

Paraguay

Incidence and Nature of Child Labor

An estimated 6.5 percent of children ages 5 to 14 years were counted as working in Paraguay in 1999. Approximately 9.4 percent of all boys 5 to 14 were working compared to 3.5 percent of girls in the same age group. The majority of working children were found in the agricultural sector (52.9 percent), followed by services (41.7 percent), manufacturing (4.0 percent), and other sectors (1.4 percent).³⁶⁸⁹ Male children work principally in agriculture and unskilled manual labor.³⁶⁹⁰ Female children work primarily in the unskilled manual labor, agricultural, and service and sales sectors,³⁶⁹¹ including as domestic servants in third-party homes.³⁶⁹² Under the practice of “criadazgo” many child domestic servants do not receive salaries and work in exchange for room, board, and financial support for schooling.³⁶⁹³ Child labor is one of many problems associated with poverty. In 2002, 16.4 percent of the population in Paraguay were living on less than USD 1 a day.³⁶⁹⁴

Paraguay is a source country for women and children trafficked to Argentina, Spain, and Brazil for sexual exploitation and forced labor. Paraguayan and Brazilian girls are trafficked along the Brazil-Paraguay-Argentina border. Poor rural children are trafficked internally to urban areas for sexual exploitation and domestic labor.³⁶⁹⁵ The commercial sexual exploitation of children is a problem particularly in the cities of Asuncion and Ciudad del Este.³⁶⁹⁶ There are reports of adolescents recruited into the armed forces.³⁶⁹⁷ This practice has decreased in recent years due to government monitoring.³⁶⁹⁸

³⁶⁸⁹ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms, such as the use of children in the illegal drug trade, prostitution, pornography, and trafficking. As a result, statistics and information on children’s work in general are reported in this section. Such statistics and information may or may not include the worst forms of child labor. For more information on the definition of working children and other indicators used in this report, please see the section in the front of the report titled “Data Sources and Definitions.”

³⁶⁹⁰ Roberto Céspedes, *Seguimiento de Indicadores sobre la Niñez Trabajadora de Paraguay según la Encuesta de Hogares*, ILO-IPEC, UNICEF, Asuncion, 2003, 29; available from http://www.oit.org.pe/ipec/boletin/documentos/estadisticas_py.pdf.

³⁶⁹¹ *Ibid.*, 30.

³⁶⁹² ILO-IPEC, *Prevención y Eliminación del Trabajo Infantil Doméstico en Sudamérica: Evaluación Rápida sobre Trabajo Infantil Doméstico en Paraguay*, Lima, June 2002, 9, 19, and 20; available from http://www.oit.org.pe/ipec/documentos/ev_tid_paraguay.pdf.

³⁶⁹³ *Ibid.*, 43, 71-73, and 76.

³⁶⁹⁴ World Bank, *World Development Indicators 2005* [CD-ROM], Washington, DC, 2005.

³⁶⁹⁵ U.S. Department of State, *Trafficking in Persons Report- 2005: Paraguay*, Washington, D.C., June 3, 2005; available from <http://www.state.gov/g/tip/rls/tiprpt/2005/46614.htm>. See also U.S. Department of State, *Country Reports on Human Rights Practices- 2004: Paraguay*, Washington, D.C., February 28, 2005, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2004/41770.htm>.

³⁶⁹⁶ U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5. See also ILO-IPEC, *Prevention and elimination of child domestic labour (CDL) and of commercial sexual exploitation of children (CSEC) in Chile, Colombia, Paraguay and Peru, project document*, Geneva, September 30, 2004, 19.

³⁶⁹⁷ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from http://www.child-soldiers.org/document_get.php?id=835. See also U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5.

³⁶⁹⁸ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*. See also U.S. Department of State, *Country Reports- 2004: Paraguay*, Sections 1f and 5.

The General Education Law states that education, including pre-school, is to be free and compulsory until 9th grade.³⁶⁹⁹ This includes children ages 5 to 14.³⁷⁰⁰ However, in practice school fees are charged.³⁷⁰¹ In 2002, the gross primary enrollment rate was 110 percent and the net primary enrollment rate was 89 percent.³⁷⁰² Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. In 1999, 87 percent of children ages 5 to 14 years were attending school.³⁷⁰³ As of 2001, 70 percent of children who started primary school were likely to reach grade five.³⁷⁰⁴ The enrollment rate for girls is slightly higher than that for boys. Only 59 percent of indigenous children between the ages of 6 and 14 are enrolled in school.³⁷⁰⁵

Child Labor Laws and Enforcement

The “List of Work Endangering Children,” the Children’s and Adolescents’ Code, the Labor Code, and the Penal Code contain provisions that regulate child labor. The Labor Code allows children older than 12 years of age to enter into work contracts, with authorization.³⁷⁰⁶ Employing children less than 12 years of age is punishable by a fine of 50 minimum salaries, with fines doubled in cases of reoccurrence.³⁷⁰⁷ The minimum age for employment in industrial work is 15 years, with exceptions made for children over 12 years of age working in family businesses if the work is not dangerous and in authorized professional schools.³⁷⁰⁸

The Children’s and Adolescents’ Code prohibits those ages 14 to 18 years from working under conditions harmful to their well-being or at night.³⁷⁰⁹ Children ages 14 to 16 years may not work more than 4 hours per day and 24 hours per week. Children ages 16 to 18 years may not work more than 6 hours per day and 36 hours per week; if the child is attending school the maximum daily work hours are reduced to 4.³⁷¹⁰ The Code also limits the workday of adolescent domestic workers to 6 hours; if the adolescent is attending school the maximum daily work hours are reduced to 4. Employers are required to facilitate the school attendance of adolescent domestic workers.³⁷¹¹ The Labor Code requires that working minors have a birth certificate, an annual certificate of physical and mental health, and their guardian’s authorization to work.

³⁶⁹⁹ Government of Paraguay, *Ley General de Educación*, N° 1.264, Article 32; available from <http://www.senado.gov.py>.

³⁷⁰⁰ Ministry of Education and Culture, *Plan Educacional Nanduti*, Asuncion, December 2002, Chapter 2; available from http://ept.unesco.cl/medios/pdf/plan_nanduti.pdf.

³⁷⁰¹ UNESCO, *EFA Global Monitoring Report 2003/4*, 2003/4, Latin America and the Caribbean Regional Overview, 2; available from http://portal.unesco.org/education/en/ev.php-URL_ID=23023&URL_DO=DO_TOPIC&URL_SECTION=201.html.

³⁷⁰² UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=51> (Gross and Net Enrolment Ratios, Primary; accessed October 2005). For an explanation of gross primary enrollment that are greater than 100 percent, please see the definitions of gross primary enrollment rates in the “Data Sources and Definitions” section of this report.

³⁷⁰³ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³⁷⁰⁴ UNESCO Institute for Statistics, <http://stats.uis.unesco.org/TableViewer/tableView.aspx?ReportId=55> (School life expectancy, % of repeaters, survival rates; accessed December 2005).

³⁷⁰⁵ U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5.

³⁷⁰⁶ Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos d la Ley 213/93, Código del Trabajo*, Article 36; available from www.senado.gov.py/ups/leyes/1643496.doc.

³⁷⁰⁷ *Ibid.*, Article 389.

³⁷⁰⁸ *Ibid.*, Article 120.

³⁷⁰⁹ Government of Paraguay, *Código de la Niñez y la Adolescencia*, No. 1680, (May 30, 2001), Articles 54 and 58; available from <http://www.senado.gov.py/ups/leyes/4901680.doc>. The term child applies to minors from conception up to age 13. The term adolescent applies to minors ages 14 to 17. See *Government of Paraguay, Que Establece El Alcance de los Términos Niño, Adolescente y Menor Adulto*, No. 1.702; available from <http://www.senado.gov.py/ups/leyes/5071702.doc>.

³⁷¹⁰ *Código de la Niñez y la Adolescencia, Título II, de la Protección a los Adolescentes Trabajadores*, Ley No. 1680, Chapter II, Article 58; available from <http://www.senado.gov.py/ups/leyes/4901680.doc>.

³⁷¹¹ *Ibid.*, Chapter II, Articles 64 and 65.

Minors are entitled to a minimum of 25 paid annual vacation days and may not work on Sundays or national holidays.³⁷¹²

The worst forms of child labor may be prosecuted under different statutes in Paraguay. In March of 2005 the “List of Work Endangering Children” that was drafted by the National Commission for the Prevention and Eradication of Child Labor and Labor Protection for Adolescents (CONAETI-Py) was signed as a Presidential decree.³⁷¹³ This decree prohibits minors under the age of 18 from working in 26 broad classifications of work. These include work involving toxins, garbage collection, explosive substances, extreme temperatures, dangerous machinery, loud noise, the sale of tobacco and alcohol, crossing national borders, pornography, heavy loads, confined spaces, domestic service (with exceptions for those 16 and older), electricity, and work that is underground, underwater, at night, or at heights. Work on public streets involving certain risks such as sexual abuse is prohibited. The practice of “criadazgo” is also outlawed.³⁷¹⁴ The Labor Code establishes a fine of 50 minimum salaries for employing minors in dangerous or night-time industrial work.³⁷¹⁵ The Children’s and Adolescents’ Code prohibits the commercial sexual exploitation of children and adolescents.³⁷¹⁶ The Penal Code imposes penalties of up to 5 years of incarceration for prostituting those under age 18. If the perpetrator acts for profit or if the victim is under 14 years, the penalty can increase.³⁷¹⁷ The Constitution prohibits slavery and trafficking in persons.³⁷¹⁸ Individuals are prohibited from forcing, deceiving, or coercing a person to leave the country by the Penal Code. The maximum jail sentence for trafficking is 10 years.³⁷¹⁹ The Law on Compulsory Military Service allows males less than 18 years to serve in the military under exceptional circumstances, where there is “justified reason.”³⁷²⁰

The National Secretariat for Childhood and Adolescence’s responsibilities include implementing programs relating to children and developing childhood and adolescence councils at the state and local level.³⁷²¹ Approximately 120 Municipal Councils for the Rights of Children and Adolescents (CODENIs) have been created to carry out activities to protect the rights of children, such as maintaining registries of working adolescents, mediating disputes, and referring cases to judicial authorities.³⁷²² The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws.³⁷²³ According to the U.S. Department of State, the National Secretariat for Childhood and Adolescence has not been effective, the government generally does not enforce minimum age requirements for employment, and the borders are not sufficiently monitored.³⁷²⁴

³⁷¹² *Que Modifica, Amplia y Deroga Artículos d la Ley 213/93*, Articles 121 and 127.

³⁷¹³ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decreto N° 4951, (March 22); available from <http://www.presidencia.gov.py/dec%5CD4951.pdf>.

³⁷¹⁴ *Ibid.*

³⁷¹⁵ *Que Modifica, Amplia y Deroga Artículos d la Ley 213/93*, Article 389.

³⁷¹⁶ *Código de la Niñez y la Adolescencia*, Chapter II, Article 31. For a review of relevant international agreements and national laws regarding the sexual exploitation of children in Paraguay see ILO-IPEC, *Marco Legal para Confrontación de la Explotación Sexual Comercial de Niñas, Niños y Adolescente en Paraguay*, Lima, June 2002; available from <http://www.oit.org.pe/ipec/documentos/estlegescipy.pdf>.

³⁷¹⁷ Government of Paraguay, *Código Penal*, No. 1160, Article 139; available from <http://www.unifr.ch/derechopenal/legislacion/pa/cpparaidx.htm>.

³⁷¹⁸ Government of Paraguay, *Constitución Nacional de La República del Paraguay*, (June 20, 1992), Article 10; available from <http://www.senado.gov.py>.

³⁷¹⁹ *Código Penal*, Article 125.

³⁷²⁰ Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

³⁷²¹ *Código de la Niñez y la Adolescencia*, Article 41.

³⁷²² U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5. See also *Código de la Niñez y la Adolescencia*, Articles 48-50.

³⁷²³ U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 6d.

³⁷²⁴ *Ibid.*, Sections 5 and 6d. See also U.S. Embassy- Asuncion, *reporting*, February 25, 2005.

Current Government Policies and Programs to Eliminate the Worst Forms of Child Labor

CONAETI-Py has created a National Plan for the Eradication and Prevention of Child Labor (2003-2008) that serves to guide the country's policy on child labor. The plan's objectives include data collection, awareness raising, training of key actors, improving legal protections, implementing an inspection and monitoring system, developing public policy, and designing and implementing interventions.³⁷²⁵ A National Plan for the Prevention and Eradication of Child Sexual Exploitation has been developed by the government and NGOs.³⁷²⁶ Both plans are part of the government's National Policy for Childhood and Adolescence (2003-2013).³⁷²⁷ An anti-trafficking plan and coordination mechanism have also been created.³⁷²⁸

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/3/2004	✓
Ratified Convention 182	3/7/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation, Trafficking)		✓

The government is participating in a regional USDOL-funded ILO-IPEC project targeting children involved in commercial sexual exploitation and domestic labor.³⁷²⁹ The Secretariat for Repatriations assists with repatriating trafficked individuals through the identification of NGO funding sources.³⁷³⁰ The public utility, Itaipu Binacional, provided support to an NGO that operates a hotline and shelter for trafficking victims in the border region with Argentina and Brazil.³⁷³¹

The Ministry of Education and Culture, the Ministry of Public Health, and the Institute of Well-Being, support projects that provide at-risk children with social services.³⁷³² UNICEF provides some funding for the Secretary of Social Action's program to provide services to children working in the streets through 13 open centers.³⁷³³

³⁷²⁵ National Commission for the Prevention and Eradication of Child Labor and the Labor Protection for Adolescents, *Plan Nacional de Prevención y Erradicación del Trabajo Infantil y Protección del Trabajo de los Adolescentes*, 2-3; available from http://www.oit.org.pe/ipecc/documentos/plan_paraguay.pdf.

³⁷²⁶ Committee for the Rights of Children and Adolescents, ILO, and UNICEF, "Plan Nacional de Prevención y Erradicación de la Explotación Sexual de Niñas, Niños, y Adolescentes en Paraguay," December 2003; available from http://www.oit.org.pe/ipecc/documentos/plan_esci_py.pdf.

³⁷²⁷ Government of Paraguay, *Decreto No. 2616*, (May 31), Article 2; available from http://www.oit.org.pe/ipecc/documentos/planes_grales_py.pdf.

³⁷²⁸ U.S. Department of State, *Trafficking in Persons Report*.

³⁷²⁹ Other countries participating in this project include Chile, Colombia and Peru. The project was funded in 2004. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labour (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Chile, Colombia, Paraguay and Peru*, project document, RLA/00/P53/USA, Geneva, September 30, 2004.

³⁷³⁰ U.S. Department of State, *Trafficking in Persons Report*.

³⁷³¹ U.S. Department of State, *Country Reports- 2004: Paraguay*, Section 5. Itaipu Binacional is jointly owned by the Paraguayan and Brazilian governments. See Itaipu Binacional, *Paraguay y Brazil se unen en Itaipú*, [online] n.d. [cited December 18, 2005]; available from <http://www.itaipu.gov.py/espanol/empre/histo.htm>.

³⁷³² Proyecto de Asistencia Integral a Menores en Situación de Alto Riesgo (AMAR), *El Proyecto AMAR*, [no longer available online, hard copy on file] [cited July 2, 2003]; available from <http://www.pamar.org/py/novedades.php?seccion=sa> and <http://www.pamar.org/py/novedades.php?seccion=ed>. See also Dr. Carlos Alberto Arestivo, *Informe Gubernamental sobre la Explotación Sexual - República del Paraguay*, PDF online, Instituto Interamericano del Niño; available from http://www.iin.oea.org/C.A._Arestivo_Paraguay.PDF.

³⁷³³ ILO, *Paraguay Lanza Programa Nacional para la Disminución del Trabajo Infantil en las Calles. Un ABRAZO para Niños y Niñas Trabajadores*, [online] May 2005 [cited October 3, 2005]; available from <http://www.oit.org.pe/ipecc/boletin/noticias/vernoticia,685.php>.

The Ministry of Education and Culture has an educational plan for the years 2003 to 2015 based on the UNESCO Education for All program.³⁷³⁴ The Ministry also implements an innovative, community-based bilingual education program in rural and urban schools and has made efforts to improve school management and pedagogical training.³⁷³⁵ The Ministry of Education provides funds for a school feeding program that serves approximately 250,000 children.³⁷³⁶ The Ministry requires that all schools gather information regarding the working status of children.³⁷³⁷ The IDB supports a government program to achieve universal preschool and improve the quality of early education, in particular targeting children at social and educational risk.³⁷³⁸ The Government of Spain's Development Agency is supporting a program to reform curriculum, provide educational services to adolescents who do not have a primary school education, and address the educational needs of street children.³⁷³⁹ Paraguay is receiving a USD 24 million loan from the World Bank to improve the management and efficiency of its education system, and to support achievement and equity in secondary education.³⁷⁴⁰

³⁷³⁴ Ministry of Education and Culture, *Plan Educacional Ñandutí*.

³⁷³⁵ Ministry of Education and Culture, *Escuela Viva*, Ministerio de Educación y Cultura, [online] n.d. [cited October 3, 2005]; available from <http://www.escuelaviva-mec.com.py/escuela.php>.

³⁷³⁶ U.S. Department of State, *reporting*, September 8, 2004.

³⁷³⁷ U.S. Department of State, *reporting*, August 25, 2005.

³⁷³⁸ IDB, *IDB Approves \$23.4 Million Loan to Paraguay to Improve Preschool and Early Education*, [online] July 2, 2003 [cited October 3, 2005]; available from http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=131_03&Language=English.

³⁷³⁹ U.S. Department of State, *reporting*, September 8, 2004.

³⁷⁴⁰ World Bank Group, *World Bank Approves \$24 Million For Education Reform in Paraguay*, [online] August 1, 2003 [cited October 3, 2005]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,contentMDK:20121951~enableDHL:TRUE~isCURL:Y~menuPK:34463~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.