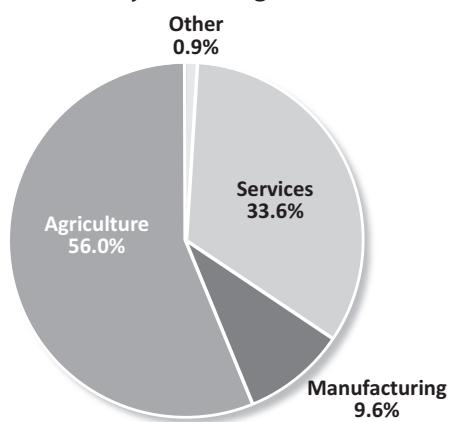


In 2012, El Salvador made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government developed an operational plan and budgeted \$10 million to implement the Roadmap to Make El Salvador a Country Free of Child Labor and Its Worst Forms, and established a new policy to combat human trafficking, including trafficking of children. To prevent the recruitment of children by gangs, the Inter-American Development Bank approved a \$45 million loan to support El Salvador's efforts to age-appropriate job opportunities to youth ages 15 through 24. Beginning in 2013, the Government expanded the full-time school program to 900 schools, benefiting more than 900,000 children and 28,000 teachers. Despite these efforts, gaps in enforcement remain. Penalties for violations of child labor and human trafficking laws are insufficient to act as a deterrent, and law enforcement agencies lack sufficient resources to enforce child labor laws. Children continue to engage in the worst forms of child labor, including in hazardous activities in agriculture and dangerous activities in domestic service.

#### Statistics on Working Children and Education

Children	Age	Percent
Working	5-14 yrs.	6.3 (84,927)
Attending School	5-14 yrs.	92.2
Combining Work and School	7-14 yrs.	6.2
Primary Completion Rate		100.5

#### Working Children by Sector, Ages 5-14



##### Sources:

**Primary completion rate:** Data from 2011, published by UNESCO Institute for Statistics, 2013.(1)

**All other data:** Understanding Children's Work Project's analysis of statistics from EHPM Survey, 2011.(2)



#### Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in El Salvador are engaged in the worst forms of child labor, including in hazardous activities in agriculture and dangerous work in domestic service.(3, 4) According to the 2011 School Registration Census, 8,217 children in El Salvador harvest sugarcane and coffee.(4) Children who work in coffee production are exposed to the elements, toxic substances, long workdays, and injuries from machetes and sharp knives. These children cut, plant, and pick crops, and they carry heavy loads.(5) Although the full extent of the problem is unknown, the school census also estimates that 2,365 children are involved in fishing.(4) These children may work long hours, perform physically demanding tasks, and face dangers such as drowning.(6) Reportedly, children also work gathering shellfish and are exposed to polluted water, insects, skin diseases, and physical injuries.(7)

Children also perform dangerous labor in urban areas. According to the 2011 School Registration Census, 485 children were found to be working in fireworks production and garbage scavenging.(4) Children making fireworks are at risk of dismemberment and burns, while children who scavenge are exposed to medical waste and are at risk of gastrointestinal diseases, insect bites, and physical abuse.(8-12) The same census estimated that 15,987 children are engaged in street work and domestic service.(4, 8, 13) Media outlets in El Salvador reported that children who work as street vendors are susceptible to sexual abuse and may be victims of traffic accidents.(14) According to a 2010 study, 15 percent of domestic workers started working in El Salvador before age 15. Domestic workers reported that they are sometimes denied full payment of wages and time off, and in some cases they have been physically abused by their employers.(15) Domestic workers may also perform strenuous tasks without sufficient food or shelter, and are susceptible to sexual

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abuse.(16) Children also work in car repair and construction; those who work in construction perform activities such as transportation of construction materials, which may involve carrying heavy loads.(3, 17)

Children are engaged in commercial sexual exploitation. They are trafficked internally and internationally, some for the purpose of commercial sexual exploitation; girls from poor communities ages 12 to 18 are at the greatest risk.(17-19)

Children are also recruited into gangs to perform illicit activities related to the arms and drug trades. There are reports that these children are recruited into gang activity while at school.(20-22) According to the Government of El Salvador, approximately 30 percent of gang members are children.(23) Between January and October 2012, 41 school children were killed as a result of gang violence.(24, 25)

Children's access to education is hampered by the cost of school materials and long distances to school. In some cases, girls do not attend school because they have childcare responsibilities while their mothers go to work.(26) The Government has stated that gang violence and recruitment have hindered school attendance.(24, 25)

## Laws and Regulations on the Worst Forms of Child Labor

The Law for the Protection of Children and Adolescents (LEPINA) establishes a comprehensive legal framework for the protection of children's rights, including protection from child labor and trafficking.(27)

The Labor Code and the Constitution set the minimum age for work at 14 and the minimum age for hazardous work at 18.(28, 29) The LEPINA establishes the minimum age for domestic service at 16.(27) Agreement 241 of 2011 prohibits children from working in specific activities within 29 occupational categories such as agriculture, fishing, construction, mining, manufacturing, and street work. It bans children younger than age 16 from making construction materials such as bricks, cement, tiles, and tubes.(13) The list authorizes adolescents older than age 16 to perform non-hazardous activities related to coffee and sugar production and artisanal fishing, as long as they receive occupational safety and health training and their rights are protected.(13)

The Labor Code specifies fines of less than \$60 per violation of labor legislation, including child labor laws, a penalty the ILO deems insufficient to act as a deterrent.(30)

## International Conventions and Selected Laws on Child Labor and Education

	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	16
	Free Public Education	Yes

El Salvador's Penal Code prohibits the commercial sexual exploitation of children, including child pornography, human trafficking, and forced labor.(31) However, the Government acknowledged in early 2013 that the penalties for trafficking in persons are not sufficient to combat this crime.(17) The Penal Code penalizes the recruitment of children into illegal armed groups and the use of children for illicit activities.(31)

The Constitution sets the minimum age for compulsory military service at 18.(28) It also establishes compulsory education through ninth grade, which is approximately until the age of 16, and free education through high school.(28)

## Institutional Mechanisms for Coordination and Enforcement

The National Committee for Children and Adolescents (CONNA) coordinates the implementation of the LEPINA and develops policies to protect the rights of children, including child labor policies.(27, 32) The National Committee for the Eradication of the Worst Forms of Child Labor (National Committee) coordinates efforts to implement the Roadmap to Make El Salvador a Country Free of Child Labor and its Worst Forms (Roadmap). The committee is chaired by the Ministry of Labor and Social Welfare (MTPS) and includes 12 government agencies, along with representatives

from labor union organizations, business associations, and NGOs.(33, 34) The National Roundtable to Combat the Commercial Sexual Exploitation of Children coordinates efforts to address child sexual exploitation, and it includes the Attorney General's Office (AGO), the National Civilian Police (PNC), and the Legislative Assembly. The National Council against Human Trafficking (National Council) directs efforts to combat trafficking in persons. It is led by the Ministry of Justice and Public Safety and includes five other government agencies.(23, 35)

In 2012, the CONNA continued to implement the LEPINA, working with different government agencies to coordinate activities, establishing local committees for the rights of children throughout the country, and carrying out a study on the conditions of children in El Salvador(17). Despite these efforts, challenges remain. The CONNA has neither sufficient resources to consolidate its structure nor has it developed interagency mechanisms to define roles and coordinate efforts to combat child labor and protect children's rights.(17, 36)

The MTPS, the AGO, and the PNC investigate cases of child labor. The MTPS has a unit that monitors child labor, carries out awareness-raising campaigns, trains labor inspectors on child labor issues, and provides information to the labor inspections unit, which subsequently carries out investigations.(17, 37) The MTPS has 120 labor inspectors who cover all types of labor violations in the formal sector (registered enterprises), including child labor.(17) The Government allocated more than \$1.6 million to labor inspections in 2012. However, the MTPS acknowledged that it does not have sufficient resources to fully enforce labor laws.(17)

During the reporting period, the MTPS developed a new labor inspection intake form to improve labor inspection procedures. The form includes questions related to child labor and incorporates a labor trafficking component into the labor inspections.(23, 38) A 2009 ILO report on labor inspections in El Salvador states that the inspection process can entail multiple visits and requires the Ministry of Economy and the AGO to issue fines rather than enabling the MTPS inspectors to do so. As a result, the process of issuing penalties for violations can take up to 6 months.(30)

In 2012, the MTPS performed 24,359 targeted labor inspections in the formal sector, including 378 inspections on sugarcane plantations and 179 inspections on coffee farms. In addition, 20 child labor-specific inspections were carried out,

and as a result the MTPS identified five children engaged in child labor and imposed two fines.(4) The Ministry of Health identified 105 children engaged in child labor.(17) However, there is no information available about whether these children were removed from child labor and received any social services. Further, it is unknown how the high number of inspections conducted by each MTPS inspector may impact the quality of such inspections.

The AGO and the PNC enforce laws against the worst forms of child labor and have special units to investigate cases of commercial sexual exploitation and human trafficking, including child trafficking.(17, 37) The PNC coordinates an emergency hotline that receives complaints about commercial sexual exploitation and human trafficking, and the Salvadoran National Institute for the Full Development of Children (ISNA) assists victims of child commercial exploitation and trafficking.(17)

In 2012, PNC made improvements to the emergency hotline. It increased the number of operators from 12 to 28, it expanded its coverage to all 14 main cities, and it improved equipment and communication technologies. The ISNA identified 62 child victims of commercial sexual exploitation.(17, 39-41) However, there is no information about whether these cases were investigated or prosecuted. During the reporting period, the AGO also investigated 60 cases of human trafficking, including 24 related to child trafficking. Of the 60 cases, five went to trial; as a result, 11 individuals were convicted and sentenced to between eight and 22 years in prison.(17, 23) The ISNA provided social services to 17 of the 24 victims of human trafficking.(17)

In 2012, government officials received training on how to identify and assist human trafficking victims. Benefiting institutions included the Ministries of Governance, Education, Health, Justice and Public Security, Tourism, and Foreign Affairs; the Solicitor's Office; Women's Institute; Ombudsman for Human Rights Office; the AGO; and the ISNA. The Government also partnered with INTERPOL and the Governments of Costa Rica, Guatemala, Honduras, Nicaragua, Mexico, and the United States to investigate cases of human trafficking.(23)

In 2010, the UN CRC reported that law enforcement officials do not receive adequate training and resources to combat the commercial sexual exploitation of children, including child pornography.(42) In 2011, the UN Special Rapporteur on the sale of children, child prostitution, and child pornography

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pointed out that lack of evidence is one of the major obstacles to investigating cases of child pornography in El Salvador. Evidence that could be used by investigators is limited because Internet service providers, cell phone operators, and search engines are not required to keep information for a sufficient period of time to allow its use in investigations.(43)

## Government Policies on the Worst Forms of Child Labor

The Roadmap is the main policy framework to eliminate the worst forms of child labor. Its goal is to eliminate the worst forms of child labor by 2015 and all child labor by 2020.(44) During the reporting period, the Government, with the support of the ILO, developed an operational plan (2012-2014) to implement the Roadmap. This plan includes three focus areas—rights protection, human development, and knowledge and awareness-raising—and establishes specific goals, indicators, and activities for 10 government agencies.(45) An estimated \$10 million is required to carry out the plan, which is already part of these agencies' budgets.(46)

The Government of El Salvador has included child labor in its 5-Year Development Plan (2010-2014) and its policies for Inclusive Education, Early Childhood Education, and Health.(17, 47-49) The Government continues to implement the National Youth Policy (2010-2024), which outlines El Salvador's strategy to provide integrated social services to youth. One of its goals is to provide vocational training and create 50,000 temporary jobs for youth.(50)

In 2012, the Government established a new policy to combat human trafficking, which includes child commercial exploitation and child sex tourism. This policy adopts a comprehensive definition of human trafficking that includes trafficking for the purpose of sexual exploitation, labor exploitation, begging, pornography, and sex tourism.(23, 51) Its main components include prevention, prosecution, interagency coordination, international cooperation, anti-corruption, and victim assistance.(51)

In 2012, the Government released the results of the 2011 Household Survey and School Registration Census. The Household Survey shows an increase of 6.4 percent in the number of children who work from 2010 to 2011, while the School Registration Census indicates an increase of 18 percent in the number of children who both go to school and work from 2010 to 2011.(17, 52, 53) The Government attributes this increase to the impact of the 2011 tropical depression 12-E that affected several provinces of El Salvador.(52, 54)

During the reporting period, the Governments of El Salvador and the United States continued to implement their Partnership for Growth Agreement to promote broad-based economic growth in El Salvador, with a focus on human capital development and crime prevention, including preventing youth from joining gangs.(55, 56)

In August, the Government of El Salvador participated in the Meeting of Labor Ministers of Central America, Belize, and the Dominican Republic to highlight good practices and lessons learned.(57) At the end of the meeting, the ministers signed the Panama Declaration, committing themselves to country-specific actions to eradicate the worst forms of child labor. For example, El Salvador committed to strengthen Labor Inspectorate processes regarding child labor.(57)

El Salvador monitors child labor through its National Household Survey, the Ministry of Education's School Registration Census and the Ministry of Health's intake forms.(17, 58) However, the Government has not yet conducted in-depth research on hard-to-reach populations, such as children involved in commercial sexual exploitation or illicit activities.(59)

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

In 2012, the Government raised awareness of child labor, provided services to children vulnerable to child labor, and partnered with civil society organizations to combat the problem.(17, 38, 60) During the reporting period, the ISNA raised awareness in schools, reaching out to more than 10,000 children, and provided services to 13 children engaged in child labor. The Government also conducted awareness-raising campaigns to prevent child labor, commercial sexual exploitation, and child trafficking.(23, 60, 61)

Since December 2011, the Government has participated in a 4-year, \$14 million, USDOL-funded project to combat child labor in El Salvador, which builds upon El Salvador's social protection programs and contributes to the U.S.-El Salvador Partnership for Growth initiative. The child labor project supports the implementation of the Roadmap, strengthens municipal capacity to combat child labor, and provides educational services to 13,000 children who work or are at risk of working, while offering livelihood alternatives for 6,500 households.(26, 62) During the reporting period, the project and the ISNA published a child labor baseline study of the municipality of Juayúa, which provides a snapshot of child laborers and their households, and will be used by the municipality to develop actions to address child labor.(3, 46)

The project also supported the Salvadoran Ministry of Economy's efforts to set up an online information system that will monitor the implementation of the Roadmap.(46)

In 2012, the Government of El Salvador participated in multiple regional projects to eradicate child labor in Latin America, funded by the Government of Spain.(63) It continued to partner with Plan International to combat child labor in markets and street vending in the province of La Libertad. This initiative helped six municipalities develop child labor policies and provided educational services to 676 children in this province.(64, 65)

To combat poverty, the Government of El Salvador continues to operate social programs, including Solidarity Communities, a conditional cash-transfer program that supplements household income and provides basic social services to vulnerable families in the poorest municipalities.(49, 66) More than 100,000 families have benefited from the program, and 98 percent of children ages 7 to 12 whose families participate in the program are enrolled in school.(67) The Government continues to carry out programs that provide individual temporary income support and vocational training to youth and female heads of households.(66)

El Salvador continues to implement the Let's Go to School program to improve access to, and the quality of, education. In 2012, it provided uniforms, scholarships, textbooks, and meals to more than 1.3 million children.(68, 69) In addition, during the reporting period, the Government began to provide

meals to an additional 140,000 children enrolled in secondary education.(69) According to the Government, although the Let's Go to School program has expanded basic education coverage to 93 percent, gang violence has hindered efforts to increase school enrollment and decrease dropout rates.(25, 70) With the support of the World Bank, USAID, UNICEF, and the Italian Development Agency, the Government of El Salvador began to expand the full-time school model in 2013 to 900 schools, which will benefit 913,000 students and 28,000 teachers. This educational model increases the school week from 25 to 40 hours and incorporates academic and extracurricular activities.(48, 71, 72)

The Government continues to carry out the School Prevention and Security Plan to address gang-related violence in schools by facilitating collaboration among the Ministries of Education and Justice, the National Police, and schools.(73, 74) In 2012, 180 at-risk schools participated in this initiative. Some schools carried out activities such as developing school protection and conflict resolution manuals for teachers, while others carried out initiatives to prevent truancy and desertion.(69, 73)

In 2012, the Inter-American Development Bank approved a \$45 million loan to support El Salvador's efforts to prevent youth violence. Among its objectives, this initiative will provide age-appropriate job opportunities to youth ages 15 through 24 who do not go to school or work.(75) The Government partners with USAID to improve youth access to employment opportunities; more than 4,400 youth have benefited from this initiative.(76)

### **Based on the reporting above, the following actions would advance the elimination of the worst forms of child labor in El Salvador:**

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Increase fines for violations of labor laws, including child labor.	2009, 2010, 2011, 2012
	Strengthen penalties to combat human trafficking, including child trafficking.	2012
Coordination and Enforcement	Provide sufficient funding to fully implement the LEPINA.	2012
	Continue to strengthen interagency mechanisms to protect the rights of children, including those directed at child labor.	2012
	Provide sufficient funding to the MTPS to enforce labor laws fully.	2010, 2011, 2012
	Systematically maintain and make publicly available data on child labor inspections, investigations, the number of children rescued, social services offered, and sanctions for violations.	2009, 2010, 2011, 2012

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Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	<p>Strengthen enforcement of child labor and other laws by</p> <ul style="list-style-type: none"> <li>• Streamlining the labor inspection process and the issuance of fines.</li> <li>• Training and providing sufficient resources to law enforcement officers to combat child labor, including child commercial sexual exploitation.</li> <li>• Determining whether the inspection ratio for each MTPS inspector is appropriate to ensure the quality and scope of inspections.</li> </ul>	2009, 2010, 2011, 2012
	<p>Establish a code of conduct for Internet service providers, cell phone operators, and search engines to combat child pornography by reporting cases, blocking sites, and retaining information for investigations.</p>	2009, 2010, 2011, 2012
Social Programs	<p>Carry out research on child labor and conduct studies on children involved in commercial sexual exploitation, street work, domestic service, and illicit activities.</p>	2009, 2010, 2011, 2012
	<p>Continue improving children's access to education by</p> <ul style="list-style-type: none"> <li>• Expanding childcare centers for working mothers to allow girls to go to school.</li> <li>• Ensuring that schoolchildren are safe in schools.</li> </ul>	2011, 2012

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