

Argentina

MODERATE ADVANCEMENT

In 2013, Argentina made a moderate advancement in efforts to eliminate the worst forms of child labor. The Government enacted the Child Labor Law, which amends the Penal Code to penalize the economic exploitation of children with 1 to 4 years of prison. The Government also ratified the ILO Convention on Domestic Workers and enacted the Special Code on Contracting Domestic Workers, a law which prohibits children under the age of 16 from domestic work, and prohibits children between the ages of 16 and 18 from residing where they work. In addition, the Government continued to implement its National Plan to Combat Child Labor (2011-2015), and to administer social programs that expand educational opportunities for children. However, children in Argentina continue to engage in child labor in agriculture and the worst forms of child labor in commercial sexual exploitation. Argentina has not adopted a list of hazardous occupations that are prohibited to children, and appears to lack programs that target working children in all relevant sectors.



I. PREVALENCE AND SECTORAL DISTRIBUTION OF CHILD LABOR

Children in Argentina are engaged in child labor in agriculture and in the worst forms of child labor in commercial sexual exploitation. (1-8) Table 1 provides key indicators on children's work and education in Argentina.

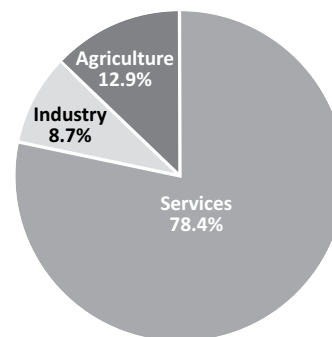
Table 1. Statistics on Children's Work and Education

| Children | Age | Percent |
|-------------------------------|-----------|----------------|
| Working (% and population) | 5-14 yrs. | 11.0 (366,235) |
| Attending School (%) | 5-14 yrs. | 97.2 |
| Combining Work and School (%) | 7-14 yrs. | 12.3 |
| Primary Completion Rate (%) | | 109.3 |

Source for primary completion rate: Data from 2011, published by UNESCO Institute for Statistics, 2014.(9)

Source for all other data: Understanding Children's Work Project's analysis of statistics from Encuesta sobre Actividades de Niños, Niñas y Adolescentes Survey, 2004.(10)

Figure 1. Working Children by Sector, Ages 5-14



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

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

| Sector/Industry | Activity |
|-----------------|--|
| Agriculture | Harvesting bell peppers,* blueberries, carrots,* corn,* cotton, garlic, grapes, olives, onions,* potatoes,* strawberries, and tomatoes (3, 7, 11-19) |
| | Harvesting yerba mate (1, 4, 20, 21) |
| | Harvesting tobacco (7, 22, 23) |
| Industry | Production of garments (24, 25) |
| | Production of bricks (14, 26, 27) |
| | Mining* (7) |
| Services | Construction, activities unknown (7, 14, 28) |
| | Street begging and performing, windshield-washing, automobile caretaking (14, 29, 30) |
| | Refuse collection, recycling, and garbage scavenging (14, 29-32) |
| | Domestic service (7, 29, 30, 33) |
| | Manufacturing, activities unknown* (34) |
| | Transporting goods* (18) |

Table 2. Overview of Children’s Work by Sector and Activity (cont)

| Sector/Industry | Activity |
|---|--|
| Categorical Worst Forms of Child Labor‡ | Commercial sexual exploitation sometimes as a result of human trafficking (6, 7, 29, 30, 35, 36) |
| | Forced labor in the production of garments (37-39) |
| | Used in the production of pornography* (5) |

* Evidence of this activity is limited and/or the extent of the problem is unknown.

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




Children of Bolivian immigrants are engaged in child labor in agriculture and in the transportation of goods, as well as in forced child labor in the production of garments.(3, 15, 18, 39) Reports also indicate that Paraguayan children are trafficked to Argentina for the purpose of commercial sexual exploitation.(6, 36, 40)

In 2012, the Government of Argentina began incorporating a national child labor survey into the Permanent Survey of Households. However, the survey does not fully encompass rural areas, leaving the prevalence of child labor in agricultural activities unknown.(32, 41) Preliminary results of the 2012 survey, which were released in 2013, indicated a decrease in child labor. However, the full results have not been made publicly available.(32)

II. Legal Framework on the Worst Forms of Child Labor

Argentina 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 | ✓ |

In 2013, the Government ratified ILO Convention 189 Concerning Decent Work for Domestic Workers. Convention 189 requires signatories to specify a minimum age of employment for domestic workers, as well as ensure that work performed by domestic workers who are under the age of 18 and above the minimum age does not deprive them of compulsory education, or interfere with opportunities to participate in further education or vocational training.(42)

The Government has established relevant laws and regulations related to child labor, including its worst forms (Table 4).

Table 4. Laws and Regulations Related to Child Labor

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| Minimum Age for Work | Yes | 16 | Prohibition of Child Labor and the Protection of Adolescent Work Law (26.390); Child Labor Law (26.847); Child and Adolescent Rights Protection Law (26.061); Special Code on Contracting Domestic Workers (26.844) (43-46) |
| Minimum Age for Hazardous Work | Yes | 18 | Prohibition of Child Labor and the Protection of Adolescent Work Law (26.390) (43) |
| List of Hazardous Occupations Prohibited for Children | No | | |

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Table 4. Laws and Regulations Related to Child Labor (cont)

| Standard | Yes/No | Age | Related Legislation |
|---|--------|-----|---|
| Prohibition of Forced Labor | Yes | | Penal Code (Law 11.179); Prevention of and Sanction against Trafficking in Persons and Assistance to Victims Law (26.364); Modifications to Prevention of and Sanction against Trafficking in Persons and Assistance to Victims Law (26.842) (47-49) |
| Prohibition of Child Trafficking | Yes | | Prevention of and Sanction against Trafficking in Persons and Assistance to Victims Law (26.364); Modifications to Prevention of and Sanction against Trafficking in Persons and Assistance to Victims Law (26.842); Child and Adolescent Rights Protection Law (26.061) (45, 48, 49) |
| Prohibition of Commercial Sexual Exploitation of Children | Yes | | Crimes Against Sexual Integrity Law (25.087); Modifications to Prevention of and Sanction against Trafficking in Persons and Assistance to Victims Law (26.842); Penal Code (26.388) (49-51) |
| Prohibition of Using Children in Illicit Activities | Yes | | Possession and Trafficking of Drugs Law (23.737) (52) |
| Minimum Age for Compulsory Military Recruitment | N/A* | | |
| Minimum Age for Voluntary Military Service | Yes | 18 | Voluntary Military Service Law (24.429) (53) |
| Compulsory Education Age | Yes | 18 | National Education Law (26.206) (54) |
| Free Public Education | Yes | | Child and Adolescent Rights Protection Law (26.061) (45) |

* No conscription or no standing military.

During the reporting period, the Government of Argentina enacted the Special Code on Contracting Domestic Workers (26.844). In addition to regulating the employment of domestic workers in private homes generally, this law specifically prohibits children under age 16 from working in the sector.(46, 55) It also prohibits those between the ages of 16 and 18 from doing such work if they have not finished their secondary education, and prohibits them from residing in the homes in which they work.(46) Also during the reporting period, the Government enacted the Child Labor Law (26.847). This addition to Argentina’s Penal Code penalizes the economic exploitation of children with 1 to 4 years of prison.(44, 55)

Argentina has not adopted a comprehensive list of hazardous occupations prohibited for children.(36) Article 9 of the Prohibition of Child Labor and the Protection of Adolescent Work Law (26.390) prohibits children ages 16 to 18 from working between the hours of 8 p.m. and 6 a.m.(43) However, with regard to certain manufacturing jobs, Article 9 authorizes children ages 16 to 18 to work until 10 p.m.(43) This provision may expose children to risks related to night work. Article 2 of Law 26.388 of the Penal Code prohibits the use of children in pornographic shows and in the production, publication, and distribution of child pornography.(51) However, Law 26.388 does not criminalize the possession of child pornography for personal use.(28)

III. Enforcement of Laws on the Worst Forms of Child Labor

The Government has established institutional mechanisms for the enforcement of laws and regulations on child labor, including its worst forms (Table 5).

Table 5. Agencies Responsible for Child Labor Law Enforcement

| Organization/Agency | Role |
|--|---|
| Ministry of Labor, Employment, and Social Security (MTESS) | Enforce child labor laws, in part through its Coordinating Body for the Prevention of Child Labor and the Regulation of Adolescent Work, a body which trains and deploys inspectors of child labor and adolescent work. Oversee the Commission for the Eradication of Child Labor(CONAETI).(29, 56) |
| Ministry of Justice and Human Rights | Maintain a Tribunal for disputes in domestic service work and hotlines for reporting cases of child labor and forced labor.(57) |
| Office for the Rescue and Caring of Victims of Trafficking | Provide legal and other assistance to victims of trafficking for forced labor or commercial sexual exploitation, including child victims. Part of the Ministry of Justice and Human Rights.(30, 58, 59) |

Table 5. Agencies Responsible for Child Labor Law Enforcement (cont)

| Organization/Agency | Role |
|--|--|
| Ministry of the Public Prosecutor's Anti-Trafficking Division (PROTEX) | Prosecute crimes of trafficking in persons for labor and commercial sexual exploitation; instruct federal personnel in the investigation of trafficking; and design criminal policy in trafficking. Replaces the Specialized Office for the Investigation of Kidnapping and Trafficking in Persons (UFASE).(60-63) |
| National Immigration Directorate | Direct the National Immigration Police; oversee the rights of migrants; and assist in investigating cases of international trafficking.(15, 64) |
| Federal Police | Conduct trafficking investigations through its Trafficking in Persons Division.(25) |
| Federal Administration of Public Revenue (AFIP) | Ensure employer compliance with national laws; assist in workplace and labor-related inspections; and initiate prosecutions of labor violations through the Penal Section of its Social Security Directorate.(25, 65, 66) |

Law enforcement agencies in Argentina took actions to combat child labor, including its worst forms.

Labor Law Enforcement

In 2013, the Ministry of Labor, Employment, and Social Security (MTESS) employed 547 labor inspectors.(67) While some information on specific inspections is publicly available, a comprehensive count of inspections carried out in 2013 is not publicly available.(68) Moreover, comprehensive information on the particular sectors in which these inspections were carried out, as well as on any sanctions imposed as a result of them, is not publicly available. It is not known whether inspectors received training during the reporting period.

Criminal Law Enforcement

While the Ministry of the Public Prosecutor's Anti-Trafficking Division (PROTEX) has published a report on labor trafficking that includes information on investigations and prosecutions, the report does not disaggregate child labor investigations and prosecutions by year, making these numbers for the reporting period unknown.(63)

IV. Coordination of Government Efforts on the Worst Forms of Child Labor

The Government has established mechanisms to coordinate its efforts to address child labor, including its worst forms (Table 6).

Table 6. Mechanisms to Coordinate Government Efforts on Child Labor

| Coordinating Body | Role & Description |
|--|---|
| National Commission for the Eradication of Child Labor (CONAETI) | Coordinate efforts to monitor and eradicate child labor at the national level and implement Argentina's National Plan for the Prevention and Eradication of Child Labor.(29, 69-72) Comprised of the Ministry of Labor, Employment, and Social Security; the Ministry of Social Development; the Ministry of Justice and Human Rights; the Ministry of Security; the Ministry of the Interior; and the Ministry of Health. Includes representatives from the Argentine Industrial Union, the General Confederation of Labor, and the National Secretariat of the Argentine Episcopal Conference are also members.(29) UNICEF and IPEC also provide advisors. Overseen by the Ministry of Labor.(29) |
| Provincial Commissions for the Prevention and Eradication of Child Labor (COPRETI) | Coordinate efforts, with oversight by CONAETI, to prevent and eradicate child labor at the provincial level.(29, 70, 73). Comprised of representatives of governmental and non-governmental institutions, labor unions, and religious institutions. There are 23 provincial commissions.(29, 70, 73) |
| National Secretariat for Childhood, Adolescence, and Family (SENNAF) | Establish, through its Childhood and Adolescence Protectorate, public policies that secure rights of children and adolescents; coordinates efforts with other Ministries and entities of civil society; based within the Ministry of Social Development.(74) |
| Federal Council for Childhood, Adolescence, and Family | Uphold rights of children and adolescents; deliberate on, assess, and plan public policies on child and adolescent rights; and secure the transfer of federal monies to fund provincial programs. Composed of representatives from national and provincial agencies that coordinate with the SENNAF and formed through the Ministry of Social Development.(75, 76) |
| Child and Adolescent Labor Monitoring Office (OTIA) | Conduct qualitative and quantitative research on child and adolescent labor to provide policy analysis and inform programming to eradicate child labor and regulate adolescent labor. Created through the Undersecretariat of Technical Programming and Labor Studies of the Ministry of Labor.(70, 77) |
| Coordinating Unit for Children and Adolescents in Danger of Commercial Sexual Exploitation | Provide guidance to relevant institutions and run workshops and research programs regarding commercial sexual exploitation, as well as assist children, adolescents, and their families. Formed within the Ministry of Justice and Human Rights.(78) |

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Table 6. Mechanisms to Coordinate Government Efforts on Child Labor (cont)

| Coordinating Body | Role & Description |
|---|--|
| Network of Businesses Against Child Labor | Develop initiatives to sensitize stakeholders to issues of child labor and programs to prevent and eradicate child labor. Developed through a partnership between the Ministry of Labor, CONAETI, and the businesses that comprise it.(69, 79) |
| Council for the Rights of Children and Adolescents (CDNNyA) | Develop programs and policies on child labor and the sexual exploitation of children for the City of Buenos Aires.(29, 35) |

As part of its coordinating and reporting efforts, the Child and Adolescent Labor Monitoring Office (OTIA) reported that, in November 2013, the MTESS met with the Brick Workers Union (UOLRA) to discuss the Union’s efforts to protect adolescent work and eradicate child labor in brick production.(32) The OTIA also reported that, in July 2013, an International Seminar convened various stakeholders to discuss inequalities among children in urban sectors. Participants included the Research Center for Urban Social Policy at the National University of Tres de Febrero, UNICEF, and the Arcor Foundation.(32)

V. Government Policies on the Worst Forms of Child Labor

The Government of Argentina has established policies related to child labor, including its worst forms (Table 7).

Table 7. Policies Related to Child Labor

| Policy | Description |
|---|--|
| National Plan for the Prevention and Eradication of Child Labor and the Regulation of Adolescent Work (2011-2015) | Calls for actions to address child labor and regulate adolescent work, including awareness-raising, inter-institutional collaboration, stronger inspection mechanisms, and programming in rural and urban settings. Implemented by CONAETI and seeks to mainstream child labor issues into labor and health policies.(71, 80, 81) |
| National Action Plan for the Rights of Children and Adolescents (2012-2015) | Promotes dignity and rights of children and adolescents in Argentina. Objectives include preventing and eliminating child labor, including its worst forms.(82) |
| Third Program for Decent Work for Argentina (2012-2015) | Pursues a decent work and social wellbeing agenda in the context of Argentina’s Millennium Development Goals (2003-2015) and in consultation with the ILO. Social and economic objectives include the prevention and eradication of child labor.(32, 83) |
| MERCOSUR United Against Child Labor Campaign | Develops public awareness about the need to combat child labor in MERCOSUR. Addresses child labor in agriculture, domestic work, and sexual exploitation, with particular emphasis on communities along country borders.(84) |
| Second Presidential Declaration on the Prevention and Eradication of Child Labor in MERCOSUR (2012) | Promotes greater articulation between governmental agencies, levels of government, and with civil society among MERCOSUR members.(83) |
| MERCOSUR Southern Child Initiative | Aims to defend the rights of children and adolescents in the region by raising awareness and seeking coordination among members states regarding the commercial sexual exploitation of children, child trafficking and pornography, child labor, and migrant labor; by improving country legal frameworks to harmonize them with international conventions affecting children; and by exchanging best practices.(85) |
| Regional Plan for Adolescent Work (2011) | Promotes decent work for adolescent workers. Articulated within MERCOSUR’s Strategy for Employment Growth.(83) |

In November 2013, the Government participated in the XVIII Inter-American Conference of Ministers of Labor to foster continued dialogue and cooperation on labor issues throughout the Americas. The joint declaration of the Conference promotes social dialogue to address child labor and reaffirms country participants’ commitment to work with civil society organizations to advance efforts toward the eradication of child labor.(86)

VI. Social Programs to Address the Worst Forms of Child Labor

In 2013, the Government of Argentina funded and participated in programs that include the goal of eliminating or preventing child labor, including its worst forms (Table 8).

Table 8. Social Programs to Address Child Labor

| Program | Description |
|---|---|
| Universal Child Allowance Program (Asignación Universal)*‡ | Government of Argentina program funded in part by the World Bank that provides a monthly cash transfer to unemployed parents and workers in the informal economy contingent upon parents' fulfillment of health and education requirements for their children.(32, 87, 88) Created in 2009 and expanded in 2011 to include pregnant women. Currently covers 3.5 million children under the age of 18.(32) |
| CONAETI Awareness-Raising Campaigns | CONAETI/Network of Businesses Against Child Labor campaigns that make businesses and the general public aware of child labor in sourcing and supply chains.(79) |
| Harvest Day Care and Future Programs (Jardines de Cosecha y Porvenir) | CORPRETI/Network of Businesses against Child Labor coordinated programs that aim to reduce child labor in crops, such as tobacco and blueberries, where labor is often performed by entire families. Children are placed in day care centers that have educational and recreational programming.(11, 89-93) |
| Heads of Household Program (Programa Jefes de Hogar)*‡ | Ministry of Labor program that seeks to improve the employability of families who have experienced economic hardship.(94) |
| UNICEF Argentina's Program for the Protection of Children's Rights | Works to protect children from child labor, commercial sexual exploitation, violence, and abuse. Fosters the development of protection systems and dialogue between civil society and local, provincial, and federal state agencies. Priority areas for 2011-2014 concern indigenous and immigrant children and the urban poor.(95) |
| Regional Action Group for the Americas (Grupo de Acción Regional para las Américas) | Conducts prevention and awareness-raising campaigns that combat the commercial sexual exploitation of children in Latin America. Members include Argentina, Bolivia, Brazil, Chile, Colombia, Paraguay, Peru, Suriname, Uruguay, and Venezuela.(96-98). |
| Elimination of Child Labor in Latin America (Phase 4) | \$4.5 million Government of Spain-funded, 4-year project implemented by ILO-IPEC to combat child labor in 19 countries, including Argentina.(99) |
| Education and Monitoring Program for the Eradication of Child Labor | \$1.3 million Government of Spain-funded, 2-year project implemented by ILO-IPEC that aims to strengthen public policies and government capacity to combat child labor in 19 countries in Latin America, including Argentina. Includes the objective of developing information systems on the worst forms of child labor.(99) |

* The impact of this program on child labor does not appear to have been studied.

‡ Program is funded by the Government of Argentina.

During the reporting period, Argentina continued to implement social programs designed to combat child labor. However, programs that address child labor in agriculture do not address the scope of the problem in the sector, and research did not find programs that specifically targeted children working in urban activities such as refuse collection or street begging and performing.

VII. Suggested Government Actions to Eliminate the Worst Forms of Child Labor

Based on the reporting above, suggested actions are identified that would advance the elimination of child labor, including its worst forms, in Argentina (Table 9).

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms

| Area | Suggested Action | Year(s) Suggested |
|-----------------|---|-------------------|
| Laws | Create a list of hazardous occupations prohibited for children. | 2009 – 2013 |
| | Expand the prohibition on night work to children ages 16 to 18 who work in manufacturing. | 2011 – 2013 |
| | Criminalize the possession of child pornography. | 2009 – 2013 |
| Enforcement | Make information publicly available on numbers of labor inspections, the sectors in which inspections are carried out, the sanctions imposed as a result, and labor inspectorate training related to child labor. | 2009 – 2013 |
| | Make information publicly available on the numbers of criminal investigations and prosecutions of child labor-related crimes. | 2013 |
| Social Programs | Fully incorporate rural areas into the Permanent Survey of Households and make findings on child labor publicly available. | 2013 |
| | Assess the impact that social programs, especially the cash transfer programs, may have on reducing the worst forms of child labor. | 2010 – 2013 |

Table 9. Suggested Government Actions to Eliminate Child Labor, Including its Worst Forms (cont)

| Area | Suggested Action | Year(s) Suggested |
|-----------------|--|-------------------|
| Social Programs | Expand programs that target child labor in agricultural activities. | 2012 – 2013 |
| | Develop specific programs that target child labor in informal urban activities such as refuse collection or street begging and performing. | 2009 – 2013 |

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