

Child Labor in Brazil: the Stone Quarry and Stone Finishing Industries

Research Report

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October 2016

Rio de Janeiro – Brazil

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Content

Abbreviations	03
1 - Introduction	05
2 - The current legal position and enforcement	05
2.1 - The law applicable to child labor	05
2.2 - Enforcement	08
3 - Worst forms of child labor in the natural stone industry	13
3.1 - Worst forms of child labor in Brazil - overview	13
3.2 - Child labor in the natural stone industry - situation before 2010	16
3.3 - Child labor in the natural stone industry - situation since 2010	17
4 - Measures to reduce and eliminate child labor	20
4.1 - The social discourse on child labor	20
4.2 - Efforts by the government to combat child labor	22
4.3 - Industry self-regulation	25
4.4 - Other measures	25
5 - Conclusion	26
6 - References	27
7 - Websites accessed	31
8 - List of contacts	31
8.1 - Institutional contacts	33
9 - Notes	33

Abbreviations

ABIROCHAS - Associação Brasileira da Indústria de Rochas Ornamentais (*Brazilian Association of Ornamental Rocks*)

AFT – Auditor Fiscal do Trabalho (*Inspector Auditor of Work*)

APL - Arranjo Produtivo Local (*Local Production Arrangement*)

CEPETI - Comissão do Programa de Erradicação do Trabalho Infantil do Distrito Federal (*Federal District Commission for the Eradication of Child Labor*)

CETEM - Centro de Tecnologia Mineral (*Center for Mineral Technology*)

CLT – Consolidação das Leis Trabalhistas (*Consolidated Laws on Workers*)

CONAETI - Comissão Nacional de Erradicação do Trabalho Infantil (*National Commission for the Eradication of Child Labor*)

COORDINFÂNCIA - Coordenadoria Nacional de Combate à Exploração do Trabalho de Crianças e Adolescentes (*National Coordination to Combat the Exploitation of Child and Adolescent Labor*)

CRAS - Centro de Referência da Assistência Social (*Central Service Center for Social Assistance*)

CREAS - Centro de Referência Especializado de Assistência Social (*Specialized Central Service Center for Social Assistance*)

DPCA - Delegacia de Proteção à Criança e ao Adolescente (*Police Station for the Protection of Children and Adolescents*)

DNPM - Departamento Nacional de Produção Mineral (*National Department of Mineral Production*)

DRM - Departamento de Recursos Minerais (*Department of Mineral Resources*)

ECA – Estatuto da Criança e do Adolescente (*Statute on the Child and the Adolescent*)

FÓRUM PETI - Fórum de Prevenção e Erradicação do Trabalho Infantil e de Proteção ao Adolescente Trabalhador do Distrito Federal (*Forum for the Eradication of Child Labor and for the Protection of the Adolescent Worker of the Federal District*)

FNPETI - Fórum Nacional de Prevenção e Erradicação do Trabalho Infantil (*National Forum for the Prevention and Eradication of Child Labor*)

GMTI – Grupo Móvel de Fiscalização de Combate ao Trabalho Infantil (*Mobile Group for Monitoring the Fight Against Child Labor*)

IBGE – Instituto Brasileiro de Geografia e Estatística (*Brazilian Institute of Geography and Statistics*)

IPEC - Programa para a Eliminação do Trabalho Infantil (*Program for Eradication of Child Labor*)

MP – Ministério Público (*Public Ministry*)

MPT – Ministério Público do Trabalho (*Public Ministry of Employment*)

MT – Ministério do Trabalho (*Ministry of Employment*)

OIT - Organização Internacional do Trabalho (*International Labor Organization or ILO*)

ONU – Organização das Nações Unidas (*United Nations Organization or UNO*)

PAEFI - Proteção e Atendimento Especializado a Famílias e Indivíduos (*Protection and Special Services for Families and Individuals*)

PAIF - Serviço de Proteção e Atendimento Integral à Família (*Service for the Protection of and Integrated Services for Families*)

PBF - Programa Bolsa Família (*Family Allowance Program*)

PETI - Programa de Erradicação do Trabalho Infantil (*Program on the Elimination of Child Labor*)

PL – Projeto de Lei (*Law Bill*)

PNAD - Pesquisa Nacional por Amostra de Domicílios (*National Sample Household Survey*)

RAIS – Relação Anual de Informações Sociais (*National Account of Social Information*)

SDH – Secretaria de Direitos Humanos (*Secretariat for Human Rights*)

SINDIMÁRMORE - Sindicato dos Trabalhadores do Mármore e Granito do Espírito Santo (*Trade Union of Marble and Granite Workers of Espirito Santo*)

SINDIROCHAS - Sindicato da Indústria de Rochas Ornamentais, Cal e Calcários do Espírito Santo (*Trade Union of Ornamental Rocks, Lime, and Limestone of Espirito Santo*)

SIT – Secretaria de Inspeção do Trabalho (*Secretariat for the Inspection of Employment*)

SITI - Sistema de Informações sobre Focos de Trabalho Infantil (*Information System on Suspected Child Labor Sites*)

SRTE - Superintendência Regional do Trabalho e Emprego Regional (*Superintendency on Labor and Employment*)

SUAS - Sistema Único de Assistência Social (*Unified Social Assistance System*)

TAC - Termos de Ajustamento de Conduta (*Terms for Adjustment of Conduct*)

TST - Tribunal Superior do Trabalho (*High Court of Labor*)

UNICEF - Fundo das Nações Unidas para a Infância (*United Nations Children's Fund*)

1 - Introduction

This study focuses on child labor in the stone quarry and stone finishing industries in Brazil. It is part of a larger study whose purpose is to determine whether violations still occur in the industry. Specifically, the larger study examines evidence of violations of the provisions of the ILO Convention 182 on the worst forms of child labor of the five countries outside the OECD that are the five biggest supplier-countries of stone to Germany. Brazil is one of those countries.

The reduction of child labor in Brazil is considered a success owing to the efficacy of actions taken to eradicate child labor in the last several decades. From 1992 to 2014 the number of children and youth from five to seventeen years of age who were in the labor force dropped from 7,773,000 to 3,331,000 - a decrease of fifty seven percent.

Brazil, moreover, is an international reference on child labor because it was one of countries to chosen to implement the Program on the Elimination of Child Labor (IPEC) in 1992 by the International Labor Organization (ILO). Despite these advances, the elimination of child labor still presents problems in Brazil. Currently, especially in the informal economy which escapes inspection by the authorities, child labor is still a survival strategy for low-income families. Some such families run small family businesses, which cannot afford the costs of using formal sector labor, and so substitute the labor of children in their families.

2 - The current legal position and enforcement

2.1 - The law applicable to child labor

Brazilian federal legislation on child labor mirrors the provisions of the ILO Conventions 138 and 182 and the U.N. Convention on the Rights of the Child.

Decree no. 4.134 of February 15, 2002, which implemented Recommendation 146 of the ILO Convention 138 on the minimum age for child labor, provides in Article 1 that both had to be implemented in their entirety. The Decree also provides in Article 2 that the minimum age for entry into the workforce in Brazil was sixteen years of age. But this provision was limited initially in Article 5. 1 and 5.3 of the Convention to *“the mining and stone industries, manufacturing, construction, electric, gas, water, and sanitation services, warehousing, communications, crop-farming, and other agricultural businesses which produce mainly for market, excluding family businesses or small holdings which work mainly for a local market and which do not regularly employ paid employees”*.

Decree 3.597, of September 12 2000, which implemented Recommendation 190 of the ILO Convention 182 on the Prohibition of the Worst Forms of Child Labor and Immediate Action for its Elimination, provides in Article 1 that the provisions have to be implemented in their entirety. To complement this legislation, Decree 6.481 of June 12, 2008ⁱⁱ, Article 1 approved a List of the Worst Forms of Child Labor (Lista TIP) and prohibited children under eighteen years of age from those activities, save for excluded cases.

Decree 99.710 of November 21 1990, which implemented the UN Convention on the Rights of the Childⁱⁱⁱ, provides in Article 1 that the Convention must be implemented in its entirety and in Article 3 revokes any provisions to the contrary. This decree reinforces the execution of Article 32 of the Convention on the Rights of the Child which recognizes the rights of all children to be protected against economic exploitation and against the performance of any dangerous work which interferes with the child's education or may be harmful to the child's physical, moral, spiritual, or social development. This Article also affirms that signatory states adopt legislative, administrative, social and educational measure to assure the accomplishment of these provisions including: a) establishing a minimum age or minimum ages for admission to employment; b) establishing appropriate regulations on hours and conditions of work; c) establishing penalties and other appropriate sanctions to assure the effective adoption of the Article.

In Brazil, the 1988 Constitution guides legal action about child labor. Article 6 provides that *"in this Constitution there are social rights to education, health, nutrition, work, a dwelling, transport, leisure, safety, insurance, the protection of maternity and infancy, assistance with destitution"* (Amendment to the Constitution, No. 90, 2015). Article 24 provides that it behooves the Union, the States, and the Federal District to legislate concurrently for the protection of children and youth among others. Article 7 which affirms the rights of urban and rural workers, in Item 30, prohibits wage differences, the distribution of functions, or criteria for hiring based on gender, age, color, or marital status. Article 32 prohibits night work or dangerous or unhealthy work for people between fourteen and eighteen years of age, except under the condition of an apprenticeship (Constitutional Amendment, No. 20, 1988)^{iv}. Article 227 establishes the Doctrine of Full Protection and assigns to the family, society and the state: the duty to assure to the child, and the adolescent, with absolute priority, the right to life, health, nourishment, training, culture, dignity, respect, freedom, education, the right to live in a family and community situation, as well as securing them from all forms of negligence, discrimination, exploitation, violence, cruelty, and oppression (Constitutional Amendment No. 65, 2010). In addition to this, Article 5, paragraph

3 of the 1988 Constitution provides that *“International treaties and conventions on human rights that have been approved in each Chamber of Congress on two occasions by a three-fourths vote by the respective members will be the equivalent of constitutional amendments”*. This provision includes international conventions and treaties which deal with child labor and which have been cited above.

Supported by constitutional provisions, the Statute on the Child and the Adolescent in Chapter 5, the Right to Training and Work Protections, Article 60 to 69, deal with the protection of the adolescent worker. The Consolidated Laws on the Protection of the Minor Worker^v convey in Chapter 4 a series of statements which deal with the question. Law 10.097, of December 19, 2000, revises Articles 402, 403, 428, 429, 430, 431, 432 and 433 of the Consolidated Laws on Work, and has become one of the principal foundations of the regulation of the Special Contract for Apprentices, a unique form of regulation of work for adolescents between the ages of fourteen and sixteen. According to a proposed amendment to Article 428, through the contract for apprentices, the employer promises to guarantee the technical/professional training of the apprentice in such a manner as is compatible with his/her physical, moral and psychological development. The apprentices, for their part, promise to perform with diligence all the tasks necessary for that training. Note that this kind of work cannot be carried out in locations that are prejudicial to their training or at hours and locations which threaten their ability to attend school regularly. Law 11.788, of September 25, 2008, allows young people of less than sixteen years of age to undertake an apprenticeship as long as they are regularly attending high school, higher education, professional education, special education, or the final two years of middle school in the regular method of youth and adult professional education. In this case, an apprenticeship is considered a supervised educational activity involving the world of work with a view to preparing the young person for the productive employment of education people.

We should note that while the Federal Constitution is clear and incisive on the prohibition of child labor, several judges point to Article 405 of the Consolidated Laws on Work, paragraph 2 of which provides that *“work that takes place in the streets, in squares, or other public parks will depend on the prior authorization of the juvenile judge who must verify if the work is essential to the young person’s subsistence or that of his/her parents, grandparents, or siblings, and whether this work would not be prejudicial to the young person’s moral development”* (Decree-law No. 229, February 28, 1967)^{vi}. The judge must then grant the authority for the child or adolescent to work before the permitted age. Article 68 of the Statute on the Child and the Adolescent is also used to justify this type of judicial decision.

According to this Article, *“a social program which has as its justification educative work, under the responsibility of a governmental or non-profit organization, must assure the young person that his or her participation depends on conditions that fit him or her for regular paid work”*. In the first paragraph it states: *“It is understood by educative work and labor related activity that they are such that the pedagogical demands relative to the personal and social demands of the student predominate over the productive aspect”*. While this provision limits the age at which a young person can engage in this kind of work to fourteen years of age, an employer must request a child and juvenile judge to authorize that minors of fourteen years of more engage in such activities according to the parameters established in Article 149 of the ECA, with concurrence of the Public Ministry^{vii}.

In conformance with the National Plan for the Prevention and Eradication of Child Labor, Brazilian legislation does not permit any kind of work for children or adolescents up to the age of fourteen. From the age of fourteen, work as part of an apprenticeship is permitted (Art. 7, inc. XXXIII of the Federal Constitution, and Article 428 of the Consolidated Laws on Workers); Apprenticeship with Supervised Education (Law No. 11.788/08) and educative work (Article 68 of the ECA). In the years from sixteen to eighteen, work is permitted as long as, among other factors, it does not occur between the hours of 11 p.m. and 5 a.m.; it does not occur in an unsafe environment, or ones that are dangerous or capable of harming the young person’s morality; and is not part of the list of the worst forms of child labor.

We should note that Brazil sends regular reports relative to the ILO Conventions 138 and 182. In general, these reports show advances that create a favorable environment for combatting child labor in the country, while there still exist serious struggles to be overcome. The latest comments by the supervisory bodies on ILO standards in Brazil published in the 105th ILO Session of 2016, state that Brazil still needs to improve its methods of social protection and its educational initiatives to advance progressively to the elimination of child labor. Moreover, in the Observation (CEACR), the adoption and reinforcement of the capacity and extent of the monitoring of child labor is recommended to better identify case of child labor exploitation in the informal sectors of the economy guaranteeing social protection to those who have this right^{viii}.

2.2 - Enforcement

It is up to the Ministry of Employment to guide and assure the rules established to combat child labor, in partnership with government and nongovernmental organizations.

Spelt out in accord with the Federal Constitution, the Consolidated Laws on Work, the Statute on the Child and the Adolescent, international conventions ratified by Brazil, and the Regulation for the Inspection of Work, Normative Instruction No. 102 of March 28, 2013, of the Secretariat for the Inspection of Work, “*lays out the monitoring of child labor and the protection of the adolescent worker*”. This instruction states that the monitoring of child labor is part of the institutional competencies of the Monitoring Inspectors of Work (*Auditores Fiscais do Trabalho*) and that this monitoring should have absolute priority in the monitoring activities undertaken by the Regional Superintendents of Work and Employment. Information about this monitoring activity should be inserted in the System of Information Focused on Child Labor with the purpose of giving transparency and publicity to the results obtained by the activities of the Secretariat for Inspection of the Ministry of Work (SITI)^{ix} throughout the national territory.

In order to strengthen the monitoring and the attack on child labor in 2014, the Mobile Group on Monitoring the Fight Against Child Labor was established in the Secretariat for the Inspection of Work (GMTI)^x. The Secretariat must prioritize in its planning those economic activities classified as “the worst forms of child labor” and on the data on child labor available from the Brazilian Institute of Geography and Statistics^{xi} or by other official studies.

Besides constant monitoring, the Ministry of Employment responds directly to reports of child labor that come from the hotline system. The #100 telephone number is a public service of the Special Secretariat for Human Rights of the President of the Republic and is linked directly to the National Ombudsman for Human Rights whose task is to receive complaints and demands about the violation of human rights especially those that threaten the most vulnerable populations including children and youth (The same system can be reached by email at disquedenuncia@sdh.gov.br). The complaints, including those relating to child labor, are received, examined, and then sent, without information as to the source, to the responsible organizations^{xii}.

According to Alberto de Souza, chief of the division of monitoring child labor in the Ministry of Labor, in 2016 the budget for this monitoring was approximately one million Reais. The actions of the Ministry of Labor “*vary among monitoring the fight against child labor, advertising the Network for the Protection of Children and Youth, holding seminars, and strategies of social mobilization, among others*” (interview on 09/09/2016).

In addition to the Ministry of Employment, two institutional spaces are fundamental for planning and the development of inspections to combat child labor in Brazil according to

the ILO (2010). They are: the Forums for the Prevention and Eradication of Child Labor and the National Commission for the Eradication of Child Labor (CONAETI).

The Forum for the Prevention and Eradication of Child Labor (FNPETI), created in 1994, brings together institutions and organs of the state and international organizations, Rights Councils, employer and worker organizations and nonprofit organizations. The Forum, which relies on an intersectoral approach, functions as a space for articulation, mobilization, and complaints. The Ministry of Employment has been a major participant since the beginning and, since 2003, a permanent member of the coordinating committee of the Forum along with the ILO, UNICEF, and the Public Ministry of Employment. The participation of the Inspector Auditors of Work (AFTs) in regional forums, inter-state forums, municipalities and inter-municipal forums guarantees major legitimacy and knowledge to these organs, supporting action, and adherence to the effort. On the other hand, the Forums assure the connections necessary for the AFTs to understand the demands and concerns of civil society. The Forums also have to carry out the role of supervision, monitoring the work of the Secretariat for the Inspection of Work and the Regional Superintendents, pointing out the issues which are blocking improvement.

The National Commission for the Eradication of Child Labor (CONAETI), along with the four-way participation, brings together representatives of the public sector, employers, workers, civil society and international organizations under the coordination of the Ministry of Employment (MT). Created in 2002, CONAETI has as its principal objectives working out, taking part in, and monitoring the implementation of the National Plan for the Prevention and Eradication of Child Labor and the Protection of Adolescent Workers. In addition, CONAETI has the responsibility to verify adherence to existing legislation such as ILO Conventions Nos. 138 and 182, working out proposals for regulation and their suitability; and proposals for mechanisms for monitoring the implementation of ILO convention No. 182.

The Public Ministry of Employment (MPT)^{xiii} is the other organization critical to combatting child labor in Brazil. Situated in the Public Ministry of Brazil, MPT is established in the office of the Attorney-General of Brazil with its headquarters in Brasilia, and the Regional Attorneys-General situated in the state capitals and the Attorneys-General of the municipalities. It is the responsibility of the MPT to promote the guarantees and judicial and democratic rights in the area of work. The organization defines as one of its objectives the eradication of the exploitation of child labor and the protection of the adolescent worker. To do this, the MPT, through the National Coordination for Combatting the Exploitation of Child and Adolescent Workers (COORDINFÂNCIA), engages in education and searches for partners in

the public and private sectors who are dedicated to the eradication of child labor, and so consolidating a network for social protection and supervision. It is up to the Guardianship Councils, to guide representatives of the MPT who report child labor and who bring together sufficient facts so that the person accused either changes his or her behavior or in cases of resistance so that they can be brought before the courts (RODRIGUES, 2013; MEDEIROS & MARQUES, 2013).

In 2009, the Public Ministry of Employment, through the Regional Attorney-General of the 19th Region, entered into a civil action against the municipality of Maceio (Northeast Brazil) demanding the condemnation of the city for neglecting to protect the children and adolescents who worked in the garbage heaps of Vila Emater. On one occasion, a tractor hit and killed a child who was sleeping in the rubbish dump after an exhausting night's work on the site. Based on the 1988 Constitution and the ILO Convention 182, the legal action demanded the condemnation of the city of Maceio, the payment of a fine, and the immediate rescue of all the children on the dump and in addition the adoption of other strategies for the prevention and eradication of child labor. The Regional Labor Court handed down a decision which required early compliance with the requirements of the process^{xiv}.

In respect to the supervision exercised by civil society, the continental dimensions of Brazil propel the government to promote the participation of private organizations which defend the public interest in Forums which sometimes concern themselves with fighting child labor. The occasions on which civil society collaborates with government initiatives on this question are not uncommon. Public hearings^{xv}, campaigns^{xvi}, debates^{xvii}, conferences^{xviii}, and public actions^{xix}, are some of these activities. The rendering of social assistance is also part of the contributions offered by organizations of civil society to those impacted by child labor. We have not, however, found a program of legal assistance specifically directed to this issue.

As to the punishments imposed for those who practice child labor, there is no article in Brazilian legislation which characterizes this activity as a crime or establishes penalties for child labor. The Federal Constitution states that "*there is not a crime unless there exists a prior law designating something as a crime, nor a penalty absent a prior legal provision*" (Art. 5, Item XXXIX). While child and juvenile labor is prohibited by the Federal Constitution, Brazilian legislation only provides punishment for specific cases related to the 'worst forms of child labor'. These are: bad treatment; sexual exploitation; child labor in a condition akin to slavery; and the sale or trafficking of drugs or other illegal acts. In fact, using child labor is at least a work and administrative related offense and whoever practices it can be subject to fines and in

cases of resistance to the changes proposed by the public body, in addition to fines, more severe penalties.^{xx}.

The mild character of the sanctions imposed is considered a problem in combatting child labor. Given the complaints and monitoring that exist, there are few cases that result in inquiries, hearing and punishments for those responsible. We should note however that there are current initiatives that could change this situation. Since 2012, there has been a bill in the Chamber of Deputies (Bill No. 3358/2012) authored by Arnaldo Jordy in 2012 (PPS-PA), which proposes to classify this kind of behavior as a crime in the Criminal Code. The proposal anticipates a penalty of imprisonment for two to four years and the imposition of fines for those who contract with children or adolescents younger than fourteen years of age. The proposal also sets out punishments for those who do not respect the rules for contracting with juveniles as young apprentices.

There are other bills in the Federal Senate on the same topic. One bill, (PL No. 237/2016), authored by Senator Paulo Rocha (PT-PA), proposes a change in the criminal code to characterize and describe the crime of the exploitation of child labor. The bill would establish a penalty of from one to four years in prison for those who exploit child labor except that this penalty would not apply to parents, guardians, or responsible adults in the family. The bill also establishes penalties of two to eight years for night work, dangerous, unhealthy or arduous work, in addition to a fine if the facts do not constitute a more serious crime. Already bill No. 53/2016, authored by Marcelo Crivella (PRB-RJ), proposes a change to the Statute on the Child and the Adolescent which would make the exploitation of child labor a crime with a penalty of from two to four years imprisonment.

Another problem that should be considered is the level of corruption that exists in the public sector in Brazil. According to the Corruption Perception Index of 2016^{xxi}, of the International Transparency Agency, on the scale of the perception of corruption in the public sector with 0 being a high level of corruption and 100 being very clean, Brazil received thirty-eight points and occupied 76th place in the world rankings. In 2014, the country was in 69th place with forty-three points. Brazil was the country with the largest drop in one year and according to the organization, a low score is a signal of the prevalence of bribes, unpunished corruption, and public institutions which do not pay attention to the needs of citizens.

The human costs of corruption are large. Its practice especially in government, distorts the allocation of resources, causing harmful impacts on the delivery and quality of basic public services. The diversion of resources also affect the development of fundamental public policies

including the eradication of child labor. The Minister of the High Court of Labor (TST), Lélío Bentes Corrêa affirmed to the Court Journal of the North, *“if there were less corruption and more agents devoted to the common good, we would be more advanced in the struggle against slave and child labor”*^{xxii}.

Corruption in the Ministry of Employment, the principal organ for monitoring labor relations in the country, is frequently noticed by Brazilian journalists. In 2013, G1 reported “PF breaks up a corruption scheme in the Ministry of Labor in Rio de Janeiro”. According to the material, Operation Workaholic broke up a group of inspector auditors, accountants and a businessman who were suspected of receiving a bribe for not monitoring^{xxiii}. The site UOL published in 2015: “Advisor to the Ministry of Labor is caught accepting a bribe in RS”^{xxiv}. The material referred to the *arrest in the act* of a parliamentary advisor in the Ministry of Labor in Caixas do Sul, Fábio Batistello^{xxv}. In the beginning of 2016, the State Newspaper reported “The Government expelled 332 public servants for corruption in 2015”. The story revealed that corruption was the main reason for firing public servants in 2015. Data from the Controller General of the Union revealed that since 2003, the federal government fired 5,659 public servants, with the most being expelled in the states of Rio de Janeiro and Sao Paulo those numbers being respectively 980 and 600. The ministries with the most public servants expelled were the Ministry of Employment, the Ministry of Education, and the Ministry of Justice^{xxvi}.

In respect of the network that acts for combatting child labor, the reports of corruption touch the Guardianship Counselors^{xxvii}, the Program for the Eradication of Child Labor^{xxviii}, and the Family Allowance Program^{xxix}.

3 - Worst forms of child labor in the natural stone industry

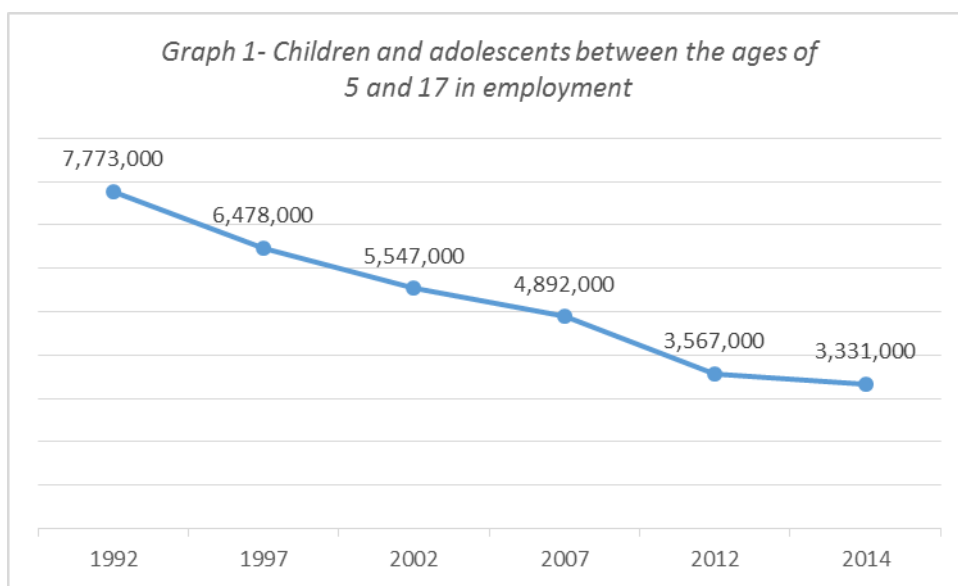
3.1 - Worst forms of child labor in Brazil - overview

As already mentioned, Decree No. 3.597, of 12 September 2000, incorporates ILO Conventions 182 and Recommendation 190 about the Prohibition of the Worst Forms of Child Labor and Immediate Action for their Elimination. Decree No. 6.481, of June 12, 2008, Article 1, approved the List of the Worst Forms of Child Labor (TIP List).

The TIP List includes ninety-three types of work, their description, the probable occupational risks and the probably health repercussions. Those that are relevant to this current study are: work in quarries and in the preparation of gravel; stone extraction, sand and clay removal; cutting and separation of stones; use of blunt-cutting instruments; transport and storage of stone; marble extraction, granite, precious stones, semi-precious and other

minerals; excavations; underground quarries, underground and open mines and open; where there is free detachment of mineral dust and salt. In the stone processing industries, the following are prohibited: blasting in general, except in enclosed processes; and processing of marble, granite, precious stones, semi-precious and other mineral goods.

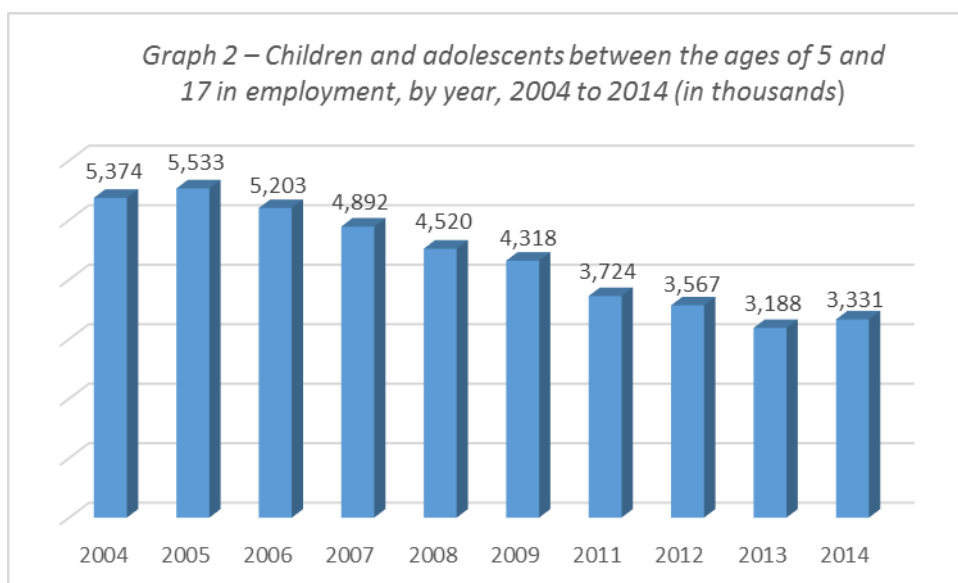
While specific data about the reduction in Brazil of the worst forms of child labor do not exist, Brazil is well-known throughout the world for its success in reducing the exploitation of child and adolescent work^{xxx}. According to data from the National Household Sample Survey (PNAD), the number of children and youth between the ages of five and seventeen who were in the work force fell between 1992 and 2014 from 7,773,000 to 3,331,000.



Source: PNAD/IBGE. Graph by author.

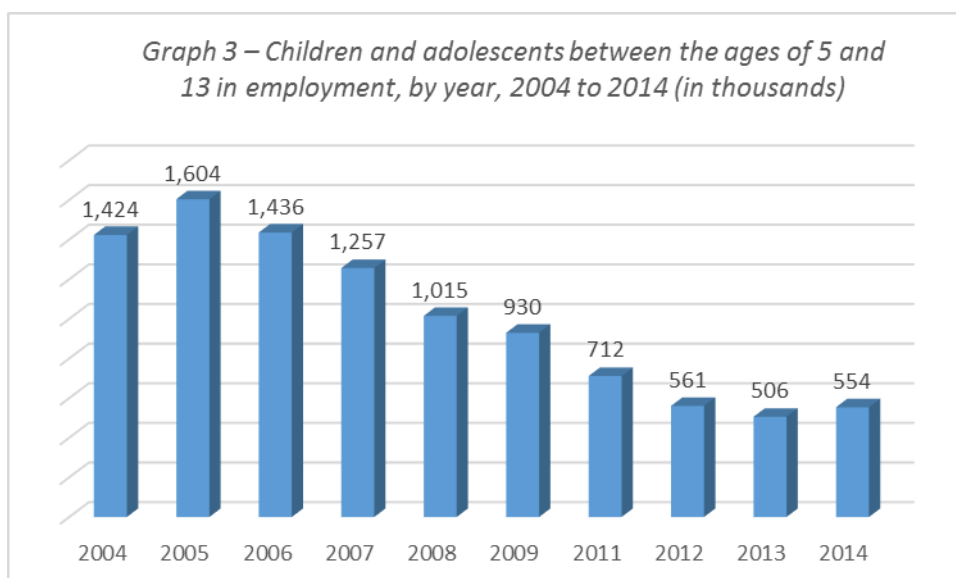
Despite this impressive reduction in the last two decades, in 2014, the number of children and adolescents who were working increased by 4.5% from the year before. An increase in the numbers had not occurred since 2005. Of the 41.1 million children and youth

between the ages of five and seventeen in Brazil in 2014, 8.1% were working (graph 2).



Source: PNAD/IBGE. Graph by author.

Between 2013 and 2014, the number of children and adolescents between the ages of five and thirteen who worked rose from 506,000 to 554,000, a 9.3 % increase. This is the first increase for this age group since 2005. However, the number of adolescents in this age group working in 2014 is almost three times lower than in 2005 (graph 3).



Source: PNAD/IBGE. Graph by author.

PNAD data for 2013 and 2014 also show why, despite the long-term achievements, the prevention and elimination of child labor still presents challenges for the country. The principal challenge lies in the informal sector which is on the margins of child labor inspection activities. In this sector, child labor is still one of the survival strategies used by low-income families. It is also a survival strategy for small businesses which cannot afford to substitute regular paid workers for child labor.

According to Dulce Martini Torzecki, attorney for the Public Ministry of Work in the 1st. Region (interview on 26/09/2016), in the majority of cases monitoring of work produces effective results against legal violations including those violations against international norms. It is also true that the continental dimensions of Brazil increases the difficulties of monitoring so that some activities in the informal sector are outside the view of the state despite the best efforts of the labor attorneys and the inspector auditors of work.

3.2 - Child labor in the natural stone industry - situation before 2010

In 2005, the ILO voted that child labor in the mining industries would be the central focus of its worldwide campaign^{xxxi}. Considered one of the worst forms of child labor, mining had to be included on the list of *“work which, by its very nature or by the circumstances under which it is conducted is likely to damage the health, safety, and morale of a child”* (Article 3 of the ILO Convention, 182). In that same year, data from the 2003 PNAD household sample survey (PNAD/IBGE 2005) revealed that 145,967 children and adolescents were working in mining (extraction and processing) in Brazil. In 1992, this number was 406,617 so that in eleven years there was a reduction of sixty-four percent in the number of children and adolescents working in the sector. In 1992, 4.5% of children and adolescents were working in mining. By 2003, this figure had fallen to 2.8%. The states with the most children and adolescents between the ages of five and seventeen working in mining in 2003 were São Paulo (34,068), Minas Gerais (17,535), Santa Catarina (14,111), Paraná (12,551), Bahia (10,636) and Rio Grande do Sul (10,428)^{xxxii}.

Fernandes (2006) reports the existence of more than 100 cases of child labor in various sectors of the mining industry either directly in small mining concerns, or indirectly in the chain of suppliers in metallurgy and construction, as is the case with building materials, which include natural stone and processed products.

Using the Map Showing Child and Adolescent Labor of 2004, Lima e Teixeira (2006) analyzed the activities that exist in the mineral production chains and concluded that among

the economic activities that showed a number of the most significant cases were those in the stone, sand and clay extraction industries. They argued that these activities occur predominantly in small businesses. These businesses use manual production methods, experience low levels of monitoring, have high rates being clandestine and are spread throughout the country.

The Map Indicating Child and Adolescent Labor, produced by the Ministry of Labor, recorded incidents of child labor in stone mining, sand and clay, in Alagoas, the Federal District (Cacalzinho e Corumbá), in Pernambuco (Bom Jardim, Buíque, Cedro, Santa Cruz, São Bento do Uma and São José do Egito), Rio de Janeiro (Itaguaí, Seropédica, Santo Antônio de Pádua, Miracema and Itaocara) and Rio Grande do Sul.

There follows a brief sample of complaints against child labor in activities related to the stone industry since 1992 when the International Program on the Elimination of Child Labor(IPEC/ILO) was implemented until 2010.

- In a speech given on October 3 1995, the then President of the Federal Republic, Fernando Henrique Cardoso inquired:

“What will these children be tomorrow, if they continue to work in dangerous activities, such as sugar cane cutting, the charcoal producers, the mining, the footwear industries, quarries?”. He added that *“in the quarries of thirteen cities in the interior of Bahia, 80% of the work is done by children who with sledgehammers turn stone into gravel under the strong sun”^{xxxiii}*.

- On October 20, 2008, the *People’s Gazette* reported that in Rio Branco do Sul, in the metropolitan region of Curitiba (Parana), children were breaking stone in the quarries. According to the newspaper, children were spending from five to ten hours a day breaking stone to help with their family income^{xxxiv}.

- In August, 2009, after an exposure in the *Newspaper of the North*, the municipal council in approved an investigation of the use of child labor in a quarry in João Pessoa, Ceara^{xxxv}.

3.3 - Child labor in the natural stone industry - situation since 2010

According to the then coordinator of the International Program on the Elimination of Child Labor (IPEC/ILO), Maria Claudia Falcão, ILO Brazil has not undertaken studies on the topic of child labor in the stone industries (interview on 08/08/2016). After a consultation based on PNAD/IBGE data, the ILO declared the number of cases observed on children and adolescents between the ages of five and seventeen working in the stone extraction and other

construction material industries was tiny. Falcão also affirmed that the information available did not permit an assurance that child and adolescent labor did not exist in this industry.

As explained by Lima (2005), in Brazil, the quantitative data that exist on child labor are insufficient to analyze the diverse chains of production in the country. The available data only show totals and some macro level activity which do not include the specifics of stone related activity. Today, the most recent and useful numbers available on child labor are those that come from the National Household Survey conducted by PNAD/IBGE and these are discussed above.

Given this situation, the empirical observations of the Ministry of Labor available through the System of Information with a Focus on Child Labor (SITI) contribute to an investigation of the existence of child and adolescent labor in the stone industry. The data on monitoring activity undertaken by the Ministry are not quantitative but reflect the situation in the states and municipalities according to the qualitative observations of the inspectors of labor.

The SITI makes available the number of inspections and the number of children and adolescents found working in irregular situations in different activities. In Brazil, in the period from January 2010 to August 2016 there were 46,540 inspections which found 44,332 children and adolescents working in the whole of Brazil. We examined these activities as they relate to this study and found a total of 121 inspections and 64 children and adolescents working in activities included on the TIP List related to the stone industry.

While these numbers represent a significant reduction, we should remember that the stone industry is made up of micro and small concerns with a relatively high level of informality and these factors make the industry difficult to monitor. According to J. Mendo Consultants (2009), in Brazil, it is estimated that there are about 1,000 different commercial varieties of rock being extracted in Brazil in 1,500 active mines. As Maria José Salum^{xxxvi}, Director of the Department of Sustainable Development in Mining in the Ministry of Mines and Energy, points out, the sector has many problems related to its informality, its great mobility and because of the difficulties of identifying who is responsible and where this type of work is taking place.

Evidence of child labor in the stone industry exists in such reports as those, for example, found in the U.S. Department of Labor's Findings on the Worst Forms of Child Labor, 2014^{xxxvii}. The first report described how an environmental police officer discovered the exploitation of child labor in a mine in Palma Sola, Santa Catarina. There, in a basalt mine, one

of the materials used in grave stones and tombs, a fifteen year old was found working^{xxxviii}. Another report described how in the backcountry state of Piauí, children and adolescents were working in a mining region^{xxxix}.

- A special story in the *Revista Nordeste*, in March 2010, complained about the exploitation of child labor in the northeast where children left school to work in coal mines, quarries and in agriculture^{xl}.

- On August 16, 2012, a guardianship counselor from Nova Olinda, state of Ceara, reported to *Veja Juazeiro* that several campaigns had already been undertaken to combat child labor in the quarries, but since it was the parents who took their children to work, the only alternative to take the children out of this labor was action by the federal Public Ministry (MPF)^{xli}.

- In a monitoring that occurred on October 19, 2015, a regional prosecutor from Bacia Hidrográfica do Gravataí, state of Rio Grande do Sul, caught a fifteen year old adolescent in a mine^{xlii}.

While recognizing that cases of child and adolescent labor in the stone industry exist, Paulo Santana, assessor of communications in the National Department of Mineral Production, stated that these cases were rare in the ornamental stone industry (interview on 21/09/2016). This sector was very strong and exported more than 1.3 billion US dollars and required high levels of education and training. Similar information was given to us by Nuria Fernandez, chief of the Core Region of Espírito Santo Center for Mining Technology (CETM) connected to the Ministry of Science, Technology, Innovations, and Communications industry (interview on 21/09/2016). She agreed that the staff in the ornamental stone sector found few cases of child labor between 2000-2008 in the small mines of Santo Antônio de Pádua (state of Rio de Janeiro), Cariri (state of Ceará), Travertino (state of Bahia) and in the soap-stone craft industry in the state of Minas Gerais. For her, the Federal Decree 6841, of June 12, 2008, and the continuous monitoring of the Ministry of Employment were responsible for “*the almost total eradication of child labor in the quarries*”. As she explained, between 2000 and 2010, the Federal Government invested support in the Local Productive Arrangements (APLs), undertaking actions aimed at the sustainability of small enterprises which of necessity meant regularizing or formalizing their activities which logically resulted in the elimination of child labor. These regions had the continued presence of government departments and of monitoring. She agreed that in the state of Espírito Santo, principal producer, exporter and beneficiary of ornamental rocks, CETEM cases of child labor were unknown. However, she pointed out the existence of two different segments in this industry: one was more artisanal

and hence more informal or not registered where there could be cases of child labor except in localities assisted by the APLs. The other was high-tech, legal, and an exporting industry carried on by European descendants and foreign companies which had a different culture in respect to child labor.

Maria Martha Gameiro, Advisor to the Board of Mining in the Department of Mineral Resources of Rio de Janeiro (DRM-RJ), agreed that in the northeast of the state many years previously there had been cases of adolescent and child labor in quarries industry (interview on 09/09/2016). However, in the most recent years joint action between the Ministry of Employment, the DRM-RJ and the local unions contributed to a significant process of regularization and legalization in mining activities in the region. According to her, in the state of Rio de Janeiro, which was one of the principal producers of facing stones in the country, the industry had become a pioneer in the legalization of the industry since 1998. The northeastern region of the state was exclusively an APL: *“It used to happen, many years ago...but today it is all totally legal”*.

Messias de Morais Pizeta, president of the Workers in Marble and Granite Union in Espírito Santo (SINDIMÁRMORE), said emphatically that the children under sixteen were not employed in the industry especially because of the unhealthy environment and the use of chemicals industry (interview on 29/09/2016). He would not risk saying that cases of child labor did not exist because the industry was very large and in some places monitoring did not happen, but he believed that such cases were rare. Just in the municipality of Cachoeiro de Itapemirim, state of Espírito Santo, there were 1,005 businesses in the marble and granite sector. In the entire state of Espírito Santo there were about 3,000 such businesses and the state was the principal producer, processor and exporter of ornamental rocks in Brazil. He stated that the Union acted on disclosures of prohibited child labor and sent reports to the appropriate organs of government when it found such cases. But, he pointed out that child labor was not a great concern of his industry because its occurrence was rare.

4 - Measures to reduce and eliminate child labor

4.1 - The social discourse on child labor

The Federal Constitution of Brazil of 1988 established new rights for children and adolescents and laid out strategies to guarantee these rights through participatory democracy and the construction of policies directed at the human rights established in the Constitution. According to that Constitution, family, society, and the state have to share the responsibility to

assure fundamental rights and to prevent all forms of the exploitation of citizens. In addition to the Constitutional protections, there have been diverse institutional mechanisms to prevent and oppose child labor. Since 1988 there have been important changes in social discourse, with an emphasis on the rights of children and adolescents. Many advances were made, but in the key area of the implementation of laws and policies, the struggle remains (RIZZINI, 2011). In the discourse of child labor connected to low-income children, the predominant tone still emphasizes the dignified nature of work and education for work.

Child labor is considered by many specialists a mechanism for the reproduction of poverty and social exclusion which effects education, health, and the general development of children and adolescents. This point of view was confirmed by the President of the Republic at the opening of the Third Global Conference on Child Labor in 2013^{xliii}. Despite this, the process of making concrete the fundamental rights of children and adolescents must overcome historical practices of disciplining children and oppressive measures carried out in the context of child labor (PAGANINI, 2011).

Initially connected to poverty, child labor still lives in a culture of acceptance which sees benefits to the practice. This belief includes such myths as:

“It is better to work than to live in the streets, to do nothing, using drugs or committing crimes”.

“Work dignifies what it is to be human, molds character and benefits children and adolescents”.

“He or she who works as a child, thanks to this labor, becomes an important person afterwards”.

Poor boys and girls must work to help their families”^{xliiv}.

According to a minister of the on Superior Court of Employment (TST), Kátia Magalhães Arruda, given during a seminar on law and child labor in 2013, one of the major barriers to combatting child labor is a question of the culture which many times legitimizes or makes natural the premature entry of children and adolescents to the world of work.^{xliv}. Sueli Bessa, prosecutor in the Public Ministry of Employment and the National Coordinator of the Fight against Child and Adolescent Labor in the 1st Region, said in an interview with *Repórter Brasil* (November, 2013), that she agreed that there was a culture of the acceptance of child labor. According to her, those who worked in this area, recognized the existence of a social permissiveness in relation to this practice with the reservation that child labor was *“for the child that does not live in good social conditions, because all the world wants the children of middle- and upper-income classes to be educated, isn’t it?”^{xlvi}.*

Because of these attitudes, many insist that it is necessary to continue to attack the belief that child labor is natural by methods and actions which show the consequences of child labor.

4.2 - Efforts by the government to combat child labor

The program on the Elimination of Child Labor (PETI)^{xlvii}, gives responsibility to the Ministry of Social Development and Agriculture (formerly the Ministry of Social Development and the Fight Against Hunger)^{xlviii} and it is the principal federal program to combat child labor in effect in the country^{xlix}. Begun in 1996 with action by the federal government in partnership with the ILO, PETI aims to deploy policies to confront child labor by direct income transfers and by offering social-educational programs to those children and adolescents found in child labor. This is to be done in accordance with the demands expressed by the National Forum for the Prevention and Eradication of Child Labor (FNPETI).

In 2004, with the creation of the Ministry of Social Development and the Fight Against Hunger, PETI was transformed into continuous social assistance action and later, in 2005, rolled into the Family Allowance Program (*Programa Bolsa Família*). In 2011, PETI was placed into the Unified Social Assistance System (SUAS), becoming “*a national strategy which presented the intersection of cross-ministries action with a view to challenging and eradicating child labor in the country, developing jointly, and with the participation of civil society*”. This, according to Anna Rita Scott Kilson, coordinator of social/educational methods and PETI in the Ministry of Social Development and Agriculture (interview on 27/09/2016).

The most recent re-working of PETI occurred in 2013 based on the National Plan for the Prevention and Eradication of Child Labor and the Protection of the Adolescent Comprehensive Defense and Protection of the Rights of Children and Adolescents of 2012. This rewriting considered the changes that had occurred in child labor identified by the national Census of 2010^l. According to this IBGE study, there had been a significant reduction in child labor in the formal sectors, which suggested that the majority of cases of child labor were now concentrated in the informal sector, family production, domestic work, family farming, and illicit activities^{li}.

Federal data^{lii} of 2010 shows that the Program on the Elimination of Child Labor served 837,742 people with a budget of almost R\$250 million (Reais). According to a National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21 - Brazil^{liii}, in the same year of 2010, PETI reached more than 3,500 municipalities and

66.5 % of Brazilian municipalities had adopted measures for the eradication of child labor. In 2011, there were more than 817,000 beneficiaries of the program which had a budget of R\$ 258 million.

The expectation was that the budget would increase 27% in 2012, with the objective of increasing the number of beneficiaries of the program. However, there are indications that this did not happen. In 2012, when the program was integrated into the Unified Social Assistance System (SUAS), of the R\$ 307.9 million authorized, only R\$ 287.8 million were sent to the two remaining budget lines. One line was dedicated to “Social protection for children and adolescents identified as being in a situation of child labor” and the other “Grants awarded to families with children identified as being in a work situation” which was part of the program “Promotion of the Rights of Children and Adolescents”. In 2013, of the R\$ 412.5 million authorized for actions for the eradication of child labor, R\$ 155.7 million had been paid by September 24, 2013 or just 38% of the total authorized^{liv}.

As Anna Rita Scott Kilson (National Secretary of Social Assistance) explained, from the time of the implementation of the redesign of PETI in October 2013, the federal appropriation with the co-funding for the social-educational programs of PETI was aggregated into Services for Living Together and Strengthening Family Ties (interview on 27/09/2016). In 2014, the initiative “Social Protection of Children and Adolescents Identified as being in Situations of Child Labor”, historically a major part of the budget, was excluded from the law.

In 2014, according to the Transparency Entry Point maintained by the federal government, the total line item devoted to grants for families with children and adolescents identified in a work situation was R\$7,578,600. In 2015, the line item was R\$6,611,810, and in 2016, the estimate was for R\$3,597,545.

In May 2016, the Employment Commission of the Administrative and Public Service approved a proposal that permitted the deduction of the sums for the eradication of child labor for the states against their monthly debts to the federal government. It is up to the Minister of Development and Agriculture to determine which of these actions will be beneficial^{lv}.

While there do not exist programs or policies to combat child labor in particular areas, there is a flow of default services for children and adolescents found in work situations that must be applied including in cases relating to the stone industries. According to a document published by the Commission for the Eradication of Child Labor in the Federal District and the Forum for the Prevention and Eradication of Child Labor and the Protection of the Adolescent

Worker of the Federal District^{lv}, it is the responsibility of the state and society to report any occurrence of child labor to the Guardianship Councils (*Conselhos Tutelares*). After the initial validation of the report, a Guardianship Council must send the case for technical evaluation and to specialized services namely: the local health clinic; the Specialized Central Service Center for Social Assistance (CREAS); schools, the Regional Superintendent for Work and Employment (SRTE); the Public Ministry (MPT); and the Police Station for the Protection of the Child and the Adolescent, among others. We should note that this intersectoral arrangement is considered fundamental to the evaluation of a situation of forced child labor and to setting out strategies to deal with it.

Among the methods for protection in cases of child labor are income transfers. These transfers can be made in two ways. The first is through the Family Allowance Program (*Bolsa Familia*). The second is directly through the Program on the Elimination of Child Labor (PETI) according to eligibility criteria that are applied to each family. Furthermore, the families receive support initially from the Specialized Central Service Center for Social Assistance (CREAS) through the Protection and Special Services for Families and Individuals (PAEFI). Both services have as their objective to offer social-assistance to families in vulnerable social situation, contributing to their access to public goods and services.

If it is recommended by the guardianship counselor, it is up to the juvenile prosecutor, a unit of the Public Ministry, to take whatever judicial and non-judicial measures necessary for the removal of children and adolescents found in work situations from family life. In addition, it is up to the prosecutor when he or she identifies irregularities in public or private services, to ensure the protection of rights and legal guarantees for children and adolescents.

It is up to the regional superintendent of work and employment to act as the key agent and to draw up the notices of infractions, to immediately take the child or adolescent away from work, or to regularize an apprenticeship situation. In cases of work situations with immediate risks, there must be an injunction which results in either a partial or complete shut down of the business where child labor was identified.

Finally, the Public Ministry must take action to assure respect for public interests and rights setting reasonable periods of time for the adoption of appropriate measures. These may be Terms of Adjusting Conduct (TCA) which aim for an extra-judicial solution to the conflict, and judicial actions used to compel the acceptance of not using child labor and for the protection of the adolescent worker.

We believe that the powers possessed by Brazilian Government to combat child labor should be taken seriously. Brazil is, after all, recognized internationally for its efforts to combat child labor. The Ministry of Employment has cooperation agreements with twenty countries for sharing technical knowledge and relating successful experiences for stopping child labor. Brazil's inspection strategies are internationally recognized^{lvii} and the network for the protection of children and adolescents has become a model for a variety of countries, especially the National Forum for the Prevention and Eradication of Child Labor (FNPETI)^{lviii}.

4.3 - Industry self-regulation

We did not find information about specific methods adopted by the stone industries to combat child labor such as certification, codes of conducts and awareness raising.

Nuria Fernandez, chief of the Regional Center of the Center for Mineral Technology for Espírito Santo (CETEM), which is connected to the Ministry of Science, Technology, Innovation and Communications, believes that child labor is not an issue in the stone and ornamental rocks for export industries which in general are organized in large companies (interview on 21/09/2016). According to her, the large enterprises responsible for this kind of large-scale product, do not have a culture of employing children. There is concern only about the small informal or irregular quarries spread throughout the country and which are not as yet included in Local Productive Arrangements (APLs). In these quarries there does not exist a tacit agreement not to employ children.

4.4 - Other measures

According to the study "Child and adolescent labor: the economic impact and the challenges in relation to the use of children in the world of work in the Southern Cone" (Fundação Promenino, 2013), in addition to what has been reported here, the partnership between the ILO, the federal government, and the National Forum for the Prevention and Eradication of Child Labor is an important initiative against child labor. This partnership is responsible for the National Campaign Against Child Labor which annually mobilizes nonprofit organizations, civil society, representatives of employers and trade unions to focus on combatting the worst forms of child labor.

There are other initiatives directed at child labor. The Foundation Abrinq, for example, grants the seal *Business Friend of the Child*, to companies which take social action for the well-

being of children and youth. These businesses promise not to exploit child labor, and to cut off relationships with providers who exploit children. According to Denise Maria Cesario, executive director of the Foundation, the prevention and eradication of child labor is everyone's responsibility (interview on 21/09/2016). The Foundation educates businesses not to exploit child labor and how to monitor their supply chains to prevent child labor. The Foundation *Telefônica Vivo* and the nonprofit *ChildFund Brasil* have acted in partnership since 2012 in Vale do Jequitinhonha, in Minas Gerais, for the prevention and fight against child labor. The initiative has mapped out the major risk areas and has shown positive results for children between the ages of six and fourteen^{lix}.

There is also the example of Rochativa, created by the Ornamental Rocks, Lime and Limestone Union of Espírito Santo (Sindirochas). This association aims to connect children and adolescents in school to sport and cultural activities to promote their development and family integration^{lix}. We should also mention *Instituto Ethos* (São Paulo), the non-profit *Avante* (Bahia), and the Center for the Defense of the Rights of Children and Adolescents in Rio de Janeiro as examples of reference organizations involved in projects against child labor.

5 - Conclusion

The ratification of international conventions, the passage and amending of laws, spreading social programs and cooperation among the actors in networks for protecting children, are part of the strategies use by the Brazilian Government to protect children and prevent their premature entry into the workforce. All of this constitutes a solid structure of protection which has resulted in significant achievements. Most notable of these is the 57% reduction in the number of children and adolescent in the workforce between 1992 and 2014 (PNAD/IBGE).

In the meantime, however, several obstacles still need to be overcome to eradicate child labor in Brazil. Among the most difficult are: the acceptance of child labor in some of Brazilian culture; the complexities of the most difficult forms of work; judicial authorizations which permit children and adolescents to work on a regular basis; and the lack of clear dissemination of public policies on child labor. Also important is the lack of income transfer programs to eliminate child labor in families below the official poverty line. We should add:

- The difficulties of monitoring informal work activities;
- The degree of corruption in the networks for the protection of children and adolescents;

- The insufficient numbers of auditor inspectors in the Ministry of Labor;
- The light penalties applied to those who exploit child and adolescent labor;
- The cuts that have been made in recent years to activities to prevent and eradicate child labor.

This study came up against barriers already mentioned especially the lack of quantitative data about the worst forms of child labor which include such labor in the mining industry.

But with the large amount of information we did collect, we conclude that:

- There are indications of cases of child and adolescent work in small, irregular enterprises, the majority of which are geared to the internal Brazilian markets.
- Despite the above, child labor is not a common reality among the major companies who focus on the production of ornamental rocks for export.

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- Miguel Nery, ex-Diretor Geral do Departamento Nacional de Produção Mineral e atual Diretor da Agência Brasileira de Desenvolvimento Industrial. Contact on: 09/08/2016. (Director of the Brazilian Agency for Industrial Development).

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Anna Rita Scott Kilson, Coordenação de Medidas Socioeducativas e PETI, do Departamento de Proteção Social Especial, da Secretaria Nacional de Assistência Social. Contact on: 31/08/2016. (National Secretariat of Social Assistance).

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- Organização Internacional do Trabalho. Maria Cláudia Falcão, coordenadora do Programa Internacional para a Eliminação do Trabalho Infantil da Organização Internacional do Trabalho. Contact on: 08/08/2016. (ILO, international program for the elimination of child labor).

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- Ministério da Saúde. Carmen Silvera - Coordenadora das ações de combate ao trabalho infantil do Ministério da Saúde. Contact on: 14/09/2016. (Coordinator of actions to combat child labor, Ministry of Health).

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9 - Notes

ⁱ This report is part of an international study to The Ministry of Health, Equalities, Care and Ageing (MGPEA) of the state of North Rhine Westfalia, coordinated by Professor Dr. Walter Eberlei, Düsseldorf, Germany. I would like to especially thank Renata Mena Brasil do Couto for her dedication to this study as well as Eduarda Sampaio and Malcolm Bush for their contribution to the research and revision of this document.

ⁱⁱ Decree nº 6.481, of June 12, 2008, regulates articles 3 and 4 of ILO Convention 182, which deals with the prohibition of the worst forms of work and action for their immediate elimination.

ⁱⁱⁱ The UN Convention on the Rights of the Child was approved in Brazil by Legislative Decree nº 28, September 14, 1990, and enacted by Decree nº 99.710, of November 21, 1990.

^{iv} The prohibition against any form of child labor for children under fourteen years of age, was previously included in the Constitutions of 1934, 1937, and 1946, The Amended Constitution of 1998 raised the minimum working age to sixteen except for apprentices.

^v Decree-Law nº 5.452, May 1, 1943, approved the Consolidate Laws on Employment.

^{vi} In general, decrees are regulations that stem from the authority of enabling legislation. But before the passage of the 1988 Constitution and notably during the dictatorship, the executive had special powers to promulgate decrees absent the cover of the legislature which were known as decree-laws.

^{vii} According to information from the Annual Social Report, published by Portal Brazil in 2011, there were 3,134 injunctions on child and adolescent labor in 2011. This was a drop of 58% from 2010 when there were 7,421 injunctions. Artistic and sport work were included in these totals. Available at: <http://www.brasil.gov.br/cidadania-e-justica/2012/10/autorizacoes-judiciais-para-trabalho-infantil-reduzem-58-em-um-ano> (Accessed on 05/06/2016).

^{viii} ILO. Direct Request (CEACR) and Observation (CEACR) – adopted 2015, published 105th ILC session (2016). C138 – Minimum Age Convention, 1973 (nº138) – Brazil. Available at: <http://www.ilo.org/dyn/normlex/en/f?p=1000:20010:N0>: (Accessed o: 27/09/2016).

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^x The Normative Instruction nº 112, October 22, 2014, of the Secretariat for the Monitoring of Employment “*deals with the constitution and actions of the Mobile Group for the Monitoring and Fight Against Child Labor – GMTI*”.

^{xi} IBGE or the Brazilian Institute on Geography and Statistics is the main provider of official data in Brazil including demographic, economic and employment data.

^{xii} Available at: <http://www.sdh.gov.br/disque-direitos-humanos/disque-direitos-humanos> (Accessed on 02/08/2016).

^{xiii} The Ministry of Employment (MT) is an organ of the executive branch which monitors labor practices through its fiscal auditors. See Article 21 XXIV of the federal constitution which provides that the Ministry organizes, maintains and executes the inspection of work. The Public Ministry of Employment (MPT), which is part of the Public Ministry of the State, acts as an independent organ from the legislative, executive and judicial branches of government in defense and inspection of the application and execution of labor laws representing the interests of society through its employment inspectors. This provision conforms with Article 127 of the Federal Constitution which states that the Public Ministry is permanent body essential to the judicial function of the state, combining the defense of the judicial order, the democratic regime, and fundamental social and individual interests. N°1: the principal characteristics of the Public Ministry are its unified, indivisible and independent functioning.

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^{xvi} PORTAL BRASIL. Activities on the World Day to Combat Child Labor focused on supply chains. 13/06/2016. Available at: <http://www.brasil.gov.br/cidadania-e-justica/2016/06/acoes-do-dia-mundial-de-combate-ao-trabalho-infantil-focam-na-cadeia-produtiva> (Accessed on 02/08/2016); e POMENINO. The Campaign is Up to Us, called by Civil Society Against Child and Adolescent Labor. Available at: <http://www.promenino.org.br/noticias/especiais/campanha-e-da-nossa-conta-convoca-a-sociedade-civil-para-a-luta-contr-o-trabalho-infantil-e-adolescente> (Accessed on 02/08/2016).

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^{xxii} CORRÊA, Lélío Bentes. “Com menos corrupção teríamos avançado mais contra o trabalho escravo e infantil”: entrevista [26 de agosto de 2012] Rio Grande do Norte: Tribuna do Norte. Entrevista concedida a Adrielle Mendes. Available at: <http://www.tribunadonorte.com.br/noticia/com-menos-corrupcao-teriamos-avancado-mais-contr-o-trabalho-escravo-e-infantil/229816> (Accessed on 04/08/2016.) (With less corruption we would have advanced more against slave and child labor).

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