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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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3. Id.


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

10. Id.
11. Id.
13. Id.
14. Id.
15. Id.
16. See id.
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. Therefore, in 1973, the ILO adopted a major convention: the Minimum Age Convention (the Convention) (No. 138). 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.

The Convention allows each country to fix its own minimum age for admission to employment. 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;" 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. 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." 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." 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 . . . ."

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

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).
countries, the minimum age for light work is thirteen years of age and eighteen years of age for hazardous work. 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.” Thus, the ILO created the International Programme on the Elimination of Child Labor in 1992 “[t]o assist countries in overcoming these obstacles . . . ” “IPEC provided a range of technical and policy assistance to countries which were taking steps to address child labour.”

The second major convention that combats child labor is the Convention on the Rights of the Child (Child’s Convention) adopted in 1989. 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. 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.

Consequently, in 1999, the ILO adopted Convention No. 182 on the worst forms of child labor. “The vote for this international agreement was unanimous” and as of June 2003, Convention No. 182 was ratified by 140 individual member governments. 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. 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. 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.”

There are two different types of “worst forms of child labor:” “by defi-
nition” 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.
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.\textsuperscript{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.\textsuperscript{53} These are "internal" factors, issues within the family that ultimately cause child labor.\textsuperscript{54} For instance, internal factors are difficult family situations, poor family values, low levels of education, and low levels of parental skill.\textsuperscript{55} Many parents in low-income families do not understand the value of education because they were likely sent to work as children.\textsuperscript{56} Thus, the low level of education of the parent has a negative effect on the children and their future.\textsuperscript{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."\textsuperscript{58} As a result, families suffer economically and there is pressure for child labor.\textsuperscript{59} Also, there are "external" factors that lead to child labor, such as being a member of a minority population.\textsuperscript{60} For instance, working children in Brazil tend to come from indigenous groups.\textsuperscript{61} Poverty not only contributes to child labor, but it is also an inevitable consequence of child labor.\textsuperscript{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 . . . ."\textsuperscript{63}

Therefore, culture in every country is a big contributing factor of child labor.\textsuperscript{64} "Society may see work by children as a normal stage in the process of growing up."\textsuperscript{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.\textsuperscript{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."\textsuperscript{67} Also, children in Latin American countries do not often resist work because it generates revenue.\textsuperscript{68} Because these children are unlikely to receive education, they

\begin{thebibliography}{99}
\bibitem{52} See Tauson, supra note 49, at 32.
\bibitem{53} \textit{Combating Child Labour}, supra note 1, at 16–17.
\bibitem{54} \textit{Hilowitz}, supra note 9, at 84.
\bibitem{55} \textit{Id.} at 87.
\bibitem{56} See \textit{id.} at 90.
\bibitem{57} \textit{Id.}
\bibitem{58} \textit{Id.}
\bibitem{59} See \textit{id.} at 88.
\bibitem{60} \textit{See id.} at 87.
\bibitem{61} \textit{Id.} at 91.
\bibitem{62} \textit{Id.} at 84.
\bibitem{64} Tauson, supra note 49, at 32.
\bibitem{65} \textit{Combating Child Labour}, supra, note 1, at 16.
\bibitem{66} Tauson, supra note 49, at 32.
\bibitem{67} \textit{Id.}
\bibitem{68} \textit{Combating Child Labour}, supra note 1, at 16.
\end{thebibliography}
see this as minimal training to help them make a living in the future. Furthermore, it is normal for children in developing countries to support their younger siblings through school and financially help their parents. In fact, children are happy to be valuable assets to their family.

In return, this has a dramatic impact on society because the more children engage in work, the less education they receive. Consequently, developing countries have low national education levels and this diminishes family values and perpetuates economic problems. In fact, 68 percent of children have not attended primary school. As economic problems continue, families are more inclined to send their children to work. "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." Parents trapped in poverty have no choice but to send their children off to work to survive. In fact, "[d]ue to high levels of child labor, Latin America is placing itself at a disadvantage in the global market." 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. Education is indeed one of the key strategies to eventually break the poverty cycle.

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. A majority of these children go on to work for their families and are unpaid. Agricultural work is comprised of four different sub-sectors: 1) farming, 2) fishing and aquaculture, 3) forestry, and 4) livestock production. First, child labor in farming is difficult to identify and tackle because the majority of children work on their parents' farm. Because it is a tradition for children to assist their parents, it is hard to identify when light work activities on
their parents' farm turn into child labor. 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." 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. Thus, child laborers in fishing can be found on board (e.g., capturing fish), on shore (e.g., loading and cleaning fish), offshore on fishing platforms (e.g., lifting heavy fish nets), and in fish processing factories (e.g., preparing for distribution and marketing). 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. 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. Moreover, children working in fish processing factories "...live in cramped conditions, with low levels of hygiene and facilities." 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." 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. 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, "aquaculture refers to the cultivation and farming of aquatic organisms in a controlled environment" and involves work such as fish, shrimp, oyster, and aquatic farming. Like fishing, aquaculture may be hazardous for children because workers are exposed to chemicals and contaminated water and constantly work under dangerous conditions.

85. See id.
86. Id.
88. Id.
89. See id.
90. Id.
91. Id.
92. Id.
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.\textsuperscript{96} Because children are vulnerable, they are at risk from heavy physical work and more prone to accidents and injuries.\textsuperscript{97} Working conditions in forestry are hazardous for children because they are exposed to harsh chemicals, extreme temperatures, and an unhealthy environment.\textsuperscript{98} For instance, children in the process of harvesting fruits may suffer from wounds, cuts, and bruises.\textsuperscript{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 work sites are usually temporary, seasonal, and scattered.\textsuperscript{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.\textsuperscript{101}

Finally, child labor in livestock production includes herding, shepherding, and handling livestock.\textsuperscript{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 . . . .”\textsuperscript{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”\textsuperscript{104} and “[a]s they grow older, they take on other tasks during planting and harvesting.”\textsuperscript{105} But children engaged in livestock production are working under hazardous conditions because they suffer injuries and diseases from animals and harsh chemicals.\textsuperscript{106}

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

\textsuperscript{98} Forestry, supra note 96.
\textsuperscript{99} Id.
\textsuperscript{100} See Guidelines for Labour Inspection in Forestry, supra note 97, at 3.
\textsuperscript{101} Forestry, supra note 96.
\textsuperscript{103} Id.
\textsuperscript{104} Hilowitz, supra note 9, at 27.
\textsuperscript{105} Id.
\textsuperscript{106} Livestock Production, supra note 102.
\textsuperscript{107} See Tauson, supra note 49, at 31.
\textsuperscript{108} Hilowitz, supra note 9, at 27.
\textsuperscript{109} Id.
\textsuperscript{110} Id.
percent of working girls participate in agriculture.\textsuperscript{111} "In the highlands of Chiapas, Mexico, children under the age of fifteen make up 30 percent of agricultural day laborers."\textsuperscript{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."\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{117} For instance, Colombia has many operations associated with producing textiles, clothing, and footwear.\textsuperscript{118} Moreover, children in manufacturing engage in producing a wide range of other products such as garments, toys, matches, brassware, soccer balls, etc.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{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

\begin{thebibliography}{99}
\bibitem{111} Id.
\bibitem{112} Tauson, \textit{supra} note 49, at 31.
\bibitem{113} Child Labour in Agriculture, \textit{supra} note 81.
\bibitem{114} See Tauson, \textit{supra} note 49, at 31.
\bibitem{115} Id.
\bibitem{116} Child Labour in Agriculture, \textit{supra} note 81.
\bibitem{118} HILLOWITZ, \textit{supra} note 9, at 30.
\bibitem{119} Id. at 28.
\bibitem{120} Id. at 30.
\bibitem{121} Combating Child Labor, \textit{supra} note 1, at 15.
\bibitem{122} HILLOWITZ, \textit{supra} note 9, at 31.
\end{thebibliography}
restricted.\textsuperscript{123} In other words, the informal sector is difficult to identify and monitor because the work is not official;\textsuperscript{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.\textsuperscript{125} Also, because the majority of children in the informal sector are on the streets, it is difficult to identify their shifting workplaces.\textsuperscript{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.\textsuperscript{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.\textsuperscript{128} This is a major concern at the international level because a large number of children work in extremely hazardous conditions.\textsuperscript{129} Thus, major campaigns against child labor seem to focus on identifying and eliminating hazardous work for children.\textsuperscript{130}

First, although slavery may seem extinct, it still exists in developing countries and especially in Latin American countries.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{133} Children may simply be bought and sold for the debt of their parents.\textsuperscript{134} “Debt bondage . . . places children ultimately at the
mercy of the landowner, contractor or money-lender, where they suffer from both economic hardship and educational deprivation.”

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. Moreover, “[d]ebt bondage is increasingly linked with trafficking of children for labor exploitation.” Contributing factors for debt bondage include poverty and certain traditions in developing countries. For instance, poverty forces parents to place their children with agents in exchange for money. 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. “[T]he younger the child, the less likely he or she is to be able to escape a forced labour situation.” For instance, girls are likely forced into sexual exploitation and domestic labor. Unfortunately, girls are sold by their parents or their relatives and forced into prostitution, production and promotion of pornography, and other sexual activities. It is estimated that, annually, around 1.2 million children suffer from sexual exploitation. For boys, they can be forced into armed conflict. 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. Normally, children are forced into these situations in exchange for money. Regardless of the reason, sexual exploitation of children violates the human rights of children and is equivalent to slavery. 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.
139. Id.
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." 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. 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." 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. "Once involved, they are inextricably linked to situations of tensions, fear, suspicion, and conflicts." Moreover, drug-related activities are linked to problems and tensions in the family and the community. 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." 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. "In the 5–14 age group, 53 million children (about one-third) are in hazardous child labor." In Latin America, 9.4 million children between the ages of five and seventeen engage in hazardous work. 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).
152. Id.
153. Id.
154. Id.
155. Worst Forms of Child Labour Convention, supra note 35, art. 3(d).
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. But the specific type of children's activities in agriculture varies from rural and urban areas. Some children in rural areas, especially in the Bolivian highlands, participate in subsistence family farming, growing potatoes, rice, barley, peanuts, bananas, coffee, and tea. Also, children may participate in sowing and harvesting, and caring for cattle. Studies show that children in subsistence farming are exposed to harsh chemicals and working long hours, preventing them from receiving education. In addition, child labor occurs in large plantations, primarily sugarcane and cotton plantations, where children work up to twelve hours per day. Children involved in medium to large plantations normally leave home to work and live on the plantations, preventing children from receiving education. Also, children have to endure harsh living conditions such as lack of running water, sanitary services, and medical care. Moreover, the ILO estimates that around 13,500 children are involved in mining. Children in mining are working under extremely dangerous conditions and surrounded by harsh chemicals. Normally, boys enter the mines and work in the grinding mills and girls are mostly involved in cooking and washing for the workers.

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." For instance, the kinds of activities under the service sectors include prostitution, selling liquor, and domestic labor. 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 cobbbling. Like the work in the service sector, children in the secondary

160. Id. at 336–37.
161. Id. at 336.
162. Id.
163. Id.
165. van den Berge, supra note 159, at 336.
166. Id.
167. Id. at 336–37.
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

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173. Id. at 335.
174. Id.
176. van den Berge, supra note 159, at 335.
177. Id.
178. Id.
179. See id.
180. Id.
182. See id.
183. See id. at 343–44.
twelve hours a day. 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. 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. “This empirical regularity is the intergenerational persistence of child labor.”

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). First, children employed in agriculture “work most commonly with sisal, cotton, coffee, sugarcane, and tobacco, as well as tending cattle and cutting trees.” 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.” Moreover, children are employed under harsh working conditions, as they are exposed to extreme temperatures and unsanitary environments. Second, children between the ages of six and seventeen employed in domestic service work more than forty hours a week. Children in domestic service have more risk of musculoskeletal and back pain. Moreover, because a majority of children in this sector live with their employer, they are more vulnerable to sexual abuse. 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. Third, more than 10 percent of child laborers participate in manufacturing—mostly working in the food, textile, and footwear industries. “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.
187. See id.
188. Id.
190. Id.
191. Id.
192. Id.
193. Id.
194. Id.
196. See generally Kosminsky, supra note 181, at 341.
197. Fassa & Wegman, supra note 189, at 345.
chemicals (solvents, dyes, and sodas, among others).”

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. Children on the streets work long hours selling goods, cleaning cars, or polishing shoes. These activities are dangerous for children because they are exposed to “traffic accidents, drugs, violence, criminal activities, prostitution, and other health and moral dangers.” As a result, children working on the streets suffer from malnutrition, motor vehicle injuries, sexually transmitted diseases, and drug addiction, among others. 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).”

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.” 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. 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. 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. 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 \textit{The World of Child Labor} 345, 345 (Hugh D. Hindman ed., 2009); see also Andrade & Rosemberg, supra note 195, at 347.
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.\textsuperscript{209} In 1919, Brazil passed the first law that effectively set the minimum age for employment to fourteen.\textsuperscript{210} Thus, until 1998, the minimum age for children to work was fourteen years of age.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{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.”\textsuperscript{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.\textsuperscript{215}

Even though Brazil implements laws to combat child labor, it has not been eliminated. One reason for this is that “[w]henever 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.”\textsuperscript{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. \textit{Colombia}

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

\textsuperscript{209} See id.
\textsuperscript{210} See id. at 364.
\textsuperscript{211} Kosminsky, supra note 181, at 341.
\textsuperscript{212} Id.
\textsuperscript{213} See id. at 342.
\textsuperscript{215} Id.
\textsuperscript{216} Kosminsky, supra note 181, at 344.
CHILD LABOR IN LATIN AMERICA

The number of children attending school. Surprisingly, according to ILO estimates, the numbers have not changed since 2005. 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. In Colombia, rural areas have a higher percentage of child employment than urban areas due to poverty and a lack of education. "In urban areas, more than 50 percent of working children were working in commerce, whereas in rural areas 70 percent were occupied in agriculture." Around 300,000 children work in illegal mining operations under harsh working conditions, receiving far less than minimum wage. Also, many children work on coca farms and coca leaf processing plants. 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. 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."

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. Also, the Code restricted the number of hours children may work according to different age groups. For instance, children between the ages of twelve and thirteen were prohibited from working more than twenty-four hours a week. But in 2006, Colombia implemented the Code of Childhood and Adolescence (CCA) that established the new minimum employment age.

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219. Id.
220. See generally Diallo et al., supra note 5.
221. Id. at 370.
222. Id. at 371.
223. See Flórez & Hincapié, supra note 217, at 371.
224. Id. at 370.
225. See Flórez & Hincapié, supra note 217, at 371.
226. Id.
227. Id.
228. See Flórez & Hincapié, supra note 217, at 371.
229. Id. at 372.
230. Id.
at fifteen years of age.\textsuperscript{231} Moreover, the CCA requires parents to receive prior authorization from the Labor Inspectorate before sending their children to work.\textsuperscript{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.\textsuperscript{233}

Thus, if the above requirements are not met, an official from the Inspectorate may deny or revoke the authorization for children to work.\textsuperscript{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.\textsuperscript{235} In Resolution 4448, the Ministry of Social Protection identified worst forms of child labor that are specifically prohibited in Colombia.\textsuperscript{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.\textsuperscript{237} Children were still working in the agriculture and commerce sectors of employment and generating income to survive.\textsuperscript{238} Consequently, the number of children attending school decreased as children grew older.\textsuperscript{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. \textit{El Salvador}

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

\begin{footnotesize}
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  \item \textsuperscript{233} Id.
  \item \textsuperscript{234} Id.
  \item \textsuperscript{235} See id. at 4–5.
  \item \textsuperscript{236} See id. at 5.
  \item \textsuperscript{237} See generally Flórez & Hincapié, supra note 217.
  \item \textsuperscript{238} See generally id.
  \item \textsuperscript{239} Id. at 373.
  \item \textsuperscript{240} El Salvador Economy Profile 2012, INDEX MUNDI, http://www.indexmundi.com/el_salvador/economy_profile.html (last visited Nov. 24, 2013).
  \item \textsuperscript{241} Michelle Doherty, Forced Child Labor in El Salvador: Contemporary Economic Servitude, TOPICAL RESEARCH DIGEST: HUMAN RIGHTS AND CONTEMPORARY
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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 zafra246 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

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243. Id. at 383–84.
244. See id.
245. See Doherty, supra note 241, at 100.
246. Id. at 100.
249. Doherty, supra note 241, at 100.
250. HUMAN RIGHTS WATCH, supra note 247.
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.\footnote{CInLREN IN HAZAIoOUS WORK, supra note 248, at 51.} In addition, the Minimum Age Convention was ratified in 1996 and the Worst Forms of Child Labour Convention was ratified in 2000.\footnote{Doherty, supra note 241, at 101.} Also, “El Salvador’s proposal includes policy interventions that are conducive to the eradication of child labor in combination with community-based service activities.”\footnote{Id. at 102.} 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.”\footnote{Id.}

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.\footnote{Lorenzo Guarcello, Gabriella Breglia & Scott Lyon, Child Labor in Guatemala, 387, 387 (Hugh D. Hindman, 2009) [hereinafter Child Labor in Guatemala].} But even children as young as six years old work with their parents during coffee planting and harvesting seasons.\footnote{TACKLING HAZARDOUS CHILD LABOUR, supra note 164, at 14.} 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.\footnote{Id. at 14.} 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.\footnote{Child Labor in Guatemala, supra note 259, at 388.} Also, 30 percent of child laborers work on “coffee, sugar cane, cardamom and cotton plantations.”\footnote{TACKLING HAZARDOUS CHILD LABOUR, supra note 164, at 25.} 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.”\footnote{Id. at 14.} 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.”\footnote{Id.}

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.\footnote{Id. at 14.} Also, child laborers in firecracker production (inserting fuses into firecrackers) often suffer from severe burns and sometimes even death.\footnote{Id. at 14.} Similarly, children work in mining that involves lifting and
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. Children in Guatemala also engage in garbage pickup. 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. 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. Furthermore, the government made efforts to reduce poverty and released an important policy document that outlined its strategies entitled, “Estrategia de Reduccion de la Pobreza.” The document emphasized the following: “promoting growth with equity; investing in human capital (emphasising health, education and food security); and investing in physical capital (particularly water and sanitation, rural roads, electricity, and rural development.)” 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. 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. 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. Also, IPEC identified children working in the worst forms of child labor in commercial sexual exploitation, production of sugarcane, production of fireworks,
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." Moreover, girls are sent to work as domestic servants and are prone to physical and sexual exploitation. In addition, these children often work for their families without remuneration. Like other developing countries, major causes for child labor in Honduras are poverty and lack of education. 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." 

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. 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). The CCA "expands protections afforded to children in Honduras's 1982 constitution." Then, the Honduran congress ratified the Minimum Age Convention (No. 138) in 1980 and the minimum working age is considered to be eighteen. 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. Also, children between the ages of fourteen and fifteen are allowed to work as long as they receive written parental consent and permission. 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. 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." 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.
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.
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. 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. 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. Also, many teachers often refuse to work because of poor working conditions. 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. In addition, they need the extra income from their children to survive. Moreover, children living on the streets and without homes cannot afford to attend school because they need to work in order to survive. 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. The majority of working children in Nicaragua are involved in agriculture, commercial activities, and personal services under poor working conditions. In fact, many children in Nicaragua suffer wounds and illnesses at work sites. “Children in the agricultural sector of Nicaragua work in the production of such crops as coffee, corn, sugar, and tobacco.” Also, girls predominate in the personal services sector, such as domestic service and household tasks. 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.
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. Also, children between the ages of fourteen and sixteen must receive parental permission and work under the supervision of the Labor Ministry. 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). 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. 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.

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. 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.” 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.” 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.” 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.
310. Id.
311. Id.
train additional teachers." 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