

El Salvador

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

The Government of El Salvador has been a member of ILO-IPEC since 1996. In June 2001, El Salvador became one of the first countries to initiate a comprehensive, national Time-Bound Program to eliminate the worst forms of child labor. The program focuses on eliminating exploitative child labor in fireworks, fishing, sugar cane production, the commercial sex industry, and in garbage dumps scavenging.⁸⁷³ The government has collaborated with ILO-IPEC on five projects funded by USDOL. These projects seek to gather statistical information on children engaged in economic activities and withdraw child workers from mangrove clam harvesting, coffee harvesting and the cottage production of fireworks.⁸⁷⁴ A National Committee for Child Labor Eradication, under the auspices of the Ministry of Labor and Social Security, provides leadership and guidance to the ILO-IPEC program.⁸⁷⁵ Thus far, a child labor module designed by ILO-IPEC's SIMPOC has been included in the government's Multiple Purpose Household Survey of 2001 and ILO-IPEC is conducting assessments in the sectors where the worst forms of child labor is a particular problem.⁸⁷⁶

The Ministry of Education is working with other ministries in the implementation of the education component of the ILO-IPEC Time-Bound Program and has developed an Education for All plan to increase access to primary education, improve the quality and results of learning, and expand basic education services and training in essential skills for youth.⁸⁷⁷

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 12.3 percent of children between the ages of 10 and 14 in El Salvador were working.⁸⁷⁸ About two-thirds of working children are located in rural areas and

⁸⁷³ IPEC, *Combating the Worst Forms of Child Labor in El Salvador—Supporting the Time-Bound Program for the Elimination of the Worst Forms of Child Labor in El Salvador*, project document (Geneva) [hereinafter *Combating the Worst Forms of Child Labor*].

⁸⁷⁴ IPEC project documents: *Combating Child Labor in the Fireworks Industry in El Salvador* (Geneva, 2000), *Combating Child Labor in the Coffee Industry of Central America* (Geneva, 1999), and *Combating Child Labor in Shellfish Harvesting in El Salvador* (Geneva, 1999).

⁸⁷⁵ Embassy of El Salvador, written submission by El Salvador on eliminating child labor, October 25, 2001, in response to International Child Labor Program *Federal Register* notice of September 25, 2001, pp. 6-7.

⁸⁷⁶ ILO-IPEC, *IPEC Country Profile: El Salvador* (Geneva) [hereinafter *IPEC Country Profile*], pp. 2, 5.

⁸⁷⁷ UNESCO, *Education for All Assessment 2000: El Salvador*, at http://www2.unesco.org/wef/countryreports/el_salvador/rapport_1.html. See also *Combating the Worst Forms of Child Labor*.

⁸⁷⁸ According to the ILO, 357,780 children were working. ILO, *Yearbook of Labor Statistics—2000* (Geneva, 2000).

are involved in agricultural and related activities.⁸⁷⁹ Children often accompany their parents to work in commercial agriculture, particularly during coffee and sugar harvests.⁸⁸⁰ Orphans and children from poor families work as street vendors and general laborers in small businesses, primarily in the informal sector.⁸⁸¹ Children also work in fishing (small-scale family or private businesses), firework manufacturing, charcoal production, shellfish harvesting, drug trafficking and garbage scavenging.⁸⁸²

There is evidence that some children, especially girls, engage in prostitution. El Salvador is both a source and a destination country for girls trafficked for commercial sexual exploitation.⁸⁸³ Children who live on the streets are trafficked to other countries, such as Guatemala, and forced into prostitution.⁸⁸⁴ Children from Honduras have also been used as beggars to support traffickers in San Salvador.⁸⁸⁵

Education is compulsory through the ninth grade or up to 14 years of age and public education is free through high school.⁸⁸⁶ In 1997, the gross primary enrollment rate was 97.3 percent, and in 1995, the net primary enrollment rate was 78.1 percent.⁸⁸⁷ Many students in rural areas do not reach the ninth grade due to a lack of resources and the fact that many parents withdraw their children from school by the sixth grade so that they can work.⁸⁸⁸

⁸⁷⁹ *IPEC Country Profile*.

⁸⁸⁰ U.S. Embassy–El Salvador, unclassified telegram no. 5508, February 1998 [hereinafter unclassified telegram 5508]. See also U.S. Embassy–El Salvador, unclassified telegram no. 2066, June 2000 [hereinafter unclassified telegram 2066], and *IPEC Country Profile*

⁸⁸¹ *Country Reports on Human Rights Practices for 2000–El Salvador* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=768>.

⁸⁸² Unclassified telegrams 5508 and 2066. See also *IPEC Country Profile*.

⁸⁸³ *Country Reports 2000* at Sections 5 and 6d.

⁸⁸⁴ Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, August 28, 1996, for 1999-2000* (Stockholm), Section 4.1. p.48. See also *Country Reports 2000* at Section 5.

⁸⁸⁵ *Country Reports 2000* at Section 6f.

⁸⁸⁶ *Ibid.* at Section 5.

⁸⁸⁷ *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM].

⁸⁸⁸ *Country Reports 2000* at Section 5.

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.⁸⁸⁹ Children between the ages of 12 and 14 may perform light work, as long as it does not harm their health and development or interfere with their education.⁸⁹⁰ Children who are 14 years or older may receive permission from the Ministry of Labor to work, but only when it is necessary for the survival of the child or the child's family.⁸⁹¹ Children under the age of 18 are prohibited from working in hazardous or morally dangerous conditions.⁸⁹² Forced or compulsory labor is prohibited by the Constitution.⁸⁹³

Laws do not specifically prohibit trafficking in persons, but stipulate that any crime involving commerce in women or children automatically carries a 30 percent increase in the prison sentence or fine.⁸⁹⁴ The Constitution makes military service compulsory between the ages of 18 and 30 years, but voluntary service can occur beginning at age 16.⁸⁹⁵ El Salvador's Penal Code does not criminalize prostitution.⁸⁹⁶ However, the Code provides for penalties of two to four years in prison for the inducement, facilitation, or promotion of prostitution, and the penalty increases if the victim is less than 18 years old.⁸⁹⁷ The Penal Code also prohibits sexual relations with persons less than 16 years of age, regardless of the child's consent.⁸⁹⁸ In June 1999, the Legislative Assembly approved a new provision to the Criminal Code that mandates a six to eight year prison sentence for individuals convicted of sexual aggression against minors.⁸⁹⁹

The Ministry of Labor is responsible for enforcing child labor laws.⁹⁰⁰ Limited resources and the difficulty of monitoring in the informal sector limit the effectiveness of the Ministry of Labor in enforcing labor laws outside of the urban formal sector.⁹⁰¹ El Salvador ratified ILO Convention 138 on January 23, 1996 and ILO Convention 182 on October 12, 2000.⁹⁰²

⁸⁸⁹ *Country Reports 2000* at Section 6d.

⁸⁹⁰ Código de Trabajo at Article 114.

⁸⁹¹ U.S. Embassy–San Salvador, unclassified telegram no. 3283, October 2001. [hereinafter unclassified telegram no. 3283]. See also *Country Reports 2000* at Section 6d.

⁸⁹² Unclassified telegram 3283. See also *Country Reports 2000* at Sections 6d, 6e.

⁸⁹³ *Country Reports 2000* at Section 6c.

⁸⁹⁴ *Country Reports 2000* at Section 6f.

⁸⁹⁵ *Country Reports 2000* at Section 6f. See also Military Service and Armed Forces Reserve Act, Articles 2 and 6, and 1983 Constitution, Article 215, as cited in Coalition to Stop the Use of Child Soldiers, *Global Report 2000: El Salvador* (London, May 2001).

⁸⁹⁶ U.S. Embassy–El Salvador, unclassified telegram no. 2731, August 2000.

⁸⁹⁷ *Ibid.*

⁸⁹⁸ *Ibid.*

⁸⁹⁹ *Country Reports 2000* at Section 5.

⁹⁰⁰ *Ibid.* at Section 6d.

⁹⁰¹ *Country Reports 2000* at Section 6d.

⁹⁰² ILOLEX Database: El Salvador at <http://www.ilolex.ilo.ch>.

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