RCMOS – Revista Científica Multidisciplinar O Saber. ISSN: 2675-9128. São Paulo - SP.
Ano VII, v.1 2026 | submissão: 01/10/2026 | aceito: 08/10/2026 | publicação: 13/10/2026

International Protection of Children and Adolescents Against Labour Exploitation: Normative Instruments and Challenges After the 2025 Global Target

A proteção internacional da criança e do adolescente contra a exploração do trabalho: instrumentos normativos e desafios após a meta global de 2025

Protección internacional de niños y adolescentes contra la explotación laboral: instrumentos normativos y desafíos tras la meta mundial de 2025

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Abstract: This article examines international instruments protecting children and adolescents against labour exploitation and their relationship with Brazilian law. The qualitative documentary study analyses ILO Conventions Nos. 138 and 182, the Convention on the Rights of the Child, the Palermo Protocol, the Universal Declaration of Human Rights and Target 8.7 of the 2030 Agenda. The analysis is contextualised by joint ILO and UNICEF estimates published in 2025 and referring to 2024: approximately 138 million children in child labour, including 54 million in hazardous work. The report states that the global commitment to elimination by 2025 was not fulfilled; these estimates, however, are not a count conducted at the end of that deadline. The study identifies complementary functions within the protection framework: regulating admission to employment, addressing the most severe forms of exploitation and safeguarding development and victim assistance. It concludes that minimum age requirements and prohibitions are essential, but their effectiveness requires labour inspection coordinated with education, social protection and follow-up after removal from exploitation. The study proposes this coordination as a consequence of reading the instruments together, without claiming to demonstrate empirically the effects of specific policies.
Keywords: child labour; children's rights; ILO; labour exploitation; human rights.

Resumo: O artigo examina os instrumentos internacionais de proteção da criança e do adolescente contra a exploração do trabalho e sua articulação com o direito brasileiro. A pesquisa qualitativa e documental analisa as Convenções nº 138 e nº 182 da Organização Internacional do Trabalho, a Convenção sobre os Direitos da Criança, o Protocolo de Palermo, a Declaração Universal dos Direitos Humanos e a Meta 8.7 da Agenda 2030. A contextualização utiliza estimativas conjuntas da OIT e do UNICEF, publicadas em 2025 e referentes a 2024: aproximadamente 138 milhões de crianças em trabalho infantil, incluindo 54 milhões em trabalho perigoso. O relatório registra que o compromisso global de eliminação até 2025 não foi cumprido; os dados, entretanto, não correspondem a uma contagem realizada ao término desse prazo. A análise identifica funções complementares no sistema de proteção: regular a admissão ao trabalho, enfrentar as formas mais graves de exploração e assegurar direitos ao desenvolvimento e ao atendimento das vítimas. Conclui-se que idade mínima e proibição são indispensáveis, mas sua efetividade requer fiscalização articulada com educação, proteção social e acompanhamento após a retirada da exploração. O estudo propõe essa coordenação como consequência da leitura conjunta dos instrumentos, sem pretender demonstrar empiricamente o efeito de políticas específicas.
Palavras-chave: trabalho infantil; direitos da criança; OIT; exploração laboral; direitos humanos.

Resumen: Este artículo examina los instrumentos internacionales de protección de niños y adolescentes contra la explotación laboral y su articulación con el derecho brasileño. La investigación cualitativa y documental analiza los Convenios núm. 138 y núm. 182 de la

Organización Internacional del Trabajo, la Convención sobre los Derechos del Niño, el Protocolo de Palermo, la Declaración Universal de Derechos Humanos y la Meta 8.7 de la Agenda 2030. La contextualización utiliza estimaciones conjuntas de la OIT y UNICEF, publicadas en 2025 y referidas a 2024: aproximadamente 138 millones de niños en trabajo infantil, incluidos 54 millones en trabajos peligrosos. El informe registra que el compromiso mundial de eliminación para 2025 no se cumplió; sin embargo, los datos no corresponden a un recuento realizado al término de ese plazo. El análisis identifica funciones complementarias en el sistema de protección: regular la admisión al trabajo, enfrentar las formas más graves de explotación y garantizar derechos al desarrollo y a la atención de las víctimas. Se concluye que la edad mínima y la prohibición son indispensables, pero su efectividad requiere una fiscalización articulada con la educación, la protección social y el seguimiento posterior al retiro de la explotación. El estudio propone esta coordinación como consecuencia de la lectura conjunta de los instrumentos, sin pretender demostrar empíricamente el efecto de políticas específicas.
Palabras clave: trabajo infantil; derechos del niño; OIT; explotación laboral; derechos humanos.

1. Introduction

The exploitation of child and adolescent labour involves issues of income, schooling, safety and access to social protection. ILO and UNICEF estimates make it possible to examine these relationships without reducing the problem to the existence of paid activity. Legal analysis considers both the age of entry and the conditions in which work is performed; it therefore distinguishes prohibited exploitation from forms of training permitted by law, such as protected apprenticeships (ILO; UNICEF, 2025; Brazil, 1988, art. 7, XXXIII).

Especially throughout the twentieth and early twenty-first centuries, the international community built a set of instruments establishing duties of prevention, prohibition, inspection and protection. ILO Conventions Nos. 138 and 182 play a central role in this system. They are complemented by the Convention on the Rights of the Child, the Protocol to the United Nations Convention against Transnational Organized Crime concerning trafficking in persons, the Universal Declaration of Human Rights and the 2030 Agenda for Sustainable Development.

The subject remains clearly relevant. The latest global estimates from the ILO and UNICEF indicate that approximately 138 million children were in child labour in 2024 and that about 54 million of them were engaged in hazardous work. The situation improved compared with 2020, but the international community did not achieve the goal of eliminating child labour in all its forms by 2025 (ILO; UNICEF, 2025). This finding requires a critical reappraisal of the normative path: identifying the existing instruments is not enough; it is necessary to understand how they interact and why their effectiveness still faces obstacles.

This article aims to analyse the main international instruments protecting children and adolescents against labour exploitation, identify their complementarity and examine current implementation challenges, with brief reference to the incorporation of these commitments into Brazilian law.

2. Methodology

The research adopts a qualitative approach and documentary procedure. Normative texts and institutional reports are examined by interpreting their provisions and comparing their protective functions. The corpus comprises ILO Conventions Nos. 138 and 182, the Convention on the Rights of the Child, the Palermo Protocol, the Universal Declaration of Human Rights, the 2030 Agenda and Brazilian acts of incorporation and protection. This is neither a systematic literature review nor field research.

For empirical context, the study uses global child labour estimates jointly released by the ILO and UNICEF in 2025 and referring to 2024. The analysis does not seek to exhaust all treaties and international supervisory mechanisms, but to systematise the instruments that most directly structure legal protection against child labour exploitation.

The instruments are examined according to their function within the protection system: limits on entry into work, action against the most serious forms of exploitation, safeguards for development and implementation mechanisms. The comparison distinguishes treaty obligations, constitutional rules and programmatic commitments. The examples used in the discussion serve an analytical purpose and do not constitute an empirical case study.

3. Minimum age and the worst forms of child labour

Reading the instruments together shifts the analysis from the contract to the rights of the developing person. Limits on admission to work coexist with duties to protect education, health and rest time. Consequently, remuneration or family consent does not end the inquiry: it is necessary to assess what the activity demands of the child or adolescent and which rights it compromises (ILO, 1973; Brazil, 1990a, arts. 28, 31 and 32).

Conventions Nos. 138 and 182 provide complementary criteria for identifying the child labour that must be combated. The former organises age limits and their conditions; the latter requires urgent action against the most serious forms of exploitation. For persons under eighteen, reaching the general age of admission does not remove restrictions arising from the

risk or nature of the activity. Training permitted under domestic law must therefore be distinguished from exploitation that harms schooling and development (ILO, 1973, arts. 2, 3 and 7; ILO, 1999, arts. 1 to 3).

Legal classification requires age to be separated from conditions of performance. An adolescent may have reached the general age of admission and still be engaged in work prohibited because of its nature or manner of execution. This distinction avoids a frequent but incorrect conclusion: that turning sixteen would make any occupation lawful. Age resolves only part of the analysis; schooling, safety, working hours and development remain relevant.

Convention No. 138 links minimum-age policy to the elimination of child labour. Article 1 directs States to raise the entry threshold progressively, taking adolescents' developmental needs into account. Article 2 connects the general rule to completion of compulsory schooling and sets fifteen as the minimum reference age, with the possibility of an initial declaration of fourteen under the conditions stated in the treaty. These provisions must be read in light of the applicable national regime rather than by extracting an isolated number from the Convention (ILO, 1973, arts. 1 and 2).

For occupations likely to harm health, safety or morals, Convention No. 138 adopts eighteen years as the limit. Exceptional authorisation from sixteen depends, among other requirements, on full protection and adequate training, as well as consultation with the relevant organisations. This possibility does not modify the Brazilian Constitution, which prohibits night, dangerous or unhealthy work for persons under eighteen. The treaty must be applied together with the higher national level of protection (ILO, 1973, art. 3; Brazil, 1988, art. 7, XXXIII).

Brazil declared sixteen as the minimum age for the purposes of Convention No. 138, pursuant to Decree No. 4,134/2002 and the consolidation effected by Decree No. 10,088/2019. The Constitution permits apprenticeships from the age of fourteen under a specific regime. The international declaration and the constitutional exception perform different functions: the former identifies the general limit communicated to the ILO; the latter permits a protected form of training without indiscriminately allowing work before sixteen (Brazil, 1988, art. 7, XXXIII; Brazil, 2002, art. 2; Brazil, 2019, art. 3, § 3).

The relationship between work and education appears in the very architecture of Convention No. 138, which links the general age to completion of compulsory schooling. Article 7 provides for limited forms of light work that do not harm health, development or school attendance. It does not establish a universal definition of permitted activity: application depends on the treaty's conditions and national regulation. In Brazil, constitutionally

permitted apprenticeships must be examined under their own regime and not confused with a general authorisation for early work (ILO, 1973).

The absence of a formal employment relationship does not end the inquiry either. The treaty's reference to employment or work shifts attention to the activity actually performed. As an interpretative consequence, labels such as family help or occasional collaboration must not replace an assessment of intensity, risk and effects on education. For protective purposes, the relevant question is whether participation compromises the rights that the rule seeks to safeguard.

Convention No. 182 focuses the international response on situations whose gravity calls for urgent intervention and applies to all persons under eighteen. Article 3 covers forms of subjection such as slavery, servitude and forced labour; the use of children in sexual exploitation or illicit activities; and hazardous occupations. It also includes the sale and trafficking of children and compulsory recruitment for armed conflict. The list shows that child labour may arise from relationships very different from a conventional employment contract (ILO, 1999, arts. 2 and 3).

Article 1 of Convention No. 182 requires immediate action against the worst forms of child labour. That urgency must be understood within the full set of international obligations: addressing situations of extreme gravity first does not authorise tolerance of other activities below the minimum age or incompatible with development. Priorities for action must preserve the general protection guaranteed by Convention No. 138 and the Convention on the Rights of the Child (ILO, 1973; ILO, 1999, art. 1; Brazil, 1990a, art. 32).

Convention No. 182, originally promulgated through Decree No. 3,597/2000, was also consolidated by Decree No. 10,088/2019 in Annex LXVIII. Article 7 of the treaty connects prevention, removal of children from the worst forms, rehabilitation and social integration. Removal is essential, but it does not exhaust the duty of protection: without education and livelihood alternatives, intervention may merely displace exploitation to another place (ILO, 1999; Brazil, 2000; Brazil, 2019).

The two conventions therefore answer different questions. The first defines when and under which conditions a person may enter work; the second identifies situations whose elimination requires an immediate response. An occupation below the minimum age is legally relevant even if it is not classified among the worst forms. Conversely, a hazardous activity may fall within that category even when the adolescent is old enough to perform other permitted work.

The classification of hazardous work requires concrete specification. Article 4 of Convention No. 182 refers identification of activities to the national level, with participation by employers' and workers' organisations. In Brazil, Decree No. 6,481/2008 approved the List of the Worst Forms of Child Labour, which identifies activities and risks. This mechanism brings the international prohibition closer to circumstances encountered by inspectors, without dispensing with examination of constitutional rules and conditions of performance (ILO, 1999; Brazil, 2008).

This articulation offers a more consistent criterion of protection than a simple opposition between working and not working. The legal question is whether a given form of participation respects age, training purpose and conditions of development. Social tolerance of an activity does not establish its legality, just as registration of a contract does not neutralise risks or legitimise working hours incompatible with school.

4. Comprehensive protection and action against trafficking for exploitation

The Convention on the Rights of the Child places labour exploitation within the broader set of children's rights. Article 32 protects child development by limiting activities that expose children to danger, interfere with their education or harm their health. Its reach goes beyond checking contractual age: it also considers the effects that work may produce in different dimensions of a child's life (Brazil, 1990a, art. 32, item 1).

To give effect to this protection, Article 32 requires State action on several fronts. Establishing an entry age is not enough: States must set limits on working conditions and hours, establish consequences for violations and adopt social and educational measures. The Convention thus links labour regulation to the services needed for development instead of concentrating the entire response on the validity of the contract (Brazil, 1990a, art. 32, item 2).

In Brazil, the Convention was promulgated through Decree No. 99,710/1990. Its protection may be read together with Articles 62 to 69 of the Statute of the Child and Adolescent: vocational training must respect schooling, developmental needs and restrictions on adolescent work. This connection prevents the apprenticeship label from being sufficient to legitimise a harmful activity (Brazil, 1990a; Brazil, 1990b, arts. 62 to 69).

Article 32 must be read together with the rights to education, rest and recovery of victims set out in Articles 28, 31 and 39. Paid activity does not cease to be harmful merely because it preserves some access to school: it must also be examined for exhaustion and

deprivation of the time needed for development. This follows from comprehensive protection, which does not reduce the child's interest to immediate income generation (Brazil, 1990a).

The economic benefit alleged by adults does not resolve this conflict. Special protection requires evaluation of the effects of the activity on the child, not only on the family budget. A coherent policy must address the need for income without turning it into grounds for suspending rights. At this point, labour protection depends on educational and social services capable of making removal from exploitative situations viable.

The Palermo Protocol adds instruments for preventing and suppressing trafficking and assisting victims. In cases involving children, Article 3 requires an act of recruitment, transportation, transfer, harbouring or receipt for the purpose of exploitation, but does not require proof of the means demanded in the definition concerning adults. The purposes listed include forced labour, servitude and slavery. The victim's age changes the requirements of the treaty definition without removing the need to identify the conduct and its purpose (Brazil, 2004, art. 3).

Dispensing with proof of coercion, fraud or abuse in the treaty definition of child trafficking does not dispense with analysis of its other elements: one of the listed acts and the purpose of exploitation must still be identified. Accordingly, not every breach of child labour rules automatically constitutes trafficking. The distinction preserves the accuracy of legal classification and prevents the social gravity of a situation from replacing proof of the legal requirements (Brazil, 2004, art. 3).

Although the Protocol belongs to the framework for combating transnational organised crime, trafficking must not be confused with a requirement to cross borders. UNODC clarifies that it can occur within a single country. Restricting attention to international migration would exclude local forms of recruitment and harbouring for exploitation from the analysis (UNODC, 2016).

In the treaty definition relating to children, consent neither cures the exploitative purpose nor transforms the conduct into a permitted activity. This protection is relevant to migration, domestic exploitation and recruitment through informal networks. Legal classification must nevertheless remain tied to the elements of Article 3 and must not treat every situation of vulnerability as sufficient evidence of trafficking (Brazil, 2004, art. 3, subparagraphs c and d).

Brazil promulgated the Protocol through Decree No. 5,017/2004. Article 9 addresses prevention and reduction of vulnerability, while Article 6 governs assistance to victims. Read together, they support coordinated action among labour inspection, social services, education

and justice bodies, with international cooperation where necessary. This coordination is an implementation consequence advocated in this study, not an institutional list reproduced literally from the treaty (Brazil, 2004, arts. 6 and 9).

Victim assistance is part of the response to trafficking. Article 6 provides for privacy protection under the conditions stated there and for recovery measures; item 4 requires attention to children's age and specific needs, especially regarding housing, education and care. Investigation of those responsible must coexist with such assistance. Ending exploitation without following up with the victim may leave unanswered the conditions that contributed to the initial exposure (Brazil, 2004, art. 6, items 1, 3 and 4).

5. Human rights and the scope of Target 8.7

The Universal Declaration of Human Rights provides foundations for protecting children, although it does not establish a specific regime for eliminating child labour. Article 23 associates work with decent conditions and social protection. Read together with guarantees relating to childhood and education, it supports an understanding of work that is not limited to income generation and requires respect for a person's living conditions (United Nations, 1948, arts. 23, 25 and 26).

Target 8.7 of the 2030 Agenda brings together commitments to combat forced labour, modern slavery and trafficking, as well as the worst forms of child labour. It set 2025 as the horizon for eliminating all forms of child labour. That deadline made the commitment time-bound and enabled political ambition to be compared with the persistence of exploitation recorded in international estimates (United Nations, 2015, Target 8.7).

The assessment released by the ILO and UNICEF in 2025 acknowledged that the global elimination target had not been met. The reference year for the estimates, however, is 2024. This distinction must be preserved: the report supports the international assessment of the target, but its figures are not a count taken on the last day of 2025. Failure to meet the time-bound objective requires a review of implementation conditions without turning the expired deadline into a reason to abandon the commitment (ILO; UNICEF, 2025).

The legal meaning of Target 8.7 differs from that of ratified conventions. The 2030 Agenda provides a political commitment and a monitoring benchmark; treaties establish international obligations within their respective scopes. Expiry of the programmatic deadline does not extinguish treaty duties of prevention, prohibition and protection. Confusing these

levels would both attribute legal force to the target that it does not possess and diminish the relevance of treaties when the target is not achieved.

Global figures must also be used with caution. A reduction between two estimates does not, by itself, show which measure caused the improvement or reveal the distribution of results in each country. To guide national decisions, the indicator must be supplemented by information on age, activity, schooling and exposure to risks. The target is useful because it requires monitoring and policy review, not because it replaces local diagnosis with a worldwide figure.

6. Implementation in Brazilian law

The incorporation of international instruments corresponds to Brazilian constitutional and statutory rules. The Federal Constitution establishes age limits and protects adolescent work under special conditions. The Statute of the Child and Adolescent regulates the right to vocational training and protection at work, linking training to schooling and development (Brazil, 1988; Brazil, 1990b).

Article 227 of the Constitution assigns the family, society and the State priority responsibility for protecting the rights of children and adolescents. This distribution of duties prevents exploitation from being treated solely as a family's private problem. When economic activity compromises schooling, health or dignity, the response must also reach those who organise it, those who benefit from it and the public services responsible for protection (Brazil, 1988).

The 2019 normative consolidation should be noted to avoid the impression that the original decrees are Brazil's only references to the ILO conventions. Decree No. 10,088 preserves the continuity of their normative force and brings the texts together in annexes. The change of normative vehicle does not renew the commitment or reduce protection; it reorganises acts that had already been incorporated (Brazil, 2019, art. 3, § 1).

The existence of this body of rules shows that implementation must be assessed beyond the promulgation of legislation. As a proposal derived from the analysis, public action should take account of informal activities, difficulties in identifying those responsible and families' subsistence needs. The ILO and UNICEF report highlights education, social protection and decent work for adults among the paths for action. In Brazil, coordinating these measures with inspection and protected apprenticeships requires its own design and

evaluation, without assuming that their effects are uniform throughout the country (ILO; UNICEF, 2025).

Domestic legislation must also be interpreted in accordance with comprehensive protection: authorisation of protected forms of adolescent work cannot serve as a gateway to hours incompatible with study, hazardous activities or exploitation disguised as apprenticeship.

Additional care is required when reading the Statute of the Child and Adolescent: Article 60 retains wording from before the constitutional change to the age limit. It must be read in light of Article 7, XXXIII, of the Constitution, which currently prohibits any work before sixteen except apprenticeships from fourteen. Reading the statutory wording in isolation would produce guidance incompatible with the constitutional standard (Brazil, 1988; Brazil, 1990b).

Apprenticeships must retain their training purpose under the actual conditions of performance. The Statute links training to school and compatibility with development; the analysis therefore does not end with the contractual label. Checking school attendance, suitability of the activity and compliance with restrictions on adolescent work makes it possible to distinguish protected qualification from the premature use of labour (Brazil, 1990b, arts. 62 to 69).

7. From removal from exploitation to continuing protection

The ILO and UNICEF report links action against child labour to education, social protection and families' living conditions. The decline in estimates between 2020 and 2024 indicates that progress is possible, but does not by itself demonstrate the effect of a particular measure. The persistence of exploitation supports the need for policies combining prevention, inspection and support after removal from the activity (ILO; UNICEF, 2025).

Coordination among education, social assistance and labour inspection must be considered from the child's actual trajectory. An intervention that identifies exploitation but does not enable enrolment, school retention and support for the family leaves the response incomplete. Likewise, income transfers do not dispense with inspection, and inspection does not replace protective services. These instruments address different parts of the problem and must work in coordination.

Immediate removal from a hazardous situation may be necessary even when a complete solution to family vulnerability is not yet available. This does not authorise

postponement of the interruption of risk; it requires parallel organisation of the assistance that will make the measure sustainable. Without such care, the child may return to the activity, enter another equally harmful occupation or lose contact with the protection network.

The design of inspection must also follow the way work is organised. Requiring documents only from formally established employers would be insufficient for activities without registered hiring. As an implementation proposal arising from the normative analysis, action should combine risk identification, accountability and protective referral, with cooperation among bodies that follow the child and family.

The success of an intervention should not be measured only by the number of removals. School retention, access to services and the absence of a return to exploitation should also be monitored. This follow-up is not presented here as an already standardised international indicator, but as a practical consequence of integrating prohibition and recovery: ending an activity and ensuring lasting protection are related but different outcomes.

New income-generating environments, such as digital platforms and commercial image-exposure activities, may raise additional questions for child protection. This article does not automatically equate them with child labour: classification requires examination of age, regularity, economic purpose, conditions of performance and impact on protected rights. Their relevance lies in showing that application of normative standards depends on the specific activity and not only on the physical place where it occurs.

Analysis of the instruments therefore makes it possible to understand the persistence of the problem as a challenge of implementing complementary duties. The age rule limits admission; prohibition of the worst forms requires urgency; comprehensive protection guides subsequent assistance. Separating these functions into policies that do not communicate compromises the very meaning of the international system.

8. Final considerations

The instruments examined form a protection system with different and complementary functions. Conventions Nos. 138 and 182 govern admission to work and elimination of the most serious forms of exploitation; the Convention on the Rights of the Child requires consideration of comprehensive development; the Palermo Protocol adds criteria for identifying trafficking and assisting victims. Joint application requires these differences to be preserved rather than using child labour, hazardous work and trafficking as interchangeable expressions.

The analysis also shows that minimum age, although essential, does not exhaust the legality inquiry. Schooling, risk, conditions of performance and the purpose of the activity remain relevant to adolescent work. In Brazil, international standards must be articulated with the Constitution and protective legislation, without turning treaty flexibilities into authorisations contrary to domestic law.

Failure to achieve Target 8.7 reinforces the need to bring prohibition and continuing protection closer together. Global data demonstrate the scale of the problem but do not, by themselves, identify the causes of each national trajectory. Within the limits of documentary research, this study's contribution is to show that effectiveness depends on coordination among inspection, education and social support, from identifying exploitation through monitoring the child after removal.

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