

# Argentina

## Incidence and Nature of Child Labor

The Argentine Ministry of Labor, Employment, and Social Security estimated that 7.1 percent of children ages 5 to 14 were working in Argentina in 2000.<sup>227</sup> The labor force participation rates of children are slightly higher in rural than urban areas.<sup>228</sup> Children work in agriculture in such products as tobacco, herba mate,<sup>229</sup> flowers, tomatoes, strawberries, tea, and garlic.<sup>230</sup> In urban areas, children are engaged in trash collection, street sales, begging, shoe shining, domestic labor, in small and medium businesses, small scale garment production, food preparation, and brickwork.<sup>231</sup> Children in Argentina are involved in prostitution and sex tourism, and there are isolated reports of their involvement in pornography and drug trafficking.<sup>232</sup> Children are trafficked to Argentina from Bolivia, Brazil, and Paraguay for sexual exploitation and labor. Argentine children are trafficked from rural to urban areas of the country and there is some trafficking of children abroad, mainly into prostitution in Brazil and Paraguay.<sup>233</sup>

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<sup>227</sup> These estimates are projections based on a number of other government surveys, and include children who work outside the home or are paid tips, as well as children who regularly assist family or neighbors with work tasks. See Ministry of Labor, Employment, and Social Security, *Actualización diagnóstica del trabajo infantil en la Argentina*, IPEC, 2002, 146, 51; available from [http://www.conaeti.gov.ar/que\\_es/files/act\\_diag.pdf](http://www.conaeti.gov.ar/que_es/files/act_diag.pdf). Although published in 2002, the figures are based on data gathered in 2000. If estimates of the number of children engaged in domestic work (the majority in their own homes) are included, the figure increases to 22.2 percent. See National Directorate of Social Security Policy, *Child Labor in Argentina, First Advance Report on the Procedures and Analysis of Data From ECV/2001, SIEMPRO/INDEC*, January 2004.

<sup>228</sup> Ministry of Labor, Employment, and Security, *Actualización diagnóstica del trabajo infantil*, 151. The Government of Argentina reports that rates of child labor have gone down in rural areas, but have increased in urban areas. See CONAETI, *Trabajo infantil rural*, [online] 2003 [cited April 29, 2004]; available from [http://www.conaeti.gov.ar/que\\_es/rural.htm](http://www.conaeti.gov.ar/que_es/rural.htm). See also CONAETI, *Trabajo infantil urbano*, [online] 2003 [cited August 18, 2004]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/urbano.htm](http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm).

<sup>229</sup> A plant used in teas and other drinks.

<sup>230</sup> CONAETI, *Trabajo infantil rural*. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*, November 14, 2001. See also Government of Argentina, *Report filed with the ILO under Article 22 of the ILO Constitution for the period ending June 30, 2004*, Buenos Aires, August 12, 2004.

<sup>231</sup> See CONAETI, *Trabajo infantil urbano*. See also CONAETI, *Esquema del Proyecto y Presupuesto*, Buenos Aires, n.d., 1; available from [http://www.conaeti.gov.ar/actividades/files/pa\\_conaeti.rtf](http://www.conaeti.gov.ar/actividades/files/pa_conaeti.rtf). In 2004, 150 cases of child domestic labor, which is illegal in Argentina under the age of 14, were reported by the Buenos Aires schools to the Council of Child and Adolescent Rights. See U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*, August 4, 2004. See Section 2 of this country profile for information on minimum age of work for domestics in Argentina.

<sup>232</sup> CONAETI, *Trabajo infantil urbano*. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2003: Argentina*, Washington, D.C., February 25, 2004, Section 5, 6f; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27883.htm>. See also ECPAT International, *Argentina*, in ECPAT International, [online] n.d. [cited April 30, 2004]; available from [http://www.ecpat.net/eng/Ecpat\\_inter/projects/monitoring/online\\_database/index.asp](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp). According to a 2001 report from UNICEF, children engage in prostitution in a variety of venues, including massage parlors, brothels, and on the street. See UNICEF, *La niñez prostituida: Estudio sobre la explotación sexual comercial infantil en la Argentina*, Buenos Aires, October 2001, 35.

<sup>233</sup> Bolivians are trafficked to Argentina for forced labor, although the extent to which children are involved is not clear. See U.S. Department of State, *Trafficking in Persons Report*, Washington, DC, June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198pf.htm>. See also ECPAT International, *Argentina*.

Education is free and compulsory in Argentina for 10 years, beginning at age 5.<sup>234</sup> In 2001, the gross primary enrollment rate was 119.6 percent, and the net primary enrollment rate was 99.8 percent.<sup>235</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. According to a government survey in 2001, 92.0 percent of children age 5 attended school, 99.1 percent of children ages 6 to 12 attended school, and 97.2 percent of children ages 13 to 14 attended school. Attendance rates were lowest among children from low income households.<sup>236</sup> As of 2000, 93.1 percent of children who started primary school were likely to reach grade 5.<sup>237</sup> Access to schooling is limited in some rural areas of the country.<sup>238</sup>

## Child Labor Laws and Enforcement

The Law on Labor Contracts sets the minimum age for employment at 14 years.<sup>239</sup> Children ages 14 to 18 years are permitted to work if they have completed compulsory schooling, which normally ends at 14 years. Children who have not completed such schooling may obtain permission to work in cases in which their income is necessary for family survival, as long as they continue their studies.<sup>240</sup> Children ages 14 to 18 years must present medical certificates that attest to their ability to work.<sup>241</sup> Such children are prohibited from working more than 6 hours a day and 36 hours a week and between the hours of 8 p.m. and 6 a.m. They are also entitled to a minimum of 15 vacation days per year, and an accident or sickness that occurs during the performance of their work is generally considered to be the fault of the employer.<sup>242</sup>

The law also establishes circumstances in which children under 14 years are allowed to work. The Law on Labor Contracts allows children under 14 years to work in family businesses, as long as such work is not

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<sup>234</sup> This includes 1 year of pre-primary education, and 9 years of basic education. See Ley Federal de Educación, No. 24.195, (1993), Articles 10 and 39; available from <http://www.me.gov.ar/leyfederal/>.

<sup>235</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 2004. For a detailed explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

<sup>236</sup> System for Information, Monitoring, and Evaluation of Social Programs, Informe sobre la situación social de la infancia y la adolescencia, National Council for Coordination of Social Policies, Buenos Aires, January 2002; available from <http://www.siempro.gov.ar/informes/situacionsocial/estadistica2002/estadistica2002.htm>.

<sup>237</sup> World Bank, *World Development Indicators 2004*.

<sup>238</sup> U.S. Department of State, *Country Reports- 2003: Argentina*, Section 5.

<sup>239</sup> *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Article 187; available from <http://www.trabajo.gov.ar/legislacion/ley/index.html>. Argentina also has a law that specifically prohibits the employment of children less than 14 in domestic service. See CONAETI, *Legislación: Nacional*, [online] 2003 [cited April 29, 2004]; available from <http://www.conaeti.gov.ar/legislacion/nacional.htm>. The ILO's Committee of Experts has raised concerns about whether children who do not sign a formal labor contract are covered by the country's minimum age legislation. See CEACR, *Direct request, Minimum Age Convention, 1973 (No. 138) Argentina (ratification: 1996)*, Geneva, 2003; available from <http://webfusion.ilo.org>.

<sup>240</sup> The law states that the *ministerio pupilar*, or child's legal guardian, would provide such permission. See *Ley de Contrato de Trabajo*, Article 189. See also U.S. Embassy- Buenos Aires, email communication to USDOL official, January 24, 2005. In response to comments from the ILO's Committee of Experts, the Government of Argentina stated that this applies to children 14 years and older. See CEACR, *Direct request*.

<sup>241</sup> *Ley de Contrato de Trabajo*, Articles 188 and 89.

<sup>242</sup> Children between ages 16 and 18 years can work 8 hours a day and 48 hours a week if they obtain the permission of administrative authorities. Boys over 16 years may work at night in some cases. See *Ibid.*, Articles 190, 94 and 95.

hazardous, and the National Regulation on Farm Labor allows children under 14 years to work on family farms as long as such work does not interfere with the child's schooling.<sup>243</sup>

The Penal Code provides for imprisonment from 3 to 15 years for facilitating the prostitution of children. The publication and distribution of pornography, as well as participating or forcing another to participate in pornography, are crimes, and carry penalties including imprisonment ranging from 1 month to 4 years.<sup>244</sup> Under the 2003 Migration Law, penalties for trafficking of minors range from 5 to 20 years.<sup>245</sup> The law also prohibits indentured servitude.<sup>246</sup>

The Government of Argentina has a national regime of sanctions for the infringement of labor laws, including child labor laws, with fines ranging from USD 350 to USD 1,750 for each child employed. Provincial governments and the city government of Buenos Aires are responsible for labor law enforcement,<sup>247</sup> and in 1998 the provinces and the federal government entered into a "Federal Labor Pact" to harmonize regulations and penalties to ensure equal treatment throughout the country.<sup>248</sup> Most illegal child labor can be found in the informal sector, however, where inspectors have limited authority to enforce the law.<sup>249</sup> Argentina's Congress admitted in 2004 that the country lacks sufficient inspectors and programs to detect child labor and that there is a lack of sanctions against employers for exploiting children. In addition, the Inspection Monitoring Unit lacks support to rescue and remove exploited children.<sup>250</sup>

In late October and early November 2004, provincial police in Misiones and Entre Rios broke up a group of traffickers in the Misiones town of San Vicente. One of the traffickers arrested admitted that she had brought eight girls between the ages of 13 and 16 from the Puerto Iguazu area to San Vicente for commercial sexual exploitation. The girls said they had been held captive for over a year.<sup>251</sup> Lack of coordination, the absence of a clear mandate, police corruption, and lack of resources hamper government efforts to combat trafficking.<sup>252</sup>

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<sup>243</sup> Ibid., 189. See also *Régimen Nacional de Trabajo Agrario*, Ley No. 22.248, (April 25, 1996), Article 107; available from <http://www.conaeti.gov.ar/legislacion/nacional.htm>. The Government of Argentina has stated that, per section 112 of this law, children under 18 years are prohibited from hazardous work in agriculture, and thus work for children under 14 years should be considered "light work." The ILO's Committee of Experts has noted, however, that there is no provision in Argentine law to establish a minimum age for admission to light work. See CEACR, *Direct request*.

<sup>244</sup> See *Código Penal*, Título III, (1921), Articles 125 bis-29; available from [http://www.justiniano.com/codigos\\_juridicos/codigos\\_argentina.htm](http://www.justiniano.com/codigos_juridicos/codigos_argentina.htm).

<sup>245</sup> Ley 25.871/04, Section 121.

<sup>246</sup> U.S. Department of State, *Country Reports- 2003: Argentina*, Section 6f.

<sup>247</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*. See also U.S. Department of State, *Country Reports- 2003: Argentina*, Section 6d.

<sup>248</sup> *Ley Pacto Federal del Trabajo* 25.212

<sup>249</sup> See U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

<sup>250</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

<sup>251</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 507*, 2005.

<sup>252</sup> U.S. Department of State, *Trafficking in Persons Report*.

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

The Government of Argentina's National Commission for the Eradication of Child Labor (CONAETI) is working with ILO-IPEC to complete a national child labor survey, and in early 2004, announced plans to conduct an additional survey with a greater focus on urban child labor.<sup>253</sup> Under its National Plan for the Prevention and Elimination of Child Labor,<sup>254</sup> the government is carrying out awareness raising campaigns on child labor,<sup>255</sup> as well as collaborating with ILO-IPEC on a number of projects. The government is involved in the management of an ILO-IPEC project begun in 2002 to combat child labor in rural areas.<sup>256</sup> The Government of Argentina is also participating in a 4-year ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay<sup>257</sup> and a 2-year ILO-IPEC project to provide training on the issue of exploitive child labor to educators in Argentina.<sup>258</sup> The IDB also provided funding for a project to train labor inspectors to promote the prevention of child labor.<sup>259</sup>

Selected Child Labor Measures Adopted by Governments	
Ratified Convention 138 11/11/1996	✓
Ratified Convention 182 2/5/2001	✓
ILO-IPEC Member	✓
National Plan for Children	
National Child Labor Action Plan	✓
Sector Action Plan (Commercial Sexual Exploitation)	✓

The Government of Argentina, along with ILO-IPEC, the other MERCOSUR governments, and the Government of Chile, participated in the development of a 2002-2004 regional plan to combat child labor in which these governments agree to harmonize legislation on child labor, conduct awareness raising on the problem, and exchange best practices in the areas of labor inspection and statistics.<sup>260</sup> In April, the National Commission for the Eradication of Child Labor signed an agreement with a number of provincial

<sup>253</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

<sup>254</sup> CONAETI, *Plan Nacional para la prevención y erradicación del trabajo infantil*, Buenos Aires, October 31, 2002; available from [http://www.conaeti.gov.ar/actividades/files/plan\\_nacional\\_consensuado.doc](http://www.conaeti.gov.ar/actividades/files/plan_nacional_consensuado.doc).

<sup>255</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

<sup>256</sup> ILO-IPEC, *Los Proyectos IPEC en breve: Por una infancia rural sin trabajo infantil*, Lima, n.d.; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/ficha\\_pais.php?sector=agr&pais=arg&numero=1](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/ficha_pais.php?sector=agr&pais=arg&numero=1). See also CONAETI, *Programa Nacional para la prevención y erradicación del trabajo infantil rural*, Buenos Aires, November 2001; available from [http://www.conaeti.gov.ar/actividades/files/programa\\_nacional\\_rural.doc](http://www.conaeti.gov.ar/actividades/files/programa_nacional_rural.doc).

<sup>257</sup> The project was initiated in 2001 in Brazil and Paraguay with funding from USDOL. Funding to support the participation of the Government of Argentina is provided by the Government of Spain. The project aims, among other goals, to strengthen laws and build the capacity of local and national officials to combat commercial sexual exploitation of children. 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. See also ILO-IPEC, *Los Proyectos IPEC en breve: "Programa Luz de Infancia, para la Prevención y Erradicación de la Explotación Sexual Comercial Infantil"*, Lima, n.d.; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fic\\_sex\\_arg\\_1.pdf](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fic_sex_arg_1.pdf).

<sup>258</sup> ILO-IPEC, *Los Proyectos IPEC en breve: Actuemos contra el trabajo infantil a través de la capacitación y la educación*, Lima, n.d.; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fic\\_inst\\_arg\\_5.pdf](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/fichas/fic_inst_arg_5.pdf).

<sup>259</sup> Government of Argentina, *Report filed with the ILO under Article 22*.

<sup>260</sup> 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 2002-2004*, Lima, 2001, 5; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/documentos/folleto\\_mercosur\\_ultima\\_version.doc](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ippec/doc/documentos/folleto_mercosur_ultima_version.doc).

governments to create specialized provincial commissions against child labor, and MERCOSUR later agreed to support a campaign with the provinces. Concerns, however, have been raised that the resources to combat the problem and the extent of child labor vary from province to province.<sup>261</sup>

The National Council for Childhood, Adolescence, and Family (CONNAF), a federal government agency, works with local governments and NGOs to provide services for and protect the rights of children who have been sexually exploited or are at risk of exploitation.<sup>262</sup> In Buenos Aires, the government operates a network that conducts awareness campaigns and attempts to identify child victims of trafficking.<sup>263</sup> CONNAF also operates a national program to assist street children.<sup>264</sup>

The Ministry of Education provides scholarships and school meals to children at risk of leaving the school system.<sup>265</sup> CONAETI participates in planning and decision-making in regard to the provision of such scholarships.<sup>266</sup> In May, the Ministry of Human Development began a program that will provide scholarships of approximately USD 50 per month to enable 20,000 adolescents ages 14 to 21 years to attend school.<sup>267</sup> UNICEF is working with schools, teachers, and families to improve school quality and encourage school retention.<sup>268</sup> The IDB is providing financing to the Government of Argentina to support the provinces in improving the quality, equity and efficiency of the secondary education system, in order to promote increased future employment opportunities for young people from poor families.<sup>269</sup> The government is also receiving funding from the World Bank to reform the third cycle of basic education (grades seven to nine) in Buenos Aires Province. The reforms include the rehabilitation of school infrastructure, the expansion of the school day, and the improvement local school management.<sup>270</sup>

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<sup>261</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*.

<sup>262</sup> National Council for Childhood, Adolescence, and Family, *Programa Capacitación y Tratamiento Abuso Sexual Infantil*, [online] [cited April 30, 2004]; available from <http://www.cnmyf.gov.ar/web/inicio.htm>. See also Maria Orsenigo, "Argentina: Informe del Consejo Nacional de Niñez, Adolescencia y Familia" (paper presented at the Congreso Gubernamental Regional sobre Explotación Sexual Infantil, n.d.), 61, 63. A hotline for reporting incidents of child prostitution has been established in Buenos Aires. See also U.S. Department of State, *Country Reports- 2003: Argentina*, Section 5.

<sup>263</sup> U.S. Department of State, *Trafficking in Persons Report*.

<sup>264</sup> National Council for Childhood, Adolescence, and Family, *Programa: Chicos de la Calle – Operadores socio-familiares*, [online] [cited April 30, 2004]; available from <http://www.cnmyf.gov.ar/web/inicio.htm>.

<sup>265</sup> Bureau of Education, Science, and Technology, *Programa Nacional de Becas Estudiantiles*, [online] [cited April 30, 2004]; available from <http://www.me.gov.ar/dnpc/areasybecas.html>. See also Bureau of Education, Science, and Technology, *Proyecto de Mejoramiento de los servicios alimentarios*, [online] [cited April 30, 2004]; available from <http://www.me.gov.ar/dnpc/areasycomedores.htm>.

<sup>266</sup> Government of Argentina, *Report filed with the ILO under Article 22*.

<sup>267</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 2228*. The scholarships are 150 pesos per month; converted at rate of 1 USD = 2.96500 Argentine Pesos as of October 13, 2004. For more information, see <http://www.oanda.com/convert/classic>.

<sup>268</sup> UNICEF, *Educación*, [online] [cited April 29, 2004]; available from <http://www.unicef.org/argentina/>. UNICEF has expressed concerns that although the government has initiated programs to assist children affected by the country's recession, benefits are not reaching families, at least not in a timely fashion.

<sup>269</sup> Inter-American Development Bank, *Education System Improvement Program: Executive Summary*, AR-0176, Washington, D.C., September 2001; available from <http://www.iadb.org/exr/doc98/apr/ar1345e.pdf>.

<sup>270</sup> The current project runs until 2006. See World Bank, *Buenos Aires Second Secondary Education Reform Project (02)*, [online] April 29, 2004 [cited April 29, 2004]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P064614>.