closure of erring establishment; Enforcement procedure for immediate closure; and Enforcement of compliance orders for violation of RA 9231.

Also in 2009, another set of 62 personnel from the 16 DOLE Regional Offices, both new entrants and new in the labor standards field, participated in two (2) batches of *Basic Training Course for Labor Inspectors* wherein RA 9231 and enforcement procedures were among the topics discussed.

On October 22, 2009, to further strengthen law enforcement, the Secretary of Labor and Employment issued *Department Circular No. 3, Guidelines on the Procedure for Closure of Business, Firm or Establishment* under RA 9231. The issuance will guide the DOLE Regional Offices as well as concerned businesses, firms, or establishments on the procedure for closure of any business, firm or establishment found to have violated any of the provisions of said Act.

This year, 2010, the *Manual on the Conduct of Inspection, Rescue and Enforcement Proceedings in Child Labor Cases*, will be issued by the DOLE Secretary. The Manual, a result of

the series of training and consultation workshops, will be used by DOLE labor inspectors, hearing officers, sheriffs and child labor program coordinators throughout the country in the conduct of inspection, rescue and enforcement proceedings in child labor cases. With the issuance of the Manual, the law enforcers will have clearer procedural guidelines and tools in pursuing cases on child labor thereby increasing the number of penalized erring employers.

As part of its administrative function, the DOLE has also included in the proposed amendments to the *Rules and Regulations Governing Private Recruitment and Placement Agencies* the prohibition on the recruitment of minors for hazardous and exploitative labor as provided for under RA 9231 and RA 9208 to further contribute to the prevention of trafficking of children.

To avoid the occurrence of problems relating to child labor and trafficking in persons, an Advisory instructing all DOLE Regional Offices to comply with the notification requirements of the Rules and Regulations Governing Private Recruitment and Placement Agency (PRPA) for Local Employment was issued on 19 May 2009. The said Advisory reiterated Section 20, Item "g" of the said Rules and Regulations that "*Prior to deployment, the Regional Office of origin shall notify the Regional Office of destination of the arrival of the recruits, and the latter shall see to it that the terms and conditions of the recruitment contract are followed strictly*".

The *Sagip Batang Manggagawa (SBM)* Quick Action Teams (QAT) were able to remove children in abject conditions and hazardous undertakings. In 2009 alone, 79 child workers were rescued during 16 rescue operations bringing to a total of 2,790 children rescued since the implementation of the program in 1993. Children rescued were provided with appropriate assistance by the inter-agency partners of the Philippine Program Against Child Labor.

For the year 2009, two (2) child labor cases were resolved in the National Capital Region. The first case involved an owner of a KTV bar and disco theater in Manila who engaged a child in 2005 for prostitution in violation of Republic Act No. 9208 (*Anti-Trafficking in Persons Act of 2003*) in relation to Republic Act No. 9231 was convicted on 27 October 2009. The DOLE had permanently closed this establishment in 2005.

The second case was reported to the DOLE by the International Justice Mission, an active partner of the DOLE, regarding a case of qualified trafficking in Manila which won conviction on 29 October 2009. In this case, a gay recruiter was penalized for engaging three (3) male children for prostitution with the penalty of 10-12 year imprisonment for each count.

Also in the NCR, there are three (3) pending criminal cases against erring employers for employing minors in prostitution or obscene or lewd shows. Two (2) of the erring employers are already incarcerated while their case is being heard by the court. It took approximately four (4) years to resolve the criminal case on child labor/child trafficking cited above.

In 2008, the DOLE issued Department Advisory No. 01, Series of 2008 on the *Employment of Youth Aged 15 to Less Than 18 Years*, clarifying the provisions of the Labor Code of the Philippines and Republic Act 9231 on the employment of young persons. It reiterates that the issuance of a DOLE certificate to youth aged 15 to below 18 years prior to employment is not required by law. However, the employer should provide the child with access to at least elementary or secondary education, including alternative learning systems.

Also in 2008, the DOLE issued Department Advisory No. 02, Series of 2008, *Strengthening the Livelihood Formation and Enhancement Services for Women, Youth and Child Laborers' Parents and Older Siblings* in pursuance to DOLE's efforts to mainstream the concerns of women and young workers including child laborers. The said Advisory provides that the *Kabuhayan para Sa Magulang ng Batang Manggagawa (KaSaMa)* Project or *Livelihood Opportunities for the Parents of Child Laborers* is a support program under the Capacity Building for Livelihood along with the livelihood programs for women, youth and other sectors in the informal economy. The KaSama Project targets the parents and older siblings of child laborers who will be empowered as responsible family members earning income through livelihood undertakings.

As part of the implementation of *Department Order No. 57 series of 2004 (Guidelines Implementing the Labor Standards Enforcement Framework)*, DOLE developed a set of manuals that incorporates the collection of information on children's employment. DO 57-04 directs the use of a checklist using any one of the three approaches: self assessment, inspection, and advisory services. The checklist monitors the ages of all employees in the establishment and compliance with both General Labor Standards and Occupational Health and Safety Standards. DO 57-04 also enjoins labor inspectors to prioritize: existence of complaints, imminent danger or imminent occurrence of accidents, illnesses or injuries; hazardous workplaces; construction sites; and employment of women and children. **Workers below 18 years of age found to be in hazardous activities or conditions in establishments are removed from such situations through the DOLE enforcement mechanism.** The labor inspectors give technical advice to correct the unsafe conditions.

Moreover, the joint project of the International Labor Organization and the Bureau of Working Conditions on "Developing a National Program to Enhance the Implementation of the Labor Standards Enforcement Framework", developed a module on promoting a child labor-free workplace which has been included in the Trainer's Manual in the conduct of the Training and Advisory Visits (TAV) approach and the Self-Assessment approach.

Enactment of Republic Act No. 9775 or the Anti-Child Pornography Act of 2009. Republic Act No. 9775 is a landmark law that protects every child from all forms of exploitation and abuse including the use of children in pornographic performances and materials as well as the inducement or coercion of a child to engage or be involved in pornography through whatever means. The law identified prohibited acts including those committed through cyberspace/internet and syndicated child pornography. It likewise provides for mandatory

services to victims such as: emergency shelter or appropriate housing; counseling; free legal services; medical or psychological services; livelihood and skills training; and educational assistance.

An important feature of the law is the creation of an institutional mechanism called the Inter-Agency Council Against Child Pornography, chaired by the Secretary of the Department of Social Welfare and Development, the Secretaries/Chief/Commissioners of concerned government agencies and three (3) representatives from children non-governmental organizations as members. The Committee has the following functions: a) formulate comprehensive and integrated plans and programs; b) promulgate rules and regulations; c) coordinate programs and projects of the various member-agencies; d) assist in the filing of cases against individuals, agencies, institutions or establishments; e) formulate a program for the reintegration of victims of child pornography; f) develop the mechanism to ensure the timely, coordinated and effective response; and, g) maintain a database of cases of child pornography.

Finally, the law provides that a victim of child pornography shall be considered as a victim of a violent crime. It metes out a maximum penalty of life imprisonment and a fine of five million pesos (\$107,296).

The government, through the different national agencies, takes the lead in the following **committees/task forces** regarding child protection, including protection from exploitative child labor:

- Special Committee for the Protection of Children chaired by the Department of Justice (DOJ);
- Inter-Agency Council Against Trafficking also chaired by the DOJ;
- Inter-Agency Council for Children in Armed Conflict chaired by the Office of the Presidential Adviser for Peace Process;
- Council for the Welfare of Children's (CWC) Committee on Children in Need of Special Protection;
- CWC Sub-Committee on Sexual Abuse and Commercial Sexual Exploitation of Children;
- National Law Enforcement Coordinating Council;
- Multi-Sectoral Network Against Trafficking chaired by the Visayan Forum Foundation, Inc.; and
- National Network to End Violence Against Children
- Inter-Agency Council Against Child Pornography chaired by the Department of Social Welfare and Development

The DOLE is a member of all these Committees.

At the local level. Based on the country's experience, the best way to solve the child labor problem is to institutionalize child labor initiatives in local government units. At present, there are barangays (villages), municipalities, cities, and provinces that have passed local ordinances and resolutions to strengthen the implementation of anti-child labor and anti-trafficking laws. Examples of such local ordinances are as follows:

On commercial sexual exploitation of children

- Ordinance No. 565 mandating all hotels, sauna baths, motels, night clubs, and other establishments of similar services in Marilao, Bulacan to post notices and information at entry or front desks regarding child protection;

On the rescue of children from hazardous work

- Memorandum of Agreement among the provincial government and three (3) municipalities (Bocaue, Sta. Maria and Marilao) of Bulacan, DOLE, Department of Social Welfare and Development, Department of Interior and Local Government, Office of Provincial Prosecutor, Police Provincial Office and the National Bureau of Investigation for the localization of the *Sagip Batang Manggagawa* (Rescue Child Workers) Quick Action Team;

On prohibiting employment of children in hazardous work

- Resolution No. 11-2005 adopting an ordinance prohibiting the employment of children below 15 years of age in public and private hazardous undertaking within the Municipality of Labo, Camarines Norte;
- Ordinance No. 05-127 in Pioduran, Albay regulating the employment of children and providing protection against abuse, exploitation and discrimination.

On strengthening a child labor committee and an anti-child labor program

- Resolution No. 56-2005 of Legazpi City entitled Authorizing Hon. Fernando V. Gonzalez, Governor, Province of Albay, to Sign the Memorandum of Agreement (MOA) to Strengthen the Regional Child Labor Committee and Expand its Membership to Sustain Efforts and Pursue the Continuous Implementation of the Anti-Child Labor Program

In addition, local governments have also mainstreamed projects aimed at eliminating child labor. Some local chief executives allocate funds every year for child laborers and their families by including them as primary beneficiaries of local development projects.

III. The Philippine Program Against Child Labor: Towards a Child-Labor Free Philippines

The Philippine Program Against Child Labor (PPACL) represents the concerted efforts of government, the private sector (employers' groups and workers' organizations), international welfare and social development institutions and non-governmental organizations. The DOLE leads the network in working towards the progressive elimination of child labor through prevention, protection and removal from hazardous and exploitative work and, as may be appropriate, healing and reintegrating them into society.

The network has evolved over the years to create a social movement utilizing various approaches and strategies suited to addressing the different forms of child labor.

A new PPACL Strategic Framework, 2007-2015. In 2007, the PPACL Strategic Framework for 2007-2015 was formulated with the participation of about 200 social partners at the national, regional and local levels from the government, non-government organizations, workers' organizations, employers' group, local government units, academe, faith-based organizations and international development institutions, including ILO-IPEC.

The new PPACL envisions a **CHILD LABOR-FREE PHILIPPINES**. It will work towards the prevention and elimination of child labor through protection, withdrawal, healing and reintegration of child workers into a caring society. Its objective is to transform the lives of child laborers, their families and communities towards their sense of self-worth, empowerment and development.

To achieve a child-labor free Philippines, the PPACL adopts the following guiding principles: a) child-focused action; b) rights-based approach; c) results-based management; d) gender-responsiveness; e) cultural sensitivity; f) sustainable development; g) children and youth participation; h) good governance; i) decent work for all; j) community development; and, k) inter-agency collaboration.

For the period 2007-2015, the PPACL partners agreed to focus on five strategic directions and goals. These are: establishment of a functional multi-level information system; institutionalization of a strategic partnership and intensified advocacy and action at all levels; improved access to quality and integrated services; mainstreaming of child labor agenda in development policies and programs at all levels; and, strengthened enforcement and compliance with relevant laws and policies.

Immediately following the development of the strategic framework, a **Plan of Action covering the period 2008-2010** was done by the program partners which were anchored on the PPACL Framework 2007-2015, with specific activities, indicators, targets, time frame, source of funds and lead/collaborating agencies, for each of the strategic goals.

These program partners, led by the members of the Philippine National Child Labor Committee, signed a **Commitment to Action** in 2007 highlighting the partners' and stakeholders' full support to the PPACL as well as their commitment to work together towards the effective implementation of the program.

US DOL and ILO-IPEC Assistance. The US DOL has granted funds for a new ILO-IPEC Project in the Philippines entitled "Towards a Child Labor-Free Philippines: Supporting the Philippine Program Against Child Labor in Building on Past Gains and Addressing Challenges" to be implemented for four (4) years from 2009-2013. The Project will "develop replicable and practical models that facilitate the complete removal of children from exploitative and hazardous work, prevent those at-risk and ensure that they are fully reintegrated. The Project will combine knowledge management, area-based service delivery and institutional strengthening as components of the new response. It will facilitate greater coherence in the implementation of these components and take advantage of the greater accountability now being assumed by both duty bearers and stakeholders, in particular the DOLE"³. The potential impact of the global financial crisis on the situation of child labor in the Philippines will likewise be taken into consideration.

Philippine government allocated more resources for anti-child labor programs. In February 2010, the DOLE Secretary issued a Memorandum to the Regional Offices (ROs) instructing them to **allocate at least 5% of the WINAP (Workers Income Augmentation Program) funds** under Capacity Building for Specific Sectors starting 2010 for the continuous implementation of the DOLE Child Labor Prevention and Elimination Program. This totals to about P11.6M to be spent for the conduct of programs and activities such as livelihood projects for parents of child laborers; *SBM* mechanisms including inspection and enforcement activities; advocacy/awareness raising on the issue of child labor; networking/alliance building; and capacity building for implementers and social partners. The DOLE's Bureau of Workers with Special Concerns (the merger of Bureau of Women and Young Workers and the Bureau of Rural Workers) is directed to monitor the program while the ROs are instructed to include target for this program and adjust their Work and Financial Plans for 2010. In the years that follow, the same percentage of WINAP funds will apply.

The DOLE and its social partners also provide non-monetary services to victims of child labor/child trafficking:

- The DOLE labor inspectors look into the compliance of private establishments with labor standards, including incidence of child labor. Through the *SBM*, the DOLE, in coordination with the PNP/NBI and DSWD, removes children found in worst forms of child labor;

³ International Labor Organization, *Project Document of the Government of the Philippines submitted to US DOL*, 2009, p. 5

- To curb illegal recruitment and prevent trafficking of children for worst forms of child labor, the DOLE regulates private recruitment and placement agencies for local employment;
- Working children and their parents or guardians were provided with free legal services which include: information dissemination on child's rights; procedures for filing complaints; claiming compensation; and legal remedies available to them;
- Educational assistance and health services such as preventive, curative or rehabilitative services necessary to address physical, psychological, or social problems brought about by child labor are provided;
- Working children and victims of child labor are referred to proper agencies or institutions for appropriate psychosocial services

Entrepreneurial activities provided to families of child laborers. In 2008, the DOLE launched the KaSaMa Project which aims to contribute to the prevention and elimination of child labor by providing families of child laborers access to decent livelihood opportunities for enhanced income. For 2009, a total of **360 parents of child laborers** were provided livelihood assistance amounting to **P5,197,384.15 (\$114,228)**. As a result of the livelihood assistance, the parents of child laborers subsequently prevented and/or removed their children from engaging in hazardous work. It covered Regions I, III, IV-A, V and VI which had child laborers engaged in manufacturing, agriculture, and other worst forms of child labor.

Educational assistance for child laborers facilitated by government. Various sectors believe that child labor can be best addressed through education. This is evident through the array of educational assistance provided to child laborers, from school supplies, uniforms, tuition fees or stipend, by sponsors/donors/partners in the fight against child labor. For 2009, about 7,199 child laborers received their wish for educational assistance under the **Project Angel Tree**. The DOLE, through the ROs, being a broker-catalyst, inspired the active participation and support of program partners, business sector, civil society organizations and private individuals to contribute to the prevention and elimination of child labor.

In the province of Misamis Oriental, the Sangguniang Panlalawigan has passed Resolution No. 63-2008 adopting the Angel Tree Project and Integrating it in the priority programs of the Provincial Government thereby declaring the whole province as an Angel Tree community-in progress.

Conditional Cash Transfer Program. The *Pantawid Pamilyang Pilipino Program* is a development program of the Department of Social Welfare and Development (DSWD) designed to promote investment among human capital among poor families with pregnant women and 0-14 years old children. The program was patterned after Conditional Cash Transfers (CCT) programs in other countries which have been proven successful as a poverty reduction and social development measure. The program objective is to provide assistance to the poor to alleviate their immediate needs. It supports the country's commitment to achieving the

Millennium Development Goals. Among the criteria in identifying the program's target areas is the high prevalence of child labor.

Tripartite partners active in advocacy activities against child labor. The DOLE and its Regional Offices continuously conduct advocacy activities, particularly on child labor laws and policies in the form of briefing dialogues, round table discussion, orientation, caravan, guesting in radio programs and distribution of IEC materials. Target participants of these activities are local officials, bus operators, ship owners, club owners, private recruitment and placement agencies, owners of junk shops, academe, non-government organizations, workers groups, students, child laborers and their families and other groups concerned with the welfare and protection of children such as faith-based organizations and peoples organizations. Some of these advocacy efforts resulted in the signing of Commitment to Action Against Child Labor by barangay officials; passage of ordinance for the mandatory registration of recruitment agencies in all barangays of Cebu; Children's Welfare Code in Davao and Sultan Kudarat; and Ifugao Children's Code of 2007. During the advocacy orientation on RA 9231 and RA 9208 in Ormoc and Tacloban Cities for 200 barangay chairpersons in February 2009, a sample ordinance for the prevention and elimination of child labor was presented which participants can adopt in their localities.

As part of its public information and media campaign, the Trade Union Congress of the Philippines (TUCP) conducted five (5) anti-child labor mall shows in Manila reaching about 20,000 people. The local level orientation it has been conducting at barangay levels has reached 185,052 individuals and 3,868 organizations in 2,565 villages in 15 regions. The TUCP conducts workers education and performs child labor monitoring as its contributions to the elimination of the worst forms of child labor⁴.

The Employers Confederation of the Philippines (ECOP), as part of its corporate social responsibility (CSR) programme, instituted the annual recognition for child labor-free and child-friendly firms to encourage employers to stop child labor in their businesses and supply chains⁵. The ECOP has awarded 24 companies recognized as child labor-free and child-friendly in 2006, 33 companies and organizations in June 2007, and 33 firms and organizations in 2008. Its CSR programme also includes provision of direct services to children through a 'return to school' programme and children's referral to health care service providers and to institutions offering alternative education and technical-vocational education and training.

The National Union of Workers in Hotel, Restaurants and Allied Industries (NUWHRAIN) and TUCP concluded ten (10) Collective Bargaining Agreements with hotels, restaurants and a beverage firm that include concerns for monitoring, preventing and withdrawing children from child labor.

⁴ UNICEF, *Third and Fourth Periodic Reports of the Philippines to the Committee on the Rights of the Child*, 2007, p.68

⁵ Ibid.

IV. The Philippines' Action on Sectors Included in the US DOL'S Report on the List of Goods Produced with Child labor

With regard to the specific sectors in the US DOL report identified to be producing goods with child labor, the DOLE and its multi-sectoral partners in the PPAAC have undertaken and are continuously undertaking various interventions through policies, programs and projects to ensure that RA 9231 and other laws on child labor are complied with.

The Philippine Time Bound Programme, implemented in relation to the Philippine Government's ratification of ILO Convention No. 182 (Convention Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor) greatly contributed to the reduction in the number of children in deep sea fishing, mining, pyrotechnics production, prostitution, sugar cane plantations and domestic labor. From 2003-2007, the number of working children who have been withdrawn or prevented from child labor by the ILO-IPEC and ABK support projects to the PTBP reached 71,856, exceeding the target which was set at 44,500.

The PTBP target areas are Bulacan in Region 3, Camarines Norte in Region 5, Iloilo and Negros Occidental in Region 6, Cebu and Negros Oriental in Region 7, Davao and Compostela Valley in Region 11 and the Cities of Quezon, Pasay and Manila at the National Capital Region. The PTBP was supported by the US DOL through the ILO-IPEC and World Vision.

Under the ABK 2/TEACH Now Initiative which is being implemented from 2007-2011 with support from US DOL, a total of 30,000 children engaged in or at risk of the worst forms of child labor in nine (9) provinces in seven (7) regions will be withdrawn and educated.

Other concrete steps to remove children from hazardous work in agriculture, mining, manufacturing, and commercial sexual exploitation are described below:

Children in Agriculture

The 2001 Philippine National Survey on Children conducted by the National Statistics Office revealed that the bulk of working children can be found in the agriculture industry. Because of the nature of their jobs, they are exposed to different health and accident risks. Most of them cited the need to help the family as their main reason for working. They are exposed to different health and accident risks.⁶

⁶ Institute for Labor Studies. Child Labor in Agriculture: Causes, Conditions and Consequences (The Case of Child Laborers in Sta. Fe and Ormoc, Leyte). *This paper was presented during the 1st DOLE Research Conference held at Occupational Safety and Health Center, Diliman, Quezon City, on 5 December 2001 by Saul T. De Vries, Chief, Labor and Social Research Relations Division, Institute for Labor Studies.*

With these findings, the DOLE, together with its multi-sectoral partners, stepped up its efforts to remove children engaged in hazardous work in agricultural plantations such as rice, banana, sugarcane, rubber, hogs, rice, corn, and coconut. Livelihood and income augmentation schemes were introduced for families of child laborers. Skills training for parents and older siblings of child laborers were also provided in partnership with local government units. Monitoring of workplaces and improvement of the work environment were done through the existing labor standards enforcement mechanism. Innovative and remedial educational programs were implemented. Health services were also given to child laborers. And lastly, mobilizing community support to end child labor in their respective areas were conducted.

On June 12, 2007, the issue of child laborers in agriculture became a global and national priority concern during the celebration of the World Day Against Child Labor with the theme "Harvest for the Future: Agriculture Without Child Labour". About 1,000 child laborers, organized under a national coalition of child workers in commercial agriculture, gathered at the Quezon Memorial Circle in Quezon City to campaign against child labor in agriculture.

On June 14, 2007, a Forum on Child Labor in Agriculture was conducted by the National Child Labor Committee to (a) raise awareness on the situation of child laborers in the agricultural sector, and (b) take action to ensure that children do not carry out hazardous work in agriculture. The forum served as a venue for sharing program initiatives to eliminate child labor in agriculture specifically in sugar cane and tobacco plantations. The highlight of the activity was the signing of a document providing for a Call to Action on the elimination of child labor in agriculture by officials of the Department of Labor and Employment, Department of Agriculture, Department of Agrarian Reform, Employers Confederation of the Philippines, Trade Union Congress of the Philippines and Federation of Free Workers. The signatories committed to work together to build on existing laws, policies and programs to draw up a focused and effective plan of action for a time-bound program to eliminate child labor in the agriculture sector.

With the Call to Action, coupled with the PPAFL initiatives at the regional and local levels as well as the previous ILO-IPEC Programme, specific interventions were done to remove children from hazardous work in the various agriculture sub-sectors as follows:

Sugar industry. The DOLE's monitoring of child labor is integrated in the conduct of regular labor inspections. In the year 2008 up to August 2009, 895 establishments were inspected⁷ in the province of Negros Occidental alone. The efforts yielded negative involvement of children in the sugar plantations that were visited.

According to a sugar producers cooperative in Region XI, children assist their parents in the counting of sugarcane poles during the harvest season.

⁷ DOLE RO VI Report on Child Labor Program in Negros Occidental, September 2009

During the 2007 World Day Against Child Labor Celebration at the regional level, DOLE Regional Office (RO) V conducted the 1st Medical and Dental Mission and *Krismas sa Oktubre* (Christmas in October) to look at the safety and health of children. The mission benefitted 200 child laborers and their parents in the sugar industry in Pili, Camarines Sur.

Anti-child labor advocates and organizations are also undertaking initiatives to remove children in the sugar industry, among which are the following:

- The *Sugar Tripartite Council*, a national level inter-agency body composed of DOLE, workers' groups and owners and sugar millers, has recently passed a Resolution in September 2009 to support the anti-child labor program of DOLE. The Council will intensify DOLE's drive against child labor in the sugar industry through the provision of programs and projects that will redound to the augmentation of family income. Further, the Sugar Tripartite Council will fund the conduct of an in-depth study to determine, among others, the magnitude of child labor incidence in the sugar industry.
- The *Sugar Industry Foundation, Inc. (SIFI)* has an action program on child labor which includes: vocational and formal education for child laborers; livelihood opportunities for parents of working children; income augmentation for sugar workers; involvement of sugar industry leaders in addressing the child labor problem; and information dissemination and dialogues.
- The *Employers Confederation of the Philippines (ECOP)* worked in partnership with the Sugar Industry Foundation, Inc. and the Technical Education and Skills Development Authority in Negros Occidental to provide vocational skills training to child workers. The project aims to remove children from hazardous work and provide an alternative those who are allowed by law to work. The training activities were designed to match what the sugar industry needs.
- The *Trade Union Congress of the Philippines* established a union of child labor monitors or U-CLAMORS, an anti-child trafficking advocates and initiated the withdrawal of some 60 child laborers in three (3) big sugar plantations in Western Visayas.
- The *National Coalition Against Child Labor in Commercial Agriculture* led by the Kamalayan Development Foundation, Inc., a non-government organization focusing on the campaign against child labor, undertakes sharing of ideas and experiences among its target beneficiaries; capability-building; moral, technical, organizing and mobilizing supports; campaign facilitation and coordination; and networking.
- The *Laura Vicuña Foundation, Inc.* implements the following: Community Mobilization towards Education (COME) Project which is a direct social protection

advocacy against child labor in sugarcane industry; alternative opportunities to 588 working children and those at risk from selected target communities; and continuing advocacy through various activities. In 2006, a National Policy Conference for the Protection and Development of Child Laborers in the Sugar Industry was hosted by the Laura Vicuña Foundation to intensify educational assistance to child laborers particularly by hacienda owners and formation of parents groups to ensure regular attendance of children in school.

- The *Exodus from Child Labor to Integration, Play, Socialization and Education* (ECLIPSE) launched its “exodus of working children from plantations to education” project in 1998; actively participated in the conduct of the Visayas Consultation on Children’s Rights; and organized a Visayas-wide alliance of NGOs and POs for children’s rights.
- *St. Ma. Goretti Foundation* implemented the Alternative Learning System (ALS) in sugarcane farm communities in Negros Oriental for ten (10) months⁸. This approach brought ALS in the hinterlands where it was quite impossible for children to get an education. Even parents in the communities joined the ALS session and they expressed interest to learn basic literacy.

Banana industry. The Philippine Banana Growers and Exporters Association (PBGEA), the biggest and the most influential group of banana exporters and growers in the country, strictly prohibit the use of child labor among its member corporate farms. For small banana growers and agrarian reform beneficiaries who supply Cavendish banana to the PBGEA, the use of child labor is also discouraged.

On the other hand, the DOLE Stanfilco and Sumifru (Philippines) Corporation, two of the largest players in the export banana industry and both members of the PBGEA, are both SA-8000-2008 certified, and the SA-8000-2008 standard expressly provides in the Social Accountability Manual, SA-4.1-CH: “It is the policy of the company not to engage in the use of child labor as defined in the company’s employment policy, SA 8000 standard and Article 139 of the Labor Code of the Philippines. It supports this advocacy by ensuring that none of its business partners employ children in the conduct of their business. Should the company, by performing monitoring system, discover any violation of this provision, the company shall provide systems for remediation to restore the rights of the child who is found to be engaged in child labor.”

Moreover, these two companies’ contract with its growers provides, in part, that “the seller (i.e. the grower) warrants that in the performance of its obligations under this contract, it shall comply with all the statutes, laws, decrees, rules, regulations and policies that may now or hereafter be issued by the Republic of the Philippines, including but not limited to,

⁸ BWYW, *Performance Assessment of the National Program Against Child Labor for 2001-2006*, (2007), pp.184-185

environmental and labor laws. Towards this end, the seller warrants that..."⁴. It shall not engage in any form of child labor..."

Finally, these two companies' Suppliers Code of Conduct contain an express stipulation that all those doing business with them, including those of its suppliers and subcontractors shall not engage in or support the use of child labor in company operations⁹.

The biggest group of small banana growers in Mindanao, with membership of 3,000 and a total production area of 4,000 hectares, does not engage in the use of child labor in the packaging and harvesting of bananas. The Liberty Banana Growers Multi-Purpose Cooperative in Hagonoy, Davao del Sur, reports that child labor is not allowed by the cooperative. Likewise, LST Growers, a single proprietor farm, also does not allow children or minors to work in their farm.

During the DOLE's inspection of three (3) biggest banana chips manufacturing companies in Davao del Norte, no child labor was monitored.

Tobacco industry. The need to respond to this concern was drummed up in 2003 when the Geneva-based Eliminating Child Labor in Tobacco Growing (ECLT) Foundation provided support for the implementation of the *Eliminating Child Labor in the Tobacco Industry (ECLTI) Project* in the tobacco growing areas in Northern Luzon. The ECLTI Project aims to contribute to the elimination of child labor through a comprehensive program for children working in the tobacco industry in the Ilocos region involving a multi-stakeholder alliance with national line agencies and social partners focused on taking children out of the tobacco fields and bringing them back to schools. This alliance includes the active participation of management and workers' union of Philip Morris Philippines Manufacturing, Inc., Trans-Manila, Inc., Continental Leaf Philippines, and Northern Tobacco Redrying Company¹⁰.

The Project's first phase covered the period 2003-2005. DOLE Regional Office No. I implemented it with the following components¹¹:

1. Survey of child laborers in the tobacco industry
2. Creation of sub-committee for the elimination of child labor in the tobacco industry
3. Strengthening of Barangay Councils for the Protection of Children (BCPCs)
4. Conduct of parent and youth orientations and counselling on child labor laws, values and responsible parenthood
5. Provision of alternative livelihood assistance to families of child laborers
6. Provision of educational assistance to child laborers

⁹ DOLE RO XI Report, September 2009

¹⁰ DOLE RO I Press Release, *DOLE's barangay-based, inter-agency approaches vs. child labor in the tobacco industry pay dividends*, September 2009

¹¹ DOLE RO I Press Release, *DOLE's barangay-based, inter-agency approaches vs. child labor in the tobacco industry pay dividends*, September 2009

This Project has completed its second phase in October 2009 and has provided educational assistance to 300 children¹² engaged in tobacco farming as well as alternative livelihood assistance to the families of these children. Similar to Phase 1, the second phase has the same components and mainly oriented at consolidating activities undertaken in Phase 1.

The ECLTI Project significantly contributes to the strategic goal of the PPACL of increasing access of children to education. The Project's educational assistance component augmented the meager resources of target families and kept children in school. The inter-agency approach allowed linking agencies with expertise on child protection, development and education, and child labor into a collaborative partnership¹³.

DOLE Regional Office accounts further reflect the following:

"The project allowed for more intensive awareness-raising on child labor vs. child work, the pertinent laws and policies relating to children and child labor, the hazards of employing children in the tobacco farms, as well as the various programs implemented by the different sectors addressing the issue of child labor not only to the project beneficiaries but to the non-beneficiaries as well.

Through community based partners like the Barangay Council for the Protection of Children (the BCPCs), the DOLE along with other government agencies like the Department of Interior and Local Government and the Department of Social Welfare and Development was able to harness the potential of the BCPC members as advocates against child labor.

Constant monitoring of the incidence of child labor are also carried out not only by the DOLE as the lead implemented of the project but by the assigned focal persons at the municipal levels (the Municipal Social Welfare Development Officers), at the provincial level (through the labor officers assigned as ECLTI focal persons), at the regional level (through the set-up ECLTI Project Management Team), and by the different tobacco companies (through their leaf technicians and agronomist).

The commitment of teachers in supporting the project is integral in ensuring that children are kept in school. Particular attention is given to the ECLTI beneficiaries especially in monitoring their attendance."¹⁴

¹² DOLE RO I Press Release, *DOLE's barangay-based, inter-agency approaches vs. child labor in the tobacco industry pay dividends*, September 2009

¹³ DOLE RO I Report on the Child Labor Situation in Region 1: Focus: The Tobacco Sector, September 2009

¹⁴ DOLE RO I Report on the Child Labor Situation in Region 1: Focus: The Tobacco Sector, September 2009

Children in manufacturing

Pyrotechnics industry. The province of Bulacan, where the pyrotechnics industry is found, responds to the child labor issue along policy and program levels. A Children's Welfare Code of Bulacan was formulated in 2007, which includes protection of children involved in the pyrotechnics industry.

Previous to that, an ILO-IPEC support project was implemented in the municipalities of Bocaue, Sta. Maria and Marilao in Bulacan wherein child laborers in the pyrotechnics industry are mostly found¹⁵. The components of the action programme include strengthening of institutional mechanism, advocacy and direct assistance. At the core of the project is the provision of education services for the children-beneficiaries, which includes: educational sponsorship, value formation, tutorials, Alternative Learning Systems (ALS) and vocational training. The demand for ALS among child laborers as well as out-of-school youths has been increasing. According to the children themselves, attending ALS sessions provided them with an opportunity to get Accreditation and Equivalency Exams that will give them equivalency certificates as substitute to their high school diploma¹⁶. Notably, ALS has brought the awareness of students, parents and even teachers into a higher notch with the inclusion of child labor issues into the high school curriculum.

The ECOP partnered with the province in conducting medical and health missions. As part of its corporate social responsibility, it partnered with the Philippine Association of Pyrotechnics Dealers in Bulacan Province, benefiting about 446 children and 132 adults. The mission tapped the CO-Multiversity, an NGO operating in the area, in identifying the child workers.

To bring back children to school, several classrooms were built in Batia, Bocaue, Bulacan under the *Classroom Galing sa Manggagawa Abroad(Classrooms donated By Overseas Workers Project* of the DOLE to accommodate child laborers and other out-of-school youths.

In Iloilo City, the DOLE RO VI in partnership with the Western Visayas College of Science and Technology, released close to one million pesos (P1M) to fund livelihood projects of 50 parents of children involved in home-based pyrotechnics production¹⁷.

The same DOLE Regional Office reported that there was no more involvement of children in pyrotechnics production in the municipality of Hinigaran, Negros Occidental as a result of the local government ordinance prohibiting employment of minors in this industry in the 1990s.

¹⁵ DOLE RO III Accomplishment Report, August 2006

¹⁶ BWYW, *Performance Assessment of the National Program Against Child Labor for 2001-2006*, (2007), p.183

¹⁷ DOLE RO VI Report on the Documentation of On-Going *Kasama* Project, September 2009.

Fashion accessory industry. The fashion accessory industry in the Philippines is rising and has become well known within and outside the country. As in other light handicraft industries, children, particularly girls, are being employed to manufacture the goods. However, unlike other industries that are unquestionably hazardous in nature, the industry of fashion accessory-making is considerably safe. Most children work in the relatively non-hazardous tasks, generally away from hazardous work areas, and the number of accidents that have been reported is minimal.¹⁸

Children in (gold) mining

As early as 2002, the Philippine Government has made a commitment to eliminate child labor in quarries and mines. In 2005, a Call to Action was signed by the Secretaries of Labor and Employment and the Environment and Natural Resources, as well as the Presidents of the Trade Union Congress of the Philippines and Employers Confederation of the Philippines, to end child labor in mining and quarrying by 2015.

Children in mining and quarrying was chosen as one of the priority sectors under the previous Philippine Time Bound Program (PTBP) in partnership with the ILO-IPEC. But even before the PTBP which largely removed the children permanently, children in mining, local government units and non-government organizations have been very active in advocating against the presence of child laborers in mines.

In Camarines Norte, the experience of a community cooperative group in implementing their livelihood programs was built on previous strategies to remove children in mining which involved organizing, leadership development, mobilization, advocacy, networking and project management¹⁹. At the onset, their efforts were linked to child labor concerns, however, the group maintains that their efforts resulted in increased family income which in turn enabled them to remove the children from hazardous work²⁰. Still, it is only during summer vacation when children work in small-scale gold mining sites to save money for the school opening. The community group also acts as an environmental watchdog concerning environmental hazards in the mining areas and which also poses limitations to their economic activities. They take these concerns up to the local government for their appropriate action.

Apex Mining, the only operational gold mining in Region XI, does not hire children in its operations. In Monkayo, Compostela Valley, the Municipal Social Welfare Development Office has completed a study regarding the incidence of child labor in Diwalwal, Monkayo²¹. An inter-

¹⁸ Aldaba, Fernando, et al. *Employers' Demand for Child Labor in the Pyrotechnics and Fashion Accessories Industries in the Philippines*. ILO, December 2005, p.185

¹⁹ BWYW, *Performance Assessment of the National Program Against Child Labor for 2001-2006*, (2007), p.185

²⁰ BWYW, *Performance Assessment of the National Program Against Child Labor for 2001-2006*, (2007), p.186

²¹ DOLE RO XI Report, September 2009

agency group headed by the Department of Environment and Natural Resources (DENR) is tasked to address the various socio-economic issues in Diwalwal. The DENR conducts regular monitoring of the situation at Diwalwal and has rolled out many interventions. The DOLE is involved in the inter-agency group's livelihood component. Recently, a grant was released to finance the fresh fish production project of a group of indigenous working youth in Diwalwal. The DOLE has also released a total of P750,000 for the jewelry making project and for the micro-businesses of the informal sector in Monkayo²² with the condition that children will not be involved in the hazardous undertakings.

In Zamboanga Peninsula, three (3) livelihood projects under the DOLE's *KaSaMa* Project were provided to parents of child laborers, in which 90 children have stopped from engaging in small scale coal and gold mining²³.

Children in commercial sexual exploitation (pornography)

On November 17, 2009, President Gloria Macapagal-Arroyo signed Republic Act 9775, otherwise known as the Anti-Child Pornography Act of 2009. The law defines child pornography as any representation, by whatever means, of a child engaged or involved in real or simulated sexual activities.

To monitor compliance, the law creates an Inter-Agency Council against Child Pornography to be headed by the Department of Social Welfare and Development. Members of the Council are the heads of the Department of Justice, Department of Labor and Employment, Department of Science and Technology, Philippine National Police, Commission on Human Rights, Commission on Information and Communication Technology, National Telecommunications Commission, Council for the Welfare of Children, Philippine Center on Transnational Crime, Optical Media Board and National Bureau of Investigation.

The law mandates that child pornography victims be given emergency shelter or appropriate housing, counselling, free legal services, medical or psychological services, livelihood and skills training, and educational assistance.

Even prior to enactment of R.A. 9775, in Mandaue City, Cebu province, the Bidlisiw Foundation, Inc. has been providing tutorial sessions as part of Alternative Learning System to children victims of commercial sexual exploitation, thus achieving its goal of giving these learners the opportunity to be accelerated to the next grade or year level. For 2007 alone, two out of seven learners passed the Accreditation and Equivalency Examination and got their high school diplomas. In its report, Bidlisiw was pleased to share that the target learners enjoyed participating in their ALS centers for the following reasons²⁴: the program gave them hope that

²² DOLE RO XI Report, September 2009

²³ DOLE RO IX Report on *The Philippine Program Against Child Labor (PPACL) in ZAMPEN Region*, October 2009

²⁴ BWYW, *Performance Assessment of the National Program Against Child Labor for 2001-2006*, (2007), p.184

they could finish their studies despite their “past”; free school supplies and snacks were provided; the classroom set-up was more informal as if they are working and learning with family and friends; teachers were less authoritative (teaching as peers); they have more time to spend at their own homes before or after going to ALS sessions; and their ALS discussions included gender issues, reproductive health and other relevant concerns of the learners.

V. Future Actions of the Philippine Government

To respond to the challenge of eliminating child labor incidence in the identified sectors included in the TVPRA list, the Department of Labor and Employment will ensure that the identified sectors or industries will be given priority in the implementation of the Philippine Plan of Action on Child Labor based on the 2007-2015 Strategic Framework with the vision of a **Child Labor-Free Philippines**. The sectors will also be the DOLE focus in the new ILO-International Program for the Elimination of Child Labor (IPEC) project in the Philippines.

Furthermore, among the priority activities that the DOLE will undertake are:

Research

- Continue to commission surveys to determine the child labor incidence in the identified sectors and the appropriate services to be provided.

Inspection and Monitoring.

- Focus inspection in industries where there are alleged child labor cases.
- Create a special monitoring team that will determine and rectify incidence of child labor in small-scale mining; small farms engaged in sugarcane and banana cultivation; and fashion accessories making.
- Monitor the use of the DOLE allocated funds for child labor prevention and elimination.

Advocacy

- Intensify advocacy efforts focusing on employers and job providers of small-scale industries.
- Develop and use behavior change communication materials appropriate at the community level.
- Likewise, develop an audio-visual presentation on anti-child labor advocacy to showcase updates on interventions, efforts and accomplishments of the DOLE on anti-child labor activities and of the experiences and best practices of the DOLE in pursuing its anti-child labor work and advocacy. These materials are for the use of DOLE Regional Offices and their program partners in advocacy and information dissemination.

Alliance and Network Building

- Dialogue with identified industries across the regions to discuss the US DOL report with the end in view of working out specific interventions considering their circumstances.
- Allow child workers to participate in the dialogues so that they can give their own solutions to the problems.
- Closely work with local government units to enact ordinances prohibiting child labor and allocate funds for anti-child labor activities and with the Department of Agriculture and association of hog raisers for advocacy activities.
- Through a social accord get the commitment of the employer members of the Tripartite Industrial Peace Councils not to hire child workers not to contract out nor deal with suppliers who involve children in their undertakings.
- Establish inter-agency bodies at the communities/barangays where child laborers are present to ensure these children's access to educational, health and livelihood services.

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