

# 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. In August 2000, a National Commission for the Eradication of Child Labor (CONAETI) was established to initiate research and data collection on child labor and to initiate a national awareness campaign aimed at children who leave school early to work.<sup>64</sup> Currently, CONAETI is planning a national child labor survey with technical assistance from ILO-IPEC's SIMPOC to collect data on working children. The Commission has also created a website on child labor and coordinated four sectoral agreements with labor organizations and businesses to examine and address child labor issues in the clothing, footwear, agriculture and construction industries.<sup>65</sup> The National Council for Minors and Family, a government organization reporting to the Ministry of Social Development and Environment, developed an Action Plan, together with the Attorney General, the Ministry of Justice and Human Rights, the National Council of Women, and UNICEF, for the elimination of child prostitution.<sup>66</sup>

The Ministry of Culture and Education is working to improve the education system for disadvantaged children. In 1997, the government received a loan from the Inter-American Development Bank to implement programs assisting youth in low-income families, including the distribution of scholarships to reduce the dropout rate among 13 to 19 year olds.<sup>67</sup>

## Incidence and Nature of Child Labor

In 1999, the ILO estimated that 2.8 percent of children between the ages of 10 and 14 years in Argentina were working.<sup>68</sup> In 1995, 73 percent of working children were found in urban

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<sup>64</sup> The Argentine Government is concerned by the lack of reliable qualitative and quantitative information available on child labor. To address this problem, the National Commission established a subcommission for research and data-collection, consisting of representatives from the government, organized labor, the business community, religious groups, UNICEF, and NGOs. See Government of Argentina, Ministry of Labor, "NO al Trabajo Infantil," at <http://www.trabajo.gov.ar/institucional/trabajoinfantil/index.html>.

<sup>65</sup> U.S. Embassy— Buenos Aires, unclassified telegram no. 4240, November 2001 [hereinafter unclassified telegram 4240].

<sup>66</sup> *Country Reports on Human Rights Practices for 2000—Argentina* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 5, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=690>.

<sup>67</sup> The Inter-American Development Bank provided a USD 370 million loan in 1997 to support Government of Argentine efforts to support youth in low-income families. See Youth at the UN, *Country Profiles on the Situation of Youth—Argentina*, at <http://esa.un.org/socdev/unyin/country7.asp?countrycode=ar> on 9/28/01.

<sup>68</sup> *World Development Indicators 2001* (Washington D.C.: World Bank, 2001) [hereinafter *World Development Indicators 2001*] [CD-ROM].

areas, 27 percent in rural areas.<sup>69</sup> Children work in agriculture, the informal service industry, the commercial sex industry, and in the household.<sup>70</sup> The sexual exploitation of children is reportedly widespread.<sup>71</sup> There were also reports of children being trafficked from rural to urban areas of the country.<sup>72</sup> Argentine women and children are trafficked to countries throughout Europe. Argentina also receives trafficked children from Latin American countries.<sup>73</sup>

Education is free and compulsory in Argentina for a minimum of nine years, beginning at age 6.<sup>74</sup> In 1997, the gross primary enrollment rate was 110.7 percent, and in 1991, the net primary enrollment rate was 95.7 percent.<sup>75</sup> Reportedly, the majority of child workers drop out of primary school.<sup>76</sup> Primary school attendance rates are unavailable for Argentina. While enrollment rates indicate a level of commitment to education, they do not always reflect children's participation in school.<sup>77</sup>

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<sup>69</sup> Government census figures indicate that about 5 percent of children between ages 6 and 14 are employed. Local NGOs put that estimate closer to 10 percent. See Ministerio de Trabajo, Empleo y Formacion de Recursos Humanos, Secretaria de Trabajo, "Estadísticas Nacionales" [hereinafter "Estadísticas Nacionales"], at [http://www.trabajo.gov.ar/trabajo/menores/estadisticas\\_nacion.html](http://www.trabajo.gov.ar/trabajo/menores/estadisticas_nacion.html). See also *Country Reports 2000* at Section 6d.

<sup>70</sup> Specifically, children have been found in agriculture, helping with the harvests of cotton, tea, tobacco, fruit, and other products; working at home or in small family establishments; and working in the informal commercial and service sectors. According to a UNICEF study in the early 1990s, three out of four urban child laborers work in the informal sector of the economy. In addition, in rural areas, "naturalization" of child laborers occurs, which refers to the culturally accepted practice of allowing and encouraging children, when they are as young as 4 or 5 years old, to begin performing domestic work with family member. See *Country Reports 2000* at Section 6d. See also "Estadísticas Nacionales."

<sup>71</sup> *Country Reports 2000* at Section 6d.

<sup>72</sup> *Ibid.* at Sections 5 and 6f.

<sup>73</sup> According to The Protection Project, Paraguayan authorities uncovered a trafficking ring that sent Paraguayan women and young girls to Buenos Aires, under the guise of working as domestic servants, and then forced them into prostitution. In one prominent case, two girls escaped from an Argentine brothel in April 2000 and returned to their homes. The Paraguayan authorities charged a number of Paraguayans with involvement in the case; however, at year's end, none had been convicted. An Argentine television station also conducted an investigation of prostitutes working in greater Buenos Aires and reported a number of undocumented Paraguayan women and girls working in slave-like conditions, offering their services as prostitutes in exchange for their clothing, room, and board. There were also unconfirmed press reports that Bolivian children sometimes were sold to sweatshops in Argentina. See *Country Reports 2000* at Section 6f. See also The Protection Project Database at <http://www.protectionproject.org>.

<sup>74</sup> Federal Law of Education 1993, as cited in unclassified telegram 4240. See also *Country Reports 2000* at Section 5.

<sup>75</sup> For gross enrollment figures, see *World Development Indicators 2001*. For the enrollment figures, see UNESCO, *Education for All: Year 2000 Assessment* (Paris, 2000) [CD-ROM].

<sup>76</sup> "En la Argentina hay casi 500,000 chicos que trabajan," *La Nacion Line*, July 30, 2001, at [http://www.lanacion.com.ar/01/07/30/de\\_323703](http://www.lanacion.com.ar/01/07/30/de_323703) on 7/31/01.

<sup>77</sup> For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

## 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.<sup>78</sup> 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, harmful or detrimental to them.<sup>79</sup> 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.<sup>80</sup> 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.<sup>81</sup> The Constitution prohibits slavery.<sup>82</sup> Argentine laws against child abuse criminalize the trafficking of children for prostitution.<sup>83</sup>

In January of 2000, the government enacted a federal law that establishes a unified regime of sanctions for the infringement of labor laws. Child labor laws are still enforced on a provincial or local basis, however. 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.<sup>84</sup> Argentina ratified ILO Convention 138 on November 11, 1996 and ILO Convention 182 on February 5, 2001.<sup>85</sup>

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<sup>78</sup> The law states that children can work at age 14 if they have completed compulsory education. Since compulsory education normally ends at age 15, the minimum age for employment is, in effect, 15. *See* Ministry of Labor, Employment and Human Resources Training, “Cuales Son Las Normas Que Regulan el Trabajo de Niños,” at <http://www.trabajo.gov.ar/documentacion/legislacion/index.html>. *See also* Ministry of Labor, Employment and Human Resources Training, “Legislación Laboral—Ley de Contrato de Trabajo,” Articles 187-195, 32 [hereinafter “Ley de Contrato de Trabajo”], at <http://www.trabajo.gov.ar/documentacion/legislacion/index.html>.

<sup>79</sup> In 1993, the Federal Education Law set the compulsory education at age 9. The government is currently considering a law that would raise the minimum age for employment to 15, making it consistent with the Federal Education Law. *See* “Ley de Contrato de Trabajo” at Articles 187-195, 32.

<sup>80</sup> 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* “Ley de Contrato de Trabajo” at Articles 187-195, 32.

<sup>81</sup> “Ley de Contrato de Trabajo” at Articles 187-195, 32. *See also* unclassified telegram 4240.

<sup>82</sup> Constitution of Argentina, Section 15, at [http://www.uni-wuerzburg.de/law/ar00000\\_.html](http://www.uni-wuerzburg.de/law/ar00000_.html).

<sup>83</sup> Article 127 of the Penal Code states, “A person who procures 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.” In addition, other laws prohibit alien smuggling, indentured servitude, and similar abuses. *See* UN Committee on the Elimination of Discrimination Against Women, *Consideration of Reports Submitted by States Parties Under Article 18 of the Convention: Second Periodic Report of States Parties, Argentina*, CEDAW/C/ARG/2, September 21, 1992.

<sup>84</sup> This law replaced provincial laws previously in effect. *See* unclassified telegram 4240.

<sup>85</sup> ILOLEX database: Argentina at <http://ilolex.ilo.ch:1567/english/> on 9/28/01.