

Child Domestic Labour in South East and East Asia: Emerging Regional Cooperation to Combat It

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Presented at the Summer Institute on Regional Integration for Waseda University Global COE Programme: Global Institute for Asian Regional Integration (GIARI), Tokyo, August 25-30, 2008

Introduction

Child labour is a sensitive subject and numbers regarding its magnitude play an important role in global policy-making and advocacy efforts. It is estimated that in 2004 there were about 211 million children aged 5-14 years who were at work in an economic activity in the world. Out of these, with 127.3 million in total, the Asia Pacific region harbours the largest number of child workers in this particular age group.

Employing a person to undertake domestic household chores is an integral part of Asian tradition. Due to economic and social changes as well as cultural factors, it is widespread to find young children working as child domestic workers (CDWs) in many Asian countries. Behind the home front doors throughout Asia millions of children are employed to cook and wash, and polish up for those families. When they should be in school, these children are preparing the children of their employers for their day of learning. When they should be playing, they are huddled over an iron or a broom. They do it for income though there is no guarantee that they will be paid. They do it sometimes only for the food and shelter they receive in exchange for the long hours of work.

In fact, the circumstances of exploitation or even child servitude of many of these CDWs have recently been challenged as the outcome of the emerging response to the child labour problem in general and child domestic labour in particular on the global and regional scale. A number of international and regional initiatives by international organizations, non-governmental organizations, governments, researchers, and renowned social workers have set up a regional platform to share experiences, and develop a common agenda to address the gross violations that many children involved in domestic labour experience.

However, there continues to be a lack of a thorough analysis of the working and living condition of CDWs in many South East and East Asian countries. As a result, there is still a controversial debate over the need for the elimination of child domestic labour. Furthermore, so far no study has given systematic overviews of the regional cooperation to combat the worst form of child domestic work in East and South East Asia. And no researchers have addressed the need and the prospects to develop regional cooperation in combating exploitative and/or abusive child domestic labour. Therefore, the paper will first attempt to give an overview of the living and working conditions of CDWs to assess their situation in South East and East Asian countries. From the situation analysis of child domestic work, the study will examine the debate between the empowerment approach and the abolitionist school of thought over the necessity to deal with child domestic labour, and firmly highlight the need to eliminate exploitative and abusive child domestic labour. Next, we will

discuss the potential contribution of multilateral efforts to address the issue, and to establish a South East and East Asian Community. Finally, after bringing to light emerging regional initiatives and regional cooperation frameworks toward combating child domestic labour in South East and East Asia, the study will identify direction for future actions and cooperation at the regional level to fight against the exploitation and/or abuse found in child domestic labour.

Definition of CDWs

Bharati Pflug contends that there is not one single definition for child domestic labour. Internationally, child domestic labour is generally defined as children working in an employer's house, with or without wages. CDWs are engaged to perform domestic chores such as washing dishes, laundry, cooking, cleaning the house, looking after young children or elder members of the household and any other household related activities. The CDW may be considered a 'helping hand' in the household, or be entirely responsible for the running of various activities related to the household (Pflug, 2002, p. 5). Cecilia Flores-Oebanda in his *Addressing Vulnerability and Exploitation of CDWs: An Open Challenge to End a Hidden Shame* defines that CDWs (i.e. children in domestic labour) are people under the age of 18 who work in households of people other than their closest family doing domestic chores, caring for children, running errands and sometimes helping the employer run a small businesses from home. This includes children who are paid for their work, as well as those who are not paid or who receive 'in-kind' benefit, such as food and shelter (Flores-Oebanda, 2006, p. 2). Similarly, due to the fact that who is regarded as a domestic worker varies from country to country, and reflects the way a household operates, Ayaka Matsuno and Jonathan Blagbrough define that 'generally, a CDW is anyone younger than 18 who does domestic chores in the household of people other than his or her parents, regardless of the amount or kind of remuneration they receive' (Matsuno & Blagbrough, 2006, p. 7). Whether the child is regarded as a domestic worker when employed in the home of relatives is still being debated. Also, in some countries children perform certain activities that are considered domestic work in that country but elsewhere are regarded as work or labour such as herding in Mongolia.

Profiles of CDWs in South East and East Asia

As already mentioned, until recently there was a general lack of information about children in domestic work. There are a number of reasons for this absence of information. One is that almost every worker is employed in individual and separate households. Therefore, as a group, CDWs are invisible and difficult to reach and to count. A further reason is that job arrangements, in most cases, are informal and are made between the child's parents, or an intermediary, and the employer. Most of these jobs are neither registered nor do they form part of any system of domestic work, which adds to the lack of information. Conditions of work and rates of payment vary not only from country to country, but also from city to city and within cities. Other reasons for patchy information include the fact that children in domestic work are not recognized as 'child labour' by society at large and by a number of governments, but rather as a normal feature of society. Thus, motivation to probe into their situation is likely to be limited and, at times, there is reluctance even among child activists to take special

notice of CDWs, who are seen as a ‘cared for’ rather than an exploited group.

To provide an easy way to discuss the issues related to CDWs, the paper will review the profiles of CDWs in five key elements.

Sex

In general, household-related tasks are considered as ‘female work’. This is certainly the case in many countries in this region where CDWs are predominantly girls. For example, 98 per cent of CDWs aged 12-17 in Hanoi are girls. Some 93 per cent of CDWs in Indonesia are girls. In the Philippines, at least 90 per cent of them are girls. This trend is reinforced by both parents’ expectations for girls and the realities of girls (Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 19).

Girls are expected to help their mothers in household chores. Helping mothers gives them ‘on the job training’ that they can easily apply to other households. And it is acceptable for parents to send their daughters as a domestic worker because they think the opportunity is good for them as preparation for marriage. And they genuinely believe that the environment as well as the tasks will not be so different from that in their houses. In many cultures, it is expected of the female folk to serve others and to be submissive to the superior men. As a result, domestic work is considered a low-status job to be performed by women and girls. This will be further discussed in the section about the causes of child domestic work.

Table 1. Sex of CDWs, by Country

Country	Boys	Girls	Total
Cambodia – Phnom Penh	41.4%	58.6%	100%
Indonesia	7.2%	92.8%	100%
Mongolia – Ulaanbaatar	56.7%	43.3%	100%
Mongolia – rural	64.4%	35.6%	100%
*Philippines ^{5b}	17.8%	82.2%	100%
*Thailand – Bangkok	22.6%	77.4%	100%
*Viet Nam – Hanoi	2.3%	97.7%	100%
Viet Nam – Ho Chi Minh City	13%	87%	100%

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 19

Age

The majority of CDWs in this region are aged 15–17. However, significant numbers of them are younger than the legal minimum age for employment. In this illegally working age group, the number of children aged 12–14 exceeds children in other age groups. There are many reports of children much younger: in Davao, Philippines, 1,053 children identified as domestic workers included two 6-year-olds (Matsuno & Blagbrough, 2006, p. 7). Significant numbers of CDWs who started at a tender age have limited educational attainment as well as capacity development for their future lives. Also, it is generally accepted that those who enter the labour market

at a very young age and without education are at a greater risk of experiencing exploitation in the category of the worst forms of child labour as they are less aware of their rights and have less bargaining power with their employers.

However, ILO estimates that across the globe, more girls younger than 16 are in domestic service than in any other category of child labour.

- In the capital of Cambodia, an estimated 27,950 domestic workers are aged 7–17. This means one in every ten children in Phnom Penh is a CDW. Of them, 41.4 per cent are boys and 58.6 per cent are girls.
- In Indonesia, an estimated 688,132 domestic workers are younger than 18. This represents 26.5 per cent of the total 2.6 million domestic workers nationwide.
- In Mongolia, 6,148 children have been recorded as an employed CDW in six central districts of Ulaanbaatar city; 30,427 are employed as herding livestock and doing domestic chores for families other than their own in the rural *aimags*.
- In Thailand, there are some 233,211 domestic workers; 85 per cent of them are female, and 4.6 per cent (10,728) are 17 years old or younger.
- In the Philippines, the National Statistics Office reported that in its 2001 Survey on Children 5–17 years old, some 230,000 children worked in private households. The same survey counted 120,000 children living away from home and employed in private households. However, the Visayan Forum Foundation has put the estimate much higher, at 1 million CDWs in the country.
- In Viet Nam, one in every 100 households in Hanoi employs a child younger than 16 for domestic tasks.
- In Ho Chi Minh City, a total of 2,160 children aged 10–17 are estimated to be employed in domestic labour; of them, 10.5 per cent (227 children) are younger than 15.

Matsuno & Blagbrough, 2006, p. 11

Education

While many countries have a nine-year compulsory education system, child domestic labour poses a serious concern for the Education for All (EFA) initiatives in general and for secondary education goals in particular. Table 2 shows the impact of child domestic labour on lower secondary education, especially for girls.

In Indonesia, the majority (67.5 per cent) of CDWs had completed their primary education. However, far fewer were studying, or had studied, in higher levels; only 21.7% had completed junior high school, and some 89.2 per cent were no longer in school. In Hanoi, a third of them had to face the complicated world of employment, having dropped out of school somewhere between grades 1 and 5.³⁴ In urban Mongolia, one third (34.4 per cent) of CDWs have dropped out of school. Out of children aged 7–15 who should receive compulsory education according to Mongolian Law, 25.3 per cent do not study at school. In rural Mongolia, more than half of CDWs surveyed did not study at school and one in every four children aged 12 and older cannot read or write.

While more Cambodian girl domestic workers than boy domestic workers have completed primary education (64 per cent compared with 47.7 per cent), more boys than girls have studied at secondary level (47.7 per cent compared with 26.7 per cent). That suggests a very difficult situation for girls to access higher education (Matsuno & Blagbrough, 2006, p. 14).

Table 2. Education Level of CDWs, by Country

Country	No grade completed		Completed primary education		Completed lower secondary education		Completed secondary education	
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
Cambodia	1.3%	7.5%	51%	64.4%			47.7%	26.7%
Indonesia	10.8%		67.5%		21.7%		-	
Mongolia – Ulaanbaatar	NA							
Mongolia – rural	NA							
*Thailand	NA							
*Philippines	0.2%		15%		1 st yr 25.8%	2 nd yr 26.6%	3 rd yr 25.2%	4 th yr 4.5%
*Viet Nam – Hanoi	NA		33.2%		65.6%		1.2%	
Viet Nam – HCMC	23.1%	9.2%	30.8%	48.3%	46.2%	36.8%	0%	5.7%

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 15

Note

Cambodia:	Compulsory education – 9 years		
	Primary education	grades 1–6	starting at 7 years
	Secondary education	grades 7–12	children aged 13–18
Indonesia:	Compulsory education – 9 years		
	Primary education	grades 1–6	starting at 7 years
	Lower secondary education	grades 7–9	children aged 13–15
Mongolia:	Compulsory education – 8 years		
	Primary education	4 years	
	Secondary education	4 years	
	Upper secondary education	2 years	
Philippines:	Compulsory education – 9 years		
	Primary education (Elementary education)	grades 1–6	
	Secondary education (high school)	grades 1–4	
	Tertiary education (college)	grades 1–4	
Thailand:	Compulsory education – 9 years		
	Primary education (Elementary education)	grades 1–6	starting at 7 years
	Junior secondary education	grades 7–9	children aged 13–15
Viet Nam:	Compulsory education – 9 years		
	Primary education	grades 1–5	children aged 6–10
	Lower secondary education	grades 6–9	children aged 11–14
	Secondary education	grades 10–12	children aged 15–17

Family and Community Background

CDWs are said to be most likely to come from poor rural, often farming families. Poor regions such as the islands of the Visayas and Mindanao in the Philippines, for instance, are traditional sources of CDWs, the majority of whom come from large farming and fishing families, and many of them eventually end up in the capital Manila. Nowadays, the background description has widened to include poor urban families. A large number of CDWs come from situations where the mother is either widowed or has been abandoned. Their placement in a ‘better home’ is seen as an advantage and their ‘help’ around the house is considered a natural

payment and as training for a future life of domesticity.

Depending on the geographical location in Asia, there are also several other factors that determine the likelihood of children working as domestic workers. The probability of a child entering domestic work may be increased if there is a local custom that regards one social or ethnic group to be subservient to another, thus allowing for them to supply domestic labour to other groups of the population. This will be analyzed at greater length in the part about the cause of child domestic labour.

Migrants

Child domestic labour is not a new practice in Asia. And while the tasks may not have changed over decades, the surrounding environment in which children find jobs as CDWs has drastically changed. The migration flow both within and beyond border that has intensified over the years has influenced the market for CDWs. One in five CDWs in Ulaanbaatar migrated to the city in the past five years.

The recent phenomenon of international migration puts pressure on the CDW market, especially in the Philippines and Indonesia. Domestic workers in both countries constitute an important workforce. A large number of adult domestic workers are drained from their own countries for overseas employment. Anecdotal information supports that the popular practice of women going abroad to become domestic workers in the Middle East, Malaysia, Singapore, Hong Kong and Taiwan in the past decade has significantly impacted the demand for CDWs by increasing the bargaining position of the adult domestic workers who prefer to stay at home. Those people who remain to become domestic workers in their own countries prefer not to work with employers who potentially require a lot from them, such as those who have small children and/or who cannot provide electronic equipment to make their work lighter. Therefore, children are sought after to fill the demand–supply gap in the adult domestic workers market.

Moreover, the emergence of different players in the migration process has eased the movement from rural to urban and even from one country to another. Relatives, neighbours, friends, other domestic workers from a similar area

and even village chiefs have been playing a role of recruiter.

Also, formal and informal agents now play a role though so far they seem limited in number. These agents see opportunities to make money from the intensified migration demand and abundant untouched human supply in rural areas. There are two different types of agents: one to recruit children for the internal market and the other for the international market. They have different procedures and channels to send potential CDWs to the destinations. The increase in the market for domestic workers, both adult and children, has encouraged the market of agents. As many people see a chance to make money, they find ways to either enter the stream or to

create the channels in which the flow of workers moves. Most are likely to be concerned with their own profiteering and pay little heed to laws or rights of under-aged workers even if they are aware of them.

Increasingly, it seems that the channels for cross-border migration have become diversified and complicated. In particular, the Philippines, Indonesia, Lao PDR and Thailand have been experiencing intensified cross-border migration for domestic labour. In Indonesia, government records indicate that from 1999 to June 2001, 968,260 officially registered Indonesia workers were placed abroad, the majority as domestic workers. More than 70 per cent of them were women. In Thailand, 1,284,920 people from Myanmar, Lao PDR and Cambodia were registered as migrant workers in 2004. Among them, 126,310 people were registered as domestic workers. This makes the domestic sector the second largest work sector for migrant workers after agriculture. These numbers give an indication of the magnitude of the domestic sector in Thailand and thus the demand for workers. If the demand is high, it is natural for children to try to get into the picture even by faking their identity cards. Also, CDWs from the neighbouring countries are replacing Thai children due to their availability, cheaper wages, willingness to work longer hours and more patience (Matsuno & Blagbrough, 2006, p. 20-23)..

Causes Leading to Children in South East and East Asia Engaged in Child Domestic Work

Many of the factors 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, but several of these factors co-exist.

Poverty

While in developed countries, where the proportion of working children is small, they go to work chiefly to earn some pocket money and to provide the extra hands needed in agriculture, particularly in the sowing and harvesting seasons. In less developed countries, where child labour is very widespread, its causes are many and varied. Elias Mendelievich in his article *Child Labour* notes that the principal cause of child labour is poverty, which drives even young children to seek some extra income, however small, to supplement the family budget. In return, these children have to sacrifice some or all of their needs in respect of education, recreation and even, in a great many cases, health (Mendelievich, 1979, p. 560).

Poverty is not always an absolute state but can relate more generally to a situation in which the family income is not sufficient to meet outgoings and where alternative means of meeting these outgoings must be found. 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. Virtually, all studies of child labour in developing countries relate it most fundamentally to poverty. This is a strategy not only to augment household income, but also to even out the risks of losing one or another income source.

It is recognized that the effects of household size on child work vary greatly with place, living conditions, occupation, and gender. Not all children in the same family are disadvantaged equally. For example, in some societies it is very common for girls to be kept out of school to help in family work so that the boys can be free to study, and there is some evidence that siblings early in the birth order are more likely to work than those who come later.

One family variable that seems to be very widely associated with higher levels of child work is the single head of household, which is almost always a woman. These families are nearly everywhere among the poorest, and both mothers and their children are particularly vulnerable. Under such stress, family roles and responsibilities may change considerably, and children are much more likely to enter the labour market (E, Boyden, p. 136-139).

Entrenched Tradition

Entrenched tradition is another cause of child labour in less developed countries. Even when there is no compelling necessity, it is believed that from a very early age a child should not expect to be fully supported by others but should make a contribution to the family's finances. As a result, many children quit school and start work as soon as possible. Parents are also unaware of the harmful effects of work at too early an age, and think that their children are learning a useful trade and thus could not see any point in their children's attendance at school. Indeed, most child domestic workers in Metro Manila think that as dutiful children, it was imperative for them to work and contribute to the family income. Some felt that they need to give their parents the chance to rest and enjoy the remaining years of their lives (Camacho, 1999, p. 65).

Moreover, as mentioned earlier 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. 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. Besides, 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 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. In many parts of the world, the gap is growing not only between the poor and the wealthy but also between the poor and the 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.

Education

It is the lack of schools that makes many parents find an occupation for their children to keep them from idleness and vagrancy. According to UNICEF's study, cuts in social spending have hit education – the most important single factor in ending child labour – particularly hard. There are many places throughout the world where schools simply do not exist, or exist as buildings but have no teachers. Those schools with buildings and teachers may have no books, paper or pencils. Access to information technology is only a distant dream for most schools in the world. Also, the cost of school is another serious concern and turns out to be an important reason why many children work. In Vietnam, for example, state education is supposedly free, but all the same, parents now pay up to one-third of school operation costs and part of their already small income is allocated to various school 'contributions', as well as to transport, uniforms, books, and the like. In government schools, fees are often levied informally by teachers, often to make up very poor salaries of the teachers.

Furthermore, the rural population of less developed countries tends to feel that the education provided in schools is purely academic, and therefore irrelevant to their needs. Even when they do send their children to school they often withdraw them after two or three years to put them to work. In fact, school curricula are frequently outdated, gender-biased and irrelevant to contemporary needs. Vocational training often does not match the needs of the local labour market, and it is gender-stereotyped, under-resourced and unrealistically long in duration for the poor. Official recognition of the potential role of informal education or training, particularly for children who have had little or no exposure to formal schooling, remains limited. Literacy programmes, "second chance" programmes for out-of-school youth and skills certification for young people who have learnt a craft informally are the exception rather than the rule. Apprenticeship systems have potential, but in some instances they may turn out to be exploitative. Worse still, almost as common as stories of teachers who have not mastered the skills they are supposed to teach, or who use class time primarily to sleep or conduct purely personal business, or who seldom show up in class, simply collecting their pay, or who come to school inebriated, or who accept no questions and punish children who try to ask them.

Advantages CDWs Bring to the Employers

Last but not least, children are employed because employers find it advantageous to employ child workers. Bharati Pflug has summarized all the reasons why children are preferred domestic workers as follows:

- Child domestic labour is cheap; frequently employers pay no wage at all
- Children are easy to manipulate, are often unaware of their rights
- Children are unable to organise themselves in a trade union
- Employers can easily oppress them with threats or physical force
- Children are considered to be faithful, obedient, hard-working and, generally, will not complain
- Many CDWs do not know that they have rights, that these rights are being violated and that their

situation can be better

- They cannot organise themselves against the employer and as such are weak and without bargaining power
- Children working in an employer's house can only be reached with difficulty by trade unionists, individuals or NGOs

Bharati, 2002, p. 28

Debate over the Necessity to Eliminate Child Domestic Labour in South East and East Asia

While there is consensus among researchers and policy makers on the causes of child domestic work, there has been a continuing debate between those interested in the 'empowerment' of working children in the workplace and those who insist on the removal of CDWs from work in South East and East Asia. The paper will attempt to give balanced arguments from the two schools of thought, but take the side of combating the exploitation of child domestic servants, and eliminating the worst form of child domestic labour.

Empowerment Approach

According to supporters of this school of thought in all regions of the world the right to work has received broad recognition. Admittedly, the first legal document on a worldwide scale in which a right to work is openly proclaimed is the Universal Declaration of Human Rights of 1948. Article 23(1) of the Declaration reads: 'Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment'. The right to work has also found its most prominent expression in the International Covenant on Economic, Social and Cultural Rights of 1966 (ICESCR). Article 6(1) of the ICESCR reads as follows: 'The States parties of the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts, and will take appropriate steps to safeguard this right' (Hanson & Vandaele, 2003, p. 89).

Further, the UN Convention on the Rights of the Child (CRC) has been especially important in this regard. First, Article 3 requires that the best interests of the child be 'a primary consideration' in all actions concerning children. According to the CRC, children have a right to stable and protective personal and family circumstances, to receive a good quality and relevant education, and to be protected from hazardous work. But supporters of this approach argue that this is not to say that children who do not enjoy such advantages are necessarily damaged. Some children turn out to be much more vulnerable than others in the same situation. And there has been no qualitative research, to our knowledge, which is sufficiently systematic to indicate the factors mediating physical and psychosocial vulnerability and resilience in working children. Furthermore, Boyden argues that far from being merely theoretical, when considering the

role of national law and international standards in governing the work of children, national values and policies regarding child work tend to be articulated by educated elites, often with special affinities for ideas from the North, without the participation of those who are most affected - children and their families.

The 1973 Minimum Age Convention (No. 138), which set up a general minimum age of 15 years, provided that 15 is not less than the age of completion of compulsory schooling, should be revised because while some governments are indeed powerful or influential enough to make such a policy effective in their societies, many are not. Ultimately, Convention No. 138 is meant to be more about the health and development of society than about the health and development of children (Boyden et al., 1998, p. 188). Recent years have seen increasing debate about whether a uniform minimum age standard is a good idea and, if it is, how it should be implemented. Each of the above lines of justification has come under attack. The first rationale, the proposition that all kinds of work are detrimental to children, is not compatible with the findings of social science or with modern thinking about the processes of child development. It has been rejected by important NGO groups such as the Save the Children Alliance and the International Working Group on Child Labour as well as by UNICEF and the ILO. It is widely recognized that the most fatal flaw of the Minimum Age Convention may be its explicit prohibition on all economic activity by young children except that performed in educational institutions and on family farms producing for local consumption, regardless of the purpose or conditions of their work. As the ILO points out: 'One of the major difficulties impending ratification of this convention apparently lies in its very general scope. It covers all branches of activity and all types of work, both paid and unpaid.' Consequently, it suggests that an improved standard would not seek to so broadly prohibit all work, but would focus on priority cases, particularly what it calls the 'intolerable forms of child labour.'

The second rationale is that there seems to be wide-spread consensus that, for whatever the reason, it has proved nearly impossible to monitor and control the work of children in the rural, informal sector and domestic service situations in which the vast majority of them work. The inability to enforce laws for the huge majority of children undermines the logic of this argument.

Finally, the assertion that excluding school-age children from work is necessary to ensure their education has been virtually demolished by data indicating that many children successfully combine education and work, and that many work to be able to pay for their education.

In fact, there are two major issues that need to be taken into account when considering work and school as routes for education and development. Firstly, it is not evident that either school or work alone can satisfy children's many developmental capacities and needs given the multiplicity of values and goals of development in the modern world. Secondly, it is questionable whether the kind of schooling on offer in many parts of the world today is of much benefit to children anyway. It may even be that in some cases work has a more positive developmental effect.

The popular wisdom has claimed that child workers exacerbate adult unemployment and perpetuate poverty by reducing adult wages and lowering their own lifetime earnings by cutting short their education. The

assertion that child work perpetuates poverty and adult unemployment is so commonly heard that it has become virtual doctrine not only among trade unions, but also elsewhere. However, ‘empowerment approach’ supporters argue that many children have to work in order to pay their school expenses, in which case work helps support education. It would also seem logical that work by school-attending children outside school hours and during holidays may in fact forestall or alleviate poverty rather than promote it. And useful skills acquired through work increase, rather than decrease, human capital. In addition, the same ambiguity exists in regard to the argument that child workers displace adult employment. As the ILO puts it:

Many adults, especially women are able to enter the job market because their children assume essential home tasks. Similarly, it is known that many farmers and small entrepreneurs maintain the adult employment viability of their enterprises by relying on unpaid work from their children. Children working on their own account in the informal sector may have little effect on adult employment, filling niches that are not attractive to adult workers – carrying bundles for market shoppers, selling petty goods such as matches, shining shoes, etc. Finally, many child maids work for families who could or would not pay an adult salary, and hence would no longer hire maids if this meant hiring adults.

Quoted in Boyden et al., 1998, p. 285-286

It also points to the necessity of viewing children not as victims but as protagonists in their own development. In other words, children are social actors in their own right, not passive recipients of policies and programmes designed by adults. According to advocates for child work, children have lots of reasons, both strategic and practical, for choosing work over education and often they are acutely aware of both the costs and benefits of what they do. Indeed, Karl Hanson and Arne Vandaele contend that in contemporary societies two distinctive features are generally emphasized as the core and most valuable functions of work. On the one hand, work is considered the most important means to ensure the material existence of a person. By his or her work and the income it generates, the worker is enabled to fulfill material needs. On the other hand, work also plays a fundamental role both in shaping of one’s identity and in his or her interaction with other people. The worker’s social involvement by performing useful work is instrumental for gaining social recognition. For many children working is a source of self-esteem (Hanson & Vandaele, 2003, p. 77)

.In short, Karl Hanson and Arne Vandaele criticize the abolitionist approach which does not take into account the reality that many children work. It is argued that all children work in one way or another.

Apprentices, children working in factories or in fields, school children and students all spend a considerable amount of their time to restricting non-leisure activities that are socially useful. The difference between studying and working relates to the question whether the activity is immediately useful or in the future, studying being considered as an investment for future productive work.

Hanson & Vandaele, 2003, p. 79

Along this line, according to Schlemmer, ‘all children are working, but not under the same conditions’.

Abolitionist Approach

On the contrary, the other doctrine resolutely advocates for the removal of children from work, and call for

the combat of the exploitation and abuse of child domestic labour. The abolitionist approach proponents contend that although the 1948 United Nations Declaration of Human Rights did not specifically mention children, the 1959 Declaration of the Rights of the Child emphasizes duties to children and children's rights as claims against society. The status of children changed from that of object to subject of rights. The UN Secretary General Javier Perez de Cuellar is quoted as expressing society's general sentiment that children are '... humanity's most vulnerable as well as most cherished resource' (Abernethie, 1998, p. 106).

Also, the 1989 Convention on the Rights of the Child (CRC), which has now been ratified by all but a few countries, specifically obligates governments – in Article 32 – to protect children 'from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.' Beyond that article, children's exploitation in work contravenes many more of the rights enshrined in the Convention, among them children's rights to care by their parents, to compulsory and free primary education, to the highest attainable standard of health, to social security, and to provisions for rest and recreation. The rights of those children whose primary activity is work are, without question, in jeopardy. Article 6.2 states in part: 'No one shall be required to perform forced or compulsory labour...' In conjunction with the preceding sections of the Convention, Article 28's mandatory educational requirements could also be used to limit child labour as logically if a child is in school, then she will not have time to perform as a labourer (Janak, 2000, p. 327).

In the spirit of the Convention, which outlines the specific rights of all children under the age of 18, 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);
- 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).

ILO, 2004, p. 10-11

The ILO rightfully defends the view that at least young children should not engage in any economic activity at all, and that the most basic ‘child labour’ objective should be kept them out of the workforce until they are at least in their teens. This is the view implicit in the ILO Minimum Age Convention (No. 138), which sets a standard barring ‘employment of work’ to children under 15 years old. By establishing such a link between the early minimum age standards and schooling, the aim is to ensure that children’s human capital is developed to its fullest potential, benefiting children themselves, their families and communities and society as a whole by the increased contribution they can, when grown, make to economic growth and social development. (ILO, 2002, p. 7) This is also the most widely used yardstick when establishing how many children are currently working around the world. Children who engage in work when they have not yet attained the minimum age specified for it are classed as child labourers. The ILO’s new convention ‘targeting the intolerable’ – Convention 182 on the Elimination of the Worst Forms of Child Labour and its accompanying Recommendation 190 on specific, urgent action in the elimination of child labour adopted at the International Labour Conference in 1999 – are the only existing international legal instruments that address the worst forms of child labour, setting their abolition as objectives of national and international priority.

So according to the spirit of the UN CRC as well as to ILO Conventions Nos. 138 and 182, the worst form of child labour is said to exist if the child is sold; is bonded; works without pay; works excessive hours; works in isolation or during the night; is exposed to grave safety or health hazards; is abused; is at risk of physical violence or sexual harassment; and works at a very young age (Bharati Pflug, 2002, p. 9). The presence of any or a combination of these elements would therefore render domestic child labour a worst form of child labour. Some features of child domestic labourers are definitely relevant to the recommended elements for determining hazardous work: e.g. work which exposes children to physical, psychological or sexual abuse, work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer. In its report entitled *Helping Hands or Shackled Lives: Understanding Child Domestic Labour and Responses to it*, the ILO has firmly argued that it is clear that many of these types of hazard are faced by children in domestic labour (ILO, 2004, p. 10).

Admittedly, not all children in domestic work are necessarily confronted with hazardous work or with other forms of child labour. Without doubt that there are many good employers who take care of CDWs, allow them to attend non-formal education classes or formal schooling and who give them a workload appropriate to their age. Nevertheless, in their daily working life, a large number of CDWs are exposed to hazardous work. ILO has concluded that many CDWs are currently suffering from either a form of child domestic labour or the worst form of child domestic labour. And it clearly defines that 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 (ILO, 2004, p. 49-53).

A study on Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It by Ayaka Matsuno & Jonathan Blagbrough reveals the fact that CDWs run a high risk of experiencing exploitation and/or abuse in one way or another.

There are people who argue that what CDWs do is not actually “work”; rather, they are providing “helping hands” with household chores. There even has been debate on whether they should be called “workers” and whether they deserve full rights as workers. While it, at first, seems an innocent tussle over terminology, the implication is of serious concern. In this region, the term “helper” is used in Viet Nam’s Labour Code and Indonesia’s National Plan of Action on the Elimination of the Worst Forms of Child Labour and related presidential decrees. In Viet Nam the term is used interchangeably with “domestic worker” only because the Labour Code has specific provisions for the protection of persons employed to help in households. However, Indonesians use the term “helper” precisely due to the implications that it brings to the domestic work sector as a whole. The so-called helpers performing light work for employers thus skirt the national minimum age for admission to employment. Nevertheless, given the physical, emotional and mental capabilities of children raised in a poor family and the expectation that they be at the beck and call of everyone at the employers’ household at any time of the day and night, the concept of domestic work as light work may be only an adult perspective. At the end of their long days, children might be hard pressed to call their work “light”.

Table 3. Mean Age and Age Group of CDWs, by country

MA: Minimum age for admission to employment as a reference point

Country	Mean age boys	Mean age girls	Mean age group boys	Mean age group girls	CDWs below MA boys	CDWs below MA girls
Cambodia – Phnom Penh; MA – 15	HA	HA	15-17 (43%)	15-17 (65.9%)	7-14 (57%)	7-14 (34.1%)
Indonesia MA – 15	HA	HA	15-17 (36.2% of total domestic workers of 30 years plus)		<15 (5.1% of total)	
Mongolia – Ulaanbaatar MA – 16	13	14	12-14 (47.8% of total)		6-14 (64.5% of total)	
Mongolia – rural	13	13	15-17 (41.9% of total)		6-14 (58.2% of total)	
Philippines (age range: 6-17) MA – 15	16		15-17 (71% of total)		6-14 (28.5% of total)	
*Thailand – BKK MA – 15	17	17	17 (65.4%)	16-17 (88.8%)	12-14 (11.5%)	12-14 (4.4%)
Viet Nam – Hanoi (age range: 12-20) MA – 15	HA	HA	18-20 (60%)	16-17 (55.1%)	12-15 (0%)	12-15 (21.5%)
Viet Nam – HCMC	16	16	15-17 (93.3%)	15-17 (85.9%)	HA	HA

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 27

The working conditions of CDWs in South East and East Asia suggest the degree and nature of exploitation that CDWs face in their work place. According to the baseline survey in Indonesia, 55.7 per cent of CDWs were busy 9–14 hours per day, which is longer than the working hours of adult domestic workers in the same surveyed municipalities. More than 19.7 per cent of them worked more than 15 hours per day. In Phnom Penh, working hours may not be as long as that of Indonesia. But 81 per cent of boy domestic workers and 46.6 per cent of girl domestic workers do not have any rest time, 23 per cent of them complain of exhaustion, 21.1 per cent complain of constant fear and 20.3 per cent complain of insomnia. In rural Mongolia, 71.9 per cent of girl domestic workers are busy more than 9 hours a day (Matsuno & Blagbrough, 2006, p).

Table 4. CDWs’ Working Hours per Day, by Country

Country	Working hours per day and sex (boys and girls)							
	Boys	Girls	Boys	Girls	Boys	Girls	Boys	Girls
	1-5 hours		6-8 hours		9-13 hours		-	
Cambodia	89.4%	57.6%	7.4%	27.4%	3.2%	15%	-	
	<5 hours		5-8 hours		9-14 hours		15 hours<	
Indonesia	9.8%		14.8%		55.7%		19.7%	
	<3 hours		4-6 hours		7-8 hours		9 hours<	
Mongolia – Ulaanbaatar	31.4%	30.7%	39.2%	43.6%	17.6%	10.3%	11.8%	15.4%
Mongolia – rural	0.6%	2.1%	18.4%	14.5%	24.1%	11.5%	56.9%	71.9%
*Philippines	HA							
	<7 hours		8-11 hours		12-14 hours		14 hours<	
*Thailand	11.5%	2.2%	58.3%	23.6%	26.9%	53.9%	3.8%	19.1%
*Viet Nam – Hanoi	HA							
	8-10 hours		10.5 -12 hours		12.5 - 14 hours		14,5 hours <	
Viet Nam – HCMC ⁹⁰	38.5%	12.6%	23.1%	18.4%	23.1%	36.8%	15.4%	32.2%

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 30

Further, not having any time off has serious implications for children’s development and violates national labour laws. However, as shown in Table 5, the majority of CDWs are engaged seven days a week without any regular weekly day off. In fact, not having any day off will have a negative influence on a child’s physical,

mental and social development. In Thailand, researchers for the rapid assessment of CDWs noted that they were less socially developed than other groups of child labourers. When compared with other peers, CDWs did not know much about travel routes, dared not to interact with others due to their lack of socialization skills, had lower self-esteem and perceived their work to be of lower value than other children’s work (Matsuno & Blagbrough, p. 30)

Table 5. Regular Weekly Day off (at Least One Day), by Country

Country	Yes		No (7 working days)	
	Boys	Girls	Boys	Girls
Cambodia	37.7%	21.2%	39.3%	69.6%
Indonesia	1%		99%	
Mongolia - Ulaanbaatar	15.7%	30.8%	51%	41%
Mongolia - rural	23%	24%	39.7%	40.6%
*Philippines	45.1%		54.9%	
*Thailand	57.7%	37.1%	42.3%	62.9%
*Viet Nam - Hanoi	N/A		N/A	
*Viet Nam - HCMC	6%		94%	

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 31

Regardless of the excessive working hours, many CDWs receive limited monetary return, if anything at all. Table 6 shows that CDWs across the region are paid very little for their services. In Indonesia, CDWs’ salaries are significantly lower than the minimum wage in Jakarta. Domestic work is not covered in the Indonesian Labour Law and consequently the minimum monthly wage of US\$82 is not applicable to this sector; the salary range for CDWs is considerably low at US\$13–\$16 a month. Occasionally, 79.5 per cent of CDWs receive extra money from their employer to supplement their limited monthly salary. In Thailand, CDWs receive a starting monthly salary of 1,500–2,000 baht (US\$37.50–\$50). However, if they work in a rural area, or if they are immigrant child workers, they receive as little as 700–1,000 baht (US\$17.50–\$25). In Mongolia, the survey found that CDWs in Ulaanbaatar were paid on average 134,312 *tugrugs* for the 12 months prior to the study. So the monthly remuneration was approximately 11,000 *tugrugs* (US\$9).

Table 6. Monetary Returns of CDWs, by Country

Country Local currency	Monetary return Yes	Monetary return No	Mean monthly salary boys	Mean monthly salary girls	Min. wage (monthly)
Cambodia – Phnom Penh <i>Riels</i>	26.2%	73.8%	Zero(94.8%)	Zero(58.9%)	152,000 (US\$40)
			More than 100,000 (2.1%) >US\$25	40,001– 50,000 (18.4%) US\$10–\$12.5	
Indonesia <i>rupiah</i>	NA	NA	125,001–150,000 (30.7%) US\$13–\$16		819,100 (US\$82)
Mongolia – Ulaanbaatar <i>tugrugs</i>	44.4%	55.6% (6.7% no return)	For the past 12 months: Less than 40,000 (45.8%) <US\$32.70	For the past 12 months: 40,000– 120,000 (43.8%) US\$32.80– 598.20	40,000 (US\$32.80)
Mongolia – rural <i>tugrugs</i>	25.5%	74.5% (5.2% no return)	For the past 12 months: Less than 10,000 (31.1%) <US\$8.20	For the past 12 months: 20,000 (US\$16.40)	
Philippines <i>pesos</i>	95.3%	4.7% no response	NA	NA	9,750 (\$174)
			For domestic workers 800 (\$14.30)		
Thailand – Bangkok <i>baht</i>	96.5%	3.5%	4,001–5,000 (30.8%) US\$92–\$115	2,001–3,000 (31.5%) US\$46–\$70	5,250 (US\$128)
Viet Nam – Hanoi <i>dong</i>		NA NA	150,000–200,000 (72%) US\$9.5–\$12.5		350,000 US\$22**
Viet Nam – HCMC	98%	2%	Average 466,389	Average 410,530	350,000 US\$22**

* calculated at 24 working days per month
** in state sectors

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 32

As far as their health status is concerned, with or without excessive working hours, children are tired from their multiple tasks and work on a 24-hour on-call basis. More than 10 per cent of CDWs surveyed in Hanoi said they had to get up at night, usually to take care of an elderly person or a baby. Some 24 per cent of CDWs in Cambodia reported that they were exhausted and suffered from insomnia (19.6 per cent). In Indonesia, 31.3 per cent of them also stated that they could not sleep and had no appetite (28.9 per cent) (Matsuno & Blagbrough, 2006, p. 30).

Domestic labour, among other types of child labour, raises certain expectations among working children and parents: They think that they can combine work and school. Indeed, the majority of child domestic workers in the research consulted for this report originally sought employment in domestic labour expecting that they could continue their study as well. In Mongolia, 50 per cent of the surveyed boy domestic workers migrated from rural areas to the capital city to study and 25 per cent of them migrated to live with relatives. They did not necessarily expect that they would do domestic work. Among the girls who migrated, there was not much expectation to study from the beginning (9.1 per cent of girl domestic workers originally migrated to study); rather, a large portion left home to find domestic work (36.3 per cent). Some 34 per cent of child domestic workers do not study at school any longer; among those aged 15–17, 59 per cent no longer study at school or participate in some informal training programmes. An alarming situation was found in Indonesia where 89 per

cent of CDWs were out of school. A survey on immigrants conducted from 1994 to 1996 by the Ho Chi Minh City Economic Institute found that only one third of the CDWs aged 13–19 were in school, while 61 per cent worked exclusively for a living (Matsuno & Blagbrough, 2006, p. 12).

Cost is certainly a determining factor for not sending children to school. However, there are other reasons as well. Their heavy workloads and a lack of compatibility between the school schedule and their daily schedule also prevent CDWs from going to school. Transportation costs can also be a hindrance. Further, employers who consider themselves as “benefactors” of these children, conveniently forget about children’s right to education and the “benefactor’s” responsibility to send children at the compulsory education age to school. Even if they are able to go to school, long hours of work and little sleep interfere with scholastic performance; CDWs are often tardy, absent or unable to complete their school assignments. Continuing their education as a CDW becomes a challenge.

Table 7. Education Status of CDWs, by Country

Country	Never attended school		Currently enrolled		Out of school	
	Boys	Girls	Boys	Girls	Boys	Girls
Cambodia	1.3%	7%	67.7%	46.6%	31%	46.4%
Indonesia	2.4%		8.4%		89.2%	
Mongolia – Ulaanbaatar	Informal training 5.9% 7.7%		58.8%	59%	35.3%	33.3%
Mongolia – rural	Informal training 1.7% 1%		37.4%	54.2%	60.9%	44.8%
*Philippines	NA		34.7%		52%	
*Thailand	NA		NA		NA	
*Viet Nam – Hanoi	NA		NA		NA	
Viet Nam – Ho Chi Minh City	5%		11%		84%	

Source: Child Domestic Labour in South East and East Asia: Emerging Good Practices to Combat It, Ayaka Matsuno & Jonathan Blagbrough, 2006, p. 14

CDWs in South East and East Asia are also deprived of a childhood and life aspirations. Playing and socializing with other children is a crucial part of a child’s development as a human being. Usually employers of CDWs do not allow their workers to have much freedom in contacting outsiders, even with their own families. In Indonesia, around 10 per cent of the surveyed CDWs did not have consent from their employer to associate with friends; 15.7 per cent of them did not have any communication with their families. In Thailand, CDWs have fewer chances to communicate and associate with friends compared to factory child workers. Not having opportunities to rest or have a personal life and having limited interactions with outsiders, CDWs are unable to develop or pursue any life aspirations. In Ho Chi Minh City, 75 per cent and 82 per cent of CDWs aged 9–12 and 13–14, respectively, think that it is not easy for them to find a job other than household employment. When they become older, their outlook on life improves slightly; but on average, 68 per cent of them aged 9–17 recognized the difficulty in searching for alternative employment opportunities other than domestic work (Matsuno & Blagbrough, 2006, p. 33).

Worse still, these children are also exposed to a number of forms of violence, which establish the worst form of child labour. Each domestic employer has his/her own rules and “laws” for the household. Children working as

domestic workers are often taken into a family with the expectation of becoming part of the “family” and obeying the laws of the family. In reality, the child worker needs to obey the laws not because he/she is part of the family but because he/she is the “property” of the family. Physical violence against CDWs is probably the more recognized form of violence that children endure thanks to the occasional media coverage of such cases. Recently in Thailand, a Burmese CDW filed a case against her Thai employer who beat her on the head until she passed out. Reportedly, the child’s employer became so upset when the child loudly wept about missing her home that she beat the girl uncontrollably. Visayan Forum Foundation in the Philippines and the Foundation for Child Development in Thailand regularly collect reports of similar cases of violence and provide support to the victims. Some of their cases involved burning with iron, slapping with a cooking pan and forced swallowing of detergent. In Cambodia, 11 per cent of the estimated 27,950 CDWs in Phnom Penh experienced either beating with objects or by hand. Many employers justify the physical violence by saying that it is a part of disciplining the children. In Ulaanbaatar, 17.6 per cent of boy domestic workers and 23.1 per cent of girl domestic workers reported that they had been beaten by the “master”. Broken down by age, more Mongolian children aged 6–11, 40 per cent reported being beaten by the “master” than children in the other age categories (Matsuno & Blagbrough, 2006, p. 24).

Verbal violence may not seem so serious compared to the newspaper images of physically abused CDWs. However, the lasting impact of verbal violence in the children’s minds is overwhelming and should not be neglected. Each day of verbal violence places children under emotional torture. Not being treated equally in the household by the use of negative words and looks, inferior food, clothes and accommodation constantly make CDWs feel “inferior” as a person. To face the unjustifiable difference between their lives and the employers’ children’s lives also reinforces their feelings of an inferior destiny and future. Many CDWs in Hanoi, for instance, said that the main difficulty for them was not the hard work but their employers’ attitudes. Of the various emotional distress they put up with, such as missing their families, loneliness due to little or no contact with outsiders, restricted freedom with the employers’ discipline, the one that hurts the most is the self-pity they feel when seeing the employers’ children going to school and receiving care from their parents. Low self-esteem among CDWs is common. The labels put on them to marginalize them as an “inferior” group of human beings to serve a “superior” group have significant impact on how they see themselves. Having no contact with their family, friends and outsiders prevents the development of a healthy perspective on who they are, and that differs from how the employers describe and treat them. It also makes them feel trapped in a cage, which prompts feelings of hopelessness, depression and loneliness.

Compounding the distress, many CDWs, especially girls aged 15–18, are often expected to also serve as sexual outlets for the men or boys of the household. It is extremely difficult to gather information about this type of violence among CDWs through research. They fear possible consequences if they disclose “family secrets” to strangers. Yet, five of 270 children surveyed in rural Mongolia revealed that they had been sexually abused. Information from other regions, such as Africa, suggests that those who are exploited sexually are even more vulnerable to further exploitation: They may be discarded by the man or if they ask the wife for protection, they

may be turned out of the house and abandoned to the street; they may end up in prostitution, having no alternative to make living (Matsuno & Blagbrough, 2006, p. 25-26).

Last but not least, there is a linkage between child domestic labour, migration and trafficking. In most countries, children younger than 18 are not permitted to seek employment abroad. However, it is not uncommon for many under-aged persons to obtain falsified travel documents with an appropriate age. Children who go abroad for employment without proper documents or protection tend to be easy prey to exploitative/abusive situations at the destinations, if not during the migration process as well. Whether the child is voluntarily recruited as a foreign migrant or not, falsifying his/her age to cross a border renders the voluntary movement as a part of the trafficking process. Domestic work is often used as an entry point for traffickers. It easily appeals to children who know the usual tasks and to parents who consider it as safe work. It is common knowledge that children recruited as CDWs actually end up in commercial sexual exploitation and/or very exploitative/abusive child domestic labour. So these illegal migrant CDWs face double vulnerabilities.

To sum up, the research data and experiences presented above confirm that CDWs run a high risk of experiencing human rights violation in one way or the other. Types of exploitation and hazards that they commonly face include:

- Working in isolation and/or being confined to the premises of the employer;
- Long working hours; open-ended and ill-defined working hours; being “on stand-by” 24 hours a day;
- No regular break times or rest days;
- Limited or no opportunities for education;
- Vulnerable to ill health due to physical and mental exhaustion, emotional trauma, etc.;
- Trafficking into domestic labour;
- Being allowed no or limited contact with outsiders and their own families; no channels to discuss or alert others to their problems; and
- Denied their rights as children to special protection and care.

Apparently, they get involved in child domestic labour, and in many cases, the worst form of child labour, which calls for immediate and long-term concerted attention and action at governmental and intergovernmental level to combat it.

Necessity to Develop Regional Cooperation to Combat Child Domestic Labour

How necessary is it for a regional approach to contribute to the promotion and protection of the rights of CDWs? The Asia Pacific region is home to more than 60 per cent of working children worldwide. Most still remain invisible, transitory and unreached. Of that it is estimated that second to child labourers in agriculture, CDWs in households away from their families are most numerous. And by all accounts, CDWs are bound to grow in the foreseeable future. At the same time, there is still not enough comprehensive information on CDWs partly due to the fact that in many countries domestic work is not counted as an

economic activity, neither in official statistical data, nor by the parents of many children. Therefore, it is not seen as an integral part of society worthy of studying or documenting. The lack of exact statistic is also due to the nature of the work such as it being hidden work and the CDW being claimed to be part of the family. Despite much awareness raising, child domestic labour is still not considered an issue by many individual employers and by several governments in Asian countries. As a consequence, there continues to be a lack of specific data and information to allow for a thorough analysis of the incidence and nature of child domestic labour in South East and East Asia.

Furthermore, Lim and Oishi note that the plethora of international instruments does not specifically address the problems of female migrant workers, much less those of domestic workers. Blackett concurs that there is currently no specific international instrument prescribing 'labour standard that exclusively apply to domestic workers.' In the absence of such an international instrument, there is a wide range of diversity in the approaches of countries towards the regulation of domestic work, even among those who have enacted specific legislation for it. In his *Study on the Legal Protection of CDWs in the Asia Pacific*, Amparita S Sta. Maria summarizes that from the examination of laws in 13 countries in the region, it is clear that there is a dearth of specific child domestic laws. Very few countries have laws or policies for domestic workers of any age. The Philippines has the most. Thailand allows three areas in its labour laws to benefit domestic workers in terms of wages, annual holiday and protection from sexual harassment. And in Vietnam, a contract is required if a child is at least 15 years old.

The other 10 countries have no specific laws on domestic workers. There is some protection due for children if they are working in the formal sector or if they are in hazardous or abusive situations. The lack or absence of laws and policies shows little or no recognition that children in domestic work need to be addressed separately.

There are among the existing laws and policies, factors that can be used to extend protection or prevention. One of them is the minimum age requirement. Most countries have set a minimum working age, typically at the age of 12 to 15. Some laws, however, contain a blanket prohibition only on heavy work at that minimum age. Another factor that can bear effective use in protecting children is birth registration. It is a handy tool for tracking down or monitoring children, especially in countries that have compulsory education. But very few countries require birth registration in their laws.

Besides, there is an obvious problem of enforcement of laws and policies affecting CDWs. For example, in Thailand, the law against sexual harassment is rarely enforced. There is also a problem across the region with accessing justice in cases of non-payment of wages, physical injuries and other acts of cruelty or abuse. Part of that problem is that domestic work is relegated to the informal sector and not subject to labour laws.

Some measures that purport to protect CDWs are also problematic. Laws providing for labour inspections generally focus on monitoring industries and establishments and cannot reach the private home. Rescue operations and hotlines have been effective in the Philippines, but not quite successful in Thailand.

Against that background, a regional multilateral framework to meet the specific needs of domestic workers is a valuable opportunity for establishing the standards and mechanisms for the protection of CDWs.

Apart from being exposed to the potential exploitation and/or abuse in child domestic labour, CDWs are also in danger of being trafficked. As the demand for children in domestic work grows, their supply also becomes more organized and recruitment agents – and often traffickers – are becoming systematically involved. While the relationship between trafficking and commercial sexual exploitation is well-known and analysed and with commercial sexual exploitation remaining the leading form of exploitation of trafficked children, there are a number of the studies conducted by the International Programme on the Elimination of Child Labour (IPEC) illustrating that children are also trafficked for labour exploitation in general. Among these forms of labour exploitation, exploitative domestic work features strongly. In many countries in Asia, child domestic labour is directly linked to trafficking because young children are recruited from rural areas in a systematic manner for domestic work in, usually, urban centres and at times it is difficult to differentiate between a relative, a broker and / or a trafficker. Such trafficking can also take the form of an inter-country issue, for example in the border areas of Thailand or between Indonesia, Malaysia and Singapore and the Middle Eastern countries. Another link between domestic work and trafficking is that domestic work is such an accepted occupation for children that it is often used as the lure by which traffickers involve children in other worst forms situations, such as prostitution.

To sum up, in addressing the exploitative and abusive child domestic labour and the directly-related trafficking in person, national governments alone cannot solve the issue, but regional policy dialogues should be promoted.

Emerging Regional Cooperation to Address the Exploitation and Abuse of Child Domestic Labour in South East and East Asia

A number of regional efforts have been initiated by ILO-International Programme on the Elimination of Child Labour (ILO-IPEC). Guided by the UNCRC and ILO Conventions No. 138 and No. 182, ILO-IPEC works toward the effective prevention and elimination of child domestic labour by addressing its root causes. In collaboration with other international and national organizations, ILO-IPEC conducts action research on child domestic labour and supports the efforts of governments, workers' and employers' organizations and civil society groups. Those efforts include policy advocacy, awareness raising, prevention, rescue, rehabilitation and reintegration of children found in exploitative/abusive situations.

ILO/Japan/Korea Asia Meeting on Action to Combat Child Domestic Labour in Chiang Mai, Thailand in October 2002 – a regional tripartite meeting in the region - has become a cornerstone of recent ILO–IPEC efforts to combat child domestic labour. For the first time in Asia, a meeting provided an opportunity for social partners to thoroughly discuss action against child domestic labour. At the end of the three-day gathering, the 47 participants from 16 Asia–Pacific countries drafted and adopted a Framework for Follow-up Action in the region. The framework for action articulates the various hazards and exploitation found in child domestic labour and proposes practical strategies and interventions with specific roles and contributions for governments and social partners. For instance, it suggests a set of interventions to prohibit the employment of CDWs younger than 15, to bring the working conditions of CDWs (older than the minimum age) up to an acceptable level by adopting codes of conduct for employers, to ensure CDWs have access to education, including facilities for non-formal education, skills training, evening and weekend schooling facilities and to prevent abuse and exploitation. This framework has been a guideline for regional efforts against child domestic labour.

A training workshop on “South-East Asia Capacity Building Toward Sustainable Advocacy for CDWs” organized in Manila, the Philippines in October 2003 was another Technical Cooperation Resource Allocation Mechanism (TCRAM) CDW project-supported initiative during Phase I. The workshop, organized by the Visayan Forum Foundation, Anti-Slavery International and Global March Against Child Labour, aimed to bring together decision makers and key players for concrete policy changes on the issue of child domestic labour in South East Asia. Some 35 participants from eight countries, namely, Cambodia, China, Indonesia, Mongolia, Lao PDR, Philippines, Thailand and Viet Nam participated in the workshop. Through this Manila training workshop, the participants initiated thinking on how to plan advocacy on child domestic labour in their respective countries. After the workshop, they are expected to come up with national and regional plans in the areas of public and private advocacy; legislative and policy advocacy; an education agenda and active support to actions against exploitation of CDWs. To achieve those goals, the participants requested a tool to plan and implement an effective advocacy action. Phase II of the project will address this concern and prepare an anti-child domestic labour advocacy training manual through regional consultation.

Building on existing initiatives supported under Phase I, ILO–IPEC in March 2004 launched another two-year programme in South East and East Asia under TCRAM CDW Project Phase II, with financial support from the Netherlands. The programme focuses on (i) promoting change in national policies with a view to creating an enabling environment for the progressive elimination of exploitation of child domestic workers as part of national action to combat child labour, and (ii) supporting direct interventions to CDWs.

The Project has put education at the centre of its strategy and focuses on providing access to both formal and non-formal educational opportunities to targeted CDWs and preventing others from falling into child labour situations by enhancing community support and improving school accessibility. It highlights the important link between trafficking and child domestic labour in its programme so that the prevention

activities also benefit CDWs and children at risk of domestic labour. During Phase II, comprehensive intervention packages are being implemented in Indonesia and Cambodia as a continuation of the work under Phase I. At least 2,270 CDWs in these countries will benefit from direct action. In other countries, the Project supports selected activities such as research and advocacy initiatives. Currently, three research studies on child domestic labour have been conducted in Mongolia, Lao PDR and Viet Nam. For child domestic labour advocacy, the Project supported the production of an advocacy training manual, which was published in January 2006.

A subregional training workshop on Child Domestic Labour Research Methodology in Bangkok in October, 2004 was an effective initiative to build up the knowledge base in the region, which will help create an enabling environment to address the issue. The workshop helped participants improve their skills in conducting research on a hidden target group such as CDWs and thus benefit future research planned in Mongolia, Lao PDR and Viet Nam. 36 researchers, government officials and IPEC colleagues from eight South East and East Asian countries including Cambodia, China, Indonesia, Lao PDR, Mongolia, Philippines, Thailand and Viet Nam; and three South Asia countries, namely, India, Bangladesh and Sri Lanka participated in the workshop. The training programme included an overview of data collection methods, mainstreaming gender into research design, country presentations on data collection methods, ethical considerations when interviewing children, legal and occupational safety and health (OSH) aspects of child domestic labour, design of survey questionnaires, tabulating plans and data processing issues and developing terms of reference (TOR) to initiate research. The presentations also provided information on the specificity of the country situations, the methodology, and major findings of the research in each country. Under the Project, three research studies on child domestic labour were initiated in Lao PDR, Mongolia and Viet Nam. The subregional workshop was a direct input to the design of those studies.

An idea to prepare a training manual for advocacy on child domestic labour which emerged during the 2003 training workshop in Manila previously was highlighted in the Validation Workshop Cum Training of Trainers for the Advocacy Training Manual on CDWs in Jakarta in September, 2005. The eventual manual was designed to help practitioners and policy makers develop concrete national and regional advocacy plans on child domestic labour in their respective countries, which was a necessity identified during that 2003 workshop. The training manual was prepared as a teaching tool and a practical training guide that combines both theoretical aspects of advocacy and specific features of the child domestic labour issue. It reflects contributions from Child Workers in Asia and its Task Force on Child Domestic Work, Visayan Forum Foundation, Anti-Slavery International (ASI), University of the Philippines Center for Integrative and Development Studies Psychosocial Trauma and Human Rights Programme (UP CIDS PST) and ILO-IPEC. Around 40 participants from 11 countries, including India, Nepal and Sri Lanka, took part in the workshop to test the training manual and provided valuable comments toward improving its quality. The training manual's design was based on the experiences in South East and East Asia, but it can be a valuable resource for advocates in other regions. The training manual was published in January 2006 and is available via the Child Workers in Asia and Visayan Forum websites.

What is more noteworthy is the active regional cooperation supported by non-governmental organizations for information sharing and mutual reinforcement to combat child domestic labour. Child Workers in Asia and its regional Task Force on Child Domestic Work are the main vehicles for such active regional cooperation. ILO–IPEC has been supporting the regional cooperation and working closely with the Task Force to ensure that the action against exploitation of CDWs sustains.

Child Workers in Asia (CWA) is a regional network of NGOs working on child labour issues in Asia. Established in 1985, CWA now brings together more than 70 groups/organizations from 14 countries in South Asia and South East Asia. CWA has been providing a venue for NGOs to interact and exchange their experiences and knowledge for further action against child labour. CWA has been providing focused interventions for CDWs through its regional task force. Also, it has been maximizing existing resources to advocate the issue of child domestic labour. CWA provides a portal to resources available on the problem by providing a resource centre through its website: www.cwa.tnet.co.th. CWA also created a special edition newsletter on child domestic labour, Volume 20, Numbers ½, January – April 2004, dedicated to “Making the Invisible Visible: Advocacy for CDWs.” The newsletter, inspired by the Manila workshop in 2003, serves as a resource book for advocacy. CWA also has taken a leading role in preparing a training manual for advocates on the rights of child domestic workers. The training manual, validated at the regional training workshop in Indonesia, will be a resource book for its members and others to advocate the issue of child domestic labour throughout Asia.

Formed in 1997, CWA Task Force on Child Domestic Work entails 17 organizations from South and South East Asia. While Visayan Forum Foundation remains its convenor, each member organization serves as the focal point for each country. Members work together by sharing experiences and expertise in contributing to national efforts for CDWs. Promoting child participation, facilitating cooperation among NGOs and advancing the necessary collaboration with regional and international initiatives are common activities in the programmes designed by the task force. And it has taken a leading role, together with CWA, in preparing the child domestic labour advocacy training manual. For the past few years, the Task Force has organized a regional consultation and has been instrumental in setting up field exchange programmes across South and South East Asia.

During its Third Regional Consultation on CDWs in Jakarta in September, 2005, the Task Force set a two-year agenda aimed at building up the capabilities of its members and partners, strengthening legislative policy advocacy and general public advocacy, generating attention and action to raise awareness of the connection between child domestic work and trafficking, intermediating research actions, ensuring child participation and developing strong alliances at all levels. The regional consultation was followed by a third field exchange programme in the Philippines in November 2005, which involved around 30 practitioners, mainly from South East and East Asia, to expand their understanding of the issues and strategies related to

sustaining interventions for CDWs. The Task Force is currently preparing for the lobby of an international convention on domestic workers to set up action and minimum standards for the sector.

Since 1995, Anti-Slavery International (ASI), a UK-based international NGO, has worked closely with local NGO partners in Africa, Latin America and Asia on raising the profile of child domestic labour. It has done this by developing practical tools based on good practices for use by small- and medium-scale NGOs, community-based organizations and others to plan, design, undertake and evaluate research, advocacy and programme interventions on the issue.

Anti-Slavery International's activities in Asia on the issue of child domestic labour have been developed and implemented in cooperation with the Philippine-based Visayan Forum Foundation and other members of the CWA Task Force on Child Domestic Work. In the Philippines, collaboration has focused on pushing for the passage of the *Batas Kasambahay*, Magna Carta of Domestic Workers. In addition to preparing good practices and methodological tools, Anti-Slavery International has, through its partners in South East and South Asia, facilitated information sharing and capacity building in child domestic labour research, advocacy and programme interventions, for example, through practitioners' meetings in 1996, 2001, 2004 and through regional field exchanges in 2002 and 2005. It also carried out research, and consulted with current and former CDWs on the kinds of services that would best protect them from abuse and exploitation in India, Nepal, Sri Lanka and the Philippines in 2004.

Conclusions

Generally, there are certain common significant characteristics of CDWs that spread across South East and East Asia as follows:

- Poverty has been defined as one of the major root cause of child domestic work. Most CDWs come from poor and disadvantaged rural areas; many also come from poor urban areas. Other factors such as cultural attitudes to child labour, traditions of foster caring, and lack of access to education also come into play. Moreover, in many urban centres of South East and East Asia, the increasing need for both men and women to go outside the home to work means that an increasing number of young women and children are pulled into domestic work.
- High education levels and religious adherence among employers do not guarantee that children will be well-treated.
- Most CDWs live away from their immediate families, and get little or no chance to go home.
- In some prevailing circumstances, child domestic labour infringes on children's rights, leaves them open to all kinds of abuse – including physical, sexual and emotional abuse – and deprives them of education opportunities. Children are constantly 'on call', and thus deprived of sleep, do not get adequate food, and may be required to do hazardous jobs, or live and work in inhumane and intolerable conditions.

- Children who ‘fall out’ of domestic work either because they are thrown out by their employers or because they run away are at very high risk of ending up in prostitution or other forms of commercial sexual exploitation.
- There is an emerging phenomenon of trafficked and migrated workers, including children to be engaged in domestic labour in destination countries in Asia.

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. (ILO, 2004, p. 8) 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, 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. (ILO, 2004, p. 63)

As child domestic labour cannot be effectively addressed overnight and in an isolated manner, further regional cooperation for information sharing and mutual reinforcement to combat child domestic labour is necessarily desirable. But multilateral cooperation in combating child domestic labour in South East and East Asia requires multi-faceted developments. First, to promote the governments’ capacity to deal with child domestic labour and the worst form of child domestic labour, the international community needs to further support comprehensive grassroots research to come up with a regional child domestic work profile, and more actively explore theoretical and practical issues related to research, programming and advocacy work that could sharpen the analysis ability of the phenomena of domestic workers in Asia. Data gathering and research are critical in assessing the nature and magnitude of the problems that their situation brings especially when seen in the context of the worst forms of child labour. A better understanding of the context of CDWs, in turn, ensures that the law and policies issued in addressing the problem are adequate and responsive. More importantly, efforts must be intensified at making the rights and remedies that are already available to CDWs known and popular. The lack of awareness regarding one’s enforceable rights will lead to ineffective reporting and inadequate redress system.

Second, for the promotion and protection of the rights of CDWs, the region’s government should be encouraged to ratify and implement the international treaties with CDWs-related provisions. These relevant international treaties include:

- 1989 UN Convention on the Rights of the Child
- 1973 ILO Minimum Age Convention (No. 138)
- 1999 ILO Convention (No. 182) on the Prohibition and Immediate Elimination of the Worst Forms of Child Labour
- 1981 UN Convention on the Elimination of All Forms of Discrimination against Women

- 1949 UN Convention for the Suppression of Traffic in Person of the Exploitation of the Prostitution of Others
- 1990 UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
- 1949 ILO Convention (No. 97) Concerning Migration for Employment
- 1975 ILO Convention (No. 143) Concerning Migrations in Abusive Conditions and the Promotion of Equality of Opportunity and Treatment of Migrant Workers

Third, regional governments should mobilize the enactment of a law on CDWs, where a legal definition is given to domestic work, domestic workers and CDWs. A domestic worker's law must discuss the definition of a domestic worker, including what tasks constitute domestic work. More specifically, it must discuss (a) conditions of employment such as minimum wages, hours of work and rest periods, provision of food and shelter and social security; (b) conditions for termination of employment; (c) monitoring and inspection procedures; and (d) penalty for violations. However, the law should not focus solely on adult domestic workers. Special provisions should be reserved for children, i.e. those from 14 to below 18 years of age. Domestic tasks inappropriate to their age, well-being, health and development must be identified. And the potential of domestic work as one of the worst form of child labour must be recognized.

Fourth, regional cooperation should examine elements of forced labour situation in domestic workers, especially child domestic work victims of the trafficking, and set up as a network to determine the possible routes, modes of exploitation, deception, and develop effective approaches in the source country, transit country, and destination country. The multilateral regional framework is a valuable opportunity for establishing the standards and mechanisms for the protection of migrant workers, realizing the goals aspired in the Declaration on the Protection and Promotion of the Rights of Migrant Workers of the Association of the South East Asian Nations (ASEAN). As one of the largest groups of migrants within ASEAN, it is essential that the specific needs of domestic workers are included in this document. As ASEAN is developing into a more cohesive and effective intergovernmental human rights body following the signing of the ASEAN Charter in November, 2007, it should prioritise the existing agreements among ASEAN member states. Further, the international conventions on the rights of children and the elimination of discrimination against women are the only two receiving near-universal acceptance in the region. As a consequence, ASEAN can begin by targeting the illegal traffic in women and children. More concretely, improving the rights of ASEAN children to education, shelter and food can help the basic rights of the child, and prevent them from being trafficked and being engaged in child domestic labour.

Finally, although the government's capacity is the decisive factor to combat child domestic labour, cooperation with other like-minded organizations is also important. Therefore, states should encourage the participation of international organizations, NGOs, media, donors and legal associations. Continuing capacity building is vital for concerned government agencies and their partner organizations in the areas of detection, rescue and surveillance, case management, handling children, documentation, legal procedures,

and para-legal skills.

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