

Paraguay

Government Polices and Programs to Eliminate the Worst Forms of Child Labor

The Government of Paraguay has been a member of ILO-IPEC since 1998 and created the National Commission on Child Labor in 1999.¹⁹⁶⁰ In 2001, ILO-IPEC began implementing two projects to address the domestic servant population and the sexual exploitation of children and adolescents on the Brazilian border.¹⁹⁶¹ The Secretariat of Social Action runs an ongoing program for children and adolescent street workers.¹⁹⁶²

Incidence and Nature of Child Labor

In 1999, the ILO estimated that 6.3 percent of children between the ages of 10 and 14 in Paraguay were working.¹⁹⁶³ According to the Ministry of Labor and Justice, 23 percent of children work in urban areas, while 44 percent work in rural areas.¹⁹⁶⁴ Children sell newspapers and sundries, clean car windows, and work in markets and alongside their parents in fields.¹⁹⁶⁵ Poor families often send their daughters to work as domestic servants in the homes of friends or relatives in exchange for room, board, and financial support for schooling.¹⁹⁶⁶ In 1999, a trafficking ring reportedly lured teenage girls from Paraguay to Argentina to work as domestic servants, then forced the girls into prostitution.¹⁹⁶⁷ There were also allegations that children were forced to enlist in the armed forces.¹⁹⁶⁸

¹⁹⁶⁰ Ministerio de Justicia y Trabajo, Viceministro del Trabajo y Seguridad Social, Dirección del Servicio Nacional de Empleo, Asuntos Internacionales, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, October 24, 2001 [hereinafter *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*], 2.

¹⁹⁶¹ ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, project document, March 12, 2000 [document on file].

¹⁹⁶² ILO-IPEC, Oficina Regional para America Latina y el Caribe, *Paraguay*, at <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/paraguay.shtml>, ultima modificacion 10/2/01, as cited on 10/29/2001.

¹⁹⁶³ ILO statistics as cited in *World Development Indicators 2001* (Washington, D.C.: World Bank, 2001) [CD-ROM] [hereinafter *World Development Indicators 2001*].

¹⁹⁶⁴ *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor* at 1.

¹⁹⁶⁵ *Country Reports on Human Rights Practices for 2000—Paraguay* (Washington, D.C.: U.S. Department of State, 2001) [hereinafter *Country Reports 2000*], Section 6d, at <http://www.state.gov/g/drl/rls/hrrpt/2000/wha/index.cfm?docid=823>.

¹⁹⁶⁶ *Ibid.* at Section 6c.

¹⁹⁶⁷ *Ibid.* at Section 6f.

¹⁹⁶⁸ *Ibid.* at Section 6c.

The General Education Law establishes free and compulsory basic education for 9 years.¹⁹⁶⁹ In 1997, the gross primary enrollment rate was 110.9 percent, and in 1996 the net primary enrollment rate was 91.2 percent.¹⁹⁷⁰ Primary school attendance rates are unavailable for Paraguay. While enrollment rates indicate a level of commitment to education, they do not always reflect a child's participation in school.¹⁹⁷¹ However, the Ministry of Labor and Justice reports that only 50 percent of children who start the first grade complete the primary level, and in rural areas, the completion rate drops to 10 percent.¹⁹⁷²

Child Labor Laws and Enforcement

The Child and Adolescent's Code of 2001 sets the minimum age for employment at 14. The Code prohibits children between the ages of 14 and 18 from working underground, underwater or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well-being.¹⁹⁷³ Children between the ages of 14 and 16 may not work in excess of four hours a day and 24 hours a week. Children ages 16 to 18 may not work more than six hours a day and 36 hours a week.¹⁹⁷⁴ The Code also makes it unlawful to contract children for domestic work outside of Paraguay.¹⁹⁷⁵

The Constitution prohibits any form of slavery, repression or trade in human beings.¹⁹⁷⁶ The commercial sexual exploitation of children and adolescents, and the production or distribution of pornographic publications are prohibited under the Child and Adolescent's Code.¹⁹⁷⁷ The Penal

¹⁹⁶⁹ Legislación Juvenil en Paraguay, Ley General de Educación, Título III, Educación de Régimen General, Capítulo II: Educación Formal, Sección III, Educación Escolar Básica, Artículo 32.10-33, at <http://www.cinterfor.org.uy/public/Spanish/region/ampro/cinterfor/temas/youth/mi.../indes.ht>. See also U.S. Embassy-Asunción, unclassified telegram no. 1276, September 2001.

¹⁹⁷⁰ *World Development Indicators 2001*.

¹⁹⁷¹ For a more detailed discussion on the relationship between education statistics and work, see *Introduction* to this report.

¹⁹⁷² *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor* at 1.

¹⁹⁷³ Código de la Niñez y la Adolescencia, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores, Capítulo I, de las Disposiciones Generales, Artículo 54, de los Trabajos Prohibidos.

¹⁹⁷⁴ Compendio Niñez, Marcos Normativos de los Derechos de la Niñez y la Adolescencia en Paraguay, Tomo II, Instrumentos Jurídicos Nacionales (UNICEF, CDIA) [n.d.] [document on file], 47.

¹⁹⁷⁵ Título II, de la Protección a los Adolescentes Trabajadores, Capítulo III, Del Adolescente Trabajador Doméstico, Artículo 67, De la Prohibición de Salir del País at <http://www2.paraguaygobierno.gov.py/1680-b.doc>. on 11/5/01.

¹⁹⁷⁶ Constitución Nacional, Parte I, Título II, De los Derechos, de los Deberes y de las Garantías, Sección III, Capítulo II, De la Libertad, Artículo 10, De la Proscripción de la Esclavitud y Otras Servidumbres, at <http://www.senado.gov.py/constitu.html> on 11/5/01.

¹⁹⁷⁷ Código de la Niñez y la Adolescencia, Ley No. 1680, Libro I, De los Derechos y Deberes, Título Único, Capítulo II, De la Prevención a las Transgresiones a los Derechos y de las Medidas de Protección al Niño o Adolescente, Artículo 31, De la Prohibición de Utilizar al Niño o Adolescente en el Comercio Sexual.

Code prohibits any individual from putting the life or liberty of another individual in danger by forcing, tricking, or coercing a person to leave the country, and it prescribes legal punishments for individuals who prostitute children under the age of 18.¹⁹⁷⁸

The Ministry of Labor and Justice's Director General for the Protection of Minors is responsible for enforcing child labor laws. The government does not have the resources to effectively enforce regulations on the minimum age for employment.¹⁹⁷⁹ Paraguay has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 3, 2001.¹⁹⁸⁰

¹⁹⁷⁸ The Penal Code calls for a jail sentence of up to 10 years. Código Penal, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo, at http://www.itacom.com.py/ministerio_publico/codigo_penal/libro2_titulo1_capitulo4.html on 11/5/01.

¹⁹⁷⁹ *Country Reports 2000* at Section 6d.

¹⁹⁸⁰ ILO, ILOLEX database: Paraguay at <http://ilolex.ilo.ch:1567/scripts/ratifce.pl?C182>.

NOTE: Hard copies of all Web citations are on file.