

In 2013, Guatemala made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government approved an action plan that outlines specific steps for Government agencies to take from 2013 to 2015 to meet the goals set out in its flagship child labor policy, the Roadmap toward the Elimination of Child Labor in Guatemala. The Government also increased its efforts to enforce child labor law by carrying out significantly more inspections than the previous year, allocating additional resources to labor enforcement, and rescuing 159 child victims of human trafficking. In addition, inter-agency committees at the departmental level took actions to combat child labor, such as withdrawing children from work in garbage dumps. However, children in Guatemala continue to engage in child labor, primarily in agriculture. Lack of Government resources, lack of Labor Ministry authority to impose fines, and inadequate judicial enforcement of court orders remain key challenges for enforcement efforts regarding the worst forms of child labor. None of the 346 child labor cases referred to the labor courts in 2013 resulted in an employer sanction. Guatemala also lacks Government programs targeting sectors in which children are known to engage in exploitative labor, such as domestic service, mining, quarrying, and construction.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Guatemala are engaged in child labor, primarily in agriculture.(1) Data from the Government’s 2011 National Survey of Living Conditions (ENCOVI) indicate that two-thirds of child workers reside in rural areas, particularly in the Western Highlands.(2) Government data also indicate that more than half of working children in Guatemala are of indigenous heritage.(3) Table 1 provides key indicators on children’s work and education in Guatemala.

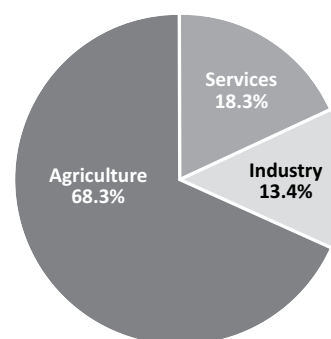
Table 1. Statistics on Children’s Work and Education

Children	Age	Percent
Working (% and population)	7-14 yrs.	13.4 (414,250)
Attending School (%)	5-14 yrs.	83.7
Combining Work and School (%)	7-14 yrs.	9.6
Primary Completion Rate (%)		87.7

Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2014.(4)

Source for all other data: Understanding Children’s Work Project’s analysis of statistics from ENCOVI Survey, 2011.(5)

Figure 1. Working Children by Sector, Ages 7-14



Based on a review of available information, Table 2 provides an overview of children’s work by sector and activity.

Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Agriculture	Planting and harvesting coffee, sugarcane, corn, beans,* and broccoli (6-9)
	Production of rubber* and timber* (8)
	Harvesting palm kernels and producing palm oil* (10)

Guatemala

MODERATE ADVANCEMENT

Table 2. Overview of Children’s Work by Sector and Activity

Sector/Industry	Activity
Industry	Mining† and quarrying† (1)
	Construction, activities unknown (1)
	Manufacturing gravel† and fireworks† (1, 8, 11)
Services	Domestic servicet (1, 7, 8)
	Street work,† including vending, performing,* begging* and shoe shining (3, 8)
	Collecting garbage* and working in garbage dumpst (1, 8)
Categorical Worst Forms of Child Labor‡	Forced labor in garbage scavenging,* street begging, street vending and agriculture* (8, 12, 13)
	Used in the production of pornography* (14-17)
	Commercial sexual exploitation sometimes as a result of human trafficking (12, 13)
	Criminal and gang recruitment for illicit activities such as stealing,* transporting contraband† and illegal drug activities* (8)

* Evidence of this activity is limited and/or the extent of the problem is unknown.

† Determined hazardous by national law or regulation as understood under Article 3(d) of ILO C. 182.







‡ Child labor understood as the worst forms of child labor *per se* under Article 3 (a)–(c) of ILO C. 182.

According to Government statistics, over the last 12 years, the proportion of children working in the manufacturing and construction sectors has steadily decreased, while the proportion of children working in mining, quarrying, and agriculture has increased.(1) Guatemalan children are trafficked for commercial sexual exploitation and forced labor internally, as well as to Mexico, the United States, and, to a lesser extent, other foreign countries.(12, 18)

II. LEGAL FRAMEWORK ON THE WORST FORMS OF CHILD LABOR

Guatemala has ratified all key international conventions concerning child labor (Table 3).

Table 3. Ratification of International Conventions on Child Labor

Convention	Ratification
 ILO C. 138, Minimum Age	✓
 ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
 UN CRC Optional Protocol on Armed Conflict	✓
 UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

Standard	Yes/No	Age	Related Legislation
Minimum Age for Work	Yes	14	Article 102 of the Constitution; Articles 31 and 150 of the Labor Code (19, 20)
Minimum Age for Hazardous Work	Yes	18	Article 148 of the Labor Code (19)
List of Hazardous Occupations Prohibited for Children	Yes		Ministerial Agreement 154-2008 (21)
Prohibition of Forced Labor	Yes		Article 4 of the Constitution; Article 202 of the Penal Code; Law against Sexual Violence, Exploitation, and Trafficking in Persons (20, 22, 23)
Prohibition of Child Trafficking	Yes		Law against Sexual Violence, Exploitation, and Trafficking in Persons (22, 23)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Law against Sexual Violence, Exploitation, and Trafficking in Persons (22, 23)

Table 4. Laws and Regulations Related to Child Labor (cont)

Standard	Yes/No	Age	Related Legislation
Prohibition of Using Children in Illicit Activities	Yes		Article 27 of the Penal Code; Law against Sexual Violence, Exploitation, and Trafficking in Persons (22, 23)
Minimum Age for Compulsory Military Recruitment	Yes	18	Law of Integral Protection of Children and Adolescents (24)
Minimum Age for Voluntary Military Service	Yes	18	Law of Integral Protection of Children and Adolescents (24)
Compulsory Education Age	Yes	15	Article 74 of the Constitution (20, 25)
Free Public Education	Yes		Article 74 of the Constitution; Article 1 of Government Agreement 226-2008 (20, 26)

Guatemalan law is not fully consistent with international standards regarding child labor. Article 150 of the Labor Code allows the Ministry of Labor and Social Security (MTPS) to authorize children under age 14 to work under exceptional circumstances, including if the MTPS determines that the child must work to support his or her family due to poverty. However, in 2006, the President's Office and the MTPS signed a Government Agreement reiterating the Labor Code's prohibition of the employment of children under age 14 and committing the MTPS to grant exceptions to the minimum working age only in very special cases.(27)

III. ENFORCEMENT OF LAWS ON THE WORST FORMS OF CHILD LABOR

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

Organization/Agency	Role
Ministry of Labor and Social Security (MTPS) Office of the Inspector General	Enforce child labor laws, including prohibitions on children engaging in the worst forms of child labor.(28) Inspect businesses for the worst forms of child labor and respond to child labor complaints. Refer children engaged in hazardous work to government social services.(29-31) Establish a period for employers to remedy the violations found. Refer cases of violations that are not remedied within the specified time period to labor courts, which review the cases and impose sanctions, since the MTPS does not have authority to directly fine employers for violating the Labor Code.(1, 19)
MTPS Adolescent Workers Protection Unit	Receive child labor complaints and refer them to the Office of the Inspector General.(28) Coordinate services for children in Guatemala City found to be engaged in hazardous work.(31)
Secretariat of Social Welfare and Departmental Social Welfare Offices	Establish and manage a national protocol for identifying and assisting child victims of commercial sexual exploitation.(32) In the case of Departmental Offices, coordinate services for children outside of Guatemala City found to be engaged in hazardous work.(31)
National Civil Police	Maintain a hotline to receive reports of suspected child trafficking cases, a special unit for sex trafficking, and another for forced labor.(13) Investigate cases of child trafficking, including commercial sexual exploitation and forced labor.(13, 18)
Public Ministry, Public Prosecutors' Office	Maintain an Anti-Human Trafficking Unit, which conducts investigations on all forms of trafficking in persons, including child trafficking for commercial sexual exploitation and forced labor.(14, 18, 33)
Human Rights Ombudsman	Receive complaints regarding the exploitation of children, including commercial sexual exploitation and forced labor.(12)
Solicitor General's Office	Receive complaints regarding the exploitation of children, including commercial sexual exploitation and forced labor.(12, 18) Also initiate legal proceedings to seek orders of protection for children in cases of violation of criminal law and ensure the legal representation of children whose rights have been infringed.(14) Maintain a Child Rescue Unit that assesses the situational risk of children whose rights have been violated, including whether the children should remain with family members, and request appropriate protection measures.(14)

Labor Law Enforcement

In 2013, the MTPS employed approximately 300 inspectors throughout Guatemala.(3) Of these, approximately 20 inspectors were dedicated solely to child and adolescent worker issues.(2, 3) The MTPS trained labor inspectors on human trafficking, the worst forms of child labor, and forced labor.(3) The Labor Inspectorate had a budget of approximately \$3.6 million in 2013, an increase from approximately \$3.1 million in 2012.(3) However, labor

Guatemala

MODERATE ADVANCEMENT

inspectors, especially outside of Guatemala City, still lack necessary resources, such as vehicles and fuel, to carry out sufficient inspections.(8, 34, 35)

According to the MTPS, in 2013, 161 inspectors participated in 7,398 inspections of industries and areas that are at high risk of employing child labor, a significant increase from 1,883 such inspections in 2012.(1, 36) Information was not available on the number of child laborers found by MTPS, or on the services provided to them. As a result of these inspections, the MTPS referred 346 employers to labor courts for child labor violations, an increase from 86 employers in 2012.(1, 34) As of early 2014, labor courts had not yet sanctioned any of the 346 employers.(36) In general, in Guatemala there are significant delays in penalizing employers for labor law violations because the MTPS cannot directly impose fines and must transfer cases of violations to the labor courts.(28, 31, 34, 37)

In 2013, the Guatemalan Government and the United States Government signed an Enforcement Action Plan that specifies a set of actions for the Guatemalan Government to broadly improve the enforcement of labor rights.(3)

Criminal Law Enforcement

In 2013, the National Civil Police maintained a team of approximately 50 investigators specializing in human trafficking.(3) These investigators participated in a 1-month course on trafficking.(3) In addition, the Public Ministry doubled the size of its Anti-Trafficking Unit to include more than 24 staff members, including appointing a new senior prosecutor dedicated solely to forced labor and labor trafficking cases and adding additional attorneys and support staff to its Anti-Trafficking Unit.(3, 18)

In 2013, the Government reported rescuing 159 child victims of trafficking in persons.(18, 38) The Government received 271 complaints regarding trafficking in persons, an increase from 197 complaints received in 2012; however, these data do not distinguish between adult and child trafficking cases.(12, 38) The Public Ministry continued to support 128 ongoing investigations related to trafficking in persons, and it filed charges against 62 individuals for trafficking-related crimes.(38) The Government continued to investigate five ongoing cases related to adults and children subjected to forced labor as of the end of 2013.(18)

The National Civil Police continues to require additional staff and resources to enforce criminal laws relating to the worst forms of child labor.(18) Despite progress over the preceding year, Guatemala continues to have limited avenues for the public to submit complaints and reports of crimes related to the sale of children, child prostitution and trafficking, and child pornography.(14, 18) Additionally, the Government's investigations into these crimes are sometimes of poor quality, though the quality of investigations is improving.(14, 18)

IV. COORDINATION OF GOVERNMENT EFFORTS ON THE WORST FORMS OF CHILD LABOR

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

Coordinating Body	Role & Description
National Commission for the Eradication of Child Labor (CONAPETI)	Coordinate Government policies and efforts to combat child labor.(1) Led by the Vice President's Office and composed of several government ministries, including the MTPS and the Ministry of Social Development (MIDES), as well as representatives from industry associations and trade unions.(1, 2, 28)
Departmental Commissions for the Eradication of Child Labor (CODIPETIs)	Coordinate government efforts to combat child labor at the departmental or regional level. Composed of department-level representatives of the agencies that form the CONAPETI.(3)
MTPS Executive Secretariats	Operate nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on child labor.(28)
Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET)	Coordinate all Government efforts against trafficking in persons, including the commercial sexual exploitation of children and forced child labor.(12, 18) Operates under the auspices of the Vice President's Office.(12)

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor (cont)

Coordinating Body	Role & Description
Inter-Institutional Commission against Trafficking in Persons (CIT)	Develop and manage initiatives to combat human trafficking.(14) Coordinated by SVET and co-chaired by the Ministry of Foreign Affairs, and includes 28 government and civil society institutions.(12, 18)

In 2013, the National Commission for the Eradication of Child Labor (CONAPETI) met twice, though a technical-level secretariat within the CONAPETI met every month.(3) The CONAPETI also provided training to all of the 12 existing Departmental Commissions for the Eradication of Child Labor (CODIPETIs).(3) The CODIPETIs took actions to reduce child labor, such as enrolling families at risk of child labor in Government assistance programs, withdrawing children from work in garbage dumps, and passing municipal directives regarding child labor.(3) In 2013, the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons received a budget of approximately \$1.1 million, an increase from \$650,000 in 2012.(39) The Inter-Institutional Commission against Trafficking in Persons met on a monthly basis in 2013.(18)

The UN Special Rapporteur on the sale of children, child prostitution, and pornography has noted that Guatemala lacks effective coordination among government actors who provide services and protection to children whose rights have been violated.(14) However, in 2013 there was a marked increase in cooperation between government and civil society actors involved in the provision of services to, and protection of, child victims as compared to previous years.(18)

V. GOVERNMENT POLICIES ON THE WORST FORMS OF CHILD LABOR

The Government of Guatemala has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

Policy	Description
Roadmap toward the Elimination of Child Labor in Guatemala	Aims to end the worst forms of child labor in Guatemala by 2015 by integrating child labor into anti-poverty, education, and health programs.(1, 40) Calls for legal reform to eliminate exceptions to the minimum age in the Labor Code.(37)
Action Plan to Make Guatemala Free from the Worst Forms of Child Labor for 2013–2015†	Specifies actions for Government agencies to implement the Roadmap toward the Elimination of Child Labor in Guatemala for 2013–2015. In 2013, Government developed a monitoring system for the Action Plan with the assistance of the NGO Catholic Relief Services.(3)
Protocol for Providing Comprehensive Healthcare to Children and Adolescents in the Worst Forms of Child Labor	Requires public health workers to input information about any child whose injuries may have been labor-related into a database. Implemented by the Ministry of Public Health and Social Assistance.(1, 34)
Intra-institutional Coordination Protocol to Assist Child Laborers	Sets guidelines for MTPS inspectors to identify child laborers, remove children from the worst forms of child labor, and coordinate services for such children with other government agencies.(21)
Public Policy on Human Trafficking and the Comprehensive Protection of Victims (2007–2017)	Includes a National Plan of Strategic Action that directs the Government's actions on preventing and combatting human trafficking.(14)
MOU between El Salvador and Guatemala on Protecting Trafficking Victims and the Illicit Trafficking of Migrants	Establishes actions for the Governments of Guatemala and El Salvador to improve the protection of trafficking victims and reduce the trafficking of migrants along the Guatemala-El Salvador border. Includes a focus on improving services for children.(14, 41)
Central American Regional Coalition to Combat Human Trafficking	Aims to improve government and civil society efforts to combat human trafficking in Central America.(14) Includes the participation of civil society organizations and the national police and public prosecutor offices of Central American governments, including the Government of Guatemala.(42)
Urban Social Protection Strategy	Includes the goals of keeping children from engaging in street work and increasing training and employment opportunities for youth.(1)

† Policy was launched during the reporting period.

Guatemala

MODERATE ADVANCEMENT

VI. SOCIAL PROGRAMS TO ADDRESS THE WORST FORMS OF CHILD LABOR

In 2013, the Government of Guatemala funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

Program	Description
My Rights Matter	\$4.2 million USDOL-funded, 4-year project implemented by Catholic Relief Services to withdraw children or prevent them from entering the worst forms of child labor, which concluded in October 2013.(43) Provided education programs in 141 public schools in the departments of San Marcos and Totonicapán, resulting in the withdrawal of 6,695 children from hazardous labor and the prevention of 3,319 children from entering hazardous labor. Helped the national and local governments integrate child labor issues into public policies.(43)
Conditional Cash Transfer Program (Mi Bono Seguro)*‡	MIDES program that provides cash assistance to families with school-aged children, conditioned on children's school attendance.(1, 34) Serves approximately 758,000 families.(1, 34)
Food Assistance Program (Mi Bolsa Segura)*‡	MIDES program that provides food assistance to poor families, with the requirement that their children attend school.(1, 34) In 2013, assisted approximately 197,000 families.(44)
Young Protagonists (Jóvenes Protagonistas)*‡	MIDES program that provides at-risk adolescents with training and formative activities outside of school hours.(1) In 2013, was regularly attended by approximately 30,000 youth.(45)
School Assistance*‡	Ministry of Education programs that provide children with school supplies, food, and transportation assistance to promote school attendance and retention.(1) Includes a program for students who have fallen behind in their educational attainment, with a particular focus on child workers.(31)
My First Employment (Mi Primer Empleo)*‡	MIDES program that places working-age youth in apprenticeship programs and provides them with on-the-job training and a monthly stipend. In 2013, aimed to serve 50,000 youth.(34, 46)
Zero Hunger Pact (Pacto Hambre Cero)*‡	Government programs to combat malnutrition, increase access to education, and reduce the economic vulnerability of approximately 701,000 families. Has a total budget of \$252.7 million.(1, 47)
TIP Referral and Grant Funding‡	Government program that provides funding to NGOs to provide shelter and services to child victims of sex trafficking.(13)
Education and Monitoring Program for the Eradication of Child Labor	\$1.3 million Government of Spain-funded, 2-year project implemented by ILO-IPEC that aims to strengthen public policies and government capacity to combat child labor in 19 countries in the Americas, including Guatemala. Includes the objective of developing information systems on the worst forms of child labor.(48)

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Guatemala.

In 2013, the Government's primary anti-poverty programs, the conditional cash transfer program (*Mi Bono Seguro*) and the food assistance program (*Mi Bolsa Segura*), were criticized for mainly assisting families that live in easier-to-reach urban municipalities rather than assisting the poorest families who live in more remote, rural municipalities.(3, 49) The MTPS noted that these deficiencies were due in part to operational challenges faced by the Ministry of Social Development, which was newly created in 2012 and continued the process of establishing itself during the reporting period.(18) Additionally, although the Government of Guatemala has implemented programs to address the worst forms of child labor in domestic service and agriculture, large numbers of children, particularly indigenous children, continue to perform hazardous work in these sectors. Research found no evidence of Government programs specifically designed to assist children performing hazardous work in mining, quarrying, construction, or in gravel and fireworks production.

VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE THE WORST FORMS OF CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Guatemala (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

Area	Suggested Action	Year(s) Suggested
Laws	Prohibit exceptions to the minimum age for work within Article 150 of the Labor Code that are inconsistent with international standards.	2010 – 2013
Enforcement	Continue to dedicate more resources to labor inspections, including vehicles and fuel, particularly for inspections outside of Guatemala City.	2009 – 2013

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

Area	Suggested Action	Year(s) Suggested
Enforcement	Eliminate significant delays in the process for penalizing labor law violators, including in cases of child labor, at a minimum, by enacting legislation authorizing the MTPS to make fine recommendations and expediting the process for the judiciary to adopt such recommendations, issue fines, order and enforce remediation of labor law violations.	2012 – 2013
	Make information publicly available on whether employers have been sanctioned for child labor violations, have paid the fines imposed, and have remedied the underlying violations.	2011 – 2013
	Continue to dedicate more resources to law enforcement agencies responsible for receiving complaints and investigating child commercial sexual exploitation, forced labor, trafficking, and violations of child labor laws.	2013
	Dedicate more resources and staff to the National Civil Police to improve enforcement of criminal laws related to the worst forms of child labor.	2013
Coordination	Continue to augment coordination efforts to institutionalize relationships between civil society representatives and government agencies that provide services to child victims of the worst forms of child labor.	2013
Social Programs	Improve the geographical coverage of existing anti-poverty programs to ensure the programs reach families living in both urban and rural areas.	2013
	Expand social programs targeting the worst forms of child labor in agriculture and domestic labor, with a particular focus on indigenous children.	2010 – 2013
	Initiate social programs to address child labor in mining, quarrying, construction, and manufacturing, particularly in gravel and fireworks production.	2009 – 2013
	Assess the impact that existing social programs may have on addressing child labor.	2009 – 2013

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Guatemala

MODERATE ADVANCEMENT

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