

## 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.<sup>1875</sup> In 2001, the government implemented the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Worker.<sup>1876</sup> In 2002, President Portillo announced the creation of the National Commission for the Elimination of Child Labor to coordinate ministries involved in the implementation of the National Plan.<sup>1877</sup> The government has included in its 2000–2004 agenda for social programs the goal of decreasing the number of child workers by 10 percent.<sup>1878</sup> The Secretariat of Social Welfare has also published a National Plan of Action focusing specifically on the commercial sexual exploitation of children and adolescents.<sup>1879</sup>

The Government of Guatemala has collaborated with ILO-IPEC on nine projects aimed at eliminating child labor in various sectors and geographical areas.<sup>1880</sup> ILO-IPEC has also assisted the government to include child labor in curriculum review and teaching exercises at the national level, as well as in proposed reforms to the Labor Code.<sup>1881</sup> Guatemala is currently participating in a USDOL-funded ILO-IPEC regional project aimed at combating commercial sexual exploitation of children.<sup>1882</sup> The government is also collaborating with ILO-IPEC on several USDOL-funded projects aimed at combating child labor in the fireworks,<sup>1883</sup> stone quarrying,<sup>1884</sup> coffee,<sup>1885</sup> and broccoli sectors,<sup>1886</sup> and has completed work with ILO-IPEC's SIMPOC to collect data on child labor.<sup>1887</sup> In addition, ILO-IPEC is carrying out a project aimed at raising awareness, collecting information, and

<sup>1875</sup> ILO-IPEC, *All About IPEC*, August 13, 2001 [cited September 11, 2003]; available from [http://www.ilo.org/public/english/standards/ipec/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipec/about/countries/t_country.htm).

<sup>1876</sup> Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil y Protección a la Adolescencia Trabajadora, Guatemala*, 2001.

<sup>1877</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Guatemala*, Washington D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18333.htm>.

<sup>1878</sup> ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector in Guatemala (phase 1)*, status report, GUA/00/P50/USA, ILO-IPEC, Geneva, February 26, 2003, 2.

<sup>1879</sup> Secretariat of Social Welfare of the Presidency, *Plan Nacional de Acción Contra la Explotación Sexual Comercial de Niñas, Niños y Adolescentes en Guatemala*, Guatemala City, July 2001.

<sup>1880</sup> ILO-IPEC, *IPEC en la región: Guatemala*, [cited January 29, 2004]; available from <http://www.ipec.oit.or.cr/ipec/region/paises/guatemala.shtml#PA>.

<sup>1881</sup> UN Economic and Social Council, *Contemporary Forms of Slavery*, Report of the Secretary-General on the implementation of the Programme of Action for the Elimination of the Exploitation of Child Labour, submitted pursuant to Sub-Commission resolution 1997/22, E/CN.4/Sub.2/2002/2, Paris, May 2002, 5.

<sup>1882</sup> This project focuses primarily on awareness raising, institutional capacity building, and international and national coordination in Guatemala. See ILO-IPEC, *Contribution to the Prevention and Elimination of Commercial Sexual Exploitation of Children in Central America, Panama and the Dominican Republic*, technical progress report, RLA/02/P51/USA, ILO-IPEC, Geneva, 2003.

<sup>1883</sup> This project seeks to withdraw children from fireworks production in the regions of San Raymundo and Sacatepequez. See ILO-IPEC, *Combating Child Labour in the Fireworks Industry in Guatemala*, technical progress report, no. 1, P.99/05P.060.00-04, Geneva, March 2002.

<sup>1884</sup> This project is in its second phase and focuses on withdrawing children from work in stone quarries in the Samala River Basin, Retalhuleu. See ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala (Phase 2)*, technical progress report, no. 1, GUA/01/51P/USA, Geneva, March 2002.

<sup>1885</sup> The project intends to reduce child labor in the rural sector of the Department of San Marcos. See ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry in Guatemala (Phase 1)*, technical progress report, GUA/99/05/P050, Geneva, 2003.

<sup>1886</sup> The project aims to withdraw 1000 children from the broccoli fields in Chilasco. See ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*.

<sup>1887</sup> See ILO-IPEC, *Child Labour Survey and development of database on child labour in Guatemala*, technical progress report, no. 1, P09574.204.050, Geneva, March 15, 2002.

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providing direct attention to children involved in domestic work in the homes of third parties.<sup>1888</sup> Studies of working children in the Chiantla municipality, Huehuetenango<sup>1889</sup> and in Guatemala City<sup>1890</sup> have been carried out. The Ministry of Labor, the Unit of the Protection of Minors at Work, UNICEF, and ILO-IPEC have joined efforts to empower local leaders to monitor and run child labor action programs.<sup>1891</sup>

In the Peace Accords signed in December 1996 and in its Poverty Reduction Strategy, the Government of Guatemala has committed to supporting education.<sup>1892</sup> The Ministry of Education (MINEDUC) addresses child labor by providing scholarships to children in need, administering extracurricular programs,<sup>1893</sup> and implementing school feeding programs in rural areas.<sup>1894</sup> The General Office for Out-of-School Education has approved two proposals for alternative educational programs for working children and youth.<sup>1895</sup> The MINEDUC's National Self-Management Program for Educational Development (PRONADE) provides legally organized communities, particularly in rural, indigenous and hard to reach areas, with funding to increase access to and improve the quality of primary education.<sup>1896</sup> MINEDUC has also implemented a bilingual education project since the 1980s,<sup>1897</sup> and

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<sup>1888</sup> Asociación Guatemalteca Pro-Naciones Unidas (AGNU), *Trabajo Infantil Doméstico en Guatemala: Informe de Investigación Lineamientos y Recomendaciones para una Propuesta de Intervención del 21 de diciembre 2001 al 31 de marzo de 2002*, ILO-IPEC, Guatemala City, 2002, 10-12.

<sup>1889</sup> This study was conducted in 2000-2001. See Graciela Dominguez Luna, *Si son la esperanza del mañana . . . Transformemos su presente*, Programa de Apoyo para la Salud Materno Infantil y para la Salud de Otros Grupos de Riesgo (PAMI), Guatemala City, 2001, 5.

<sup>1890</sup> This study was completed in May 2002 by ILO-IPEC's Rapid Assessment investigating child labor in garbage dumps. See Vilma Duque and Fernando Garcia, *Child Labour in Garbage Dumps: A Rapid Assessment*, ILO, Geneva, May 2002; available from <http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/ra/basuras.pdf>.

<sup>1891</sup> UN Economic and Social Council, *Contemporary Forms of Slavery*, 6.

<sup>1892</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work in Guatemala*, Understanding Children's Work Project, March, 2003, 37.

<sup>1893</sup> Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 19. See also U.S. Embassy- San José, *unclassified telegram no. 1977*, August 2000, Article 74. 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. See Nery Macz and Demetrio Cojti, interview with USDOL official, August 16, 2000.

<sup>1894</sup> MINEDUC, through the General Office for Co-Ordination of Support Program, administers three feeding programs: school breakfasts, school snacks and a pilot project for school lunches. See Institutional Co-ordinator for Promotion of Children's Rights - CIPRODENI, *Analysis on Progress and Limitations on Compliance of the Children's Rights Convention: Second Independent Report from Non-Government Organizations on Compliance with Children and Youth Rights in Guatemala*, CIPRODENI, Guatemala, September 2000, 19. See also ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*.

<sup>1895</sup> The Education Program for Working Children and Adolescents assists children working in markets, parks, and streets in both rural and urban areas and a program implemented by Grupo Ceiba assists working children and adolescents over 15 years. See CIPRODENI, *Analysis on Progress and Limitations*, 28.

<sup>1896</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work*, 41.

<sup>1897</sup> The Intercultural Bilingual Program, established in 1984, became the General Directorate of Intercultural Bilingual Education (DIGEBI) in 1995, giving it stronger administrative status and authority in the Ministry's budget structure. As of 2000, DIGEBI was assisting 1,476 schools in 14 linguistic communities. See CIPRODENI, *Analysis on Progress and Limitations*, 9-10.

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has tried to reduce the indirect costs of education by providing school supplies to all children in primary school and eliminating their matriculation fees.<sup>1898</sup> USAID,<sup>1899</sup> the World Bank,<sup>1900</sup> CARE,<sup>1901</sup> UNICEF,<sup>1902</sup> and Plan International<sup>1903</sup> also support primary education in Guatemala. With support from USAID, WorldShare also provides assistance for basic education.<sup>1904</sup>

## Incidence and Nature of Child Labor

In 2000, a national living conditions survey reported that 23 percent of children ages 5 to 17 years in Guatemala were working.<sup>1905</sup> A 2001 government report found that three of four working children in Guatemala are employed in rural areas, and labor force participation rates of children are highest in areas with a large indigenous population.<sup>1906</sup> On average, child laborers work 47 hours per week.<sup>1907</sup> Children work on family farms<sup>1908</sup> and help harvest commercial crops such as coffee<sup>1909</sup> and broccoli.<sup>1910</sup> Children are also employed in the fireworks<sup>1911</sup>

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<sup>1898</sup> Macz and Cojti, interview, August 16, 2000. Guatemalan teachers consider the government's efforts to reform the education system to be unsatisfactory. Beginning January 20, teachers held a 50-day strike protesting the lack of progress in the reform process and inadequate funding, effectively delaying the start of the school year by nearly two months. See Resource Center for the Americas, "Teachers' Strike," 2003; available from [http://www.americas.org/news/nir/20030402\\_teachers\\_strike.asp](http://www.americas.org/news/nir/20030402_teachers_strike.asp).

<sup>1899</sup> USAID works with the government to improve education access and services to rural children. See USAID, *Guatemala - Overview*, [online] 2003 [cited June 27 2003]; available from [http://www.usaid.gov/policy/budget/cbj2004/latin\\_america\\_caribbean/guatemala.pdf](http://www.usaid.gov/policy/budget/cbj2004/latin_america_caribbean/guatemala.pdf). See also World Learning, *Projects in International Development and Training: Access to Intercultural Bilingual Education*, World Learning, [online] May 2, 2003 [cited June 27, 2003]; available from <http://www.worldlearning.org/pidt/aibe.html>.

<sup>1900</sup> The World Bank has focused efforts on expanding enrollment in rural areas and among girls, improving the quality of education (specifically bilingual education) and strengthening educational institutions. See World Bank, *Guatemala-Universalization of Basic Education Project*, World Bank, Washington, D.C., May 2001. The World Bank will continue its lending trends in education programs as part of its efforts to ensure that the potential Central America Free Trade Agreement (CAFTA) with the U.S. succeeds in its goals to reduce poverty. See The World Bank Group, *World Bank Supports Central America To Realize CAFTA's Potential To Reduce Poverty*, World Bank, Washington, D.C., 2003; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20085170~menuPK:34463~pagePK:34370~piPK:34424~theSitePK:4607,00.html#>.

<sup>1901</sup> UN Economic and Social Council, *Implementation of the International Covenant on Economic, Social and Cultural Rights: Guatemala*, UN, July 26, 2002, 17 (g).

<sup>1902</sup> U.S. Fund for UNICEF, [online] 1999 [cited November 26, 2003]; available from <http://www.unicefusa.org/news/releases/090399.html>.

<sup>1903</sup> The Global Food for Education Pilot Program, *Report to Congress: Country Reports: Latin America*, Global Food for Education, February 2003; available from <http://www.fas.usda.gov/excredits/gfe/congress2003/latinamerica.htm>.

<sup>1904</sup> Ibid.

<sup>1905</sup> The study, which was conducted by the National Institute of Statistics in Guatemala and entitled *Encuesta de Condiciones de Vida*, also found that 20 percent of children between the ages of 6 and 14 in Guatemala were working. See ILO, UNICEF, and World Bank, *Understanding Children's Work*, 6, 18.

<sup>1906</sup> Ministry of Labor and Social Security, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 5-6. According to the National Institute of Statistics, 62.8 percent of children between the ages of 7 and 14 work in agriculture. Other sectors employing large numbers of children in this age group include commerce (16 percent), manufacturing (10.7 percent), health and personal services (6.1 percent), and construction (3.1 percent). See ILO, UNICEF, and World Bank, *Understanding Children's Work*, 21.

<sup>1907</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work*, 23.

<sup>1908</sup> U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*, Guatemala City, August 19, 2003.

<sup>1909</sup> ILO-IPEC, *Prevention and Progressive Elimination of Child Labor in the Coffee Industry, technical progress report*.

<sup>1910</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. See also ILO-IPEC, *Combating Child Labor in the Commercial Agricultural Sector*.

<sup>1911</sup> The Labor Ministry estimates that roughly 10 percent of children working in the fireworks industry are illegally employed in factories. Injuries are common among minors in fireworks production. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. A baseline survey conducted by ILO-IPEC in 2000 for a project on children working in the fireworks industry reported that 95.6 percent of the children interviewed worked in home factories. See ILO-IPEC, *Linea Basal de comunidades de San Juan Sacatepéquez y San Raymundo*, ILO, 2000.

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and stone quarries sectors, in mines,<sup>1912</sup> as domestic servants,<sup>1913</sup> garbage pickers,<sup>1914</sup> shoeshine boys, beggars, street performers, construction workers, cattle ranchers, in family businesses, in fishing,<sup>1915</sup> and reportedly in the trafficking and production of drugs.<sup>1916</sup>

Street children tend to be especially vulnerable to sexual exploitation and other forms of violence, constituting a serious problem in Guatemala.<sup>1917</sup> In general, child prostitution is on the rise.<sup>1918</sup> Guatemala is considered a source, transit and destination country for trafficked children. There is also evidence of internal trafficking.<sup>1919</sup> Children from poor families in Guatemala tend to be drawn into trafficking for purposes of prostitution through advertisements for lucrative foreign jobs or through personal recruitment.<sup>1920</sup>

Education is free and compulsory in Guatemala up to grade 6, or from ages 7 to 14.<sup>1921</sup> In 2000, the gross primary enrollment rate was 102.2 percent and the net primary enrollment rate was 84.3 percent,<sup>1922</sup> an increase from 35 percent in 1990.<sup>1923</sup> While enrollment rates indicate a level of commitment to education, they do not always

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<sup>1912</sup> ILO-IPEC, *Progressive Eradication of Child Labor in Gravel Production in Retalhuleu, Guatemala (Phase 2)*, technical progress report, GUA/01/51P/USA, Geneva, March 6, 2003. See also Gema Palencia, "Novecientos veinticinco mil menores obligados a trabajar agricultura y comercio, sectores que utilizan a mas niños," *Prensa Libre*, April 30, 2003; available from [http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p\\_noticia=54991&p\\_fedicion=29-04-03](http://www.prensalibre.com/pls/prensa/detnoticia.jsp?p_noticia=54991&p_fedicion=29-04-03).

<sup>1913</sup> The ILO reports that 38,878 children under 18 work under conditions of modern slavery in private homes. Forty-five percent of the children interviewed were between the ages of 6 and 13. See ILO-IPEC, *Trabajo Infantil Doméstico en Guatemala: Informe de Investigación Lineamientos y Recomendaciones para una Propuesta de Intervención del 21 de diciembre 2001 al 31 de marzo de 2002*, Asociación Guatemalteca Pro-Naciones Unidas (AGNU), Guatemala City, 2002. See also U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d.

<sup>1914</sup> More than half of the children under 13 who were interviewed as part of ILO's rapid evaluation were not currently attending school. This percentage was higher for children between the ages of 14 to 18 years. The youngest children interviewed were between the ages and seven and nine. See Duque and Garcia, *Child Labour in Garbage Dumps*, v.

<sup>1915</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. It has been reported that children also work as black market traders for U.S. dollars. See CIPRODENI, *Analysis on Progress and Limitations*, 27.

<sup>1916</sup> See also ILO, *Review of Annual Reports Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, Part II Compilation of annual reports by the International Labour Office, Geneva, March 2002, 364.

<sup>1917</sup> See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5. Casa Alianza reports that most children living in the streets of Guatemala City are 7 to 14 years old. See Casa Alianza, *Niños y Niñas de la Calle en Ciudad de Guatemala*, [online] [cited November 26, 2003]; available from <http://www.casa-alianza.org/ES/about/offices/guatemala/children.phtml>.

<sup>1918</sup> Child prostitution is especially common in the capital and other major cities as well as towns along the borders with El Salvador and Mexico. An NGO has noted an increase in sex tourism. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6f.

<sup>1919</sup> U.S. Department of State, *Trafficking in Persons Report- 2003: Guatemala*, Washington, D.C., June 11, 2003; available from <http://www.state.gov/g/tip/rls/tiprpt/2003/21273.htm>.

<sup>1920</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6f. A report published by the Children's Defense Department of the Office of the Human Rights Ombudsman entitled "Ninez prostituida: objetos sexuales o sujetos sociales?" revealed 83 brothels in Tecun Uman employing girls as young as 13 and 16 years old. See Casa Alianza, "10th Anniversary United Nations Convention on the Rights of the Child," *Special Reports and Coverages*, February 16, 2000; available from <http://www.casa-alianza.org/EN/newstuff/crc/childlabor.shtml>.

<sup>1921</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5. See also UNESCO/International Association of Universities, *Guatemala- Education System*, [cited September 15, 2003]; available from <http://www.unesco.org/iau/cd-data/gt.rtf>. Free and compulsory primary education is restricted to citizens and residents of Guatemala. See UN Commission on Human Rights, *Annual Report the Special Rapporteur, Katarina Tomasevski, on the Right to Education*, submitted in accordance with Commission on Human Rights Resolution 2000/9, E/CN.4/2001/52, Geneva, 2001, [cited August 26, 2003]; available from <http://www.right-to-education.org/content/unreports/unreport5prt1.html>.

<sup>1922</sup> World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. 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.

<sup>1923</sup> UN Convention on the Rights of the Child, *Statement by H.E. Mrs. Cristian Mundeate, Minister Social Welfare Secretariat of the Presidency of Guatemala, Head of the Delegation of Guatemala*, Special Session of the General Assembly on Children, May 10, 2002 [cited August 5, 2003]; available from <http://www.un.org/ga/children/guatemalaE.htm>.

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reflect children's participation in school.<sup>1924</sup> Primary school attendance rates are unavailable for Guatemala. The school desertion rate continues to be high. Only 3 of 10 students who begin primary school in Guatemala complete grade 6.<sup>1925</sup> Isolation of the rural population, lack of flexible, practical education, insufficient academic coverage, and low quality of services have been cited as some of the reasons children leave the Guatemalan education system.<sup>1926</sup> Children who do not attend school are concentrated in rural areas, and a disproportionate number of them are girls in indigenous communities.<sup>1927</sup> Sixty-two percent of working children attend school as compared to 78 percent of non-working children. Working children tend to complete only 1.8 years of schooling, roughly half the average years completed by non-working children.<sup>1928</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.<sup>1929</sup> 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.<sup>1930</sup> Children are prohibited from working at night, overtime, and in places that are unsafe and dangerous.<sup>1931</sup> Children may not work in bars or in other establishments where alcoholic beverages are served.<sup>1932</sup> The workday for minors under the age of 14 years is limited to 6 hours; minors ages 14 to 17 may work 7 hours.<sup>1933</sup> In July 2003, the Law for Integrated Protection of Children and Adolescents entered into force, which established a National Commission on Children and Adolescents and outlined child rights to protection from trafficking and economic and sexual exploitation.<sup>1934</sup>

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<sup>1924</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>1925</sup> The Center for National Economic Investigation report on the progress of education reform recognized the Ministry of Education's efforts to increase enrollment but noted that drop out rates had increased, the high rate of illiteracy among women was unchanged, the government continued to assign a relatively low percentage of resources to post-primary levels. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5. On average, only one of eight girls who begin primary school completes sixth grade. See Duque and Garcia, *Child Labour in Garbage Dumps*, iv. See also MINUGUA, *Informe de Verificación. Situación de la Niñez y Adolescencia en el marco del proceso de paz de Guatemala*, MINUGUA, Guatemala City, Guatemala, 2002; available from [http://www.asylumlaw.org/docs/guatemala/GUA\\_5/Sec%20IV/Situacion%20de%20la%20Niñez.pdf](http://www.asylumlaw.org/docs/guatemala/GUA_5/Sec%20IV/Situacion%20de%20la%20Niñez.pdf).

<sup>1926</sup> ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala: Informe Final*, Guatemala City, April 2003, 27; available from [http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/report/gt\\_2003.pdf](http://www.ilo.org/public/spanish/standards/ipecc/simpoc/guatemala/report/gt_2003.pdf).

<sup>1927</sup> According to the UN Verification Mission in Guatemala, Guatemalan children receive, on average, 2.2 years of education. Indigenous children receive an average of 1.3 years. Sixty-three percent of out of school youth are indigenous girls. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 5.

<sup>1928</sup> ILO, UNICEF, and World Bank, *Understanding Children's Work*, 29. Of working children, 50.4 percent only work while 49.6 percent attend school, and the majority of working children (53.5 percent) have not completed primary school. See ILO-IPEC, *Estudio Cualitativo Sobre el Trabajo Infantil en Guatemala*, 34.

<sup>1929</sup> *Código de Trabajo de la República de Guatemala, 1996*, Articles 21, 148.

<sup>1930</sup> Government of Costa Rica, *Informe de Avance de las Acciones Realizadas en Materia de Niñez y Adolescencia*, Washington, D.C., 2001, 53, Article 150. In 2001, the Ministry of Labor granted 1,014 work permits to children under the age of 14. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d.

<sup>1931</sup> Eighty percent of work accidents involve 15 to 18 year old workers who were not properly trained in safety procedures. See U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. See also *Código de Trabajo, 1996*, 148.

<sup>1932</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d. See also *Código de Trabajo, 1996*, 148.

<sup>1933</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Section 6d.

<sup>1934</sup> This law modifies an earlier version passed in 1999. The law does not provide for criminal sanctions. See U.S. Embassy - Guatemala City, *unclassified telegram no. 2108*. See also *Ley de Protección Integral de la Niñez y Adolescencia*, Decreto Numero 27-2003, Artículos 50 and 51.

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Article 188 of the Penal Code prohibits child pornography and prostitution.<sup>1935</sup> Procuring and inducing a person into prostitution are crimes that can result in either fines or imprisonment, with heavier penalties if victims under 12 years old are involved.<sup>1936</sup> Trafficking is punishable by imprisonment of 1 to 3 years and a fine, again, with enhanced penalties if the victims are under 12 years.<sup>1937</sup> Although no laws specifically prohibit bonded labor by children, the Constitution prohibits forced or compulsory labor.<sup>1938</sup>

The Child Workers Protection Unit within the Ministry of Labor holds responsibility for enforcing restrictions on child labor as well as educating children, parents, and employers on the rights of minors in the labor market.<sup>1939</sup> Due to the ineffectiveness of labor inspection and labor court systems, labor laws governing the employment of minors are not well enforced.<sup>1940</sup> Insufficient resources and corruption have left borders inadequately monitored. The Defense of Children's Rights unit in the Human Rights Ombudsman's Office and the Women's Section of the Attorney General's Office investigate trafficking cases.<sup>1941</sup> Trafficking laws, however, are rarely enforced.<sup>1942</sup>

The Government of Guatemala ratified ILO Convention 138 on April 23, 1990, and ratified ILO Convention 182 on October 11, 2001.<sup>1943</sup>

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<sup>1935</sup> U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*, August 2000. See also Interpol, *Legislation of Interpol Member States on Sexual Offenses against Children: Guatemala*, [database online] [cited June 26, 2003]; available from <http://www.interpol.int/Public/Children/SexualAbuse/NationalLaws/csaGuatemala.asp>.

<sup>1936</sup> Article 191 of the Criminal Code as cited by Interpol, *Legislation of Interpol Member States*.

<sup>1937</sup> Penalties for trafficking in Guatemala are considered to be the lightest in the region. Although minors are not specifically mentioned, the general language of the Code can be understood to apply to minors as well as adults. See also U.S. Embassy- Guatemala City, *unclassified telegram no. 2507*. See also The Protection Project, "Guatemala," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://209.190.246.239/ver2/cr/Guatemala.pdf>.

<sup>1938</sup> U.S. Department of State, *Country Reports- 2002: Guatemala*, Sections 6c and d.

<sup>1939</sup> *Ibid.*, Section 6d.

<sup>1940</sup> *Ibid.*

<sup>1941</sup> Few cases are prosecuted due to victims' reluctance to press charges. See *Ibid.*, Section 6f.

<sup>1942</sup> However, authorities did succeed in intercepting a bus of 53 children from El Salvador en route to the United States. See *Ibid.*, Sections 6d and f. See also U.S. Department of State, *Trafficking in Persons Report: Guatemala*.

<sup>1943</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online] 2003 [cited August 5, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.