



Policy Briefing: Child Domestic Work and the 2013 World Day Against Child Labour

Children Unite, 12 June 2013¹

1. Introduction

More than 15 million children around the world, mainly girls, are in paid or unpaid domestic work in households other than their own. Of these children around two thirds are estimated to be in unacceptable situations, either because they are below the legal minimum working age, or are working under hazardous conditions or in circumstances that are tantamount to slavery. Child domestic workers are often hard to help not only because they toil behind the closed doors of their employers' homes, but also because societies see what they do not as work but more as filial duty, and – particularly in relation to girls – important training for later life as wives and mothers.

"I wake up at 5am, prepare the employer's children and escort them to school. Returning home I do the housework. Later, I pick the children up from school. Usually I sleep around 9pm" (Angela, child domestic worker, Mwanza, Tanzania)²

Despite its prevalence, the growing numbers, its importance as a source of employment and its significant contribution to local and national economies, domestic work in general remains a uniquely gendered, hidden, and burdensome form of work. Without proper safeguards, child domestic workers in particular will remain highly vulnerable to exploitation and abuse, and the potential for decent work in this sector for all workers, including young workers above the minimum legal working age (usually 14 or 15 years, in most countries), will continue to be compromised.

The 2013 World Day Against Child Labour (WDACL) sees the International Labour Organization (ILO) focus attention on ending child labour in domestic work and protecting young workers of legal working age from abusive working conditions.³ *Children Unite* argues that the new ILO report reveals a shift in emphasis – away from encouraging blanket bans towards more nuanced efforts to protect young domestic workers who are entitled to work. Significantly, this adjustment creates space for organisations working with and on behalf of child domestic workers to review their approaches to these vulnerable children, and has the potential to generate new programmatic and funding opportunities for those working with them.

2. The significance of the ILO's WDACL 2013 report

The ILO has been concerned with protecting child domestic workers and improving the situation of domestic workers more generally for decades. For example, a resolution concerning the conditions of employment of domestic workers was adopted in 1948, with a further resolution in 1965 calling for normative action in this area.⁴

The last 20 years in particular has seen the ILO's International Programme on the Elimination of Child Labour (ILO-IPEC) involved in efforts to transform perceptions of child domestic work as a benign cultural practice to the widespread acknowledgement of the many ways in which it undermines children's rights. More generally, understanding amongst the child rights fraternity has also been shifting beyond consideration of child domestic workers (and other child workers) simply as passive victims of exploitation and abuse towards recognition of them as individuals able to change their own lives and the lives of others.

"Although my employer allows me to go to school every Saturday. They make me feel guilty for going to school because it takes time away from work during weekends." (Maricel, child domestic worker, Philippines)

International law has also mirrored this growing knowledge and insight. Following the adoption of the Worst Forms of Child Labour Convention (C.182) in 1999, the ILO broadened its understanding from an age-oriented response alone (as embodied in the Minimum Age Convention (C.138), 1973), towards a more nuanced conception of the key features of child domestic work which can transform it into a worst form of child labour.⁵

The sector-specific approach taken by the ILO's Convention and Recommendation concerning decent work for domestic workers (2011), testifies to a further shift in policy thinking. These standards are based on the conviction that domestic workers are workers like other workers and therefore are equally entitled to respect of their rights and dignity.⁶ Its provisions are an acknowledgment of the particular situation of young workers who are over the minimum age for admission to employment but who are not yet 18, and who require special protection and attention to continuing their education. This pragmatic approach holds the promise of ensuring visibility and respect for domestic workers of all ages.

Child domestic work and ILO standards on 'decent work for domestic workers'

Article 4 of the ILO's Domestic Workers Convention, 2011 (C.189) requires states to *"take measures to ensure that work performed by domestic workers who are under the age of 18 and above the minimum age of employment does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training."*

Paragraph 5 of C.189's accompanying Recommendation (R.201) highlights the need for States to protect child domestic workers from situations that *"...are likely to harm the health, safety or morals of children, and should also prohibit and eliminate such child labour."*

This Recommendation further provides that States *"should give special attention to the needs of domestic workers who are under the age of 18 and above the minimum age of employment as defined by national laws and regulations, and take measures to protect them, including by:*

- (a) strictly limiting their hours of work to ensure adequate time for rest, education and training, leisure activities and family contacts;*
- (b) prohibiting night work*
- (c) placing restrictions on work that is excessively demanding, whether physically or psychologically; and*
- (d) establishing or strengthening mechanisms to monitor their working and living conditions."*

3. Reviewing our understanding of child domestic work

3.1 What is child domestic work?

According to the ILO, the term **child domestic work** refers to children (persons below the age of 18) performing domestic work under an employment relationship. This term encapsulates both child domestic work situations to be eliminated, as well as acceptable circumstances.⁷ Most commonly, child domestic workers carry out tasks such as cleaning, ironing, cooking, gardening, collecting water, looking after other children and caring for the elderly. Many of them have no or insufficient access to education. *Children Unite's* particular concern is with the seclusion, dependency and lack of rights that makes children working in the homes of others highly vulnerable to exploitation and abuse.

3.2 What's so important about child domestic workers?

Child domestic workers need our attention because of the conditions under which they are working. Many 'live-in' with their employers and are particularly vulnerable to exploitation and abuse. Time and again, these children report that their daily experience of discrimination and isolation in the household is the most difficult part of their burden. Their situation, and how they got to be there, also makes them highly dependent on their employers for their basic needs, and at times results in physical, psychological and sexual violence.⁸ Child domestic workers are vulnerable to abuse and exploitation not only because they are children, and especially girls, but also because they are working in people's homes without being recognised as workers.

"The Señora told me that I could leave only when she gave me permission, and when in the house, to stay in the kitchen."(Rosa, child domestic worker, Peru)

More generally, and despite its necessity in all societies, domestic work remains consistently undervalued and poorly regulated, and domestic workers of all ages continue to be overworked, underpaid and unprotected.⁹ At the same time, the need for, and the numbers of, domestic workers of all ages is growing – buttressed by the huge rise in women joining the labour force, ageing populations in many countries requiring care, and the persistent inadequacy of measures to facilitate a sustainable work/family/life balance.¹⁰

A key concern relating to domestic work in general is that it is often perceived to be something other than employment.¹¹ The paternalistic notions that frequently accompany this kind of work – that domestic workers are 'like one of the family' – serve to conceal the existence of an employment relationship, and have resulted in domestic workers being one of the least protected labour groups. These notions, and the resulting legislative gaps, are amplified when it comes to consideration of child domestic workers, with further ambiguity created because they are as likely to be working for relatives as for strangers.

"There is no description of the work we have to do when we start; we have to do what the family members need from us." (Meena, child domestic worker, Tamil Nadu, India)

4. Child domestic work is not just a child exploitation issue

While child domestic work has traditionally been understood as a labour and, in some cases a slavery issue, a broader conception of their situation and needs offers a more holistic understanding of their lives, motivations and perspectives, and brings benefits to the efficiency and effectiveness of efforts to improve their situation. It is therefore important to ensure that child domestic workers' realities are considered in other relevant policy fields, including debates relating to workers' rights, women and migration.

4.1 Child domestic work is a social and developmental priority

Poverty invariably underlies a child's vulnerability to domestic work. The large majority of child domestic workers come from poor families, and particularly in societies lacking social protection safety nets, are sent to work to supplement their family's income or simply to lessen the financial strain at home.¹² However, other 'push' factors such as gender and ethnic discrimination, social exclusion, lack of educational opportunities, domestic violence, rural to urban migration, displacement, and the loss of close family members as a result of conflict and disease, are also important triggers.¹³ HIV/AIDS and its consequences have compelled many children to begin domestic work in the households of others at a young age. The death or illness of adult family members from the virus can often result in children being sent away to live with relatives, or forces the oldest to become providers for themselves and their siblings.¹⁴

"My parents agreed with my employer that I should come and work. I don't know what they agreed upon (Samuel, child domestic worker, Tanzania)

While much of the literature continues to present poverty as a key driver, other complex and fundamental 'push' factors, such as the desire to escape from domestic violence, to flee a forced marriage, or the cultural motivations of parents to send their girls into 'safe' and suitable situations in advance of married life, are also at play.¹⁵ Results from a study of the psychosocial impact of domestic work on children has found that the level of cultural and social acceptability of child domestic work in a society impacts upon the age at which children enter the sector and how they are subsequently treated – with children in societies where the practice is widely accepted found to be starting work at a younger age and subject to greater exploitation than those places where the practice is less tolerated.¹⁶

Children are also 'pulled' into domestic work as a result of economic uncertainty, as well as the widespread belief that the move will offer an opportunity for better living conditions, and by siblings and friends already working in households. The increasing participation of women in the labour force has meant a considerable demand for domestic help – with many employers opting for younger workers because they are cheaper and considered to be more acquiescent to employers' requirements.¹⁷ In some countries, significant numbers of older children report that they themselves make the decision to leave home and seek work in order to be able to continue with their education.¹⁸ Children's wish to sustain their education is critical not only to their own life chances, but also to the successful development of the societies in which they live. That educating girls is one of the most effective ways of tackling poverty is now an established fact. It is also understood that poverty, lack of education and child labour are closely linked, and conversely that future generations of child labour can be avoided through the take-up of widely accessible quality education.¹⁹

4.2 Child domestic work is a fundamental human rights concern

As discussions surrounding the development of the ILO's Domestic Workers Convention have demonstrated, bringing domestic workers who are legally entitled to work under the protection of labour legislation is a matter of gender equality and equal protection under the law: in other words a question of human rights. As affirmed by the United Nations Committee on Economic, Social and Cultural Rights in the context of Article 6 (right to work) of the International Covenant on Economic, Social and Cultural Rights, "domestic work ... must be properly regulated by national legislation so that domestic ... workers enjoy the same level of protection as other workers."²⁰

Child workers who are legally entitled to work but remain under the age of majority are particularly vulnerable to exploitation due to their age and their status as children. Many are additionally vulnerable as a result of their movement from rural locations to urban centres, as evidenced by recent research showing that working child migrants are worse off in a variety of ways compared to non-migrant working children.²¹ Amongst these, children who are compelled to migrate alone – of whom many are child domestic workers – do so at considerable risk.²²

Child domestic work and the street

“The worst time in my life was when I had to leave my first working home and live in the street” (Sunita, child domestic worker, Nepal).

In a number of settings, connections have been identified between child domestic work and the street. Evidence across parts of West Africa in particular has shown that child domestic workers may spend a significant amount of time each day working on the street as part of their duties. Girls working as market porters or selling their employer's produce on the street are a particular example of this. There is also evidence that sexual violence towards child domestic workers in the homes of their employers is not uncommon. As a result, some of those child domestic workers run away or – particularly in cases of pregnancy – are forced out of the employer's home and end up working and sometimes also living on the street. Returning home is often difficult not only because of the sometimes hundreds of miles separating child domestic workers from their own homes, but also because of the shame of their situation and rejection by their family. In these instances, domestic work typically becomes a precursor to street-based sexual exploitation, since so few other options exist.²³ For example, a study in Dar es Salaam (Tanzania) established that more than a quarter of girls being commercially sexually exploited were former child domestic workers – many of whom had previously been sexually abused by members of their employing family.²⁴ Similar findings have been reported in El Salvador.²⁵ In the Philippines, the promise of a job as a domestic worker is the lure for many of the children and young women trafficked to Manila who subsequently find themselves in street-connected commercial sexual exploitation.²⁶ These examples provide a glimpse of the potentially numerous links between child domestic work and street-connectedness. More research is needed in this area to establish more precisely the range and nature of these connections.

4.3 Child domestic work is a question of child rights

The *UN Convention on the Rights of the Child* (UNCRC), 1989, outlines the full range of rights of all children under the age of 18 – providing a useful benchmark for determining the extent to which child domestic workers are actually or potentially being abused. Analysing child domestic work in this way reveals that more than 20 Articles of the UNCRC are potentially or actually infringed; from Article 2 on the right to non-discrimination to Article 37 on the right to protection from cruel or degrading treatment, and deprivation of liberty.

That so many aspects of child domestic workers' situation are potentially a violation of child rights reinforces the case for action on their behalf – whether they are enduring extreme exploitation and abuse or being denied an education, health care and proper rest. At the same time, there remains a considerable gap between the international recognition of these rights and making a reality of them in reaching and supporting child domestic workers on the ground – despite the on-going efforts of many organisations. The concept of child rights, let alone of a child domestic worker having rights of her own which might be being violated, remains unknown to most parents and employers.²⁷

“We want to get a proper education like our employers' children do and have a bright future.” (Suraj, child domestic worker, Nepal)

4.4 Child domestic work is a gender equality challenge

Child domestic work is linked to wider patterns of exploitation and abuse, not only because they are children but because girls and boys are treated differently and can be subject to different forms of vulnerability and abuse. Evidence shows that the practice is hugely gender-biased, in large part due to deep-rooted societal beliefs of domestic work as fundamentally the domain of women and girls.²⁸

Two-thirds of the 776 million people in the world who cannot read and write are female, an indication of the continuing lack of value placed on girls' education in many places. The popular view of girls' education as of lesser importance stems from the assumption that educated boys will have better labour market opportunities, while girls' time is better spent taking care of domestic chores in preparation for marriage and motherhood. The inequalities in access to education mean that by the time girls reach legal working age many are already at a distinct social and economic disadvantage.²⁹

Many girls and women themselves see domestic work as a gendered role. Indeed, it is one of the few types of work where the employer is generally assumed to be a woman, reflecting the perception that the day-to-day running of a household is traditionally a woman's responsibility. Adult domestic workers often steer their girls into this role by taking them to work, both in order to keep an eye on them and so that they can 'learn the ropes'. It is therefore not surprising that those girls who are already out of school may follow their mothers into domestic service.³⁰ At the same time, domestic work, including childcare, is seen as economically unproductive and is consequently given little or no value. In spite of the importance of domestic work to the functioning of economies and society, its sheer commonness and ordinariness conspire to maintain its continued invisibility.

5. Implications of the ILO report for those concerned about child domestic workers

The focus on child domestic workers of the 2013 World Day Against Child Labour highlights the importance of ending their exploitation, as part of wider efforts to uphold the rights of children and workers and the promotion of gender equality. The report's recommendations reinforce what has become apparent programmatically: that child domestic work circumstances, while creating vulnerability to exploitation and abuse, need not always be harmful. Furthermore, that conditions of work can sometimes be improved to provide a decent alternative for those of legal working age. From *Children Unite's* perspective, there are several key report recommendations relevant to NGOs and others:-

In our work with children, it remains important to challenge assumptions that child domestic workers are 'like one of the family'. High priority must be given to transforming social attitudes in source and destination communities towards children performing domestic work in other people's homes and the treatment of child domestic workers, as well as in relation to gender equality.

New research on the situation of child domestic workers should not simply be from a child work perspective, but should also build upon wider research efforts relating to children's rights and the rights of domestic workers. Improving tools to better capture the numbers and situation of child domestic workers are also important in informing meaningful policy, awareness raising and action for their benefit.

Engaging with employers of young domestic workers is vital to reaching children in need of assistance and, where relevant, in improving conditions of work. The formation of local 'responsible employer' associations can be a first step in winning hearts and minds and in promoting the observance of regulations and/or locally developed codes of conduct reflecting decent work principles. Longer term, creating a network of strong and representative organizations of employers of domestic workers may help in negotiating better working conditions for those below 18 years but above the legal minimum working age.

Programmes to reach and support child domestic workers need to be specifically designed for the setting and based on a thorough knowledge of local demand and supply factors and socio-cultural norms. Broadly, the interventions which are having the most positive impact for child domestic workers are those which seek to: (1) maintain or re-establish contact between the child and her/his close relatives; (2) intervene directly with their employers in a non-confrontational way; (3) support the establishment and strengthening of groups of domestic workers to represent and

help themselves; (4) encourage child domestic workers back to education and to retain them by, for example, making schooling more child-friendly, in particular, more girl-friendly.

Schools, colleges and training establishments provide the most sustainable alternative to child domestic work. They are also a point of contact for some child domestic workers combining work with education, and a channel through which child domestic workers employed in the houses of school-attending students can be reached. However, attention is also needed on improving teacher training, recruiting –as relevant– more women teachers, upgrading school facilities for girls in particular, and in transforming discriminatory attitudes towards them.

Many children in domestic work are migrant children, and their migration status increases their vulnerability to abusive working conditions. Migration will continue to take place, particularly given current demographics and economic inequities in our increasingly interconnected world. It is crucial that we work towards providing better local alternatives for children in need, while governing the conditions under which migration occurs, and ensuring that the end result is a decent job with decent pay for youth of working age.

We must encourage efforts to promote, ratify and implement the ILO's Domestic Workers Convention (C.189), as well as the provisions in accompanying Recommendation No. 201. These standards are critical in promoting decent work conditions for all domestic workers, including young workers of legal working age. This is important in safeguarding their rights and interests and promoting respect for them.

The development of national and local regulation for all domestic workers, including young workers of legal working age, should be a priority. Legal protection for young workers is not only important in setting minimum standards for protection, but also because it can assist in giving the issue greater visibility. States should also be encouraged to ensure that children in unacceptable situations and young workers in domestic work have access to justice and legal redress. **However, protection under the law is not a panacea, and must be part of an integrated approach which includes policy change and practical local initiatives to support children.**

Crucially, child domestic workers themselves must be involved directly as agents for change. It is the fundamental right of children to be heard on matters which affect them. Practitioners and policy-makers must listen to and learn from child domestic workers, including those who have found ways of mitigating their abusive working and employment conditions. In addition child domestic workers need to be closely involved in the appropriate components of an integrated programme.

"We have a strong voice and the ability to speak out. But if we do not speak out, who will hear us? We need to speak for the rights of every domestic worker. We have the right to tell others what is happening to many of us." (Angela, child domestic worker, Philippines)

Children Unite provides a Technical Advisory Service for organisations currently working with child domestic workers, or which are thinking of doing so. This includes tailor-made assistance for organisations to develop and advance their projects and programmes, as well as guidance in involving child domestic workers in a participatory way.

The service is run by Jonathan Blagbrough, who has worked with local and global organisations on child domestic work issues since 1993. For more information, contact: Jonathan Blagbrough: jonathan.blagbrough@childrenunite.org.uk

Footnotes:

- 1 This policy briefing has been written by Jonathan Blagbrough, Head of Technical Advisory Services, *Children Unite*. Contact: jonathan.blagbrough@childrenunite.org.uk *Children Unite* is a UK-based international NGO focusing exclusively on protecting child domestic workers from abuse and exploitation and promoting their rights worldwide. For more information see: <http://www.childrenunite.org.uk/>
- 2 The quotations from current and former child domestic workers come from the following sources: Blagbrough, J. *They Respect Their Animals More: Voices of Child Domestic Workers* (London, Anti-Slavery International/WISE, 2008), and from 'Stand With Us!', consultations with over 400 current and former child domestic workers during the development of ILO standards on decent work for domestic workers during 2010 and 2011 (see www.standwithus-youngdomesticworkers.blogspot.co.uk). All names have been changed to protect anonymity.
- 3 International Labour Organization (ILO): *Ending child labour in domestic work and protecting young workers from abusive working conditions* (Geneva, ILO, 2013) for 2013 World Day Against Child Labour. Available in English, French, Portuguese and Spanish from http://www.ilo.org/pec/informationresources/WCMS_207656/lang-en/index.htm
- 4 ILO: *Record of Proceedings*, International Labour Conference (ILC), 31st Session, 1948, Appendix XVIII: Resolutions adopted by the Conference, pp. 545–546; ILO: *Official Bulletin* (Geneva), July 1965, Supplement I, pp. 20–21.
- 5 For example in paragraph 3(e) of Recommendation 190 which accompanies the Worst Forms of Child Labour Convention (C.182), 1999. This states that in determining hazardous work situations, consideration should be given to “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.”
- 6 ILO: *Effective Protection For Domestic Workers: A guide to designing labour laws* (Geneva, ILO, 2012), p6
- 7 ILO WDACL 2013 report, op cit.
- 8 Blagbrough, J. *They Respect Their Animals More: Voices of Child Domestic Workers* (London, Anti-Slavery International/WISE, 2008).
- 9 ILO: *Decent work for domestic workers*, Report IV(1), International Labour Conference, 99th Session (Geneva, ILO, 2010).
- 10 ILO: *Domestic workers across the world: Global and regional statistics and the extent of legal protection* (Geneva, ILO, 2013). This report shows that between 1995 and 2010, the number of domestic workers across the world rose from approximately 33.2 million to 52.6 million.
- 11 ILO: *Decent work for domestic workers*, Report IV(1) (2010), op cit, paragraph 45.
- 12 UNICEF-ICDC: *Child Domestic Work*. Innocenti Digest No. 5, (Florence: UNICEF International Child Development Centre, 1999).
- 13 ILO: *Helping Hands or Shackled Lives? Understanding Child Domestic Labour and Responses to it*, (Geneva: ILO, 2004).
- 14 ILO: *Give girls a chance. Tackling child labour, a key to the future*, (Geneva, ILO, 2009), p5
- 15 Black, M: *Comic Relief Review: What are the best ways to develop effective strategies and approaches to reach and support Child Domestic Workers?* (London, Comic Relief, 2011). With reference to the link between forced marriage and child domestic work, there is evidence that the prospect of forced early marriages pushes some children (especially girls) to run away to the street, where they are vulnerable to exploitation and abuse, including in domestic work. See, for example, *Iran – CEACR*, direct request, 2010.
- 16 Anti-Slavery International: *Home Truths: Wellbeing and vulnerabilities of child domestic workers*. (London, Anti-Slavery International, 2013).
- 17 ILO: *Children in hazardous work: What we know, what we need to do* (Geneva, ILO, 2011).
- 18 *They Respect Their Animals More* (2008), op cit.
- 19 ILO: *Give Girls A Chance* (2009), op cit, p6; see also *Child Labor & Educational Disadvantage – Breaking the Link, Building Opportunity* A Review by Gordon Brown, UN Special Envoy for Global Education, 2012.
- 20 ILO: *Effective Protection For Domestic Workers: A guide to designing labour laws* (Geneva, ILO, 2012), p3.
- 21 ILO and Child Helpline International: *Child migrants in child labour: An invisible group in need of attention* (Geneva, ILO, 2012).
- 22 ILO: *Joining forces against child labour: Inter-agency report for The Hague Global Child Labour Conference of 2010*, (Geneva, ILO & Understanding Children Work, 2010), paragraph 20.
- 23 UNICEF-ICDC: *Child Domestic Work*. Innocenti Digest No. 5, (Florence: UNICEF International Child Development Centre, 1999).
- 24 Mwakitwange, Rosemary (2002) *Fighting Commercial Sexual Exploitation of Children: Study of Good Practices in Interventions in Tanzania*, Vol. III. Dar es Salaam: ILO-IPEC; and author correspondence with local NGO
- 25 Godoy, O: *El Salvador. Trabajo infantil doméstico: Una evaluación rápida*, (Geneva: ILO, 2002)
- 26 Flores-Oebanda, C., Pacis, R. and Montaño, V. *The Kasambahay – Child Domestic Work in the Philippines: A Living Experience*, (Manila: ILO and Visayan Forum Foundation, 2001).
- 27 ILO: *Helping hands or shackled lives?* op cit, pp 29-32 in *Comic Relief Review (2011)*, op cit.
- 28 Plan UK: *Because I Am A Girl (The State of the World's Girls 2009): Girls in the Global Economy: Adding It All Up* (London: Plan UK, 2009).
- 29 ILO: *Give Girls A Chance* (2009), op cit, p2
- 30 ILO: *Helping Hands or Shackled Lives?*, op cit, pp21-22