

Colombia

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

The Government of Colombia has been a member of ILO-IPEC since 2002.⁸²³ The government is participating in a three-year ILO-IPEC regional project funded by USDOL to prevent and eliminate child domestic labor.⁸²⁴ The project aims to prevent the entry of children into domestic labor, withdraw current child domestic workers from employment, gradually enroll them in school or provide vocational training, and improve overall family income.⁸²⁵ Colombia is also participating in a two-year ILO-IPEC project funded by USDOL on the prevention and elimination of child labor in small-scale mining that includes efforts to improve social services, increase the efficiency and productivity of the mining system, and diversify economic activities.⁸²⁶ The Colombian government has also worked with ILO-IPEC to implement projects for working children involved in commercial sexual exploitation,⁸²⁷ agriculture and urban work.⁸²⁸ The government has collected data on child labor and is preparing a report with technical assistance from ILO-IPEC's SIMPOC.⁸²⁹

⁸²³ ILO-IPEC, *IPEC action against child labour: Highlights 2002*, Geneva, October 2002, 16. Prior to 2002, the Government of Colombia was an associated country of ILO-IPEC, which allowed for the initiation of projects in the country. See ILO-IPEC, *All About IPEC: Programme Countries*, [online] [cited December 4, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm.

⁸²⁴ ILO-IPEC, *Prevention and Elimination of Child Domestic Labor in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, 1. In April 2002 the project was extended until March 2004. See ILO-IPEC, *Modification Number 1: Prevention and Elimination of Child Domestic Labor in South America*, Geneva, April 2002.

⁸²⁵ ILO-IPEC, *Domestic Labor in South America*, project document, 8, 9. Save the Children and UNICEF have designed a database that will house information regarding the impact of this project. See also ILO-IPEC, "UNICEF, Save the Children UK e IPEC unidos contra el Trabajo Infantil Doméstico," *Encuentros* no. 2 (December 2001), [cited December 26, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero2/Boletindos/notipecca.html>.

⁸²⁶ ILO-IPEC, *Prevention and Elimination of Child Labor in Small-Scale Mining-Colombia*, project document, COL/01/P50/USA, Geneva, September 25, 2001, 20.

⁸²⁷ ILO-IPEC, "Comunidad de Madrid (España) apoya proyecto de Erradicación de la Explotación Sexual Infantil en Barranquilla, Colombia," *Encuentros* 1 no. 2 (December 2001), [cited December 26, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero2/Boletindos/notipecca.html>.

⁸²⁸ ILO-IPEC, *Domestic Labor in South America*, project document, 6.

⁸²⁹ ILO-IPEC, *IPEC action against child labour*, 76.

In 1997, a National Commission for the Eradication of Child Labor was established,⁸³⁰ and in 2000, a two-year plan of action was developed.⁸³¹ The objectives of the plan are the consolidation of a national child labor information system; transformation of cultural standards that support child labor; legislative and public policy reform; withdrawal of children from the worst forms of child labor; and coordination of efforts among national, regional, and local governments.⁸³² Government efforts have also removed minors from guerrilla and military self-defense groups, and sought to prevent their recruitment in the future.⁸³³ The Colombian Institute for Family Welfare and other government agencies initiated a project in July 2002 to remove children from street work in the city of Cali.⁸³⁴

The government is also working with international development banks and other institutions to promote the welfare of children in Colombia. In August 2002, the World Bank approved a USD 155 million loan to Colombia to strengthen social safety nets, which includes initiatives to improve child health and education.⁸³⁵ This support complements two other recent World Bank loans to the Colombian government. In 2001, a three-year USD 150 million loan was awarded to alleviate the impact of economic crisis on the country's vulnerable populations through a variety of initiatives,

⁸³⁰ ILO-IPEC, *Domestic Labor in South America, project document*, 6. The commission is composed of members from government, employer and union organizations, and NGOs including the Ministries of Labor, Education and Health, the Department of National Planning, and the National Statistics Department. See U.S. Embassy- Bogotá, *unclassified telegram no. 9111*, October 2001.

⁸³¹ Inter-Institutional Committee for the Erradication of Child Labor and the Protection of Young Workers, *Plan Nacional de Acción para la Erradicación del Trabajo Infantil y la Protección de los Jóvenes Trabajadores entre 15 y 17 años*, ILO-IPEC, Lima, February 2000, [cited December 26, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/fichas/planco10002.doc>.

⁸³² Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of Child Labor*, Ministry of Labor and Social Security, Ministry of Exterior Commerce and Ministry of External Relations, Bogotá, 2001, 6. See also Inter-Institutional Committee for the Erradication of Child Labor and the Protection of Young Workers, *Plan Nacional de Acción*, 15. However, by the summer of 2002, the majority of activities laid out in the two year national plan had not been carried out. Ministry of Labor and Social Welfare, *Plan de Acción Año 2002 Dirección de Trabajo*, [online] August 13, 2002 [cited August 15, 2002]; available from <http://www.mintrabajo.gov.co/paginicial.htm>.

⁸³³ Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of Child Labor*, 7. With the support of UNICEF, the International Organization for Migration and Save the Children UK, governmental and nongovernmental organizations established a committee devoted to child demobilization in 2000. See UNICEF Humanitarian Action, *Colombia: Donor Update*, May 29, 2002, [cited September 6, 2002]; available from <http://www.unicef.org/emerg/Appeals.htm#GlobalUpdate>.

⁸³⁴ Colombian Institute of Family Welfare, *En Cali: Operativo para menores de 10 años*, [online] 2002 [cited August 15, 2002]; available from <http://www.icbf.gov.co/espanol/Noticias3.asp?IdNot=146>. ICBF has also developed awareness raising materials on child labor for use in schools and community centers. See Colombian Institute of Family Welfare, *Historietas al Derecho*, [online] 2002 [cited August 15, 2002]; available from <http://www.icbf.gov.co/espanol/historietas.htm>.

⁸³⁵ World Bank, *Strengthening Health and Education Reforms: World Bank approves \$155 million for social sector in Colombia*, [online] August 2, 2002 [cited August 16, 2002]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20059699~menuPK:34457~pagePK:34370~piPK:42768~theSitePK:4607,00.html>.

including efforts to increase school enrollment, reduce student absenteeism, and decrease drop-out rates.⁸³⁶ In 2000, the World Bank awarded a four-year USD 20 million loan to the government to improve the quality of and access to education in the country's rural areas.⁸³⁷ In 1999, the IDB approved financing for the government to initiate education reforms, including initiatives to ensure children are offered a full cycle of basic education,⁸³⁸ and in 2000, the IDB provided funding for a Ministry of Education project to provide support to families to increase school attendance and reduce primary and secondary dropout rates.⁸³⁹ The government is collaborating with the Organization of American States (OAS)⁸⁴⁰ and USAID on programs to rehabilitate former child soldiers.⁸⁴¹

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 6 percent of children ages 10 to 14 years in Colombia were working.⁸⁴² In urban areas, child labor is concentrated in the retail and services sectors, and in activities such as street vending, waiting tables and prostitution,⁸⁴³ while in rural areas most of the

⁸³⁶ World Bank, *Human Capital Protection Project*, [online] August 12, 2002 [cited August 16, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P069964>.

⁸³⁷ World Bank, *Rural Education Project*, [online] August 12, 2002 [cited August 16, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050578>.

⁸³⁸ The goal of the project is to strengthen decentralized independent management and improve efficiency and equity in the allocation of resources as a means to offer better quality education services in the country. See Inter-American Development Bank, *New School System Program: Reform of Education Management and Participation*, IADB, Washington, September 1999, [cited December 26, 2002]; available from <http://www.iadb.org/exr/doc98/apr/CO1202E.pdf>.

⁸³⁹ Inter-American Development Bank, *Social Safety Net Program*, IADB, Washington, November 2000, [cited December 26, 2002]; available from <http://www.iadb.org/exr/doc98/apr/CO1280E.pdf>.

⁸⁴⁰ The OAS is supporting a training program for teachers of former child soldiers. Ministry of Education, *Proyectos de Cooperación Internacional en el Bienio 2000-2002*, [online] 2002 [cited August 19, 2002]; available from <http://www.mineducacion.gov.co/cooperacion/organismos.asp?org=OEA>. The Colombian government reports that spending on children affected by the country's armed conflict, including former child soldiers, is currently USD 4 million per year. See UN Committee on the Rights of the Child, *Summary record of the 656th meeting: Colombia*, United Nations, Geneva, February 9, 2001, [cited August 19, 2002]; available from [http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/1d70ca35b83c823ac12569f800397e64?OpenDocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/1d70ca35b83c823ac12569f800397e64?OpenDocument).

⁸⁴¹ USAID is funding a project to assist internally displaced persons in Colombia, which includes USD 2.5 million for the rehabilitation of child soldiers. USAID, *\$119.5 million for Economic, Social and Institutional Development*, USAID, Washington, D.C., March 30, 2001, [cited December 10, 2002]; available from <http://www.usaid.gov/press/releases/2001/fs010330.html>.

⁸⁴² World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. According to a child labor survey conducted by the government in 1996, 20.5 percent of children and adolescents ages 12 to 17 in Colombia were working. Ministry of Labor and Social Security, "El Trabajo Infantil en Colombia: Cifras," *Colombia comprometida con la Erradicación del Trabajo Infantil y la Protección del Joven Trabajador: Principales desarrollos 1996-1999* (1999), 5.

⁸⁴³ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

working children participate in uncompensated family agricultural and mining activities.⁸⁴⁴ Children also work in the cut flower industry and in coca picking.⁸⁴⁵

Children are involved in commercial sexual exploitation in Colombia; estimates range from approximately 4,500 to 35,000 children and adolescents.⁸⁴⁶ Colombia is a source country for children who are trafficked abroad to Spain, Japan and the United States as well as internally for sexual exploitation.⁸⁴⁷ In 2001, some estimates placed the number of women and children trafficked outside Colombia for sexual exploitation or forced labor at 500,000.⁸⁴⁸ An insurgent campaign to overthrow the government has been ongoing for more than 40 years,⁸⁴⁹ and the government has estimated that 6,000 children serve as combatants in the guerrilla forces and paramilitary militias.⁸⁵⁰ Children are forcibly recruited to carry out such tasks as kidnapping and guarding of hostages, and to serve as human shields, messengers, spies, sexual partners, and “mules” to transport arms and bombs.⁸⁵¹

The Constitution requires children between the ages of 5 and 15 to attend school, and education is free in state institutions.⁸⁵² In 1998, the gross primary enrollment rate was 112.0 percent, and the net primary enrollment rate was 86.7 percent.⁸⁵³ A Colombian Government survey indicated that in 1999, the primary school drop-out rate was 7.4 percent.⁸⁵⁴ In 1995, the gross primary attendance rate was 148.1 percent, and the net primary attendance rate was 89.5 percent.⁸⁵⁵ While

⁸⁴⁴ ILO-IPEC, *Small Scale Mining-Colombia, project document*, 7.

⁸⁴⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Colombia*, Washington, D.C., March 4, 2002, 2717-28 [cited August 19, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8326.htm>. See also U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁴⁶ Youth up to and including age 19 are included in this estimate. UNICEF, *Foro Sobre Experiencias Nacionales de Atención y Prevención de la Explotación Sexual de Niños y Niñas en Colombia*, [online] January 26, 2001 [cited August 15, 2002]; available from www.unicef.org/colombia/boletines/Boletin-ene-26-01.htm.

⁸⁴⁷ U.S. Department of State, *Trafficking in Persons Report- 2002: Colombia*, Washington, D.C., June 5, 2002, 40 [cited December 10, 2002]; available from <http://www.state.gov/g/tip/rls/tiprpt/2002/10679.htm>.

⁸⁴⁸ International Office for Migration, *New IOM Figures on the Global Scale of Trafficking*, (No. 23), IOM, [online] 2001 [cited July 10, 2002]; available from http://www.iom.int/iom/Publications/Trafficking_in_Migrants.htm.

⁸⁴⁹ CIA, *The World Factbook 2001*, [online] 2001 [cited August 21, 2002]; available from <http://www.cia.gov/cia/publications/factbook/geos/co.html#top>.

⁸⁵⁰ UN Committee on the Rights of the Child, *Summary Record: Colombia*. See also UNICEF Humanitarian Action, *Colombia: Donor Update*.

⁸⁵¹ Coalition to End the Use of Child Soldiers, “Colombia,” in *Global Report 2001* London, 2001, [cited December 10, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001/%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

⁸⁵² *Constitución Política de Colombia de 1991, actualizada hasta reforma de 2001*, (1991), [cited August 21, 2002]; available from <http://www.georgetown.edu/pdba/Constitutions/Colombia/col91.html>.

⁸⁵³ World Bank, *World Development Indicators 2002*.

⁸⁵⁴ Ministry of Education: Direction of Planning, *Estadísticas Educativas de Colombia*, [online] 2000 [cited August 19, 2002]; available from http://www.mineducacion.gov.co/estadisticas_educativas/prdf2000_archivos/sheet001.htm.

⁸⁵⁵ Although somewhat dated, these are the most recent attendance statistics available for Colombia. USAID, *Development Household Survey*, 2000.

basic education enrollment improved over the 1990s,⁸⁵⁶ many children in rural and low-income populations in Colombia face obstacles to attending school.⁸⁵⁷

Child Labor Laws and Enforcement

Colombia's Labor Code sets the minimum age for employment at 14 years, but also defines special conditions under which children ages 12 and 13 are authorized to perform light work with permission from parents and labor authorities.⁸⁵⁸ Article 44 of the Colombian Constitution calls for the protection of children against all forms of economic exploitation, exploitation in employment and hazardous work.⁸⁵⁹ Decree 1974, enacted in 1996, created the Committee to Fight against Trafficking in Persons, Especially Women and Children,⁸⁶⁰ and in 2001, Colombia passed an anti-trafficking in persons law.⁸⁶¹ Law 548 of 1999 establishes that persons below the age of 18 cannot perform military service.⁸⁶²

The Ministry of Labor, the Colombian Institute for Family Welfare, the Minors' Police, the Prosecutor's Office for the Protection of the Child and Family, and Family Commissioners are the entities authorized to implement and enforce the country's child labor laws and regulations.⁸⁶³ The Labor Ministry has inspectors throughout the country who are responsible for conducting child labor inspections, but the system lacks resources and is only able to cover a small percentage of the child labor force employed in the formal sector.⁸⁶⁴ The Prosecutor General's Specialized Sex Crimes and Human Dignity Unit reported in 2000 that from August 1999 to August 2000 it opened 41 cases in which a child under 14 were lured into prostitution.⁸⁶⁵ Police actively investigate trafficking offenses but a lack of resources, an inadequate witness protection system and an inefficient judicial system hinder prosecution.⁸⁶⁶ The government is unable to enforce the legal prohibition against forced labor by children in the country's armed conflict.⁸⁶⁷

⁸⁵⁶ UNESCO, *Education for All 2000 Assessment: Country Reports-Colombia*, prepared by Ministry of National Education, pursuant to UN General Assembly Resolution 52/84, September 1999, 7 [cited December 26, 2002]; available from <http://www2.unesco.org/wef/countryreports/colombia/contents.html>.

⁸⁵⁷ *Ibid.*, 6.

⁸⁵⁸ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁵⁹ Observatory of the Presidential Program for Human Rights and International Humanitarian Law, *The Eradication of Child Labor*, 4.

⁸⁶⁰ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁶¹ U.S. Department of State, *Trafficking in Persons Report: Colombia*, 40.

⁸⁶² Coalition to End the Use of Child Soldiers, "Global Report 2001: Colombia."

⁸⁶³ U.S. Embassy- Bogotá, *unclassified telegram no. 9111*.

⁸⁶⁴ U.S. Department of State, *Country Reports- 2001: Colombia*, 2722-28, Section 6d.

⁸⁶⁵ *Ibid.*, 2717-22, Section 5.

⁸⁶⁶ U.S. Department of State, *Trafficking in Persons Report: Colombia*, 40.

⁸⁶⁷ U.S. Department of State, *Country Reports- 2001: Colombia*. For example, in January 2002, there were reports of children being killed by guerrilla forces for deserting. See Coalition to End the Use of Child Soldiers: International Secretariat, "Colombia: Children Killed for Deserting the FARC," *Child Soldiers Newsletter*, March 2002.

The Government of Colombia ratified ILO Convention 138 on February 2, 2001, but has not ratified ILO Convention 182.⁸⁶⁸

⁸⁶⁸ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited August 21, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.