

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 1996.¹²⁷⁴ In June 2001, El Salvador became one of the first countries to initiate a comprehensive, national ILO-IPEC Time-Bound Program, funded by USDOL, to eliminate the worst forms of child labor and provide education to vulnerable children. The Time-Bound Program focuses on eliminating exploitative child labor in fireworks production, fishing, sugar cane production, commercial sexual exploitation, and garbage dumps scavenging.¹²⁷⁵ The government has also collaborated with ILO-IPEC on four additional projects funded by USDOL. These projects seek to gather statistical information on children engaged in economic activities,¹²⁷⁶ and withdraw child workers from mangrove clam harvesting, coffee harvesting, and the cottage production of fireworks.¹²⁷⁷ A child labor module, designed by ILO-IPEC's SIMPOC and funded by USDOL, was included in the government's Multiple Purpose Household Survey of 2001.¹²⁷⁸ 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.¹²⁷⁹ The National Committee has approved a National Plan for the Progressive Elimination of the Worst Forms of Child Labor 2002-2005.¹²⁸⁰ ILO-IPEC has also conducted assessments in the sectors where the worst forms of child labor are a particular

¹²⁷⁴ ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited August 27, 2002]; available from http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm.

¹²⁷⁵ ILO-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, July - September 2001, 4-8.

¹²⁷⁶ ILO-IPEC, *Statistical Information and Monitoring Program (SIMPOC)*, project document, CAM/99/05/050, Geneva, September 1999.

¹²⁷⁷ ILO-IPEC, *Combating Child Labor in Shellfish Harvesting in El Salvador*, project document, Geneva, February 1999. See also ILO-IPEC, *Combating Child Labor in the Coffee Industry of Central America*, ELS/99/05/050, Geneva, 1999. See also ILO-IPEC, *Combating Child Labor in the Fireworks Industry in El Salvador*, ELS/00/05/060, Geneva, 1999. The shellfish project ended in May 2001. The coffee and fireworks projects are due to be completed in 2003. This fireworks project began prior to the TBP, however, the national committee deemed fireworks production a worst form of child labor in El Salvador to be addressed by the Time-Bound Program. See Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil en El Salvador: 2001-2004*, 2001. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 3.

¹²⁷⁸ ILO-IPEC, *IPEC Country Profile: El Salvador*, Geneva, [cited December 10, 2002]; available from <http://www.ilo.org/public/english/standards/ipec/timebound/salvador.pdf>.

¹²⁷⁹ Embassy of El Salvador, written communication to USDOL official in response to International Child Labor Program Federal Register notice of September 25, October 25, 2001, 6, 7. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3283*, October 2001.

¹²⁸⁰ Embassy of El Salvador, written communication, October 25, 2001, 8.

problem.¹²⁸¹ Also, with support from other donors, ILO-IPEC is carrying out a project aimed at raising awareness and collecting information on children involved in domestic work in the homes of third parties; a project aimed at reducing child labor in urban market areas; and a regional project to reduce scavenging at garbage dumps.¹²⁸²

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.¹²⁸³ From 1994 to 2000, the Government of El Salvador increased its public expenditure on education from 1.9 percent to 3 percent of GDP; increased the number of schools, classrooms, and teachers; expanded early childhood centers; and created a training program for teachers.¹²⁸⁴ The Ministry of Education supports a number of programs aimed at increasing the quality and coverage of education.¹²⁸⁵

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 13.7 percent of children ages 10 to 14 years in El Salvador were working.¹²⁸⁶ In 2001, ILO-IPEC reported that about two-thirds of working children are located in rural areas and are involved in agricultural and related activities.¹²⁸⁷ Children often accompany

¹²⁸¹ ILO-IPEC, *La Explotación Sexual Comercial Infantil y Adolescente: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil Urbano: Una Evaluación Rápida*, Geneva, February 2002. See also ILO-IPEC, *Trabajo Infantil en los Basureros: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil Doméstico: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil en la Pesca: Una Evaluación Rápida*, Geneva, March 2002. See also ILO-IPEC, *Trabajo Infantil en la Caña de Azúcar: Una Evaluación Rápida*, Geneva, February 2002. See also ILO-IPEC, *IPEC Country Profile: El Salvador*, 2, 5.

¹²⁸² ILO official, electronic communication to USDOL official, November 14, 2002. This project is in addition to the Time Bound Program.

¹²⁸³ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11-12. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*, June 2000. See also UNESCO, *Education for All 2000 Assessment: Country Reports- El Salvador*, prepared by Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999, [cited August 28, 2002]; available from http://www2.unesco.org/wef/countryreports/el_salvador/contents.html.

¹²⁸⁴ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11, 12, 46.

¹²⁸⁵ These programs include: Healthy School Program, The Open-School Program, Centers of Educational Resources, The Quality Management Model, APREMAT, EDUCO, The Accelerated School Program, The Multi Grade School Program, The Distance Learning Program, and a scholarship program. *Ibid.*, 12-13. Salvadoran Foundation for Economic and Social Development, *Invirtamos en educación para desafiar el crecimiento económico y la pobreza, Informe de desarrollo económico y social 2002*, San Salvador, May 2002, 35-39.

¹²⁸⁶ According to the ILO, 94,000 children ages 10 to 14 were working. See ILO, *Yearbook of Labor Statistics- 2001*, Geneva, 2001, [cited December 11, 2002]; available from <http://laborsta.ilo.org/>.

¹²⁸⁷ ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 9. See also ILO-IPEC, *IPEC Country Profile: El Salvador*. See also UNICEF, *Trabajo Infante-Juvenil y Educación en El Salvador*, San Salvador, October 1998, 33, 46. ¹²⁸⁸ U.S. Embassy- San Salvador, *unclassified telegram no. 0679*, February 1998. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also ILO-IPEC, *IPEC Country Profile: El Salvador*.

their parents to work in commercial agriculture, particularly during coffee and sugar harvests.¹²⁸⁸ Children from poor families, as well as orphans, work as street vendors¹²⁸⁹ and general laborers in small businesses, primarily in the informal sector.¹²⁹⁰ Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, charcoal production, shellfish harvesting, drug trafficking and garbage scavenging.¹²⁹¹ Some children also work as domestic servants in third party homes.¹²⁹²

There is evidence that some children, especially girls, engage in prostitution.¹²⁹³ El Salvador is both a source and a destination country for girls trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, the United States, and other Central American countries.¹²⁹⁴ Children who live on the streets are also trafficked to other countries, such as Guatemala, and forced into prostitution.¹²⁹⁵ Children from Honduras have been used as beggars to support traffickers in San Salvador.¹²⁹⁶

Education is compulsory through the ninth grade or up to 14 years of age, and public education is free through high school.¹²⁹⁷ In 1998, the gross primary enrollment rate was 111.2 percent, and the net primary enrollment rate was 80.6 percent.¹²⁹⁸ Primary school attendance rates are unavailable for El Salvador. While enrollment rates indicate a level of commitment to education, they do not

¹²⁸⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: El Salvador*, Washington, D.C., March 4, 2002, 2808-12, Section 6d [cited December 11, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8354.htm>. According to a USAID/FUNPADEM study, children as young as 7 years of age can be found working along the streets of San Salvador, for more than 8 hours a day. FUNPADEM, *Situación Actual de Niños, Niñas, y Adolescentes Trabajadores en las Calles de San Salvador*, San José, Costa Rica, 2001.

¹²⁹⁰ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6d.

¹²⁹¹ U.S. Embassy- San Salvador, *unclassified telegram no. 0679*. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also ILO-IPEC, *IPEC Country Profile: El Salvador*. See also ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 6-8.

¹²⁹² ILO-IPEC, *Trabajo Infantil Doméstico: Una Evaluación Rápida*.

¹²⁹³ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-1812, Sections 5 and 6d. See also ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 4. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also U.S. Embassy- San Salvador, *unclassified telegram no. 0679*.

¹²⁹⁴ U.S. Department of State, *Trafficking in Persons Report- 2002: El Salvador*, Washington, D.C., June 5, 2002, 45 [cited December 11, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-12, Sections 5 and 6d.

¹²⁹⁵ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-12, Sections 5 and 6f. See also 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, 48.

¹²⁹⁶ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-12, Sections 5 and 6f.

¹²⁹⁷ *Ibid.*, 2805-08, Section 5.

¹²⁹⁸ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002

always reflect children's participation in school.¹²⁹⁹ The number of children who drop-out or do not enroll in school is higher in rural areas than in urban areas. UNDP data indicates that while children attend school for an average of 5.3 years at the national level, the average drops to 3.2 years on rural areas.¹³⁰⁰ Many students in rural areas do not reach the sixth grade due to a lack of financial resources and because many parents withdraw their children from school so that they can work.¹³⁰¹

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹³⁰² Children between the ages of 12 and 14 can be authorized to perform light work, as long as it does not harm their health and development or interfere with their education.¹³⁰³ 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.¹³⁰⁴ Children under the age of 18 are prohibited from working at night¹³⁰⁵ or in hazardous and/or morally dangerous conditions.¹³⁰⁶ Forced or compulsory labor is prohibited by the Constitution.¹³⁰⁷

In October 2001, the Legislative Assembly approved Criminal Code reforms that prohibit trafficking in persons.¹³⁰⁸ The Constitution makes military service compulsory between the ages of 18 and 30 years, but voluntary service can occur beginning at age 16.¹³⁰⁹ El Salvador's Penal Code does not criminalize prostitution.¹³¹⁰ However, the Penal Code provides for penalties of two to

¹²⁹⁹ For a more detailed description on the relationship between education statistics and work, see the preface to this report.

¹³⁰⁰ ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 10.

¹³⁰¹ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2805-08, Section 5. See also Salvadoran Foundation for Economic and Social Development, *Informe de desarrollo económico y social 2002*, 29. See also UNICEF, *Trabajo Infante-Juvenil y Educación*, 111, 20. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 9, 10.

¹³⁰² Government of El Salvador, *Código de Trabajo*, Article 114. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, section 6d. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3283*.

¹³⁰³ *Código de Trabajo*, Article 114. ¹³⁰⁴ U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6d. ¹³⁰⁵ *Código de Trabajo*, Article 116.

¹³⁰⁶ U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Sections 6d and 6e.

¹³⁰⁷ U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6c. ¹³⁰⁸ *Ibid.*, 2808-12, Section 6f.

¹³⁰⁹ Government of El Salvador, *Military Service and Armed Forces Reserve Act*, Articles 2 and 6. See also Government of El Salvador, *1983 Constitution*, Article 215. See also Coalition to Stop the Use of Child Soldiers, "El Salvador," in *Global Report 2000*, London, 2001, [cited December 27, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/0a058d07ab0c24da80256b1d006b6862?OpenDocument>.

¹³¹⁰ U.S. Embassy- San Salvador, *unclassified telegram no. 2731*, August 2000.

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.¹³¹¹

The Ministry of Labor is responsible for enforcing child labor laws.¹³¹² Limited resources and the difficulty of monitoring in the informal sector limit the effectiveness of Ministry of Labor enforcement outside of the urban formal sector.¹³¹³

The Government of El Salvador ratified ILO Convention 138 on January 23, 1996 and ILO Convention 182 on October 12, 2000.¹³¹⁴

¹³¹¹ Government of El Salvador, *Código Penal de El Salvador*, Decree no. 1030, Article 169. See also U.S. Embassy-San Salvador, *unclassified telegram no. 2731*.

¹³¹² U.S. Department of State, *Country Reports- 2001: El Salvador*, 2808-12, Section 6d.

¹³¹³ *Ibid.*

¹³¹⁴ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.