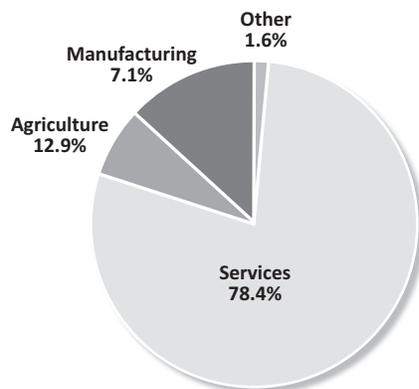


# Argentina

Argentina has integrated the issue of child labor into national education, social and anti-poverty programs, and has mechanisms for monitoring the incidence of the worst forms of child labor. However, gaps in legislation on the worst forms of child labor remain and social programs could be expanded to combat child labor in the agricultural sector, commercial sexual exploitation, and urban informal work.

## Statistics on Working Children and School Attendance

Children	Age	Percent
Working	5-14 yrs.	11.0%
Attending School	5-14 yrs.	97.2%
Combining Work and School		Unavailable



## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Some children in Argentina may be found working in the worst forms of child labor<sup>185</sup> in the agricultural and urban informal sectors, where, according to government sources, they may work long hours, perform arduous tasks, and be exposed to dangerous situations. Children of migrant workers and children of indigenous descent are particularly vulnerable.<sup>186</sup> Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of cables, fireworks, flowers, footwear, jojoba, lemons, matches, onions, pornography, potatoes, raspberries and sugarcane. In rural areas, some children work on farms producing tobacco, cotton, garlic, grapes, blueberries, olives, yerba mate, tomatoes, and strawberries, where they may handle

pesticides without proper protection.<sup>187</sup> In urban areas, some children engage in domestic service, where they may be vulnerable to physical and sexual abuse. They also work as performers, shining shoes, washing cars, and collecting and sorting trash for recycling.<sup>188</sup> Some children work in mining and construction, where they are exposed to dangerous heavy machinery and toxic chemicals.<sup>189</sup>

Commercial sexual exploitation of children is also a problem. The Government of Argentina and other sources have found that child pornography and the recruitment of children for illicit activities, such as drug trafficking, are problems.<sup>190</sup> Incidents of child sex tourism have occurred particularly in Buenos Aires and the triborder area with Brazil and Paraguay. Paraguayan children have reportedly been trafficked to Argentina for the purpose of sexual exploitation.<sup>191</sup>

Bolivian children have also been reported to be involved in the forced production of garments in Argentina.<sup>192</sup>

**Laws and Regulations on the Worst Forms of Child Labor**

In June 2008, Argentina adopted Law 26.390, which raised the legal minimum age for employment from 14 to 16, effective May 2010.<sup>193</sup> The law specifically prohibits the employment of children under age 16 in domestic service, and bars children ages 16 to 18 from working between the hours of 8:00 p.m. and 6:00 a.m.<sup>194</sup> In manufacturing, however, work is authorized until 10:00 p.m., exposing children to risks involved in night work.<sup>195</sup> Argentina has not adopted a comprehensive list of hazardous work for children.<sup>196</sup>

	C138, Minimum Age	✓
	C182, Worst Forms of Child Labor	✓
	CRC	✓
	CRC Optional Protocol on Armed Conflict	✓
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	✓
	Palermo Protocol on Trafficking in Persons	✓
	Minimum Age for Work	16
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	18
	Free Public Education	Yes

Argentine Law 26.364 prohibits forced or compulsory labor.<sup>197</sup> Argentine law sets the minimum age for volunteering for the Argentine Armed Forces at 18.<sup>198</sup> The Penal Code outlaws child prostitution, including facilitating, promoting, or benefitting economically from the crime. However, there is no provision that prohibits using the services of a child prostitute.<sup>199</sup> The Penal Code also prohibits the use of children in pornographic shows and the production, publication,

and distribution of child pornography. However, it does not criminalize possession of child pornography for personal use.<sup>200</sup>

In April 2008, Argentina passed Law 26.364 prohibiting trafficking in persons both domestically and internationally for purposes of forced labor or sexual exploitation.<sup>201</sup>

**Institutional Mechanisms for Coordination and Enforcement**

The Government of Argentina has established both national and provincial mechanisms for monitoring child labor issues. National-level coordination is the responsibility of the National Commission for the Eradication of Child Labor (CONAETI) headed by the Ministry of Labor and is comprised of representatives from the Ministry of Foreign Affairs, the Ministry of Social Development, the Ministry of the Economy, the Ministry of Education, among others.<sup>202</sup> Provincial governments operate Provincial Commissions for the Prevention and Eradication of Child Labor (COPRETI). As of 2009, COPRETI had been established in all provinces and members had been trained on child labor issues.<sup>203</sup> In addition, the Office for Rescue and Caring of Victims of Trafficking, within the Ministry of Justice, Security and Human Rights, coordinates Government anti-trafficking efforts.

Provincial labor ministries and the national Ministry of Labor are responsible for enforcing child labor laws. They employ approximately 800 child labor inspectors. These inspectors received training during the reporting period on child labor and the new minimum age law. Child labor complaints can be registered through the CONAETI Web site.<sup>204</sup> Information was not available on the number of child labor inspections carried out, the sectors in which they were carried out, or sanctions imposed as a result.

Laws against the commercial sexual exploitation of children are enforced by the Special Unit for the Eradication of Sexual Exploitation of Children and Adolescents within the Ministry of Justice.<sup>205</sup> The Special Prosecutors’ Office for Investigation of Kidnapping and Trafficking in Persons Crimes coordinates trafficking investigations nationally.<sup>206</sup> A 24-hour hotline is available to report child trafficking and the city of Buenos Aires operates a hotline to

report cases of forced labor and labor exploitation. In addition, the National Institute against Discrimination, Xenophobia and Racism maintains a hotline for people to report sexual or labor exploitation.<sup>207</sup>

During the reporting period, authorities conducted 254 raids on suspected brothels and sweatshops.<sup>208</sup> Ninety individuals were indicted, and the Government rescued 83 child trafficking victims who were referred to the Ministry of Social Development for assistance.<sup>209</sup> During the period, law enforcement officials, judges, and prosecutors participated in trainings on prevention, investigation, and victim assistance provided by Government institutions, NGOs, and international organizations.<sup>210</sup>

### Government Policies on the Worst Forms of Child Labor

CONAETI is implementing Argentina's National Plan to Combat Child Labor, which calls for the national consolidation of data, research, coordination of child labor laws, awareness raising, inter-institutional collaboration, stronger inspection mechanisms, mainstreaming of child laborers into the formal education system, and a national program for the prevention and eradication of child labor in rural and urban settings.<sup>211</sup> To support the plan, the Ministry of Labor has established an *Observatorio de Trabajo Infantil y Adolescente* (Child Labor Monitoring Office), with offices in the provinces, to collect statistics about the incidence of child labor.<sup>212</sup>

Also in 2009, the Government of Argentina signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on topics such as child labor, human trafficking, and forced labor.<sup>213</sup> In September 2008, the Government of Argentina, along with the General Workers' Confederation (CGT) and the Argentine Industry Association (UIA), signed a memorandum of understanding with the ILO to implement its "Decent Work" initiative, which includes efforts to prevent and eradicate child labor.<sup>214</sup>

In 2007, CONAETI signed an agreement with the *Red de Empresas Contra el Trabajo Infantil* (Network of Businesses against Child Labor), in which 71 businesses committed to efforts to prevent hiring children in their operations or those

of their subcontractors. Businesses represented include agricultural and agrochemical companies; service industry companies; supermarket chains; pharmaceutical companies; and soft drink companies.<sup>215</sup> During the reporting period, the *Red de Empresas Contra el Trabajo Infantil* established daycare programs for migrant worker families in the production of tobacco.<sup>216</sup>

The Government of Argentina has integrated the issue of child labor into education, social and anti-poverty policies, and collaborated with private industry to create corporate social responsibility initiatives.

### Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Argentina has carried out programs to combat child labor over the past decade, such as the *Luz de la Infancia* (Light of Childhood) program (2002 to 2004), which aimed to prevent and eradicate commercial sexual exploitation of children. The Government continued to implement programs to combat child labor through direct services, awareness raising, and capacity building during the reporting period. In 2009, the Government extended a program called *Jefes de Hogar* (Heads of Household), a cash transfer and employment training program, to workers in the informal economy.<sup>217</sup> This program targets vulnerable and unemployed populations with at least one child under the age of 18 by improving employability, reducing dependence on income from children's work and providing scholarships.<sup>218</sup> The Government provided scholarships to 13,684 children and incorporated 653 adults into the *Jefes de Hogar* program during the reporting period.<sup>219</sup> Also as part of the implementation of the National Plan for the Prevention and Eradication of Child Labor, the CONAETI implemented awareness-raising activities; identified and strengthened direct action programs to prevent and combat child labor; and conducted trainings for health professionals on child labor.<sup>220</sup>

During the reporting period, CONAETI trained members of the Network of Businesses against Child Labor and developed *Jardines de Cosecha* (Harvest Gardens), which provided seven daycare centers for children in tobacco-producing zones. In conjunction with several NGOs, the Government worked to address the commercial sexual exploitation of children (CSEC)

in the triborder area with Brazil and Paraguay by disseminating information and providing assistance to victims.<sup>221</sup> The Ministry of Education also operated a scholarship program to reintegrate child laborers into the school system.<sup>222</sup>

The Government of Argentina also participated in projects funded by international donors. For example, the IDB funded a project, implemented by the IOM, for the Prevention and Eradication of Child Labor in Migrant Families. It worked with families engaged in garbage scavenging, providing them with services and regularizing their immigration status.<sup>223</sup> The IDB is also funding a regional project to combat the trafficking and sexual exploitation of children in Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations that work in prevention, detection, and victim assistance.<sup>224</sup>

The Government of Argentina and other associates and member governments of MERCOSUR are carrying out the *Niño Sur* (“Southern Child”) initiative to protect the rights of children and adolescents in the region.<sup>225</sup> Argentina’s Secretariat of Tourism is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism, which conducts prevention and awareness-raising campaigns to combat the commercial exploitation of children in Latin America.<sup>226</sup>

The Government of Argentina has undertaken a variety of efforts to combat child labor. However, research indicates that social programs have not reached all children involved in the worst forms of child labor in the country, including in the agricultural sector, commercial sexual exploitation, and urban informal work.

### Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Argentina:

#### IN THE AREA OF LAWS AND REGULATIONS:

- Prohibit night work for children under age 18 in all employment sectors.
- Revise the Penal Code to prohibit any involvement in child prostitution.
- Prohibit the possession of child pornography.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Make information publicly available on the number of child labor inspections carried out, the sectors in which they are carried out, and the sanctions imposed as a result.

#### IN THE AREA OF PROGRAMS:

- Create and expand programs that remove children exploited in the worst forms of child labor, particularly in agriculture, commercial sexual exploitation, and urban informal work.
- Implement strategies to prevent children of migrant workers and children of indigenous descent from engaging in the worst forms of child labor.

<sup>185</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2010*. Data provided are from 2004. Reliable data on the worst forms of child labor are

especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children’s work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the “Children’s Work and Education Statistics: Sources and Definitions” section of this report.

<sup>186</sup> The worst forms of child labor are defined by the ILO Convention 182 and ILO Recommendation 190. Committee on the Rights of the Child, *Consideration of Reports Submitted by State Parties under Article 44 of the Convention*, June 11, 2010; available from <http://www.unhcr.org/refworld/docid/4c32dae02.html>. See also CONAETI, *Trabajo infantil urbano*, [online] [cited May 7, 2010]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/urbano.htm](http://www.trabajo.gov.ar/conaeti/que_es/urbano.htm). See also CONAETI, *Trabajo infantil rural*, [online] [cited May 7, 2010]; available from [http://www.trabajo.gov.ar/conaeti/que\\_es/rural.htm](http://www.trabajo.gov.ar/conaeti/que_es/rural.htm).

<sup>187</sup> CONAETI, *Trabajo infantil rural*. See also Ministry of Labor, Employment, and Social Security, *Por una niñez sin trabajo infantil*, 2005, 49-50; available from [http://www.pronino.com.ar/futuro\\_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna\\_ninessintrabajo-infantil.pdf](http://www.pronino.com.ar/futuro_hoy/Archivos-de-programa/Materiales-de-trabajo/Materiales-de-trabajo/poruna_ninessintrabajo-infantil.pdf). See also ILO, *Infancia y Adolescencia: Trabajo y otras actividades económicas, Primera encuesta, Análisis de resultados en cuatro subregiones de la Argentina*, Buenos Aires, 2006, 53; available from [http://white.oit.org.pe/ipecc/documentos/simpoc\\_argentina.pdf](http://white.oit.org.pe/ipecc/documentos/simpoc_argentina.pdf). See also Pagina12, *El Drama de los Niños Ajeros*, [online] [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/sociedad/3-120138-2009-02-18.html>.

<sup>188</sup> Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 51-53.

<sup>189</sup> *Ibid.*, 50.

<sup>190</sup> Anti-Slavery International, *Contemporary Forms of Slavery in Argentina*, 2006, 6 and 8; available from [http://www.child-trafficking.info/upload/Files/ais06\\_contsla\\_argentina081106.pdf](http://www.child-trafficking.info/upload/Files/ais06_contsla_argentina081106.pdf). See also CONAETI, *Trabajo infantil urbano*. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55.

<sup>191</sup> U.S. Department of State, “Argentina (Tier 2 Watch List),” in *Trafficking in Persons Report- 2009*, Washington, DC, June 16, 2009; available from <http://www.state.gov/g/tip/rls/tiprpt/2009/123135.htm>. See also Ministry of Labor, Employment, and Security, *Por una niñez sin trabajo infantil*, 55. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 49-54; available from <http://oimconosur.org/archivos/descarga.php?id=../imagenes/archivos/75.pdf&name=La%20trata%20de%20personas%20en%20el%20Paraguay>. See also Anti-Slavery International, *Contemporary Forms of Slavery in Argentina*, 8.

<sup>192</sup> Ignacio Arana Araya, “Prolifera la exportación de trabajo esclavo boliviano,” *El Mercurio* (Santiago), August 27, 2006; available from <http://www.sindicatomercosul.com.br/noticia02.asp?noticia=33144>. See also José Maggi, *Allanaron un taller textil ilegal con inmigrantes extranjeros*, [online] [cited May 7, 2010]; available from <http://www.pagina12.com.ar/diario/suplementos/rosario/9-12618-2008-03-06.html>. See also Tanja Bastia,

*Child Trafficking or Teenage Migration? Bolivian Migrants in Argentina*, IOM, Oxford, 2005, 65-66; available from [http://www.childtrafficking.com/Docs/bastia\\_2005\\_teenage\\_migration\\_0108.pdf](http://www.childtrafficking.com/Docs/bastia_2005_teenage_migration_0108.pdf).

<sup>193</sup> Government of Argentina, *Prohibición del Trabajo Infantil y Protección del Trabajo Adolescente*, 26.390, (June 4, 2008), articles 2 and 23; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141792/norma.htm>.

<sup>194</sup> *Ibid.*, article 15.

<sup>195</sup> *Ibid.*, article 9.

<sup>196</sup> ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2007 [cited May 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=20407&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>197</sup> Government of Argentina, *Prevención y Sanción de la Trata de Personas y Asistencia a sus Víctimas*, 26.364, (April 29, 2008), article 4; available from [http://www.migraciones.gov.ar/pagina4/espanol/pdf/normativas/ley\\_26364.pdf](http://www.migraciones.gov.ar/pagina4/espanol/pdf/normativas/ley_26364.pdf).

<sup>198</sup> Government of Argentina, *Ley del Servicio Militar Voluntario*, (1994), article 8; available from <http://www.resdal.org.ar/Archivo/d000000a.htm>.

<sup>199</sup> Government of Argentina, *Código Penal* Law 25.087, (May 7, 1999), articles 5-8; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/55000-59999/57556/norma.htm>. See also ILO Committee of Experts, *Individual Direct Request, Worst Forms of Child Labor Convention, 1999 (No. 182) Argentina (ratification: 2001)*, [online] 2009 [cited May 7, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=23471&chapter=9&query=%28C182%29+%40ref+%2B+%28Argentina%29+%40ref&highlight=&querytype=bool&context=0>.

<sup>200</sup> Government of Argentina, *Modificación, Código Penal*, 26.388, (June 24, 2008), article 2; available from <http://www.infoleg.gov.ar/infolegInternet/anexos/140000-144999/141790/norma.htm>. See also ILO Committee of Experts, *Individual Direct Request C182: Argentina (2007)*.

<sup>201</sup> Government of Argentina, *Código Penal* Law 26.364, (April 29, 2008), article 11; available from <http://infoleg.mecon.gov.ar/infolegInternet/anexos/140000-144999/140100/norma.htm>.

<sup>202</sup> U.S. Embassy- Buenos Aires, *reporting*, March 11, 2010, para C1.

<sup>203</sup> *Ibid.*

- <sup>204</sup> Ibid. See also Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010.
- <sup>205</sup> Government of Argentina, *Explotación Infantil*, [online] [cited July 12, 2010]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/explotacion.htm>.
- <sup>206</sup> U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.
- <sup>207</sup> Ibid. See also U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.
- <sup>208</sup> U.S. Department of State, “Argentina (Tier 2),” in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142759.htm>.
- <sup>209</sup> U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*. See also U.S. Department of State, “Trafficking in Persons Report- 2009: Argentina.” See also U.S. Department of State, “Argentina (Tier 2 Watch List),” in *Trafficking in Persons Report- 2008*, Washington, DC, June 4, 2008; available from <http://www.state.gov/documents/organization/105501.pdf>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Argentina.” See also U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.
- <sup>210</sup> U.S. Embassy- Buenos Aires, *reporting, March 15, 2010*.
- <sup>211</sup> CONAETI, *Plan Nacional para la Prevención y Erradicación del Trabajo Infantil*, 2006; available from <http://www.trabajo.gov.ar/conaeti/actividades/files/PlanNacCONAETI.pdf>.
- <sup>212</sup> Government of Argentina, *¿Qué es el Observatorio de Trabajo Infantil y Adolescente?*, [online] [cited July 13, 2010]; available from <http://www.trabajo.gov.ar/left/estadisticas/otia/index.asp>. See also Government of Argentina, *Avances en el sistema de información sobre el trabajo infantil en Argentina*, [online] April 30, 2010 [cited July 13, 2010]; available from <http://www.trabajo.gov.ar/left/estadisticas/DocumentosSUBWEB/area1/documentos/pp%20observatorio.ppt#301,1,Avances en el sistema de información sobre trabajo infantil en Argentina>. See also U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.
- <sup>213</sup> MERCOSUR, *Plan Regional de Inspección del Trabajo del Mercosur*, Asunción, July 2, 2009.
- <sup>214</sup> ILO, La Unión Industrial Argentina, Confederación General de Trabajo, and Ministerio de Trabajo, Employment, and Social Security, *Memorandum de Entendimiento para la Puesta en Marcha en la República Argentina del Programa de Trabajo Decente*, 2008; available from <http://www.oit.org.ar/documentos/MoU%20y%20PTDP.pdf>.
- <sup>215</sup> Government of Argentina, *Al Convenio 59/07 entre el Ministerio de Trabajo, Empleo y Seguridad Social, la Comisión Nacional para la Erradicación del Trabajo Infantil (CONAETI) y Empresas y Entidades Comprometidas con la Prevención y Erradicación del Trabajo Infantil*, 2007; available from [http://www.trabajo.gov.ar/downloads/conaeti/convenio\\_protocolo-adicional02.pdf](http://www.trabajo.gov.ar/downloads/conaeti/convenio_protocolo-adicional02.pdf). See also CONAETI, “Red de Empresas contra el Trabajo Infantil”, 2007; available from <http://www.trabajo.gov.ar/conaeti/institucional/infantil.html>.
- <sup>216</sup> U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*.
- <sup>217</sup> Ibid.
- <sup>218</sup> Argentine Ministry of Labor official, E-mail communication to USDOL official, February 3, 2010. See also Ministry of Labor, *Beneficiarios*, [online] November 8, 2007 [cited May 11, 2010]; available from <http://www.trabajo.gov.ar/jefes/beneficiarios/index.asp>.
- <sup>219</sup> U.S. Embassy- Buenos Aires, *reporting, March 11, 2010*. See also Argentine Ministry of Labor official, E-mail communication, February 3, 2010.
- <sup>220</sup> Argentine Ministry of Labor official, E-mail communication, February 3, 2010.
- <sup>221</sup> U.S. Department of State, “Argentina,” in *Country Reports on Human Rights Practices- 2009*, Washington, DC, March 11, 2010; available from <http://www.state.gov/g/drl/rls/hrrpt/2009/wha/136098.htm>.
- <sup>222</sup> Government of Argentina, *Contra el trabajo infantil, por la inclusión educativa*, [online] [cited July 13, 2010]; available from <http://www.me.gov.ar/monitor/nro14/breves.htm>.
- <sup>223</sup> IDB, *Prevention and Eradication of Child Labour in Migrant Families*, [online] 2009 [cited January 29, 2009]; available from <http://www.iadb.org/projects/Project.cfm?project=AR-T1031&Language=English#>.
- <sup>224</sup> IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] 2009 [cited January 29, 2009]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.
- <sup>225</sup> Argentine Committee of Pursuit and Application of the International Convention on the Rights of Child, *La Iniciativa Nin@Sur, una Instancia Regional que se Afirma*, April 2008; available from [http://www.casacidn.org.ar/news\\_abril/nota1.html](http://www.casacidn.org.ar/news_abril/nota1.html).
- <sup>226</sup> Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, 2008; available from [http://www.turismo.gov.ec/index.php?option=com\\_content&task=view&id=885&Itemid=43](http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43).