

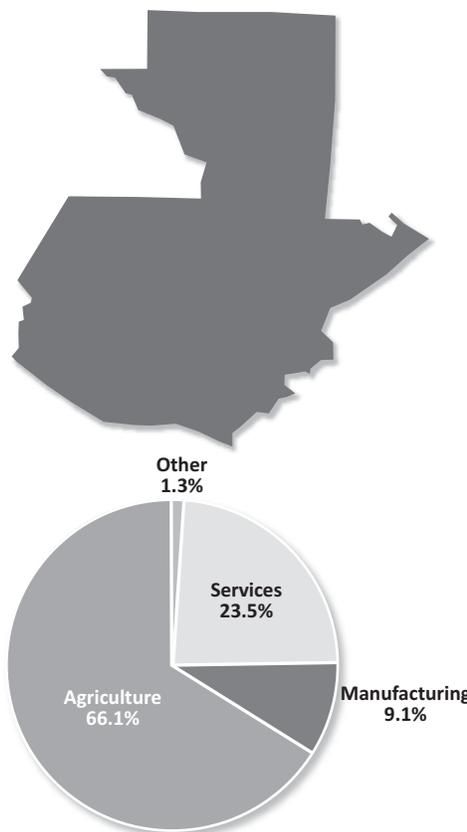
Guatemala

The Government of Guatemala has a strong legal framework to prohibit the worst forms of child labor. However, gaps remain in law enforcement and coverage of social programs to address the issue. Many children continue to engage in the worst forms of child labor, especially in agriculture and manufacturing. Child labor is especially prevalent among children of indigenous heritage.

Statistics on Working Children and School Attendance

Children	Age	Percent
Working	7-14 yrs.	16.8*
Attending School	7-14 yrs.	81.3
Combining Work and School	7-14 yrs.	14.0

* Population of working children: 454,468



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor in Guatemala,²⁴³⁰ primarily in agriculture and manufacturing, which commonly involve using potentially hazardous machinery and carrying heavy loads. Half of all working children in Guatemala are of indigenous heritage, due in part to the great barriers they face in accessing education, as many must travel significant distances to reach school.²⁴³¹ In 2010, Tropical Storm Agatha caused flooding and mudslides in the western highlands of Guatemala, which reduced food security, leading to worsened poverty and likely increased child labor.²⁴³²

The majority of child labor occurs in the agricultural sector in rural areas where children plant and harvest coffee, sugarcane, corn, beans and broccoli.²⁴³³ Many indigenous children also engage in work that involves dangerous machinery, including flower and vegetable

packaging and rubber and timber production. In the manufacturing sector, children also produce gravel and fireworks, exposing them to hazardous tools and substances.²⁴³⁴ An estimated 39,000 children also work in third-party homes as domestic servants, making them vulnerable to physical and sexual abuse.²⁴³⁵

Children work in the urban informal sector as peddlers and shoe shiners in densely transited streets, where they are vulnerable to vehicle accidents, severe weather, and criminal elements.²⁴³⁶ Children also work in bricklaying and as garbage recyclers, which exposes them to hazardous chemicals and tools.²⁴³⁷

Children are trafficked to, from and within the country for commercial sexual exploitation and labor exploitation. Child sex tourism is a growing problem in the cities of Antigua, Guatemala City and Sololá.²⁴³⁸ Although evidence is limited, there are reports that children are exploited for forced labor in street begging and in municipal

dumps.²⁴³⁹ Limited evidence also indicates that criminals recruit children for illicit activities such as drug activities and transporting contraband.²⁴⁴⁰

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for employment at 14.²⁴⁴¹ Although the Labor Code allows children under age 14 to work under exceptional circumstances and with prior Ministry of Labor (MOL) authorization, the MOL committed through a 2006 Government Agreement not to provide work authorizations to children below age 14.²⁴⁴² The exceptional circumstances allowed by the Labor Code can expose children to potentially hazardous work activities. While the Government Agreement establishes a prohibition on the authorization of children under age 14 to work, this prohibition is not codified within the Labor Code.²⁴⁴³ Guatemala sets the compulsory age for education at 15.²⁴⁴⁴

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	15
	Free Public Education	Yes

Guatemala’s Labor Code sets the minimum age for hazardous work at 18. Guatemala has also adopted

a comprehensive list of hazardous occupations in which minors age 14 through 17 are prohibited from working. These include working with explosive or toxic substances; mining; working with machinery; working underwater; domestic labor; working with agrochemicals or garbage; working in the street, in bars or in other establishments where alcoholic beverages are served; and working in illicit occupations such as producing and trafficking drugs.²⁴⁴⁵ The Penal Code establishes higher, criminal penalties for employing children in dangerous work; however, it is unclear whether or not the provisions and sanctions in the Penal and Labor Codes are directly applicable to violations of the list of hazardous occupations for children.²⁴⁴⁶

The Constitution and the Penal Code specifically prohibit forced labor.²⁴⁴⁷ In addition, the *Law against Sexual Violence, Exploitation and Human Trafficking* prohibits child pornography, including its production, distribution and possession. The law establishes penalties for procuring, inducing, facilitating and benefiting economically from child prostitution.²⁴⁴⁸ The law also prohibits trafficking in persons—including trafficking for the purposes of forced labor and sexual exploitation—and increases penalties for the trafficking of minors.²⁴⁴⁹

Institutional Mechanisms for Coordination and Enforcement

The Government’s National Commission for the Eradication of Child Labor, an interagency commission led by the Vice President, coordinates government efforts to combat child labor and met six times during the reporting period. The MOL also operates nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on child labor.²⁴⁵⁰ Information on the funding level designated for the National Commission is not available.

In addition to the National Commission, the Government has designated the Secretariat against

Sexual Violence, Exploitation and Trafficking in Persons in the Vice President's office as the agency responsible for coordinating all government efforts against child trafficking and the commercial sexual exploitation of children. During the reporting period, the Secretariat received \$312,500; however, the Secretariat's child trafficking unit does not have a designated budget.²⁴⁵¹

The MOL's Child Workers Protection Unit and Office of the Inspector General are responsible for enforcing child labor laws, including prohibitions on children engaging in the worst forms of child labor.²⁴⁵² The Office of the Inspector General and the Child Workers Protection Unit receive child labor complaints via telephone, in writing, through the MOL's Web site and in person at the MOL or at one of its 24 regional offices.²⁴⁵³ Ninety-eight child labor complaints were registered in 2010. However, information on the Government's response to the complaints and the sectors in which these children allegedly work was not available.²⁴⁵⁴

Seven of the MOL's roughly 230 inspectors spend part of their time responding to child labor complaints, but like other labor inspectors, they are also responsible for enforcing all other labor laws. The number of inspectors does not appear commensurate with the magnitude and scope of child labor in the country.²⁴⁵⁵ The Child Workers Protection Unit lacks a dedicated budget and sufficient resources for transportation, including vehicles and fuel for inspections.²⁴⁵⁶ The MOL cannot levy fines on employers in violation of the Labor Code and instead relies on labor courts to impose sanctions, which significantly delay the process of penalizing violators.²⁴⁵⁷ No training for labor inspectors on child labor issues was conducted during the reporting period.²⁴⁵⁸

Information on the total number of child labor inspections and the sectors inspected during the reporting period was not available, with the exception of those in the fireworks industry.²⁴⁵⁹

In 2010, the MOL conducted 58 inspections of fireworks factories and 158 inspections of locations where fireworks are sold.²⁴⁶⁰ The operation uncovered 43 instances of child labor law violations and identified 39 child laborers. The children's employment was terminated, and they were subsequently referred to the Child Workers Protection Unit.²⁴⁶¹ Information was not available on whether employers were sanctioned.

Child trafficking and commercial sexual exploitation investigations are primarily handled by police and prosecutors. The National Civil Police has 8 staff members, and the Public Ministry has 5 prosecutors, dedicated to investigating such crimes.²⁴⁶² Suspected cases of child trafficking can be reported through hotlines maintained by the Public Ministry, the National Police, and the Solicitor General's Office.²⁴⁶³ In 2010, the Government held 16 anti-trafficking workshops to build the capacity of judges, police, public prosecutors, immigration officers and other government officials. However, the trainings were intended to orient officials generally to the issue of trafficking but were not comprehensive enough for the trainees to become experts in the topic.²⁴⁶⁴

The Government received and investigated 235 complaints of trafficking in 2010; however, the data did not distinguish between adult and child trafficking cases. No information was available on the number of convictions in cases of child trafficking.²⁴⁶⁵ During the reporting period, the Government achieved convictions in 7 cases of commercial sexual exploitation of children and 4 convictions in cases of employing minors in dangerous work.²⁴⁶⁶

Government Policies on the Worst Forms of Child Labor

The Government's Secretariat of Social Welfare has in place the National Plan of Action against the Commercial Sexual Exploitation of Children;²⁴⁶⁷ during 2010, the Government also continued to

implement a roadmap toward the Elimination of Child Labor in Guatemala, which aims to end child labor by 2020. The roadmap integrates child labor into programs to combat poverty and promote education and health, and it calls for legal reform to eliminate exceptions to the minimum age in the Labor Code and to comprehensively prohibit all forms of unsafe child labor.²⁴⁶⁸ The MOL also has an Intra-institutional Coordination Protocol to Assist Child Laborers, which sets guidelines for offices within the MOL to identify child laborers and sanction their employers.²⁴⁶⁹ In August 2010, the Government announced the creation of a network against child labor in conjunction with private sector groups to support the implementation of the roadmap.²⁴⁷⁰

Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

During the reporting period, the Government of Guatemala participated in a 4-year, \$3.3 million regional initiative to eradicate child labor, funded by the Government of Spain,²⁴⁷¹ and a 3½-year, \$4.2 million USDOL-funded project exclusively for Guatemala. Through education and vocational training opportunities, the USDOL-funded project aims to withdraw 5,720 children and to prevent 3,600 children from exploitative work in agriculture, child domestic labor and the urban informal sector.²⁴⁷² With support from the Government of Guatemala, the project is implementing 3 educational models in 61 public schools across 4 municipalities in the departments of San Marcos and Totonicapán. The project works in collaboration with local governments and civil society organizations to develop municipal-level action plans against child labor.²⁴⁷³ Although the Government of Guatemala has implemented

programs to address child labor in domestic labor, agriculture and urban informal work, many children—particularly of indigenous descent, can still be found working in these sectors. In addition, research found no evidence that the Government has carried out social programs to assist children in the manufacturing sector, particularly in gravel and fireworks production.

The Government also operates large-scale anti-poverty and education programs to assist vulnerable children, including those susceptible to the worst forms of child labor.²⁴⁷⁴ The Government of Guatemala operates the My Family Progresses (*Mi Familia Progresá*) program, providing cash transfers conditioned on children attending school to more than 900,000 families.²⁴⁷⁵ The Government also operates a national program, Open Schools (*Escuelas Abiertas*), which aims to provide children living in areas affected by high levels of poverty and violence with opportunities for recreation and education. Overseen by the Secretariat of Social Welfare, the program operates 217 schools in the country and benefits more than 250,000 children.²⁴⁷⁶ Although the Government has undertaken national efforts to combat poverty among vulnerable populations, the question of whether these programs have an impact on child labor does not appear to have been addressed.

As part of its efforts to address the commercial sexual exploitation of children, the Government provides services to child victims of commercial sexual exploitation through protection centers.²⁴⁷⁷ The Government also established some shelters specifically for child trafficking victims during the reporting period and referred victims to state-run shelters for orphans and homeless children or NGOs.²⁴⁷⁸

Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Guatemala:

IN THE AREA OF LAWS AND REGULATIONS:

- Clearly establish and publicize penalties for violations of the List of Hazardous Occupations for Children.
- Prohibit exceptions to the minimum age for work within the Labor Code.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Strengthen the capacity of the MOL to enforce child labor laws by:
 - Increasing part-time child labor inspectors to full-time enforcement of child labor law enforcement and hiring additional child labor inspectors.
 - Expediting the issuance of sanctions for child labor law violations, including by:
 - Immediately referring cases of unremedied violations to the labor courts for imposition of sanctions.
 - Dedicating more resources specifically for the MOL's Child Workers Protection Program, including inspection vehicles and funds for vehicle maintenance and fuel.
 - Instituting regular training on child trafficking and the detection of child labor, with a focus on sectors where child labor is prevalent.

IN THE AREA OF PROGRAMS:

- Increase the impact of social programs to combat child labor by:
 - Assessing the impact that existing policies and programs, including *Mi Familia Progresá* and *Escuelas Abiertas*, may have on addressing child labor.
 - Expanding social programs targeting the worst forms of child labor in agriculture, urban informal work and child domestic labor, with a particular focus on indigenous children.
 - Initiating social programs to address child labor in the manufacturing sector, particularly in gravel and fireworks production.

²⁴³⁰ Data provided in the chart to the left is based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates*, 2005-2010. Data on children working and school attendance are from 2004. Data on children combining school and work is from 2003. 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. As a result, statistics on children's work are reported here, which may or may not include the worst forms of child labor. For more information on sources used for these statistics, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section.

²⁴³¹ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, San José, 2006, 31; available from http://white.oit.org.pe/ipecc/documentos/guatemala_indigenas.pdf.

²⁴³² UNICEF, *Guatemala: the Perfect Storm: Impact of Climate Change and the Economic Crisis on Children and Adolescents*, 2010, 40; available from http://www.unicef.org.gt/1_recursos_unicefgua/publicaciones/The%20perfect%20storm%20-%20UNICEF%20Guatemala.pdf. See also ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 45.

²⁴³³ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 27. See also Ministry of Labor and Social Provision, National Institute of Statistics, and ILO-IPEC, *Trabajo Infantil en Guatemala: Un estudio en profundidad sobre la Encuesta de Condiciones de Vida -ENCOVI- 2006*, Guatemala City, 2008, 21, 23; available from http://white.oit.org.pe/ipecc/documentos/estudio_en_profundidad_encovi_2006.pdf. See also Mark Lacey, "Bush to Press

Free Trade in a Place Where Young Children Still Cut the Cane,” *New York Times* (New York), March 11, 2007; available from <http://www.nytimes.com/2007/03/12/world/americas/12guatemala.html>. See also Comisión Nacional para la Erradicación del Trabajo Infantil and ILO-IPEC, *Plan de Prevención y Erradicación Progresiva del Trabajo Infantil y Adolescente en Chile*, Lima, 2001; available from http://www.ine.cl/canales/chile_estadistico/encuestas_trabajo_infantil/pdf/23_04_09/pdf/plan_nacional.pdf. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, Washington, DC, 2008, 90; available from http://www.solidaritycenter.org/files/pubs_guatemala_wr.pdf. See also, Catholic Relief Services, *Informe: Línea de Base*, 2010, 54.

²⁴³⁴ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55. See also Alba Trejo, “Guatemala: persisten las peores formas de trabajo infantil”, *Cimacnoticias.com*, [online], June 16, 2008 [cited July 25, 2008]; available from <http://www.cimacnoticias.com/site/08061606-Guatemala-persiste.33562.0.html>. See also UNICEF, *Mírame: Situación de la niña indígena en Guatemala*, Guatemala City, 2007, 60, 62, 63; available from http://www.unicef.org/gt/02infancia/documentos/mirame_situacion_nina_indigena.pdf, *ibid*. See also Global Youth Connect, *Guatemala Program Report*, Kingston, June 2007; available from http://www.globalyouthconnect.org/pdf/guate_2007.pdf. See also The Solidarity Center, *Justice for All: The Struggle for Workers Rights in Guatemala*, 89, 91.

²⁴³⁵ ILO-IPEC, *Alto al Trabajo Infantil Doméstico!*, 2005, 9; available from http://white.oit.org.pe/ipecc/documentos/legal_tid_guatemala.pdf.

²⁴³⁶ ILO-IPEC, *Trabajo Infantil y Pueblos Indígenas: El Caso de Guatemala*, 55.

²⁴³⁷ *Ibid.*, 54. See also U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴³⁸ U.S. Department of State, “Guatemala (Tier 2 Watch List),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142760.htm>. See also U.S. Department of State, “Guatemala,” in *Country Reports on Human Rights Practices- 2010*, Washington, DC, April 8, 2011, section 6; available from <http://www.state.gov/g/drl/rls/hrrpt/2010/>.

²⁴³⁹ U.S. Department of State, “Country Reports- 2010: Guatemala,” section 6. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Guatemala.”

²⁴⁴⁰ U.S. Department of State, “Country Reports- 2010: Guatemala,” section 6.

²⁴⁴¹ Government of Guatemala, *Código de Trabajo de la República de Guatemala*, articles 31, 148; available from <http://www.lexadin.nl/wlg/legis/nofr/oeur/arch/gua/ct.pdf>. See also Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32; available from <http://www.mintrabajo.gov.gt/org/leyes-y-convenios/acuerdos/acuerdo-gubernativo-no.-112-2006-proteccion-laboral-de-la-ninez-y-adolescencia>.

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²⁴⁴² Government of Guatemala, *Código de Trabajo*, article 150. See also Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32.

²⁴⁴³ Government of Guatemala, *Acuerdo gubernativo 112-2006*, article 32. See also Government of Guatemala, *Código de Trabajo*, article 150.

²⁴⁴⁴ UNESCO, *World Data on Education*, 2010; available from http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Guatemala.pdf.

²⁴⁴⁵ Government of Guatemala, *Intrainstitutional Protocol*, 154-2008, (August 14, 2008); available from http://white.oit.org.pe/ipecc/documentos/protocolo_intrainstitucional_atencion_guatemala.pdf.

²⁴⁴⁶ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, 9-2009, (March 20, 2009); available from <http://www.acnur.org/biblioteca/pdf/7047.pdf>. See also U.S. Department of State, E-mail communication to USDOL official, July 7, 2010.

²⁴⁴⁷ Government of Guatemala, *Constitución de 1985 con las reformas de 1993* (May 31, 1985, reformed November 17, 1993), article 4; available from <http://pdba.georgetown.edu/Constitutions/Guate/guate93.html>. See also

²⁴⁴⁸ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, articles 36-43. See also Government of Guatemala, *Código Penal*, article 202; available from http://www.oas.org/JURIDICO/MLA/sp/gtm/sp_gtm-int-text-cp.pdf.

²⁴⁴⁹ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*, articles 47-49.

²⁴⁵⁰ U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁵¹ Government of Guatemala, *Ley contra la Violencia Sexual, Explotación y Trata de Personas*. See also U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴⁵² U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁵³ *Ibid.*

²⁴⁵⁴ U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴⁵⁵ *Ibid.*

²⁴⁵⁶ *Ibid.*

²⁴⁵⁷ U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁵⁸ U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.

²⁴⁵⁹ Ibid.

²⁴⁶⁰ Ibid.

²⁴⁶¹ Ibid.

²⁴⁶² Ibid.

²⁴⁶³ Ibid.

²⁴⁶⁴ Ibid.

²⁴⁶⁵ Ibid.

²⁴⁶⁶ Ibid.

²⁴⁶⁷ Secretariat of Social Welfare, ILO-IPEC, and ECPAT Guatemala, *Protocolo para la detección y atención integral a niñas, niños, y adolescentes víctimas de explotación sexual comercial*, Guatemala, 2007; available from <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=6621>.

²⁴⁶⁸ ILO-IPEC, *Hoja de Ruta para hacer de Guatemala un país libre de trabajo infantil y sus peores formas*, 2009, 3; available from <http://white.oit.org.pe/ipec/pagina.php?pagina=337>.

²⁴⁶⁹ Government of Guatemala, *Intrainstitutional Protocol*.

²⁴⁷⁰ Noticias Terra, “Gobierno y empresarios crean una red contra el trabajo infantil en Guatemala”, [online], 2010 [cited February 18, 2011]; available from [http://noticias.terra.es/2010/economia/0812/actualidad/gobierno-y-](http://noticias.terra.es/2010/economia/0812/actualidad/gobierno-y-empresarios-crean-una-red-contra-el-trabajo-infantil-en-guatemala.aspx)

[empresarios-crean-una-red-contra-el-trabajo-infantil-en-guatemala.aspx](http://noticias.terra.es/2010/economia/0812/actualidad/gobierno-y-empresarios-crean-una-red-contra-el-trabajo-infantil-en-guatemala.aspx).

²⁴⁷¹ ILO-IPEC official, E-mail communication to USDOL official, April 15, 2011.

²⁴⁷² Catholic Relief Services, *My Rights Matter*, Project Document, 2009.

²⁴⁷³ Catholic Relief Services, *My Rights Matter*, Technical Progress Report, September 2010.

²⁴⁷⁴ U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁷⁵ Government of Guatemala, *Mi Familia Progresá*, [online] [cited February 18, 2011]; available from <http://mifamiliaprogesa.gob.gt/joomla/noticias/190-mi-familia-progresá-91-de-cobertura-en-el-país-.html>.

²⁴⁷⁶ Government of Guatemala, *Escuelas Abiertas*, [online] [cited February 18, 2011]; available from http://www.escuelasabiertas.org/site/index.php?option=com_content&task=view&id=21&Itemid=21.

²⁴⁷⁷ Secretariat of Social Welfare, ILO-IPEC, and Guatemala, *Protocolo para la detección y atención integral*, 20. See also U.S. Embassy- Guatemala City, *reporting, February 4, 2010*.

²⁴⁷⁸ U.S. Embassy- Guatemala City, *reporting, February 2, 2011*.