

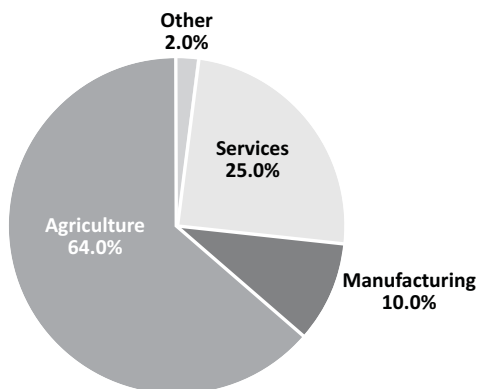
*In 2011, Guatemala made a minimal advancement in efforts to eliminate the worst forms of child labor. The Government established inter-agency committees for the eradication of child labor in every department of the country, with the aim of identifying and reducing child labor at the municipal level. In early 2012, the Government announced new, large-scale anti-poverty and education programs, which will assist children vulnerable to the worst forms of child labor. Despite these efforts, some provisions in the Labor Code allow exceptions to the minimum age for work and are inconsistent with international standards. Inspections are insufficient in number and underfunded relative to the scope of the problem. Children continue to engage in the worst forms of child labor, especially in hazardous activities in agriculture and manufacturing.*



### Statistics on Working Children and Education

Children	Age	Percent
Working	7-14 yrs.	18.2 (528,003)
Attending School	7-14 yrs.	85.3
Combining Work and School	7-14 yrs.	12.7
Primary Completion Rate		83.7

### Working Children by Sector, Ages 7-14



**Sources:**

**Primary completion rate:** Data from 2010, published by UNESCO Institute for Statistics, 2012.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from ENCOVI Survey, 2006.(2)

### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guatemala are engaged in the worst forms of child labor, primarily in hazardous activities in agriculture and manufacturing.(3-5) Work in agriculture often requires children to carry heavy loads and handle dangerous tools, while work in manufacturing often involves the use of dangerous machinery.(4, 5) Data from the Government's 2011 National Survey of Living Conditions (ENCOVI) indicate that two-thirds of child workers reside in rural areas, particularly in the southwest and western highlands.(6) In 2006, the ILO reported that half of all working children in Guatemala are of indigenous heritage, due in part to the great barriers these children face in accessing education. Many working indigenous children live in rural areas distant from schools.(4)

The majority of child labor occurs in agriculture in rural areas. (4) Children plant and harvest coffee, sugarcane, corn, beans and broccoli, which involves carrying heavy loads, exposure to extreme weather, and handling dangerous tools.(4, 7-12) Many indigenous children are exposed to dangerous machinery in flower and vegetable packaging. (4, 9) Indigenous children are also reported to work with dangerous tools in rubber and timber production.(4) Children manufacture gravel and fireworks, exposing them to hazardous tools and substances.(4, 9, 12-15) Children, primarily indigenous girls, also work in third-party homes as domestic servants, where they often work long hours, carry heavy loads and are at risk of burns.(11, 12)

Children work in the urban informal sector as peddlers and shoe shiners in densely transited streets, where they are vulnerable

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to vehicle accidents, severe weather and criminal activities. (4) Children also work in bricklaying and as garbage recyclers, which expose them to hazardous chemicals and tools.(4)

Children are trafficked to, from and within the country for commercial sexual exploitation and labor exploitation. (16) Commercial sexual exploitation of children is found in Guatemala City and on the border regions with Honduras and Mexico. Child sex tourism is prevalent in the cities of Antigua, Puerto Barrios, and around Lake Atitlan.(16) Although evidence is limited, there are reports that children are exploited for forced labor in street begging and in municipal dumps.(12) Limited evidence also indicates that criminals recruit children for illicit activities such as transporting contraband and other illegal drug activities.(12)

## Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for employment at 14.(17, 18) The Labor Code allows the Ministry of Labor (MOL) to authorize children under age 14 to work under exceptional circumstances. In 2006 the MOL signed a Government Agreement reiterating the Labor Code’s prohibition of the employment of children under age 14 and committing the MOL to grant exceptions to the minimum working age only in very special cases.(17, 19, 20) However, children under age 14 may still legally work under the exceptional circumstances allowed by the Labor Code. Guatemala sets the compulsory age for education at 15.(18, 21)

Guatemala’s Labor Code sets the minimum age for hazardous work at 18.(17) Guatemala has also adopted a comprehensive list of hazardous occupations in which minors under age 18 are prohibited from working.(22) These include working with explosive or toxic substances; mining; working with machinery; working underwater; domestic labor; working with agrochemicals or garbage; working in the street, in bars or in other establishments where alcoholic beverages are served; and working in illicit occupations such as producing and trafficking drugs.(22) The Penal Code establishes criminal penalties for employing children in dangerous work; however, it is unclear whether the provisions and sanctions in the Penal and Labor Codes regarding dangerous work are directly applicable to violations of the list of hazardous occupations for children.(17, 23)

The Constitution and the Penal Code specifically prohibit forced labor.(18, 23) In addition, the Law against Sexual Violence, Exploitation and Human Trafficking prohibits child pornography, including its production, distribution and possession.(24) The law establishes penalties for procuring, inducing, facilitating and benefiting economically from child prostitution.(23, 24) The law also prohibits trafficking in persons—including trafficking for the purposes of forced labor and sexual exploitation—and provides stiffer penalties for the trafficking of minors.(24) The Penal Code provides for increased sentences for criminals that involve minors in illicit activities.(23) The Law of Integral Protection of Children and Adolescents (Legislative Decree 27-2003) sets the minimum age for service in the military at 18.(25)

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

## Institutional Mechanisms for Coordination and Enforcement

The Government’s National Commission for the Eradication of Child Labor (CONAPETI), an interagency commission led by the Vice President, coordinates government efforts to combat child labor.(6, 26) During the reporting period the CONAPETI met 10 times and established inter-agency committees in each of Guatemala’s 22 departments, which will work with local officials to identify and combat child labor at the municipal level.(6, 20) The MOL also operates nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on child labor.(26)

In addition to CONAPETI, the Government has designated the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (SVET) in the Vice President’s office as the agency responsible for coordinating all government efforts against child trafficking and the commercial sexual

exploitation of children. In 2011, the SVET received a budget of \$641,025.(27) During the reporting period, the SVET trained 405 public authorities, including educators, lawyers, investigators and judges, on trafficking issues.(27)

The MOL's Adolescent Workers Protection Unit (UPAT) and Office of the Inspector General are responsible for enforcing child labor laws, including prohibitions on children engaging in the worst forms of child labor.(20, 26) The Office of the Inspector General and UPAT receive child labor complaints via telephone, in writing, through the MOL's Web site and in person at the MOL or at 1 of its 24 regional offices. (20, 26) During the reporting period, 151 complaints were filed regarding child labor.(20) It is not known if the MOL investigated the complaints received. Inspectors that find children engaged in hazardous work are required to refer them to government social services. In Guatemala City, services for children are coordinated by UPAT, while cases outside of the capital are referred to departmental social welfare offices.(20)

The MOL requires all routine inspections to address the worst forms of child labor.(20, 28, 29) Twelve of the MOL's 218 inspectors dedicate part of their time to responding to child labor complaints.(6) In general, labor inspectors, including those responsible for responding to child labor complaints, lack sufficient resources for transportation, such as vehicles and fuel; as a result they cannot carry out sufficient inspections.(6) The MOL cannot fine employers for violating the Labor Code; instead it relies on labor courts to impose sanctions, which significantly delays the process of penalizing violators. (20, 26, 30, 31)

During the reporting period the MOL conducted 1,205 inspections specifically targeting child labor: 912 inspections of farms suspected of using child laborers, 272 of facilities where fireworks are produced or sold, and 21 of restaurant establishments.(6, 20) As a result of the inspections in the fireworks sector, 39 child laborers were found, withdrawn, and provided with social services through the UPAT.(20) Information was not available on the total number of child laborers found during the reporting period or the services provided to them. In 2011, the MOL pressed charges against 26 businesses for child labor violations.(20) Information was not available on whether businesses were penalized or paid fines for child labor violations during the reporting period.

Child trafficking and commercial sexual exploitation investigations are primarily handled by police and prosecutors. (32) The National Civil Police has eight staff members, and the Public Ministry has five prosecutors, who are all dedicated to investigating such crimes.(32) Suspected cases of child trafficking can be reported through a hotline

maintained by the General Directorate of Immigration.(27) During the reporting period, the MOL trained 40 inspectors on the Law against Sexual Violence, Exploitation and Human Trafficking.(33)

From January to October 2011, the Government received a total of 354 complaints regarding trafficking in persons, an increase from 235 complaints in all of 2010; however, the data did not distinguish between adult and child trafficking cases.(27) The Human Rights Ombudsman Office received 46 complaints of trafficking in persons, of which 60 percent were for the commercial sexual exploitation of children and 3 percent for child pornography.(27) No information was available on the number of investigations or convictions in cases of child trafficking.

### **Government Policies on the Worst Forms of Child Labor**

During the reporting period the Government continued to implement a roadmap toward the Elimination of Child Labor in Guatemala, which aims to end the worst forms of child labor by 2015.(34) The roadmap integrates child labor into anti-poverty, education, and health programs. It calls for legal reform to eliminate exceptions to the minimum age in the Labor Code and to comprehensively prohibit all forms of unsafe child labor.(31) The MOL also has an Intra-institutional Coordination Protocol to Assist Child Laborers, which sets guidelines that offices within the MOL can use to identify child laborers and sanction their employers.(22) In 2011, a joint public-private network against child labor carried out five workshops in 18 departments, training 300 government officials and civil society representatives on the roadmap's goals and the current legal framework regarding child labor.(20, 35) The Government's Secretariat of Social Welfare has a national protocol in place for identifying and assisting child victims of commercial sexual exploitation.(36) In 2011, the Secretariat of Social Welfare launched a specialized unit to monitor and evaluate public policies on the worst forms of child labor.(20)

During the reporting period, the Ministries of Education, Health, and Labor passed Ministerial Agreements relating to child workers. The Ministry of Education established a curriculum designed for working children in grades eight through ten, which combines formal education with vocational training.(6, 37) The Ministry of Health (MOH) created an internal commission to ensure that the MOH implements established protocols to register and report on child workers who have been injured on the job.(6) The Ministry of Labor established a new directive ordering labor inspectors to address compliance with provisions in ILO Conventions 77 and 78,

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which require working minors to undergo periodic medical examinations to determine their fitness for employment.(6, 20)

In February 2012, the Government of Guatemala announced a \$252.7 million new initiative called the Pact Against Hunger, a set of programs to combat malnutrition and reduce the vulnerability of approximately 701,000 families. The initiative includes the goals of strengthening local economies and broadening access to education for marginalized children.(38) The Government also announced it will implement programs and make investments to boost and diversify agricultural production in the most remote rural areas of the country, including technical training for farmers.(39)

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Guatemala participated in a 3.5-year, \$4.2 million USDOL-funded project that uses education and vocational training strategies to withdraw 5,720 children and to prevent 3,600 children from hazardous work in agriculture, child domestic labor and the urban informal sector.(40) With the support of the Government, the project is implementing education programs in 141 public schools in areas with high rates of indigenous populations and child workers in the departments of San Marcos and Totonicapán.(41) The project provides working and at-risk children with bilingual education services, after-school help, vocational training, and assistance to educators in rural multi-grade schools.(40) The project works with local governments and civil society organizations to help integrate child labor issues into local-level public policies, with the goal of developing municipal-level action plans to combat child labor.(42) The Government of Guatemala also continued to participate in a 4-year regional initiative to eradicate child labor, funded by the Government of Spain.(43)

The Ministry of Education continued to implement a program for students who have fallen behind in their educational attainment, with a particular focus on child workers. In 2011 the program reached 6,899 students in seven departments.(20)

During the reporting period, the MOL's Adolescent Workers Protection Unit continued to work with the ILO to teach adolescents about their labor rights and the negative repercussion that hazardous child labor can have on their lives. In 2011, the program reached 4,236 youth.(20)

As part of its efforts to address the commercial sexual exploitation of children, the Government of Guatemala runs shelters specifically for child victims of commercial sexual exploitation. During the reporting period, the Government inaugurated its first shelter with space and services for both adult and child trafficking victims.(27) It also referred child trafficking victims under protective custody by law enforcement agencies to NGOs that provide long-term care.(27)

Although the Government of Guatemala has implemented programs to address the worst forms of child labor in domestic service, agriculture, urban informal work, and commercial sexual exploitation, many children—particularly of indigenous descent—still perform hazardous work in these sectors. In addition, research found no evidence of Government programs to assist children performing hazardous work in manufacturing, particularly in gravel and fireworks production.

The Government also operates large-scale anti-poverty and education programs to assist vulnerable children, including those susceptible to the worst forms of child labor. This includes the My Family Progresses Program, which provides cash transfers conditioned on children attending school to approximately 870,000 families.(44) The Program's 2011 budget was \$123.8 million.(6) Another national program is Open Schools, which aims to provide opportunities for recreation and education to children in areas affected by high levels of poverty and violence.(45) Overseen by the Secretariat of Social Welfare, the Open Schools Program functions in 220 schools and benefits more than 270,000 children.(45) Although the Government of Guatemala has undertaken national efforts to combat poverty among vulnerable populations, the question of whether these programs have an impact on child labor does not appear to have been addressed.

## Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in Guatemala:

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Prohibit exceptions to the minimum age for work within the Labor Code that are inconsistent with international standards.	2010, 2011
	Clearly establish and publicize penalties for violations of the List of Hazardous Occupations for Children.	2010, 2011

Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Dedicate more resources to labor inspections, including funds for vehicles and fuel.	2009, 2010, 2011
	Authorize the Ministry of Labor to issue sanctions for labor law violations, including in cases of child labor.	2009, 2011
	Make information publicly available on the number of child labor violations and resulting penalties imposed on employers.	2011
	Make information publicly available on the number of child trafficking investigations and convictions.	2011
Social Programs	Expand social programs targeting the worst forms of child labor in agriculture, urban informal work and child domestic labor, with a particular focus on indigenous children.	2010, 2011
	Initiate social programs to address child labor in the manufacturing sector, particularly in gravel and fireworks production.	2009, 2010, 2011
	Assess the impact that existing social programs, including Open Schools, may have on addressing child labor.	2009, 2010, 2011

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