

Argentina

Government Policies and Programs to Eliminate the Worst Forms of Child Labor

The Government of Argentina has been a member of ILO-IPEC since 1996.¹²⁹ In August 2000, a National Commission for the Eradication of Child Labor (CONAETI) was established to evaluate and coordinate efforts to prevent and eradicate child labor with the participation of governmental and nongovernmental organizations and ILO-IPEC. Its activities include legal analysis, the compilation of child labor statistics, and the formation of inter-institutional agreements to initiate projects to prevent and combat child labor. The commission has carried out projects to eradicate child labor among garbage pickers and to prevent child labor through support for schooling and stable family income.¹³⁰ Currently, CONAETI is preparing a national child labor survey with technical assistance from ILO-IPEC's SIMPOC to collect data on working children.¹³¹ The Commission has also coordinated four sectoral agreements with labor organizations and businesses to examine and address child labor issues in the clothing, footwear, agriculture and construction industries. One such agreement in 2001 among CONAETI, the Rural Workers and Stevedores Union of Argentina and the Agrarian Federation of Argentina involved the implementation of programs to discourage exploitative child labor and to promote primary schooling in rural areas.¹³²

With support from ILO-IPEC, the Government of Argentina has engaged in activities to raise awareness on the issue of child labor, strengthen national child labor policies, promote legislative reform, and address child labor in the brick-making sector.¹³³ In 2002, Argentina became a participant in an ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay.¹³⁴

¹²⁹ ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited November 13, 2002]; available from http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*, November 14, 2001.

¹³⁰ ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha Pais: Argentina*, Lima, September 2002, [cited December 12, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichaargentina.doc>. The National Commission established a subcommission to conduct both qualitative and quantitative research and data-collection on child labor, consisting of representatives from the National Institute of Statistics and the Census (INDEC) and the Ministry of Labor, Employment and Social Security. See Ministry of Labor Employment and Social Security, *Trabajo Infantil: Acciones de la Comisión*, [online] June 18, 2002 [cited September 27, 2002]; available from <http://www.trabajo.gov.ar/unidades/trabajoinfantil/acciones.html>.

¹³¹ ILO-IPEC official, electronic communication to USDOL official, August 28, 2002. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹³² U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹³³ ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha Pais: Argentina*.

¹³⁴ The project was initiated in 2001 in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina will be provided by the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad del Este - Foz do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40.

The National Council for Children and Family, a government organization reporting to the Ministry of Social Development and Environment,¹³⁵ provides technical assistance to ensure that national commitments in regard to children are fulfilled across Argentina's provinces.¹³⁶ Together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, the National Council has developed an action plan for the elimination of child prostitution.¹³⁷

The government is also involved in regional efforts aimed at combating child labor. In 1997, Argentina was a party to the Declaration of Buenos Aires, in which the Mercosur countries (Argentina, Brazil, Paraguay, and Uruguay) and Chile agreed to promote the harmonization of regional laws related to child labor. In 1998, Argentina signed the Social Labor Declaration with the other members of Mercosur, in which signatories pledged to share information on child labor inspection procedures and statistics.¹³⁸ Argentina is also participating in a regional ILO-IPEC initiative to promote the involvement of labor unions in efforts to eradicate child labor.¹³⁹

The Argentine Government is working with international organizations to improve the education system for disadvantaged children and combat child labor. Provincial governments are working with UNICEF to raise awareness of the importance of education and promote family and community involvement in educational design; and provide alternative income opportunities for families of child laborers so they can attend school.¹⁴⁰ UNDP currently funds a program on social and labor problems that includes the eradication of child labor in Argentina as one of its goals.¹⁴¹ In 1997, the government received a loan from the Inter-American Development Bank (IDB) to implement programs assisting youth in low-income families, including the distribution of

¹³⁵ U.S. Department of State, *Country Reports on Human Rights Practices- 2001: Argentina*, Washington, D.C., March 4, 2002, 2577-81, Section 5 [cited December 12, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8278.htm>.

¹³⁶ UN Committee on the Rights of the Child, *Consideration of Reports Submitted by States Parties under Article 44 of the Convention*, CRC/C/70/Add.10, United Nations, Geneva, February 26, 2002, 47. For a list of such projects, see Ministry of Social Development, *Consejo Nacional de la Niñez, Adolescencia y Familia*, [online] [cited September 27, 2002]; available from <http://www.desarrollosocial.gov.ar/>.

¹³⁷ U.S. Department of State, *Country Reports- 2001: Argentina*, 2577-81, Section 5.

¹³⁸ ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 5 [cited December 12, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

¹³⁹ Susana Santomingo, "Una nueva alianza: IPEC y la coordinadora de Centrales sindicales del Cono Sur," *Encuentros*, October 2002, [cited December 12, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/portada/paraeldialogodos.html>.

¹⁴⁰ UNICEF, *UNICEF da inicio al programa 'Las Familias y las escuelas por la educación'*, [online] [cited August 2, 2002]; available from <http://www.unicef.org/argentina/>. See also UNICEF, *Erradicación del trabajo infantil*, [online] [cited August 2, 2002]; available from http://www.unicef.org/argentina/frameset.php3?strTitulo=UNICEF+Argentina&strNav=menu.php3&strMain=unicefarg_plancoop2.php3.

¹⁴¹ United Nations Development Programme, *Programa de Atención de Problemas Sociolaborales (Proyecto ARG/00/023)*, [online] [cited August 6, 2002]; available from http://www.undp.org.ar/scripts/zope.pcgi/PNUD/proyectos/UIDetallesDeUnProyecto?proyecto=ARG/00/023;_filtro=.

scholarships to reduce the dropout rate among 13 to 19 year olds.¹⁴² The IDB provided a loan to the government in 2001 aimed at supporting the provinces in improving the quality, equity and efficiency of the education system, thereby promoting increased future employment opportunities for young people from poor families.¹⁴³ Argentina has also received funding from the World Bank to reform secondary education both in Buenos Aires and in the provinces.¹⁴⁴

Incidence and Nature of Child Labor

In 2000, the ILO estimated that 2.4 percent of children ages 10 to 14 years in Argentina were working.¹⁴⁵ Children work in agriculture (tea and tobacco), trash recycling, sales, begging, and domestic labor.¹⁴⁶ The commercial sexual exploitation of children is a problem in Argentina.¹⁴⁷ There also have been reports of children being trafficked from rural to urban areas of Argentina and of children being trafficked from Latin American and Asian countries to Argentina for purposes including commercial sexual exploitation.¹⁴⁸ The Bolivian government is investigating the possible trafficking of Bolivian children through Argentina to Europe.¹⁴⁹

¹⁴² Youth at the UN, *Country Profiles on the Situation of Youth- Argentina*, United Nations, [online] [cited September 27, 2002]; available from <http://esa.un.org/socdev/unyin/country7.asp?countrycode=ar>.

¹⁴³ Inter-American Development Bank, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001, 1 [cited December 12, 2002]; available from <http://www.iadb.org/exr/doc98/apr/ar1345e.pdf>.

¹⁴⁴ World Bank, *Secondary Education Project (03) - Province of Buenos Aires*, [online] [cited August 6, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P050714>. See also World Bank, *Buenos Aires Secondary Education Reform Project (02)*, [online] [cited August 6, 2002]; available from <http://www4.worldbank.org/sprojects/Project.asp?pid=P064614>.

¹⁴⁵ World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002. Based on a 2000 government survey, ILO-IPEC estimates that 8.8 percent of 10 to 14 year olds work in Argentina. See ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional*, 7. Local NGOs put that estimate closer to 10 percent. See U.S. Department of State, *Country Reports- 2001: Argentina*, 2581-83, Section 6d. ILO-IPEC has indicated that the number of working children in Argentina increased between 1995 and 2000, and that similar increases between 1997 and 2002 may be related to the country's ongoing recession. See ILO-IPEC, *La OIT celebra el primer 'Día mundial contra el trabajo infantil'*, press release, Buenos Aires, June 11, 2002.

¹⁴⁶ ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional*, 7.

¹⁴⁷ U.S. Department of State, *Country Reports- 2001: Argentina*, 2577-81, Section 5. Children are reportedly engaged in prostitution, sex tourism and trafficking for sexual exploitation in Argentina. See Swedish International Development Agency, *Looking Back Thinking Forward: The Fourth Report on the Implementation of the Agenda for Action Adopted at the First World Congress Against Commercial Sexual Exploitation of Children in Stockholm, Sweden, 28 August 1996*, Stockholm, 2000, Section 4.3.

¹⁴⁸ There were also unconfirmed press reports in 2001 that Bolivian children sometimes were sold to sweatshops in Argentina. See U.S. Department of State, *Country Reports- 2001: Argentina*, 2581-83, Section 6f. See also Protection Project, "Argentina," in *Human Rights Report on Trafficking of Persons, Especially Women and Children* Washington, D.C., March 2002, 19 [cited December 26, 2002]; available from <http://www.protectionproject.org>.

¹⁴⁹ U.S. Department of State, *Country Reports- 2001: Argentina*, 2581-83, Section 6f.

Education is free¹⁵⁰ and compulsory in Argentina for a minimum of nine years, beginning at age six.¹⁵¹ In 1998, the gross primary enrollment rate was 119.7 percent, and the net primary enrollment rate was 106.8 percent.¹⁵² According to a government survey in 2001, 98.7 percent of children ages 6 to 12 attended school, and 97.5 percent of children ages 13 to 14 attended school.¹⁵³ In 1997, repetition rates for males were higher than those for females.¹⁵⁴

Child Labor Laws and Enforcement

The Law on Labor Contracts (No. 20.744) sets the minimum age for employment at 14 years, but children of legal working age are prohibited from entering employment if they have not completed compulsory education, which normally ends at 15 years.¹⁵⁵ Children who are under the age of 14 may work in businesses where only family members are employed, as long as the work is not dangerous to them.¹⁵⁶ Children between the ages of 14 and 18 are prohibited from working more than six hours a day and 36 hours a week, with certain exceptions for 16 to 18-year-olds, and must present medical certificates that attest to their ability to perform such work.¹⁵⁷ Children under the age of 18 are prohibited from working between the hours of 8 p.m. and 6 a.m. and from engaging in work that could endanger their safety, health or moral integrity.¹⁵⁸ The Constitution prohibits slavery.¹⁵⁹ The Penal Code prohibits the trafficking of children for prostitution.¹⁶⁰

¹⁵⁰ Government of Argentina, *Ley Federal de Educación*, No. 24.195, [cited December 12, 2002]; available from http://www.me.gov.ar/leyfederal/24195_vi.html. ¹⁵¹ U.S. Department of State, *Country Reports- 2001: Argentina*, 2577-81, Section 5.

¹⁵² Net enrollment rates greater than 100 percent indicate discrepancies between the estimates of school-age population and reported enrollment data. World Bank, *World Development Indicators 2002*.

¹⁵³ The data does not distinguish between gross and net attendance rates. See National Council for the Coordination of Social Politics, *Encuesta de Desarrollo Social*, [online] [cited July 17, 2002]; available from <http://www.siempro.gov.ar>.

¹⁵⁴ World Bank, *World Development Indicators 2002*.¹⁵⁵ See Ministry of Labor Employment and Social Security, *Normativa que regula el trabajo infantil*, [online] [cited July 18, 2002]; available from <http://www.trabajo.gov.ar/unidades/trabajoinfantil/normativa.html>. See also Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20,744, (May 13, 1976), Articles 189-95.

¹⁵⁶ See *Ley de Contrato de Trabajo*, Article 189.

¹⁵⁷ Children between ages 16 and 18 can work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. See *Ibid.*, Articles 190-92.

¹⁵⁸ *Ibid.*, Article 190. See also Articles 10 and 11 of the Ley No. 11.317 as cited in Ministry of Labor Employment and Social Security, *Normativa que regula el trabajo infantil*. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹⁵⁹ *Constitution of Argentina*, (1853), [cited December 12, 2002]; available from http://www.oefre.unibe.ch/law/icl/ar00000_.html.

¹⁶⁰ Article 127 of the Penal Code states, "A person who promotes or facilitates the entry into or exit from the country of a woman or minor for the purposes of prostitution shall be punished by detention or a prison term from three to six years." See Government of Argentina, *Código Penal*, Título III, Article 127 bis. [cited December 12, 2002]; available from <http://www.undp.org/rblac/gender/campaign-spanish/argentina.htm>.

In January of 2000, the government enacted a federal law that establishes a unified regime of sanctions for the infringement of labor laws, but child labor laws are still enforced on a provincial or local basis. Violators of underage employment laws can receive a fine of USD 1,000 to 5,000, but penalties are not consistent from province to province.¹⁶¹

The Government of Argentina ratified ILO Convention 138 on November 11, 1996 and ILO Convention 182 on February 5, 2001.¹⁶²

¹⁶¹ This law replaced provincial laws previously in effect. See U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

¹⁶² ILO, *Ratifications by Country*, ILOLEX, [database online] [cited September 27, 2002]; available from <http://ilolex.ilo.ch:1567/english/newratframeE.htm>.