

# Paraguay

## 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.<sup>2806</sup> In 2001, ILO-IPEC began implementing two USDOL-funded projects to address the child and adolescent domestic service population in Asunción and the sexual exploitation of children and adolescents on the country's border with Argentina and Brazil.<sup>2807</sup> In addition, Paraguay and the other MERCOSUR<sup>2808</sup> member governments, the government of Chile, and ILO-IPEC have developed a 2002 – 2004 regional plan to combat child labor.<sup>2809</sup>

In 1997, the Presidency of the Republic, through its Secretariat of Social Action, began the implementation of a four-year program to improve the quality of the lives of children and adolescent street workers.<sup>2810</sup> In July 2000, the Ministry of Education and Culture initiated a five-year program to strengthen basic education reform.<sup>2811</sup> The Ministry of Public Health's Social Welfare Office has developed on-going programs that offer financial help to vulnerable groups

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<sup>2806</sup> Government of Paraguay, *Information on Efforts by Paraguay to Eliminate the Worst Forms of Child Labor*, Ministry of Justice, Viceministry of Labor and Social Security, National Employment Service Bureau, International Affairs, October 24, 2001, 2.

<sup>2807</sup> 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.

<sup>2808</sup> 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 November 12, 2002]; available from <http://www.mercosur.org.uy/espanol/sinf/varios/introduccion.htm>.

<sup>2809</sup> 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* 2, 6, (August 2002), [cited August 23, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipecc/boletin/numero6/ipeacciondos.html>.

<sup>2810</sup> 232 technical assistance projects were approved, benefiting nearly 72,000 children and adolescent street workers for a total of USD 9.3 million from an IDB grant and USD 1.6 million from the Paraguayan government. Inter-American Development Bank, *Perfil II: Paraguay*, online, September 2001, 4-5 [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/pro/upr0125.pdf>.

<sup>2811</sup> Inter-American Development Bank, *Program to Strengthen Basic Education Reform*, online, [cited August 23, 2002]; available from <http://www.iadb.org/exr/doc98/apr/pr1254e.pdf>.

including street children.<sup>2812</sup> The government also gave funds to all regional departments in 1999 and 2000 to establish school feeding programs.<sup>2813</sup>

## **Incidence and Nature of Child Labor**

In 1999, UNICEF estimated that 6.2 percent of children ages 5 to 14 years were working in Paraguay.<sup>2814</sup> According to the Ministry of Labor and Justice, 23 percent of children in urban areas work and the corresponding rate in rural areas is 44 percent.<sup>2815</sup> Data from the National Census indicates that nearly two-thirds of child workers are boys and more than one-third are girls.<sup>2816</sup> Children sell newspapers and sundries, clean car windows, and work in family enterprises and alongside their parents in fields.<sup>2817</sup> 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.<sup>2818</sup> There are reports that in 2000 and 2001, traffickers reportedly lured girls from Paraguay to Argentina to work as models or domestic servants, then forced the girls into prostitution.<sup>2819</sup> Paraguay is also a country of destination for girls trafficked from other countries in the South America region for purposes of commercial sexual exploitation.<sup>2820</sup> There have been allegations that children from rural areas have been forced to use falsified identification documents to enlist in the armed forces.<sup>2821</sup>

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<sup>2812</sup> 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, 8 [cited August 23, 2002]; available from [http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/03/22/000094946\\_02030704010785/Rendered/PDF/multi0page.pdf](http://www-wds.worldbank.org/servlet/WDSContentServer/WDSP/IB/2002/03/22/000094946_02030704010785/Rendered/PDF/multi0page.pdf). See also United Nations Development Programme, *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 October 9, 2002]; available from [http://www.undp.org/rblac/documents/poverty/gastosoc/gastosoc\\_par.pdf](http://www.undp.org/rblac/documents/poverty/gastosoc/gastosoc_par.pdf).

<sup>2813</sup> The World Food Programme, "Paraguay: Disbelief and Economic Setbacks," in *Global School Feeding Report 2002*, 2002, 43-44.

<sup>2814</sup> Government of Paraguay, *Encuesta Permanente de Hogares (EPH)*, see "Percentage of Children in the Expanded Population Working Only and Working and Studying, by Sex and Age" [cited August 27, 2002]; available from <http://www.ucw-project.org/resources/>.

<sup>2815</sup> Government of Paraguay, *Information on Efforts by Paraguay*, 1.

<sup>2816</sup> ILO-IPEC, *Plan Subregional para la Erradicación del Trabajo Infantil en los países del Mercosur y Chile*, online, 12 [cited October 9, 2002]; available from <http://www.oit.org.pe/spanish/260ameri/oitreg/activid/proyectos/ipec/doc/documentos/folletomercosur.doc>.

<sup>2817</sup> U. S. Department of State, *Country Reports on Human Rights Practices-2001: Paraguay*, Washington, D.C., March 4, 2002, 3000-02, Section 6d [cited December 20, 2002]; available from <http://www.state.gov/g/drl/rls/hrrpt/2001/wha/8297.htm>.

<sup>2818</sup> *Ibid.*, Section 6c.

<sup>2819</sup> *Ibid.*, Section 6f.

<sup>2820</sup> "News from Brazil," *Brazilian Justice and Peace Service*, 244 (September 12, 1996), [cited October 9, 2002]; available from <http://www.oneworld.org/sejup/244.htm>. See also Protection Project, "Paraguay," in *Human Rights Report on Trafficking in Persons, Especially Women and Children*, March 2002, [cited October 9, 2002]; available from <http://www.protectionproject.org/main1.htm>.

<sup>2821</sup> Coalition to Stop the Use of Child Soldiers, "Paraguay," in *Global Report 2001*, 2001, [cited December 31, 2002]; available from <http://www.child-soldiers.org/cs/childsoldiers.nsf/3f922f75125fc21980256b20003951fc/4193c336ce2b1d9a80256b1e00560cb8?OpenDocument>.

The General Education Law establishes free and compulsory basic education for nine years.<sup>2822</sup> In 1998, the gross primary enrollment rate was 115.5 percent, and the net primary enrollment rate was 91.7 percent.<sup>2823</sup> 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.<sup>2824</sup> 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.<sup>2825</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment at 14 years.<sup>2826</sup> The Child and Adolescent 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.<sup>2827</sup> 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.<sup>2828</sup> The Code also makes it unlawful to contract children for domestic work outside of Paraguay.<sup>2829</sup>

The Constitution prohibits any form of slavery, repression or trade in human beings.<sup>2830</sup> 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.<sup>2831</sup> The Penal 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 proscribes legal punishments for individuals who prostitute children under the age of 18.<sup>2832</sup> In cases in which a crime, such as

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<sup>2822</sup> Government of Paraguay, *Legislación juvenil en Paraguay: Ley General de Educación*, [cited October 9, 2002]; available from <http://www.cinterfor.org.uy/public/spanish/region/ampro/cinterfor/temas/youth/legisl/par/iii/index.htm>. See also U.S. Embassy- Asunción, *unclassified telegram no. 1276*, September 2001.

<sup>2823</sup> World Bank, *World Development Indicators 2002* [CD-ROM], Washington, D.C., 2002.

<sup>2824</sup> For a more detailed discussion on the relationship between education statistics and work, see the preface to this report.

<sup>2825</sup> Government of Paraguay, *Information on Efforts by Paraguay*, 1.

<sup>2826</sup> Government of Paraguay, *Código del Trabajo*, Ley Núm. 213, que establece el Código del Trabajo, [cited October 9, 2002]; available from <http://www2.paraguaygobierno.gov.py/gacetaoficial/codigolaboral.PDF>.

<sup>2827</sup> Government of Paraguay, *Código de la Niñez y la Adolescencia*, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores.

<sup>2828</sup> *Ibid.*, Capítulo II, Artículo 58.

<sup>2829</sup> *Ibid.*, Capítulo III, Artículo 67.

<sup>2830</sup> 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 October 9, 2002]; available from <http://www.senado.gov.py/constitu.html>.

<sup>2831</sup> *Código de la Niñez y la Adolescencia*.

<sup>2832</sup> The Penal Code calls for a jail sentence of up to 10 years. Government of Paraguay, *Código Penal*, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo [cited November 5, 2001]; available from [http://www.itacom.com.py/ministerio\\_publico/codigo\\_penal/libro2\\_titulo1\\_capitulo4.html](http://www.itacom.com.py/ministerio_publico/codigo_penal/libro2_titulo1_capitulo4.html).

trafficking in persons, is committed abroad by a Paraguayan national, Paraguay's criminal law allows for extraterritorial jurisdiction.<sup>2833</sup> It is an offense to induce a person under 18 years of age into prostitution.<sup>2834</sup> If the perpetrator acts for profit or if the victim is under 14, the penalty can increase.<sup>2835</sup>

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.<sup>2836</sup> 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.<sup>2837</sup>

The Government of Paraguay has not ratified ILO Convention 138, but ratified ILO Convention 182 on March 3, 2001.<sup>2838</sup>

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<sup>2833</sup> 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](http://www.ecpat.net/eng/Ecpat_inter/projects/monitoring/online_database/index.asp).

<sup>2834</sup> *Ibid.*

<sup>2835</sup> *Ibid.*

<sup>2836</sup> U. S. Department of State, *Country Reports- 2001: Paraguay*, 3000-02, Section 6d.

<sup>2837</sup> *Ibid.*

<sup>2838</sup> ILO, *Ratifications by Country*, in ILOLEX, [database online], [cited November 12, 2002]; available from <http://www.ilo.org/ilolex/english/newratframeE.htm>.