

THE CHILD LABOR INITIATIVE OF USAID/PHILIPPINES

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I. BACKGROUND

A. Child Labor in the Philippines

The employment of children is an economic and social reality in the Philippines. According to a study conducted by the National Statistics Office (NSO) in 1995, the country has an estimated 3.6 million working children aged 5 to 17. The biggest proportion of child workers belong to the 10 to 14 age group. In terms of economic sectors, 64% are in agriculture, 16% in sales, 9% in production work and 9% in services and trade. A variety of reasons compel children to join the labor force. They include, in descending order of importance: to add to family income, to help in the family enterprise, to gain experience, to pay for their education and to achieve economic independence.

According to NSO, one out of every three child laborer does not attend school. A majority (62%) of those in school are male. Most of those in school reported similar problems. Ranked as the first three were: high cost of school supplies or transportation; difficulty in catching up with lessons; and inaccessibility of the school. Only half of those who entered grade one finished the sixth grade.

In 1995, 850,000 child laborers or two out of every ten working children suffered from work-related injuries/illnesses. The NSO survey also revealed that more than two million working children are exposed to a hazardous environment.

Many child laborers are subjected to exploitative conditions, forced to work long hours often away from home, and deprived of their rights to health and education. The boys and girls who work behind high walls in invisible fences in poultry farms, sweatshops, households, nightclubs and bars are often victims of illegal recruitment and trafficking.

Previous studies conducted by the International Labour Organization (ILO) identified poverty, parents' attitudes, entrenched social and cultural practices and the lack of educational facilities or poor quality of education as the major push factors of child labor in the Philippines. This is exacerbated by the belief among employers of child labor that children are docile, obedient, hired at cheaper rates and dismissed easily; that children are required in certain production tasks; and the non-enforcement of existing laws.

B. The Policy and Regulatory Environment

An assessment conducted by the Institute of Philippine Culture for ILO's International Program to Eliminate Child Labor (For Children Who Toil: A Report on Sustainable Action Against Child Labor in the Philippines) found the policy and regulatory framework vis-à-vis child labor in the Philippines generally very positive. The government has ratified the United Nations Convention on the Rights of the Child, formulated a national plan of action for children, enacted child labor laws and joined the International Program to Eliminate Child Labor (IPEC) of the ILO.

The Philippines has ratified four of the 16 ILO conventions related to child labor including the latest, in October 1997, on the minimum age for admission to employment. It has also ratified the International Convention on Economic, Social and Cultural Rights.

While Congress and the national government promulgated national-level policies on children and child labor such as R.A. 7610 and R.A. 7658, local legislative councils (such as the Sangguniang Bayan and the Municipal Council) and local chief executives have also proven instrumental in passing ordinances that protect the rights of children and ban their employment in hazardous occupations. The declaration of Naga City as a child-friendly city and the passage of the Child Welfare Code in Davao City are two examples. Although not nearly enough, other local governments have also passed ordinances which provide guidance on the child labor issue.

Recently, an industry code of conduct for labor standards was signed by Philippine garment industry leaders and the American Apparel Manufacturer's Association (AAMA). The agreement, which adopted the code developed by the AAMA as its "Responsible Apparel Production Principles," commits the signatories to socially responsible business practices and production of apparel under lawful, humane and ethical conditions. This includes compliance with Philippine laws on child labor.

According to the IPEC report, Philippine labor standards are generally higher than international standards, but these laws need to be harmonized to remove inconsistencies. In addition, the report concluded that the persistence of child labor practices, including the banned use of children for hazardous work, indicates that the conventions, laws, and policies regarding child labor have yet to be fully implemented, and their implementation and impact carefully monitored.

C. Problem Statement

The IPEC report cited above provides some clear leads about where a USAID child labor initiative can make a difference. In addition, the garment industry code provides a unique and exciting opportunity to participate in a private-sector led initiative that can serve as a model for other industries where child labor is

known to exist. Specifically, the USAID child labor initiative will address the following in selected areas and industries:

1. Poor enforcement of laws and slow and protracted prosecution of child labor cases – The child labor campaign has been hampered by weak support for child labor legislation and poor enforcement of child labor laws and regulations. Improvement of enforcement requires a clarification of procedures and roles of the various partner agencies. It also calls for prosecutors, fiscals, judges and law enforcers to be fully conversant with child labor laws; and for the reinstatement of a specialized court to hear child labor cases.
2. Weak coordinating mechanisms of government and monitoring and evaluation capability of implementors – The Department of Labor and Employment (DOLE) does not maintain an office below the provincial level. The issue of jurisdiction over certain industries also raises further questions. DOLE, for example, does not inspect small mining firms or workers engaged in industrial subcontracting because these are under the Bureau of Mines and the Department of Trade and Industry (DTI), respectively. The monitoring of compliance with child labor laws and the implementation of child labor programs, therefore, hinges to a significant degree on the cooperation of local governments. There is a need to provide local government officials with regular briefings on child labor issues as well as help organize local level monitoring of child labor issues and programs.
3. Shortage of services or opportunities for child workers - There is a need for services that pertain to custody of rescued children, rehabilitative services, referral services, assistance to rescued children while they await the court's decision and resources for educational support. Likewise, very little support has gone to children working in agriculture, mining and and small enterprises. The shortage of services argues strongly for a focusing of resources on high child labor incidence areas where the most impact can be made.
4. Absence of implementing mechanisms for the code of conduct – The code of conduct of the apparel industry can have a very positive influence on child labor initiatives in the Philippines. Its successful implementation may lead to more private sector initiatives to establish similar types of codes in other industries (e.g. handicrafts). The specific mechanism for implementing the code, however, has yet to be formulated. The NGO community can contribute in the formulation of this mechanism and in the actual monitoring of compliance to the code.

II. ACTIVITY NARRATIVE

A. Existing Programs of USAID/Philippines

USAID/Philippines' Civil Society Program under the Democracy Office supports a number of NGO coalition grants that offer great potential to support child labor initiatives in the Philippines, provide direct services, assist in monitoring compliance with child labor laws, draw policy lessons, and advocate for appropriate reforms at the national and local levels. These coalition programs target children directly or include issues affecting children as a sub-sector within a bigger disadvantaged sector. USAID/Philippines will work with these existing programs to produce a more focused, collaborative and mutually reinforcing response to the child labor issue using existing resources. Initially, the initiative will involve the following coalition programs:

1. Empowering Women and Children in the Informal Sector (ISP)

Implemented by the American Center for International Labor Solidarity (ACILS) in partnership with the Trade Union Congress of the Philippines (TUCP) and other partner organizations, this activity seeks to influence policy and regulatory reforms and improve the quality of life and employment of home-based women and child workers. The coalition addresses issues related to social protection, improved work condition and compliance with labor laws relevant to the sector. Its success in organizing local councils for the protection of children (LCPCs), organizing a vast network of area-based informal sector organization, and its access to home-based industries where a large percentage of subcontracting work occurs, make this activity particularly suited to verifying that monitoring mechanisms undertaken by companies are effective in ensuring compliance with child labor laws and the garment industry code.

2. Solidarity for Justice Project (SJP)

Also implemented by ACILS, TUCP and other prominent partner organizations, this project supports the workers' struggle to claim and enforce their rights or seek redress when those rights are violated. The project has identified very serious impediments and bottlenecks in the administration of justice that need to be addressed such as excessively long delays in the resolution of cases and the lack of an accessible and transparent system for monitoring the status of pending cases. This program is especially equipped to deal with the poor enforcement of laws and the protracted prosecution of child labor cases.

3. Enhancing Children's Participation in Social Reform (ECPSR)

This activity is implemented by World Vision Relief and Development Foundation (WVRD), Plan International (PLAN), Christian Children's Fund (CCF), the Education and Research Development Assistance Foundation (ERDA), and numerous community-based organizations. The coalition conducts intensive coalition-building and advocacy for the formulation and

implementation of policies that promote and protect children's rights. ECPSR also has significant success in the organization of LCPCs. Apart from this activity, the members of the coalition are providing direct services (e.g. education, tutorials and training, livelihood support for parents, etc.) to more than 150,000 children in over 50 provinces of the Philippines. The coalition also has existing data that identify key areas with abusive child labor.

B. Activity Statement and Description

The formulation of USAID/Philippines' Child Labor Initiative was guided by the general objective of **eliminating child labor in specific industries in selected areas**. The decision to take a more limited and targetted approach was taken because a much broader initiative (i.e. child labor in all its forms wherever it exists) would require far greater resources, human and financial, than what is available under the existing grants described above. This focused approach also offers an opportunity to glean best practices and lessons which can be applied to improve the overall performance of child labor programs in the Philippines.

A series of consultative meetings took place between USAID and the implementing organizations. These meetings resulted in the identification of specific activities that directly address the problems and issues identified in Section I.C. The implementing organizations also expressed their commitment to achieve the following:

1. ISP Initiatives

ISP will focus the child labor portion of its program on children working in the apparel industry, whose manufacturers recently signed a code of conduct that prohibits use of child labor among other principles. ISP will concentrate on the National Capital Region (NCR) and the province of Rizal where many garment subcontractors are known to operate. The groups organized under ISP in conjunction with LCPCs and other community partners will verify that monitoring mechanisms in the code are effective and initiate actions to improve overall compliance through a variety of medium. ISP will work to strengthen coordinating mechanisms of government and the monitoring capability of implementors.

ISP will exchange views on the state of the efforts to implement the code and monitor with garment industry associations, particularly those that joined the Responsible Apparel Production Principles, and the labor attache of the U.S. Embassy. Prior to actual verification activities, ISP will conduct capability-building programs to strengthen LCPCs and community-based organizations, and conduct awareness campaigns on such subjects as the plight of child laborers especially in the garment industry, child labor laws and the importance

of the code of conduct. Training on paralegal skills, fact-finding work and report preparation will also be conducted.

The following indicators will be monitored to measure progress towards the elimination of child labor in the garment industry in the NCR and Rizal:

- ISP community-based organizations trained in child labor laws, code of conduct and other skills necessary to effectively monitor compliance and, where necessary, coordinate enforcement of child labor laws;
- Number of workplaces verified;
- Child labor cases reported and monitored (i.e. DOLE, Industry Code Monitoring Committee, etc.);
- Local government officials and other opinion leaders (LCPC representatives, barangay officials, etc.) made aware of child labor laws and the code of conduct; and
- Local government officials and other opinion leaders openly supportive of the ISP child labor program as expressed through local ordinances, budget allocation for child labor programs and the like.

2. SJP Initiatives

SJP will focus on post-rescue activities and address the issue of poor enforcement of laws and the slow prosecution of child labor cases especially those identified under the ISP initiative. Activities under SJP will primarily focus on creating awareness about child labor laws and the code, and advocating the enforcement of these laws. The primary advocacy targets of this activity will be the Regional Trial Courts and the Family Courts. SJP will also invoke the "Ethical Standards in Government Service" to persuade DOLE, DTI, the Department of Social Welfare and Development (DSWD) and other agencies involved in the implementation of child labor laws and the code of conduct to take a more active and decisive role.

The following indicators will be monitored to measure impact:

- Number of monitored cases;
- Justice officials and law enforcement agencies made aware of child labor laws and the code of conduct;
- Number of cases filed;
- Equitable resolution of cases obtained on behalf of the victims;

- Ombudsman cases filed on account of a government agency's failure to implement/enforce child labor laws; and
- Agenda on child labor presented to the Board of the Philippine Economic Zone Authority.

3. ECPSR Initiatives

ECPSR will implement a focused child labor program in six provinces identified to have widespread incidence of child labor. The provinces, in order of priority, are: Cebu (deep sea fishing, domestic service and stevedoring), Romblon (quarrying and marble mining), Southern Leyte (fishing, agriculture and stevedoring), Cavite (factory work, service and trade and prostitution), Leyte (sand and gravel quarrying, small scale construction) and Negros Oriental (plantation work and agriculture). This addresses the need mentioned in Section I.C. to aid children who are not usually reached by child labor programs. ECPSR will also work in these provinces to strengthen coordinating mechanisms of government, the monitoring and evaluation capability of implementors and the enforcement of child labor laws.

The activities designed under the ECPSR initiative aims to address the root causes of child labor and includes activities geared toward the child worker's family and community. These include: refinement of data on child labor; establishment of sustainable community-based mechanisms for detecting, monitoring and reporting of child labor cases; rescue and rehabilitation of victims, technical assistance in the disposition of cases; provision of legal protection; provision of counseling services; provision of educational opportunities for victims and livelihood options for parents; training of child labor advocates; advocacy and education programs on child labor laws; advocacy and support toward local legislation and, possibly, the signing of codes of conduct among enterprises in a given industry or area.

Children active in the coalition will play an important role in implementing this initiative, particularly in the areas of research, monitoring, reporting of cases and child to child counseling during the rehabilitation phase.

The following indicators will be monitored to assess impact:

- Child labor is significantly reduced in specific areas covered (Exact percentage will be determined after baseline data is re-validated);
- Rescued child laborers are in school;

- Sustainable local structures to monitor child labor cases are institutionalized;
- Child advocates against child labor are trained and organized; and
- Appropriate local ordinances, legal instruments and agreements (e.g. code of conduct) are legislated or signed.

USAID will strongly encourage coordination among the three grantees to avoid having a segmented child labor initiative. Ideally, these grantees could operate as a "coalition" and orchestrate their efforts, particularly in the area of policy research and advocacy. USAID will work with the three grantees to arrive at a workable arrangement in this regard.

III. IMPLEMENTATION CONSIDERATIONS

A. Enabling Agreements

The three coalitions that will participate in this initiative are covered by existing grants. Inasmuch as the need to address child labor or promote children's rights is clearly articulated in these grants, an amendment is not necessary except perhaps to effect no-cost grant extensions. USAID/Philippines may, however, elect to draft a memorandum of agreement (MOA) using this document. The MOA can be signed by USAID and the major implementing partners to symbolize their firm commitment to this child labor initiative.

B. Feasibility/Risk Assessment

The following issues could constrain the achievement of results if they are left unresolved:

1. There is a need to finalize the implementing mechanisms of the garment industry's code of conduct. There is also a need to formalize and define ISP's engagement with the code.
2. Signatory-companies of the code should be willing to furnish ISP with their list of subcontractors. In the absence of this list, ISP will be forced to start at the end of the sub-contracting chain and work upwards in identifying the principal companies. This is going to be very difficult and there is no guarantee that the principal companies ultimately identified are signatories of the code. Even if the list of subcontractors were available, identifying and monitoring the lower layers of subcontracting (i.e. those supplying the subcontractors) will not be easy.

3. There is a need to formulate the implementing mechanisms of the code. How is non-compliance reported? To whom and where? What will the independent monitor do? The role of DOLE, DSWD and DTI should also be clearly defined.
4. There is tremendous pressure to resolve cases via amicable settlements, which in most cases are inequitable to the children and their families, in order to clear pending cases/dockets.
5. The lack of funds clearly inhibit the operation of Family Courts which are supposed to hear child and family cases including child labor. In many instances, those participating in this initiative will have to deal with Regional Trial Courts which may not necessarily prioritize child labor cases.

C. Donor Coordination

The NGOs that will implement this initiative frequently consult with and are partners of ILO and the United Nations International Children's Emergency Fund (UNICEF) in implementing programs that protect and promote children's rights. The roles of ISP's TUCP and ECPSR's ERDA, for example, are prominently mentioned in the assessment of ILO's International Program to Eliminate Child Labor.

To the maximum extent possible, USAID/Philippines will coordinate with the two U.N. agencies and other organizations such as The Asia Foundation which have shown strong support for programs that protect children's rights in implementing this initiative.