



**INTER-AMERICAN CHILDREN'S INSTITUTE
(IIN)
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PROGRAM FOR THE INTEGRAL PROMOTION OF CHILDREN'S RIGHTS

PROTOTYPE ON TARGETED PUBLIC POLICIES FOR CHILDREN

**INTRODUCTION TO CHILD LABOUR
IN LATIN AMERICA**

Supporting Document

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INTRODUCTION

If one examines child labor from a quantitative point of view, it becomes evident that it has acquired a magnitude that cannot longer be ignored by those who have responsibilities towards children. Household surveys have gathered statistics that demonstrate the cruel reality of this problem, which until recently was unknown. The *International Labor Organization* (ILO) estimates that there are 250 million child workers in the world and approximately 18 million are Latin-Americans, between the ages of 10 and 14, working under dangerous or hazardous conditions¹. Unfortunately, because the real dimensions of this problem were not known until recently, there were no specific strategies that would challenge it effectively.

On the other side, from a qualitative point of view, child labor is about human beings; that is people whose fundamental rights are violated by the many degrading forms of labor that exist throughout the contemporary world. Children are subjects of rights in the process of development and thus highly vulnerable who have become objects of other people's interests including, most of the time, their own biological parents. Therefore, from a qualitative point of view, this is what the problem of child labor implies.

The vast international mobilization, evidenced during the last few years and which includes the Conferences in Amsterdam, Oslo or Cartagena de Indias, the impact of the Global March² and the expectation generated by Convention N°182 of the ILO (the elimination of the worst forms of child labor), has elevated *child labor* to the top of the political agenda of governments, international organizations, labor unions and non-governmental organizations (NGOs).

The objective of this report about *Child Labor in Latin America* is to gather information about the existing debate in these countries and, according to the available information, present and share the advances and the national public policies that have been produced with relation to the subject.

It is also important to point out that this report is based on the work done by research institutions³ associated with the *Regional Information System on Child Labor* (SIRTI). Therefore, the observations and analysis made do not necessarily coincide with the position of the ILO, which follows-up the advancement of national policies and programs for the eradication of child labor. Also, the elimination of child labor motivates the *Inter-American Children's Institute* (IIN) to participate by diffusing these subregional reports with the hopes that they are beneficial to those who feel the need to solve this problem, which could easily undermine the bases of democratic living if left unsolved.

¹ Victor E. Tokman (1998) *Child Labor* Geneva: International Labor Organization. Reports N° 74, 75 & 77. "Child Labor: United Vision" <http://www.casa-alianza.org/ES/human-rights/labor-exploit/overview.shtml> November 21, 2000

² The Global March against Child Labor is an international movement devoted to give each child the opportunity to live and grow without the burden of having to work. www.globalmarch.org/main.html January 17, 1998

³ The organizations and institutions that participated are the following: SUMAMPA (Argentina), CONSEIL (Bolivia), ABRINQ Foundation for Children's Rights (Brazil), Labor Economy Program (Chile), National Coordination IPEC (Colombia), DNI-Costa Rica (Costa Rica), IINFA (Ecuador), Salvadorian Institute for the Protection of Children (El Salvador), W&C Professional Services (Guatemala), ANDAR Association (Honduras), Labor Ministry (Nicaragua), IPEC Central American Subregional Coordination (Panama), CIRD (Paraguay), CESIP (Peru), Dominican PROJOVEN (Dominican Republic), United Children (Uruguay), Mendoza Foundation (Venezuela).

ARGENTINA

CONCEPTUALIZATION

In the framework of the transformations that Argentina's economy has been undertaking, the insertion of children into the labor market poses new challenges. On the one side, in a large and expanding sector of Argentine society, there is the increased need to incorporate children, from an early age, into the labor force in order to contribute to the family income. As confirmed by research studies, poor families have become more deprived and the number of households with insufficient income to cover basic needs has grown. Consequently, the percentage of working children and of children looking for employment has increased, inverting the declining tendency that had been previously observed. On the other side, it is well known that in the context of an unfavorable situation in the labor market, there is the increased presence of those who are forced to accept unfavorable working conditions, which may be hazardous or dangerous.

The main cause of child labor is poverty and thus poor families are forced to use the labor of all their members, even those who are very young, in order to survive. In the case of the child whose family ties have been severed, to find a job is an individual and unavoidable survival option. Therefore, child labor is a daily reality, but whose magnitude, characteristics and tendencies are not sufficiently known, due to its relative invisibility, diversity and complexity of its forms. Also, child labor is not defined, internationalized, nor recognized in the same manner by official institutions, non-official institutions, parents and children themselves, which increases the invisibility of this problem.

Among the many implications of child labor, those relating to the education and the professional training of the child are most important. Child labor may lead to absolute or functional illiteracy, school desertion and low quality learning. Also, it is a dangerous source for the integrity, the physical, psychological and social development of the child, which in most cases deteriorates the child's health and life in general. Given the child's frailty, inexperience and lack of information or knowledge on the matter, child workers face greater risks than adults do carrying out similar tasks. For that reason, the early incorporation of children into the labor force is a premature waste of human resources.

The working child, whether a wage earner or an independent worker and regardless of legal provisions, has no protection in relation to his/her safety and health. The protection of the child, who works in the family enterprise with no remuneration, depends on the parents. This situation may create problems for the child whose parents are not registered as employers or workers or whose social security protection is reduced.

The problems that child labor creates impel society to become fully aware of them and to actively seek their solution. For that reason, a nation-wide discussion should be promoted to delineate the current situation, trends, forms and implications of the problems that arise in this field.

LEGISLATION

The work that children perform is regulated by the norms of the Constitution, the *Convention on the Rights of the Child*⁵, the ratified ILO Conventions, the provisions contained in articles 187 to 195 of the Consolidated Labor Laws, provisions from the old Labor Act, Employment Act N° 24.013 (contracts, apprenticeship, occupational and vocational training) and related clauses found in labor agreements.

Prior to the Constitutional Reform of 1994, the provisions of the Contract Act, and the norms of the ratified ILO Conventions, which were equivalent to the law at the time, constituted the core dispositions on child labor. The adoption of new constitutional laws enhanced not only the contents of these provisions, but also modified, in a substantial manner, the hierarchy of the child labor norms.

⁵ *In the Convention on the Rights of the Child, signed in 1989, governments vow to protect children from economic exploitation and from performing jobs that could be hazardous or dangerous for the child's health and/or for the physical, mental, spiritual, moral, or social development of the child.*

Argentina has ratified the following ILO conventions on child labor:

- ?? N° 5 minimum age (industry 1919)
- ?? N° 7 minimum age (sea 1920)
- ?? N° 10 minimum age (agriculture 1921)
- ?? N° 33 minimum age (non-industrial employment 1932)
- ?? N° 138 minimum for admission to employment (1973)

The last Convention on child labor (N° 138) establishes, as a general principle, that the minimum age for admission to employment shall not be less than the age of completion of compulsory schooling or in any case less than the age of 15 (article 2.3). However, in ratifying the Convention, Argentina made use of the option provided in article 2.4, which authorizes the “member, whose economy and educational tools are underdeveloped, after consulting the interested organizations of employers and workers, to specify the minimum age for admission as 14”.

OFFICIAL STATISTICS

The early incorporation of children into the labor force is associated with poverty. In Argentina, 25.5% of children (14 year olds), who belong to households with unmet basic needs (i.e.: sanitary conditions, school attendance, economic dependence, etc.) or to households that were structurally poor, were economically active in 1991, whereas only 11% of working children belonged to households without unmet basic needs.

Regardless, the marked differences in the age of admission, whether rich or poor, become more acute at the younger levels. The information obtained from the 1991 Population & Housing Census on the incorporation of adolescents into the labor force clearly demonstrates the age differences among rich and poor children. This is very important because it is not the same to work for many hours at the age of 7 or 8 than it is to work at the age of 11, 12, or 14, 15 and older. It should be noted that in rural areas, where the incidence of structural poverty is more widespread, child labor is very common.

The incidence of child labor is significantly different in urban and rural areas. It is much higher in rural than urban areas. According to the 1991 National Population Census, 30.5% of 14 year-old children were economically active in rural areas, where as only 11.7 % in urban areas.

The frequent development of complementary self-consumer activities to meet basic needs, which cannot be met through the market because of very low income, also facilitates and stimulates the use of child labor. The lack of basic services, its difficult access and the way in which certain essential elements must be obtained and used, require an intensive use of family labor to acquire and to use such services, like in the case of water, fuel and wood, among others. The care of children, which are relatively more numerous in rural areas, often falls into the hands of their siblings who are not much older. As a result, school assistance and/or access for a significant segment of the rural population may become somewhat difficult.

A significant percentage of children who live on agricultural farms work on a permanent basis. According to the last National Agricultural Census administered in 1988, the number of children (under 14) working permanently in farms was 43,399 (an increase of 11.5% between 1969 (2.7%) and 1988 (14.2%)). This percentage, which represents children working permanently in agriculture, is an indication of the economic significance of child labor in the sector.

In spite of the fact that statistics tend to minimize the social weight of child labor, and without taking into account the estimates used in the production for self-consumption and domestic work, it is estimated that in 1995 more than 16,000 children under 13 worked. If 14 year- old children are taken into account, the number of economically active children increases to more than 252,000. Even though, the incidence of child labor is lower than in other Latin-American countries, a considerable number of children still work in Argentina. Argentina is placed eleventh in descending order of child labor incidence. However, such incidence is less significant than in neighboring countries such as Chile, Uruguay or Cuba.

Poverty is the principal factor that drives families to incorporate children into the labor force from an early age. Frequently, the work of children intensifies their vulnerability and the sufferings imposed by the conditions in which they live. In many cases, work not only inhibits their personal development, but also causes stress at school, which hinders school achievement. Considerable numbers of child workers are subjected to distress, severe risks and hazardous conditions that affect their health. Regardless, a large proportion of these children must perform this work to help their family survive and they do so by assisting their parents, who work for low-wages and/or in family enterprises.

NATIONAL POLICY

The current democratic stage established in Argentina in 1983 had to adjust the definition of its social policy vis-a-vis a scenario where one of the worse political crisis was evolving. State resources diminished and expenses increased for the growing demands of various social sectors.

With regards to public efforts directed at children, no significant changes were made to social spending, particularly in the areas of health and education, in the period 1983-1987. However, this tendency should be interpreted in the framework of the severe limitations that were imposed by the crisis to public expenditure, particularly social expenditure.

With the purpose of ensuring appropriate medical care to all child workers, it is highly advisable that labor unions incorporate these children to their social security system without having to be registered. However, if these benefits may not be provided *in situ*, then child workers should receive such care from public health services. Nonetheless, in order to accomplish the purpose for which they have been created these services should have a greater coverage and efficiency.

LABOR UNIONS & NGOs

In Argentina, labor unions express that it is fundamental to secure the protection of children, the respect of protection norms, the adequate development of children and their education. Leaders of the *General Labor Confederation* (CGT) state that besides their organization's position about minimum age for admission to employment, education, health care, child development and their protection, it is important to keep in mind the social activities that these labor unions carry out. According to the CGT, the main cause of child labor is unequal economic relationships, which generate social injustices, deepen inequality and poverty, thus increasing exclusion and marginality.

The worsening condition of the last few years is closely related to the increase of the unemployment rate. Many of the children who work in the informal sector today are children of unemployed parents, reaffirming the exclusion circuit. With parents being excluded from work and with children being excluded from school, not only has child labor increased, but illegal occupations, such as child prostitution, child pornography and drug trafficking, have increased as well.

Moreover, besides the Church, several non-governmental organizations carry out promotion and support activities in deprived and unprotected areas, which often put children at risk. Since 1984, NGOs have been carrying out outreach actions throughout Argentina, particularly in large urban centers, to address the problems of the most impoverished groups.

However, the efforts of NGOs working with abandoned and neglected children are presently more unsuccessful than in past years. On the one hand, this is because the external aid that initially supported these organizations has diminished significantly, and on the other, the population at risk is increasing as a result of the restrictive policies on social expenditure at the national and provincial levels.

NGOs in Argentina take action in different fields, mainly urban and rural promotion, people's education and other research studies, but none focuses on child labor. Nevertheless, outside the network, it is possible to identify some NGOs that provide family support in cases where children face problems with their own families.

According to NGOs, child labor has to do with the conditions imposed by the concurrence of two factors. On the one hand, the economic dynamic and the unfavorable evolution of the labor market,

which create unprotected conditions of poverty and extreme poverty for a large segment of families. On the other hand, the restriction of social policies, particularly those that are long-term and structured on the basis of clear objectives and criteria.

BRAZIL

CONCEPTUALIZATION

Since the times of colonization during the 16th century until practically the end of the 19th century (1530-1900), black and indigenous children (7 and 8 years old) were incorporated to their parent's work as "helpers". After that age, these children were considered adults and thus begun to work with other adults, predominantly in agriculture. The higher classes of society did not work (adults and children alike) because work was a "thing" for inferior beings. Prior to the end of the 19th century, Brazilian society started to change with the arrival of European and Japanese immigration because it brought new manpower to the cultivation of coffee and industry, which were dominated by men. Women and young girls, on the contrary, started to work in the textile factories that emerged in urban areas around 1840s.

Child workers were usually recruited from asylums and/or charity institutions and most often their salaries were less than those earned by men. At that time, child labor was seen as a counterpart to nomadic life and thus various training institutes and seminaries for children began to emerge within the demand production. However, at the beginning of the 20th century, professionals (i.e.: doctors, lawyers, politicians) and industrialists came together to demand a legislation that would regulate the work of women and children and that would protect them against exploitation. Therefore, because child labor was being questioned at that time, technical-professional training schools were created in order to regulate it.

The process of gradual urbanization, since the beginning of the century until the decade of the 1950's, increased the number of children living on the streets as well as the informal activities of the service sector. Between 1950 and 1970, Brazil experienced an intense process of industrialization and urbanization. During the 1970's, the inequality of income among the labor force increased, which, as a result, created a massive integration of women and children. Consequently, child labor was not longer tied to the family unit or "enterprise", but was divided between the rural, industrial and service sectors.

Today, child labor is mostly characterized by its invisibility due to the fact that most of the activities that children carry out are not seen by their families or society as "work" and thus are excluded from official statistics and social studies. A good example is domestic work. Data from the IBGE/1990 confirms this invisibility, particularly for the 47.4% of children between the ages of 10 and 14 who "assist" their parents in different types of work.

LEGISLATION

Brazil has ratified the following international conventions on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 5: minimum age (industry 1919)

?? N° 6: night work of young persons (industry 1919)

?? N° 7: minimum age (sea 1920)

?? N° 16: medical examination of young persons (sea 1920)

?? N° 29: forced labor (1930)

?? N° 105: abolition of forced labor (1957)

?? N° 124: medical examination of young persons (underground work 1965)

The *Federal Constitution* was decreed in 1988 and article N° 7 enumerates all the rights that apply to child labor, including minimum age, prohibited labor and salary discrimination based on age. Article N° 227 established the right to a profession and paragraph N° 3 defines minimum age, guarantees labor rights, social security and access to school.

The *Children & Adolescents Statute* (CAS, Law N°8.069/90) reserved a special chapter (Chapter 5) for child labor. This chapter includes the right to a profession (article 60), to be protected at work

(article 69), and the prohibition to work before the age of 14, unless it is an internship or a professional training course. Also, the CAS prohibits night work (between 10 p.m. and 5 a.m.), work that may intervene with school participation and/or work that may be hazardous or dangerous for the physical, psychological, moral, and social development of the child.

The *Consolidation of Labor Laws* (CLL) is a group of laws, decree-laws, proclamations, resolutions and other norms. These laws focus on the subject of services, unhealthy and dangerous places, security, health, apprenticeship, the universalization of the right to a profession and the right to be protected at work for children and adolescents.

With regards to the projects on child labor that have been discussed in Congress since 1997 (approximately more than 12 projects), they confirm that there is political will, from the part of Parliament and the Executive power, to improve the legislation for the elimination of child labor.

OFFICIAL STATISTICS

The Monthly Investigation of Employment and the National Investigation of Household, which are administered annually using 25% of the demographic census as a base, provide the data used.

The Statistics Institute includes in the labor force those individuals who were employed, unemployed, who were looking for employment when the inquest was held, and who are older than 10. This criteria, without a doubt, underestimates the magnitude of child labor for the following reasons:

- ?? Children in poor communities start to work around the ages of 7 or 8
- ?? In countries where unemployment is structural, the search for employment could be interrupted and this investigation could be administered during one of these intervals.
- ?? Developing countries, most of the time, have an important part of their population outside of the formal means of job searching.

For these and other reasons the data presented could underestimate the magnitude of child labor. It is estimated that around 12% of the Brazilian labor force are children and adolescents between the ages of 10 and 17 (approximately 7.5 million). Close to 40% are between 10 and 14 (age which is prohibited under the constitution for children to work) and non-official data exists for children younger than 10.

The 10-14 age group reported an activity rate three times lower than the higher age group and its participation in the labor market decreased by 1.7% (from 18.9% in 1981 to 17.3% in 1990). On the contrary, the 15-17 age group increased its participation by 2.1% during the same years. It went from 48.3% at the beginning of the decade to 50.4% at the end of the same (IBGE, 1992).

In rural areas is where child labor is most visible (approximately 40%), followed by the service sector (20%), industry (14%), commerce (12%), construction (4%) and others (8%).

Lastly, it is important to point out that even though the majority of child workers receive some sort of remuneration, in the 10-14 age group, there is a high percentage (43.3%) of children who are not remunerated at all (1989). Though this number is lower for the 15-17 age group, the rural areas hold a higher percentage (46.9%) of non-remunerated workers. In other words, in the agricultural sector the non-remunerated workers represent 2 of every 3 children.

With regards to school assistance, gender, race and family in Brazil, the situation of child workers is similar to that of other Latin-American countries. Child workers tend to drop out of school at an earlier age. Boys work more often than girls, except when it is domestic work; black children work more often than non-black children; and the poorer the family, the more likely it is to use child labor as a means of survival. For such reason, it is often said that child labor is closely tied to poverty.

NATIONAL POLICY

In August of 1995, the government established the “*General Governing Boards for Basic Public Policies on Health, Education, Social Assistance, Labor and Protection*”. These governing boards, particularly those in the area of labor, have the following objectives:

- ?? To know the working conditions of children and adolescents in the areas and sectors where the economic activity of children is most concentrated.
- ?? To eliminate the work of children under the age of 14.
- ?? To fight against the different forms of economic exploitation that child workers experience.
- ?? To stimulate family programs that generate income in areas where illicit activities predominate.
- ?? To protect the child worker (between 14 and 18) through the promotion of labor laws and the implementation of such laws.
- ?? To improve labor laws directed at children and adolescents, fitting health and security norms to his/her condition of person in development.
- ?? To promote the ratification of convention N° 138 of the ILO, which defines the age of 15 as the minimum age for admission to employment in industrialized countries and the age of 14 in other countries. Also, this convention prohibits jobs that could threaten the health, security or moral of children under the age of 18.
- ?? To guarantee the frequency of professional training courses, making sure that these take into account regional heterogeneity and local vocations that relate to the labor market.
- ?? To encourage professional training programs for unemployed adolescents or adolescents who search for their first job, taking into account the compatibility of their study hours and their work.
- ?? To encourage programs and projects that have as an objective the modification of the actual framework of the informal market, stimulating the formation of cooperatives and micro-enterprises, among others.
- ?? Try, through different means, to get the judicial sector, social advocates, other agents and the Brazilian population in general, involved in the fight against child labor and the labor exploitation of adolescents.

LABOR UNIONS & NGOs

The organizations of workers, such as the *General Confederation of Workers* (CGT), the *National Confederation of Workers in Agriculture* (CONTAG) and the *Labor Union Force*, among others, have been carrying out actions (i.e.: sensitization, mobilization, direct actions directed at children and adolescents) since 1992. These organizations were responsible for diffusing the subject of child labor to labor unions and society in general.

These organizations of workers expanded their daily activities with information cards, bulletins and radio programs to help diffuse the objectives and mechanisms of prevention for the elimination of child labor.

Similarly, it is important to point out the fundamental role that the NGOs have played in this struggle. Non governmental organizations were the organizations that fought more intensely to denounce and fight against child labor exploitation and the concerns that arise from the same. Also, these organizations were the ethical and political promoters of the *Child & Adolescent Statute*.

Lastly, NGOs carry out activities that include non-formal education, pre-vocational training, rehabilitation of exploited children, family reintegration and the promotion and protection of the rights of children and adolescents.

CHILE

CONCEPTUALIZATION

Several studies emphasize the heterogeneity observed in child labor. Sometimes, it is visible and in other occasions it is concealed. Some children work in structured sectors of the economy but the majority works in the informal sector. Certain jobs do not inhibit social insertion or the training of children, but a considerable number of jobs lure children away from schools and do not provide adequate training. Some children only work during summer vacations, but others work all year round. Activities may be carried out together with parents or relatives, but children may also work on their own or for a third party. They may receive fixed wages or payment “by the job” as the employer may determine.

With regards to social strata, child workers are mostly found among the poorest. This takes into account the fact that most children work to contribute to the meager family income. In absolute terms, the highest rate of child workers (15 to 17 years) is found in households with low income: 30.7% are in the first quintile and 82.4% in the first three quintiles.

In the case of remunerated work, it is important to consider the size of the establishment where the child works. Large enterprises have greater levels of formality, better salaries and more qualified manpower; whereas small businesses are more informal, manpower is not as qualified and salaries are lower. However, between large industries and small workshops there is a close relationship that arises from the externalization of the productive process of certain lines of business, such as clothes and shoes manufacturing, packaging (envelopes, boxes), etc.

LEGISLATION

The Chilean State has ratified 8 ILO Conventions that are directly associated with child labor (N° 5, 6, 7, 10, 15, 16, 20 and 29). These conventions are the oldest and date back to the beginnings of the ILO. With regards to Convention N° 138 (minimum age of admission to employment) of 1973, there is a recent commitment from the part of the Chilean government to congress its ratification.

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 5 minimum age (industry 1919)

?? N° 6: night work of young persons (industry 1919)

?? N° 7: minimum age (sea 1920)

?? N° 10: minimum age (agriculture 1921)

?? N° 15: minimum age (trimmers and stokers 1921)

?? N° 16: medical examination of young persons (sea 1921)

?? N° 20: night work (bakeries 1925)

?? N° 29: forced labor (1930)

In 1989, the Chilean State ratified the *Economic, Social and Cultural Rights Pact*, which establishes that “children and adolescents must be protected against social and economic exploitation. The employment of children in jobs that are hazardous for their moral, health or normal development will be sanctioned by the law”.

Labor legislation does not cover most widespread modalities of child labor. It only deals with remunerated labor, that is, where a contract exists, which does not happen with children who work on their own or as unpaid help. Consequently, it is quite irrelevant to measure the “effectiveness” of the law when the legislator has yet to establish the law as the regulator of this area.

Presently, Congress is considering making some amendments to the legislation on child labor. One of these amendments intends to elevate the minimum age of admission from 14 to 15. Another proposes to clarify the restrictions, which are somewhat ambiguous, for the hazardous work that children under the age of 18 perform. However, there is no indication that the entire legal text would be modified.

OFFICIAL STATISTICS

In Chile, there are no specific studies showing the actual dimension of child labor; but the Ministry of Labor has initiated a very precise national study on the subject.

According to the official statistics of 1996, there are 1.3 million children living in poverty, that is, 33.4% of the population under the age of 15. Two percent of the population between the ages of 12 and 14 was part of the labor force in 1996, 3.6% indicated that they had worked at least once and the incidence of child workers is higher in rural areas (4.0%) than in urban areas (3.5%). Of the total, most child workers are found in commerce (53.1%), followed by agriculture, hunting and fishing (22.3%).

In rural areas, it is necessary to differentiate between the presence of children in modern sectors and in traditional sectors. Traditional agricultural production, which is basically subsistence farming, concentrates an important proportion of child workers. However, the continuous crisis that this sector faces, leads to the temporal or permanent migration of manpower, particularly child workers. As a result, productive activities and housework becomes the responsibility of the family members who stay behind. In some cases, the cyclical nature of agricultural work makes it possible for children to work and to study, though with high absenteeism rates during harvesting season.

On the contrary, modern agricultural production includes a wide variety of market-oriented activities, which are elaborated by specialized enterprises. These activities are carried out during specific times of the year, when the demand for manpower, particularly young workers, grows intensely. Some studies have demonstrated that the period with greater child labor growth is December to March (with some differences depending on the product), which alters school attendance only in the period when there are no vacations.

The remunerated work of children in modern agricultural production is temporary, being mostly concentrated in the summer months, which as a result does not directly affect school attendance. However, labor obligations include long working days, which could reach 10 to 12 hours a day. In addition to physical effort, modern agricultural production introduces the use of pesticides. The demand of quality for the fruits to export, the inadequate legal regulations on the subject and the pressure to obtain financial benefits in the short term have lead to the extensive use of toxic chemicals, which affect the children who manipulate the fruit.

NATIONAL POLICY

Until recently, the jurisdiction of governmental institutions on child labor was not clear. In Chile, the *Ministry of Planning and Cooperation* (MIDEPLAN) is responsible for the elaboration and the coordination of social policies; it is also responsible for coordinating the *National Plan for Children* and for the evaluation and follow-up of the International Convention on the Rights of the Child. However, this National Plan does not specifically address the subject of child labor.

The *National Service for Minors* (SENAME), under the supervision of the *Ministry of Justice*, is responsible for the protection and the assistance of children who are not under parental custody, who have behavioral problems or who are in conflict with the law. The many and varied functions of the SENAME, which combine administration of justice along with social assistance and protection of children at risk, allow it to participate openly in the debate on the subject. This role was confirmed with the active participation of the Minister of Justice in the *Summit on Children* held in Oslo.

Up to mid-1996, the *Ministry of Labor* never addressed the subject of children. In the coordination meetings of the *National Plan for Children* and in the sensitization and dissemination campaigns on children and their rights, this Ministry was absent. However, this absence changed in August 1996 when a decree, which created the permanent *National Advisory Committee for the Eradication of Child Labor and the Protection of Child Workers*, was signed. However, although this committee officially consists of representatives of governmental and non-governmental institutions, and representatives of employers and workers organizations, it does not have executive status nor its own resources and only acts as advisor to the government on this subject.

LABOR UNIONS & NGOs

The formal relationship that exists between labor unions and child workers is subject to some legal considerations. The current Labor Code recognizes the right of persons under 18 to join any labor union without authorization. The child needs authorization from his/her parent or guardian to be hired, but once hired, he/she can freely decide to join a union. Similarly, the child does not need authorization to participate in the management and the negotiations of the union. However, the law states that to become a union leader the person must be 18 or older.

According to data from 1993, there are nearly 450 NGOs in Chile. These organizations address subjects such as poverty, unemployment, marginality, discrimination, human rights, environmental issues, health, ethnic minorities, education and local development. Very few work with children on “survival strategies”, instead these organizations prefer subjects such as child abuse and the promotion of children’s rights. Also, the organizations that did work with “survival strategies” at one time or another no longer exist or have modified their original orientation.

With the occasion of the ratification by the Chilean State of the *Convention on the Rights of the Child* in 1990, the NGOs that promote children’s rights came together to form the *National Support Group for the Convention* (GAN). Their goal was to coordinate actions and ensure follow-up on and compliance with the established agreement. Nonetheless, the operation of this group has not been regular and the subject of child labor has not been addressed due to the fact that there are no institutions that would make the subject a priority.

There is no institution devoted exclusively to child workers. The projects analyzed are developed by NGOs with wide objectives. Some have worked off and on with child workers, because of funding problems; others have only recently incorporated the subject to their agenda. There are NGOs that assist children who are at risk and those that are interested in becoming involved with child workers (as they are the beneficiaries of the programs), but these NGOs have yet to begin their work. Other NGOs have undertaken research on the subject and have carried out training and sensitization courses for monitoring agents, union workers and the public in general.

PARAGUAY

CONCEPTUALIZATION

Labor substantially hinders the possibilities to study because 4 out of 10 child and adolescent workers do not go to school as compared to 1 out of 10 who do not work. The quantification of child and adolescent workers is difficult due to the lack of consensus about what defines “child labor” and what the age limit of the group is, as well as due to the scarcity of official statistics about the problem.

The *1995 Household Survey* registered, for the first time, labor from the age of 7, as opposed to age 10 as it was previously registered, covering nearly the entire national territory. However, not all these special tabulations register child labor from age 7, most publications register only the labor of children who are 10 or older; thus underestimating the magnitude of the problem. Also, the concept of labor used in this survey was very broad, including work that is performed in a few hours and activities that are usually not considered work, such as housework, which is predominantly done by girls, and agricultural activities in rural areas. The inclusion of these activities as “work” was significant because their purpose is to provide a service for other persons or institutions, regardless of compensation. Therefore, the *1995 Household Survey* was a milestone as compared to previous surveys in relation to the concepts of labor, age and geographical coverage.

The broad conceptualization of labor allows to include the “invisible” work of children and does not limit it to the work that street children do, which is the most widespread. With regards to the existence and operation of child labor, it is not possible to affirm that it only has one cause. In some cases, among others, it responds to the survival needs of low-income families, which must rely on the work of all their members to cover basic needs; that is, labor is part of the survival strategies of these families.

Other causes would be cultural, particularly in rural areas, where families, even if they are not poor, resort to their children and adolescents for assistance. In this scenario of family protection, there is a positive social valuation of child labor, but this is negative if work is performed away from home and away from family protection. This basically refers to child labor on the streets.

The increased number of child workers is a reality that becomes more visible every day. Although, child labor is not new, because it has existed in rural and urban areas (in the form of unpaid housework) for a long time, since 1982 and as a result of economic stagnation, child labor has become associated with street labor.

The lack of consensus about the concept of child labor makes it difficult to measure, thus creating high levels of sub-registration and under-valuation. These conceptual problems, however, are not exclusive to research; these rest on strong social and legal foundations, which are based on the dominant rationality of society. The legal dimension of the conceptual problem is evidenced in the ambiguity of the normative framework that relates to labor and to the protection of children in special situations, which in turn condition action policies with the same ambiguity.

LEGISLATION

Paraguay has ratified the following international conventions and national legal instruments on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N°29: forced labor (1930)

?? N°60: minimum age revised (non-industrial employment 1937)

?? N° 79: night work of young persons (non-industrial employment 1946)

?? N°105: abolition of forced labor (1957)

?? N°123: minimum age (underground work 1965)

?? N° 124: medical examination of young persons (underground work 1965)

The national legislation, particularly the *National Constitution*, establishes that the family, society and the State have the responsibility to guarantee a child's harmonious and integral development, as well as the full exercise of his/her rights, protect him/her against abandonment and neglect, malnutrition, violence, abuse, traffic and exploitation. In any case of dispute or conflict, the interests and the rights of the child prevail.

The *Code of Minors*, which regulates children's rights since conception until the age of 20, repeats many child labor norms that are included in the Labor Code. Also, it is important to point out that in 1996 the draft version of the new *Code of Children and Adolescents* was concluded and was formally presented to Parliament for its final discussion and approval. This new code establishes the age of 12 as the minimum age for children to work (mainly jobs under family protection) and carefully regulates various related aspects. In the case of independent or informal workers, this code recognizes their existence and proposes to establish state-run social programs that would essentially protect them. Also, this code eliminates the category of domestic workers because these individuals become dependent workers.

Moreover and in administrative terms, the code proposes the creation of a Governing Body and Town Councils to create a process of decentralization in the area of child policies.

OFFICIAL STATISTICS

It is estimated that approximately 26,000 children work in Paraguay; 98% live with their families, 68% live only with their mothers and the majority work under hazardous, risky, and exploitative conditions. Out of a total population of 1,373,938 children and adolescents between the ages of 7 and 17, and according to the broad definition of child labor, the number and percentage of child and adolescent workers increases to 462,897; that is 1 out of 3 children. Child labor is very visible in urban and rural areas and its expansion is linked to population growth and unemployment among adults. Under these circumstances, families resort to all their members to obtain a better income.

The children who work in the formal sector, particularly those who have turned 12, do so in companies and/or enterprises and are protected under the Labor Code. In such manner, they enjoy some of the benefits that are bestowed to every worker (i.e.: fair wages, vacation pay, year-end bonus, social security, protection against physical and psychological hazards, etc). Similarly, the law provides additional protection by reason of age; for instance, the law prohibits night work, limits working hours, and makes sure that the work does not interfere with the child's education, among other things. However, despite the protection provided by the law, children working in the formal sector are still in a dangerous situation. The law requires that to work children must be registered and need special authorization; however the *Ministry of Justice and Labor* has very few of these authorizations and there are no available studies that reflect this problem.

NATIONAL POLICY

The growing numbers of child workers on the street has generated concern about child labor. Although, child labor does not only comprise the problems of street children, it is important to emphasize this situation because it reflects the magnitude of the problem and thus must be included in public and social policies.

The *Ministry of Labor* is responsible for all the labor policy in the country and, thus, it addresses the problems of child workers from a general perspective. The *Ministry of Labor* looks after the adequate advancement of workers in their working centers, protecting them against any form of discrimination. On the contrary, the *Superintendence for Protection of Minors* issues the working permits for children and is responsible for the Registration Books where child workers must be registered. Also, this institution, as the *Code of Minors* states, is responsible for overlooking the labor activities of children.

LABOR UNIONS

The *National Worker's Union* (CNT) of Paraguay only mentions child labor briefly. However, the CNT indicates that children working on the streets have not cut family ties and that more than four fifths (80%) of these children attended school, though not regularly and many drop out before completing primary school. The number of child workers has more than doubled in the last five years and as a result a *National Support Project for Children* was prepared with the collaboration of the various sectors, including labor unions.

Similarly, the *Unitary Worker's Union* (CUT) of Paraguay reported that nearly two thirds of the population is affected by poverty and that half of this population, which includes children, is employed in the informal sector. The goal of the CUT is to eradicate child labor from the streets of all the cities in the country, but a specific plan is needed. Education and health services should be granted to children and short-term programs, which favor temporary employment for parents and which would improve their income, should be developed. In the medium and long-term, efforts should be focused on the creation of sustained employment for these adults, which would be implemented through investment programs financed with national and international resources.

URUGUAY

CONCEPTUALIZATION

Uruguay is the only Latin-American country where child labor is almost non-existent. However, according to a report prepared by UNICEF (United Nations Children's Fund), the FAS (Fortifying the Social Sphere Plan) and the Office of Planning and Budgeting (OPP) in the last few years there has been a significant increase in the number of adolescents (ages 15 to 19) who work. In 1994, these numbers represented 19% of adolescents in Uruguay, of which the majority belonged to households with unmet basic needs.

The economic crisis, which the country has been facing for the past few years, has compelled children and adolescents to begin working at an earlier age in order to contribute to the family income and thus its survival. These children adopt various kinds of activities (the sale of articles such as band-aids, stamps, cards, gum, etc.) that encourage, in a concealed manner, beggary. Also, there are adults who hire these children, who are not lawfully protected, as cheap labor. Most of the times, these activities put children in risky situations, exposing them to all sorts of exploitation and marginalization. Moreover, in some cases the wages that child workers earn are higher than those that adults earn, thus child labor becomes indispensable.

School absenteeism and desertion are problems associated with child labor. Consequently, child workers do not get the proper training to escape the vicious cycle of poverty in which they live in.

Historically, child labor has not been a relevant subject of discussion in the agendas of either public sources or civil society. However, child labor has gradually been introduced into the different sectors and means of communications. The government of Uruguay, for instance, has maintained a favorable position with regards to the eradication or at least the drastic reduction of child labor. Similarly, the *Ministry of Labor & Social Security* through its General Inspection of Labor and the *National Institute of Minors (INAME)* through its Department of Health regulate the subject of labor and thus maintain strong positions about the fight against all forms of child labor. Nevertheless, the organizations that work in the area of children do not hold a firm position about the matter; they maintain that the situation of child labor can be improved, without having to eradicate it. These views are fundamentally based on the crucial role that child labor plays on the income of the poorest families and on the belief that it cannot be completely eradicated.

Non-governmental organizations (NGOs), on the other hand, find it necessary to introduce occupational/educational programs that properly train individuals. Occupational/educational programs are those carried out by the INAME and/or other non-profit organizations and those programs that have pedagogic demands, which prevail in the production area and which are related to the personal and social development of the student. As a result of these programs, the remuneration that the student receives for the work done or for the sale of a product does not divert the educational nature of the relation.

LEGISLATION

The Eastern Republic of Uruguay has ratified the following international conventions and national legal instruments on child labor:

- ?? UN Convention on the Rights of the Child (1989)
- ?? ILO Conventions:
 - ?? N°5: minimum age (industry 1919)
 - ?? N° 6: night work of young persons (industry 1919)
 - ?? N°7: minimum age (sea 1920)
 - ?? N°10: minimum age (agriculture 1921)
 - ?? N°15: minimum age (trimmers and stokers 1921)
 - ?? N°16: medical examination of young persons (sea 1921)
 - ?? N°20: night work (bakeries 1925)
 - ?? N°33: minimum age (non-industrial employment 1932)

- ?? N°58: minimum age revised (sea 1936)
- ?? N°59: minimum age revised (industry 1937)
- ?? N°60: minimum age revised (non-industrial employment 1937)
- ?? N°77: medical examination of young persons (industry 1946)
- ?? N°78 medical examination of young persons (non-industrial employment 1946)
- ?? N°79 night work of young persons (non-industrial employment 1946)
- ?? N° 105: abolition of forced labor (1957)
- ?? N°112: minimum age (fishermen 1959)
- ?? N°138: minimum age for admission to employment (1973)
- ?? N° 182: worst forms of child labor (1999)⁶

The *Children's Code* has not been modified in relation to labor for many decades. It was during the period of military governments that changes were made to working hours and to the conditions that authorize minors to work. With the return of democracy, the normative reforms about children became a major interest for many political actors. After many attempts in 1991, a *Special Commission* in the area of the Ministry of Education and Culture was created to design a new code. The outcome of this commission was presented in 1996 to the Executive Power for consideration. Since then, the Executive Power has presented the text to a new committee of specialists for further consideration, which would then present it to Parliament.

The *Constitution* of November 28, 1966 legislates in some of its articles, such as the following, the situation of children.

- ?? N°41: The law would make available the necessary means in order to protect children and adolescents from corporal abandonment, the intellectual or moral neglect of their parents or tutors, as well as against any form of exploitation or abuse.
- ?? N°54: The law must recognize anyone who is in a work/service relationship as a worker or employee. Also, the law must grant freedom of consciousness (moral and civic), just remuneration, a limited working day, weekly leisure time and physical and moral hygiene. The work of women and of children under 18 will be particularly regulated and restricted.

OFFICIAL STATISTICS

In Uruguay there are no defined statistics about child labor (ages 10 to 14). No one knows exactly its real magnitude and even though when compared to other Latin-American countries it is not that significant, child labor does exist in Uruguay. The Uruguayan State acknowledges that there are approximately 6,000 children working in the formal and informal sectors of production. This problem is more visible in workshops that operate from family households, where there are no records of child labor and where the regulations established by the law are not respected.

In 1995, the *International Labor Organization* (ILO) and a report prepared by the *National Institute of Minors* (INAME) and the *National Institute of Statistics* (INE) declared that almost 6,000 Uruguayan children between the ages of 10 and 14 work, that is approximately 2.08% of that population⁷. The percentage of children who work or look for work varies tremendously when compared between the ages of 12, 13 and 14. For the entire country, 5.62% of children aged 12 to 13 and 12.85% of 14 year olds are economically active. This breach in percentages augments as the age group increases. In 1995, the age group 14 to 15 represented 18.8% of the labor force, whereas the age group 16 to 17 represented 40.9%. In both cases, there was a 10% increase reported for a period of 11 years.

⁶ *Convention N°182 has not been fully ratified by Uruguay. However, both the Chamber of Deputies and the Senate are currently considering it.*

⁷ *Valeria Bolla (1998)*
www.observador.com.uy/elobservador/anteriores/1998/octubre/0110/jueves/01cv02a.htm

Children who participate in the labor force (approximately 40% for both sexes) most of the time carry out activities associated with unqualified workers. In second place are those who work in the service sector or as a salesperson; in third place those who work in agriculture with some level of qualification and in fourth those who work in the industry sector or as artisans in qualified activities. In the capital city of Montevideo, child labor predominates in commerce and in supermarkets. Also, there are reported cases in the manufacturing, textiles and footwear industries. Night work is prohibited, but it exists. Unfortunately, there are cases of children working at night in cabarets, bars and/or nightclubs.

NATIONAL POLICY

The *Children's Code* of 1934 established that children, from birth until the age of 18, must be assisted and protected and that child labor must be regulated.

On September 14, 1988, the *National Institute of Minors* (INAME) was created to undertake the jurisdiction of the *Council of the Child*. The INAME is a social organization responsible for securing adequate development conditions for children and adolescents. In difficult social situations, the INAME, within a family integration framework, watches over the child's health and provides legal and social protection, as well as professional training with the purpose of integrating the child to the community. The INAME's *Department of Health* coordinates support actions to introduce minors to the labor force and it supervises the working conditions of children according to the existing law.

Within this framework and following the mandates of the *World Summit on Children*, Uruguay prepared and published in 1992 a *Plan of Action in favor of Children*. This plan was elaborated under the supervision of the OPP and with the participation of more than 30 technicians. Public entities such as the National Administration of Public Education (ANEP), the INAME, the National Institute of the Family and Women (INFM), the Ministry of Public Health and the Ministry of Labor and Social Security also collaborated in the elaboration of this plan. The supervision of the OPP had as an objective the elaboration of the Plan and its aims, which were accorded with the planning and budgeting of the national social policies. At the same time, the intervention of all the entities involved had as a goal the decentralization of local policies needed to achieve the specified objectives.

Also, an *End of Decade Review* exercise was performed in collaboration with the United Nations Children's Fund (UNICEF) in order to have a sense of the progress made during the period in question. To obtain this information the OPP examined the status of each indicator that was included in the *National Plan*. The outcome of this exercise was positive and as for the objectives met, they were practically all fulfilled in their entirety by the end of the decade⁸.

LABOR UNIONS & NGOs

In Uruguay, workers are affiliated to the *Plenary Union of Workers/National Worker's Union* (PIT/CNT), which has among its objectives the preservation of the work that adolescents carry out and the conditions under which this evolves. Nonetheless, with regards to child labor, the CNT advances the eradication promoted by the ILO.

In April (2000), the INAME signed a convention with the NGO Cippus, which works with street children, to progressively eradicate child labor. This program will operate for a period of 2 years during which the INAME will carry out various pilot activities to return street children to the classrooms. According to Stella Lopez, director of the INAME, the children involved in this program are starting to go to school and as compensation the INAME pays them up to 5 readjustable units per month (approximately \$1,000 Uruguayan pesos/ \$80 US dollars), which multiplies by 3 for larger families. Until now, children from 7 families, which have approximately 8 children each between the ages 0 to 14, are going to school, which suggests that the evaluation is positive. Nevertheless, the success of this program will depend on whether or not these children remain in school, which involves constant

⁸ "*Elaboration of the Plan of Action in favor of Children*"
www.unicef.org/lac/espanol/informe_regional/uruguay/introducción.htm

monitoring and follow-up. Also, as part of this program the families of these children attend the centers of the INAME, where they are registered and trained to improve their situation⁹.

Moreover, the *Network of Non-Governmental Organizations for Children* that was created during the 1980s brings together institutions that work with children and adolescents in risky social situations. These situations hinder the psychological and socio-economic development of children and thus they are forced to carry out tasks that generate income. These activities or tasks are defined by NGOs as survival strategies, covert beggary or child labor. According to the *National Census of Private Institutions for the Care of Children*, there are 494 organizations in Uruguay that offer 705 different services to children and adolescents. Out of these organizations, 26% of them include “education for work” as part of their activities.

In 1992, the *National Association of Non-Governmental Organizations Directed to Development* was created and within it the *Commission of Children* researches and promotes various initiatives targeting children in general as well as child and adolescent workers.

In relation to child labor, Uruguay celebrated the famous *World March against Child Labor* on March 5th, 1998, and since then it has began to revitalize and to coordinate the actions of all public and private institutions, which share among its objectives the eradication of child labor. In April 1998, the *National Committee for the Eradication of Child Labor* (composed of representatives from the government, employers, workers and NGOs) was convened, with a non-institutional character, to establish the objectives pertaining to the declaration adopted in March.

In August 1999, through the *Letter of Intention* signed between the Ministry of Labor and Social Security and the *International Programme for the Elimination of Child Labor* (IPEC) of the ILO, the government committed itself to promote the conditions that would progressively allow to control, restrict and prohibit child labor. At the same time, the government would ensure that the international labor norms about the minimum age of admission to employment are strictly respected. To advance this objective, the President of the Eastern Republic of Uruguay decreed that the *National Committee for the Eradication of Child Labor* be created as a permanent institution under the supervision of the Ministry of the Labor and Social Security. Also, UNICEF and the Inter-American Children’s Institute (IACI) will act as permanent advisors for this committee, which will convene regularly every two weeks and/or every time the President considers it necessary¹⁰.

Among its functions, the *National Committee for the Eradication of Child Labor* would execute the following:

- ?? To give legal advice, to coordinate and to introduce policies and programs that advance the elimination of child labor.
- ?? To elaborate and introduce the *National Action Plan* for the progressive elimination of child labor and the protection of the adolescent worker.
- ?? To strengthen the coordination and cooperation between public and private, national and international institutions associated with children in order to define alternatives and strategies that would reduce or eliminate the basic causes of child labor and that would promote the effectiveness of the legislation about the minimum age of admission to employment.
- ?? To generate decentralizing activities to encourage local commitment towards the objectives proposed.

⁹ “Homage to Children’s Rights” *El Pais* November 20, 2000 (first section, pg.9); Leticia Linn (2000) www.observador.com.uy/eobservador/anteriores/2000/julio/1001/lunes/10ur03a.htm

¹⁰ Decree Law signed between the Ministries of Labor & Social Security, Internal Affairs, Education & Culture, Public Health, Economy & Finances, Industry, Energy & Mining, and External Affairs. Montevideo, Eastern Republic of Uruguay. December 8, 2000

COSTA RICA

CONCEPTUALIZATION

Child labor in Costa Rica was not a focal point in the social-political agenda until recent years. However, child labor dates back to the colonial period when it was more cultural than economic and when it was primarily non-remunerated family work. The concept of child labor as a violation of human rights has evolved according to the economic and political development conditions of the country.

Being a predominantly agricultural country, child labor in Costa Rica until the 1970s concentrated mainly in banana and coffee plantations and/or livestock farms. By the end of the 1970s due to the economic crisis, which was evidenced by the deterioration of the living conditions of the poorest sectors, the families with the lowest incomes had to reorganize their structure and dynamic to meet their basic needs. Consequently, many families were obliged to resort to all its members, including the youngest, to increase the family income.

The economic crisis deepened in the 1980s and 1990s increasing the levels of poverty, which without child labor were 2% higher than before. In other words, families with child workers were among those with the lowest levels of income, near the lowest social strata. Therefore, the existence of child and adolescent workers not only explains the situation of poverty in which these families live in, but also the insufficiency of household incomes to overcome and/or escape poverty.

According to data on child labor from the 1995 Household Survey, a very important number of children and adolescents between the ages of 5 and 17 (152,128) carry out activities that generate income, where men almost double women. The labor inequalities are related to the massive integration of rural children and adolescents into the labor force. Also, inequalities are related to the high levels of youth unemployment, which are 3 times higher than the levels of national open unemployment and which exclude the systems of social security and the regulation of hours worked. As for the families of child workers, these tend to be numerous and among the poorest with unqualified parents and with a higher unemployment rate than those families without child workers.

The conceptualization of child labor in Costa Rica has changed throughout the years, with the ratification of the *UN Convention on the Rights of the Child* and Convention N° 138 (minimum age) of the ILO, and the publication of the *New Children's and Adolescents' Code*. This new code, which is based on the *Integral Protection Doctrine*, guarantees human rights and incorporates a new conceptual framework that avoids approaching the problems of children and adolescents from the point of view of the *Irregular Situation Doctrine*. From this new approach, it is expected that the conceptual and operational models of institutions and bureaucratic procedures become obsolete in order to advance the vision of children as subjects and not objects of human rights and to place, above all, the interests of the child and the adolescent.

This new legal tool, however, faces structural difficulties, which include the crisis of the educational system and the high incidence of poverty. Nonetheless, beyond this situation, there are the consequences of the institutional reform of the social sector and the reduction of social spending, which has undermined the development of social programs. Consequently, the expansion of child labor, which is officially registered, overcomes the capacity of coverage. For instance, in 1995 there were 56,261 child workers between the ages of 5 and 14 that were registered, but coverage in the Metropolitan Area only reached 2,000.

LEGISLATION

When Costa Rica ratified the *UN Convention on the Rights of the Child* (CRC) in 1990, through law N° 7184, it adopted 2 fundamental commitments:

1. To improve the quality of life of children and adolescents living in the country
2. To adopt the necessary administrative and legislative means to fulfil the mandates of the CRC.

Since then, Costa Rica has carried out a process of incorporation and adaptation in the social and judicial spheres respectively. The process of judicial adaptation culminated with the ratification of the *Code of Children and Adolescents* in December 1997 and the ratification of Convention N° 138 and Recommendation N°146 (on minimum age of admission to employment) of the ILO. Until now, however, the most important actions undertaken have been the incorporation of Convention N°138 and Recommendation N°146 into the *Code of Children and Adolescents* and the diffusion of this legislation through the activities of the ILO's *International Programme for the Elimination of Child Labor* (IPEC).

Moreover and perhaps most importantly, this new code established the age of 15 as the minimum age of admission to employment, which bestows each adolescent full capacity to work, to conduct negotiations and contracts and to demand the implementation of the laws that regulate their work.

The *Political Constitution* with regards to child workers, particularly in its article 71 about rights and social guarantees, states that “laws will grant special protection to women and children at work”. It assigns this responsibility to the *National Board of Children* (PANI) and other governmental institutions according to article 55. Another article that complements the one before is number 51, which states that the family, as a natural and fundamental element of society, has the right to be protected in a special manner, as is the mother, the child, the elderly and the person with disability.

OFFICIAL STATISTICS

Just like the rest of Latin America, Costa Rica has a considerable number of people under 18 or “children” as the *UN Convention on the Rights of the Child* defines them. The *1995 Household Survey* calculated that the total population in July was 3,136,020¹¹. Out of the total population, 925,723 are between the ages of 5 and 17 (almost 30% of the population). 52% are boys, 48% are girls and 13% of them participate in income generating activities.

The same document reports that the population under the required minimum age of admission to employment (age 15) that belong to the labor force or that performs income-generating activities reaches 80% of children. Out of the total labor force (1,270,305 people), the rate of participation of children and adolescents between 5 and 17 is 14.7% (186,735), of which 69.9% live in rural areas and the remaining 30.1% in urban areas. Out of this labor force, 89.3% are employed (71.8% in rural areas and 28.2% in urban areas). With regards to the area of occupation, child workers concentrate in the following: 34% in agriculture, 21.6% in commerce, 17.8% in industry and 13.3% in services. Out of these, agriculture is where most adolescents (12 to 14) are concentrated, followed by commerce and industry.

NATIONAL POLICY

Between 1990 and 1994, a series of actions, which were considered in the *Action Plan for Human Development, Children & Youth*, were developed to fulfill the mandates of the *UN Convention on the Rights of the Child*. Particularly with regards to child labor and according to the Plan, children under difficult situations, especially street children, were defined as priority. Also, other priorities included the identification of alternatives that generate employment to reduce poverty, the expansion of social security coverage, training and access to the means of production, the elimination of discriminatory practices towards child labor and the identification of labor activities for children.

By making children a priority is how the problem of child labor was incorporated into the “*National Plan against Poverty*”, specifically in the *Pro-Children and Youth Programme* under the heading of “*Children and Adolescents under Social Risk*”. This programme focuses its efforts in the population that faces situations of abandonment, mistreatment, abuse and economic exploitation.

In order to fulfil the mandates of the international conventions and of the *Convention on the Rights of the Child* that Costa Rica ratified, the government signed on June 13th, 1996, the *Memorandum of Understanding* (see appendix) with the ILO. As a result, and through decree N° 25890 (March 12,

¹¹ “*Children & Coffee Harvest: Article 28 of the CRC – The Right to Education*” 21 November 2000. <http://www.casa-alianza.org/ES/human-rights/labor-exploit/articles/coffee.shtml>

1997), the *National Directing Committee against Child Labor* was created to coordinate, evaluate and give follow-up to the efforts in favor of the eradication of child labor.

The first national committee report indicates that with a labor force of 130,000 registered children under 18, the Ministry of Labor has been unable to implement protection laws, which highlights that the problem is not the lack of legislation, but it is the limited capacity to supervise its implementation. Also, this report pointed out that it is necessary to inform child workers about the existing legislation and proposed to make, among other things, the following a priority:

- ?? To give programs aimed at minors, whether they are private, governmental or community programs, a more humane and technical character to protect, above all, the interests of the child.
- ?? To adjust the existing legislation to the *UN Convention on the Rights of the Child* and the *Political Constitution* and to strengthen it in order to respond to the economic, social, political and cultural situation of Costa Rican children.
- ?? To incorporate children in the processes of knowledge, reflection and contribution that emerge from the Plan.
- ?? To guarantee enough financial aid in order to pay attention to children in risky situations
- ?? To convince the 3 Legislative Powers of the Republic to assist with the financial and other resources needed to develop the Plan.

LABOR UNIONS & NGOs

The workers organizations or labor unions, according to the *Report on Child Labor in Costa Rica*, recognize that child labor is the outcome of the increase in the cost of living and the social deterioration. These organizations find it necessary to search for an effective solution between the governmental and workers' sectors.

The position of the non-governmental organizations (NGOs) with regards to child labor is strongly based on the proposals made by international cooperation agencies and their respective governments, which follow the mandates of the *UN Convention on the Rights of the Child*.

EL SALVADOR

CONCEPTUALIZATION

More than a decade of civil war, natural disasters, adverse international economic conditions and a highly unstable and conflicting geo-political framework characterize the social environment in El Salvador. If the 1980s for many developing nations was considered a “lost decade”, this is more precise and significant in the case of El Salvador. The crisis hit the Salvadorian people hard, placing a third of its population in extreme poverty, that is more than 1.5 million Salvadorians, which mostly included children and women.

In El Salvador, conflict and poverty have been the two most dominant factors in generating child labor. The first because it disintegrates the family unit, which produces orphans, single-parent households and domestic work for children, mainly girls. The second factor generated child labor because it is closely related to various conditions such as the number of children of poor families, the level of education of the mother, women’s access to work and the level of remuneration.

The deterioration of the family standard of living experienced during the period of conflict was absorbed by the greater participation of the population under 18 in the labor market. Children have had to join the labor force in order to increase the family income. This incorporation of children into the labor force represented a 76% increase in the period 1985-1990, which was greater than the 23% increase of the total labor force.

Besides being one of the direct consequences of family disintegration and poverty, child labor is one of the mechanisms and indicators that excludes children as future citizens primarily because it drastically affects the development of their human capacity. Child labor anticipates a future of low-wages, unstable jobs, non-qualified labor, early marital relationships and the repetition of a vicious cycle of life because children of today’s workers will also be obliged to work to contribute to the meager family income. Moreover, in light of their working conditions, children are exposed to danger and hazards such as accidents, sexual abuse, maltreatment and exploitation, among others.

Salvadorian children have always worked more in rural areas than in cities. However, due to the current economic conditions, they are more likely to work in urban areas. Similarly, because the economic crisis has deepened and because wages have remained stable and prices have liberalized, income has become insufficient to cover basic needs. Therefore, Salvadorian families respond by carrying-out survival strategies, which involve sending more family members, including the young, to work.

LEGISLATION

El Salvador has ratified the following international conventions and national legal instruments on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 29: forced labor (1930)

?? N° 77: medical examination of young persons (industry 1946)

?? N° 78: medical examination of young persons (non-industrial employment 1946)

?? N° 105: abolition of forced labor (1957)

?? N° 138: minimum age for admission to employment (1973)

?? Recommendation 146 (minimum age for admission to employment)

OFFICIAL STATISTICS

Just like in the rest of the Central American countries, the basic sources of information about child labor are multi-purpose household surveys and population census. Nonetheless, the social-political situation of the country has made it impossible to carry out nationwide surveys, which consequently means that in some cases, like in the year 1990, there is only data available for the urban population.

In 1995, the child and adolescent population aged 10 to 14 in El Salvador was 724,271. More than 40% of this population form part of the labor force, which translates into nearly 4% of the labor force of the total population. By regions, it is evident that the majority (75%) of children and adolescents who work do so in the rural sector as opposed to the urban sector (25%). By gender, nearly 81% are boys and 19% are girls, which explains, like in the rest of the countries in the region, the invisibility of female labor.

In El Salvador, children predominantly work in small structured or non-structured industries. Children also work in commerce, the service and the informal sectors with flexible hours and frequent night shifts. According to available data, approximately 50% of children employed in these sectors work at least once a week and 44% more than once a week, up to two shifts a day (morning and afternoon or afternoon and night).

In El Salvador, the most common child labor is the non-remunerated family work, which is carried out as temporary agricultural work or as household work. This type of child labor is mostly carried out in rural areas, but household or domestic work is carried out as much in rural as in urban areas. Also, domestic work is the most difficult to measure because of its concealing mechanism (“the home”) and because it is more widespread among girls and thus not considered an economic activity by household surveys.

In the agricultural sector, the role of child labor has a two-fold function: on the one hand, in the farm the child represents the manpower needed to survive during the non-harvesting session; on the other hand, these children constitute very cheap manpower for large plantations during harvesting session. Because these large plantations require unqualified manpower and because children are paid less than adults are, large farmers can reduce production costs while increasing profits. This rate of return is possible because the world market sets the sale prices of the products.

In urban areas, children watch over cars, wash windshields; sell newspapers, comestibles, flowers, lottery and other articles. On average, children earn a minimum of \$1.5 a day and a maximum of \$3. Interestingly enough, however, children who beg earn more than children who have jobs. Moreover, street children are prone to drug abuse, particularly volatile substances, which are mostly used as payment by the adults who exploit them.

NATIONAL POLICY

The *Ministry of Labor* is responsible for designing the labor policy of the country as well as issuing work permits to minors.

On the constitutional grounds set forth by the Legislative Assembly of the Republic of El Salvador, through decree law N° 554 (June 2, 1993), the *Salvadorian Institute on Professional Training* (INSAFORP) was created as a public law institution with financial and administrative autonomy and legal capacity.

The INSAFORP is responsible for the administration and coordination of the system to professionally train the human resources of the country. Moreover, the INSAFORP’s mission includes satisfying the needs for qualified and certified human resources to improve productivity and quality of products as well as to promote the improvement of the living conditions of workers and their families. The INSAFORP, also, has mass vocational training program aimed at young people who wish to enter the labor market and/or those individuals who are already working but need to improve their technical knowledge through complementary courses on specific subject matters.

LABOR UNIONS & THE INTERNATIONAL PROGRAMME FOR THE ELIMINATION OF CHILD LABOR (IPEC)

The nature of labor unions and workers' federations in El Salvador have always been characterized by demands surrounding the problems of workers from an adult's point of view. It is only until the creation of the *National Committee for the Elimination of Child Labor* that the subject of child labor began to be included in the various stages of workers' organizations. One of the main achievements of this inclusion was that not only children working in the formal sector were considered, but those working in the informal sector as well.

The IPEC officially started in El Salvador with the signing of the *Memorandum of Understanding* (see appendix) between the *Ministry of Labor and Social Security* and the ILO on June 13, 1996. This institutional legal framework has made it possible to negotiate joint efforts about the eradication of child labor. Until now, two mini-programs have been implemented with the *Salvadorian Institute for the Protection of Minors*:

1. The publication of material about child labor
2. National seminars to sensitize and raise awareness about the eradication of child labor.

GUATEMALA

CONCEPTUALIZATION

The existence of child workers is not a new phenomenon in the history of Guatemala's economy. The participation of children in labor activities has been constant among peasant and indigenous families; however, it has never been as evident, as varied, as dramatic and as indispensable for the survival of the family as it is today.

The decade of the 1980s was characterized by one of the worst economic crisis that hit the region and Guatemala was not exempted from it. Between 1980 and 1989, gross domestic product (GDP) grew at a rate of 0.97% per year while GDP per capita decreased at (-1.7%) per year. In 1989, unemployment of the labor force reached 10.9% and in 1988 the proportion of the national budget going to education decreased to 11.9%. It is widely known that this economic crisis affected mostly those social sectors, which depend on their labor force for their subsistence. Therefore, on top of the fact that unemployment increased, the minimum wage decreased by 10% between 1980 and 1988 and the population below the poverty line increased, in only 5 years, 30.7% (from 5,146 million registered in 1980 to 6,726 million in 1985).

The *1989 National Sociodemographic Survey* estimates that 80% of Guatemala's population lives below the poverty line and 59% live in extreme poverty. While in urban areas these percentages reach 67% and 37%, in rural areas they amount to 87% and 71% respectively. Moreover, the conditions of poverty and extreme poverty are more prevalent among the indigenous population (92.6% and 91.3% respectively), particularly in female-led households. Within this framework of poverty, extreme poverty, lack of basic services and lack of social investment, families are obliged to search for mechanisms that allows them to survive and child labor is one of these mechanisms. This situation hinders the integral development of children, placing them at a social disadvantage because of their lack of adequate formation and training.

According to a study done by the ILO, UNICEF and PARLACEN (Central American Parliament), the global economic contribution of children and adolescents in 1989 reached 327 million quetzals, which represented 1.7% of the GDP of that year. Moreover, children's incomes represent 15% of the income of poor households and 10% of those households, which are not as poor.

This culture, which allows child labor, feeds itself with the cultural acceptance of the concept of family production force. This acceptance is influenced by the elements of the cosmic vision of indigenous (i.e.: Mayas, Xinca, garífuna, and mestizo) people. Child labor in these populations is encouraged by cultural elements, which consider that it is educational and productive for children to work along side their parents. These communities believe that it is better to keep children busy working because with the lack of opportunity to study, children are prone to adopt bad habits and/or different types of vagrancy. Therefore, faced with this situation, parents encourage child labor.

Children and adolescent workers are a constant reminder of the impact of the economic crisis in Guatemala, as well as in many other countries of the Third World. The conditions in Guatemala have pushed thousands of minors to work, with or without remuneration, in order to meet, even if it is the smallest part, the daily basic needs of the family. However, in a system based on the "indiscriminate" exploitation of labor and of natural resources for the production and accumulation of wealth, children are the most fragile and most easily exploitable piece.

In Guatemala, today, many of the plans on child labor are somewhat ambiguous about the minimum age of employment; in fact they hardly differentiate between children and adolescent workers. Therefore, it is assumed that these concepts are in a phase of transition just like all actions, laws, policies, organizations, institutions, etc. Nonetheless, the abolition versus the no-abolition debate about child labor within related institutions is still in force.

LEGISLATION

Guatemala has ratified the following international conventions and national legal instruments on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 16: medical examination of young persons (sea 1921)

?? N° 29: forced labor (1930)

?? N° 58: minimum age revised (sea 1936)

?? N° 59: minimum age revised (industry 1937)

?? N° 77: medical examination of young persons (industry 1946)

?? N° 78: medical examination of young persons (non-industrial employment 1946)

?? N° 79: night work of young persons (non-industrial employment 1946)

?? N° 90: night work of young persons revised (industry 1948)

?? N° 105: abolition of forced labor (1957)

?? N° 112: minimum age (fishermen 1959)

?? N° 124: medical examination of young persons (underground work 1965)

?? N° 138: minimum age for admission to employment (1973)

When Guatemala ratified convention N°138, it adopted the age of 14 as the minimum age of admission to employment as specified in article 2, paragraph 4 of said convention. However, the member, whose economy and means of education are underdeveloped, could, after consulting interested employees and workers organizations, specify an initial minimum age of 14 (article 2, paragraph 3). Until now, the State has initiated a technical-administrative structuring process that included the creation of the *Unit of the Child Worker*, which deals with the problems expressed throughout the country about the contents of convention 138.

OFFICIAL STATISTICS

Based on the available information, in the last 3 decades Guatemala, with regards to child workers aged 10 to 14, experienced the following:

1. 1964-1973: even though the labor force maintained its volume, the rate of participation diminished, which means that this period is characterized by a relative reduction of child labor.
2. 1973-1981: large reduction of the labor force (-25%). A relative as well as an absolute reduction of child labor is registered.
3. 1981-1994: for the *1994 Census*, the labor force between the ages of 10 and 14 increases significantly, situating itself 65% above the value of the previous census and surpassing the level of 1964 by 25%. Also, the rates of participation reached higher levels than in 1981. Therefore, an absolute as well as a relative increase of child labor characterizes this period.

It is important to point out that these variations in the volume and relative weight of child labor are closely related to the evolution of the economy during each period.

According to the *1994 Population Census*, the total number of child workers was 756,711, meaning that 26% between the ages of 7 and 17 participate in economic activities. These children represent 17% of the total labor force. Moreover, with regards to where these children work, the majority work in the informal sector of the economy, which could be divided into the following:

?? *Productive Unit*: a group of family production that lends or sells services and whose profits are used for the survival of the family unit. For instance, selling food and/or other products on the streets, making tortillas or grinding grains.

?? *Family Labor Unit*: all family members are involved in rural tasks, such as the harvest of coffee, cotton, sugar cane and flowers as well as the production of fireworks and quicklime¹².

?? *Self-employment*: This is one of the least structured activities of the informal sector where most child workers are concentrated. Their main characteristic is that they are survival activities, which respond to the conditions of poverty and extreme poverty in their families. These activities are where victimization, negligence, exploitation, maltreatment and sexual persecution of child workers are most evident as well as where the majority of street children and the cases of child prostitution are found.

Moreover, 20% of informal workers are under the age of 20, while in the formal sector this percentage is only 11.5%. The urban informal sector also appears as an important source of employment for indigenous people, seeing how 66.4% of this population works in this sector.

The most important economic activity in Guatemala is agriculture. Rural areas are where 83.26% of children (mostly of Mayan descent) under the age of 15 reside. This is the sector that employs most children and adolescents; 8 of every 10 boys and 30% girls are employed in this sector. It is estimated that in agriculture and in mines there are approximately 1,428,700 under-aged children working, out of which 1,312,000 are boys. In this sector, 69% of under-aged children are found under the category of underemployment, which means that child workers carry out jobs that are precarious and with little or no remuneration.

NATIONAL POLICY

Governmental programs have, among others, the following objectives:

- ?? Strengthen the protection of child workers in the standing legal framework, impelling actions that contribute to the integral development of the child and his/her development at work.
- ?? Diffuse within the productive sector the international treaties on the rights of the child that Guatemala has ratified.
- ?? Sensitize about the problem of child workers through forums, courses and seminars on the understanding of the UN Convention on the Rights of the Child in different regions of the country.
- ?? Protect the interests of child workers
- ?? Familiarize and inform, in a technical and systematic manner, child workers about their rights at work.

In 1992 the *Unit for the Protection of Child Workers* was created within the Ministry of Labor to familiarize and directly protect child workers. The main objective of this unit was to join the efforts of a multidisciplinary team of specialists with those of other sectors to improve the conditions and thus accomplish the development of child workers. To fulfill these objectives the *Commission of the Child Worker* was created. Also, to guarantee the participation of child workers in the resolution of their problem, this commission included delegates from the following sectors: government, employee, workers' federations (elected delegate between the ages of 14 and 18), NGOs, the National Institute of Social Security and the Congressional Commission of Labor. Moreover, presently in Guatemala, the

¹² *In Guatemala, children work in the informal industry of fireworks, which means that they are in direct contact with gunpowder. Valeria Bolla (1998)*
www.observador.com.uy/elobservador/anteriores/1998/octubre/0110/jueves/01cv02a.htm

design of a document is being advanced to implement the *National Plan for the Eradication of Child Labor*.

Child Protection Services oversees the status of children's rights in relation to the UN Convention on the Rights of the Child. Moreover, its objectives include:

- ?? Supervise children's institutions to make sure that these fulfil and respect children's rights and that they adjust their daily activities to these mandates.
- ?? Investigate children's rights abuse claims and coordinate actions with governmental organizations (GOs) and non-governmental organizations (NGOs) that work in the area of children's rights.

Additionally, if the *National Code of Children & Adolescents* becomes a law, the *National Commission of the Child Worker* will join forces with this governing body to redirect public policies and all support in the area of the under-aged working population.

LABOR UNIONS, NGOs & THE IPEC

With regards to child labor, independent labor unions point out that there have never been precautions from labor organizations about this problem and that it has never been considered in the strategies of these organizations. It was only until the last few years, as a result of the ILO program (IPEC), that meetings have been held to discuss the problem.

Labor unions themselves see their need to collaborate in the creation of control mechanisms to guarantee that child workers understand their rights and that these are implemented. This vision is adopted because, according to the *Labor Code*, children, 14 and over, can join labor unions without being members of the Directing Council where all decisions are made (article 212). Also, the *New Code of Children & Adolescents* authorizes the participation of child workers in the *Youth National Commission*.

On the contrary, the *Guatemalan Unitary Labor Confederation* (CUSG) affirms that the workers' movement is aware of the problem of child labor, but it has not assumed responsibility for it. The CUSG is part of the *National Commission for the Protection of Child Workers*. It develops diverse activities to advance and respect child workers' rights, while searching for alternatives to child labor. With these objectives in mind, various seminars have been organized with the collaboration of workers and union leaders.

In the last few years, there has been a movement of the non-governmental sector towards the eradication of child labor. However, because this is a new position within this sector, no concrete actions or projects have been developed by organizations. However, there are national coordinators, such as the *Coordinator for the Promotion of Children's Rights* (CIPRODENI) that brings together 15 NGOs and that has been working for the past 8 years defending and promoting the rights of children. Some of these organizations include the following:

- ?? Commission Pro Convention on the Rights of the Child (PRODEN)
- ?? Association Unit of Integral Development (UNDINOV)
- ?? Association of Development "New Daylight San Raymundo" (ASODESNA S.R)
- ?? HABITAT
- ?? Integral Development of Children & Adolescents (DINA)

The IPEC has elaborated various action programs and mini-programs in Guatemala, with the following populations:

- ?? Stone cutters: an integral Action Plan has recently been put in action for the 1,100 children who work cutting stones.

?? Children who work in the industry of fireworks: until now FENASTIG and UNDINOV have been created to encourage better working and living conditions for those involved.

HONDURAS

CONCEPTUALIZATION

Child labor not only represents a significant contribution within family units, but it also contributes to the Gross Domestic Product (GDP) of the country. Income earned by children, who are remunerated for their work and who released their nominal income through the *1995 Household Survey*, increased to 40.3 million lempiras or 0.11% of GDP per month estimated at the market price of that year. Nevertheless, taking into consideration that child labor is underestimated by household surveys and that half of children are not remunerated, if a similar productivity is assumed for all child workers there would possibly be a participation greater than 0.3% of GDP.

Child labor is strongly linked with poverty. The majority of families with child workers depend on the additional income that these contribute to meet their basic needs. According to the October 1995 *Permanent Household Survey*, 6.9% of children (ages 10 to 13) living in extremely poor households work, while only 4.8% and 4% in poor and non-poor households, respectively. It is even more dramatic that 70% of the labor force consists of children who live in extreme poverty.

Since 1990, the government has created social compensation programs to soften the shocks of structural adjustments for the poorest sectors of the population. However, the *Family Assistance Program (PRAF)*, which is aimed at protecting children, only covers less than half of the households in situation of extreme poverty.

As a result of the levels of poverty throughout the country and the lack of employment opportunities, especially in rural areas, migration to urban centers continues to increase. This situation demonstrates the impact of poverty on the disintegration of the family because children are obliged to migrate, alone or with the family, to the city in search of a better life.

In fact, in the last few years, there has been a strong tendency towards the urbanization of child labor with a reduction of participation in the rural sector and an increase in urban areas. This tendency is parallel to the expansion of the informal sector of the economy, which employs a large number of children ages 10 to 17, but under the age of 10 as well. It is important to point out, however, that the urbanization of child labor does not mean that the situation of child workers in rural areas has improved. On the contrary, child labor still represents 38% of the labor force and most children are neglected because the services of social programs and organizations are concentrated in urban areas.

In 1996, Honduras adopted the *Code of Children & Adolescents*, which constitutes a new legal instrument that could assist with the fight against child labor. The elaboration and the debate of the Code contributed by raising public awareness about the rights of children and adolescents. However, even though this public awareness is just beginning, it would be important to accompany it with a process of sensibilization so that the application of the Code is congruent to the UN Convention on the Rights of the Child.

The new Code tries to break away from the previous legislation, which focused exclusively in the protection of children in irregular situations and the control of children in conflict with the law. Until now, the concepts of control and protection continue to be fixed and for that reason it is necessary to impel a training process and a change of attitudes to direct actions towards the protection and promotion of children's rights in the long-term.

Within this context, it is extremely important that the analysis of child labor and probable strategies of eradication are carried out based on the doctrine of the integral protection of children's rights, which promotes the concept of children as subjects of human rights. This concept is particularly important among child workers for two reasons: children need to have the power to demand their rights when being exploited and because the right to not be exploited needs to be accompanied by the right to education, health, housing and all social and political rights.

LEGISLATION

Honduras has ratified the following international conventions and national legal instruments on child labor:

- ?? UN Convention on the Rights of the Child (1989)
- ?? ILO Conventions:
 - ?? N° 29: forced labor (1930)
 - ?? N° 78: medical examination of young persons (non-industrial employment 1946)
 - ?? N° 105: abolition of forced labor (1957)
 - ?? N° 138: minimum age for admission to employment (1973)

When Honduras ratified Convention N°138, it established the age of 14 as the minimum age of admission to employment based on article 2, paragraph 4 of said instrument. Moreover, even though Convention N°138 enjoys prominent application before the Law, its dispositions have not been efficient because these have been overshadowed by those found in the *Labor Code*, particularly those that authorized, through the *Ministry of Labor & Social Security*, children under 14 to work. Nevertheless, with the approval of the new *Code of Children & Adolescents* this practice was abandoned and thus Convention N°138 became effective.

OFFICIAL STATISTICS

The total labor force, between the ages of 10 and 14, reveals a growing tendency with a rate that went from 11.9% in the period 1988-1993 to 26.2% in the following period 1994-1997. Out of the total rural labor force (73,597 children), 81.7% are boys and 18.3% are girls, where as in urban areas (total of 27,128 children) 56.3% are boys and 43.7% are girls. Out of the urban labor force, approximately 6,624 children are from the Central District and 52.3% are boys and 47.7% girls.

According to the information that emerged from the 1997 *Permanent Household Survey*, the occupations that prevail among children, in rural as much as in urban areas, is that of non-remunerated family work, followed by remunerated employment in private activities and domestic work. In the rural sector, non-remunerated family work is predominantly a male activity, even though female participation is also significant. Employment in private activities and domestic work, on the other hand, are primarily a female occupation. Therefore, it could be said that agriculture constitutes the main economic activity for male workers and the manufacturing industry for female workers. The manufacturing industry has become the main economic activity for female workers largely because of the expansion of the maquiladora industry in Honduras during the last few years.

The insertion of children into the labor force is easier in the informal sector than in the modern sectors because working permits are not required and because children can participate in diverse activities. This situation is evident by the large percentage (65%) of children that work in the urban informal sector and in the traditional rural sector. Needless to say, the majority of child workers (ages 10 to 12) are absorbed by these two sectors and the informal sector is where 25% of the total of young girls (17,149) are found working.

Open unemployment, which historically has never surpassed 5% of the labor force, is higher among the population aged 10 to 17. In October 1995, for instance, the unemployment rate for this population was 7%, which was almost twice the rate of open unemployment for the population over 18. Nevertheless, the main occupational problem for child workers, as well as for all the labor force, is underemployment, particularly the invisible type, which is the main instability of labor markets, especially in the informal and traditional sectors.

NATIONAL POLICY

Various governmental institutions work, in one way or another, with the problem of child labor including:

- ?? The Honduran Institute of Children & Family (IHNFA)
- ?? The Municipalities and the Defenders of Children's Rights
- ?? The Ministry of Labor & Social Security (MTSS)
- ?? The Family Assistance Program (PRAF)
- ?? The Ministry of Education (ME)
- ?? The National Commission of Human Rights
- ?? The Public Ministry & the Court of Justice of Children

Out of these institutions, only the first three have programs that work directly with child workers, which are characterized according to the following strategies:

1. *Family & Community Work:*

The old *National Board of Social Welfare* became the actual *Honduran Institute of Children & Family* (IHNFA) where the new policies of operation, which promote the integral protection of children and the participation of the community, are established. The foundation of the new IHNFA includes its 3 major programs:

- a) Prevent the disintegration of the family and offer opportunities for the development of children.
- b) In the case of child labor, these programs try to persuade the families into making education a priority for their children. Moreover, even though none of the IHNFA's programs is specifically directed at child workers, they are all designed to protect the rights of the child and to prevent the exploitation of children.
- c) Strengthen links between NGOs and community organizations. As part of this coordination, the registration of NGOs and their services directed at children was initiated in order to exchange information about the models of attention and thus prevent the duplication of efforts.

2. *Improve the Situation of Child Workers:*

Another program of the IHNFA, which has existed since 1981, is the *Center for Young Salespeople*. In 1996, the program closed in Tegucigalpa and the children involved received scholarships. Before it closed, this program assisted children who sold newspapers by facilitating their coordination with distributors as way of keeping children in school.

The municipality of Tegucigalpa also manages a project to protect young salespeople. The *Victorious Children Project* was initiated in 1995 to organize those children who worked in the "Agricultural & Artisan Market" carrying packages. This project provides snacks, teaches about children's rights and the importance of education and organizes recreational activities for approximately 180 male children and adolescents (ages 7 to 18). The project has been successful in terms of the number of participants, but it has encountered difficulties limiting between the protection of child labor or that of children themselves, which has been criticized by many.

3. *Promote the Elimination of Child Labor:*

The *Ministry of Labor & Social Security* (MTSS) is the institution in charge of fighting against the economic exploitation of children and of coordinating initiatives that advance this objective. Through its Social Office, the MTSS:

- ?? Grants working permits to children and adolescents (ages 14 to 18)
- ?? Inspects the working conditions of children
- ?? Investigates the cases where children work under exploitative conditions.

The MTSS is also in charge of coordinating a *National Directing Committee for the Elimination of Child Labor* since under the new *Code of Children & Adolescents* it is the governing body of this matter. Therefore, with this objective in mind, the MTSS is planning to promote inter-institutional participation within the committee.

NGOs & THE IPEC

There are few NGOs with programs that deal specifically with child workers. The few that do exist, begun their activities as part of the preoccupation, in the international sphere, about children of and on the streets. Some of these organizations include the following: Association “Let’s Share with the Children”, the Alternative & Opportunity Project, the Center for the Development of Children and the Family, the Christian Association for Children and the Children’s Friends Program.

With regards to the strategies against child labor, these organizations agree that it must be eradicated, particularly the worst, most exploitative, forms. However, at the same time, they emphasize that the elimination of child labor needs to be accompanied by the creation of social programs that alleviate the economic needs of children and their families. Moreover, all these organizations promote integral care with models that have been developed through the experience and the knowledge of the complex situation of poor children.

The IPEC officially started in Honduras with the signing of the *Memorandum of Understanding* (see appendix) on October 25, 1996. Since its creation, various direct action programs, such as the following, have been advanced:

- ?? Action Program “Prevocational Non-Formal Schooling Center for Street Children”
- ?? Family scholarships to promote the regular assistance of child workers to school, recreational workshops and vocational training.
- ?? The elaboration of a report entitled “Analysis of the Situation of Child Labor in Honduras”

NICARAGUA

CONCEPTUALIZATION

The deterioration of the living conditions in rural and urban sectors is urging the Nicaraguan family to adopt a survival strategy that involves the incorporation of children into the labor force.

The data on poverty from the World Bank reports that, in 1995, 58% of Nicaraguan children (ages 0 to 5) were poor. This percentage increases to 85.3% for children 6 to 14 and in the case of adolescents (15 to 19) 80.1% are considered poor. 61% between the ages of 0 and 14 live in extremely poor conditions. Also, more than 700,000 children under 15 live in extremely difficult circumstances. The need to contribute to the family income has increased the number of children and adolescents working on the streets, which puts them at risk and in contact with illicit drugs and prostitution.

In rural areas, nearly 72,000 children work harvesting coffee, cotton, tobacco, rice and bananas, as well as, but less extensively, tending livestock. According to data provided by the *Association of Rural Workers*, almost 35,000 children (ages 7 to 10) "assist" their mother with different crops without remuneration. In urban areas these children work in the informal sector selling newspapers, fruits and/or lottery and offering different services (i.e.: carrying packages, washing cars, etc.).

A study done by the ILO on child labor in the region of Central America affirms that the income of child workers accounts for 20% of the income of poor and extremely poor households and 15% of not so poor household. Therefore, without the income of child workers, it would be extremely difficult for these families to survive. Regardless, child labor is not only an economic matter since it displays different characteristics and magnitudes in countries with similar poverty levels. For that reason, child labor is also a matter of culture, of the valuation that the society has about the conditions of children, of the work that children perform, and of the importance of education as a gateway to a better future.

In Nicaragua, there are 2 visions about child labor. One of these visions perceives child labor as a right that children have, which helps to alleviate the economic crisis of the family. On the other hand, the second vision perceives child labor as a social problem that hinders the physical, intellectual, psychological and social development of children, particularly those under the age of 12 whose main activity should be to study.

Little by little, the problem of child labor, the process of eliminating its worst forms and the expansion of the protection of child workers are being made a priority in the political agenda of the State. In 1997, for instance, the document that the government of Nicaragua presented in the *World Conference on Child Labor* (Oslo, October 1997) defined child labor as a flagrant violation of children's right. This violation deprives children from living out their childhood as an injustice, which questions the civility of any country, and is an economic backlash because it utilizes and depreciates prematurely human resources that are fundamental for future development.

Moreover and in relation to the causes, the document points out the plurality, the complexity and the interaction of the factors that intervene, but identifies 3 that are most relevant and frequent: poverty, a culture or ideology that justifies child labor and family instability. Lastly, the document outlines the general features of the policy for the elimination of child labor. This policy, according to the document must: be national, be progressive, must involve the State and civil society, be integral and coherent with a broader policy for children and adolescents and adaptable to the local and regional conditions, and it must also be inductive and preventive. This policy cannot be imposed, merely an assistant tool, discriminatory and cannot be repressive to the rights of children and adolescents; instead it must respect the UN Convention, which states that by all means and above all the interests of children must be respected.

LEGISLATION

Nicaragua has ratified the following international convention and national legal instruments on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 6: night work of young persons (industry 1919)

?? N° 16: medical examination of young persons (sea 1921)

?? N° 29: forced labor (1930)

?? N° 77: medical examination of young persons (industry 1946)

?? N° 78: medical examination of young persons (non-industrial employment 1946)

?? N° 105: abolition of forced labor (1957)

?? N° 138: minimum age for admission to employment (1973)

The UN Convention on the Rights of the Child was ratified in April 1990 (decree law N° 324) and it received constitutional status in 1995 through a new partial law that reformed the original content of article 71 of the Constitution. In September 1990, Nicaragua embraced the commitments of the *World Summit on Children*, among which is the universalization of basic education for the year 2000.

The national policy found in the legislation (Constitution, Labor Code, Code of Children & Adolescents) is based on the principle of prohibition and elimination of child labor; the same principle that inspires the international labor instruments that the country has ratified.

OFFICIAL STATISTICS

The *Household Survey* is the basic source of information about child labor in Nicaragua. Since 1996, the Ministry of Labor has included a specific model for child labor that compiles information starting from the age of 5. By lowering the starting age, one can obtain data that reflect the magnitude, distribution and conditions of child labor. Also, the characteristics of an age group (5 to 10) that was previously ignored, because the starting age was 10, could be now known.

Nicaragua is a country of children and adolescents. 53% of the population is under 18, with an average age of 16. 54% of the population under 18 is concentrated in urban centers and 46% in rural areas. Children under 15 make up 52% of the population in extreme poverty and the average is increasing at a rate of 3.27% per year with a global fertility rate of 4.7 children per woman.

The analysis completed in 1996 by the Ministry of Labor indicates that:

?? Out of the 803,255 children and adolescents that make up the population ages 10 to 19, 160,686 (20%) are employed

?? Out of the 20% who are employed, 124,446 (77.4%) are males and 36,240 (22.6%) are females, with a ratio (men to women) of 3.4:1. Meaning that for every woman employed there is 3.4 men employed.

?? Out of the 20% who are employed, 45,053 (28%) are between the ages of 10 and 14 and 115,633 (72%) between 15 and 19.

?? Out of the 20% who are employed, 109,525 (68.2%) are employed in the rural sector and 51,161 (31.8%) in the urban sector, with a ratio 2.1:1; meaning that for every urban worker there are 2.1 rural workers.

The data gathered by the *1997 Urban Households Survey* show that child labor in cities is basically carried out in the informal sector of the economy. Concretely, there are 15,841 children between the ages of 10 and 14 working in the informal sector, that is 4.8% of the total labor force. On the other hand, there are only 2,122 children working in the formal sector, that is 1.8% of the total. Distribution by gender demonstrates that in both categories men surpass women, but with a greater margin in the formal sector, with a ratio of 3:1 in the formal and 2:1 in the informal.

In the cities, children and adolescents perform any task or activity that may generate any form of compensation to survive. Most of the time, these children are found performing their jobs in places where people gather, such as markets, bus terminals, bars, restaurants, nightclubs, cemeteries, churches and traffic lights. Also, planned or regularly held events, such as sporting, patriotic, religious and political events, among others, usually concentrate large numbers of people and thus produce an immediate mobilization of child workers that carry out survival activities such as selling products, polishing shoes and/or guarding vehicles.

A special case that is expanding throughout the region is the *maquila industry*. In Nicaragua, particularly in the “*Zona Franca*” of Managua, there is a high concentration of children working in the maquila. It is estimated that 20% of workers in this industry are between the ages of 15 and 20 and that among those 20%, 2,000 are between 14 and 16, in spite of the fact that officially the minimum age of admission is 17 and over.

On the streets is where child labor is most visible, but this area is not the most important in terms of magnitude and consequences. The most intolerable cases are found in agriculture, in workshops, in commerce, in the services of the informal sector and behind the walls of houses and certain locales. Nevertheless, the *Ministry of Labor* will conduct, during the last week of November 2000, a national survey to measure the number of children working on the streets. The purpose of this study entitled “*National Employment & Child Labor Survey*” is to measure the total number of street children in the urban as well as in rural areas in order to design short and long-term policies and strategies to eliminate child labor once and for all (Ocón Rodríguez 2000:1)¹³.

The magnitude of child labor is estimated between 25% and 30% in the agricultural production. Children between the ages of 9 and 12 work harvesting coffee, tobacco, cotton and basic grains. In farms, children start tending small animals, gathering firewood and carrying water from the tender age of 4 or 5; thereafter, they care for the crops and major livestock. Moreover, the age and the gender of children determine the types of activities that they perform; thus girls are more inclined to domestic labor and boys to those activities that require physical strength.

Child labor in the rural area is generally tied to household chores and it evolves in an environment, which is relatively protective, such as the family parcel or the farm, where the father is the employee. Other characteristics of child labor in rural area include the following:

- ?? Stationary: the rural economy becomes stationary and thus cyclical as a result of child labor.
- ?? Permanent exposure to the rigor and climatic changes
- ?? The use of artisan technologies makes labor harsh.
- ?? The exposure and use of chemicals such as pesticides and fertilizers, without any mean of protection, put children at risk.
- ?? The use of tools and equipment designed for adults put children who use them at risk of being injured. The rate of accidents among children has increased dramatically because of the use of agricultural machinery.

Nicaragua has the lowest indicators in Central America when it comes to education. One-fourth of the population over the age of 6 does not have one year of approved studies and only 2.9% are registered in higher education. The illiteracy rate is higher in rural areas (45%) and among men (36%). Also, more than a third part of school desertion among children and adolescents is due to child labor. The *Ministry of Education* showed that in 1995 the registration rate by level was as follows: preschool (17.2%), primary (75.2%) and secondary (27.3%).

NATIONAL POLICY

The *National Action Plan on Human Development, Children & Youth (1992-2000)* emphasizes that in general children, particularly those in extremely difficult situations, should be made a priority.

¹³ Ocón Rodríguez, Mariela (2000) “National Survey on Child Labor will be Conducted” *La Prensa*, November 15, 2000 www.laprensa.com.ni/nacionales/nacionales-20001115.html

The government, in its part, tries to protect this sector of the population by eliminating the causes of vulnerability.

The social cabinet of the government created the *Inter-Institutional Technical Commission*, composed of the *Nicaraguan Children & Family Fund* (FONIF), the Ministries of Health, Education and the Presidency and the Institutes of Culture, Women and Development, to pay integral attention to the children who are obliged to work.

The FONIF is a social institution that was created in 1995 and whose mission is to pay attention and to protect children and families at risk. In 1996, the *Social Protection Program for Children on Streetlights and in Risky Situations* was carried out to assist 1,100 children and adolescents (ages 11 and 14) who work on the streets. The main objective of this program is to return child workers to the classrooms by granting their parents a loan to start a small business. Moreover, this program relied on the assistance of the local police (40 officers) who were trained to patrol 21 streetlights of the city Managua looking for child workers. In total and in a period of 9 months (from January to October 1997) there were 685 children who abandoned, once and for all, the streetlights and 296 drastically decreased its attendance (from 34% to 19%).

The *Ministry of Labor* (MITRAB) governs over the work of minors as established by the *Labor Code* and it presides over the *National Commission for the Elimination of Child Labor and the Protection of Child Workers*. Moreover, the MITRAB advances protection actions and eradication measures for children who work and who meet the requirements for employment in the formal sector and children who do not meet the minimum age of admission to employment, respectively.

The *National Police* intervene when children are victims of abuse or when their rights are violated. Actions or activities that are tied indirectly to child workers are being developed within this institution; for instance, human rights training, investigation of child abuse cases and protection programs for women and children, among others.

The *National Commission for the Protection of Nicaraguan Children* was created in 1990 to give follow-up to the UN Convention on the Rights of the Child. In 1994, this institution was restructured and it became the *National Commission for the Promotion and the Protection of Children's Rights*, which is made up of a permanent technical committee and representatives of civil society.

LABOR UNIONS, NGOs & THE IPEC

The National Seminar entitled "*Labor Unions vis-a-vis Child Labor*" was carried out in April 1997 and demonstrated that there are fundamental coincidences between labor unions about child labor. It is agreed that poverty, unemployment and low income are the main causes of child labor; the rupture or disintegration of the family is also a cause of child labor. Moreover, it is agreed that child labor violates the inalienable rights of children and adolescents and in general human rights. Child labor also infringes the principles, declarations, conventions and international treaties on the matter.

The exploitation of children and adolescents is not only a consequence of poverty; there are also cultural factors that influence parents to use children as manpower. This situation predominates in rural areas, in the informal sector of the economy and in the marginal areas of urban centers; but it exists, with varying degrees, in all sectors of society and in all social classes.

Furthermore, full consensus exists about the need to eliminate the worst forms of child labor without exception. There cannot be any excuse, or poverty, or necessity, not even the will or acceptance from the part of the child or any other that justifies the employment of children and adolescents in activities that are risky or harmful.

It is asserted that education is the best tool to prevent child labor and it is the government's, particularly the Ministry of Education, responsibility to take into consideration this factor when planning and implementing public policies. Nonetheless, in order to accomplish this, it is necessary to establish an intensive and systematic awareness campaign about the forms, causes and consequences of child labor.

Also, a campaign directed at parents and children is needed to explain that child labor is not the best option, even from an economic perspective.

The *Nicaraguan Coordinator of NGOs that Work with Children* is an institution that was created for the protection, promotion and follow-up of the Convention on the Rights of Child. Since 1997, the *Commission of Child Labor* has been constituted to give more emphasis to the subject.

Some of the NGOs that work with child and adolescent workers are:

- ?? Association Pro-Benefit for Children in Risky Situations (APROBENIR)
- ?? The Association “Aunts” carries out the *Children from Fortín Program*, which facilitates access to basic services (health and education), while contributing to the integration of the family and society.
- ?? The Association “Mary Barreda” carries out the *Female Merchant Program*, which prevents the maltreatment and the sexual abuse of young girls who work on the streets selling products.
- ?? The Inter-institutional Program for the Integral Attention of Child Workers in Managua promotes the integration of child workers to the formal system of education and it tries to improve the health and the nutrition of children.

The IPEC officially started to function in Nicaragua with the signing of the *Memorandum of Understanding* between the government and the ILO on June 13, 1996. Since then, its actions have been directed at 1) the judicial and administrative norms, 2) training, 3) awareness-raising and 4) direct-action programs.

1. The first initiative directed at norms impelled the government, particularly the Ministry of Labor, to create the *National Commission for the Elimination of Child Labor & the Protection of Child Workers* through decree N°22-97. This commission is made up of GOs, NGOs, labor unions and employers organizations.
2. Technical assistance training and direct participation for public officials, educators and promoters of the *Nicaraguan Children & Family Fund* (FONIF) in the context of the elimination of child labor.
3. Workshop, with the participation of members of the *Nicaraguan Coordinator of NGOs*, on the IPEC/ILO about the process of eradicating child labor in Nicaragua. Another workshop on the exchange of ideas and opinions about child labor with the participation of labor unions, members of the Cabinet, the Coordinator of NGOs and international organizations in the context of the *Global March against Child Labor*.
4. The direct-action programs offer integral attention to child workers in the marginal areas of the city of Managua. The *Jonathan González Programme* is a program that cares for 200 children between the ages of 7 and 14 and 75 families with the purpose of integrating them to the formal system of education.

PANAMA

CONCEPTUALIZATION

The participation of children in economic activities is not recent in Panama. In fact, today, as a consequence of the low levels of income and the conditions of poverty and extreme poverty that exist, the problem of child labor has worsen, particularly in rural areas and among the indigenous population.

The *1991 Household Survey* shows that one-third of adolescents (ages 15 to 19) are economically active (78,000) and that 2 out of every 3 are males. The unemployment rate reaches 29% among men and 46% among women. Also, the majority of adolescent workers are not protected under the labor legislation, they earn very little and lack social security. 59% work in the traditional rural sector and 22% in the informal sector of urban centers.

Poverty primarily affects children, women and indigenous people. UNICEF-Panama estimates that 68% of children under the age of 15 live in poverty, as well as 55% of female-headed households. With regards to child labor, the 1990 population census reported 11,655 child workers (ages 10 to 14) with an average unemployment rate of 18%. 75% of these child workers are boys and 85% live in rural areas.

In Panama, the economic condition, which is relatively precarious, is one of the factors that propels children to abandon their studies and join the labor market. Paradoxically, this action inhibits children's future because, without education or training, they are unable to compete for better-paid jobs.

Therefore, poverty in households, the level of education of the parents and the conditions within the household (i.e.: number of members, personal relationships, values, customs, etc.) are some of the possible reasons that impel children to join the labor market from an early age.

LEGISLATION

The Republic of Panama has ratified the following international conventions and national legal instruments on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 10: minimum age (agriculture 1921)

?? N° 15: minimum age (trimmers and stokers 1921)

?? N° 16: medical examination of young persons (sea 1921)

?? N° 29: forced labor (1930)

?? N° 58: minimum age revised (sea 1936)

?? N° 77: medical examination of young persons (industry 1946)

?? N° 78: medical examination of young persons (non-industrial employment 1946)

?? N° 112: minimum age (fishermen 1959)

?? N° 123: minimum age (underground work 1965)

?? N° 124: medical examination of young persons (underground work 1965)

In 1990, Panama ratified the UN Convention on the Rights of the Child, including its provisions about child labor, which recognize the right to be protected against economic exploitation and any job that could be harmful for the child's development. Also, these provisions entrust the government to fix a minimum age of admission to employment, to establish working hours and acceptable working conditions and to implement penalties if laws are violated. Nevertheless, Panama has not ratified Convention N°138 (minimum age of admission to employment) of the ILO, which is considered one of the main tools to fight against economic exploitation and harmful labor. Therefore, a process of adaptation is needed in the country in order to meet and fulfill the philosophy of the convention.

The basic features about the protection of children, in relation to the labor market, are found in the *1972 Labor Code*. In general, these features are gathered and, in some cases, amplified in the *Family*

Code. In addition, the *National Constitution* advances the protection of children's mental health and morale and it guarantees children's rights as well as the first level of free and compulsory education.

OFFICIAL STATISTICS

The inspection of the *Ministry of Labor*, in its program for child workers and expecting mothers, registered 96 working permits in 1995. With this data, the following profile about adolescents who have working permits in Panama was elaborated:

- ?? 69% are between the ages of 16 and 17 and 75% are male
- ?? 3% have incomplete primary education, 5% completed primary school and 73% have incomplete secondary education.
- ?? Main occupations include general assistant, salesperson, artisan, secretary, clerk, accountant, fast-food restaurants, messenger and/or shoemaker.

It is important to point out that the data from this program is only for the formal sector of the economy, since no permits are granted for the informal sector, where there are no employers and where there is no salary.

The *Population Census* revealed that the working age (older than 10) population reached 1,769,488 in 1990, of which 25.9% were under 18 and 257,390 between the ages of 10 and 14. The *1994 Household Survey*, on the other hand, registered 278,390 children in the same age group. Both sources, however, agree that 4.5% are economically active.

According to the *Census*, there are 9,542 employed children, with the highest participation rate (10.8%) among 14 year-olds, and 2,113 unemployed children. For the age group 15-17, the employment rate in 1990 was 22.5%. Out of the 33,347, who were economically active within this age group, 77.1% were employed and 22.9% unemployed. The highest participation rate (40%) was found among 18 year-olds.

In relation to the rural/urban distribution, the age group 10-14 predominates in rural areas, with a clear dominance of the male gender, which is more evident in the surveys than in the census. The labor force aged 15 to 17 is 3 times greater than the labor force aged 10 to 14, with an increased participation in urban areas, but with lower participation than in rural areas. Concretely, the rural labor force reaches to 16.7%, with the greater participation of the 15-17 age group (36%) than the 10-14 age group (8.1%). The urban labor force, on the other hand, reaches 6.8%, where 1.4% corresponds to the 10-14 age group and 15.6% to the 15-17 age group. Therefore, it could be concluded that there is progressive incorporation to the labor market as age increases.

Panama is a multiethnic country with an estimated population of 2.6 million inhabitants in 1995. The ethnic backgrounds represented constitute 8.3% of the total population of the country and they add up to 215,000 people. Moreover, taking into consideration that indigenous people in Panama tend to live in extremely poor conditions, it would be interesting to investigate the participation of indigenous children in the labor market.

The limited statistical information available comes from the *1990 Census* and it shows that there is a greater participation of indigenous children and adolescents in the labor market than there is of non-indigenous children. The percentage of children who were employed at the time of the Census was 3.7%, of which 3.1% were non-indigenous and 9.0% were indigenous; that is to say that for every non-indigenous child, there are 3 indigenous child workers.

Furthermore, at the adolescent level, the percentage for the age group 15-19 throughout the country was 24.4%, reaching 32.9% for indigenous people and decreasing to 22.5% for non-indigenous. Therefore, one-third of indigenous adolescents are employed whereas only less than one-fourth of non-indigenous adolescents.

Data from the same source indicates that, within the 10 to 14 age group, half of the girls are employed in domestic service and one-fourth in the traditional rural sector. Three-quarters of the boys,

on the other hand, are employed in the traditional rural sector, one of every 10 works in the informal urban sector and the same proportion in the modern rural sector. For the 15-17 age group, three-quarters of female adolescents work in domestic service, with low proportions in the traditional and modern rural sectors. Among male adolescents, 58% work in the traditional rural sector and between 10% and 17% work in the informal urban sector and the modern urban and rural sectors.

The level of education among child and adolescent workers, according to the *1994 Household Survey*, is distributed as follows:

- ?? Among child workers, 35.7% (4,507 children) have not finished primary school, which is a legal requirement to work. Similarly, there are 4,033 (11.5%) adolescent workers who have yet to finish their primary studies.
- ?? Approximately, half of child and adolescent workers have completed sixth grade regardless of gender, age and sector. Nevertheless, in the case of urban child and adolescent workers, only one-fourth have completed sixth grade and almost 55% have not finished primary school. Among urban adolescents, 30% have completed sixth grade and 63% have some level of primary studies. Therefore, it appears that the completion of primary school is a strategic move for the younger population.

In general terms, the majority of child and adolescent workers come from households where the parents have low levels of education. Throughout the country, 8 of every 10 child and adolescent workers are found in the lowest and medium-low levels of society. In rural areas, this incidence is greater; 95% of child and adolescent workers are found in both levels, with 60% in the lowest levels. Moreover, in relation to the contribution that child workers make to family income, this is very small (1.2% of total income). The contribution that adolescents make is higher than what children contribute and is greater in rural areas than in urban.

NATIONAL POLICY

Panama ratified the *UN Convention on the Rights of the Child* and declared it Law N°15 on November 6, 1990. The following year, in the *Summit of Central American Presidents* held in Tegucigalpa, Honduras, Panama promised to commit itself to the objectives of the Convention and presented the “*National Action Plan for Human Development, Children & Youth 1992-2000*”.

Moreover, Panama committed itself in the *World Summit on Social Development* (Copenhagen, 1995), among other things, to preserve and promote the protection of children and the fundamental rights of workers, including the prohibition of forced labor and child labor.

In November 1994, the “*Pact for Panamanian Children*” was elaborated. This was a coordination initiative between the Office of the First Lady, a group of NGOs and the Ministries of the social public sector that work with children and adolescents. This Pact established 17 objectives, which include the need to pay attention to child workers, to protect their rights and to modernize the educational system.

In 1995, the Ministry of Education initiated a *Program of Educational Attention for Street Children*, whose objective included the elaboration of a “special” curriculum for this segment of the population. This curriculum would be based on the fundamental contents of primary teaching, but would be shaped according to the specific needs of the group. Also, this program counts with the participation of professors and various staff from the Ministry of Education to implement the service with the NGOs that are interested.

The *Institute for the Formation & Utilization of Human Resources* (INFARHU) has been offering since 1995, among others, a program on extreme poverty. This program tries to assist children living in extreme poverty by opening centers for people with unmet basic needs. The school principals or the representatives of the centers recommend six children per school with a minimum academic average of 60%. From this group, the INFARHU selects three candidates to receive scholarships. In 1996, this program assisted 5,200 children, of which 4,000 were from primary school and 1,200 from secondary

school. The scholarships granted were valued at \$30 US and \$35 US per month for primary and secondary school children, respectively.

Another program that was elaborated by the Ministry of Labor, the Chamber of Commerce and the Judicial Body is the "Godparent Contractor", which looks after the needs of children in difficult circumstances, risky situations and those who are abused or maltreated. This program is directed at adolescents (ages 14 to 17) with the basic objective of incorporating or reintegrating them to the school system.

LABOR UNIONS, NGOs & THE IPEC

When it comes to the positions and actions of labor unions (the CNTP, the CTRP and the CGT), in general, they maintain that children should not work and that they should finish school. At the same time, however, labor unions recognize that the economic need of some families makes it difficult to prohibit child labor. They also consider that, for instance, work during the summer vacations could contribute to the child's development process.

Finally, in relation to the actors that should participate in the fight against child labor, the Ministries of Education and of Labor are the main players. The former improves the quality of attention and the latter supervises employment conditions and assists parents of child workers to find employment. However, it is recommended that the *Foundation for Labor*, community councils, the police and the Church participate as well.

On April 15, 1997, the *Committee for the Elimination of Child Labor and the Protection of Child Workers* was created after the 25th executive order was published. The committee has as permanent advisors representatives from the *International Labor Organization* (ILO), the IPEC, UNICEF, UNESCO, the Population Fund, universities, The Spanish Agency of International Cooperation, the Universal Committee and the Defender of the People delegated for the rights of children. In addition, among its functions, there are the following:

- ?? To give legal advice, coordinate and accord policies and programs that would improve the social and working conditions of the child worker, while discouraging the use of children as manpower.
- ?? To elaborate, supervise and evaluate the *National Action Plan for the Progressive Elimination of Child Labor and the Protection of Child Workers*.
- ?? To propose the adoption of measures, which guarantee the evaluation and the follow-up of the *Action Plan for the Progressive Elimination of Child Labor & the Protection of Child Workers*, by responsible entities.
- ?? To convene national entities to adopt and apply within their respective jurisdictions and competencies the *Action Plan for the Progressive Elimination of Child Labor & the Protection of Child Workers*.

In Panama, there are approximately more than 400 NGOs, which were mostly created since 1990. Within this extensive number of organizations, there are some NGOs that work in communities where child workers live. Other NGOs have staff members who assist children who are at risk or who live in extreme poverty, some of which are child workers. But, there are few organizations that work directly with child workers.

The activities of the IPEC officially began with the signing of the *Memorandum of Understanding* between the ILO and the government of Panama on June 13, 1996. Subsequently, the action plan entitled "*Prevention of School Desertion & the Reintegration of Child Workers into the School System through a Mobile Library*" was elaborated. Also, the following mini-programs are being carried out:

- ?? The *University Students Intervention Program* in the presentation of social programs for the elimination of child labor. Concretely, an investigation was conducted to discover the reality of child workers, as well as to sensitize and train the community, parents and university students in order to follow-up this problem.

- ?? The *Global March Forum* and supporting material to discuss in the *Global March of Panama*, with the participation of the Ministries of children, women and the family.

DOMINICAN REPUBLIC

CONCEPTUALIZATION

The phenomenon of child workers has stopped being invisible. Every time, it is more visible the presence of thousands of children and adolescents offering their services in activities that vary from the sale of products on the streets, to agricultural labor, to domestic services, to manufacturing labor in the formal or informal sectors of the economy. Precisely, the growing numbers of child workers has been tied to the growing levels of poverty in the country; thus, as a way to survive, more family members, including children, have been obliged to join the labor market.

It has been confirmed that the early incorporation of children in the labor market is one of the factors that hinders, the most, the right to an adequate standard of living. Child labor requires children to work extensive long hours, which affect their physical and educational development. Within this context, children and adolescents are in a situation that deserves special attention. The lack of access to basic education automatically undermines any type of professional training. Therefore, it is necessary to change the emphasis from early incorporation to the labor market to early incorporation and continuation in the educational system.

One of the ways to activate the social demand for more and better education is to promote a wide national debate with the objective of putting education at the center of the political and social agendas and demanding first class education for all. The latter objective implies the elaboration of a multifarious strategy, which would include, on the one side, the elaboration of activities directed towards the growth of social spending and, on the other side, the elaboration of actions that would increase social control on education through participation and self-management.

In terms of the definition of child labor, the international right has played a predominant role, preceding and propelling, in various cases, the norms of national character. One of main and most important antecedents is, without a doubt, Convention N° 5 on minimum age of admission to the industrial sector, which was adopted by the *International Labor Organization* in 1919.

The absolute prohibition of hazardous, dangerous, illicit or immoral labor, as defined in article 32 of the *UN Human Rights Convention* constitutes an indispensable requirement for any policy on child labor. It is also indispensable to achieve the ratification of Convention N° 138 of the ILO on the minimum age of admission to employment. Presently, this convention is in the process of being ratified, which would mean a great achievement for the fight against child labor in the country.

LEGISLATION

Dominican Republic has ratified the following international conventions and national legal instruments on child labor:

- ?? UN Convention on the Rights of the Child (1989)
- ?? ILO Conventions:
 - ?? N° 5: minimum age (industry 1919)
 - ?? N° 7: minimum age (sea 1920)
 - ?? N° 10: minimum age (agriculture 1921)
 - ?? N° 29: forced labor (1930)
 - ?? N° 77: medical examination of young persons (industry 1946)
 - ?? N° 90: night work of young persons, revised (industry 1948)
 - ?? N° 105: abolition of forced labor (1957)

OFFICIAL STATISTICS

The shortage of information on child labor is a serious obstacle when it is time to measure the problem throughout the country because there are no systematic surveys that cover the specific characteristics of this population.

Nevertheless, according to the *1993 National Population & Housing Census*, the Dominican population reached 7,293,390 people, with a population over 10 of 5,503,473, between the ages of 10 and 14 of 838,291 and with a growing rate of approximately 2.2%. In relation to the labor force, almost 11% of children between the ages of 10 and 14 worked in 1990, which made up 3.5% of the total labor force. This 11% is dominated by the male gender, with a 16.1% versus a 5.5%.

In rural areas, the participation rates of children are greater than in urban areas (29.2% and 24.9% respectively). In rural areas, children are mainly used as non-remunerated manpower. Moreover, other activities that concentrate child workers are in commerce, where children and adolescents work in stores or sell products on the streets. In both of these activities the male gender dominates. On the other hand, girls who work as maids dominate the service sector, where 20% of child workers are found working.

In comparison to the adult population, these activities, where most children are found working, are the least remunerated, particularly agricultural labor (47% for adults versus 26% for children) and personal services (20% versus 16%). Paradoxically, this implies that children are paid less for the same work that adults do and thus they are at a greater disadvantage and/or risk than adults are.

The concept of poverty is, without a doubt, the most important factor, although not the only one, that explains child labor. Nearly 6 of every 10 child workers live in households whose income is insufficient. This is a vicious cycle that repeats itself as poverty increases so does the need to generate income to meet basic needs, thus education and health become less important. Needless to say, children and adolescents jeopardize their future because without an education they would not be able to compete in the adult labor market.

Data from the *Ministry of Education* reveal that the index of primary school desertion (public sector) went from 18.3% in 1985 to 26.5% in 1990 to 23.7% in 1991, decreasing in 1992 (20.65%) and in 1993 (18.15%). The secondary or medium level went from 35.8% in 1990 to 32.8% in 1993.

Nearly 13% of children between the ages of 7 and 14 were outside the classrooms in 1991 because they were working full-time, at home or outside, or because of other reasons. In addition, another 11% worked and went to school, limiting the possibilities of improving their lives in the future. In other words, nearly one-fourth of the population aged 7 to 14 was unable to fully exercise the right to education.

NATIONAL POLICY

The *Secretariat of Labor & National Committee for the Elimination of Child Labor* is the governing body responsible for outlining the national labor policy. At the moment, this governing body presides over and operates the secretariat of the national committee and elaborates campaigns for the elimination of child. These campaigns range from awareness-raising campaigns to investigation campaigns, which involve organizations of civil society and other governmental organizations.

The *Children & Adolescent Protection Systems Organization* is an organization that was created by the *Children and Adolescent Protection Code* in 1994. This organization was created with the purpose of coordinating and regrouping public and private institutions that care for children and adolescents. Among its functions, this organization formulates and executes national protection and assistance policies for children, while coordinating actions within the institutional framework of this subject.

The *National Council for Children* (CONANI) was created by decree on November 23, 1978 as a concrete answer to the situation of children. The CONANI designs certain programs, which include the following:

- ?? Youth Centers that offer Integral Attention (health, education, non-formal preschool, psychology and social work)
- ?? The “*Help Me to be a Child*” Program (reintegrate street children into the school system)
- ?? The *Inter-Institutional Commission for the Prevention of Child Prostitution* of the *Secretariat of Tourism* elaborates actions within tourist areas to prevent child prostitution.

LABOR UNIONS, NGOs & THE IPEC

The *National Network for the Elimination of Child Labor* is a network of GOs and NGOs that coordinate awareness-raising and social mobilization actions and programs. This network was created as a result of the agreements reached at the *Encounter of the Organizations for the Elimination of Child Labor* within the activity framework of the Global March in Dominican Republic.

The *Inter-Union Coordination for the Elimination of Child Labor* is the model coordinator of workers organizations that is represented in the *National Committee IPEC* and that elaborates actions for the eradication of child labor in Dominican Republic.

The activities of the IPEC in Dominican Republic officially begun with the signing of the *Memorandum of Understanding* between the ILO and the government in 1997 and with the publication of decree N° 144-97, which constitutes the *National Directing Committee for the Fight Against Child Labor*. Until today, the following activities have been carried out:

- ?? Study/National Report on the situation of child labor throughout the country
- ?? Mini-programs (Encounter of Labor Unions, Global March)
- ?? Action Program for the Elimination of Child Labor in risky agricultural activities
- ?? A mobilization and awareness-raising campaign has been elaborated with participation in television, radio and print-media, which have put child labor on the social and political agenda

BOLIVIA

CONCEPTUALIZATION

Street children looking for survival strategies characterize poverty in Bolivia. However, this harsh reality has been accepted by society, which utilizes child workers as cheap labor.

Under Bolivian Law, child and/or adolescent workers are those who perform productive activities and/or supply manual or intellectual services for an income. Nevertheless, child labor is not considered child labor only when a salary is earned, for it is known that the work that children perform is not always compensated financially; in most cases children do not receive a salary. Therefore, a central problem for discussion is the conceptualization of child labor, which must reflect not only the social practice, but the cultural values as well.

Something, which remains to be debated is the progressive eradication of child labor, that is the elimination of the work that children aged 7 to 12 do. Intrinsically, labor, as human product, is a great social value and educational resource. On the contrary, labor is negative when it becomes unnatural and distorted; when it stops being work.

Child labor is not a consequence of poverty, but one of its reasons. A child worker is a child deprived of his/her basic rights. Therefore, in order to eradicate child labor, it is necessary to emphasize school actions and outreach programs to shape proper alternatives and mobilize resources that improve the supply of services to working children. The eradication of child labor is inevitably tied to the restoration of quality school for all; thus this approach is based on the concept that basic social policies must restore the leading role of fundamental actors such as the family and education.

In 1990, Bolivia ratified the *Convention on the Rights of the Child*, which recognizes in article 32 that the child must be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education. However, not many administrative, social, and educational measures have been adopted to guarantee the application of this article. Also, the necessary specification refers to the determination of a minimum age for admission to employment, the proper regulation of working hours and work conditions and the stipulation of sanctions to ensure effective application.

In the long term, the progressive elimination of child labor demands a general increase of the standard of living, which includes targeting the fundamental causes of child labor, through job-creation policies that overcome the current underemployment and unemployment indicators.

Moreover, it must be kept in mind that this responsibility lies basically on the State, through its decisions and executing institutions, namely the Ministries of Labor, Human Development and Sustainable Development. However, it is also the responsibility of the Bolivian civil society organizations and movements that focus on the *Integral Development Doctrine on Child Labor*, which states that it is necessary to include children, as an unreplaceable element, in the design and implementation of public policies. Furthermore, the decentralization of education and health services and the promotion of community participation outline a new frame of reference and responsibilities that must be taken into account to launch said policies.

LEGISLATION

Bolivia has ratified the following international convention and national legal instruments on child labor:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 5: minimum age (industry 1919)

?? N° 20: night work (bakeries 1925)

?? N° 58: minimum age revised (sea 1936)

- ?? N° 77: medical examination of young persons (industry 1946)
- ?? N° 105: abolition of forced labor (1957)
- ?? N° 123: minimum age (underground work 1965)
- ?? N° 124: medical examination of young persons (underground work 1965)
- ?? N° 138: minimum age for admission to employment (1973)

The *Code of Minors* (Act N°1403) was proclaimed on December 18, 1992. This new legal body, inspired by the paradigm of the Convention, intends to change the irregular situation to establish itself on the basis of the *New Doctrine of Integral Protection*. By so doing, the code changes the assistance-like measures, directed at a given sector, into broader comprehensive policies, through which the State and society must guarantee the integral development of children under conditions of equality, freedom, respect and dignity. Moreover, the code successfully established the *Juvenile Courts* to specifically investigate, hear, direct and resolve child-related cases.

The *General Labor Act* was approved on December 8, 1942 and established several provisions about child labor, which is regulated along with female labor. Among the several provisions set forth, the following articles stand out:

- ?? Labor contract (general provisions)
- ?? General labor conditions (child and female Labor)
- ?? Night work in bakeries

OFFICIAL STATISTICS

The incorporation of children into the labor market responds to several factors, which include the country's economic crisis, the work culture of the rural sector, family disintegration and the difficulties of accessing formal education.

Child workers in Bolivia mainly come from the rural sector and from the marginal areas of major cities. In rural areas, because of a cultural factor, child labor is considered a form of socialization and development. The incorporation of children into agricultural work is a regular practice within the family, because each member is looked upon as an element of richness. In urban areas, the same working system is adopted, only that in this case children join the informal labor market by selling and/or offering their services as independent workers or employees.

Consequently, family members are dispersed in different activities and in the medium-term the family nucleus breaks up. At the same time, the expansion of the so-called "informal sector" produces a cyclical accrual between poor technology and insufficient savings, since in general this sector is characterized by workers who neither save nor accrue.

According to the *1992 National Population and Housing Census*, there are more than half million child and adolescent workers in the country (596,006); that is 28.6% of the population between the ages of 7 and 18 works, which in turn makes up 22.5% of the labor force. In relation to gender, the number of female child workers (312,462) is greater than the number of male child workers (251,069). Moreover, rural areas continue to be where the majority of these children are found working; nearly 60% of children who work do so in rural areas.

NATIONAL POLICY

In the last few years, Bolivia initiated a process of structural changes, primarily in the economic and social sectors, with the objective of improving the integral development of people. Within this context, the emphasis is on Human Development, which considers people as the means and the end of all actions.

This development approach requires the participation of society as a whole, because it places social problems at the center of all national concern. This, however, presents big challenges because to achieve better living conditions for all (present and future generations), a wide mobilization campaign of all sectors throughout the country must be advanced. Also, since the multiethnic and multicultural nature

of Bolivian society is legally recognized, social actions and policies must be based on national identities and their development approaches.

With regards to children and adolescents in specially difficult situations, the government's responsibility to elaborate national policies falls on the Vice-Minister of *Ethnic, Gender, and Generational Affairs* with assistance from intermediate institutions such as the *Social Management Division* and the *Social Affairs Division*. Also, the *Child & Adolescent Protection Division*, within the local municipality, function independently as a policy-implementing institution.

Human development, as the backbone of social policies, has advanced a solid framework for the management of integral social policies. For that reason, the *Ministry of Human Development and its Restructuring* introduced the *Program of Strategic Actions for Human Development* (PAE) to improve the supply of services, through concerted policies co-financed in the social area.

The *Ministry of Human Development* carried out a mid-term evaluation (1990-1995), about the progress made by Bolivia in relation to the goals of the *Summit on Children*, to identify potentials and limitations and to redefine actions that would reduce disparities within the framework of the social reforms underway.

In 1996, the government approved the PAE as the integrating mechanism of social policies and actions in the central, regional and local areas, reaffirming the political will towards the improvement of life for children within the framework of their fundamental rights.

NGOs

The objective of most non-governmental organizations is the integral development of the child. These entities work to prevent that children abandon their homes and that those children who work and live on the streets do not become victims of drug abuse, delinquency and/or exploitation. Some of these organizations carry out programs on integral education for children, ages 5 to 10. If the children in this program demonstrate emotional stability and the desire to improve his/her life could later be raised to a training stage, where education and human relationships are strengthened.

ENDA BOLIVIA is a non-governmental organization that was founded in 1988 and that has, among its objectives, the reduction of child labor and of the time that children spend on the streets and whose projects include educational, social and occupational training. In order to achieve its objectives, *ENDA BOLIVIA* intervenes in the supply of services, such as food, shelter, health, education and legal counseling. Presently, *ENDA BOLIVIA* has a population of 750 children.

Similarly, the organization *Defense for Children International* publishes bulletins with updated information on children in Bolivia. Also, the *ChildCare Project for Shoe-Shiners*, which is run by the NGO *QHARURU* along with the ILO's IPEC, should be specially mentioned. This program serves 200 children with education, health services and occupational training; it also grants micro-credit to the families of these children.

COLOMBIA

CONCEPTUALIZATION

The participation of children in the labor market is a complex phenomenon, which has been the subject of widespread discussion. The need to protect children's rights, which prevent children from working under unsuitable conditions, is one of the challenges of the *UN Convention on the Rights of the Child*, which Colombia ratified in 1992.

The opportunities that determine the personal and social development of children and adolescents depend mainly on factors associated with child development. For instance, the economic conditions of the parents determine, in the long run, whether or not the child will work. The fact that children have to work is not desirable, but, unfortunately, many poor children need to do so in order to survive and/or assist their families to survive.

Even though, children make their own decisions, perform activities on their own free will and are not necessarily dependent, it is important to keep in mind that children's experiences are different from those of an adult. Unlike adults, children are more vulnerable and thus more likely to be exploited; also certain activities may be hazardous and dangerous for the child's physical, mental and emotional development. For that reason, it is important to examine the different aspects of childhood in order to evaluate the effects of labor on children.

Naturally, there are jobs that are hazardous for the physical health, such as those that involve working with toxic dusts or gases; but putting these extreme cases aside, there is a wide range of jobs performed by children whose effects are not easily tangible. These effects take place for indefinite time periods or they simply appear as a combination of advantages and disadvantages.

One example is that of girls who work in the domestic service in their own homes. On the one hand, this kind of work is frequently convenient and necessary for the parents because it allows them to go to work without worrying about their younger children and household chores. On the other hand, this kind of work impels young girls to abandon school, limiting the horizons in a young girl's life. Therefore, domestic work teaches girls responsibility and solidarity with their loved ones, but it also confines girls to a subordinate role within the family; one which includes sacrificing their own interests and opportunities for the welfare of the whole family.

Child labor is not a decided, absolute concept. On the contrary, the definitions that each country has in relation to the concept are different, which means that each country has a different way of approaching the problem. Therefore, in order to describe the conceptualization of child labor in Colombia, it is necessary to analyze the concept of labor in relation to children and adolescents. In general, the efforts that have been made to define these terms have come from statistical tools, legislation and research.

The existing legislation, such as the *Children's Code*, defines a child as anyone under the age of 18. Moreover, a child worker, under unauthorized conditions, is a child, under the age of 12, who performs any labor activity, including those that the law prohibits. It is important to point out that even though Colombia has yet to ratify Convention N°138 of the ILO, this definition is aligned with what is established in it, as well as other international child protection norms.

Other advances made in the definition of child labor have been made by the *National Committee for the Elimination of Child Labor*. This committee established as child labor any activity, remunerated or not, of commercialization, production, transformation, distribution or sale of goods and/or services that is carried out, independently or at the service of a third party, by individuals who are under the age of 18. Furthermore, the committee established that child labor is prohibited when the person involved is under the age of 14, when school attendance ceases and/or when the job does not guarantee children, between the ages of 14 and 18, their basic and lawful rights. In short, child labor is prohibited when:

?? It impedes or hinders the child's entry, performance and achievements in the educational system.

- ?? It does not guarantee labor rights, namely, access to social security, minimum wage, reasonable working hours and access to training programs.
- ?? It constitutes an activity that is harmful or dangerous for the child's physical, psychological or emotional development.

Nevertheless, it was also established that children, between the ages of 12 and 14, may perform light work, that is work that does not hinder school attendance, does not harm the child's development process and that explicitly guarantees labor rights.

In short, it is important to point out that this conceptualization was used as the foundation for the formulation and elaboration of the national policy for the elimination of child labor and for the review and adjustment of the *Children's Code*.

LEGISLATION

Within the international framework, Colombia ratified, through Law N° 12 of 1990, the *UN Convention on the Rights of the Child* and signed the *World Declaration on the Survival, Protection and Development of All Children*. With their signature and adoption, these instruments were made laws, which obliges Colombia to obey them.

With regards to international labor agreements, Colombia ratified, through Law N° 129 of 1931, the ILO Conventions N° 5, 6, 7, 10, 15, 16 and 20 that deal with the labor conditions of children and adolescents, namely minimum age, medical examinations and night work. Subsequently, in 1962, through Law N° 54, Colombia ratified Convention N° 105 (abolition of forced labor) and in 1967, through Law N° 23, Convention N° 29 (forced labor). In addition, Convention N° 138 on the minimum age for admission to employment is currently undergoing the ratification process.

At present, Colombia's *Political Constitution*, which was proclaimed in 1991, establishes in Article 44 the fundamental rights of persons under 18 and guarantees their protection against all forms of economic exploitation and harmful labor, among other things. However, the difficulties that the State has encountered in advancing its inspection and control functions have meant that today a high percentage of children and adolescents continue to work under conditions that are harmful and dangerous for their health and their physical, emotional and moral integrity.

Moreover, besides the limitations of implementing the law, it is important to note that the legislation does not sufficiently address serious problems revealed by research, including the participation of children and adolescents in the informal economy and girls' involvement in household labor or domestic work, among others. Therefore, it is necessary to strengthen the legislation and to establish structured mechanisms for cooperation among the different social, political, cultural and economic sectors of society. These sectors would have to make sure that the standards that are established and adopted are obeyed and implemented, to report their violation and to demand actions and/or services that guarantee children and adolescents their basic rights.

OFFICIAL STATISTICS

The number of child and adolescent workers in Colombia has been traditionally established by the information gathered in the *National Household Surveys*. According to these surveys, a worker is "a person who during the reference period (the week before the survey was conducted) performed a remunerated production activity for at least one hour a week and/or who as a family helper worked without remuneration for at least 15 hours a week". In 1995, this definition was amended to include household chores and secondary rural activities as part of child labor.

Under the traditional definition, there were 1,190,000 children, between the ages of 12 and 17, working in 1995; that is approximately 20% of the total population in this age group were economically active. Under the reformed definition, however, the total number of child and adolescent workers increases to 1,802,000. Needless to say, the main difference between these figures is largely due to female workers who perform household chores.

The specific rate of participation of the labor force aged 12 and 13 was 8.7% in 1995, while the rate for the 14 to 17 age group was 25.3%. Therefore, it could be concluded that labor participation is a function of age; as age increases so does the rate of participation. This relationship is much more visible in rural areas, where the rate of participation for adolescents is five times higher than that of children; in urban areas, on the contrary, the rate of participation for adolescents is only double that of children.

With regards to gender, there are also some differences when the participation in the labor market is analyzed. In rural areas, women work approximately 65% less than men, while in urban areas the difference is 30% to 40% less. Nevertheless, when household chores are taken into consideration, the gap closes in urban areas and significantly diminishes in rural areas.

The informal sector of the economy absorbs a high percentage of child and adolescents in Colombia. In fact, according to the available information, in large cities approximately 85% of child and adolescent workers are found in the informal sector; although, it should be noted that as children grow up, there is a greater mobilization toward the formal sector. Data from 1992 reveal that the participation rate for the 14-17 age group increased to 15.5% in formal activities. Furthermore, with regards to gender, there are differences as well. Women are more often associated with the informal sector than men, largely due to the type of occupation that most often perform, namely domestic service.

In relation to the number of hours worked, when urban and rural areas are compared, it becomes evident that people work fewer hours in urban areas. Children between the ages of 12 and 13 work an average of 5 hours more in rural than in urban areas. With regards to gender, women have more intensive workdays than men do in urban areas, whereas in rural areas the opposite occurs.

In addition, the remuneration received by child and adolescent workers does not correspond to the legal minimum wage established by law. Evidence has been found that child workers between the ages of 12 and 13 receive on average only 37% of the legal hourly minimum wage, while adolescents, between the ages of 14 and 17, receive an average of 69% of the minimum wage.

NATIONAL POLICY

Colombia's *National Development Plan 1994-1998* presents a program aimed at child and adolescent workers. The objectives of this program are to discourage the labor of children under 14, to offer care/assistance to workers between the ages of 14 and 18, promote education, prevent school desertion, to rescue them from hazardous labor activities prohibited by the law and to defend their labor rights.

The *Ministry of Labor and Social Security* is a government agency responsible for developing child labor policy in coordination with the *Colombian Institute for Family Welfare (ICBF)* and other governmental agencies working on the issue.

In May 1995, through a decree, the *National Committee for the Elimination of Child Labor & the Protection of Child Workers* was created with the objectives of designing a national policy for the elimination of child labor and the protection of child workers and of supervising its strict implementation. The *National Action Plan* that eventually emerged has the following main objectives:

- ?? Education (to widen coverage and equity and improve quality)
- ?? Health (to guarantee the right to health care and improve living conditions)
- ?? Family support programs (to assist those families with child workers)
- ?? Legislation and sensitization (to review, adjust and complete legislation on child workers)
- ?? Information and Awareness-raising (to commit the family, the community and various institutions to the eradication of child labor and the protection of child workers)

Furthermore, the *ICBF* was created, through Law N° 75 of 1968, with the following objectives: to advance and strengthen the harmonious integration and development of the family, to protect children and to guarantee their rights. It also prepares bills of law, regulations, and other standards related to

children, protecting child workers in any activity they perform. Similarly, the *ICBF* is in charge of watching over the protection and development of children in special situations, that is, those children who are not protected by their families. This institute together with the *Social Solidarity Network* support local authorities in organizing services that care for the basic needs of street children and that involve them in specific programs.

One of the functions of the *ICBF* is to reinforce conciliation mechanisms as an important measure for the resolution of family conflicts. In this area, the *ICBF* takes the necessary steps to expedite the processes of declaration of abandonment and adoption, promotes the specialization of some protection institutions to care for abandoned children and sets up foster homes for children with disabilities. Moreover, bearing in mind that abandoned children must be given more opportunities to preserve active links with their country and culture, the *ICBF*, in the framework of its social mobilization and institutional programs, promotes adoption programs for Colombian families and designs legal guidelines to facilitate the procedures.

The *Juvenile Police* is the specialized body of the National Police responsible for assisting and collaborating with governmental organizations that deal with education, prevention and child protection. Among its functions, the *Juvenile Police* has to fulfil and enforce the norms and the decisions made by state agencies on child protection. Also, in collaboration with the *Ministry of Labor & Social Services*, the *Juvenile Police* oversees the labor activities and the working conditions of children and adolescents in order to protect their physical and moral health.

LABOR UNIONS & NGOs

Since 1991, numerous labor unions grouped around the *International Confederation of Sovereign Labor Unions* (CIOSL) decided to undertake an international campaign against child exploitation and labor, as it constitutes a serious violation of children's fundamental rights.

In Colombia, there are NGOs that design awareness-raising programs, which aim at children working on the streets. The objective of these programs is to pull children off the streets and re-educate them. For that reason and to achieve such objective, these NGOs promote aptitude tests for new students and other transitional mechanisms that would keep these children in the school system.

The problem of child workers demands a series of actions from the educational sector, particularly for those children who have abandoned primary school. Therefore, the current school programs for children are being re-oriented with the objective of encouraging independent and group study sessions through flexible educational strategies. At the same time, these strategies will also assist the *Ministry of Education* in carrying out pilot professional training programs for children between the ages of 14 and 18.

In addition, there are also NGOs that work with highly vulnerable populations, namely children from low-income households. The Restrepo Barco Foundation, whose main objective is the educational, technical and cultural development of poor children and adolescents, has particularly acknowledged these organizations. Similarly, the ILO's IPEC has been supporting various programs and/or experiments that are being developed in conjunction with different NGOs, including:

- ?? The experience with the *Coordinator of NGOs* that involves the development of an active search model for children working in high-risk sectors throughout the country.
- ?? On the issue of child prostitution, the NGO *RENACER* and the *ICBF* are developing a comprehensive program that will care for 500 children and that includes psychological orientation, medical assistance, job training, permanent homes, as well as micro-credits and business alternatives.

ECUADOR

CONCEPTUALIZATION

Child labor in Ecuador is affecting more and more families each day. The growing numbers of child workers since the beginning of this decade has been alarming. By the age of 15, 80% of adolescent workers, males and females, have stopped studying and the country's education system has yet to address the problem that generates the massive number of child and adolescent workers.

Parts of Ecuadorian families and society do not consider child labor to be harmful to the interests of those involved. On the contrary, these families stimulate and value child labor, as they believe that labor bestows the child with helpful skills.

In Ecuador, the society is required to protect its children against economic exploitation and any type of work that interferes with their education or that harms their health and development. At present, eight hundred and ten thousand children do not have the time to go to school or fully live out their childhood.

Today, child labor is the worst investment that society and families can make. Under the current conditions, the education that children receive at work does not train or prepare them for the adequate integration into adult society, because the technology, working procedures, problem-solving and learning techniques that they will encounter in the future are acquired through other systems and procedures. In fact, child labor is currently destructive of children's capabilities.

One indicator of the characteristics of child labor is its intensity. It is surprising to discover that 63% of child workers devote 40 hours or more to work. This makes it impossible for them to attend formal school, which demands a minimum of 20 hours. Under these conditions, it is impossible for them to be children. For that reason, child labor is considered a flagrant violation of children's rights.

The progressive eradication of child labor will only be possible through the structural modification of social policies. These policies must be aimed at fulfilling the commitments made by Ecuador in the *Convention on the Rights of the Child* and which are reinforced in Ecuador's *Code of Minors*. Therefore, a national convergence policy, whose goal is to eradicate child labor for children under the age of 12 and whose design includes the participation of productive sectors, social movements, public organizations and children themselves, must be considered.

Child workers are not isolated individuals; they form part of a family. That is to say, the working and living environments of child workers are very closely linked. In general, the working environment is an extension of the family environment, largely due to the fact that children are not independent workers. Instead, child workers are subject to the authority and interests of their parents and also their labor activities evolve in an environment of informal relationships (family and friends).

Throughout Ecuador, people have become accustomed to seeing children working on the streets, in restaurants, in construction, in workshops and in farms tending livestock and harvesting crops. This scene has become so familiar that most people think it is good for children to learn from an early age to make a living.

Child labor, because of the magnitude that it has reached, the conditions under which it evolves and the negative consequences that it has for children, is presently the main problem among minors.

LEGISLATION

Ecuador has ratified the following international conventions and national legal instruments on child labor:

?? United Nations Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 29: forced labor (1930)

- ?? N° 105: abolition of forced labor (1957)
- ?? N° 112: minimum age (fishermen 1959)
- ?? N° 123: minimum age (underground work 1965)
- ?? N° 124: medical examination of young persons (underground work 1965)

Ecuador was the first country in Latin America and the third in the world to sign the *Convention on the Rights of the Child*, which implied committing itself to a new paradigm that conceives children and adolescents as subjects of rights. In order words, Ecuador adopted a concept outlined in an international legal instrument, which emphasizes the social agreement reached by the International Community through their representatives in the United Nations.

The state of vulnerability that generally characterizes minors has translated into legal standards that protect them. As such, the legislation and the state assume a guardianship role for minors, which is limited in terms of civil capability and responsibility.

The changes made in the judicial scene are the first step in the struggle to introduce the new children's rights into the national reality. At present, there are two elements that favor the possibility of fulfilling this objective. The first is the legal presence of the *National Council for Minors* (CONAME), which is appointed by the *Code of Minors* as the agency responsible for designing policies and strategies that would strengthen consensual spaces between the State and civil society. The second is the growing organization of civil society, which, since 1991, has been developing initiatives that advance children's issues. A concrete example is the creation of the *Permanent Ecuadorian Forum of Organizations for and with Children*, which is made up of NGOs and which has been building momentum to form a widespread, democratic social movement for the defense and promotion of children's and adolescents rights.

Ecuador dictated the *Code of Minors* on August 7, 1992 as a result of the signing of the Convention on the Rights of the Child, which was in disagreement with the 1976 *Code of Minors*. The main objectives of this new Code are to enshrine the fundamental rights of the child, determining the governing bodies that would orient the standards that guarantee children's rights. With regards to child labor, the Code stipulates the following:

- ?? The State shall protect the minor against economic exploitation or the performance of any labor or working environment that could impede his/her education, harm his/her health, physical, mental, spiritual, moral or social development (Article 154).
- ?? The State prohibits the labor of minors under the age of 14 in a dependent relationship; however, the *Juvenile Court* may authorize apprentice work to children under 12 who have completed primary school. Minors are forbidden from working in mines, garbage dumps, in places where psychotropic or toxic objects or substances are handled and children are forbidden from working at night (Article 155).
- ?? Parents, guardians, hosts, employers or persons in charge have the strict obligation to ensure that children attend school and complete their secondary studies.

The *Labor Code* allows children under the age 14 to hold individual contracts authorized by their parents or guardian. It also allows children, between the ages of 12 and 16, to hold apprentice contracts with parental or guardian authorization, though, children over 16 may do so without parental authorization (Articles 34 and 159 respectively). By establishing 14 as the minimum age of admission to employment, the national legislation incorporated the principle of the ILO's Convention N°5 (1919). Nevertheless, the most recent ILO Convention (N°138 on the minimum age of admission to employment, 1973) considers that the minimum age should not be under the age at which school assistance ceases, even when the possibility of employment for those between 13 and 15 exists. If the possibility of employment exists, it must be light work that does not harm the health or development of the child or does not interfere with his/her education. Regardless, Ecuador has not ratified either Convention N°5 or N°138.

OFFICIAL STATISTICS

In 1990, the *National Population Census* registered 482,459 workers between the ages of 8 and 19. Out of these workers, 297,050 (61.5%) were rural and 195,409 (40.5%) were urban. In addition, if the number of workers who were laid-off and thus unemployed and the number of those who were looking for a job for the first time were added, the total number of urban child workers would increase to 209,361. In relation to gender, 64.9% of the total were male workers and 35.1% were female. Together these numbers represent 10.9% of the urban labor force and 14.2% of the total working-age population.

The majority of child and adolescent workers in urban areas work as laborers in the private sector and as non-remunerated family workers. In rural areas, almost all of them work as non-remunerated family workers. Furthermore, a high percentage of urban children and adolescents work in commerce and services (i.e.: repair shops), while most rural children work in the agricultural sector.

In Ecuador, there are approximately 10,000 female and 9,500 male children, between the ages of 10 and 17, who work on the streets. In rural areas, child labor begins at a very young age. At the tender age of 6, children start helping with agricultural chores and productive activities; education is not separated from work; the two converge into a single, unique process. Work is part of a child's socialization process, a vehicle that transmits knowledge about the environment and society.

NATIONAL POLICY

Ecuador has significant experiences in child participation and citizenship formation that have been internationally recognized, such as the children's elections of 1990, which awoke public consciousness about the need to respect children's rights and to listen to their opinions about the matters that concern them.

Child labor conditions the future of children and impedes the exercise of their rights. Working towards the eradication of the worst forms of labor is a major task for the *Ministry of Labor*, who must improve its institutional roles to verify, with exactness, the obedience of legal and labor standards that protect child and adolescent workers.

Since 1990, the ILO has advanced the eradication of child labor throughout the world with its *International Program for the Elimination of Child Labor (IPEC)*, which protects children against economic exploitation and any activity that interferes with their education, harms their health, mental, spiritual, moral or social development. During that same year, Ecuador joined the fight, along with other countries, by ratifying the *Convention on the Rights of the Child* and by committing itself to the elaboration of a *National Plan for the Elimination of Child Labor*. The *National Child & Family Institute (IINFA)* is currently promoting the already mentioned plan.

The IINFA, through its *Child Workers Program*, has been executing, since 1990, an unconventional program that cares for children and adolescents working on the streets of 18 Ecuadorian cities. As a result, the IINFA is becoming a prominent promoter of institutional coordination and together with the ILO-IPEC is designing a comprehensive intervention proposal.

LABOR UNIONS & NGOs

According to a representative of the *Ecuadorian Confederation of Free Labor Unions (CEOSL)*, the magnitude that child labor has reached as well as its negative impact on the development of children, have made it a social problem that must be addressed by all sectors of the country, especially the State.

The *Permanent Ecuadorian Forum of Organizations for and with Children*, which is made up of NGOs working on behalf of children, has the principal objective of generating a culture of exercise and of respect for children's rights. The Forum has taken the following actions to accomplish such objective:

1. To encourage processes of child participation so that children, parents and teachers, along with civil society, internalize, practice and defend children's rights.

2. To train the police so that they work for the rights of children against sexual abuse, child abuse and labor exploitation.
3. To encourage a social mobilization program oriented towards changing everyday relations between adults and children.

Moreover, the NGO *Defense of Children International* (DNI) is developing a comprehensive community development project. One of its objectives is the progressive removal of child workers from their activities, working on educational and psychosocial components and offering micro-credits for social housing as well as the establishment of associative micro-enterprises for low-income families.

Similarly, it is important to note that in order to make the contribution of these organizations count, they must be recognized as counterparts in participatory planning processes, as evaluating entities capable of executing certain services and as mobilizing promoters of the public's ability to implement solutions. Also, the function of NGOs and other social organizations of executing and providing services must be increased as the implementation of programs are brought closer to levels of negotiation. Furthermore, their consultation and techno-political functions should be given more emphasis at the central levels.

PERU

CONCEPTUALIZATION

Generally speaking, child labor is defined as any activity carried out by children in the field of production, commercialization or services. Therefore, this concept includes all the activities carried out by children in the informal sector, formal enterprises, rural areas, households and even the streets (i.e.: prostitution).

At a more restrictive level, child labor includes any legal activity with the following characteristics. 1) Direct participation in production, commerce or services, 2) consummation of goods or services outside the child's home, 3) remunerated or not, not necessarily with money, and 4) regular participation, either hours or days a week.

The conceptual delimitation of child labor leads to the notion of children and labor. From a harmful perspective, there is a consensus that child labor could be either formative or harmful. Child labor is *formative* when it includes activities that facilitate child development and that stimulate the child's creative skills, socialization, learning skills, responsibility and autonomy. On the contrary, it is *harmful* when the activity violates the rights of the child, hinders or alters the child's integral development and/or interferes with the child's access to and performance in school. Unfortunately in Peru, most child and adolescent workers are found performing activities in places that are considered *harmful*, such as gold mines, garbage dumps, construction sites, and/or the streets.

The impact on the development of children and adolescents is the key factor to determine when child labor becomes harmful. In general, it is considered harmful if it produces physical, social, or psychological stress; it violates children's rights; it has long working hours; it is badly remunerated; it affects the child's dignity and self-esteem; it limits the child's time to play and if it hinders access to education.

The damage becomes more severe as the interference with education increases and as the working conditions worsen. As such child labor could become highly dangerous. According to the *International Labor Organization* (ILO), the type of child labor that must be eradicated is the type that exposes children to harmful risks, to long working hours for a minimal salary and to a premature adult life.

Moreover, there is a growing consensus about explaining child labor as an expression of the social segmentation in the country. Child labor originates and grows within a poverty-stricken context. However, the problem is much more complex, especially when one questions the fact that not all poor children work. There are cultural and other related factors that influence, whether positively or negatively, the relationship that children have with labor. Even though, the main motivations to start working at an early age are mostly economic and cultural, there are also individual/personal reasons such as the need for independence and freedom that relate to consumption, to legitimization and to integration into society.

When children and adolescents work and study at the same time, they (70%) frequently fall behind in their classes and eventually drop out of school. The consequence of this situation is that it compromises the future of child workers because for every two years less of education, children will lose approximately 20% of their monthly income during their adult life.

Within a poverty context, child labor is as much a problem as it is an answer to other production and social reproduction problems. For that reason, child labor increases during times of crisis and the numbers tend to decrease in times of economic relief. Furthermore, in Peru, there is a clear evidence of child and adolescent workers who are not poor and who belong to urban middle-class families.

In Peru, just like in many other countries, there are different ways of conceptualizing and valuing child and adolescent labor. Basically there are three major positions. The first position proposes as ultimate objective the elimination of child labor; the second vindicates child labor as a human right and consequently denies the need to eliminate child labor and the last position maintains an ambiguous view about the ultimate objective, focusing its actions on short-term interventions.

The first position clearly opposes the connection of children to any form of labor that may interfere with the child's normal development and with the child's school attendance. This view is based on the *International Convention on the Rights of the Child*, which in its article 32 recognizes the right of every child to be protected from economic exploitation and from any work that is likely to be hazardous or to interfere with the child's education, health, physical, mental, spiritual, moral or social development. From this point of view, therefore, child labor must be eradicated because it constitutes a clear impediment to the child's human and academic development. Labor in this light and from this perspective, which ILO/IPEC and UNICEF endorse, is seen as an indisputable violation of children's rights.

The second position, grouped around the *Consortium of Non-Governmental Organizations* known as PRONATS and the *National Movement of Child and Adolescent Workers*, looks upon labor as an inherent right to every individual and recognizes child labor as a source of dignity and formation. From a "critical valuation" perspective of child labor, it places emphasis on the construction of the identity of child and adolescent workers (NAT's), and their social and political participation (i.e.: labor unions). The main objective is to promote children's protection by the State, promote actions to eliminate the economic exploitation of children, but without excluding them from the labor market.

LEGISLATION

The international conventions and national legal instruments on child labor ratified by Peru are the following:

?? UN Convention on the Rights of the Child (1989)

?? ILO Conventions:

?? N° 10: minimum age (agriculture 1921)

?? N° 20: night work (bakeries 1925)

?? N° 29: forced labor (1930)

?? N° 58: minimum age revised (sea 1936)

?? N° 59: minimum age revised (industry 1937)

?? N° 77: medical examination of young persons (industry 1946)

?? N° 78: medical examination of young persons (non-industrial employment 1946)

?? N° 79: night work of young persons (non-industrial employment 1946)

?? N° 105: abolition of forced labor (1957)

?? N° 112: minimum age (fishermen 1959)

OFFICIAL STATISTICS

In Peru, there is a wide consensus about the fact that national census and surveys underestimate the magnitude of child labor and for that reason, they may only be taken as a general reference. The underestimation of child labor is often based on its own illegality, which makes parents and/or employers reluctant to reveal its existence. On the other hand, the cyclical nature of child labor may influence the major variations observed from one measurement to another.

The *1993 National Population Census* identified nearly 500,000 children between the ages of 6 and 17 who were economically active. This number increased to 1,020,925 child and adolescent workers in 1995, to 1,934,432 in 1996 and to over 2 million in the year 2000¹⁴. According to the available data, child labor until 1981 tended to concentrate in rural areas; however in 1993 the *National Population Census* revealed that 53.8% of child workers (aged 6 to 17) were found in urban areas, while the remaining 46.2% were in rural areas. This mobilization pattern, as a result, explains the accelerated urbanization process that Peruvian society has been experiencing and which has led most child workers to move to urban areas.

¹⁴ Ruiz, Isaac (2000) "100,000 Children Treated as Slaves in Peru" August 1st, 2000.
www.globalmarch.org/whatnew/index.html

The activities that child labor include are many and multifarious, depending on the geographical area, age and gender. According to the information provided by the *1993 Census*, most children work in agriculture (40%) followed by domestic service (14%), commerce (7%) and manufacturing industry (7%). The Census also shows that 44.1% of the 6 to 17 labor force is classified under the occupational category of non-remunerated family work, which reaches 60.1% in rural areas and 66.8% for the 6 to 11 age group. Moreover, the *1993 Census* indicates that from the 6-17 labor force total, only one third attends school and the percentage is lower in rural than in urban areas. According to figures from 1996, within the 10 to 14 labor force, rural girls show the highest rates of illiteracy.

NATIONAL POLICY

The Parliament elected in 1990 proclaimed three legal norms about child and adolescent workers. 1) The ratification of the Convention on the Rights of the Child, 2) the delegation of instructions to the Executive Power for the promulgation of a *New Code of Children* and 3) for the elaboration of the *1992-1995 Action Plan for Children*. On the other side, in the House of Representatives and in the Senate, there are commissions being set up to deal with child-related issues. In the present Congress, there is the *Family Commission* who addresses child-related problems.

The *Ministry of Labor* is responsible for protecting children who work dependently. Various agencies within this Ministry are associated, in one way or another, with the problem of child labor.

The *Work Training Program* is aimed at adolescents and young adults between the ages of 16 and 25 who have not completed their studies. This program is being implemented through two lines of action: the *Occupational Training Program for Children* and the *Pre-professional Training Program*. Through these programs, the *Ministry of Labor* will try to advance the preparation of these children so that they could enter the labor market with better and improved labor conditions and income.

LABOR UNIONS & NGOs

The *Unitary Workers' Confederation of Peru* (CUT), which is affiliated to the *Latin American Workers' Confederation*, advocates the eradication of child labor. The CUT prepared a national plan that included educational and training programs associated with the strengthening of labor unions. As a result, the *National Inter-Union Commission for the Elimination of Child Labor* was created, promoting the integration of labor unions into the *Commission for Children and the Family*. Also, the CUT has developed activities relative to child labor and in 1997 it signed the *Declaration of Cartagena de Indias on the Elimination of Child Labor* (see appendix).

The *General Workers' Confederation of Peru* (CGTP) proposes the organization of multi-institutional committees in charge of establishing and reaching, through public campaigns, the elevation of the minimum age of admission to employment, which is the age when the child achieves full development. To achieve this objective, the CGTP created a *Secretariat for Children*.

As previously stated, non-governmental organizations (NGOs) in Peru approach child labor from two different perspectives: eradication and "critical valuation".

The NGOs, which do not support child labor, have promoted projects that discourage child labor, assist child workers and examine the social settings in which children are found, particularly school.

One of the major problems that organizations face in the field of child labor is implementing proposals, primarily because there are not enough financial and technical resources to cover the magnitude of the problem. However, it should be noted that there are experienced officials and promoters in the field of child labor, as well as significant activities and actions carried out by various NGOs who are financed by international agencies. Also, it is important to point out that since the IPEC program was signed (see appendix) projects have been focusing more on the eradication of child labor.

With regards to the daily relation with child workers, NGOs have outlined an implicit policy about child labor. This policy recognizes the organization as a place where child workers could uncover

their potential to become protagonists instead of simply being beneficiaries of charities and alternatives defined by others.

Other NGOs, such as *ADEVI*, *La Semilla*, *Warma Tarinakuy*, *CESIP* and *Gente del Mañana* have advanced projects that seek to integrate the child to development qualities that may be useful in his/her future. The NGOs that follow this orientation are beginning to articulate themselves and to have a coordinated presence. The setting up of "*La Red*" or "*The Network*", which brings together a large number of NGOs in Lima, and the holding of the "*Global March against Child Labor*" are evidence of just that.

Nevertheless, even though there is a strong commitment and identification of these institutions with children, there are very few programs that specifically address child and adolescent workers. Therefore, it is necessary to increase financing for actions, such as campaigns, that would promote people to contribute to the cause.

At the same time, however, it would be unrealistic to believe that the efficiency of these national projects would be enough to solve the problem of child labor. These projects cannot substitute national legislation and its effective application, nor the necessary political interventions that would address the causes of child labor and that would eventually lead to its eradication.

VENEZUELA

CONCEPTUALIZATION

During the last few years, Venezuela has experienced various profound and complex transformations, which have modified the nature of its society. It has been established that one of the causes of child labor is the insufficiency of family income and not abandonment as most child workers live with their parents. The role of children in the survival of the family basically depends on the conditions of the household. If the conditions are very precarious, the children tend to work, but only if it is outside school hours. Also, it has been confirmed that the majority of parents make the efforts to ensure that their children complete primary school.

Until 1996, there was a series of conceptual vacuums in relation to child labor policies. For that reason, that same year Venezuela began an in-depth process of reflection about the subject, which was determined by two elements: the proposal of the *Charter of Integral Protection* and the signing of the *Memorandum of Understanding* between Venezuela and the ILO on the eradication of child labor.

Until that moment, the few efforts that were being developed were basically oriented towards assisting and caring for children. These efforts focused on institutions with limited coverage that did not have action plans specifically designed to care for child and adolescent workers.

The first effort to quantify the situation of child workers was undertaken by the *National Institute of Minors* in 1993. Other groups, such as non-governmental organizations, universities and research centers, have participated in discussion processes where child-care proposals have been formulated; however, to this day, no specific research on the subject has been conducted. One of the major difficulties in estimating the evolution of child labor, in both the formal and informal sectors of the economy, has been the condition of prohibition of child labor and the lack of regulation that this has under current laws. Thus, making child labor a problem difficult to quantify and qualify in a reliable manner.

With regards to the quantitative dimensions of child labor, it is important to point out that there are sociological, strategic and methodological incongruities. These incongruities exist due to the fact that the prohibition of children under the age of 12 from working (or carrying out any income-generating activity) involves a lack of official recognition of the type of work that children may be carrying out. Within this context, this is an attempt to prevent children from participating in formal and informal labor. However, the informal economy present child workers and their accompanying adults the opportunity to violate the law, which as a result distorts the established legal provisions (national and international as well) that prohibit child labor, especially for children under the age of 12.

In 1997, 49% of the labor force (9,187,991) was employed in the informal sector of the economy, particularly in sales. These facts have become variables that influence the establishment of family survival strategies through which all family members, including the youngest members, need to perform some kind of income-generating activity to complement the family income. Within this context, two opposing trends about child labor have emerged. The first one aims at the eradication of child labor and the second one assumes that labor is a right recognized by the *Convention on the Rights of the Child*, which argues that labor is an element of the socialization process of the child.

Venezuela is a young country; that is of young people and for that reason the problems of children and adolescents should have a more important place on the public policy agenda. The problem of children and adolescents who work rather than study illustrates the sharp increase of poverty, which has obliged families to use their available resources (i.e.: manpower) to the maximum. Because child labor is a problem that is tied to the social and economic structures of the country, it would be difficult to solve without introducing general reforms to the existing policies.

Furthermore, children and women are usually employed or hired because they are vulnerable and thus in a weaker position to negotiate and/or report an illegal situation. Also, children and women are not aware of the laws and are capable of performing tedious and repetitive tasks. In the case of street vendors, children are used to generate feelings of acceptance or pity from possible clients. It is not of any surprise, therefore that under these circumstances, the working conditions for children are worse than

those of adults and that these conditions worsen after a prolonged crisis when the pressing need to earn more money becomes a powerful stimulant for both parties.

LEGISLATION

The international conventions and national legal instruments on child labor ratified by Venezuela are the following:

- ?? UN Convention on the Rights of the Child (1989)
- ?? ILO Conventions:
 - ?? N° 5: minimum age (industry 1919)
 - ?? N° 6: night work (industry 1919)
 - ?? N° 7: minimum age (sea 1920)
 - ?? N° 29: forced labor (1930)
 - ?? N° 105: abolition of forced labor (1957)
 - ?? N° 138: minimum age of admission to employment (1973)

In the *National Constitution*, which was proclaimed on January 23, 1961, the following articles and principles about children stand out:

- ?? *Article 74*: The necessary measures will be imposed to ensure that every child, without discrimination, is protected, from the time of conception until he/she is fully developed, so that he/she could live in favorable material and moral conditions.
- ?? *Article 78*: The State will create and maintain schools, institutions and services to ensure access to education and culture, with no limitations other than those of vocation and aptitude. Education will be free at all levels.
- ?? *Article 93*: Special protection would be given to women and child workers.
- ?? *Principle 4*: The child should be able to enjoy the benefits of social security.
- ?? *Principle 7*: The interest of the child should be the governing principle of those who are responsible for his/her education and orientation; said responsibility lies, primarily, on the parents.
- ?? *Principle 9*: The child must be protected against all forms of abandonment, cruelty and exploitation. He/she will not be subject to any type of trafficking and no Venezuelan child may or should work before the age of 14.

The main objective of the *Protection Act for Minors* is to guard or protect the interest of the child and to establish the child's right to live in conditions that allow him/her to reach normal biological, mental, moral and social development. Also, the State will facilitate the necessary means and conditions to achieve this objective.

OFFICIAL STATISTICS

In Venezuela, there are no statistics that reflect the real magnitude of the participation of children in productive activities and, as a consequence, there is no available data that reflect with certainty the conditions under which children and adolescents work. However, given the living conditions of poor families, child labor emerges as a solution.

The population of child workers or minors carrying out survival strategies may be estimated at 1,584,729, which represents 18% of the total population under the age of 18 and 21.8% of the urban population. Children between the ages of 5 and 17 (age group where minors tend to undertake survival

activities) make up 26% of the total population and 31.5% of the urban population. Urban areas are where most child workers are found, but their representation (31.5%) may be slightly lower because some of these children carry out their activities in rural areas.

Child labor is significant in rural areas. Even though only 16% of Venezuela's total population live in rural areas, rural children between the ages of 10 and 14 make up 40% of the total population of child workers. However, interesting enough, between 1985 and 1991, rural areas show a decrease in the total proportion of child workers ages 10 to 14 and adolescent workers between the ages of 15 and 18. Meanwhile, urban areas reveal a backlash of a tendency that has been maintained since the 1950s, a reduction of the participation of children in the labor market.

More than two-thirds (1,076,983 or 68%) of child workers are found in the informal sector of the economy. Out of this number, 27% work with their families and 18% work with other families. Fifty-five (55) percent work dependently, that is assisting other people and 18.8% (203,119) which is made up of mostly urban males, work independently. Children who work and study constitute 56.3%; street children constitute 72% and 94% work to survive.

The distribution of child workers (ages 10 to 14) by occupation differs significantly according to the gender (male-female) and the area (urban-rural). For instance, while male workers between the ages of 10 and 14 work mainly in agriculture (86%), female workers in the same age-group work in commercial agricultural activities and personal services, particularly domestic services. At the age of 15, the occupational profile for boys begins to diversify. Even though, agricultural activities continue to be boys' main occupation, they begin performing activities in business and construction. In the case of 15 year-old girls, their participation in agriculture decreases dramatically and their participation in business becomes prominent, but the domestic service continues to be their main occupation.

In urban areas, there are more occupational choices for both boys and girls. Boys between the ages of 10 and 14 increasingly work in commerce, industry, construction and personal services, while girls in the same age-group are mainly concentrated in personal services, which basically means the domestic service, though some girls work in commerce and industry as well.

The majority of child workers in Venezuela range between the ages of 10 and 14 years. However, a study that was conducted in the metropolitan area of Caracas on a sample of almost 300 domestic servants reported that 4% of them began working before the age of 10 and in total 26% began working before the age of 15. The average age of admission to employment is 11.6 years, however this may vary according to the occupation. The most common age is between 10 and 12, but the number of children who start working at the age of 5 or 6 is significant, especially in rural areas. At the age of 10, children enter all types of jobs and at the age of 14 they are considered adults in terms of their responsibilities.

NATIONAL POLICY

The *National Institute for Minors (INAM)* was created in 1936 as the Venezuelan Children's Council (CVN), an agency of the Ministry of Health and Social Assistance. The *INAM* is responsible for the protection, the assistance and the treatment of all children under the age of 18 in irregular or dangerous situations and must develop and execute prevention policies for children, adolescents and the family. Within the *INAM*, the *Prevention Division* is in charge of watching over the assistance and care given to child workers, which is basically carried out in two ways: the *Youth Assistance Service Program* and the "*Child Workers' House*" Program.

The *Youth Assistance Service Program* according to the *Protection Act for Minors* must work in coordination with the Ministry of Labor to control the working conditions of children in order to ensure the fulfillment of the corresponding legal provisions. Moreover, the "*Child Workers' House*" is an unconventional program for child workers in the informal sector. This program has among its general objectives the following:

1. Protect children without having to remove them from their productive activities, providing them with safer, more stable, working conditions.

2. Compensate children for the consequences of early employment by strengthening their ethical values and offering them a place to live.
3. Encourage children's personal growth, facilitating their incorporation into qualified labor, their participation in the school system and their reaffirmation as members of a family and a community.

The *Ministry of Labor* is the governmental body responsible for watching over labor rights as well as making sure that the laws on the subject are fulfilled. Also, the ministry works closely with the INAM to ensure the moral, physical and legal protection of minors.

The *Continental Child Workers Program* looks after child workers, between the ages of 4 and 17, who perform marginal income activities within the informal sector. Furthermore, this program has the following activities as part of its action plan. 1) Attendance on the streets, 2) recreational-sporting activities in community centers, 3) volunteer work, 4) training sessions for personnel working in the program and 5) the coordination of activities with other institutions that provide children the necessary technical and artisan training to enter the formal education system.

The *Child Worker Project* is a project that was elaborated by the Mayor's Office (Municipality of Libertador) in coordination with the *Social Action Foundation*. Under the guidelines of the INAM, the *Social Action Foundation* assumes the responsibility of running the "*Child Worker Program*" using the concept of integrity. This means caring for all development aspects that would allow the child to have the capacity to enter society in a safe and complete manner.

Similarly, the *Tío Simón House* has been created to run the *Child Worker Program*. This program offers three courses:

1. One is on the leather industry and it is offered in coordination with the National Institute for Educative Cooperation (INCE).
2. The second course is on household appliance repair and is offered in coordination with the ILO office in Venezuela.
3. The last course is on computer science and is offered as a result of an agreement made between the INAM, IBM and the Social Action Foundation.

Furthermore, this program is targeted at children who have abandoned the school system, who have socio-economic problems and who are working with or without remuneration. The general objective of this program is to take care of child workers so that they may be trained according to their aptitudes and capabilities and may be guided toward economic independence.

LABOR UNIONS

The Venezuelan Workers' Confederation (CTV) has been and continues to be concerned about the increase of child labor in the country. The labor union movement had not initiated any type of coordinated work on this problem largely because its efforts were being directed at resolving other problems that affect the working class; however, due to the expansion of child labor, it became necessary to prevent it. CTV's representatives agree with the ILO that children should not have to work, but when they have no other choice, they should be adequately protected.

Moreover, the CTV argues that given the lack of reliable statistics on the magnitude of the problem, it is necessary to prepare a diagnosis of the situation that would assist in the elaboration of action plans and projects within the framework of public policies that protect child workers. Also, the CTV clearly established the concept of child labor as any work done by children under 14 in conditions that are harmful for child's education or in high-risk conditions that are hazardous to the child's health, physical, mental, moral, spiritual and social development.

CONCLUSION

After examining the available information on child labor in Latin America, it could be concluded that we are facing a complex reality. There are many diverse positions, many antagonistic views about the problem and thus many different ways of how to confront it. Among these views, which debate the problem of child labor, emerge two in particular.

On the one side, there is the *immediate vision*, which regards child labor as a consequence of poverty and as a social survival strategy. Whereas on the other side, the *long-term vision*, which is embraced by the ILO and by UNICEF, regard child labor as the cause of the perpetuation of poverty and thus constitutes a serious social problem that needs to be eradicated¹⁵.

Nevertheless, in spite of these opposing views and the quantitative and qualitative differences among these Latin American countries, one can find, beyond these differences, a common ground that could illustrate the situation of child labor in the region.

With regards to what constitutes child labor, there are, as previously said, various positions, particularly within civil society, that hinder its full eradication. There are countries, such as Ecuador, Peru, Guatemala and Paraguay, among others, whose societies, particularly those in rural areas, do not consider child labor detrimental for children, nor do they consider it a flagrant violation of their rights. Instead, these societies encourage child labor because they believe that work ascribes abilities and forms part of the development and socialization process of the child.

Nevertheless, in spite of its diversity and complexity, it could be assured that, in the last few years, the commitment of all governments, public and private institutions has moved towards the progressive elimination of the worst forms of child labor as specified under international conventions and agreements¹⁶.

The normative bodies, themselves, are also supportive of this progressive commitment against child labor. The amendments to the *Codes of Minors, Children and Adolescents*, the increase of rules and regulations in the *Labor Codes* and the ratification of Convention N°138 (minimum age of admission) of the ILO, by most of these countries, have harmonized and directed these bodies towards the same goal. At the same time, these changes confirm that legal harmonization is the key to the formation of national policies and action plans oriented towards education, health, the protection of child workers and the eradication of the worst practices of child labor. That is to say, those jobs that hinder the participation of the child in the educational system, that do not guarantee social security or the legal minimum wage and that are harmful or hazardous for the physical, mental, and emotional development of the child worker. In short, because of these changes, the elimination of the worst forms of child labor is becoming a reality.

Furthermore, the improvement of the national systems of information is becoming a key element in the struggle against child labor. In spite of the sub-estimations and the lack of statistical coverage about child labor, the *Household Censuses* have begun to reveal the subject in a more precise manner. The tabulations and the specific regional studies, like the ones being carried out in Nicaragua for instance, allow us to know the subject in-depth, which in turn helps us confront it.

As such, it has been established, through these indicators, that the participation of children in economic activities is higher in rural areas than in urban areas, that it concentrates in the informal sector and that a large number of child workers are under the age of 10. Frequently, these children work extensive hours, encounter physical, psychological and social risks that hinder their healthy development and are exposed to inappropriate forms of exploitation, such as forced labor, sexual abuse and medieval forms of servitude, among others¹⁷.

¹⁵ UNICEF (1997) "Child Labor" *The Right to have a Right*. Geneva: United Nations Children's Fund. pp. 114-121

¹⁶ Victor E. Tokman (1998)

¹⁷ Declaration of Cartagena de Indias on the Elimination of Child Labor (May 1997)

Lastly, and in spite of the fragmentation of institutional rivalry, it is important to point out the effort that Latin-American countries are making to define models of institutional coordination, especially within the Ministries of Labor. In Colombia, for instance, the *Ministry of Labor and Social Security* in collaboration with the *Police of Minors* supervise the activities and the conditions under which these children work with the purpose of protecting their physical and moral health, which in other countries is supervised by other public governing bodies for children. It is also important to point out the creation of national commissions for the elimination of child labor, like the case of the *National Commission for the Protection of the Child Worker* in Guatemala, the *Commission for the Elimination of Child Labor & the Protection of the Child Worker* in Panama and the *National Commission for the Elimination of Child Labor* in Uruguay, among others.

Nonetheless, although there is a strong, growing commitment with children, there is a lack of resources, not only nationally but internationally as well, that would allow us to challenge the causes of child labor and eventually achieve its eradication. According to UNICEF experts, for every dollar invested in childcare, 7 dollars are saved for the economy of the country because productivity increases as children reach adulthood and because good performance decreases costs that would have to be paid for educational and health deficiencies¹⁸.

Equally important, to know the evolution of these proposed objectives, it is necessary to follow-up and evaluate the indicators that determine the situation and the conditions under which children work. These working conditions are important because they determine whether or not the work that children do is harmful and/or hazardous for their development in general (Flores & Méndez 1998:1; Acevedo 1996:22)¹⁹. As a result, it is necessary to adopt and implement a follow-up and evaluation policy in order to eradicate the worst forms of child labor and to also eradicate the “not so worst” forms of child labor.

¹⁸ www.observador.com.uy/elobservador/ED001213/COS/N00300.html December 13, 2000

¹⁹ Florez, Carmen E. & Méndez, Regina (1998) *Child Labor: Main Trends between 1992 & 1996*. Colombia: ILO/IPEC and the Inter-institutional Commission for the Elimination of Child Labor & the Protection of Child Workers.

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APPENDIX

DECLARATION OF CARTAGENA DE INDIAS ON THE ELIMINATION OF CHILD LABOR*

Preamble:

Ibero-American Ministers of Labor and representatives from organizations of employers and of workers participated in the First Latin American Tripartite Meeting at the Ministerial Level on the Elimination of Child Labor, convened in the city of Cartagena de Indias, Republic of Colombia, on the 8th and 9th of May, 1997.

Considering

That the countries in the Region have committed themselves to uphold the rights of children and in particular to protect them against economic or sexual exploitation of any nature and hazardous work.

That although comparable statistics are lacking in all countries of the region, according to the data recently provided by the *International Labor Organization* (ILO), on average 1 out of every 5 children are economically active (this amounts to approximately 15 and 18 million children working in the region); numbers which are in correlation with the high incidence of school absenteeism, desertion and repeating the year and the high levels of poverty, which do not decrease when children participate in the work force.

That according to these indicators, it has been established that the participation rate of children in the work force is far higher in rural areas than in urban areas; child labor is concentrated mainly in informal activities of the economy; a significant proportion of working children are under the age of 10; frequently the children work very long hours; they face physical, psychological and social risks which hamper their normal development; and they are furthermore exposed to intolerable forms of exploitation such as slavery, bonded labor, forced labor, the production or trafficking of drugs, sexual exploitation and abuse, among others.

That although the basic causes for child labor continue to be: poverty, disparity between social and economic policies, inequitable access to basic social services, low quality and direct or indirect costs of basic education which many families have to confront, growing numbers of poor families, perpetuating tendencies within society to perceive child labor as a means for economic gains rather than a socialization instrument, and the belief that children are irreplaceable in certain activities supposedly due to their dexterity; all this can be remedied if the political will exists to do so. Also, it is needs to be acknowledged that international cooperation, as a valuable tool in combating child labor is very important.

INTERNATIONAL PROGRAMME ON THE ELIMINATION OF CHILD LABOR (IPEC)

MEMORANDUM OF UNDERSTANDING (MOU)**

In said memorandum of understanding, both parties (the ILO and the country) convene to harmonize efforts in order to implement the *International Programme on the Elimination of Child Labor* (IPEC) with the objective to:

1. Promote conditions that facilitate the government the prohibition, restriction and the progressive regulation of child labor, with the objective of achieving its eradication.
2. Increase national and international consciousness about the consequences of child labor and about the plausible solutions for this problem.

*This is not the full text of the Declaration of Cartagena. A summary is provided to simply give an idea as to what the Declaration is all about.

** This is not an official translation.

3. Achieve the full implementation, legally and in practice, of the international norms that relate to the minimum age of admission.

At the same time, the Government in its efforts to eradicate child labor would carry out actions to:

1. Analyze the situation of child labor throughout the country.
2. Elaborate and legislate a national plan of the fight against child labor.
3. Establish and develop policies aimed at the prevention of child labor, the protection of working children, and in sum at the eradication of child labor.
4. Develop national programs that incorporate the local and regional areas and/or specific occupations.
5. Provide special attention to children that work in hazardous conditions or in conditions that violate their fundamental human rights, or children that are particularly vulnerable, like in the case of children under the age of 12, especially girls.
6. Coordinate, evaluate and follow-up the efforts in favor of the fight against child labor. To accomplish this, the Government would create a *National Consultant Commission*, which would consist of representatives of the ministries and the public institutions that are associated with the problem of child labor. Also, representatives from the organizations of employers and of workers and other non-governmental organizations, as well as representatives of the ILO and other organizations and international organisms associated with the fight against child labor would be represented

At the same time, the Government's responsibility is to:

1. Guarantee the fulfillment of the obligations assumed under the framework of the IPEC
2. Provide assistance to the ILO in the identification and selection of experts, consultants and assistant staff for the National Program.
3. Encourage, promote and support the participation of the organizations of employers, of workers and other non-governmental organizations in the implementation of the Plans of Action.
4. Plan and budget the contribution of human resources, equipment and finances for the National Program against child labor.
5. Provide assistance, within limits, to regional and international activities organized under the framework of the IPEC; participate in the exchange of experiences and information with other participating countries, and at the same time advise and share their experiences with other countries.

Whereas, the ILO's responsibility is to:

1. Provide financial resources for the development of the National Program as established by the biannual program and budget of the IPEC.
2. Provide consulting services to governmental institutions, the *National Consultant Commission*, the organizations of employers and of workers and other organizations and non-governmental institutions, which carry out activities to fight against child labor.