

Government Policies 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 1999.³⁴¹⁶ In 2001, ILO-IPEC began implementing two USDOL-funded projects to address the domestic work of children and adolescents in Asunción and the sexual exploitation of children and adolescents on the country's border with Argentina and Brazil.³⁴¹⁷ In July 2003, the Government of Paraguay published a National Plan of Action for Childhood and Adolescence (2003 – 2008), which includes activities to integrate national sectoral plans, such as those that address sexual exploitation and child labor, into national policy.³⁴¹⁸ In addition, the Government of Paraguay and the other MERCOSUR³⁴¹⁹ member governments, the Government of Chile, and ILO-IPEC have developed a 2002 – 2004 regional plan to combat child labor in the region.³⁴²⁰

In July 2000, the Ministry of Education and Culture initiated a five-year program to strengthen basic education reform.³⁴²¹ The Ministry also implements an innovative, community-based bilingual education program in the first and second cycles of rural and urban schools. The program also aims to improve school management and pedagogical training.³⁴²² The Ministry of Public Health's Social Welfare Office has developed on-going programs that offer financial help to vulnerable groups including street children.³⁴²³ The government also provided funds to all regional departments in 1999 and 2000 to establish school feeding programs.³⁴²⁴ The Ministries of Education and Culture and Public Health, along with the Institute of Well-Being and the Social Action Secretariat of the President's Office, support projects that provide at-risk children with social services.³⁴²⁵ In July 2003, the IDB

³⁴¹⁶ Government of Paraguay, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, Ministry of Justice and Labor, Viceministry of Labor and Social Security, National Employment Service Bureau, International Affairs, Asunción, October 24, 2001, 2-3.

³⁴¹⁷ ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, cover page. See also ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents*, project document, RLA/00/P55/USA, Geneva, September 2000. The Government of Argentina is also participating in this project with funding from the Government of Spain. See ILO-IPEC, *Prevention and Elimination of Commercial Sexual Exploitation of Children and Adolescents on the Border of Paraguay/Brazil (Ciudad Del Este - Foz Do Iguazú)*, technical progress report, Geneva, August 23, 2002, 3, 40.

³⁴¹⁸ Secretaria Nacional de la Niñez y la Adolescencia de la Presidencia de la Republica del Paraguay, *Construir Otro Paraguay para Los Niños, Niñas y Adolescentes: Plan Nacional de Acción por la Niñez y la Adolscencia*, Asunción, July, 2003, cover, 29, 35-38.

³⁴¹⁹ El Mercado Común del Sur. The Common Market of the South (America). Member countries include Argentina, Brazil, Paraguay and Uruguay. MERCOSUR, *La Página Oficial del MERCOSUR: Antecedentes del MERCOSUR*, [online] [cited September 1, 2003]; available from <http://www.mercosur.org.uy/espanol/sinf/varios/introduccion.htm>.

³⁴²⁰ Cristina Borrajo, "Mercosur y Chile: una agenda conjunta contra el trabajo infantil: La defensa de la niñez más allá de las fronteras," *Encuentros: Boletín Electronico del Programa Internacional para la Erradicación del Trabajo Infantil, IPEC-Sudamérica* vol. 2, is. 6, (August 2002), 2,6 [cited September 1, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeacciondos.html>. See also ILO-IPEC Regional Office for Latin America and the Caribbean, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, Lima, 5; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/doc/documentos/folletomercosur.doc>.

³⁴²¹ IDB, *Program to Strengthen Basic Education Reform*, [online], [cited September 1, 2003]; available from <http://www.iadb.org/exr/doc98/apr/pr1254e.pdf>.

³⁴²² Ministry of Education and Culture, *Escuela Viva*, Ministerio de Educación y Cultura, [online] [cited July 7, 2003]; available from http://www.escuelaviva-mec.com.py/escuela_1.html.

³⁴²³ World Bank, *Project Appraisal Document on a Proposed Loan in the Amount of US \$9.0 Million to the Republic of Paraguay for a Paraguay Pilot Community Development Project*, [online], 23688-PA, Washington, D.C., March 4, 2002; available from http://www-wds.worldbank.org/servlet/WDSContentServer?WDSP/IB/2002/03/22//000094946_02030704010785/Rendered/PDF/multi0page.pdf. See also UNDP, *El Gasto Público en Servicios Sociales Básicos en Paraguay: Análisis desde la Perspectiva de la Iniciativa 20/20: Estudio elaborado por el Sistema de las Naciones Unidas*, online, Asunción, September 2000, [cited September 1, 2003]; available from http://www.undp.org/rblac/documents/poverty/gastosoc/gastosoc_par.pdf.

³⁴²⁴ WFP, "Paraguay: Disbelief and Economic Setbacks," in *Global School Feeding Report 2002*, 2002, 43.

³⁴²⁵ Proyecto de Asistencia Integral a Menores en Situación de Alto Riesgo (AMAR), *El Proyecto AMAR*, [online] [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.

supported a government program to achieve universal preschool and early education, in particular targeting children at social and educational risk.³⁴²⁶

Incidence and Nature of Child Labor

In 2001, the ILO estimated that 5.4 percent of children in Paraguay aged 10 to 14 years were working.³⁴²⁷ Data from the National Census indicates that nearly two-thirds of child workers are boys.³⁴²⁸ The largest percentage of working children are found in the agricultural sector.³⁴²⁹ Children sell newspapers and sundries, clean car windows, and work in family enterprises and alongside their parents in fields.³⁴³⁰ 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.³⁴³¹ There are reports of children working as prostitutes in Asunción, Ciudad del Este and smaller cities and border regions.³⁴³² Paraguay is a country of destination for girls trafficked from other countries in the South America region for purposes of commercial sexual exploitation.³⁴³³ There have been allegations that adolescents from rural areas have been forced to enlist in the armed forces.³⁴³⁴ Many rural families, however, have encouraged their underaged sons to enlist as a means of securing housing, sustenance, livelihood, basic education, and health care.³⁴³⁵

The General Education Law establishes free and compulsory basic education for nine years.³⁴³⁶ However, due to inadequate resources, the government was not able to provide universal basic education through the ninth grade.³⁴³⁷ In 2000, the gross primary enrollment rate was 111.2 percent, and the net primary enrollment rate was 92.1 percent.³⁴³⁸ In 1999, 76.4 percent of children enrolled in primary school reached grade five.³⁴³⁹ A 2000/

³⁴²⁶ IBD, *IDB Approves \$23.4 Million Loan to Paraguay to Improve Preschool and Early Education*, [online] 2003 [cited July 7, 2003]; available from http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=131_03&Language=English.

³⁴²⁷ World Bank, *World Development Indicators 2003* [CD-ROM], Washington, D.C., 2003.

³⁴²⁸ ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, online, 12 [cited September 1, 2003]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/documentos/folletomercosur.doc>.

³⁴²⁹ General Office of Statistics Surveys and Censuses, *Informe Sobre Empleo Infantil: Encuesta Integrada de Hogares 2000/01*, Presidencia de la República, Secretaría Técnica de Planificación, Asunción, 2002, cuadro 7, page 16.

³⁴³⁰ U.S. Department of State, *Country Reports on Human Rights Practices - 2002: Paraguay*, U.S. Department of State, Washington D.C., March 31, 2003, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2002/18341.htm>.

³⁴³¹ *Ibid.*, Section 6c.

³⁴³² *Ibid.*, Section 6f. See also U.S. Department of State, *unclassified telegram no. 118*, January 25, 2002.

³⁴³³ “News from Brazil,” *Brazilian Justice and Peace Service*, 244 (September 12, 1996), [cited September 1, 2003]; available from <http://www.oneworld.org/sejup/244.htm>. See also The Protection Project, “Paraguay,” in *Human Rights Report on Trafficking in Persons, Especially Women and Children: A Country-by-Country Report on a Contemporary Form of Slavery*, March 2002; available from <http://www.protectionproject.org/main1.htm>.

³⁴³⁴ Coalition to Stop the Use of Child Soldiers, “Paraguay,” in *Global Report 2001*, 2001; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/Report/Global%20Report%202001%20GLOBAL%20REPORT%20CONTENTS?OpenDocument>.

³⁴³⁵ U.S. Embassy– Asunción official, electronic communication to USDOL official, February 25, 2004.

³⁴³⁶ Government of Paraguay, *Legislación juvenil en Paraguay: Ley General de Educación*, sección 3, artículo 32, [cited September 1, 2003]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/par/iii/index.htm>. *Legislación juvenil*, sección 3, artículo 32, [cited September 1, 2003].

³⁴³⁷ U.S. Department of State, *U.S. Department of State, Country Reports-2002: Paraguay*, Section 5.

³⁴³⁸ World Bank, *World Development Indicators 2003*. For an explanation of gross primary enrollment and/or attendance rates that are greater than 100 percent, please see the definitions of gross primary enrollment rate and gross primary attendance rate in the glossary of this report.

³⁴³⁹ *Ibid.*

2001 national child labor survey indicated that 65 percent of working children aged 5 to 17 years attended formal school.³⁴⁴⁰ 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.³⁴⁴¹ Girls have less access to education than boys, especially in rural areas.³⁴⁴² The Ministry of Labor and Justice reports that only 50 percent of children who start the first grade complete the primary level. In rural areas, the completion rate drops to 10 percent.³⁴⁴³

Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment in industrial, public or private businesses at 15 years.³⁴⁴⁴ Minors aged 14 to 18 are permitted to work in non-industrial settings under specific conditions.³⁴⁴⁵ The Child and Adolescent Code prohibits children aged 14 to 18 from working underground, underwater, or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well being.³⁴⁴⁶ Children aged 14 to 16 may not work in excess of 4 hours a day and 24 hours a week. Children ages 16 to 18 may not work more than 6 hours a day and 36 hours a week.³⁴⁴⁷ The Code also makes it unlawful to contract children for domestic work outside of Paraguay.³⁴⁴⁸

The Constitution prohibits any form of slavery, repression or trade in human beings.³⁴⁴⁹ 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.³⁴⁵⁰ The Penal Code prohibits any individual from putting the life or liberty of another individual in danger by forcing, deceiving or coercing a person to leave the country, and it proscribes legal punishments for individuals who prostitute children under the age of 18.³⁴⁵¹ In cases in which a

³⁴⁴⁰ General Office of Statistics Surveys and Censuses, *Informe Sobre Empleo Infantil*, cuadro 5, page 14.

³⁴⁴¹ For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

³⁴⁴² U.S. Department of State, *U.S. Department of State, Country Reports-2002: Paraguay*, Section 5.

³⁴⁴³ Government of Paraguay, *Information on Efforts by Paraguay*, 1. Primary (basic) education includes grades 1-9. See Viceministerio de Educación Ministerio de Educación y Cultura, *Plan Educacional Nanduti: "Por una educación para todos con calidad y equidad", 2003-2015*, Asunción, December, 2002, 27; available from http://ept.unesco.cl/medios/pdf/plan_nanduti.pdf.

³⁴⁴⁴ Government of Paraguay, *Código del Trabajo*, Ley Núm. 213, que establece el Código del Trabajo, Article 119, [cited September 1, 2003]; available from <http://www2.paraguaygobierno.gov.py/gacetaoficial/codigolaboral.PDF>.

³⁴⁴⁵ The conditions include the following: Minors must have completed obligatory education, or work must not impede school attendance; minors must obtain required work certification; work must be light and take place during the day; minors must have legal authorization to work; minors must not work more than 4 hours daily and 24 hours weekly (minors still attending school must not work more than 2 hours a day, and the total number of hours spent on school and work combined must not exceed 7 hours); and the minor must not work on Sundays or holidays. See *Ibid.*, Article 120.

³⁴⁴⁶ Government of Paraguay, *Código de la Niñez y la Adolescencia*, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores, Chapter II, Article 54.

³⁴⁴⁷ *Ibid.*, Capítulo II, Artículo 58.

³⁴⁴⁸ *Ibid.*, Capítulo III, Artículo 67.

³⁴⁴⁹ Government of Paraguay, *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, [cited September 1, 2003]; available from <http://www.senado.gov.py/constitu.html>.

³⁴⁵⁰ *Código de la Niñez y la Adolescencia*, artículo 31.

³⁴⁵¹ The Penal Code calls for a jail sentence of up to 10 years. See Government of Paraguay, *Código Penal*, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo [cited September 1, 2003]; available from http://www.itacom.com.py/ministerio_publico/codigo_penal/libro2_titulo1_capitulo4.html.

crime, such as trafficking in persons, is committed abroad by a Paraguayan national, Paraguay's criminal law allows for extraterritorial jurisdiction.³⁴⁵² It is an offense to induce a person under 18 years of age into prostitution.³⁴⁵³ If the perpetrator acts for profit or if the victim is under 14, the penalty can increase.³⁴⁵⁴

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 sufficient resources to effectively enforce regulations on the minimum age for employment.³⁴⁵⁵ Child victims of prostitution are often treated as offenders in detention centers and it is rare for clients or individuals who profit from prostitution to be caught or sanctioned.³⁴⁵⁶

The Government of Paraguay has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 3, 2001.³⁴⁵⁷

³⁴⁵² In addition, the act must be considered a crime in the country in which it was committed. See ECPAT International, *Paraguay*, in ECPAT International, [database online] [cited September 3, 2002], at "Protection"; available from http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp.

³⁴⁵³ Ibid.

³⁴⁵⁴ Ibid.

³⁴⁵⁵ U.S. Department of State, *U.S. Department of State, Country Reports-2002: Paraguay*, Section 6d.

³⁴⁵⁶ ECPAT International, *Paraguay in ECPAT International*.

³⁴⁵⁷ ILO, *Ratifications by Country*, in ILOLEX, [database online] [cited October 31, 2003]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.