



# GUATEMALA

## MODERATE ADVANCEMENT

In 2023, Guatemala made moderate advancement in efforts to eliminate the worst forms of child labor. The government hired 15 new labor inspectors and created an electronic child labor referral case management platform to improve the systematic recording of information about children found in situations of child labor and improve their access to social programs. It also approved the new Roadmap for the Prevention and Eradication of Child Labor in all its Forms; and the Protection of Adolescent Workers, a policy designed to improve inter-institutional coordination and strengthen actions and mechanisms to prevent and eradicate child labor in the country. However, an insufficient number of labor inspectors limits the Ministry of Labor and Social Welfare’s ability to address child labor. In addition, existing social programs are insufficient to reach all children engaged in exploitative labor, particularly those engaged in domestic work or agriculture.

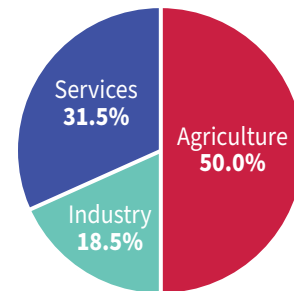


## PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

### Statistics on Children’s Work and Education

Children	Age	Percent of Population
Working	10 to 14	16.3% (306,555)
Boys		22.2%
Girls		10.4%
Urban		10.0%
Rural		19.6%
Hazardous Work by Children	15 to 17	31.7% (320,730)
Boys		47.2%
Girls		16.8%
Urban		21.4%
Rural		38.5%
Attending School	10 to 14	88.0%
Combining Work and School	10 to 14	11.8%

### Working Children by Sector, Ages 5-14



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.

### Overview of Children’s Work by Sector and Activity



#### Agriculture

Working in agriculture, including in planting and harvesting coffee, broccoli, corn, and sugarcane. Ranching, forestry, and fishing.



#### Industry

Construction. Manufacturing gravel (crushed stone)† and fireworks.†



#### Services

Domestic work and house-sitting. Street work,† including vending,† performing,† cleaning windshields and windows,† begging and shoe shining.† Making corn tortillas. Working as store clerks in small family-owned corner stores (*abarroterías*) and as servers in restaurants (*comedores*). Vehicle and motorcycle repair. Garbage scavenging† and working in garbage dumps.†



#### Categorical Worst Forms of Child Labor‡

Forced labor in agriculture, domestic work, street begging and vending, and manufacturing food products. Commercial sexual exploitation, sometimes as a result of human trafficking. 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.

† 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.



## **SUGGESTED GOVERNMENT ACTIONS TO ELIMINATE CHILD LABOR**

The suggested government actions below would close gaps USDOL has identified in Guatemala’s implementation of its international commitments to eliminate the worst forms of child labor.

### **Legal Framework**

Criminally prohibit the recruitment of children under age 18 into non-state armed groups.

Eliminate the exception allowing some children under age 14 to work, or establish a light work framework for children aged 12 to 14 outlining restrictions on working conditions, type of work, and number of hours of work permitted.

Clarify whether Ministerial Agreement 260-2019 raises the minimum working age to 15, if it did not then raise the minimum age for work from age 14 to 15 to align with the compulsory education age.

### **Enforcement**

Ensure that inspectors conduct more on-site investigations of worksites, including in the informal sector, an area in which child labor is known to occur.

Improve the quality of inspections by ensuring that inspectors receive effective training, dedicate the necessary time to carry out more comprehensive inspections, routinely carry out unannounced labor inspections, and can communicate with indigenous language speakers, including those who may be underage.

Increase the number of labor inspectors from 169 to 478 to ensure adequate coverage of the labor force of approximately 7.2 million workers.

Collect fines for labor violations and ensure that conciliations are properly conducted and in accordance with the labor code.

Improve effectiveness of child labor complaint and referral mechanisms to ensure timely responses to complaints.

Ensure that hearings and trials addressing human trafficking and gender-based violence in specialized courts are scheduled in a timely manner and that judges and officials are trained in trafficking in persons concepts.

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.

### **Coordination**

Institutionalize relationships between civil society representatives and government agencies that provide services to survivors of child labor.

Ensure that the Secretariat Against Sexual Violence, Exploitation, and Trafficking in Persons has the resources, authority, and political support necessary to combat human trafficking nationwide.

### **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.

Provide children removed from child labor situations with adequate social services and provide high standards of safety and care for children in government-run shelters.

Ensure that social programs are implemented, well-funded, able to carry out their objectives, reach populations outside urban centers, address child labor in agriculture and domestic work, focus on vulnerable groups such as girls, LGBTQIA+ persons, and indigenous individuals, and report on yearly activities.

Regularly monitor the effectiveness and impact of social programs such as awareness campaigns beyond the number of citizens reached.

Ensure the safety of NGO officials, human rights workers, judges, and labor activists so they can continue their work to implement social programs that address and prevent child labor.



## CHILDREN AT HIGHER RISK

Reports indicate that indigenous, Afro-descendant, Garifuna, and migrant children are particularly vulnerable to child labor due to experiencing higher levels of poverty, language barriers, and poor quality and lack of coverage of public education. 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 activities. Girls, LGBTQIA+ persons, and indigenous Guatemalans are particularly vulnerable to human trafficking. Departments with high numbers of commercial sexual exploitation victims include Alta Verapaz, Escuintla, Guatemala, Huehuetenango, Quiché, and Quetzaltenango. In addition, some children are forced to engage in street begging and vending in Guatemala City and along the border with Mexico.



## BARRIERS TO EDUCATION ACCESS

Although education is free in Guatemala, there is an insufficient number of primary and secondary schools to accommodate all children. A lack of teachers, transportation, textbooks, and sanitary facilities at public schools, as well as the long distances some children must travel to get to school, also create barriers to education. Other barriers to education include sexual violence, insecurity, crime and violence in the school’s surrounding areas, and the risk of suffering violence during travel to school. The education system is 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. In addition, girls in rural areas have lower enrollment rates in secondary school than boys, while indigenous children in general have lower enrollment rates compared to other children. Furthermore, there are not enough qualified teachers to provide instruction in the predominant native languages, and classroom materials available in these languages are insufficient.





## LEGAL FRAMEWORK FOR CHILD LABOR

Guatemala has ratified all key international conventions concerning child labor. In addition, Guatemala has established laws and regulations related to child labor. However, its legal framework lacks sufficient light work protections for children.

Child Labor Laws and Regulations	Meets International Standards	Legislation
Minimum Age for Work, <b>14 Years</b>		Articles 31, 148 and 272 of the Labor Code; Article 6 of Government Accord 112-2006; Ministerial Agreement Number 260-2019
Minimum Age for Hazardous Work, <b>18 Years</b>		Article 148 of the Labor Code; Article 1 of Government Accord 250-2006; Article 32 of Government Accord 112-2006
Identification of Hazardous Occupations or Activities Prohibited for Children		Article 4 of Ministerial Accord 154-2008
Prohibition of Slavery, Debt Bondage, and Forced Labor		Article 202 and 202 <i>ter</i> and <i>quater</i> of the Penal Code; Articles 2 and 51 of the Law of Integral Protection of Children and Adolescents
Prohibition of Child Trafficking		Article 202 <i>ter</i> and <i>quater</i> of the Penal Code
Prohibition of Commercial Sexual Exploitation of Children		Articles 191–194, 193 <i>bis</i> and <i>ter</i> , and 195 <i>bis</i> and <i>ter</i> of the Penal Code
Prohibition of Using Children in Illicit Activities		Articles 27, 306, and 307 of the Penal Code
Minimum Age for Voluntary State Military Recruitment, <b>18 Years</b>		Articles 2 and 57 of the Law of Integral Protection of Children and Adolescents
Prohibition of Compulsory Recruitment of Children by (State) Military		Articles 68 and 69 of the Constitutive Law of the Guatemalan Army
Prohibition of Military Recruitment by Non-state Armed Groups		Article 57 of the Law of Integral Protection of Children and Adolescents; Article 245 of the Constitution

**Suggested Government Actions to Eliminate Child Labor (cont.)**

Child Labor Laws and Regulations	Meets International Standards	Legislation
Compulsory Education Age, <b>15 Years</b> ‡		Article 74 of the Constitution; Article 33 of the National Education Law; Ministerial Agreement 1055-2009
Free Public Education		Article 74 of the Constitution; Article 1 of Government Agreement 226-2008; Article 33 of the National Education Law

‡ Age calculated based on available information.

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, which is inconsistent with international standards on light work. Nonetheless, the MTPS indicated that no such exceptions have been granted since 2016. In addition, the 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 from the worst forms of child labor. However, the agreement does not explicitly cover children aged 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 addition, as the minimum age for work is lower than the compulsory education age, children may be encouraged to leave school before the completion of their compulsory education.



**ENFORCEMENT OF LAWS ON CHILD LABOR**

In 2023, labor and criminal law enforcement agencies in Guatemala took actions to address child labor. However, insufficient inspection planning and training of criminal investigators hindered enforcement efforts.

**Agencies Responsible for Child Labor Law Enforcement**

**Ministry of Labor and Social Welfare’s (MTPS) Inspection Division (IGT):** Enforces child labor laws, including prohibitions on the worst forms of child labor, by inspecting businesses and responding to child labor complaints. Refers children found engaged in child labor to government social services, complaints of child labor to the MTPS Adolescent Workers Protection Unit, cases of the 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. However, reports indicate labor inspectors do not routinely conduct unannounced inspections, rarely inspect informal workplaces, where child labor violations are most likely to occur, and conduct site visits in Spanish only, which may hinder the effectiveness of inspections when encountering indigenous language speakers. In 2023, the MTPS created a child labor referral electronic case management platform to improve the systematic recording of information about children found in situations of child labor and improve their access to services by referring them to available public and private social programs.

**Public Ministry, Special Prosecutor’s Office:** Receives cases of 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. However, law enforcement agencies lack sufficient resources to carry out investigations, such as vehicles, fuel, training, and criminal investigators, particularly outside Guatemala City. Reports also indicate judges are often unable to schedule hearings and trials in a timely manner, and officials often lack sufficient training to properly identify human trafficking cases and file criminal charges.

### Enforcement Mechanisms and Efforts

Has a Labor Inspectorate	Yes	Has a Complaint Mechanism	Yes
Able to Assess Civil Penalties	Yes	Imposed Penalties for Child Labor Violations	Yes
Routinely Conducted Worksite Inspections	Yes	Conducted Criminal Investigations for Worst Forms of Child Labor Crimes	Yes
Unannounced Inspections Permitted	Yes	Imposed Penalties for Worst Forms of Child Labor Crimes	Yes

In 2023, **169** labor inspectors conducted **29,080** worksite inspections, finding **36** child labor violations. The government also conducted **195** investigations into suspected cases of the worst forms of child labor, initiated **202** prosecutions, and convicted **34** perpetrators.



### COORDINATION, POLICIES, AND PROGRAMS

<p><b>Key Mechanism to Coordinate Government Efforts on Child Labor</b></p> <p>Guatemala established a mechanism to coordinate its efforts to address child labor. However, there remains a lack of coordination between government agencies and civil society organizations that work on child labor issues.</p> <p><i>‡ The government had other mechanisms that may have addressed child labor issues or had an impact on child labor.</i></p>	<p><b>Inter-Institutional Coordinating Entity Against Labor Exploitation and Child Labor (CICELTI):</b> Coordinates efforts to address child labor and aims to identify victims of human trafficking, make anti-trafficking in persons institutions more effective, and provide support to survivors to prevent them from being targeted again. Reports indicate that challenges remain related to the provision of social services for children due to the lack of coordination between government agencies and a lack of coverage outside the Department of Guatemala. In 2023, CICELTI received 202 complaints, of which 94 were related to trafficking in persons and 7 to the worst forms of child labor. This led to CICELTI participating in 24 operations resulting in the rescue of 30 children.</p>
<p><b>Key Policies Related to Child Labor</b></p> <p>Guatemala established policies related to child labor.</p> <p><i>† Policy was approved during the reporting period.</i></p>	<p><b>Roadmap for the Prevention and Eradication of Child Labor in all its Forms and the Protection of Adolescent Workers (2022–2025):</b>† Established in January 2023. Serves as the national strategic framework to guide government action aimed at preventing and eradicating child labor and its worst forms in the country. In 2023, under this policy the government carried out diverse activities to raise awareness about child labor, provided training to labor inspectors, and created the electronic child labor referral case management platform.</p> <p><b>Comprehensive Health Care Protocol with Cultural Relevance for Children and Adolescents in Situations of Child Labor and its Worst Forms:</b> 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 (MSPAS). In 2023, the government continued implementing this policy.</p> <p><b>Public Policy on Human Trafficking and the Comprehensive Protection of Victims (2014–2024):</b> Aims to guarantee protection for and comprehensive attention to human trafficking survivors, 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 addressing human trafficking. In 2023, as part of this policy the government provided services to 212 child trafficking victims, referring 164 of them to shelters, and continued to operate one specialized shelter for child trafficking victims.</p>

**Coordination, Policies, and Programs (Cont.)**

<p><b>Key Social Programs to Address Child Labor</b></p> <p>In 2023, Guatemala funded and participated in programs that include the goal of eliminating or preventing child labor. However, these programs do not address the problem of child labor in all sectors, including in agriculture and domestic work.</p> <p><i>† Program is funded by the Government of Guatemala.</i>  <i>‡ The government had other social programs that may have included the goal of eliminating or preventing child labor.</i></p>	<p><b>Business Network for the Prevention and Elimination of Child Labor in Guatemala (Red Empresarial):</b> Aims to promote the 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, the ILO, UNICEF, the UN Food and Agriculture Organization, and representatives from the private sector. Reports indicate that this program was active in 2023, and continued to implement a variety of health, nutrition, education, and awareness programs in agricultural sectors.</p>
	<p><b>Ministry of Development’s Social Poverty Reducing Programs:</b>† Conditional Cash Transfer for Education and Health Program (<i>Mi Bono Social</i>) that provides cash assistance to families with school-age children, conditioned on children’s school attendance. Similarly, the 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. Social Dining Hall (<i>Mi Comedor Social</i>) provides access to food for people in situations of poverty, crisis, and emergency, including children. In 2023, the Ministry of Education spent about \$405 million to continue the school feeding program through the distribution of fresh and non-perishable food to over 3.1 million public school students.</p>
	<p><b>Mobile Units for the Prevention of Sexual Violence, Exploitation and Human Trafficking (UNIVET):</b> Established by SVET, with support from the UN Refugee Agency. 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. Carries out detection and awareness trainings on trafficking in persons within rural and often remote communities and provides information to survivors of crimes of trafficking in persons but does not have authority to accept complaints or make referrals. In 2023, UNIVET continued to carry out awareness trainings on trafficking in persons with rural communities.</p>

For information about USDOL’s projects to address child labor around the world, visit [dol.gov/ILABprojects](https://dol.gov/ILABprojects)

 **WORKER RIGHTS SPOTLIGHT**

In Guatemala, trade unions faced administrative obstacles imposed by the Ministry of Labor to approve agreements and update their membership, and the law restricted union leadership to citizens. The government has also failed to investigate and prosecute cases of murder and other violent crimes against workers and trade unionists, creating a climate of fear that hinders workers’ ability to organize, advocate for their rights, and report labor abuses, including child labor.

For references, please visit [dol.gov/ChildLaborReports](https://dol.gov/ChildLaborReports)