

Guatemala

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

The Government of Guatemala has been a member of ILO-IPEC since 1996.¹⁰⁸¹ In 2001, the government implemented the National Plan for the Prevention and Eradication of Child Labor and the Adolescent Worker.¹⁰⁸² In its 2000-2004 agenda for social programs, the Government of Guatemala set a goal to reduce the number of child workers by 10 percent by the year 2004. The Ministry of Labor has also taken steps to establish a national committee to eradicate child labor.¹⁰⁸³ The Government of Guatemala is collaborating with ILO-IPEC on several USDOL-funded projects aimed at combating child labor in the fireworks, stone quarrying, coffee, and broccoli sectors.¹⁰⁸⁴ Guatemala is also collaborating with ILO-IPEC's SIMPOC to collect data on child labor.¹⁰⁸⁵

The Ministry of Education addresses child labor by providing scholarships to children in need, implementing school feeding programs in rural areas, and administering extra-curricular programs.¹⁰⁸⁶ Extra-curricular programs use modified school hours, flexible course offerings and correspondence courses to provide children with access to basic education outside formal education classrooms.¹⁰⁸⁷ The Ministry of Education has also implemented a bilingual education project since the 1980s and has tried to reduce the indirect costs of an education by providing a bag of school supplies to all children in primary school and eliminating their matriculation fees.¹⁰⁸⁸

¹⁰⁸¹ ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala*, summary outline (Geneva, 2001), 1 [hereinafter *Child Labor in Gravel Production*] [on file].

¹⁰⁸² Ministerio de Trabajo y Previsión Social, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala, 2001* [hereinafter *Plan Nacional*]. See also U.S. Embassy—Guatemala City, unclassified telegram no. 2895, October 2001.

¹⁰⁸³ *Child Labor in Gravel Production* at 2.

¹⁰⁸⁴ See the following ILO-IPEC project documents: *Combating Child Labour in the Fireworks Industry in Guatemala* (Geneva, 1999), *Child Labor in Gravel Production; Prevention and Elimination of Child Labour in the Coffee Industry in Guatemala* (Geneva, 1999); and *Progressive Elimination of Child Labour in the Broccoli Sector* (Geneva, 2001) [on file].

¹⁰⁸⁵ ILO-IPEC, *Statistical Information and Monitoring Programme on Child Labor* (Geneva, 2001) [on file].

¹⁰⁸⁶ *Plan Nacional* at 19.

¹⁰⁸⁷ Nery Macz, Guatemalan Ministry of Education, and Demetrio Cojti, Vice Minister of Education, interview by USDOL official, August 16, 2000.

¹⁰⁸⁸ *Ibid.*

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 14.6 percent of children between the ages of 10 and 14 in Guatemala were working.¹⁰⁸⁹ Three out of four working children in Guatemala work in rural areas and child labor rates are highest in areas with a large indigenous population.¹⁰⁹⁰ Children work on family farms and helping harvest commercial crops such as coffee and sugarcane.¹⁰⁹¹ Children are also employed as domestic servants, shoeshine boys, beggars, street performers, construction workers, in the fireworks industry, and in quarries where they chip and carry stones to make gravel.¹⁰⁹²

Child prostitution is a problem in Guatemala's capital and in the towns of Escuintla, Tecúm Umán, and Cobán. Children from El Salvador, Honduras, Mexico and Nicaragua were also reportedly working in Guatemala's commercial sex industry.¹⁰⁹³

Education is free and compulsory in Guatemala for six years.¹⁰⁹⁴ In 1997, the gross primary enrollment rate was 88.1 percent and the net primary enrollment rate was 73.5 percent.¹⁰⁹⁵ However, only 30 percent of students who begin primary school in Guatemala complete this level of education.¹⁰⁹⁶ Children who do not attend school are concentrated in rural areas, and a disproportionate number of them are indigenous.¹⁰⁹⁷

¹⁰⁸⁹ *World Development Indicators 2001* (Washington, DC: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

¹⁰⁹⁰ *Plan Nacional*, 5, 6.

¹⁰⁹¹ *Country Reports on Human Rights Practices for 2000—Guatemala* (Washington, D.C.: U.S. Department of State, 2001 [hereinafter *Country Reports 2000*]), Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/775.htm>.

¹⁰⁹² Between 3,000 and 5,000 children are reportedly employed in the fireworks industry. *Ibid.* See also *Child Labor in Gravel Production*.

¹⁰⁹³ UN Commission on Human Rights, *Report of the Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography, Ms. Ofelia Calcetas-Santo, Addendum, Report on the Mission to Guatemala*, E/CN.4/2000/73/Add. 227 (Geneva, 1998), 47, 107 [on file].

¹⁰⁹⁴ Free and compulsory primary education is restricted to citizens and residents of Guatemala. See UN Commission on Human Rights, *Annual Report the Special Rapporteur on the Right to Education, Katarina Tomasevski, Submitted in Accordance with Commission on Human Rights Resolution 2000/9*, E/CN.4/2001/52, January 9, 2001 [on file].

¹⁰⁹⁵ *World Development Indicators 2001*.

¹⁰⁹⁶ *Country Reports 2000* at Section 5.

¹⁰⁹⁷ *Ibid.*

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.¹⁰⁹⁸ In some exceptional cases, the Labor Inspection Agency can provide work permits to children under the age of 14, provided that the work is related to an apprenticeship, is light work of short duration and intensity, is necessary due to conditions of extreme poverty within the child's family, and enables the child to meet compulsory education requirements in some way.¹⁰⁹⁹ Children are prohibited from working at night, overtime and in places that are unsafe and dangerous.¹¹⁰⁰ Children may not work in bars or in other establishments where alcoholic beverages are served.¹¹⁰¹

Article 188 of the Penal Code prohibits child pornography and prostitution.¹¹⁰² Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if minors are involved.¹¹⁰³ Trafficking in persons is not prohibited, unless the trafficking involves entry into or departure from the country for the purpose of prostitution.¹¹⁰⁴ Guatemala ratified ILO Convention 138 on April 27, 1990 and ILO Convention 182 on October 11, 2001.¹¹⁰⁵

¹⁰⁹⁸ Código de Trabajo de la República de Guatemala (Guatemala City: Ministerio de Trabajo y Prevision Social, 1996) [hereinafter Código de Trabajo], Article 148, and Article 2, footnote 108. [hard copy on file].

¹⁰⁹⁹ Ibid. at 44, 51-53.

¹¹⁰⁰ Between 1995 and 1999, the Ministry of Labor granted only 507 permits to underage workers. See Código de Trabajo at 44, 51-53, Article 148.

¹¹⁰¹ Ibid.: Article 148.

¹¹⁰² U.S. Embassy— Guatemala City, unclassified telegram no. 2507, August 2000.

¹¹⁰³ *Country Reports 2000* at Section 6f.

¹¹⁰⁴ Ibid.

¹¹⁰⁵ ILO, Ratifications of ILO Fundamental Conventions, at <http://www.ilolex.ilo.ch:1567/english/>.

NOTE: Hard copies of all Web citations are on file.