

Guatemala

Incidence and Nature of Child Labor

The Guatemalan National Institute of Statistics estimated that 16.3 percent of children ages 6 to 14 years in Guatemala were working in 2000.¹⁷⁸⁴ Of this population, more males (66 percent) than females (34 percent) were working, and 77 percent of children were employed in rural areas.¹⁷⁸⁵ Labor force participation rates of children are highest in areas with a large indigenous population.¹⁷⁸⁶ On average, working children ages 5 to 14 years work 6.5 hours per day and 5 days per week.¹⁷⁸⁷ Children help harvest commercial crops such as coffee¹⁷⁸⁸ and broccoli.¹⁷⁸⁹ Children are also employed in family businesses,¹⁷⁹⁰ in the fireworks¹⁷⁹¹ and stone quarries sectors,¹⁷⁹² and as domestic servants¹⁷⁹³ and garbage pickers.¹⁷⁹⁴

¹⁷⁸⁴ Another 54.2 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 30, Cuadro No. 8; available from http://www.ilo.org/public/spanish/standards/ipecc/simpor/guatemala/report/gt_2003.pdf. For more information on the definition of working children, please see the section in the front of the report entitled Statistical Definitions of Working Children.

¹⁷⁸⁵ *Ibid.*, 31, Cuadro No. 9.

¹⁷⁸⁶ Indigenous children comprised 65.9 percent of economically active 7 to 14 year olds. See Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora*, Guatemala, 2001, 6. According to the National Institute of Statistics, 62.6 percent of children ages 5 to 14 work in agriculture, including forestry, hunting, and fishing. Other sectors employing large numbers of children in this age group include commerce (16.4 percent), manufacturing (10.7 percent), health and personal services (6.0 percent), and construction (3.0 percent). See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 37, Cuadro No. 13.

¹⁷⁸⁷ ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 40, Cuadro No. 14.

¹⁷⁸⁸ ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala*, technical progress report, GUA/99/05/060, Geneva, March 3, 2004.

¹⁷⁸⁹ U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Guatemala*, Washington D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27900.htm>. See also ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector in Guatemala*, project document, October 2000.

¹⁷⁹⁰ U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d. Many children work for their families without wages. See U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*, Guatemala City, August 19, 2003. It has been reported that children also work as black market traders for US dollars. See Institutional Co-ordinator for Promotion of Children's Rights - CIPRODENI, *Analysis on Progress and Limitations on Compliance of the Children's Rights Convention: Second Independent Report from Non-Government Organizations on Compliance with Children and Youth Rights in Guatemala*, CIPRODENI, Guatemala, September 2000, 27.

¹⁷⁹¹ ILO-IPEC, *Línea Basal de comunidades de San Juan Sacatepéquez y San Raymundo*, ILO, 2000.

¹⁷⁹² ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Samala River, Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 5, 2004. See also Gema Palencia, "Novecientos veinticinco mil menores obligados a trabajar agricultura y comercio, sectores que utilizan a mas niños," *Prensa Libre*, April 29, 2003; available from http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p_noticia=54991&p_fedicion=29-04-03.

¹⁷⁹³ The ILO reports that 38,878 children under 18 work under conditions of modern slavery in private homes in Guatemala. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d. See also 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.

Street children tend to be especially vulnerable to sexual exploitation and other forms of violence, constituting a serious problem in Guatemala.¹⁷⁹⁵ In general, child prostitution is on the rise.¹⁷⁹⁶ Guatemala is considered a source, transit, and destination country for trafficked children. There is also evidence of internal trafficking.¹⁷⁹⁷ Children from poor families in Guatemala tend to be drawn into trafficking for purposes of prostitution through advertisements for lucrative foreign jobs or through personal recruitment.¹⁷⁹⁸

Education is free and compulsory in Guatemala up to grade 6, or from ages 7 to 14.¹⁷⁹⁹ In 2001, the gross primary enrollment rate was 103.0 percent and the net primary enrollment rate was 85.0 percent.¹⁸⁰⁰ Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent primary school attendance statistics are not available for Guatemala. As of 2000, 55.8 percent of children who started primary school were likely to reach grade 5.¹⁸⁰¹ The inflexibility and irrelevancy of the education system, insufficient academic coverage, and low quality of services have been cited as some of the reasons children leave Guatemalan schools. Economic activity and poor health contribute to the fact that 76 percent of rural children who enter first grade to drop out before completing primary school.¹⁸⁰² Children who do not attend school are

¹⁷⁹⁴ Vilma Duque and Fernando Garcia, *Child Labour in Garbage Dumps: A Rapid Assessment*, ILO, Geneva, May 2002; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/ra/basuras.pdf>.

¹⁷⁹⁵ U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 5. Casa Alianza reports that most children living in the streets of Guatemala City are 7 to 14 years old. See Casa Alianza, *Niños y Niñas de la Calle en Ciudad de Guatemala*, [online] [cited June 8, 2004]; available from <http://www.casa-alianza.org/ES/about/offices/guatemala/children.phtml>.

¹⁷⁹⁶ Child prostitution is especially common in the capital and other major cities as well as towns along the borders with El Salvador and Mexico. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6f. Most child victims of commercial sexual exploitation are between the ages of 13 and 17 years. See Casa Alianza, *Casa Alianza Investigation Finds Hundreds of Girls Trafficked in Guatemala*, [online] March 31, 2004 [cited April 2, 2004]; available from <http://www.casa-alianza.org/EN/noticias/lmn/noticia863>.

¹⁷⁹⁷ U.S. Department of State, *Trafficking in Persons Report- 2004: Guatemala*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33188.htm>.

¹⁷⁹⁸ U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6f. A report published by the Children's Defense Department of the Office of the Human Rights Ombudsman entitled "Niñez prostituida: objetos sexuales o sujetos sociales?" revealed 83 brothels in Tecun Uman employing girls as young as 13 and 16 years old. See Casa Alianza, "10th Anniversary United Nations Convention on the Rights of the Child," *Special Reports and Coverages*, February 16, 2000; available from <http://www.casa-alianza.org/EN/newstuff/crc/childlabor.shtml>. Children are also reportedly involved in the trafficking and production of drugs. See 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.

¹⁷⁹⁹ UN Commission on Human Rights, *Annual Report of 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 June 8, 2004]; available from <http://www.right-to-education.org/content/unreports/unreport5prt1.html>.

¹⁸⁰⁰ World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. 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.

¹⁸⁰¹ *Ibid.*

¹⁸⁰² ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 27, Recuadro No. 3. See also USAID, *Regional Strategy for Central America and Mexico FY 2003-2008, Annex E: Guatemala Country Plan*, December 17, 2003, 17; available from http://www.dec.org/pdf_docs/PDABZ676.pdf.

concentrated in rural areas, and a disproportionate number of them are girls in indigenous communities.¹⁸⁰³ Sixty-two percent of working children attend school compared to 78 percent of non-working children. Working children tend to complete only 1.8 years of schooling, roughly half the average years completed by non-working children.¹⁸⁰⁴

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁸⁰⁵ 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 meet compulsory education requirements.¹⁸⁰⁶ Minors age 14 to 17 are prohibited from working at night, overtime, in places that are unsafe and dangerous, or in bars or other establishments where alcoholic beverages are served.¹⁸⁰⁷ The workday for minors under the age of 14 years is limited to 6 hours; minors age 14 to 17 may work 7 hours.¹⁸⁰⁸ In July 2003, the Law for Integrated Protection of Children and Adolescents entered into force, which called for the establishment of a National Commission on Children and Adolescents and outlined laws governing the protection of children from trafficking and economic and sexual exploitation.¹⁸⁰⁹

Article 188 of the Penal Code prohibits child pornography and prostitution.¹⁸¹⁰ 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.¹⁸¹¹ Trafficking for the purpose of prostitution is punishable by imprisonment of 1 to 3 years and a fine, again, with enhanced penalties if the victim is a minor.¹⁸¹² The Constitution prohibits forced or compulsory labor, including by children.¹⁸¹³

¹⁸⁰³ According to the UN Verification Mission in Guatemala, Guatemalan children receive, on average, 2.2 years of education, and indigenous children receive an average of 1.3 years. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 5.

¹⁸⁰⁴ ILO, UNICEF, and World Bank, *Understanding Children's Work in Guatemala*, Understanding Children's Work Project, March, 2003, 29. Of working children ages 5 to 14 years, 33.4 percent only work while 66.6 percent combine work with school. The majority of working children (64.1 percent) have not completed primary school. See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 34, Cuadro No. 11.

¹⁸⁰⁵ *Código de Trabajo de la República de Guatemala*, Article 148; available from <http://www.ilo.org/dyn/natlex/docs/WEBTEXT/41345/64970/S95GTM01.htm#t4>.

¹⁸⁰⁶ *Ibid.*, Article 150. In 2003, the Ministry of Labor granted 119 work permits to children under the age of 14, down from 124 granted in 2002 and 1,014 granted in 2001. Recent law reform efforts have been aimed at rescinding the permit program. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.

¹⁸⁰⁷ U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d. See also *Código de Trabajo de la República de Guatemala*, 1996, 148.

¹⁸⁰⁸ U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.

¹⁸⁰⁹ This law modifies an earlier version passed in 1999. The law does not provide for criminal sanctions. See U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*. See also *Ley de Protección Integral de la Niñez y Adolescencia*, Decreto Numero 27-2003, Artículos 50 and 51.

¹⁸¹⁰ U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*, August 2000. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Guatemala*, [database online] [cited June 26, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuatemala.asp>.

¹⁸¹¹ Article 191 of the Criminal Code as cited by Interpol, *Legislation of Interpol Member States*.

¹⁸¹² U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6f. Penal code reforms increasing trafficking penalties have been accepted for Congressional consideration. See U.S. Embassy - Guatemala City, *unclassified telegram no. 1320*, May 27, 2004.

The Child Workers Protection Unit within the Ministry of Labor is responsible for enforcing restrictions on child labor as well as educating children, parents, and employers on the rights of minors in the labor market. According to the U.S. Department of State, labor laws governing the employment of minors are not well enforced because of the ineffectiveness of labor inspection and labor court systems.¹⁸¹⁴ The Defense of Children’s Rights unit in the Human Rights Ombudsman’s Office and the newly established Minor Victims Section of the Prosecutor’s Office investigate trafficking cases.¹⁸¹⁵ The Minors Section of the National Civilian Police’s Criminal Investigative Service successfully apprehended child traffickers. Rescued underage victims were provided with rehabilitative services primarily run by NGOs, but some shelters were operated by the government.¹⁸¹⁶

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

The Government of Guatemala, through its National Commission for the Elimination of Child Labor, is implementing the 2001 National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.¹⁸¹⁷ The government included in its 2000-2004 agenda for social programs the goal of decreasing the number of child workers by 10 percent.¹⁸¹⁸ The Secretariat of Social Welfare has also published a National Plan of Action focusing specifically on the commercial sexual exploitation of children and adolescents.¹⁸¹⁹ As mandated by the Law for Integrated Protection of Children and Adolescents of 2003, a National Commission of Childhood and Adolescence was established in May 2004.¹⁸²⁰ In addition, an anti-trafficking unit was created in the Public Ministry’s Office of the Special Prosecutor for Women to lead trafficking investigations.¹⁸²¹

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	4/27/1990	✓
Ratified Convention 182	10/11/2001	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

¹⁸¹³ U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6c.

¹⁸¹⁴ *Ibid.*, Section 6d.

¹⁸¹⁵ Few cases are prosecuted due to victims’ reluctance to press charges. See *Ibid.*, Section 6f.

¹⁸¹⁶ U.S. Department of State official, electronic communication with USDOL official, July 8, 2005. See also U.S. Embassy - Guatemala City, *unclassified telegram no. 0545*, March 1, 2005.

¹⁸¹⁷ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*. See also U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 6d.

¹⁸¹⁸ ILO-IPEC, *Eradication and Prevention of Child Labor in Agriculture in Central America and the Dominican Republic (Phase II)*, technical progress report, RLA/03/P50/USA, March 26, 2004.

¹⁸¹⁹ 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.

¹⁸²⁰ U.S. Embassy - Guatemala City, *unclassified telegram no. 1320*. See also *Ley de Protección Integral de la Niñez y Adolescencia*, Article 85.

¹⁸²¹ U.S. Embassy - Guatemala City, *unclassified telegram no. 0779*, March 30, 2004.

The Government of Guatemala is collaborating with ILO-IPEC on eight projects aimed at eliminating child labor in various sectors and geographical areas.¹⁸²² ILO-IPEC is assisting the government to include child labor in curriculum review and teacher trainings at the national level, as well as in proposed reforms to the Labor Code.¹⁸²³ Guatemala is currently participating in two USDOL-funded ILO-IPEC regional projects aimed at combating commercial sexual exploitation of children¹⁸²⁴ and child labor in commercial agriculture.¹⁸²⁵ The government is also collaborating with ILO-IPEC on USDOL-funded projects aimed at combating child labor in the fireworks,¹⁸²⁶ coffee,¹⁸²⁷ broccoli,¹⁸²⁸ and stone quarrying¹⁸²⁹ sectors. In addition, 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.¹⁸³⁰ The Ministry of Labor, the Unit for the Protection of Minors at Work, UNICEF, and ILO-IPEC have joined efforts to empower local leaders to monitor and run child labor action programs.¹⁸³¹ In April 2004, the Solicitor General announced an agreement with the mayor of Guatemala City to develop a plan to rescue street children from exploitation.¹⁸³² The Government of Guatemala is participating in a USD 5.5 million USDOL-funded regional project implemented by CARE, in partnership with Catholic Relief Services, to combat child labor through education.¹⁸³³

¹⁸²² ILO-IPEC, *IPEC en la región: Guatemala*, [online] [cited June 9, 2004]; available from <http://www.ipecc.oit.or.cr/ipecc/region/paises/guatemala.shtml#PA>.

¹⁸²³ UN Economic and Social Council, *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.

¹⁸²⁴ This project includes direct action activities as well as awareness raising, institutional capacity building, and international and national coordination in Guatemala. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, ILO-IPEC, Geneva, March 6 2004.

¹⁸²⁵ ILO-IPEC, *Prevention and progressive elimination of child labour in agriculture in Central America, Panama and the Dominican Republic (Phase II)*, project document, September 17, 2003.

¹⁸²⁶ This project seeks to withdraw children from fireworks production in the regions of San Raymundo and Sacatepequez. See ILO-IPEC, *Prevention and Progressive Eradication of Child Labor in Fireworks Production in Guatemala*, technical progress report, GUA/03/P50/USA, Geneva, March 2004.

¹⁸²⁷ This project ended in September 2004. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala*, March 3, 2004.

¹⁸²⁸ ILO-IPEC, *Progressive Elimination of Child Labor in the Broccoli Sector*.

¹⁸²⁹ ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production*, March 5, 2004.

¹⁸³⁰ ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala*, 10-12.

¹⁸³¹ UN Economic and Social Council, *Contemporary Forms of Slavery*, 6.

¹⁸³² U.S. Embassy - Guatemala City, *unclassified telegram no. 1106*.

¹⁸³³ U.S. Department of Labor, *United States Provides over \$110 Million in Grants to Fight Exploitive Child Labor Around the World*, [online] October 1, 2004 [cited October 21, 2004]; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm>. See also CARE, *CARE's Work: Project Information*, [online] 2004 [cited October 21, 2004]; available from <http://www.careusa.org/careswork/projects/SLV041.asp>.

The Ministry of Education (MINEDUC) addresses child labor by providing scholarships to children in need,¹⁸³⁴ administering extracurricular programs,¹⁸³⁵ and implementing school feeding programs in rural areas.¹⁸³⁶ MINEDUC continues to implement a bilingual education project¹⁸³⁷ and to reduce the indirect costs of education by providing school supplies to all children in primary school and eliminating their matriculation fees.¹⁸³⁸ MINEDUC's National Self-Management Program for Educational Development provides legally organized communities, particularly in rural, indigenous, and hard to reach areas, with funding to increase access to and improve the quality of primary education.¹⁸³⁹ The World Bank is supporting a Universalization of Basic Education project through 2006, which seeks to improve the coverage, equity, and quality of primary education.¹⁸⁴⁰ USAID's 2004-2008 Country Plan for Guatemala is focusing on improving public and private educational investments and promoting policies to increase educational quality, reduce drop out and repetition rates, and to close the educational gaps between rural indigenous communities and the rest of Guatemala.¹⁸⁴¹ In August 2004, the U.S. Department of Agriculture announced that it will provide funds for agricultural commodities for school meals in Guatemala.¹⁸⁴²

¹⁸³⁴ MINEDUC's Peace Scholarship Program intends to benefit 14,000 working children between 2001 and 2008. See ILO-IPEC, *Eradication and Prevention of Child Labor in Agriculture (Phase II)*, March 26, 2004, 3. In particular, MINEDUC grants scholarships to girls and working or orphaned children. See U.S. Department of State, *Country Reports- 2003: Guatemala*, Section 5.

¹⁸³⁵ Extracurricular 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, interview with USDOL official, August 16, 2000.

¹⁸³⁶ MINEDUC, through the General Office for Co-Ordination of Support Program, administers three feeding programs: school breakfasts, school snacks and a pilot project for school lunches. See CIPRODENI, *Analysis on Progress and Limitations*, 19.

¹⁸³⁷ The Intercultural Bilingual Program, established in 1984, became the General Directorate of Intercultural Bilingual Education (DIGEBI) in 1995, giving it stronger administrative status and authority in the Ministry's budget structure. As of 2000, DIGEBI was assisting 1,476 schools in 14 linguistic communities. See *Ibid.*, 9-10.

¹⁸³⁸ Macz and Cojti, interview, August 16, 2000. Guatemalan teachers consider the government's efforts to reform the education system to be unsatisfactory.

¹⁸³⁹ ILO, UNICEF, and World Bank, *Understanding Children's Work*, 41.

¹⁸⁴⁰ World Bank, *Guatemala-Universalization of Basic Education Project*, World Bank, [online] May 2004 [cited October 20, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P048652>.

¹⁸⁴¹ USAID, *Guatemala Country Plan*, 5. See also USAID, *Guatemala Country Plan*, USAID, *Guatemala: USAID Program Profile*, [online] May 26, 2004 [cited October 20, 2004]; available from http://www.usaid.gov/locations/latin_america_caribbean/country/program_profiles/guatemalaprofile.html.

¹⁸⁴² Eric Green, *U.S. funds will provide school meals in Latin America, Caribbean*, U.S. Department of State: Washington File, [online] August 17, 2004 [cited August 24, 2004]; available from <http://usinfo.state.gov/gi/Archive/2004/Aug/18-23606.html>.