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CHILD LABOR IN LATIN AMERICA

Soo Nam*

I. INTRODUCTION

CHILD labor practices in developing countries are a significant problem and have become a focus for attention internationally. In fact, approximately 250 million children between the ages of five and fourteen in developing countries are working.¹ Due to an increasing number of child laborers in developing countries, the International Labor Organization (ILO) created the International Programme on the Elimination of Child Labour (IPEC) in 1992.² The IPEC's objective is to promote a worldwide movement to eradicate child labor.³ IPEC is operating in nineteen different Latin American countries and ninety-two countries worldwide.⁴ But as a result of the many different sectors of child labor as well as its expansive causes, it has been difficult to successfully combat child labor in regions such as Latin America.⁵ According to ILO in its most recent issue of the global child labor trend estimation, out of 141 million children between the ages of five and seventeen in Latin America and the Caribbean, fourteen million were child laborers.⁶ In other words, "[o]ne in ten children were child labourers in Latin America and the Caribbean."⁷ The effect of child labor is not only a direct negative impact on the child, but a negative impact on society because it prevents the child from acquiring the skills and education necessary to promote society and create a better future. Therefore, the prevailing objective of this paper is to analyze the causes and effects of child labor, different sectors of child labor, conventions and international

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1. Int'l Labour Org. [ILO], *Combating Child Labour: A Handbook for Labour Inspectors* 3 (2002) available at http://www.ilo.org/wcmsp5/groups/public/—ed_protect/—protrav/—safework/documents/instructionalmaterial/wcms_110148.pdf [hereinafter *Combating Child Labour*].

2. ILO, About the International Programme on the Elimination of Child Labour (IPEC), <http://www.ilo.org/ipec/programme/lang—en/index.htm> (last visited Nov. 22, 2013) [hereinafter International Programme].

3. *Id.*

4. ILO, IPEC Worldwide, <http://www.ilo.org/ipec/programme/IPECintheField/lang—en/index.htm> (last visited Nov. 22, 2013).

5. See YACOUBA DIALLO ET AL., INT'L LABOUR OFFICE, GLOBAL CHILD LABOUR DEVELOPMENTS: MEASURING TRENDS FROM 2004 TO 2008, 5 (2010).

6. *Id.* at 9.

7. *Id.*

laws regarding child labor, issues of child labor in different Latin American countries, and current movements towards combating and eradicating child labor in the near future.

II. BACKGROUND

According to the Convention on the Rights of the Child, “a child means every human being below the age of eighteen years”⁸ Children may participate in labor and not all work done by children is considered child labor that should be eliminated.⁹ As long as the work is not detrimental to children’s health, personal development, or education, it is likely to have a positive impact on children.¹⁰ It becomes a problem when children are engaged in the type of work that is harmful to them physically and mentally.¹¹

The ILO defines the term “child labor” as “work that deprives children of their childhood, their potential and their dignity, and that is harmful to physical and mental development.”¹² According to the ILO, child labor “refers to work that is mentally, physically, socially or morally dangerous and harmful to children.”¹³ Furthermore, child labor interferes with children’s schooling by “depriving them of the opportunity to attend school; obliging them to leave school prematurely; or requiring them to attempt to combine school attendance with excessively long and heavy work.”¹⁴ An important question to consider is how does one determine whether work performed by children is considered child labor? The ILO states that whether a particular type of work is considered child labor depends on “the child’s age, the type and hours of work performed, the conditions under which it is performed and the objectives pursued by individual countries.”¹⁵ The standard for determining child labor varies from country to country, which makes it harder to combat and eradicate child labor in Latin America.¹⁶ But the ILO has been working consistently for a long time to combat child labor by developing projects and participating in campaigns in hopes of putting a stop to child labor.¹⁷

8. Convention on the Rights of the Child, G.A. Res. 44/25, U.N. Doc. A/RES/44/25, art. 1 (Nov. 20, 1989), available at <http://www.un.org/documents/ga/res/44/a44r025.htm>.

9. JANET HILOWITZ ET AL., ILO, CHILD LABOUR: A TEXTBOOK FOR UNIVERSITY STUDENTS, 16 (2004).

10. *Id.*

11. *Id.*

12. ILO, *What is Child Labour*, <http://ilo.org/ipec/facts/lang—en/index.htm>, (last visited Nov. 22, 2013).

13. *Id.*

14. *Id.*

15. *Id.*

16. *See id.*

17. *See generally* ILO, Child Labour, <http://www.ilo.org/global/topics/child-labour/lang—en/index.htm>, (last visited Nov. 22, 2013).

III. CURRENT LAWS

Although child labor has been a topic of concern from the beginning of the ILO itself, it was not until the beginning of the 1970s that there was a growing concern among the ILO constituent members about child labor and its detrimental effects on children and society.¹⁸ Therefore, in 1973, the ILO adopted a major convention: the Minimum Age Convention (the Convention) (No. 138).¹⁹ Article 1 states:

Each Member for which this Convention is in force undertakes to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons.²⁰

The Convention allows each country to fix its own minimum age for admission to employment.²¹ But the Convention provides three guidelines in fixing the minimum age for admission to employment: 1) “[t]he minimum age should not be less than the age of completing compulsory schooling, and in no event less than 15 years of age;”²² 2) the minimum age for hazardous work is eighteen years of age, and whether a type of work is considered hazardous is left to the individual countries; and 3) the minimum age for light work is thirteen years of age.²³ Hazardous work is any type of employment “which by its nature or the circumstances in which it is carried out is likely to jeopardize the health, safety or morals of young persons.”²⁴ For instance, hazardous work includes work that involves exposure to physical and emotional abuse, “[w]ork that involves using dangerous equipment or tools[, and] work that is carried out in an unhealthy environment.”²⁵ On the other hand, light work is any type of employment that is “not likely to be harmful to children’s health or development or to prejudice their attendance at school”²⁶

Recommendation No. 146 provides guidance on fixing the minimum age and determining hazardous types of employment or work.²⁷ For most

18. *Combating Child Labour*, *supra* note 1, at 7.

19. ILO Convention (No. 138) Concerning Minimum Age for Admission to Employment, June 26, 1973, 1015 U.N.T.S. 297, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C138 [hereinafter Minimum Age Convention].

20. *Id.*

21. *Id.* art. 2.

22. *Combating Child Labour*, *supra* note 1, at 8.

23. *Id.*

24. *Id.* (citing Minimum Age Convention, *supra* note 19, art. 3).

25. ILO, CHILD LABOUR BOOK SERIES: CORPORATE SOCIAL RESPONSIBILITY FOR FARMERS, NO. 1, UNDERSTANDING THE CONCEPT OF CHILD LABOUR 9 (2009), available at <http://www.ilo.org/ipecinfo/product/viewProduct.do?productId=13993> [hereinafter UNDERSTANDING CHILD LABOR].

26. *Combating Child Labour*, *supra* note 1, at 8.

27. See generally ILO Minimum Age Recommendation (No. 146) Concerning Minimum Age for Admission to Employment, June 26, 1973, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R146.

countries, the minimum age for light work is thirteen years of age and eighteen years of age for hazardous work.²⁸ But despite the efforts to enforce the Convention and reduce child labor, it has been difficult because of “market pressures, moral indifference and traditional cultural attitudes.”²⁹ Thus, the ILO created the International Programme on the Elimination of Child Labour in 1992 “[t]o assist countries in overcoming these obstacles”³⁰ “IPEC provided a range of technical and policy assistance to countries which were taking steps to address child labour.”³¹

The second major convention that combats child labor is the Convention on the Rights of the Child (Child’s Convention) adopted in 1989.³² Most importantly, the Child’s Convention defines a “child” as a person below the age of eighteen and emphasizes that the best interests of children must be the primary consideration when making decisions.³³ Furthermore, the Child’s Convention states that the government of each country has the responsibility to take all measures necessary to make sure that children’s rights are respected and protected.³⁴

Consequently, in 1999, the ILO adopted Convention No. 182 on the worst forms of child labor.³⁵ “The vote for this international agreement was unanimous” and as of June 2003, Convention No. 182 was ratified by 140 individual member governments.³⁶ According to Convention No. 182, the worst forms of child labor include the following: slavery; forced labor; the sale and trafficking of children; forced recruitment of children for use in armed conflict; use of children in prostitution, pornography, and illicit activities; and work that is likely to harm the health, safety, or morals of children.³⁷ Most importantly, Convention No. 182 applies to all children under the age of eighteen and requires each member state to take immediate measures to prohibit and eliminate the worst forms of child labor.³⁸ Moreover, Recommendation No. 190 on the worst forms of child labor encourages member states to identify the worst forms of child labor, protect and prevent children from the worst forms of child labor, “and raise awareness and mobilize society.”³⁹

There are two different types of “worst forms of child labor.” “by defi-

28. *Combating Child Labour*, *supra* note 1, at 9.

29. *Id.* at 7.

30. *Id.* at 8; *see also* International Programme, *supra* note 2.

31. *Combating Child Labour*, *supra* note 1, at 8.

32. *See* Convention on the Rights of the Child, *supra* note 8.

33. *Id.* art 3.

34. *Id.* art 4.

35. ILO Convention (No. 182) Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, June 17, 1999, Treaty Doc. No. 106-5, 2133 U.N.T.S. 161, *available at* http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_ILO_CODE:C182 [hereinafter Worst Forms of Child Labor Convention].

36. HILOWITZ, *supra* note 9, at 44.

37. Worst Forms of Child Labour Convention, *supra* note 35, art. 3.

38. HILOWITZ, *supra* note 9, at 45.

39. *Id.*

inition” and “by condition.”⁴⁰ “By definition” refers to work that is absolutely illegal and unacceptable.⁴¹ For instance, child prostitution, recruitment of children in armed conflict, engaging children in illicit activities, and forced labor are by definition illegal and unacceptable types of child labor.⁴² On the other hand, “by condition” refers to hazardous work that “needs to be determined on a national level.”⁴³ These are types of work that are legal in nature, “but the working conditions are hazardous.”⁴⁴ Whether work is hazardous and whether the work will have negative consequences on children differs from country to country.⁴⁵ Thus, Convention No. 182 raised awareness regarding the worst forms of child labor, but the level of success in eliminating the worst forms of child labor was difficult as “[l]aws differ from country to country concerning different occupations”⁴⁶

Thus, Convention No. 138 and Convention No. 182 are the two major laws that restrict child labor in Latin American countries. “[W]hile Convention No. 138 stipulates on categories of ages of children and the allowable ages for employment, Convention No. 182 lays the basic fundamentals and restrictions for the employment of children in certain sectors” and provides that children should not work in conditions that are unacceptable or hazardous.⁴⁷

IV. ANALYSIS

A. CAUSES OF CHILD LABOR

What are the major causes of child labor in developing countries? What are the causes of child labor in Latin America? How do we combat and eliminate child labor? In order to effectively combat child labor, it is important to understand and address the root causes of child labor.⁴⁸ According to the ILO, poverty is the most significant cause of child labor.⁴⁹

Poverty causes child labor because low-income families need children to generate revenue to survive.⁵⁰ Although poverty is a major contributing factor for child labor, there are other causes of child labor above and beyond poverty.⁵¹ In fact, it is the combination of poverty, societal, and

40. *Id.* at 46.

41. *Id.*

42. UNDERSTANDING CHILD LABOUR, *supra* note 25, at 7.

43. HILOWITZ, *supra* note 9, at 47.

44. UNDERSTANDING CHILD LABOUR, *supra* note 25, at 8.

45. HILOWITZ, *supra* note 9, at 46.

46. *Id.* at 48.

47. UNDERSTANDING CHILD LABOUR, *supra* note 25, at 8.

48. *See id.* at 5.

49. Michaëlle Tauson, *Child Labor in Latin America: Poverty as Cause and Effect*, TOPICAL RESEARCH DIGEST: REVISITING HUMAN RIGHTS IN LATIN AMERICA 32 (2009), available at <http://www.du.edu/korbel/hrhw/researchdigest/latinamerica2/digest-human%20rights%20in%20latin%20america%20vol%202-childlabor.pdf>.

50. *See* UNDERSTANDING CHILD LABOUR, *supra* note 25, at 5.

51. *See* Drusilla K. Brown, Alan V. Deardorff & Robert M. Stern, *Child Labour: Theory, Evidence and Policy* 2 (Research Seminar in International Economics, Discus-

cultural factors that leads to the prevalence of child labor.⁵²

Developing countries are economically under-developed and, as a result, families in Latin American countries have low living and poor educational standards, leading to poverty and driving child labor.⁵³ These are "internal" factors, issues within the family that ultimately cause child labor.⁵⁴ For instance, internal factors are difficult family situations, poor family values, low levels of education, and low levels of parental skill.⁵⁵ Many parents in low-income families do not understand the value of education because they were likely sent to work as children.⁵⁶ Thus, the low level of education of the parent has a negative effect on the children and their future.⁵⁷ "If the parents have received little education, it means their children are exposed to limited family education at home and to low aspirations to obtain it."⁵⁸ As a result, families suffer economically and there is pressure for child labor.⁵⁹ Also, there are "external" factors that lead to child labor, such as being a member of a minority population.⁶⁰ For instance, working children in Brazil tend to come from indigenous groups.⁶¹ Poverty not only contributes to child labor, but it is also an inevitable consequence of child labor.⁶² "The precise answer will vary from country to country, but it is important that each country should have a clear understanding of the magnitude and causes of child labour within its frontiers"⁶³

Therefore, culture in every country is a big contributing factor of child labor.⁶⁴ "Society may see work by children as a normal stage in the process of growing up."⁶⁵ In fact, parents in Guatemala prefer their children to work because they believe this is a normal process, teaching children to become hard-working adults.⁶⁶ "In Latin American countries with large indigenous populations, such as Bolivia, Peru, Guatemala, and Ecuador, children make up a large percentage of the workforce."⁶⁷ Also, children in Latin American countries do not often resist work because it generates revenue.⁶⁸ Because these children are unlikely to receive education, they

sion Paper No. 474, Aug. 17, 2001), available at <http://www.fordschool.umich.edu/rsie/workingpapers/Papers451-475/r474.pdf>.

52. See Tauson, *supra* note 49, at 32.

53. *Combating Child Labour*, *supra* note 1, at 16-17.

54. HILOWITZ, *supra* note 9, at 84.

55. *Id.* at 87.

56. See *id.* at 90.

57. *Id.*

58. *Id.*

59. See *id.* at 88.

60. See *id.* at 87.

61. *Id.* at 91.

62. *Id.* at 84.

63. JACK MARTIN & DAVID TAJGMAN, ELIMINATING THE WORST FORMS OF CHILD LABOUR: A PRACTICE GUIDE TO ILO CONVENTION NO. 182, 23, available at <http://www.ilo.org/ipeinfo/product/viewProduct.do?productId=1200>.

64. Tauson, *supra* note 49, at 32.

65. *Combating Child Labour*, *supra*, note 1, at 16.

66. Tauson, *supra* note 49, at 32.

67. *Id.*

68. *Combating Child Labour*, *supra* note 1, at 16.

see this as minimal training to help them make a living in the future.⁶⁹ Furthermore, it is normal for children in developing countries to support their younger siblings through school and financially help their parents.⁷⁰ In fact, children are happy to be valuable assets to their family.⁷¹

In return, this has a dramatic impact on society because the more children engage in work, the less education they receive.⁷² Consequently, developing countries have low national education levels and this diminishes family values and perpetuates economic problems.⁷³ In fact, 68 percent of children have not attended primary school.⁷⁴ As economic problems continue, families are more inclined to send their children to work.⁷⁵ "Interference of a child's right to education traps the state in poverty . . . [because] [a]n uneducated child will become an uneducated adult who will continue to earn at or below a subsistence level."⁷⁶ Parents trapped in poverty have no choice but to send their children off to work to survive.⁷⁷ In fact, "[d]ue to high levels of child labor, Latin America is placing itself at a disadvantage in the global market."⁷⁸ Thus, if current movements and campaigns by the ILO are successful in eliminating child labor in Latin America, children would have greater access to education and this would promote economic benefits within the region.⁷⁹ Education is indeed one of the key strategies to eventually break the poverty cycle.⁸⁰

B. SECTORS AND TOPICS OF CHILD LABOR

According to the ILO, 60 percent of all child laborers between the ages of five and seventeen work in agriculture.⁸¹ A majority of these children go on to work for their families and are unpaid.⁸² Agricultural work is comprised of four different sub-sectors: 1) farming, 2) fishing and aquaculture, 3) forestry, and 4) livestock production.⁸³ First, child labor in farming is difficult to identify and tackle because the majority of children work on their parents' farm.⁸⁴ Because it is a tradition for children to assist their parents, it is hard to identify when light work activities on

69. *Id.*

70. *Id.*

71. *See id.*

72. Tauson, *supra* note 49, at 32.

73. *Id.*

74. UNDERSTANDING CHILD LABOUR, *supra* note 25, at 10.

75. *See* HILOWITZ, *supra* note 9, at 89.

76. Tauson, *supra* note 45, at 32–33.

77. *See* HILOWITZ, *supra* note 8, at 89.

78. Tauson, *supra* note 45, at 33.

79. *See id.*

80. UNDERSTANDING CHILD LABOUR, *supra* note 25, at 3.

81. ILO, Child Labour in Agriculture, <http://www.ilo.org/ipecc/areas/Agriculture/lang=en/index.htm> (last visited Nov. 22, 2013).

82. *Id.*

83. *Id.*

84. ILO, Farming, http://www.ilo.org/ipecc/areas/Agriculture/WCMS_172416/lang=en/index.htm (last visited Nov. 22, 2013).

their parents' farm turn into child labor.⁸⁵ According to the ILO, child labor in farming may involve the following: "preparation of land, transport and planting of seedlings, weeding, applying fertilizers and spraying pesticides, harvesting, and processing of collected crops."⁸⁶ Thus, farming may be hazardous work because it involves dealing with dangerous machinery and tools and exposure to unhealthy environment due to chemicals.

Second, child labor in fishing and aquaculture involves small-scale operations of capture fisheries and post-harvest fishing processing, distribution, and marketing.⁸⁷ Thus, child laborers in fishing can be found on board (e.g., capturing fish), on shore (e.g., loading and cleaning fish), off-shore on fishing platforms (e.g., lifting heavy fish nets), and in fish processing factories (e.g., preparing for distribution and marketing).⁸⁸ Like child labor in farming, most children engaged in fishing work for their parents and are unpaid, which makes the problem hard to identify and tackle.⁸⁹ Also, fishing may be hazardous work because it requires children to work long hours in a potentially dangerous and unhealthy environment. For instance, boys working on board constantly face harsh weather and conditions.⁹⁰ Moreover, children working in fish processing factories "... live in cramped conditions, with low levels of hygiene and facilities."⁹¹ Thus, child labor in fishing has serious health impacts on children, including, but not limited to: "hypothermia, wounds, swelling, pain, amputation, sprains, fractures, burns, chemical exposure and poisoning, and smoke inhalation."⁹² Therefore, Convention No. 188 (Work in Fishing Convention), adopted in 2007, attempts to prevent child labor in fishing and prevent hazardous conditions for workers in this sector.⁹³ But, similar to farming, child labor in fishing has been hard to identify and combat as it is a tradition in this sector for children to work for their parents.

Similarly, "[a]quaculture refers to the cultivation and farming of aquatic organisms in a controlled environment" and involves work such as fish, shrimp, oyster, and aquatic farming.⁹⁴ Like fishing, aquaculture may be hazardous for children because workers are exposed to chemicals and contaminated water and constantly work under dangerous conditions.⁹⁵

85. *See id.*

86. *Id.*

87. ILO, Fishing and Aquaculture, http://www.ilo.org/ipecc/areas/Agriculture/WCMS_172419/lang=en/index.htm (last visited Nov. 22, 2013).

88. *Id.*

89. *See id.*

90. *Id.*

91. *Id.*

92. *Id.*

93. *See* ILO Convention (No. 188) Concerning Work in Fishing Sector, June 14, 2007, available at http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C188 (last visited Nov. 22, 2013).

94. Fishing and Aquaculture, *supra* note 87.

95. *Id.*

Third, children in forestry engage in a wide variety of tasks such as harvesting fruits and woods, cutting rubber, planting, and logging.⁹⁶ Because children are vulnerable, they are at risk from heavy physical work and more prone to accidents and injuries.⁹⁷ Working conditions in forestry are hazardous for children because they are exposed to harsh chemicals, extreme temperatures, and an unhealthy environment.⁹⁸ For instance, children in the process of harvesting fruits may suffer from wounds, cuts, and bruises.⁹⁹ Thus, these tasks put children at risk of physical injuries and infections or diseases. Also, child labor in forestry is difficult to identify and tackle because worksites are usually temporary, seasonal, and scattered.¹⁰⁰ Yet the ILO reported that about 85 percent of victims of forced labor in Latin American countries are children below the age of twelve.¹⁰¹

Finally, child labor in livestock production includes herding, shepherding, and handling livestock.¹⁰² It is a great concern that child labor in livestock production is often ignored when “[l]ivestock production contributes to 40 percent of the global value of agricultural output”¹⁰³ The majority of children in livestock production start out working for their parents and this may be one of the reasons why children in this sector are often ignored. “Children as young as five help their parents by tending small animals”¹⁰⁴ and “[a]s they grow older, they take on other tasks during planting and harvesting.”¹⁰⁵ But children engaged in livestock production are working under hazardous conditions because they suffer injuries and diseases from animals and harsh chemicals.¹⁰⁶

In Latin American countries, a large portion of the children participate in agricultural work, which is one of the most common economic sectors.¹⁰⁷ In Guatemala, 65 percent of children work in agriculture.¹⁰⁸ In Ecuador and Peru, 48 percent and 40 percent of children work in agriculture, respectively.¹⁰⁹ In Brazil, 78 percent of children participate in agricultural work.¹¹⁰ Moreover, in Columbia, 82 percent of boys and 36

96. ILO, Forestry, http://www.ilo.org/ipecc/areas/Agriculture/WCMS_172421/lang-en/index.htm (last visited Nov. 22, 2013).

97. See ILO, *Guidelines for Labour Inspection in Forestry*, 4, MELIF/2005/8 (2005), available at http://www2.ilo.org/wcmsp5/groups/public/-ed_protect/-protrav/-safework/documents/normativeinstrument/wcms_107610.pdf.

98. Forestry, *supra* note 96.

99. *Id.*

100. See *Guidelines for Labour Inspection in Forestry*, *supra* note 97, at 3.

101. Forestry, *supra* note 96.

102. ILO, Livestock Production, http://www.ilo.org/ipecc/areas/Agriculture/WCMS_172431/lang-en/index.htm (last visited Nov. 22, 2013).

103. *Id.*

104. HILOWITZ, *supra* note 9, at 27.

105. *Id.*

106. Livestock Production, *supra* note 102.

107. See Tauson, *supra* note 49, at 31.

108. HILOWITZ, *supra* note 9, at 27.

109. *Id.*

110. *Id.*

percent of working girls participate in agriculture.¹¹¹ “In the highlands of Chiapas, Mexico, children under the age of fifteen make up 30 percent of agricultural day laborers.”¹¹² Due to the high percentage of child labor in this field, it is a great concern that “[a]griculture is one of the three most dangerous sectors in terms of work-related fatalities, non-fatal accidents and occupational diseases.”¹¹³ For instance, in Mayan communities children work from sun up to sun down on the field and also perform housework, leaving no time for education and development of children.¹¹⁴ Because children normally work unpaid for their parents starting at a young age, it has been difficult to identify, combat, and eliminate child labor in agriculture.¹¹⁵ Thus, in 2007, the International Partnership for Cooperation on Child Labour in Agriculture (IPCCLA) partnered with the ILO and the Food and Agriculture Organization (FAO) to address the severity of child labor in agriculture and eliminate it in the near future.¹¹⁶

Likewise, manufacturing is common in developing countries. According to research, child labor in manufacturing is especially common in Colombia, El Salvador, Cambodia, and Ecuador.¹¹⁷ For instance, Colombia has many operations associated with producing textiles, clothing, and footwear.¹¹⁸ Moreover, children in manufacturing engage in producing a wide range of other products such as garments, toys, matches, brassware, soccer balls, etc.¹¹⁹ Children work for long hours in factories under harsh conditions. Also, children engage in manufacturing within households for long hours because their family might be contracted on a piecework basis or under subcontracting arrangements.¹²⁰ Thus, because children participate in manufacturing products at home, it is hard to identify and combat child labor in this sector.

Moreover, the informal sector is one of the most common categories of child labor and a majority of children in developing countries work in this sector.¹²¹ The types of activities in the informal sector include, but are not limited to: shining shoes, selling gum, collecting garbage, scavenging, small-scale fishing, mining, quarrying, and other agricultural and commercial activities.¹²² Like, if not more than, any other sector of child labor, the informal sector is hazardous and unhealthy for children. One of the biggest reasons for this is that the workplace is invisible and access is

111. *Id.*

112. Tauson, *supra* note 49, at 31.

113. Child Labour in Agriculture, *supra* note 81.

114. See Tauson, *supra* note 49, at 31.

115. *Id.*

116. Child Labour in Agriculture, *supra* note 81.

117. International Labour Conference, *Rep. of the Dir.-Gen. Accelerating Action Against Child Labour*, 99th Sess., 2010, at 53 available at http://www.ilo.org/global/resources/WCMS_126752/lang-en/index.htm.

118. HILOWITZ, *supra* note 9, at 30.

119. *Id.* at 28.

120. *Id.* at 30.

121. *Combating Child Labor*, *supra* note 1, at 15.

122. HILOWITZ, *supra* note 9, at 31.

restricted.¹²³ In other words, the informal sector is difficult to identify and monitor because the work is not official;¹²⁴ therefore, authorities are unaware of children working in this sector. As a result, these children are constantly mistreated, work under harsh working environments with no job security, and receive little to no compensation if they are injured.¹²⁵ Also, because the majority of children in the informal sector are on the streets, it is difficult to identify their shifting workplaces.¹²⁶ On the other hand, the formal sector includes work in large-scale operations that are easily monitored and inspected by the government. Thus, in order to combat and eradicate child labor in the near future, the focus for research and campaigns against child labor must shift from the easily identifiable formal sector to the invisible informal sector.

C. WORST FORMS OF CHILD LABOR

According to Article 3 of ILO Convention No. 182, there are four categories of the worst forms of child labor: slavery, sexual exploitation, illicit activities, and hazardous work.¹²⁷ Although the first three categories are under the umbrella of the government's control, hazardous work can be harder to identify and combat due to customs in each country.¹²⁸ This is a major concern at the international level because a large number of children work in extremely hazardous conditions.¹²⁹ Thus, major campaigns against child labor seem to focus on identifying and eliminating hazardous work for children.¹³⁰

First, although slavery may seem extinct, it still exists in developing countries and especially in Latin American countries.¹³¹ According to the ILO, it is a priority to eliminate "all forms of slavery or practices similar to slavery, such as the sale and trafficking of children, debt bondage and serfdom and forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict."¹³² Unfortunately, slavery may occur in many different economic sectors in various forms. One of the most common forms of slavery is debt bondage in agriculture.¹³³ Children may simply be bought and sold for the debt of their parents.¹³⁴ "Debt bondage . . . places children ultimately at the

123. *Combating Child Labor*, *supra* note 1, at 15.

124. *Id.* at 23.

125. *Id.*

126. *Id.* at 15.

127. Worst Forms of Child Labor Convention, *supra* note 35.

128. International Labour Conference, *Rep. of the Dir.-Gen. A Future Without Child Labor: Global Report under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work*, 90th Sess., 2002, at xi, available at http://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/---publ/documents/publication/wcms_publ_9221124169_en.pdf [hereinafter *A Future Without Child Labour*].

129. *See id.* at ix.

130. *See id.* at ix-x.

131. *See id.*

132. Worst Forms of Child Labour Convention, *supra* note 35, art. 3(a).

133. *A Future Without Child Labour*, *supra* note 128, at 31.

134. *See id.* at 25.

mercy of the landowner, contractor or money-lender, where they suffer from both economic hardship and educational deprivation.”¹³⁵ What makes child-bonded labor a form of slavery is that children have not contracted the debt; rather it was done on their behalf by their parents.¹³⁶ Moreover, “[d]ebt bondage is increasingly linked with trafficking of children for labor exploitation.”¹³⁷ Contributing factors for debt bondage include poverty and certain traditions in developing countries.¹³⁸ For instance, poverty forces parents to place their children with agents in exchange for money.¹³⁹ But it is the individual country’s tradition and cultural belief that provides justification for these actions. One such possible rationalization is to believe that children will receive the training necessary to survive in the future.

Furthermore, sexual exploitation is another category of worst forms of child labor where gender and age play a major role.¹⁴⁰ “[T]he younger the child, the less likely he or she is to be able to escape a forced labour situation.”¹⁴¹ For instance, girls are likely forced into sexual exploitation and domestic labor.¹⁴² Unfortunately, girls are sold by their parents or their relatives and forced into prostitution, production and promotion of pornography, and other sexual activities.¹⁴³ It is estimated that, annually, around 1.2 million children suffer from sexual exploitation.¹⁴⁴ For boys, they can be forced into armed conflict.¹⁴⁵ Although armed conflict is not suffered by a large number of children in developing countries, the consequences of this type of work for children are significant. For instance, in Latin American countries like Colombia, “[a]s a government loses effective control over parts of its territory . . . its scope of action against children’s involvement in armed conflict diminishes,” a great concern at the international level.¹⁴⁶ Normally, children are forced into these situations in exchange for money.¹⁴⁷ Regardless of the reason, sexual exploitation of children violates the human rights of children and is equivalent to slavery.¹⁴⁸ Sexual exploitation is “a form of coercion and violence against children [that] amounts to forced labour and a contemporary form of

135. *Id.* at 32.

136. *See id.*

137. *Id.*

138. *See* SORAYA LUJAN & ANDRES VERA, CHILDREN WHO WORK IN TIN MINES 11, 13 (2007), available at [http://www.worldvision.org/resources.nsf/9cbcae7c2d02edf9852564480071ff04/f64f825646039a04882572ff00554b75/\\$FILE/work_bolivia_200706.pdf](http://www.worldvision.org/resources.nsf/9cbcae7c2d02edf9852564480071ff04/f64f825646039a04882572ff00554b75/$FILE/work_bolivia_200706.pdf).

139. *Id.*

140. *See* ILO, Commercial Sexual Exploitation of Children, <http://www.ilo.org/ipsec/ar-eas/CSEC/lang—en/index.htm> (last visited Nov. 22, 2013).

141. *A Future Without Child Labour*, *supra* note 128, at 32.

142. *Id.*

143. *See* Commercial Sexual Exploitation of Children, *supra* note 140.

144. *A Future Without Child Labour*, *supra* note 128, at 32.

145. *Id.*

146. *Id.* at 34.

147. *See* Commercial Sexual Exploitation of Children, *supra* note 140.

148. *Id.*

slavery.”¹⁴⁹ Thus, this is a major category of concern under the worst forms of child labor.

Third, Convention No. 182 prohibits illicit activities by children, such as the production, sale, and trafficking of drugs.¹⁵⁰ This category is a great concern for the ILO because “[d]angers and risks faced by children engaged in the drug trade go beyond the physical, psychological and mental disorders prevalent among drug-addicted children.”¹⁵¹ Moreover, children once involved in illicit drug activities cannot easily escape this field as they are constantly exposed and initiated to the world of illegal activities and criminality.¹⁵² “Once involved, they are inextricably linked to situations of tensions, fear, suspicion, and conflicts.”¹⁵³ Moreover, drug-related activities are linked to problems and tensions in the family and the community.¹⁵⁴ Thus, this is a category of child labor that the ILO Convention No. 182 orders each country to eliminate in the near future. But, like other of the worst forms of child labor, illicit drug activities are hard to identify and tackle, as they are a sensitive issue for every country. Each country needs to look at this issue from a new perspective and tailor a program that works within their culture.

Last but not least, Convention No. 182 defines hazardous child labor as “work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children.”¹⁵⁵ Hazardous work is one of the worst forms of child labor and is a serious concern at the international level. According to a recent report by the ILO, more than 53 percent of child laborers worldwide do hazardous work.¹⁵⁶ “In the 5–14 age group, 53 million children (about one-third) are in hazardous child labor.”¹⁵⁷ In Latin America, 9.4 million children between the ages of five and seventeen engage in hazardous work.¹⁵⁸ Thus, when looking at child labor in all sectors of employment discussed above, it is important to always determine whether this particular job involves hazardous materials and whether children are susceptible to injuries and negative health consequences. Therefore, the last section of Article 3 of Convention No. 182 requires each government to analyze and tailor programs to eliminate hazardous child labor in a manner acceptable for each country.

149. *Id.*

150. Worst Forms of Child Labour Convention *supra* note 35, art. 3(c).

151. EMMA PORIO & CHRISTINE S. CRISOL, ILO, THE USE OF CHILDREN IN THE PRODUCTION, SALES AND TRAFFICKING OF DRUGS 1 (Sept. 2004), available at www.ilo.org/wcmsp5/groups/public/—asia/—ro-bangkok/documents/publication/wcms_bk_pb_24_en.pdf.

152. *Id.*

153. *Id.*

154. *Id.*

155. Worst Forms of Child Labour Convention, *supra* note 35, art. 3(d).

156. ILO, Hazardous Child Labour, www.ilo.org/ipec/facts/WorstFormsofChildLabour/Hazardouschildlabour/lang—en/index.htm (last visited Nov. 22, 2013).

157. *Id.*

158. DIALLO ET AL., *supra* note 5, at 11.

D. ANALYSIS OF CHILD LABOR IN LATIN AMERICAN COUNTRIES

1. *Bolivia*

In Bolivia, a majority of children are involved in agriculture.¹⁵⁹ But the specific type of children's activities in agriculture varies from rural and urban areas.¹⁶⁰ Some children in rural areas, especially in the Bolivian highlands, participate in subsistence family farming, growing potatoes, rice, barley, peanuts, bananas, coffee, and tea.¹⁶¹ Also, children may participate in sowing and harvesting, and caring for cattle.¹⁶² Studies show that children in subsistence farming are exposed to harsh chemicals and working long hours, preventing them from receiving education.¹⁶³ In addition, child labor occurs in large plantations, primarily sugarcane and cotton plantations, where children work up to twelve hours per day.¹⁶⁴ Children involved in medium to large plantations normally leave home to work and live on the plantations, preventing children from receiving education.¹⁶⁵ Also, children have to endure harsh living conditions such as lack of running water, sanitary services, and medical care.¹⁶⁶ Moreover, the ILO estimates that around 13,500 children are involved in mining.¹⁶⁷ Children in mining are working under extremely dangerous conditions and surrounded by harsh chemicals.¹⁶⁸ Normally, boys enter the mines and work in the grinding mills and girls are mostly involved in cooking and washing for the workers.¹⁶⁹

Children in urban areas also perform agricultural activities on family farms, but "the majority of child laborers . . . in urban areas work in . . . secondary (industry and construction) and tertiary (service) sectors."¹⁷⁰ For instance, the kinds of activities under the service sectors include prostitution, selling liquor, and domestic labor.¹⁷¹ These activities in the service sector fall under the worst forms of child labor because it exposes children to physical and verbal violence, sexual abuse, and crimes. Children engaged in industry and construction work in retail, food production (i.e., baking), metal mechanics (i.e., soldering), woodwork, and cobbling.¹⁷² Like the work in the service sector, children in the secondary

159. See Marten van den Berge, *Child Labor in Bolivia*, in *THE WORLD OF CHILD LABOR* 335, 336 (Hugh D. Hindman ed., 2009).

160. *Id.* at 336–37.

161. *Id.* at 336.

162. *Id.*

163. *Id.*

164. ILO, *TACKLING HAZARDOUS CHILD LABOUR IN AGRICULTURE: GUIDANCE ON POLICY AND PRACTICE* (2006), available at http://www.ilo.org/wcmsp5/groups/public/-ed_protect/-protrav/-safework/documents/instructionalmaterial/wcms_110200.pdf [hereinafter *TACKLING HAZARDOUS CHILD LABOUR*].

165. van den Berge, *supra* note 159, at 336.

166. *Id.*

167. *Id.* at 336–37.

168. See LUJAN & VERA, *supra* note 138, at 2–3.

169. van den Berge, *supra* note 159, at 337.

170. *Id.*

171. *Id.*

172. *Id.*

sector also work under harsh conditions and are exposed to chemicals and dangerous equipment.

Due to the severity of child labor in Bolivia, the government implemented laws directed toward abolition of child labor. "Laws regulating child labor can be found in the Bolivian [C]onstitution, the General Labor Law, and the Children and Adolescents Code."¹⁷³ The minimum age for employment in Bolivia is fourteen and protects "minors against dangerous, unhealthy, and physically taxing work."¹⁷⁴ In 1990, the Bolivian government ratified the UN Convention on the Rights of the Child.¹⁷⁵ In 1997 and 1999, the Bolivian government implemented two major conventions to combat child labor: ILO Convention No. 138 and ILO Convention No. 182, respectively.¹⁷⁶ Furthermore, "the Bolivian government . . . established the "National Ombudsman for Children and Adolescents, to which anyone can report children's rights violations, including incidences of child labor."¹⁷⁷ Also, the government created the National Commission for the Eradication of Child Labor.¹⁷⁸

Despite all of these governmental efforts, the number of child laborers increased in Bolivia.¹⁷⁹ Are the laws not effective in combating child labor? It could be because child labor in informal and invisible sectors is ignored. After all, it is only the visible and known sectors of child labor that the government can combat and abolish. "A gap clearly exists between the legal framework and implementation."¹⁸⁰

2. Brazil

Although poverty is a major cause of child labor, globalization allows employers to reach out to children in peripheral countries, like Brazil, for cheap labor.¹⁸¹ For instance, large companies in the agricultural industry would hire children through smaller companies for their work in agricultural production.¹⁸² This allows large companies to hire children at a cheap price, and also avoid complications involving the use of child labor as they hire through smaller companies.¹⁸³ Moreover, Brazil's growing industrialization often led to exploitation of children in factories.¹⁸⁴ For instance, around 64 percent of the labor force in textile industries was made up of children between the ages of five and twelve, working up to

173. *Id.* at 335.

174. *Id.*

175. *Bolivia: Convention on the Rights of the Child*, UNICEF, www.unicef.org/bolivia/legislation_1454.htm (last visited Nov. 22, 2013).

176. van den Berge, *supra* note 159, at 335.

177. *Id.*

178. *Id.*

179. *See id.*

180. *Id.*

181. Ethel V. Kosminsky, *Recent History of Child Labor in Brazil*, in *THE WORLD OF CHILD LABOR* 340, 343 (Hugh D. Hindman ed., 2009).

182. *See id.*

183. *See id.* at 343–44.

184. Ana Lucia Kassouf & Marcelo Justus dos Santos, *The History of Child Labor in Brazil*, in *THE WORLD OF CHILD LABOR* 361, 362 (Hugh D. Hindman ed., 2009).

twelve hours a day.¹⁸⁵ The causes of child labor in Brazil are a great concern because children whose parents were child laborers are more likely to be child laborers themselves, a phenomenon which is also known as the intergenerational persistence of child labor in Brazil.¹⁸⁶ Thus, as a result, these children will likely also grow up to be parents that send their children to work at a young age. To these parents, sending their children to work is a social norm and required to avoid household poverty.¹⁸⁷ “This empirical regularity is the intergenerational persistence of child labor.”¹⁸⁸

The three sectors of child labor that employ 60 percent of all child laborers in Brazil are agriculture (38 percent of children), domestic service (11.5 percent of children), and manufacturing (10 percent of children).¹⁸⁹ First, children employed in agriculture “work most commonly with sisal, cotton, coffee, sugarcane, and tobacco, as well as tending cattle and cutting trees.”¹⁹⁰ Children engaged in agriculture are under great health risks because “[w]ork in agriculture often requires long hours and involves a number of hazardous activities, including substantial risk of work-related injuries as well as exposure to chemicals, mainly pesticides.”¹⁹¹ Moreover, children are employed under harsh working conditions, as they are exposed to extreme temperatures and unsanitary environments.¹⁹² Second, children between the ages of six and seventeen employed in domestic service work more than forty hours a week.¹⁹³ Children in domestic service have more risk of musculoskeletal and back pain.¹⁹⁴ Moreover, because a majority of children in this sector live with their employer, they are more vulnerable to sexual abuse.¹⁹⁵ But because these children’s income represents around 20 percent of their family’s total income, they are less likely to take actions against harsh working conditions.¹⁹⁶ Third, more than 10 percent of child laborers participate in manufacturing—mostly working in the food, textile, and footwear industries.¹⁹⁷ “Child workers in manufacturing face high risk of work-related injuries, ergonomic hazards (with awkward postures, repetitive and monotonous work, and heavy physical work), and exposure to noise and

185. *Id.* at 362–363.

186. André Portela Souza, *The Intergenerational Persistence of Child Labor in Brazil*, in *THE WORLD OF CHILD LABOR* 352, 352 (Hugh D. Hindman ed., 2009).

187. *See id.*

188. *Id.*

189. Anaclaudia Gastal Fassa & David H. Wegman, *Special Health Risks to Child Workers in Brazil*, in *THE WORLD OF CHILD LABOR* 349, 349 (Hugh D. Hindman ed., 2009).

190. *Id.*

191. *Id.*

192. *Id.*

193. *Id.*

194. *Id.*

195. *See generally* Leandro Feitosa Andrade & Fúlvia Rosemberg, *Prostitution and Commercial Sexual Exploitation of Children and Adolescents in Brazil*, in *THE WORLD OF CHILD LABOR* 347, 347 (Hugh D. Hindman ed., 2009).

196. *See generally* Kosminsky, *supra* note 181, at 341.

197. Fassa & Wegman, *supra* note 189, at 345.

chemicals (solvents, dyes, and sodas, among others).¹⁹⁸

In addition to agriculture, domestic service, and manufacture, children in Brazil are employed in the worst forms of child labor, such as street vendors and commercial sexual exploitation.¹⁹⁹ Children on the streets work long hours selling goods, cleaning cars, or polishing shoes.²⁰⁰ These activities are dangerous for children because they are exposed to “traffic accidents, drugs, violence, criminal activities, prostitution, and other health and moral dangers.”²⁰¹ As a result, children working on the streets suffer from malnutrition, motor vehicle injuries, sexually transmitted diseases, and drug addiction, among others.²⁰² According to the Brazilian National Household Survey, 5 percent of working children between the ages of five and seventeen are “performing activities on the streets, mainly selling candies and other goods (52 percent), polishing shoes, guarding cars or delivering papers (33 percent), and collecting recyclable materials (15 percent).”²⁰³ “Cities such as Sao Paulo, Rio de Janeiro, Bahia, Fortaleza, Recife, Belem do Para, Porto Alegre, Belo Horizonte, and Curitiba have the highest number of children working on [the] streets.”²⁰⁴

Commercial sexual exploitation of children in Brazil refers to child prostitution and includes sexual practices “such as pornography, sexual tourism, and traffic for sexual commerce.”²⁰⁵ This sector has been denounced by the government and many activities for combating the sexual exploitation of children have been established, such as the National Campaign to Combat Child and Adolescent Sexual Exploitation.²⁰⁶ Despite the efforts from the government, sexual exploitation still exists today. In fact, the estimates from the Brazilian National Household Survey do not reflect the actual number of children engaged in prostitution and commercial sexual exploitation.²⁰⁷ This contributes to the continuous existence of sexual exploitation because laws and programs designed to combat this sector can only protect children that are visible.

Thus, pursuant to these concerns, the Brazilian government implemented laws and acts to combat child labor. The first action against child labor was a regulation passed in 1894 that set the minimum age for children to work in the factories of Sao Paulo at ten years of age.²⁰⁸ Unfortunately, this regulation was not effective in reducing the number of

198. *Id.* at 350.

199. See Ana Lúcia Kassouf & Andrea F. Ferro, *Child Street Vendors in Brazil*, in *THE WORLD OF CHILD LABOR* 345, 345 (Hugh D. Hindman ed., 2009); see also Andrade & Rosemberg, *supra* note 195, at 347.

200. Kassouf & Ferro, *supra* note 199, at 345.

201. *Id.*

202. *Id.*

203. *Id.*

204. *Id.*

205. Andrade & Rosemberg, *supra* note 195, at 347.

206. *Id.* at 348.

207. See *id.* at 347.

208. Kassouf & dos Santos, *supra* note 184, at 363.

children in employment.²⁰⁹ In 1919, Brazil passed the first law that effectively set the minimum age for employment to fourteen.²¹⁰ Thus, until 1998, the minimum age for children to work was fourteen years of age.²¹¹ But in December 15, 1998, Brazil's Constitutional Amendment 20 "raised the minimum legal age for entering the labor market from fourteen to sixteen years old."²¹² Also, in the 1990s Brazil established the Child Labor Eradication Program (PETI) to identify children below the age of sixteen that participate in the worst forms of child labor as outlined in the ILO's Convention No. 182.²¹³ But it was not until September 12, 2000 that "Brazil issued Decree No. 3,597, which promulgated the [ILO] Convention No. 182 on the Worst Forms of Child Labor and ILO Recommendation No. 190, concerning the prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor."²¹⁴ Then, on February 15, 2002, Brazil promulgated the ILO Convention No. 138 that fixes the minimum age for admission to employment and the ILO Recommendation No. 146.²¹⁵

Even though Brazil implements laws to combat child labor, it has not been eliminated. One reason for this is that "[w]henver there are prohibitive measures against child labor, children are soon sent to other services, often receiving even lower pay for work in unhealthy and dangerous conditions."²¹⁶ Of course, general causes of child labor (i.e., poverty, culture, and lack of education) make it difficult for the government to enforce the laws to the extent possible.

Low income families have no option but to send their children to work in order to increase household income. Perhaps, knowing the actual number of children employed in the worst forms of child labor in the formal sector will most likely increase the effectiveness in curbing child labor. But like other countries in Latin America, this is not an easy task.

3. *Colombia*

In 2001, the Colombian government estimated that 14.5 percent of children participated in the labor market.²¹⁷ In 2005, "[t]he Colombian Family Welfare Institute reported that at least 2.5 million children" work in the labor market.²¹⁸ As a result, "[o]nly 38 percent of working children

209. *See id.*

210. *See id.* at 364.

211. Kosminsky, *supra* note 181, at 341.

212. *Id.*

213. *See id.* at 342.

214. *Children's Rights: Brazil*, LIBRARY OF CONGRESS, www.loc.gov/law/help/child-rights/brazil.php#ImplementationofInternationalRightsoftheChild (last updated Jan. 25, 2013).

215. *Id.*

216. Kosminsky, *supra* note 181, at 344.

217. *See* C  rmen Elisa Fl  rez & Diana Hincapi  , *Child Labor in Colombia*, in *THE WORLD OF CHILD LABOR* 369, 370 (Hugh D. Hindman ed., 2009).

218. AM. CTR. FOR INT'L LABOR SOLIDARITY, *JUSTICE FOR ALL: THE STRUGGLE FOR WORKER RIGHTS IN COLOMBIA*, 52 (May 2006), available at www.solidaritycenter.org/files/ColombiaFinal.pdf.

attend school.”²¹⁹ Surprisingly, according to ILO estimates, the numbers have not changed since 2005.²²⁰ Preventing an increase in the number of children participating in child labor is a positive step towards combating child labor; nonetheless, there has not been an overall decrease in the rate of child labor. So despite all of the efforts of the Colombian government, why does it still continue today? Like other developing countries, major contributing factors include poverty and lack of educational value. Because more children are dropping out of school to generate income for their family, there is a negative impact on their future income. Consequently, families are far from escaping this inevitable cycle of poverty. Then, what are the most common sectors of employment for children in Colombia?

The top two sectors of child labor that employ around 70 percent of children are agriculture and commerce.²²¹ In Colombia, rural areas have a higher percentage of child employment than urban areas due to poverty and a lack of education.²²² “In urban areas, more than 50 percent of working children were working in commerce, whereas in rural areas 70 percent were occupied in agriculture.”²²³ Around 300,000 children work in illegal mining operations under harsh working conditions, receiving far less than minimum wage.²²⁴ Also, many children work on coca farms and coca leaf processing plants.²²⁵ This is one of the major concerns for the Colombian government because in the process of harvesting coca leaves, children are exposed to drug trade and armed groups.²²⁶ Moreover, children are employed under harsh working conditions, suffering from chemical burns “during the processing of coca leaves, which requires the use of caustic soda and sulfuric acid.”²²⁷

Pursuant to these concerns, the Colombian government implemented laws and institutions to enforce the laws to eliminate child labor in the near future. Until 2006, the child code, *Código del Menor*, established the minimum employment age at twelve years of age.²²⁸ Also, the Code restricted the number of hours children may work according to different age groups.²²⁹ For instance, children between the ages of twelve and thirteen were prohibited from working more than twenty-four hours a week.²³⁰ But in 2006, Colombia implemented the Code of Childhood and Adolescence (CCA) that established the new minimum employment age

219. *Id.*

220. See generally DIALLO ET AL., *supra* note 5.

221. Flórez & Hincapié, *supra* note 217, at 371.

222. *Id.* at 370.

223. *Id.* at 371.

224. See AM. CTR. FOR INT’L LABOR SOLIDARITY, *supra* note 218, at 53; see also Flórez & Hincapié, *supra* note 217, at 371.

225. AM. CTR. FOR INT’L LABOR SOLIDARITY, *supra* note 218, at 53.

226. *Id.*

227. *Id.*

228. See Flórez & Hincapié, *supra* note 217, at 371.

229. *Id.* at 372.

230. *Id.*

at fifteen years of age.²³¹ Moreover, the CCA requires parents to receive prior authorization from the Labor Inspectorate before sending their children to work.²³²

Among other provisions, the work authorization is contingent upon an official from the Inspectorate visiting the worksite to ensure that working conditions will not harm the health of the adolescent; the adolescent completing school or if not registered, being registered in school by the employer; and the employer obtaining a health certificate for the adolescent.²³³

Thus, if the above requirements are not met, an official from the Inspectorate may deny or revoke the authorization for children to work.²³⁴ Moreover, after the ratification of the ILO Convention No. 182 in 2005, the Colombian government established the Ministry of Social Protection and the Colombian Family Welfare Institute to identify the worst forms of child labor in the workplace.²³⁵ In Resolution 4448, the Ministry of Social Protection identified worst forms of child labor that are specifically prohibited in Colombia.²³⁶ Despite all the restrictions and conditions set by the Colombian government, the reality was different. For instance, families did not follow the restrictions on the number of hours children may legally work.²³⁷ Children were still working in the agriculture and commerce sectors of employment and generating income to survive.²³⁸ Consequently, the number of children attending school decreased as children grew older.²³⁹ Although there is no simple solution to the continuous problem of child labor, if social public policy emphasizes the importance of education and the support of families in poverty, Colombia may see improvements in the near future.

4. *El Salvador*

Around 36.5 percent of people in El Salvador live below the national poverty line.²⁴⁰ Therefore, “[t]he harsh reality of economic subsistence obligates children in El Salvador to contribute to their family’s survival.”²⁴¹ Hence, like other developing countries, poverty is a major con-

231. U.S. DEP’T OF LABOR BUREAU OF INT’L LABOR AFFAIRS, COLOMBIA: LABOR RIGHTS REPORT, 24–25 (Mar. 2008), *available at* www.dol.gov/ilab/media/reports/usfta/ColombiaLaborRights.pdf.

232. U.S. DEP’T OF LABOR BUREAU OF INT’L LABOR AFFAIRS, COLOMBIA: LAWS GOVERNING EXPLOITATIVE CHILD LABOR REPORT 5 (Mar. 2008), *available at* www.dol.gov/ilab/media/reports/usfta/ColombiaChildLaborLaw.pdf.

233. *Id.*

234. *Id.*

235. *See id.* at 4–5.

236. *See id.* at 5.

237. *See generally* Flórez & Hincapié, *supra* note 217.

238. *See generally id.*

239. *Id.* at 373.

240. *El Salvador Economy Profile 2012*, INDEX MUNDI, http://www.indexmundi.com/el_salvador/economy_profile.html (last visited Nov. 24, 2013).

241. Michelle Doherty, *Forced Child Labor in El Salvador: Contemporary Economic Servitude*, TOPICAL RESEARCH DIGEST: HUMAN RIGHTS AND CONTEMPORARY

tributing factor for child labor in El Salvador. In fact, the percentage of child labor is one third higher in poor households than families living above the poverty line.²⁴²

A majority of children (53 percent) are employed in the agricultural sector and it is predominate in rural areas.²⁴³ The most common type of agricultural work (around 78 percent) is helping their family members without any wages and is predominate for both boys and girls.²⁴⁴ Likewise, the majority of children in El Salvador are forced to work on sugarcane plantations under harsh conditions.²⁴⁵ Sugarcane harvesting forces children to participate in the process of *zafra*²⁴⁶ that “requires children to use machetes and other sharp knives to cut sugarcane and strip the leaves off the stalks.”²⁴⁷ Moreover, sugar cane harvesting exposes children to toxic substances, such as methyl bromide, that are fatal to children at a young age.²⁴⁸ “Aggravated health issues in sugarcane production involve skin exposure to irritants, headaches, respiratory problems, physical over-extension, and lacerations with sharp tools.”²⁴⁹ Also, a majority of children working on sugarcane plantations are below the age of eighteen and work up to nine hours every day under extreme weather conditions.²⁵⁰ As a result, only 65 percent of children in agriculture are able to attend school.²⁵¹ Nonetheless, these children do not have enough time and energy to study because they are working more than twenty hours a week under harsh conditions.²⁵² This creates an inevitable cycle of child labor because parents with no education are more likely to send their children to work. Also, if this cycle continues for a long time, child labor can become part of the culture and tradition of families in El Salvador.²⁵³

In 2002, understanding the severity of the situation, the Government of El Salvador signed a memorandum with the Sugarcane Producers Association to eradicate child labor in sugarcane production by 2015.²⁵⁴ By raising awareness and providing education and skills training in sugarcane

SLAVERY 100 (2006), available at <http://www.du.edu/korbel/hrhw/researchdigest/slavery/elsalvador.pdf>.

242. See Lorenzo Guarcello, Gabriella Breglia & Scott Lyon, *Child Labor in El Salvador*, in *THE WORLD OF CHILD LABOR* 383, 385 (Hugh D. Hindman ed., 2009) [hereinafter *Child Labor in El Salvador*].

243. *Id.* at 383–84.

244. *See id.*

245. *See* Doherty, *supra* note 241, at 100.

246. *Id.* at 100.

247. *El Salvador: Child Labor on Sugar Plantations*, HUMAN RIGHTS WATCH (June 10, 2004), <http://www.hrw.org/news/2004/06/09/el-salvador-child-labor-sugar-plantations>.

248. ILO, *CHILDREN IN HAZARDOUS WORK* 21 (2011), http://www.ilo.org/wcmsp5/groups/public/-dgreports/-dcomm/-publ/documents/publication/wcms_155428.pdf [hereinafter *CHILDREN IN HAZARDOUS WORK*].

249. Doherty, *supra* note 241, at 100.

250. HUMAN RIGHTS WATCH, *supra* note 247.

251. *Child Labor in El Salvador*, *supra* note 242, at 384.

252. *See id.*

253. *See* Doherty, *supra* note 241, at 100.

254. *See* *CHILDREN IN HAZARDOUS WORK*, *supra* note 248, at 51; *see also* Doherty, *supra* note 241, at 101.

production, the number of child laborers in this sector has been reduced from 12,380 children in 2004 to 1,559 children in 2009.²⁵⁵ In addition, the Minimum Age Convention was ratified in 1996 and the Worst Forms of Child Labour Convention was ratified in 2000.²⁵⁶ Also, “El Salvador’s proposal includes policy interventions that are conducive to the eradication of child labor in combination with community-based service activities.”²⁵⁷ Also, “[t]he national plan for implementation focuses on the legal framework, institutions, educational intervention, health care, recreational and cultural activities, income generation, and communication-awareness campaigning.”²⁵⁸

5. Guatemala

In Guatemala, around 20 percent of children between the ages of seven and fourteen are engaged in child labor, and two out of three working children are engaged in the agricultural sector.²⁵⁹ But even children as young as six years old work with their parents during coffee planting and harvesting seasons.²⁶⁰ In fact, according to IPEC, it is a great concern that a majority of child laborers are in the age group of five to nine years of age.²⁶¹ Moreover, the majority of boys tend to work more on the farm than commercial activities, while girls are evenly spread among agricultural work, commerce, manufacturing, and personal services.²⁶² Also, 30 percent of child laborers work on “coffee, sugar cane, cardamom and cotton plantations.”²⁶³ Because a majority of children work in the agricultural sector, it is a great concern that these children work long hours under harsh working conditions. “Children in the agricultural sector frequently endure long working days under a hot sun, carrying heavy loads, and risking cuts from sharp knives.”²⁶⁴ Thus, these children are often susceptible to “[i]njuries such as fractures, cuts, loss of eyesight, and loss of limbs . . . [and] death from disease [and] malnutrition.”²⁶⁵

In addition, children in other sectors of employment endure harsh working conditions. Children working in domestic service in private homes work long hours and suffer threats, beatings, harassments, and sexual abuse.²⁶⁶ Also, child laborers in firecracker production (inserting fuses into firecrackers) often suffer from severe burns and sometimes even death.²⁶⁷ Similarly, children work in mining that involves lifting and

255. CHILDREN IN HAZARDOUS WORK, *supra* note 248, at 51.

256. Doherty, *supra* note 241, at 101.

257. *Id.* at 102.

258. *Id.*

259. Lorenzo Guarcello, Gabriella Breglia & Scott Lyon, *Child Labor in Guatemala*, 387, 387 (Hugh D. Hindman, 2009) [hereinafter *Child Labor in Guatemala*].

260. TACKLING HAZARDOUS CHILD LABOUR, *supra* note 164.

261. *Id.* at 14.

262. *Child Labor in Guatemala*, *supra* note 259, at 388.

263. TACKLING HAZARDOUS CHILD LABOUR, *supra* note 164, at 25.

264. *Child Labor in Guatemala*, *supra* note 259, at 388.

265. *Id.*

266. *Id.*

267. *Id.*

crushing heavy rocks and are thereby likely to suffer from bone fractures, burns, respiratory ailments, lung and skin disease, deformation, blindness, and even loss of limbs.²⁶⁸ Children in Guatemala also engage in garbage pickup.²⁶⁹ “According to an ILO/IPEC rapid assessment, some 82 percent sustain cuts or other injuries; 56 percent suffer burning eyes as a result of gas released by the decomposing garbage; and 40 percent experience headaches from sun exposure.”²⁷⁰ As a result, children are unable to attend school and receive the education they need to promote its society and create a better future. Hence, the majority of families in Guatemala are far from escaping this inevitable cycle of poverty that ultimately leads to child labor. Pursuant to these concerns, specific efforts were made to combat child labor in Guatemala. The Minimum Age Convention (No. 138) was ratified in April 1990, and the Worst Forms of Child Labour Convention (No. 182) was ratified in October 2001.²⁷¹ Furthermore, the government made efforts to reduce poverty and released an important policy document that outlined its strategies entitled, “*Estrategia de Reducción de la Pobreza*.”²⁷² The document emphasized the following: “promoting growth with equity; investing in human capital (emphasising [sic] health, education and food security); and investing in physical capital (particularly water and sanitation, rural roads, electricity, and rural development.)”²⁷³ Also, in 2001, the government adopted the “National Plan for Preventing and Eradicating Child Labour” for children between the ages of six and fourteen and “Protecting Adolescent Workers” for children between the ages of fifteen and seventeen.²⁷⁴ Despite the government’s efforts to combat child labor, whether this will be successful in eradicating child labor in the near future requires more attention and research.

6. Honduras

The majority of children in Honduras are engaged in agriculture, forestry, hunting, and fishing.²⁷⁵ These children, mostly between the ages of five and seventeen, work for long hours and are constantly exposed to risks, such as severe weather conditions and diseases.²⁷⁶ Also, IPEC identified children working in the worst forms of child labor in commercial sexual exploitation, production of sugarcane, production of fireworks,

268. *Id.*

269. *Understanding Children’s Work in Guatemala*, UNDERSTANDING CHILDREN’S WORK 2 (Mar. 2003), available at http://white.oit.org.pe/ipec/documentos/gua_national_report.pdf.

270. *Id.*

271. *Id.* at 36.

272. *Id.* at 37.

273. *Id.*

274. *Id.*

275. Adrienne Pine, *Child Labor in Honduras*, in *THE WORLD OF CHILD LABOR* 392, 392 (Hugh D. Hindman ed., 2009).

276. See U.S. DEPT. OF LABOR, 2010 FINDINGS ON THE WORST FORMS OF CHILD LABOR-HONDURAS, 362 (2011), available at <http://www.unhcr.org/refworld/country,,USDOL,,HND,,4e8c397f27,0.html>; see also Pine, *supra* note 275, at 392.

production of limestone, mining, begging on the streets, and other “commercial agriculture production involving the handling of pesticides, wood-cutting in sawmills, and construction activities.”²⁷⁷ Moreover, girls are sent to work as domestic servants and are prone to physical and sexual exploitation.²⁷⁸ In addition, these children often work for their families without remuneration.²⁷⁹ Like other developing countries, major causes for child labor in Honduras are poverty and lack of education.²⁸⁰ Specifically, “Honduran children work for a number of interrelated reasons, among them economic necessity, lack of educational opportunities, an atmosphere of violence that severely limits their options, government inaction, the profit interests of large industry, and neoliberal policies fomented by international lending institutions.”²⁸¹

Therefore, the Government of Honduras implemented laws and regulations to protect children from the worst forms of child labor and established a minimum age to work.²⁸² In 1990, the Honduran congress ratified the UN Convention on the Rights of the Child, and in 1996, the government passed the Code of Childhood and Adolescence (CCA).²⁸³ The CCA “expands protections afforded to children in Honduras’s 1982 constitution.”²⁸⁴ Then, the Honduran congress ratified the Minimum Age Convention (No. 138) in 1980 and the minimum working age is considered to be eighteen.²⁸⁵ Yet children between the ages of sixteen and eighteen are permitted to work as long as they do not work for more than six hours a day.²⁸⁶ Also, children between the ages of fourteen and fifteen are allowed to work as long as they receive written parental consent and permission.²⁸⁷ But children below the age of fourteen are prevented from working even if they receive parental consent and approval as outlined in the Children’s Code.²⁸⁸ Thus, the minimum working age for children in Honduras seems to be fourteen, but it seems to be unclear and quite inconsistent. Then, in May 2001, the Government of Honduras ratified ILO Convention 182 on the worst forms of child labor that outlined “specific activities prohibited for children and adolescents and sanctions for employers who violate these rules and regulations.”²⁸⁹ Also, because the government noticed the increase in the number of child laborers and lack of educational value in poor households, the government set the

277. Pine, *supra* note 275, at 393; *see also* U.S. DEPT. OF LABOR, *supra* note 276, at 362.

278. U.S. DEPT. OF LABOR, *supra* note 276, at 362.

279. Pine, *supra* note 275, at 392.

280. *Id.* at 393.

281. *Id.*

282. ILO, *Honduras Child Labour Data Country Brief*, 3 (Jan. 2008), available at <http://www.ilo.org/ipecinfor/product/viewProduct.do?productId=7800> [hereinafter *Honduras Child Labour Brief*].

283. *Honduras Child Labour Brief*, *supra* note 282, at 3; Pine, *supra* note 275, at 393.

284. Pine, *supra* note 275, at 393.

285. *Honduras Child Labour Brief*, *supra* note 282, at 3; Pine, *supra* note 275, at 393.

286. Pine, *supra* note 275, at 393.

287. U.S. DEPT. OF LABOR, *supra* note 276, at 362.

288. *Id.* at 363.

289. Pine, *supra* note 275, at 393; *see* U.S. DEPT. OF LABOR, *supra* note 276, at 3.

compulsory school age to fifteen.²⁹⁰ But Honduras's educational infrastructure makes it rather difficult for families to comply with the constitutional mandate that all children below the age of fifteen are required to be in school.²⁹¹ The education is free, but the associated school costs, such as transportation, uniforms, supplies, and other fees make it difficult for poor families to send their children to school.²⁹² Also, many teachers often refuse to work because of poor working conditions.²⁹³ Thus, although the Honduran congress is making efforts to combat child labor and promote education, a majority of poor households cannot afford to send their children to school.²⁹⁴ In addition, they need the extra income from their children to survive.²⁹⁵ Moreover, children living on the streets and without homes cannot afford to attend school because they need to work in order to survive.²⁹⁶ Therefore, as education is one of the biggest factors that relieve families from poverty, the government should improve the structure of public and private schools in Honduras.

7. Nicaragua

In Nicaragua, around 75 percent of children and adolescents are working and 25 percent of those children are below the age of fourteen.²⁹⁷ The majority of working children in Nicaragua are involved in agriculture, commercial activities, and personal services under poor working conditions.²⁹⁸ In fact, many children in Nicaragua suffer wounds and illnesses at work sites.²⁹⁹ "Children in the agricultural sector of Nicaragua work in the production of such crops as coffee, corn, sugar, and tobacco."³⁰⁰ Also, girls predominate in the personal services sector, such as domestic service and household tasks.³⁰¹ In addition, many children participate in the informal sector, and this makes it difficult for the government to control and combat child labor. According to the ILO, there are three major factors that contribute to the expansion of child labor in Nicaragua: extreme poverty and abandonment by parents; lack of educational value and the authoritarian culture; and the economic crisis, lack of jobs, and uneven distribution of incomes and resources.³⁰²

290. U.S. DEPT. OF LABOR, *supra* note 276, at 363.

291. Pine, *supra* note 275, at 394.

292. U.S. DEPT. OF LABOR, *supra* note 276, at 363.

293. Pine, *supra* note 275, at 394.

294. *Id.*

295. *Id.*

296. *See id.*

297. *See* Luis Serra, *Child Labor in Nicaragua*, in *THE WORLD OF CHILD LABOR* 417, 419 (Hugh D. Hindman ed., 2009).

298. *See id.* at 418.

299. *See id.* at 419.

300. U.S. DEP'T OF LABOR, 2007 FINDINGS ON THE WORST FORMS OF CHILD LABOR-NICARAGUA, (2008), available at <http://www.unhcr.org/refworld/country,,USDOL,,NIC,4562d94e2,48caa48337,0.html>.

301. *See* Serra, *supra* note 297, at 419.

302. *Id.*

Understanding the severity of the situation, the Government of Nicaragua took actions to combat child labor. The minimum age for employment in Nicaragua is fourteen.³⁰³ Also, children between the ages of fourteen and sixteen must receive parental permission and work under the supervision of the Labor Ministry.³⁰⁴ Moreover, the government has ratified the U.N. Convention on the Rights of the Child, Forced Labor Convention No. 29, Minimum Age Convention No. 138, and the elimination of the worst forms of child labor (No. 182).³⁰⁵ Despite the government's effort to combat child labor, more than 60 percent of children in Nicaragua live under the poverty line and thus are forced to work every day.³⁰⁶ Accordingly, the government is striving to reduce the level of poverty that affects 46 percent of families in Nicaragua, strongly enforce current laws and regulations on child labor, and offer special educational programs for children and adolescents.³⁰⁷

V. CURRENT MOVEMENTS: EDUCATION

Although poverty is a major contributing factor for child labor in developing countries, reducing the level of poverty is not an easy task. Frankly, unless the change is dramatic, a slight decrease in the level of poverty will not make a big difference in the number of children participating in child labor.³⁰⁸ Thus, many developing countries are working with the ILO to combat child labor through education. In Mexico and Brazil, the rate of child labor has decreased because these countries have been "rigorously implementing conditional transfer-for-education programs . . . aimed at enrolling poor and marginalized children in school and improving the health of families."³⁰⁹ The conditional transfer-for-education programs "provide funds to targeted households (primarily very poor families) on the condition that these funds are invested in the education of their children."³¹⁰ In turn, this increases the value of education in poor households and encourages parents to send their children to school.

Moreover, developing countries aim to increase the quality of education. For instance, "Chile and Mexico have introduced performance-based incentive systems and El Salvador and Honduras have decentralized and implemented school-based management policies."³¹¹ Furthermore, "Brazil provides incentives to all state governments to hire and

303. *Id.* at 417.

304. See U.S. DEP'T OF LABOR, *supra* note 300.

305. Serra, *supra* note 297, at 417.

306. See generally *id.*

307. See *id.* at 420.

308. See generally Walter Alarcón Glasinovich, *Child Labor in Latin America*, in *THE WORLD OF CHILD LABOR* 311 (Hugh D. Hindman ed., 2009).

309. Mirellise Vazquez, *Child Labor and Education in Latin America*, in *THE WORLD OF CHILD LABOR* 321, 323 (Hugh D. Hindman ed., 2009).

310. *Id.*

311. *Id.*

train additional teachers.”³¹² Although more work is still needed, by increasing the quality and value of education, children will spend less time working and receive the education they deserve. Hopefully, this will help break the cycle of child labor and create a better future for these children.

VI. CONCLUSION

Child labor is a major concern at the international level and there is much work to be done to eradicate child labor in the near future. But the fact that developing countries understand the severity of child labor and are willing to work with the ILO to combat child labor is a major success. By enforcing child labor laws and regulations, and implementing programs to decrease the level of poverty and increase the value of education, children will slowly receive the care and attention they need. Although the history cannot be changed, strong efforts at the international level will make it possible for developing countries to eradicate child labor in the near future.

312. *Id.*

Updates

