



SPOTLIGHT: Child Labor in Colombia

June 2014

A global problem

Child labor exists on a massive scale in all major regions of the world, with a higher rate observed in low-income countries. In Latin America and the Caribbean, numbers are relatively low but persistent, with 12.5 million children (8.8%) engaged in child labor, especially in hazardous work, according to data as of 2012.¹ This is 10 percent of all children in the region.²

Since 2000, countries around the world have increasingly adopted and implemented more coherent and integrated strategies to combat child labor. Following the global economic crisis of 2008, however, there were concerns that this positive trend would be reversed or slowed. Initial assessments revealed that child labor actually rose appreciably in Colombia and marginally in four other countries (El Salvador, Indonesia, Pakistan and Togo).³

Economic crises put children at greater risk

During economic crises, in general, it is known that children in particular face a higher risk of being put to work as social safety nets are stretched, families depend on child labor for survival, and the informal economy grows.⁹

Recent data, however, suggests that continued progress is being made in reducing the global number of children in child labor. From 2000 to 2012, there was a decline by one third from 246 million to 168 million, as revealed by a global report launched by the ILO in September 2013. The number of children engaged in hazardous work also declined, from 171 million in 2000 to 85 million in 2012. Progress was particularly pronounced among girls and younger children. For the period of 2000-2012, there was a 40% reduction in child labor of girls compared to 25% for boys, and a child labor among younger children (5-14 years of age) fell by one third from 186 million to 120 million.⁴

Migrant child laborers are often more vulnerable

It is recognized that migrant child laborers often receive less pay, work longer hours, less often attend school and face higher death rates at work than local child laborers.¹⁰



What is child labor?

So what constitutes “child labor”? A variety of concepts have been developed as interest in the issue has grown among NGOs, government agencies and academics.⁵ Diverse opinions exist about the types of work that children should and should not be allowed to do, and at what age they should be allowed to do them – or whether they should be allowed to work at all.⁶

Still, while details may vary, it is important to agree on a clear definition to serve as a basic reference. In this regard, international standards have been established by the International Labour Organization (ILO), according to which not all work performed by children can be termed “child labor.” Rather, the term refers only to work that is mentally, physically, socially or morally dangerous and harmful to children or interferes with their schooling, depending on the child’s age, the type and hours of work performed, and the conditions under which it is performed.

In its most extreme forms, child labor involves children being enslaved, separated from their families, exposed to serious hazards and illnesses and/or left to fend for themselves on the streets of large cities – often at a very early age. These are called the “worst forms of child labor”⁷ since they are particularly harmful, morally reprehensible, or they violate the child’s freedom and human rights.⁸



Legal framework



The international community has established important laws and standards to define child labor and prioritize its elimination. Minimum age and the regulation of hours and conditions of employment are crucial with regard to children. In addition to the human rights accorded to all people, children have particular rights to protection by virtue of their age, as they lack the knowledge, experience or physical development of adults and the power to defend their own interests. A majority of countries have enacted legislation to prohibit or place severe restrictions on the employment and work of children, much of it motivated and guided by the standards adopted by the ILO.¹¹

Three principal international conventions set the boundaries for child labor and provide the legal basis for national and international action: the ILO Minimum Age Convention, the ILO Worst Forms of Child Labour Convention and the United Nations Convention on the Rights of the Child. State obligations under these conventions include the obligation to protect all children in the national territory from child labor, including migrant children.¹²

Colombian law, particularly the Childhood and Adolescence Code, defines “child labor” as those who are under 15 years of age and working, and those between 15 and 17 years of age who are engaged in harmful or dangerous work or who are working without having received authorization from the Labor Inspector (*Inspector de Trabajo*) or the relevant local authority. Exceptionally, authorization can be granted for those under 15 to engage in artistic, cultural, recreational and sports activities. Those with authorization to work have the right to receive training and specialization, while working, to enable them to freely exercise an occupation, trade or profession.¹³

International Law

1. **ILO Minimum Age Convention (No. 138):**¹⁴ Sets the basic minimum age at 15, although developing countries can exceptionally set a minimum age of 14. All children under 18 years of age should not engage in “hazardous work” – any work which is likely to jeopardize physical, mental or moral health, safety or morals. Children between the ages of 13 and 15 years may do light work, or exceptionally between 12 and 14 years for developing countries, as long as it does not interfere with their health, safety, education or vocational training.¹⁵
2. **ILO Worst Forms of Child Labour Convention (No. 182):**¹⁶ Helped focus attention on need to eliminate the “worst forms of child labor” as a priority, while

maintaining the long-term goal of eliminating all child labor. The “worst forms” deprive children of their childhood, potential and dignity, and are detrimental to physical and psychological development.¹⁷ As established in the Convention, the worst forms of child labor are:

- Slavery and similar practices, including trafficking, debt bondage, and forced labor such as recruitment of children for use in armed conflict
- Child prostitution or pornography
- Use of children for illicit activities, such as drug production and trafficking
- Work that by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children

3. **UN Convention on the Rights of the Child:** Includes an article previously established in the International Covenant on Economic, Social and Cultural Rights (ICESCR), which established the right of the child to be “protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development.”¹⁸

Colombian Law¹⁹

- Adoption of UN Convention on the Rights of the Child (Law 12 of 1991)
- Adoption of ILO Convention 138 on Minimum Age (Law 515 of 1999)
- Adoption of ILO Convention 182 on the Worst Forms of Child Labor (Law 704 of 2001)
- Colombian Constitution of 1991
- Inter-institutional Committee for the Eradication of Child Labor and Protection of Youth Workers (Decree 859 of 1995)
- Childhood and Adolescence Code (Law 1098 of 2006)
- Classification of harmful and dangerous work for adolescents (Resolution 1677 of 2008)
- Penalty of termination of contracts for those mining companies that employ workers under 18 years of age (Law 1382 of 2010)
- Protection measures for mining work (ICBF, Resolution 3016 of 2011)
- Jail sentences imposed for the exploitation of minors (Law 1453 of 2011)
- Activities considered to be the worst forms of child labor (Ministry of Labor, Resolution 3597 of 2013)



A multidisciplinary approach

Legislation can provide the basis of resolute and concerted action, by setting the total elimination of child labor as the ultimate goal of policy and putting measures into place for this purpose. Laws are also needed to explicitly identify and prohibit the worst forms of child labor, to be eliminated as a matter of priority.²⁰ Still, although important legal standards have been adopted, child labor is a complex issue that cannot be addressed through legislation alone. For instance, how does one determine in practice what constitutes a safe, healthy, acceptable, legally approved work situation for children and adolescents?

In reality, child labor is a phenomenon that cuts across policy boundaries – including education, health care, labor market conditions, enforcement of core labor standards and laws, ensuring social protection, access to basic services, income distribution, social norms, and cultural practices.²¹ Therefore, in addition to legislation, it is important to examine the issue of child labor from a multidisciplinary perspective that looks at the relevance of legislation in specific contexts, keeping in mind the strong link between child labor and the social and economic environment in each country and the cultural and psychosocial aspects of the issue.²² It is necessary to have such a broad understanding in order to develop cross-sectoral policy responses that mainstreams child labor into national development agendas and plans, including poverty reduction efforts, and into budget allocation decisions.²³



Should children work at all?

Not all work carried out by children and adolescents should be classified as exploitative or targeted for elimination. Children perform a wide range of tasks and activities when they work, and work that does not affect the child's health, personal development or schooling can be positive. This includes helping out at home, assisting in a family business or earning an allowance outside school hours. Child labor can contribute to family welfare and support child development by providing skills and experience that will be useful in adult life.²⁴

However, working can also be harmful for children. Some of the work done by children can be difficult and demanding, and other types of work can be hazardous or morally reprehensible.²⁵ Joining the labor market at a young age can interfere with physical and mental development and can bring physical and psychological risks. Child labor can thus involve the violation of a range of children's human rights, including the right to education, health, recreation, and comprehensive protection.²⁶

For children and adolescents, working also often imposes disadvantages, limits opportunities and capacities and impedes full development, and in this way can operate as a form of social exclusion that perpetuates poverty. Children who work tend to postpone their studies, which limits development of their potential and their future income. Children and adolescents who receive less education tend to experience greater poverty as an adult, and poor adults tend to encourage their children to also join the work force at a younger age. On a wider scale, this phenomenon can influence national development by diminishing possibilities for training and the preparation of future generations.²⁷





Child labor in Colombia

In Colombia, studies reveal a high and increasing rate of child labor, especially in cities and urban areas. In 2013, the child labor rate in Colombia was 9.7%, a greater number of boys reported working, and girls reported working less hours per week than boys. However, the rate was 14.8% if one includes those who perform more than 14 hours of household chores (“expanded child labor rate”). Using this expanded rate, more girls (15.1%) than boys (14.6%) reported working.

Domestic work is an issue that Colombia began to address relatively recently, in consultation with the ILO. Currently, the “expanded child labor rate” does not include as much information at the general “child labor rate”, such as level of schooling, payment, or participation in social security. More work is needed to change the cultural belief that domestic work does not constitute child labor, a belief that particularly disadvantages girls, who are the majority of those who labor in the privacy of the home where child labor is more difficult to detect. Household chores are classified among the worst forms of child labor (servitude, domestic work), and accidents in the home are the fourth most common cause of death and injury in Colombia.²⁸

More than 66,000 children and adolescents are working in mining, construction, installation of public services and other work considered to be hazardous work in Colombia. Although only 6.1% of children laborers work in these sectors, the rate has increased compared to the percentage estimated by the National Administrative Department of Statistics (DANE) in 2011. This is extremely worrying given that children in these sectors are exposed to conditions that not only impose physical harm but also put their lives at risk. Experts indicate that there is a high level of underreporting of violence and deaths associated with child labor, and there is no concrete study to indicate the numbers that have died as a result.²⁹

Significantly, according to data as of 2013, half of all children and adolescents who work (52%) are not paid for their labor, a figure that is even higher if only looking at rural areas (63.7%). Some 80% of child laborers work to help support the family economy. In main towns, most report working to earn their own money (41.3%), rather than to support their families (27%). In more rural areas, most children work to help support their families (44.5%) rather than to earn their own money (26.7%). Most child laborers are employed in the

service sector, including hotels and restaurants (34.6%), and in agriculture, livestock, forestry, hunting and fishing (34.3%). Not surprisingly, the majority in large towns is employed in the service sector (51.3%) and most in rural areas work in agriculture (67%).³⁰ In general, the probability of child labor increases if the child or adolescent is a boy, lives in a rural area, and is in a permanent relationship, and if the head of household is not working.³¹

A major consequence of child labor is dropping out of school. While some children continue to study while working, studies show that children who work are less likely to stay in school.³² According to data as of 2013, girls are more likely than boys to stay in school while working. Breaking down the age range of those who are working, those from 5 to 14 years have a much higher school attendance rate (87.4%) than those in the 15 to 17 year age range (55.4%). This is likely related to the fact that older children (15 to 17 years of age) tend to work more hours per week than those under 15 years of age. There are also a large number of children who are neither working nor enrolled in school; this includes children, particularly girls, who stay home to take care of domestic work for their families or their partners.³³

Recruitment and use by illegal armed groups

Child labor must also be examined in the context of the Colombian armed conflict, since recruitment and use by illegal armed groups is among the worst forms of child labor. In this way, child labor helps to perpetuate the armed conflict and facilitates the continuation of violence among future generations.

This phenomenon needs to be addressed at the individual and community level in order to achieve peace and break the cycle of violence. Significantly, a study carried out in 2012 revealed that 52% of children and adolescents recruited by armed groups had dropped out of school to work prior to their recruitment.

Actions are therefore needed in order to strengthen protective factors, promote psychosocial development and improve education to mitigate effects of the conflict, prevent forced recruitment and promote peace.³⁴





Socio-economic factors



Given the large number of children working in Colombia, efforts have been made to explore the factors that influence the distribution of time devoted to school, work and leisure. The decision to join the labor force at a young age is not autonomous or isolated, but rather is influenced by the social and family context. Economic vulnerability is one of the main factors that influence whether or not children work. Poor households have lower capacities for coping with economic shocks or contingencies, such as savings or access to credit. As their economic situation worsens, families often decide they have no other option but to send their children into the labor force in order to meet basic needs.³⁵ This decision, rather than helping to improve family income, actually ends up worsening and prolonging the family's vulnerability.³⁶

Many other factors also influence the phenomenon of child labor. Cultural factors, customs and traditions also play a large part by reinforcing, justifying or promoting the practice. For instance, working is commonly believed to help develop values that will be useful later in adulthood, such as responsibility, autonomy and perseverance. However, in reality, child laborers are highly vulnerable to violence, to being used to traffic drugs and arms, to commercial sexual exploitation and to physical or sexual abuse.³⁷ A culture of illegality also increases vulnerabilities, as employers seek to hire children and adolescents because they are seen as more obedient and less costly.³⁸

Parents who began working at a young age tend to replicate this practice with their children. Children and adolescents are also trained in traditional trades, particularly in rural areas and among indigenous groups. Some parents believe it is better for children to be employed than to use free time for leisure or for bad habits and activities. Others believe that giving a child a job is doing them a favor. However, better strategies should be sought to ensure a positive use of free time, using dialogue, games, sports or education.³⁹

Another major factor is whether the child or adolescent is in a relationship. Boys who have a partner are more likely to only work (48%), while girls in a relationship are more likely to neither work nor study (49%). This is due to societal expectations for men to be economic providers and for women to take on domestic work. This sort of work is more dangerous for girls, since domestic work is not paid, does not offer any legal protection and keeps them invisible within the private sphere of the home, where they are more vulnerable to physical and psychological abuse. Therefore, waiting longer before entering into a relationship can be a factor that protects girls against dropping out of school and taking on unpaid labor.⁴⁰



National responses

The government, the family and society share a co-responsibility to ensure the comprehensive protection of children and adolescents, including protecting them from work that is harmful. Since 1995, the Government of Colombia (GOC) has made progress in the development of policies to prevent and eradicate child labor. Between 1996 and 2006, under the leadership of the Ministry of Labor and with the participation of other government agencies, three successive action plans were put into place. These plans helped to improve the assessment and quantification of the issue, raise awareness among society, integrate the issue into the political agenda and identify lines of action.⁴¹

Statistics on child labor are gathered through the National Administrative Department of Statistics (DANE) system, through agreements with the Ministry of Social Protection and the Colombian Family Welfare Institute (ICBF) and with support from the National Planning Department (DNP). This system monitors indicators on child labor performed by children and adolescents between 5 and 17 years of age.⁴² The DANE system fulfills a commitment made to create and maintain an "Information and Analysis System on Youth Labor" (SIRITI) under the *Declaration of Cartagena*, signed at the first ministerial level *Iberia-American Tripartite Reunion on the Eradication of Youth Labor* in May 1997.⁴³

Currently, the GOC is working to eradicate child labor as part of its *National Strategy to Prevent and Eradicate the Worst Forms of Child Labor and Protect of Youth Workers for 2008-2015 (ENETI)*.⁴⁴ This strategy provides a basic guideline for action and specifies the public and private entities responsible for coordinating their institutional services in order to prevent the worst forms of child labor. Departmental and municipal Committees for the Eradication of Child Labor



(CETI) coordinate responses at the local level, while national-level coordination efforts are led by the Inter-institutional Committee for the Eradication of Child Labor (CIETI).⁴⁵

The ICBF participates in this national strategy and is part of the CIETI's Technical Secretariat. The ICBF has been carrying out three lines of action: (1) prevention programs to mitigate risks, (2) reestablishment of rights for child workers, including by coordinating services through the National System for Family Welfare (SNBF), and (3) coordinated action with diverse public and private institutions with the aim of eradicating the worst forms of child labor.⁴⁶

Child recruitment: assistance and prevention

Since 2001, the International Organization for Migration (IOM), with support from the United States Agency for International Development (USAID), has been implementing its Disengaged Child Soldiers and Youth at Risk of Recruitment Program (CHS).

This Program works to strengthen the capacity of the Government of Colombia to assist child and adolescent victims of recruitment by illegal armed groups, by supporting institutional strengthening for the Colombian Family Welfare Institute (ICBF).

The Program also helps prevent recruitment through institutional strengthening for the Inter-sectoral Commission on the Prevention of Recruitment, Use and Sexual Violence against Children and Adolescents (CIPRUNA), an inter-agency working group led by the Office of the Vice President that coordinates prevention efforts.

Although the strategy was not able to meet the target reduction in child labor for 2013, important progress has been made and Colombia has been recognized as a leader on this issue for other countries in the region. The goal was to reduce the number of child laborers from 1,768,153 to 1,149,300 by 2013; however, the number registered by DANE in 2013 was 1,670,000.⁴⁷ Even so, the strategy has helped to better identify child laborers, which may account in part for this discrepancy. The issue of child labor has been included within the political agenda since 1995, which has helped to delegitimize child labor, little by little, through awareness raising campaigns and other efforts to transform cultural practices and beliefs.⁴⁸

The national strategy has also resulted in the creation of an integrated information system, tools for monitoring and following up on actions taken by mayors and governors, guidelines for the reestablishment of rights (including specific guidelines for disengaged children and adolescents and for victims of sexual violence), manuals and training tools on the strategy, and methodologies for strengthening educational services and the positive use of free time.⁴⁹



Difficulties that remain to be addressed in the national strategy include ensuring sufficient budget allocations, creating decent work opportunities, and further raising awareness among institutions that do not participate in the strategy. There is also an ongoing need to transform cultural norms that legitimize child labor that continue to exist, including within public institutions that are responsible for the comprehensive protection of children and adolescents. Continuous training and awareness-raising among public officials is therefore needed, especially given the high mobility of officials responsible for the issue.⁵⁰

Currently, the Ministry of Labor also aims to implement a Network of Companies for a Colombia Free of Child Labor, in coordination with the international community, other governmental agencies and the private sector. The objective is to encourage companies to refrain from employing children and adolescents, to stop the sale of products created with child labor, and to implement corporate social responsibility strategies to prevent child labor and raise awareness at the local level.⁵¹



Regional efforts



In Latin America, a strategic partnership between *Fundación Telefónica* and the ILO is helping to strengthen institutions and provide tools to disseminate good practices and knowledge. Now in its third phase, the *Proniño* Program is the largest initiative by a private company to contribute to the eradication of child labor in Latin America.⁵² In Colombia, this program is focused on education as a strategy to address child labor, with the use of new educational methodologies aimed at promoting autonomy and the capacity of children to make decisions, transform their lives and their environment.

The program is supported by various national NGOs that work on education, children and community empowerment issues. By helping improve institutional management, forming partnerships and carrying out massive awareness raising campaigns against child labor, the *Proniño* Program has supported the implementation of the government strategy for the eradication of child labor.⁵³



Global initiatives



The International Programme on the Elimination of Child Labour (IPEC) has played a key role in promoting international and national awareness of child labor as a major human rights and development issue. Created by the ILO in 1992, the overall goal of IPEC has been the progressive elimination of all child labor, to be achieved through strengthening the capacity of countries to deal with the problem and promoting a worldwide movement to combat child labor.⁵⁴

In 2006, six years after ILO Worst Forms of Child Labour Convention came into force, the ILO established the goal of the elimination of the worst forms of child labor by 2016, as an international priority. Intended to help build a new momentum for achieving this goal, *The Hague Roadmap on Achieving the Elimination of the Worst Forms of Child Labour by 2016* was adopted at the 2010 Hague Global Child Labour Conference.⁵⁵ The Roadmap draws attention to an urgent need to scale up and accelerate country-level actions, including national policy responses to child labor that are cross-sectoral and comprehensive, in order to address in an integrated manner the full range of reasons why children work.⁵⁶

As called for in the Roadmap, the first in the series of *World Reports on Child Labour* was published in 2013 on the topic of economic vulnerability, social protection and the fight against child labor. Since child labor is driven in part by household vulnerabilities associated with poverty, risk and shocks, the report argues that social security is critical to mitigating these vulnerabilities.⁵⁷

In October 2013, Brazil hosted the Third Global Conference on Child Labour to measure progress in implementation of the Roadmap and its objectives for 2016. The conference gathered together 1,600 delegates from 156 countries, resulting in the *Brasilia Declaration on Child Labour*.⁵⁸ The declaration highlights the need for a coherent and integrated approach to achievement of the sustained elimination of child labor by eradicating its socio-economic root causes.⁵⁹ There is a growing recognition of what needs to be done to sustainably eliminate child labor, and of the fact that the responsibility for this rests not only with governments but also with other actors, including workers' and employers' organizations, businesses and civil society.⁶⁰

It is important to keep in mind, however, that while the overall global rate of decline is accelerating, it is foreseen that meeting the 2016 target for the elimination of the worst

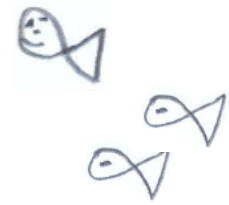
forms of child labor will require a substantial acceleration of efforts at all levels. According to the ILO and the Hague Roadmap, key priorities for accelerating action against child labor include:⁶¹

- Improving global and national statistical data
- Building the knowledge base, including through monitoring and evaluation
- Age and gender specific responses
- A continued focus on agriculture and a new focus on other sectors
- Multi-faceted policy responses and to eliminate the worst forms of child labor as a priority
- Strengthening policy coordination through appropriate inter-ministerial mechanisms
- Cross-sectoral national and sub-national action plans that reinforce action across all four broad policy areas of legislation, education, social protection and labor market policy
- International cooperation and partnerships





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