

# 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.<sup>186</sup> The National Commission for the Eradication of Child Labor (CONAETI) was established in August 2000 to evaluate and coordinate efforts to prevent and eradicate child labor,<sup>187</sup> and in 2002, CONAETI established a National Plan for the Prevention and Elimination of Child Labor.<sup>188</sup> In 2000-2001, the National Council for Childhood, Adolescence, and Family (CONNAF), a federal government agency, conducted awareness raising activities on the rights of children and sexual abuse of children, and provided training to government officials on issues such as commercial sexual exploitation of children.<sup>189</sup> Since that time, CONNAF has worked with local governments and NGOs to support a National Network of Children's Rights Offices, which coordinates services for and protects the rights of at-risk children.<sup>190</sup> CONNAF has also established a program to coordinate national efforts with regional MERCOSUR partners to address the commercial sexual exploitation of children.<sup>191</sup> Together with the Attorney General, the Ministry of Justice, Security and Human Rights, the National Council of Women, and UNICEF, CONNAF also developed an action plan for the elimination of child prostitution.<sup>192</sup>

The government is participating in several ILO-IPEC projects. The government is involved in the planning and management of a 2-year ILO-IPEC project to combat child labor in rural areas and a 1-year ILO-IPEC project to eradicate child labor among street workers and garbage pickers in Buenos Aires, both initiated in 2002.<sup>193</sup> CONAETI is currently preparing a national child labor survey with technical assistance from ILO-IPEC's SIMPOC.<sup>194</sup> In addition, the Government of Argentina, along with ILO-IPEC, the other MERCOSUR

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<sup>186</sup> ILO-IPEC, *All About IPEC: Programme Countries*, [online] August 13, 2001 [cited June 21, 2003]; available from [http://www.ilo.org/public/english/standards/ipecc/about/countries/t\\_country.htm](http://www.ilo.org/public/english/standards/ipecc/about/countries/t_country.htm).

<sup>187</sup> Several government agencies, NGOs, ILO-IPEC, and UNICEF are members of the commission. ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha País: Argentina*, Lima, no date; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/fichas/fichaargentina.doc>.

<sup>188</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>189</sup> Maria Orsenigo, "Argentina: Informe del Consejo Nacional de Niñez, Adolescencia y Familia" (paper presented at the Congreso Gubernamental Regional sobre Explotación Sexual Infantil, no date), 60-61.

<sup>190</sup> See *Ibid.*, 61, 63.

<sup>191</sup> Alejandra Barbich and Maria Lourdes Molina, *Proyecto "Sub-Programa de Explotación Comercial Sexual Infantil"*, National Council for Childhood, Adolescence and Family (provided via written communication from the Embassy of Argentina), Buenos Aires, June 26, 2002, 6,9.

<sup>192</sup> U.S. Department of State, *Country Reports on Human Rights Practices- 2002: Argentina*, Washington, D.C., March 31, 2003, 2577-81, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18317pf.htm>. See also Maria Orsenigo, "Argentina: Informe del Consejo Nacional", 66-71.

<sup>193</sup> ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha País: Argentina*. See also {CONAETI, n.d. #34} See also ILO-IPEC, *Los Proyectos IPEC en breve: De la Basura a la Dignidad*, Lima, 2003; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficha\\_sector.php?sector=bas&pais=arg&numero=1](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficha_sector.php?sector=bas&pais=arg&numero=1). In 2001, the government participated in an ILO-IPEC project aimed at strengthening national policy against child labor. See ILO-IPEC Regional Office for Latin America and the Caribbean, *Ficha País: Argentina*. See also ILO-IPEC, *Los Proyectos IPEC en breve: Fortalecimiento de la política nacional para la erradicación del trabajo infantil en Argentina*, Lima, 2003, 1; available from <http://www.oit.org>.

<sup>194</sup> With ILO-IPEC assistance, in 2002 the Ministry of Labor produced estimates of the number of working children in Argentina based on data collected in earlier surveys. See Dirección Nacional de políticas de seguridad social, *Datos y Cifras "Diagnóstico de trabajo infantil"*, Buenos Aires, May 15, 2002; available from [http://www.conaeti.gov.ar/que\\_es/files/datosycifras.doc](http://www.conaeti.gov.ar/que_es/files/datosycifras.doc). For information on the status of the new SIMPOC survey, see ILO-IPEC official, electronic communication to USDOL official, August 28, 2002. See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*, November 14, 2001.

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governments, and the Government of Chile, has developed a 2002–2004 regional plan to combat child labor in which these governments agree to develop a regional strategy on the issue, build capacity to prevent and eradicate child labor, and analyze and share information on the problem.<sup>195</sup> In early 2003, the Government of Argentina became a participant in a two-year ILO-IPEC regional project to prevent and eliminate commercial sexual exploitation of children in the border area with Brazil and Paraguay.<sup>196</sup> Also in 2003, CONAETI approved a project to address child labor in urban areas.<sup>197</sup> Until May 2003, UNDP also provided support to the Argentine Ministry of Labor, Employment and Social Security and CONAETI for their efforts to eradicate child labor.<sup>198</sup>

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.<sup>199</sup> 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.<sup>200</sup> The government has also received funding from the World Bank to reform the third cycle of basic education (grades seven to nine) in Buenos Aires Province.<sup>201</sup>

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<sup>195</sup> Cristina Borrajo, “Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras,” *Encuentros*, Año 2 Numero 6 (August 2002); available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipecccondos.html>. See also 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, 15–16; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

<sup>196</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 the ability of the Argentine judiciary 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, 2003; available from [http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficha\\_sector.php?sector=sex&pais=arg&numero=1](http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/ficha_sector.php?sector=sex&pais=arg&numero=1).

<sup>197</sup> CONAETI, *Planes y Programas*, [online] [cited August 5, 2003]; available from <http://www.conaeti.gov.ar/actividades/plan.htm>.

<sup>198</sup> UNDP, *Programa de Atención de Problemas Sociolaborales (Proyecto ARG/00/023)*, [online] [cited June 21, 2003]; available from [http://www.undp.org.ar/scripts/zope.pcgi/PNUD/proyectos/UIDetallesDeUnProyecto?proyecto=ARG/00/023;\\_filtro=](http://www.undp.org.ar/scripts/zope.pcgi/PNUD/proyectos/UIDetallesDeUnProyecto?proyecto=ARG/00/023;_filtro=).

<sup>199</sup> UNICEF, *UNICEF da inicio al programa ‘Las Familias y las escuelas por la educación’*, [online] [cited June 21, 2003]; available from <http://www.unicef.org/argentina/>. See also UNICEF, *Erradicación del trabajo infantil*, [previously online] [cited June 21, 2003]; available from [http://www.unicef.org/argentina/frameset.php3?strTitulo=UNICEF+Argentina&strNav=menu.php3&strMain=unicefarg\\_plancoop2.php3](http://www.unicef.org/argentina/frameset.php3?strTitulo=UNICEF+Argentina&strNav=menu.php3&strMain=unicefarg_plancoop2.php3) [hard copy on file]. 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. See Tom Hennigan, “Recession pulls children out of Argentina’s classrooms,” *Christian Science Monitor* (Buenos Aires), June 25, 2003; available from <http://www.csmonitor.com/2003/0625/p07s02-woam.htm>.

<sup>200</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>201</sup> The current project runs until 2005 and aims to rehabilitate school infrastructure, expand the school day, and improve local school management. See World Bank, *Secondary Education Project (03) - Province of Buenos Aires*, [online] [cited June 21, 2003]; available from <http://web.worldbank.org/external/projects/main?pagePK=104231&piPK=73230&theSitePK=40941&menuPK=228424&Projectid=P050714>. The bank funded a similar project from 1998 to 2002. See World Bank, *Secondary Education Project*.

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## Incidence and Nature of Child Labor

In 2002, the Ministry of Labor estimated that 7.1 percent of children ages 5 to 14 were working in Argentina.<sup>202</sup> The rate is believed to be higher in rural than urban areas.<sup>203</sup> Children work in agriculture in such products as tea, tobacco,<sup>204</sup> tomatoes, strawberries, and flowers.<sup>205</sup> They work in urban sectors such as trash recycling,<sup>206</sup> street sales, begging, shoe shining, domestic labor,<sup>207</sup> in small and medium businesses,<sup>208</sup> small scale garment production, food preparation, and brickwork.<sup>209</sup> Children in Argentina are involved in prostitution, pornography, sex tourism, and drug trafficking, but precise statistics are unavailable.<sup>210</sup>

Education is free<sup>211</sup> and compulsory in Argentina for 10 years, beginning at age 5.<sup>212</sup> In 2000, the gross primary enrollment rate was 120.1 percent, and the net primary enrollment rate was 107.5 percent.<sup>213</sup> According to a government survey in 2001, 99.1 percent of children ages 6 to 12 attended school, and 97.2 percent of children ages 13 to 14 attended school.<sup>214</sup> In 1999, 90.3 percent of children who enrolled in primary school in Argentina reached grade five.<sup>215</sup> Access to schooling is limited in some rural areas of the country.<sup>216</sup>

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<sup>202</sup> This represents 482,803 children. These estimates are projections based primarily on a 1997 household survey and other government surveys. See Dirección Nacional de políticas de seguridad social, *Datos y Cifras*. In 2001, the ILO estimated that 2.2 percent of children ages 10 to 14 years in Argentina were working. See World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003. Many sources indicate that the number of working children has increased in recent years in Argentina. 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. In 2002, a UNICEF representative reported that in urban areas 6 of every 10 children ages 13 to 17 were working rather than studying. Such estimates are credible given the country's dire economic situation. See U.S. Department of State, *Country Reports- 2002: Argentina*, Section 6d. In addition, the number of street children in Buenos Aires has reportedly increased due to the country's recent economic crisis. See Cynthia Palacios, "Crece la población de chicos en las calles," *La Nación* (Buenos Aires), July 29, 2003; available from <http://www.lanacion.com.ar>.

<sup>203</sup> {CONAETI, n.d. #34} See also Dirección Nacional de políticas de seguridad social, *Datos y Cifras*.

<sup>204</sup> U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

<sup>205</sup> CONAETI, *Trabajo infantil rural*, [online] 2003 [cited June 21, 2003]; available from [http://www.conaeti.gov.ar/que\\_es/rural.htm](http://www.conaeti.gov.ar/que_es/rural.htm).

<sup>206</sup> Tom Hennigan, "Recession pulls children out of Argentina's classrooms."

<sup>207</sup> Children also wash car windows and open car doors. See CONAETI, *Trabajo infantil urbano*, [online] 2003 [cited June 21, 2003]; available from [http://www.conaeti.gov.ar/que\\_es/urbano.htm](http://www.conaeti.gov.ar/que_es/urbano.htm). See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional*, 7.

<sup>208</sup> CONAETI, *Trabajo infantil urbano*.

<sup>209</sup> CONAETI, *Esquema del Proyecto y Presupuesto*, Buenos Aires, no date, 1; available from [http://www.conaeti.gov.ar/actividades/files/pa\\_conaeti.rtf](http://www.conaeti.gov.ar/actividades/files/pa_conaeti.rtf).

<sup>210</sup> CONAETI, *Trabajo infantil urbano*. See also ILO-IPEC, *Los Proyectos IPEC en breve: "Programa Luz de Infancia"*. See also U.S. Department of State, *Country Reports- 2002: Argentina*, Section 5. There have been reports of the trafficking of children from other Latin American and Asian countries to Argentina for purposes including commercial sexual exploitation. See The Protection Project, "Argentina," in *Human Rights Report on Trafficking of Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery* Washington, D.C., March 2002; available from <http://www.protectionproject.org/main1.htm>. See also U.S. Department of State, *Country Reports- 2002: Argentina*, Section 6c and 6f.

<sup>211</sup> *Ley Federal de Educación*, No. 24.195, Article 39; available from [http://www.me.gov.ar/leyfederal/24195\\_vi.html](http://www.me.gov.ar/leyfederal/24195_vi.html).

<sup>212</sup> CONAETI, *Plan Nacional*.

<sup>213</sup> 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 2003*.

<sup>214</sup> The data does not distinguish between gross and net attendance rates. See 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>215</sup> World Bank, *World Development Indicators 2003*.

<sup>216</sup> U.S. Department of State, *Country Reports- 2002: Argentina*, Section 5.

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## Child Labor Laws and Enforcement

The Law on Labor Contracts (No. 20.744) sets the minimum age for employment at 14 years. Children of legal working age, however, are prohibited from entering employment if they have not completed compulsory education, which normally ends at 15 years.<sup>217</sup> Children who are under the age of 14 may work only in businesses where family members are employed, as long as the work is not dangerous to them.<sup>218</sup> Children ages 14 to 18 are prohibited from working more than 6 hours a day and 36 hours a week and must present medical certificates that attest to their ability to perform such work. If permission is obtained from administrative authorities, however, children ages 16 to 18 may work 8 hours a day and 48 hours a week.<sup>219</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>220</sup> The Constitution prohibits slavery.<sup>221</sup> The Penal Code prohibits facilitating the prostitution of children, trafficking of children into or out of Argentina for prostitution, and pornography.<sup>222</sup>

In January 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.<sup>223</sup> Violators of underage employment laws can receive a fine of USD 350 to USD 1,750 for each child employed.<sup>224</sup> UNICEF has charged that the commercial sexual exploitation of children occurs due to police inefficiency and the failure of the judiciary to intervene.<sup>225</sup>

The Government of Argentina ratified ILO Convention 138 on November 11, 1996 and ILO Convention 182 on February 5, 2001.<sup>226</sup>

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<sup>217</sup> See Government of Argentina, *Ley de Contrato de Trabajo*, Ley No. 20.744, (May 13, 1976), Article 189. 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 June 21, 2003]; available from <http://www.conaeti.gov.ar/legislacion/nacional.htm>.

<sup>218</sup> See *Ley de Contrato de Trabajo*, Article 189.

<sup>219</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 *Ibid.*, Articles 190-92.

<sup>220</sup> *Ibid.*, Article 190. See also {CONAETI, n.d. #41@1} See also U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

<sup>221</sup> *Constitution of Argentina*, (1853), Section 15; available from [http://www.oefre.unibe.ch/law/icl/ar00000\\_.html](http://www.oefre.unibe.ch/law/icl/ar00000_.html).

<sup>222</sup> See *Código Penal*, Título III, Articles 125-28; available from <http://www.undp.org/rblac/gender/campaign-spanish/argentina.htm>.

<sup>223</sup> This law replaced provincial laws previously in effect. See U.S. Embassy- Buenos Aires, *unclassified telegram no. 4240*.

<sup>224</sup> U.S. Embassy- Buenos Aires, electronic communication to USDOL official, February 13, 2004.

<sup>225</sup> U.S. Department of State, *Country Reports- 2002: Argentina*, Section 5.

<sup>226</sup> ILO, *Ratifications by Country*, ILOLEX, [database online] [cited June 21, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.