

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

The Government of Colombia became an associated member of ILO-IPEC in 1997⁹⁹⁵ and has been a member since 2002.⁹⁹⁶ Prior to joining ILO-IPEC, the government established the National Commission for the Eradication of Child Labor in 1995,⁹⁹⁷ and in 1996, the government developed its first National Action Plan for the Elimination of Child Labor and Protection of Working Minors.⁹⁹⁸ In 2000, a second national action plan on child labor was developed,⁹⁹⁹ and in 2002, child labor was included in the government's 4-year national development plan.¹⁰⁰⁰ In 2003, the government implemented a reform of its labor laws that rewards businesses who employ workers over the age of 16 years.¹⁰⁰¹

The government is participating in an ILO-IPEC regional project funded by USDOL to prevent and eliminate the involvement of children in domestic labor.¹⁰⁰² Colombia is also participating in an USDOL-funded ILO-IPEC project to prevent and eliminate child labor in small-scale mining.¹⁰⁰³ Federal and state government agencies in Colombia have also worked with ILO-IPEC to implement projects for working children involved in commercial sexual exploitation, agriculture, and urban work.¹⁰⁰⁴ In early 2003, the government published data on child labor that it had collected with technical assistance from ILO-IPEC's SIMPOC.¹⁰⁰⁵

⁹⁹⁵ This status allowed for the initiation of projects in the country. See ILO-IPEC, *Ficha País: Colombia*, Lima, 2003; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipeccol/doc/fichas/fichacolombia.doc>.

⁹⁹⁶ ILO-IPEC, *IPEC Action Against Child Labour: Highlights 2002*, Geneva, October 2002, 16.

⁹⁹⁷ The commission is composed of members from government, employer and union organizations, and NGOs including the Ministries of Labor, Education and Health, the Department of National Planning, and the National Statistics Department. See U.S. Embassy- Bogotá, *unclassified telegram no. 9111*, October 2001.

⁹⁹⁸ ILO-IPEC, *Ficha País: Colombia*.

⁹⁹⁹ The objectives of the plan include consolidation of a national child labor information system; development of cultural attitudes against child labor; legislative and public policy reform; and withdrawal of children engaged in the worst forms of child labor. See Inter-Institutional Committee for the Eradication of Child Labor and the Protection of Young Workers, *Plan Nacional de Acción para la Erradicación del Trabajo Infantil y la Protección de los Jóvenes Trabajadores entre 15 y 17 años*, ILO-IPEC, Lima, February 2000; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipeccol/doc/fichas/plancol0002.doc>.

¹⁰⁰⁰ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining: Technical Progress Report*, Geneva, February 24, 2003, Section II B.

¹⁰⁰¹ U.S. Embassy- Bogotá, *unclassified telegram no. 7759*, August 19, 2003.

¹⁰⁰² This 3-year project was funded in 2000, and is also being implemented in Brazil, Paraguay, and Peru. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, 1. In April 2002, the project was extended until March 2004. See also ILO-IPEC, *Modification Number 1: Prevention and Elimination of Child Domestic Labor in South America*, Geneva, April 2002.

¹⁰⁰³ This 2-year project was funded in 2001. See ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining-Colombia*, project document, COL/01/P50/USA, Geneva, September 25, 2001, 20. The government has participated in trainings on child labor in the mining sector under this project. See ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining: Technical Progress Report*, Section 4.

¹⁰⁰⁴ ILO-IPEC, *Domestic Labor in South America, project document*, 6. See ILO-IPEC, "Comunidad de Madrid (España) apoya proyecto de Erradicación de la Explotación Sexual Infantil en Barranquilla, Colombia," *Encuentros* 1 no. 2 (December 2001); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipeccol/boletin/numero2/Boletindos/notipec.html>. The Government of Spain has also provided funding for an ILO-IPEC project to strengthen national coordination. See ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 30 September 2002*, Geneva, 2002.

¹⁰⁰⁵ See ILO-IPEC official, electronic communication to USDOL official, May 12, 2003. See also National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, Bogotá, November 2001, 7-8.

Since 1994, the Colombian Institute for Family Welfare (ICBF) has conducted programs to assist child soldiers involved in the country's ongoing armed conflict.¹⁰⁰⁶ With support from USAID, IOM has worked with ICBF since 2001 on transition and reintegration services for demobilized children. The government provides necessary furniture and equipment to support transitional homes for such children and conducts ongoing evaluation and monitoring of the services. IOM has also worked with the government's public defenders office to develop legal norms for treatment of child ex-combatants.¹⁰⁰⁷ The Colombian Ministry of Interior likewise operates a program that finds housing for and provides grants and training to demobilized child combatants.¹⁰⁰⁸ The Government of Colombia recently began participating in a 3-year inter-regional ILO-IPEC project funded by USDOL in 2003 that aims to prevent and reintegrate children involved in armed conflict.¹⁰⁰⁹

The Ministry of Education has extended the school day to discourage children from working and has carried out education programs for children who have abandoned schooling.¹⁰¹⁰ In 2002, the World Bank provided a 1-year loan to Colombia to strengthen social safety nets, which included an initiative to strengthen the capacity of ICBF's child programs and to support the country's Education for All efforts.¹⁰¹¹ In 2001, the Bank provided a 3-year loan to support government programs that provide scholarships and cash grants for education to poor families.¹⁰¹² In 2000, the World Bank awarded a 4-year loan to the government to improve the quality of and access to education in the country's rural areas.¹⁰¹³ In 1999, the IDB approved financing for the Ministry of Education to initiate education reforms, including initiatives to ensure children are offered a full cycle of basic education.¹⁰¹⁴ In 2000, the IDB provided a 3-year loan to the Government of Colombia to strengthen social safety nets, including a component to provide assistance to families with children to increase school attendance and reduce primary and secondary dropout rates.¹⁰¹⁵

¹⁰⁰⁶ IOM, *Programa de Atención a Niños, Niñas y Jóvenes Desvinculados del Conflicto Armado*, [online] 2002 [cited June 20, 2003]; available from <http://www.oim.org.co/scripts/programas2.php?idart=25&categ=14&categn=Asistencia%20a%20poblaciones%20desarraigadas>. In 2001, the Colombian government reported that spending on children affected by the country's armed conflict, including former child soldiers, was USD 4 million per year. See UN Committee on the Rights of the Child, *Summary record of the 656th meeting: Colombia*, United Nations, Geneva, February 9, 2001, para. 37; available from [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/1d70ca35b83c823ac12569f800397e64?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/1d70ca35b83c823ac12569f800397e64?Opendocument).

¹⁰⁰⁷ IOM, *Programa de Atención a Niños, Niñas y Jóvenes Desvinculados*.

¹⁰⁰⁸ Human Rights Watch, *You'll Learn Not to Cry: Child Combatants in Colombia*, Washington, September 2003, 113.

¹⁰⁰⁹ ILO-IPEC, *Prevention and Reintegration of Children Involved in Armed Conflicts: An Inter-Regional Programme*, project document, Geneva, September 17, 2003.

¹⁰¹⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰¹¹ World Bank, *Colombia: Social Sector Adjustment Loan Project*, [online] [cited June 27, 2003]; available from <http://www-wds.worldbank.org/servlet/WDServlet?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P069964>.

¹⁰¹² World Bank, *Human Capital Protection Project*, [online] August 12, 2002 [cited June 27, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P069964>.

¹⁰¹³ World Bank, *Rural Education Project*, [online] August 12, 2002 [cited August 16, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050578>.

¹⁰¹⁴ The goal of the project is to strengthen decentralized school management and ensure efficient and equitable distribution of resources to schools. See Inter-American Development Bank, *New School System Program: Reform of Education Management and Participation*, IADB, Washington, September 1999; available from <http://www.iadb.org/exr/doc98/apr/CO1202E.pdf>.

¹⁰¹⁵ Inter-American Development Bank, *Social Safety Net Program*, IADB, Washington, November 2000; available from <http://www.iadb.org/exr/doc98/apr/CO1280E.pdf>.

Incidence and Nature of Child Labor

In 2001, the National Administrative Department of Statistics estimated that 14.5 percent of children ages 5 to 17 were working.¹⁰¹⁶ The vast majority of these children were in agriculture, commerce, industry and services.¹⁰¹⁷ In rural areas, most working children participate in uncompensated family agricultural and mining activities.¹⁰¹⁸ Children also work in all aspects of the cut flower industry.¹⁰¹⁹ In 2001, the National Administrative Department of Statistics estimated that there were 20,000 children working in coca picking and other aspects of the drug trade.¹⁰²⁰ In urban areas, children work in the retail and services sectors, and in activities such as street vending and waiting tables.¹⁰²¹

Children are involved in commercial sexual exploitation in Colombia. ICBF estimates that more than 10,000 girls and nearly 1,000 boys in the capital of Bogotá are working as prostitutes.¹⁰²² Colombia is a major source country for girls who are trafficked abroad, primarily for sexual exploitation.¹⁰²³ Children are also trafficked internally in the country for sexual exploitation and forced conscription into armed groups.¹⁰²⁴ Children are forcibly recruited by guerrilla and paramilitary groups in Colombia to serve as combatants,¹⁰²⁵ messengers, spies, and sexual partners, and to carry out such tasks as kidnapping and guarding of hostages and transporting and placing bombs.¹⁰²⁶

The Constitution requires children ages 5 to 15 to attend school, and education is free in state institutions.¹⁰²⁷ In 2000, the gross primary enrollment rate was 112.4 percent, and the net primary enrollment rate was 88.5 percent.¹⁰²⁸ That same year, the gross primary attendance rate was 139.5 percent, and the net primary attendance rate was 92.8 percent.¹⁰²⁹ While basic education enrollment improved over the 1990s, many children in rural and low-income populations in Colombia face obstacles to schooling access.¹⁰³⁰

¹⁰¹⁶ This figure includes children working outside the home in the productive sector of the economy. It does not measure work in activities in the household, regardless of the amount of time devoted to such activities. See National Administrative Department of Statistics, *Encuesta Nacional de Trabajo Infantil*, 30, 52-54.

¹⁰¹⁷ *Ibid.*, 55.

¹⁰¹⁸ ILO-IPEC, *Small Scale Mining-Colombia*, project document, 7.

¹⁰¹⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Colombia*, Washington, D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18325pf.htm>. See also U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

¹⁰²⁰ Colombian Ombudsman's Office, *Informe sobre los derechos humanos de la niñez en Colombia durante el año 2001*, 2001, 26.

¹⁰²¹ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

¹⁰²² U.S. Department of State, *Country Reports- 2002: Colombia*, Section 6f. The government estimates that 25,000 children in total in Colombia are engaged in some form of commercial sexual exploitation. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰²³ U.S. Department of State, *Trafficking in Persons Report- 2003: Colombia*, Washington, D.C., June 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/>. See also IOM, "New IOM Figures on the Global Scale of Trafficking," *Trafficking in Migrants* No. 23 (April 2001); available from http://www.iom.int//DOCUMENTS/PUBLICATION/EN/tm_23.pdf.

¹⁰²⁴ Although estimates of the number of children trafficked for conscription into armed groups are not available, in 2002, the government estimated that 12,000 to 15,000 children were members of guerrilla and paramilitary groups. Most of these children were members of the Revolutionary Armed Forces of Colombia (FARC). See U.S. Department of State, *Country Reports- 2002: Colombia*, Section 5 and 6f.

¹⁰²⁵ *Ibid.*, Section 6c. The government estimated that in 2002, approximately 6,000 children served as soldiers in illegal armed groups. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰²⁶ Coalition to Stop the Use of Child Soldiers, "Colombia," in *Global Report 2001*, London, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

¹⁰²⁷ *Constitución Política de Colombia de 1991, actualizada hasta reforma de 2001*, (1991), Article 67; available from <http://www.georgetown.edu/pdba/Constitutions/Colombia/col91.html>.

¹⁰²⁸ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

¹⁰²⁹ USAID, *Development Household Survey*, 2000.

¹⁰³⁰ UNESCO, *Education for All 2000 Assessment: Country Reports-Colombia*, prepared by Ministry of National Education, pursuant to UN General Assembly Resolution 52/84, September 1999, Section 5.2.2; available from <http://www2.unesco.org/wef/countryreports/colombia/contents.html>.

Child Labor Laws and Enforcement

The 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 permission from parents and labor authorities.¹⁰³¹ Article 44 of the Constitution calls for the protection of children against all forms of economic exploitation, exploitation in employment, and hazardous work.¹⁰³² The Constitution also prohibits forced labor.¹⁰³³ The Penal Code prohibits inducing or compelling children to engage in prostitution and prohibits the production and distribution of pornography.¹⁰³⁴ In 2002, the government strengthened anti-trafficking legislation and increased penalties for violations.¹⁰³⁵ Law 548 of 1999 establishes that persons under the age of 18 cannot perform military service.¹⁰³⁶

The Ministry of Social Protection (formerly the Ministry of Labor and Health),¹⁰³⁷ the ICBF, the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the entities authorized to implement and enforce the country's child labor laws and regulations.¹⁰³⁸ The Ministry of Social Protection is responsible for conducting child labor inspections, but the system lacks resources and is only able to cover a small percentage of the child labor force employed in the formal sector.¹⁰³⁹ The Ministry estimates that only five percent of workplaces that employ children obtain the required work permits.¹⁰⁴⁰ The Government of Colombia is a leader in international efforts to combat trafficking, police actively investigate trafficking offenses, and the crime carries significant penalties. A lack of resources for a witness protection system and intimidation by traffickers hinder prosecution efforts.¹⁰⁴¹ The lack of resources also inhibits the government's ability to enforce the legal prohibition against forced labor by children in the country's armed conflict.¹⁰⁴²

The Government of Colombia ratified ILO Convention 138 on February 2, 2001, but has not ratified ILO Convention 182.¹⁰⁴³

¹⁰³¹ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*. The Minors' Code also prohibits children under the age of 12 from working, sets limits on the number of hours children ages 12 to 17 may work, and forbids employment of children at night. See U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰³² *Constitución Política de Colombia*, Art. 44.

¹⁰³³ Article 53 prohibits depriving workers of their liberty. *Ibid.*

¹⁰³⁴ *Penal Code*, Articles 308-12; available from <http://www.interpol.int/public/children/sexualabuse/nationallaws/csaColombia.asp>.

¹⁰³⁵ U.S. Department of State, *Trafficking in Persons Report: Colombia*.

¹⁰³⁶ Coalition to Stop the Use of Child Soldiers, "Global Report 2001: Colombia."

¹⁰³⁷ Ministerio de la Protección Social, *Bienvenidos: Ministerio de la Protección Social*, [online] [cited August 13, 2003]; available from <http://www.mintrabajo.gov.co/NewSite/MseContent/home.asp>.

¹⁰³⁸ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*. ICBF is the entity responsible for accepting complaints and tracking cases of commercial sexual exploitation of children. See Colombian Institute of Family Welfare, *ICBF Apoya la "Dignidad Infantil"*, [online] [cited June 20, 2003]; available from <http://www.icbf.gov.co/espanol/Noticias3.asp?IdNot=151>.

¹⁰³⁹ U.S. Department of State, *Country Reports- 2002: Colombia*, Section 6d.

¹⁰⁴⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 7759*.

¹⁰⁴¹ U.S. Department of State, *Trafficking in Persons Report: Colombia*.

¹⁰⁴² U.S. Department of State, *Country Reports- 2002: Colombia*, Section 6c. There are many reports that guerrilla forces have threatened children or their families with death as punishment for desertion. See U.S. Department of State, *Country Reports- 2002: Colombia*, Section 5. See Coalition to Stop the Use of Child Soldiers, "Colombia," in *Child Soldiers 1379 Report*, London, 2002; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

¹⁰⁴³ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 16, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.