

# El Salvador

## Incidence and Nature of Child Labor

ILO-IPEC and the Salvadoran General Directorate of Statistics and Censuses estimated that 7.1 percent of children ages 5 to 14 years were working in El Salvador in 2001.<sup>1468</sup> The 2003 Multiple Purpose Household Survey performed by the Salvadoran General Directorate of Statistics and Censuses reported that 16 percent of male children work in comparison with 7 percent of females, and that child participation in the workforce increases with age.<sup>1469</sup> Almost 70 percent of working children are located in rural areas.<sup>1470</sup> Children often accompany their families to work in commercial agriculture, particularly during coffee and sugar harvests.<sup>1471</sup> Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, shellfish harvesting, and garbage scavenging.<sup>1472</sup> Some children also work long hours as domestic servants in third-party homes.<sup>1473</sup> Children from poor families, as well as orphans, work as street vendors<sup>1474</sup> and general laborers in small businesses, primarily in the informal sector.<sup>1475</sup> The 2003 Multiple Purpose Household Survey revealed that 27.5 percent of working children ages 10 to 14 years were employed in commerce, hotels, and restaurants.<sup>1476</sup>

The commercial sexual exploitation and trafficking of children, especially girls, is a problem in El Salvador.<sup>1477</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

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<sup>1468</sup> Another 30 percent of children ages 15 to 17 years were also found working. See ILO-IPEC, *Entendiendo el Trabajo Infantil en El Salvador*, Geneva, 2003, xi, 13, 16. 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*.

<sup>1469</sup> The survey found that 1.5 percent of children ages 5 to 9 years worked, 13 percent of children ages 10 to 14 worked, and 27.6 percent of adolescents ages 15 to 17 worked. See General Directorate of Statistics and Censuses, *Multiple Purpose Household Survey*, 2003.

<sup>1470</sup> ILO-IPEC, *Entendiendo el Trabajo Infantil*, ix, 58-59.

<sup>1471</sup> ILO-IPEC, *Combating Child Labor in the Coffee Industry of Central America*, ELS/99/05/050, Geneva, 1999, 3. See also ILO-IPEC, *Entendiendo el Trabajo Infantil*, 41.

<sup>1472</sup> ILO-IPEC, *Entendiendo el Trabajo Infantil*, 56-57. See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*, October 2002. See also 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, 5-8.

<sup>1473</sup> ILO-IPEC, *Trabajo Infantil doméstico en América Central y República Dominicana*, San Jose, December 2002, 11, 60. See also Human Rights Watch, *Abuses Against Child Domestic Workers in El Salvador*, Vol. 16, No. 1 (B), January 2004, 13.

<sup>1474</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d. According to a USAID/FUNPADEM study, children younger than 11 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*.

<sup>1475</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d.

<sup>1476</sup> General Directorate of Statistics and Censuses, *2003 Multiple Purpose Household Survey*.

<sup>1477</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Sections 5 and 6f. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 4.

American countries. Some children are also trafficked internally.<sup>1478</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>1479</sup>

Education is free and compulsory through the ninth grade or up to 14 years of age.<sup>1480</sup> Laws prohibit impeding children's access to school for being unable to pay school fees or wear uniforms. In practice, however, some schools continue to charge school fees to cover budget shortfalls.<sup>1481</sup> The two earthquakes of 2001 destroyed many schools,<sup>1482</sup> and the reconstruction of schools has experienced some delays.<sup>1483</sup> In 2001, the gross primary enrollment rate was 111.8 percent, and the net primary enrollment rate was 88.9 percent.<sup>1484</sup> 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. In 2001, approximately 70 percent of working children ages 5 to 14 attended school, while less than 40 percent of children 15 to 17 years of age attended.<sup>1485</sup> The 2003 Multiple Purpose Household Survey found that 8.6 percent of children ages 7 to 15 years did not attend school because of work duties.<sup>1486</sup> As of 2000, 72.8 percent of children who started primary school were likely to reach grade 5.<sup>1487</sup> Gaps in coverage and quality of education between rural and urban areas persist.<sup>1488</sup> 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>1489</sup> Many students in rural areas attend classes below their grade level or drop out by the sixth grade due to a lack of financial resources and because many parents withdraw their children from school so they can work.<sup>1490</sup>

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<sup>1478</sup> U.S. Department of State, *Trafficking in Persons Report- 2004 El Salvador*, Washington, D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm>. See also U.S. Department of State, *Country Reports- 2003: El Salvador*, Sections 5 and 6f. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2399*, August 23, 2004.

<sup>1479</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 2399*.

<sup>1480</sup> Government of El Salvador, *1983 Constitution*, Articles 53-57. See also U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5.

<sup>1481</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5.

<sup>1482</sup> Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention, Concluding Observations El Salvador*, June 4, 2004, 2.

<sup>1483</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>1484</sup> 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.

<sup>1485</sup> ILO-IPEC, *Entendiendo el Trabajo Infantil*, 38.

<sup>1486</sup> General Directorate of Statistics and Censuses, *2003 Multiple Purpose Household Survey*.

<sup>1487</sup> World Bank, *World Development Indicators 2004*.

<sup>1488</sup> Committee on the Rights of the Child, *Concluding Observations El Salvador*, 10.

<sup>1489</sup> ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 10.

<sup>1490</sup> U.S. Department of State, *Country Reports- 2003: 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*, San Salvador, May 2002, 29.

## Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years.<sup>1491</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>1492</sup> Children under the age of 18 are prohibited from working at night.<sup>1493</sup> Forced or compulsory labor is prohibited by the Constitution, except in cases specified by the law.<sup>1494</sup> The Constitution makes military service compulsory between the ages of 18 and 30, but voluntary service can begin at age 16.<sup>1495</sup>

The law prohibits all forms of trafficking in persons.<sup>1496</sup> However, convictions are rare.<sup>1497</sup> In 2003, no one was arrested, prosecuted, or sentenced for trafficking and government agencies responsible for enforcing trafficking laws were poorly funded.<sup>1498</sup> Criminal penalties for trafficking range from 4 to 15 years imprisonment.<sup>1499</sup> El Salvador's Penal Code does not criminalize prostitution.<sup>1500</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 younger than 18 years old.<sup>1501</sup> On November 25, 2003, the National Assembly approved changes to the Penal Code. These changes establish the trafficking of children for sexual exploitation and the production or possession of child pornography as offenses.<sup>1502</sup> In December 2004 the Legislative Assembly approved further reforms to the Penal Code, which establish trafficking and child pornography as organized crimes and provide for harsher penalties.<sup>1503</sup>

Enforcing child labor laws is the responsibility of the Ministry of Labor.<sup>1504</sup> Limited government funds are allocated to child labor issues.<sup>1505</sup> Labor inspectors focus on the formal sector where child labor is less

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<sup>1491</sup> *Código de Trabajo*, Article 114. See also *1983 Constitution*, Article 38, Part 10.

<sup>1492</sup> *Código de Trabajo*, Article 114-15.

<sup>1493</sup> *Ibid.*, Article 116.

<sup>1494</sup> *1983 Constitution*, Article 9. See also U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6c.

<sup>1495</sup> *Military Service and Armed Forces Reserve Act*, Articles 2 and 6. See also *1983 Constitution*, Article 215. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2399*.

<sup>1496</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6f.

<sup>1497</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: El Salvador*.

<sup>1498</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6f.

<sup>1499</sup> *Ibid.*

<sup>1500</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 2731*, August 2000.

<sup>1501</sup> *Código Penal de El Salvador*, Decree no. 1030, Article 169. See also U.S. Embassy- San Salvador, *unclassified telegram no. 2731*.

<sup>1502</sup> ILO-IPEC, *Timebound Program and Education Initiative Technical Progress Report*, Geneva, March 3, 2004, 4. See also *Decreto No. 210*, (November 25, 2003). These Penal Code reforms came into force in January 2004. See U.S. Embassy- San Salvador, *unclassified telegram no. 2399*.

<sup>1503</sup> ILO-IPEC, *Timebound Program and Education Initiative Technical Progress Report*, Geneva, March 2005. See also ILO-IPEC, *Technical Progress Report: Stop the Exploitation. Contribution to the prevention and elimination of commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic*, March 2005. See also *Decreto No. 457*, (October 7, 2004). See also *Decreto No. 458*, (October 7, 2004).

<sup>1504</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d.

frequent, and few complaints of child labor are presented.<sup>1506</sup> In addition, the difficulties of monitoring the informal sector limit the effectiveness of Ministry of Labor enforcement outside the formal sector, according to the U.S. Department of State.<sup>1507</sup>

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

In June 2001, El Salvador became the first country in the hemisphere to initiate a 5-year comprehensive ILO-IPEC Timebound Program. The Government of El Salvador continues to participate in the national Timebound Program, funded by USDOL, to eliminate the worst forms of child labor and provide education and other services to vulnerable children. The Timebound Program focuses on eliminating exploitive child labor in fireworks production, fishing, sugar cane harvesting, commercial sexual exploitation, and garbage dumps scavenging.<sup>1508</sup> In addition, as part of the Timebound Program's efforts, a child labor module and knowledge, attitudes and behavior section regarding child labor and education were added to the 2003 Household Survey. The Ministry of Education also included questions on child labor in their 2004 School Census.<sup>1509</sup>

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	8/13/2001	✓
Ratified Convention 182	6/5/2002	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		✓
Sector Action Plan		

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>1510</sup> In addition, the government is also participating in a USDOL-funded regional Child Labor Education Initiative Program aimed at strengthening government and civil society's capacity to address the educational needs of working children.<sup>1511</sup> With support from other donors, ILO-IPEC is carrying out a regional project aimed at raising awareness and collecting information on children involved in domestic

<sup>1505</sup> U.S. Embassy- San Salvador, *unclassified telegram no. 2260*, August 2003.

<sup>1506</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 6d.

<sup>1507</sup> *Ibid.* See also U.S. Embassy- San Salvador, *unclassified telegram no. 3101*.

<sup>1508</sup> ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 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>1509</sup> ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 6.

<sup>1510</sup> ILO-IPEC, *Combating Child Labor in the Coffee Industry of Central America*. See also ILO-IPEC, *Combating Child Labor in the Fireworks Industry in El Salvador*, ELS/00/05/060, Geneva, 1999. The coffee and fireworks projects completed activities in late 2004. This fireworks project began prior to the Timebound Program; however, the national committee deemed fireworks production a worst form of child labor in El Salvador to be addressed by the Timebound 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>1511</sup> USDOL, "News Release: United States Provides over \$110 Million in Grants to Fight Exploitive Child Labor Around the World," October 1, 2004; available from <http://www.dol.gov/opa/media/press/ilab/ILAB20041715.htm>. See also USDOL/ILAB, *ILAB Technical Cooperation Project Summary: Combating Child Labor through Education in Central America and the Dominican Republic*, 2004.

work in third party homes, and a regional project to reduce scavenging at garbage dumps.<sup>1512</sup> The National Committee for the Progressive Elimination of Child Labor, which provides leadership and guidance to the ILO-IPEC programs,<sup>1513</sup> approved a National Plan for the Progressive Elimination of the Worst Forms of Child Labor 2002-2004.<sup>1514</sup> In 2004, both major presidential candidates included the issue of child labor in their campaign platform.<sup>1515</sup> With support from UNICEF and the Government of the United States, the Government of El Salvador sponsors television public service announcements and radio campaigns aimed at raising awareness on trafficking.<sup>1516</sup>

In addition to participating in the ILO-IPEC Timebound Program, the Ministry of Education supports a number of programs aimed at increasing the quality and coverage of education<sup>1517</sup> and operates a hotline for the public to report school administrators who illegally charge students school fees.<sup>1518</sup> During the past year, the Ministry of Education took an additional step in promoting school enrollment by doing away with public school “voluntary fees.”<sup>1519</sup> In addition, as a means to encourage retention and motivate school administrators and teachers, the Ministry of Education agreed to provide schools with USD 10 per pupil enrolled in school who completes the school year.<sup>1520</sup> The Ministry of Education has developed a Ten-Year Education 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>1521</sup>

The Ministry of Education continues to implement a World Bank-funded 7-year Education Reform Project to improve and expand coverage, quality, and efficiency of pre-school and basic education, with a

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<sup>1512</sup> ILO-IPEC official, email communication to USDOL official, May 12, 2004. See also ILO official, electronic communication to USDOL official, November 14, 2002. This project is in addition to the Timebound Program. See also ILO-IPEC, *IPEC en la region, Paises: El Salvador*, [online] [cited March 25, 2004]; available from <http://www.ipec.oit.or.cr/ipec/region/paises/elsalvador.shtml>.

<sup>1513</sup> This committee is led by the Ministry of Labor and Social Security. See Embassy of El Salvador, written communication to USDOL official in response to International Child Labor Program Federal Register notice of September 2001, October 25, 2001, 5-6.

<sup>1514</sup> Government of El Salvador, *Plan de Acción para la erradicación de las peores formas de trabajo infantil*. A new plan is currently under development. See ILO-IPEC, *Status Report: Time Bound Program & Education Initiative*, Geneva, December 1, 2004, 3.

<sup>1515</sup> ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 3.

<sup>1516</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: El Salvador*.

<sup>1517</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. See ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 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*, 35-39.

<sup>1518</sup> U.S. Department of State, *Country Reports- 2003: El Salvador*, Section 5.

<sup>1519</sup> This effort began in October 2003. Government imposed school fees had been previously deemed illegal. See ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 3-4. See also Committee on the Rights of the Child, *Concluding Observations El Salvador*, 10.

<sup>1520</sup> ILO-IPEC, *March 2004 Timebound Technical Progress Report*, 3.

<sup>1521</sup> ILO-IPEC, *Time-Bound Program in El Salvador, project document*, 11-12. 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).

particular emphasis on rural and marginalized urban areas.<sup>1522</sup> The IDB's 4 ½-year Social Peace Program Support Project helps the country promote youth employment through the provision of job training scholarships to adolescent residents of targeted municipalities.<sup>1523</sup> USAID's Earthquake Reconstruction Program is supporting the government's restoration of social infrastructure, including reconstructing and equipping schools and child care centers.<sup>1524</sup>

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<sup>1522</sup> This project was funded in 1998. See World Bank, *Education Reform Project*, [online] May 13, 2004 [cited May 13, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050612>.

<sup>1523</sup> This project began in February 2002. See IDB, *Social Peace Program Support Project*, [online] 2002 [cited May 14, 2004]; available from <http://www.iadb.org/exr/doc98/apr/es1389e.pdf>.

<sup>1524</sup> USAID, *USAID El Salvador: Earthquake Reconstruction*, [online] [cited May 14, 2004]; available from <http://www.usaid.gov/sv/er/erir1.htm>.