

FULL REPORT

ANALYSIS OF THE PROCESS OF
DEVELOPING AND ENFORCEMENT
**ON THE HAZARDOUS
LABOUR LISTS IN**
LATIN AMERICA AND
THE CARIBBEAN



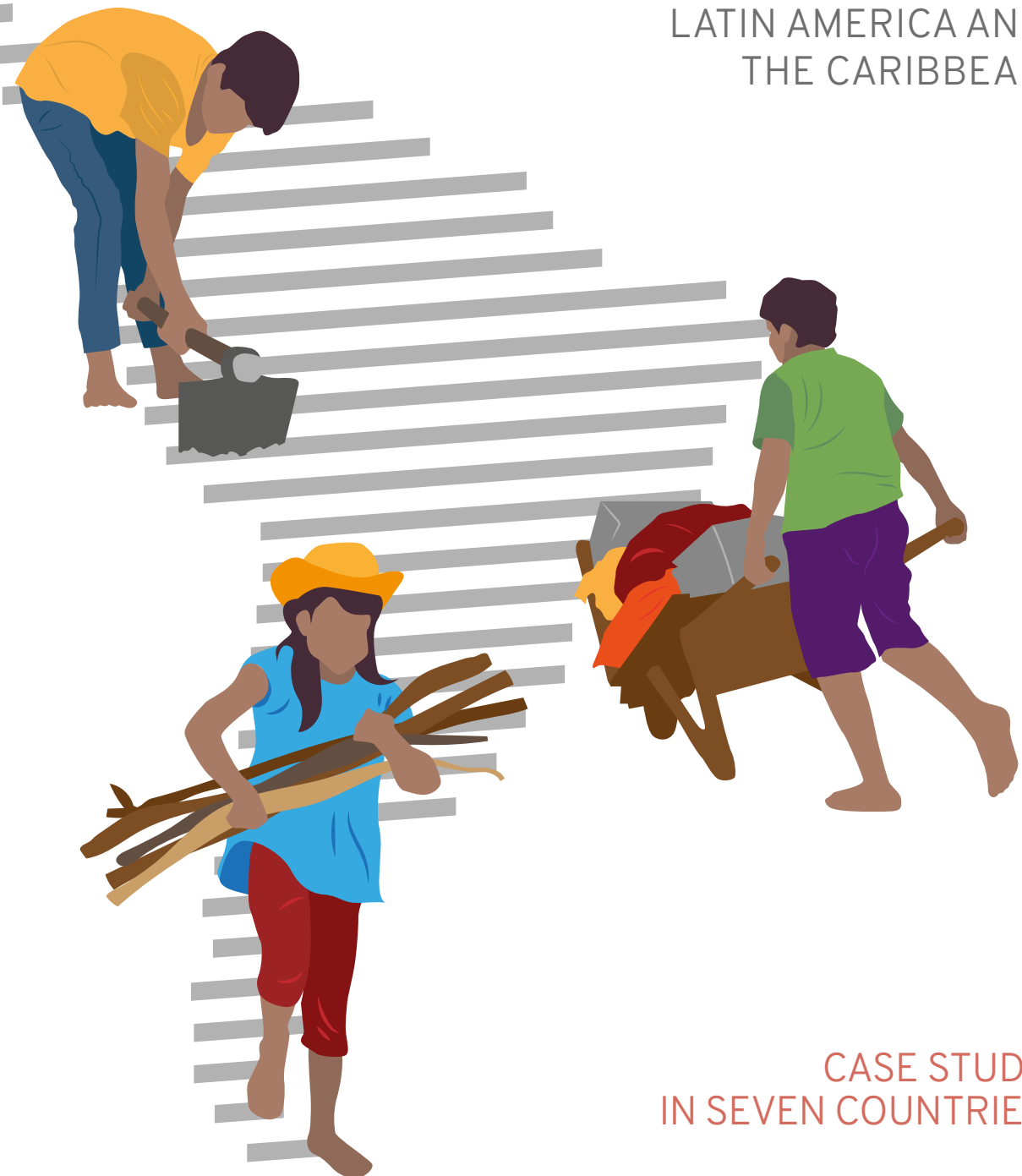
CASE STUDY
IN SEVEN COUNTRIES

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First published 2021

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FUNDAMENTALS

Analysis of the process of developing and enforcement on the hazardous labour lists in Latin America and the Caribbean. Case study in seven countries / International Labour Organization, Fundamental Principles and Rights at Work Branch (FUNDAMENTALS), Regional Office for Latin America and the Caribbean. Lima: ILO, 2021.

ISBN: 978-92-2037018-6 (Web PDF)

Also available in Spanish: *Análisis del proceso de elaboración y aplicación de los listados de trabajo peligroso en América Latina y el Caribe. Estudio de caso en siete países.*

ISBN: 978-92-2037017-9 (Web PDF)

Also available in French: *Analyse du processus d'élaboration et d'application des listes de travaux dangereux en Amérique latine et les Caraïbes. Étude de cas dans sept pays.*

ISBN: 978-92-2038891-4 (Web PDF)

ACKNOWLEDGEMENTS

This publication was elaborated by Lucrecia Teixidó and Osvaldo Elissetche, Consultants of Estudios y Proyectos Asociación Civil (EyP), for the ILO, and coordinated by Ana López Castelló from FUNDAMENTALS Lima Office.

Funding for this ILO publication is provided by the Andalusian Agency for International Development Cooperation (AACID) under agreements RLA/17/11/ESP and RLA/18/11/ESP and the Spanish Agency for International Development Cooperation (AECID) under agreement RLA/18/12/ESP, within the framework of the projects to support the Regional Initiative Latin America and the Caribbean Free of Child Labour.

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Only available in PDF version
Photocomposed by Omar Gavilano, Lima, Peru

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ACRONYMS

ABC	Brazilian Cooperation Agency
ADEX	Exporter Association (Peru)
AGCID	Chilean International Cooperation and Development Agency
APEMIPE	Association of Small and Medium-size Industries of Peru
CATP	Autonomous Central Workers' Union of Peru
CDN	Children's Rights Convention (UN)
CDN	National Steering Committee for the Fight against Child Labour (Dominican Republic)
CEPAL-ECLAC	Economic Commission for Latin America and the Caribbean (UN)
CPETI	National Steering Committee for the Prevention and Eradication of Child Labour (Peru)
CETIPPAT	Committee for the Eradication of Child Labour and Protection of the Adolescent Worker (Panama)
CODEPETI	Departmental Committee for the Prevention and Eradication of Child Labour (Guatemala)
COHEP	Honduran Council of Private Enterprise
CONAETI	National Commission for the Eradication of Child Labour (Argentina)
CONANI	National Council for Children and Adolescents (Dominican Republic)
CONAPETI	National Commission for the Eradication of Child Labour (Guatemala)
CONEP-PA	National Council of Private Enterprise (Panama)
CONEP-RD	National Council of Private Enterprise (Dominican Republic)
CONFIEP	National Confederation of Private Business Institutions of Peru
CODITIA	Coordination of Prevention of Child Labour and Protection of Adolescent Labour (Argentina)
COPRETI	Provincial Commission for the Prevention and Eradication of Child Labour (Argentina)
CPC	Confederation of Production and Commerce (Chile)
CSS	South-South Cooperation
CTr	Triangular Cooperation
DINAF	Directorate of Children, Adolescents and Family (Honduras)
DIRETIPPAT	Directorate against Child Labour and Protection of the Adolescent Worker (Panama)
DYA	Development and Self-Management (Peru)
EANNA	Survey of Activities of Girls, Boys and Adolescents (Argentina)
ENCOVI	National Survey of Living Conditions (Guatemala)
ENHOGAR	National Multi-Purpose Household Survey (Dominican Republic)
EPHPM	Permanent Multi-Purpose Household Survey (Honduras)
FAO	Food and Agriculture Organization of the United Nations
FOAR	Argentine Fund for South-South and Triangular Cooperation
GEIT-TFI	Specialized Group of Labour Inspectors on Forced Labour and Child Labour (SUNAFIL, Peru)
IGT	General Labour Inspectorate (Guatemala)
INABIF	National Comprehensive Program for Family Welfare (Peru)
IPEC	International Program for the Elimination of Child Labour (ILO)
IR - RI	Regional Initiative Latin America and the Caribbean Free of Child Labour
Ley PINA	Law for the Comprehensive Protection of Children and Adolescents (Guatemala)
LTP-HWL	Hazardous Work List
MANTHOC	Movement of Adolescents, Boys and Girls, Children of Christian Workers (Peru)
MAP	Policy Accelerator Framework RI
MIMDES	Ministry of Women and Vulnerable Populations (Peru)
MITRADEL	Ministry of Labour and Labour Development (Panama)
MIRTI-CLRISK	Child Labour Risk Identification Model (ILO-ECLAC)
MTPE	Ministry of Labour and Employment Promotion (Peru)
ONG-NGO	Non-governmental organizations
ODS-SDG	Sustainable Development Goals (UN)
OIT-ILO	International Labour Organization (UN)
RENATRE	National Registry of Rural Workers and Employers (Argentina)
SEITI	Child Labour Free Seal (Peru)
SENAF	Secretariat for Children, Adolescents and Family (Argentina)
SENAME	National Service for Minors (Chile)

SENNIAF	National Secretariat for Children, Adolescents and the Family (Panama)
SIN	National Society of Industries (Peru)
SMTI	Child Labour Monitoring System (Panama)
STSS	Ministry of Labour and Social Security (Honduras)
SUIT	Unique Union of Labour Inspectors (Peru)
SUNAFIL	National Superintendence of Labour Inspection (Peru)
SVET	Secretariat against Sexual Violence, Exploitation and Human Trafficking (Guatemala)
TDR-TofR	Terms of Reference
TIP	Hazardous Child Labour
UIA	Argentine Industrial Union
UPAT	Unit for the Protection of Working Adolescents (Guatemala)
USDOL	US Department of Labor

1

INTRODUCTION

The Regional Initiative Latin America and the Caribbean Free of Child Labour (RI) is a key regional platform for the countries and actors that comprise it because it promotes coordination and intergovernmental action to optimize the performance of national policies for the prevention and eradication of child labour and hazardous child and adolescent labour. One of these key tools is the hazardous work lists (LTP in Spanish and HWL in English) agreed by tripartite representatives and formalized in each country to protect children and adolescents from these risks. These legal provisions are supported by international conventions ratified by member countries and offer possibilities to develop coordinated and inter-sectoral inspection, training, awareness-raising and capacity-building actions. The member countries have reaffirmed the political and institutional priority of eradicating child labour and fulfilling target 8.7 of the Sustainable Development Goals (SDG)¹ for 2025 through an articulated strategy of South-South Cooperation (SSC) and Triangular Cooperation (CTr).

Latin America and the Caribbean is one of the regions of the world with the highest concentration of hazardous child labour. The impact that COVID-19 has and will have for a long time on the region is based on the already dramatic previous situation. In 2017, it registered 10.5 million boys, girls and adolescents between 5 and 17 years old in child labour², of which 6.3 million engaged in hazardous child labour. It is key to recognize that in the region, the territory is one of the determining factors when it comes to tackling child labour. The fact that close to 52 percent of child labour is concentrated in the agriculture sector shows that rural and peri-urban areas are more exposed and therefore require differentiated and more aggressive policies to reduce the gaps and contribute to the eradication of the child labour and the promotion of protected adolescent labour³. Sectors such as mining, fishing, informal urban activities and domestic work, among others, also demand special attention.

Many of these activities expose children and adolescents to long hours, to dangers and risks associated with nature and working conditions⁴, climate rigors, and contact with chemicals or explosives, situations of abuse, mistreatment or servitude and, consequently, are of special concern for national policies and their tools.

The determination and approval of hazardous work listings complies with Convention No. 182, which asks the States that ratify it "to take immediate and effective measures to prohibit and eliminate all the worst forms of child labour." Art. 3 defines the worst forms (points a, b and c), but leaves the determination of hazardous work (point d) in the hands of each country. Specifically, Art. 4 requires each country to draw up its own list of what constitutes hazardous work. Recommendation No. 190. Economies, industries, customs and production processes differ from place to place, and so do the types of hazardous work in which children and adolescents participate.

The Strategic Plan of the Regional Initiative Latin America and the Caribbean Free of Child Labour (RI) proposed that all countries intensify the application of their retirement strategies for children and adolescents below the minimum age, with special emphasis on those who are in dangerous work. For this reason, Phase II of the 2019-2021 Strategic Plan is focused on strengthening and energizing the application of national policies, programs and

1 Target 8.7: Take immediate and effective measures to eradicate forced labour, end contemporary forms of slavery and human trafficking, and ensure the prohibition and elimination of the worst forms of child labour, including the recruitment and use of child soldiers, and, by 2025, end child labour in all its forms. See: <https://www.ilo.org/global/topics/sdg-2030/goal-8/target-8-7/lang--en/index.htm>

2 ILO (2017a).

3 See: https://www.ilo.org/americas/sala-de-prensa/WCMS_710347/lang--es/index.htm

4 There is a danger when there is a situation, substance or object that has a capacity in itself to cause damage, such as poisonous substances, working at height or the use of a circular saw. For its part, occupational risk is the relationship between the probability of suffering a certain damage derived from work with dangerous elements and the severity of said damage. For example, using the saw without protection or handling a dangerous chemical or working at height without taking adequate preventive measures. The challenge of prevention is to ensure that the dangers that may arise in a work situation are not transformed into risks. See: https://www.ilo.org/wcmsp5/groups/public/@americas/@dro-lima/@ilo-buenos_aires/documents/publication/wcms_248685.pdf

services to accelerate the eradication of child labour and its instruments and tools, and promote the processes of updating and implementation of hazardous work listings (HWL).

In the countries of the region - and specifically in those included in this study - there is sustained progress in regulatory frameworks (ratification of ILO Conventions No. 138 and No. 182), configuration of protection systems of childhood and adolescence, and determination of HWLs. This study aims to identify –through the voices of government, employer and worker representatives– the institutional, administrative and technical processes developed in the determination, approval, application and updating of the HWL in Argentina, Chile, Guatemala, Panama, Peru, Honduras and the Dominican Republic. Appreciate the challenges, difficulties and facilitating aspects that, analysed comparatively over a period, help to identify those factors that can optimize the application of HWL as an effective tool to prevent hazardous work and protect adolescents of legal age from to work.

The following content of the report is organized as follows:

SECTION 2:

Summarizes the methodological aspects of the work, the approach to the topic, the lines of work and the research techniques that were determined, and a synthesis of aspects of the field task.

SECTION 3:

Seeks to characterize the main issues related to the key process of interest of the study, namely, the determination of HWL as an indispensable tool to identify and eliminate situations that can put the well-being and best interests of girls at risk, children and adolescents linked to the world of work. Issues related to the tripartite perspective and the participation of the different actors are considered.

SECTION 4:

Selected for the study, the determining factors that influence when undertaking this task, the information on which they are based, and the critical factors that they have identified in its realization.

SECTION 5:

Considers the HWL application and monitoring processes; in particular, inspection systems and institutional aspects, resources, and training associated with the effectiveness of HWLs, such as policy tools, application protocols and guides, and the relationship between inspection systems and protection systems.

SECTION 6:

Sets out the main findings and recommendations of the study around two axes: the characteristics, possibilities and limits of hazardous work listings, and the processes for updating and applying their contents.

The following Annexes are included:

- I. Significant experiences**
- II. Regulations**
- III. National Commissions and their functional unit**

2

METHODOLOGY

For this qualitative and exploratory study, seven countries in the region have been selected: Argentina, Chile, Guatemala, Honduras, Panama, Peru and the Dominican Republic, according to the following criteria:

- They are developing processes to update their hazardous work listings (HWL) or have planned to do so in the short term.
- Due to their characteristics, these processes and the pertinent information can be shared contributions with other countries and actors that are members of the Regional Initiative.
- They expressed interest in participating and sharing key information.

Due to its exploratory nature, the study sought to identify and describe the different aspects related to the determination and updating of HWLs that could add value to a common framework of knowledge and experience in the matter, beyond the differences in institutional, organizational, concentration sectors and forms of hazardous child labour in the countries.

Based on tripartite social dialogue, the study sought to record the perceptions, representations and opinions of government representatives and of workers' and employers' organizations, based on the degree of certainty and clarity of their responses on the same issues and their subsequent comparison. In cases where dissonances are noted, they are recorded in the analysis.

The study includes significant experiences identified in the preparation or application of HWL in the countries analysed: some have been completed, and others are in progress and may be strengthened and become significant experiences for progress in the study's topics of interest (see Annex I).

These practices refer to the synergy of horizontal and vertical coordination efforts between government areas or between government and social organizations, to innovation in approaches or technologies, and to the generation of evidence-based diagnostic information, the review of HWLs in participatory contexts and the exploration of mechanisms for their effective application.

The examples that are presented include public policies such as in the cases of Chile and Panama, projects of workers' organizations with ILO support between Argentina and Paraguay, sectoral projects in Honduras and Peru, interesting collaboration initiatives between workers in Panama and that of South-South Cooperation between Brazil and Honduras that is in execution. The cases were identified through the interviews and/or documents available on the web, and therefore, it has not allowed having all the information required by the scheme regularly used for the complete presentation of a good practice. However, it is sought to present central aspects:

- The responsible institution and the participating institutions.
- The objectives of that experience and the problem it set out to address.
- Who is this practice aimed at, although no detailed information has been obtained about the stages, those responsible for each of them, the economic and human resources and inputs required.
- In any case, the evaluation of the expected results should be considered in later stages.

INFORMATION GATHERING TECHNIQUES:

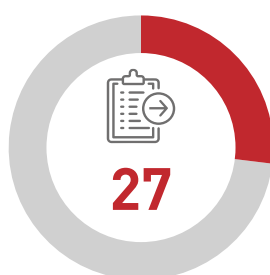
- Semi-structured interviews
- Scheduled questionnaire: answered electronically
- Documentary analysis of primary and secondary sources

The study began shortly before the region began to adopt restrictions as a result of the health emergency caused by COVID-19. The research process was coordinated with the team of the RI Technical Secretariat, which facilitated contacts with the focal points of governments, employers and workers of the seven countries participating in the study. Other key informants identified in a 2019 study were also included. All government focal points were interviewed and answered the questionnaire. Regarding the focal points of employers and workers, interviews were requested and questionnaires were forwarded. In most cases, both techniques were applied, others preferred to limit themselves to interviews and a few did not respond to either of the two requests⁵.

Originally, 14 interviews and 14 questionnaires (focal points of governments, employers' and workers' organizations) were scheduled. During the course of the study, the need to expand the universe of interviewees became evident and representatives of government areas (representatives of trade union organizations, Health and Safety at Work officials, inspectors), employers and workers were incorporated who were selected with the snowball method. As a result, the number of interviews was higher than the initial one. All interviews and communications were conducted through virtual means: Zoom, Skype, video calls, teleconferences and email.



Total interviews conducted



Questionnaires sent



Questionnaires answered

AXES OF INQUIRY:

- Process for determining, updating, applying and monitoring the HWLs
- Perception of HWLs by government, employer and worker focal points
- Application of HWLs: protocols, dissemination, monitoring
- The role of labour inspectorates
- Relationship with the areas of Protection of the Rights of Children and Adolescents

QUESTIONS THAT HAVE GUIDED THE PRESENT STUDY:

- Who has the primary responsibility for preparing the HWLs and who coordinates or should coordinate the process?
- What are the current challenges of tripartism?
- Do the countries have up-to-date sources to compile the lists?
- Is the labour inspection system relevant?
- When and why do the HWL review?
- What is its scope and possibilities in contexts of high rates of informal adolescent work?
- How to make a list applicable and operational in the context of the deepening crisis with the COVID-19 pandemic?

⁵ We were unable to contact employer representatives from Argentina, Panama, and the Dominican Republic.

3

COORDINATION AND POLITICAL- INSTITUTIONAL FRAMEWORK

The HWL determination processes comprise a series of complex steps: identifying the activities by nature and condition, preparing the lists after consulting with stakeholders of different interests and competences (government, employers and workers), approving them through different institutional procedures, and apply and update them according to the productive, technological, social, economic and demographic changes of each country.

Each of these steps has in turn different modalities, times and difficulties or facilitators. In the first place, define the structure that leads the process, involves and brings together employers, workers and other people with experience. In accordance with Convention No. 182 (Art. 4 paragraph 2), the competent authorities must determine the list of hazardous work, **after consultation** with the employers' and workers' organizations concerned.

With the available and updated information on international standards, laws and regulations in force in each country and in the sectors, activities and modalities of hazardous work, and in consultation with the sector partners, the list of prohibited jobs for persons under 18 years of age is approved through different regulatory instruments. All the countries included in the study have opted for standards of different ranks, although regulations (ministerial agreement, government agreement, ministerial resolution, order) predominate as an instrument of formalization (see regulations in Annex II). In certain cases, these modalities can facilitate the flexibility of the deadlines and updating mechanisms⁶.

Except for one exception in which the initiator is the Ministry of Women, in the countries included in the study, the institutional and organizational responsibility for initiating the processes of determining, approving and updating the HWL lies with the ministries of Labour. This is done through different instances that coordinate the national commissions, set up as spaces for policy agreement and participatory dialogue to promote the prevention and eradication of child labour and the protection of working adolescents (see the name and unit in Annex III).

It is important, then, to pause briefly on the participation of the different actors in this process. The horizontal and vertical coordination of government areas play a central role, as well as the involvement and commitment of employers and workers –as a substantive part of the tripartite processes– and of other social, sectoral and institutional actors.

3.1 Horizontal and vertical coordination of the governmental areas

HWLs are a public policy tool to intervene in the present, here and now. Horizontal and vertical cooperation and coordination between national and subnational government areas and agencies is a central component in determining HWLs. It is a necessary condition because it contributes to promoting the willingness to share information, collect it and process it in a way that is operative for the interventions of each area, combining detection, sanction, reparation and monitoring of policies.

The National Commissions or Committees for the Prevention and Eradication of Child Labour (with different names per country), institutionally dependent on the ministries of Labour, are suitable spaces to implement the horizontal and vertical integration of government agencies. With some variations between countries, they are made up of representatives from the sectors of justice, human rights, education, health, social development,

6 ILO (2008).

production, childhood and adolescence, women, Public Ministry, Supreme Court, agriculture, interior, culture, statistics, sports, youth and indigenous affairs, among others. In some countries, these national commissions replicate their format in the provinces. This is the case of Argentina with the Provincial Commissions for the Prevention and Eradication of Child Labour (COPRETI), which functionally depend on the provincial authorities in labour matters. This broad composition is an indicator of governments' commitment to public policy on child and adolescent labour.

The commissions are spaces for dialogue and policy agreement whose strength and influence lies not only in the greater or varied participation of government actors, employers, workers and social organizations, but also –and centrally– in generating applicable proposals, specifically in the determination of the HWLs.

Various users judge this applicability: inspectors demand “friendly” formats; the workers' organizations suggest lists that reflect the local and sectoral reality, and the employers' organizations expect guidelines compatible with the degree of technology in their production processes and with the designs of the tasks that facilitate the hiring of adolescents of legal working age. The latter is an extremely important aspect, given that in some cases the lack of precision in this regard (not being clear about the limits or the protection conditions that they must apply) can discourage some companies from incorporating adolescents.

Therefore, the challenge for the commissions is not only to achieve the political objective of adequate institutional representation, but also the technical objective of having participants who have information and knowledge on hazardous child and adolescent labour, health and safety at work, and a technical background on the conditions and characteristics of the sectoral production processes under analysis. In complex production processes, people with a comprehensive look are valuable in detecting nuances and objectively judging risks and opportunities, and limiting a certain propensity to a generic prohibition that often blocks the possibility of promoting protected adolescent employment.

Along these lines, it is essential that the coordinating team of the process define what and whom to convene both at the governmental and sectoral levels. What should be sought and expected from these plural spaces in perspectives, interests and information? Are the relevant government areas convened and participating? What sectorial and social references should be listened to in addition to the tripartite representation in force today?

It should be noted that the government representatives interviewed have generally indicated the evolution experienced by the commissions in the adequate understanding of the technical aspects involved to ensure that the HWLs fully achieve their policy objectives.

This is, in short, the philosophy of the strategies defined by the countries to achieve the objective of preventing and eradicating child labour and its worst forms. Examples of this are: Argentina's National Plan for the Prevention and Eradication of Child Labour and Protection of Adolescent Labour 2018-2022⁷; “Grow happy”, the National Strategy for the Eradication of Child Labour and Protection of Adolescent Workers, 2015-2025 of Chile⁸; the Honduras Strategic Planning 2016-2020; the Road Maps of Panama and the Dominican Republic; the National Strategy for the Prevention and Eradication of Child Labour 2012-2021 of Peru, and the Roadmap 2016-2020 of Guatemala. The spirit embodied in these national plans and road maps define the desirable, the horizon. Now, what is the political-institutional framework and the necessary support so that decisions have sufficient force and the HWLs reach their maximum validity and usefulness as tools at the service of a comprehensive policy for the protection and well-being of children and teenagers?

7 Available at: https://www.ilo.org/buenosaires/publicaciones/trabajo-infantil/WCMS_718087/lang--es/index.htm

8 Available at: https://www.ilo.org/santiago/publicaciones/WCMS_380838/lang--es/index.htm

3.2 Tripartism and the participation of employers' and workers' organizations

Tripartism is a strategy to involve and legitimize the fight against child labour and its worst forms. The participation of employers' and workers' organizations in the HWL determination and enforcement processes is an essential component of a robust and robust tripartism. However, participation is a necessary but not sufficient quality. It does not guarantee excellence in the product or achieve the expected result. It matters who is summoned, why and for what. In the case of HWLs and the protection of adolescent people who work, it should be borne in mind that there are different views and approaches from the government, and employers' and workers' organizations.

The main areas in which **companies** can make effective contributions are:

- a) In their facilities and in their own hiring decisions, where they have direct control and have the elements to ensure not only respect for the legal minimum age, but also that working conditions comply with the provisions of the HWL and under conditions of decent job.
- b) Its value chain, where companies can and must exercise control so that their suppliers and associates comply with current regulations.
- c) Although to a lesser extent, in the community that surrounds them (their area of influence).

The motivations that induce employers' organizations to intervene and commit to the application of the HWLs are diverse:

- a) Comply with the labour laws in force in each country.
- b) Develop social responsibility programs.
- c) Control its value chain, be it due to pressure from consumers, the media, the demands of the parent companies to their local subsidiaries, investors and/or local governments.

Al parecer, cuanto más instalada está en la agenda pública y en la política nacional el tema de la prevención y erradicación del trabajo infantil y la aplicación de los LTP, más importancia tiene el involucramiento empresarial por la imagen pública de la firma y sus productos.

Apparently, the more the issue of prevention and eradication of child labour and the application of HWLs is on the public agenda and in national policy, the more important business involvement is due to the public image of the firm and its products.

As an example, representatives of Argentina's National Registry of Rural Workers and Employers (RENATRE) pointed out the relevance - and the difficulty - of ensuring that a registry of contractors is guaranteed in the rural sector, since employers often hire families (including boys, girls and adolescents) under the modality of "piecework" work. In Honduras, important export sectors for the country's economy such as sugarcane, coffee and melon production or lobster fishing have received observations from entities that have an impact on the regulation of international trade due to the presence of child labour⁹, and they have achieved - with the contribution of the producers' organizations themselves and the technical support of international organizations such as the ILO - to have more and better information and, consequently, to optimize action strategies on the subject.

In the countries studied, it has been identified that the representation of the employer sector falls to national business associations (chambers, councils, confederations), and the scarce participation of unions of small and medium-sized enterprises, the informal sector and significant business actors in the rural sector is evidenced, where precisely the largest amount of unregistered adolescent work is found. There is agreement on the need to involve small business sectors, which present significant rates of unregistered and perhaps dangerous work.

9 US Department of Labor (USDOL) (2014).

To stimulate the participation of employers' organizations, some governments have promoted synergies through **business networks** and with the respective national chapters of the United Nations Global (or Global) Compact initiative, which coincide in targeting the SDGs. These networks can become proactive areas for the determination and application of HWLs. The local ILO office played a very relevant role in the emergence of the Network of Companies against Child Labour in **Argentina**, which since 2003 carried out a series of initiatives aimed at companies and employers' organizations to promote the inclusion of the issue of child labour in the business agenda.

With the support of the ILO IPEC program, in 2007 Framework Agreement 59/07 was signed between the Ministry of Labour, Employment and Social Security (MTEySS), the National Commission for the Eradication of Child Labour (CONAETI) and the presidents and directors of companies and business chambers, by which they committed to: i) coordinate and develop actions to prevent and eradicate child labour; ii) not to incorporate workers below the legal minimum age for admission to employment or work; iii) promote this commitment to its value chain; iv) create the Network of Companies against Child Labour, which would be coordinated by CONAETI, to generate support for programs and actions aimed at preventing and eradicating child labour; v) base its decisions on the National Plan for the Prevention and Eradication of Child Labour. During the course of this study, it has not been possible to confirm any participation of the Business Network in the determination, dissemination and/or application of the HWL that was in preparation since 2004 and was approved by executive order in 2017.

The Argentine Business Network is considered a reference in the region, and there are proposals for similar initiatives in three of the countries consulted; in another it was proposed to add to the committee a representative from the local Global Compact Network, and in some national plans, this participation is already formally considered. For example, the National Strategy for the Prevention and Eradication of Child Labour 2012-2021 of **Peru**, in its axis 4 (Working Conditions), foresees a role for the firms that are members of the Global Compact in relation to the value chain¹⁰. However, in the interviews held with the representatives in that country, no specific mentions have emerged of this contribution provided by the plan.

In **Guatemala**, the Business Network for the Prevention and Eradication of Child Labour "Boys and Girls at School", created in 2015, promotes compliance with the law so that there is no child labour in companies and strengthens education primary and secondary in alliance with other organizations. Business organizations from the private sector, Entrepreneurs for Education and government organizations such as the Ministry of Labour and Social Welfare, the Ministry of Education participate in the PETI Business Network, with the support of the ILO and FAO. As in the case of Argentina, no references were collected on the participation of the network in the determination, dissemination and/or application of the HWLs.

The other central component of a strong and sustainable tripartism is that of the **workers' organizations**, which generally have an active commitment and participation in the national commissions and in the determination and implementation of the HWLs. Due to their structure by branches of production, their knowledge of the characteristics and productive modalities and their presence in the territory, workers' organizations are unavoidable references to collaborate with the inspection areas in identifying critical sectors and locations of child labour and adolescent labour not allowed, the dangers and risks of activities and jobs, to inform, raise awareness among adolescents of legal working age, their families and employers (often family businesses), and provide specific information to the relevant government areas.

The workers' organizations of the countries studied coincide in highlighting and valuing their commitment in the dissemination of the lists, in the awareness of their affiliates and the communities on the issue of hazardous child labour through workshops and dissemination and awareness actions.

¹⁰ The planned intervention is: "Identification of child labour in the value chain of specific sectors, within the framework of the Global Compact", with the following expected result: "Companies have information that allows them to take measures to prevent child labour and eradication of dangerous adolescent work in its value chain."

However, their participation in the discussion and dialogue processes to determine the HWLs presents variations by country, with an interesting development potential. A particular case is that of **Peru**, where union representation¹¹ falls on people linked to the National Superintendence of Labour Inspection (SUNAFIL), which gives them a technical capacity derived from experience in this field. In the cases of **Argentina and Guatemala**, their union representatives indicate that they were summoned superficially and sporadically, associated in some cases with the characteristics of the call and in another, with the different positions of the organizations, circumstances that have weakened or hindered the dialogue.

3.3 Participation of other social actors

The increasing participation of civil society organizations in recent years is recognized: foundations, charities or religious organizations, non-governmental organizations (NGOs) for development cooperation (some of them international), professional associations or centres, and others. In some countries, they have had very significant participation and initiatives: they have collaborated with the public entities responsible for the identification of child labour, of unregistered adolescent workers, counselling and training of children, adolescents, families and employers, as well as in the development of technical tools and training of national and local officials.

The participation of these organizations is especially important in the detection and intervention in those sectors, locations and activities with the highest risk of informality, especially in rural areas and in the urban informal sector. These social referents in many cases promote community protection networks, carry out social mobilization campaigns, and formalize agreements with companies and governments to develop different projects. In this context, they can make significant contributions with knowledge and specialized technical personnel in the process of determining, applying and updating the HWL.

Regarding the direct participation of children and adolescents in the committees, it is - in the opinion of the people interviewed - an issue pending resolution due to the difficulty of establishing which would be the organizations the inclusion of which could guarantee representativeness and safeguard the best interests of the child, and effectively integrate into existing consultation mechanisms. For this reason, given the complexity of matching the interests and perspectives at stake, there are coincidences in preserving the decision to more restricted technical areas.

On the other hand, in some countries, the existence of exchanges with universities and research centres in consultation or advice related to these activities has been reported. In addition, the express intention of incorporating representatives of the academy to the work table on HWL; particularly, in matters of technical content such as occupational medicine, risk and safety assessment, specific production processes, organization and evaluation of tasks, among others.

It can be assumed that the relevance of these technical contributions will grow in the near future as a consequence of the impact of accelerated technological change on productive activities and the transformations caused by the effects of the COVID-19 pandemic in the world of work.

In those countries with significant percentages of indigenous peoples, the determination of the HWLs should include them in a consultation process, taking into account the provisions of Art. 6 of ILO Convention No. 169 on indigenous peoples: "consult the interested peoples, through appropriate procedures and in particular through their representative institutions, whenever legislative or administrative measures that may affect them directly are envisaged"¹².

11 The representatives mentioned are members of the Single Union of Labour Inspectors (SUIT) of SUNAFIL, which in turn is a member of the Central Autonomous of Workers of Peru (CATP).

12 To learn which countries have ratified it, see: https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:11300:0::NO::P11300_INSTRUMENT_ID:312314

3.4 International commitments with regard to hazardous child labour

The degree of commitment reached by the different participating actors to eradicate hazardous child labour –both to generate actions from their own field of action as well as jointly– can also be seen in international encounters and meetings. Such was the case of the IV World Conference on the Sustained Eradication of Child Labour, held in Buenos Aires in November 2017, in whose organization and development the Regional Initiative had an active participation through the Technical Secretariat, its focal points and strategic partners.

At that meeting, the eradication of hazardous child labour featured prominently. In fact, one of its central conclusive documents, the *Declaration of Buenos Aires on Child Labour, Forced Labour and Youth Employment*¹³, and the point referring to the commitment of actions related to politics and governance refers specifically to updating the HWL¹⁴. Another of these documents, which summarizes public and voluntary promises made by the actors in accordance with the declaration and to advance towards the achievement of target 8.7 of the SDGs, included the commitment of the Ministry of Labour and Employment Promotion of Peru (one of the countries selected for this study) to implement a national program targeting people between 14 and 17 years of age in hazardous work¹⁵. Among the valuable documents presented or prepared from the conference activities, one of the region's workers can also stand out, with numerous cases and experiences, some referring to the countries selected for this study¹⁶.

13 See: https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_597667/lang--en/index.htm

14 Point 1.7: Strengthen national legal frameworks and their enforcement, including the regular review and update of the national list of prohibited hazardous work for all children, and efforts to eradicate hazardous child labour, particularly in the sectors and occupations in which it is more widespread.

15 See: <https://www.iniciativa2025alc.org/sites/default/files/pledges-IVGCCCL-2017.pdf>

16 See: CSA-CSI (2017).

4

REASONS FOR UPDATING OF THE HAZARDOUS WORK LISTS

4.1 Why update them and what for?

The countries analysed acknowledge the relevance of periodically updating the HWLs, but show difficulties associated with procedural, institutional and information availability factors¹⁷.

The difficulties identified are of a different nature and are often fed back to favour or slow down the review and update of the listings. Political, technical and operational reasons come into play. That is, the political decision of the competent institutions, the existence of technical teams sustained over time, knowledge of the issues, the participation and consultation methodology, the sources of information on sectors, activities and critical territories for child and adolescent hazardous labour.

In this regard, it is pertinent to return to points 4.2 and 4.3 of Convention No. 182, which does not set deadlines, but does indicate the need for periodic review, after consultation with employers' and workers' organizations. The following is noted there¹⁸:

2. *The competent authority, after consultation with the employers' and workers' organizations concerned, shall locate where the types of work determined in accordance with paragraph 1 of this article are carried out.*
3. *The list of types of work determined in accordance with paragraph 1 of this article shall be periodically examined¹⁹ and, if necessary, revised, in consultation with the employers' and workers' organizations concerned.*

The update assumes information. That is, it puts into discussion the contents: the activities to review and/or update and the gaps to be covered based on previous omissions or due to the emergence or detection of new forms of child labour and/or changes in the relationships and modalities of production of goods and services.

Among the reasons that justify the revision and updating of the HWLs, the following are identified: the inclusion of the gender perspective, which is very little considered in the lists reviewed for this report; the cultural adaptation of the instruments, which is a persistent challenge even though in several of the countries analysed the proportion of indigenous population is very considerable; the magnitude of some modalities associated with hazards, such as child domestic, artistic and rural labour; the growing migratory flows in the region, with a significant presence of children and adolescents; and last but not least, the findings of recent studies and research that identify risks and dangers derived from tasks and activities carried out by adolescents and not provided in the HWL. All this, seen from the new challenges posed by the socioeconomic crisis associated with COVID-19, the effects of which will be felt for several years in the Latin American and Caribbean region.

The need to update the lists also highlights the different emphasis placed by the participants in the tripartite process. Workers' organizations highlight the need to emphasize working conditions, to identify dangerous jobs by critical sectors, by activity and geographic area, including child domestic work. While employers' organizations recognize the importance of keeping the HWLs updated, there are significant coincidences that on many occasions they discourage employers from hiring adolescents of legal working age.

17 Argentina, Chile and Honduras establish terms of different duration (2, 3, 4 years, respectively); Guatemala, Panama, Peru and the Dominican Republic indicate that they will do so periodically, when the competent authority deems it appropriate.

18 See: https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_INSTRUMENT_ID:312327

19 The highlight is ours.

The arguments point in some cases to the ambiguity of the listings; in others, to the detailed prohibitions and/or the lack of precision about what are the conditions allowed for adolescent work. It has been pointed out that this is particularly notorious in the formal sector of small and medium-sized enterprises (in activities potentially employing young people), which do not have administrative experience in handling these requirements - or adequate advice - and avoid taking the risk of possible sanctions. Therefore, they consider that an update that expands the HWL in the context of the economic crisis associated with COVID-19 may mean an increase in unregistered work among adolescents and young people.

There are coincidences in considering the importance of institutional leadership to promote and strengthen tripartism and the participation of other actors in the updating processes, the installation of the issue on the public agenda and the achievement of consensus among the different sectorial actors. However, not all countries have the same institutional resources or tripartite practical experience and coordination. Some have permanent technical teams and have institutionalized tripartite participation and other key actors, the sharing of concepts and approaches. Others point to problems derived from ignorance of the subject, inexperience in the practices of social dialogue and articulation. In a last group of countries, the determination of the lists shows the lack of consensus on concepts such as "by nature", "by conditions" and on the degree of detail or generality expected for the final HWL format.

In these cases, the most recurrent observations were about the language, the terminological precision, the use of technicalities and the lack of definition and consensus on the responsibilities and auxiliary procedures of the list, such as the development of application and interpretation guides. Finally, there are the references and questions raised for the professional training of adolescents. The challenge is to include training in occupational health and safety in compulsory education curricula.

Resorting to external experts for the technical coordination of the determination and / or updating of the HWL is seen from a double perspective. In positive terms, it makes it possible to fill the aforementioned knowledge and experience gap and makes it possible to have the appropriate instruments. However, in some cases there was no transfer of this knowledge and experiences to the responsible national actors to empower them and thus independently face the successive reviews and updates.

It is evident that, along with the political-institutional dimension, the technical dimension of the problem is key: involving engineering, ergonomics, safety, occupational health issues and a wide field of disciplines that analyse very diverse production processes and their variants in which they can insert children and adolescents. In this sense goes the aforementioned convenience of broadening the dialogue with new actors previously not considered or not expressly considered.

The national commissions and committees that are promoting review and update processes often wonder what the level and effective scope of participation should be, in quantitative and qualitative terms, of added value. Moreover, taking into account the experience of virtual meetings forced by the pandemic, what are the alternatives that should be considered for this participation? This is relevant due to the emerging problems of the practice that several of the interviewees pointed out: many participants and many topics to discuss; times and deadlines usually limited; unevenness in information, knowledge and interest of the participants. Many times, it is not possible to guarantee the presence of specialists (even occupational health or safety technicians from the same convening ministries or additional professional resources) in the treatment of key issues.

Finally, just as some countries have achieved an adequate agenda of priorities and commitment of employers and workers, in others they point to the need for more fluid communication and greater involvement of these interlocutors in the review and update process.

4.2 Update and information sources in the national contexts

Recommendation No. 190²⁰ says:

*5.(1) Statistical data and detailed information on the nature and extent of child labour should be collected and kept up-to-date, so as to serve as a basis **for determining priorities for national action**²¹ aimed at the abolition of child labour, and in particular the prohibition and the elimination of its worst forms as a matter of urgency.*

According to the ILO, about 52 percent of child labour is concentrated in the agriculture sector, evidence that rural and peri-urban areas are more exposed and therefore require differentiated and more active policies to reduce gaps and contribute to the prevention and eradication of child labour and hazardous work and the promotion of protected adolescent work²². However, the insufficiency of updated information, disaggregated by sectors, activities and geographic areas is shared by practically all the countries studied.

A recent joint report by the ILO and FAO²³ points out that “knowledge gaps” persist and “by virtue of the vastness of the subject, the diversity of situations covered and overlapping issues dealt with, it is evident the need to jointly increase the base of available knowledge on child labour in agriculture, in order to improve the actions that are implemented for the prevention and attention of the problem.” The same report highlights the urgency of strengthening the production of statistics on child labour in agriculture in Latin America and the Caribbean, giving uniformity to concepts and indicators and ensuring the production of rigorous and comparable information. These knowledge and information gaps are also seen in urban child and adolescent labour, in commerce, services and on public roads.

The countries - even with differences - have the challenge of generating and taking advantage of other sources of information already available to capture hazardous child labour, such as administrative records of social protection, health, accident rate, and statistical areas. However, one of the difficulties is the horizontal and vertical coordination capacity of government agencies to have and cross-reference these data.

Since 2017, ten countries in the region²⁴ have applied the Child Labour Risk Identification Model (CLRISK) and the experience allows us to appreciate the potentiality of its results (based on a methodology adaptable to each national context) for the definition of policies, territorial intervention, strengthening the initiatives of tripartite actors and the capacities of local governments²⁵. This is considered a good South-South Cooperation (SSC) practice available to countries.

The information collected shows that there is still no significant impact of the application of the CLRISK (prepared between the ILO and ECLAC) for the production of information at the national and local level. It is likely that there will be institutional difficulties, political decision-making and, of course, budgetary and operational resources so that this instrument can provide systematic information to be used in the revision of the HWL and in the territorial interventions of the labour inspectorates and the systems of protection of the rights of children and adolescents.

20 See: https://www.ilo.org/dyn/normlex/es/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:R190

21 The highlight is ours.

22 See: Art. 9 of the Second Socio-Labour Declaration of Mercosur (2015) in Gorsky, S. (2016).

23 FAO/ILO (2019).

24 Argentina, Brazil, Chile, Costa Rica, Guatemala, Mexico, Peru, Jamaica, Paraguay and Colombia.

25 Memory of the Technical Exchange Meeting on the implementation of CLRISK in pilot countries of Latin America and the Caribbean, held in Brasilia on September 14 and 15, 2017; and presentations of the V Face-to-Face Meeting of the Network of Focal Points of the Regional Initiative, held in Lima on October 22-25, 2019.

The countries studied have different conditions and appreciations regarding the opportunity to update the lists and the procedures to do so. The current process in the countries analysed is described below.

ARGENTINA:

The determination of the first HWL began in 2004 from the Ministry of Labour, Employment and Social Security and was approved by executive order in 2016²⁶. There are coincidences about the need for updating, given that it suffers from several difficulties: among them, its degree of generality and the failure to distinguish between nature and conditions. This lack of precision makes inspection and control difficult; Furthermore, it does not assist the employer either, who –as several interviewees have pointed out–, faced with the risk of being sanctioned, does not hire adolescents of legal working age or does not register them. The list does not identify critical sectors, activities or territories and does not have application guides. The latest information available is the Survey of Activities of Children and Adolescents (EANNA) 2016-2017 and the CLRISK, presented in the country at the end of 2019, with data from the 2010 census and administrative records²⁷. These sources identify the Northeast (NEA) and Northwest (NOA) regions and large agglomerations such as those with high rates of rural and urban child and adolescent labour.

According to the National Registry of Rural Workers and Employers (RENATRE), an agency dependent on the Ministry of Labour, Employment and Social Security that works in the provinces with national agents and is in charge of granting the employment book to rural workers, cross-checking the information it generates with that from EANNA and CLRISK, it would be an important input for the HWL. The health sector is also a relevant source of information, but the decentralization of the health system - which is defined by each province - makes it difficult to apply comparable accident recording mechanisms.

CHILE:

It is moving towards the third update of the HWL within the framework of Law No. 21,271, promulgated on September 30, 2020. Its determination provides for the participation of the Under-Secretariat for Children and the Children's Ombudsman, bodies created after the approval of the current HWL²⁸. In addition to the data produced by international organizations and sector investigations, the Labour Directorate can collect data on accidents and health and safety conditions at work through a program for the control of adolescent work. In addition, the participation of the Ministry of Health in the production of information - including health and safety at work - has been highlighted, which significantly complements that produced by the other agencies. Concern for the vocational training of adolescents is on the agenda to establish links with the HWL. Given that the current HWL includes activities incorporated in the study plans, it would be necessary to harmonize both (the training offer and the hazardous work listings). The testimonies suggest the need for these regulations to dialogue with each other. As an example, the work practices carried out by adolescents in technical careers of agricultural schools are pointed out. Reports from the Labour Directorate identified that students were being hired under the vocational training system when, in reality, it was a savings in the payment of workers. The challenge is to include training in occupational health and safety in compulsory education curricula.

GUATEMALA:

Has expressed interest in updating the HWL because the current one is very general, it does not contemplate the local or geographical reality of the country. There is another reason to justify the adequacy of the HWL. Although Convention No. 182 points out that the HWLs should only determine dangerous activities, since illicit activities are already defined in sections 3.a, 3.b and 3.c, the list also includes the latter. Consequently, the control of the HWL is the responsibility of the Ministry of Labour and

26 The HWL begins in the MTEySS, but in 2005 Law No. 26.061 of Protection of Children and Adolescents, which designates SENAF as the enforcement authority and requests the file. The Ministry of Justice, which has representatives in CONAETI, conducted a public consultation through a toll-free number 0800 to collect information on activities and forms of hazardous child labour. Occupational Health and Safety technicians participated and consultations were made to professionals from different disciplines. The file returns to the MTySS and CONAETI, coinciding in time with the presidential election process. See: http://www.saij.gob.ar/1117-nacional-determinacion-tipos-trabajo-actividades-ocupaciones-tareas-constituyen-trabajo-peligroso-para-personas-menores-dieciocho-18-anos-dn20160001117-2016-10-20/123456789-0abc-711-1000-6102soterced?utm_source=newsletter-semanal&utm_medium=email&utm_term=semanal&utm_campaign=decreto-nacional

27 See: <http://www.trabajo.gob.ar/estadisticas/eanna/informe.asp>

28 Law No. 21,271, published on October 6, 2020, modifies the Labour Code regarding the protection of children and adolescents. It includes significant changes, among which the elimination of the term "minor" stands out, replaced by adolescents of legal working age, and the term "child", replaced by a boy, girl and / or adolescent. It defines hazardous work for children and adolescents as prohibited activities for these age groups, which will help to optimize the update of the current HWL. This law was promulgated and will come into effect after the end of this study. Available at: <https://www.bcn.cl/leychile/navegar?idNorma=1150357>

Social Welfare, the Public Ministry and the Attorney General's Office. As will be seen in the corresponding section, the involvement of this multiplicity of agencies generates greater challenges of articulation in the process of application and monitoring of the cases detected. The Living Conditions Survey (ENCOVI) 2014 identifies as critical sectors for the 14-17 year-old group, rural activities –especially in the Western Region– and urban child labour –in the Central Region.

HONDURAS:

It did its review in 2018, but is interested in updating the HWL. The testimonies indicate that the current list “was very high”: it is too general and its wording is not understandable and friendly to all its possible recipients. The document that presents the government planning for the 2016-2020 period²⁹ highlights the lack of precise data on the magnitude and characteristics of the problem, including the worst forms³⁰. In 2014, the highest concentration of child labour (in the 5-17 age group) was in rural areas. Groups of high vulnerability are children and adolescents of indigenous peoples and those affected by migrations for labour reasons, about which information is also insufficient³¹. The next update is expected to help the inspection recognize when and how to intervene to detect risk and guide actions. The challenge of having a culturally adapted instrument is identified. The responsible authority carried out practical experiences in the field to verify the consistency of the list, identifying directly with the young people and their families the different tasks (for example, in coffee production) to jointly determine their danger in the field. As a result, a valuable information base is available to face reviews that are more realistic in the future.

PANAMA:

It points out that the previous HWL tended to be banned. The current one is the result of consultations with all key stakeholders and an analysis of information with a technological instrument, and includes the identification of activities that adolescents can carry out taking into account risk and occupational safety. With the support of the ILO, the list was supplemented with files and guides on hazardous child labour in public transport, sale in markets and ambulatory, loading and unloading, car washes, restaurants, recycling, fishing, production of bananas, onions, coffee, sugar cane, melon and others. Likewise, a computerized detection system was developed and implemented in the urban informal sector. There are coincidences in the need to update it.

PERU:

In the HWL - currently in the final phase of review and update - deficiencies are pointed out due to the application of different criteria to define activities. Coincidentally, it has a prohibitive bias and tends to discourage teens from engaging in activities that might be permitted. In addition, its dissemination has been little, the knowledge of the different sectorial actors is limited and its use has not been sufficiently promoted among local governments for the registration and authorization of independent or self-employed adolescent work. Workers' organizations point out above all the difficulties and limits of labour inspection in the territory and the lack of responses to child labour in domestic work. Employers' organizations have emphasized the need to measure the magnitude of the informal economy and the difficulties of its control³². According to available statistical information, the



29 See: Secretariat of Labour and Social Security (STSS) (n/d).

30 According to the data available in 2014, 379,598 children and adolescents are in a situation of child labour: 15.3% of the population between 5 and 17 years of age. The data from the Permanent Survey of Multiple Purpose Homes (EPHMP) of the National Institute of Statistics (INE) for 2019 indicate a certain reduction in these figures: 364,765 children and adolescents in child labour (14.8% of that group old).

31 ILO (2016b).

32 Actions are being undertaken (2019-2021) to promote and drive productive chains free of child labour in sectors with high incidence and/or risk for child labour, strengthen social dialogue and the institutional framework of the Regional Steering Committees for the Prevention and Eradication of Child Labour (CDRPET) and collaboration with the Association of Municipalities of Peru (AMPE) and the National Assembly of Regional Governments (ANGR) to implement the Municipal Model for the detection and eradication of child labour on a national scale.

critical sector for child and adolescent labour is rural³³. The country is planning to use the risk maps resulting from the CLRISK to focus the inspection actions carried out by local subnational governments to establishments and businesses within their jurisdiction.

DOMINICAN REPUBLIC:

It approved its first list in 2004 and, according to the sources consulted, although there have been no difficulties in the execution of its plans, there is an interest in updating it. In this sense, workers' organizations emphasize that HWLs are tools to position the issue of child labour and advance in its prevention and eradication. The official data available on the general panorama of child labour are from 2009. This information shows one of the highest levels of child labour in the region: 12 percent in the 5-14 age group, of which more than half do dangerous work, predominantly in rural areas³⁴.

33 52.3% of the population aged 5 to 17 in rural areas compared to 16.2% in urban areas. Taken from: INEI (2017) and from ILO/MTPE (2016).

34 Data from ENHOGAR (National Survey of Multiple Purpose Homes) 2009-2010, from the National Statistics Office (ONE) of the Dominican Republic. See, also: Understanding Children's Work Programme (UCW) (2017).

5

PROCESSES FOR APPLYING AND FOLLOWING-UP ON THE HAZARDOUS WORK LISTS

This section analyses the application of inspection systems in relation to what is stipulated in the HWL in each country. As has already been pointed out, inspection is a fundamental tool - necessary but not sufficient - for the protection of working children and adolescents. For this reason, based on the information collected in interviews and questionnaires and the secondary information from the reports of the Committee on the Rights of the Child, some observations and/or recommendations are made on the relationship between inspection systems and the protection systems of childhood and adolescence considered relevant for the study.

The UN Committee on the Rights of the Child has reiterated in its periodic reports on the countries of Latin America and the Caribbean the need to **improve the vertical and horizontal coordination of government agencies**, to increase human and budgetary resources, of increase the national scope and strengthen sub-national and local spaces for the protection of rights and improve the coordination of the different agencies involved³⁵.

Coordination currently has challenges. It is built and requires disposition, resources and sustained practice over time. One issue to consider in the application of policies aimed at protecting children and adolescents from hazardous work lies in the articulation between the areas of control and the protection systems. If appropriate, it creates better conditions for the protection and restitution of the rights violated in activities related to dependency or self-employment, on public roads or even in ways as complex to identify and intervene as intensive domestic tasks in the home or in child domestic work for third parties.

This systemic approach requires an institutional framework of all the agencies and actors involved as organized and coordinated parties because protection systems are complex systems that act in coordination with other systems for the prevention, protection and restitution of rights. The most significant are the areas of work, health, education, housing and social protection and security systems.

Through the interviews, it was identified that in most of the countries studied there is insufficient information and knowledge of HWLs and a lack of coordination between the labour inspection and the systems for the protection of the rights of children and adolescents. This is attributed in some cases to the weaknesses of the inspection systems and in others - sometimes simultaneously - to the weakness and/or complexity of the rights protection systems. It may happen that when children or adolescents are detected working, there are no resources to inform the labour inspectorate or that the inspection does not coincide with the hours of operation of the offices for the protection of rights so that they can receive the complaint and carry out the referral and the corresponding follow-up. An even more important issue - pointed out in the interviews - is that not enough alternatives or guidance is offered to adolescents who have retired from work. Although there are terms - of varying duration - for administrative sanctioning procedures, generally there are no defined terms for the procedures for the protection and restitution of rights. Neither are precise follow-up procedures verified regarding what happens later with underage persons detected and removed from the workplace.

Hazardous child labour and unregistered adolescent work are problems derived from conditions of poverty and vulnerability; and they are not solved only with the inspection, the vigilance and the sanction against the breach of the labour norms in force. The inspection should continue to move towards the inclusion of new approaches

35 For the purposes of this document, it is worth noting the definition of a comprehensive child protection system offered in the study published by UNICEF / ECLAC National systems for comprehensive child protection: legal foundations and status of application in Latin America and the Caribbean: "... the comprehensive child protection system is understood to be the set of organs, entities, mechanisms and instances at the national, regional and local levels, aimed at respecting, promoting, protecting, restoring and restoring the rights of children and repairing the damage before the violation of the same established by the national legislation on children. It will also take particular account of the relationship mechanisms between public and private institutions in the country, their interactions and complementarities, especially describing the link between the State and civil society organizations." (Morlachetti (2013), pg. 12.)

provided for in the international regulations ratified by the States; in particular, by the Convention on the Rights of the Child (CRC) and the conventions and recommendations of the ILO, national labour laws and laws for the protection and promotion of the rights of children and adolescents.

Despite the enormous and significant advances of the countries of the region in legislative, organizational and institutional matters, there are still tensions between the comprehensive protection models for children and adolescents and the administrative, professional and procedural structures of the old guardianship model.

5.1 Dissemination and knowledge of hazardous work listings

In the countries included in the study, dissemination and awareness-raising activities on HWL have been carried out with different intensity, geographical and temporal extension. They were carried out among technicians and public officials, employers, workers, producers, social and community organizations. Both the role of workers' and employers' organizations and the training and dissemination among their members has been variable. The people interviewed agree that the dissemination and information on hazardous child labour and HWL has not been clear or sufficient, especially at subnational scales³⁶, where greater difficulties are identified in doing so. The impact of this deficit has been highlighted in those contexts in which - exacerbated by this circumstance - high levels of social tolerance against child labour persist.

According to the testimonies collected, sometimes local authorities, employers and - in the case of family economies - responsible adults are unaware or do not understand the HWL, the dangerous conditions in which adolescents work and their consequences. In many cases, this ignorance causes companies - especially small ones - to avoid hiring adolescents.

All actors in social dialogue and other participants should address dissemination and awareness-raising actions on hazardous child labour and the role of lists. Without forgetting that each one has different responsibilities: the government, towards its institutions (Work, Education, Health) and towards society; employers, towards their unions, affiliated companies and in their value chain, and workers' organizations, in relation to their affiliates and directly with the people who work or are in a position to do so³⁷. As mentioned, there are significant coincidences among all the sectorial actors on these aspects.

Public education on matters of safety and health at work

Although it is still impossible to quantify them, the data indicate, nevertheless, that a significant part of the occupational diseases of working children and adolescents may be related to the lack of knowledge of employers, parents and their own boys and girls about "invisible risks", such as the toxicity of chemicals in a fertilizer container purchased at the local store; the damage that the loud noise of a machine can cause; the long-term psychological effects of isolation or tedious tasks. Public health education - for example, through posters, brochures, the radio, two-person conversations, or community meetings - can help combat lack of awareness. The knowledge of parents on how to detect dangers and assess risks, taking into account the age and stage of development of their children, is essential to protect, for example, those who do domestic work or those who perform domestic tasks intensive.

Source: Text adapted from ILO (2018), pg. 48.

36 The subnational scale refers to the division into regions, provinces, municipalities, communes, which receive different names depending on whether they are federal or unitary countries.

37 Annex I of significant experiences refers to an experience carried out by an organization of domestic workers aimed at raising awareness among employers and workers with an emphasis on preventing child and adolescent labour in this sector.

5.2 The inspection systems in the face of child labour and the hazardous work lists

An ILO document summarizes the current challenges facing inspection systems, which are particularly relevant when dealing with child labour and hazardous adolescent work³⁸.

Specialists, who state the following, have questioned the traditional inspection model for some time³⁹:

In today's world of work, the traditional model for monitoring the application of standards - reactive and systematic inspections - is no longer sufficient to achieve effective and efficient application and sustained compliance with national and international labour standards. The high number of workplaces subject to inspection reduces the resources available to inspect them (ILO, 2006), leading to a situation in which workers are left unprotected, offenders act with impunity and unfair competition reigns with companies that meet the requirements.

Instead, a renewed vision of inspection is proposed, a strategic model more in line with the organizational and technological changes experienced in the world:

The new strategic compliance model - proactive, targeted and tailored inspections - provides labour inspection with a new methodology to achieve progress in compliance, bearing in mind the limited resources available, the imbalance of forces and the need to assume greater responsibility for encourage compliance in an ever-evolving world of work.

Labour inspection systems are fundamental policies and tools for the detection and prevention of child and adolescent labour, and they require trained human resources for effective action. The response to this requirement has taken different forms. Some countries have included the subject in the general training program of their inspectorate. Others have chosen to create specific inspection teams to intervene in the detection of child labour. In any of the options, the fundamental thing is that those who have the competence to control and detect child labour and unregistered adolescent work are trained, informed and have the necessary tools to take action not only on verified infractions, but also on those Referrals necessary for the restitution of violated rights. This is important because, when the origin of the inspection is of a general nature, it may happen that information on child labour is not collected and consequently the procedures to identify and resolve it are not activated following current regulations; or that, despite identifying the cases, the procedures for their referral to the rights protection system are not known.

In general, inspection processes are initiated by a combination of mechanisms: they are mainly scheduled operations or specific operations in critical areas of child labour, and citizen complaints (by phone or through the website, among others). In some cases, the origin of the inspection is the result of derivations from other areas of government, such as ombudsmen, administrative authorities for children, the Judiciary, and others.

However, the number of cases detected in labour inspections is low in relation to the magnitude of the problem recognized by the available statistics and by government, business and worker officials themselves. This shows that, although the inspection system is a central instrument, it is insufficient to respond to situations of hazardous child and adolescent labour. There are several difficulties encountered by the inspection system in the face of the problem. One - pointed out by all - is that it is mainly concentrated in the informal economy, both urban and rural, which is very widespread in the region, although with significant differences between countries.

38 "Diversion of financial and human resources and restrictions on mobility have drastically reduced or restricted labour inspections. As economies revive, labour inspectors need the resources and capacity to monitor proactively sectors at high risk for child labour. Monitoring systems based on local communities can play important roles. Their collaboration with labour inspectors in identifying and investigating cases of child labour has proven effective. New technologies, public-private partnerships, and various audit programs can extend the scope of labour inspections. Emerging strategic compliance inspection models, bringing together interventions from multiple agents, provide a comprehensive framework for these measures. The prioritization of some issues, based on political commitments or public demand, as well as the use of available data on compliance and enforcement can point to companies and sectors of the economy in which violations of the codes are frequent and labour regulations, including regarding child labour". Taken from: ILO/UNICEF (2020).

39 ILO (2017).

For the identification and detection of child labour and unregistered adolescent labour, the need - recognized and promoted by governments - to have information coming not only from inspection systems, but from other areas such as Public Health (through the accident and/or illness records of children and adolescents), the social protection systems and their registration data, the health and safety agencies at work, the control bodies of the local governments, the organizations of workers and social and community organizations.

A brief synthesis is presented below that seeks to illustrate, through some examples taken from the countries studied, the scope, limitations and problems faced by the inspection system in the identification and prevention of child labour and unregistered adolescent labour and in the application of HWLs. The countries included in the study present different situations regarding the application protocols of the HWLs. In general, the countries report not having specific application protocols for HWLs.

ARGENTINA:

It is a federal country. The national Ministry of Labour, Employment and Social Security (MTEySS) has a National Commission for the Eradication of Child Labour (CONAETI) and each province, its respective ministries of Labour, its Provincial Commissions for the Prevention and Eradication of Child Labour (COPRETI) and its labour inspection system⁴⁰.

The nation's MTEySS has approximately 400 national inspectors informed and trained in child labour and HWL. The Coordination for the Prevention of Child Labour and Protection of Adolescent Labour (COODITIA) of the MTEySS is the unit that inspects and has differentiated acts for administrative sanctions (unregistered adolescent workers) and others for criminal sanctions, but it does not have the primary control competence⁴¹. They do not have a specific protocol to apply the HWL, but national inspectors apply number 23 of the HWL, which defines as prohibited work for minors under 18 years of age anyone who does not comply with the provisions of labour regulations, and therefore unregistered work. Ninety percent of the cases that the inspection identifies are unregistered adolescent jobs (centrally, in the rural sector); being prohibited, the amount of the penalty is aggravated. Law No. 26,727 regulates agricultural work and the minimum age for employment (16 years), but authorizes work from 14 years when it is a family business. According to COODITIA statistics, more than 60 percent of adolescent work does not have parental authorization to work⁴².

The provinces have the primary control competence. Consequently, when within the framework of the National Labour Regularization Plan (PNRT)⁴³, the nation's MTEySS detects unregistered adolescent work or child labour, it applies two procedures: a) it prepares the infraction certificate and sends a copy of the certificate to the corresponding province to substantiate the labour administrative procedure that must conclude with the application of a fine; b) sends a note with a copy of the minutes to the Provincial Commission for the Prevention and Eradication of Child Labour (COPRETI) so that it can coordinate with the competent areas of protection of the child or adolescent who was found working. Provincial labour authorities and inspection teams at this territorial level have little or no knowledge of the HWL and do not have sufficient human and technological resources. Government and worker representatives consider child domestic work to be a critical sector that should be specifically addressed in the next update of the HWL⁴⁴.

The provincial labour authorities, including COPRETI, have weak links with offices for the protection of rights at the provincial and municipal levels. The people interviewed point out the lack of integrated protocols between all the Labour, Protection, Education and Health organizations. There are coincidences in pointing out the importance of personal ties and the goodwill of the actors. Although the national inspection detects

40 In the case of child and adolescent labour, the nation has a National Commission for the Eradication of Child Labour (CONAETI) and the provinces have Provincial Commissions for the Prevention and Eradication of Child Labour (COPRETI).

41 The regulations are of national jurisdiction (Undersecretary of Labour Inspection and Social Security Secretariat, MTEySS): Resolution (SsFTSS) 195/2013 Annexes I and II: Labour Police. Inspection of child and adolescent labour. See the models of adolescent work registration records and infraction records in: MTEySS (2017). Material for the inspection of child and adolescent labour. Guide to collaborate with the restitution of the violated rights of children and adolescents from their own competence.

Available at: http://trabajo.gob.ar/downloads/inspeccion/2017_guia_de_inspectores.pdf

42 Regarding adolescents who work, as long as they do not live independently of their parents or guardians, they need their authorization to work (in all Argentine labour regulations of all sectors of activity). See: Law No. 26390 that modifies the Labour Contract Law - Modification of Laws 20,744 (1976), 22,248, 23,551, 25,013 and Decree Law 326/56. Art. 3 - Replace Art. 32 of Law 20,744, which will be worded as follows: Art. 32: Capacity. People from the age of eighteen (18) can enter into an employment contract. People from sixteen (16) years old and under eighteen (18) years old, can enter into a work contract, with the authorization of their parents, managers or guardians. Such authorization is presumed when the adolescent lives independently of them. This is also explicit in Law No. 26,727 / 11 of the Agrarian Labour Regime and in Law No. 26,844 / 13 Special Regime of Work Contract for Private House Personnel. Law No. 26,727/11 (available at: <https://www.uatre.org.ar/Attach/ley26727.pdf>); Labour Contract Law No. 20,744 (modified by Law No. 26,390) [presentation available at: <https://www.argentina.gob.ar/normativa/nacional/ley-26390-141792>]; and Law No. 26,844/13(available at: https://www.ilo.org/wcmsp5/groups/public/---americas/---ro-lima/---ilo-buenos_aires/documents/presentation/wcms_229195.pdf). In the sector of male and female workers who perform household chores, Law No. 26,844 / 13 of the Special Regime of Work Contract for the Personnel of Private Houses, in Title II Arts. 9-13, referring to the Banning of Child Labour and the Protection of Adolescent Work, defines some guidelines for the work of children and adolescents such as the banning of employing people under 16 years of age, the obligation to have a certificate of physical fitness for teens ages 16 and 17. Tasks considered dangerous for this age group are not listed, but are specified for adults and this is considered to include people under the age of 18.

43 For further information about the PNRT, see: https://www.ilo.org/americas/publicaciones/WCMS_371231/lang--es/index.htm

44 In the sector of male and female workers who perform household chores, Law No. 26,844 / 13 of the Special Employment Contract for Private House Personnel, in Title II articles 9 to 13, referring to the Banning of Child Labour and the Protection of Adolescent Labour, defines some guidelines for child labour, girls and adolescents such as the banning of employing persons under 16 years of age, the obligation to have a certificate of physical fitness for adolescents between 16 and 17 years of age. Tasks considered dangerous for that age group are not listed, but are specified for adults and this is considered to include persons under 18 years of age.

child and/or adolescent labour and reports to the provincial and/or municipal protection areas, they point out the lack of monitoring and transfer of information.

In this context, the recommendations made in 2010 and 2018 by the Committee on the Rights of the Child are relevant, when it urges the State to promote legal reforms in all provinces so that provincial and municipal legislation is harmonized with national legal frameworks regarding children's rights. In the same sense, it calls for improving the capacity to generate disaggregated data at the territorial level and that it be shared among the competent ministries for the formulation, supervision and evaluation of policies, programs and projects for the effective application of the convention⁴⁵.

CHILE:

The Ministry of Labour and Social Welfare has a Department for the Eradication of Child Labour responsible for implementing public policy and coordinating actions, and a National Advisory Committee for the Prevention and Progressive Eradication of Child Labour. National inspectors replicate and act in all 16 regions. They are trained in all labour regulations, training that they have even shared through South-South Cooperation modalities with Uruguay, Peru and Paraguay, but they do not have specific training on child labour or HWL. Although they do not have a guide or protocol for the application and monitoring of the HWL, they apply a special protocol for the control of the work of children and adolescents that assesses compliance with administrative requirements such as the type of activities that the adolescent is carrying out. Given that the Labour Directorate only has powers in the formal labour sphere, in the case of hazardous child labour in the informal economy, it derives and works with the network for the protection of the rights of children and adolescents. If a violation of rights is identified, they proceed to refer them to the National Service for Minors (SENAME).

Representatives of workers and employers agreed that in the poorest regions, where there is greater labour informality, the inspection capacity is weak and compliance with labour rules is the exception. One of the manifestations of this weakness is evident when the inspectors arrive at a place where they know reliably that there are underage people working, they can no longer find any because the employers have been notified, and many times the adolescents who need to work hide themselves. Workers' organizations suggest increasing advisory and information activities, and implementing a less punitive control, focused on guidance and control, with greater collaboration from local trade union organizations. Child domestic work is a critical sector on which the government has tried to advance: a household survey has been carried out, and a series of difficulties have been identified, such as invisibility, high social tolerance or hidden family loyalties or they justify this type of child labour and make intervention difficult. In this sense, they consider that the health sector can play a prominent role in identifying the causes of accidents to children and adolescents.

In its observations to the State, the Committee on the Rights of the Child has indicated the lack of a comprehensive law for the protection of children based on a human rights perspective; the lack of coordination between the various ministries (Labour, Education, Health, Social Development) and services responsible for the comprehensive care of children and adolescents in the protection system, and the extended and continued use of judicial measures that fail in its purpose of protection and recovery.



45 Children's Rights Committee, Argentina 2010 and 2018.

GUATEMALA:

It implements a Single Protocol of Procedures of the Labour Inspection System for the detection of child labour and its worst forms. Labour inspectors are national and have training on labour legislation, but not specific on child labour and HWL. The General Labour Inspectorate applies this protocol in which there are specific procedures for child labour and human trafficking. Several are the agencies that participate in this process: the General Labour Inspectorate (IGT) and the Unit for the Protection of Working Adolescents (UPAT) of the Ministry of Labour and Social Welfare, the Public Ministry, the Secretariat against Sexual Violence, Exploitation and Human Trafficking (SVET) and the Office of the Attorney General of the Nation, among others. When the inspection detects people under 18 years of age working, it is stated on the ballot attached to the adjudication file, the inspector formulates the preventions and informs the General Labour Inspector. This body submits the file to the SVET within a period of no more than five business days. The SVET coordinates with the PGN the protection and care of the victim and presents the complaint to the prosecution for investigation within a period of no more than five business days after receiving the certification of the file. The SVET, through its monitoring unit, monitors the criminal process. The IGT and the SVET hold informative follow-up meetings every three months. If necessary, they can meet before those deadlines⁴⁶.

From the interviews it appears that the IGT has difficulties in applying the HWL. They point out problems with the content, since by including all the worst forms defined in Convention No. 182, an institutional complexity is generated that requires coordination between various government agencies: the IGT, the Unit for the Protection of Working Adolescents (UPAT), the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (SVET), the Public Ministry and the Office of the Attorney General of the Nation. The IGT usually establishes the first contact, but other times it has to be done by the Public Ministry. Each body maintains its own registry, without information exchange or coordination⁴⁷.

The study collected testimonies regarding the high rates of informal and family subsistence work, particularly in agriculture, where inspections do not arrive and protection systems show significant weaknesses. Child domestic work has a high prevalence and is a problem pending resolution.

The Committee on the Rights of the Child recognizes the approval of the Guatemalan System of Protected Areas and the institutional framework in relation to the business sector, particularly the extractive industries. Along these lines, the committee, with reference to its general comment No. 16 (2013) on State obligations regarding the impact of the business sector on children's rights and the Guiding Principles on Business and Human Rights, recommends that the State strengthen its regulatory framework in relation to children's rights and enterprises. It should do so in particular as regards small and medium-sized enterprises in the extractive industry, energy, agriculture and tourism, as well as the informal sector of the economy, and provide these enterprises with guidance and support to respect the rights of the child in all its activities.

⁴⁶ In 2002, the National Commission for the Eradication of Child Labour (CONAPETI) was created. She in turn created the Departmental Committees for the Prevention and Eradication of Child Labour (CODEPETI) to territorialize the actions in the departments, coordinate and execute the objectives of the Roadmap defined in the 2016-2020 Programming (available at: https://www.ilo.org/sanjose/publicaciones/WCMS_542956/lang-es/index.htm).

⁴⁷ There is a bias in the inspection, monitoring and oversight approach that promotes the intervention of the Secretariat against Sexual Violence, Exploitation and Trafficking in Persons (SVET). The inspector identifies the victim, completes the form and informs the General Labour Inspectorate, who in turn raises the case and certifies the file to the SVET within a period of no more than five business days. This secretariat coordinates with the PGN the protection and care for the victim under 18 years of age, which will imply their independent rescue of the complaint before the jurisdictional bodies. Protocol for the care and protection of victims is applied. The General Labour Inspectorate and the SVET will hold information meetings to monitor the cases every three months, called by the SVET.



HONDURAS:

The responsibility for inspection corresponds to the Ministry of Labour and Social Security (STSS), through the General Directorate of Labour Inspection, and under the new Labour Inspection Law (Legislative Decree No. 178-2016). The STSS has a central office and 18 regional offices, which in turn depend on four regional headquarters (Tegucigalpa, San Pedro Sula, La Ceiba and Choluteca) and has around 160 inspectors. There are no inspectors specialized in child labour. The new law involved recognized technical improvements and was supported by the “Strengthening Labour Inspection in Honduras” project, funded by the Department of Employment and Social Development (ESDC) of Canada and executed by the Foundation for Peace and Democracy (FUNPADEM). It allowed the preparation and dissemination of protocols and general inspection work guides that include procedures on child labour and hazardous child labour⁴⁸. Within this framework, a training program for inspectors was carried out and training and support materials were created and disseminated.

The testimonies coincide in pointing out the insufficient training of inspectors in child labour and hazardous child labour, and the limitations and differences in the availability of material and human resources between the regions. This causes a concentration of its inspection activity in the urban areas of Tegucigalpa and San Pedro Sula, although most of the hazardous child labour is found in the rural areas of the country. Another challenge pointed out by workers is the need to define actions and policies that protect children and adolescents migrant workers.

There is a coincidence - and specifically pointed out by the workers - that one of the forms of hazardous child labour that is most difficult to achieve by inspection is child domestic work: often hidden, naturalized by current social and cultural models and perceived in a positive way, as part of girls’ “learning” for adulthood and marriage. ILO has identified the most common potential risks in this case: long working hours, handling of heavy loads and dangerous objects, inadequate food and housing, humiliating or degrading treatment, including physical or verbal violence and sexual abuse; risks that increase when the child or adolescent lives at the home of their employer.

As in the other countries, there is deep concern about the difficulties derived from COVID-19 in fulfilling the tasks related to the inspection. Secondary sources have learned of a step taken by the STSS to address this problem, through the formalization in July 2020 of a cooperation agreement with the European Union Program EUROsocial + for the digitization of the labour inspection service⁴⁹.

The Committee on the Rights of the Child has welcomed the measures taken by the State to combat child labour, but “remains concerned about the lack of harmonization of the Labour Code with international standards, in particular the Minimum Age Convention, 1973 (No. 138) of the International Labour Organization (ILO), the persistence of high rates of child labour and the inability of the labour inspectorate to detect cases of child labour. (...) While taking note of the adoption of the Country Vision, 2010-2038, and the National Plan, 2010-2022, which focus on education, health, housing, opportunities for young people and the increase of social cohesion, the Committee regrets that both plans are geared towards adults and

48 See: Compendium of Inspection Protocols and Practical Guide for Labor Inspection in Honduras and Analysis of the New Labor Inspection Law and its Regulations. Update 2019 (both, available at: <http://www.funpadem.org/Publication>).

49 EUROsocial + Honduras Support for the digitization of the labour inspection service of the Ministry of Labour and Social Security of Honduras in the Covid-19 emergency (see: <https://eurosocial.eu/actualidad/eurosocial-apoya-al-servicio-de-inspeccion-laboral-de-la-secretaria-de-trabajo-y-seguridad-social-de-honduras-en-la-emergencia-causada-por-el-covid-19/>).

that the State party has not developed a comprehensive policy on children that encompasses all their rights under the Convention”⁵⁰.

PANAMA:

It has an inspection protocol that contains a specific chapter on Inspection of Minors⁵¹, developed – together with other technical support materials– with the contribution of an international project through FUNPADEM. The Ministry of Labour and Labour Development (MITRADEL) had 106 inspectors in 2018 and they have reported that an additional number was entering at the time of this study. The Directorate against Child Labour and Protection of the Adolescent Worker (DIRETIPPAT) works in coordination with the Police Service for Children and Adolescents of the National Police, and with the Department of Inspection of Minors of the Directorate of Labour Inspection. With the support of the ILO and other organizations⁵², it carried out training activities on child labour for inspectors and officials and developed management information systems. Among them, the Child Labour Case Monitoring System (SMTI)⁵³, a tool mainly aimed at sharing information to facilitate coordination and articulation between the institutions responsible for the provision of services for cases of child labour and hazardous child labour: a Common database collects responses from institutions and information on children who have been withdrawn from child labour⁵⁴. In addition, a web page was developed with open information on the subject, managed by MITRADEL.

Technical support materials have also been produced and disseminated, such as an Inspection Protocol, a Protocol to facilitate the effective use of Electronic Case Management Systems (SEMC) in the Directorates of Inspection, Labour, Eradication of Child Labour and Protection of the Adolescent Worker (DIRETIPPAT) and Information and Communications Technology (TIC) of MITRADEL⁵⁵, and a guide for the follow-up of cases⁵⁶ that includes: a) the installation of a specific monitoring unit in DIRETIPPAT, b) digitization, systematization and organization of all documents related to child labour cases handled by the management, c) homologation, to the extent of institutional possibilities, of the care processes that are developed in the regional headquarters with those of the central headquarters, d) the incorporation of personnel specialized in child labour from the Labour Inspection Directorate (DIT) to coordinate their actions from DIRETIPPAT.

Workers’ representatives highlighted the importance they attach to having an inspectorate with sufficient personnel and trained in child labour, and recognized the progress made in this regard. However, the actors agree on the pending task in the productive sectors of rural areas, in the urban informal sector and others, where it seems necessary to reinforce the inspection action. The detection and resolution of cases of child domestic labour – as in the rest of the countries studied – still poses challenges.

Given the impact of COVID-19 on the country’s economy, at the time of this study, the DIRETIPPAT was working on the implementation of an Export Seal of Products Free of Child Labour for producers who export to countries of the region, Europe and the United States⁵⁷, but it was not possible to know the relationship of this requirement with the current inspection procedures.

In its Observations of 2018, the Committee on the Rights of the Child indicates that, despite the progress in the approval process of the law that creates the System of Guarantees and Comprehensive Protection of the Rights of children and adolescents, the law had not yet been approved in January 2020. Moreover, it is concerned with “especially the systematic limitation by the State party of the rights of the child, presented as a violent being and in need of protection and guidance and not as a holder of rights, as well as the way in which this opinion affects the realization of those rights”⁵⁸.

50 See: <https://www.refworld.org/docid/566fc4334.html>

51 General Protocol of Labour Inspection, available at: <http://www.funpadem.org/Publication/detail/203/4>

52 Participation and Assistance Project at the Country Level to Reduce Child Labour (CLEAR II), Winrock-USDOL; Project Dialogando II, FUNPADEM-ESDC Canadian Government; Project Construction of Effective Policies against Child Labour, executed by ILO, COMUNIDEC and Casa Esperanza, see: Achievements in the Eradication of Child Labour 2012-2018 in Panama [available at: http://white.lim.ilo.org/ipec/documentos/logros_en_ti_panama2012_2018.pdf].

53 The SMTI is a web application with a single, centralized database. It is complemented by an application for smartphones that use the Android® system, designed to help with the common tasks of the provincial commissions, such as convening sessions, preparing minutes, etc.

54 For further information, see: <https://www.iniciativa2025alc.org/es/panama-herramientas-facilitadoras-para-poner-fin-al-trabajo-infantil>

55 Manual for the Use of Electronic Systems for Case Management in the National Directorates of Inspection, Labour and Eradication of Child Labour and Protection of Adolescent Workers [available at: <http://www.funpadem.org/Publication/detail/204/4>].

56 Guide for the follow-up of cases of the child labour monitoring system [available at: <http://www.funpadem.org/Publication/detail/176/4>].

57 See: <https://www.mitradel.gob.pa/panama-explora-nuevas-estrategias-contra-el-trabajo-infantil-frente-al-covid19/>

58 Combined fifth and sixth periodic reports of Panama, of February 28, 2018 [available at: https://www.ecoi.net/en/file/local/1426111/1930_1520429519_cg1805327.pdf]

The committee urges the State to repeal the legal provisions by which it is allowed to grant work permits to children between 12 and 14 years of age and regulate their participation in light work, in particular by defining working hours and types of activities allowed so as not to interfere with their education. In addition, it encourages the adoption of the necessary measures to ensure compliance with the legislation relating to the minimum age for admission to work, allocating sufficient human, technical and financial resources to guarantee an effective labour inspection, especially with regard to unannounced inspections and inspections in the informal sector and the effective coordination, application and monitoring of the fight against child labour by the Directorate Against Child Labour and Protection of Adolescent Workers (DIRETIPPAT).

According to the testimonies collected, the number of inspectors has been reinforced and joint inspection plans are being carried out, with the participation of the inspector, DIRETIPPAT, the legal adviser of MITRADEL, the specialized unit for children of the National Police and the National Secretariat for Children, Adolescence and Family (SENNIAF) to address the informal work of adolescents in street situations (sale, collection, secretaries in “pirate” transport, etc.). SENNIAF’s budgetary independence has allowed it to create regional offices throughout the country, managing to expand its coordination capacity. As an independent mechanism for supervising the application of the CRC, the Ombudsman’s Office established in 2003 the Special Delegation for Childhood and Youth Issues.

PERU:

A Specialized Group of Labour Inspectors on Forced Labour and Child Labour (GEIT-TFI) was installed, made up of 14 officials, which has a specific action protocol⁵⁹, and the strengthening of SUNAFIL at the national level is appreciated⁶⁰. The planning of its activity includes operations with the Prosecutor’s Office, own operations and attention to complaints received. One notable achievement is the child labour inspections with the Public Ministry and the National Police. In this regard, a certain concentration of inspection activity in urban areas and the formal sector has been pointed out, and insufficient intervention in other highly informal areas, which would require agreements and resources to favour greater decentralization. The Ministry of Labour and Employment Promotion is applying the CLRISK in coordination with the Association of Municipalities of Peru (AMPE) to incorporate local governments in the actions of identification, inspection and prevention of child labour and hazardous child labour. The municipal model for the detection and eradication of child labour⁶¹ aims to incorporate criteria to identify child labour in the regular work of municipal inspection of establishments, businesses and premises that are within its jurisdiction. Once the cases are identified, the information is transferred to the respective authorities: Municipal Ombudsman for Children and Adolescents (DEMUNA), SUNAFIL and Public Ministry. A case of application of this proposal was the adoption, during the period of this work, of the Municipal Model by the municipality of Caraballo, in the province of Lima (area where illegal mining was detected), through Ordinance No. 439-MDC of July 31, 2020⁶².

The inspectors point out how crucial a multisector intervention is, an institutional synergy that allows for greater investigative, logistical and management capacity of the situations of violation of the rights of children and adolescents found. They mention it as important in the task of prior intelligence of the cases, and also in the protection of work in dangerous areas. At the same time, they highlight the emerging difficulties of the lack of complaints, of a certain social tolerance –which sometimes includes the families themselves–, and they demand a greater effort from the companies of the formal sector to induce the members of their supply chain to compliance with the rules. In this regard, they have mentioned regulatory and technical limitations to optimize their work. They suggest updating the inspection regulations so that it allows not only to sanction, but also to guide the employer in those cases in which there are jobs that could be carried out by adolescents of legal-working age meeting certain conditions, but where the employer chooses not to hire them or he does it informally because he does not know the procedures. A norm that regulates the procedure for the authorization of adolescent work, which would give new capacities to the regional labour directorates, is awaiting validation before the Ministry of Labour and Employment Promotion.

59 Superintendence Resolution No. 152-2019-SUNAFIL.

60 In the countries considered in the study, the inspection is a dependency of each ministry or secretariat of labour, with a variant in Peru, where there is a direction integrated into the organization chart of the Ministry of Labour and Employment Promotion and a National Superintendence of Labour Inspection (SUNAFIL), entity attached to it.

61 Available at: <https://www.iniciativa2025alc.org/sites/default/files/modelo-municipal-de-deteccion-y-erradicacion-de-trabajo-infantil.pdf>

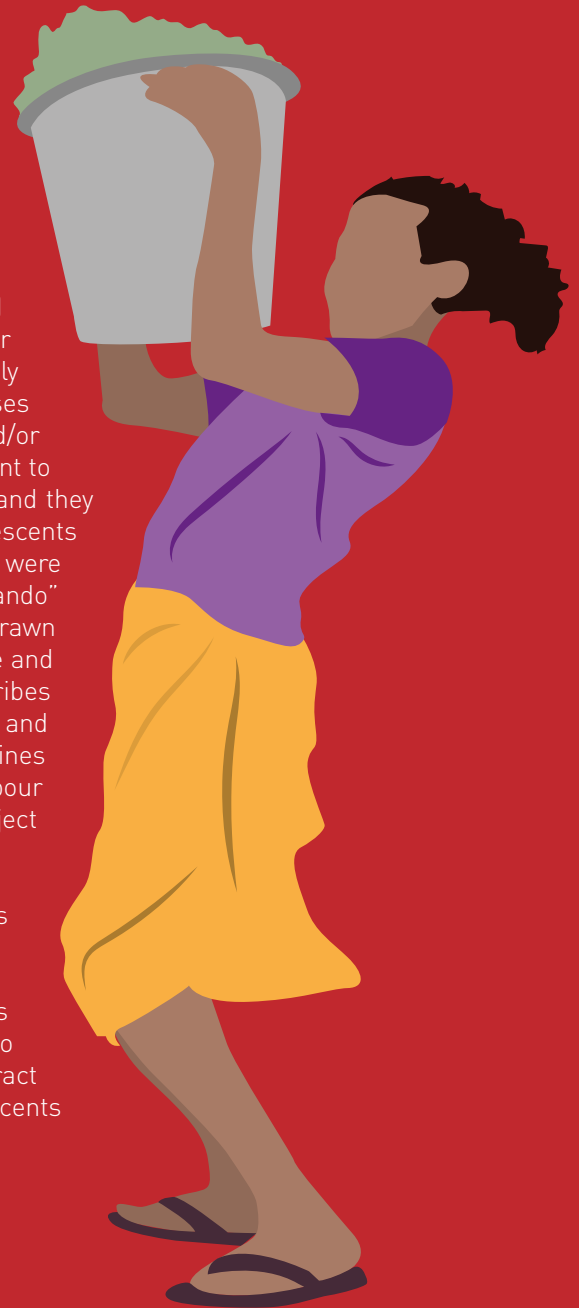
62 Available at: <https://busquedas.elperuano.pe/normaslegales/ordenanza-que-aprueba-el-modelo-municipal-para-la-deteccion-ordenanza-no-439-mdc-1876595-1/>

The Committee on the Rights of the Child (2016) has made some observations in which it urges the State to expedite the revision of the Code of Children and Adolescents so that it is in line with the Convention on the Rights of the Child, repeal the “Begging Law”, and raise the minimum working-age to 15 years, the age at which compulsory education ends. It recommends ensuring that all dangerous and abusive forms of work - including domestic work - are prohibited for persons under 18 years of age and that concrete measures are taken to address the situation of those who work in domestic service; strengthen supervision and inspection mechanisms and in-depth investigation of violations and their sanction because the authorization and registration system for children to work does not work effectively in practice. It also urges the definition of “light work” in accordance with the standards set out in Convention No. 182.

DOMINICAN REPUBLIC:

The responsibility for the inspection of child labour corresponds to the Directorate of Inspection (DI), which depends on the General Directorate of Labour (DGT) of the Ministry of Labour and is advised and guided on the subject by the Directorate of Prevention Policies and Eradication of Child Labour (DTI) of the same ministry, with which they carry out joint operations. The DTI exercises [by delegation of the Vice Minister of Labour] the Technical Secretariat of the National Steering Committee for the Fight against Child Labour (CDN). The DI has approximately 180 inspectors who work in all areas and receive refresher courses on child labour. When an infraction related to child labour and/or dangerous child labour is identified, the warning document is sent to the Courts of the Peace to impose the corresponding sanction and they are coordinated with the National Council for Children and Adolescents (CONANI) to attend to the children or adolescents whose rights were violated. Also, in this case, FUNDAPEM, through the “Dialogando” Program and with funding from the Government of Canada, has drawn up a comprehensive Action Protocol for the National Committee and Local Steering Committees to combat child labour⁶³, which describes a framework for the operation of the System National Prevention and Eradication of Child Labour (SNPETI) and includes action guidelines for the inspection task. It also has the document Collection of Labour Inspection Protocols⁶⁴, generated from another international project (Cumple y Gana, funded by USDOL).

Interviewees have indicated that the number of inspectors is limited to meet all the demands. There is a network of 49 Local Steering Committees (CDL) and 57 monitoring cells against child labour, with which the Ministry’s Child Labour Directorate meets periodically to assess the situation and seek possible solutions to the problems detected in the community. Labour inspectors interact with this network, the National Council for Children and Adolescents (CONANI) and the Public Ministry.



63 Available at <http://www.funpadem.org/Publication/detail/64/4>

64 Available at: <http://www.funpadem.org/Publication/detail/24/4>

However, workers' representatives have indicated slowness and ignorance on the part of many inspectors to apply the regulations related to the HWL, showing a more reactive attitude (in the face of complaints) than proactive in the face of problems, which they attribute to their limited number and deficiencies in their training. They understand that this situation must be reversed in order to move forward in the face of the persistence of child labour in many areas of the country - particularly in rural areas - and they suggest carrying out campaigns by regions. For capacity building, the Ministry of Labour has recently implemented programs with international organizations, such as ILO and USDOL⁶⁵, and South-South Cooperation with the SUNAFIL of Peru⁶⁶.

The Committee on the Rights of the Child (2015) urges the State to: i) review its legislation to prohibit the employment of children under 15 years of age and ensure that all dangerous forms of work, including domestic work, are prohibited for persons under 18 years of age; ii) ensure strict compliance with the provisions of the Labour Code, strengthen its inspection system and impose effective penalties on persons who economically exploit and abuse children; iii) study the scope of child labour, particularly domestic work; iv) increase the coverage and quality of education and offer vocational training programs to ensure that all children are in school and protected against the harmful effects of child labour; and v) continue to request technical assistance from the International Program for the Elimination of Child Labour of the International Labour Organization.

65 Project for strengthening the capacities of the Ministry of Labour to improve working conditions in Dominican agriculture (FOMITRA), financed by USDOL and executed by the ILO, aimed at strengthening the capacities of national institutions and key actors to improve labour conditions and compliance with labour laws in agriculture in the Dominican Republic.

66 Presentation of the experience in the management of South-South Cooperation to put an end to child labour of the National Superintendence of Labour Inspection (SUNAFIL) of the Dominican Republic [available at: https://www.iniciativa2025alc.org/sites/default/files/Anexo19-sesion5-1-5taRPF-FedericoGomera_EN.pdf], held at the V Face-to-Face Meeting of Focal Points of the Regional Initiative, held on October 22-25, 2019 in Lima, Peru (memoire of the activity available at: https://www.iniciativa2025alc.org/sites/default/files/Minute_V-Face-to-face-meeting2019_FV.pdf)

6

MAIN FINDINGS AND RECOMMENDATIONS

All the countries of Latin America and the Caribbean have ratified Convention No. 182 of the ILO. Even so, in almost all the countries of the region, half of the children and adolescents who work do so in dangerous activities. Public policy decisions, by action or omission, have so far not been able to resolve the high rates of child labour and hazardous child labour, which are the result of an accumulation of deficiencies in quality health and education, social security, access to housing, infrastructure, basic public services and decent work. A comprehensive and coordinated approach to public policies aimed at children and adolescents has a direct impact on repairing these violated rights. Dangerous jobs (due to their nature or condition) are **a necessary but not sufficient cause**, for example, for children and adolescents not to attend school. There are activities that, because they are dangerous, threaten schooling; and there is child labour that, without being dangerous, also makes it difficult. HWLs are not lifesaving tables of conscience, but a practical tool, a powerful instrument for governments to prioritize, invest and coordinate policies, programs and services that address the prevention and eradication of hazardous child and adolescent labour and protect adolescents of age legal to work.

The main findings and recommendations derived from the testimonies collected in the interviews, the documentary analysis of primary and secondary sources, and the experience of the research team that approached the analysis of the HWL from the perspective of rights and a gender perspective are presented below. They are not intended to be exhaustive, but rather to contribute to a better understanding of the processes, gaps, and challenges faced by the countries of the region to optimize the determination and application of HWLs.

6.1 About the characteristics, possibilities and limitations of the hazardous work lists

6.1.1 Findings and recommendations



Once put on paper and in the standard, the HWLs usually acquire the power of letter engraved with fire, where the slogan seems to be “not a step backwards”. This makes it difficult to align HWLs with changes in the socioeconomic context and with the particularities and / or changes of the productive and demographic sectors. Reality shows that more is not always better. The testimonies agree that the HWLs, either because of their exhaustiveness or because they are very general, facilitate and / or promote a restrictive interpretation that does not facilitate protected adolescent work. The HWL should not necessarily be the enumeration of all dangerous activities and tasks that may exist in a country. On the contrary, they must be adapted to the national context and the socioeconomic reality, and be determined from updated information on hazardous work from quantitative studies, statistics of the areas of work, health and safety at work, health, education, social protection, the opinion of experts (the reports of the Committee of Experts of the ILO can be an important source of information and suggestions) and of the sectors of employers and workers themselves, which in the updating processes promote a balance between activities prohibited by their nature and those prohibited by not complying with certain conditions.

HWLs are difficult to apply in highly informal sectors, especially in the agricultural sector and in domestic work. The inspection finds legal and objective limits (when they arrive, they cannot find children and adolescents working because they are hidden, or they cannot access the interior of the homes where girls generally carry out domestic tasks for third parties or in their own home). These difficulties could be alleviated by developing the intelligence capabilities of the inspection

(applying strategies and tools for decision-making based on data analysis), strengthening the commitment and capacities of local governments and organizations, coordinating actions between the labour inspection and rights protection systems and, simultaneously, developing information and advice campaigns for employers, adult and adolescent workers and families.

The writing and/or interpretation of the lists makes it difficult, in some cases, to access the education and training of permitted adolescents in work. On the other hand, activities included in the HWLs are included in the educational offer for adolescents. Thus, in addition to harmonizing work and education in this regard, training in health and safety at work should also be included as part of the curricula in compulsory education to improve knowledge about risks at work and protected work and safe.

6.2 About the processes of updating and applying the hazardous work lists

6.2.1 Findings and recommendations

The countries analysed recognize the relevance of periodically updating the HWLs, but show difficulties associated with procedural, institutional factors and the availability of information⁶⁷. The reasons invoked for the revision and update of the HWLs:

- Include the gender perspective.
- Carry out a cultural adaptation and, where appropriate, consult with indigenous peoples (in application of the provisions of ILO Convention No. 169).
- Address modalities such as domestic, artistic and rural child labour and hazardous child labour in migratory flows in the region.
- Consider the findings of recent studies and research that identify risks and dangers arising from tasks and activities performed by adolescents and not provided for in HWLs.
- All this, seen from the new challenges posed by the socioeconomic crisis associated with COVID-19.



Updating does not mean drafting a model of labour legislation or increasing the list of prohibited activities. Their determination must seek a balance between what is not allowed and what can and should be controlled, regulated, supervised and sanctioned to protect children and adolescents from exploitation and dangerous work. The product sought is a list of those activities that, by their nature, affect the safety, health and physical and mental integrity of adolescents, and a detail of those that, due to their conditions, are dangerous (extensive working hours, height, transfer of heavy loads, high or very low temperatures). **Updates should be carried out when the reality data demand it** and agreeing common criteria of reasonableness and timeliness so that the update is a simple administrative procedure. Countries that apply the Child Labour Risk Identification Model (CLRISK) can optimize the use of risk maps to define targeted interventions for the control, inspection, and redress of rights in coordination with protection systems. **A shared database** could generate positive synergies.

The participation of employers' organizations and workers' organizations in dialogue and consensus to determine HWLs is highly valued because it strengthens a value chain approach. Simultaneously, an effective participation and / or consultation with small and medium-sized companies (SMEs) and local unions has not been identified, which could provide information and details on the nature and conditions of the activities and reinforce the arrival to the value chain for make the HWL determination process more relevant. The processes of updating the HWLs highlight different emphasis on the participants of tripartism. In fact, workers' organizations highlight the need to emphasize working conditions, identify dangerous jobs by critical sectors, by activity and geographic area, including child domestic work. On the other hand, employers' organizations, while recognizing the importance of keeping the HWLs updated, point out that in

⁶⁷ Art. 4, 3 of Convention No. 182 states that HWLs should be periodically reviewed.

large companies there is no HCL or unregistered adolescent work. Furthermore, they indicate that the ambiguity and / or detailed prohibitions of HWLs often discourage employers from hiring adolescents of legal working age. Before preparing the HWL, it is convenient to explore, specify and agree on the interests that motivate the participation of the parties.



It is pertinent to **plan the consultation instances and the profiles of the government participants, employers' and workers' organizations**. For what and who to summon in both the governmental and sectoral spheres? What areas of national and local government should be consulted? What sectorial and social references should be listened to, in addition to the current tripartite representations? What kind of information is needed and who can provide it? Consideration should be given to strengthening consultation with specific companies, especially small and medium-sized companies, as well as with the participation of workers' organizations from sectors critical to hazardous child labour, including those at the sub-national level.

HWLs are difficult to apply for local governments (regions, municipalities, communes) due to a combination of:

- Social tolerance to child labour, including hazardous child labour.
- Little knowledge of HWLs.
- Lack of labour inspection resources.
- Weaknesses in the child and adolescent rights protection system.
- High rates of informal economy.
- Use of technicalities and lack of consensus on concepts such as "by nature", "by condition".
- Inaccuracies about responsibilities and procedures.
- Little diffusion and, many times, ignorance of the HWL by local authorities, employers, producer families and adolescent workers. Since there are always new players, the importance of teaching in these aspects should not be underestimated



The **dissemination, knowledge and understanding** of HWL by local governments, inspectors, employers, schools, adult and adolescent workers, families (especially family businesses), local associations, contributes to lowering the levels of social tolerance to child and adolescent labour dangerous and empowers a multiple universe that interacts in social life. In countries with considerable percentages of indigenous population, it is important to set up consultation and participation mechanisms to determine HWLs (in application of the provisions of Convention No. 169). In rural areas and with a population with linguistic and cultural particularities, the use of native languages should be considered in the consultation and dissemination processes. This also implies the adaptation of the language used in the HWLs (or, failing that, the training of the personnel who carry out the inspections in the territory) to make the lists and their specifications understandable.

It is recommended to strengthen the general and territorial dissemination and awareness campaigns on the objectives of the HWL and its application to reduce the levels of social tolerance that, in contexts of crises, become naturalized. Cultural guidelines and practices change more slowly than laws. There are experiences in the region that show good results of using didactic guides aimed at different audiences: schools, health operators, families and working adolescents to generate consensus and lower the levels of naturalization.

Where there is an institutional culture of horizontal and vertical cooperation and coordination between areas and agencies of the national and subnational government, there is a greater willingness to share information, collect it and process it for interventions in each area, combining detection, restitution of rights and monitoring of policies inter and intra jurisdictional. In the case of hazardous child labour, periodic **quantitative studies** are lacking, disaggregated by age, sector, activity, region, occupational health and safety, and updated statistical data. Quantitative and qualitative information –when it exists and is available– is in many cases discontinuous and fragmented in various government agencies and, in federal countries, in each sub-national jurisdiction. There are coincidences in the interviewees about the need to generate and keep updated a computerized database with statistical data, periodic surveys, expert investigations, health information, inspection information and information from workers' organizations to identify characteristics and modalities of dangerous activities by their nature and by the conditions in

which they are carried out (shift, night work, etc.). At this point, the approach to activities and conditions from a gender perspective takes on special relevance.

Difficulties in coordination between inspection systems and rights protection systems do not come only from institutional practices, but also stem from operational, organizational and budgetary factors (distances, opening hours, human resources, mobility and digital communication of the areas involved, among others). It is necessary to strengthen inspection systems and protection of rights in rural areas and critical sectors for hazardous child and adolescent labour through training, mobility, adequate technology and definition of priorities, quotas, percentages of total inspections in sectors, activities and critical regions. In this way, the bias detected in some experiences in which the areas most vulnerable to hazardous child labour are left out are avoided.



COVID-19 has created new challenges for all actions to be carried out on the ground, and it is important to pay particular attention to the potential of **new technologies**. The reality posed by the pandemic affects statistical institutions, the registration and information collection processes, their periodicity, the assigned budget execution, the modalities and the information generated by the inspection system.

The inspections could have on-site information online that is already in other areas of the ministries of Labour or other government areas, and that should be made accessible for these purposes. This implies, on the one hand, the intelligent use of technology to maximize results through an in-depth review of the way in which tasks are traditionally defined and executed, and on the other, to have the necessary technology. Regarding the latter, it is verified that some governments have made notable advances in the field of electronic government. There is technology that is already incorporated in government areas. It needs to be adapted and shared to maximize the capacity of inspection and rights protection systems.



Promote the **allocation of regular budget** to have professional, technological and financial resources in line that should be guaranteed in accordance with the priority of the issue on the public agenda. "Without a budget there are no rights"⁶⁸.

Suggest to the countries that have included illicit forms of child labour in the HWL the relevance of specifically complying with Art. 3.d of Convention No. 182. When the update excludes illicit forms of child labour, it should include a clarification or reference note that specifies the excluded modalities and the reasons based on what is indicated in Art. 4.1 of Convention No. 182⁶⁹.

68 Motto taken from a campaign by the Network for the Rights of Persons with Disabilities (REDI), from Argentina. See: http://www.redi.org.ar/index.php?file=Prensa/Comunicados/2018/18-10-11_Lanzamos-la-campana-Sin-presupuesto-no-hay-derechos.html

69 Convention No. 182, Art. 4.1: "The types of work referred to in Art. 3 d) must be determined by national legislation or by the competent authority, after consulting the employers' and workers' organizations concerned and taking into account the international standards on the matter, in particular paragraphs 3 and 4 of the Recommendation on the worst forms of child labour, 1999".

ANNEX I

SIGNIFICANT EXPERIENCES

Below is a summary of a series of significant experiences that affect the prevention and eradication of hazardous child labour from different sectors and that can promote exchange between the countries that make up the Regional Initiative Latin America and the Caribbean Free of Child Labour and thus contribute to the execution of its Strategic Plan 2018-2021.

Experience 1

ARGENTINA AND PARAGUAY

Informative passport on labour rights and information for private home migrant workers

Aimed at a sector at risk for hazardous child labour such as domestic work, the informative passport in mobile app format collects clear and concise information for the socio-labour insertion of migrant workers: how to process documents, what are the conditions in which adolescents aged 16 and 17 can do domestic work or where to report child labour, trafficking or abuse, among other information.

The International Federation of Domestic Workers and the ILO created this tool aimed at migrants from Mercosur and Associated countries in Argentina, and had a successful dissemination and awareness strategy among domestic workers.

Further information: https://www.ilo.org/buenosaires/publicaciones/WCMS_441509/lang--es/index.htm

Experience 2

CHILE

Process to determine, update and approve the hazardous work lists (HWL)

In each revision of the HWLs, the political-technical process strengthened the tripartite social dialogue and, making use of the evidence, incorporated procedures to optimize the diagnosis and monitoring of dangerous activities or modalities not contemplated in the previous lists.

The Labour Directorate created a program for the supervision of adolescent work: based on it, it makes an analysis of occupational health safety, crosschecks information with safety "mutual associations" (private non-profit institutions in charge of risk prevention and labour health services) and generates data on accidents suffered by adolescents. As a result of the audit, since the HWL of 2017 the accident rate for adolescents has been reduced, especially in urban areas.

Further information: https://www.ilo.org/santiago/sala-de-prensa/WCMS_544830/lang--es/index.htm

Experience 3 HONDURAS

Approaching child labour in the coffee supply chain: Honduran coffee complies

Project executed in 2018-2020 by ILO, the Honduran Council of Private Enterprise (COHEP) and the Honduran Coffee Institute (IHCAFE) and financed by the US Department of Labor (USDOL) in Comayagua, Santa Bárbara and El Paraíso, focused on a sector with a high risk of hazardous child labour.

In addition to new tools to address the issue of child labour in the coffee supply chain, the project aims to develop a code of conduct to establish the minimum standards that govern the employment relationship in the supply chain and a toolbox for the adoption of the social compliance system based on the Compliance Chain methodology (Comply Chain, Business Tools for Labour Compliance in Global Supply Chains), developed by the International Labour Affairs Bureau (ILAB) of USDOL.

Further information: https://www.ilo.org/sanjose/programas-y-proyectos/sector-informal/WCMS_672443/lang--es/index.htm

Experience 4 PERÚ

Child Labour Free Seal (SELT) Ministry of Labour and Employment Promotion for the Cooperativa Agroindustrial Villa Rica Golden Coffee Ltda

Since 2017, in compliance with the regulations issued by the Municipality of Villa Rica, the cooperative has carried out training actions, technical assistance and follow-up and monitoring of the work carried out by minors to determine if they are support tasks (allowed) or child labour. The coop plans annually actions that respond to a Crop Management Plan with a Focus on Prevention and Eradication of Child Labour: It applies risk matrices; monitors and controls child labour with the Semilla app (on tablets and smartphones, the field technical staff feeds the Semilla GIS System, which provides statistical records and indicators of characterization of child labour). As part of its social responsibility program, it conducts technical training courses for young and adolescent children of its associates in productive ventures with a view to directing small businesses associated with the coffee chain, and it has a program of adolescent labour reconversion and an Initial educational centre built with contributions from the coop and parents.

Further information:

https://cdn.www.gob.pe/uploads/document/file/536001/Informe_N_0019-2020_Evento_SELTI.pdf

<http://dyaperu.org/web/wp-content/uploads/2019/08/PPT-DYA-GOLDEN-0907-TERCERA.pdf>

Experience 5 PANAMA

Construction of effective policies against child labour Project in Ecuador and Panama

The project, carried out between 2012 and 2018, offered technical assistance in Panama to update hazardous work listings. It also provided a set of files and guides on hazardous child labour in public transport, sale in markets and ambulatory, loading and unloading, car washes, restaurants, recycling, fishing, production of bananas, onions, coffee, sugar cane, melon and others.

Similarly, within the framework of the project, procedures, protocols and mechanisms were developed to address child labour in a broader and more comprehensive manner. Among other tools, an information platform was created to host all the information available on child labour in Panama; and the Child Labour Monitoring System (SMTI) was built, a database with information on children or adolescents, and an inter-institutional action plan for their care and the determination of standardized criteria for the verification of progressive withdrawal of child labour. The SMTI complements the Local Care Routes, a procedure agreed between multiple actors from the public and private sectors to organize and articulate their specific actions in the fight against child labour.

Further information:

http://white.lim.ilo.org/ipec/documentos/logros_en_ti_panama2012_2018.pdf

https://www.ilo.org/eval/Evaluationreports/WCMS_577542/lang--es/index.htm

Experience 6
BRAZIL-HONDURAS
South-South Cooperation in the municipal context

South-South Cooperation Project between the Ministry of Labour of Brazil, the Brazilian Cooperation Agency (ABC) and the Secretariat of Labour and Social Security of Honduras, executed in 2018-2020, with the aim of strengthening the Honduran institution in prevention and withdrawal of boys, girls and adolescents between 5 and 17 years of age in work activities in the municipalities of Comayagua, Choluteca and Roatán.

Its strategic lines: design and implementation of a methodological framework aimed at prevention and withdrawal at the municipal level; strengthen the role of municipalities through the Child, Adolescent and Family Protection Tables; promote the strengthening of public services (health, education, regularization of work, etc.) for the population of the municipality, especially children, adolescents and families vulnerable to child labour and its worst forms, and implement productive alternatives for generation of income for the families of working girls, boys and adolescents.

Further information:

<http://www.abc.gov.br/projetos/pesquisa>

<https://docplayer.es/48899872-Practicas-de-prevencion-y-retiro-del-trabajo-infantil-en-honduras.html>

Experience 7
PANAMA
Unified action of workers' organizations against child labour

The National Council of Organized Workers (CONATO), made up of nine union federations and central union associations, created and led a commission made up of different unions to act in a coordinated manner against child labour and hazardous child labour, whose action manifesto was reflected in the Inter-Union Political Declaration for the Prevention and Eradication of Child Labour in Panama, and which was accompanied by a joint Plan of Action.

It achieved a unified and coordinated action by the workers' organizations of Panama in the fight against child labour; fostered social dialogue with other entities from the public and private sectors in the process of preparing the Roadmap; included in the internal regulations of a company a chapter corresponding to child labour and the protection of adolescent workers. It broadly sensitized the rank and file of workers' organizations, and trained trade unionists from rural and indigenous areas of the country in the fight against child labour.

In addition, together with the University of the Americas (UDELAS) and the Panamanian Institute of Labour Studies (IPEL) - a tripartite entity chaired by the Ministry of Labour and Labour Development (MITRADEL) -, CONATO coordinates a diploma in child labour aimed at members of the trade union central associations of the country.

Further information:

Inter-union political declaration for the prevention and eradication of child labour in Panama: http://white.lim.ilo.org/ipecc/documentos/plan_sindical_panama.pdf

https://www.ilo.org/buenosaires/publicaciones/WCMS_206422/lang--es/index.htm

<https://www.iniciativa2025alc.org/en/Acci%C3%B3n%20unificada%20de%20las%20organizaciones%20de%20trabajadores%20frente%20al%20trabajo%20infantil%20160129134157>

Experience 8
PERU-DOMINICAN REPUBLIC
South-South Cooperation: Exchange of experiences on inspection
of forced labour and child labour

With technical assistance from ILO in the framework of the project "From Protocol to Practice: A Bridge for Global Action Against Forced Labour" (BRIDGE project) and funding from the United States Department of Labor (USDOL) through ILO, in 2019 a technical exchange was held between the officials of the National Superintendence of Labour Inspection (SUNAFIL), the Ministry of Labour and Employment Promotion of Peru and the Ministry of Labour of the Dominican Republic.

The Ministry of Labour of the Dominican Republic learned of the Peruvian experience with regard to the inspection of forced labour and the eradication of hazardous child labour; and a follow-up and information exchange agreement was established between the institutions.

Further information:

<https://www.sunafil.gob.pe/portal/noticias/item/7448-sunafil-y-delegacion-de-republica-dominicana-intercambian-experiencias-sobre-inspeccion-del-trabajo-forzoso-e-infantil.html>

www.iniciativa2025alc.org/sites/default/files/Anexo19-sesion5-1-5taRPF-FedericoGomera_EN.pdf

ANNEX II

REGULATIONS

ARGENTINA	
YEAR	REGULATION
1996	Ratification Convention No. 138: 16 years-old
2001	Convention No. 182
2005	Beginning determining HWL
2006	Law No. 26.061 for Comprehensive Protection of Childrens´ and Adolescents´ Rights
2016	HWL: Presidential Order
CHILE	
YEAR	REGULATION
1979	Promulgation Law No. 2.465 Ministry of Justice: Creates the National Service for Minors (SENAME)
1999	Convention No. 138: 15 years-old
2000	Convention No. 182
2007	HWL: Order
2009	Law 20.379 of the Inter-sectoral system of social protection and “Chile Crece Contigo”
2017	Update HWL
GUATEMALA	
YEAR	REGULATION
1990	Convention No. 138: 14 years-old
2001	Convention No. 182
2003	Order No. 27-2003 about the Law of Comprehensive Protection of Children and Adolescents (PINA)
2006	HWL: Government agreement
HONDURAS	
YEAR	REGULATION
1980	Convention No. 138: 14 years-old
1996	Children and Adolescence Code
2001	Convention No. 182
2006	HWL: STSS Agreement
2008	HWL: STSS Agreement
2017	HWL: STSS Agreement

PANAMA	
YEAR	REGULATION
1994	Law No. 3 about the Family Code
2000	Convention No. 138: 14 years-old Maritime work and marine fishing for those who did not complete general basic education: 15 years Underground labour in mines: 18 years-old Application of Convention No. 138 to economic activities and type companies listed in Art. 5, paragraph 3 is limited
2000	Convention No. 182
2006	HWL: Presidential Order
2016	HWL: Presidential Order
PERU	
YEAR	REGULATION
2000	Children and Adolescents Code
2002	Convention No. 138: 14 years-old
2002	Convention No. 182
2006	HWL: Order from the Ministry of Social Development
2010	HWL: Order from the Ministry of Social Development
DOMINICAN REPUBLIC	
YEAR	REGULATION
1999	Convention No. 138: 14 years-old The scope of the agreement is limited to the industries or economic activities listed in Art. 5, paragraph 3 The employment of persons between 12 and 14 years of age in light work is allowed, under the conditions established in Art. 7, paragraph 4
2000	Convention No. 182
2003	Law No. 136 about the Code for the Protection System and Fundamental Rights of Children and Adolescents
2004	HWL: Ministerial Resolution

ANNEX III

THE NATIONAL COMMISSIONS FOR THE ERADICATION OF CHILD LABOUR AND ITS FUNCTIONAL UNIT IN EACH COUNTRY

COUNTRY	COMMISSION	UNIT
ARGENTINA	National Commission for the Eradication of Child Labour (CONAETI) Provincial Commissions for the Prevention and Eradication of Child Labour (COPRETI)	Coordination of Policies for the Eradication of Child Labour and Protection of Adolescent Labour Under-Secretariat for Inclusion Policies in the World of Work Ministry of Labour, Employment and Social Security (MTEySS)
CHILE	National Advisory Committee for the Eradication of Child Labour and Protection of Minor Workers	Department for the Eradication of Child Labour Under-Secretariat of Labour Ministry of Labour and Social Welfare (MTyPS)
GUATEMALA	National Commission for the Eradication of Child Labour (CONAPETI) Departmental Committees for the Prevention and Eradication of Child Labour (CODEPETI)	Unit for the Protection of Working Adolescents (UPAT) Ministry of Labour and Social Security
HONDURAS	National Commission for the Gradual and Progressive Eradication of Child Labour	General Directorate of Social Security Ministry of Labour and Social Security (STSS)
PANAMA	Committee for the Eradication of Child Labour and Protection of the Adolescent Worker (CETIPPAT)	Directorate against Child Labour and Protection of the Adolescent Worker (DIRETIPPAT)
DOMINICAN REPUBLIC	National Steering Committee to Fight Child Labour (CDN)	Directorate of Policies for the Prevention and Eradication of Child Labour Ministry of Labour

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For more information, please visit:

Regional Initiative Latin America and the Caribbean Free of Child Labour
www.iniciativa2025alc.org
iniciativaregional@ilo.org

International Labour Organization (ILO)
www.ilo.org/childlabour
sirti_oit@ilo.org



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