

Paraguay

<i>Selected Statistics and Indicators on Child Labor</i>	
Percent of children 5-14 estimated as working in 1999:	6.5% ³³⁸²
Minimum age for admission to work:	12 ³³⁸³
Age to which education is compulsory:	14 ³³⁸⁴
Free public education:	Yes ³³⁸⁵ *
Gross primary enrollment rate in 2003:	106% ³³⁸⁶
Net primary enrollment rate:	Unavailable
Percent of children 5-14 attending school in 1999:	87% ³³⁸⁷
As of 2002, percent of primary school entrants likely to reach grade 5:	81% ³³⁸⁸
Ratified Convention 138:	3/3/2004 ³³⁸⁹
Ratified Convention 182:	3/7/2001 ³³⁹⁰
ILO-IPEC participating country:	Yes ³³⁹¹
*Must pay for school supplies and related items.	

Incidence and Nature of Child Labor

The majority of working children in Paraguay in 1999 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). Approximately 9.4 percent of all boys ages 5 to 14 were working compared to 3.5 percent of girls in the same age group.³³⁹² Boys work principally in agriculture and unskilled manual labor.³³⁹³ Girls work in the same sectors, as well as in the service and sales sectors,³³⁹⁴ including as domestic servants in third-party homes.³³⁹⁵ Under the practice of

³³⁸² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, March 1, 2007.

³³⁸³ Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, Articles 36 and 389; available from <http://www.senado.gov.py/leyes/>.

³³⁸⁴ Government of Paraguay, *Ley General de Educación*, 1.264, Article 32; available from <http://www.senado.gov.py>. See also UNESCO, *Education for All Global Monitoring Report*, 2006; available from <http://gmr.uis.unesco.org>.

³³⁸⁵ Government of Paraguay, *Ley General de Educación*, Article 32. See also UNESCO, *EFA Global Monitoring Report*, 84.

³³⁸⁶ UNESCO Institute for Statistics, *Gross Enrolment Ratio. Primary. Total*, accessed December 20, 2006 available from <http://stats.uis.unesco.org>.

³³⁸⁷ UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*, October 7, 2005.

³³⁸⁸ UNESCO Institute for Statistics, *Survival Rate to Grade 5. Total*, accessed December 18, 2006; available from <http://stats.uis.unesco.org>.

³³⁸⁹ ILO, *Ratifications by Country*, accessed October 18, 2006; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.

³³⁹⁰ Ibid.

³³⁹¹ ILO, *IPEC Action Against Child Labor: Highlights 2006*, [online] February, 2007 [cited March 29 2007]; available from http://www.ilo.org/iloroot/docstore/ipec/prod/eng/20070228_Implementationreport_en_Web.pdf.

³³⁹² UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, *Child Economic Activity and School Attendance Rates*.

³³⁹³ 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.

³³⁹⁴ Ibid., 30.

criadazgo, many child domestic servants do not receive salaries, but work in exchange for room, board, and financial support for schooling. These child domestic workers are sometimes subject to sexual exploitation. Many children work on the streets in the informal sector, including as newspaper and sundries vendors and as car window washers. Children who work on the streets or who work under the *criadazgo* system often lack access to education.³³⁹⁶

According to a 2004 ILO-IPEC report, the number of children in commercial sexual exploitation is estimated to be 3,700 and is believed to be concentrated in three cities of the country (Asunción, Ciudad del Este, Encarnación). In April 2006, the ILO estimated that during 2005 more than 3,500 children ages 5 to 17 had been sexually exploited in Ciudad del Este and that there were 250 minor girl prostitutes in the city.³³⁹⁷ Girls are trafficked along the Brazil-Paraguay-Argentina border for commercial sexual exploitation. There are also reports of Paraguayan children trafficked to Argentina, Bolivia, Brazil, and Spain.³³⁹⁸ Poor rural children are trafficked internally to urban areas for commercial sexual exploitation and forced domestic labor. Paraguayan children reportedly are also exploited in neighboring countries for forced domestic labor.³³⁹⁹

Child Labor Laws and Enforcement

Children older than 12 years may enter into work contracts, with parental authorization. Fines are established for employing children under age 12.³⁴⁰⁰ The minimum age for employment in industrial work is 15 years, with exceptions for children over 12 years working in authorized professional schools and family businesses where the work is not dangerous.³⁴⁰¹ Children 14 to 16 years may not work more than 4 hours per day and 24 hours per week. Children 16 to 18 years may not work more than 6 hours per day and 36 hours per week. The maximum daily work hours are reduced to 4 for adolescents that are attending school.³⁴⁰² Fines are established for employing children under 18 for nighttime industrial work.³⁴⁰³

³³⁹⁵ 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/ipecc/documentos/ev_tid_paraguay.pdf.

³³⁹⁶ *Ibid.*, 43, 71-72, and 76. See also Mike Kaye, *Contemporary Forms of Slavery in Paraguay*, Anti-Slavery International, 2006, 20 and 21; available from <http://www.antislavery.org/homepage/resources/PDF/PDFslavery.htm>.

³³⁹⁷ U.S. Department of State, "Paraguay," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2007, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/78901.htm>. 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, RLA/00/P53/USA, Geneva, September 30, 2004, 19.

³³⁹⁸ U.S. Department of State, "Paraguay," in *Trafficking in Persons Report- 2007*, Washington, DC, March 5, 2007.

³³⁹⁹ *Ibid.* See also U.S. Department of State, "Paraguay," in *Country Reports on Human Rights Practices- 2006*, Washington, DC, March 6, 2006, Section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2006/>. See also Mike Kaye, *Contemporary Forms of Slavery in Paraguay*, 9-10.

³⁴⁰⁰ Government of Paraguay, *Código del Trabajo, Modificado 1995*, Articles 36 and 389.

³⁴⁰¹ *Ibid.*, Article 119.

³⁴⁰² Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), Article 58; available from <http://www.senado.gov.py/leyes/>.

³⁴⁰³ Government of Paraguay, *Código del Trabajo, Modificado 1995*, Article 389.

Adolescents 14 to 17 may be sent to locations different than specified in the original work contract, as long as they are not uprooted from their families and they remain in school.³⁴⁰⁴ Employers are required to maintain a registry containing biographical information on adolescent employees and to register adolescent employees with the Ministry of Justice and Labor and the Council for Children's Rights (CODENI).³⁴⁰⁵ Adolescents 15 to 18 year olds who work must have a birth certificate, an annual certificate of physical and mental health, and their guardian's authorization to work. Minors are to be paid at least 60 percent of the legal minimum salary for unspecified labor, and if a minor performs the same work as an adult, he or she must be paid the established legal minimum wage.³⁴⁰⁶ As stated in the legal code for children and adolescents, employers of adolescent domestic workers must facilitate their school attendance, provide the adolescent with food and a separate bedroom, and register the adolescent with the social security system.³⁴⁰⁷ Authorization from the adolescent's guardian is needed for domestic work, and the appropriate Municipal Council for Children and Adolescent's Rights must be notified if the adolescent is moved to another location.³⁴⁰⁸

Employing anyone under 18 years in work that may be harmful to his/her well-being is prohibited and punishable by fines.³⁴⁰⁹ The "List of Work Endangering Children" decree prohibits minors under 18 from working in 26 broad classifications of work, including crossing national borders, operating dangerous machinery, working as a domestic servant (with exceptions for those 16 and older), and working between 7 p.m. and 7 a.m.³⁴¹⁰ Although the practice of *criadazgo* and child domestic labor are on this list, the Department of Legal Affairs states that *criadazgo* is not completely prohibited for children 16 and older as long as the provisions laid out in the legal code for children and adolescents are followed.³⁴¹¹

The commercial sexual exploitation of children and adolescents is prohibited.³⁴¹² Penalties of up to 5 years of incarceration or fines are imposed for inducing the prostitution of someone under 18. If the perpetrator acts for profit, or if the victim is under 14, the penalty can increase.³⁴¹³ Profiting from the prostitution of a person is punishable by up to 5 years of incarceration.³⁴¹⁴ The production of child pornography is punishable by 5 to 10 years of incarceration; a prison term of 3 to 8 years applies for the distribution of such material. The use of anyone under 18 in

³⁴⁰⁴ Government of Paraguay, *Código de la Niñez y la Adolescencia*, Article 59.

³⁴⁰⁵ Ibid., Articles 60 and 61. See also Government of Paraguay, *Código del Trabajo, Modificado 1995*, Article 124.

³⁴⁰⁶ Government of Paraguay, *Código del Trabajo*, No. 213, (June 15, 1993), Article 126; available from <http://www.senado.gov.py/leyes/>.

³⁴⁰⁷ Government of Paraguay, *Código de la Niñez y la Adolescencia*, Articles 63, 64, and 65.

³⁴⁰⁸ Ibid., Articles 66.

³⁴⁰⁹ Ibid., Article 54. See also Government of Paraguay, *Código del Trabajo, Modificado 1995*, Articles 352 and 389.

³⁴¹⁰ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decree 4951, (March 22, 2005); available from <http://www.presidencia.gov.py/decretos/D4951.pdf>.

³⁴¹¹ Ibid. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*. See also Paraguayan Embassy official, E-mail communication to USDOL official, July 2, 2006.

³⁴¹² Government of Paraguay, *Código de la Niñez y la Adolescencia*, Chapter II, Article 31.

³⁴¹³ *Código Penal*, No. 1.160, Article 139; available from <http://www.unifr.ch/derechopenal/legislacion/pa/cpparaidx.htm>.

³⁴¹⁴ Ibid., Article 140.

³⁴¹⁶ Government of Paraguay, *Que reprime el comercio y la difusión comercial o no comercial de material pornográfico, utilizando la imagen u otra representación de menores o incapaces*, 2861, (January 17, 2006), Articles 1, 2, 3, and 5; available from www.senado.gov.py/leyes/.

sexually explicit performances carries a prison sentence of 3 to 10 years. Increased penalties apply if the crimes relating to child pornography and sexually explicit performances were done for profit or by a member of an organized group.³⁴¹⁶ Slavery and trafficking in persons are prohibited.³⁴¹⁷ The maximum prison term is 10 years for trafficking a minor for labor or sexual exploitation, or for forcing, deceiving, or coercing a person to leave the country.³⁴¹⁸ Although the law establishes 18 years as the minimum age for conscription into the military, boys younger than 18 may join the military in exceptional circumstances.³⁴¹⁹

According to the U.S. Department of State, the government generally does not enforce minimum age requirements for employment. The Secretariats for Women, for Repatriations, and for Childhood and Adolescence (SNNA) have limited effectiveness for combating trafficking and providing assistance to victims because of budgetary constraints; also, the borders are not well controlled.³⁴²⁰ However, the government has arrested individuals for crimes involving child trafficking.³⁴²¹

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

The government worked to implement the National Plan for the Eradication and Prevention of Child Labor (2003-2008). The plan's objectives include data collection, publicity and education, training, improved legal protections and public policy, and implementation of a monitoring system and interventions.³⁴²² SNNA participates in and organizes programs on human trafficking and child labor, including child domestic servants.³⁴²³ The Secretariat for Social Action, with assistance from UNICEF, provides services to children who work on the streets.³⁴²⁴ The government offered some financial support to NGOs that provide services to children who live on the streets or are victims of commercial sexual exploitation.³⁴²⁵ The National Plan for the Prevention and Eradication of Child Sexual Exploitation, along with the child labor plan, is part of the National Policy for Childhood and Adolescence (2003-2013).³⁴²⁶

³⁴¹⁷ Government of Paraguay, *Constitución Nacional de La República del Paraguay*, (June 20, 1992), Articles 10 and 54; available from <http://www.senado.gov.py/leyes/>.

³⁴¹⁸ *Código Penal*, Articles 125 and 223.

³⁴¹⁹ Child Rights Information Network, *Paraguay pide perdón público por el reclutamiento ilegal de muerte de dos niños*, [online] June 6, 2006 [cited April 4, 2007]; available from <http://www.crin.org/resources/find.asp>. See also, Coalition to Stop the Use of Child Soldiers, "Paraguay," in *Child Soldiers Global Report 2004*, London, 2004; available from http://www.child-soldiers.org/document_get.php?id=835.

³⁴²⁰ U.S. Department of State, "Country Reports- 2006: Paraguay."

³⁴²¹ *Ibid.*, Section 5.

³⁴²² 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/ipec/documentos/plan_paraguay.pdf. See also U.S. Department of State, "Country Reports- 2006: Paraguay," Section 6d.

³⁴²³ U.S. Department of State, "Country Reports- 2006: Paraguay," Section 5.

³⁴²⁴ Secretariat of Social Action, *Abrazo: programa para la disminución progresiva del trabajo infantil en las calles*, Asuncion. See also Secretariat of Social Action, *Resultados del Programa. Mes de Julio*, Asuncion, October 8, 2006; available from <http://www.sas.gov.py>.

³⁴²⁵ ILO-IPEC, *Prevention and Elimination of Child Domestic Work and of Commercial Sexual Exploitation of Children in Colombia, Chile, Paraguay, and Peru, technical progress report*, Geneva, March 6, 2006, 3.

³⁴²⁶ Government of Paraguay, *Decreto No. 2616*, (May 31.), Article 2; available from http://www.oit.org.pe/ipec/documentos/planes_grales_py.pdf. See also Committee for the Rights of Children and Adolescents, ILO, and UNICEF, *Plan Nacional de Prevención y Erradicación de la Explotación Sexual de Niñas*,

The Government of Paraguay and the other governments of MERCOSUR developed the “Niño Sur” (“Southern Child”) initiative to defend the rights of children and adolescents in the region. The initiative has focused on countering the sexual exploitation of children and adolescents (including trafficking), child labor, and improving youth criminal justice systems. Action strategies include the harmonization of legal frameworks, unified public campaigns and joint actions in border cities.³⁴²⁷

The government participates in a regional USDOL-funded ILO-IPEC project targeting children involved in commercial sexual exploitation and domestic labor. This project seeks to withdraw 2,185 children from exploitive child labor situations and prevent an additional 2,920 children from engaging in child labor.³⁴²⁸ Government secretariats participated in and implemented activities including the creation of an anti-trafficking handbook, inter-institutional meetings on trafficking, and awareness-raising campaigns on trafficking and child pornography.³⁴²⁹ A public utility jointly owned by the Paraguayan and Brazilian Governments, Itaipu Binational, supports an NGO that operates a hotline and shelter for trafficking victims in Ciudad del Este.³⁴³⁰ The government works to repatriate trafficking victims, usually through NGOs, and provides legal, medical, and psychological services to trafficking victims in Asuncion.³⁴³¹

The Ministry of Education and Culture requires that all schools gather information on the working status of children.³⁴³²

Niños, y Adolescentes en Paraguay, December 2003; available from

http://www.oit.org.pe/ipec/documentos/plan_esci_py.pdf.

³⁴²⁷ Ministry of Justice, *Países do Mercosul anunciam campanha conjunta de Combate à Exploração Sexual de Crianças e Adolescentes*, [online] August 29, 2006 [cited October 21 2006]; available from http://www.mj.gov.br/sedh/ct/conanda/noticias2_teste.asp?id=1380. See also Ministry of Justice, *Combate à Exploração Sexual de Crianças e Adolescente é Meta no Mercosul*, [online] August 24, 2006 [cited October 21 2006]; available from http://www.mj.gov.br/sedh/ct/conanda/noticias2_teste.asp?id=1373.

³⁴²⁸ ILO-IPEC, *Prevention and Elimination of Child Domestic Labour and of Commercial Sexual Exploitation of Children, project document*.

³⁴²⁹ ILO-IPEC, *Prevention and Elimination of Child Domestic Work and of Commercial Sexual Exploitation, technical progress report*. See also U.S. Department of State, "Country Reports- 2006: Paraguay," Section 5. See also U.S. Embassy- Asuncion, *reporting*, April 26, 2006.

³⁴³⁰ U.S. Department of State, "Country Reports- 2006: Paraguay," Section 5.

³⁴³¹ U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report- 2006*, Washington, DC, June 5, 2006; available from <http://www.state.gov/g/tip/rls/tiprpt/2006/>. See also Mike Kaye, *Contemporary Forms of Slavery in Paraguay*, 14.

³⁴³² U.S. Department of State, *reporting*, August 25, 2005.