

Colombia

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Colombia has participated in several projects to address child labor with the support of ILO-IPEC.⁵⁵⁴ The government plans to conduct a national child labor survey in Colombia with technical assistance from ILO-IPEC's SIMPOC.⁵⁵⁵ The government established the National Committee for the Eradication of Child Labor and Protection of Young Workers, which developed a four-year action plan to eradicate child labor in 1995, and a two-year plan in 2000.⁵⁵⁶

In 2001, a three-year ILO-IPEC regional project on the prevention and elimination of child domestic labor in South America, funded by USDOL, was initiated in four South American countries, including Colombia.⁵⁵⁷ In 2001, a two-year ILO-IPEC project on the prevention and elimination of child labor in small-scale mining, also funded by USDOL, was established in Colombia. This project aims to coordinate efforts among government agencies, nongovernmental organizations, and worker and employer organizations to raise awareness, bring mining operations into the formal sector, and withdraw children from clay, coal, emerald and gold mining work.⁵⁵⁸ ILO-IPEC is also providing support for a project to provide education, healthcare, and develop-

⁵⁵⁴ USDOL-Funded IPEC Projects/Programs, *Technical Progress Report on South America* (Geneva, September 14, 2001), 3 [document on file].

⁵⁵⁵ ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project report (Geneva, September 22, 2000), 9 [hereinafter *Child Domestic Labor in South America*] [document on file].

⁵⁵⁶ Angelino Garzón, "Colombia avanza en la lucha contra las formas extremas de trabajo infantil," Boletín Electrónico Encuentros, Programa IPEC Sudamérica [hereinafter Garzón, "Colombia contra extremas trabajo infantil"], at <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/paraeldialogo.html>. See also Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of the Child Labor, 2001* (Bogotá, 2001) [hereinafter *Eradication of the Child Labor*], 3, 5. The new plan calls for the consolidation of a national child labor information system; transformation of cultural norms that support child labor; design of public policy approaches in areas that will have the most impact on child laborers; development of legislation on child labor and strengthening of the mechanisms that guarantee its application; withdrawal of children from involvement in the worst forms of child labor; and the development of mechanisms that facilitate the coordination of efforts among national, regional, and local governments. See Comité Interinstitucional para la Erradicación del Trabajo Infantil, *Plan Nacional de Acción para la Erradicación del Trabajo Infantil y la Protección de los Jóvenes Trabajadores, 2000-2002* (Bogotá, IPEC, AECI, February 2000), 40, 41.

⁵⁵⁷ The project aims to gather information on child domestic workers, analyze legislation pertaining to child labor and train government officials in this legislation and their responsibilities to enforce it, build the capacity of governmental and nongovernmental organizations to address the issue of child domestic workers, raise awareness of the problem, withdraw child domestic workers from employment where possible, provide training in nonhazardous occupations, and establish an integrated reference service center. See *Child Domestic Labor in South America* at 8-13.

⁵⁵⁸ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining—Colombia*, project document, E-9-K-1-0001 (Geneva, September 2001) [hereinafter *Child Labor in Small-Scale Mining*], 4 [document on file].

ment of alternative economic activities for the families of child street vendors.⁵⁵⁹ In addition, ILO-IPEC is providing support to the second phase of a project to provide job training and placement services to child victims of sexual exploitation in Colombian coastal cities.⁵⁶⁰ Government efforts have also removed minors from guerrilla and military self-defense groups, and sought to prevent their recruitment in the future.⁵⁶¹ In 1998, the Colombian Institute for Family Welfare (ICBF) provided social and legal services, nutrition information, and job training and education to 1,220 minors, and supported services to protect the basic human rights of over 12,000 children and adolescents.⁵⁶²

The government is also working with international development banks and other institutions to promote the welfare of children in Colombia. In March 2001, the World Bank approved a USD 150 million loan to Colombia to protect and improve the health and educational conditions of more than a million of the poorest children in the country.⁵⁶³ In 1999, the IDB approved financing for the government to initiate reforms in the Colombian education system.⁵⁶⁴ The IDB is funding a Ministry of Education project to mitigate the effects of the country's economic crisis on the very poor, including support to families to increase school attendance and reduce primary and secondary dropout rates.⁵⁶⁵

⁵⁵⁹ Garzón, "Colombia contra extremas de trabajo infantil."

⁵⁶⁰ Ibid.

⁵⁶¹ *Eradication of Child Labor* at 7.

⁵⁶² Emilio García Méndez and María Cristina Salazar, eds., *Nuevas Perspectivas para Erradicar el Trabajo Infantil en América Latina: Seminario Regional Post-Oslo* (Bogotá: UNICEF and Tercer Mundo Editores, 1999), 273, 274.

⁵⁶³ The loan will finance a government project to provide health and nutrition grants and education grants for a 3-year period to mothers of children living in the poorest quintile of income distribution. The project aims to increase school enrollment, reduce student absenteeism, and decrease primary and secondary school dropout rates. It will also improve the nutrition and health of vulnerable children and improve childcare practices among poor families in nutrition, health, early stimulation, and avoidance of intra-family violence. See "Colombia: World Bank Approves \$150 Million Loan to Improve Children's Health and Education in Colombia," The World Bank Group, news release 2001/280/S, March 29, 2001, at <http://wbln0018.worldbank.org/news/pressrelease.nsf/673fa6c5a2d50a67852565e200692a79/e4cbadefc061f4f285256a1e006a87bd?OpenDocument>.

⁵⁶⁴ The goal of the project is to strengthen decentralized independent management and improve efficiency and equity in the allocation of resources as a means to offer better quality education services in the country. See "New School System Program: Reform of Education Management and Participation" at <http://www.iadb.org/exr/doc98/apr/CO1202E.pdf>.

⁵⁶⁵ "Social Safety Net Program" at <http://www.iadb.org/exr/doc98/apr/CO1280E.pdf>.

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 6.1 percent of children between the ages of 10 and 14 in Colombia were working.⁵⁶⁶ In urban areas, child labor is concentrated in the retail and services sectors, and in activities such as street vending, waiting tables, and prostitution,⁵⁶⁷ while in rural areas most of the working children participate in uncompensated family agricultural activities, including mining.⁵⁶⁸ Children also work in the cut flower industry, in mining, and in cocoa picking.⁵⁶⁹

Children work in the commercial sex industry and are trafficked abroad by international networks.⁵⁷⁰ An insurgent campaign to overthrow the Colombian Government has been ongoing for over 40 years, and reportedly between 15 percent and 20 percent of the nongovernmental guerrilla and self-defense forces currently involved in the armed conflict are children.⁵⁷¹ According to the Colombian Institute for Family Welfare (ICBF), approximately one million youths in Colombia under the age of 18 were working in high-risk conditions in the year 2000.⁵⁷²

The Colombian Constitution requires children between the ages of 5 and 15 to attend school, and education is free in state institutions.⁵⁷³ In 1996, the gross primary enrollment rate was

⁵⁶⁶ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM]. According to a child labor survey conducted by the government in 1996, 21 percent of children and adolescents between the ages of 12 and 17 in Colombia were working. Colombian government surveys collect information on the following populations: 7- to 10-year-olds in urban areas, 10- to 11-year-olds in rural areas, and 12- to 17-year-olds in both urban and rural regions. According to the child labor survey cited, however, 1 percent of girls and 2 percent of boys age 7 to 11 worked in urban areas of the country, while 3 percent of girls and 15 percent of boys age 10 to 11 worked in rural areas. Ministerio de Trabajo y Seguridad Social, el Programa Acordado Colombia, IPEC/ILO, and the Spanish Agency for International Cooperation (AECI), “El Trabajo Infantil en Colombia: Cifras,” in *Colombia comprometida con la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador: Principales desarrollos 1996-1999* [hereinafter “El Trabajo Infantil en Colombia”], 5.

⁵⁶⁷ U.S. Embassy—Bogotá, unclassified telegram no. 9111, October 2001 [hereinafter unclassified telegram 9111].

⁵⁶⁸ *Child Labor in Small-Scale Mining* at 7.

⁵⁶⁹ *Country Reports on Human Rights Practices for 2000—Colombia* [hereinafter *Country Reports 2000*] (Washington, D.C.: U.S. State Department, 2001), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=741>. See also unclassified telegram 9111.

⁵⁷⁰ Unclassified telegram 9111. See also *The Protection Project, Commercial Sexual Exploitation of Women and Children: A Human Rights Report—Colombia* at <http://209.190.246.239/protectionproject/HrrPDF/Colombia.pdf>, cited with permission.

⁵⁷¹ *CIA World Factbook – Colombia* (Washington, D.C.: Central Intelligence Agency, 2001) at <http://www.cia.gov/cia/publications/factbook/geos/co.html>. See also *Eradication of the Child Labor* at 3.

⁵⁷² Instituto Colombiano de Bienestar Familiar (ICBF), *Sistema de Información ICBF*, at <http://www.icbf.gov.co/espanol/estadisticas.asp>.

⁵⁷³ Constitución Política de Colombia, 1991 con reforma de 1997, at <http://www.georgetown.edu/pdba/Constitutions/Colombia/colombia.html>.

112.5 percent, and the net primary enrollment rate was 84.7 percent.⁵⁷⁴ According to government figures, in 1997, the primary school enrollment rate was 634.3 percent in urban areas and 35.7 percent in rural areas.⁵⁷⁵ Primary school attendance rates are unavailable for Colombia. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.⁵⁷⁶

Child Labor Laws and Enforcement

Colombia's Labor Code sets the minimum age for employment at 14 years, but also defines special conditions under which children ages 12 and 13 are authorized to perform light work with proper permission from parents and labor authorities.⁵⁷⁷ Article 44 of the Colombian Constitution calls for the protection of children against all forms of economic exploitation and exploitation in employment.⁵⁷⁸ Law 548 of 1999 establishes that persons below the age of 18 cannot perform military service.⁵⁷⁹ Decree 1974, enacted in 1996, created the Committee to Fight against Trafficking in Persons, Especially Women and Children.⁵⁸⁰

The Ministry of Labor, the Colombian Institute for Family Welfare (ICBF), the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the authorities empowered to enforce the country's child labor laws and regulations.⁵⁸¹ Colombia ratified ILO Convention 138 on February 2, 2001, but has not ratified ILO Convention 182.⁵⁸²

⁵⁷⁴ *World Development Indicators 2001*.

⁵⁷⁵ *El Trabajo Infantil en Colombia*, 17.

⁵⁷⁶ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

⁵⁷⁷ Unclassified telegram 9111.

⁵⁷⁸ *Eradication of the Child Labor* at 4.

⁵⁷⁹ Coalition to Stop the Use of Child Soldiers, *Global Report 2001: Colombia*, at <http://www.child-soldiers.org>.

⁵⁸⁰ Unclassified telegram 9111.

⁵⁸¹ *Ibid.*

⁵⁸² ILOLEX database: Colombia at <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.

NOTE: Hard copies of all Web citations are on file.