

## 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.<sup>1523</sup> 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 and other services to vulnerable children. The Time-Bound Program focuses on eliminating exploitative child labor in fireworks production, fishing, sugar cane harvesting, commercial sexual exploitation, and garbage dumps scavenging.<sup>1524</sup> As part of Time-Bound Program efforts, ILO-IPEC has conducted assessments in the sectors where the worst forms of child labor are a particular problem.<sup>1525</sup>

The government also collaborates with ILO-IPEC on two additional projects funded by USDOL. These projects seek to withdraw child workers from coffee harvesting and the cottage production of fireworks.<sup>1526</sup> A child labor module, designed by ILO-IPEC's SIMPOC and funded by USDOL,<sup>1527</sup> was included in the government's Multiple Purpose Household Survey of 2001.<sup>1528</sup> A National Committee for the Progressive Elimination of Child Labor, under the auspices of the Ministry of Labor and Social Security, provides leadership and guidance to the ILO-IPEC program.<sup>1529</sup> The National Committee has approved a National Plan for the Progressive Elimination of the Worst Forms of Child Labor 2002-2005.<sup>1530</sup> 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 third party homes; a project aimed at reducing child labor in urban market areas; and a regional project to reduce scavenging at garbage dumps.<sup>1531</sup> In September 2002, labor inspectors from the Ministry of Labor participated in an ILO-

<sup>1523</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited June 24, 2003]; available from [http://www.ilo.org/public/english/standards/ipec/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm).

<sup>1524</sup> 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. See also ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, Geneva, January, 2003, 1.

<sup>1525</sup> 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*, Geneva, 5; available from <http://www.ilo.org/public/english/standards/ipec/timebound/salvador.pdf>.

<sup>1526</sup> 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 late 2003. This fireworks project began prior to the Time-Bound Program; 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.

<sup>1527</sup> ILO-IPEC, *Statistical Information and Monitoring Program (SIMPOC)*, project document, CAM/99/05/050, Geneva, September 1999.

<sup>1528</sup> ILO-IPEC, *IPEC Country Profile: El Salvador*, 2 [cited June 24, 2003]. See also ILO official, electronic communication to USDOL official, November 14, 2002.

<sup>1529</sup> 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.

<sup>1530</sup> Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil*. See also Embassy of El Salvador, written communication, October 25, 2001, 7-8.

<sup>1531</sup> ILO-IPEC, *List of all ILO-IPEC projects (active and completed) as at 30 September 2002*, Geneva, 2002. See also ILO official, electronic communication, November 14, 2002. This project is in addition to the Time-Bound Program.

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IPEC training session on child labor laws.<sup>1532</sup> In November 2002, with support from ILO-IPEC, a Child Labor Unit was created within the Ministry of Labor.<sup>1533</sup>

In addition to participating in the ILO-IPEC Time-Bound Program, the Ministry of Education has also 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.<sup>1534</sup> From 1994 to 2000, the Government of El Salvador increased the number of schools, classrooms, and teachers; expanded early childhood centers; and created a training program for teachers.<sup>1535</sup> The Ministry of Education supports a number of programs aimed at increasing the quality and coverage of education<sup>1536</sup> and operates a hotline for the public to report school administrators who illegally charge students school fees.<sup>1537</sup>

## Incidence and Nature of Child Labor

According to the Multiple Purpose Household Survey conducted in 2001, 11.5 percent of children aged 5 to 17 were working.<sup>1538</sup> 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.<sup>1539</sup> Children often accompany their families to work in commercial agriculture, particularly during coffee and sugar harvests.<sup>1540</sup> Children from poor families, as well as orphans, work as street vendors<sup>1541</sup> and general laborers in small businesses, primarily in the informal sector.<sup>1542</sup> Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, shellfish harvesting, drug trafficking, and garbage scavenging.<sup>1543</sup> Some children also work as domestic servants in third party homes.<sup>1544</sup>

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<sup>1532</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 3101*, October 2002. See also ILO official, electronic communication, November 14, 2002.

<sup>1533</sup> ILO-IPEC, *International Labour Office - IPEC Status Report for Supporting the Time Bound Program against the Worst Forms of Child Labor in El Salvador*, December 2002, 2. See also Ambassador Rene A. Leon, written correspondence in response to International Child Labor Program August 5, 2002 Federal Register notice to USDOL official, September 5, 2002.

<sup>1534</sup> 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 Mrs. Darlyn Xiomara Meza Ministry of Education, pursuant to UN General Assembly Resolution 52/84, October 1999; available from [http://www2.unesco.org/wef/countryreports/el\\_salvador/contents.html](http://www2.unesco.org/wef/countryreports/el_salvador/contents.html).

<sup>1535</sup> ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11, 12, 46.

<sup>1536</sup> 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. See 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.

<sup>1537</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2002: El Salvador*, Washington, D.C., March 31, 2003, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18331.htm>.

<sup>1538</sup> The survey reports that 222,479 children aged 5 to 17 were working. See ILO-IPEC, *Entendiendo el Trabajo Infantil en El Salvador*, Geneva, 2003, 11.

<sup>1539</sup> 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. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2260*, August 2003.

<sup>1540</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 3101*. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2066*. See also ILO-IPEC, *IPEC Country Profile: El Salvador*.

<sup>1541</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d 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. See FUNPADEM, *Situación Actual de Niños, Niñas, y Adolescentes Trabajadores en las Calles de San Salvador*, San José, Costa Rica, 2001.

<sup>1542</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

<sup>1543</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 3101*. 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.

<sup>1544</sup> ILO-IPEC, *Trabajo Infantil Doméstico: Una Evaluación Rápida*.

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There is evidence that some children, especially girls, are engaged in prostitution.<sup>1545</sup> El Salvador is a source, transit, and destination country for children trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, the United States, and other Central American countries. Some children are also trafficked internally.<sup>1546</sup> Children who live on the streets are also trafficked to border areas and other countries, and forced into prostitution.<sup>1547</sup> Children from Nicaragua, Honduras, and South America have been trafficked to bars in major Salvadoran cities, where they are then forced to engage in prostitution.<sup>1548</sup> This serious problem has not been reliably documented, except for several dozen cases per year of children returned from the Mexican or Guatemalan border regions, some of whom may have been sexually exploited. There have also been police and media reports of possibly dozens of child prostitutes in El Salvador. Due to a lack of information, however, the extent of the problem remains unclear.<sup>1549</sup>

Education is compulsory through the ninth grade or up to 14 years of age, and public education is free through high school.<sup>1550</sup> Laws prohibit impeding children's access to school for being unable to pay school fees or wear uniforms; however, in practice, some schools continue to charge school fees to cover budget shortfalls.<sup>1551</sup> The two earthquakes of 2001 destroyed many schools, the reconstruction of schools has experienced some delays.<sup>1552</sup> In 2000, the gross primary enrollment rate was 109.3 percent, and in 1999, the net primary enrollment rate was 80.9 percent.<sup>1553</sup> The 1999 Multiple Purpose Household Survey found that 650,000 children ages 4 to 17 were not enrolled in school.<sup>1554</sup> In 1998, 70.7 percent of children enrolled in primary school reached grade 5.<sup>1555</sup> Primary school attendance rates are unavailable for El Salvador. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>1556</sup> 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 in rural areas.<sup>1557</sup> Many students in rural areas do not reach the ninth grade due to a lack of financial resources and because many

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<sup>1545</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 5 and 6d. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 4.

<sup>1546</sup> U.S. Department of State, *Trafficking in Persons Report- 2003: El Salvador*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21275.htm>. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 5 and 6f.

<sup>1547</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, 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.

<sup>1548</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 5 and 6f. See also U.S. Department of State, *Trafficking in Persons Report- 2003: El Salvador*.

<sup>1549</sup> U.S. Embassy- San Salvador, electronic communication to USDOL official, February 19, 2004.

<sup>1550</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*.

<sup>1551</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5.

<sup>1552</sup> United States General Accounting Office, *USAID's Earthquake Recovery Program in El Salvador Has Made Progress, but Key Activities Are Behind Schedule*, March 2003, 2, 16.

<sup>1553</sup> World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. See also USAID, *Global Education Database*, Washington, DC, 2003; available from <http://quesdb.cdie.org/ged/index.html>. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

<sup>1554</sup> ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador*, project document, 3.

<sup>1555</sup> World Bank, *World Development Indicators 2003*.

<sup>1556</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>1557</sup> ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 10.

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parents withdraw their children from school by the sixth grade so that they can work.<sup>1558</sup> Also in rural areas, many older children attend classes below their grade level.<sup>1559</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.<sup>1560</sup> Children ages 12 to 14 can be authorized to perform light work, as long as it does not harm their health and development or interfere with their education.<sup>1561</sup> Children who are 14 years or older must receive permission from the Ministry of Labor to work, which is granted only when it is non-hazardous and necessary for the survival of the child or the child's family.<sup>1562</sup> Children under the age of 18 are prohibited from working at night<sup>1563</sup> or in hazardous and/or morally dangerous conditions.<sup>1564</sup> Forced or compulsory labor is prohibited by the Constitution.<sup>1565</sup> The Constitution makes military service compulsory between the ages of 18 and 30 years, but voluntary service can occur beginning at age 16.<sup>1566</sup>

In October 2001, Criminal Code reforms, that prohibit trafficking in persons, were approved by the Legislative Assembly.<sup>1567</sup> El Salvador's Penal Code does not criminalize prostitution.<sup>1568</sup> However, the Penal Code provides for penalties of 2 to 4 years imprisonment for the inducement, facilitation, or promotion of prostitution, and the penalty increases if the victim is less than 18 years old.<sup>1569</sup>

Enforcing child labor laws is the responsibility of the Ministry of Labor.<sup>1570</sup> However, the difficulties of monitoring the informal sector limit the effectiveness of Ministry of Labor enforcement outside the formal sector.<sup>1571</sup> Limited government funds are allocated to child labor issues.<sup>1572</sup> Labor inspectors focus on the formal sector, where child labor appears to be less frequent, and few complaints of child labor laws are presented.<sup>1573</sup>

The Government of El Salvador ratified ILO Convention 138 on January 23, 1996 and ILO Convention 182 on October 12, 2000.<sup>1574</sup>

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<sup>1558</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5. See also 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*, 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.

<sup>1559</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 5. See also ILO-IPEC, *Combating Child Labor Through Education in the Time-Bound Program of El Salvador, project document*, 3.

<sup>1560</sup> *Código de Trabajo*, Article 114. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3283*.

<sup>1561</sup> *Código de Trabajo*, Article 114.

<sup>1562</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

<sup>1563</sup> *Código de Trabajo*, Article 116.

<sup>1564</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 3283*. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Sections 6d and 6e.

<sup>1565</sup> Government of El Salvador, *1983 Constitution*, Article 9. See also U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6c.

<sup>1566</sup> *Military Service and Armed Forces Reserve Act*, Articles 2 and 6. See also *1983 Constitution*, Article 215.

<sup>1567</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6f.

<sup>1568</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 2731*, August 2000.

<sup>1569</sup> *Código Penal de El Salvador*, Decree no. 1030, Article 169. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2731*.

<sup>1570</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

<sup>1571</sup> *Ibid.* See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*.

<sup>1572</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 2260*.

<sup>1573</sup> U.S. Department of State, *Country Reports- 2002: El Salvador*, Section 6d.

<sup>1574</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited June 19, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.