



NATIONAL COUNCIL AGAINST CHILD LABOR

Semi-Annual Report January to June 2020

I. INTRODUCTION

Child labor refers to any work or economic activity performed by a child below 18 years of age that subjects him/her to any form of exploitation or is harmful to his/her health and safety, physical, mental or psychosocial development.

Results of the 2011 Survey on Children conducted by the Philippine Statistics Authority showed that an estimated 2.097 million children 5 to 17 years of age were engaged in child labor, 2.049 million of whom were in hazardous child labor. More than half (58.4%) of the 2.097 million children engaged in child labor were in agriculture which include crop and animal production, hunting and related service activities, forestry and logging, and fishing and aquaculture. There were 34.6 % in the services sector, which include among others, wholesale and retail trade, transportation and storage, accommodation and food service activities, and information and communication. The remaining 7% were engaged in the industry group which include mining and quarrying, manufacturing, and construction.

An ILO study on “*Child Labour in Agriculture*” reported that the predominance of child labor in agriculture is a particular concern because this sector is one of the most dangerous sectors to work at any age, along with construction and mining, in terms of work-related fatalities, non-fatal accidents and occupational diseases.

Children who are victims of commercial sexual exploitation are in the most inhumane type of work because of exposure to grave safety or health hazards, and risk of physical violence or sexual abuse. There are also children who are used as drug couriers or recruited as child soldiers.

Child labor is multi-causal, complex, and multi-dimensional in nature. It is a labor problem, a health issue, and human rights concern, among others. To address the child labor problem, there is a Philippine Program Against Child Labor which is the collective effort of various sectors working together towards the prevention and progressive elimination of child labor through protection, withdrawal, healing and reintegration of child workers into a caring society. Its vision is a child labor-free Philippines.

On 17 September 2019, President Rodrigo Roa Duterte issued Executive Order No. 92 (*Institutionalizing the National Council Against Child Labor to Upscale the Implementation of the Philippine Program Against Child Labor*) to amplify government efforts for the protection of the rights of vulnerable sectors, especially the children, strengthen related institutional mechanisms, and establish further measures to contribute to the prevention, reduction, and elimination of any form of child labor.

The National Council Against Child Labor is composed of 19 government agencies with the Department of Labor and Employment (DOLE) as the Chairperson and the Department of Social Welfare and Development as the Co-Chairperson. Aside from government agencies, the Council shall also include as members two (2) representatives from the workers sector, two (2) representatives from the employers sector, and two (2) representatives from non-government organizations with programs on child labor. These representatives shall be nominated by the sectors themselves, for appointment by the President for a term of three (3) years, without prejudice to reappointment.

With the issuance of Executive Order No. 92, the then National Child Labor Committee which has been operating since 1995 on the basis of a Memorandum of Agreement was replaced by the National Council Against Child Labor as the coordinating body for the implementation of the Philippine Program Against Child Labor.

Under Executive Order No. 92, the National Council Against Child Labor is required to submit semi-annual reports to the President, through the Executive Secretary, on the operations of the Council, and its accomplishments relative to the prevention and elimination of child labor.

II. ACCOMPLISHMENTS

The following are the accomplishments of the newly-created Council under the five (5) intermediate outcomes of the Philippine Program Against Child Labor's Strategic Framework for 2020-2022:

Intermediate Outcome 1

Strengthened and localized National Council Against Child Labor towards better coordination of its members and partners at all levels

- **Organizational Meeting of the National Council Against Child Labor**

The Council held its first organizational meeting on 16 January 2020 wherein the Council members were briefed on the background and salient features of

Executive Order No. 92, Series of 2019. The proposed criteria and process for nomination of sectoral representatives to the Council were also discussed which led to the approval of Council Resolution No. 1, Series of 2020 (*A Resolution Approving the Criteria and Process for Nomination of Sectoral Representatives to the National Council Against Child Labor*). A call for nomination of sectoral representatives (workers sector, employers sector, and non-government organizations) to the Council was subsequently disseminated by the DOLE to the Council members as well as to 21 workers organizations, two (2) employers organizations, and 21 non-government organizations.

- **Midterm Assessment of the Philippine Program Against Child Labor (PPACL) Strategic Framework 2017-2022 and Planning Workshop for 2020-2022**

Pursuant to the function of the Council under Executive Order No. 92, Series of 2019 to formulate a framework and national action plan for the effective enforcement of Republic Act No. 7610 (*Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act*), as amended, and other related laws and regulations, the DOLE conducted a Midterm Assessment of the Philippine Program Against Child Labor Framework 2017-2022 and Planning Workshop for 2020-2022 on 12-13 February 2020.

A total of 64 participants from 34 government agencies, non-government organizations, workers organizations, employers organization, and international development partners attended the two-day activity. Among the outputs of the activity are the improved Philippine Program Against Child Labor Strategic Framework 2020-2022, the indicative Philippine Program Against Child Labor Strategic Plan 2020-2022, and the proposed Technical Working Groups of the National Council Against Child Labor. These outputs will be presented in the next meeting of the Council for its approval.

Intermediate Outcome 2

Improved and inclusive enforcement of anti-child labor laws at the national and local levels

- **Labor Law Enforcement**

The DOLE included in its 2020 target for labor inspection the industries cited in the United States Department of Labor *2018 Report on List of Goods Produced by Child Labor in the Philippines* (banana, coconut, corn, fashion accessories, fish, gold, hogs, pornography, pyrotechnics, rice, rubber, sugarcane, and tobacco) and

palm oil. Also included in the 2020 target for labor inspection are companies employing foreign nationals especially those engaged in Philippine Offshore Gaming Operations; on-going construction projects; and companies engaged in contracting and subcontracting.

For 2020, the DOLE has 647 personnel holding Labor Inspector position, 519 of whom are authorized to conduct inspection of establishments. Of these 519 Labor Inspectors, 287 of them are assigned to conduct inspection of establishments only while the rest are assigned also to provide support to inspection-related matters aside from conducting inspection of establishments. There are 128 Labor Inspectors who are assigned to provide support to inspection-related matters only. Inspection-related support matters include serving as Hearing Officer in charge of case disposition including the conduct of mandatory conferences, or as Sheriff, or as support staff for the utilization of both the Labor Inspection–Management Information System and Performance Monitoring System, or in charge of report-monitoring of inspection-related activities and administrative matters such as preparation of Authority to Inspect.

DOLE Office	Number of DOLE Personnel Holding Labor Inspector Position	Number of Labor Inspectors Authorized to Conduct Inspection of Establishments		Number of Labor Inspectors Assigned to Provide Support to Inspection-Related Matters Only
		Conduct Inspection of Establishments Only	Conduct Inspection of Establishments and Provide Support to Inspection-Related Matters	
NCR	177	79	73	25
CAR	21	7	10	4
Region 1	23	16		7
Region 2	16	5	7	4
Region 3	58	33		25
Region 4-A	63	33	21	9
MIMAROPA	16		15	1
Region 5	30	4	16	10
Region 6	40	24	16	
Region 7	35	18	1	16
Region 8	21	3	17	1
Region 9	27	16	6	5
Region 10	24	14	10	
Region 11	43	7	27	9
Region 12	30	10	12	8
Caraga	20	18	1	1
Central Office	3			3
TOTAL	647	287	232	128
		519		

Labor inspectors are required to undergo and pass a basic training course on general labor standards which includes topic on child labor and working children, and occupational safety and health (OSH) before they can be provided with a General Authority issued by the Labor Secretary. Under Section 2, Rule III of Department Order No. 183, Series of 2017 (*Revised Rules on the Administration and Enforcement of Labor Laws Pursuant to Article 128 of the Labor Code, as Renumbered*), the Secretary of Labor and Employment shall issue at the start of every year a list of labor inspectors with General Authority to inspect establishments' compliance with labor laws and social legislation. The General Authority includes investigation of OSH standards violation committed in plain view or in the presence of the labor inspector. For labor inspectors with General Authority from the Labor Secretary, the DOLE Regional Director shall issue Authority to Inspect to each labor inspector assigning them specific establishments to be inspected.

The visitorial power of the Secretary of Labor and Employment or his/her duly authorized representatives is being implemented either through routine inspection, complaint inspection, or occupational safety and health standards investigation. Routine inspection refers to the process of evaluating compliance with labor laws and social legislation jointly undertaken by the labor inspector and the representatives of the employer and the employees using the prescribed inspection checklist. One of the priority establishments and workplaces in the conduct of routine inspection are those employing children. Complaint inspection, on the other hand, refers to the act of validating compliance with labor laws and social legislation by the Secretary of Labor and Employment or his/her duly authorized representative in any of the following instances: (a) when there is Single-Entry Approach referral; (b) when there is an anonymous complaint; or (c) where there is a request in a conciliation-mediation proceedings at the National Conciliation and Mediation Board to validate or verify violation of labor standards. Occupational safety and health standards investigation refers to the process of determining the existence of imminent danger, dangerous occurrence, and accident resulting in disabling injury or other analogous circumstances within the workplace based on a report or information.

From January to June 2020, the DOLE inspected 10,814 establishments, four (4) of which have noted violations on 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 No. 7610, As Amended, Otherwise Known as the "Special Protection of Children Against Child Abuse, Exploitation and Discrimination Act"*), namely:

- employing a child below 15 years of age;
- engaging children as models promoting pornography in clothing items;

- long hours of work;
- night work prohibition; and
- hazardous work.

Of these four (4) establishments, two (2) are located in the National Capital Region. One (1) establishment is engaged in wholesale and retail of clothing while the other is engaged in salon services. Administrative proceedings are currently being undertaken by the DOLE against these two (2) establishments.

The other establishment is located in the Cordillera Administrative Region and is engaged in wholesale and retail of food items while the other is located in Region 10 and is engaged in construction. These two (2) establishments have already corrected their noted violations.

Another labor law enforcement mechanism for child laborers is the *Sagip Batang Manggagawa* (SBM) which aims to respond to cases of child labor in extremely abject conditions. It employs an inter-agency quick action team composed of the DOLE, DSWD and law enforcement agencies as core members for detecting, monitoring and rescuing child laborers in hazardous and exploitative working conditions.

From January to June 2020, the SBM Quick Action Teams conducted two (2) rescue operations, one in Region 4-A wherein members of the Women and Children Protection Center of the Philippine National Police, DOLE personnel, and social workers from the Antipolo City Social Welfare and Development Office (CSWDO) rescued a minor employed in an establishment offering spa services but is also engaging in prostitution. The child was turned over to the Antipolo CSWDO for protective custody.

The other rescue operation was conducted in Region 7 involving a flower shop located in the Municipality of Bacong, Negros Oriental. The rescued minor performed long hours of work from 7:00 a.m. to 9:00 p.m. or a total of 14 hours in the flower shop in violation of Republic Act No. 9231. The child has been turned over to her family with the assistance of the local government unit, Philippine National Police, and Negros Oriental Provincial Hospital.

The two (2) rescued minors in the 1st semester of 2020 bring to a total of 3,611 the number of child laborers already rescued by the SBM Quick Action Teams since the inception of the SBM mechanism in 1993.

- **Administrative Sanction Against Establishments under Republic Act No. 9231**

From January to June 2020, two (2) bars were permanently closed by the DOLE for engaging three (3) child laborers in prostitution or obscene or lewd shows. This brings to a total of 69 establishments permanently closed by the DOLE since Republic Act No. 9231 was enacted in 2003.

Republic Act No. 9231 authorizes the DOLE to order the immediate and permanent closure of an establishment found to be employing a child for prostitution or obscene or lewd shows.

- **Criminal Law Enforcement**

Under Republic Act No. 9231, one of the worst forms of child labor is the recruitment of children for use in armed conflict. From January to June 2020, there were seven (7) children involved in armed conflict, two (2) of them were charged with illegal possession of explosive devices but were released by a Family Court and ordered to be transferred to the DSWD for custody pending trial.

Online sexual exploitation of children (OSEC) is also considered a worst form of child labor if the child was used, procured, offered, or exposed for the production of pornography or for pornographic performances. The DOJ Office of Cybercrime (DOJ-OOC) reported that from 1 March to 24 May 2020, there were 279,166 cases of OSEC using data from U.S.-based National Center for Missing and Exploited Children as opposed to 76,561 cases during the same period in 2019 which translates to an increase of 264.63 percent. The DOJ-OOC clarified that not all these reports are categorized as actual cases of OSEC in the Philippines as these are merely made available to the appropriate law enforcement agency for further review and potential investigation.

On 21 May 2018, a Regional Trial Court in Manila convicted two (2) operators of a KTV bar for employing two (2) female minors as Guest Relations Officer in violation of Republic Act No. 9231. The two (2) operators were each sentenced to 12 years and 1 day to 14 years and 8 months of imprisonment and each of them to pay the victim who pursued the case a fine of PHP100,000.00. This was affirmed by the Court of Appeals in its decision dated 28 November 2019 and its Resolution dated 25 June 2020 denying the Motion for Reconsideration filed by the accused.

On 10 March 2020, a Regional Trial Court in Cebu City sentenced a man to 31 years of imprisonment for the crime of attempted trafficking under Republic Act

No. 9208 (Anti-Trafficking in Persons Act), as amended, after plea bargain agreement. The investigation revealed that the man sexually abused two (2) boys to produce child sexual abuse materials which he distributed to foreign sex offenders, and also sold young boys to foreigners traveling to Cebu.

- **Issuance of Working Child Permit**

Republic Act No. 9231 provides that a child below 15 years of age shall not be employed except when he/she works directly under the sole responsibility of his/her parents or legal guardian or his/her employment or participation in public entertainment or information is essential. In both cases, the employer shall first secure a work permit from the DOLE before engaging such child. The working child permit is secured by the employer, parent or guardian from the DOLE Regional Office having jurisdiction over the workplace of the child.

The DOLE issued 1,227 working child permits to 1,199 children engaged in public entertainment or information from January to June 2020. This brings to a total of 76,110 working child permits issued by the DOLE since 1996.

The DOLE conducted orientation on the issuance of working child permit for the producers of ABS-CBN television shows on 30 January 2020 and for the network's talent suppliers on 31 January 2020. Discussed were the coverage of the working child permit; validity of the permit; requirements in applying for a working child permit; application process; monitoring of shootings, tapings, or performances; and ownership, use, and preservation of the working child's income.

To guide employers whose business is allowed to operate during the community quarantine period and will engage a child below 15 years of age in public entertainment or information, the DOLE Secretary issued Labor Advisory No. 23, Series of 2020 (*Engagement or Participation of a Child Below 15 Years of Age in Public Entertainment or Information Pursuant to the Omnibus Guidelines on the Implementation of Community Quarantine in the Philippines*) on 23 June 2020. The Advisory allows children below 15 years of age to be engaged in public entertainment or information during community quarantine subject to the following conditions: (a) the child's performance of the assigned task, such as photo or audio-video recording, shall be done in the child's home under the supervision of the child's adult family members; (b) representatives of the employer or production staff may be allowed to go to the child's residence, when necessary, to assist the child in performing the assigned task; and (c) the employer must secure a permit from the DOLE prior to engaging the child for work. The Advisory also provides that in case the employer will provide the child with costumes, props or materials

needed in the work to be performed, the employer and the child's parents/guardian shall ensure that these are thoroughly disinfected before handing over to the child.

Intermediate Outcome 3

Expanded access of child laborers and their families to social protection, including health, education, child protection, and decent

• Profiling of Child Laborers

In 2018, the DOLE initiated the profiling of child laborers in 16 regions (except BARMM) in order to locate and identify the children to be removed from child labor. From 2018 to 2019, the DOLE has profiled 275,614 child laborers, of whom

- 202,236 have been referred for the provision of necessary services;
- 18,151 have been provided with necessary services; and
- 4,674 have already been validated to have been removed from child labor.

In addition to the child laborers profiled by the DOLE, the DSWD under its SHIELD Against Child Labor Project also profiled 596 child laborers in its pilot areas (Catanauan, Quezon; Labo, Paracale and Jose Panganiban in Camarines Norte; Ormoc and Kananga, Leyte; and Maramag, Bukidnon) from 2017-2019, 380 of whom have already been removed from child labor. The International Labour Organization through its CARING Gold Mining Project also profiled 265 child laborers in its project areas (Labo and Paracale in Camarines Norte; and T'boli, South Cotabato) from 2017-2019, of which 66 child laborers have already been removed from child labor. This brings to a total of 276,475 child laborers profiled and 5,120 child laborers validated to have been removed from child labor by the DOLE, DSWD, and ILO from 2017-2019.

For 2020, the DOLE aimed to profile 175,000 child laborers. Due to the declaration of State of National Emergency in the country starting March 2020 in view of the COVID-19 pandemic, the profiling of child laborers has been suspended for the year.

However, the DOLE still hired 96 project-based community facilitators who were assigned at its Regional Offices and Field Offices to continue the assessment of needs of child laborers profiled in 2018 and 2019, and the referral of the needs of the child laborers and their families to appropriate agencies and organizations for the provision of necessary services. The project-based community facilitators also

followed-up the status of the referrals made by the DOLE in 2018 and 2019, and tracked the overall progress of the child laborers and their families.

- **Livelihood Assistance to Parents of Child Laborers**

The DOLE provides livelihood assistance to parents of child laborers as a strategic response to prevent and eliminate child labor under its DOLE Integrated Livelihood and Emergency Employment Program (DILEEP). It can be in the form of Negokart, starter kits, or materials needed to start a livelihood undertaking. Under the DOLE Integrated Livelihood and Emergency Employment Program, beneficiaries of DOLE livelihood assistance should not allow their children to be engaged in child labor.

From January to June 2020, a total of 943 parents of child laborers were provided by the DOLE with livelihood assistance. This brings to a total of 37,131 parents of child laborers provided with livelihood assistance by the DOLE from 2008 to June 2020.

- **Project Angel Tree**

Project Angel Tree aims to provide an array of social services that range from school supplies, food packs, and hygiene kits made available by sponsors or benefactors or “angels” to child laborers and their families.

From January to June 2020, the DOLE conducted five (5) gift-giving activities benefitting 255 child laborers. A total of 72,695 child laborers have benefitted from Project Angel Tree since 2006.

Intermediate Outcome 4

Improved generation, dissemination and use of knowledge on child labor among stakeholders, policymakers, program implementers and the general public

- **Advocacy Activities**

Social media platforms were utilized to raise awareness about child labor. From January to June 2020:

- the *Batang Malaya* – CLKSS Facebook Page has already reached 212,562 people and has attained 2,854 likes;

- the *Batang Malaya* Instagram account which was created only in June 2020 has already 118 followers;
- the *Batang Malaya* YouTube channel has 257 subscribers with 9,800 views.

Information, education, and communication (IEC) materials were shared to the public such as situationer on child labor in the Philippines; and articles and infographics on various child labor-related initiatives of NCACL member-agencies and other social partners, ensuring children’s well-being during the COVID-19 pandemic, and NCACL organizational meeting. IEC materials related to the World Day Against Child Labor (WDACL) 2020 celebration were also disseminated such as briefier on the impact of COVID-19 pandemic on child labor, information on *Talakayang Pambata* which is a live educational discussion about child labor, and throwback photo cards on previous WDACL celebrations.

Since 2002, the Philippines has been joining in the international observance of WDACL every June to raise awareness on the plight of child laborers and to demonstrate the country’s solidarity in the worldwide campaign against child labor.

For the 2020 celebration of WDACL, the global theme was “*COVID-19: Protect Children from Child Labour, now more than ever!*” and the local theme was “*COVID-19 Sugpuin, Batang Manggagawa Sagipin*”. Due to the COVID-19 pandemic, online advocacy activities for the celebration of 2020 WDACL were conducted such as virtual information dissemination and contests for Filipino children and youth highlighting the local theme. The following were the online contests:

- Slogan Making Contest – open to 11 years old and below
- Greeting Card Making – open to 12-14 years old
- Poster Making – open to 12-14 years old
- Jingle Making Contest – open to 15-17 years old
- Essay Writing Contest – open to 18-30 years old

These contests were launched on 12 June 2020 via *Batang Malaya* social media platforms (Facebook, Twitter and Instagram) and the winners were announced online on 20 August 2020.

The DOLE Regional Offices also conducted various awareness-raising activities on child labor-related concerns for the WDACL celebration such as virtual social media campaign that featured audio-visual presentations on regional child labor situation, child labor-related programs and activities, statement of support from

partners, and call to action against child labor. They also produced and distributed customized face masks as part of the campaign.

On 21 May 2020, the Department of Justice hosted a web seminar to present the study *Online Sexual Exploitation of Children in the Philippines: Analysis and Recommendations for Governments, Industry, and Civil Society* by the International Justice Mission in partnership with the Inter-Agency Council Against Trafficking and the United States Department of State Office to Monitor and Combat Trafficking in Persons.

Intermediate Outcome 5

National Child Labor Monitoring and Evaluation System established and maintained

- **Database on Profiled Child Laborers**

In order to harmonize the data on profiled child laborers gathered by the DOLE and DSWD and store it in a single database, both agencies have agreed to use the same profiling tool and to use the Child Labor Local Registry (CLLR) System as repository of national database on profiled child laborers. The CLLR System is a web-based tool developed with support from the International Labour Organization for encoding and storing the data of profiled child laborers, managing the assistance needed by them and recommended for them as well as provided to them, and monitoring their progress until they are removed from child labor. It has two (2) main features: (a) profile management which is used to manage the personal information of the child including his/her educational background, health information, nature of work and family profile; and (b) case management which will be used for managing the assistance needed by and provided to the child and his/her family and the status of the child whether he/she has already been removed from child labor.

The CLLR System is currently being administered by the DSWD and has been rolled out for use in the pilot areas of their SHIELD Project. In order to provide the DOLE with access to the CLLR System, the Memorandum of Agreement between these agencies is being finalized.