

In 2012, Guatemala made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government collected and published data on the prevalence and nature of child labor for the first time since 2006 and used this data to begin updating its national strategy to combat child labor. The Ministry of Labor significantly increased the number of inspectors dedicated exclusively to child labor issues and increased the number of inspections and legal proceedings against employers for child labor violations. The Government implemented a new \$11 million food assistance program for poor families, conditioned on school attendance. Some provisions in the Labor Code allow exceptions to the minimum age for work that are inconsistent with international standards. Guatemala lacks government programs targeting sectors in which children are known to engage in exploitative labor, such as mining, quarrying, and construction. Children continue to engage in the worst forms of child labor, especially in hazardous activities in agriculture and manufacturing.



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children in Guatemala are engaged in the worst forms of child labor, primarily in hazardous activities in agriculture and manufacturing. (3, 4) Children plant and harvest coffee, sugarcane, corn, and broccoli, which involve carrying heavy loads, exposure to extreme weather, and handling hazardous tools. (5-9) Though evidence is limited, there are reports that children handle hazardous tools and substances in the production of beans, as well. (7, 9) Children are also reportedly subjected to forced labor in agriculture, though public information is not available on the goods these children produce. (10)

The majority of child labor occurs in agriculture in rural areas. (4) 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 southwest and western highlands. (4, 11) ENCOVI data also indicate that approximately 60 percent of working children in Guatemala are of indigenous heritage. (4)

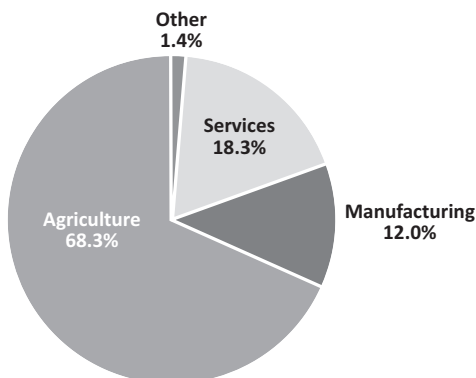
Children, primarily indigenous girls, also work in third-party homes as domestic servants. (4, 8, 9) Children working as domestic servants often work long hours, are at risk of burns, and may be isolated in private homes and susceptible to physical and sexual abuse. (4, 8, 9, 12) ENCOVI data estimate that 35,587 children worked as domestic servants in 2011. (4) Some of these children work in conditions of forced labor. (10)

Children carry out hazardous activities in mining, quarrying, and construction, as well. (4) The 2011 ENCOVI survey

Statistics on Working Children and Education

Children	Age	Percent
Working	7-14 yrs.	13.3 (414,250)
Attending School	5-14 yrs.	83.7
Combining Work and School	7-14 yrs.	9.6
Primary Completion Rate		85.7

Working Children by Sector, Ages 7-14



Sources:

Primary completion rate: Data from 2010, published by UNESCO Institute for Statistics, 2013. (1)

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

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estimates that 33,380 children work in mines and quarries, 12,672 children work in transportation, and 11,269 children work in construction. Work in mines, quarries, and in construction is principally carried out by boys.(4)

Children are also involved in dangerous activities in manufacturing. Many indigenous children are reportedly exposed to dangerous machinery in flower and vegetable packaging.(6) Children handle hazardous tools and substances in the manufacture of gravel and fireworks.(6, 9, 13-15) According to Government statistics, over the past twelve 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.(4)

In urban areas, children also work in hazardous conditions in garbage dumps; there are reports of forced child labor in some municipal dumps.(4, 9) There are also reports that children are exploited for forced labor in street begging and peddling.(9, 10)

Children are trafficked to, from, and within the country for commercial sexual exploitation and labor exploitation.(10, 16) Guatemalan children are found in commercial sexual exploitation within the country, as well as in Mexico and the United States.(10) Commercial sexual exploitation of children occurs largely in Guatemala City and in the border regions with Honduras and Mexico. Child sex tourism occurs primarily in the cities of Antigua, Puerto Barrios, Río Dulce, around Lake Atitlán, the Petén, and Guatemala City.(10, 16) Limited evidence indicates that criminals and gangs also recruit children for illicit activities such as stealing, transporting contraband, commercial sexual exploitation, and illegal drug activities.(9)

Laws and Regulations on the Worst Forms of Child Labor

The Constitution and the Labor Code set the minimum age for employment at 14.(17, 18) 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 child must work to support his or her family due to poverty, which is inconsistent with international standards. In 2006 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.(17, 19, 20) During the reporting period, the MTPS did not grant any work

authorizations to children under age 14, though the law still would have permitted the Ministry to do so.(21)

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	15
	Free Public Education	Yes

Guatemala’s Labor Code sets the minimum age for hazardous work at 18.(17) Guatemala has also adopted Ministerial Agreement 154-2008, a comprehensive list of hazardous occupations in which children under age 18 are prohibited from working.(22) These include working with explosive or toxic substances, mining, working with machinery, working underwater, domestic labor, working with agrochemicals or garbage, carrying heavy loads, using dangerous tools, working in the street, working in bars or in other establishments where alcoholic beverages are served, and working in illicit occupations such as producing and trafficking drugs.(22)

The Constitution and the Penal Code specifically prohibit forced labor.(18, 23) The Law against Sexual Violence, Exploitation, and Human Trafficking prohibits child pornography, including its production, distribution, and possession; it also establishes penalties for procuring, inducing, facilitating, and benefiting economically from child prostitution.(23, 24) The Law also prohibits trafficking in persons—including trafficking for the purposes of forced labor and sexual exploitation—and provides stiffer penalties for the trafficking of minors.(24) The Penal Code provides for increased sentences for criminals that involve minors in illicit activities.(23)

The Law of Integral Protection of Children and Adolescents sets the minimum age for service in the military at 18.(25) Guatemala sets the compulsory age for education at 15.(18, 26) The Constitution and Government Agreement 226-2008 provide for free public education through secondary school.(27)

Institutional Mechanisms for Coordination and Enforcement

The Government's National Commission for the Eradication of Child Labor (CONAPETI) is charged with coordinating government policies and efforts to combat child labor.(4) The CONAPETI is a tripartite commission led by the Vice President's Office and is composed of several government ministries, as well as representatives from commercial associations and trade unions.(4, 11, 28) In 2012, the CONAPETI met 12 times.(4) The CONAPETI has committed to creating departmental coordinating committees on child labor issues. During the reporting period, committees were formed in 12 of Guatemala's 22 departments.(4) Four departments created local work plans to prevent and eliminate child labor.(4)

The MTPS operates nine Executive Secretariats throughout the country that work to coordinate the efforts of NGOs and local government agencies on child labor.(28) In addition, the Government has designated the Secretariat against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) 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.(10) The SVET coordinates the Inter-Institutional Commission against Trafficking in Persons (CIT), which is chaired by the Ministry of Foreign Affairs and includes the participation of seventeen governmental and civil society institutions.(10) Though the CIT is mandated to meet monthly, during the reporting period it met approximately four times.(10) In 2012, the SVET received a budget of \$650,000, about the same funding level it was allocated in 2011.(10) During the reporting period, the Government approved an increase in SVET's funding for 2013, for a budget of approximately \$1 million.(21)

The Office of the Inspectorate General of Labor is responsible for enforcing child labor laws, including prohibitions on children engaging in the worst forms of child labor.(20, 28) The Office of the Inspector General and MTPS's Adolescent Workers Protection Unit (UPAT) receive child labor complaints via telephone, in writing, through the MTPS's Web site, and in person at the MTPS or at one of its 24 regional offices.(20, 28) UPAT refers child labor complaints to the Office of the Inspector General.(28) Inspectors who

find children engaged in hazardous work are required to refer them to government social services, establish a time period for remedying the violation, and refer the case to labor courts for the appropriate sanction if the violation has not been remedied within the specified period.(4, 17) In Guatemala City, services for children are coordinated by UPAT, while cases outside of the capital are referred to departmental social welfare offices.(20)

The MTPS requires all inspectors to inspect for the worst forms of child labor and to respond to child labor complaints, if received.(20, 29, 30) In 2012, the MTPS employed a total of 328 inspectors throughout Guatemala, a substantial increase from 218 inspectors in 2011.(31) Of these, 20 inspectors are dedicated solely to child and adolescent worker issues, an increase from 12 part-time inspectors during the previous reporting period.(11) In 2012, the MTPS carried out training on child labor law for inspectors in Guatemala City, Quetzaltenango, and Chiquimula.(4)

During the reporting period, the MTPS estimates that 151 inspectors participated in 1,883 MTPS inspections targeting child labor, an increase from 1,205 inspections in 2011. Of those inspections, 190 were part of a special operation targeting garbage dumps, and 557 targeted facilities where fireworks are produced or sold.(4) As a result of these inspections, in 2012 the MTPS referred 86 employers to labor courts for child labor violations, an increase from 26 employers in 2011.(4, 31) Information was not available on the number of child laborers found by MTPS, the services provided to them, or whether employers were penalized or paid fines for child labor violations during the reporting period.

During the reporting period, Guatemala allocated additional resources for the enforcement of labor laws, including for the hiring and training of 100 new inspectors in August 2012, the hiring of five new attorneys in September 2012, and the acquisition of 20 vehicles. Inspectors and vehicles appear to have been distributed in areas of greatest need, with a particular focus on helping inspectors reach the most remote and difficult to access areas.(32) Notwithstanding the additional resources, labor inspectors, including those responsible for responding to child labor complaints, still face resource challenges in carrying out inspections, particularly outside Guatemala City.(32) As a result, they cannot carry out sufficient inspections.(9, 11, 31) The MTPS cannot fine employers for violating the Labor Code; instead it relies on labor courts to impose sanctions for violations that the MTPS identifies and then transfers to the courts, which significantly delays the process of penalizing violators.(20, 28, 31, 33, 34)

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Allocating additional resources for the MTPS was one of many steps discussed during the negotiation of a comprehensive Enforcement Plan to resolve a labor case brought by the United States against Guatemala under the Dominican Republic-Central America-United States Free Trade Agreement, alleging failure by Guatemala to effectively enforce its labor laws.(32)

Child trafficking and commercial sexual exploitation investigations are primarily handled by police and public prosecutors.(35) In August 2012, the Supreme Court ordered the creation of two new tribunals, which will specialize in crimes related to the Law Against Sexual Violence, Exploitation, and Human Trafficking.(4) During the reporting period, the National Civil Police provided investigators with a 3-month certification course on sexual violence and human trafficking, increasing the number of investigators specializing in these topics from 5 to 60.(4) In June 2012, the Public Ministry created a special prosecutor's office dedicated to human trafficking, which includes a subsection on sexual exploitation and one on child labor, with the aim of strengthening the Public Ministry's efforts to address these problems.(21, 31) In August 2012, the National Civil Police created a Special Department for the Investigation of Sexual Crimes.(4) Suspected cases of child trafficking can be reported through a hotline maintained by the National Civil Police.(21, 36)

From January to December 2012, the Government received 197 complaints regarding trafficking in persons, a significant decrease from the 354 complaints received from January to October 2011; however, these data do not distinguish between adult and child trafficking cases.(10) During the reporting period, the Human Rights Ombudsman Office received 25 complaints of the commercial sexual exploitation of children, two complaints of the recruitment of minors for organized crime, and one complaint related to the use of children in pornography.(10) In 2012, the Public Ministry opened 20 investigations related to human trafficking, resulting in criminal charges in 13 cases.(4)

Government Policies on the Worst Forms of Child Labor

During the reporting period, the Government continued to implement a Roadmap toward the Elimination of Child Labor in Guatemala, which aims to end the worst forms of child labor by 2015.(4, 37) The roadmap integrates child labor into anti-poverty, education, and health programs. 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.(34) During the reporting period, the MTPS coordinated with the NGO Catholic Relief Services to develop a monitoring tool to record progress and achievements toward the specific objectives laid out in the roadmap.(4) In addition, the CONAPETI led meetings with several government agencies to update the roadmap based on the new data on child labor, which was collected and analyzed by Guatemala's National Statistics Agency during 2011 and 2012.(4) This was the first time the National Statistics Agency had published data on child labor in Guatemala since 2006.(4)

The MTPS has an Intra-institutional Coordination Protocol to Assist Child Laborers, which sets guidelines that MTPS employees can use to identify child laborers and sanction their employers.(22) The Government's Secretariat of Social Welfare has a national protocol in place for identifying and assisting child victims of commercial sexual exploitation.(38) In 2012, the MTPS signed an agreement with the Telefónica Foundation to carry out joint actions to prevent and eradicate child labor at the national, departmental, and local levels.(4) In June 2012, the Ministry of Public Health and Social Assistance launched the Protocol for Providing Comprehensive Healthcare to Children and Adolescents in the Worst Forms of Child Labor.(4) The protocol requires public health workers to register any child whose injuries may have been labor-related into a data system that has been made available to the ILO to monitor child labor cases in Guatemala.(31) During the reporting period, the Government launched the Urban Social Protection Strategy, which includes the goals of keeping children from engaging in street work and fomenting training and employment opportunities for youth.(4)

In February 2012, the Government announced a \$252.7 million new initiative called the Zero Hunger Pact, a set of programs to combat malnutrition and reduce the economic vulnerability of approximately 701,000 families. The initiative includes the goal of broadening access to education for marginalized children.(4, 39) The Government also announced it will implement programs and make investments to boost and diversify agricultural production in the most remote rural areas of the country, including technical training for farmers.(40) Also during the reporting period, Legislative Decree 1-2012 was passed, establishing the Ministry of Social Development to oversee the implementation of social programs aimed at assisting impoverished and vulnerable populations.(4) The question of the impact of these policies on child labor does not appear to have been addressed.

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

Since 2009, the Government of Guatemala has participated in a 4-year, \$4.2 million USDOL-funded project that uses education and vocational training strategies to withdraw 5,720 children from and to prevent 3,600 children from entering hazardous work in agriculture, child domestic labor, and the urban informal sector.⁽⁴¹⁾ With the support of the Government, the project is implementing education programs in 141 public schools in areas with high rates of indigenous populations and child workers in the departments of San Marcos and Totonicapán.⁽⁴²⁾ The project provides working and at-risk children with bilingual education services, after-school tutoring, vocational training, and assistance to educators in rural multi-grade schools.⁽⁴¹⁾ The project works with local governments and civil society organizations to help integrate child labor issues into local-level public policies, as well.⁽⁴³⁾ In 2012, the project also provided technical assistance to CONAPETI’s departmental coordinating committees on child labor, assisting some committees in creating action plans.⁽⁴⁴⁾

The Ministry of Social Development implemented several programs targeting impoverished and marginalized children. The My Secure Subsidy program, formerly the My Family Progresses program, provides cash assistance for families with school-aged children, conditioned on children’s school attendance; in 2012, the program provided approximately \$107 million in cash transfers, assisting 757,752 families.^(4, 31) The My Secure Grant program provided approximately \$13.5 million worth of food assistance to poor families with the requirement that their children attend school. The Ministry of Social Development also implemented the Young Protagonists program, formerly the Open Schools

program, which in 2012 provided 475,692 at-risk adolescents with training and formative activities outside of school hours, an increase from approximately 270,000 adolescents assisted in 2011.⁽⁴⁾ The effect of these programs on child labor has not yet been studied.

In 2012, the Ministry of Education provided approximately 2.7 million children with school supplies, food, and transportation assistance to promote school attendance and retention.⁽⁴⁾ The Ministry of Education also continued to implement a program for students who have fallen behind in their educational attainment, with a particular focus on child workers.⁽²⁰⁾ In 2012, the MTPS launched the My First Employment program, which places working-age youth in apprenticeship programs and provides them with on-the-job training and a monthly stipend.⁽³¹⁾ The program’s objective is to serve 20,000 youth.⁽³¹⁾

During the reporting period, the Government provided limited funding to NGOs that provide shelter and services to child victims of sex trafficking.⁽²¹⁾ In 2012, the Government referred approximately 55 child trafficking victims to such NGOs.⁽¹⁰⁾

Although the Government of Guatemala has implemented programs to address the worst forms of child labor in domestic service, agriculture, urban informal work, and commercial sexual exploitation, the programs do not sufficiently address the large numbers of children—particularly indigenous children—that perform hazardous work in these sectors. In addition, research found no evidence of government programs to assist children performing hazardous work in mining, quarrying, construction, or in gravel and fireworks production.

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

Area	Suggested Actions	Year(s) Action Recommended
Laws and Regulations	Prohibit exceptions to the minimum age for work within the Labor Code that are inconsistent with international standards.	2010, 2011, 2012
Coordination and Enforcement	Continue to dedicate more resources to labor inspections, particularly for inspections outside of Guatemala City.	2009, 2010, 2011, 2012
	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, and order remediation of labor law violations.	2012

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Area	Suggested Actions	Year(s) Action Recommended
Coordination and Enforcement	Make information publicly available on whether employers have been sanctioned for child labor violations, paid the fines imposed, and remedied the underlying violations.	2011, 2012
Government Policies	Assess the impact that existing anti-poverty policies, such as the Zero Hunger Pact, may have on addressing child labor.	2012
Social Programs	Expand social programs targeting the worst forms of child labor in agriculture, urban informal work, commercial sexual exploitation, and child domestic labor, with a particular focus on indigenous children.	2010, 2011, 2012
	Initiate social programs to address child labor in mining, quarrying, construction, and manufacturing, particularly in gravel and fireworks production.	2009, 2010, 2011, 2012
	Assess the impact that existing social programs may have on addressing child labor.	2009, 2010, 2011, 2012

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