

IDENTITY, PERSPECTIVES AND INTERPRETATIONS OF CHILD LABOR IN BRAZIL

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1 INTRODUCTION

Child labor has been of concern worldwide. There are children working in various activities throughout. In all historical periods, the children were vulnerable work activities - economic or not. Among the numerous contexts and socio-historical temporalities that had been linked to the issue, without doubt, there is the Industrial Revolution. This, through endogenous and exogenous mechanisms, effected the cooptation of children and adolescents for the labor market, subjecting them to excessive hours, arduous and unhealthy activities, robbing them of the right to a childhood and adolescence safe and full personal development. This fact has repeated itself for many decades and therefore caused estrangement and indignation by society. However, after the establishment of the ILO - International Labour Organization in 1919, measures to prevent and combat child labor gained relevance.

Such measures take up such importance that influence the creation of constitutional texts such as the current Constitution of the Brazilian Republic, which adopts provisions of the International Conventions 138 and 192 of the International Labor Organization.

In national law there are several prescriptions that protect the children and adolescents from work before turning 16, except as apprentices. Those over 16 and under 18 are prohibited from performing strenuous, unhealthy or dangerous work, as well as night work or other work that may cause damage to their mental, moral and social development.

However, such legal protections have not been enough to prevent children and adolescents from being drawn into the ranks of precarious and illegal labor, with low health standards of the working environment below the constitutional minimum, as well as in conditions analogous to slavery.

This study aims to analyze the current situation of child labor in Brazil and follows the methodological procedure bibliographic-investigative research. The article is divided into three parts.

2 INITIAL WORDS ABOUT CHILDHOOD AND THE WORLD OF WORK

The children were, for a long time, left in the shadow of historical-legal and social narratives. Generally, childhood image was on the ideas of lack of speech and minimizers attributes. To say that the child is a social being means considering that it has a history, a geographical life, he or she belongs to a social group and establishing relationships defined according to their context of origin. He or she also features a language due to these social and cultural relations established by adding in this context the need for protection.

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The development of anthropology and the emphasis on family and women, the advent of Nouvelle Histoire, and the affirmation of new research fields and lines of research, closer to daily life and the private contributed to make them get out of this minimization as study object.

Most of the studies that revealed the childhood interfaces were inserted in the discussions in the area of Human and Social Sciences at first, later to enter into other fields of knowledge. For example, we can mention the study of representations or children's practices - in the international historiography - which has accumulated considerable research on the child and his past. When talking about Europe, for three decades historical demography helped detect the life expectancy, the role of children in family structures, child abandonment numbers, contraception and mortality resulting from infectious diseases.

According to Foucault (1974), both legal and judicial practices are the most important in determining subjectivities because through them you can establish forms of relationships between individuals. Such practices, subjection to the state begin to interfere and to determine the human relations and thus determine the subjectivity of individuals.

According to the International Labour Organization, ILO, more than 215 million children are working worldwide, some are only three years old and only one in five children gets paid, and many of them perform dangerous tasks. In Brazil, based on data from the Brazilian Institute of Geography and Statistics (IBGE), there are 554,000 children aged 5 to 13 who are employed, equivalent to 2.5% of this population. On average, each worker in this age group receive R\$ 178 per month. These children work an average 17 hours a week. Most of them are students: the schooling rate of this group reaches 96.8%. A large part (63.5%) carries out activities in agriculture³¹ (IBGE, 2015).

In this setting of school and work, one can state that the crossing of data on child labor that the IBGE released in 2015 shows that children between 10 to 13 years attending school, 4.8% also worked. Among those who were out of school, the percentage rises to 17.5%. The same situation is seen among those between 14 and 15 years old. Among those who were students, 11.7% also worked; among those who do not study, the share rises to 23.2%.

In line with several studies, it is possible to point out that the earlier a child begins to work, the lower their average income over life will be. You can not cite a specific cause, but it is thought that this is because, when working, the child is less time and inclination to study and prepare the next stage - adulthood.

In addition to the subject and according to the ILO report (2015), the following notes are observed:

- a) Children who began working before the age 17 did not reach average salaries over R \$ 1,500 until the age of 59 years;
- b) Young people who started working after age 18, reached R\$ 2,500;
- c) A person will have 35% more income for life if did not worked before reaching 9 years old
- d) Young people who have not worked before age 18 may have an increase of 85% in wage income;

³ From the entire population between 5 and 17, 8,3% were working in 2012, 10,4% in the South region. In the north region, had 9,7% and in the northeast region only 9% (IBGE, 2015).

- e) 68.6% of boys and girls between 7 and 17 years old, who are working, are late at school.

With the mapping of the working world scenarios and childhood in Brazil, were being instituted, through public policies, several programs and actions in order to eradicate child labor. Among them, we can mention the eradication of child labor program - PETI.⁴² This is a service that aims to combat and eradicate all forms of child labor. It is intended for families with per capita income of up to half the minimum wage and with children and adolescents up to 16 years in work situation, in order to ensure the access and the retention of children and adolescents to school and socio-educational activities.

According to the guidelines of the federal government, managing PETI involves the Federal Union through the Ministry of Social Development / National Secretariat of Social Assistance, that establishes guidelines and program rules, co-finances the activities and participates in the monitoring and evaluation of actions and the results, in partnership with other levels of government.

The actions of States⁵³ are developed through the State Departments of Social Welfare or similar institutions, engaged in the coordination of the program in accordance with national guidelines. It is up to municipalities, through the governing bodies of social assistance (Municipal Social Assistance or congeners), to run the program according to the established guidelines and social assistance councils in each sphere of government, and operate in deliberative status, whose functions are established by Article 30 of LOAS, which have the greatest responsibility social control of program management.

In this context it is necessary to support existing initiatives, and revitalize efforts, worldwide, for the total abolition of the practice in all its forms and re-evaluate and enhance the income supplement programs to benefit older adolescents who live in cities. In addition to those initiatives, the government should invest more in the communities, creating job opportunities for parents and apply first job programs resources, to generate decent work opportunities for these young people.

3 BRIEF HISTORY OF CHILD LABOUR

One cannot say that child labor is a historically recent practice, but in fact, this human behavior to submit their sons and daughters, early, to the labor market rigors is old, and dates back to the time when children had no rights subject *status*, but, alone, were subjected to patriarchal power.

For example, Article 14 of the Code of Hammurabi, developed in Babylon, about two thousand years BC, stated that if someone stole one prepubescent child of another person, the pe-

⁴ PETI began in the 1990s as a pilot experiment to combat child labor, which was implemented in charcoal production of Mato Grosso do Sul, aiming thereby eradicate child labor in the charcoal kilns and harvest yerba mate, in 14 municipalities of this state.

⁵ It is the State's responsibility the supervision through social organ cases of child labor, the identified cases undergo a process of validation, to participate in the PETI is necessary that the interested families are registered in the single register and through this the municipal governments make the selection of the selected. The amount of the scholarship depends according to the activity that the young or adolescent exercised. For children exercising activities in the urban area the bag is in the amount of R\$ 40 per child, rural activities the bag is R\$ 25 per registered child. MDS considers urban area only capitals, metropolitan areas and municipalities with more than 250,000 inhabitants.

nalty for that crime was death. This prescription protects not so much the child itself, but clearly the patriarchal power, the “property” of the patriarch, who could not lose some of his “property”.

According to Azambuja (2004), for the Spartans, the child was owned by the state, and education was dedicated to training warriors from an early age. In that ancient society, occurred a kind of selection at birth, when the newborn with visible physical defects, unserviceable for war, were thrown off cliffs.

Similarly, in ancient Rome, the children of the patricians received education with orientation to war. The children of slaves were considered property of the masters of their parents, and were forced to work for those or other Roman citizens, as payment of debts, for example.

Examples of child labor are revealed throughout the history of mankind, especially in the sectors of artisanal and household production, when received, from their parents and family, the teachings of the family art or land cultivation. This situation of child labor in the family lasted until the opening of the Industrial Revolution in XVIII century England.

It was the discovery of the steam force that made a profound transformation in the means of production, at the time of the Industrial Revolution. This revolution was decisive for increased integration, in large scale, of child labour outside the home and artisanal level.

Marx attests to this fact, stating that:

The use of machines makes superfluous the muscle strength and becomes a means of employment for workers without muscle strength, or a non - full physical development, but with great flexibility. Let us make women and children work! Here is the solution that preached the capital when he began to use up the machines. (MARX, 1982, p. 90).

At the time, there were no rules regulating the work and no rules relating to the conditions and the working environment. The position of the classical liberalism non - state intervention also provided fertile ground for the exploitation of child labor, as called for the self-regulating market economy, advocated freedom of contract, as well as guarantee freedom of private initiative.

In this regard, says Silva (2009, p. 35):

Thus, the abuse of the bosses was justified by the very axiological dictates rooted in European society.

The lack of regulation, combined with the crazy search for profit, caused physical and mental deterioration in children at the time. The work was carried out in unhealthy environments, dangerous, occasioning many accidents and diseases related to the activity performed. It was common to occur mutilations, chemicals poisoning, lung defects, spinal pain. These problems directly hit the physical integrity of the small workers.

Thus, we see the existence of a social policy of exploitation of child labor. Added to this, the lack of state regulation of labor relations, which also favored the practice, causing huge losses to child workers.

The main consequence to children workers of the time was early mortality. Marx (1982, p. 92) states that in 1861, in some districts of England, the mortality rate per 100,000 children came to 9,000 per year.

Do not forget other social and even theological conditions in England then which served as fertile ground for the exploitation of children's labor, with the agreement of society and religious authorities and thunderstorms. This is evident in the words of Campos and Alverga (2001, p. 230):

In this case, generally, the demand of the capitalists for easy profit, the misery of the families who abandoned their children in orphanages or rented them to the factory owners and the religious ideology that allowed everyone to avail themselves of children, without guilt, and under the mantle of moral training, were the factors that were integrated in order to converge to the capitalist British industry thousands of children's arms.

Valid now, the claims of Horn (1994) concerning the theological conception invigorating in England at the time. For English Puritanism, revealed and preached by Calvinists then, the whole of humanity was suffering from sinfulness inherent, innate, which demanded greater control of mind, especially young people. This sinfulness would only be quelled by the teaching of moral values and norms, from an early age, children and adolescents. We can cite, as examples of values desired by religion, discipline and application, and stress that such values were also very desired by the industry. Thus, the targeting of the young, by the industries, also reinforced the indoctrination desired by puritanical Protestantism, about the existence of an inherently sinful human spirit that needed to learn a higher morality, self - control can raise the spirit and master the body's desires (HORN, 1994).

Nevertheless, we still find today the same thought that early work is beneficial to children and adolescents, as in theory, facilitate them to acquire desirable social and working tools. This mindset is still applicable in countries whose social matrix is marked by Protestantism and individualism, which propagate meritocracy, such as the United States, as appears from the words of Wegmann (2003, p. 130):

Today, work is a common part of the lives of many children and most adolescents in the United States. In general, the US public Believes que work is beneficial - and at worst, benign - for children and adolescents. Indeed, working provides many young people with valuable lessons about responsibility, punctuality, dealing with people, and money management, while increasing their self-esteem and helping Them Become independent and skilled. Working during high school may contribute to increased rates of employment and better wages up to a decade after high school completion.

However, despite the political, social and even theological condescension in relation to the unbridled pursuit of profit by the capitalists who exploited labor, especially the children, these cruel working conditions have driven many revolts of the working class. Such revolts led the state to abandon its non-interventionist stance and produce legal status of labor protection, specifically the less work.

According to Nascimento (2004), it is at this time that arose legislation which guaranteed, for example, limiting of the working journey for those under 16 years old to 12 hours in the cotton industry, or that prevented the hiring of children under nine years old in factories.

For Silva (2009, p. 36), was in 1833 the *Sadler* Commission carried out the legislation that states:

[...] Prohibiting the work of children under nine years, restricting the nine hours the working day for children under 13 and for 12 hours for persons under 18 years. Furthermore, it was prevented night work. To close the cycle of youth protection laws in 1842, it was banned underground labor to minors.

Thus, such undesirable working conditions and exploitation of child labor and , in general, led to the creation of laws protecting the child labor and establishing the basis for the creation of a legal system geared to labor regulations and favorable environmental working conditions.

This legislative evolution is true today, particularly in the production of international standards, as well as in national legal systems for the eradication of child labor, as seen below.

4 LEGAL ASPECTS OF CHILD LABOUR

It is only with the end of World War I and the creation of the International Labour Organization that comes the opportunity to create international standards of labor protection. A committee composed of representatives of governments, employers and workers with the task of drawing up proposals was created for an international normative regulation on labor. This committee drafted a Work Charter, containing a list of guiding principles of the legislative proposal, and among them, already included the abolition of child labor.

The rationale for the creation of an international body to protect work was grounded in such issues: humanitarian, eradication of degrading conditions of work; policies, as a means to avoid conflicts; and economic, to ensure equal working conditions at the international level so that global competition does not become an obstacle to progress in terms of labor protection in the world (ILO, 2006).

The ILO has always maintained, among its priorities, the fight against child labor, depending on the understanding that the work of children removes from the children their dignity and contributes to the reduction of access to education and health.

To that end, the ILO launched in 1992 the International Programme on Elimination of Child Labour, which came to become the largest international technical cooperation program against child labor that guides and supports development of national initiatives eradication policies of child labor.

In addition to the above mentioned program, the ILO drafted international conventions dealing with the issue of child labor, among them worth mentioning the Conventions 138 and 182.

The International Convention No. 138 of 1973 establishes a basic level about the minimum age for admission to employment. Although not establish a single stable objective quantitative criterion, the Convention 138 takes into account the different socio-economic conditions of developing countries and determines the signatory countries to establish policies to ensure the effective abolition of child labor by gradually raising the minimum age admission to employment.

In fact, the mentioned International Convention provides that the minimum age for work should not be less than that required to complete compulsory schooling or, in any event, be not less than fifteen years, excepting-in underdeveloped countries ability to work at fourteen. As for the unhealthy or dangerous work purposes, or even those types of work that exposes children to offensive situations to moral, the Convention establishes the minimum age of 18 years.

This convention was ratified by Brazil through the Legislative Decree on 14 December 1999, and entered into force on 28 June 2002.

The International Convention No. 182, in its turn, deals with the worst forms of child labor, reaffirming the eradication of this form of early work as a main objective of the ILO. Also determines that countries concentrate efforts to eliminate, immediately and effectively: all forms of slavery and practices similar to this; forced labor and the use of children in armed conflict; the use of children in prostitution networks or the production of pornography; the use of children in illicit activities, particularly drug trafficking; and finally, any work that is likely to harm the health, safety or morals of children.

Convention No. 182 was ratified by Brazil, and entered into force on 2 February 2000.

Delgado (2006, p. 236) references about the importance of work as lifting tool of the human being:

The work should be understood in its ethical meaning, that is, at any time and culture man must affirm and consolidate the universality of time and space, considered no chance and circumstance, their condition of being human. In addition, through work, man must also be carried out and revealed in their social identity.

Delgado (2006, p. 237) continues to state:

If the worker gets ill, if there are no conditions of minimum health, for example, there is no room for the realization of dignity. The law is a mere abstraction. Understanding the worker as a mere instrument for the realization of a given service, tonic of contemporary civil society, undermines the greater understanding that man must be an end in himself.

So, the work in Brazil assumes great relevance to concretizing the element of dignity, so that the same work cannot be used in lower worker degradation.

Under national legislation, Brazil currently has in the Decree 5,452, of May 01, 1943, known as the Consolidation of Labor Laws, and the Federal Constitution of 1988 the main rules of organization and protection of the children labor. There is also the Statute of Children and Adolescents, which regulates the treatment offered to children and adolescents determining the full protection of children and adolescents.

The Consolidation of Labor Laws establishes, in Articles 402-441, the prohibition to work before 14 years old; the limitation of the working day; the kinds of prohibited work; the determination of the subscription portfolio of work in apprenticeships; forms of termination of the contract of apprenticeship; and the penalties for noncompliance with the law.

The Federal Constitution of 1988, in turn, in its article 227, stipulates that it is the duty of the family, society and the state, to ensure the basic rights “to life, health, food, education,

leisure, professional training, culture, dignity, respect, freedom and family and community life, and put them safe from all forms of negligence, discrimination, exploitation, violence, cruelty and oppression.”

It can be seen here, the preference for education and professionalization, as ways to the preparation of the young for the future job market, instead of premature entry into the workplace. Similarly understanding from the Art. 205, which establishes education as a right of all and duty of the State and the family as a means of personal development for citizenship and preparation for the labor market.

The Federal Constitution of 1988, with the wording of Constitutional Amendment No. 20, which amended the item XXXIII of Art. 7, increased the minimum age for working teens to 16, and stipulated the minimum age of 14 for apprenticeships. It should be noted that before the mentioned amendment, the minimum ages were 14 and 12 years, respectively.

The Statute of Children and Adolescents, created by the Law 8.069 of 1990, in its turn, explicitly states the rights of children and adolescents, as well as establishing, in parallel, the appropriate instruments to achieve these rights in Brazilian society.

This status recognizes as a child, those up to twelve years of age and, as a teenager, one person from twelve to eighteen years old. Regarding child labor, the Statute reserves the Title II, Chapter V to address the issue, regulating the right to vocational training and protection at work, reiterating the need for respect for the peculiar condition of the person in development and need for professional training appropriate prior to entering the job market.

By analyzing the above legislation, it can be said with some degree of certainty that in Brazil child labor is not desirable by the legislation. In fact, by setting minimum ages for legitimate work and determining that the minor can only enter the labor market through regulated employment (apprenticeship contract before age 16), the national law provides minimum protection and guarantee levels to lower workers' rights. The prohibition of work before 14 years is a clear indication of the withdrawal of child labor in Brazil.

5 CONCLUSION

The eradication of child labor is a recurring theme in several areas of knowledge, through its multidisciplinary nature, and especially in education research, in which it reveals itself as a matter of fundamental importance to exploratory studies and individual cases in academic research.

As conclusion, we can say that child labor is an ancient practice that dates back to antiquity and that continues up to the present days. In ancient times, the conception of the child as property, belonging to the family patriarch favored this degrading and offensive treatment to the infant. The inclusion of children in the labor market continued for centuries, across the Middle Ages, it has intensified in eighteenth - century England, the Industrial Revolution and continued apace in contemporary times.

It is also possible to say that the political conception of classical liberalism (which preached State's abstention from the intricacies of social and economic life) together with the theological conception of English Puritanism (which proclaimed the mortification of the body through discipline and concentration in the noblest tasks such as work) and family condescension (which

needed the meager income earned by small workers for their own survival), favored the unbridled pursuit of profit and the massive use of children and adolescents in the production lines.

This practice has brought many losses to children and adolescents in working conditions, such as physical and psychological illnesses, work accidents, mutilations, poisonings and mortality. The ILO, since its creation, has been fighting for the eradication of child labor through incentive programs to states and governments, as well as the development of international conventions and treaties that promote the elimination of all child labor.

In Brazil, the 1988 Constitution, the Statute of Children and Adolescents, and the Consolidation of Labor Laws have statutes prohibiting work to youngsters under 14 years old, even as apprentices, and out of the apprenticeship contract, it is forbidden to employ those who are not, at least, 16 years old. They are also not allowed unhealthy, dangerous, night or bring risks to the child's and adolescents morals.

In addition, the international conventions seek to eradicate all forms of child labor, especially the worst forms of child and adolescent work as in the requirements established the International ILO Convention 182, ratified by Brazil and in force since 2000. However, some indices ILO It provides that the end of 2016, the Center-West, North and South have the lowest child labor rates. However, the Northeast continues holding the highest rates. In this scenario, what concerns is that the number of children working in this area (almost 13%) is well above the South (9.85%) and the Southeast (4.96%). In the Northeast, they act mainly in the agricultural sector, a large part unregistered or any legal guarantee. There are many small family farms, involving children from an early age in agriculture. Among rural activities, the most common are the sugarcane, pineapple, coconut and sisal.

In the relation between child labor and school, there are unanimous positions to say that there is a substantial loss for the child - one who knows the world of work in childhood. Given the trajectory on the subject in the country, it is clear that in an attempt to eradicate the so-called worst forms of child labor in Brazil, the Child Labour Eradication Programme (PETI) was established in 1994 in order to ensure the children and adolescents attend school and socio-educational activities with frequency, with the main axes, the extended school day and elaborating the issue with the families. The mentioned program has fulfilled its social function to include, insert and keep children in school, thereby repairing the denial of this human right and fundamental: education.

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