

## SIGNIFICANT ADVANCEMENT

In 2021, Guatemala made significant advancement in efforts to eliminate the worst forms of child labor. The government established the Mobile Units for the Prevention of Sexual Violence, Exploitation, and Human Trafficking Program in order to provide services and raise awareness on human trafficking in rural and remote communities. The Public Ministry also opened two new regional prosecutor's offices that will prosecute cases related to trafficking in persons, expanding access to justice for victims. Furthermore, the government amended legislation to increase the reach and budget of the school feeding program by 57 percent, making it available to all students enrolled in public school. Together with United Nations Children's Fund and Survivors' Foundation, the government launched three new tools aimed at protecting children online. Moreover, Guatemala signed a cooperation agreement with the Governments of El Salvador and Honduras to strengthen efforts against trafficking in persons. However, children in Guatemala are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture, including in the production of coffee. An insufficient number of labor inspectors and resources limit the Ministry of Labor and Social Welfare's ability to combat child labor. In addition, existing social programs are insufficient to reach all children engaged in exploitative labor and, in particular, do not target children engaged in domestic work or agriculture.



### I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Guatemala are subjected to the worst forms of child labor, including in commercial sexual exploitation, sometimes as a result of human trafficking. Children also perform dangerous tasks in agriculture, including in the production of coffee. (1,2,3) Table I provides key indicators on children's work and education in Guatemala.

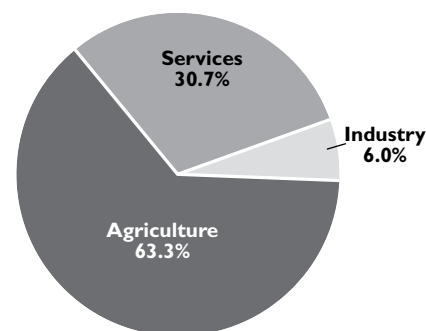
**Table I. Statistics on Children's Work and Education**

Children	Age	Percent
Working (% and population)	7 to 14	6.5 (203,265)
Attending School (%)	7 to 14	90.2
Combining Work and School (%)	7 to 14	3.3
Primary Completion Rate (%)		80.7

Source for primary completion rate: Data from 2020, published by UNESCO Institute for Statistics, 2022. (4)

Source for all other data: International Labor Organization's analysis of statistics from Encuesta Nacional de Empleo e Ingreso I (ENEI I), 2019. (5)

**Figure I. Working Children by Sector, Ages 7-14**



Based on a review of available information, Table 2 provides an overview of children's work by sector and activity.

# Guatemala

## SIGNIFICANT ADVANCEMENT

**Table 2. Overview of Children’s Work by Sector and Activity**

Sector/Industry	Activity
Agriculture	Planting and harvesting coffee, cacao, sugarcane, corn, broccoli, bananas, plantains, and flowers (1,2,6-10,11)
	Harvesting palm kernels and producing palm oil (6,10,12)
	Ranching, forestry, and fishing (1,13,14)
Industry	Mining,† including silver mining† (14,15)
	Construction (1,16)
	Production of garments, activities unknown (15)
	Manufacturing gravel (crushed stones)† and fireworks† (1,2,7,8,15,17)
Services	Domestic work and house-sitting† (8,10,18,19)
	Street work,† including vending,† performing,† cleaning windshields and windows,† begging, and shoe shining† (10,15,20,21)
	Making corn tortillas (2,8,10,16,22-24)
	Working as store clerks in small family-owned corner stores ( <i>abarroterías</i> ) (8,9,24)
	Vehicle and motorcycle repair (13,14)
	Garbage scavenging† and working in garbage dumps† (25)
	Working as servers in restaurants ( <i>comedores</i> ) (7)
Categorical Worst Forms of Child Labor‡	Forced labor in agriculture, production of garments, domestic work, street begging, making corn tortillas, and vending (1,2,3,20-22,24-28)
	Use in the production of pornography, sometimes as a result of human trafficking (1,15,21)
	Commercial sexual exploitation, sometimes as a result of human trafficking (1-3,10,13,20-22,27,28)
	Use in illicit activities, including drug trafficking, and stealing and transporting contraband as a result of criminal and gang recruitment, each sometimes as a result of human trafficking (2,13,15,20-22,24)

† Determined by national law or regulation as hazardous and, as such, relevant to Article 3(d) of ILO C. 182.

‡ Child labor understood as the worst forms of child labor *per se* under Article 3(a)–(c) of ILO C. 182.

Indigenous children account for more than half of child laborers in Guatemala, and children in rural areas are more likely to work than children in urban areas. Most of these children are engaged in agricultural activity. (21,29) In agriculture, working conditions for children involve using machetes and other dangerous tools, including in the cultivation of sugarcane. (15,30) Children as young as age 5 also work in coffee fields picking and carrying heavy loads of coffee beans and mixing and applying pesticides. (31) In addition, recently corroborated reports indicate that children are often sent into cities by their parents to work as street performers or beggars. Some of these children are sold to criminal organizations, work very long hours, and are at times forced to wear paint, which is often toxic, to attract more attention as they perform in the streets. (21)

Children, both Guatemalan-born and from other countries, are victims of commercial sexual exploitation, including in sex tourism. (19,27) Guatemala is a destination country for child sex tourists from Canada, the United States, and Western Europe. (2,3) Departments with high numbers of commercial sexual exploitation victims include Alta Verapaz, Escuintla, Guatemala, Huehuetenango, Quiché, and Quetzaltenango. (16) Girls, LGBTQI+ persons, and indigenous Guatemalans are particularly vulnerable to human trafficking. (27) Children are exploited for forced labor in Guatemala, particularly in agriculture and domestic work. (19) They are also forced to engage in street begging and vending in Guatemala City and along the border with Mexico. (3,28) Traffickers are increasingly using social media and online game applications to recruit children. (3,26) Multiple sources also indicate that children are recruited into gangs to serve as lookouts, couriers, and drug dealers, or to commit extortion. Moreover, criminal organizations, including gangs, exploit girls in sex trafficking. (1,19,21)

Guatemalan children often emigrate to escape violence, extortion, and forced recruitment by gangs, in addition to seeking economic opportunities and family reunification. Human trafficking is also a driver of child migration. (32,33) Gangs target adolescent girls for forced commercial sex, causing them and sometimes their entire families to flee Guatemala in fear. (33) Once en route, however, girls and other children from Guatemala remain vulnerable to human trafficking and commercial sexual exploitation. (32,33)




Significant barriers to accessing education exist in Guatemala, particularly for girls, indigenous children, and children in rural areas. (1,15) Education is free in Guatemala, however, there is an insufficient number of primary and secondary schools. (21,34) A lack of teachers, schools, transportation, and sanitary facilities at public schools, all create barriers to education. (1,13,16,21) The Ministry of Education does not supply textbooks to most public schools. (16) Other barriers to education include sexual violence, insecurity, crime and violence in the school's surroundings, and the risk of suffering violence on their travel to school. (13) All these factors contribute to poor outcomes, high dropout rates, and high opportunity costs. (13,16) The education system is also unable to address the needs of students with disabilities, and the few existing education programs for children with disabilities rely mainly on non-profit support. (1,16,21,22) During the reporting period and as a result of the COVID-19 pandemic, an additional barrier to education was the students' lack of access to personal computers and Internet services. Some reports estimate that 106,000 children left school in 2020. (35) Research demonstrates that children who do not attend school are more vulnerable to child labor, including its worst forms. (36)

Reports indicate that there is a high degree of illiteracy among girls. (37,38) Due to the heightened security risks for girls traveling alone and cultural norms that prioritize boys' education over that of girls, girls in rural areas have lower enrollment rates in secondary school than boys. (16,21,22) Indigenous children in general have lower enrollment rates compared to other children. There are not enough qualified teachers to provide instruction in the predominant native languages, and classroom materials available in these languages are insufficient. (15,38) According to information from the Ministry of Education, there are over one million bilingual students who speak one of the 24 national languages enrolled in public schools. The Ministry of Education reported that it developed self-learning educational materials in different Mayan languages, which were distributed as part of the virtual teaching program during 2020 and 2021. (13) In 2021, the government hired 21,321 new permanent teachers in the country, including filling vacant positions. (13)

## II. LEGAL FRAMEWORK FOR CHILD LABOR

Guatemala has ratified all key international conventions concerning child labor (Table 3).

**Table 3. Ratification of International Conventions on Child Labor**

Convention	Ratification
 ILO C. 138, Minimum Age	✓
ILO C. 182, Worst Forms of Child Labor	✓
 UN CRC	✓
UN CRC Optional Protocol on Armed Conflict	✓
UN CRC Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	✓
 Palermo Protocol on Trafficking in Persons	✓

The government has established laws and regulations related to child labor (Table 4). However, gaps exist in Guatemala's legal framework to adequately protect children from the worst forms of child labor, including in the provisions for light work for children.

**Table 4. Laws and Regulations on Child Labor**

Standard	Meets International Standards	Age	Legislation
Minimum Age for Work	Yes	14	Articles 31 and 148 of the Labor Code; Article 6 and 32 of Government Accord 112-2006; Ministerial Agreement Number 260-2019 (39-41)
Minimum Age for Hazardous Work	Yes	18	Article 148 of the Labor Code; Article 1 of Government Accord 250-2006 (39,42)

# Guatemala

## SIGNIFICANT ADVANCEMENT

**Table 4. Laws and Regulations on Child Labor (Cont.)**

Standard	Meets International Standards	Age	Legislation
Identification of Hazardous Occupations or Activities Prohibited for Children	Yes		Article 4 of Ministerial Accord 154-2008 (43)
Prohibition of Forced Labor	Yes		Article 202 of the Penal Code; Article 51 of the Law of Integral Protection of Children and Adolescents; Decree 10-2015 (44-46)
Prohibition of Child Trafficking	Yes		Article 202 <i>bis</i> and <i>quater</i> of the Penal Code, as amended by Articles 47 and 48 of the Law against Sexual Violence, Exploitation, and Trafficking in Persons, No. 9-2009; Article 108 of the Migration Law (44,47,48)
Prohibition of Commercial Sexual Exploitation of Children	Yes		Articles 36–42 of the Law against Sexual Violence, Exploitation, and Trafficking in Persons, No. 9-2009 (47)
Prohibition of Using Children in Illicit Activities	Yes		Article 27 of the Penal Code (44)
Minimum Age for Voluntary State Military Recruitment	Yes	18	Article 57 of the Law of Integral Protection of Children and Adolescents (45)
Prohibition of Compulsory Recruitment of Children by (State) Military	Yes		Articles 68 and 69 of the Constitutive Law of the Guatemalan Army (49)
Prohibition of Military Recruitment by Non-state Armed Groups	No		Article 57 of the Law of Integral Protection of Children and Adolescents; Article 245 of the Constitution (45,50)
Compulsory Education Age	Yes	15‡	Article 74 of the Constitution; Article 33 of the National Education Law; Ministerial Agreement 1055-2009 (50-52)
Free Public Education	Yes		Article 74 of the Constitution; Article 1 of Government Agreement 226-2008 (50,53)

‡ Age calculated based on available information (50,54)

Although Articles 32 and 150 of the Labor Code allow the Ministry of Labor and Social Welfare (MTPS) to authorize children under age 14 to work under exceptional circumstances—including if MTPS determines that children must work to support their family due to poverty—the law does not define the total number of hours, kinds of tasks, or age range applicable for this exception. This is inconsistent with international standards on light work. (39) MTPS indicated that no such exceptions have been granted since 2016. (1,55)

MTPS previously approved Ministerial Agreement Number 260-2019, "Procedure for the effective application of Convention 138 of the International Labor Organization, regarding the Convention on the Minimum Age for Admission of Employment," which sets forth procedures for protecting adolescents between ages 15 and 18 and ensuring that they do not participate in the worst forms of child labor. (21,41) However, the agreement does not explicitly cover children age 14, who are allowed to work under Guatemala's Labor Code (or children under age 14 who are allowed to work in exceptional circumstances). Therefore, it is unclear if this mechanism effectively raises the minimum age for work to age 15.

In September 2021, Congress passed amendments to a piece of 2017 legislation, increasing the budget allocation for the school feeding program by 57 percent starting in 2022. This amendment also allows the expansion of the school feeding program to initial school students (ages 3 to 5) and to secondary school students (ages 12 to 17) starting in 2023. (13)

### III. ENFORCEMENT OF LAWS ON CHILD LABOR

The government has established institutional mechanisms for the enforcement of laws and regulations on child labor (Table 5). However, gaps exist within the operations of enforcement agencies that may hinder adequate enforcement of their child labor laws.

**Table 5. Agencies Responsible for Child Labor Law Enforcement**

Organization/Agency	Role
Ministry of Labor and Social Welfare's (MTPS) Inspection Division	Enforces child labor laws, including prohibitions on the worst forms of child labor, by inspecting businesses and responding to child labor complaints. (21) Refers children found in child labor to government social services and refers complaints to the MTPS Adolescent Workers Protection Unit. (56,57) Refers cases of worst forms of child labor to the Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons (SVET) and unresolved cases to labor courts for review and sanctions, as appropriate. (13)
National Civil Police	Investigates cases of child trafficking through the Trafficking in Persons and Forced Labor Unit located within the Special Investigation Police, and operates a hotline to receive reports of suspected child trafficking cases. Also conducts welfare inspections in child labor cases and refer cases to civil court. (13,21) In 2021, the National Civil Police (PNC) implemented the Specialized Unit Against Trafficking in Persons in Quetzaltenango which has jurisdiction in eight departments of the region, with the support of SVET and the technical-financial assistance of the U.S. Government, including the Bureau of International Narcotics and Law Enforcement and the Embassy of the United States in Guatemala. The PNC also developed and approved a Protocol for Police Action in the Investigation of Human Trafficking and Related Crimes, as a tool to improve its ability to investigate human trafficking crimes and support the work it carries out. (58)
Public Ministry, Special Prosecutor's Office	Receives case referrals involving the worst forms of child labor from labor inspectors. Investigates cases of human trafficking and forced labor through the Special Prosecutor's Office Against Trafficking in Persons. (13) On September 29, 2021 the Public Ministry opened two new regional prosecutor's offices, expanding access to justice. One of these offices is located in the Northeast Regional Agency based in Chiquimula, this being the first prosecutor office in this Agency, while the other office is located in the Northern Regional Agency, based in Alta Verapaz. (58,92) These new Regional Prosecution Agencies will prosecute crimes related to trafficking in persons in its different forms, as well as carry out the necessary actions to identify, rescue, and attend to survivors of these crimes. (58,92)
Solicitor General's Office	Receives complaints regarding the exploitation of children. Initiates legal proceedings, refers cases to the National Civil Police, and ensures the legal representation of children whose rights have been violated. (21)
Secretariat of Social Well-Being	Establishes procedural guidelines for government agencies and NGOs responsible for the protection and care of child and adolescent victims of commercial sexual exploitation via the Protocol for Identifying and Assisting Child and Adolescent Victims of Commercial Sexual Exploitation. Administrative unit under the Executive branch charged with formulating, coordinating, and executing public policies related to the protection of children and adolescents. (59,60)

### Labor Law Enforcement

In 2021, labor law enforcement agencies in Guatemala took actions to address child labor (Table 6). However, gaps exist within the operations of MTPS that may hinder adequate labor law enforcement, including insufficient inspection planning.

**Table 6. Labor Law Enforcement Efforts Related to Child Labor**

Overview of Labor Law Enforcement	2020	2021
Labor Inspectorate Funding	\$3.70 million (61)	\$4.96 million (93)
Number of Labor Inspectors	171 (16)	178 (13)
Mechanism to Assess Civil Penalties	Yes (39)	Yes (39)
Initial Training for New Labor Inspectors	No (16)	Yes (13)
Training on New Laws Related to Child Labor	N/A (16)	N/A (13)
Refresher Courses Provided	Yes (16)	Yes (13)
Number of Labor Inspections Conducted	Unknown (16,62)	Unknown (11,62)
Number Conducted at Worksite	Unknown (16,62)	Unknown (11,62)
Number of Child Labor Violations Found	14 (16)	16 (13)
Number of Child Labor Violations for Which Penalties Were Imposed	1 (16)	4 (13)
Number of Child Labor Penalties Imposed that Were Collected	0 (16)	0 (13)
Routine Inspections Conducted	Yes (16)	Yes (13)
Routine Inspections Targeted	Yes (16)	Yes (13)
Unannounced Inspections Permitted	Yes (39)	Yes (39)
Unannounced Inspections Conducted	Yes (16)	Yes (93)
Complaint Mechanism Exists	Yes (16)	Yes (13)
Reciprocal Referral Mechanism Exists Between Labor Authorities and Social Services	Yes (16)	Yes (13)

# Guatemala

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## SIGNIFICANT ADVANCEMENT

The number of labor inspections conducted during the reporting period is unknown, as the MTPS did not disaggregate their data by worksite inspections, desk audits, and conciliations. Additionally, reports indicate that there are significant issues in the way conciliations are carried out in the country. (62) In carrying out conciliations, inspectors take all allegations as true and issue remediation orders for employers without ever verifying facts. Moreover, reports indicate that in this process workers are effectively encouraged to agree to only part of the benefits owed to them, essentially relinquishing their labor rights. (11,62) In some cases, inspectors receive bribes from employers to steer workers towards settling. (62) Furthermore, inspectors don't conduct inspections in many cases, even when required to do so by law, and instead substitute conciliations for site inspections. (11,62)

In 2021, the General Labor Inspectorate conducted 2,778 child labor-specific inspections. The inspections were designed to target sectors in which children are the most vulnerable for work or the worst forms of child labor, such as small convenience stores, corn tortilla making, agriculture, manufacturing and handling of explosive and pyrotechnic substances, marble shops, broccoli plantations, garbage extraction activities, manufacturing gravel (crushed stones), informal work, and other worst forms of child labor. (13) During the reporting period, 16 violations of child labor laws were found. As of November 2021, 18 children and adolescents had been removed from child labor as a result of inspections. (13)

Although laws governing the minimum age for work and hazardous work apply in both the formal and informal sectors, labor inspectors rarely inspect informal workplaces, in which child labor violations are most likely to occur. (1,16,21,22) Some reports question the quality of inspections for child labor violations, particularly the scope and coverage across industries. (15) Civil society organizations state that, during worksite inspections, labor inspectors often meet only with business owners or supervisors and bypass conducting worker interviews. (6) Research indicates that labor inspectors are not appropriately trained to perform inspections for child labor. (1,7,9) Furthermore, MTPS reported that inspectors conducted site visits in Spanish only, the language in use at worksites, but this may hinder inspections when encountering indigenous language speakers. (16)

In 2021, MTPS reported it purchased 28 vehicles for the labor inspectorate, as well as desks and filing cabinets for the different departmental delegations. (13) However, MTPS has indicated that the funding level is still insufficient to cover the inspectorate's needs, particularly for transportation, fuel, and per diem costs. (16) Furthermore, the number of labor inspectors is likely insufficient for the size of Guatemala's workforce, which includes more than 7.2 million workers. According to the ILO's technical advice of a ratio approaching 1 inspector for every 15,000 workers in developing countries, Guatemala would need to employ about 484 labor inspectors. (63,64) Even though Guatemala employs 178 labor inspectors, only about 80 labor inspectors were active during most of the reporting period. MTPS also indicated that while there are six inspectors designated to work on child labor cases in the Department of Guatemala, all labor inspectors throughout the country carry out specific child labor inspections. (13)

The government has a mechanism for filing complaints regarding child labor, but reports state that the mechanism is not efficient in responding to those complaints. (1,21,22) Furthermore, while Guatemala has established a referral mechanism between responsible agencies in cases of child labor, coordination between these agencies remains a challenge and requires the intervention of NGOs or international missions. (21) After the creation of the Inter-Institutional Coordinating Entity Against Labor Exploitation and Child Labor (CICELTI), complainants can now file concerns related to trafficking in persons (forced labor and labor exploitation modalities) and the worst forms of child labor through a WhatsApp number and an e-mail address. (16) However, it is still a challenge for the government to provide services to children that are removed from child labor situations because of a lack of coordination between government agencies. (11) In 2017, the General Labor Inspectorate regained the authority to impose penalties for labor law violations, and it began implementing this authority in 2018, including for child labor law violations. Even though inspectors can now impose fines for labor violations, many of these fines are successfully challenged in court due to inspectors not carrying out site inspections even when required to do so by law, ultimately making the government unable to collect those fines. (62)



A comprehensive training plan for inspectors on human and labor rights started in November 2020, with support from the ILO, and concluded in November 2021. (13) Additionally, the United Nations Higher Commissioner Office of Human Rights in Guatemala provided training on "International Standards in Matters of Contemporary Slavery with Emphasis on the Agricultural Sector" in September and October of the reporting year. Some of the participants in this training included the general labor inspector, a deputy labor inspector, the departmental labor inspector delegate from Escuintla, the supervisor of Guatemala's departmental delegation, and the legal advisor from the labor inspectorate. (13)

### **Criminal Law Enforcement**

In 2021, criminal law enforcement agencies in Guatemala took actions to address child labor (Table 7). However, gaps exist within the operations of the National Civil Police that may hinder adequate criminal law enforcement, including insufficient training for criminal investigators.

**Table 7. Criminal Law Enforcement Efforts Related to Child Labor**

Overview of Criminal Law Enforcement	2020	2021
Initial Training for New Criminal Investigators	Yes (16)	Yes (13)
Training on New Laws Related to the Worst Forms of Child Labor	N/A (16)	N/A (13)
Refresher Courses Provided	Yes (16)	Yes (13)
Number of Investigations	Unknown (16)	201 (13)
Number of Violations Found	Unknown (16)	122 (13)
Number of Prosecutions Initiated	36 (16)	19 (13)
Number of Convictions	12 (16)	38 (13)
Imposed Penalties for Violations Related to the Worst Forms of Child Labor	Yes (16)	Yes (13)
Reciprocal Referral Mechanism Exists Between Criminal Authorities and Social Services	Yes (16)	Yes (13)

In 2021, the Public Ministry's prosecution office responsible for human trafficking crimes reported that it investigated 201 new cases related to the modalities of commercial sexual exploitation, pornographic performances and pornography, and labor exploitation. These cases could include one or more victims. (13) The government reported prosecuting 19 cases involving the worst forms of child labor. The Public Ministry noted that there could be one or more defendants involved in those cases. (13) There were 38 convictions related to child labor crimes, such as human trafficking, employment of minors in activities harmful for their wellbeing, and child pornography. (13)

Guatemala made efforts to increase anti-trafficking in persons resources and capacity outside of Guatemala City, and the Public Ministry continued making social workers and psychologists available to human trafficking survivors to serve as liaisons as they navigated proceedings and sought medical care. (2) However, communities in the interior of the country, particularly rural areas, continue to suffer from a lack of government services when compared to urban areas, including government assistance for survivors of the worst forms of child labor. (93)

In 2021, criminal law enforcement investigators received training on different criminal laws, including those related to labor exploitation and child labor. The Public Ministry reported that due to the pandemic it provided virtual training to new employees. (13) The government also reported providing workshops for Guatemala City municipal government and courts personnel about crimes related to trafficking in persons with the objective of improving the identification of cases and achieving effective criminal prosecution. The Special Prosecutor's Office Against Trafficking in Persons, especially the units against crimes related to Online Child Sexual Exploitation, received training on the use of the International Center for Missing and Exploited Children technological tool, to better address crimes related to children and adolescents online. (58) Through programs that cover the prevention and detection of trafficking in persons, as well as support for survivors, the government carried out trainings for 966 government employees, including professional and political staff from the Public Ministry, the Ministry of Foreign Affairs, Sexual Violence, Exploitation, and Trafficking in Persons (SVET), the Human Rights Ombudsman's office, and the Solicitor General's office. SVET was the largest implementer of training, carrying out most of the training for the 966 officials through standard instructional formats. (58)

# Guatemala

## SIGNIFICANT ADVANCEMENT

In order to increase the coordination of the Referral Network for victims of crime, the Public Ministry established a messaging system to support regular and direct communication between the different institutions that offer attention to survivors. (58) Additionally, the government has established specialized courts to hear cases of human trafficking of adults and children and gender-based violence. Despite this, judges are often unable to schedule hearings and trials in a timely manner and often lack sufficient training to properly identify trafficking in persons cases. (28)

In 2021, the Supreme Court of Justice instituted in the Department of Totonicapan a court for children and adolescents in conflict with the criminal law. This court is tasked with ensuring the superior well-being of children and adolescents subjected to criminal proceedings. (13,94) The Supreme Court of Justice also instituted a 24-hour first-instance criminal court with specific jurisdiction to hear offenses committed against children and adolescents that incorporates in its mission the Model for Comprehensive Care of Children and Adolescents (MAINA). (13)

Although SVET is the primary institution charged with raising awareness on human trafficking, it has no authority to bring cases to the justice system and its small budget limits its reach beyond urban areas. (28) Local NGO reports indicate that training is insufficient outside the capital. (1,22) Law enforcement agencies also lack sufficient vehicles, fuel, and criminal investigators, particularly outside Guatemala City. (15) MTPS has noted that resources are inadequate to carry out complex criminal investigations and to sufficiently address the different modalities of trafficking in persons crimes. (1,13) This concern is supported by the Public Ministry, which noted that due to the complexity of these investigations and crimes, more resources are necessary to conduct investigations. The Public Ministry also noted that the Special Prosecutor's Office Against Human Trafficking does not have an assigned budget and that it depends on the overall budget allocated to the Public Ministry. (16)

## IV. COORDINATION OF GOVERNMENT EFFORTS ON CHILD LABOR

The government has established mechanisms to coordinate its efforts to address child labor (Table 8). However, gaps exist that may hinder the effective coordination of efforts to address child labor, including lack of coordination between agencies and civil society.

**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor**

Coordinating Body	Role & Description
Specific Cabinet on Social Development (GEDS)	Coordinates, articulates, and manages policies related to development, social protection, and violence prevention for vulnerable populations such as children, women, indigenous populations, the elderly, individuals with disabilities, and people from rural areas. Established via Agreement 2-2019, the Thematic Working Group for the Prevention and Eradication of Child Labor assumed the National Commission for the Eradication of Child Labor's (CONAPETI) duties of coordinating government policies and efforts to combat child labor. (21) During the reporting period, efforts included: launching the International Year for the Elimination of Child Labor; working in the construction of the National Strategy and Plan for the Prevention and Eradication of Child Labor and Protection of Adolescent Workers; and working in the construction of strategic lines of the Road Map 2021–2025 within the framework of the Alliance 8.7 of the Regional Initiative Latin America and the Caribbean Free of Child Labor. (13)
Departmental Committees for the Eradication of Child Labor (CODEPETI)	Coordinate government efforts to combat child labor at the departmental or regional level. Comprising department-level representatives of member agencies of the Thematic Working Group for the Prevention and Eradication of Child Labor, and NGO and business representatives. (13) In 2021, carried out regional workshops with the Ministry of Labor, civil society, cooperation agencies, representatives from the private and labor sector, and representatives from several Mayan communities. (13)
Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons (SVET)	Coordinates all government efforts against human trafficking, including for commercial sexual exploitation of children and forced child labor, by responding to cases and providing support for victims. (13,65) Operates shelters to serve minor victims of human trafficking and a hotline to file child sex tourism complaints. Led by the Vice President's Office. (65) Launched the Inter-Institutional Commission Against Trafficking-in-Persons (CIT), which is co-chaired by the Ministry of Foreign Affairs and includes 32 government and civil society institutions. CIT develops and manages initiatives to combat human trafficking. (28,66) On July 30, 2021, presented its semi-annual work report for the first half of the year. This report highlighted the achievements and advances made by the government in their work to address human trafficking. (67) Together with UNICEF and Survivors' Foundation ( <i>Fundación Sobrevivientes</i> ), a civil society organization, launched three new tools aimed at protecting children online. (68) They are aimed at providing information on how to safely navigate the web to parents, caregivers, and the children and adolescent themselves. The tools consist of a youth consultation hotline, accessible through Facebook Messenger and WhatsApp, a website, and a phone app. (68)



**Table 8. Key Mechanisms to Coordinate Government Efforts on Child Labor (Cont.)**

Coordinating Body	Role & Description
Inter-Institutional Coordinating Entity Against Labor Exploitation and Child Labor (CICELTI)*	Aims to identify victims of human trafficking, make anti-trafficking in persons institutions more effective, provide support to victims to prevent them from being targeted again, and encourage the strengthening of government mechanisms to prevent labor exploitation, forced labor, and other forms of human trafficking. It also coordinates efforts to combat labor exploitation, forced labor, and child labor. (16) Launched in 2020 by MTPS, the Solicitor General's Office, the Public Ministry, and SVET. Established as part of the amendments to the Agreement for Inter-Institutional Coordination for the Comprehensive Approach of Trafficking in Persons in the Modality of Labor Exploitation and Forced Labor that was signed on July 30, 2019. (16) In 2021, it continued to carry out coordinated work, and received 153 complaints through its platform, of which 34 were referred to Attorney General's Office and 60 to the Public Ministry; the remaining 59 were not related to labor exploitation or child labor. (13) The Attorney General's Office, Public Ministry, MTPS, and the Ministry of Health rescued 14 minors as of November 29, 2021 in the seven joint operations it carried out through the country. (13) Additionally, carried out activities to identify and combat labor exploitation in its different modalities. Some of the activities included meetings to support the fight against child labor in fireworks production with the mayors from San Juan Sacatepequez and San Raymundo of the department of Guatemala. (13) Met with the mayor from Coban, Alta Verapaz to support the encouragement of complaints to combat child labor in that municipality. (13)
National Platform for the Prevention and Protection of Children and Adolescents Against Sexual Exploitation in Travel and Tourism	Targets sexual exploitation of children and adolescents in the travel and tourism sector. (18) Oversees the Code of Conduct Against Sex Tourism, a mandatory code for trade group membership that forbids providing services to customers believed to be engaging in commercial sexual exploitation of children. Presided over by SVET and includes 10 government, private sector, and civil society institutions. (18) Worked on the creation of alerts of sexual offenders, including carrying out discussions on the operations and entities participating in the creation of the alert, as well as updated information on the creation of the sexual offender alert during the reporting period. (13) Strengthened the prevention mechanism for the identification of children and adolescents in sexual exploitation in travel and tourism. Additionally, established a communication strategy during the Easter period to inform people on prevention of sexual exploitation. (13) The strategy included social media messages, which reached 21,257 people. (13)

\* Mechanism to coordinate efforts to address child labor was created during the reporting period.

‡ The government had other mechanisms that may have addressed child labor issues or had an impact on child labor. (43,69)

Despite improvements in inter-agency coordination to address human trafficking, there continues to be a lack of effective coordination among other government institutions and civil society actors who provide services and protection to victims of child labor. Some civil society organizations have indicated that despite being members of the Inter-Institutional Commission Against Trafficking in Persons, the commission is not fully inclusive of civil society perspectives and that they participate primarily as observers on the commission. (28) Furthermore, reporting indicates that SVET lacks political support from other parts of the government, even though it plays a significant role in combating human trafficking in Guatemala. (28)

## V. GOVERNMENT POLICIES ON CHILD LABOR

The government has established policies related to child labor (Table 9). However, policy gaps exist that may hinder efforts to address child labor, including a lack of implementation of key national policies.

**Table 9. Key Policies Related to Child Labor**

Policy	Description
Protocol for Providing Comprehensive Health Care to Children and Adolescents in the Worst Forms of Child Labor	Requires public health workers to enter information into a database about any child whose injuries may have been labor-related. Implemented by the Ministry of Public Health and Social Assistance. (71,72) Research was unable to determine whether activities were undertaken to implement this policy in 2021.
Inter-Institutional Protocol for the Protection and Attention of Victims of Human Trafficking	Provides instruction on how to process sex crimes, including commercial sexual exploitation of children, and how to assist prospective victims of human trafficking. (18,43,72) Research was unable to determine whether activities were undertaken to implement this policy in 2021.
Public Policy on Human Trafficking and the Comprehensive Protection of Victims (2014–2024)	Aims to guarantee protection for and comprehensive attention to human trafficking victims, and promote prevention, detection, prosecution, and sanction of this crime. Includes a National Plan of Strategic Action that directs the government's actions on preventing and combating human trafficking. (73) In 2021, MTPS, SVET, and the Ministry of Government with the endorsement of the Political Science School of the University of San Carlos coordinated with the Sub Directorate of Studies and Doctrine to carry out a training plan with the National Civil Police (PNC) on preventing and addressing exploitation, trafficking in persons, and the worst forms of child labor. (13) The training was on the prevention and elimination of exploitation, trafficking in persons, and the worst forms of child labor. During the reporting period, 60 PNC officers completed 12 eight-hour training sessions. (13)

# Guatemala

## SIGNIFICANT ADVANCEMENT

In 2021, the government of Guatemala signed a cooperation agreement with the governments of El Salvador and Honduras to increase efforts against trafficking in persons. This cooperation agreement strengthens the existing coordination with prosecutors in the region on investigations, search and rescue of victims, repatriation or return of nationals or foreign victims, legal protection of victims, and collection of evidence. (74,75)

Guatemala is a member of the global platform Alliance 8.7. As such, Guatemala is committed to achieve goal 8.7 for a world free of forced labor, modern slavery, and human trafficking. (13) In 2021, as part of inter-institutional coordination and with a tripartite approach, employers, workers, and government representatives held virtual meetings to monitor Guatemala's commitments as a pioneer country and to coordinate the strategic planning workshop as a basis for the fulfillment of those commitments. Participants in these meetings also reviewed and validated the report "The Strategic Lines for the Construction of a Roadmap to make Guatemala a Country Free of Child Labor and its Worst Forms 2021–2025." (13,76)

## VI. SOCIAL PROGRAMS TO ADDRESS CHILD LABOR

In 2021, the government funded and participated in programs that include the goal of eliminating or preventing child labor (Table 10). However, gaps exist in these social programs, including the inadequacy of efforts to address the problem in all sectors.

**Table 10. Key Social Programs to Address Child Labor**

Program	Description
Ministry of Development's Social Poverty Reducing Programs†	Conditional Cash Transfer for Education and Health Program ( <i>Mi Bono Social</i> ) provides cash assistance to families with school-age children, conditioned on children's school attendance. (22) Conditional Cash Transfers for Food Assistance Program ( <i>Mi Bolsa Social</i> ) provides food assistance to poor families, with the requirement that their children attend school. (22,77) Social Dining Hall ( <i>Mi Comedor Social</i> ) provides access to food for people in situations of poverty, crisis, and emergency, including children. (16,77) Reports indicate all these programs remained active in 2021. (13)
Care Strategy for School Success in First Grade ( <i>Estrategia de Atención para el Exito Escolar en Primer Grado de Primaria</i> )†	Seeks to decrease school dropout rates and increase enrollment and advancement to the next grade at a national level. (22,78) Goals include generating conditions to achieve competency in reading and writing, providing teacher training, conducting diagnostic evaluations, and supplying educational materials and pedagogical support. (78,79) Aims to serve 35,000 first grade students. (79) Relunched in 2019 through Ministerial Accord 2669-2019 with a focus on improving indicators of success and conditions for learning for first graders. (80) Research was unable to determine whether actions were undertaken to implement this program during the reporting period.
Mobile Units for the Prevention of Sexual Violence, Exploitation and Human Trafficking (UNIVET)*	Established in October 2021 by SVET, with support from UNHCR. Consists of a fleet of seven vehicles that travel to areas in the country with little national government presence, with the aim of preventing and creating awareness about crimes related to exploitation, trafficking in persons, and sexual violence. (58,81,93) Carries out detection and awareness trainings on trafficking in persons within rural and often remote communities. Provides referral services to survivors of crimes of trafficking in persons. (58) Funded through bilateral and multilateral donors. (58) In the last four months of 2021, a total of 1,470 local government officials received training through the mobile training units. (58)
Business Network for the Prevention and Elimination of Child Labor in Guatemala ( <i>Red Empresarial</i> )	Aims to promote prevention and eradication of child labor. Members include the ministries of Education and Agriculture, MTPS, the Thematic Working Group for the Prevention and Eradication of Child Labor, ILO, UNICEF, the UN Food and Agriculture Organization, and representatives from the private sector. (82,83) Reports indicate this program was active in 2021, and continued to implement a variety of health, nutrition, education, and awareness programs in a variety of agricultural sectors, although operations were adjusted during the pandemic. (84) The nature of these adjustments is unknown. Held virtual meetings once a month during the reporting period. (84)

**Table 10. Key Social Programs to Address Child Labor (Cont.)**

Program	Description
USDOL-Funded Projects	Projects that aim to reduce the incidence of child labor, including: Increasing Collective Action to Address Child Labor, Forced Labor, and Other Unacceptable Conditions of Work in El Salvador, Guatemala, and Honduras (2021–2026), a \$8.4 million project implemented by Pan American Development Foundation in El Salvador, Guatemala, and Honduras; and Measurement, Awareness-Raising, and Policy Engagement Project on Child Labor and Forced Labor (MAP 16) (2016–2022), a \$22.4 million global project implemented by ILO. The MAP 16 project has contributed to some efforts undertaken by Regional Initiative Latin America and the Caribbean Free of Child Labour (RILAC), which has developed the Child Labor Risk Identification Model (MIRTI). As a result of this, in 2021 the Government of Guatemala announced the creation of Comprehensive Care Centers for the Prevention and Eradication of Child Labor (CAIPETI) in all the departments of the country. (85,86) In this announcement the government highlighted that the aim is to open at least one of these centers in each department, while focusing first in establishing centers in the municipalities identified as the ones with the highest risk of child labor according to MIRTI. These centers have the objective of keeping children in high-risk communities in school, as well as return working children and adolescents to school and to provide them with comprehensive care. (85,86) Parents will also be able to leave their children at these centers while they work in order to prevent child labor. (86) Reporting indicates that they have begun opening these care centers in several areas of the country already. (85,86,87) Additional information is available on the USDOL website.

\* Program was launched during the reporting period.

† Program is funded by the Government of Guatemala.

‡ The government had other social programs that may have included the goal of eliminating or preventing child labor. (13,26,28,58,71)

Despite cessation of in-person educational programs due to the pandemic, the Ministry of Education spent about \$245.2 million to continue the school feeding program through the distribution of fresh and non-perishable food to 2.6 million public school students in 2021. It also continued funding for school textbooks and supplies, as well as the school health insurance program. (13) The Ministry of Education reported that the number of students enrolled in public schools increased from 2.5 million in 2020 to 2.6 million in 2021, due to the assistance of its support programs. However, given the scope and magnitude of the problem, the programs described are not sufficient to significantly reduce the incidence of child labor. (13) The Secretariat of Social Wellbeing continued strengthening existing social programs such as the specialized program for childhood and adolescence victims of sexual violence, exploitation, and human trafficking. (13)

Through SVET and the Office of the Human Rights Ombudsman, the government continuously carry out human trafficking awareness campaigns that aim to educate the public about trafficking in persons issues. (28) In 2021, as part of the Blue Heart (*Corazón Azul*) campaign new alliances were established with departmental governors, municipal mayors, and indigenous organizations and leaders, such as the President and Board of Directors of the Forty-Eight Cantons of Totonicapán. The campaign raises awareness about human trafficking and coordinates government and social responses to crimes related to trafficking in persons. (58)

Civil society organizations indicate that social programs are inadequately funded, are susceptible to local political influences, and fail to reach the rural interior of the country outside urban areas. (1,16,21) Although the government has implemented programs to assist children and families, research found no evidence of government programs specifically designed to assist children engaged in hazardous work, including those in agriculture and domestic work. Reporting also indicates that SVET and the Office of the Human Rights Ombudsman fail to regularly monitor the effectiveness of awareness campaigns beyond tracking the number of individuals reached. (28)

On June 21, 2021, a new law came into effect in Guatemala that requires NGOs to be registered, report their donations, and allow their financial accounts to be inspected. (88,89) Under certain circumstances, it would allow the government to control and monitor the NGOs, as well as dissolve them if their activities might "alter the public order". It also allows for the prosecution of the NGOs' directors. (88,89) Civil society organizations in Guatemala and international organizations have raised concerns about the significant negative impact this new law could have in the ability of civil society organizations, including those working on children's issues, to carry out their work. As such, this risk could also increase the vulnerability of children to exploitation. (88-90) Critics say the new law could serve as an opening to impose arbitrary limits on NGOs activities, and as a means to criminalize the activities of human rights defenders and civil society in general. (89)

# Guatemala

## SIGNIFICANT ADVANCEMENT

Conditions in government-run children's shelters are not adequate, and the government has not ensured the protection and safety of children under its care. (28,37) In addition, the environment for the implementation of social programs that address child labor remains unsafe, and the government has done little to investigate or prevent further instances of threats, intimidation, and violence—such as the murders of individuals working on social programs, including NGO officials, human rights workers, judges, and labor activists. (91)

## VII. SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor in Guatemala (Table 11).

**Table 11. Suggested Government Actions to Eliminate Child Labor**

Area	Suggested Action	Year(s) Suggested
Legal Framework	Criminally prohibit the recruitment of children under age 18 into non-state armed groups.	2016 – 2021
	Eliminate the exception allowing some children under age 14 to work, or establish a light work framework for children ages 12 to 14 outlining restrictions on working conditions, type of work, and number of hours of work.	2010 – 2021
	Clarify whether Ministerial Agreement 260-2019 raises the minimum working age to 15.	2019 – 2021
Enforcement	Strengthen the inspectorate to include more on-site investigations of worksites.	2021
	Ensure that conciliations are properly conducted and in accordance with the labor code.	2021
	Ensure that inspectors carry out inspections in the informal sector, an area in which child labor is known to occur.	2018 – 2021
	Improve the quality of inspections by ensuring that inspectors receive effective training, meet with all relevant parties, including workers, and dedicate the necessary time to carry out more comprehensive inspections.	2017 – 2021
	Ensure that labor inspectors are able to communicate with indigenous language speakers, including those who may be underage, to adequately conduct inspections for child labor violations.	2020 – 2021
	Provide sufficient funding and resources to the labor inspectorate to ensure operational needs are met.	2017 – 2021
	Increase the number of labor inspectors to meet the ILO's technical advice.	2015 – 2021
	Improve effectiveness of child labor complaint and referral mechanisms to ensure timely responses to complaints.	2018 – 2021
	Collect and report data on the total amount in fines collected in relation to child labor violations.	2019 – 2021
	Ensure that hearings and trials addressing human trafficking and gender-based violence in specialized courts are scheduled in a timely manner and that judges are trained in trafficking in persons concepts.	2016 – 2021
	Dedicate more staff and train criminal law enforcement officials, particularly those outside the capital, on laws related to the worst forms of child labor.	2013 – 2021
	Ensure that criminal investigators have sufficient resources and staff to conduct quality criminal investigations in all geographical areas of the country, such as assigning a budget specifically to the Special Prosecutor's Office Against Human Trafficking.	2009 – 2021
	Coordination	Strengthen coordination efforts to institutionalize relationships between civil society representatives and government agencies that provide services to victims of child labor, for example by fully incorporating civil society participation in the Inter-Institutional Commission Against Trafficking in Persons.
Ensure the Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons has the resources, authority, and political support necessary to combat human trafficking countrywide.		2019 – 2021
Government Policies	Ensure that activities are undertaken to implement the key policies related to child labor and that data on these activities to address child labor are published during the reporting period.	2017 – 2021
Social Programs	Remove barriers to education for all children, including girls and indigenous children, children with disabilities, and children living in rural areas, by recruiting and training more qualified teachers, providing instruction in indigenous languages, building additional schools with appropriate facilities, increasing security, providing textbooks to all public schools, and removing school fees and transportation costs.	2015 – 2021
	Ensure that students have access and equipment for remote education, when necessary.	2021
	Ensure that children removed from child labor and exploitation situations are provided with adequate social services.	2021
	Ensure that social programs are implemented, well-funded, able to carry out their objectives and reach populations outside urban centers, and report on yearly activities.	2018 – 2021
	Initiate social programs to address child labor in agriculture and domestic work, and for children who perform other types of hazardous work.	2009 – 2021

**Table 11. Suggested Government Actions to Eliminate Child Labor (Cont.)**

Area	Suggested Action	Year(s) Suggested
Social Programs	Regularly monitor the effectiveness and impact of social programs such as awareness campaigns beyond number of citizens reached.	2017 – 2021
	Ensure that civil society organizations and NGOs are able to carry out their work freely and independently.	2021
	Ensure high standards of safety and care for children in government-run shelters.	2016 – 2021
	Ensure the safety of NGO officials, human rights workers, judges, and labor activists to facilitate a secure environment for the implementation of social programs that address and prevent child labor.	2017 – 2021

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# Guatemala

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