

Guatemala

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

The Government of Guatemala has been a member of ILO-IPEC since 1996.¹⁵⁷⁰ In 2001, the government implemented the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.¹⁵⁷¹ In addition, the Government of Guatemala set a goal to reduce the number of child workers by 10 percent by the year 2004 in its 2000-2004 agenda for social programs.¹⁵⁷² In July 2001, following a report released by the UN Commission on Human Rights investigating the sale of children, child prostitution and pornography in Guatemala, the Secretariat of Social Welfare published a National Plan of Action focusing specifically on the commercial sexual exploitation of children and adolescents.¹⁵⁷³

ILO-IPEC has focused on national policy activities in four departments, 11 cities, and 40 townships and included child labor in curriculum review and teaching exercises at the national level, as well as in reforms to the Labor Code.¹⁵⁷⁴ Guatemala is participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation.¹⁵⁷⁵ The government is also collaborating with ILO-IPEC on several USDOL-funded projects aimed at combating child labor in the fireworks, stone quarrying, coffee (regional project), and broccoli sectors and has completed

¹⁵⁷⁰ ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala (Phase 2)*, technical progress report, no. 1, GUA/01/51P/USA, Geneva, March 2002.

¹⁵⁷¹ The technical commission responsible for the plan was set up following nationwide consultations with various social sectors. The commission reports to the Ministry of Labour and Social Security through its Unit for the Protection of Minors at Work. See UNESCO, *Contemporary Forms of Slavery*, Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 5. See also Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001. See also U.S. Embassy- Guatemala City, *unclassified telegram no. 2895*, October 2001.

¹⁵⁷² ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala (Phase 1)*, technical progress report, no. 1, GUA/99/05/P050, Geneva, 2002, 2.

¹⁵⁷³ See UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms. Ofelia Calcetas-Santo, Addendum, Report on the Mission to Guatemala*, online, E/CN.4/2000/73/Add.227, Geneva, 2000, [cited December 12, 2002]; available from <http://www.hri.ca/fortherecord2000/documentation/commission/e-cn4-2000-73-add2.htm>. See also Secretariat of Social Welfare of the Presidency, *Plan Nacional de Acción Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Guatemala*, Guatemala City, July 2001.

¹⁵⁷⁴ UNESCO, *Contemporary Forms of Slavery*, 5.

¹⁵⁷⁵ Though the project focuses primarily on awareness raising, institutional capacity building, and international and national coordination, in Guatemala, this project will target 150 girls in the Mexico/Guatemala border area for direct services, such as education, social services, and health care. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project document, Geneva, 2002.

work with ILO-IPEC's SIMPOC to collect data on child labor.¹⁵⁷⁶ Also, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information, and providing direct attention to children involved in domestic work in the homes of third parties.¹⁵⁷⁷ A study of child carpenters in the Chiantla Municipality, Huehuetenango, was conducted in 2000 and 2001.¹⁵⁷⁸ In May 2002, ILO-IPEC completed a Rapid Assessment investigating child labor in garbage dumps in Guatemala City.¹⁵⁷⁹ It is expected that the many projects supported by ILO-IPEC will serve as models for the institutionalization and expansion of programs as part of the State's public policy.¹⁵⁸⁰ The Ministry of Labor, the Unit of the Protection of Minors at Work, UNICEF and ILO-IPEC have joined efforts to empower local leaders to monitor and run action programs.¹⁵⁸¹

The Ministry of Education addresses child labor by providing scholarships to children in need, implementing school feeding programs in rural areas, and administering extra-curricular programs.¹⁵⁸² The Ministry of Education has also implemented a bilingual education project since the 1980s and has tried to reduce the indirect costs of education by providing a bag of school

¹⁵⁷⁶ See the following ILO-IPEC project documents: ILO-IPEC, *Combating Child Labour in the Fireworks Industry in Guatemala*, technical progress report, no. 1, P.99/05P.060.00-04, Geneva, March 2002. This project is nearing completion. ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production, technical progress report*. This project is in its second phase. ILO-IPEC, *Progressive Elimination of Child Labour in the Broccoli Sector*, project document, Geneva, 2002. See also ILO-IPEC, *Child Labour Survey and development of database on child labour in Guatemala*, technical progress report, no. 1, P09574.204.050, Geneva, March 15, 2002.

¹⁵⁷⁷ ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala: Informe de Investigación Lineamientos y Recomendaciones para una Propuesta de Intervención del 21 de diciembre 2001 al 31 de marzo de 2002*, Asociación Guatemalteca Pro-Naciones Unidas (AGNU), Guatemala City, 2002, 10-12.

¹⁵⁷⁸ Graciela Dominguez Luna, *Si son la esperanza del mañana . . . Transformemos su presente*, Programa de Apoyo para la Salud Materno Infantil y para la Salud de Otros Grupos de Riesgo (PAMI), Guatemala City, 2001, 5.

¹⁵⁷⁹ Fernando Garcia Vilma Duque, *Trabajo Infantil en los Basureros: Una Evaluación Rápida*, ILO-IPEC, Geneva, May 2002, [cited December 12, 2002]; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/ra/basuras.pdf>.

¹⁵⁸⁰ UNESCO, *Contemporary Forms of Slavery*, 5.

¹⁵⁸¹ *Ibid.*, 6.

¹⁵⁸² Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 19. See also Government of Guatemala, *Constitution*, (May 31, 1985), Article 74 [cited October 4, 2002]; available from <http://right-to-education.org/content/consuarant/guatemala.html>. Extra-curricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms. See Nery Macz and Demetrio Cojti, Guatemalan Ministry of Education, interview with USDOL official, August 16, 2000. See also *Constitution, 1985*, Article 74.

supplies to all children in primary school and eliminating their matriculation fees.¹⁵⁸³ USAID, the Work Bank and UNICEF also support primary education in Guatemala.¹⁵⁸⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 14.2 percent of children ages 10 to 14 years in Guatemala were working.¹⁵⁸⁵ In December 2000, the United Nations Mission for the Verification of Human Rights in Guatemala found that 34 percent of children between the ages of 7 and 14 were working.¹⁵⁸⁶ A 2001 government report found that three out of four working children in Guatemala are employed in rural areas and labor force participation rates of children are highest in areas with a large indigenous population.¹⁵⁸⁷ Children work on family farms and help harvest commercial crops such as coffee, sugarcane and broccoli.¹⁵⁸⁸ Children are also employed as domestic servants, shoeshine boys, beggars, street performers, construction workers, and in the fireworks industry, family businesses, stone quarries, and the trafficking and production of drugs.¹⁵⁸⁹

¹⁵⁸³ Macz and Cojti, interview, August 16, 2000.

¹⁵⁸⁴ USAID works with the government to improve education access and services to rural children. See USAID, *Guatemala - Overview*, [online] May 29, 2002 [cited August 8, 2002]; available from <http://www.usaid.gov/country/lac/gt/>. USAID signed a four-year cooperative agreement with World Learning to implement the Access to Intercultural Bilingual Education (AIBE) Project in Guatemala in cooperation with the Guatemalan Ministry of Education and national NGOs. See World Learning, *Projects in International Development and Training: Access to Intercultural Bilingual Education*, World Learning, [online] April 4, 2002 [cited October 21, 2002]; available from <http://www.worldlearning.org/pidt/aibe.html>. The World Bank has focused efforts on expanding enrollment in rural areas and among girls, improving the quality of education (specifically bilingual education) and strengthening educational institutions. See World Bank, *Basic Education Reform Project: Project Data*, [online] September 23, 2002 [cited September 25, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P048652>. The Government of Norway has provided funding to UNICEF to help make education available to working children in 81 communities and offer bilingual materials discussing the negative aspects of child labor as well as educate teachers on how to handle protection issues. See UNWire, *Child Labor: UNICEF Announces Education Program*, United Nations Foundation, [online] September 6, 1999 [cited December 12, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=4652.

¹⁵⁸⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

¹⁵⁸⁶ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Guatemala*, Washington, D.C., March 4, 2002, 2848-56, Section 6d [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8344.htm>.

¹⁵⁸⁷ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 5-6.

¹⁵⁸⁸ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d. See also ILO-IPEC, *Progressive Elimination of Child Labour in the Broccoli Sector*.

¹⁵⁸⁹ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d. See also ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Part II Compilation of annual reports by the International Labour Office, Geneva, March 2002, 364.

UNICEF estimates that nearly 10,000 children currently live on the streets. These children are particularly vulnerable to sexual exploitation.¹⁵⁹⁰ Children in Guatemala tend to be drawn into trafficking for purposes of prostitution along the country's borders.¹⁵⁹¹ Guatemala is also a country of destination and transit for trafficked children.¹⁵⁹² Trafficked children come from El Salvador, Honduras, Mexico, Nicaragua and Ecuador.¹⁵⁹³

Education is free and compulsory in Guatemala for six years.¹⁵⁹⁴ In 1998, the gross primary enrollment rate was 82.7 percent and the net primary enrollment rate was 101.9 percent.¹⁵⁹⁵ Primary school attendance rates are unavailable for Guatemala. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.¹⁵⁹⁶ Only 30 percent of students who begin primary school in Guatemala complete the full course of primary education. Children who do not attend school are concentrated in rural areas, and a disproportionate number of them are indigenous girls.¹⁵⁹⁷

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁵⁹⁸ In some exceptional cases, the Labor Inspection Agency can provide work permits to children under the age of 14, provided that the work is related to an apprenticeship, is light work of short duration and intensity, is necessary due to conditions of extreme poverty within the child's family, and enables the child to

¹⁵⁹⁰ Casa Alianza estimates that about 15,000 sexually exploited children (mainly girls) are living in Guatemala. See UNWire, *Guatemala: Church Office Warns Of Worsening Situation For Children*, United Nations Foundation, [online] May 22, 2002, [cited December 27, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=26567. See also UNWire, *Latin America: U.S. Uncovers Mammoth Child Smuggling Ring; More*, United Nations Foundation, [online] August 13, 2002, [cited December 27, 2002]; available from http://www.unfoundation.org/unwire/util/display_stories.asp?objid=28293.

¹⁵⁹¹ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6f.

¹⁵⁹² Protection Project, "Guatemala," in *Human Rights Report on Trafficking of Persons, Especially Women and Children*, March 2002, [cited August 29, 2002]; available from <http://209.190.246.239/ver2/cr/Guatemala.pdf>. See also U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6f.

¹⁵⁹³ UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography*. See also Protection Project, "Guatemala."

¹⁵⁹⁴ Free and compulsory primary education is restricted to citizens and residents of Guatemala. See UN Commission on Human Rights, *Annual Report the Special Rapporteur, Katarina Tomasevski, on the Right to Education*, submitted in accordance with Commission on Human Rights Resolution 2000/9, E/CN.4/2001/52, Geneva, 2001, [cited December 12, 2002]; available from <http://www.right-to-education.org/content/unreports/unreport5prt1.html>. See also *Constitution, 1985*, Article 74.

¹⁵⁹⁵ World Bank, *World Development Indicators 2002*.

¹⁵⁹⁶ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹⁵⁹⁷ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2842-48, Section 5.

¹⁵⁹⁸ *Código de Trabajo de la República de Guatemala, 1996*, 53, Article 148 and Article 2, footnote 8.

meet compulsory education requirements in some way.¹⁵⁹⁹ Children are prohibited from working at night, overtime and in places that are unsafe and dangerous. Children may not work in bars or in other establishments where alcoholic beverages are served.¹⁶⁰⁰ Due to the ineffectiveness of labor inspection and labor court systems, labor laws governing the employment of minors are not well enforced.¹⁶⁰¹

Article 188 of the Penal Code prohibits child pornography and prostitution.¹⁶⁰² Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if victims under 12 years old are involved.¹⁶⁰³ Trafficking in persons is defined as promoting, facilitating, or fostering the transportation of an individual to or from Guatemala to engage in prostitution. Trafficking is punishable by imprisonment of one to three years and a fine.¹⁶⁰⁴ Although no laws specifically prohibit bonded labor by children, the Constitution prohibits forced or compulsory labor.¹⁶⁰⁵ Due to insufficient resources and corruption, borders tend to be inadequately monitored and trafficking laws are rarely enforced.¹⁶⁰⁶

The Government of Guatemala ratified ILO Convention 138 on April 23, 1990 and ILO Convention 182 on October 11, 2001.¹⁶⁰⁷

¹⁵⁹⁹ Ibid., 53, Article 150. In 2000, the Ministry of Labor granted 1,012 work permits to children under the age of 14. See Ministry of Labor figures as cited in U.S. Department of State official, electronic communication with U.S. DOL official, January 23, 2003.

¹⁶⁰⁰ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d. See also *Código de Trabajo*, 1996, 53, Article 148.

¹⁶⁰¹ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6d.

¹⁶⁰² U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*, August 2000.

¹⁶⁰³ Ibid. See also Protection Project, "Guatemala."

¹⁶⁰⁴ U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*. See also Protection Project, "Guatemala."

¹⁶⁰⁵ U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-956, Section 6d.

¹⁶⁰⁶ U.S. Department of State, *Trafficking in Persons Report- 2001: Guatemala*, Washington, D.C., July 2001, [cited December 12, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2001/3928.htm>. See also U.S. Department of State, *Country Reports- 2001: Guatemala*, 2848-56, Section 6f.

¹⁶⁰⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] 2002 [cited August 29, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.