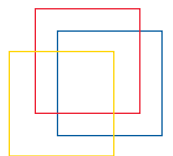




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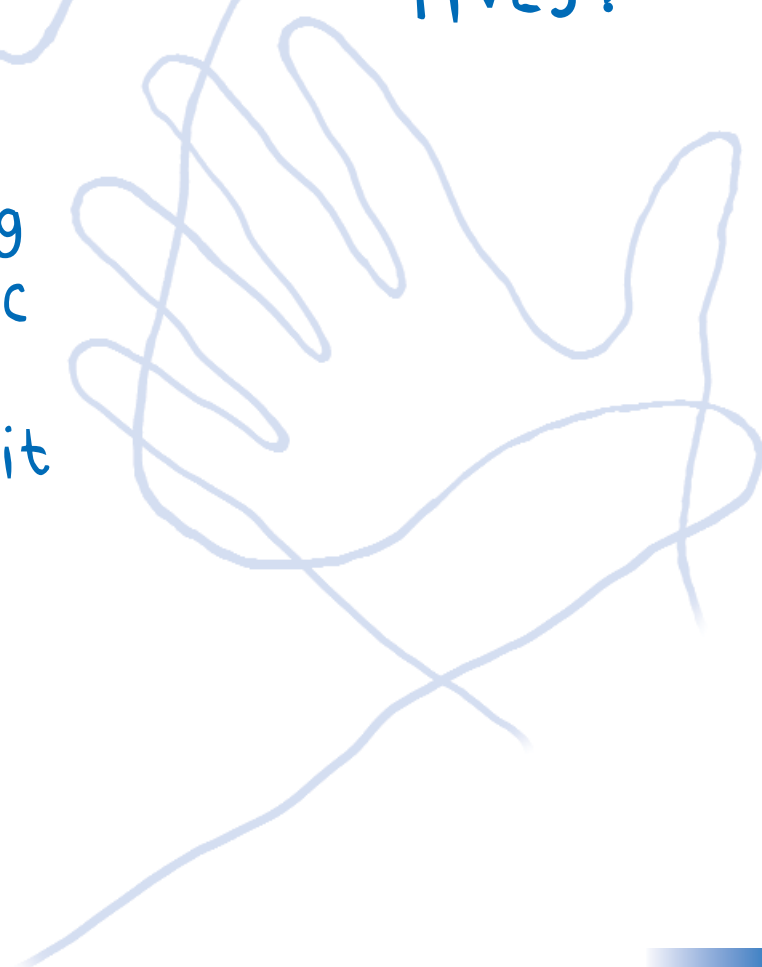


International Programme on the Elimination of Child Labour (IPEC)



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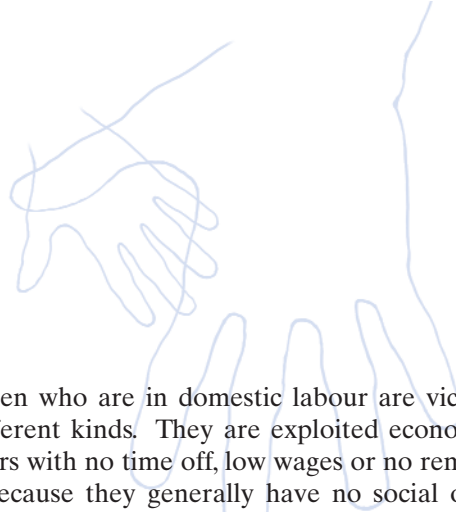
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## Foreword



Almost without exception, children who are in domestic labour are victims of exploitation, often of several different kinds. They are exploited economically when they have to work long hours with no time off, low wages or no remuneration at all. They are exploited because they generally have no social or legal protection, and suffer harsh working conditions including, for example, having to handle toxic substances. They invariably are deprived of the rights due to them as children in international law, including the right to play, health, and freedom from sexual abuse and harassment, visits to or from their family, association with friends, decent accommodation, and protection from physical and mental abuse.

Children who enter domestic labour often leave their own family at a very early age to work in the houses of others and are considered almost as ‘possessions’ of the household. They work in isolation and are subject to verbal, physical, emotional and, in some cases, sexual abuse. They are deprived of an education and training, so that their longer-term future is also blighted. Despite this, domestic service remains one of the most common forms of occupation for children, particularly girls. Existing research suggests that, across the globe, more girls under 16 are employed in domestic service than in any other form of work.

In the framework of the Minimum Age Convention, 1973 (No.138) and the Worst Forms of Child Labour Convention, 1999 (No 182), the ILO recognizes three categories of child labour that must be abolished:

- All work done by children under the minimum legal age for that type of work, as defined by national legislation in accordance with international standards;
- Work that endangers the health, safety and morals of a child, either because of the nature of the work or because of the conditions under which it is performed;
- Unconditional worst forms of child labour, defined as slavery, trafficking, bonded labour, forced recruitment into armed conflict, prostitution, pornography or illegal activities such as the sale and trafficking of drugs.

Although domestic labour by children has often been excluded from national minimum age for work legislation – usually because of the difficulty of implementing it in private households – the reality is that the vast majority of children in domestic labour would find a place in one or more of these categories, either because of the nature of the work they are required to perform, the treatment they receive or the means by which they entered into the situation in which they find themselves. Many more children are included, regardless of the nature of the work

they do, because they are below the minimum age (and consequently generally denied an education). Not all children under the age of 18, however, are considered to be in exploitative situations, and it is consequently important to understand the individual contexts in which domestic service occurs.

Where a child under the age of 18 is engaged in domestic labour and works under conditions that are hazardous, then this constitutes a ‘worst form of child labour’ and must be eliminated as a matter of urgency. This would also be true of situations where the child has been trafficked into domestic labour, or where debt bondage or other practices similar to slavery exist. In this report, the term **worst form of child domestic labour** is used for such exploitation, to reflect the extreme risk to the child and echoing the immediate elimination called for in the Worst Forms of Child Labour Convention, 1999 (No.182).

There has been some progress in understanding the situations of children exploited in domestic labour. Nepal, the Philippines, Tanzania and Senegal recognize child domestic labour as unacceptable and have included it in their national Time-Bound Programmes (TBP). The aim of the TBP is to prevent and eliminate the worst forms of child labour within a determined time-frame.

This report throws light on the phenomenon of child domestic labour, and on the actions that are being taken to respond to it. It brings together the latest research undertaken by the ILO’s International Programme on the Elimination of Child Labour (IPEC) and work done by other organizations in the field. It includes a number of case studies drawn from ILO-IPEC field work, and suggests possible future actions to be taken at all levels and by different players: governments, labour sector partners and NGOs.

Among other things, it recognizes the crucial need for governments to take the lead and to include the elimination of child domestic labour in national policy frameworks. It is vital that this form of child labour – exploitation that takes place behind the closed doors of private homes – receives priority attention in both policy and action to combat child labour.



**Frans Röselaers**

*Director*

*International Programme on the  
Elimination of Child Labour – IPEC*

*Geneva, June 2004*

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## Explanation of terms used in this report

<b>Child</b>	A person under the age of 18.
<b>Domestic work</b>	Household tasks performed as an economic activity in the household of a third person by adults and children over the minimum working age (ie work that could be regarded as ‘employment’ whether or not covered by national labour law). Usually excludes domestic chores carried out by members of the family.
<b>Child domestic labour</b>	Domestic work undertaken by children under the legal minimum working age, as well as by children above the legal minimum age but under the age of 18 under slavery-like, hazardous or other exploitative conditions – a form of ‘child labour to be eliminated’ as defined in international treaties.
<b>Worst form of child domestic labour</b>	Child domestic labour that is extremely hazardous to the child because of the tasks given, conditions of work or physical, emotional and sexual abuse; practices similar to slavery such as debt bondage or forced labour, and child domestic labour into which a child has been trafficked.
<b>Hazardous labour</b>	The nature of hazardous labour and the forms of work that fall into this category are determined by each country and are not stipulated in international instruments.
<b>Helping hand</b>	Non-hazardous domestic tasks undertaken by a child of any age as part of daily chores in their own family home, that do not interfere with any of the child’s rights under international law, and that do not constitute economic activity.

## Acronyms and Abbreviations

<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>APL</b>	Alliance of Progressive Labour (Philippines)
<b>BEHTRUC</b>	Basic Education for Hard to Reach Urban Children (Bangladesh)
<b>Cendhec</b>	Centro Dom Helder Câmara de Estudos (Brazilian research centre)
<b>CHODAWU</b>	Conservation Hotel Domestic and Allied Workers Union (Tanzania)
<b>CRC</b>	UN Convention on the Rights of the Child (1989)
<b>Fafo</b>	Institute for Applied Social Science (Norway)
<b>FFW</b>	Federation of Free Workers (Philippines)
<b>HIV</b>	Human Immunodeficiency Virus
<b>ILO</b>	International Labour Office
<b>IPEC</b>	International Programme on the Elimination of Child Labour (InFocus Programme of ILO)
<b>NCPA</b>	National Child Protection Authority (Sri Lanka)
<b>NGO</b>	non-governmental organization
<b>NPA</b>	national plan of action
<b>NPACL</b>	National Programme Against Child Labour (Philippines)
<b>NWC</b>	National Workers' Congress (Sri Lanka)
<b>PPF</b>	Pakistan Psychological Foundation
<b>SACCS</b>	South Asian Coalition on Child Servitude (India)
<b>SIMPOC</b>	ILO's Statistical Information and Monitoring Programme on Child Labour
<b>STD</b>	sexually transmitted disease
<b>TAMICO</b>	Tanzania Mining, Construction and Allied Workers Union
<b>TBP</b>	Time-Bound Programme against child labour
<b>TPAWU</b>	Tanzania Plantations, Agricultural and Allied Workers Union
<b>TUCP</b>	Trade Union Congress of the Philippines
<b>UN</b>	United Nations
<b>UNICEF</b>	United Nations Children's Fund
<b>US</b>	United States
<b>VF</b>	Visayan Forum (Philippine NGO)

## Executive Summary



In every country of the world, children lend a helping hand in their own home. This can be a positive experience for them, helping them to learn basic skills and to feel that they are contributing to the family. This is not child domestic labour.

**Child domestic labour** refers to situations where children perform domestic tasks in the home of a third party or ‘employer’ under exploitative conditions (long working hours, with no or little wages, for example, or below the minimum working age). These children, working behind closed doors in a private home, are extremely vulnerable to exploitation and abuse. And yet, in many countries of the world, children working as child-minders, maids, cooks, cleaners, gardeners and general house-helps are a familiar sight. In fact, as much of the available literature shows, child domestic labour is one of the most common and traditional forms of child labour. Existing research suggests that, across the globe, more girls under 16 are employed in domestic service than in any other form of work.

In extreme cases, children may find themselves traded or trafficked into someone else’s home, toiling seven days a week, every week of the year, in conditions that endanger their physical and psychological health and safety. They may be confined to the house at all times, suffer beatings, be denied access to family, friends, health services and decent food. They may have to handle toxic substances and face severe heat or cold. For their sufferings they may not even receive payment, but be expected to endure abuse in return for poor accommodation and inferior food or some new clothes from time to time. This extreme form of child domestic labour is in this report referred to as a **worst form of child domestic labour**, to reflect the extreme nature of the exploitation and the importance of immediate action.

Chapter 1 of this report outlines why child domestic labour, including the worst forms, must be eliminated, and the response of the ILO in both policy and action. The ILO frames its response in relation to two important international instruments: the ILO Minimum Age Convention, 1973 (No.138) and the ILO Worst Forms of Child Labour Convention, 1999 (No 182).

Studies on child domestic labour show that most children are taken or sent into domestic labour when they are very young and generally therefore below the minimum working age. This report argues that there is a clear need for countries to consider applying a general minimum age for the employment of children in domestic service and, as an immediate step, to adopt measures to prevent the

employment of children under the minimum age and begin to gradually withdraw young children from domestic labour.

It further states that immediate action can and must be taken not only to remove children from the worst forms of child domestic labour but also to ensure that such worst forms cease to exist. This is most evident in the case of children who have been trafficked, children working in slavery-like conditions or in situations that are hazardous to their health, safety and morals.

Chapter 2 explores in detail the ‘push’ and ‘pull’ factors that result in a child’s entering domestic service. Family and child poverty provides a context in which children are invariably vulnerable to exploitation. In societies where women and girls are under-valued, or where they are considered to have responsibilities to the family, girl children in particular are kept out of or removed from school and put to work. Domestic service is often seen as a particularly suitable avenue for them, not only because it is considered ‘women’s work’, but because both family and employers might look upon it as preparation for marriage and thus a suitable alternative to education. In many societies, employers are seen as acting in loco parentis, protecting the girl within their household. Indeed, in some societies the employer may enter into a formal adoptive/quasi-adoptive relationship with the child’s family.

Ignorance of the risks inherent in such hierarchical relationships mean that domestic service is often not even considered to be work at all, and is rarely subject to scrutiny or legislation. Tacitly accepted by families and societies, child domestic service thrives and is fuelled by ingrained notions of hierarchy that place some people in the role of ‘master’ and others in the role of ‘servant’.

Chapter 2 explains how such hierarchies are reinforced by growing economic differentials and the spread of urbanization, and how domestic service – performed by both children and adults – is increasingly seen as a ‘product’ that can be purchased by those who have the means to do so. Chapter 2 also looks at situations where the child may be in a worst form of child labour, in particular because s/he has been trafficked, either internally or across borders, or is in a situation akin to slavery. Finally, this second chapter includes a reminder that adults, too, may be exploited in domestic work and that in the case of adults and children above the minimum working age, labour law should be rigorously applied.

Chapter 3 of the report considers what happens when children enter domestic service. It argues that the denial of education to children who are in child domestic labour, or the difficulties they face when they are forced to combine domestic labour with schooling, has long-term repercussions on the child’s ability to build a better life. By its very nature, too, child domestic labour may harm a child’s health or at the very least put health at risk. Lifting heavy weights, working long hours, using toxic substances, suffering poor food and accommodation, being isolated

from family and friends and, in extreme cases, physical or sexual abuse, confinement and humiliation, not only endanger a child's physical health but also psychological health.

In addition to the rights to education and health, a child in domestic service may also be denied other rights guaranteed in international law, including for example the right to play, and may have to endure watching the children of the employer's family enjoying these rights. This in itself can have long-term effects on the self-esteem and emotional health of the child.

Chapter 4, therefore, asks what can be done to protect children and eliminate child domestic labour, including the worst forms. Because domestic service can be very exploitative, it suggests applying a national minimum age for employment in domestic service as a means to prevent young children from entering this sector. Implementing ILO Convention No.182 is an important starting point for work to eliminate child domestic labour. Through National Plans of Action and Time-Bound Programmes against child labour more generally, child domestic labour can be specifically targeted for action.

Under such frameworks, actions to reduce children's vulnerability and address the demand side of child domestic labour are fundamental. They may take the form of targeted attitude-change activities within a framework of law enforcement, including both penal law and labour law. Where children are removed from exploitation, it will be important to have programmes in place to help them to rebuild their lives. Ideally, of course, actions to prevent children from entering domestic labour in the first place should be taken. These should address the root causes of the child's vulnerability and might include alternative livelihood options for the family and support to the child's education. They should address myths and misconceptions about domestic service, the role of women and girls, and social hierarchies. Poverty reduction or mitigation programmes will improve the broader context that makes children and families vulnerable to exploitation, and community watch schemes are one way to monitor children and families at risk.

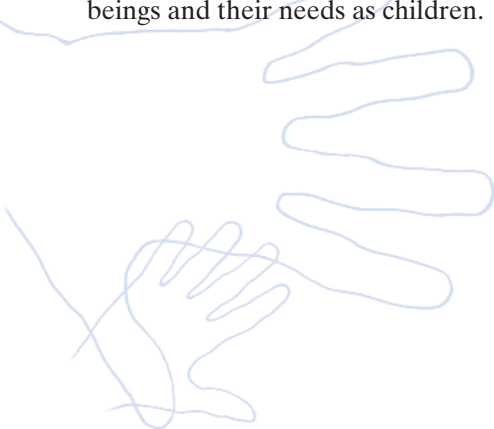
Before any of this can be effective, Chapter 4 argues, there needs to be careful data gathering so that the most effective responses can be planned. Data needs to be disaggregated, particularly in relation to minimum working age frameworks in a given country, and can be used not only to plan programming but for advocacy and awareness raising, monitoring and evaluation, lessons sharing and mobilization of resources.

Some examples of responses that have already been tried are given in Chapter 5. These range from the contextual responses necessary to create an environment in which specific actions can succeed, such as recognition of child domestic service as a form of child labour to be eliminated, through methodologies for research and analysis, to specific programming to support children in domestic

work, set up prevention and early warning systems, mobilize communities to report where children and families are at risk, provide education to children waiting to exit child domestic labour, and put in place support for those who do.

The report includes three substantial case studies, in which information is pulled from recent ILO-IPEC research in Central and South America, South Asia and South East Asia. These case studies – focusing on the nature of child domestic labour, its impact on children and first steps to eliminate it – underline the importance of data gathering and of understanding the specific situation of children in domestic service in each country and region. Such detailed understanding is vital, this report concludes; in particular the lines need to be drawn between legitimate domestic work, the exploitation of children in domestic labour, and the worst forms of child domestic labour.

Finally, this report suggests, the whole panoply of programming options and experience will need to be brought to bear. Of vital importance is continued advocacy at national and international levels to recognize child domestic labour as a form of child labour and potentially a worst form. The protection of children within their communities is an important response to vulnerability and support for children legally employed in domestic work (ie those above the legal minimum working age) must ensure that they enjoy their rights and are allowed to earn a living in safety and security. Until such time as child domestic labour is eliminated, moreover, there will be a continued need to rescue and support children who are suffering at the hands of those who, behind the closed doors of their family home, use children as objects of exploitation and deny them their rights as human beings and their needs as children.



## Chapter 1:

# Understanding child domestic labour

## What is child domestic labour?

In every country of the world, children lend a helping hand in their own home, maybe by preparing the meals or washing the dishes after dinner before going out to play. They may make the bed, for example, hang out the washing, mow the lawn, baby-sit a younger sibling, pick fruit on the family allotment, milk the goat or feed the chickens. In moderation and in particular as long as they do not interfere with the children's education or time to play, such 'helping hand'-type tasks can be positive experiences. They help children to learn basic skills in preparation for the future and to feel that they are contributing to the family's tasks, thus raising their self-esteem. The children may grumble about it occasionally, but doing a few small jobs around the house will help them to learn about responsibility and sharing and to gain practical skills.<sup>1</sup> This is not child domestic labour.

*Child domestic labour* refers to situations where children are engaged to perform domestic tasks in the home of a third party or employer that are exploitative.<sup>2</sup> Where such exploitation is extreme and includes trafficking, slavery or practices similar to slavery, or work which by its nature or the circumstances in which it is carried out is hazardous and likely to harm the health, safety or morals of children, then this constitutes a *worst form of child domestic labour*, and it needs to be tackled as a matter of urgency.

It is important to note, in addition, that child domestic labour is by nature susceptible to being or becoming a worst form of child labour. Not only are many children in domestic labour very young, the tasks they perform are difficult to monitor or regulate. It follows that the child is in a situation of extreme risk. What cannot be regulated and is potentially hazardous must be eliminated.

<sup>1</sup> "Child labour does not include activities such as helping out, after school is over and schoolwork has been done, with light household or garden chores, childcare or other light work. To claim otherwise only trivializes the genuine deprivation of childhood faced by the millions of children involved in the child labour that must be effectively abolished." *Global Report on Child Labour* (Geneva, ILO, 2002), p.9.

<sup>2</sup> Little is known about children who effectively 'work' as domestics in their own home – for example a girl who is kept out of school to do the housework, look after siblings and maybe perform related tasks in the family business, often on a full-time basis. Some useful indications of this are included in work ILO-IPEC has done in South Africa (see: *South Africa: Child domestic workers: a national report*, Geneva, ILO-IPEC, 2002). However, because of the paucity of research data available, this report does not aim to cover (own) home-based child domestic labour.

All over the world, children working as child-minders, maids, cooks, cleaners, gardeners and general house-helpers are a familiar sight. In fact, as much of the available literature shows, child domestic labour is one of the most common and traditional forms of child labour.<sup>3</sup> Existing research suggests that, across the globe, more girls under 16 are employed in domestic service than in any other form of work.<sup>4</sup>

It occurs in many different contexts. In most cases, children leave their families to work and live with their employers. In some instances, however, children live at home and go to work in other people's homes, rather than going to school. In other cases, children work in the house of their employers but share outside accommodation with other children, with a sibling, or with relatives. Some children may work alongside an older sister or another relative employed as a domestic servant, and may then live with that person.

Children may experience very different realities depending on the nature of the work they do, the hours they work, the treatment they receive, how old they are, how they entered the work, where they are and what impact the situation has on them now and on their future. One specific characteristic of domestic service is that it is undertaken behind the doors of a private home and is thus closed to outside scrutiny. Such scrutiny relates not only to regular labour sector mechanisms like workplace inspections, surveys of labour conditions and the such-like, but informal scrutiny from visitors, family and friends, other workers and even just passers-by.

Once a child is inside an employer's home, s/he is effectively hidden from view. As a result, employers of children in domestic service have total control over their lives. This is a high-risk situation for the child. Violence and abuse (of many different kinds) can take place behind closed doors, unnoticed by the outside world, and in such cases the child is considered to be in a worst form of child labour. As early as 1989, the ILO stated that "youngsters working as household domestic servants may be the most vulnerable and exploited children of all, and the most difficult to protect".<sup>5</sup>

<sup>3</sup> See, for example: M. Black: *Child domestic workers, a handbook for research and action*, (London, Anti-Slavery International, 1997), p.1; B. Pflug and R. Braganza Passanha: "Child domestic workers: analysis and case studies" in K. Voll (ed): *Against child labour, Indian and international dimensions and strategies*, (New Delhi, 1999); Child domestic work, Innocenti Digest No.5, (Florence, UNICEF, May 1999), p.2.

<sup>4</sup> *Child labour: targeting the intolerable*, (Geneva, ILO, 1996).

<sup>5</sup> *Still so far to go: Child workers in the world today*, (Geneva, ILO, 1989) quoted in J. Blagbrough: *Child domestic work in Indonesia, a preliminary situation analysis*, (London, Anti-Slavery International, 1995), p.14.

The terms *child domestic labour* and *worst form of child domestic labour* are derived from the broader concepts of *child labour* and *worst forms of child labour* spelled out in international instruments aimed at eliminating them. Although these instruments may not specifically mention domestic labour, it is clear that the conditions described in the instruments relate closely to the experiences of children in child domestic labour or the worst forms of child domestic labour.

## Protecting children from exploitation in child labour

The right of children to be protected from exploitation is covered in the United Nations Convention on the Rights of the Child (1989) (Art. 19); and forced or compulsory labour for both children and adults is in contravention of the ILO Forced Labour Convention, 1930 (No. 29).

At its 83<sup>rd</sup> Session in 1996, the International Labour Conference adopted a resolution calling for the elimination of child labour specifically, and citing the ILO Minimum Age Convention, 1973 (No.138) as a reference. ILO Convention No.138 sets a general minimum age of not less than the end of compulsory education and at least 15 years for admission to employment. This is to ensure that children attain a basic education before they enter the labour market. The Convention allows some flexibility for developing countries to set a lower minimum age where their economies or educational facilities are insufficiently developed. In practice, this is generally 13 or 14 years.

National laws or regulations may permit children between the ages of 13 and 15 to be employed but only in 'light work'. For countries that have set 14 as the general minimum age, the age for light work can be set at 12. Light work is defined as work that is 'not likely to be harmful to the health or development of young persons and not such as to prejudice their attendance at school, their participation in vocational orientation or training programmes approved by the competent authority or their capacity to benefit from the education received'" (Article 7). Importantly, the concept of 'light work' is always linked to the imperative of education.

ILO Convention No.138 has no specific provision either including or excluding child domestic labour. However, the Convention does allow limited categories of work to be excluded from the scope of minimum age standards, and domestic work is frequently included in such exclusions as national standards are set. This recognizes the difficulty of enforcing the law within private households, and child domestic labour is not covered by national minimum age legislation in most countries.<sup>6</sup> And yet it is clear that children in domestic service are more often than not in fact in child domestic labour.<sup>7</sup>

Studies on child domestic labour show that children are taken or sent into domestic service when they are very young; most are between 12 and 14 years of age although many are much younger. They miss out on school, work long hours, often receive little or no compensation and are denied the majority of their rights as children. They are clearly in an exploitative situation and at risk of extreme exploitation and abuse by the very nature of the work they do and the conditions in which they do it.

There is therefore a clear need for countries to consider applying a general minimum age for the employment of children in domestic service. As an immediate step, countries should adopt measures to prevent the employment of children under the minimum age and begin to gradually withdraw children below this age from child domestic labour and provide them with appropriate options.

## Emphasizing the worst forms of child labour

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By the late 1990s, government and public concern on the issue of child labour had grown, as awareness campaigns, media coverage and debate had brought to light some of the most extreme labour situations confronting children both below and above the minimum working age. At its 87th Session in June 1999, therefore, the International Labour Conference adopted ILO Convention No.182 (1999), concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

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<sup>6</sup> Some countries do include child domestic labour in national minimum age legislation. Brazil, for example, sets a minimum age of 16 for work in domestic service; South Africa sets the age of 15 as a general minimum age, including for domestic service.

<sup>7</sup> It is worth noting that there are also children who are above the minimum working age but who are still considered 'children' in international law. These children, generally between 13/14/15 and 18, may be said to be engaged in 'legitimate domestic work' if that work is in no way exploitative or hazardous. However it is important also to note that, because of its 'hidden' nature and the subservient relationships inherent in it, domestic work has the potential to be or become exploitative, including for adults. As 'legitimate work', of course, it is subject to national and international labour laws and standards. Children between the minimum working age and 18 should enjoy the protection of labour laws in addition to protection of their rights as children.

ILO Convention No.182 defines<sup>8</sup> the worst forms of child labour (Art.3) as:

- (a) all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- (b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performance;
- (c) the use, procuring or offering of a child for illicit activities, in particular for the production and trafficking of drugs as defined in the relevant international treaties;
- (d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.

For category (d), countries themselves must determine what types of work are to be tackled as hazardous work. As they do this, national bodies are guided by Paragraph 3 of Recommendation 190, which accompanies Convention No.182. This defines hazardous work as, inter alia:

- (a) work which exposes children to physical, psychological or sexual abuse;
- (b) work underground, under water, at dangerous heights or in confined spaces;
- (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads;
- (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;
- (e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

It is clear that many of these types of hazard are faced by children in domestic labour. In many parts of the world, children are effectively driven like slaves and treated as the property of the employer. They find themselves traded into someone else's home, lighting the fire before the family gets out of bed, carrying heavy loads and doing dangerous tasks, using hazardous substances such as cleaning fluids, cooking meals for a whole family and washing their clothes, being woken in the middle of the night to service the master's needs, toiling seven days a week, every week of the year. They are exposed to physical and sexual abuse. They may be confined to the house at all times, have to sleep on the floor in the kitchen, suffer

<sup>8</sup> The first three (items (a) to (c)) are considered 'unconditional', ie they do not depend on national determination; improving working conditions cannot render these forms acceptable.

beatings when they are tired and slow, be denied access to family, friends, health-services and decent food, even be deprived of a name, known only by the local word for 'servant'. This is the reality of the lives of many children in child domestic labour who suffer the most extreme exploitation and whose situation, similar to slavery or representing extreme hazard, represents a worst form of child domestic labour.

## Working for all the rights of the child

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In addition to the protection provided to children in ILO Conventions No.138 and No.182, the ILO also frames policy and practical responses to child domestic labour in the spirit of the United Nations Convention on the Rights of the Child (1989), which outlines the specific rights of all children under the age of 18.<sup>9</sup> Working children (both below and above the minimum working age) often are denied some or all of these rights:

- The right of non-discrimination on the grounds of the race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status of the child or of his or her parent or legal guardian (Article 2);
- The right, as far as possible, to know and be cared for by his/her parents (Article 7);
- The right to be in regular and direct contact with parents if separated from them (Article 9);
- The right not to be illicitly transferred abroad (Article 11);
- The right to express views in all matters affecting her/himself (Article 12);
- The right to freedom of association and of peaceful assembly (Article 15);
- The right not to be subject to unlawful attacks on her/his honour and reputation (Article 16);
- The right to protection from physical or mental violence, neglect, abuse or exploitation (Article 19);
- The right to enjoy the highest attainable standard of health and access to health care services (Article 24);
- The right to social security, including social insurance in accordance with national law (Article 26);

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<sup>9</sup> At end-2003, all Member States of the United Nations except the United States and Somalia had ratified the Convention on the Rights of the Child.

- The right to a standard of living adequate for her/his physical, mental, spiritual, moral and social development (Article 27);
- The right to education (including compulsory, free primary education) (Article 28);
- The right to rest, leisure, play and recreation (Article 31);
- The right to protection from economic exploitation and from performing work that interferes with her/his education or is harmful to physical, mental, spiritual, moral or social development (Article 32);
- The right to be protected from all forms of sexual abuse and exploitation (Article 34);
- The right to be protected from abduction, sale or traffic for any purpose or in any form (Article 35);
- The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment, and also not to be arbitrarily deprived of liberty (Article 37).

## Using the instruments to target child domestic labour and its worst forms

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Evaluating the situation of children in domestic service against the criteria drawn up in the international instruments targeting child labour allows governments, law makers, labour sector organizations and all those working for children to judge when the work that the child is doing constitutes child labour to be eliminated or is, indeed, one of the worst forms of child labour. Immediate action can and must be taken not only to remove children from such labour but also to ensure that such worst forms cease to exist.

For example:

- a girl child domestic working in a home where the male members of the family dominate the household hierarchy may be at risk of sexual abuse;
- a child domestic labourer who is beaten by family members for real or imagined transgressions, or taunted and ridiculed by children in the family, or who is discriminated against for example by being obliged to eat inferior food to the rest of the family or to sleep on the floor in the kitchen, is experiencing physical and/or psychological abuse;
- a child domestic who is required to clean the house using strong products such as bleaches, disinfectants or chemical cleaning fluids, or who is confined to a kitchen where heat and noise levels are high, will be working in an unhealthy environment;

- a child domestic ‘on call’ 24 hours a day, including night-time hours, who has no time off and who is not allowed to leave the premises except to perform controlled tasks, is working under particularly difficult conditions and is unreasonably confined.

The children in these examples would be considered to be engaged in hazardous work and thus to be in a worst form of child domestic labour.

Where children have been sold or trafficked into domestic service, or have been sent into domestic labour in order to pay off the debts of the family (debt bondage) or forced into the work in some way, or where the child is in a situation of domination that can be considered to be slavery or similar to slavery, then the child is also in a worst form of domestic labour.

For example:

- a child who has been obliged to leave her/his home village to go to the city to find work and who is recruited into domestic service where the conditions are exploitative (for example, the child is ‘paid’ in food and lodging rather than receiving a wage) would be considered to have been trafficked;<sup>10</sup>
- a child whose parents have offered her/his services in order to repay a debt would be considered to be in debt bondage;
- a child who is effectively ‘owned’ by the employer might be considered to be ‘in slavery’ or in ‘bonded labour’.

Both ILO Convention No. 182 and Recommendation 190 that accompanies it also refer to the importance of the child’s receiving an education and, where possible and appropriate, vocational training. Work that denies the child access to education is detrimental to the child’s long-term development.<sup>11</sup> Nevertheless, a child in otherwise ‘non-hazardous’ labour may not be in immediate danger and consequently, where there are no alternatives immediately available, might have to remain in such labour while alternatives are being found. It will be important, however, for action to be taken immediately to protect such children, monitor and

<sup>10</sup> The Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (supplementing the United Nations Convention against Transnational Organized Crime, 2000), generally known as the ‘Palermo Protocol’, provides the most widely used definition of trafficking. It defines child trafficking as: “the recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation ... even if this does not involve any of the means set forth in subparagraph (a) of this article” ie even without such means as ‘the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation’ – which are usually key to defining the trafficking of adults. Using this definition, a child who has been relocated into a situation of exploitation, whether or not the child’s parents or guardians agreed or received payment for the child’s services, would be considered to be a victim of trafficking.

<sup>11</sup> This is also explicitly recognized in Recommendation 146, accompanying ILO Convention No.138.

improve their conditions, and prepare them for the time when they can be helped to exit child labour. For each child, a plan must be put in place that, while supporting and protecting the child, has as its ultimate aim removal of the child from child labour.

## Judging what is acceptable and what is not

It is clear that painting a picture of child domestic labour, including its worst forms, would involve a multiplicity of colours, shapes, shades and nuances. Some children would be clearly in child domestic labour but for different reasons, relating to their age, the conditions in which they work and the nature of the work they do. Some children could be shown to be in a worst form of child domestic labour, again for different reasons depending on whether they have been trafficked, are in debt bondage, suffer practices similar to slavery or undertake hazardous work. Many more would be on the slippery path from child domestic labour to a worst form of child domestic labour because of the high risk they face of abuse and increased hazard. There will also be children between the minimum working age and 18 who are employed in legitimate domestic work and whose conditions are not unfavourable. This section of the overall picture would sadly be small.

It is important that the complexity of the picture is understood if governments and others are to eliminate child domestic labour in all its forms and to support and protect children who are at risk of such exploitation or have already fallen victim to it. This means drawing clear lines around the categories of ‘legitimate’ domestic work, child domestic labour, the worst forms of child domestic labour and ‘helping hand’ activities, and acting promptly where the child’s best interests are threatened. To recap:

**Child domestic labour** includes all children in domestic service who are under the legal minimum working age and those above the legal minimum age but under the age of 18 who are in a hazardous or other exploitative situation. Child domestic labour is unacceptable and governments must act to eliminate it and to withdraw children from it at the earliest opportunity.

**The worst forms of child domestic labour** comprise the situation of any child who has been trafficked into domestic service, is in slavery or quasi-slavery, is being sexually abused or exploited, or is engaged in work defined as hazardous in national legislation taking account of Recommendation 190. All worst forms of child domestic labour are unacceptable and must be eliminated. Children should be removed from such situations as a matter of priority.<sup>12</sup>

<sup>12</sup> Although this report focuses on the situation of children, it should be noted that many adults working in domestic service also face conditions that can be characterized as servitude: adult women (and more rarely men) may also be trafficked into domestic service, be in slavery or suffer practices similar to slavery such as debt bondage, or be sexually exploited. See also below, p.39.

When a child aged 13-15 (or 12-14 if the minimum working age is set at 14) undertakes non-hazardous domestic tasks for a limited time (generally no more than two hours a day), and is able to fully enjoy her/his rights to education/training and a social life, then this is considered 'light work'<sup>13</sup> and is **acceptable**. Also **acceptable** is the kind of 'helping hand' activity that children perform in their own homes as a contribution to the family chores, provided again that these do not restrict the child's attendance at school/training or social life and that they are not hazardous or exploitative.

**Domestic work** undertaken by children above the minimum working age and that complies with labour standards is also **acceptable**. Given the hidden nature of domestic work, however, labour standards are difficult to enforce and rarely complied with. Moreover, the risks of such work becoming exploitative or abusive are high.

## Some statistics

### Children in domestic service in the world

Of the more than 200 million children working in the world, it is impossible to know how many are exploited in domestic service. The ILO, however, estimates that more girl-children under 16 are in domestic service than in any other category of work or child labour. These illustrative statistics are based on local studies in the countries concerned:<sup>14</sup>

<sup>13</sup> The ILO Minimum Age Convention (No.138) provides the following general criteria to define light work: that the work should not be harmful to the child's health and development, and that it should not stop the child attending school or participating in vocational training or 'the capacity to benefit from the instruction received'. Each country allowing this exception should prescribe limits to working hours and other appropriate conditions.

<sup>14</sup> Given the hidden nature of child domestic service, these figures must be viewed as indicative only. They are provided to give an indication of the sorts of magnitude that those working to eliminate child labour are quoting in their work and using as a basis for response. In all cases, since they represent only the visible side of child domestic service, they probably under-represent the true numbers of children being exploited. Sources: For Guatemala: *Trabajo infantil doméstico en Guatemala*, (Guatemala City, ILO-IPEC, 2002), p.22. For Bangladesh, Haiti, Indonesia, Nepal, Peru, Philippines, Sri Lanka, Brazil, Venezuela: *Child domestic workers*, (Florence, UNICEF International Child Development Centre, 1999), p.3. For El Salvador: *El Salvador – trabajo infantil doméstico: una evaluación rápida*, (Geneva, ILO-IPEC, 2002), p.19. For Morocco: *Domestic child labour in Morocco*, (Oslo, Fafo, 2001), pp.15-16. For Burkina Faso: *Étude relative au trafic des enfants à des fins d'exploitation de leur travail dans les pays d'Afrique occidentale et centrale – cas du Burkina Faso*, (Ougadougou, ILO-IPEC, 2000), p.17. For Kenya: *Baseline survey on domestic child workers in Eastlands, Nairobi*, (Nairobi, ILO-IPEC, 1995), p.7. For Ethiopia: *A study on domestic child labour* (draft), (Addis Ababa, ILO-IPEC, 2002), p.3. For Senegal: 1993 ILO/UNICEF study quoted in *Good practices in child domestic labour in Senegal: main ideas, internal mission report*, (ILO-IPEC, Geneva, 2002). For South Africa: *South Africa – Child domestic workers: a national report*, (Geneva, ILO-IPEC, 2002), p.28. For the South Asia region, Pakistan and India: *Child domestic workers in South Asia*, (Kathmandu, UNICEF, 2001). For Mongolia: *Mongolia country paper*, ILO/Japan/Korea Asian Meeting on Action to Combat

In Dhaka (Bangladesh):	300,000 children
In Brazil:	559,000 children between 10 and 17
In Ougadougou & Bobo-Dioulasso (Burkina Faso):	81,200 children 'placed' with families
In Phnom Penh (Cambodia):	4,000 children under 18
In El Salvador:	104,206 under 19; of which 4,102 children under 14
In Addis Ababa (Ethiopia):	6,500 – 7,500 children
In Guatemala:	38,878 children between 5 and 17
In Haiti:	250,000 children, of whom 10% are under 10
In Indonesia:	700,000 children <sup>15</sup>
In Kenya:	200,000 children
In Morocco:	66,000-88,000 children between the ages of 7 and 15, of whom 70% are under 12
In Mongolia:	10% of children employed 'by other households' are aged 9-12 and 42.9% are girls who do household chores and baby-sitting
In Kathmandu, (Nepal):	62,000 children under 14
In Pakistan:	264,000 children working in 'personal and social services'
In Lima (Peru):	150,000 children
In the Philippines:	29,000 children between 10 and 14; <sup>16</sup> 273,000 between 15 and 19
In Senegal:	53,370 under 18, of which 12,000 are between 6 and 14
In South Africa (country):	53,942
In Sri Lanka:	100,000 children <sup>17</sup>
In India:	20% of all children under 14 working outside the family are in domestic service
In Venezuela:	60% of all girls working between the ages of 10 and 14 are in domestic service
In Viet Nam:	1 in every 100 households in Hanoi employs a child under 16 for domestic tasks

Domestic Child Labour, (Thailand, 2-4 October 2002), p.2. For Viet Nam: *Viet Nam country paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, (Thailand, 2-4 October 2002), p.1. For Cambodia: *Cambodia country paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, (Thailand, 2-4 October 2002), p.2. For Brazil: *Onde está Kelly?* (Brazil, Cendhec, 2002), p.24.

- <sup>15</sup> This is the UNICEF-quoted figure. A country case study undertaken for ILO-IPEC in 2002 noted that some sources quote 1.4 – 2 million domestic workers in the country, of which between 39% and 55% are under 18. The same report notes that the Central Board of Statistics figure for 1999 was 70,792 children between 10 and 18 years of age in domestic service.
- <sup>16</sup> This is the UNICEF-quoted figure. Note that the Visayan Forum, an NGO working with domestic workers, both adult and minor, in the Philippines, calculates the figure to be 1,098,980 children under 19 working in domestic service. (C. Flores-Oebanda, et al: *The Kasambahay, Child domestic work in the Philippines – a living experience*, Manila, ILO, 2001, p.4).
- <sup>17</sup> This is the UNICEF-quoted figure. Note that the Department of Census and Statistics *1999 Child Activity Survey* in Sri Lanka calculates that there were 19,111 children identified as in domestic work in that country.

The following chapters of this report attempt to throw more light on the reasons why a child ends up in child domestic labour, the impact on the child, and the kinds of action that can be taken to mitigate these causes, protect the child and move to eliminate child domestic labour, including the worst forms.



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## Chapter 2:

### What pushes or pulls a child into domestic labour?

Many of the factors that push a child into domestic labour are also the factors that make a child vulnerable to exploitation in other forms of labour. There is no single cause. Generally several of these factors co-exist. In the case of child domestic labour, additionally, there are pull-side factors that are specific to this particular form of exploitation.

#### Causal factors pushing a child into domestic labour

##### Family and child poverty

Poverty is almost always a context for the early entry of children into regular work and into child labour, although this poverty may not only relate to the poor financial standing of the family. Poverty is not always an absolute state but can relate more generally to a situation in which the family income (or often, in the case of a child of working age especially, the income of the child her/himself) is not sufficient to meet outgoings and where alternative means of meeting these outgoings must be found.

Research on child domestic labour in Morocco, for example, where the phenomenon of the *petite bonne* – a girl under the age of 15 who is working in domestic labour – is widespread, revealed that the drought in that country in the second half of the 1990s was a much cited reason for parents sending girls into domestic service to ‘top-up’ the family income as male members of the household lost their jobs in agriculture or had to work reduced hours, and family plots dried up.<sup>18</sup>

Poverty may be a state in which a family lives with no possessions at all and cannot afford to put food on the table. Or it may be a temporary situation where a family has entered into debt, for example by borrowing money it cannot afford to repay, or by acquiring goods (ranging for example from electronic equipment in an urban household to livestock or seeds for the family smallholding) and defaulting on repayments.

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<sup>18</sup> T. Sommerfelt: *Domestic child labour in Morocco*, (Oslo, Fafo, 2001), p.49.

## José Antonio from Costa Rica

José is 12 years old. He told his story: “Mama wanted us to go to school but we could not because we had no food to eat. We went to look for work in the town where we have neighbours who are better-off than we are and who were ready to help us by giving us work in their homes in exchange for some money to help out in our family or to buy things that we need.”

*El trabajo infantil y adolescente doméstico en Costa Rica,*  
(San José, ILO, 2002), p.105

Poverty can also be a function of access to labour markets and income-raising activities. A family might be poor because family members of working age do not have appropriate skills to match market needs in the area where they live, and so cannot find work. They may have low educational levels and so be considered unemployable. There may just be no work available in the area where the family lives, even when there are family members who could be working. Conflict, illness or natural disaster may have taken away the breadwinner of the family leaving a dependent household with no-one to depend on. Research on children working in domestic service in Ethiopia, for example, showed that more than half of the children interviewed had lost one or both parents, probably as a result of recent conflict in that country.<sup>19</sup> In short, poverty understood in its broadest sense creates a context in which families seek ways to survive.

In some but by no means all poor and poverty-stricken families, putting children to work is seen as one way to earn an income or at the very least reduce outgoings. Reducing costs on the family, rather than increasing income, is one reason why in some countries children are put into domestic service with no exchange of money at all; the child is simply ‘given away’.<sup>20</sup> A number of other factors conspire to make children, and especially female children, vulnerable to such exploitation.

As an example: it is estimated that some 170,000 children are in child domestic service in Central America and the Dominican Republic.<sup>21</sup> The majority – some 87 per cent – are girls from poor, large families living on the fringes of cities and in rural areas. Most of the children work in exploitative conditions. They carry out tasks that damage their physical, emotional or moral integrity, and some of them are likely to work under duress. Child domestic service has deep cultural roots in this region, and these have given it legitimacy and thus made it largely invisible.

<sup>19</sup> *A study on child domestic labour in Ethiopia* (draft), (Addis Ababa, ILO-IPEC, 2002), p.18.

<sup>20</sup> See, for example: *Restavek: child domestic labour in Haiti*, (Minneapolis, Minnesota Lawyers International Human Rights Committee, 1990), p.2.

<sup>21</sup> R.Pisoni & D.Vartanian: *Child domestic work in Central America and the Dominican Republic (Regional Synthesis)*, (San José, ILO-IPEC, 2002).

‘Girls from home’, ‘girls being raised’ and ‘maids’ are euphemisms used in this subregion to identify girls working as domestics in the homes of third parties and, as a result, their labour is not recognized as ‘real work’.

## The status of women and girls

Women and girls are particularly vulnerable in communities where they are considered inferior or more expendable than male members of the family, or where they are seen to have specific responsibilities towards the family (for example providing an income so that boys in the family can be sent to school). The status of the girl within her own household is perpetuated by the role she may take on in someone else’s: as a subservient being whose role is to serve others.<sup>22</sup>

This vulnerability is multi-faceted and often begins with the girl-child not being sent to school, or being taken out of school earlier than her brothers in the belief that, as a girl, she does not need to be educated or indeed should not be too educated in case it blights her marriage potential. Often educating a girl is seen as a poor investment because the girl will marry and leave home, bringing the benefits of education to the husband’s family rather than her own. Often, also, the girl-child will go into domestic service alongside her mother or older sister, or be sent into service in the footsteps of a mother who also does domestic work. In the Dominican Republic, for example, 50 per cent of the mothers of children in domestic service in Santo Domingo were domestic workers themselves.<sup>23</sup> In Senegal, in polygamous families, one wife is often sent away for a year to the city to earn money and will be accompanied by a daughter who finds work as a maid; although the mother returns at the end of the year, the daughter often stays behind.<sup>24</sup>

<sup>22</sup> This report considers children who are working in someone else’s home. There are, of course, children who also work – as opposed to ‘help out’ – in their own family homes, in work ranging from domestic work as an almost full-time occupation, to tasks related to the family business or holding. The Government of Pakistan, for example, acknowledges that ‘children do domestic work...within their own households, unpaid. ...the 1996 [Federal Bureau of Statistics] survey estimated that about 70% of working children [a massive 23 million children] were engaged as unpaid family helpers.’ *Pakistan Country Paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, p.5. A Time-Use Survey in South Africa also showed that some 587,000 children under 17 did household chores at home that were for excessive hours. This excluded collecting fuel and water (onerous and time-consuming tasks in a country where many households have no piped water and rely on women and children walking sometimes for an hour in each direction to collect supplies). *South Africa – Child domestic workers: a national report*, *op.cit.*, p.xi and p.12. Note that in South Africa, ‘excessive chores’ in the family home can be considered a form of abuse under the Child Care Act.

<sup>23</sup> *Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana*, (Costa Rica, ILO-IPEC, 2002), p.65.

<sup>24</sup> *Good practices in child domestic labour in Senegal: main ideas, internal mission report*, (ILO-IPEC, Geneva, November 2002), p.1.

The result of this denial of the right to education is that girls' options are limited throughout their lives: they will be less able to earn a living to support themselves and so remain dependent on others; they will be less likely to contribute to family income by means they have chosen and consequently more vulnerable to pressure from family members to undertake tasks chosen for them; they will generally be less aware of their rights in law and less able to insist upon these rights; they will be more vulnerable to early marriage in many countries as families transfer the burden of their keep to another family; they will move from dependency on the family to dependency on a husband and have little say in their own lives.

### Amina from Morocco

Amina is now 19 years old and just gave birth. She has worked from the age of seven. She had a number of different employers, the last one in Casablanca. The woman in that house decided that she did not want Amina to stay any longer as she was afraid that it would lead to trouble of a so-called 'romantic kind' with her living in the same house as her sons...In Amina's opinion, her father had one thing in mind when he decided that she was to start and always continue working: money. He partly funded her brothers' school fees, and later their bride wealth, with Amina's salaries. He never worried about her welfare. She says she will never make her daughter work as a *bonne*.

*Domestic child labour in Morocco, (Norway, Fafo, 2001), p.43*

Although in some countries, therefore, boys are also engaged in domestic service – not only as general domestic servants but particularly to undertake tasks considered to be 'men's tasks', such as looking after the clothes of male members of the household, or working in the stables – in general girls are particularly vulnerable.<sup>25</sup> In Brazil, for example, research in 2002 in the municipality of Recife showed that 94.5 per cent of children under the age of 17 working in domestic service were girls and only 5.5 per cent boys;<sup>26</sup> in Costa Rica 91.5 per cent of the children were girls;<sup>27</sup> in Guatemala, although twice as many boys as girls are working in child labour, in domestic service 90.4 per cent of the children are girls.<sup>28</sup>

<sup>25</sup> There are countries where boys constitute the majority of children in domestic service. Nepal is a much-quoted example, but recent research on South Africa suggests that boys in that country are more likely to be working as paid domestic servants than girls. Conversely, women account for almost 90 per cent of adult domestic workers. *South Africa – Child domestic workers: a national report, op.cit.*, p.x.

<sup>26</sup> M.A. Tavares: *Onde está Kelly?*, (Brazil, Cendhec, 2002), p.48.

<sup>27</sup> *El trabajo infantil y adolescente doméstico en Costa Rica*, (San José, ILO-IPEC, 2002), p.39.

<sup>28</sup> *Trabajo infantil doméstico en Guatemala*, (Guatemala City, ILO-IPEC, 2002), p.22.

Not only do the statistics in most countries illustrate the imbalance between girls and boys in domestic service, they also serve to demonstrate how pervasive domestic service is as an occupation for girls and young women: in Nicaragua, for example, one in every six girls (16.9 per cent) under the age of 18 is engaged in this activity; in Honduras the figure is one in five (19.7 per cent); in Costa Rica one in four (25.6 per cent); and in Panama almost half of all girls under 18 (45 per cent) are in domestic service.<sup>29</sup>

## Perceptions of domestic service as ‘women’s work’

Domestic service is in most countries, in fact, seen as ‘women’s work’. For many parents, it is seen as the only option for a girl-child who must work, since it is thought to be light – at least no harder than the work she would have to perform at home anyway<sup>30</sup> – and ‘appropriate’. Similarly, employers in most countries look for girls or women to do their domestic tasks, rather than boys or men, because they share “socially and culturally defined notions of how a home should and could best be maintained”.<sup>31</sup> The ironic comment often attributed to men in all cultures that they cannot help in the house ‘because that’s women’s work’ is shown to be relevant and a reality in much of the research on children in domestic service.

It is also a factor in the decision of some girls to leave home and enter domestic service rather than stay in a family with numerous brothers who might also treat them as domestic servants. Importantly, this same view of domestic service as ‘women’s work’ is held by many women, too, and mothers of working children often quote it as the main reason for sending a daughter into domestic service rather than into some other form of work.

One result of the fact that many women themselves see domestic service as the task of women is that, in some countries, adult women who do domestic work take their female children with them both because they want to keep an eye on the child during the working day but also because they want the child to ‘keep an eye on them’ – and learn how to do the work. In some instances, adult domestic workers may give small tasks to the daughters who accompany them – for example, looking after the employer’s children to keep them occupied while the mother

<sup>29</sup> *Child domestic work in Central America and the Dominican Republic, op.cit.*, p.56.

<sup>30</sup> Although this report does not aim to look at the domestic service that children – especially girls – may perform in their own homes specifically, it does call for the elimination of such work if it is in any way hazardous or falls into the category of a worst form of child labour -- even when the parents are effectively the ‘employers’. An interesting discussion of the gender-driven imperative for children to work in their own homes is contained in F. Ozbay, *Turkish female child labor in domestic work: past and present*, (Istanbul, ILO-IPEC, 1999), pp.32-33.

<sup>31</sup> *Domestic child labour in Morocco, op.cit.*, p.14.

finishes off her domestic tasks – thus effectively using them as unpaid ‘sub-contractors’. It is not surprising, therefore, that the child, already deprived of educational opportunities, follows the mother into domestic service as soon as she is deemed old enough. In India, for example, girl children will accompany their mothers as they undertake domestic work and, at the age of eight or nine, be taken on as full-blown domestic servants themselves.<sup>32</sup>

A report on child labour in Mongolia throws light on how domestic service is seen almost invariably as the role of women and girls. Listing the tasks undertaken by girls working in rural areas in Mongolia, the report shows that girls undertake: house cleaning, looking after youngsters, milking cows and other animals, helping to produce dairy products, cleaning the barns, collecting animal dung for the fire, preparing food, doing the washing, shearing wool, collecting fruit and nuts. With the possible exception of the work with the animals, this list describes the most common tasks of the child in domestic service.

## Ignorance of the risks of domestic service

In many forms of child labour, the ignorance of those responsible for protecting the child is a factor. Generally, however, ignorance is a ‘passive’ factor, depriving the child of the protection of family or care-givers when these people are not aware of the risks the child may be facing. In domestic service, ignorance of the risks that a girl potentially runs when she enters such work is a much more active factor. In some parts of the world, in fact, domestic service is seen as protected work for girls and consequently preferable to all other forms of work.

This is particularly true in societies where premarital contact and sex are frowned on and where keeping the girl-child at home – including in someone else’s home – is seen as a way to protect her from the temptations of association with boys. It is also more generally true, however, in many societies where for both social and economic reasons the girl/woman is seen as needing protection and where families may consequently be reluctant for the girl/woman to move outside the ‘safety’ of the home. Families and communities translate the safety of the family home into perceptions of safety in someone else’s home, not questioning whether employers will, indeed, consider themselves *in loco parentis* and provide the protection to which the child has a right.<sup>33</sup>

<sup>32</sup> *India country paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, (Thailand, 2-4 October 2002), p.5.

<sup>33</sup> Ironically, the area of protection from premarital sex – at least with others outside the employers’ home – is one area where employers often do take their protection responsibilities seriously, and indeed this particular protection may be the one area where employers and parents have an agreement. Presumably the inconveniences of unwanted pregnancy is one reason for this, although premarital sex is also frowned upon, for girls in particular, in many cultures and religions.

Some girls themselves see domestic service as a first-choice option if they are going to have to work, and may discuss with others in the same situation how they might find the ‘best’ employers. For younger girls, this generally will mean employers who will not treat them too harshly. For older girls who have already served with several different employers, it may also mean trying to find an employer whose kitchen is well equipped, for example, or who can offer better living conditions. In all of these situations, however, the reality is that the child is effectively attempting to ‘negotiate’ terms as a survival strategy in a situation where not working is not considered an option.

## Lack of access to education or poor quality education

In many parts of the world, children who are denied access to education (for example because of costs involved, geographical factors or insufficient resources) or whose experience of the neighbourhood school is negative (poor quality teaching, abusive or absent teachers), look upon entry into domestic service as a path to education.

Children regularly cite ‘dropping out of school’ as a reason for their entry into domestic service. This may be because going to school was too difficult for them: school may have been so far away, for example, that the journey to and from school was unsafe, arduous or too expensive. There may not have been schools at the right level in the child’s community. Even where schooling was available, it may have been too expensive. Often, even where ‘free’ schooling is provided, there are related costs – for example for clothing, books, writing materials or meals – that push ‘free’ school beyond the financial capacity of the child’s family.

Sometimes children leave school because the quality of the teaching they receive is very low and they become bored, or do not see the value of what they are being taught. In some cases, the teacher may not even turn up for class, or may be regularly late. The teacher may be abusive or may otherwise display behaviour that discourages the child from attending school, or the parents from sending the child to school. In Sri Lanka, for example,<sup>34</sup> alcohol abuse in some communities has become a problem in schools where the teacher or even principal may arrive at school drunk.

Effectively ‘pushed’ out of school, children may decide to work for a year or two to earn enough money to then re-enter education. Sometimes, indeed, this does happen. More often, however, the child finds that the money s/he earns falls far below expectations and the year of work turns into several years of exploitation. If the employer denies the child time to read, study or just share in informal

<sup>34</sup> J. Kane: *South Asia subregional programme to combat trafficking in children for exploitative employment (TICSA): Evaluation of Phase I*, (ILO-IPEC, July 2002), p.31.

learning experiences, moreover, the child soon falls behind and re-entry into formal education becomes more and more difficult.

## AIDS-related survival strategies

In countries where communities have been decimated by AIDS-related deaths, options are even more limited for many children. It is estimated that 11.8 million young people between the ages of 15 and 24 are living with HIV/AIDS and more than 7,000 young people become infected each day.<sup>35</sup> These children are often rejected by family and community and forced into labour of many kinds to survive. HIV/AIDS is also responsible for the increase in child-headed families in many parts of the world. Sub-Saharan Africa is particularly badly affected; 12 million children there have lost a mother or both parents to HIV/AIDS and this figure is expected to more than double in the first decade of the 2000s.<sup>36</sup> Much recent research on child domestic labour in Africa shows that most of the children in service have no or only one parent alive.<sup>37</sup>

When children have to take on the responsibility for the household, including caring for younger siblings, it is most often the girl-child who takes on the household tasks. It is then an easy step to take on someone else's household tasks too, to also contribute to the family's income. In many instances, also, the children of families decimated by HIV/AIDS – so-called 'AIDS orphans' – may seek to work in domestic service as an alternative to living on the streets.

When domestic service is a last-ditch survival strategy, then it is not surprising that children who are suffering the most intolerable conditions, inhuman treatment and denial of all their rights as children will nevertheless report that they are 'happy' to be in domestic labour and would not wish to leave it.<sup>38</sup> This, however, very much skews research data on children in domestic service and provides a rationale to those who insist that domestic service is not a form of child labour but

<sup>35</sup> UNICEF Press release CF/DOC/PR/2001-93, "Demand for child sex is linked to spread of HIV/AIDS", (Nairobi/Geneva/New York, UNICEF, 28 November 2001).

<sup>36</sup> African delegates' presentation to the Rabat regional preparatory meeting for the 2nd World Congress against Commercial Sexual Exploitation of Children, (see [www.csecworldcongress.org](http://www.csecworldcongress.org)).

<sup>37</sup> See, for example: *Preliminary report on rapid assessment on child domestic workers in the districts of Rakai, Tororo, Busia and Lira* (Uganda), (Kampala, ILO-IPEC, 2002).

<sup>38</sup> A number of reports produced using Rapid Assessment methodology contain data which would indicate that children in domestic service interviewed for the research are 'satisfied' with their situation and 'happier than at home'. This data should always be read in conjunction with the more in-depth case studies also included in these reports, and must be taken in the context of other options open to such children. The Rapid Assessment methodology presumes that such broader enquiry will take place and that general conclusions should not be extrapolated from the data that is given as illustrative only. A 1996 report on working children in Tanzania, for example, indicates that 1,462 girls of 2,422 – more than half -- interviewed were 'satisfied' with their lives as 'live-in servants'; they gave the reason for this as 'having no alternative'.

a safe and educational option for children who must work. Rapid Assessment research undertaken in Costa Rica<sup>39</sup> gives an interesting insight into this: interviews with children led the researchers to classify the children's responses as 'Good, but...', since in many cases the children said that they were not unhappy in the work and yet there was a 'but', often 'but this is because I have no choice' and this was underlined by the fact that many of the children also named things they would rather be doing, for example studying or living with their family.

## Traditional hierarchies

Domestic service is also a function of social constructs that result in perceived hierarchies among groups of people living in the same country or region. In such hierarchies, there is a belief that people on the 'lower rungs' of the scale should perform services for those on the 'higher rungs', including working in their households and catering to their domestic needs.

Such is the case, for example, in systems of apartheid, where one racial group is seen as inferior to another, or in countries where caste or tribal systems result in some members of a society expecting other members to treat them as superior and to serve their needs. In Brazil, 69 per cent of the minors in domestic work or labour in 1998 were black, compared to 31 per cent white.<sup>40</sup> In South Africa, notions of hierarchy under apartheid not only related to 'superiority' but to 'suitability', with the result that Indians of Asian origin living under that regime (classified as 'coloureds') were seen to be particularly 'suited' to domestic work; today children from this group continue to figure disproportionately in statistics for child domestic labourers – 29 per cent of all children in domestic service, whereas the group makes up only 10 per cent of the population.<sup>41</sup>

Beyond ethnicity, there are also often traditional hierarchies that operate between rural and urban dwellers of the same ethnic group. In some countries, people who have been born and raised in the countryside are seen as less sophisticated, less educated members of society and may be employed as domestic servants in urban homes. Paradoxically in other countries, where a 'country home' is seen as a status symbol, children and adults from poor urban areas might be employed in domestic service in the countryside. In short, wherever hierarchies operate, those on the higher rungs of such hierarchies may employ those perceived to be lower down the hierarchy as domestic help in their homes.

<sup>39</sup> *El trabajo infantil y adolescente doméstico en Costa Rica, op.cit.*, p.107.

<sup>40</sup> These terms are direct translations of the Portuguese *negros* and *brancos* and have no negative or positive connotations in the original or this report. *Donde está Kelly?, op.cit.*, p.53.

<sup>41</sup> *South Africa – Child domestic workers: a national report, op.cit.*, p.x.

## Girls from South Africa

Some agencies [in predominantly white northern suburbs of Cape Town] advertise 'jong vars plaasdamers beskikbaar' (young, fresh farm ladies available). Knowing that the average income is [low] on the farm, they advertise Cape Town as the place for employment. They offer a fair salary and an excellent job. Then they take vanloads of 15 to 16 on a daily basis. The girls sit in the waiting area waiting for prospective employers. They are paraded in front of them in some cases. Then the employers decide who is the cleanest, the best looking. That is the beginning of the end if they go to an [infamous] area like Rylands, ... locking them up 24 hours a day. They lose contact with their relatives, their area of origin, they get little salary, and live and work in conditions which are appalling, seven days a week, from 7 to 11 o'clock. There are enough workers in Cape Town to fulfil the demand but the employers prefer rural because it is cheaper, they are more obedient because of the fear, their families are not around and their demands are not great: just a bed and food.

*South Africa - Child domestic workers: a national report,  
(Geneva, ILO, 2002), p.18*

These hierarchies may have nothing whatsoever to do with financial standing and may operate at different levels. It is not uncommon, for example, for a woman in a poor rural community to travel every day to the city to work in domestic service in the home of a wealthier family, and to herself employ a child (seen as lower in the hierarchy than an adult) or someone she considers to be lower down the hierarchy than herself (in financial, racial, social or tribal terms) to do her own household tasks. Research in Haiti in 1990 showed that some peasant families employed children in domestic service: while 64 per cent of child domestic labourers lived in the capital city area and 21 per cent lived in towns of 5,000 or more, 15 per cent of children were employed in communities of fewer than 5,000 people.<sup>42</sup>

Recent ILO-IPEC research in Panama has thrown light on the careful selection processes that employers engage in, seeking out indigenous girls from isolated areas and Afro-Panamanian girls living in the city. Indigenous girls are seen as 'backward', while the Afro-Panamanian girls are seen as 'too alive'. In many cases, the girls from indigenous homes are isolated and mistreated because they do not speak the language, have different customs and may not understand how to carry out domestic tasks the way the non-indigenous employer expects them to.

<sup>42</sup> Restavek: *child domestic labour in Haiti, op.cit.*, p.2.

### An indigenous girl in Panama

“I am 12 years old and my name is Kuna Yala. I am always sad and alone. They call me ‘Indian’ and tell me several bad words. Sometimes, when I cry a lot, they give me 50 cents to call my mother who is in San Blas. I would like to be with her instead of working.”

*Child domestic labour in Panama, (Panama, ILO-IPEC, 2002), p.56*

## Factors on the pull-side

### Increasing affluence/inequalities that reinforce hierarchies

A factor closely linked to perceptions of hierarchy is the growing economic differentials within societies and across countries and regions, often with the growth of industrialization and the spread of urbanization.

In many parts of the world, the gap is growing not only between poor and wealthy but also between poor and not-so-poor. These inequalities reinforce attitudes whereby some people believe that less fortunate people can take over the tasks of their household, indeed, in some cases, that they *should* take on the household tasks. In the Philippines, for example, where the employment of domestic help is a “distinctive and integral feature of Philippine society, domestic work is seen as a menial and unclean task that employers, even with time to spare, would gladly pass on to someone else”.<sup>43</sup>

This is true, for example, of households whose income or social standing has increased to the point where the members of the household come to perceive domestic tasks as ‘demeaning’. In societies where hierarchies of one form or another exist, this often leads to such tasks being given to those perceived as being on lower rungs of the scale.

<sup>43</sup> A.S.Sta. Maria: *Study on the legal protection of child domestic workers in the Asia-Pacific* (draft), (Manila, ILO-IPEC, 2002), p.23.

## Employers from Thailand

Employers commented that there will be no need for child domestic workers (except for families with young children and the elderly) because more people would use the services of cleaning companies on weekends for household cleaning, and laundry once a week. As more people would eat out, it is more convenient to use the services of cleaning companies because the expenses would be somewhat the same, while additional expenditure would be incurred on food and accommodation if a child domestic worker is employed.

*Child domestic workers: a rapid assessment (Thailand),  
(Geneva, ILO, 2002), p.77*

It is also the case that in some countries where the struggle for women's rights and equal opportunity has been successful, female empowerment has not necessarily resulted in a better way of life for all women and girls. In these countries, women who just one generation ago would not have been allowed to go to school and build careers now employ poorer women or children to do their housework for them while they work outside the home. A report from Bangladesh underlines this phenomenon: "The embarrassing truth," the report says, "is that behind today's modern, emancipated woman, advancing in her new role, are the sacrifices of another specific group of women. In every household, these are the domestic workers of different ages. In the process of establishing human rights for the women of Bangladesh, the human rights of these domestic workers are being violated and neglected in every household."<sup>44</sup>

Disturbingly, a 2002 report from India suggests that, in the northern states of that country, "keeping children as domestic servants has become not only a necessity but a fashion".<sup>45</sup> This is seen as largely a middle-class phenomenon, particularly linked to the growing affluence and social standing of young married couples where both partners work. It has not, however, been sufficiently researched to state for certain that it does not happen at other levels too, particularly since there are reports that in some societies perceptions of household tasks as the 'duty' of the woman of the house are weakening, with the result that the fulfilment of such tasks is seen as a service that can be bought in, like fixing the plumbing or maintaining the family car.

<sup>44</sup> *Child domestic workers: Is servitude the only option?* (Bangladesh, SHOISHAB, 1995), p.50.

<sup>45</sup> *India country paper, op.cit.*, p.6.

Since those employing children as domestic labour are not a recognized ‘employer group’ in labour terms in the vast majority of countries,<sup>46</sup> they have no social visibility and are not subject to scrutiny or as legitimate targets of regulation or even public protest.

## Perception of domestic service as preparation for marriage

Gender-specific pull factors also operate in relation to domestic service specifically: Families often see household work as training for the girl-child in domestic skills that she will need when she marries. As a result, domestic service, unlike most other forms of child labour, is seen as positively beneficial for a girl-child, and a valid alternative to education. Domestic service is essentially seen as part of her ‘preparation for life’ and indeed girl-children are sometimes removed from school specifically to enter domestic service. In some parts of the world (and until quite recently in industrialized countries), girls are pulled into domestic service because it is hoped that, in a wealthier household, they may meet a young man who will wish to marry them.

The perception of domestic service as an ‘apprenticeship’ for marriage is clearly demonstrated in the names used for children working in domestic service in some Arabic-speaking countries. In Morocco, for example, while the general word for an adult female domestic worker is *khadema*, or servant, girl-children in domestic service are often called *muta’alma*, which means ‘someone in the process of learning’.

### Girls from Côte d’Ivoire

Adjoba has lived in Abidjan since the fifties. She is a widow and has four adult children and her work in the market does not provide enough to live on. How does she survive? She recruits young girls between the ages of seven and 15 from her native village, promising to help them prepare for marriage by learning the skills of a housewife. As soon as they arrive in town, Adjoba gives them a product to sell (water or medicine) so that they are able to earn money to buy food. As soon as she meets somebody who needs help in the house, she offers the services of one of her girls. The salary agreed upon depends on her relationship with the employer. It is Adjoba who picks up the salary every month. When the girl reaches puberty, she returns to her village. Adjoba contributes to the girl’s dowry by giving her and her parents some money.

*Combating trafficking in children for labour exploitation in West and Central Africa: synthesis report, (Geneva, ILO, 2000), p.16*

<sup>46</sup> *Child domestic labour in Honduras, op.cit.*, p.86.

Professor Julia O’Connell Davidson has also pointed out<sup>47</sup> that domestic servants all over the world generally have two roles: cleaning and caring. This latter includes not only looking after children of the household – apart from their daily needs, this includes taking them to school and fetching them, or baby-sitting the younger children – but also taking care of aged members of the family, including often having to lift them, turn them in bed and perform otherwise burdensome tasks. Baby-sitting, however, is interesting here because it illustrates the extent to which children in domestic service effectively take on the role of the woman of the household.

## The employer as benefactor

This perception that domestic service is beneficial to the girl-child is also reflected in the fact that, in many countries, employers themselves see ‘taking in’ a child to work in the home as an act of benevolence. This perception also reflects the hierarchical factors at play in domestic service, since employers may feel that they are ‘doing children a favour’ by providing them with an opportunity to leave a poor home, large family, rural area or other situation perceived as ‘inferior’ by the employer and to live in a ‘superior’ home – even, indeed, when the child does not actually receive any of the benefits of that ‘superiority’. In the Dominican Republic,<sup>48</sup> for example, employers do not talk about ‘employing’ (*emplear*) a child in domestic service but use the term *criar*, which denotes nurturing or fostering, and indeed the family may delegate all responsibilities for the child to the employer’s family, without any legal agreement being put in place. Employers may also consider that they are giving a child who has dropped out of or been removed from school an opportunity to learn useful skills. These misguided ‘favours’ mask the fact that the child’s labour is being exploited and that s/he is missing out on other rights.

In Nicaragua, for example, girl-children in child domestic service are often referred to as ‘house daughters’. This title – echoing the protective relationship between parent and child – in fact belies the patriarchal social relationships that see domestic service as a suitable alternative to education for girl-children and

<sup>47</sup> Unpublished manuscript provided to the author, dated 2002. O’Connell Davidson notes also that “the feminization of a segment of the working force fuels a demand for paid carers”. Clearly it also fuels a demand for child domestic service. Ozbay (*Turkish female child labor, op.cit.*, p.45) underlines this in categorizing employers of children in domestic service in Istanbul in two groups: housewives and working mothers. This latter group, she says, “hire live-in girl servants as permanent baby-sitters. Their children would go to child-care centres during the day; they might have a cleaning lady once a week in addition to the girl in the house; but they could go out at nights with out thinking of a baby-sitter, school-age children would be safely at home until their parents came home, etc.”

<sup>48</sup> *Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana, op.cit.*, p.31.

masks the reality that in fact the exploitation of girl-children is a means of acquiring cheap labour and reinforcing subordination.<sup>49</sup>

In some countries, also, the view of employers as ‘benefactors’ leads to children being taken into domestic service at a very young age, so that the employer can ‘groom’ the child for work or ‘mould’ the child while she is especially easy to influence.<sup>50</sup> Often the statistics hide this fact. In Brazil, for example, a recent report<sup>51</sup> focused on children between the ages of 11 and 17 doing domestic tasks in the homes of third parties; the data on these children showed clearly, however, that one in 10 of the children between the ages of 11 and 15 had been working in domestic service for five or more years, suggesting that many of the children surveyed may have entered service at a much younger age.

## The employer as extended family

In some societies, the idea of ‘employer as benefactor’ is systematized into real or false adoption, or quasi-adoption by extended family members. This has complex historical roots in some societies, where children who could not be cared for, who were orphaned or otherwise were considered to need to be placed in a family, might be sent to a member of the extended family, placed in a new family or even sold or given away to a family looking for an heir, a child or a servant.

A 1999 research report on child domestic service in Turkey gives a fascinating insight into this phenomenon in Ottoman times and in the early years of the Republic, and provides some startling examples of early cases of child domestic service as well as analysis of how similar practices continue today: “Orphanages in Anatolia were closed and children were sent to Istanbul by train in 1922. However on the station most of the children were taken by Armenians claiming that they were Armenian orphans. Girl orphans were gathered on the station, families came and selected them as *evlatliks* [a child taken by a family at an early age, either with legal rights or not, to care for or to use their service]. No matter how good the intention of the State, the mass distribution of girls as free servants to middle-class families certainly impacted on the degeneration of the *evlatlik* institution.”<sup>52</sup>

<sup>49</sup> *Child domestic work in Central America and the Dominican Republic, op.cit.*, p.58.

<sup>50</sup> Adults interviewed during research in Morocco explained that “girls under seven are useless in terms of work, and people who hire them do so in order to make the girls used to them and to slowly accustom them to working”. *Domestic child labour in Morocco, op.cit.*, p.25.

<sup>51</sup> *Onde está Kelly?*, *op.cit.*, p.36.

<sup>52</sup> *Turkish female child labor in domestic work: past and present, op.cit.*, p.20.

### Fadime from Turkey

Fourteen year-old Fadime came to the house of her uncle's son in Istanbul from eastern Turkey a year ago. She was Kurdish and was learning Turkish. She did not have a chance to get an education because there were no teachers in her village. Her family was very poor in the village, whereas her cousin and his wife were both working in 'white collar' jobs. They had a 13-month-old baby. The former paid nanny had asked for an increase in her salary, so they decided to have Fadime instead. In return for her service, the cousin sent 20 million Turkish lire per month to her family. Fadime was not very good in housekeeping and child-care and was unhappy because there was nobody around her to talk to during the day. When she came to her cousin's house for the first time, they cut her hair because lice infested her. She did not cut her hair before. Instead of her village clothes and headscarf, they bought her outfits proper for the girls living around. She was not happy with her new look either and desperately wanted to go back to her village. Fadime was like a modern evlatlik in her cousin's house. Her physical look was changed. Her new identity was not degrading as in the past evlatliks, however [this family] treated her more like a paid maid than a relative or a daughter. She had no special status in the house because she was doing domestic work. On the contrary, because she was doing domestic work, she had lower status.

*Turkish female child labour in domestic work: past and present, (Istanbul, ILO-IPEC, 1999), pp.39-40*

The practice of 'adopting' a child and using her/him as a domestic servant continues in many regions. More than a third of all girls trafficked from Nigeria, Benin, Niger and Chad into Cameroon, and internally in that country, in the mid-1990s, for example, ended up working in domestic service.<sup>53</sup> Trafficking in the region of West and Central Africa is recognized in many instances as an extension of the traditional custom of 'placing' a child with extended family members. Such 'placement' resulting in domestic service is also recorded for this period in Burkina Faso, Côte d'Ivoire, Ghana and Mali.

<sup>53</sup> *Combating trafficking in children for labour exploitation in West and Central Africa: Synthesis report*, (Geneva, ILO-IPEC, 2000), p.10.

## Placement of children in West Africa

“Here in Atacora, there is a cultural practice by which a woman looks after one or more of her brother’s children. As a result, children from Atacora leave for another country, for example Niger, Côte d’Ivoire, even Guinea Conakry, Gabon and Cameroon. The girls in particular go to Niger or to Cotonou to work in domestic service, while the boys go to work in the fields in Nigeria or in plantations in Côte d’Ivoire, although not so frequently.”

*Résumé du rapport sur le trafic des enfants entre le Bénin et le Gabon (UK, Anti-Slavery International, 1999), p.14*

Sometimes, however, placement of a child by a poor family with another family that uses the child’s services in the home can turn out well. It is important to document such cases and to use them to illustrate the benefits that can accrue to a child if the employer/adoptive family cares for and protects the child, sends her/him to school and fully integrates the child into the family. Recent research in Haiti,<sup>54</sup> for example, where the exploitation of children in domestic service has been acknowledged and researched for several decades, gives a few examples of children whose lives were changed for the better when they were ‘placed’ with families as domestic servants. A young man of 23, for example, from a poor single-parent family and placed with a family in the capital as a domestic worker, was able to enter university after being provided with education by the family, and considers that he has been given a ‘privileged place’ in the family and has never been treated as in any way subservient. The young man concludes that action against employers who exploit or mistreat children is vital if children who are already in domestic service are to be supported. This example, in a country where many of the children living on the streets of the capital are escapees from exploitative domestic service,<sup>55</sup> illustrates the importance of avoiding the temptation to consider children in domestic service as a homogenous group and to ensure that the best interests of children, as embodied in international law and treaties, informs response.

There is an ironic twist, however, to the quasi-family relationship that is sometimes seen to be in place between employer and exploited child. Research in Panama shows how the children themselves sometimes believe that they are part of the family in which they work. They may lose all sense of their origins: “I don’t know my age,” one girl told researchers. “My employer named me Maria and decided that I am the same age as her daughter.”<sup>56</sup> This relationship, though, is not

<sup>54</sup> *Étude sur les fondements de la pratique de la domesticité des enfants en Haïti*, (Haiti, Haïti Solidarité Internationale, 2001), p.47.

<sup>55</sup> *Restavek: child domestic labour in Haiti*, *op.cit.*, p.v.

<sup>56</sup> *Child domestic labour in Panama*, *op.cit.*, p.69.

benign: the same research showed that the children believe they have a material and moral debt to the employer, feel inferior and insecure, and must consequently do whatever is asked of them. Employers reinforce this by telling the children how much money they have spent on the things they provide (even though this is, in fact, in lieu of remuneration for work): “I owe everything to my employer. She started to take care of me when I had an infection in my private parts. She took me to the doctor and bought me all the medicine I needed. Therefore I tolerate everything; I do not care if she does not pay me.”<sup>57</sup>

## Reaching out for education

While poor education is a ‘push’ factor in the entry of children into domestic service, the ‘pull’ of learning is also a factor in the decision of both families and children/young people themselves to consider domestic service as an option. In many parts of the world, children in domestic service say that they entered domestic work as a stepping-stone to education. In some cases, recruiters and employers may have promised to send the child to school or to provide other training. Indeed, in some cases employers do allow the child to attend school or vocational classes, although almost always this is allowed only after the domestic tasks have been completed, with the result that children in domestic service are often reported by their teachers as arriving late, attending irregularly or being distracted from their work.

In other cases, the child may have entered domestic service hoping to earn enough money to re-enter education or training after exiting work. This hope of education is also a factor that encourages parents in some countries to send children into domestic service. In the Dominican Republic, for example, research illustrated how parents often cite their hopes that children in domestic service may receive an education and therefore have a better future as a factor in their decision to encourage this.<sup>58</sup>

In very many cases, however, children find that not only are they not sent to school but that it is specifically disallowed. In addition, children exploited in domestic labour earn very little from this labour: often arrangements are made with family or brokers so that the child receives nothing at all except food and lodging. Sometimes the child is ‘paid’ in the occasional gift on a birthday or holiday. The invisible, unregulated nature of domestic work – including for children over the minimum working age and adults – means that there are no checks on whether the child is indeed being remunerated for work done and no redress if promised payments are not made.

<sup>57</sup> *Idem.*

<sup>58</sup> *Un estudio exploratorio sobre el trabajo infantil doméstico en hogares de terceros en República Dominicana, op.cit., p.40.*

Some children expect that the family they work for will allow them time to go to school in addition to their work and may even send them to school. They may expect to be allowed to work only around meal-times, or to be free to go to night-school classes. Again, experience shows that more often than not the children find that their hopes never come to fruition, that they are not allowed to attend school, must work effectively a 24-hour day and, even if they do manage to attend some classes, will not be given time to study and must put work priorities first.

### 'Girl 1' from Ethiopia

'Girl 1' (not identified by name in the report) is ten years old. She was taken to Addis Ababa to work as a live-in maid by her aunt, after the death of her parents when she was eight years old. Her aunt could not afford to keep her, and was promised by a broker that she would be able to live with a family and just look after their four year-old child, in exchange for food, clothes and schooling. Her aunt gladly handed her over. The reality was very different. The family of seven that employed her did not allow her to play with the children. She was not allowed to leave the compound alone and was therefore confined to the house. She was given only left-overs to eat. "All the children go to school or kindergarten," she says. "However, I am not allowed to go to school. I always beg the house lady to send me to night school, but she always reminds me that I am not there to go to school but to work for the family".

*A study on child domestic labour in Ethiopia, (unpublished draft), (Geneva, ILO-IPEC, 2002), p.44*

### Paying off a debt

When a child is pulled into domestic service in exchange for money for a third party, or in repayment of an outstanding debt, the child is said to be in 'debt bondage'. Debt bondage has been eliminated in many parts of the world, but continues despite efforts to legislate against it in some parts of South Asia and Africa. ILO Convention No.182 considers debt bondage as a worst form of child labour, even if the actual labour performed is not hazardous.

This is because a child in debt bondage is by definition in an exploitative situation. S/he will receive no payment for any work performed since the 'payment' has already effectively been given to the parents or other third-party borrower and constitutes the debt incurred. Neither the child nor the borrower therefore has any bargaining power whatsoever and the child's situation and the conditions of work are entirely at the whim of the employer. The borrower may be unlikely to remove the child even from an abusive situation of which s/he is aware for fear of

‘defaulting’ on the debt; the child may be reluctant to leave for fear of putting the borrower at risk.

### Asha from Nepal

Asha is twelve years old and has been working for her employer for four years. Her father works as a kamaiya for one of her employer’s relatives. Asha has two brothers and one sister, whom she seldom sees. Asha’s work begins at five in the morning with sweeping and mopping the house, and ends at 10 at night with dishwashing. She is illiterate and is unlikely to be sent to school, as there is no-one to share her workload. She is unaware of the amount of her salary, which she thinks her parents receive in the village from the landlord for whom they work. According to the kamaiya system, in fact, it is likely that her salary is built into her father’s payment of his debt to the landlord.

*Situation of Domestic Child Labourers in Kathmandu: a rapid assessment, (Kathmandu, ILO, 2001), p.13*

Debt bondage is a particularly pernicious situation in which a child can be trapped in a worst form of child domestic labour because it constitutes a relationship between the borrower and the employer in which the employer has all the power. The child is effectively sandwiched between the two, denied all rights and protection.

There are, of course, other factors that ‘pull’ children into labour more generally. These include:

- perception of **urban life** as offering more opportunities that pulls children from the countryside to work in the city;
- demand for cheap labour, particularly in ‘hidden’ sectors like domestic service where work is generally unregulated and so the **cost of labour** is low and exploitation easier;
- recruitment networks, services and individuals making **promises** relating to conditions, wages and opportunities that do not exist.<sup>59</sup>

<sup>59</sup> This report does not look in detail at the mechanisms of recruitment of children into domestic service, however it works in much the same way as recruitment into child labour in general: many recruiters are informal ‘middlemen’ who find a child on behalf of an employer or an employer on behalf of a child’s family; adult domestic workers may seek out children to work in the same household or more generally. As in most forms of child labour, parents and children themselves also seek ‘opportunities’ for the child either directly with an employer or via a recruiter. Employers often include extended family members and family friends or acquaintances. For more on recruitment mechanisms, see P. Boonpala and J. Kane: *Unbearable to the human heart: child trafficking and action to eliminate it*, (Geneva, ILO, 2002).

## The specific case of trafficking into domestic service

Debt bondage, domestic labour and child labour in general all become even more hazardous when the child enters them in another town or even country. This is the situation of trafficked children.

Isolated from family and community, the trafficked child is particularly vulnerable since s/he may not understand any support systems available (health, refuges, protection services), may not speak the local language, may be in a situation of irregular migration and may be without papers if the employer holds them as a guarantee of compliance. There are regular reports of children losing all contact with their families, never returning to their home.

The relocation element of the trafficking event may have been voluntary. Sometimes the child's family will send her/him into domestic service with a family in another town, the city, or occasionally another country. The child may indeed choose to move her/himself. Very often, the child or family will decide that the child should leave home to find work elsewhere as a result of persuasion by others who have left the community to work and have returned – often specifically to find 'new recruits' in exchange for payment. In the case of domestic service, often children are persuaded to enter work by other children who have worked as domestics.<sup>60</sup>

Sometimes, on the other hand, the child may be coerced into relocating, or even forcibly moved. Where force or coercion are used, or if the child voluntarily enters domestic service that in any way can be considered exploitative – satisfying any of the criteria described above for 'child labour' or 'worst forms of child labour' – then the child is considered to have been trafficked and the employers are not only exploiters but traffickers in international law.

Trafficking occurs both internally – from a poor rural community to the city, for example – and across borders. It can involve a whole range of players who facilitate the trafficking, from recruiting agents to corrupt border guards, transport providers to 'relay' receivers, and forgers of false documents. Evidence of trafficking of children specifically for domestic service shows that it is a global problem. In Africa, for example, children are trafficked not only internally but between the countries of West Africa, including in particular Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Guinea, Ghana, Mali, Niger, Nigeria and Togo.<sup>61</sup>

<sup>60</sup> *Idem.*

<sup>61</sup> *Combating trafficking in children for labour exploitation in Central and Western Africa, synthesis report*, (Geneva, ILO-IPEC, 2000)

In the Americas and Caribbean, children trafficked into domestic service go mostly to the US and Canada.<sup>62</sup> In the countries of the Middle East, children from poorer countries in the region, and from the former Soviet Union, are employed in domestic service.

The trafficking of children from South East Asia, South Asia and West Africa into Europe as domestic servants has been highlighted by a network of NGOs working to abolish what they have called ‘modern slavery’ in Europe. In its first few years of operation, the French arm of this network – the Committee against Modern Slavery (Comité contre l’esclavage moderne, CCEM) handled 180 files, of which 50 were girls under 18 who had been brought to France, mostly by families of the same country of origin in West Africa, to work in domestic service. These girls had either been added as a child to the passport of the head of the household (so that they thus had no individual travel papers and could not leave) or had been brought in with false papers and often false identities. In several cases, the children did not even remember their real names or date of birth. They were, in fact, between the ages of eight and 15. In a number of cases, the employers were travelling on diplomatic passports and the girls were distantly related to them. Of the children helped by CCEM, 35 had been subjected to violence, 15 had been raped, 4 had been tortured and one child died.<sup>63</sup>

CCEM found that, when the girls reached 18 and could therefore no longer be included on the family passport, or were considered to be a “threat to the stability of the marriage”, they were often sent home or indeed just turned out onto the streets if the employer did not want to pay their return fare. Without papers, often having been locked away and not able to speak French, at times physically abused and traumatized, these young girls needed immediate support relating to their legal status, health, psychosocial needs, accommodation and basic needs, and return.

European families also take on domestic help, although little is known about the numbers of children (ie under the age of 18) who are involved in this. Much more is known about adult domestic workers, both European and migrant. The European network of migrant domestic workers’ organizations, RESPECT, has noted<sup>64</sup> that domestic work in private households is crucial to European family life and social support systems, although it is generally under-valued and invisible. RESPECT writes that “changes in the traditional roles of women [in Europe] and

<sup>62</sup> Testimony of Frank E. Loy, Undersecretary of State for Global Affairs, before the Subcommittee on Near Eastern and South Asian Affairs, Senate Foreign Relations Committee, quoted in F. T. Miko: *Trafficking in women and children: the US and international response*, Congressional Research Service Report 98-649C (Washington, US Government, 1998), p.7.

<sup>63</sup> G. Vaz Cabral: *Les formes contemporaines d’esclavage dans six pays de l’Union Européenne*, (Paris, CCEM, January 2002), p.39.

<sup>64</sup> *Explanatory leaflet*, (Brussels, RESPECT, 2002).

the demographic effects of an ageing population have led to an increased demand for domestic work within European households. Because of the low status of the work, the range of skills required, and the sacrifices it demands of the worker, it is more and more difficult and expensive to find workers willing to take on the role within the local labour force. Increasingly, domestic workers from outside the EU are meeting the demand. This, coupled with restrictive immigration practices governing the entry and terms of employment of migrant domestic workers in the EU, has led to massive abuse of rights within this sector.” These include trafficking/irregular migration, unregulated employment and undoubtedly the recruitment of minors who are not in a position to demand their rights as workers.

## Adults in domestic work

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It is worth noting here that the push/pull factors and the working conditions described above relating to child domestic labour are also largely true of domestic work for adults.

The feminization of poverty and gender-related push and pull factors result in women in many parts of the world entering the workforce in jobs which are considered by their families, communities and indeed by the women themselves, as either ‘women’s jobs’ or ‘safe’ work in someone’s home. In some societies, additionally, domestic service is seen as the right option for female members of society, particularly because it is considered lowly work and appropriate for women, who are not considered to be equipped to deal with important economic and political matters. The woman’s child-bearing role is also seen to ‘fit’ with work that involves caring for and serving others.<sup>65</sup>

Like children, both men and women domestic workers risk the exploitation that results from the fact that their workplace is a private home, that they are subject to the individual employer in whose service they are, and that the work is invariably unregulated and unmonitored.

In many cases, also, adults in domestic work may be there as a result of being trafficked, forced or in debt bondage. These all increase their vulnerability to exploitation and abuse. A study in Honduras revealed that one in four women in domestic work had been seriously burned, one in five had suffered cuts, and one in 10 had been hit and had suffered important contusions. Men working as domestics had not been spared the rod: one in four had suffered serious cuts.<sup>66</sup>

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<sup>65</sup> *Child domestic labour in Honduras*, (Honduras, ILO-IPEC, 2003), p.74.

<sup>66</sup> *Ibid.*, p.113.

## An undocumented adult migrant domestic worker in Europe

“I had to get up at 5 a.m. and take care of five adults and five children. I had no time off and I was not allowed to leave the house. When visitors came, I was made to stay in the cellar or in a cupboard. I was often beaten and I was made to sleep next to the dustbins during the winter.”

*Explanatory leaflet, (Brussels, RESPECT, 2002)*

Domestic work for adults, however, is not illegal in either national or international law. The approach to protecting those who are in such work, therefore, is not one of elimination but of regulation.

Adult domestic workers have a right to the protection offered to them by labour laws and standards – including regulations relating to the hours and conditions of work, salary, insurance, health cover, pension, holidays and free time, and training. They have a right to freedom of association (for example joining a union or meeting other workers in an informal grouping) and to withdrawal of their labour in accordance with their contractual obligations and rights.

In practice, however, regulation that is not stringently enforced provides no protection whatsoever for adult domestic workers. Indeed, in some cases regulation may increase the vulnerability of the workers: in the United States, for example, 3,800 domestic workers arrive each year under two types of temporary employment visa to work for foreign diplomats or non-US staff members of international organizations, but there is no monitoring of the situation of these women by the US Government or by the employing governments or agencies of the employer’s family. Although the employing families are in theory obliged to abide by US labour laws, they often confiscate the documents of the domestic workers, require dawn-to-dusk labour for little or sometimes no pay, and confine them to the house.<sup>67</sup>

National and international laws covering cases of trafficking, forced labour and debt bondage might also apply and, in such cases where the adult is in a situation of exploitation, then laws may well indeed have been broken.

In many countries, governments, inter-governmental agencies like the ILO, NGOs and trade unions have been active in helping adult domestic workers to understand and claim their rights as workers, through legislation, regulation, monitoring and awareness raising. Despite this, however, domestic work even for adults remains a high-risk sector almost by definition: ‘domestic’ means ‘in the

<sup>67</sup> Examples quoted on the US Government website, [www.usinfo.state.org](http://www.usinfo.state.org).

home', and intervening in what happens in the home is both difficult and a challenge for governments, law enforcement, labour inspectors and others who work to protect the rights of those who serve.

One enormous challenge facing those who work with and on behalf of children in domestic service is that often they are also 'hidden' among the statistics given for domestic work per se. Most reports on adult domestic work, for example, do not give the ages of the adults concerned. Many of these may, in fact, be young women under the age of 18 or even 16, who would thus in international law be considered 'children'. The US Government, for example, quotes the case<sup>68</sup> of "an illiterate Ethiopian woman brought to the United States eight years ago [in 1991] by an IMF staff member to work as a maid. She was made to work seven days a week, 15 hours a day, isolated from others and physically abused. Though promised \$235 a week plus medical care, she received less than 3 cents an hour." Was this 'woman' 16 or 26 years old?

Not only are children in domestic service hidden in homes, they are very often also hidden in statistics.



<sup>68</sup> The case study comes from W. Branigin: "A life of exhaustion, beatings and isolation", (US, *Washington Post*, 5 January 1999), and is quoted on the US Government's website: [www.usinfo.state.gov](http://www.usinfo.state.gov)). It should be noted that the US General Accounting Office showed a 250% increase in child labour violations between 1983 and 1990 and that in 1998 a Rutgers University study found that there were 148,000 illegally employed minors in the United States in an average week. There is no breakdown of the numbers in domestic service.

## CASE STUDY 1: Child domestic labour: Central and South America

Research undertaken by ILO-IPEC's Regional Office for Central America in 2002 gives an idea of the situation of children in domestic service in the countries of the region. This research was part of a series of 38 studies conducted in 19 countries and one border area, to begin to pull together a detailed picture of child labour all over the world. In most countries, this research took the form of Rapid Assessment surveys undertaken in carefully selected areas (usually both urban and rural/semi-urban) where children are known to work as domestics and which are identified during a preliminary phase of desk research.

With the help of key informants, specific locations were then chosen and interviews conducted with children, employers, brokers/recruiters, families and others with knowledge of the situation of the children and the factors leading to their employment, for example district authorities, trade union officers, teachers and social workers. It is recognized that many children in domestic service cannot be interviewed directly either because they are not allowed to leave the home in which they work or because their employer does not grant access. Interviews also, therefore, take place in the form of focus group discussions, often including young people who formerly worked as children in domestic service in the area.

During the interviews and discussions, basic demographic data on the children and their situations was collected in order to be able to describe the children and the nature of their activities, and to attempt to identify trends that are evident from this data. The interviews are used to illustrate specific examples of both these trends and exceptions to them. Although the small size of the samples and the fact that coverage is partial mean that the result of Rapid Assessments cannot and should not be extrapolated to the country as a whole, the results obtained do contribute to illustrating the issue of child domestic service and pointing to directions that initial interventions and further research should take.

In **El Salvador**, for example,<sup>69</sup> a comprehensive profile was drawn up of 110 children interviewed in five different locations: their age, sex, school attendance and reasons for non-attendance where appropriate, family circumstances, age of entry into domestic service, conditions of work, methods of recruitment, nature of tasks undertaken, time spent working each day, nutritional status, incidences of abuse or maltreatment, payment and use of any money received. Other non-statistical information was also collected, relating to the children's perceptions of their situation, and employer-child relationships. To accompany this and give a broader context to the issue, basic economic and social data for the country is given and,

<sup>69</sup> O. Godoy: *El Salvador – trabajo infantil doméstico: una evaluación rápida*, (Geneva, ILO-IPEC, 2002).

where possible, an attempt to describe perceptions of domestic service is also provided. In this case, this includes even a listing of the names by which children in domestic service are known in El Salvador (there are 22 identified names, ranging from the familiar *muchacha* to the pejorative *bajada*, or ‘useless’).

Of the 110 children surveyed for the El Salvador Rapid Assessment, 32 were under 15, and 78 were between 15 and 17 (ie children in international law but above the minimum working age). More than 93 per cent were girls (103 children) and 80 of the children were from the city, with only 30 from rural areas. The fact that most of the children were no longer minors may account for the fact that 40 of the children were married or betrothed and 15 were in a long-term relationship. Of these 15, seven reported that they were physically or verbally abused by their partner. Twenty-one of the group had children of their own, three of them more than two. Twenty of these children were under school age and the remaining child was not in school because it was too far away.

Of the 110 children, the majority – 96 children – came from families with more than three members; 46 of the children’s families comprised more than six people. Only one of the children had no parents living but 41 of the children came from single-parent families. Most of the families had other working members and 83 of the 110 families had members who were studying. Sixty per cent of the parents, however, had never been to school, suggesting considerable progress in school attendance between parents and children. Ninety-seven of the children reported that they had had to do domestic or agricultural tasks in their own home and only 15 of the children said they would rather be at home than in domestic service.

Although 35 of the children hoped to enter a profession at some time in the future, only 34 of the group were able to attend school. Of the 76 who were not in school, 27 said it was too expensive, four did not like studying and 45 said they did not have enough time. Eighty per cent of the group said there was a school within one kilometre of where they lived/worked. Only seven per cent of the children had an education above ‘basic’, but 30 per cent would have liked to have higher qualifications. The reasons the children gave for wanting to study included ‘wanting to know more’ (35 children), ‘to have friends’ (18 children) and ‘to get better work’ (57 children). Most of the children in this survey did have some social/cultural life: 78 went to church, mostly with family, friends or their employers; 19 belonged to a sports or arts group; 69 were able to attend public festivals; 72 said they liked to play.

Most of the children had entered domestic service because their parents wished them to. Twenty-six had been recruited by their employers; 17 had been encouraged by friends; only 24 had sought to work themselves. Twenty-three of the children had begun work between the ages of nine and 11, although one of the children had begun work before the age of nine. Forty-four had started work between 12 and 14. Sixty of the children had had one or more previous jobs that they had

left mostly for financial reasons (poor or no pay) or because they had been physically (3), verbally (7) or sexually (11) abused. Nineteen of the children worked for relatives or acquaintances of the family; 91 worked for people they did not otherwise know. Sixty per cent of the employers were professionals or office workers; 24 had their own businesses and 16 were workers themselves.

None of the children had any form of written contract, although 89 did receive some form of payment (11 were provided with food and accommodation only). None had access to social security and eight had no time off at all. Some of the children (21) worked only mornings; 14 worked only afternoons; five worked at night and the majority (70 children) worked all day, most of them for more than eight hours. Thirty-six children reported that they worked for more than 12 hours a day. The tasks they had to fulfil were generally similar: washing, cleaning, cooking and serving food, looking after the children, fetching water, going to the mill, growing food, carrying firewood, and feeding the animals. More than half of the children also had to do the shopping, 33 had to work in the employer's business and 21 had to help out other members of the employer's family, although most were not paid for this.

Most of the children had suffered some kind of accident or injury: 30 of the children had been burned; eight had contracted infections of some kind; 22 had had blows or bites; eight had been poisoned and only 15 reported no accidents of any kind. Only 24 of the children said they were taken to a doctor when they were ill. Forty-three of the children were just sent home; 43 got no support whatsoever. Half of the children did not receive any pay while they were ill.

More than half of the children said they were treated badly or not well by the woman of the household; 73 of the children cited bad or 'not good' treatment by the male employer. Only 50 of the children were treated well by the children of the family. Seventy-three of the children had suffered physical abuse, either from their own relatives (47) or their employers (26).

Not surprisingly, all the children found something they did not like about their work: 27 disliked the tasks they were asked to perform; 45 said that the long hours were what they least liked; 11 cited the treatment they received from their employers as the worst aspect of the work; 27 said the form of payment was not acceptable. Only eight of the children would have chosen to stay in this service. Thirty wanted to study; 31 wanted to leave the country altogether; and 41 would have preferred some other kind of work.

These quite comprehensive figures allow a fairly clear picture to be drawn of the situation of this group of children in El Salvador. It is clear that, although some children in the survey were above the minimum working age and therefore legitimately in work, many more were in domestic child labour and quite a number in labour defined as hazardous and therefore requiring immediate action. The fact

that none of the children had a working contract guaranteeing minimum working standards suggests that they were all in potentially exploitative situations and that action – either to regulate their work or address child labour at various levels – was called for.

Comparative analysis of the El Salvador Rapid Assessment with those undertaken in other countries in the region allows the identification of similarities and differences in the situation of children and programming on a regional scale. In **Costa Rica**, for example, where 250 children were interviewed for the survey, 24 per cent of the children in domestic service were boys. This was because boys were given quite specific tasks to do in the household, whereas girls were more generally expected to do ‘housework’ as an apprenticeship for adulthood. Moreover, there was a marked falling-off of boys in labour as the children grew older: after the age of 13, girls began to significantly outnumber boys in domestic service. This suggests that domestic service is seen as a long-term option for girls but a temporary occupation for boys.

Almost half of the children in this sample (104) were below the minimum working age, although none was under the age of eight. Just over 18 per cent of the children (46) were from Nicaragua and 12 of these were undocumented migrants. Less than half of the group (21 children) had legal residence. There are potentially, therefore, victims of trafficking in this group, where relocated children are in a situation of exploitation.

The tasks that children in domestic service in Costa Rica said they have to do are similar to those of the children in El Salvador although, in this particular sample, looking after young children of the family was the most common task after cleaning duties. More than half of the children had to look after other children younger than seven years of age.

In Costa Rica, the majority of children (129) had been recruited directly by their employers. Fifty-two of the children had been placed through family members; 30 were working for family members. Of the group, 37 had sought employment themselves, one had been recruited through a private agency and one had been placed through the church. A large number of the children had access to education of some kind: 81 per cent of the boys and 59 per cent of the girls. Reasons given for not being in school or for missing classes were mostly financial, although 11 per cent of the children said they did not have time, and 8 per cent could not reconcile work and study. Although a large number of children said they worked to be able to help their family, in reality only 16 of the 250 children were able to give any money to the family; most of the money earned was used to buy clothes and food, with some money being spent on education. Just over 15 per cent of the children lived in their employer’s house.

In the **Dominican Republic**, too, many of the 260 children surveyed had access

to some form of education while they were in domestic service. Of note also is the fact that many of their employers had also attended school, college or university, suggesting that educational establishments may be an important venue for reaching both at-risk children and future employers, and for raising awareness of the risks of domestic service. This is important because in both Santo Domingo and Santiago, where the survey was undertaken, 'learning to/preparation for work' was given as the primary reason why children entered domestic service, ahead of economic necessity. Sixty-six per cent of the children surveyed lived with their employers.

In **Guatemala**, some 39,000 children between the ages of five and 17 are estimated to be working in domestic service. Of the 112 children surveyed for the Rapid Assessment exercise, 73 were under the minimum working age. Only 13 of the children surveyed in the capital city worked fewer than six hours a day; 22 of them worked for more than 16 hours, and 74 for between 13 and 16 hours. The majority clearly therefore can be said to be in child domestic labour. Not surprisingly, a very small percentage of the children – some 25 per cent – were able to study and the majority were not in school of any kind. It is of interest that there were significant differences between these figures in the capital and in Jutiapa, where the survey was also undertaken. In Jutiapa, working hours were shorter and the majority of children (78 per cent) did attend school. School attendance is therefore a fair indicator of the workload of children in domestic service.

In **Nicaragua**, of the 250 children surveyed, 89.5 per cent started to work at the age of seven; they worked around 15 to 16 hours a day. Of the 101 children surveyed in Leon, 87 per cent were under the age of 12, 16 per cent had a child already and 30 per cent did not receive any payment.

In **Honduras**, of the 250 children surveyed, 64.4 per cent lived with their employers and worked around 10 hours a day. Seven in every 10 children had to start work at six in the morning and more than half did not go to bed until after nine p.m.. More than half did not go to school. More than a third suffered from intra-family violence, physical aggression (35.6 per cent), verbal abuse (46.4 per cent) and sexual aggression (5.9 per cent).

In **Panama**, 54 per cent of the 250 children surveyed lived with the employer and worked around 15 hours a day. The majority -- 81 per cent -- did not attend school. One in 10 of the children had entered domestic service in order to have somewhere to live; one in 10 was a single mother.

What is clear from all this data is that the situations of children in domestic service in different parts even of the same region vary and that it is vital to undertake detailed research in order to be able to respond appropriately to any given geographical situation. There are nevertheless similarities, too, that emerge, particularly in relation to the role of gender in the entry of children into domestic

service, the onerous nature of the work they do, and the exploitative conditions under which they work. Certainly the evidence collected in Central America and the Dominican Republic suggests that most of the children are in a situation of economic exploitation, carry out tasks that can endanger their physical, emotional or moral integrity and, in some cases, work in a worst form of child labour.<sup>70</sup>

In relation to the research itself, it is clear that disaggregation of the data is vital not only to understanding the issue itself but also to acting on behalf of children. In particular, the legal minimum working age in each country is an important threshold for data disaggregation, since labour laws and standards can be applied as an additional protection for children above the minimum working age. Similarly, analysis of the raw data according to the categories and definitions of ‘child labour’, ‘worst forms of child labour’, ‘hazardous’ and relating to hours of work and age of the child as indicated in ILO Convention No.182 (and discussed in Chapter 1 of this report) is also important if the protection provided by international instruments is to be negotiated into national law and implemented for the benefit of children.

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<sup>70</sup> *Child domestic work in Central America and the Dominican Republic, op.cit.*, p.80.



## Chapter 3:

# What happens when a child enters domestic service?

In recognizing that priority should be given to eliminating the worst forms of child labour, ILO Convention No.182 also calls for the elimination of all forms of child labour. It is clear, however, that the worst forms of labour pose a particular and immediate threat to children. With relation to child domestic labour, therefore, there can be said to be two 'levels' of impact on children:

### Level 1: the impact of child domestic labour

All children under the national minimum working age undertaking domestic service and children between the ages of 12 and 14 doing more than light work are considered to be engaged in child labour, even if it is not otherwise hazardous.<sup>71</sup>

#### Education

Children in these age groups should be in school. Acceptance of the concept of minimum age for employment is recognition of the fact that children below minimum working age need to be in education so that they are adequately prepared for both their working and non-working lives.

An adequate and appropriate education is globally recognized as a prerequisite to earning a livelihood, breaking out of the poverty cycle and building a more secure future. Sadly, however, research shows clearly that children in domestic service rarely have access to any form of education and have often left education early in order to work, or indeed may never have been sent to school at all.

Among girls aged 7-14 working in domestic service in Morocco in 1999, for example, 70 per cent were recorded as neither attending nor having ever attended school; this compared to 45 per cent of other girls in the same age group.<sup>72</sup> Similarly, among children aged 8-15 working in domestic service in Islamabad, Pakistan, in 1994,<sup>73</sup> 49 per cent of the boys interviewed did not attend school and more than 70 per cent of the girls did not. Half of all the children had never attended school.

<sup>71</sup> These age ranges vary according to the minimum working age set in each country.

<sup>72</sup> *Child domestic labour in Morocco*, op.cit., p.18.

<sup>73</sup> *Child domestic servants in Islamabad*, (Islamabad, Pakistan Psychological Foundation and UNICEF, 1994), p.24.

Once a child has reached the minimum age for work and enters paid employment, then s/he has a right to specific protection – in addition to the general rights of all children up to the age of 18 – through the country’s labour laws and labour standards.

Entry into work does not mean, however, that a child who is no longer in formal education should not have access to ‘learning’, more broadly defined. Employers’ and workers’ associations as well as governments and non-governmental organizations (NGOs) are encouraged to provide, and do provide a range of non-formal education, vocational and skills training courses and facilities that allow the working child both to continue learning and also to acquire specific skills.

Even so, children in domestic service often have problems when they are able to attend classes, either because they are too tired to study because of the burden of housework they also have to carry, or because they are distracted by the opportunity to finally be able to meet other children. In Central America, studies on child domestic labour show that the children interviewed had great difficulty attending school and, as a result, often left because they got low grades. In El Salvador, almost 70 per cent of the children interviewed did not go to school; in Panama 32 per cent were out of school, in Nicaragua just over 40 per cent, in Costa Rica some 35 per cent, in Honduras 53 per cent and in Guatemala 46 per cent.<sup>74</sup>

### Teachers in Ethiopia

Teachers interviewed on how children working in domestic service behave when they are in class: “They often talk with their friends in class and seldom come to class on time when the bell rings, as they keep talking among themselves, standing near the entrance of their classrooms. They have to be pressured to come into class. This perhaps is a manifestation of the children’s isolated life at home, and could be a consequence of not going through the normal process of child development.”

*A study on child domestic labour in Ethiopia (draft)  
(Addis Ababa, ILO-IPEC, 2002), p.31*

### Health

Labour in domestic service has a number of health implications for children. Because of their age but also because of the conditions under which they work, children in domestic service are particularly susceptible to both physical and psychological harm.

<sup>74</sup> *Child domestic work in Central America and the Dominican Republic, op.cit.*

Many children in domestic service are expected to undertake jobs that are inappropriate to their age and physical strength, for example carrying heavy pails of water, firewood, or moving furniture to clean under it. In the kitchen, children may be exposed to toxic cleaning chemicals, boiling liquids, extreme heat or cold. They may have to operate equipment they are not ready to handle, as well as sharp knives, wood-cutting implements or other tools inappropriate for a child.

The physical burden of working long hours is also hazardous, and fatigue can lead to children's being accident-prone even when the task would not ordinarily be dangerous. Children who do not have any break from the work, either because they are on 24-hour call or because they do not have free days, weekends or holidays, also risk health problems.

While all children in domestic service may be effectively on-call 24 hours a day, some children carry an extra load because they have, in fact, to undertake two distinct jobs under the umbrella of domestic service: the household tasks and work related to the business of the employer. This is the case, for example, of children in Viet Nam whose employers run a coffee shop or restaurant from home and expect the children to serve, wash dishes and prepare food, clean the premises or carry stock. It is estimated that one in every 10 children in domestic service in Viet Nam may be in this situation.<sup>75</sup>

Children's health is also put at risk when the food they are given is inferior in quality or when their diet is not balanced or nutritious. In many instances, there are reports that children in domestic service are obliged to produce meals for the family only to then be given a bowl of low quality rice for their own meal. Although it did not look specifically at the kinds of food given to the children, a report<sup>76</sup> on child domestic service in Haiti noted that, when the height and weight of 15 year-olds in domestic service was compared to those of other children in that age group living in the same neighbourhood, the children in domestic service were on average four centimetres shorter and 40 pounds lighter.

The psychological health of children in domestic service is also affected in a number of ways. They may be ridiculed or treated as inferior by members of the family, so that their self-esteem is diminished and they have feelings of helplessness and dependency. This is exacerbated when children are not allowed to mix with other children or indeed other people at all. This situation can lead to their feeling isolated and marginalized.

<sup>75</sup> *Viet Nam country paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, (Thailand, 2-4 October 2002), p.2.

<sup>76</sup> *Restavek: child domestic labour in Haiti*, *op.cit.*, p.25.

## Children from Islamabad

Psychologists gave their opinion of the children they met who were working in domestic service: “The general appearance of these children reflects neglect and lack of love. A feeling of alienation was noticed in them. Although they are living in rich and lovely houses, they are not a part of it. They live in their own fantasy, and they have a world of their own. The ages of the children range from eight to 15. This is a period when their mind is developing, different concepts are formulated and some important physical changes occur in both girls and boys. To develop their intellectual capabilities to their full span, education, play and a free environment is needed. The children need their parents to cope with these changes; the mother especially plays a very important role as far as girls are concerned.”

*Child domestic servants in Islamabad,  
(Islamabad, PPF and UNICEF, 1994), p.59*

It has also been noted<sup>77</sup> that children in domestic service often move regularly from the service of one family to another, either because they ‘escape’ from an abusive family or a family they simply do not like, or because the family finds a reason to turn them out – often this reason is simply that the children ask for the pay they were promised. As a result, “most of a child domestic’s impressionable years are spent adapting to various family situations. For psychological survival, she has to subconsciously adopt several personalities. Her own hidden personality, when it finally can emerge, becomes distorted and sometimes abnormal. This distorted personality becomes an obstacle in leading a normal adult life. These girls repeatedly fail in adult relationships.”

This is especially true if the children are denied access to their family or community. Although in some parts of the world children enter domestic service alongside their parents or a family member, children are more often sent into domestic work alone and may or may not be allowed to maintain contact with their families. It has been observed that often the children lose all sense of where they came from – not knowing their place of origin, their family name or how old they are. In some instances, children are also forced to learn to speak the language of the employer and to stop using the language or dialect they used at home, thus further alienating them from their sense of identity.<sup>78</sup>

<sup>77</sup> *Child domestic workers: is servitude the only option?*, op.cit., p.36.

<sup>78</sup> *Trabajo infantil doméstico en Guatemala*, op.cit., p.134.

## Jean from Haiti

Jean said he was 12 but looked much younger. He came from the north, near Cap-Haitien, and thought his parents were living but he had no contact with them for several years. Two or three years earlier a woman he had never seen before came to his village and chose him to be her restavek child. She took him, by himself, to Port-au-Prince. The woman beat him frequently; he felt scared and trapped by her. Eventually the woman ‘fired’ Jean, told him to leave her house and suggested he return to his rural home. He had no means to return home nor even a precise idea as to where his home was. He lived on the streets of Port-au-Prince for a time, eventually befriending a boy about his own age. The boy’s mother let him move into her house. He now cares for the family’s five children and does not go to school (the family’s children go to school). Jean does, however, have time to play, gets adequate food and is not beaten. He feels that his situation is much better than it was. Jean nevertheless said that he would like to go back to his real family, if he knew how. When asked if he thought his parents would help him if they knew his wish to return, he began to cry.

*Restavek: child domestic labour in Haiti, (Minneapolis, Minnesota Lawyers International Human Rights Committee, 1990), pp.12-13*

In many instances, these threats to the physical and psychological health of a child in domestic service are multiple and the deeper the levels of domestic servitude the child endures, the more likely it is that s/he will face multiple risks.

## Denial of other rights vital to the experience of childhood

It is often forgotten that children in domestic service are, above all, children. They have a right to a childhood. This includes the right to be with other children of their own age and to play. Children in domestic service are almost without exception denied these rights and, in addition, often have to suffer the emotional distress of seeing other children enjoying these rights in the same household.

Children in domestic service in many regions who were interviewed for Rapid Assessment research noted that they would see the children of the household watching children’s programmes on television but would not be allowed to watch themselves,<sup>79</sup> or that they would be expected to take the family’s children to the park to play but would be prohibited from joining in. In this way, the children in domestic service additionally are made to believe that they are ‘different’ to the children of the household and do not have the same rights.

<sup>79</sup> See, for example: *Child domestic servants in Islamabad, op.cit.*, p.33. In this report, the children also said that they were not allowed into rooms where there were air coolers or heaters either.

### A child in South Asia

“My masters call me lazy child if they ever see me rest. I work non-stop through the day. I am never allowed to play. When I see children playing in the park, I long to join them. I have to remind myself that I am just a servant.”

*Child domestic workers in South Asia, (Kathmandu, UNICEF, 2001)*

## Level 2: the impact of the worst forms of child domestic labour

In addition to the threats to their health and future prospects outlined above, children in domestic service are also vulnerable to particular hazards that make the work they are doing potentially a worst form of child labour.

### Practices similar to slavery

It is a sad reality that some employers look upon children who are working in their households as akin to slaves, the ‘property’ of the employer and without any rights. Children in such situations may be confined to the house, never allowed to leave. They may even be confined to certain parts of the premises, for example the kitchen, or allowed in other parts of the house only before the family is awake or after the family has gone to bed. Confinement may include being locked in when the family is not there, for example when the family goes on holiday. Confinement may also include being shackled so that escape is not possible. Although physical restraint is not the only criterion defining slavery or practices similar to slavery, it is an indication of the relationship between employer and child in which the employer has clearly defined the child’s situation as one of total servitude.

In cases of physical restraint of this nature, children not only suffer potential injury to their physical health (lack of movement, wounds from ties, lack of exercise, lack of air etc) but also to their psychological health as they suffer the multiple effects of isolation, marginalization, subservience and ill treatment.

ILO Convention No.182 also includes trafficked children, children in debt bondage and those who are in forced or compulsory labour in the category of children facing practices similar to slavery. Clearly trafficked children are made particularly vulnerable because of their isolation from their family and community as well as their inability to access support systems in the communities in which they find themselves. Children in debt bondage similarly are vulnerable because of the power relationship that the employer enjoys arising from the debt that the child is

traded against. Forced labour is a similarly heinous form of control over children, taking away their right to free choice and to a say in their own fate. The fear that results from being in such a situation is also a trigger for psychological trauma.

## Physical abuse and violence

Children in domestic service may also suffer direct physical abuse, being systematically beaten to ensure that they remain compliant, or as punishment when they are seen to be slow or uncooperative, or to make mistakes in their work. They may be burned or otherwise tortured, and not only by the adult members of the family but by children in the family who see cruelty as a valid relationship with ‘inferior’ members of the household, or by other domestic helpers trying to impose a hierarchy even among those being exploited.

Many children who have suffered physical punishment from an employer report that it is the woman of the household who punishes them. This is because the child is generally seen as performing the tasks of the wife of the house and so answers to her. Of particular importance is the fact that children also report that they did not look upon as such punishment as equivalent to the punishment the children of the household received from their parents, but rather that they found physical punishment particularly degrading.<sup>80</sup>

### Latifa from Morocco

Latifa started working at the age of eight. Her father became ill and could no longer work and had no pension or other source of income...Latifa was hired for the first time through an acquaintance of her father...a civil servant who asked the father whether he knew a girl who could ‘simply help his wife with their baby from time to time’ as his wife had recently given birth. The father decided Latifa should go to live with them. Latifa tells that, every day, the husband asked Latifa to do a little more. Soon she was washing clothes, doing the dishes, running errands and other duties...Latifa recalls that she often had to wash clothes on the roof terrace, even when it was raining, with her feet and hands in the water for a long time. As an eight year-old, she did not manage to do this properly... The wife soon started to beat her.

*Domestic child labour in Morocco (Oslo, Fafo, 2001), p.31*

<sup>80</sup> Ibid., p.40

## Sexual abuse

Girl-children are at specific risk of sexual abuse (although boys, of course, are not always spared such abuse). In Rapid Assessment research undertaken in El Salvador,<sup>81</sup> for example, 66.4 per cent of the girls working in domestic service reported that they had been physically or psychologically abused, many of them sexually, and that the threat of sexual advances from their employers was always present. Because of the power relationships inherent in domestic labour, girl-children may be abused by adult men in the household or by older or stronger children. They may also be exposed to sexual abuse by visitors to the household, or by other domestic helpers.

Pregnancies that result often mean that the child is rejected from the household, sometimes even just turned out onto the street. A recent report on the sexual exploitation of girls in Tanzania<sup>82</sup> shows that girls arriving in support centres for children working in prostitution had often ended up on the streets after being turned out of homes in which they were working as domestic servants and had been abused sexually. Some of these girls are as young as 10 years old. Girls with babies are particularly vulnerable to rejection by their own families and may turn to prostitution to survive.

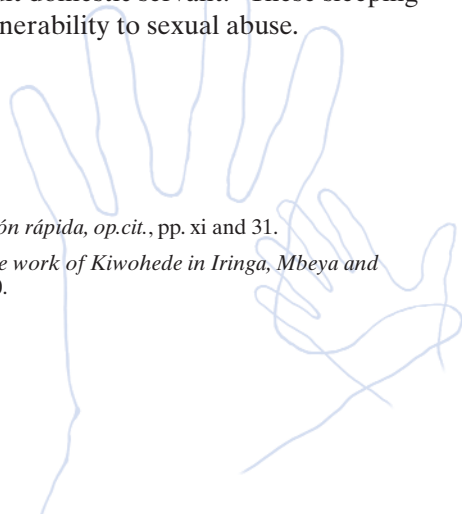
As in all forms of sexual abuse of children, the child faces long-term repercussions of such exploitation. The impact on the reproductive health of girls whose bodies are not ready for sexual activity is severe. Beyond the risks of STD infection, they may suffer lesions that do not heal properly and complications from pregnancy, in addition to the psychological damage of sexual activity that is not understood or that causes shame or guilt.

Sexual violence may not only be inflicted by family members or visitors to the household. Children in domestic service are also vulnerable to abuse by other domestic workers. This is particularly true because the workers in a household may have no separate quarters. Research on children in domestic service in Islamabad, for example, revealed that almost one in five of the girls and about half of the boys in domestic service there were provided with a small place to sleep but that in many cases this was shared by the adult domestic servant.<sup>83</sup> These sleeping arrangements greatly increase the child's vulnerability to sexual abuse.

<sup>81</sup> *El Salvador – trabajo infantil doméstico: una evaluación rápida, op.cit.*, pp. xi and 31.

<sup>82</sup> *Attacking girl child sexual exploitation in Tanzania: the work of Kiwohede in Iringa, Mbeya and Ruvuma regions*, (Tanzania, ILO-IPEC, no date), p.10.

<sup>83</sup> *Child domestic servants in Islamabad, op. cit.*, p.33.



### Shirwa from Tanzania

“I have been a victim of prostitution because I have no-one to help and support. My mother died seven years ago after a long illness; my father’s mother bewitched her and they used to quarrel during her lifetime. I left home when I was nine years old, looking for a job as a house-girl. During my stay with my employer, at the age of 13, I was made pregnant by my lady lord’s brother who refused to take any responsibility. The family supported me during my late pregnancy, maybe because I was working. I was told to leave 30 days after the delivery. It was very difficult to go home. I found myself here through my friend. I work for an elder lady helping her to sell kimpumu [a tribal, local brew]. I earn nothing. I am given food and shelter. I have two male partners: one takes care of the child; the other provides food.”

*Attacking girl child sexual exploitation in Tanzania,  
(Geneva, ILO-IPEC, no date), pp.5-6*

### Other hazards of domestic labour

Recommendation 190 (Article II (b)) also points to some of the specific hazards of domestic service that impact on children. Children in domestic service may be exposed to hazardous substances, such as cleaning fluids,<sup>84</sup> or may not know how to handle them. They may have to use processes that involve equipment that is beyond their physical capabilities or that they do not know how to operate correctly, for example kitchen or garden equipment, or cleaning equipment.

Children may work in kitchens with poor ventilation, or where temperatures rise to unhealthy levels, or conversely they may have to work in rooms that have no heating in winter. All of these are detrimental to the child’s well-being and constitute hazard and, according to the World Health Organization definition, can be considered as violence.

Whether the impact on the child is direct – for example through physical abuse – or indirect, as in the case of denied access to education, it is likely to be long-term. Helping children removed from such exploitative, damaging situations is an enormous challenge.

<sup>84</sup> The *Global Report on Child Labour* under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work (Geneva, ILO, 2002) points out that the physiological damage from exposure to different substances and work processes is relatively well known for adult workers, but that more needs to be learned about the short- and long-term effects on girls and boys of various ages and health status.

## CASE STUDY 2: The impact of domestic service: Sri Lanka and Nepal

**Nepal** was the first country in Asia to launch a Time-Bound Programme (TBP) to eliminate the worst forms of child labour.<sup>85</sup> The TBP includes child domestic labour as a priority area for work; it also addresses children in bonded labour and the trafficking of children.

A Rapid Assessment survey undertaken in Kathmandu, Nepal, in 2001<sup>86</sup> collected data through focus group discussions, key informant interviews, observation and a door-to-door survey of 2,237 households in eight sub-wards of the capital. Four hundred and twenty children were employed in these homes, and the report concluded that one in five households in Kathmandu employs children, mostly affluent households where at least one adult is employed full-time. Overall, it was estimated that there are some 22,000 children under the age of 15 in domestic service in Kathmandu Municipality, and 83,000 under the age of 18 in domestic work or service in Nepal,<sup>87</sup> of whom approximately 42,674<sup>88</sup> are aged 14 and under and thus in child domestic labour.

The Nepal Rapid Assessment surveyed 378 children under the age of 18, whether or not they were receiving payment, but found that almost two-thirds of the children interviewed were between 10 and 14 years of age, so under the minimum working age. Most children had entered domestic service between the ages of 10 and 14. More than half of the children surveyed were boys, probably because in Nepal girls are less mobile than boys and more likely to be kept at home.

Although in most parts of the world children sent into domestic service are often from single-parent or child-headed households, in Kathmandu 72 per cent of the children surveyed reported that both of their parents were alive and together. Most of the families comprised four to six members, and 25 per cent of the families had other working children. In general, the children were deemed to be vulnerable to early entry into work because they came from landless families or families with very small landholdings, and from situations of family indebtedness.

Although the *kamaiya* system of bonded labour was outlawed by Nepal in July 2000, it seems that many children continue to work as bonded labourers to pay off family debts. While most of the children reported that they had attended school

<sup>85</sup> The Time-Bound Programme is illustrated in more detail in Chapter 5 of this report.

<sup>86</sup> ILO-IPEC: *Nepal: Situation of domestic child labourers in Kathmandu: a rapid assessment*, Kathmandu, 2001.

<sup>87</sup> *IPEC Country Profile: Nepal*, available on ILO's website: [www.ilo.org/childlabour](http://www.ilo.org/childlabour).

<sup>88</sup> S. Sharma et al: *Domestic child labour in urban Nepal: Case of Pokhara, Butwal and Siddharthanagar Municipalities*, (UNICEF, Kathmandu, 1999).

before entering domestic service, one-third of them (around half of the girls) had worked on the family farm. Some 18 per cent of the children could not read or write and another 10 per cent did so with difficulty.

Many of the children reported that they were fed better and had better sleeping arrangements than at home. This, however, is indicative more of the poor conditions they faced at home than the good conditions under which they were engaged in domestic service. This is clearly illustrated by the fact that the children cited loneliness, heavy workload, bad treatment and extreme and violent forms of abuse as reasons why other children might not enjoy the work. The impact on the children of these hazards is potentially long-term.

## Physical impact

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Of the 378 children surveyed, for example, 374 worked 12 or more hours a day. This, in itself, constitutes hazard. Most of the work comprised dishwashing and other kitchen work and, not surprisingly given the long hours worked, 27 per cent of the children (103 children) said that they had suffered accidents, mostly in the form of cuts or burns. Ninety-four of the children had left a previous employer, half of them because of harassment. Although the nature of this harassment was not investigated further (since the employer was often present at the interview), many of the key informants raised the issue of sexual abuse of girls in domestic service. There are reasons to believe, therefore, that the physical impact of domestic service on the children in some cases goes beyond extreme fatigue and vulnerability to accidents.

## Psychological impact

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The impact on the children, however, was not only related to their physical health but to their emotional well-being and to their long-term prospects for a healthy, productive life. Many of the children, for example, said that they were lonely – 68 per cent of the children cited this as the worst thing about their situation. Confinement in the employer's home and the isolation of their situation therefore seriously impact upon their emotional health.

While nine out of 10 of the children were free to visit their homes, most of them did not actually do so. This is in part explained by the distance they would have to travel and the cost involved. There may be other factors involved, including the fact that most of the children had been sent into domestic service by their parents and that parental indebtedness or coercion were the principal reasons for their staying in service. Of the 73 children who said they were not free to leave domestic service, 41 said that their parents would not allow this. Almost 79 per cent of the 145 children who received payment for their work said their parents collected it.

## Developmental impact

The longer-term prospects of the children are greatly damaged by the fact that only 123 of the 378 children were in school at the time of the survey. The majority of these (88) were at primary level, while only 11 were at secondary level. Just one child was at higher secondary level. The proportion of girls attending school was very low (16.3 per cent), compared to boys (46.1 per cent).

While the opportunity of moving to the city for an education, or of domestic service being a preparation for a working life, are thus often cited as reasons why domestic service is a 'suitable' or even 'positive' experience for children entering early employment, it is clear that domestic service is in fact generally detrimental to a child's long-term prospects and contributes to perpetuating poverty and to holding back development.

Ironically, it is the relatively fast economic development of **Sri Lanka** that has contributed to an increase in child domestic service in that country. Research in Sri Lanka<sup>89</sup> found that the majority of people employing a child in their household are professionals, including women who just a generation ago might not have been free to have careers outside the home, with some 92 per cent of 'mistresses' working. Teachers ranked second among the female employers of child domestic servants. The employers on average had two or three children and the majority of employers were not previously known to the children.

At the same time, regularization of overseas labour for adult women working as housemaids in the Middle East/Gulf countries has meant that in Sri Lanka there is both a shortage of adult domestic workers and an increase in the vulnerability of children left behind in male-headed households, particularly on the tea estates, where alcohol abuse among the men also contributes to the children's vulnerability. Children are also, however, sent into domestic service from rural areas more generally (including from zones affected by conflict) and from city slums.

The law of Sri Lanka prohibits the employment of children under 14 and does not allow anyone under 18 to work at night. The government is currently in the process of defining hazardous work. Trade Unions in Sri Lanka have been active in lobbying for domestic service, including for 14-18 year-olds, to be explicitly recognized as hazardous. The Commissioner of Labour is authorized to investigate, inspect and institute legal action against child labour and, between 2000 and 2002, the Department of Labour successfully filed more than 70 cases against violators of child labour laws. Eighty per cent of these related to the employment of children in domestic service.

<sup>89</sup> H. De Silva: *Ceylon Journal of Child Health*, (Colombo, 1997), pp.20-28, quoted in *Sri Lanka Country Paper*, (ILO/Japan/Korea Asian Meeting on Action to combat Domestic Child Labour, Chiang Mai, Thailand, October 2002).

There is universal, free primary education in Sri Lanka, and only 92,145 children under 14, of a 5-14 year-old population of more than 3 million, were not in school in 1999.<sup>90</sup> However, this belies the fact that, of the more than 2 million under-14 year-olds in school, more than half were also involved in some form of economic activity. Since most of these children have no work-related skills, many of them end up in domestic service, which is dominated by girls from the Tamil community. Despite the availability of education in Sri Lanka, therefore, it is clear that many children of school age are entering the job market, and this is borne out by a recent Rapid Assessment survey<sup>91</sup> that showed that most of the surveyed children entered domestic service 'for an extra income' while in school or because they were not interested in studying, and that almost 40 per cent of the children had sought work themselves, voluntarily. More than 80 per cent of the children are paid for the work they do and receive the payment themselves.

## Physical impact

The tasks the children undertake relate mainly to household duties: cleaning, cooking, washing, looking after the children and family pets, and gardening. Many of the children also said that they had to undertake tasks that are clearly hazardous, such as working with fire (110 children), lifting heavy weights (109), climbing trees (45), climbing other heights (34) or working with sharp objects (105).

Of the 248 children surveyed, 172 said that they went to sleep at or after 10pm, and 112 said that they woke or got up before 5 am. It is therefore likely that the children's working day was long and often involved night-work. While most of the children were satisfied with the food they were given (218), their sleeping accommodation was not satisfactory: 137 slept on straw mats on the floor, 42 slept on a bed without a mattress, 13 slept on a cloth on the floor, six slept outside the house and three slept in gunny sacks. Only 36 had a bed with a mattress. This is particularly significant given the long working day of the children, since poor sleep and high levels of fatigue are debilitating and increase vulnerability.

Although most of the children in this survey said they did not receive any physical ill treatment, of the 32 who did, 14 said it was the mistress of the household who mistreated them and seven children were mistreated by more than one member of the household, including the children. Often the children could not offer a reason why they had been beaten. Significant numbers of children reported that they had been 'touched in a sexual manner' on various parts of the body (including 26 on the chest, 18 on the buttocks and 7 on the genitals) and 23 children said that they had been forced to kiss someone in the household.

<sup>90</sup> Department of Census and Statistics: *Child activity survey*, (1999).

<sup>91</sup> N. Kannangara, H. de Silva, N. Parndigamage: *Sri Lanka – Child domestic labour, a rapid assessment*, (Geneva, ILO-IPEC, 2002), draft – pages not numbered, Table 1.9.

## Psychological impact

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Many more children reported verbal ill treatment, with almost half (123 of 248) saying that they were verbally abused. This can be extremely damaging to young children, in particular, and especially in situations where they have no outside confidants or support. Again, most of the children said that it was the mistress of the household who verbally abused them, mostly 'for making mistakes' but often 'for no valid reason'.

Children in domestic service all over the world are victims of the dehumanizing effects of living in someone else's home as a servant. Most of the children in the Sri Lanka Rapid Assessment had to keep their belongings in boxes, bags or suitcases, and around 10 per cent of them had to dress and undress outside the house, in the open. Toilet arrangements varied, with the majority of children (190) using separate toilets to their employers, generally in a separate compound.

It is significant to note that some 43 per cent of the children (108) were not called by their own name by the employer. This is a further dehumanizing factor that contributes to the child's loss of a sense of identity and self-esteem. It is not surprising to note that 172 of the 248 children surveyed said that they were 'somewhat happy' or 'unhappy', with only 76 describing themselves as happy. Despite this, most of the children saw themselves still working in domestic service in two years' time.

It is clear from the Rapid Assessments undertaken in Nepal and Sri Lanka that the situation of children in domestic service is not homogenous and that responses need to be calculated to address the specific needs of different groups of children. What is also clear, however, is that children in domestic service, wherever they are, face serious physical, psychological and developmental repercussions of their employment, and that the long-term development aspirations of both the children and their communities are undermined by their continued exploitation.

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## Chapter 4:

### What can be done to prevent children from entering domestic service and to eliminate child domestic labour ?

Much has been written about programmes that aim to give children engaged in domestic work their rights as workers. Such children have reached the minimum legal working age in their countries but are below 18, the age recognized as the end of childhood in international law. They are therefore entitled not only to the protection of labour laws and standards, including international labour instruments, but also the rights guaranteed to them by the 1989 UN Convention on the Rights of the Child (CRC).

Very little has been documented, however, about actions specifically for children who are considered to be in a worst form of child labour either because of their age or because of the hazardous and exploitative nature of the work they do. For such children, the ultimate response must be ‘exit’, although circumstances may dictate that such exit is the end stage of a phased response that provides protection while the exploitative situation is being dismantled.

#### Implementing Convention No.182

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ILO Convention No.182 and Recommendation 190 call for governments to take a number of specific measures in order to eliminate the worst forms of child labour. These include:

- Implementing effective time-bound measures to eliminate the worst forms of child labour, without giving up the longer-term goal to eliminate child labour more broadly and, where children cannot be removed immediately from child labour, to support and protect them until such time as they can;
- Designating a competent authority which will be the national focal point for actions in implementing Convention No.182;
- Applying Convention No.182 in law and practice, including creating an enabling environment through inclusive, accountable systems of governance and sound macro-economic management, as well as poverty alleviation and social development programmes that reduce vulnerability;
- Undertaking action programmes to prevent the worst forms of child labour; provide direct assistance to support children who have exited child labour so that they can rebuild their lives within their families and communities (including programmes to support those families); provide access to free education; identify children at special risk with a view to protecting them; and take special account of the vulnerability of girl-children.

- Action against child labour in general, as covered by Convention No.138 and Recommendation No.146, goes beyond specific action to more contextual action, for example to promote birth registration so that each child has a traceable identity and history, and to provide social support services for both children and their families.

ILO-IPEC provides technical support to governments as they work towards fulfilling these tasks. In a number of countries, Time-Bound Programmes (TBPs) have been or are being developed to address all these requirements in a strategic and comprehensive manner. TBPs address all forms of child labour, focusing priority attention on the worst forms.

Targeting child domestic labour specifically, however, is a very challenging task for governments and all those working to prevent and eliminate the worst forms of child labour and to protect children from exploitation.

## The difficulties of addressing child domestic labour

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- Domestic service for children is **often not recognized as a form of child labour** because it takes place in the home. There is a perception that the child is safe within this setting and that it is not, in any case, anyone else's 'business' to 'interfere' in what happens in a private home.
- Children exploited in domestic service are **'invisible'**, hidden behind closed doors and difficult to reach. The problem itself is therefore also difficult to research and document, and so difficult to quantify, identify and respond to.
- Beyond a social reluctance to accept that domestic service is a form of child labour, there is also often an **institutional reluctance** to address issues that seem to impinge upon the rights of the family, and so domestic work is often **excluded from laws and policies** designed to tackle child labour or other forms of child exploitation.
- Because of both its hidden nature and the lack of recognition of domestic work as a form of economic activity, **regular labour mechanisms** are not systematically applied to situations where children might be found working in domestic service; labour inspections, registration and tracing schemes, and other 'checks and balances' on the workplace are not put in place and so these mechanisms which often help to identify children or uncover situations of exploitation, are not functioning.

Despite these difficulties, much can be done to work towards the elimination of child labour in the form of child domestic labour. Direct action can be targeted at:

- protecting children so that they do not enter domestic service by **reducing their vulnerability** and supporting them and their families;

- addressing the **demand** for children in domestic service and working to change both supply- and demand-side **attitudes and behaviour** that result in child domestic labour being tolerated;
- considering the possibility of setting a legal **minimum age** for domestic work, if this does not already exist, either by extending the application of the general minimum working age in labour legislation or as a special provision in a law relating to children;
- ensuring that children in legitimate domestic work (ie above minimum working age or clearly qualifying as ‘light work’) are supported and their **conditions monitored** so that they enjoy their rights under labour laws and standards and the CRC (thus implicitly recognizing domestic work as a legitimate economic activity and promoting regulation and standards);
- **removing** children immediately from the worst forms of child domestic labour and helping them to **rebuild their lives**, while also supporting their families and communities to protect them;
- **supporting and protecting children** who cannot be immediately removed from child domestic labour until such time as they can be safely removed and provided with adequate services and support, effectively putting into a place a protection strategy that has ‘exit’ as its end goal.
- All of these actions also presume that there is sufficient **understanding of the issues** surrounding children in domestic service – including where the line is drawn between legitimate domestic work and child domestic labour.
- **Frameworks** – legal and institutional -- also need to be in place so that such understanding and the action that grows out of it have public and institutional support.

## Tackling the causes

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Protecting children from entering into exploitation in domestic service in the first place means tackling the root causes of their vulnerability. This includes:

- Ensuring that families have sufficient income or coping mechanisms to be able to avoid or **deal with poverty**, whether severe or temporary. Programming in this area might include poverty alleviation projects and income-generation activities aimed at increasing the family’s disposable income, including small loans, community enterprise schemes, savings schemes, village cooperatives, vocational and skills training, job creation, job placement, small business development. Life skills and financial management training is also important so that families have coping mechanisms to deal with times of temporary hardship and to help them to maximize the benefits of increased income.

- To ensure that children benefit from improved economic circumstances in the family and community, it is important also to **reduce ignorance** about the rights of children and the hazards of child labour, with a view to changing attitudes and behaviour. This empowers the child's primary protectors and ensures that the child is not subject to pressures to drop out of school and begin work. At the same time, children themselves need to know about their rights, the importance of education to their future, and the potential hazards they face in premature entry into work, and particularly into domestic service. Programming in these areas includes education and awareness raising at all levels (for example for children through schools and youth groups and for parents through community meeting places or health centres, as well as via traditional and electronic media where appropriate), targeted campaigning for attitudinal and behaviour change, and advocacy for legal recognition and provision.
- If children's vulnerability is to be reduced in both the short- and long-term, **education and learning** are vital elements of broad prevention. Where possible, children of school age should be in school, and it is the job of government to ensure that sufficient and appropriate education is available and that children have free access to it. Families and communities have an important role to play in supporting the child's education so that s/he attends school and remains in school as long as possible. Experience underlines the importance of supporting parents before their child reaches an age where s/he might enter domestic service, and of providing education that parents see is relevant to their lives. In many cases, parents remove children from school because they themselves did not go to school and they do not see the value of it. Where a child drops out of school or is taken out of school, or where geography or other constraints mean that attendance at school is difficult, alternative means of providing learning opportunities to the child should be sought. These include non-formal education (NFE) opportunities, perhaps in the form of lessons given in the evenings or in a workplace, or through mobile facilities; and vocational and skills training to equip the child with skills that are matched to market needs and the child's expectations, in conjunction with lifeskills training to enhance the child's opportunities.
- The vulnerability of children, families and communities greatly increases in times of crisis, for example when a community is faced with conflict or natural disaster, or when a family suffers bereavement or illness of a breadwinner, and anticipating such events or identifying particular groups, families or children at risk is an important element of protection programming. This can be done through community watch groups, school surveillance teams or social service workers or, indeed, by mobilizing young people themselves into peer monitoring groups. Such **surveillance** teams can also work in communities which do not face specific crises but where there are potentially children at high risk, for example in cities where there may be pockets of extreme poverty, in refugee situations or in communities ravaged by HIV/AIDS.

- Being prepared to provide specific **emergency programming** to help families to cope in crisis situations will help to ensure that pressure on the family is alleviated and so the vulnerability of the child reduced. Such programming should be both short-term, to cope with the emergency itself, and longer-term until the family has emerged from the crisis. It can take a number of forms and include short-term subsidies, temporary accommodation, access to health services, provision of basic necessities such as food and water. Specific programming needs to aim, however, at protecting children from exploitation both by those who see an opportunity to obtain cheap labour and from family and community pressure to leave the home or begin work. Multi-disciplinary task forces comprising child protection officers, health workers, legal advisors and other necessary expertise may be one possible programming response to emergency situations.
- A much longer-term task is the need to address **gender inequalities and specificities** in the community that make either boys or girls particularly vulnerable to exploitation, or that create male or female exploiters. Girl-children may be particularly vulnerable to being pushed into domestic service for reasons outlined above, and promoting education for girls and the rights of girls is one important element of gender programming. However gender-sensitive programming should go beyond this and also consider the specific vulnerabilities of boys in some communities, as well as the different ways in which both men and women become exploiters of children. With respect to the exploitation of children in domestic service, much more needs to be known about the role of women as employers. Tackling gender elements in programming presumes not only education, awareness raising, equal opportunity legislation and enforcement, therefore, but gender-specific research, data collection and planning.
- Given the importance of power relationships in domestic service, it will also be important to programme to eliminate, reduce or mitigate other **hierarchy-based discrimination** in communities, whether these are based on race, tribe, caste, age or perceived social standing. This is a long-term and difficult undertaking, but it can be addressed over time through education, advocacy and awareness raising. In the short-term, it may require specific anti-discrimination or equal opportunity legislation and law enforcement including reporting mechanisms and redress.
- Where these indicators of vulnerability are evident – for example where there are deep-rooted gender inequalities in a community, combined with poverty – then **targeted protection** actions will be necessary so that the children at risk of exploitation are protected. These might take the form of programmes to map vulnerability factors and so identify particularly at-risk children, to support them and their families and to ensure that the children and those who are responsible for their care are aware of the risks the children face.

- On the other side of the demand/supply equation, in communities where there are potential exploiters of children at risk then **targeted prevention** actions to address these groups also need to be put into place. These might take the form, for example, of workplace-based campaigns to discourage people from employing children in domestic service, or community policing actions to emphasize the criminal nature of such exploitation.

## Putting in place frameworks for action

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- ILO Conventions No.138 and 182 are major frameworks bringing governments together at a global level to **commit to action** to eliminate child labour. Governments report on implementation of the Conventions to the ILO so that progress can be monitored, and the ILO's Committee of Experts also receives information through employers' and workers' organizations. Civil society organizations such as NGOs can bring child labour-related issues to the attention of these organizations. A number of individual cases are examined by the International Labour Conference, the annual meeting of the ILO's Member States, for discussion and action. These **reporting and follow-up** mechanisms make the Conventions dynamic tools for mobilizing governments and civil society to take action against child labour and for assessing progress and sharing experience.<sup>92</sup>
- The ILO's continuum approach to the issue of child labour (worst forms to be eliminated immediately; other forms as soon as possible) is reflected in the development of national **Time-Bound Programmes** (TBPs) to eliminate child labour. A number of these have now been developed or are in the process of being developed. It is important that child domestic labour, including its worst forms, be included in such TBPs so that no children exploited or at risk of being exploited in child labour are excluded from the coverage of actions to be taken.
- The same is true of **National Plans of Action** (NPAs) against child labour, or for child rights. Since domestic service is often not recognized as a form of child labour, there is a risk that it will be omitted from NPAs designed to protect children from exploitation, remove them from it and to eliminate the exploitation itself. NPAs are important practical tools at a national or provincial level, since they spell out what action needs to be taken to eliminate child labour and whose strengths can be harnessed for each action. The preparation of NPAs usually also involves mapping out the child labour problem in the area to be covered and the resources – including human resources – that are available to address it. Consultation processes leading to the development of NPAs are also important mobilization and networking opportunities.

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<sup>92</sup> More information on reporting to the ILO is contained in: *The International Labour Organization – a handbook for minorities and indigenous peoples*, (London, Anti-Slavery International, 2002). The text is also downloadable at: [www.antislavery.org/homepage/resources/PDFpublication](http://www.antislavery.org/homepage/resources/PDFpublication).

- NPAs and TBPs are most likely to be successfully implemented if there is a **designated focal point** that has oversight of implementation. Such a mechanism might, for example, convene progress meetings, provide reports, coordinate capacity building or training for implementing agencies, report to parliament/ other bodies of governance, facilitate information sharing and prompt exchange of good practice and experience. A number of countries have designated focal points on child labour in accordance with their commitments under Convention No.182. Focal points take the form of a nominated government department (for example the Department of Labour, or the Ministry of Youth and Social Welfare), a governmental commission that brings together several concerned ministries (Labour, Youth, Social Development, Justice, Education, for example), a multi-agency committee that includes government, workers' and employers' organisations, UN, NGO, donor and other representatives, or a specially formed National Committee for Children, National Steering Committee or a similar body.
- **Legal protection** for both working children and children at risk of or in child labour is an important element of framework action against child labour. Here again, however, domestic service is often not included as a form of child labour, since law-makers may be reluctant to legislate for what happens in the home, and sensitivities run high whenever there is discussion of legislation against child domestic service. It is clear, however, that such exploitation must be eliminated and that the force of the law must be brought into action to achieve this. Legal provisions can help clarify people's understanding of what needs to be eliminated as child domestic labour, and provide a basis for implementation measures where necessary. Such laws might be general child protection laws, including on the transfer of children to people who are not the child's parents or covering trafficking and debt bondage, adoption or placement with extended family; child labour laws aimed specifically at providing legislative support to the elimination of child labour; laws covering the provision of and access to education; and laws relating to gender discrimination or other forms of discrimination that allow hierarchies to operate. These should all be reviewed to ensure that they apply in situations of domestic service. Protection is also provided to working children above the minimum working age through labour standards provisions and inspections.
- If laws are to be effective, then they must also be effectively implemented. Successful **law enforcement** is not only an issue for law enforcement officers. They have a responsibility to implement the letter of the law and to bring offenders to justice, but there are also roles for employers' and workers' organizations, NGOs, teachers or other professionals in contact with children, and civil society in general in reporting violations of the law, and in participating in multi-disciplinary task forces that support children who are removed from exploitation as a result of police action. Employers, workers and NGOs can also be effective in supporting law enforcement by setting up mechanisms for reporting when law enforcement officers do not enforce the law or endanger the child. Law enforcement also includes the work of members of the judiciary and legal

professional staff. They may need specific training to deal with issues relating to child labour, domestic service or child rights, and in giving support to exploited children in legal process ('legal accompaniment').

- Although it may not immediately seem an important element of framework action for the elimination of child domestic labour, **birth registration** is a vital prerequisite to protecting all children from exploitation in child labour and to ensuring that they enjoy their rights as children. If a child is not registered at birth, it is impossible to know for certain her/his age, to pursue exploiters through the courts when they exploit under-age children, to apply standards such as the minimum working age and to put in place registration and monitoring systems that not only trace the child's progress through school and work but also when the child or family relocates. Without an official status provided through birth registration, children are not guaranteed access to social services or schools. Although governments have a duty to provide for universal birth registration (including to ensure compliance with obligations under the CRC [Article 7]), some 40 million children or one-third of all births go unregistered globally each year.<sup>93</sup> Research in Sri Lanka,<sup>94</sup> for example, showed that 40 per cent of children in domestic service did not have birth certificates. In support of birth registration, also, information and practical help for parents is important, so that they know how, where and when to register their child.

## Ensuring understanding and a sufficient knowledge base for action

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- The need to understand why and in what ways domestic service constitutes child labour, and can be a worst form of child labour, underpins all action to be taken to eliminate it, since this understanding positions domestic service firmly within the remit of ILO Convention No. 138 and 182 and brings the full weight of government commitment to bear. **Research and data collection** to fully understand the nature of domestic service in each country or region – the 'story of the individual child' that was shown to be so vital to full understanding in earlier chapters of this report – are therefore important prerequisites for action. This is a difficult challenge given the hidden nature of child domestic labour and the fact that children trapped in the worst forms are often locked away in private homes and inaccessible to outsiders. Innovative ways to collect both primary and secondary research will have to be found, including identifying places and times where children might be allowed to leave the house (for example to collect water, or go to the market), people who might have access to the house (for example older household help, gardeners, electricians and plumbers, postal workers or water maintenance engineers, tutors of the children of the family,

<sup>93</sup> U. Dow: "Birth registration, the first right", in *The progress of nations* (New York, UNICEF, 1998), pp.5-11, quoted in *A future without child labour, Global report 2002* (Geneva, ILO, 2002), p.84.

<sup>94</sup> Study on the legal protection of child domestic workers in the Asia-Pacific, op.cit., p.77.

midwives and the such-like). For each given situation, ways must be found to document the reality of the child's situation and to build up a picture of the specific nature of child domestic labour in a given place. Although each child's story is likely to be different, there may well be some trends to be identified, particularly where community or social factors are at play (for example in areas where a particular caste or tribe has traditionally provided domestic staff for another, or where there is a tradition of placing a child in the extended family when the child's parents cannot afford to keep her). Reliable research and data are also important underpinnings for **advocacy** with governments and other decision-makers, and for **awareness raising** with families and children.

- Once the problem itself has been clarified and the specific nature of the challenges are known, it is important to also **map out the resources** that can be used to face these challenges. These range from documenting and analysing available laws and standards (including international law), to the names of experts who can design intervention programmes. Resources also include available funding or funding sources and knowledge materials such as research reports, good practice guides, and compilations of lessons that can be used in planning. Such mapping can form the basis of **mobilization** of all of these resources and **identification of strengths and weaknesses** of each particular player. The contribution that children and young people can make, particularly to research and access to other young people, should not be forgotten.
- Building up knowledge and understanding of child domestic service includes **documenting** experiences of all those working to combat it. These experiences may provide lessons for actions to replicate or actions to avoid – even actions that did not succeed can be turned into valuable experience for others. This presumes, also, that there will be regular **evaluation** of programmes and initiatives, so that their strengths and weaknesses can be understood and can inform the planning of future actions. Evaluation -- which can be formal, informal, internal or independent, or a combination of these – is not intended to 'judge' actions or those who implement them, but to draw out lessons and contribute to better and more effective programming.
- As the body of research, data and lessons grows, it is vital to put in place mechanisms for sharing this information. These can be quite modest and take the form, for example, of a simple mailing list of people who are particularly interested in the specific country, region or issue (for example health aspects of child domestic service). They can also be broad-ranging, for example a newsletter in several languages distributed through an international network in printed and electronic formats. Whatever the format chosen, it is important to build **information sharing** on the answers to some basic questions: Who can use this information? How can we ensure that it reaches them? What format will best suit their needs and our resources? What can we do to ensure that the information remains active and useful (for example, holding a workshop to discuss the contents)?

- Solid research and data, and networks for information sharing, are important prerequisites to programmes designed to **address ignorance** about domestic service and thus to **promote behaviour and attitude change**. Simply telling people about domestic service is not enough to make them want to eliminate it. Convincing arguments will be needed, and this presumes a full grasp of the topic on the part of those developing these arguments. Some people may be motivated to act against child domestic service (for example by not sending their own child to work, or by actively campaigning in a community or joining a surveillance team) simply by being convinced that it is harmful to the child. This, though, is rare. Generally people need more convincing, and may need to be confronted with a range of realities about harm to the child, long-term damage to the community, and legal sanctions against those who engage children or facilitate their entry into exploitation. Awareness raising, educational and change-promoting programmes should take into account the level of receptiveness of the audiences at which the programme is targeted. Legal frameworks that indicate a country's refusal of domestic service as an option for children, and law enforcement that backs this up, reinforce the impact of awareness raising.
- **Addressing demand** for children in domestic service is a particular challenge. Not enough is known about the many different kinds of people who engage children to help in their homes and confront them with hazardous tasks, exploit or mistreat them. Such people may include well educated, middle-class career women and poor families who themselves go out to work and who take on a child to care for their own home. They may be male or female, young or old, single or married with family, rich or poor. Research and data collection will be needed to **build up profiles** of the individuals or groups in each community who are involved in the demand side of child domestic labour – the employers and recruiters. On the basis of this, targeted programmes can be designed to attempt to change their attitudes and behaviour, or to identify and pursue them if they are breaking the law. Where children are legitimately engaged in domestic work, then ensuring that employers know the rights of the child worker and help them to enjoy those rights is also an important activity. Trade unions and employers have a particular role to play here, since their constituencies are largely adult and may represent demand for children to work in the home.
- It is clear that these challenging actions will require not only dedication and tenacity but also specific skills, ranging from data collection to programme design and monitoring, from financial management to being able to advocate with governments, and much more. **Capacity building** opportunities for those working on behalf of children in domestic service is therefore an important element of programming. The specific skills needed should be decided in consultation with those who will be running the programmes. Refresher courses should be given from time to time to check on progress made and to upgrade, update and reinforce the skills acquired. Children and young people should be included in capacity building initiatives, not only because they can contribute to

programming in particular ways but also because their participation ensures continuity and longer-term sustainability.

## Removing children from exploitation and helping them to rebuild

- When children are found to be in a worst form of child domestic labour, they need to be helped to exit it immediately, since it is putting their lives at risk. Children in domestic labour also need help to exit, although if such labour is not immediately life-threatening and no immediate alternatives are available, it may be that they can be supported and protected while an exit strategy is put in place. However, where laws exist making child domestic labour illegal, urgent action must be taken to **remove the child and pursue the employer/exploiter**. This presupposes, therefore, that there will be law enforcement action and that law enforcement officers will lead the action. NGOs and social welfare organizations can work alongside law enforcement to ensure that the child is protected and that support is given. This will inevitably mean temporary accommodation and immediate health care (addressing both physical health, for example if a child has been beaten, burned or abused; and psychological health to deal with trauma). It may also include legal advice if the child is expected to give evidence in any legal process arising, or if the child is in an illegal situation (for example an irregular migrant as a result of trafficking).
- In many cases, returning the child immediately to the family will not be the best option, if the family has been the motivating force behind the child's entering domestic service. Medium- to long-term support will also therefore be needed, including accommodation or working with the family and community to provide a safe return over time, and longer-term health support for injuries or psychological needs. Most of all, the child will need support in **building a safer future**, including being helped back into formal schooling, having access to NFE where formal school is not possible, or receiving vocational or skills training to prepare for a safe and secure working life. All of these elements of what is often called 'rehabilitation and reintegration' form part of the 'whole life framework' that aims to help a child complete the journey from child labourer to adult worker safely and in full enjoyment of her/his rights.
- Particular attention may need to be paid to the **reproductive health of girls** who have been in sexually abusive situations. This may include support to pregnant girls and in the longer term to both mother and child. It may involve medical interventions where a girl has suffered damage or infection related to sexual activity or aggression, including treatment for STDs. In some cases the child may be HIV-positive and in this case long-term plans will need to be made to support the child, possibly including providing an alternative home for the child rejected by her/his family. The experience of community groups and organizations working in programming for those living with **HIV/AIDS** will be valuable here

and children's organizations have much to gain from including such groups in their networks.

- It is important to address the **needs of the family** of a child engaged in child labour, to reinforce the family's ability to fulfil its protection responsibilities towards the child and indeed to ensure that other children in the family do not enter exploitative situations. This may range from helping the family to understand why the child should stay in school and not work until s/he has completed an education, to helping the family to relieve financial pressures through income-generation or job creation programmes. It may include regular monitoring of the family to ensure that the children are safe and no longer at risk. The needs of each family may be different, and 'tutor' or 'guardian' programmes that match families with someone in their own community or outside helpers can provide a means of customized, immediate support that will also help if a crisis should arise.
- In cases where children have been in particularly traumatic situations, there may be a need for **psychosocial support and rehabilitation**. This presumes immediate intervention to provide appropriate and targeted psychosocial counselling for the traumatized child, and longer-term psychosocial support and follow-up. This may begin in a support setting such as a halfway house or clinic, to be followed by support after return to the family or community, or wherever the child is resettled. It is vital that psychosocial support be accompanied by actions that will help the child to have a secure future, whether that be through a return to education, through vocational training or, if the child is of working age, in suitable, safe work. The aim is to see the child within a '**whole life framework**', where her/his long-term needs are taken into account in short-term actions.

## Prevention of exploitation

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- Finally, if child domestic labour is to be eliminated altogether, it will also be important to **dismantle the mechanisms** that facilitate it. This must be done after careful research to identify exactly what those mechanisms are and with due regard to issues of law and law enforcement. Taking the law into one's own hands is not a long-term solution to child labour. Mechanisms at work in the exploitation of children in domestic labour include recruiters, who may be individuals, groups, networks or agencies who look for vulnerable children and recruit them into domestic service, usually for a fee from the parent or employer or both; brokers who may negotiate arrangements where children are used as payment or collateral; transporters and others involved in organized trafficking of children;<sup>95</sup> or the varied avenues of misinformation – ranging from community folklore to mass media stereotypes – that lead people to believe that domestic service for children is a low-risk, even desirable activity.

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<sup>95</sup> For more on the actors involved in trafficking, see *Unbearable to the human heart*, *op.cit.*

- In addition to the research that can throw light on exploitation mechanisms, **surveillance and monitoring** can also identify mechanisms at work in a particular community or country. Such surveillance can be organized with training from law enforcement professionals and should ideally not just be undertaken without proper training and planning, since it might be risky both for the children and for those attempting to help them. Sentinel groups in communities can, in addition to identifying recruiters or brokers in their midst, also be aware of children or families who may be at risk and of trigger factors such as sickness or death in the family or failure of a harvest.

The next chapter of this report looks at some examples of programming that have been initiated. It attempts to draw out lessons from experience to date and to point the way forward.



### CASE STUDY 3: **The first step in elimination: Philippines and Thailand**

Rapid Assessment research<sup>96</sup> shows that the problem of child domestic service in **Thailand** is in a transitional stage. Action taken on a number of fronts over the past few years has seen a reduction in the numbers of Thai children entering both domestic service and other forms of child labour. However concerns are growing that, to some extent, extremely vulnerable children from neighbouring countries such as Myanmar (Burma), Laos and Cambodia are replacing Thai children in exploitation, sometimes after voluntary migration into Thailand but also as trafficking victims subject to coercion or deception.

Of primary importance has been the attention given to child labour, including child domestic labour, by the Government of Thailand in the form of revision and implementation of laws. In 1997, with ILO-IPEC support, the Ministry of Labour and Social Welfare put in place its first five-year National Plan of Action (NPA) to eradicate child labour. This focused on creating consensus and cooperation among all those involved in combating child labour: government agencies, NGOs, employers' and workers' organizations, academic institutions, and other civil society players. The aim of such cooperation was to ensure that a policy framework is in place to prevent child labour, protect children and develop mechanisms for effective monitoring. A revised plan (2002-2006) was developed in 2003 to focus on the worst forms of child labour.

Underpinning the NPA is the Labour Protection Act of 1998, which prohibits employment of children under the age of 15 and imposes conditions on employment of children between the ages of 15 and 18, in particular relating to hours of rest, night work, inappropriate work, remuneration directly to the minor, and a prohibition on 'guarantees' or 'deposits' paid by the minor. Also of underlying importance is the introduction of a 12-year compulsory education system which has seen many more children remain in school.

The Rapid Assessment completed in 2002 concluded that, in general, children working in urban areas were supported by relatives, and those working in the provinces by their parents, so that their situation did not require priority action. Where children have been trafficked into domestic service, however, then they are considered to be in a worst form of child labour and swift action should be taken. The Assessment also concluded that "the success of family planning, the widespread educational opportunities in rural regions, the development of the industrial and service sectors, and the child labour law increasing the minimum working age of children have reduced the supply of child domestic labour in Bangkok". The Assessment also noted that middle-class families in the cities

<sup>96</sup> N. Phlainoi: *Thailand – Child domestic workers: a rapid assessment*, (Geneva, ILO-IPEC, 2002).

found it increasingly difficult to employ children in their homes, with the result that demand and supply forces gave the children more bargaining power.

Despite this, the Rapid Assessment also noted that domestic work remains a 'lowly' undertaking in Thai culture and that those working as domestics are often stereotyped in the media and popular culture, often being labelled with insulting names. The survey also noted that, despite signs of progress, the nature of domestic service means that the situation of children remains hidden and may therefore mask abuse and exploitation. There is also a risk that those employers who do exploit the children working in their homes are the least likely to allow inspections or other social protection agents access to the child.

Indeed, one of the conclusions of a workshop held in Bangkok in September 2001 to share preliminary findings of the Rapid Assessment was a perception that there is still much to learn about child domestic service in Thailand, precisely because of the difficulty of monitoring what happens inside the home. At present state authorities wishing to enter a home to investigate the situation of a child in domestic service must justify this and obtain permission from a court of law. It was suggested that one way to obviate this would be to introduce registration of children employed in domestic service, although of course employers who exploit or abuse children would also be disinclined to register the children and might, indeed, keep them even more hidden from public view.

Another suggestion put forth at the workshop was that, since the sector of domestic work in Thailand is moving increasingly away from manual tasks that can be accomplished by modern technology (such as dishwashers, or washing machines) towards caring for the elderly or very young, such employment should be professionalized and be a subject for training, qualification and career development. This might profitably be the responsibility of the private sector, since the training programme run by the Department of Public Welfare for carers had not received much public interest.

The Assessment also noted, of course, inequalities among families and children in the cities and rural areas of Thailand. While most city-dwelling families have benefited from development and technological progress, many rural children remain vulnerable because of family poverty, pressure to move to the city to find work and help the family, traditions of migration for work, and early withdrawal from education. Rural children who travel to the cities to find work generally do so with the help of family or community networks operating between the village and city, and this also provides some support for the child who has left her/his family. More than half of the children surveyed for the Rapid Assessment, for example, said that they had been brought to Bangkok by parents or relatives.

Once in domestic service, the children generally worked long hours. More than half those interviewed worked between 12 and 14 hours a day, with 19 per cent

working longer. Most of the children (58.3 per cent) had to work seven days a week, principally looking after small children or the elderly. Although some of the children did have holidays, 27.8 per cent did not.

The majority of the children (77.4 per cent) said that they were never punished, although a larger number of boys than girls (26.9 per cent compared to 16.9 per cent) reported occasional punishments. Most of the children received adequate food, and just under half of the children were allowed freedom of movement within Bangkok and outside. Just under 60 per cent of the children felt that their living conditions were better than at home, although only 38.2 per cent said that the work they had to do was lighter than if they had been at home. Two-thirds of the children said they were happier at home or felt much the same at home or in service.

The Rapid Assessment also included recommendations on action that is still needed to address child domestic labour in Thailand.<sup>97</sup> More understanding is needed of the detail of domestic service, particularly in relation to demand for such service, patterns of work and the impact of laws on the employer-child relationship. There was also a suggestion that more should be done to encourage public debate of domestic service so that those who employ both adult and child domestic help would feel that their conduct was open to public scrutiny. There is also still action to be taken to implement the 12-year compulsory education system, particularly in rural areas where poverty is a powerful disincentive to keeping children in school. The changing nature of domestic work from cleaning to caring is also an area for action in the future. Finally, the trafficking of children from neighbouring countries to meet unmet demand for domestic servants is an urgent area of concern. Trafficking constitutes a worst form of child labour and requires priority action.

Lessons learned from experience in the **Philippines** in the area of child domestic labour are potentially relevant to Thailand and other countries. Although the Philippines has long experience of sending adult domestic workers to many countries of the world, the situation of children in domestic service has been little documented. Nevertheless, the experience of a number of organizations who have worked with young adult domestic workers has produced lessons on priority areas for action to support minors who are working legitimately as domestics, particularly in the provision of education and health services, and in support for the creation of collectives and self-help groups.<sup>98</sup>

<sup>97</sup> See also: *Report on child domestic workers in Thailand*, (Bangkok, Foundation for Child Development, 2002).

<sup>98</sup> "A safety net for invisible child domestic workers", *Children at work No.4*, (Geneva, ILO-IPEC, October 1997).

In the Philippines many children enter domestic service to help pay for their education. Providing bridging or alternative NFE for these children can help them to realize their aspirations and exit domestic service in time. This means that the children also need help negotiating such services with their employers, and this is provided along with general counselling and, where necessary, legal advice and accompaniment. Such support can be provided in locations where the children gather, via telephone hotlines, through the distribution of newsletters or through peer groups where older children effectively become 'mentors' for the younger children.

Much of this work is undertaken by NGOs who work for children or for women. This is, however, as part of a broader alliance of government agencies, international organizations and labour sector and civil society players that has generated increasing attention and mobilized resources for combating child labour, including children in domestic service. The Government of the Philippines has enacted a number of laws that provide protection to children, and revised the Penal Code to this effect. The government has recognized the need for multi-agency cooperation in this area and the Departments of Labour and Employment, Social Welfare and Development, Education, Interior and Local Government, and Justice all have key roles to play in combating the exploitation of children in labour.

A rolling National Programme Against Child Labour (NPACL), reviewed and redirected for the period 2001 to 2004, provides a framework for this multi-agency effort. In conjunction with this, the Philippine Medium-Term Development Plan for 2001-2004 targets the elimination of poverty as its primary goal, subsuming concern for working children and child labourers in chapters promoting full, decent and productive employment, enhancing capacities through health, education and housing, and the protection of vulnerable groups. A companion plan relating to young people specifically targets areas relating to children at work and in child labour, and specifically those in hazardous work, the abused and exploited. Government commitment to eliminating child labour in the Philippines has been given a high profile, with leadership from the President herself, and results of public awareness surveys suggest that there is increased public awareness of the issue as a result.<sup>99</sup>

The NPACL is included under the Philippines' TBP to eliminate child labour as well as the Decent Work Framework which includes the elimination of child labour as a key strategic outcome of job creation, respect for labour standards, social protection, and tri-partism and social dialogue. The NPACL focuses on three key result areas: prevention, protection or removal, and healing and reintegration. To achieve these, a comprehensive programming effort is being made in the areas of research, advocacy and mobilization, law and policy, organization and

<sup>99</sup> *Philippines country paper*, (ILO/Japan/Korea Asian Meeting on Action to combat Domestic Child Labour, Chiang Mai, Thailand, October 2002), p.3.

community empowerment, surveillance and rescue, direct services, capacity and institution building, documentation, monitoring and evaluation, children's participation and workplace monitoring.

These frameworks and national laws are generally in accordance with the parameters of ILO Conventions on Minimum Working Age (No.138) and the Worst Forms of Child Labour (No.182), although the government recognizes that children who are in domestic service may be hidden from scrutiny and may not receive full protection of these efforts.<sup>100</sup> The government has also expressed concerns about the vulnerability of children in domestic service to physical, verbal and sexual abuse.

Where children are reported to be subjected to such violence, action can be and is taken through the *Sagip-Batang Manggagawa*,<sup>101</sup> a multi-agency programme that includes rescue operations and the interception of traffickers and employers. Children are removed from dangerous situations and provided with temporary accommodation where they receive counselling and legal support while judicial processes are instigated against exploiters. In its first seven years of operation, *Sagip* mounted 269 operations resulting in the rescue of 822 minors, including children in domestic labour.

A large number of NGOs also work specifically for children in domestic service. Among these, the Visayan Forum (VF) has for several years campaigned to eliminate child domestic labour and to support children legally in domestic work. VF has been licensed by the Department of Social Welfare and Development to provide temporary shelter for children removed from domestic labour, promotes the organization of child domestic workers through an association known as SUMAPI (*Samahan ng Manggagawang Pantahan sa Pilipinas* --- Association and Linkage of Domestic Workers in the Philippines) and has projects to provide services for children in domestic work including advocacy services, resource centres and social services.

In the Philippines, trade unions have also been active in advocacy efforts to eliminate child labour and to support working children. Organizations like the Trade Union Congress of the Philippines (TUCP), the Federation of Free Workers (FFW) and the Alliance of Progressive Labour (APL) have strong alliances with informal sector organizations. They have been successful in promoting ratification of Conventions Nos.138 and 182, and in supporting legislative reform to protect children.

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<sup>100</sup> Ibid., p.9.

<sup>101</sup> Literally, "rescue the child worker". Ibid., p.13.

## Chapter 5:

### Learning from experience and planning the next steps

This chapter contains some examples of work that is being done to address the problem of child domestic labour. However, it should be noted at the outset that much of the work done to date has been somewhat insensitive to the differentials developed in this report regarding the age of the child and conditions of work as delineated in ILO Conventions Nos.138 and 182. This seems to be because traditionally the starting point of actions to address this problem has been that child domestic service is an established phenomenon, unlikely to change, and so priority is given to supporting the child and improving her/his conditions of work. This must change. By ratifying ILO Conventions Nos.138 and 182, governments have committed themselves to eliminating child labour, starting with its worst forms. While it is of course true that the best interests of the child must be of prime concern, in the long term this means also ensuring that no children are exploited in domestic labour and that the phenomenon itself is targeted.

It is consequently vital that the age of the child and the working conditions are taken into account in designing actions to combat child domestic labour and indeed child labour in general.

- Where the child is **above the minimum working age**, the aim must be to ensure that s/he enjoys all of her/his rights as both a worker and a child.
- Where the child is **under the minimum working age** then the aim must be to remove<sup>102</sup> her/him from exploitation as soon as possible and reintegrate her/him with the family and education programmes. There are children in this category who cannot return to their family, in which case appropriate action must be taken to provide the child with a safe living environment. In every circumstance, any action taken must be part of a broader 'exit' strategy that ensures that the child exits domestic labour at the earliest opportunity.
- If the work performed constitutes a **worst form of child labour**, then the aim must be to remove the child immediately and provide him/her with appropriate and safe options.

This framework of minimum working age and the prohibition of worst forms of child labour for all children should be set unambiguously in legislation, making sure it covers domestic work. At the same time, in each of these cases, prevention and protection need to continue to help children and families avoid exploitative work of all kinds by helping them to seek and find alternative ways of surviving; to encourage children of all ages and both sexes to see education as a key to their

<sup>102</sup>Removal of course presumes adequate and appropriate measures to ensure the child's short- and long-term safety and survival.

future development, and to ensure that they have access to education that fulfils this; to support governments in efforts to eliminate child labour in all its forms; and to build capacity so that all those who work to eliminate child labour, protect children, support families and enhance social development have the resources and the tools to do this work effectively.

The time has come, too, to begin seriously to evaluate the impact and lessons of the many diverse initiatives that have been undertaken by governments, NGOs and international agencies in many parts of the world. A disinterested examination of these experiences, and a realistic assessment of their impact both on children and on longer-term efforts to eliminate child domestic labour as a form of child labour and possibly one of the worst forms, will allow lessons to be drawn that will be of use to other agents working on behalf of children.

These lessons may not always be positive, but lessons about difficult experiences, unsuccessful initiatives or at worst negative impacts are also of value, helping others to plan future actions that take into account both the pitfalls and the potential. When these evaluation exercises are undertaken, they should be documented as lessons and recommendations for others to use, and should be widely shared.

Arguments that the exploitation of children in domestic service is ‘a common feature of society’, ‘a long-held tradition’ or ‘too widespread to be able to change’ are not good reasons not to act. Combating child labour of any kind is a difficult undertaking -- and eliminating child domestic labour is particularly so given its pervasive, hidden nature -- but difficulties are there to be overcome and a number of governments, NGOs, labour sector actors and international organizations, have already found ways to make a real difference.

## Recognition of child domestic labour as a prelude to policy

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At an international level, much of what is needed to support action to eliminate child domestic labour is already in place. A record number of governments have ratified ILO Convention No.182 and have begun to take action to implement its provisions. However, with regard to child domestic labour, a key decision has to be made by each government on where and how the elimination of child domestic labour fits into national efforts and priorities. It is hoped that the presentation of the framework in Chapter 1 of this report contributes to discussion on this.

One key to the analysis in this report, and to the debate around child domestic labour, is the setting of a minimum working age in each country, so ILO Convention No. 138 is very important. Most member states of the ILO have moved to set a minimum working age; what is needed is also to achieve consensus

on the fact that domestic service should specifically be subject to minimum working age provisions.

If this is to happen and governments are to be supported in taking such steps, then it is vital that there is clarity on the issues. At the moment, many of the documents being produced to inform and advocate against child domestic labour contain blanket statements relating to children doing domestic work under the age of 18, regardless of whether this is in fact legal (ie the child is over the minimum working age and not in an exploitative or hazardous situation), the child is in a beneficial position, or safeguards are in place. It is only by de-emphasizing legitimate domestic work in advocacy that it will be possible to emphasize child domestic labour, including its worst forms.

This presumes a clear understanding of the differences, and agreement that the experiences of children in domestic undertakings are not homogeneous.

A number of governments have already gone through these analytical steps and taken action to include child domestic labour in legal and policy frameworks to eliminate child labour. The Cambodian National Plan of Action against Child Labour, for example,<sup>103</sup> includes a number of targets for priority action, among which children in domestic labour are included. The National Plans of Action to prevent and eliminate child labour in Costa Rica, Nicaragua and Honduras highlight child domestic labour as an area for special attention.

### National Plans of Action and Time-Bound Programmes against Child Labour

In **Cambodia**, the National Plan of Action indicates, in a section on ‘social welfare and protection’, that the aim of ‘reducing the incidence of child domestic work and children carrying heavy loads’ can be met through education and understanding of children, families and communities; the provision of skills and vocational training to children and families; the provision of NFE to children; the provision of credit schemes to working children and their families; and encouragement and assistance in providing educational opportunities for children. It tasks government, NGOs and international organizations, employers’ and workers’ organizations, the community, and children and parents to achieve this in the ‘medium term’.

<sup>103</sup> Action against child labour, op.cit., pp.32-34.

## National Plans of Action and Time-Bound Programmes against Child Labour

**Tanzania** is in the process of implementing its Time-Bound Programme (TBP) to eliminate child labour as a framework for implementation of ILO Convention No.182. In April 2001, a national roundtable on the TBP convened by the Prime Minister's office resulted in a decision to move to eradicate the worst forms of child labour associated with five sectors: commercial sexual exploitation, mining, commercial agriculture, the urban informal sector and child domestic labour. The programme will facilitate the creation of an enabling environment for the elimination of the worst forms of child labour by supporting interventions and building strong links and collaboration with relevant activities, ongoing or planned.

To achieve the total elimination of the worst forms of child labour in the identified sectors by 2010, a broad range of effective partnerships with national and international development partners will be needed. To make sure that this happens, the TBP includes work to develop and implement a Strategic Programme Framework (SPF) for the elimination of the worst forms of child labour. This will serve as a platform of action for effective partnership building. At the same time, the TBP also aims to provide direct support to priority target groups in selected districts, with a view to building the capacities of organizations working for the prevention and elimination of child domestic labour and to replicating good practices found in the country.

Initiatives have also been taken at a subregional level. In March 2000, 18 government representatives from francophone African countries met in Bamako to debate and agree on action to eliminate the exploitation of children and to formulate a framework agreement that would serve as a tool in harmonizing national laws in this subregion. Child domestic labour was explicitly included in this agreement.

The French Minister for the Family and Children, also present, lauded the agreement as courageous and a vital tool in dismantling burdensome social and cultural obstacles. "Tradition is not an absolute value," she said, "It is subordinate to respect for human rights".

## The Bamako Declaration

- Principle 1: All human beings under the age of 18 are children.
- Principle 2: All children must be registered at birth.
- Principle 6: Child labour and in particular child domestic labour are strictly forbidden if they do not conform to the articles of ILO Convention No.182.
- Principle 19: ILO Conventions relating to minimum working age and the worst forms of child labour will be respected by the States, who undertook to implement their provisions into national law.

A subregional tripartite seminar on strategies to prevent and eliminate the worst forms of child labour in Central America and the Dominican Republic was held in San José, Costa Rica, in April 2002. Sixty-five participants from eight countries of Central America and the Dominican Republic identified and analysed the scope and characteristics of child domestic labour, as well as strategies to combat it. Child domestic labour was recognized as a real problem in the subregion because of the conditions of exploitation and hazard that thousands of children involved in domestic service face. Governments, employers' and workers' organizations and civil society organizations reaffirmed their commitment to support strategies to prevent and eliminate child domestic labour.

## The Panamanian Inter-institutional Declaration against the Worst Forms of Child Domestic Labour in the Homes of Third Parties

- Principle 1: It is recognized that child domestic labour in the homes of third parties is a violation of the human rights established in the UN Convention on the Rights of the Child, but that it is not perceived as a social problem.
- Principle 2: It is a form of gender discrimination that girl-children are forced to enter.
- Principle 3: The tasks that child domestic labourers carry out are inappropriate for their age. Such duties imply risks against the child's integral development, and attempts against their right to education.
- Principle 4: It is important to sensitize decision-makers so that they give priority to child domestic labour in the formulation of policies.
- Principle 5: It is important to sensitize society in general in order to achieve necessary attitude change.

In the Asia-Pacific region, a landmark agreement was reached following a tripartite meeting on child domestic labour held in Chiang Mai, Thailand, in October 2002. This meeting gave social partners an opportunity to discuss action to combat child domestic labour thoroughly for the first time, and resulted in the adoption of a framework for follow-up that articulates elements of hazard and exploitation in child domestic labour and proposes a set of social interventions to ensure that it is prohibited for children under 15 years of age. It also focuses on improving working conditions for children above the minimum working age through Codes of Conduct for employers, on ensuring access to education and on preventing abuse and exploitation.

### **Framework for follow-up action to combat child domestic labour in the Asia Pacific region (Chiang Mai, Thailand, 4 October 2002)**

The tripartite participants to the ILO/Japan/Korea Asia Meeting on Action to Combat Child Domestic Labour expressed their concern about child domestic labour in the Asia-Pacific Region. They recognized that it needs to be expressed as a priority. The participants also maintained the view that extreme poverty plays a crucial role in the perpetuation of child labour and thus child domestic labour cannot be effectively addressed overnight and in an isolated manner. “Extreme forms of poverty play a crucial role in the context of child labour as children’s work and earning becomes an integral part of the overall survival strategy of poor families” (World Bank). This issue has to be dealt with via an integrated approach through a set of necessary legal, policy and programme interventions, including social protection aimed at human development. The participants further recognized the cultural, economic and legal differences across the countries and usefulness to study varying degrees of experiences in addressing child labour in general and child domestic labour in particular. Thus the participants agreed that the respective countries take flexible approaches in accordance with their own context within a basic framework of actions formulated by this tripartite meeting. This issue needs to be addressed in the developing countries with the assistance of the ILO and multilateral donor agencies. In this context, we expect ILO-IPEC to enhance technical and financial assistance in addressing the issue.

The specific recommendations that emerged from the tripartite consultations are as follows:

**Elements of hazards and exploitations in child domestic labour (CDL) to be addressed as a priority**

- (I) CDL is an infringement of child rights;
- (II) Children are deprived of their childhood;
- (III) Children's best interest is ignored;
- (IV) Children are discriminated and isolated;
- (V) Children are denied to see or communicate with their parents;
- (VI) Children work under conditions not suitable to their level of development and maturity;
- (VII) Children are sometimes subjected to physical, emotional, sexual and mental abuses; and
- (VIII) Pay special attention to the situation of girls.

Children and their parents and social partners concerned, and society in general, are mostly unaware of child domestic workers' (CDWs) rights, which makes the situation of CDWs even more vulnerable. Two issues were discussed in relation to hazards and exploitation of CDL: (I) age and (II) working conditions.

#### (I) Age

- principle, a general minimum age for employment should be set at 15 and no child younger than 15 should be employed in domestic work. However, some countries' national laws might apply a lower age, such as 12, 13 or 14.
- Children aged 15 to 17 employed under hazardous conditions are considered to be in child labour.
- Domestic work (age 0 to 17) falling under the specific conditions described in ILO Convention No.182 is considered within the Worst Forms of Child Labour (WFCL).

#### (II) Working conditions

- Strenuous, long hours, unpaid/underpaid, no days-off (weekly, holiday), heavy load, unsafe working conditions, exposure to risk, inadequate food, deprived of family contact;
- Limited or no access to education, medical care, recreation and adequate lodging;
- Inhumane or unsanitary conditions in the employers' houses (at the discretion of employers), confinement;
- No defined terms of employment;
- Debt bondage; and
- Child abuse – physical, emotional, sexual and mental.

### **Proposed practical strategies and interventions**

- Free compulsory basic education;
- Social responsibility of the employers to ensure children's access to education;
- Provision of free non-formal education, vocational training, evening and weekend schools;
- Provision of income generation and micro-credit facilities for parents;
- Job promotion for the parents;
- Promotion of family planning and welfare;
- Registration with local authority without compromising the privacy of the home;
- Survey and research to be done by involving all stakeholders;
- Establishment of rescue, crisis and care centres;
- Sensitising employers, parents and the public;
- Local 'Community Watch' as a mechanism to monitor CDWs;
- Time-bound strategy to reach compliance with the minimum age standard;
- Establishment of guidelines for employment of CDWs; and
- Recognition of the right to be paid appropriate wages.

### **Specific roles and contributions of governments, employers and workers**

#### *Governments*

- Confirmation of political commitment;
- Enforcement of compulsory education;
- Allocation of financial resources in relevant budgets;
- Enforcement of applicable laws on CDL;
- Publicising existing or proposed legislation; and
- Monitoring of violations by local authority.

#### *Social Partners:*

##### *Employers/employers organizations*

- Developing of guidelines for drawing up informal Code of Conduct by mutual understanding;

- Provision of support for upgrading skills, vocational education and training; and
- Monitoring of violations.

*Workers/workers organisations*

- Raising awareness among members on CDL;
- Monitoring of violations; and
- Tapping of strategic partners in advancing the issue (media, community leaders, etc)

**Areas of collaboration with other stakeholders**

- Social dialogue on policy and programmes;
- Joint collaboration and sharing of good practices among countries and organizations on implementation, monitoring and evaluation;
- International collaboration for funding and technical assistance; and
- Cooperation with other like-minded NGOs, media, donors and legal associations.

**Other recommendations**

- Adoption of integrated and focused national strategies for economic, social and human development;
- Increase government budget allocation and collaboration with donor agencies and private sector in the Asia-Pacific Region;
- ILO should implement Memorandum of Understanding with the Asian Development Bank to support some pilot projects;
- Recognize that micro-finance coupled with vocational training should be a key component of the national strategy;
- Allow developing countries resources to adopt and implement national strategy with the assistance of the ILO and multilateral donor agencies; and
- In view of CDL being a highly decentralized issue, it needs follow up workshops at the subregional and national levels.

## Research and analysis as a basis for understanding and advocacy

If there is to be clear understanding, and if advocacy for the elimination of child domestic labour is to be effective, then there is an urgent need for more disaggregated research and data and much improved analysis. Even when there is not much data, it is not helpful to make general statements that are not related to age, conditions, and the working realities of children.

Central to this is the acceptance and standardization of terminology. Although this may seem a superficial step to take, it is evident from what children themselves say that the labels applied to their situations make a difference. This was recognized in the Philippines, where the many pejorative terms used to label those working in domestic undertakings contributed to perceptions that such work was lowly and unworthy, thus bringing stigma to the women working in these tasks. A national campaign was launched to replace the many pejorative terms for a domestic worker with the title *kambahay*, or ‘household partner’.

The importance of non-discriminatory terms is also recognized in a recent report from Haiti,<sup>104</sup> which indicates that the much-used Creole term *restavèk* is not an accepted nomenclature in Haiti because it is highly pejorative, and that its use has been introduced by non-Haitians working in the area of children’s rights. The report also notes with regret that recently the government has begun to use this term in international forums and that this is potentially detrimental to the self-esteem of children in domestic service.

As has been illustrated in this report, using terminology that allows a distinction to be drawn between under-18 year-olds who are legitimately engaged in domestic *work* and minors below the minimum working age or in hazardous conditions who are victims of *child domestic labour*, also allows clearer differentiation of the differing situations of children and facilitates appropriate responses. What is clear is that not all children undertaking domestic tasks are in a worst form of child labour nor even child labour. The 15 year-old girl working legally in a home where her rights as a worker are respected and her rights as a child fully enjoyed, and where her future development needs are addressed through access to learning and support, should be able to continue in this work.

The 12 year-old who is in domestic service voluntarily or by coercion, whose work is unregulated and burdensome or even hazardous, who has no opportunity to learn or develop, and whose rights to play, company, health, liberty and education are denied, is in a worst form of child labour. Not only must she be given help as a matter of priority, but the situation in which she finds herself must be dealt with: through legal intervention in the specific case and more generally at a national level through action to eliminate such exploitation altogether.

<sup>104</sup> *Étude sur les fondements de la pratique de la domesticité des enfants en Haïti*, op.cit., p.136 and p.154.

The aim must be to take away the potential for domestic *work* for children *becoming child domestic labour* or a worst form of child labour. This potential is always there because of the ‘hidden’ nature of domestic service and the power relationships inherent in it. This is clearly shown in the Rapid Assessment surveys undertaken by ILO-IPEC.

Recent Rapid Assessments conducted in Asia, Africa and Latin America have begun to provide a much clearer picture of the very different situations of children who have previously been homogeneously labelled ‘child domestic workers’. This methodology, developed by ILO-IPEC and UNICEF, is predicated on surveying small but targeted samples of children who are at risk, already in child labour or who have exited an exploitative situation, employers and middle-men involved in recruiting and otherwise facilitating the child’s entry into labour, parents and members of the community, and workers and other interested parties who have first-hand knowledge of the situation in the chosen research site. The methodology generally is applied in areas identified through desk research as containing children in labour in the sector under study (in this case, child domestic service), and often includes rural and urban communities, or border communities in cases where there are cross-border issues to be investigated (for example in trafficking, where the ethnic make-up of the sample may be of particular importance in understanding people movements).

### Gender understanding in the National Report on South Africa

In 2002, a *National Report on Child Domestic Labour in South Africa*<sup>105</sup> was prepared on the basis of data from an ILO-IPEC national survey in that country. It has been cited<sup>106</sup> as a good example of how gender specificities can be built into data collection and analysis so that the particular situations and needs of girls and boys are documented and can be taken into account in programming. The report disaggregates and analyses data on both paid and unpaid domestic work by girls and boys and reveals some important gender-based differences, for example that boys are more likely to be paid for domestic tasks whereas girls, although they spend much longer on such tasks, are not. It also highlights tasks that girls undertake that are often not included in discussions on domestic service, for example collecting fuel and water. Such tasks are onerous and time-consuming and very much contribute to the household. The gender analysis was also extended to the different ways that girls and boys are recruited into domestic service, the form that takes, the payment they receive, the impact on their education and their perceptions of their situation and future prospects.

<sup>105</sup> South Africa: Child Domestic Workers: A National Report, (Geneva, ILO-IPEC, 2002).

<sup>106</sup> Good practices in gender mainstreaming, (Geneva, ILO-IPEC, 2002), p.2.

Teams of researchers chosen for their ability to function effectively within the sample communities gather data through one-on-one interviews, group discussions and observation. The data is collected in disaggregated form to allow the variations in the children's experiences to be understood and to assess the relevance of age, sex and other variables to the situation of the child.

While data is often collected in a disaggregated way, however, it is not always subsequently analysed in a sufficiently disaggregated form to allow appropriate programming to be developed. It may be that the writing-up of the data collected leads to generalization, or it may be that the analysis is not sufficiently informed by the important distinctions outlined above. In this case, making the raw data available through a comprehensive database would be a valuable aid to programmers.

The experience of undertaking a broad subregional Rapid Assessment exercise in Central America – the first time that all the countries of this subregion had participated – provided some useful lessons relating to the importance of involving all stakeholders in the exercise and also illustrated some important methodological hurdles that have to be overcome. The invisibility of children working in domestic service is a problem to data collection. They are often absent from national statistics, make representative sampling techniques difficult to use, and mean that often information gathered needs to be supplemented with input from key informants such as adult domestic workers and domestic workers' union representatives, who observe the phenomenon of child domestic labour, and may have earlier experience of it, but are not themselves representative of the children. The use of alternative sampling techniques is also useful.

Despite these difficulties, it is clear that the Rapid Assessment surveys have contributed greatly to understanding of the general area of child domestic service and to the complexity of the issue. Examples quoted in this report show how many variations there are in the situations of children in each country, or even within one country. Such country-specific understanding is a valuable tool for those for action against child domestic labour, for agencies working for children and for policy- and decision-makers formulating national plans and frameworks.

The NGO Anti-Slavery International has for more than a decade worked to document the incidence of child domestic labour in the world and to use this knowledge to advocate for its elimination. Anti-Slavery realized early in its work that, in societies where child domestic service is sanctioned by tradition, change must come from within. As a result, the specific situation of each community needs to be taken into account in both the collection of data and the

<sup>107</sup> M. Black: *Child domestic workers: a handbook for research and action*, (London, Anti-Slavery International, 1997).

formulation of responses. Anti-Slavery documented its experience in research and data collection in a much-used handbook published in 1997 with technical and financial support from ILO-IPEC.<sup>107</sup> The next step was to gather experiences and information collected and to promote the use of this to underpin effective advocacy against the exploitation of children in domestic service. A companion volume, *Child domestic workers: finding a voice (A handbook on advocacy)*,<sup>108</sup> was published in 2002. It provides concrete examples of situations of child domestic service gathered throughout the world, and explains how advocacy campaigns and lobbying can be organized. It emphasizes an integrated approach covering assessment, analysis and action, and suggests that these should be ongoing, so that assessment is constantly renewed to take account of new data, analysis is repeated to take account of new understanding, and action is reviewed to ensure that it remains valid.

## Supporting children who are in domestic work

Children above the minimum working age and in conditions that are neither hazardous nor in any way a worst form of child labour can benefit greatly from government and civil society support to enable them to enjoy their rights as workers and as children. In this way, the potential of the work becoming exploitative is reduced.

Their rights as workers include important provisions covering an agreed contract, payment levels and processes, hours of work and days off, conditions of work and tasks to be undertaken, and provisions for separation or resignation. They also relate to the ability of the child/worker to meet others working in the same field, to training and access to continuing education, and to protection from exploitation.

If these rights are to be ensured, then there will be a need to intervene with employers and to engage labour sector players and mechanisms such as labour inspectors (or equivalent mechanisms). It will also be important to help working children to have access to support services that they may require, from health to legal advice. In Sri Lanka, for example, the National Workers' Congress (NWC), a trade union, has established a Domestic Workers' Desk that aims to organize domestic workers, including those under the age of 18.<sup>109</sup> The NWC believes that recognition by a trade union is important if domestic work is to be legitimized as 'work' (for those above legal minimum age) and taken seriously in standards, laws and public perception.

<sup>108</sup> M. Black: *Child domestic workers: finding a voice (A handbook on advocacy)*, (London, Anti-Slavery International, 2002).

<sup>109</sup> *Study on the legal protection of child domestic workers in the Asia-Pacific, op.cit.*, p.76.

In the Philippines, much work has been done to legitimize domestic work and to change public attitudes towards it. This has resulted in a *magna carta* for domestic workers and a specific bill for child domestic workers being brought before parliamentary committees. The NGO that pioneered these legislative moves, the Visayan Forum, has taken a comprehensive approach to supporting children in domestic service. In addition to advocacy for legislative reform, this has included public awareness campaigns, advocacy with employers, and self-help and resiliency services for children. Similar work has been done in Europe by the RESPECT network,<sup>110</sup> which has focused on creating group support networks among domestic workers and then providing a safe space where they can meet. To reach both women and children in domestic work, RESPECT has done outreach in public places – on buses, underground trains and in public parks and gathering places. The Visayan Forum has used these techniques to reach domestic workers in parks and on public holidays. In Senegal, the NGO Enda Jeunesse works in a similar way and has had success in resolving conflicts between employers and children using adult workers as intermediaries. Enda Jeunesse has also created a health cooperative and negotiated reduced rates for health services at a local health post on behalf of child domestic workers.<sup>111</sup>

In an initiative to improve the conditions of children in domestic work, an NGO network in Indonesia, JARAK, in 2002 launched a ‘Weekly Rest’ campaign. The campaign calls for children in domestic work to be given one day off each week. JARAK works on the basis that improving conditions is ‘safer’ than campaigning for minimum wage or improved financial arrangements, since “if the regulation is too strong, it is feared that those children who depend on the job might lose it”.<sup>112</sup>

### Creating associations of domestic workers (adults and children above legal minimum working age)

In the Philippines, the Visayan Forum has found that organizing child domestic workers (and adults too) to help themselves is an important strategy for reducing their isolation and therefore their vulnerability. Acting collectively is also central to the ability of domestic workers to make themselves heard by employers, government and the public.

Visayan Forum has found that empowering domestic workers in this way increases the impact and sustainability of other programming for them such as crisis intervention, education and networking. The inclusion of adult

<sup>110</sup> *Report on the RESPECT transnational conference: The home: haven or hell?*, Brussels, 8 November 2000, (RESPECT, Brussels, 2001), p.22.

<sup>111</sup> *Good practices in child domestic labour in Senegal: main ideas, internal mission report, op.cit.*, p.4.

<sup>112</sup> Indonesia country case study in: B. Pflug: *An overview of child domestic workers in Asia*, (Geneva, ILO-IPEC, October 2002).

domestic workers in this initiative recognizes the importance of adults as a means of ‘reaching out’ to often invisible or timid child domestic workers and the greater bargaining power of adults with employers who may be wary of allowing children in their employ to join in activities organized for them.

In 1995, Visayan Forum helped to establish SUMAPI, an association of domestic workers, by bringing together a number of informal groups of domestic workers who, under the guidance of volunteer leaders, formalized the aims and objectives of the association themselves. By early 2002, SUMAPI had more than 5,000 members in 17 core groups all over the Philippines.

Among other things, SUMAPI has worked with Visayan Forum to facilitate access to the social security system, and to inform child domestic workers of new laws on registration and social security contributions by employers. SUMAPI leaders seek out domestic workers in parks and other public places and give out information on SUMAPI and Visayan Forum’s services. All the SUMAPI leaders are domestic workers themselves. They know that, rather than filling in forms and doing paperwork, which is off-putting to the young workers, they should memorize the details to be able to follow up later. Working with Visayan Forum, SUMAPI makes contact with the child and employer to assess any needs the child has. More than 1,000 employers have been reached in this way. The domestic workers themselves report that they have felt a significant difference in their self-esteem and in the way their employers treat them since they joined SUMAPI.<sup>113</sup>

Such actions are extremely important to ensure that child domestic workers who have reached the minimum working age enjoy all their rights. Working with their employers is also important not only because it engages those who are in a position of some control over the children, but also because it contributes to ‘opening up’ the home as workplace, and to illustrating that employers do not need to fear that improving the work situation of domestic workers in any way compromises the sanctity of their home.

<sup>113</sup> *Action to combat child domestic labour in the Philippines: good practice and lessons learned, op.cit.*, pp.20-22.

## Prevention and early warning

Ultimately, efforts must be undertaken to prevent children from entering child domestic service in the first place. Prevention actions can include the identification of at-risk children and communities, community watch schemes including mobilization of worker and employer groupings, community awareness schemes, improved education and income initiatives and other programming that is outlined in more detail below.

For all this to happen, however, there are some important prerequisites. These include in particular legal and policy frameworks that spell out what is legal and what is not in relation to domestic work of both adults and children. Such frameworks should be informed by ILO Conventions 138 and 182 and the UN Convention on the Rights of the Child.

Vital to this are programmes to keep children in school and to ensure that pressures on the family to remove the child, or on the child to drop out, are mitigated.

### Prevention programming in Senegal

In Senegal the Centre Emmanuel, an ILO-IPEC partner, works in villages that are known to be ‘sending’ areas of girls into domestic service first into a sort of ‘halfway’ situation in a nearby town, and then on to Dakar. The aim of their work is to encourage parents to keep children in school and to encourage the children themselves to want to stay in education.

Centre Emmanuel’s work has a number of different elements:

- the awareness of parents and children is raised so that they understand better the risks that children face if they enter domestic service, particularly away from their own village. This awareness-raising activity is undertaken by young women who were themselves domestic workers, and who have both first-hand experience and credibility;
- help is given to children and girl-children in particular who wish to go to school – often the children need help obtaining birth certificates, for example, so they can prove their age;
- some children are ‘adopted’ by a mentor who will provide money for them to buy school books and other necessary items;
- a school canteen is organized, with contributions from the parents, so that the children have somewhere to eat and a place to gather socially;
- girls and women in the village who have not been to school are taught to write in their local dialect and attend lifeskills classes;

- girls and women are provided with lessons in sewing and dressmaking for the local market;
- a Cybercafé has been opened to introduce technology into the lives of the children and as a meeting place;
- the cultural and sporting life of the village is developed by organizing sports events and local theatre;
- saving collectives and credit schemes are introduced to encourage income generation and management.

In Tanzania, ILO-IPEC has supported pioneer action in combating child domestic labour by the Conservation, Hotels, Domestic and Allied Workers Union (CHODAWU). Since 1996, CHODAWU has been working at community level in Iringa and Singida, known as catchment areas of child domestic labour. CHODAWU trains trade union leaders and members to become actively involved; they are educated about the problem of child labour, national and international legal frameworks, the causes of child domestic labour, identifying children at risk and those in domestic labour, the nature of exploitation and hazardous work situations and possible means of intervention.

About 1,000 children have been withdrawn from child labour and provided with alternatives, or have been supported to prevent their entering child labour. Three hundred families have been able to sustain their livelihood without depending on child labour. CHODAWU provides education support to at-risk children, undertakes community sensitization and mobilization activities to create awareness and change the attitudes of parents and families about child labour, and works with poor households with school-aged working children to develop small income-generating activities. CHODAWU also enters into agreements with village authorities and employers to restrict the employment of children, and supports village-based child labour committees to identify children at risk as well as those who have left the village to enter domestic labour.

The programme has been implemented in close collaboration with other on-going initiatives in those villages, mainly on HIV/AIDS and family planning. In addition, CHODAWU coordinates its actions very closely with other trade unions, such as the Tanzania Plantations, Agricultural and Allied Workers Union (TPAWU)<sup>114</sup> and the Tanzania Mining, Construction and Allied Workers Union (TAMICO) in the framework of inter-sectoral trade union policy and strategic approaches to the worst forms of child labour.

<sup>114</sup> TPAWU and TAMICO have been active in combating child labour in commercial agriculture and mining respectively.

Education is also important for child domestic labourers who cannot be immediately removed, either because there is no alternative place for them to go or because there are not adequate legal frameworks or mechanisms to be able to intervene. Indeed, supporting children who are in child domestic service in the short term may not only prepare them for the time when they exit but may help to stop them from running away into potentially more hazardous situations such as street life or work.<sup>115</sup> Such actions should always be part, however, of a longer-term strategy that has a clear ‘exit’ component.

### Community mobilization to report cases of exploitation

Building on sensitization and awareness-raising initiatives, the Tanzanian trade union CHODAWU (Conservation Hotel Domestic and Allied Workers Union) helped to set up community inspection arrangements in villages so that cases of exploitative labour could be identified. Grassroots child labour committees were formed to help in monitoring and reporting child labour in their respective villages. The committees also coordinate withdrawal of children from exploitative situations. CHODAWU has learned that it is important to include teachers in the child labour committees, since they are best placed to know whether a child is attending school or not, or is at risk of dropping out. The other members include parents, employers, community leaders, religious leaders and NGO representatives. Attention is paid to maintaining a suitable gender balance in the committees.

In addition to monitoring and reporting, the child labour committees also form by-laws to prevent child labour in their areas; collect data on child labour; initiate legal action against employers and parents exploiting children; negotiate with employers and advise and counsel children removed from child labour. CHODAWU also operates a dedicated helpline for child domestic workers who need urgent help.<sup>116</sup>

In Costa Rica and Guatemala, a number of initiatives have been developed to meet the educational needs of children who cannot immediately be removed from child domestic labour. These include negotiating shorter working hours and

<sup>115</sup> A year 2000 evaluation of ILO-IPEC interventions in the field of child domestic labour concluded that “the ability of interventions to ‘turn round’ the circumstances of child domestic workers so that they become tolerable is likely to be crucial in continuing efforts to offer children not only protection in their work but also to prevent their involvement in more hazardous and exploitative forms of labour, such as prostitution, other commercial sexual exploitation, or illicit activity”. *Thematic evaluation on IPEC interventions: Child domestic workers*, (Draft, Geneva, December 2000), p.7.

<sup>116</sup> CHODAWU *integrated programme on child labour in the five villages in Iringa district (rural)*, (Tanzania, ILO-IPEC and CHODAWU, 2001).

supporting the child's eventual reintegration into the education system. These activities were carried out with formal and non-formal education centres and NGOs.

A priority task, however, is to identify these children and get access to them. Because of the nature of domestic service, access to the children is generally only reactive, when there has been a report of child abuse or some other extreme case. In such situations the child has in any case to be immediately removed. A number of countries have put in place 'rescue' operations not specifically for children in domestic labour but more generally to respond to cases of child abuse. These range from community watch systems such as those operated in Tanzania (see Box above), to hotlines for reporting abuse, to 'rescue' operations that physically remove the child and put her/him into temporary support systems, such as in Sri Lanka.<sup>117</sup>

### Education for children in domestic labour in Ethiopia

An ILO-IPEC-supported study on child domestic labour in Ethiopia highlighted the importance of providing learning opportunities even where a child cannot be immediately removed from child domestic labour and returned to full-time education. The report noted that often children who are already in domestic labour in that country may nevertheless be able to attend school, at least part-time, and that steps can be taken to support this if there is no immediate alternative for the child.

Important elements of this include helping teachers to identify and provide learning opportunities that are of particular interest to the social and academic aspirations of the child in domestic labour, and providing financial support to hire tutors to give individualized lessons. Schools and teachers can also be encouraged and helped to arrange weekend make-up classes for children working during the week, or evening classes, so that they do not fall behind. Where there are costs involved in education – not only school fees but, even where education is free, payment for books, supplies or clothing – then small grants can be made to help meet these, or other arrangements made so that there are no financial disincentives from remaining in school.

In Ethiopia, an NGO called FOCUS has been providing free classes between 3.30 and 6 pm for children who could not otherwise go to school, among them many child domestic workers. Where such classes, or special evening or weekend classes, are organized, this is also an important access point to the children themselves, and allows them to be reached for other support services such as health, recreation and legal advice as necessary.

<sup>117</sup> *Study on the legal protection of child domestic workers in the Asia-Pacific, op.cit.*, p.83.

Education is also important as a measure of prevention and protection, since keeping children in school ensures that they do not enter the world of work prematurely or unprepared. There are a number of hurdles to guaranteeing education for all children, though. Education for all presumes that there will be universal access to education and that age, sex, geography and financial status do not disqualify any child from attending school. The attitude of parents and community is also extremely important, since lack of interest or, worse, negative attitudes, can lead a child to question the value of education and to consider dropping out. Pressures on the child to work for financial or other reasons also have to be mitigated. And the education offered has to be appropriate, interesting and of obvious relevance to the child's expectations and aspirations. A survey of the 'hopes, aspirations and prospects of child domestic workers' undertaken in Uganda in 2002,<sup>118</sup> for example, showed that 46.3 per cent of the children surveyed wanted to improve their skills (ranging from skills needed to qualify as a teacher, to those required to become a mechanic), and that 16.1 per cent of the children would have liked to go back to school. Many of the children wanted to be able to start up their own business, some wanted to return to school 'to be able to understand and get better jobs'. Very few (8 per cent) felt that they had nothing in their future or (3.6 per cent) did not know what they wanted to do.

In some instances, where children are not likely to be able to exit child domestic labour before they reach the legal minimum working age, and are therefore likely to continue working, education is provided in the form of upgrading of their skills to enable them to find alternative, less hazardous work. The Government of Pakistan, for example, through the Ministry of Women, Development, Social Welfare and Special Education, with the Working Women's Association and the Skills Development Council, provides NFE and vocational training to children in domestic service.<sup>119</sup> Through a memorandum of understanding with the Federal Directorate of Education, and with the involvement of local NGOs, schools provide rooms after school hours for these classes.

To encourage families to send their children to school, and not to put pressure on them to leave and find work, the Government of Bangladesh runs a programme called 'Food for Education', providing food through schools for children who attend. Between 1990 and 1995, this contributed to an increase in school attendance up to class five, and a notable narrowing of the gap between male and female enrolment. The school drop-out rate decreased and, as more children have entered or remained in school, there has similarly been a slowing down of the anticipated increase in child labour. The government notes that, of those children who do work to provide income for their families, and who are generally therefore illiterate, most of the girl-children work as domestic servants and are poorly

<sup>118</sup> *Preliminary report on rapid assessment on child domestic workers in the districts of Rakai, Tororo, Busia and Lira, op.cit.*, p.29.

<sup>119</sup> *Pakistan Country Paper, op.cit.*, p.5.

paid.<sup>120</sup> A complement to this work is the BEHTRUC project – Basic Education for Hard To Reach Urban Children – run in cooperation with UNICEF and local NGOs, to provide NFE for working children who have missed out on formal primary education.<sup>121</sup>

## The challenge of the worst forms of child domestic labour: withdrawal and reintegration

The ultimate aim of eliminating child labour is often quoted as a long-term task. The immediate elimination of the worst forms of child labour, however, is a goal for today. Where children are in a worst form of child domestic labour, their situation is intolerable and their lives are potentially at risk.

They must be removed as a matter of priority and provided with safe accommodation (with their family where that is possible but otherwise in a refuge, halfway house, group accommodation or other safe, welcoming home). They will need legal advice, health care and potentially psychosocial support, food and basic necessities, and access to the services that will help them to begin building a secure future.

In such cases, it has to be recognized that the employer has broken the law, maybe several laws (for example laws relating to trafficking, child abuse, abduction, unlawful confinement). Pursuing legal recourse, including redress for the child, is essential to send out a clear message that a country or society does not accept that its children are exploited in the worst forms of child labour.

This is the most challenging aspect of work in this area. By definition, children who are in a worst form of child domestic labour are invariably out of reach. Identifying them and removing them is a first task, and is largely the work of government (for example through the Ministry of Labour where labour inspection schemes are adapted to this, or through bodies created for child protection), and through law enforcement agencies. NGOs and trade unions might contribute to this through reporting systems or emergency support systems.

<sup>120</sup> *Bangladesh Country Paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, p.5.

<sup>121</sup> *Child domestic workers in South Asia, op.cit.*, pages unnumbered.

## Granting powers to search and rescue

In Sri Lanka, the National Child Protection Authority (NCPA) has been granted an important power to enter and search any premise where “it has reason to believe that there is child abuse on any premises and that application to court for a search warrant may prejudice investigation into such child abuse”. Further to this, an NCPA officer may “enter and inspect any premises where he has reason to believe that children are being kept for (i) the purpose of child abuse; (ii) any other unlawful purpose; (iii) illegal adoption”.

This is an important step in recognizing the protection needs of the child as well as the law enforcement requirements of the situation of abuse. The NCPA’s officers are trained law enforcement professionals but work additionally in a framework of child protection that includes specialized legal accompaniment for children and provision of temporary accommodation. A custom-designed refuge for children, including trafficking victims and children removed from exploitative situations, has been created for the NCPA with ILO-IPEC support.

There are initiatives in many parts of the world to provide support to ‘rescued’ children, although these are rarely aimed at children exiting domestic labour in particular. A number of schools and associations in Central America have launched education programmes targeted at children exiting domestic labour.<sup>122</sup> In general, though, services are aimed at children who have been helped to exit abusive situations, or who are trafficking victims. It is important that the ‘history’ of each child should be known and that the services and future plans devised for them be appropriate. If, for example, a child has been removed from a worst form of child domestic labour into which s/he had been sent by parents who thought that domestic work was the most appropriate activity for the child, then returning the child to the family without also working with the family to improve understanding of the risks and to suggest or provide alternatives would most likely result in the child’s re-entering domestic labour and potentially finding her/himself again in a worst form.

<sup>122</sup> These include San José de Malambo Primary School in Panama, the Conrado de la Cruz Association in Guatemala, and Reyes Irene Project in Honduras.

## Providing services and looking to a future free of child labour

The South Asian Coalition on Child Servitude (SACCS), in Delhi, India, has a mission “to identify, liberate, rehabilitate and educate children in domestic servitude through direct intervention, coalition building and mass mobilization”.

SACCS runs homes for children between the ages of six and 14 who have exited child domestic labour. They provide literacy classes for the children, and vocational training for the older ones who are likely to enter work rather than return to school.

SACCS has also, however, been at the forefront of lobbying against child domestic labour and helped to draft a proposal that no government worker should employ a child below the age of 14. The children in the homes participate in this lobbying through rallies, campaigns and protest marches. By giving the children a voice, this helps to raise the children’s self-esteem.

SACCS also involves the media in its work, engaging this important sector in bringing the issue to public attention and bringing justice to the children. This was important, for example, in the case of Ashraf, a young boy who had been sent to work in the house of a high government official at the age of seven and who had been returned to his family because he had been “burned while making chapattis”. In fact, Ashraf was burned on the hands and feet and also had other wounds. He revealed, when he had got over his fear and shock, that he had been caught drinking left-over milk and had been set upon with a hot iron rod. When Ashraf was unable to get justice through the police system, SACCS took his story to the media and the pressure of public outrage was mobilized.<sup>123</sup>

## Inside the home: breaking down resistance

Mobilizing the media, in fact, is a particularly effective action against child domestic labour, because the media, more than any other actor in the combat against child labour, really can get inside people’s homes.

The media can make an important contribution to directly challenging tolerance of child domestic labour and literally break down the doors behind which child domestics are hidden. This is vital to acknowledging that privacy is not an excuse for abuse.

<sup>123</sup>This case is quoted in *Child domestic workers in South Asia, op.cit.*

The media can reach families who are considering sending children to work, children who are themselves considering their options, and employers or potential employers of children in domestic service. Media in this case means essentially television and radio, since more traditional media such as posters, publications and theatre will not have the same ease of entry into the home.

In Bangladesh, for example, UNICEF<sup>124</sup> has worked with the media to campaign against child domestic labour, and in Sri Lanka UNICEF supported the development of a 'docu-drama' on child domestic labour in the Tamil and Sinhala languages. This accompanied a mass media campaign against child domestic labour with the slogan 'A child employed is a future destroyed'; the campaign included TV and radio spots and press advertising. One result was that members of the media have continued to research the issue of child domestic labour and to continue coverage in the press. The heightened public awareness also resulted in an increase in neighbours calling the police to report cases of abuse of which they were aware. The lessons of this media initiative are now being applied in Nepal and will contribute to a broader South Asia Communication Initiative.

In Costa Rica, an awareness-raising and communication campaign was developed by ILO-IPEC in collaboration with Defence for Children International. It resulted in the national chamber of radio (CANARA)'s broadcasting of spots on child domestic labour through its 80 radio stations, and spaces provided in the morning programme of the national radio chain. Similar initiatives were also run in Panama, Guatemala, Nicaragua and the Dominican Republic.

### The Meena Communication Initiative in South Asia

'Meena' is a multi-media communication project that is used throughout the world to highlight the plight of children in difficult circumstances. It has proved enormously successful and millions of children have come to know Meena, her brother Raju and their parrot, Mithu, who can talk. Meena has become in many countries a public figure, appearing on billboards and on many different articles. Her difficulties and the way she overcomes them are vehicles for important messages about children's rights and action that can be taken to ensure them. Meena's stories have been translated into 30 languages.

In 2001, Meena found herself in domestic service. After a disaster in her home village, there was no food for the family and, in desperation, Meena's father decided to go to the city to find work. He took Meena and Raju with him, to stay with their aunt. When they reached the city, they found that their aunt had gone away and that no-one knew when she would return.

<sup>124</sup> See: *Child domestic works in South Asia, op.cit.*

Against his wishes but believing that he had no choice, Meena's father allowed Meena and Raju to be taken to work in other people's homes. Meena had to work from dawn to late at night. Luckily, she had Mithu to cheer her up and eventually she began to make friends with other girls working like her. Meena learns about their hard lives and tells them what she knows about school. After a long struggle, some of the employers allow the girls to go to school and, when her aunt finally returns, Meena is allowed to go home.

While the media are often called 'mass', and seen as a way to reach large numbers of people in a general way, in relation to child domestic labour there is also an urgent need to reach the hearts and minds of specific groups of people who constitute the employers or potential employers of children. This differs from country to country, but may typically include professionals and people whose income allows them to run a household where help is needed.

Many of these people can be reached through their employers, the professional associations governing their line of work, or through clubs organized around their work. Employers might include government, international and non-governmental agencies. Professional associations and trade unions will have members who are actual or potential employers of domestic labour.

### Trade union policy and action against child domestic labour

The ILO's Bureau for Workers' Activities has developed a resource manual and training package on child domestic service for trade unions.<sup>125</sup> It includes methods and strategies for policy development and action to combat child domestic labour and includes, among other things, suggestions for awareness-raising activities that recognize the fact that many trade union members will themselves potentially be employers of children.

Trade unions have direct access to large numbers of members and sustained campaigns in workplaces have been effective in a number of areas in not only improving understanding but in building support for issues such as zero tolerance of violence and reporting of child abuse. Workplace campaigns can be accompanied by training programmes that prepare some workers to lead further work in this area, and to engage members on a sustained basis. It should not be forgotten, also, that workers have a home life and that the messages they receive at work, and the commitment they develop to an issue, get carried back to their home community.

<sup>125</sup> *Child labour in domestic service: Trade union manual*, (Geneva, ILO, no date).

The development of policy is also an important activity of trade unions and professional associations, and the engagement of employers and employers' associations is also possible here. Policy may be general, relating to a commitment not to employ child labour, or more specific relating to action to be taken where a member is found to be in breach of policy.

The manual stresses the need to 'develop policy by examining the situation in manageable blocks' and that the 'fundamental criteria on policy and strategy development should be based on age', thus implicitly reinforcing the need to differentiate working children from those exploited in child labour.

## Changing attitudes and behaviour

While specific groups are being targeted not to employ children, however, it is also important to raise understanding more generally of the risks of child domestic service, and to change the attitudes and behaviours that push children into situations in which they may be exploited or abused. This means targeting families and communities where domestic service is seen as not only acceptable but even desirable for children.

A number of very successful campaigns have been initiated at both national and international levels to change attitudes towards child labour in general. The lessons from these can inform actions to reduce acceptance of child domestic labour. The broad anti-child labour campaigns can also focus on child domestic labour as one form of child labour that must be eliminated.

In Senegal, for example, child domestic workers took part in a May Day parade in 1994 to campaign for better conditions.<sup>126</sup> This resulted in the formation of the African Movement of Working Children and Youth, which is now present in more than 40 African cities. The activism of children in pursuance of their rights is a potent factor in changing the attitudes of parents and other adults in the community. It is always important to remember, however, that children not only need support to become advocates but will continue to have needs related to their situation as children and as victims of exploitation.

The results of awareness raising also need to be monitored carefully to ensure that value is added to these actions. Eventually the results should be seen in national statistics – a real reduction in the numbers of children exploited – and for this to happen the commitment of engaged groups has to be translated into national strategies to eliminate child domestic labour. This means that, in the

<sup>126</sup>Enda Action Jeunesse Dakar: *Providing assistance and support for working children in Senegal and Africa* (draft), (Dakar, Enda Jeunesse, 2002), p.7.

medium- to long-term, all actions will need to have built into them indicators for impact and processes for evaluating these and sharing results and analysis.

## The Global March against Child Labour

The Global March, an international movement to prevent and eliminate child labour, has been perhaps the most high profile undertaking in this area. What began in 1998 as plans for organizing a march of children against child labour across the world has developed into a sustained campaign at both national and international levels. Under the banner of the Global March, NGOs, activists, trade unions, government officials, academics, journalists, religious leaders, celebrities and children have come together to sustain a campaign to eliminate child labour and promote education for all children. Public awareness raising has been a core objective of the Global March.<sup>127</sup>

The Global March initiated a process of global mobilization by issuing a worldwide appeal to join the movement. Various coalitions distributed the appeal through their networks and a direct written invitation went out to more than 20,000 organizations. The media were mobilized and governments were engaged.

On 17 January 1998, the march itself began in Manila, Philippines. It ended 80,000 kilometres later in Geneva at the start of the 1998 International Labour Conference. Hundreds of thousands of children participated and marched alongside the core group as it passed through their villages and cities. World leaders applauded the children, who were recognized as the most effective advocates on issues they knew better than anyone else and that had marked their lives.

Among other things, the Global March has run a ‘child-friendly home’ campaign. This includes a number of actions to promote zero tolerance of child domestic labour and an important ‘membership’ initiative in which families who have rejected the notion of child domestic labour are able to display stickers saying that their home is child-friendly. ‘This home is child labour free’ stickers are to be seen in many parts of the world and in many languages.

In Central America, the Dominican Republic and Mexico, the Global March and ILO-IPEC have joined forces to develop case studies of children in domestic service and to publish these for use as an awareness-raising tool.

<sup>127</sup> *Advancing the global campaign against child labour: progress made and future actions*, (Washington, US Department of Labor, 2002), pp.31-34.

## Conclusion

The world has been mobilized against child labour and much has been done by all actors – governments, NGOs, international organizations, labour sector players, media, sectoral groups and above all children themselves – to tackle this issue in a comprehensive and sustained way. The adoption and speedy ratification of ILO Convention No.182 is not only testament to this commitment but also a powerful tool for action. Some of the actions taken to combat child labour have been innovative and daring. One final example is the action of the Supreme Court of India which, in a judgement of 10 December 1996,<sup>128</sup> directed that children working in hazardous occupations should be withdrawn from such exploitation and supported, that non-hazardous work should be subject to standards, that compensation should be paid to exploited children by their employers, that a Child Labour Rehabilitation-cum-Welfare Fund should be set up and – in a ruling that targeted the heart of the problem in this country – that employment should be found for an adult member of the child's family in place of the child.

The challenge of responding to child domestic labour in particular, however, is enormous and still largely unmet. As this report has shown, the issue remains obscured by misunderstanding of the lines between domestic work in general, the exploitation of children in domestic labour, and their extreme abuse in the worst forms of child domestic labour. Although many useful experiences have been gained and many children have been helped, the need to eliminate child domestic labour requires also that action is taken, as appropriate, to remove the children from such exploitation and not simply improve their conditions.

The whole panoply of programming options and experience will need to be brought to bear on this. An important starting point is continued advocacy at national and international levels for the inclusion of child domestic labour as a form of child labour and potentially a worst form. Other actions will aim to protect children within their communities through social development initiatives, and may include better understanding and above all education to prevent child domestic labour and to support children legally in domestic work so that they may enjoy their rights and be allowed to earn a living in safety and security. There will also continue, until such time as child domestic labour is eliminated, to be a need to rescue and support children who are suffering at the hands of those who, behind the closed doors of their family home, use children as objects of domestic service without consideration of their rights as human beings and their needs as children.

<sup>128</sup> *India Country Paper*, ILO/Japan/Korea Asian Meeting on Action to Combat Domestic Child Labour, p.8.

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