

Guatemala

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children ages 5-14 estimated as working in 2000:	16.1% ¹⁸⁴⁶
Minimum age for admission to work:	14 ¹⁸⁴⁷
Age to which education is compulsory:	15 ¹⁸⁴⁸
Free public education:	Yes ¹⁸⁴⁹
Gross primary enrollment rate in 2004:	113% ¹⁸⁵⁰
Net primary enrollment rate in 2004:	93% ¹⁸⁵¹
Percent of children 5-14 attending school in 2000:	65.5% ¹⁸⁵²
As of 2003, percent of primary school entrants likely to reach grade 5:	78% ¹⁸⁵³
Ratified Convention 138:	4/27/1990 ¹⁸⁵⁴
Ratified Convention 182:	10/11/2001 ¹⁸⁵⁵
ILO-IPEC participating country:	Yes ¹⁸⁵⁶

Incidence and Nature of Child Labor

In 2000, approximately 21 percent of boys and 11.1 percent of girls ages 5 to 14 were working in Guatemala.¹⁸⁵⁷ The majority of working children were found in the agricultural sector (62.6 percent), followed by services (23.4 percent), manufacturing (10.7 percent), and other sectors (3.2 percent). The majority of children participating in the labor force are of indigenous heritage and from rural areas.¹⁸⁵⁸ On average, children in the labor force work 6.5 hours per day and 5

¹⁸⁴⁶ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

¹⁸⁴⁷ Government of Guatemala, *Código de Trabajo de la República de Guatemala*, Article 148; available from <http://www.geocities.com/organiz.geo/otro/l/IGuatemala.html>. See also Government of Guatemala, *Constitution*, (May 31, 1985, reformed November 17, 1993), Article 102; available from <http://www.georgetown.edu/pdba/Constitutions/Guate/guate93.html>.

¹⁸⁴⁸ Government of Guatemala, *Constitution, 1985*, Article 74. See also UNESCO Institute for Statistics, *Table 1: Education Systems*, accessed May 29, 2007 2006; available from <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=210>.

¹⁸⁴⁹ Government of Guatemala, *Constitution, 1985*.

¹⁸⁵⁰ UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

¹⁸⁵¹ UNESCO Institute for Statistics, *Net Enrolment Rate. Primary. Total*, accessed December 20, 2006; available from <http://stats.uis.unesco.org/>.

¹⁸⁵² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

¹⁸⁵³ UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

¹⁸⁵⁴ ILO, *Ratifications by Country*, accessed December 29, 2006; available from <http://www.ilo.org/ilolex/english/docs/declworld.htm>.

¹⁸⁵⁵ Ibid.

¹⁸⁵⁶ ILO, *Ficha Pais:Guatemala*, [online] 2006 [cited December 29, 2006]; available from http://www.oit.org.pe/ipec/documentos/ficha_pais_gua.pdf.

¹⁸⁵⁷ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

¹⁸⁵⁸ Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001, 6-7; available from http://www.oit.org.pe/ipec/documentos/plan_eti_gt.pdf. See also U.S. Department of State, "Guatemala," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78893.htm>.

days per week.¹⁸⁵⁹ Child labor mostly occurs in the informal sector and in small family enterprises.¹⁸⁶⁰

Guatemalan children are victims of trafficking and sexual exploitation across the country, especially in the border areas. Street children tend to be especially vulnerable to trafficking; they have been recruited to steal, participate in illegal drug activities, and transport contraband. Migrant minors unable to cross the border with Mexico remain in border towns and are forced into prostitution. Children are also forced into begging on the streets and are trafficked to Mexico to work at municipal dumps.¹⁸⁶¹

Child Labor Laws and Enforcement

The Constitution and the labor code set the minimum age for employment at 14 years.¹⁸⁶² In some exceptional cases, the Labor Inspectorate can issue work permits to children under 14, provided that the work is related to an apprenticeship, is light and of short duration and intensity, is necessary because of extreme poverty of the child's family, and does not interfere with the child's ability to meet compulsory education requirements.¹⁸⁶³ Minors aged 14 to 17 are prohibited from working at night, working overtime, performing unhealthy and dangerous tasks, or working in bars or other establishments where alcoholic beverages are served.¹⁸⁶⁴ The workday for minors less than 14 years is limited to 6 hours per day or 36 hours per week; minors ages 14 to 17 may work a maximum of 7 hours per day or 42 hours per week.¹⁸⁶⁵ The Municipality of Guatemala prohibits minors under 18 years from working at waste disposal sites in Guatemala City.¹⁸⁶⁶ In May 2006, a governmental agreement went into effect, which determined the worst forms of child labor in Guatemala, established sanctions for violations, and called for inter-institutional coordination to combat the problem.¹⁸⁶⁷

The law prohibits child pornography and prostitution. Procuring and inducing a minor to engage in prostitution are crimes that can result in fines and 6 years of imprisonment; the penalty increases by two-thirds if the victim is younger than 12 years.¹⁸⁶⁸ Trafficking is prohibited, with

¹⁸⁵⁹ ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 40, Cuadro No. 14; available from

http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/report/gt_2003.pdf.

¹⁸⁶⁰ U.S. Department of State, "Country Reports- 2006: Guatemala," Section 6d.

¹⁸⁶¹ U.S. Embassy - Guatemala City, *reporting*, March 8, 2007.

¹⁸⁶² Government of Guatemala, *Constitution, 1985*, Article 102. See also Government of Guatemala, *Código de Trabajo*, Article 148.

¹⁸⁶³ Government of Guatemala, *Código de Trabajo*, Article 150.

¹⁸⁶⁴ U.S. Department of State, "Country Reports- 2006: Guatemala," Section 6d. See also *Código de Trabajo de la República de Guatemala, 1996*, 148.

¹⁸⁶⁵ Government of Guatemala, *Código de Trabajo*, Articles 116, 149.

¹⁸⁶⁶ ILO NATLEX, *Acuerdo 006-2005 Consejo Municipal 2005* [cited December 15 2006]; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=es&p_country=GTM&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

¹⁸⁶⁷ ILO NATLEX, *Acuerdo gubernativo 250-2006, 2006* [cited December 15 2006]; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=es&p_country=GTM&p_classification=04&p_origin=COUNTRY&p_sortby=SORTBY_COUNTRY.

¹⁸⁶⁸ Government of Guatemala, *Código Penal*, Articles 188-189; available from http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf.

penalties of 7 to 12 years of incarceration. Punishments are increased by one-third if the victim is a minor.¹⁸⁶⁹ Guatemalan law prohibits forced or compulsory labor, including by children.¹⁸⁷⁰ Legislation adopted as part of the Peace Accords protects children under 18 from military recruitment and deployment into armed conflicts. However, starting at 16, children can carry out national service in special projects.¹⁸⁷¹

The Ministry of Labor's Child Workers Protection Unit is responsible for enforcing child labor regulations as well as educating children, parents, and employers regarding the labor rights of minors.¹⁸⁷² According to the U.S. Department of State, funding for child labor prevention programs is insufficient.¹⁸⁷³ The Ministry of Foreign Affairs leads the Inter-Institutional Commission to Combat Trafficking in Persons. The Public Ministry operates the Office of Special Prosecutor for Crimes against Women, Children and Victims of Trafficking. This office has formed a task force with immigration authorities, the National Civilian Police (PNC), international organizations, and local NGOs, including Casa Alianza, which conducted a number of bar raids in 2005.¹⁸⁷⁴ Their joint operations led to 35 arrests for commercial sexual exploitation of minors.¹⁸⁷⁵ The government also participated in anti-TIP raids in collaboration with civil society groups to rescue minors from sexual exploitation in brothels and bars.¹⁸⁷⁶ Nonetheless, according to a NGO study cited by the U.S. Department of State, immigration officials reportedly took bribes to facilitate traffickers' movement of children across Guatemala's border, and brothel owners allowed police and immigration officials to have sex with minors without charge.¹⁸⁷⁷ A former National Police official, Rudy Giron Lima, owned three bars involved in the prostitution of minors, but there have been no further developments in the criminal investigation of this case.¹⁸⁷⁸ There were no prosecutions or convictions of public officials involved in the trafficking of minors as of early 2006.¹⁸⁷⁹

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 National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.¹⁸⁸⁰ The government is also implementing the National

¹⁸⁶⁹ U.S. Embassy - Guatemala City, *reporting*, February 7, 2005. See also ILO NATLEX, *Decreto núm. 14-2005 por el que se reforma el Artículo 194 del Código Penal (Trata de Personas)*. 2005 [cited December 15 2006]; available from http://www.ilo.org/dyn/natlex/natlex_browse.details?p_lang=en&p_isn=74634.

¹⁸⁷⁰ U.S. Department of State, "Country Reports- 2006: Guatemala," Section 6c.

¹⁸⁷¹ Coalition to Stop the Use of Child Soldiers, "Guatemala," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=827.

¹⁸⁷² U.S. Department of State, "Country Reports- 2006: Guatemala," Section 6d.

¹⁸⁷³ *Ibid.*

¹⁸⁷⁴ *Ibid.*, Section 5. See also U.S. Department of State, "Guatemala (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/65988.htm>.

¹⁸⁷⁵ U.S. Department of State, "Trafficking in Persons Report- 2006: Guatemala."

¹⁸⁷⁶ U.S. Department of State, "Country Reports- 2006: Guatemala," Section 5.

¹⁸⁷⁷ *Ibid.*

¹⁸⁷⁸ *Ibid.*

¹⁸⁷⁹ U.S. Department of State, "Trafficking in Persons Report- 2006: Guatemala."

¹⁸⁸⁰ ILO, *Ficha País: Guatemala*. See also Ministry of Labor and Social Security, *Plan de acción. Comité Técnico de Seguimiento para la prevención y erradicación del trabajo infantil doméstico.*, 2005; available from

Plan of Action against the Commercial Sexual Exploitation of Children and Adolescents in Guatemala.¹⁸⁸¹

The Government of Guatemala is currently participating in a number of ILO-IPEC implemented projects. These projects include a USD 8.7 million USDOL-funded project to combat the commercial sexual exploitation of children in Central America, Panama, and the Dominican Republic. This project targets 713 children for withdrawal and 657 children for prevention from trafficking and commercial sexual exploitation throughout the region. The project includes activities to remove and prevent children from exploitive work, as well as awareness raising, institutional capacity building, and regional and national coordination in Guatemala.¹⁸⁸² A USD 2.7 million ILO-IPEC project, funded by the Government of Italy, combats child labor in the garbage dump sector. The Government of Guatemala also participates in a Canadian-supported USD 500,000 ILO-IPEC project focused on combating child labor through strengthening labor ministries and worker organizations, and it participates in a USD 14 million regional ILO-IPEC project funded by Spain.¹⁸⁸³ As part of an effort to build capacity to improve labor law compliance among the CAFTA-DR partners, USDOL is providing USD 2.85 million for a project to strengthen outreach efforts in the agriculture sector in the region, where child labor is a serious problem. In addition, the Government of Guatemala participates in a USD 5.7 million USDOL-funded regional Central America project implemented by CARE to combat exploitive child labor through the provision of education.¹⁸⁸⁴ The project targets 470 children for withdrawal and 1,410 children for prevention from work in exploitive child labor, and aims to strengthen government and civil society's capacity to combat child labor through education.¹⁸⁸⁵

During 2006, the Secretariat of Social Welfare, a government agency, operated four shelters that provided services to trafficking victims, including job training and counseling.

http://www.oit.org.pe/ipecc/documentos/planguatemalafinal_1.pdf. See also Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*.

¹⁸⁸¹ ECPAT International CSEC Database, *Guatemala*, accessed October 17, 2006; available from <http://www.ecpat.net>.

¹⁸⁸² U.S. Department of Labor, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, project summary 2005.

¹⁸⁸³ ILO-IPEC, E-mail communication to USDOL official, November 3, 2006.

¹⁸⁸⁴ CARE, *CARE's Work: Project Information*, [online] 2004 [cited October 17, 2006]; available from <http://www.careusa.org/careswork/projects/SLV041.asp>.

¹⁸⁸⁵ U.S. Department of Labor, *Combating Child Labor Through Education in Central America*, 2004.

¹⁸⁸⁷ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.