

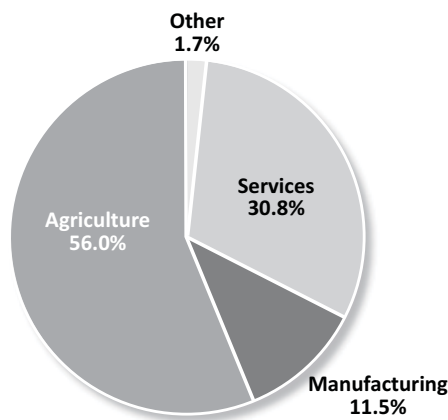
In 2011, El Salvador made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government established a list of the worst forms of child labor and continued to implement the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms. It provided uniforms, scholarships, textbooks and meals to more than 1.3 million school children as part of its “Let’s Go to School” Program. The Government also piloted the full-time school model in 22 schools to expand the school week from 25 to 40 hours. However, fines for violations of child labor laws remain insufficient to act as a deterrent. Children continue to be engaged in the worst forms of child labor, particularly in hazardous activities in agriculture and domestic service.



### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	6.1 (85,492)
Attending School	5-14 yrs.	89.5
Combining Work and School	7-14 yrs.	5.8
Primary Completion Rate		96.1

### Working Children by Sector, Ages 5-14



**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 EHPM Survey, 2009.(2)

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

Children are engaged in the worst forms of child labor in El Salvador, including in hazardous activities in agriculture and

domestic service.(3) According to the 2010 School Registration Census, 9,983 children in El Salvador harvest sugarcane and coffee.(4) Children who work in these sectors are exposed to the elements, toxic substances, long work days, and injuries from machetes and sharp knives.(4-6) These children cut, plant and pick crops, and they carry heavy loads. The census also estimates that 2,400 children are involved in fishing.(4-6) Reportedly, children fish for *morralla* (small fish) and lobster, collect shellfish and harvest oysters and freshwater snails.(7, 8) These children are exposed to polluted water, insects, skin diseases and physical injuries and work up to 13 hours per day, sometimes at night.(7) Children who dive to harvest oysters and shellfish do not use oxygen tanks, placing them at greater risk of drowning.(7)

Children also perform dangerous labor in urban areas. According to the 2010 School Registration Census, more than 500 children work in fireworks production and garbage scavenging.(4, 8, 9) Children making fireworks are at risk of dismemberment and burns, while children who scavenge are exposed to gastrointestinal diseases, insect bites, physical abuse and medical waste.(8-12) The same census found that 19,986 children are engaged in street work and domestic service.(4, 8) It has been reported by a media outlet in El Salvador that children who work as street vendors are susceptible to sexual abuse and may be involved in traffic accidents.(13) According to a 2010 study published by the Central America Integration System, 15 percent of domestic workers started working in El Salvador before age 15. Domestic workers reported that they are sometimes denied full payment of wages and time off, and in some cases they have been physically abused by their employers.(14)

Children are engaged in commercial sexual exploitation and pornography. They are trafficked internally and internationally, some for the purpose of commercial sexual exploitation, with girls from poor communities ages 12 to 18 at greatest risk.(15-17)

Children are also recruited into gangs to perform illicit activities related to the arms and drug trades. There are reports that these children are recruited into gang activity while at school.(18-20)

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

Although the Government of El Salvador approved the Law for the Protection of Children and Adolescents (LEPINA) in 2009, it began to be fully implemented in January 2011. LEPINA establishes a comprehensive legal framework for the protection of children's rights, including protection from child labor and trafficking.(21-23)

	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	16
	Free Public Education	Yes

The Labor Code and the Constitution set the minimum age for work at 14 and the minimum age for hazardous work at 18.(24, 25) LEPINA establishes the minimum age for domestic service at 16.(21)

The Labor Code specifies fines of less than \$60 per violation of labor legislation, including child labor laws, a penalty the ILO deems to be insufficient to act as a deterrent.(26)

In July 2011, the Government of El Salvador established a list of hazardous work prohibited for children. It includes specific activities in 29 occupational categories such as agriculture, fishing, construction, mining and manufacturing. It bans children younger than age 16 from making construction materials such as bricks, cement, tiles and tubes.(27) The list

also authorizes adolescents older than age 16 to perform non-hazardous activities related to coffee and sugar production and artisanal fishing, as long as they receive occupational safety and health training and their rights are protected.(27)

El Salvador's Penal Code prohibits the commercial sexual exploitation of children, including child pornography, human trafficking and forced labor.(28) It also penalizes the recruitment of children into illegal armed groups and the use of children for illicit activities. The Constitution sets the minimum age for compulsory military service at 18.(25)

The Constitution establishes compulsory education through ninth grade, which is approximately until the age of 16, and free education through high school.(25) However, children's access to education is hampered by the cost of school materials and long distances to school. In some cases, girls do not attend school because they have childcare responsibilities while their mothers go to work.(25, 29) Schoolchildren are also affected by gang-related violence and gang recruitment in schools, both of which hamper school attendance. Between January and July 2011, 98 school children were killed as result of gang violence.(30)

## Institutional Mechanisms for Coordination and Enforcement

The National Committee for Children and Adolescents (CONNA) coordinates the implementation of LEPINA and develops policies for the protection of the rights of children.(21, 31) The National Committee for the Eradication of the Worst Forms of Child Labor coordinates efforts to combat child labor and is chaired by the Ministry of Labor and Social Welfare (MTPS). Twelve government agencies are part of this committee, along with representatives from labor union organizations, the private sector and NGOs.(32, 33) The National Roundtable to Combat the Commercial Sexual Exploitation of Children coordinates efforts to address child sexual exploitation. It includes the Attorney General's Office (AGO), the National Civilian Police (PNC) and the Legislative Assembly.(33) In 2011, the Government of El Salvador established the National Council against Human Trafficking to direct efforts to combat trafficking in persons. It is led by the Ministry of Justice and Public Safety and includes five other government agencies.(34)

The MTPS, the AGO and the PNC investigate cases of child labor. The MTPS has a unit that monitors child labor, carries out awareness-raising campaigns, trains labor inspectors on child labor issues and provides information

to the labor inspections unit, which subsequently carries out investigations.(35, 36) It has 208 labor inspectors, who cover all types of labor violations, including child labor. The Government allocated \$1.6 million to labor inspections in 2011.(32, 35) However, in 2010 the MTPS acknowledged that it does not have adequate resources to fully enforce labor laws.(35)

A 2009 ILO report on labor inspections in El Salvador states that the inspection process can entail multiple visits and requires the Ministry of Economy and the AGO to issue fines rather than enabling the MTPS inspectors to do so. As a result, violations leading to penalties can take up to 6 months to settle.(26)

During the reporting period, the MTPS performed 17,042 labor inspections, including 276 inspections on sugarcane plantations, 247 inspections on coffee farms and 7 in fireworks production. As a result, labor inspectors found 87 children engaged in labor and removed 7 of them.(32, 37) No fines were imposed in these cases.(32) However, there is no information available about the majority of these inspections or why MTPS did not impose fines.

The AGO and the PNC enforce laws against the worst forms of child labor and have special units to investigate cases of commercial sexual exploitation and human trafficking, including child trafficking.(32, 38) The PNC coordinates an emergency hotline that receives complaints about commercial sexual exploitation and human trafficking, and the Salvadoran National Institute for the Full Development of Children (ISNA) assists victims of child commercial exploitation and trafficking.(38-40) In 2011, ISNA reported 24 cases of child sexual exploitation. However, there is no information about how many of these cases were investigated or prosecuted. During the reporting period, AGO investigated 76 cases of human trafficking, identified 26 victims, including a girl, arrested two suspects and convicted nine individuals.(32) In addition, the Government conducted human trafficking investigations in cooperation with INTERPOL and the Governments of Costa Rica, the Dominican Republic, Ecuador, Guatemala, Mexico, Nicaragua and the United States.(41)

In 2010, the UN Committee on the Rights of the Child reported that law enforcement officials do not receive adequate training and resources to combat the commercial sexual exploitation of children, including child pornography.(42) In 2011, the UN Special *Rapporteur* on the sale of children, child prostitution and child pornography pointed out that lack of

evidence is one of the major obstacles to investigating cases of child pornography in El Salvador. Evidence that could be used by investigators is limited because Internet service providers, cell phone operators and search engines are not required to keep information for a sufficient period of time to allow its use in investigations.(43)

El Salvador monitors child labor through its National Household Survey, the Ministry of Education's School Registration Census and the Ministry of Health's health cards.(44) However, the Government has not yet conducted in-depth research on hard-to-reach populations, such as children involved in commercial sexual exploitation or illicit activities.(45)

## Government Policies on the Worst Forms of Child Labor

The Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms (Roadmap) is the main policy framework to eliminate the worst forms of child labor. Its goal is to eliminate the worst forms of child labor by 2015 and all child labor by 2020.(46) During the reporting period, the Government also released the results of the 2010 School Registration Census, which shows a reduction of 30 percent in the number of children who simultaneously work and go to school—from 132,823 in 2009 to 91,309 in 2010.(4)

The National Policy to Combat Human Trafficking (2008-2012) and the Strategic Plan to Combat Human Trafficking (2008-2012) guide El Salvador's anti-trafficking efforts, including combating the trafficking of children.(47, 48) The Government of El Salvador has included child labor in its National Decent Work Plan and Policies for Inclusive Education and Early Childhood Education.(49-51) The 5-Year Development Plan (2010-2014) seeks to promote economic and social growth by providing integrated services to vulnerable populations, expanding coverage of basic services and preventing violence.(52)

In 2011, the Government began to implement the National Youth Policy (2010-2024), which outlines El Salvador's strategy to provide integrated social services to youth. One of its goals is to provide vocational training and create 50,000 temporary jobs for youth.(53, 54) In January 2012, the National Assembly officially approved the General Youth Law to guarantee that the rights of people ages 15 to 24 are respected. This Law establishes the National Institute for Youth to coordinate government, civil society organizations and international donors' efforts to implement the National Youth Policy.(55)

During the reporting period, the Government of El Salvador hosted the XVII Inter-American Conference of Ministers of Labor of the Organization of American States, which included child labor as one of the main issues for discussion. In November 2011, the Governments of El Salvador and the United States signed a Partnership for Growth Agreement to promote broad-based economic growth in El Salvador, with a focus on human capital development and crime prevention, including preventing youth from joining gangs.(56, 57) Under this Agreement, and in line with the National Youth Policy, both Governments will combine efforts to expand social services targeting youth-at-risk, including job training, entrepreneurship and school-based activities.(58)

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

In 2011, the Government raised awareness of child labor, including child commercial sexual exploitation and trafficking.(32, 40, 41, 59) The Salvadoran Institute for the Full Development of Children and Adolescents (ISNA) provided social services to child laborers, including street children and children who were victims of commercial sexual exploitation and human trafficking. ISNA allocated \$500,000 to rescue child laborers.(40, 60)

Since December 2011, the Government has participated in a 4-year, \$14 million, USDOL-funded project to combat child labor in El Salvador. This initiative provides educational services to 13,000 children who work or are at risk of working, while offering livelihood alternatives for 6,500 households.(29, 61) The project links to and builds upon El Salvador's social protection programs. During the reporting period, the project provided technical support in the implementation of the Roadmap; it also helped ISNA develop a protocol to assist child victims of the worst forms of child labor.(29, 30)

During the reporting period, the Government of El Salvador participated in multiple regional projects to eradicate child labor in Latin America, funded by the Government of Spain.(62) It continued to partner with the Telefónica and Maquilishuatl Foundations, Plan International and ILO to combat child labor in markets and street vending in the province of La Libertad. In June 2011, this initiative carried out an awareness-raising campaign in the province.(32, 63)

To combat poverty, the Government of El Salvador continues to operate social programs, including Solidarity Communities, a conditional cash-transfer program that supplements household income and provides basic social services to vulnerable families in the poorest municipalities.(46, 52, 64) More than 100,000 families have benefited from the program, and 98 percent of children ages 7 to 12 years, whose families participate in the program, are enrolled in school.(65) The Government carries out programs that provide individual temporary income support and vocational training to youth and female heads of households.(66)

El Salvador implements the "Let's Go to School" Program to improve access to and quality of education. In 2011, it provided uniforms, scholarships, textbooks and meals to more than 1.3 million schoolchildren; it also piloted the full-time school model in 22 schools, an educational model that expands the school week from 25 to 40 hours and incorporates academic and extra-curricular activities.(67-69) In 2012, the Government will expand the full-time school model to 60 schools. In November 2011, the World Bank approved a \$60 million loan to support the Let's Go to School Program that will improve 421 schools and benefit more than 41,000 secondary students in 29 municipalities.(69, 70) It is too early to assess the impact of the Solidarity Communities and Let's Go to School Programs on the worst forms of child labor.

To address gang-related violence in schools, the Government developed the School Prevention and Security Plan to ensure that school children attend school safely and to facilitate collaboration among the Ministries of Education and Justice, the National Police and schools on this issue.(71, 72)

During the reporting period, the Government of El Salvador received technical support from IOM and UNODC to combat human trafficking. It began to participate in a regional Central America project to combat trafficking in persons, funded by the Government of Canada.(73-75) In El Salvador, the project will strengthen existing anti-trafficking legislation.(73) El Salvador also received support from USAID to reduce gang violence, including the recruitment of children by gangs; in November 2011, seven Salvadoran municipalities partnered with the National Social Investment Fund for Local Development and USAID to carry out this initiative, offering educational and job opportunities for 500 youth.(76-78)

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Increase fines for violations of labor laws, including child labor.	2009, 2010, 2011
Coordination and Enforcement	Provide adequate funding to the MTPS to fully enforce labor laws.	2010, 2011
	Systematically maintain and make publicly available data on child labor inspections, investigations, the number of children rescued, social services offered and sanctions for violations.	2009, 2010, 2011
	Strengthen enforcement of child labor and other laws by— <ul style="list-style-type: none"> <li>Streamlining the labor inspection process and the issuance of fines.</li> <li>Training and providing sufficient resources to law enforcement officers to combat commercial sexual exploitation of children.</li> </ul>	2009, 2010, 2011
	Establish a code of conduct for Internet service providers, cell phone operators and search engines to combat child pornography by reporting cases, blocking sites and retaining information for investigations.	2009, 2010, 2011
Social Programs	Carry out research on child labor and conduct studies on children involved in commercial sexual exploitation, domestic service and illicit activities.	2009, 2010, 2011
	Continue improving children's access to education by— <ul style="list-style-type: none"> <li>Expanding childcare centers for working mothers to allow girls to go to school.</li> <li>Ensuring that schoolchildren are safe in schools.</li> </ul>	2011

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