

Paraguay

Selected Statistics and Indicators on Child Labor²⁷⁴⁸

Working children, 10-14 years (%), 2005:	15.3
Working boys, 10-14 years (%), 2005:	22.6
Working girls, 10-14 years (%), 2005:	7.7
Working children by sector, 10-14 years (%), 2005:	
- Agriculture	60.8
- Manufacturing	6.2
- Services	32.1
- Other	0.9
Minimum age for work:	12
Compulsory education age:	14
Free public education:	Yes*
Gross primary enrollment rate (%), 2004:	112
Net primary enrollment rate (%), 2004:	94
School attendance, children 5-14 years (%), 2005:	90.3
Survival rate to grade 5 (%), 2003:	81
ILO-IPEC participating country:	Yes
* Must pay for miscellaneous school expenses.	

Incidence and Nature of Child Labor

In Paraguay, many children, primarily boys, work in agriculture, the manufacturing sector, construction, hotels, restaurants, and transportation. Children also work bagging groceries for tips, selling newspapers and candy, and cleaning car windows.²⁷⁴⁹ Children, primarily girls, work as *criadas*, or child domestic servants, and 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 and often lack access to education. According to a 2003 ILO study, there are approximately 60,000 children that work as *criadas* in Paraguay.²⁷⁵⁰

According to a 2004 ILO-IPEC report, the number of children in commercial sexual exploitation is estimated to be 3,700, and they are believed to be concentrated in three of the country's cities; Asunción, Ciudad del Este, and Encarnación.

Sexual exploitation and trafficking of girls occurs frequently in the tri-border region of Argentina, Paraguay, and Brazil. Paraguay is a source and transit country for children trafficked internationally for sexual exploitation and forced labor.²⁷⁵¹ Children are trafficked to Argentina, Spain, Brazil, and Bolivia.²⁷⁵² Border control is weak, especially to Brazil, facilitating traffickers' movement of victims. Poor rural children are trafficked internally to urban areas for forced domestic labor and commercial sexual exploitation.²⁷⁵³

Child Labor Laws and Enforcement

Children older than 12 years may enter into work contracts with parental authorization.²⁷⁵⁴ 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.²⁷⁵⁵ The ILO CEACR, however, has noted that the Government of Paraguay has not described the nature of the work that is permitted for children 12 to 15 years working in family businesses.²⁷⁵⁶ The laws on legal work hours for children are conflictive. According to the Child and Adolescent Code, children 14 to 16 years may not work more than 4 hours per day and 24 hours per week, and children 16 to 18 years may not work more than 6 hours per day and 36 hours per week. However, according to the Labor Code, children between 12 and 15 may not work more than four hours per day, or 24 hours per week, while children 15 to 18 may not work 6 hours a day or a maximum of 36 hours per week. According to the Child and Adolescent Code, the maximum daily work hours are reduced to 4 for adolescents that are attending school. However, according to the Labor Code, work hours for adolescents attending school are limited to 2 hours per day.²⁷⁵⁷ Children between the ages of 15 to 18 years may not work between the hours of 10pm and 6am, while minors between the ages of 13 and 15 years may not work between the hours of 8pm and 8am.²⁷⁵⁸ 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).²⁷⁵⁹ Fines are established for employing children under 18 for nighttime industrial work and for employing minors under 12 years.²⁷⁶⁰

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.²⁷⁶¹ As stated in the Child and Adolescent Code, 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. 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.²⁷⁶²

Employing anyone under 18 years in work that may be harmful to his/her well-being is prohibited and punishable by fines.²⁷⁶³ The List of Work Endangering Children decree prohibits minors under 18 years from working in 26 broad classifications of work, including crossing national borders; operating dangerous machinery; working with toxic substances; selling alcoholic beverages; working underground; carrying heavy loads; and working as a domestic servant (with exceptions for those 16 and older).²⁷⁶⁴ In contrast to the Child and Adolescent Code, the decree prohibits work for adolescents under 18 years from 7 p.m. to 7 a.m. Although the system of *criadas* and child domestic labor are on this list, the Department of Legal Affairs states that the system is not completely prohibited for children 16 years and older as long as the provisions for domestic workers laid out in the Child and Adolescent Code are followed.²⁷⁶⁵

The commercial sexual exploitation of children and adolescents is prohibited, and penalties of up to 5 years of incarceration or fines are imposed for inducing the prostitution of someone under 18 years. If the perpetrator acts for profit, the penalty increases to 6 years, and if the victim is under 14 years, the penalty increases to 8 years in prison.²⁷⁶⁶ The production of child pornography is punishable by 5 to 10 years of incarceration; the distribution of child pornographic material is punishable by 3 to 8

years in prison; and the exhibition of children in sexual acts is punishable by 5 to 10 years in prison. The penalty for using children in pornography increases to 15 years in prison if the minor is under 15 years of age or the perpetrator is the child's guardian.²⁷⁶⁷ Slavery is prohibited.²⁷⁶⁸ The Government prohibits trafficking with some exceptions, such as internal trafficking. The laws are unclear on penalties for trafficking because although the penalty is up to 10 years in prison for deceiving or threatening another into leaving the country under life-threatening circumstances, the maximum prison term is up to 6 years for trafficking a person into or out of the country for sexual exploitation.²⁷⁶⁹ Although the law establishes 18 years as the minimum age for conscription into the military, boys 16 to 18 years may join the military in exceptional circumstances.²⁷⁷⁰

The Ministry of Justice and Work is responsible for inspecting workplaces that employ adolescent workers to ensure they are registered with the local Council for Children's Rights.²⁷⁷¹ According to USDOS, the Government generally does not enforce minimum age requirements for employment.²⁷⁷² The Secretariat for Women, the Public Ministry, the Foreign Ministry, the Secretariat for the Repatriated, and the Secretariat for Childhood and Adolescence are responsible for combating trafficking, but have had limited effectiveness because of budgetary constraints.²⁷⁷³ The Government convicted 11 individuals for trafficking crimes and prosecuted trafficking cases involving nine minors. During the reporting period, the Government also instituted the first nationwide trafficking in persons database, which links multiple Government agencies with the National Police to coordinate case management.²⁷⁷⁴ The Government coordinates its anti-trafficking in persons efforts through the Inter-Institutional Roundtable for the Prevention and Combat of Trafficking in Persons. According to USDOS, there were reports indicating that public officials were involved in or condoned trafficking in persons.²⁷⁷⁵

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

During the reporting period, the Government's Secretariat for Women (SNNA) worked to

implement the National Plan for the Eradication and Prevention of Child Labor (2003-2008). The Plan's objectives include improved data collection; increased awareness; improved legal protections and public policy; implementation of a monitoring system of child labor; and interventions to reduce child labor. The SNNA also worked to implement the National Plan for the Prevention and Eradication of Child Sexual Exploitation (2003-2008), which aims to diagnose the national situation; increase awareness; create policies to support prevention and detection; improve institutional capacity; support efforts to help prevent sexual exploitation and help victims; and monitor and evaluate progress. Along with the child labor plan, the National Plan for the Prevention and Eradication of Child Sexual Exploitation is part of the National Policy for Childhood and Adolescence (2003-2013).²⁷⁷⁶ The Secretariat for Social Action implemented *Programa Abrazo*, which provides services to children who work on the streets.²⁷⁷⁷

The Government of Paraguay and other associate and member governments of MERCOSUR conducted the *Niño Sur* (Southern Child) initiative to defend the rights of children and adolescents in the region. The initiative includes unified public campaigns against commercial sexual exploitation, trafficking, and child labor; mutual technical assistance in adjusting legal frameworks to international standards on those issues, and the exchange of best practices related to victim protection and assistance.²⁷⁷⁸

The Government of Paraguay participated in an ILO-IPEC USDOL-funded USD 5.5 million regional project to eliminate exploitive child labor in the domestic services and commercial sex sectors in four countries including Paraguay. The project closed in 2007, withdrawing 2,036 children from exploitive work and preventing 3,582 children from entering such activities.²⁷⁷⁹ The Government of Paraguay also continued to participate in a Phase II USD 2.6 million and a Phase III USD 3 million regional projects to eradicate child labor in Latin America, funded by the Government of Spain.²⁷⁸⁰ The Ministry of Education and Culture requires that all schools gather information on the working status of children.²⁷⁸¹

Government secretariats participated in and implemented activities such as inter-institutional meetings on trafficking and awareness-raising campaigns on trafficking and child pornography.²⁷⁸² Itaipu Binational, a public utility jointly owned by the Paraguayan and Brazilian Governments and the Secretariat for Childhood and Adolescence, supported an NGO that operates a shelter for trafficking victims in Ciudad del Este.²⁷⁸³ The Government worked to repatriate trafficking victims, usually through NGOs, and provides legal, medical, and psychological services to trafficking victims in Asuncion.²⁷⁸⁴ The Government also collaborated with the Organization of American States in a USD 300,000 project funded by USDOS to build capacity and international cooperation across the foreign ministries of the nine participating governments to prevent trafficking in persons.²⁷⁸⁵ In December 2007, the Government of Paraguay, with support from the United States, inaugurated Paraguay's first shelter for women and girl victims of trafficking.²⁷⁸⁶ However, the Government's efforts to protect victims of trafficking remained modest, relying mostly on NGOs to provide services and shelter.²⁷⁸⁷

²⁷⁴⁸ For statistical data not cited here, see the Data Sources and Definitions section. For data on ratifications and ILO-IPEC membership, see the Executive Summary. For minimum age for admission to work, age to which education is compulsory, and free public education, see Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, (August 22, 1994), articles 36, 389; available from <http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC>. See also Government of Paraguay, *Ley General de Educación*, Law No. 1.264, (May 26, 1998); available from <http://www.senado.gov.py>. See also U.S. Department of State, "Paraguay," in *Country Reports on Human Rights Practices- 2007*, Washington, DC, March 11, 2008, section 5; available from <http://www.state.gov/g/drl/rls/hrrpt/2007/index.htm>. See also UNESCO, *Education for All 2006 Assessment: Country Reports-Paraguay*, 2005; available from <http://unesdoc.unesco.org/images/0015/001547/154743e.pdf>.

²⁷⁴⁹ ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 51, 83; available from http://white.oit.org.pe/ippec/documentos/estadisticas_py_07.pdf. See also U.S. Department of State, "Country Reports- 2007: Paraguay," section 6d.

²⁷⁵⁰ ILO-IPEC, *Por qué me van a pagar...? Soy una criada*,

Asunción, 2003, 12-13; available from http://white.oit.org.pe/ipecc/boletin/documentos/libro_3_tid_legal_py.pdf. See also ILO-IPEC and Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 85.

²⁷⁵¹ U.S. Embassy- Asunción, *reporting*, March 5, 2008, para. 2a.

²⁷⁵² Martha Casal Cacharron, *Un Día te Dejan de Mirar y Te Perdés*, ILO, Lima, 2007, 76; available from http://white.oit.org.pe/ipecc/documentos/verdades_de_safios_py.pdf. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005, 51-52, 54; available from <http://oimconosur.org/notas/buscador.php?tipo=unico¬a=253>.

²⁷⁵³ U.S. Department of State, "Panama (Tier 2 Watch List)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/82806.htm>. See also Mike Kaye, *Contemporary Forms of Slavery in Paraguay*, Anti-Slavery International, 2006, 9-10; available from <http://www.antislavery.org/homepage/resources/PDF/PDFslavery.htm>.

²⁷⁵⁴ 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/>.

²⁷⁵⁵ *Ibid.*, article 119.

²⁷⁵⁶ ILO Committee of Experts, *Direct Request, Non-Industrial Employment Convention, 1937 (No. 60) Paraguay (ratification: 1966)* [online] 2006 [cited March 10, 2008]; available from <http://www.ilo.org/ilolex/english/newcountryframeE.htm>.

²⁷⁵⁷ Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), article 58; available from <http://www.senado.gov.py/leyes/>. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 120-121.

²⁷⁵⁸ Government of Paraguay, *Código del Trabajo, Modificado*, article 122.

²⁷⁵⁹ Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 60 and 61. See also Government of Paraguay, *Código del Trabajo, Modificado*, article 124.

²⁷⁶⁰ Government of Paraguay, *Código del Trabajo, Modificado*, article 389.

²⁷⁶¹ Government of Paraguay, *Código del Trabajo*, No. 213, (June 15, 1993), article 126; available from <http://www.senado.gov.py/leyes/>.

²⁷⁶² Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 63-66.

²⁷⁶³ *Ibid.*, article 54. See also Government of Paraguay, *Código del Trabajo, Modificado 1995*, articles 352 and 389.

²⁷⁶⁴ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*, Decree 4951, (March 22, 2005); available from <http://www.presidencia.gov.py/decretos/D4951.pdf>.

See also Government of Paraguay, *Código del Trabajo*, article 122.

²⁷⁶⁵ Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, articles 63-66. See also Embassy of Paraguay, *reporting*, August 8, 2007.

²⁷⁶⁶ Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 31. Government of Paraguay, *Código Penal*, 1.160, (1997), article 139; available from <http://www.senado.gov.py/leyes/>.

²⁷⁶⁷ Government of Paraguay, *Ley No 2861/2006*, 2861, (January 17, 2006), articles 1-4; available from <http://www.senado.gov.py/leyes/ups/leyes/42562861-2006.doc>.

²⁷⁶⁸ Government of Paraguay, *Constitución Política de la República del Paraguay*, (June 20, 1992), articles 10, 54; available from <http://www.senado.gov.py/leyes/>.

²⁷⁶⁹ Government of Paraguay, *Código Penal*, articles 125, 129. See also ILO-IPEC, *Law Enforcement in Argentina and Paraguay*, Paraguay, 2005, 32; available from http://white.oit.org.pe/ipecc/documentos/legis_esci_arg_py_eng.pdf.

²⁷⁷⁰ 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.

²⁷⁷¹ Government of Paraguay, "Request for Information on Efforts by Certain Countries to Eliminate the Worst Forms of Child Labor," *Federal Register* 72, no. 216 (January 18, 2008).

²⁷⁷² U.S. Department of State, "Country Reports- 2007: Paraguay," section 6d.

²⁷⁷³ *Ibid.*, section 5.

²⁷⁷⁴ *Ibid.* See also U.S. Embassy- Asunción, *reporting*, March 5, 2008, para. 2c.

²⁷⁷⁵ U.S. Embassy- Asunción, *reporting*, March 5, 2008, paras. 2c, 3j.

²⁷⁷⁶ Secretariat for Childhood and Adolescence, National Committee for Children and Adolescents, *el Desarme y la Libertad Movimiento por la Paz*, and ILO-IPEC, *Construir otro Paraguay para los niños, niñas y adolescentes*, Asunción, 2005, 17, 89-100, 119-120; available from http://white.oit.org.pe/ipecc/documentos/planes_grales_py.pdf.

²⁷⁷⁷ Secretariat of Social Action, *Abrazo: Programa para la disminución progresiva del trabajo infantil en las calles*, [online] 2007 [cited December 6, 2007]; available from www.sas.gov.py/html/abrazo.html.

²⁷⁷⁸ Ministry of Justice and Human Rights of Argentina, *Iniciativa Niñ@ Sur*, [online] [cited March 16, 2008]; available from <http://www.derhuman.jus.gov.ar/direcciones/asistencia/ninosur.htm>. See also Child Rights Information Network, *MERCOSUR*, [online] 2007 [cited December 26, 2007]; available from

<http://www.crin.org/espanol/RM/mercosur.asp>.

²⁷⁷⁹ 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.

²⁷⁸⁰ ILO-IPEC official, E-mail communication to USDOL official, February 4, 2008.

²⁷⁸¹ U.S. Embassy- Asunción, *reporting*, August 25, 2005.

²⁷⁸² ILO-IPEC, *Prevention and Elimination of Child Domestic Labour (CDL) and of Commercial Sexual Exploitation of Children (CSEC) in Colombia, Chile, Paraguay, and Peru*, Technical Progress Report, Geneva, September 30, 2007. See also U.S. Department of State, "Country Reports-2007: Paraguay," section 5. See also U.S. Embassy-Asuncion, *reporting*, April 26, 2006.

²⁷⁸³ U.S. Department of State, "Country Reports- 2007: Paraguay," section 5.

²⁷⁸⁴ U.S. Department of State, "Paraguay (Tier 2)," in

Trafficking in Persons Report- 2007, Washington, DC, June 12, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/>. See also Mike Kaye, *Contemporary Forms of Slavery in Paraguay*, 14.

²⁷⁸⁵ U.S. Department of State, *U.S. Government Funds Obligated for Anti-Trafficking in Persons Projects, Fiscal Year 2007*, [online] February 2008 [cited March 10, 2008]; available from <http://www.state.gov/g/tip/rls/rpt/101295.htm>.

²⁷⁸⁶ U.S. Embassy- Asunción, *reporting*, December 14, 2007.

²⁷⁸⁷ U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report- 2007*, Washington, DC, June 13, 2007; available from <http://www.state.gov/g/tip/rls/tiprpt/2007/>.

Peru

Incidence and Nature of Child Labor

Many children in rural areas of Peru work on family farms, in mining, or as domestic servants. In urban areas, many children work as street vendors, begging, shining shoes, or scavenging in garbage dumps.²⁷⁸⁸ Children are also found working in the brick making industry in Lima and outlying areas.²⁷⁸⁹

According to a recent ILO study, girls in the stone crushing industry are frequently sexually exploited.²⁷⁹⁰ Children in domestic service are also vulnerable to sexual abuse.²⁷⁹¹ Some Peruvian children, especially girls, are trafficked from rural to urban areas or from city to city to work in domestic service and for sexual exploitation.²⁷⁹² Children are trafficked internally for the purpose of forced labor in the mining, logging, and brick making sectors. Most victims of trafficking are girls from the poorest areas of Peru, including the Amazonian jungle and mountains.²⁷⁹³ According to USDOS, narcotics traffickers and Shining Path terrorists force children to work in remote areas,

cultivating coca and food crops. Child sex tourism is prevalent in the tourist cities of Cusco and Iquitos.²⁷⁹⁴ In 2006, the UN Committee on the Rights of the Child reported that there are 500,000 child victims of sexual exploitation and violence in the country.²⁷⁹⁵

Child Labor Laws and Enforcement

Although the general minimum age for employment in Peru is 14 years, the following provisions place restrictions on ability of children 14 years and above to work legally. The minimum age for employment in non-industrial agricultural work is 15 years; for work in the industrial, commercial, and surface mining sectors it is 16 years; and for work in the industrial fishing sector it is 17 years.²⁷⁹⁶ Children under 18 years may perform certain jobs, subject to restrictions, only if they obtain legal permission from the corresponding government authorities, can certify that the minor is physically and emotionally capable of performing the job, and if it does not limit their ability to attend school or training.²⁷⁹⁷