

El Salvador

Incidence and Nature of Child Labor

An estimated 10.2 percent of children ages 5 to 14 were counted as working in El Salvador in 2003. Approximately 13.7 percent of all boys ages 5 to 14 were working compared to 6.5 percent of girls in the same age group. The majority of working children were found in the agricultural sector (51.2 percent), followed by services (35.3 percent), manufacturing (12.4 percent), and other (1.1 percent).¹⁶⁵¹ Almost 70 percent of working children were found in rural areas.¹⁶⁵² More than 60 percent of working children work without pay in informal family farms and family businesses.¹⁶⁵³ Children also work in fishing (small-scale family or private businesses), fireworks manufacturing, shellfish harvesting, sugar cane harvesting, and garbage scavenging.¹⁶⁵⁴ Some children work long hours as domestic servants in third-party homes.¹⁶⁵⁵ Children from poor families, as well as orphans, work as street vendors¹⁶⁵⁶ and general laborers in small businesses, primarily in the informal sector.¹⁶⁵⁷ The 2003 Multiple Purpose Household Survey revealed that 23 percent of children ages 5 to 17 years were employed in sales, hotels, and restaurants.¹⁶⁵⁸ Child Labor is one of many problems associated with poverty. In 2000, 31.1 percent of the population in El Salvador were living on less than USD 1 a day.¹⁶⁵⁹

Commercial sexual exploitation and trafficking of children, especially girls, is a problem in El Salvador.¹⁶⁶⁰ El Salvador is a source, transit, and destination country for children trafficked for commercial sexual exploitation. Salvadoran girls are trafficked to Mexico, Canada, the United States, and other Central American countries. Some children are also trafficked internally from rural areas to urban areas, port

¹⁶⁵¹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children's work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the "Data Sources and Definitions" section of this report.

¹⁶⁵² This figure is based on the number of working children ages 5 to 17. See ILO-IPEC, *Entendiendo el Trabajo Infantil en El Salvador*, Geneva, 2003, 16, 22; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/elsalvador/report/sv2001.pdf>.

¹⁶⁵³ This figure is based on the number of working children ages 5 to 17. See *Ibid.*, 29.

¹⁶⁵⁴ *Ibid.*, 56-59. 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.

¹⁶⁵⁵ 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; available from <http://www.hrw.org/reports/2004/elsalvador0104/elsalvador0104.pdf>.

¹⁶⁵⁶ 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 en las Calles de San Salvador*, San José, Costa Rica, 2001.

¹⁶⁵⁷ U.S. Department of State, *Country Reports on Human Rights Practices- 2004: El Salvador*, Washington, DC, February 28, 2005, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41760.htm>.

¹⁶⁵⁸ General Directorate of Statistics and Censuses, *Multiple Purpose Household Survey*, 2003, ILO-IPEC, *Entendiendo el Trabajo Infantil*.

¹⁶⁵⁹ World Bank, *World Development Indicators 2005 [CD-ROM]*, Washington, DC, 2005.

¹⁶⁶⁰ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5. See also ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 4.

cities, and border regions.¹⁶⁶¹ 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.¹⁶⁶² Girls ages 12 to 19 years, adolescents lacking formal education, adolescent mothers, single mothers, foreign girls, and persons from rural and poor areas are at special risk of becoming trafficking victims.¹⁶⁶³

Education is free and compulsory through the ninth grade.¹⁶⁶⁴ Although laws prohibit impeding children's access to school for being unable to pay school fees or wear uniforms, some schools continued to charge school fees to cover budget shortfalls.¹⁶⁶⁵ In 2002, the gross primary enrollment rate was 113 percent, and the net primary enrollment rate was 90 percent.¹⁶⁶⁶ 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 2003, approximately 80.4 percent of children ages 5 to 14 years attended school.¹⁶⁶⁷ 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.¹⁶⁶⁸ In 2002, 74 percent of children who started primary school were likely to reach grade 5.¹⁶⁶⁹ Gaps in coverage and quality of education between rural and urban areas persist.¹⁶⁷⁰ 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.¹⁶⁷¹ Many students in rural areas attend classes below their grade level or drop out by the sixth grade due to lack of financial resources and in order to work.¹⁶⁷²

Child Labor Laws and Enforcement

The Labor Code and the Constitution set the minimum age for employment at 14 years.¹⁶⁷³ 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.¹⁶⁷⁴ Children under 16 years of age are prohibited from working more than 7 hours per day or more than 34 hours per week, regardless of the type of work. Children under the age of 18 are prohibited from working at night.¹⁶⁷⁵ Forced or compulsory labor is prohibited by the

¹⁶⁶¹ U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46612.htm>. Evidence of child trafficking existed in the cities of Acajutla and San Miguel. See U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5. See also U.S. Embassy- San Salvador, *reporting*, August 23, 2004.

¹⁶⁶² U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁶³ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁶⁴ Government of El Salvador, *1983 Constitution*, Articles 53-57. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁶⁵ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁶⁶ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrollment Ratios, Primary; accessed December 2005). 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.

¹⁶⁶⁷ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

¹⁶⁶⁸ General Directorate of Statistics and Censuses, *2003 Multiple Purpose Household Survey*.

¹⁶⁶⁹ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

¹⁶⁷⁰ 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, 10.

¹⁶⁷¹ ILO-IPEC, *Time-Bound Program in El Salvador*, project document, 10.

¹⁶⁷² U.S. Department of State, *Country Reports- 2004: 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.

¹⁶⁷³ Government of El Salvador, *Código de Trabajo*, Article 114. See also *1983 Constitution*, Article 38, Part 10.

¹⁶⁷⁴ *Código de Trabajo*, 114-15.

¹⁶⁷⁵ *Ibid.*, 116.

Constitution, except in cases specified by the law.¹⁶⁷⁶ The Constitution makes military service compulsory between the ages of 18 and 30, but voluntary service can begin at age 16.¹⁶⁷⁷

In October 2004, legislation was approved prohibiting all forms of trafficking in persons.¹⁶⁷⁸ The Police Anti-Trafficking Unit arrested and charged 15 traffickers and rescued 19 minors between October 2004 and February 2005. The government's child protection agency, ISNA, provides shelter, counseling, and legal assistance to rescued victims and children at risk of being trafficked.¹⁶⁷⁹ Criminal penalties for trafficking range from 4 to 8 years of imprisonment, and increase by one-third if the victim is under the age of 18 years.¹⁶⁸⁰ El Salvador's Penal Code does not criminalize prostitution.¹⁶⁸¹ However, the Penal Code provides for penalties of 8 to 12 years of imprisonment for the inducement, facilitation, or promotion of prostitution of a person younger than 18 years old.¹⁶⁸² Amendments to the Penal Code designate commercial sexual exploitation of children as a crime, and trafficking and child pornography as organized crimes, providing for harsher penalties.¹⁶⁸³ Since 1999, the Government of El Salvador has submitted to the ILO a list or an equivalent document identifying the types of work that it has determined are harmful to the health, safety or morals of children under Convention 182 and Convention 138.¹⁶⁸⁴

Enforcing child labor laws is the responsibility of the Ministry of Labor.¹⁶⁸⁵ According to the U.S. Department of State, labor inspectors focus on the formal sector where child labor is less frequent and few complaints of child labor are presented.¹⁶⁸⁶ The State Department also reports that government agencies responsible for combating trafficking were poorly funded.¹⁶⁸⁷

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

The Government of El Salvador continues to participate in a national Timebound Program, funded by USDOL and implemented by ILO-IPEC, to eliminate the worst forms of child labor and provide education and other services to vulnerable children. The Timebound Program focuses on eliminating exploitative child labor in fireworks production, fishing, sugar cane harvesting, commercial sexual exploitation, and garbage dumps scavenging.¹⁶⁸⁸ As part of the Timebound Program's efforts, a labor inspector manual has been developed and several child labor-specific training sessions were carried out during 2005. In

¹⁶⁷⁶ 1983 Constitution, Article 9. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 6c.

¹⁶⁷⁷ 1983 Constitution, Article 215. See also U.S. Embassy- San Salvador, *reporting*, August 23, 2004.

¹⁶⁷⁸ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁷⁹ See U.S. Department of State, *Trafficking in Persons Report*. See also U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁸⁰ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁶⁸¹ U.S. Embassy- San Salvador, *reporting*, August 17, 2000.

¹⁶⁸² *Decreto No. 210*, (November 25, 2003). This directive amended the earlier Code that provided for penalties of 2 to 4 years of imprisonment for the same violations. See Government of El Salvador, *Código Penal de El Salvador*.

¹⁶⁸³ ILO-IPEC, *Timebound Program and Education Initiative Technical Progress Report*, Geneva, March 3, 2004, 4. See *Decreto No. 210*. See also *Decreto No. 457*, (October 7, 2004). *Decreto No. 458*, (October 7, 2004). See U.S. Embassy- San Salvador, *reporting*, August 23, 2004.

¹⁶⁸⁴ ILO-IPEC Geneva official, e-mail communication to USDOL official, November 14, 2005.

¹⁶⁸⁵ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 6d.

¹⁶⁸⁶ *Ibid.*

¹⁶⁸⁷ *Ibid.*, Section 5.

¹⁶⁸⁸ 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.

addition, questions on child labor were included in the Ministry of Education's 2004 Matriculation Census.¹⁶⁸⁹ The Ministry of Labor is working with the Association of Sugar Producers to monitor the situation of child labor in the sugar cane industry.¹⁶⁹⁰ The Government of El Salvador launched a 2005-2009 anti-poverty plan, which seeks to improve education indicators in the country's poorest municipalities, and incorporates a child labor component.¹⁶⁹¹ During the year, the National Civilian Police launched an Institutional Plan to Combat Commercial Sexual Exploitation, including of children.¹⁶⁹² In late 2004, Government's National Steering Committee for the Progressive Elimination of Child Labor launched efforts to build a National Plan for Eradicating the Worst Forms of Child Labor in El Salvador.¹⁶⁹³ Progress has been reported in 2005, with numerous consultations taking place among government agencies, employers, workers, and NGO representatives in the drafting of the Plan. The draft is pending finalization.¹⁶⁹⁴

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	8/13/1996	✓
Ratified Convention 182	10/12/2000	✓
ILO-IPEC Member		✓
National Plan for Children		
National Child Labor Action Plan		
Sector Action Plan (Commercial Sexual Exploitation)		✓

The government is also participating in a USDOL-funded Central America regional Child Labor Education Initiative project to strengthen government and civil society's capacity to address the educational needs of working children.¹⁶⁹⁵ With support from the Government of Italy, ILO-IPEC is carrying out a regional project to reduce children scavenging at garbage dumps.¹⁶⁹⁶

In addition to participating in the ILO-IPEC Timebound Program, the Ministry of Education supports a number of programs to increase the quality and coverage of education. These programs include, among others: Healthy School Program,¹⁶⁹⁷ The Open-School Program,¹⁶⁹⁸ APREMAT,¹⁶⁹⁹ EDUCO,¹⁷⁰⁰ Accelerated

¹⁶⁸⁹ ILO-IPEC, *Timebound Program and Education Initiative*, Technical Progress Report, Geneva, March 2005, 9.

¹⁶⁹⁰ *Ibid.*, 14.

¹⁶⁹¹ *Ibid.*, 10.

¹⁶⁹² ILO-IPEC, *Timebound Program and Education Initiative*, Technical Progress Report, September 2005, 4.

¹⁶⁹³ ILO-IPEC, *Timebound Program and Education Initiative*, Technical Progress Report, March 2005.

¹⁶⁹⁴ ILO-IPEC, *Timebound Program and Education Initiative*, Technical Progress Report, September 2005.

¹⁶⁹⁵ 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 CARE, *Project Information: Combating Child Labor through Education in Central America & Dominican Republic*, [online] 2004 [cited June 22, 2005]; available from <http://www.careusa.org/careswork/projects/SLV041.asp?sitewrapper=print>.

¹⁶⁹⁶ ILO-IPEC Sub-regional Office for Latin America and the Caribbean, *Ficha País: El Salvador*, May 2005; available from http://www.oit.org.pe/ipec/documentos/fichapais_sv.pdf.

¹⁶⁹⁷ This is an inter-agency program coordinated by the National Bureau of the Family in conjunction with the Education and Health Ministries. It provides school meals as well as preventive and primary health care. See ILO-IPEC, *Time-Bound Program in El Salvador*, project document.

¹⁶⁹⁸ This program permits schools to remain open all day and provides after-school informal and technical courses built around the interest of children and adolescents. See *Ibid.*, 13.

¹⁶⁹⁹ Stands for "Apoyo al Proceso de Reforma de la Educación Media en el Area Técnica." APREMAT is a project financed by the European Union to strengthen technical training by creating vocational centers for adolescents in secondary schools and improving technical education opportunities for adults. See *Ibid.*, 12.

¹⁷⁰⁰ Stands for "Educación con Participación de la Comunidad". EDUCO is a long-standing program supported by the Salvadoran Ministry of Education (MINED). EDUCO incorporates community participation in the provision of pre-school and primary education in rural areas, especially in the most impoverished ones. Under this program, MINED enters into a contract with parent-run boards for administration and financial management of educational services. The parents run the school, are directly involved in hiring teachers and other administrative matters while the State provides the resources. This program has allowed rapid expansion of primary education to rural areas and in 2001 was seen to be serving 200,000 children in primary schools and 27,000 in pre-school. Evaluations have indicated that educational outcomes do not suffer and that the program is more successful at retaining students than traditional schools. See *Ibid.*

School Program,¹⁷⁰¹ Multi-Grade School Program,¹⁷⁰² Distance-Learning Program,¹⁷⁰³ and a scholarship program.¹⁷⁰⁴ The Ministry also operates a hotline for the public to report school administrators who illegally charge students school fees.¹⁷⁰⁵ The Ministry of Education has developed a National Education Plan extending to 2021, which incorporates a child labor component.¹⁷⁰⁶

The Ministry of Education continues to implement a World Bank-funded 8-year Education Reform Project to improve and expand coverage, quality, and efficiency of pre-school and basic education, with a particular emphasis on rural and marginalized urban areas.¹⁷⁰⁷ The IDB's 4 ½-year Social Peace Program Support Project, which targets 200,000 children and adolescents, continues to operate in municipalities with the highest rate of crime affecting young people – both as victims and offenders. The project includes provision of services to child victims of violence, efforts to prevent violence among adolescents, and efforts to rehabilitate young offenders through job training scholarships and enhancement of the educational system.¹⁷⁰⁸ USAID's Earthquake Reconstruction Program is supporting the government's restoration of social infrastructure, including reconstructing and equipping schools and child care centers.¹⁷⁰⁹

¹⁷⁰¹ This is a pilot project that provides special personalized curriculum and tutoring to enable children, who more than 2 years behind grade-level in primary school, to catch up and be mainstreamed into the grade corresponding to their age group. See Ibid.

¹⁷⁰² This program offers school facilities to under-serviced areas. See Ibid.

¹⁷⁰³ Aimed at secondary school students, this program provides education through radio, satellite, television and other technologies. See Ibid.

¹⁷⁰⁴ Ibid., 12-13. 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*, 35-39.

¹⁷⁰⁵ U.S. Department of State, *Country Reports- 2004: El Salvador*, Section 5.

¹⁷⁰⁶ ILO-IPEC, *Timebound Program and Education Initiative, Technical Progress Report, March 2005*, 3-4.

¹⁷⁰⁷ This project was funded in 1998. See World Bank, *Education Reform Project*, [online] June 20, 2005 [cited June 20, 2005]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050612>.

¹⁷⁰⁸ This project began in February 2002. See IDB, *Social Peace Program Support Project*, [online] 2002 [cited June 20, 2005]; available from <http://www.iadb.org/exr/doc98/apr/es1389e.pdf>.

¹⁷⁰⁹ USAID, *USAID El Salvador: Earthquake Reconstruction*, [online] [cited June 20, 2005]; available from <http://www.usaid.gov/sv/er/er1.htm>.