



**"PROMOTING STATE
PROTECTION OF THE RIGHTS
OF THE CHILD"**

IIHR

Inter-american Institute
of Human Rights



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INTRODUCTION

In spite of the serious economic crisis that is afflicting the region, the main problems that inform and explain the practice of child labor have proven to be much more of a political and cultural nature than of an economic nature. Experience shows that economic growth is obviously important but it is also necessary to develop serious and sustainable strategies for the eradication of child labor. Notwithstanding atypical exceptions in some situations of absolute poverty, the economic crisis in Latin America is not the result of some natural catastrophe, but the result of political catastrophes, of which the phenomenon of wide-spread corruption is its most evident manifestation, even if it is not its ultimate cause.

With respect to child labor, many believe that the principal problem is that this practice is not seen as a problem, but rather as a solution;¹ be it a "progressive" or a "conservative" solution, i.e., a survival strategy or an efficient form of social control of poor children.

In view of the above, two conclusions can be drawn from this experience of action-research: a) that child labor is a fundamental obstacle to economic development; and b) that, given its cultural dimension, child labor is beginning to be perceived as an intolerable violation of human rights.

As this experience has demonstrated, the institutional nature and the thematic interests of the Inter-American Institute of Human Rights (IHR) make it an ideal institution or drawing together both governmental and non-governmental resources - the essence of public policy- as well as for developing the capacities and untapped potential of the Ombudsman offices throughout the region. By virtue of their privileged institutional position and their role as overseers of governmental policies, the region's Ombudsmen are well-situated for the initial development of a new kind of social policy, a public social policy based on human rights.

It is with great pleasure that the IHR makes this publication, "Promoting State Protection of the Rights of the Child," available to individuals and organizations involved in promoting and protecting human rights. The aim of this publication is to present the results of a project, financed by the World Bank's Development Marketplace, to strengthen the work of the Offices of Ombudsman in the area of the protection and promotion of the rights of children.

The Inter-American Institute of Human Rights directed this project with support from the World Bank and UNICEF's Regional Office for Latin America and the Caribbean, and with the human as well as financial resources of UNICEF's Offices in Argentina, Colombia and Nicaragua, together with the active participation by the Ombudsmen in those three countries.

Documents included in this publication commence with the status of the right to education in the region, characterizing the main features of child labor and identifying linkages of that problem to schooling. A subsequent article concerns Education as a Basic Requirement for the Eradication of Child Labor in Latin America. The last section contains the report of the project.

¹This idea comes from the Brazilian educator, Antonio Carlos Gomes da Costa.

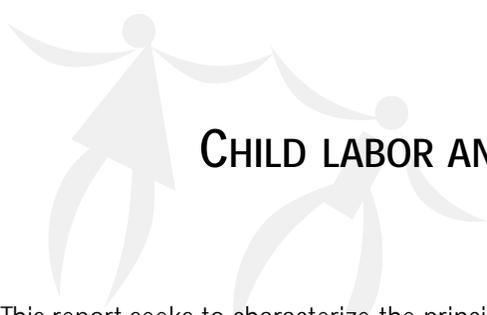


The Public Institutions Department of the IHR wishes to express its deep gratitude to Emilio García Méndez, who coordinated the project, and to Maurizia Tobo, advisor to the World Bank, as well as to the implementation team: Walter Alarcón, assistant to the coordinator; Elena Duro, Nelson Ortiz, Daniel Camazón and Ana Lucía Silva from the UNICEF Offices in Argentina, Colombia and Nicaragua; and Mariana Becerra, Beatriz Linares and Carlos Emilio López, from the Ombudsman's offices in Argentina and Colombia and the Ombudsman for Children in Nicaragua.

Whatever possibilities exist for deepening and institutionalizing the experience of those countries already involved, as well as in opening prospects in other countries of the region, all can count on the enthusiastic and unconditional support of the Inter-American Institute of Human Rights.

Roberto Cuéllar
Executive Director of IHR
San José, Costa Rica
May 2001





CHILD LABOR AND EDUCATION IN LATIN AMERICA

Walter Alarcón Glasinovich¹

This report seeks to characterize the principal traits of child and adolescent labor in the region, concluding with an analysis of the relationship of this problem to formal education.

I. Magnitude of the problem

Notwithstanding the very recent and ongoing process to improve the statistical information on child and adolescent labor available in this region, there remains a lack of sufficiently reliable data concerning the magnitude of the problem. Although difficulties of a technical sort exist, the prevailing shortage of information can fundamentally be explained by the lack of a vigorous political solution that would regard underage work as a significant social problem. The estimates that are offered are essentially based upon data collected in the national household surveys, or when these are insufficient, upon national census data. In both cases, the sources are undeniably weak for capturing the multiple modalities that work assumes for young children and adolescents. Nevertheless, these sources are the only databases of national and regional scope that we have in order to develop a systematic analysis of the problem.

Perhaps it would be appropriate to recall that, according to estimates of the International Labor Organization (ILO), towards the middle of the 1990's there were at least 250 million child laborers (between the ages of 5-14) who were primarily concentrated in the so-called developing countries, with 61% in Asia, 32% in Africa and 7% in Latin America and the Caribbean (ILO 1996).

Using household surveys as the informational base for Latin American and Caribbean countries, the ILO estimates that around 1995, there were close to 7.6 million children between the ages of 10-14 working throughout the region. This was equivalent to some 15% of the children in that age range.

In Latin America, children begin working at ages as early as five, especially in rural zones. In addition, a whole sector of children is dedicated almost exclusively to domestic chores. Considering these two groups, the number of workers under the age of 15 can be estimated to amount to some 20 million or about 20% of all children (OIT/IPEC 1997). This is to say, one out of every five children between the ages of 10-14 work in Latin America and the Caribbean.

Studies indicate that there is a positive correlation between age and entry into the labor market. In other words, the number of underage workers tends to increase for adolescents relative to younger children.

Taking some countries as examples, Costa Rica's 1994 household survey shows that of the overall total of working children and adolescents, about 21% fell between the ages of 5-11, another 28% were between the ages of 12-14, and 52% were between the ages of 15-17 (Torrice 1996). The 1996 household survey for Guatemala (CABS 1997) revealed that of the total economically active population for individuals between the

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ages of 10-19, 28% were in the 10-14 year old age group, while 72% were between 15 and 19 years old. Our calculations, as based upon the 1997 national quality of life survey in Peru (Webb-Ventocilla 1999), indicate that of the total economically active population between the ages of 6-17, 36% fell into the 6-14 year old age group, while the 64% remainder were adolescents between 15-17 years of age. In Colombia (Florez-Méndez 1998), it was found that of the total economically active population between the ages of 12-17, 16% were in the 12-13 years of age category while 84% were between the ages of 14-17. These same trends are found in practically all of the other countries of the region.

If we take the earlier estimated group of 20 million working children under the age of 15 and add the adolescent working population (those working between the ages of 15-18), there are no less than 30 million young children and adolescents who work throughout Latin America.

II. Causes of Underage Labor

There are multiple explanations for the participation of young children and adolescents in the labor market, and in many cases these reasons are interconnected. Some of them work because the monetary income of adults in the family is insufficient to cover basic household expenses. Nevertheless, not all families living in poverty put their children to work. As we indicated some years ago (Alarcón 1991), if poverty constituted a sufficient explanation of child labor, there would be many more children working in those countries with the deepest poverty. But that's not the case: only a small percentage of all poor families place their children on the labor market. If poverty is indeed a factor, it is not a sufficient cause to explain the existence of child and adolescent labor.

Nevertheless, the vulnerability of the child is directly proportional to the level of family poverty. The worst part is that an extremely precarious economic situation pressures families and their children to take up whatever kind of work is available, independent of the level of risk involved in the activity. In short, extreme poverty diminishes the long-term vision of families and forces them to focus exclusively on short-term necessities, thus ignoring the far ranging consequences of their actions. Even if the consequences are considered, such families have substantially reduced alternatives with which to guarantee their survival.

Many young children and adolescents put themselves to work because neither they, nor their parents, perceive that the education being provided is useful with respect to the family's basic needs. School curricula are based on the criteria of urban areas, even though they are utilized as a guide for orienting the pedagogical process in other, completely different social and cultural realities. Such curricula, at times completely irrelevant, ultimately result in the parents in rural areas becoming very distant from the schools. Parents are certainly interested in their children having a command of basic mathematics, as well as of speaking and writing the native language. Once these objectives are met, however, they pull their children out of school, generally without finishing primary education. In spite of all the efforts made in this area, the public educational system still does not offer a quality education. An additional problem is the shortage of schools in outlying rural areas. In this context, young people have to walk several kilometers in order to get to school. Without fully exhausting the dynamics of another area of concern, we shall simply mention that the agricultural cycle does not coincide with school calendar. These are just some of the elements that make for unfavorable costs of sending a child to school, as opposed to working, in rural areas.

Yet, such conditions are not exclusively unique to rural areas, but are likewise found, with certain particular variations, in poor urban areas. The cost of enrolling in school is not always free, but involves family expendi-



tures on items such as transportation, uniforms, school supplies and monetary contributions to the school, all of which often make it impossible for parents in urban areas to enroll their children. Notwithstanding the supposedly "free" character of public education, it is estimated that parents in the region cover about a third of the total cost of their children's education (Schiefelbein 1997). Under these conditions, a whole sector of parents prefers that their children begin to work, rather than hang out in the streets or remain in the house doing nothing. In summary, whether due to problems in the quality of educational curricula or to the impossibility of parents to afford sending their children to school, the shortcomings of education point to a path towards the early incorporation of the child into the work world.

If poverty and the poor quality of educational services are the two fundamental elements for explaining the emergence of child and adolescent labor, there exists a less tangible element that must also be considered. We are referring to the positive or negative attitudes of children and their parents concerning work at a premature age, their conception of the role of childhood, its associated rights, the importance of tradition and its subtle forms of reproduction, etc. Viewing the problem of child labor from this cultural angle helps us to understand the reasons why only a segment of poor families sends their children to work, while others living in similar conditions do not.

Following this line of reasoning, a qualitative study carried out in Lima by Mejía (1997) shows that there are three "fears" that induce parents from the popular sectors to send their children to work. First on the list is a sense of insecurity towards the future (parents feel they can become gravely ill or die, etc.), which leads them to believe that their children should always be prepared to care for themselves. Second is the fear that their children will become indulgent and frivolous, which leads parents to devalue the importance of playing. Finally, there is the fear among parents that their children will become what I would term "anomic," such as falling into delinquency or drug addiction. Child and adolescent labor appears in the popular imagination as a mechanism for social control. It is therefore interesting to emphasize that poverty does not suffice as an explanation for this complex problem, particularly since cultural factors have been shown to play a central role in the incorporation of young children and adolescents into the work world.

There exist diverse studies that provide evidence of the influence of gender in the decisions of parents concerning the activities in which their children involve themselves. Brondi (1996) finds in a study concerning Andean children in Peru and Bolivia that the perception of rural parents is decisive; namely that sending their daughters to school is not to the family's benefit since "they will be getting married and leaving" and "what's the point of paying so that others can benefit from our efforts." By excluding school as an alternative, this group of parents opens the option of placing their daughters into full-time domestic work in the household or even sending them to work outside the home.

In spite of its importance, little has been written about the irresponsibility shown by some parents with respect to the care of their children. Although it is not a generalized phenomenon, there are cases where children work while parents simply take advantage and don't even look for work themselves. In the streets of our capital cities, one can find young children selling goods or cleaning car windshields, while their mothers are close by, doing nothing but ensuring themselves that their children remain working until the end of the day when they can return home.

There are more than a few cases of children who were sent to work and were beaten if they did not return home with the earnings quota that was arbitrarily set by the parents. In one study on child street labor in Lima,



Ordóñez y Mejía (1994) found that 30% of child laborers who return home without sufficient earnings were physically punished, 27% were verbally reprimanded and 3% experienced other forms of punishment. In short, according to the study 60 out of every 100 children are the object of diverse forms of abuse because they are unable to return home with the kind of money that their parents expect. Due to the small sample size (100), these results should not be generalized but nevertheless suggest the presence of a highly important phenomenon, namely, that at least a segment of children works on account of pressure from their parents. In Mexico City, a survey of children and adolescent workers found that 28% of parents force their children to work (Lezama 1993). Among the effects of child labor, we must consider a culture of child abuse.

Finally, one last important point should be added. Child and adolescent labor persists because at both the level of the State and that of civil society, efforts made for its eradication have been inefficient. Admittedly, the structural forces that favor its persistence are strongly pervasive, but this does not mean that the situation cannot be changed. Other social problems with similar structural causes have been confronted with relative success. We must face the fact that child labor has not been prioritized as a central issue in the social and political agenda of our countries. This lack of will to confront the problem reflects the many laws that have been partially applied, as well as the longstanding absence of specific policies aimed at protecting young children and adolescents from working when such activities harm their social welfare. In short, there has been an extremely permissive attitude on the part of States and civil society alike with respect to this problem.

III. Occupational Structure

Based upon a review of the available statistical data, the work of children and adolescents in the region has been massively concentrated in the activities of unpaid family work and salaried jobs. Domestic labor and independent income earning activities are less prominent.

One clear fact allows us to verify that unpaid family work is typically associated with younger children, while salaried work is typical of adolescent laborers. This means that the port of entry for underage work is via the parents or families. Children begin to work by helping out their parents or families without receiving any monetary compensation. Over the course of time, these young individuals grow more independent and become incorporated into the market as salaried workers, for the most part in the informal sectors of the economy. Another sector involves children becoming converted into independently self-employed workers, generally offering services or selling goods.

At the onset of their incorporation into the work world, the occupational distinction between male and female youths is fairly weak. If virtually all begin their work helping their parents (for example, in urban zones many are involved in street vending activities), males later obtain greater independence in their work activities and begin to move further out from their family's radius. These differences in the work world would seem only the continuation of differentiated gender roles and behaviors that emerged earlier in family life.

With the arrival of adolescence, the bifurcation of occupational activity tends to progressively grow as gender plays a more important role. One segment of female adolescents is incorporated into domestic work for other households, whereas it is mainly young males who labor as salaried employees or as independent self-employed workers.

Finally, we should point out that there is a higher incidence of unpaid family work in rural zones than in urban areas. This is to be expected, since the agrarian economic structure in traditional zones is based on the inten-



sive use of family labor and where there is less possibility of working as a salaried employee in small workshops, businesses or commercial service activities.

The labor activities that minors perform in Latin America are extremely diverse and are differentiated by gender, age and area of residence. In the cities, it is common to find 7 to 8 year old children cleaning automobile windshields or helping their parents in street vending activities. As children grow older, the range of their occupational activities tends to grow larger. They sell newspapers, shine shoes, clean restaurants, and as they reach the final years of pre-adulthood ages (15-17), they work as a car mechanic's assistant, shoemaker's assistant, assistant construction worker or lifting/moving goods in the market and the like.

In general terms, these occupations, when performed on a self-employed basis, do not involve any, or only a small amount of, initial capital. Without effective legal restrictions, a minimal investment can rapidly convert a young child or adolescent into a worker. At the same time, this initial low cost is associated with low levels of productivity and scarce earnings. When employed by others, this kind of work is performed without a legal contract and under the conditions imposed either by parents or third parties. The greatest abuses are obviously to be found in these latter cases. There have been cases of child laborers who were fired due to accidents in the workplace. In other words, the young laborer suffers an injury or has been significantly harmed at work, he is then fired by the employer in order to avoid any legal sanctions. To the extent that there is no written contract governing the terms of employment, this kind of abuse remains common.

Risks associated with working are always present, even in the most traditional occupations carried out in the streets. Almost all of the studies on this subject reveal that underage workers are exposed to risks, such as theft of goods, fights with clients or with other youths in the workplace, abuses from the police, exposure to intense heat or cold in the streets, as well as to toxic gases, particularly in cities with a high level of pollution. Traffic accidents are a constant risk to street workers, as is the high level of socialization that takes place in delinquency-ridden environments where some routinely work.

Notwithstanding the existence of such problems, there is not always an awareness of the inherent risks that working children and adolescents suffer. Many of them assume that such is the nature of work and they don't see any way around the problem. It would seem that young people who work experience an internal psychological process that predisposes them to accept the otherwise unacceptable. Thus, when children who pick through garbage or make fireworks in an artisan's workshop are interviewed as to how they feel at work, it is not strange to hear them respond "Fine."

Although there are some similarities between rural child labor throughout the region, there are also particular aspects that can be found among these countries with such diverse cultural and geographical climates.

In the first place, practically all young children and adolescents who live in the countryside perform some type of occupational labor. Salazar (1995) shows that in a survey of 29 rural schools in 12 Colombian municipalities, 98% of the total number of rural students were workers. A national survey administered in Chilean rural schools (Gajardo-De Andraca 1988) found that "all of the children mentioned some form of work activity, be it domestic or non-domestic, remunerated or non-remunerated." Of all of the children analyzed in that study, there was not a single one who indicated that he or she was not involved in some form of work. Similarly, a study carried out in 11 rural communities in El Salvador (Villarroel 1997) showed that 100% of the children were working, the boys in the field and the girls in domestic chores.



This situation is not reflected in the census data nor in the household surveys, since those instruments only inquire as to the principal activity of youths, and when children combine work and study, they are designated as a students.

The division of labor in the countryside begins at an early age; boys carry out tasks that require great physical demands (such as cutting and gathering firewood or carrying water) and girls are preferred for traditional domestic chores and caring for small livestock. As soon as the young boys are able to take the place of the father, around the age of 15, they are already performing all of the same work activities, while the adolescent girls are dedicated to housework and are secondarily helping out in agricultural and livestock activities.

The participation of young children and adolescents in plantations or in agro-industrial enterprises has special characteristics that make such activities more dangerous. In this context, minors work directly as salaried employees or as helpers for their fathers who work for pay, based on the amount of crops harvested. This favors the involvement of the entire family on the plantation.

In Guatemala, the massive temporary migrations of the Mayan indigenous population towards the commercial plantations are well-known. The entire family, young children and adolescents included, participates in the harvest of products such as coffee, cardamom, cotton and sugar cane (PRODEN 1996). Minors in Honduras participate in the harvest of watermelons and cantaloupes for the international market, receiving piecemeal pay, which is associated with resulting in physical over-exertion (Gearhart et.al 1997). In Nicaragua (Amaya 1997), boys participate in the harvest of coffee, cotton, sugar cane and bananas, all for export. In Chile (Rojas 1998), children likewise participate in the work of modern agricultural enterprises, performing activities that range from the selection of seeds to harvesting, cleaning and packaging various agricultural products. One study (López 1996) revealed that in Mexico, young children and adolescents participate in the production and packaging of agricultural products such as onions and vegetables for the international market. Finally, in Brazil (Lorenzo-Gandra 1996) minors participate in the cultivation and harvesting of sugar cane in the Mata zone of the State of Pernambuco. The majority of them works for the agro-industrial enterprises under clandestine conditions, without any official register of their employment.

IV. Extreme Forms of Child Labor

As shown in the preceding paragraphs, the majority of the region's child and adolescent workers is found in rural areas, while in the cities they are concentrated in the informal sector of the economy. A significant segment of all of these underage workers is engaged in activities that expose them to situations of very high risk to their immediate welfare. In such cases, it is extremely naïve to focus simply on improving the conditions of work, something that in effect is converted to the serious consequence of maintaining openly exploitative practices.

Based upon several cases, we would like to illustrate the seriousness of child labor in the region. It should be mentioned that there is not a single country that does not have one or another kind of extreme or dangerous work activities.

In the Brazilian State of Mato Grosso do Sul, there are extensive areas of eucalyptus trees where charcoal is produced. Although there has been a movement since 1996 to eradicate child labor in this area, there are still many families that work in the diverse activities (essentially cutting, transporting and burning) associated with this industry. Young children and adolescents frequently move the trunks that adult men cut and place them in



adobe ovens, taking care that the wood does not become pulverized. The exposure to high temperatures and the inhalation of dust and toxic gases (carbon monoxide, carbon dioxide and methane) is constant, resulting in irritations to the eyes, throat and respiratory system. The physical force involved produces lesions to the vertebral column, as well as constant bruises and burns, all of which offer a vivid picture of the type of work children become involved in (UCDB 1997; Guerra et al. 1997).

The participation of young children and adolescents in the production of lime is another activity that typifies the high-risk levels of child and adolescent labor in the region. In Huehuetenango, a province of Guatemala, there are entire communities dedicated to lime production. The process begins with the preparation of firewood and the gathering of stone that is to be burned in the hearths. A second stage is the burning that takes 3-5 days, children and adults sleep close to the oven, taking care that the flame does not go out. Finally, the lime is separated and removed so that it can be placed in sacks. The children and adolescents work primarily in the preparation of the firewood, keeping an eye on the oven, which involves feeding firewood approximately every hour, extracting lime from the oven and filling sacks for sale. The harms experienced are of diverse nature, including the inhalation of toxic vapors and lime dust, which results in respiratory problems, intoxication, eye irritations, burns and extensive exposure to high levels of heat, as well as extreme fatigue (MTPS-UPMT 1997).

Another reality that has been rarely studied, but has an important presence in Latin America, is the participation of young children and adolescents in the illicit cultivation of cocaine, marijuana and poppies. Countries such as Mexico, Jamaica, Colombia, Peru and Bolivia share this problem. Based upon official reports, López (1999) estimates that no less than 700,000 young children and adolescents are directly involved in the cultivation of illicit substances, including growing, harvesting, processing and commercialization. If child labor is poorly compensated in general, it is estimated that in this occupation, the average monthly earnings are between US\$200-800, depending upon the type of activity being performed.

In various countries of the region such as Bolivia and Peru, young children and adolescents extract minerals from subterranean mines. In the province of Ayacucho in southern Peru, the community of Santa Filomena is one of the many mining areas where gold is extracted in a craftsman-like manner. The work is family based, young children and adolescents participate in practically all stages of the process, beginning with the perforation of the rocky tunnels, in which chisels or bars are used to make openings by hand. In these openings, adults place dynamite sticks while children prepare the liquid that is used to bind the explosives to the perforated rock. The exploded rock is transported outside the mine by using cans. Then comes the initial processing of the rocks, using bars to break up the stones, and filling them into cans for grinding in stone grinders, where water and mercury are used to form an amalgam of gold and mercury. The mercury is then separated from the amalgam by using a blowtorch to evaporate the unwanted element, leaving the pure gold behind. Children beginning at the age of 8 participate in practically all phases of the process, although adolescents account for the majority of the underage workers. From the foregoing description, it is easy to deduce that this work is hazardous. The physical force required to handle the rocks, the inhalation of gases and rock particles and the absorption of mercury are just some of the most notable dangers (CooperAcción 1999).

Prevalent throughout various parts of the region, particularly in Central America, is the work of children in firework manufacturing. In this kind of work, children handle gunpowder, a composite of sulfur, coal, lead and saltpeter, which is obviously toxic and highly flammable. The possible risks of harm are diverse, including adverse effects to eyesight, hearing and, in severe cases, the loss of limbs and even the loss of life. Children and adults



share most of the same aspects of work in these frequently clandestine family workshops, where it is not uncommon that families live on the same premises where they work. Concretely, the tasks include forming the fuses, making and cutting the tubes where the gunpowder is inserted, filling the tubes and braiding the firecrackers, among others (MTPS-UPMT 1996).

The sexual exploitation of children and adolescents is a problem that can be found in almost all of our countries. One particular aspect is that referred to as "sexual tourism," with a visible presence in Brazil and the Dominican Republic. Nevertheless, recent studies are few and there are no estimates of the magnitude of the problem. A study in Colombia found close to three thousand girl prostitutes in downtown Bogota (Cabrera 1993). This study argued that the root of the problem is family abuse and, in general, the poor affective relations in the family. These kinds of factors, in many cases, lead to the child abandoning the home and falling into individual prostitution or becoming immersed in the networks of sexual exploitation as a means of survival.

Finally, there are the children who participate in the sorting of garbage in dumps. This is widespread in the region and often displays similar characteristics. In El Salvador (CESTA 1997) with a temperature that often rises above 30°C, children and adults alike work alongside vultures and rats, sifting through the festering garbage, looking for what they need to survive. These "garbage pickers" contract gastro-intestinal illnesses, suffer skin diseases and frequent cuts from broken glass and cans, etc. A similar situation in Lima was found by Barreto (1999) who shows that an estimated five thousand people scavenge in dumps, working in a family operation.

V. Working Conditions

When discussing the issue of working conditions, it is also necessary to examine the length of the working day and the corresponding earnings.

Estimates made by the Economic Commission for Latin America and the Caribbean (ECLAC 1995) indicate that the weekly average of hours worked in Latin America by urban adolescents ages 13-17, range between 41-56 hours. This means that, if the legal length of the adult work-week is 40 hours, adolescents work longer than the work-week established for the adult population.

According to the same source, those who are exclusively workers have even longer working weeks (46 hours per week) than those who combine work and study (35 hours weekly). In other words, one of the best strategies for the reduction of the work-week consists in school attendance, including an increase in the time spent in school.

Although the evidence points to long working weeks, this does not mean adequate economic earnings. The forms of compensation are diverse; tips being one of the most common. In other cases, the remuneration is in goods, or a combination of products and money, or finally some form of straight salary.

A regional study of Ecuador, Colombia, Guatemala, Brazil and Peru allows us to form a consensus that the income of working children is always less than that of adolescents (Alarcón-Salazar 1996). A study (UNICEF 1998) based on a national survey in Costa Rica corroborates this finding, showing that the average income of the working population between the ages of 5-11 was 3,366 colones, while for ages 12-14, the income was 11,992 colones. Finally, those working between the ages of 15-17 received an average 21,506 colones. As the years go by, children tend to no longer be unpaid family workers become salaried or self-employed workers, and their monetary earnings take on ever greater significance as their economic contribution to their families



becomes more important. In El Salvador, a nation-wide survey found that the economic contribution of children between the ages of 5-12 was equivalent to 10% of the family income, while the contribution of adolescents between 15-17 years of age was 25% (Pleitez et al. 1998).

The margin for error in the calculation of earnings is substantial, yet the study cited by ECLAC (1995), based upon household surveys, offers some estimates of considerable interest for the issue that concerns us most. It should be clarified that the age group of the population referred to is between 13-17, that is to say, it refers to the earnings of the working adolescent.

First, the study shows that the economic contribution of adolescents at the level of all poor and indigent households of the region is not significant. In other words, the millions of children who work in the region do not have a significant impact upon reducing the global levels of poverty. Although in macro-economic terms underage work has no true relevance from the point of view of its impact upon poverty, the percentage of households living in poverty that contain adolescent workers would indeed increase from 10-20% if the adolescents were to quit working. This means that their low earnings contribute in alleviating the poverty of their family. This is a fact that transcends other interpretations of the situation.

Is it that the work of children is equally significant for the family economy? Our first reply would be no. The data from diverse studies demonstrate this. Notwithstanding this general tendency, it is possible to observe a segment of families, for example the numerous families headed by single mothers, where any level of monetary contribution is important. In this context, the child's work and economic contribution, as small as it may be, is probably quite significant to the over-all household.

It is worth adding that from the perspective of the rights of a child, the discussion cannot be limited to evaluating the objective level of economic contribution of the child or adolescent to the family and the importance of that contribution for certain families. The essential point is not how much one earns, but rather how much one loses by working at a premature age. We should consider what the cost is for children and adolescents for engaging in work and how much they must pay in terms of their immediate and long-term welfare, principally in terms of the loss in educational capital. A second question necessarily consists in investigating how else could this economic contribution to their families be covered.

In the following section, we will treat the significance of work in terms of the welfare of the adolescent from the standpoint of education. What appears to be a short-term gain invariably becomes transformed into a loss over the medium-term, both at the individual and family level, as well as for the larger society. The problem of child and adolescent work warrants consideration from a long-term perspective, aimed towards immediate necessities that must be met and articulated in the formulating of policies for more definitive solutions. To do otherwise would be to simply fall into the realm of palliatives of a manipulative or temporary assistance-oriented nature that in reality only serves to perpetuate the underlying problem.

VI. The Impact of Work on Formal Education

The relationship between school and underage work is a reciprocal one. There exists sufficient evidence to show that work impedes access to education or complicates achievement of an adequate academic performance. Nevertheless, it is certain that the existing school system has difficulties in retaining students who, in the context of poverty, are potential workers.



In terms of school coverage in our region, the registered gains have been notable. The net rate of primary school enrollment is 92% for boys and 86% for girls. In spite of these achievements, there are 10 million children between the ages of 5-14 who fall outside of the educational system.

The repetition of grades at the primary level is very high (29% repeat some portion of their primary education) and is accentuated in the first two years of formal schooling. Half of all students who enroll in primary school eventually leave without finishing their studies (Setubal 1999). It commonly occurs in heterogeneous social groups that these regional averages obscure the seriousness of the situation among those sectors with the greatest poverty.

One irrefutable indicator of the low quality of education is offered by Schifelbein (1996) who shows that 80% of low-income students do not demonstrate the ability to understand written messages, even after finishing sixth grade.

The annotated data, far from being exhaustive, offer convincing evidence for suggesting that present-day education requires a substantial transformation in order to offer an attractive alternative to parents and children with few economic resources. The efforts made thus far are not sufficient to retain students in the classroom. Under these conditions and given the existing framework of poverty, child labor is viewed as a true possibility for many families of scarce economic resources.

The provisional conclusion is that it is necessary to expand the policies of transformation of public schools, so that they can truly serve the realities and needs of their target population, particularly with respect to poor and rural areas where education can be ultimately transformed into a protective barrier to eliminate child labor.

We have shown in preceding paragraphs that, just as schools are a factor in the occurrence of child and adolescent labor, this work negatively influences academic attendance and performance. The data provided by ECLAC (1995), based on the results of home surveys, offer irrefutable proof of the negative influence that under-age work has upon schooling.

Of all the urban working adolescents between the ages of 13-17, only 25% attend an educational center. The remaining 75% do not study. In rural zones, the figures are even worse, inasmuch as only 15% in the same age group actively study.

According to this information, the majority of working adolescents in Latin America remain outside of the educational system, being most pronounced in the rural areas. The initial impression concerning these figures, at least in some sectors, might be skeptical. The personal experience of many educators or promoters indicate that the majority of children combine work and study, thus leaving relatively few youths who are exclusively workers.

At least two things must be remembered. In the first place, the absolute majority of programs for child and adolescent workers are implemented in capital cities and this fragmented perception is not the same as a national vision that is picked up in the household surveys. Secondly, the aggregate data of the population that works between the ages of 13-17 do not permit the observation that the combination of work and study is probably more pronounced among children who are advancing towards adolescence. If, as all of the regional information indicates, the majority of underage workers are adolescents rather than young children, it is possible that the exclu-



sively working portion of youths is concentrated in the older age groups relative to the younger ones. This should be taken into consideration in the course of reconciling the statistical data with existing personal observations.

Nevertheless, the source mentioned is not the only one that suggests this point. A review of complementary sources that treat countries not considered in the ECLAC data reveals the same tendency.

In El Salvador (Pleitez et al. 1998), special calculations based upon household surveys found that at the national level, 67% of the total number of child and adolescent workers between the ages of 10-17 do not attend an educational center. Only a third of the total of underage workers in this age group goes to school with the figure being higher in urban areas (41%) than in the countryside (29%).

In Panama, data based on the 1994 household survey (Camazón-González 1997) indicate that of the total economically active population between the ages of 10-17, 82% do not attend school while only 18% study. In comparison, among the non-economically active population, 93% attend school while 7% do not. This inverse correlation between work and educational attendance is an interesting phenomenon. The child or adolescent who works has a greater probability of not studying than the one who does not.

In the case of Peru, the information gathered in the most recent national census (1993) indicates that of the total economically active population between the ages of 6-17, only 33% attend school. In contrast, among the non-economically active population for this same age group, school attendance climbs to 85%. Moreover, it was revealed that school attendance among those who work was higher among those children between the ages of 6-11 (59% of these working children attended school) than among adolescents of the 12-17 age group, where school attendance fell to 27% (Alarcón 1996).

In Costa Rica, among the population between the ages of 5-17, one study (UNICEF 1998), based on a special module concerning child labor that was included in the 1995 household survey, found that 51% of child and adolescent workers attends school, while the 49% remainder does not. In 1998, this special child labor module was again surveyed in Costa Rica with the finding that 45% of the total group of working children attended school. Nevertheless, if one exclusively considers the total of children and adolescents for the same age group who were not working, school attendance climbed to 90% (Pisoni 1999).

More analytically precise results were obtained in Chile, where the 1996 national socio-economic survey found that 40% of the total population between the ages of 12-14 who work regularly or occasionally do not attend school. Notwithstanding the worrisome character of this figure, the majority (60%) of workers of 12-14 years of age attended school in this case (MIDEPLAN 1997). Evidently, if the age group is focused upwards towards adolescence, it is to be anticipated that the percentage of non-studying workers likewise increases.

Finally, taking into consideration special tabulations from the National Population Census of 1991 in Argentina, Feldman (1996) finds that 86% of the total population between the ages of 14-17 who do not work attends school, while only 11% of those in the same age group who work attends school.



One convincing fact that emerges from these diverse sources is that we are forced to admit that in Latin America there exists a conflictual and often exclusionary relationship between underage work and formal education.

One aspect of the problem is attendance or non-attendance in school, while another is the level of academic performance that the segment of working children and adolescents achieves when they do in fact attend school.

Diverse studies, many of a qualitative nature, provide information about the difficulties that working children and adolescents experience in school as a result of their labor activities. After a long working day, attending school and trying to study is a laudable effort. Nevertheless, the worker who arrives tired has a substantial disadvantage relative to those who only study: difficulties are shown in their concentration in class, perhaps as a product of this fatigue; frequently, they arrive late or are absent, which is also an important contributing factor; completion of homework is another problem, which in some cases they attempt to finish in the workplace. These aspects of the problem, when added to the already problematic characteristics of schooling with its vertical styles of teaching, inadequate curricula and frequently poorly qualified teachers, especially in outlying rural areas, add to a poor academic performance among working children and adolescents.

Although there are relatively few studies that compare educational indicators between working and non-working children and adolescents, one study (Feldman et al. 1997) reported data concerning deficient schooling and over-aged students in Argentina. The deficiencies in schooling among working children between the ages of 6-14 were found to be at a level of 36%. In contrast, the same indicator for non-working youths was 20%. These differences are significant.

National data for Peru (Alarcón 1996) reveals the same tendency. The rate for falling behind in school among the economically active population between 6-14 years of age was 61%. On the other hand, this indicator for the non-economically active portion of the same age group fell to 39%. In both cases, the situation is found to be worse in rural areas than in urban districts.

In Costa Rica (Pisoni 1999), national data for 1998 demonstrate that of the total working population between 5-17 years of age, 47% have fallen behind in school, while for the non-working segment of the same age group, these problems fall to the level of 21%.

One study based on national information gathered in Panama (Camazón-González 1997) with data concerning students who fall behind in school disaggregated by age corroborates the finding that such problems are greater among working as opposed to non-working youths. For example, the percentage of 12 year olds who are behind in school is 84% among the working segment and 44% for the non-working segment. For 15 year olds, the figure is 68% for workers and 57% for non-workers. Finally, for the working population of 17 year olds, 92% are behind in their schooling, while for the non-working segment the figure is only 53%. For all ages beginning with young children up through adolescence, those who work show a greater tendency to fall behind in their studies than those who do not work.

National statistics for Brazil in 1988 revealed, on the one hand, a high index of students falling behind in general, but also showed that for the 10-17 age group, the problem was found for 86% of working children relative to a 73% level for the non-working segment (Rizzini et al. 1996).



The few reports existing in Latin America and the Caribbean that utilize comparative figures at the national level for children and adolescent workers and non-workers reveal an association between work and falling behind at school. It would certainly be useful to have greater evidence on this issue. Nevertheless, to refute the existing information would imply contrasting them with other studies of national scope as opposed to small surveys based on selected communities, given the methodological difficulties in generalizing data from specific communities to the country as a whole.

In many cases, the constant repetition of academic years and the process of falling behind in school leads to the definitive act of dropping out.

ECLAC (1995) found in its tabulations of the household surveys of ten countries in the region that those who work have an average of two years less schooling than those who do not. This disadvantage leads to the situation where throughout all of their subsequent adult life, these underage workers receive 20% lower earnings than the comparative group of non-working individuals.

Beyond the divergent positions on the roles of children and adolescents, the evidence is incontrovertible. Work is a factor that clashes with the rights of children and acts fundamentally against the pivotal right that opens the doors to other rights, namely the right to education. Recovering the importance of education as a key possibility for widening the horizons of the lives of children and adolescents is a goal that, although highly complex, is fundamental for the development of our countries and for improving the quality of life of all children and adolescents who are currently working.



VII. Bibliography

- Alarcón W. (1996) "Trabajo prematuro, educación y ciudadanía en el Perú," in: Sociedades y Políticas n°2. Buenos Aires.
- Alarcón W.-Salazar M.C. eds. (1996) Mejores Escuelas Menos Trabajo Infantil. Trabajo infanto-juvenil y educación en Brasil, Colombia, Guatemala, Ecuador y Perú. TACRO/INOCENTI. Bogota.
- Amaya A. (1997) "Trabajo infantil: un asunto de ética y derechos humanos." Paper presented at the Primer Foro Nacional sobre Trabajo Infantil en Nicaragua. Managua, Nicaragua.
- Barreto L. (1999) Vida al Borde de la Vida. Razones para la erradicación del trabajo nocivo de niñas, niños y adolescentes en los basurales. Proceso Social/ASE. Lima.
- Brondi M. (1996) Las Voces de las Niñas y Niños Andinos. Diagnóstico participativo de Perú y Bolivia. Terre des Hommes. Cochabamba.
- Cabrera O. (1993) La Prostitución Infantil y Adolescente en el Centro de Santafé de Bogotá. Cámara de Comercio. Bogotá.
- CABS (1997) "El trabajo infantil en Nicaragua." Document presented at the Primer Foro Nacional Sobre Trabajo Infantil en Nicaragua. Managua, Nicaragua.
- Camazón D.- González M. (1997) Desarrollo Humano en Panamá: Trabajo infantil y educación. UNICEF/MTBS. Panamá.
- CEPAL or ECLAC (1995) Panorama Social de América Latina 1995. Santiago de Chile.
- CESTA (1997) Estudio Piloto de las Condiciones Socioeconómicas y Familiares de los Niños, Niñas y Adolescentes que Reciclan Desechos Sólidos en el Relleno Sanitario de Apopa del Area Metropolitana de San Salvador. CESTA. San Salvador.
- CooperAcción (1999) Programa de Erradicación del Trabajo Infantil en el Caserío Minero Artesanal Santa Filomena. OIT-IPEC. Gama Gráfica Ed. Lima.
- Feldman S. (1996) "El trabajo de los adolescentes en Argentina: ¿Construyendo futuro o consolidando la postergación social?", in: Adolescencia, Pobreza, Educación y Trabajo. Konterlink I.-Jacinto C. (comps.) Ed. Lozada/UNICEF. Buenos Aires.
- Feldman S. et al. (1997) "Los niños que trabajan en la Argentina," in: Los Niños que Trabajan. Cuadernos de UNICEF. Buenos Aires.
- Florez C.-Méndez R. (1998) Niñas, Niños y Jóvenes Trabajadores. Tercer Mundo Editores. Bogotá.
- Gajardo M.-De Andraca A. (1988) Trabajo Infantil y Escuela. Las zonas rurales. FLACSO. Santiago de Chile.
- Gearhart J. et al. (1997) Análisis de la Situación del Trabajo Infantil en Honduras. IPEC-OIT. Tegucigalpa.
- Guerra C.-Andrade A.-Bueno R. (1997) A Vida e o Trabalho nas Carvoarias: Riscos e impactos na saúde das crianças e dos adolescentes. Belo Horizonte.
- Lezama J. (1993) "Trabajo, familia e infancia en la ciudad de México: Convergencias y divergencias," in: Comercio Exterior. vol 43. n°7. México.
- López C. (1999) "Posibilidades de erradicación del trabajo infanto-juvenil en cultivos ilícitos," in: Nuevas Perspectivas para Erradicar el Trabajo Infantil en América Latina. García Méndez-Salazar (comps.). TM Editores/UNICEF. Bogotá.



- López M. (1996) "El trabajo infantil en la globalización y la agricultura de exportación," in: El Trabajo Infantil en México. Universidad Veracruzana/UNICEF/OIT. México DF.
- Lorenzo N.-Gandra I. (1996) Trabajo Precoz en Brasil. Trabajadores de la caña de azúcar en Pernambuco. mimeo. Brasilia.
- Mejía P. (1997) Trabajo Infantil Callejero. Una mirada desde la cultura. Lima.
- MIDEPLAN (1997) Situación del Trabajo Infantil en Chile 1996. Resultados de la encuesta de caracterización socioeconómica nacional. Santiago de Chile.
- MTPS/UPMT (1996) Análisis Situacional. Niños y niñas trabajadores con pólvora en San Juan Sacatepéquez y San Raymundo. Guatemala.
- MTPS/UPMT (1997) Análisis Situacional: Participación de niños, niñas y adolescentes en el proceso productivo de la cal (Chiantia-Huehuetenango) y participación de niños, niñas y adolescentes en la elaboración del piedrín (río Samalá-Retalhuleu). Guatemala.
- OIT- IPEC (1997) El Trabajo Infantil en América Latina. Propuestas para la acción. Lima.
- Ordóñez D.-Mejía P. (1994) El Trabajo Infantil Callejero en Lima: Aproximación descriptiva. CEDRO. Lima.
- Pisoni R. (1999) Informe sobre el Trabajo Infantil en Costa Rica. PANI. San José.
- Pleitez W. et al. (1998) Trabajo Infanto-Juvenil y Educación en El Salvador. UNICEF/ ISPM. San Salvador.
- PRODEN (1996) Entre el Olvido y la Esperanza. La niñez en Guatemala. Ed. Higsá Gala. Guatemala.
- Rizzini I.-Rizzini I.-Borges F. (1996) "La fuerza de la infancia no está en el trabajo," in: Mejores Escuelas Menos Trabajo Infantil. TACRO-INOCENTI. Bogotá.
- Rojas J. (1998) "El trabajo infantil en Chile: algunas ideas para el debate," in: Economía y Trabajo en Chile nº7. Santiago de Chile.
- Salazar M.C. (1995) Los Niños y Jóvenes Trabajadores. UNICEF/UNC. Bogotá.
- Schiefelbein E. (1997) "Incentivos económicos a la escuela en América Latina. Reducir la deserción y repetición escolar y combatir el trabajo de los niños," in: Realidad y Utopía nº2. Lima.
- Setubal M. A. (1999) "Trabajo infantil y derecho a la educación," in: Nuevas Perspectivas Para Erradicar el Trabajo Infantil en América Latina (García Méndez E.-Salazar M.C. comps.) TM Editores/UNICEF. Bogotá.
- Torrice L. (1996) ¿Quiénes son y por qué trabajan los niños y niñas en Costa Rica? UNICEF/PANI. San José.
- UCDB (1997) O Trabalho em Carvoarias. Os riscos permanentes a saúde de homens, mulheres e crianças. Mato Grosso do Sul.
- Villarroel et al. (1997) Trabajo Infantil en El Salvador. Radda Barnen. San Salvador.
- Waiselfisz J. Coordinator (1998) O Programa Bolsa-Escola do Distrito Federal. Brasilia.
- Webb R.-Ventocilla M. (1999) Pobreza y Economía Social. Instituto Cuánto/UNICEF/USAID. Lima.





EDUCATION AS A BASIC ASSUMPTION FOR THE ERADICATION OF CHILD LABOR IN LATIN AMERICA

Elena Duro¹

I. Brief Review of Educational Reforms in Latin America

1. Any reference to educational reform in Latin America must be viewed in the framework of the context of general public policies. The objectives pursued were aimed basically at improving the level of quality, efficiency and equality in the provision of public services. These improvements were the result of actions taken concerning increased scrutiny over costs, efficiency in management, decentralization of public management and private sector intervention (financing and service provision), among others.
2. Taking up Oszlak's distinction, there were "two generations" of reforms. Those of the "outward oriented, first generation" were directed towards promoting access to services and reorganizing administrative strategies as well as funding for this social sector. During the decade of the 1980's, the big push towards decentralization of educational services led to a transfer to the provinces and municipalities of the educational management and administration, with a corresponding transfer of funding and a reassignment of investment towards the priority goal of coverage and accessibility. The second type of reforms, those which date from the 1990's, were part of the "inward oriented, second generation" that advocated the reformulation of educational processes, increased emphasis on the content and implementation of the systems of assessment and evaluation; in short, a reorientation of priorities towards the dimension of educational quality. This was a decade of reforms where social policies were defined by the Ministries of Education and by international agencies and were aimed at improving the situation of the schools and the needy students. Assistance was characterized by the improvement of school infrastructure, provision of books and didactic materials, teacher training, and student subsidies or grants.
3. We now find ourselves at the beginning of a "third generation" of reforms dedicated to analyzing the relationship between the State and society and between the "responsibilities of the public sector and the right of students to an education." The present document, in which we summarize some of the basic dynamics of the educational system, intends to demonstrate the urgent need for defining a public policy and concrete actions related to this third generation of reforms that places a priority on the problem of young children and adolescents who work, guided by the perspective of Article 32 of the Convention on the Rights of the Child (CRC). This Article clearly expresses the tension that exists between education and child labor and has as its goal the eradication of work for all children under the ages of 14 to 15. Work exposes these youths to difficulties that have a negative effect on their inalienable right to education and that impede access or stability in their schooling as well as prospects for solid scholastic achievement.
4. The results expected from these reforms have been insufficient for the region. If universal coverage at the basic level of education was a goal of the 80's, this target has not yet been reached in all countries. With respect to the reforms of the 90's, the so-called "second generation," even if there have been advances

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in some areas with respect to the quality of services (the greatest achievements were the creation of norms that resulted in a legal framework for change through the passage of Education Laws, the elaboration and implementation of national systems of evaluation of learning processes and levels of teacher development and teacher training), the mistakes or weaknesses in terms of the results are of concern. Finally, we should point out that equality has not figured in the discussion and definition of public policies over the last twenty years, in spite of its presence in national and international documents, norms and official pronouncements. Isolated experiences of focalized compensatory policies, typically without preset goals for the medium and long term and dependent upon the assignation of resources, are examples of these limited advances.

5. There remain many challenges, but the first and highest priority consists of reassigning importance to core concepts such as equality and quality. The right to an education implies that all individuals should have the possibility to receive an education in conditions of equality and quality. Effective participation as citizens on the part of children and adolescents involves a whole gambit of prerequisites and capacities that are acquired, fundamentally, through more and better education.

II. Gains Made in the Ten Years Following the World Summit and Proposals for a Regional Agenda.

The analysis found in this section is based on the report "Education in Latin America and the Caribbean," prepared ten years after the World Summit on Children.

1. Various aspects are highlighted regarding care and education during early childhood. First, in spite of the fact that the countries of the region have advanced in developing a growing awareness of the importance of care and education during early childhood for human development and the efficiency of the educational system, a greater weight continues to be placed on the instrumental character of these programs as a form of preparation for primary education, rather than upon the particular importance per se of this educational stage and its great influence on the development and well-being of children.
2. In the area of evaluating results, it is pointed out that during the past decade, throughout all of the countries of Latin America and the Caribbean, the number of new students who have entered first grade of primary school who have had access to some type of program organized for the development of early childhood has increased. Nonetheless, important problems of inequality persist in the region between children from urban and rural sectors, and with children from disadvantaged backgrounds, based on such causes as living in poverty, being handicapped, displaying an emotional lack of support, etc.
3. Over the last decade, there was greater State investment in early childhood programs throughout the entire region, although it remained the case that the percentage dedicated to such programs is notably less than that for other educational phases.
4. In the field of primary education, the evaluation of the UNESCO "Education for All" 2000 Program indicated that the priority of those countries was oriented towards improving the quality of primary education, primarily through curricular transformations and teacher training. Moreover, virtually all of the countries in the region ended the decade of the 90s with national systems of learning evaluation in place. The policies associated with the promotion of equality were marked by the attention given to children



living in poverty. Equally prioritized was the attention given to children of indigenous groups and the concretization of policies for children with special needs. So as to improve efficiency, educational policies promoted administrative decentralization, school autonomy and participation by society in the management of the schools.

5. Insofar as coverage and access were addressed, the educational policies of Latin America and the Caribbean were centered on providing more services, either through the public system or through cooperation with the private sector and civil society. In the Caribbean countries, the net rate of entry into first grade varied between an average of 41% in 1990 and 46% in 1997-98. In spite of this improvement, the percentage of over-aged students grew due to the late entry of many students. In Latin America, the net rate of entry into first grade oscillated between 37% and 97%, both at the beginning and at the end of the decade. In spite of the fact that the majority of children attended primary school, we remain far from the point of universal primary education. At the end of the 20th century, between 6% and 28% of children did not reach the fifth grade of primary school. In spite of the advances reached throughout the entire region, this situation means that in the long term there will not be a drastic reduction of illiteracy. Moreover, those children who did not reach the fifth grade will probably grow up in conditions of poverty.
6. In Latin America and the Caribbean, high levels of school dropout and grade repetition continue to exist. The causes of dropping out reflect a combination of external and internal factors within the educational system. During the 1990s, grade repetition remained high throughout the region and was between 2% and 9% towards the end of the decade. In the educational systems of the Caribbean where automatic promotion continued to be the rule, the rates of repetition was much lower and fluctuated between 1.4% and 5.7%.
7. Finally, it is important to underline some additional aspects: a) in spite of the notable expansion of education in the region, there persists an inequality of opportunities between different social strata to the point that Latin America and the Caribbean has the greatest level of inequality among all regions of the world; b) according to the analysis of "Panorama Social 1999" of ECLAC, one of the factors that is influencing the education of young children and adolescents in Latin America is child labor; children and adolescents who work are decapitalizing themselves by two years of study and this influences their adult life in which they will earn lower incomes; c) the data for Latin America show that there is no discrimination in the access and enrollment of girls in primary education, but this does not gainsay the fact that in some contexts, especially in rural areas, indigenous communities and marginal urban areas, there exist significant cases of gender discrimination, above all with respect to the shorter duration of overall time in school of girls; and d) situations of poverty translates into higher levels of infant mortality, malnutrition and other serious problems for children. Likewise, the educational factor is the variable most closely associated with underage pregnancy.
8. There are various elements to consider in the section concerning the Proposal for a New Regional Agenda for Children 2001-2010. In the first place, the commitment of making education a task for all requires the reformulation of the roles played by governments and civil society. The heart of this redefinition is the construction of a social consensus that identifies the priority areas of educational problems and alternative solutions. In this sense, it will be necessary to move from the application of government policies to the application of State policies. These policies must promote social participation and create various levels



of coordination that permit the articulation of actions between the different actors of civil society and government. Given that educational problems are related to social factors that go well beyond schools and the educational sector, it is essential to put into action intersectoral policies that offer an integral response to educational problems with respect to coverage, quality, efficiency and equality.

9. The principal objectives proposed for the new century underway can be listed as follows:
 - Improve the conditions of learning, which tends to, among other factors, reduce the level of grade repetition and over-age students.
 - Promote actions for inclusion of the excluded.
 - Strengthen the coordination of actions.
 - Develop integral public policies.
 - Mobilize resources.
 - Strengthen international solidarity.

10. These efforts will be strongly oriented towards the final objective of increasing the duration of compulsory basic education and the average number of years of schooling completed by the population of greatest vulnerability and to assure the progressive realization of universal education for children up to three years of age. It will also be essential to continue giving the maximum priority to basic education, paying special attention to the most socially vulnerable groups. Equality of opportunities has to be based upon creating the conditions that assure quality learning for all. Finally, greater flexibility is necessary within educational institutions so that different methodological and organizational options of equivalent quality are offered, so as to assure that all students acquire the basic learning established in the schooling curriculum. It will thus be possible to increase retention in the educational system and reduce grade repetition and the incidence of drop-outs.



Final Report
World Bank



Project Title

**"PROMOTING THE PROTECTION OF THE RIGHTS OF THE CHILD.
STRENGTHENING THE OMBUDSMAN OFFICES IN ARGENTINA, COLOMBIA
AND NICARAGUA FOR THE CREATION OF A NATIONAL STRATEGY FOR
THE ERADICATION OF CHILD LABOR."**

Executing Agency

Inter-American Institute of Human Rights (IHR)

Project Implementation Period

April 2000 - April 2001

San José, Costa Rica
May 2001

I. EXECUTIVE SUMMARY

The Inter-American Institute of Human Rights (IIHR) has been charged with directing the project "Promoting the Protection of the Rights of the Child. Strengthening the Ombudsman Offices in Argentina, Colombia and Nicaragua for the Creation of a National Strategy for the Eradication of Child Labor." The project's central objective consists in actively promoting, out of the Ombudsman Offices of Argentina, Colombia and Nicaragua, the human rights of children with particular emphasis on their right to a quality education and the eradication of child labor. To accomplish this objective, the Ombudsman Offices have established strategic alliances, principally with the UNICEF offices of the above-mentioned countries. In spite of the short project period (April 2000 - April 2001), substantial results have been obtained: a) the strengthening of the Ombudsman Offices in the area of defending the rights of the child; b) the gaining of important experiences related to raising consciousness and social mobilization, building upon the organization of nation-wide events in which high-level representatives from both governmental and non-governmental sectors participated; and c) the updating of national statistical data concerning child labor and its link to formal education.

II. PROJECT DESCRIPTION

1. Background

The project "Promoting the Protection of the Rights of the Child. Strengthening the Ombudsman Offices in Argentina, Colombia and Nicaragua for the Creation of a National Strategy for the Eradication of Child Labor" forms part of the initiative "Development Marketplace Innovation Competition 2000," which was sponsored by the World Bank. This initiative seeks to encourage the development of new ideas that might result in practical and replicable project proposals aimed at pertinent problems. These proposals might then be financed by the World Bank as well as by other national or international cooperation agencies.

This project was directed by the Inter-American Institute of Human Rights, in coordination with the UNICEF Regional Office for Latin America and the Caribbean and with support in terms of human and financial resources from the UNICEF Country Offices of Argentina, Colombia and Nicaragua, along with the active participation of the Ombudsman Offices from each of those three countries. The project capitalized upon the comparative advantages of each institution involved. Thus, while UNICEF made a decisive contribution in terms of specialized knowledge and its capacity for social mobilization in the area of education, the Ombudsman Offices contributed by virtue of their position as State entities dedicated to supervising and safeguarding the rights of the child. In its role as project coordinator, the IIHR contributed by making plainly and publicly apparent the important need for understanding the rights of the child as human rights and by providing important pedagogical support as well as building upon its relationships with institutions that work in the fields of development and human rights.

The selection of the three countries was carefully considered. Not all Latin American States have Ombudsman Offices. These are new institutions in the region. The final selection of countries was based upon two basic



criteria: a) the existence of an Ombudsman Office with the capacity for developing a national proposal for the eradication of child labor; and b) the existence of a serious problem of child labor, together with real possibilities for reversing that situation.

Argentina, with the highest per capita GNP of the region (US \$7,550), is one of the most highly developed countries in Latin America and has the lowest percentage of child labor. Nevertheless, child labor in Argentina is growing and doing so proportionally more rapidly than in Colombia and Nicaragua. Moreover, an important part of the nature and magnitude of child labor is directly linked to the internal inefficiencies of the Argentine educational system. From the point of view of those policies concretely oriented towards children, Argentina is relatively weak. An important indicator of this is the unfinished reform of national legislation necessary so that existing laws are in full compliance with the principles contained in the International Convention on the Rights of the Child (CRC). In this context, the strengthening of the institution of the Ombudsman is a critical element of any national policy aimed at the eradication of child labor.

Colombia, involved in a whirlpool of violence with serious political and economic implications, is among the countries of intermediate development in the region (GNP per capita of US \$2,080). In these conditions, there is a high incidence of child labor. In spite of the efforts and advances being made by civil society and by the State with respect to this problem, the laws of Colombia are not sufficiently in compliance with the CRC. In this highly conflictual situation, the Office of the Ombudsman, as a State institution, is the appropriate body for collaborating in the implementation of public policies aimed at eradicating child labor; the term public being understood as the articulation of forces between government and civil society.

Nicaragua, from the economic point of view, is in a substantially different situation. With a per capita income of US \$410, it is one of the region's poorest countries. Out of 5 million inhabitants, 2.3 million live below the official poverty line and 45% of Nicaraguans under the age of 18 are outside the educational system. Thus, almost one out of every two children and adolescents cannot exercise their right to a quality education. Child labor in Nicaragua, principally in the rural areas, has acquired alarming dimensions. In spite of having ratified the CRC as well as ILO Conventions 138 and 182, and having formally adapted its domestic legislation to international norms, the laws that protect the rights of the child, particularly in the area of child labor, are systematically violated. In this context, the Office of the Ombudsman, by virtue of its political-judicial nature, is the best instrument for raising consciousness, a condition precedent for any successful program dedicated to the eradication of child labor.

2. Nature of the Problem

As defined in Article 32 of the CRC, child labor is considered as all those economic activities performed by children up to the age of 14 under conditions of economic exploitation, or that which might be dangerous or harmful, or interfere with their education, health, physical, mental, spiritual, moral or social development.

The ILO estimates that in 1995 there were about 7.6 million children between the ages of 10-14 in the region who were engaged in child labor. To this figure must be added the segment consisting of working children from 5-9 years of age, a group that is frequently found in rural areas. Even if we accept these figures, which the ILO itself recognizes as highly under-representative, this would signify a rate of child labor in Latin America of at least 15% of the total population under the age of 14.



According to the Economic Commission for Latin America and the Caribbean (ECLAC), figures for 1995 reveal that of the total number of persons between the ages of 13-17 who were working, only 25% were attending school. This means that of every four workers who fall within this age group, only one actually studies. There is strong evidence that demonstrates the inevitable tendency towards the incompatibility between child labor and the normal development of children in the educational system. As a consequence, it is possible to conclude that any medium-term strategy designed for the eradication of child labor should be linked to a strategy for improving the levels of inclusiveness and efficiency within the educational system.

It is worth noting that the aforementioned regional averages conceal the strong disparities that exist among different nations. If we focus just upon the countries selected for the project, the most recent figures available for Argentina, which in this case are those for the year 2000, reveal that almost 319,000 children between the ages of 6-14 are working. Of these under-age workers, 36% of them help inflate the figures of those who are behind in their schooling or are over-aged for their grade. In Colombia, the age group of 10-14 years included 263,000 children who were working during the year 2000, with an average of four years of schooling. Finally, in Nicaragua, there were 126,000 children between the ages of 6-14 who were working. This signifies that 10% of the population for that age group are engaged in work activities. In Nicaragua, 66 of every 100 child laborers are behind in their studies.

It is important to realize that the figures cited above are only a partial reflection of the larger reality. The lack of reliable quantitative information concerning child labor is in itself a technical problem in all three of these countries. Nevertheless, it can be assumed that the lack of reliable data is not merely a technical problem. Experience shows, as can readily be seen in the area of health, that reliable statistics are only possible when the problem in question has acquired a central political significance.

Children working today will in the near future only be able to aspire to lower-skilled occupations and will consequently be more poorly paid in the labor market, due to their impeded progress in the educational system. This reality helps explain how child labor, which appears to help alleviate family poverty in the short run, becomes an important factor in the intergenerational reproduction of poverty and social inequality. The 1995-96 edition of *El Panorama Social de América Latina*, edited by ECLAC, shows that children who work will earn around 20% less throughout their entire adult life than those who do not. In a context of increasing economic globalization, where the accumulation of human capital has become the central determinant of a country's competitiveness under optimal conditions, the problem of child labor not only limits personal and family opportunities, but also has profound macro-economic implications that limit the development of a country and negatively impact the accumulation of social capital. Moreover, all of the available international evidence shows that it is difficult to establish sustainable, democratic systems of governance upon a foundation rooted in the constant reproduction of inequality and social exclusion.

While the intention here is not to argue that child labor is the sole source of all evils, it is important to have a clear perception of and to understand the social consequences of child labor, not just in the short term, but also over the medium and long term, both at the individual as well as the macro level of the economic and political structures of our societies.



Child labor is not only a question of macro-economic development, but also a problem of human rights. The work that children perform today impedes the full exercise of their most basic rights, such as those of education and health. Moreover, when looked at in a more holistic manner, child labor is a flagrant violation of Article 27 of the CRC, which stipulates that "States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development." Working in the streets, digging in mines, picking through garbage, engaging in prostitution or any other work activity that children currently perform in Latin America, undoubtedly violates the basic rights of all human beings to a life of dignity and well-being.

3. Objectives

As shown in the terms of reference, the objective of the project consists in harnessing the capacity of the Ombudsman Offices to promote the defense of the full range of human rights of children throughout Latin America. The Ombudsman Offices will seek to improve the policies of orientation and education of children and provide mechanisms to formulate complaints and monitor the human rights violations of children.

Within the framework of this objective, the project has placed specific emphasis on the articulation of child labor with education, the latter understood as an enabling right that permits access to other rights. As such, the project seeks in a very concrete manner to contribute to the development of State policies aimed at the eradication of child labor and at the same time seeks to promote the right to education, starting with the strengthening of the Ombudsman Offices as a central agency for the defense of the human rights of children throughout the region.

4. Institutional Strategy for Implementation

To implement this project, national working teams were formed, made up of a project official from UNICEF and a representative from the Ombudsman Offices in each of the three countries, as well as a technical support committee from the IIHR.

The project was carried out between April 2000 and April 2001.

5. Operational Strategy

Given the situation, as summarized above, and viewing child labor as a human rights problem, the key element of our strategy will be to work with the Ombudsman Offices. The concept is to convert these Offices into a basic actor for both protecting the human rights of children who work, as well as for defining public policies and programs aimed at eradicating child labor in favor of the right to a quality education for all.

Building awareness and social mobilization are fundamental components of our strategy. We propose to establish solid inter-institutional alliances where State entities, international cooperation agencies and private



national institutions are represented. Building upon this institutional base, the Ombudsman Offices will promote social awareness and will be strengthened in their new role by incorporating the support of diverse social agents, all in the implicit understanding that the problem of child labor is an issue that concerns society as a whole.

A central theme in this strategy consists in the generation of statistical information that is current, reliable and national in scope, which will provide clear evidence of the links between child labor and formal education. We begin with the premise that one of the central obstacles to the formulation of social policies, translated into concrete national programs, is that child labor is not seen either by civil society or by the State as a problem. Instead, there exists an unfortunate feeling of generalized complacency, not indignation. In order for the Ombudsman Offices to effectively assume the role envisioned by this project, it is essential to endow them with the kind of reliable statistical information that can show unequivocally how child labor violates the human rights of all children, especially with respect to their right to education.

III. PROJECT IMPLEMENTATION

1. Results

- a. During the brief period of the project's implementation, the defense of the rights of the child has been strengthened within the Ombudsman Offices, principally with respect to the problem of child labor and the right to an education. This strengthening can be seen in the way in which the staff of the Ombudsman Offices involved in the project has more clearly come to internalize a vision of these problems based on a CRC perspective. A second element of this strengthening is the successful holding of public events (see Annex) that the Ombudsman Offices have organized. Many of these events have included the participation of senior government officials and prominent representatives from non-governmental agencies. All of these programs received favorable notice in the mass media. These national activities have been characterized by the extraordinary mobilization of additional resources for the project, through the active collaboration of the UNICEF national offices, the Institutes of Statistics, Ministries of Labor and Education, local governments, non-governmental organizations, as well as the participation of various specialists.
- b. The statistical information on child labor and the educational system, at least in some key variables, has been substantially updated. In all of the countries involved in the project, tabulations have been made, in large part not yet published, concerning the central issues of the project. In spite of the contributions that the project has made in this area, there have been weaknesses in the collection and integration of this information into the existing databases.

2. Strengths

- a. The Ombudsman Offices of Argentina, Colombia and Nicaragua have welcomed the proposal and have actively supported the project. These State offices are capable of taking on a protagonist role with respect to other governmental agencies, as well as to society as a whole, positioning child labor as a problem both for development and for human rights.



- b. The staff of the Ombudsman Offices has proved to have sufficient training and conviction to move the project forward as envisioned.
- c. The alliances formed over the course of implementing the project, in particular the work coordinated between the UNICEF and the Ombudsman Offices, have proven to be of immense utility, facilitating the eventual replication and sustainability of the proposal.
- d. One concrete measure that shows the effective strengthening of the Ombudsman Offices in the specific areas addressed by the project can be found in the leadership (practically non-existent in the past) that the Ombudsman Offices have assumed within the National Commissions for the Eradication of Child Labor.

3. Weaknesses

- a. Not all of the Ombudsman Offices have a department exclusively dedicated to the rights of the child. In some Offices, this field is treated as an aspect of a broader framework of rights that pertains to diverse social sectors. In the case of the three countries directly involved in the project, the Offices in Nicaragua and Colombia have a specific department dedicated to children, while in Argentina the problem is treated from a broader perspective that includes other problems as well.
- b. Given the way complaints are to be filed, the Ombudsman Offices may become overwhelmed in the course of attending complaints of violations of the rights of the child, particularly with respect to child labor. This would be due not only to a matter of insufficient personnel, but also to budgetary limitations.
- c. An additional project weakness, of a more institutional and political character, relates to the fact that child labor falls mainly under the Ministries of Labor and is rarely dealt with by the Ministries of Education.

4. Opportunities

- a. Although some countries have National Committees for the Eradication of Child Labor, these groups do not always have a solid and consistent institutional life. They, nevertheless, constitute an established agency that can help facilitate the specific work of the Ombudsman Offices, giving them a human rights focus, through their role in the definition of policies for the eradication of child labor. In this sense, the aggregate value of the project has consisted in the introduction of the variable of education into national strategies for the eradication of child labor.
- b. The present-day context is favorable due to the increasing international concern regarding child labor, at least since the 1990's, as shown by the various agreements signed both at the regional and global levels. The recent ratifications of ILO Convention 182 concerning the so-called "worst forms of child labor" will help to raise concerns over prematurely working children.

5. Threats

- a. The greatest external threat is posed by a culture that doesn't take seriously the problem of child labor. There is, for example, a "common sense" view that poor children are better off working than stealing or



hanging out in the streets. The question is constantly asked: "If they don't work, how will their families survive?" From this perspective, child labor is seen not only as a control mechanism for the potential delinquency of poor children but also as an answer to adult unemployment and under-employment. This concept of childhood, which enjoys considerable support among popular sectors, is likewise encouraged by small groups of organized adult activists who work in supposedly autonomous organizations of child laborers.

6. Lessons Learned

- a. Experience shows that centering the project in a State institution with a high level of consensus and legitimacy that is free from sectarian political partisanship, such as the Ombudsman Offices of Latin America, permits with limited economic resources an extraordinary mobilization of human and material resources from both governmental and non-governmental entities as well as from international cooperation agencies (consider, for example, the high level of involvement of UNICEF in the project).
- b. The level of political representation, as shown especially by the publicly organized events and the commitments made by high-level staff from the Ministries of Labor and Education, demonstrates the IIHR's strong organizational ability and considerable capacity for articulation with governmental and non-governmental institutions.
- c. It has been shown that a project such as this one could considerably increase its impact in terms of social awareness when the countries are equipped with adequate statistical databases that are kept current on the specific problem of child labor and its relationship to education.

IV. ESSENTIAL ELEMENTS FOR DESIGNING A FUTURE PROJECT

In light of our experience, a broader proposal should be formulated that would contemplate, at least, three substantive objectives:

1. **Creating/Strengthening a Specialized Area for the Rights of the Child within the Ombudsman Offices**

Essential to any future project is the need to strengthen the internal structure of the Ombudsman Offices, specifically the area dedicated to the rights of the child. In those Offices where a specialized department does not exist, it is necessary to promote the creation of such, specifically dedicated to the integral defense of the human rights of children.

This objective implies developing specialized training on the rights of the child for the staff of the Ombudsman Offices, with the necessary financial support.



2. Institutionalizing a National System to Protect the Rights of the Child

The development of a system for the protection of the rights of the child, led by the Ombudsman Offices and sustained by a broad alliance of governmental and non-governmental agencies as well as with strategic entities of international cooperation, would lead to the necessary institutional basis for sustainable and effective results on a national scale

3. Establishing National Oversight for Safeguarding the Rights of the Child

What is needed is a national monitoring system that would allow an effective oversight of the rights of the child, in order to ensure compliance. This objective implies the need to establish guidelines for a follow-up on the level of violations and compliance with the rights of the child. Likewise, it signifies the need to incorporate within the National Household Surveys a specific module concerning child labor and education in those countries where such surveys have not yet been carried out.

Period of Duration for a New Project

The experience gained from the initial experimental phase allows us to conclude that the minimum time necessary for the strategic validation of the most important elements contained in this new proposal would be a period of no less than three years. This length of time is justifiable, given the complex task of producing relevant statistical information, as well as the need to form strategic and sustainable alliances on a medium-term basis.



V. ANNEX: NATIONAL REPORTS

ARGENTINA REPORT

1. How many children work and what do they do?

Working children are vulnerable in their rights and thus their future as citizens becomes seriously at risk.

At very early ages, many children are pushed into working and performing other activities that affect their quality of life, limit their possibilities of development and constrict their future opportunities.

The seriousness of the problem of child labor is not yet perceived by the general population.

In Argentina, it is a growing problem. There are more than 250,000 children under the age of 14 who work in the urban setting. In the rural sector, the most recent estimate indicates that at least 68,500 children between the ages of 6-14 are engaged in work activities.

In 1994, 5.2% of boys between the ages of 10-14 worked, while in 1997 this percentage grew to 9%.

Poverty is the principal factor, although not the only one, that motivates families to put their children to work in order to resolve the basic necessities of life.

Growing unemployment and the reduction of incomes in the most vulnerable households have been some of the other causes for the increase in child labor. Nevertheless, a majority of poor families make enormous efforts so that their children can continue to attend school.

Child labor is a mechanism for the social reproduction of poverty.

2. What kind of activities do children who work carry out?

They can be visible or invisible activities, complex and diverse in nature, and characterized generally by their highly precarious and informal status.

At the earliest ages, the majority of children work together with their families. The most frequent activities include collecting and picking through garbage, preparing and selling bread, pastries, frozen ices and other foods, especially in the streets, household work, making clothes and shoes, handcrafting jewelry, working in shops and corner stores, and in construction. In rural or semi-rural areas, children are exploited in agricultural and ranching activities. Many of these activities cause children to be exposed to physical, social and cultural risks.



The work performed by these children generates minimal earning to their families, at the same time that children themselves suffer irrecoverable losses.

3. What are the consequences for children that result from underage work?

In the short term, their education is compromised and they are exposed to risks that result in accidents, illnesses and physical injuries. They likewise tend to be placed in environments far from adequate for their age.

In the long term, children risk falling behind or dropping out of school, earn lower income as adults, engage in unskilled occupations and reproduce the conditions of poverty that originally motivated their early inclusion into the work world.

4. And what about education?

Children who work don't do as well in school and are more likely to miss out on educational opportunities. Their work causes them to be fatigued in the classroom, reduces the time available to complete their homework, results in repeated absences and poor performance. This in turn causes them to have lower self-esteem, repeated feelings of failure and, finally, lower regard for education, both on their part and on the part of their families.

Working children have greater levels of scholastic redundancy and over-agedness than those who do not work. For many of these children, the act of repeating a grade results in dropping out altogether. There is a perverse chain that links the conditions of premature work, school failure and age dislocation among children.

Working children have lower levels of educational attainment than those who do not work.

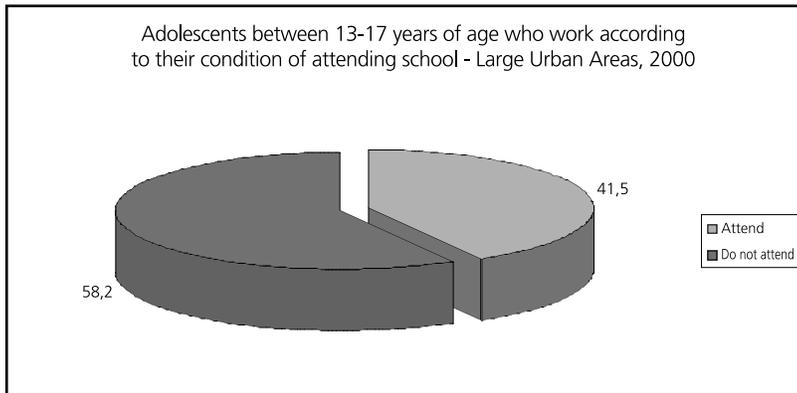
Of children between the ages of 6-14 who work, 36% fall behind in their schooling.

5. What other consequences does child labor hold for the present and future schooling of children?

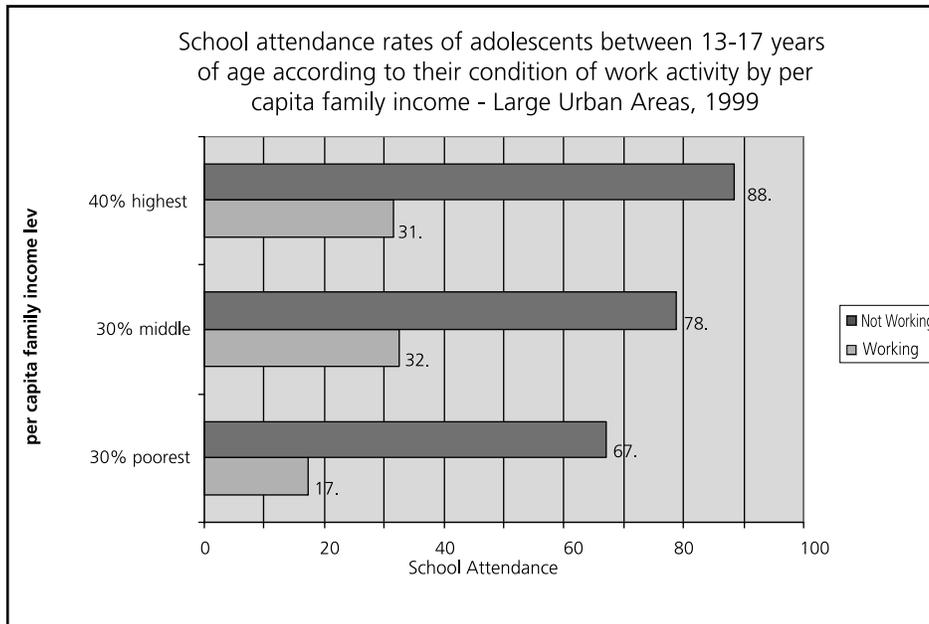
The impact of schooling upon adolescents between the ages of 13-17 demonstrates the existing tension between work and education. Moreover, it helps show how this tension harms most significantly the poorest populations.

Among the total number of adolescents between the ages of 13-17 in urban areas who work, 41.5% attend school, while 58.2% remain outside of educational system.





Source: UNICEF based on data from EPH-INDEC



Source: UNICEF based on data from EPH-INDEC

6. What is to be done?

If we desire a more just and equitable society, we must push for the creation and implementation of public policies aimed at the eradication of child labor, a prime mechanism for the reproduction of poverty.

Many pupils who have to repeat a grade and who are over-aged relative to their peers are among the portion of the child population that works. This is a crude reality that should not be ignored.

Formal education cannot be faulted for reproducing social inequalities. The schools have a limited possibility to generate higher levels of learning among those students coming from disadvantaged backgrounds.

Inter-sectoral public policies should be devised to support the schools and the families of children who work:



With respect to the schools, so that they can provide a quality education for students from poor and vulnerable households.

With respect to the families of these children, given that the condition of the family is a determining factor for students insofar as their ability to achieve higher learning. The contextual conditions that most affect learning include the educational level of the parents, their income level and the infrastructural of the household.

7. Change of paradigm

For a long time, the child has wrongly been supported (protection of the child worker) so that he or she can sustain the family. It is now necessary to reverse this situation and support the family so that the family can in turn support the child (eradication of child labor).

8. What should international norms state?

The International Convention on the Rights of the Child (CRC) clearly speaks of the relationship and tension that exists between child labor and education:

"States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development." Article 32.1

"State Parties shall take legislative, administrative, social and educational measures to ensure the implementation of this article..." Article 32.2

"Every child has the right to an education and it is the obligation of the state to ensure that primary education is compulsory and available free to all." Article 28

The Child Labor Section of UNICEF in Argentina works to promote legislation and practices that adhere to the mandates of this Convention. In this sense, the Child Labor Section offers assistance for the reform of legislation and supports projects dedicated to the eradication of child labor among children under the age of 15, thus helping to make effective the right to a quality education of all children and adolescents.

9. What is the position of the International Labor Organization concerning child labor?

"The minimum age [for work] should not be less than the age in which formal education ends, or in any case, not less than 15 years."

ILO Convention 138, Article 2

"Every member that ratifies the present Convention should adopt immediate and effective measures to prohibit and eliminate the worst forms of child labor with the greatest possible urgency." ILO Convention 182, Article 1



10. What is the National Commission for the Eradication of Child Labor?

By Presidential decree of August 25, 2000, the National Commission for the Eradication of Child Labor was created by the Ministry of Labor, Employment and Human Resources with the aim of coordinating, evaluating and providing follow-up mechanisms for all those efforts that seek to decisively prevent and eradicate child labor.

The Commission is made up of a representative from each ministry of the Executive Branch, delegates from the Argentine Industrial Union, the Agrarian Federation, the Argentine Rural Society, each of the three main trade union federations and the National Secretariat of Churches.

The International Labor Organization -the Program for the Eradication of Child Labor (IPEC)- and the United Nations Children's Fund (UNICEF) participate in the instruction of advisors.

As part of the strategy of the National Commission for the Eradication of Child Labor, three work commissions have been created:

- **Diagnosis:** For unifying available statistical data and constructing the first national informational map of child labor in Argentina.
- **Mobilization:** Design and implementation of awareness campaigns, workshops, seminars and other actions that can help raise consciousness and gain greater commitment from the community.
- **Education:** Analysis from an educational perspective of this theme whose principal problem revolves around the fact that it is not socially recognized as problematic. This implies building awareness at various levels in the educational community, as well as effective actions for achieving and sustaining the true incorporation of youths, in such a way that they can fully exercise their right to an education in conditions of equality

At the same time, the National Plan for the Eradication of Child Labor was divided into three programs:

- National Program for the Eradication of Child Labor in urban areas, tied fundamentally to the problems of food scavenging and begging in the streets.
- National Program for the Eradication of Child Labor in rural areas, primarily oriented towards agricultural work.
- National Program for the Eradication of delinquent activities of children, including the trafficking and sale of illegal narcotics, and other illicit activities.

Promoting the integral protection of the rights of the child represents a priority in the activities of the National Commission for the Eradication of Child Labor.

The point of departure for action is the formation of an absolute consensus based on the idea that formal education must be prioritized as the fundamental tool for the eradication of child labor.



COLOMBIA REPORT

1. Basic Information

The working population is identified beginning at the age of 12 and older in urban areas and at the age of 10 and older in rural zones.

The National Household Survey was processed in September 2000 with the following results:

Percentage of working children:

Working Population Ages 10 – 14	263,000	
<hr/>	<hr/>	
Total Population Ages 10 – 14	8,082,000	3.2%

Box 1

Percentage working between the ages of 10-14 years by sex, according to area of residence

Area of Residence	Male	Female	Total
Urban	1.6%	1.0%	1.3%
Rural	11.2%	3.2%	7.3%
Total	4.7%	1.7%	3.2%

SOURCE: Enaho 2000. DANE

Box 1.1

Total Population (in thousands) ages 10 – 14 by sex, according to area of residence

Area of Residence	Male	Female	Total
Urban	2.790	2.705	5.495
Rural	1.336	1.251	2.587
Total	4.126	3.956	8.082

SOURCE: Enaho 2000. DANE

Box 1.2

Working Age Population (in thousands) ages 10 – 14 by sex, according to area of residence

Area of Residence	Male	Female	Total
Urban	832	809	1.641
Rural	682	630	1.312
Total	1.514	1.439	2.953

SOURCE: Enaho 2000. DANE



Box 1.3

Economically Active Population (in thousands) ages 10 –14 by sex, according to area of residence

Area of Residence	Male	Female	Total
Urban	45	28	73
Rural	149	40	189
Total	194	68	262

SOURCE: Enaho 2000. DANE

Information not covered by the Household Survey

Box 2

Population (in thousands) ages 10 – 14 by work activity, according to condition of school attendance

Condition of School Attendance	Economically Active	Not Economiccally Active	Total
Attending	138	-	-
Not attending	184	-	-
Total	322	2.631	2.953

Box 3

Population ages 10 –14 by work activity, according to average years of schooling

	Economically Active	Not Economically Active
Average Years of Schooling	4.0	-

Box 4

Population (in thousands) ages 10 – 14 by work activity, according to condition of basic scholastic achievement (literate – illiterate)

Condition of Basic School Attendance	Economically Active	Not Economiccally Active	Total
Literate	297	-	-
Illiterate	25	-	-
Total	322	2.631	2.953

2. The Public Event

The public activity was held on Tuesday, March 27th from 8:30am -1:00pm in La Opera Hotel in Bogotá.



Prior to the event, the Delegate for Children, Women and the Elderly from the Ombudsman Office, who headed the project and who served as permanent representative to the Inter-Institutional Committee for the Eradication of Child Labor, set the following priorities in response to the Committee requirement that every member should present an annual Institutional Operational Plan:

1. To contribute with a design for a public policy that considers the issue of child labor as a problem of the educational sector, and not as a solution to the labor sector.
2. To recognize the problem of child labor as a violation of the fundamental prevailing rights of children, particularly that of education as an enabling human right.
3. To promote and publicize at the national level the rights of children, focused on preventing the work of children between the ages of 6-14, and to guarantee that these children remain in school as their normal environment.
4. To study more profoundly the internal efficiency of the educational system, especially with regard to access to education, school enrollment, student failures, drop outs, repetition of academic grades, and over-aged students.

Dr. Eduardo Cifuentes Muñoz, National Ombudsman, then convened a high-level meeting that included the participation of the Ministers and Vice-Ministers of Education, Labor and Health; the Attorney General; the Presidential Advisor for Social Policy; the UNICEF Representative for Colombia and Venezuela; the Director of the Colombian Institute of Family Welfare; the Director of the National Department of Statistics (DANE); the Director of the National Department of Planning; the Director of the National Service for Learning (SENA); the Representatives of the ILO-IPEC-Minister of Labor Agreement; the President of the Colombian Association of Flower Growers (ASOCOLFLORES); the President of the National Association of Industries (ANDI); the President of the National Federation of Vendors (FENALCO); the President of the Colombian Society of Agroproducers (SAC); the President of the Central Workers Union (CUT), the President of the Colombian Federation of Teachers (FECODE); the President of the General Confederation of Workers (CGTD); the Director of the Restrepo Barco Foundation and the Director of the International Defense of Children (DNI).

The Ombudsman submitted for consideration the proposed agenda (Statements by the Ombudsman, Vice-Minister of Education, Vice-Minister of Labor, Advisor from the Inter-American Institute of Human Rights, followed by a presentation of the proposal from the Ombudsman Office for debate under the moderation of the Delegate from the Area of the Child, Youth, Women and the Elderly). There followed a detailed exposition of the principles, the leading indicators concerning children, the reason for Ombudsman involvement in the project and the proposal of the latter as a permanent part of the Inter-Institutional Committee for the Eradication of Child Labor that made the following points:

A. Legal Bases: Article 32 of the Convention on the Rights of the Child and Articles 44 and 67 of the Constitution of Colombia are instruments that define the right to education as a fundamental enabling right rather than a programmatic right, and point to the political order that recognizes this as an obligation of the State, guaranteeing the education of children between 5-15 years of age; a minimum of one year of preschooling and nine years of basic education (Article 67 of the Constitution of Colombia)³.

³"Education is a right of the individual and a public service that fulfills a social function; with education, one seeks access to knowledge, science, technical means, and all of the rest of the goods and values of a culture. . . ." "The state, society and the family are all responsible to ensure that education be compulsory for those between five and fifteen years of age, which means at a minimum, one year of preschooling and nine years of basic education."



It was stated that the constitutional mandate concerning the right to education rests on removing the rights of the child from the political debate, thus concentrating on three spheres of protection that the Constitution directly establishes for children (family, society and the State), which means that there is no group in Colombia as protected as children, particularly with respect to their right to an education.

It was reiterated that the right to an education is not a programmatic right that must be complied with to the extent possible, but instead has been elevated by the Constitution to the status of a fundamental right, a premise that should govern the formulation of public policies. It is a right without which it would be impossible to exercise citizenship and, for that reason, a policy for the eradication of child labor should be structured taking into account that the Constitution has established compulsory education up to the age of 15 as a minimum.

B. This was followed by the presentation of some of the most relevant indicators that reflect the situation of children in Colombia and that have a direct relationship with the problem of working children, as well as the relevant indicators for the educational sectors, which can be concretely summarized as follows:

In Colombia, there are 16.8 million persons under the age of 18, representing 41.5% of the total population of the country. Of these, close to 6.5 million live in poverty and more than a million in extreme poverty.

It is true that, while educational coverage has expanded considerably in recent years, UNESCO calculates that in Colombia there are close to 2.8 million children who remain outside of the educational system, or 20% of the school age population do not attend school.

The Ministry of Labor calculates that around 2.7 million Colombian children work under hazardous conditions in terms of the effect on their health. Moreover, of every ten children who work, only three attend school. UNICEF estimates that around 6,000 children are involved in the armed conflict and the Attorney General's Office affirms that there are more than 25,000 boys and girls engaged in prostitution. Some sources estimate that there are around 30,000 children living in the streets.

The Colombian Institute of Family Welfare reports that at the onset of the year around 7,000 children were incarcerated for violations of the criminal code and it is estimated that close to 1.1 million children have been displaced by the nation's armed conflict, thus interrupting their educational process. The Foundation Center for Research, Training and Information for the Amazon Service has estimated that approximately 200,000 children are involved in the cultivation of illicit substances, which also constitutes an obstacle to the child's continuing educational process. The indicators for the educational sector, prepared by the National Department of Planning, show that:

- Only 42% of children of preschool age had enrolled in kindergarten.
- Only 60 of every 100 children finish the basic cycle of primary education.
- The rate of school dropouts between first and fifth grades is around 40%, with 50% of these dropouts occurring between first and second grade.
- Only 62% of children between the ages of 12-17 enroll in secondary school.
- 30% of those who begin secondary school finish ninth grade (basic, free and compulsory education cycle).



The indicators from the labor sector indicate that:

- 80% of children who work do so in the informal sector.
- Approximately 50% of children ages 12-13 who work do not receive any direct income, but are compensated in another manner.
- The salary of child laborers ranges between 25% and 80% of the legal daily minimum salary.
- Only 23% of child laborers have social security, a large percentage of whom are indirect beneficiaries through some kind of family affiliation.

Following the presentation of the National Ombudsman, other invited guests spoke beginning with the Vice-Minister of Education, who indicated her interest in working in the design of the public policy proposal. She emphasized the concern of the national government regarding the problem of quality education coverage.

Similarly, the Director of the Colombian Institute of Family Welfare and the Vice-Minister of Labor spoke on the need for a public policy that takes into account structural and cultural factors that have affected the environment for the integral development of children in Colombia and that impede children from studying in favor of working.

Following their presentation, Dr. Emilio García Méndez, advisor to the Inter-American Institute of Human Rights for the Child Labor and Education project, emphasized the need for reliable quantitative information in order to take measures that respond to the reality of child labor and the need of these children to return to school. He stated that all of the available resources for the educational sector should be maximized, so as to contribute to full compliance with human rights, taking into account two levels: that of information and that of action.

The Director of the National Department of Statistics (DANE) then informed that the DANE has drawn up, along with the ILO, the Ministries of Labor and Education and the Colombian Institute of Family Welfare, a plan to collect greater and more reliable information. The survey under study is decentralized and uses the National Household Survey as its framework.

Both the National Ombudsman and Dr. García Méndez suggested that the Director of DANE incorporate age clusters in the survey, especially for those 15 years of age and younger.

3. The Proposal of the Ombudsman

The Delegate for Children from the Office of Ombudsman, as a permanent invited member of the Inter-Institutional Committee for the Eradication of Child Labor created by Presidential Decree in 1995, offered, in her role as an official of a body that promotes and defends human rights and in view of the difficult situation in which millions of Colombian children find themselves with respect to exercising their right to education, to contribute to the development of public policies on behalf of children, especially with regard to strengthening the educational system as a serious alternative to world economic exploitation.

Taking into account the discussions and to ensure compliance with the proposed objectives put forth by the Committee, based on the functions that the Constitution and laws have given the Office of the Ombudsman, this Office put forward a Plan of Action for the problem of child labor, understood as work performed by those under the age of 14. The plan includes the following strategies:



- a) To make evident that child labor is a problem and not a solution.
- b) To confront the problem of child labor as a violation of the human rights of children, particularly with respect to the exercise of the fundamental right to education as an enabling right, that is, a right whose development is a necessary condition for the exercise of other rights.
- c) To serve as a forum for strengthening the efforts of all State entities and to articulate a public policy for protecting and guaranteeing the right to education, beginning with a measurement of the internal efficiency of the educational system.
- d) To contribute towards improving the informational systems, both of the educational system as well as the labor sector, in order to systematize and consolidate isolated data, so as to allow a comparative analysis and a better grasp of the reality of the problem.

The Office of the Ombudsman proposed the design and implementation of a concrete strategy of intervention that would permit the development of a State policy for the eradication of child labor for those children between the ages of 6-14. In this regard, there was a commitment to:

- Generate social and institutional fora for promoting public debate concerning the relationship between child labor and education.
- Contribute to the production and dissemination of reliable quantitative information directed towards identifying child labor as a central social problem for national policies of development, rather than any kind of a solution.
- Promote the understanding and articulation of those leading actors in the process of eradicating child labor, particularly in the educational sector. For that, it was proposed, as suggested by the Inter-Institutional Committee for the Eradication of Child Labor, that an evaluation be made of the internal efficiency of the educational sector in the following terms:
 - Access to education
 - Educational enrollment
 - School drop-out
 - School promotion
 - Grade repetition
 - Over-age students

Following the presentation of the Work Plan of the Ombudsman Office of Colombia, and after each representative of the invited entities had expressed their concerns with respect to the problem, Dr. García Méndez closed the discussion with the consensus that had been reached during the meeting, which will be the departure point for the following phase of the project:

- 1) The clear establishment of levels of information and levels for action.
- 2) The Inter-Institutional Committee should formulate a plan for those actions that are capable of addressing the problem. The quantitative information available leaves much to be desired. Without action, little can be accomplished with the information, but action could be harmful without information.
- 3) It is important to determine exactly what information is politically relevant.



NICARAGUA REPORT

1. Introduction

We have entered the new millenium with dazzling technological advances and are frequently surprised at what the human species is capable of accomplishing. Such advances, however, do not always correspond to the most elemental needs of the people, including the enjoyment of social, cultural and economic rights as set out in the international instruments of human rights.

Children and adolescents make up the group mainly affected by socio-economic and political systems that force millions of families to live in conditions of poverty. Among the everyday strategies of these families, alternatives arise that shame humanity; namely, young boys, girls and adolescents on the streets to beg or to work, abandoning school along with the hope of living a dignified and happy life.

If work dignifies the individual, premature work and exploitation of children and adolescents becomes transformed into a shame that burdens society in the present as well as in the future. It creates men and women who as citizens will not be able to support themselves or their children. These persons are minimally qualified and very poorly paid, and their sons and daughters will continue in this vicious cycle of child labor.

2. Data on the Reality of Child Labor and Education in Nicaragua

- 53% of the population is under the age of 18. The country presents one of the most dramatic indices of human development in the region. The conditions of extreme poverty force Nicaraguan families to seek alternatives for survival that end with the utilization of children as an alternative labor force for household income.
- The total population of children between the ages of 7-14 is 885,691. Of this segment, the age of 54.5% (483,000) corresponds to the educational grade in which they are placed. 19.9% (176,000) children are one year behind in their schooling with respect to their age and 25.6% (226,000) are two or more years behind in their studies.
- Of the children between 7-14 years, 71,313 study and work, corresponding to 8% of the total of this population.
- According to official figures from the Ministry of Education, there are 800,000 children and adolescents outside of the educational system in Nicaragua.
- In Nicaragua, the average number of years that each child requires in order to finish their primary schooling is 10.3.
- In 1999, 1.4 million children began school, representing an increase of 7.64%. Nonetheless, this is less than the annual growth of the school population, which is 9%.
- In 1999, 500,000 children were without access to preschool education, with 180,000 unable to enroll in primary schooling and more than 450,000 unable to enter the secondary level.



- The disparity in enrollment between rural (20%) and urban areas (80%) continues to be dramatic.
- The index of school abandonment is alarming in relation to the rest of Central America. 45% of first graders do not reach second grade. More than 130,000 abandon school each year and only 25% of the students finish primary school.
- The average of children who reach fifth grade of elementary schooling throughout Central America is 68%. Nicaragua has the lowest percentage with 51%, in stark contrast with Costa Rica at 89%.
- Of those under the age of 18 in the country, 302,880 work. Of these, 228,582 are males and 74,299 are female. If divided by age, 126,192 are between the ages of 6-14 and 176,689 are between 15-18 years.
- Of the children in Nicaragua between the ages of 6-14, 10.3% are working.
- Of the children between the ages of 6-14 who work, 56.5% attend school.
- Of the children between the ages of 6-14 who do not work, 73.8% attend school.
- The average length of schooling for children between the ages of 7-14 who exclusively study is five years and the average of those who study and work is 3.8 years.
- The percentage of the population between 7-14 years of age who exclusively study and whose age corresponds to the grade in which they are enrolled is 56.3, while for those who study and work it is 34.4.
- The rate of attendance in preschool education is 26.3%

3. What does our legislation state?

Constitution of Nicaragua

Article 84 expressly prohibits "work on the part of minors in labor activities that can affect their normal development or completion of compulsory instruction."

Code for Adolescents and Children.

Article 73, "It is prohibited to employ young children or adolescents in any form of work. Businesses and natural or juridical entities cannot contract with individuals under the age of 14."

Article 74, "Adolescents cannot carry out any type of work in unhealthy places and place at risk their life, health, physical, mental or moral integrity, such as work in underground mines, garbage collection, evening entertainment centers, places which imply the handling of toxic substances, mind altering substances, or those which in general operating primarily in the evening."

Article 75, "In those cases where adolescents are permitted to work, the following norms shall be observed:

- a) Respect for and guarantee of their individual development, with its particular characteristics.
- b) Adequate instruction for the work they are carrying out.



- c) Subject to medical examinations at least once a year to determine if the work they are conducting is harming their health or normal development.
- d) Guarantee their normal process of education.
- e) The work performed by adolescents must be supervised by the Ministry of Labor and the corresponding institution, in order to guarantee compliance with the provisions established for their protection, those contained in the present Code and all other laws and regulations."

Labor Code

Title VI, Articles 130 -138 establishes the measures relative to the minimum work age (14), and the mechanisms for protection of the working adolescent.

4. What is being done?

Beginning with the ratification of the International Convention on the Rights of the Child, Nicaragua has adopted a series of legislative and administrative measures that specifically treat the issue of child labor.

Among these efforts are the following:

- Creation in 1996 of the National Commission for the Progressive Eradication of Child Labor and the Protection of the Working Minor.
- Ratification of the Law for the Defense of Human Rights in 1995, which entered into force in 1996. This law establishes a Prosecutor, a Sub-Prosecutor for Human Rights and three special Attorneys, one of these for Children and Adolescents.
- Ratification of the new Labor Code that includes Title VI concerning the work of children and adolescents.
- Creation of the National Council for the Treatment and Integral Protection of Children and Adolescents (2000).
- Creation of Inspection Agencies for Child Labor in the Ministry of Labor.
- Development of the National Strategic Plan for the Progressive Eradication of Child Labor and Protection of the Working Adolescent.

