

# Paraguay

## Incidence and Nature of Child Labor

ILO-IPEC and UNICEF estimated that 7.9 percent of children ages 5 to 14 years were working in Paraguay in 2001.<sup>3142</sup> The largest percentage of working children were found in the agriculture and fishing sectors (40.8 percent); followed by the informal sector (30.3 percent); the services and sales sector (14.9 percent); and the handicraft and mechanical work sector (11 percent).<sup>3143</sup> Children work in family enterprises, in the home and alongside their parents in fields.<sup>3144</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>3145</sup>

Paraguay is a source country for women and children trafficked to Argentina and Spain for sexual exploitation and forced labor as well as a destination country for girls trafficked from neighboring countries for sexual exploitation.<sup>3146</sup> There are reports of children working as prostitutes in the border regions of Ciudad del Este, Hernandarias and Encarnación, where trafficking is a particular problem.<sup>3147</sup> Children from poor families are trafficked internally from rural to urban areas.<sup>3148</sup> Forcible recruitment of adolescents into the armed forces has decreased in recent years due to public pressure.<sup>3149</sup>

The General Education Law establishes free and compulsory basic education for 9 years. However, the education provided by the government does not adequately meet the needs of the population.<sup>3150</sup> In 2001, the gross primary enrollment rate was 111.8 percent, and the net primary enrollment rate was 91.5

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<sup>3142</sup> Another 36.2 percent of children ages 15 to 17 years were also found working. See Roberto Céspedes, *Seguimiento de indicadores sobre la niñez trabajadora de Paraguay segun la encuesta de hogares*, ILO-IPEC, UNICEF, 2003, 18.

<sup>3143</sup> Informal work includes unskilled work as street vendors, porters, guards, messengers, window cleaners and garbage collectors among other activities. Work in the service sector includes domestic work. Work in the handicraft and mechanical sector includes construction, metal work, work with machines, as well as the making of crafts with other materials. See *Ibid.*, 29.

<sup>3144</sup> U.S. Department of State, *Country Reports on Human Rights Practices - 2003: Paraguay*, Washington D.C., February 25, 2004, Section 6d; available from <http://www.state.gov/g/drl/rls/hrrpt/2003/27915.htm>.

<sup>3145</sup> *Ibid.*

<sup>3146</sup> U.S. Department of State, *Trafficking in Persons Report - 2004: Paraguay*, U.S. Department of State, Washington D.C., June 14, 2004; available from <http://www.state.gov/g/tip/rls/tiprpt/2004/33198.htm>.

<sup>3147</sup> U.S. Department of State, *unclassified telegram no. 118*, January 25, 2002. See also U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*. Paraguay borders Bolivia, Brazil and Argentina. See CIA, *The World Factbook*, [online] September 14, 2004 2004 [cited September 24, 2004]; available from <http://www.cia.gov/cia/publications/factbook/geos/pa.html>.

<sup>3148</sup> U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

<sup>3149</sup> Some adolescents are enlisted during house to house recruitment drives among poor, isolated, rural communities. Children as young as 12 years have reportedly been recruited for armed service. See Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*, November 17, 2004; available from [http://www.child-soldiers.org/document\\_get.php?id=835](http://www.child-soldiers.org/document_get.php?id=835). See also U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5 and 6c.

<sup>3150</sup> U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5.

percent.<sup>3151</sup> Gross and net enrollment ratios are based on the number of students formally registered in primary school and therefore do not necessarily reflect actual school attendance. Recent national primary school attendance rates statistics are not available for Paraguay. In 2001, 82.7 percent of working children between the ages of 5 to 14 years were reported to be attending school.<sup>3152</sup> The repetition rate was 8 percent in 2001. As of 2000, 77.2 percent of children who started primary school were likely to reach grade 5.<sup>3153</sup> The Ministry of Labor and Justice reported in 2001 that only 50 percent of children who start the first grade complete elementary education. In rural areas, the completion rate drops to 10 percent.<sup>3154</sup> Girls have less access to education than boys, especially in rural areas.<sup>3155</sup>

## Child Labor Laws and Enforcement

The Labor Code sets the minimum age for employment in industrial, public, or private businesses at 15 years, but makes an exception for children who work in family businesses.<sup>3156</sup> Children ages 14 to 18 years are permitted to work in non-industrial settings under specific conditions.<sup>3157</sup> Sanctions are established for those employing children under age 12, or employing children or adolescents under hazardous conditions or for nighttime industrial work.<sup>3158</sup> The Children's and Adolescents' Code prohibits children ages 14 to 18 years from working underground, underwater, or under any other conditions that might be physically, mentally or morally dangerous or harmful to their well being.<sup>3159</sup> Children ages 14 to 16 years may not work in excess of 4 hours a day and 24 hours a week. Children age 16 to 18 years may not work more than 6 hours a day and 36 hours a week.<sup>3160</sup> The Code includes special provisions for child domestic workers that make it unlawful to contract children for domestic work outside of Paraguay; limit the workday for adolescent domestic workers to 6 hours (4 hours if the adolescent is attending school); and require that employers facilitate the school attendance of adolescent domestic workers.<sup>3161</sup> Paraguayan law prohibits the

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<sup>3151</sup> World Bank, *World Development Indicators 2004* [CD-ROM], Washington, D.C., 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.

<sup>3152</sup> Céspedes, *Seguimiento de indicadores sobre la niñez trabajadora de Paraguay*, 50.

<sup>3153</sup> The repetition rate is higher for males. Females are more likely to reach grade 5. See World Bank, *World Development Indicators 2004*.

<sup>3154</sup> 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, 1.

<sup>3155</sup> U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5.

<sup>3156</sup> *Código del Trabajo*, Ley Núm. 213, que establece el Código del Trabajo, Article 119, [cited May 26, 2004]; available from <http://www2.paraguaygobierno.gov.py/gacetaoficial/codigolaboral.PDF>.

<sup>3157</sup> 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 from a guardian to work; minors must observe daily and weekly maximum work hours; and the minor must not work on Sundays or holidays. See *Ibid.*, Article 120.

<sup>3158</sup> *Ibid.*, Article 389.

<sup>3159</sup> *Código de la Niñez y la Adolescencia*, Ley No. 1680, Título II, de la Protección a los Adolescentes Trabajadores, Chapter II, Article 54.

<sup>3160</sup> *Código de la Niñez y la Adolescencia*, Chapter II, Article 58.

<sup>3161</sup> *Ibid.*, Chapter II, Article 64, 67.

involvement of children and adolescents in illicit activities and provides sanctions for employing children in the trafficking of narcotics.<sup>3162</sup>

The Constitution prohibits any form of slavery, repression or trade in human beings.<sup>3163</sup> The commercial sexual exploitation of children and adolescents, and the production or distribution of pornographic publications, are prohibited under the Children's and Adolescents' Code.<sup>3164</sup> The Penal Code imposes penalties for prostituting children under 18 years but does not expressly establish penalties for other forms of commercial sexual exploitation.<sup>3165</sup> The Penal Code also 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. The maximum jail sentence for trafficking is 10 years.<sup>3166</sup> If the perpetrator acts for profit or if the victim is under 14 years, the penalty can increase.<sup>3167</sup> In cases in which a crime, such as trafficking in persons, is committed abroad by a Paraguayan national and the act is illegal in both Paraguay and the country where the act was committed, Paraguay's criminal law allows for extraterritorial jurisdiction.<sup>3168</sup> The Law on Compulsory Military Service requires men over 18 years to perform military service and makes exceptions for young men under 18 years in exceptional circumstances, where there is "justified reason."<sup>3169</sup>

The Ministry of Labor and Justice's Director General for the Protection of Minors is responsible for enforcing child labor laws.<sup>3170</sup> Seventy-five labor inspectors conduct regular inspections.<sup>3171</sup> Municipal offices established under the Children's and Adolescents' Code are charged with carrying out activities to protect the rights of children, such as maintaining registries of working adolescents, mediating disputes, and referring cases to judicial authorities. The Office of Juvenile Complaints also receives reports of child rights violations,<sup>3172</sup> but according to the U.S. Department of State, the government generally does not enforce regulations on the minimum age for employment.<sup>3173</sup> Paraguay's basic anti-trafficking statute and other laws that could potentially be used to prosecute traffickers are not adequately enforced.<sup>3174</sup> The

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<sup>3162</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Paraguay*.

<sup>3163</sup> *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; available from <http://www.senado.gov.py/constitu.html>.

<sup>3164</sup> *Código de la Niñez y la Adolescencia*, Chapter II, Article 31.

<sup>3165</sup> U.S. Department of State, *Trafficking in Persons Report- 2004: Paraguay*.

<sup>3166</sup> U.S. Department of State official, electronic communication to USDOL official, February 19, 2004, Ley No. 1160, Libro Segundo, Título I, Capítulo 4, Artículo 125, Extrañamiento de Personas, Artículo 139, Proxenetismo.

<sup>3167</sup> ECPAT International, *Paraguay*, in ECPAT International, [database online] [cited September 24, 2004]; 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>3168</sup> ECPAT International, *Paraguay in ECPAT International*.

<sup>3169</sup> Coalition to Stop the Use of Child Soldiers, *Child Soldiers Global Report 2004*.

<sup>3170</sup> U.S. Department of State, *Country Reports-2003: Paraguay*, Section 6d.

<sup>3171</sup> Forty inspectors have been trained in the worst forms of child labor but frequent rotation in staff prevents the development of expertise on this issue. See U.S. Department of State, *unclassified telegram no. 1178*.

<sup>3172</sup> *Ibid.*

<sup>3173</sup> U.S. Department of State, *Country Reports-2003: Paraguay*, Section 6d.

<sup>3174</sup> U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

Secretariat for Repatriations works as the lead agency with the Foreign Ministry to facilitate the return of trafficking victims,<sup>3175</sup> however, Paraguay does not monitor its borders sufficiently to prevent trafficking.<sup>3176</sup>

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

The Government of Paraguay has a National Commission on Child Labor.<sup>3177</sup> The Children's and Adolescents' Code provides for a Secretariat level office in addition to municipal offices to promote the rights of children and adolescents.<sup>3178</sup> A National Plan of Action for Childhood and Adolescence (2003 – 2008) outlines activities to integrate national sectoral plans, such as those that address the sexual exploitation of children and child labor, into national policy.<sup>3179</sup> The Ministry of Education and Culture, the Ministry of Public Health, 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.<sup>3180</sup> The Ministry of Public Health's Social Welfare Office has developed ongoing programs that offer financial help to vulnerable groups including street children.<sup>3181</sup> In June 2004, a Presidential Declaration introduced a National Plan for the Prevention and Eradication of Child Labor and the Protection of Adolescent Workers.<sup>3182</sup> The government has also adopted a recent national plan to prevent internal trafficking of children.<sup>3183</sup>

Selected Child Labor Measures Adopted by Governments		
Ratified Convention 138	3/3/2004	✓
Ratified Convention 182	3/7/2001	✓
ILO-IPEC Member		✓
National Plan for Children		✓
National Child Labor Action Plan		✓
Sector Action Plan (Commercial Sexual Exploitation)		✓

<sup>3175</sup> Ibid.

<sup>3176</sup> Ibid.

<sup>3177</sup> Government of Paraguay, *Information on Efforts by Paraguay*, 2-3.

<sup>3178</sup> The Secretaria Nacional de la Niñez y la Adolescencia received no budget appropriation in 2003 and has not been effective. However, the number of municipalities with Child and Adolescent offices grew from 60 to 120 between 2001 and 2003. See U.S. Department of State, *Country Reports-2003: Paraguay*, Section 5. See also ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, technical progress report, RLA/00/P53/USA, Geneva, March 2004, 3.

<sup>3179</sup> 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 Adolescencia*, Asunción, July, 2003, cover, 35-38.

<sup>3180</sup> Proyecto de Asistencia Integral a Menores en Situación de Alto Riesgo (AMAR), *El Proyecto AMAR*, [no longer available online, hard copy on file] [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](http://www.iin.oea.org/C.A._Arestivo_Paraguay.PDF). See also 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*, [no longer available online, hard copy on file], 23688-PA, Washington, D.C., March 4, 2002, 7; 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).

<sup>3181</sup> World Bank, *Project Appraisal Document*, 8. 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 August 27, 2004], 25; 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>3182</sup> U.S. Department of State, *unclassified telegram no. 1178*.

<sup>3183</sup> The plan is in the beginning stages of implementation. See U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

The Government of Paraguay and the other MERCOSUR<sup>3184</sup> member governments, the Government of Chile, and ILO-IPEC have also developed a 2002–2004 regional plan to combat child labor.<sup>3185</sup> The government is participating in two regional USDOL-funded ILO-IPEC projects to target children involved in domestic work<sup>3186</sup> and commercial sexual exploitation<sup>3187</sup> as well as a regional project targeting both sectors.<sup>3188</sup> The government is also a part of a Netherlands-funded ILO-IPEC project to carry out a regional program to combat child domestic labor.<sup>3189</sup> Government funds support an NGO that operates a hotline and shelter for trafficking victims in the border region with Argentina and Brazil.<sup>3190</sup>

The Ministry of Education and Culture is implementing a 5-year program (2000-2005) to strengthen basic education reform.<sup>3191</sup> The Ministry also implements an innovative, community-based bilingual education program in rural and urban schools and has made efforts to improve school management and pedagogical training.<sup>3192</sup> The government provides funds to all regional departments to establish school feeding programs.<sup>3193</sup> The IDB supports a government program to achieve universal preschool and improve the quality of early education, in particular targeting children at social and educational risk.<sup>3194</sup> The Government of Spain's Development Agency is supporting a program to reform curriculum, provide

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<sup>3184</sup> MERCOSUR (El Mercado Común del Sur) refers to 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 August 27, 2004]; available from <http://www.mercosur.org.uy/espanol/sinf/variados/introduccion.htm>.

<sup>3185</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 Electrónico del Programa Internacional para la Erradicación del Trabajo Infantil, IPEC-Sudamérica* vol. 2, is. 6, (August 2002), 2,6 [hard copy on file, no longer available online]; 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>.

<sup>3186</sup> Other countries participating in this project include Brazil, Colombia and Peru. See ILO-IPEC, *Prevention and Elimination of Child Domestic Labour in South America*, project document, RLA/00/P53/USA, Geneva, September 2000, cover page.

<sup>3187</sup> Brazil also participates in this project. See 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*, project document, 1.

<sup>3188</sup> Other countries participating in this project include Chile, Colombia and Peru. The project was recently funded in 2004. See 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.

<sup>3189</sup> Other countries participating in this project include Peru and Venezuela. See ILO-IPEC official, email communication to USDOL official, May 12, 2004.

<sup>3190</sup> U.S. Department of State, *Trafficking in Persons Report-2004: Paraguay*.

<sup>3191</sup> IDB, *Program to Strengthen Basic Education Reform*, [online], [cited May 26, 2004]; available from <http://www.iadb.org/exr/doc98/apr/pr1254e.pdf>.

<sup>3192</sup> Ministry of Education and Culture, *Escuela Viva*, Ministerio de Educación y Cultura, [hard copy on file, no longer available online] [cited July 7, 2003]; available from [http://www.escuelaviva-mec.com.py/escuela\\_1.html](http://www.escuelaviva-mec.com.py/escuela_1.html).

<sup>3193</sup> WFP, "Paraguay: Disbelief and Economic Setbacks," in *Global School Feeding Report 2002*, 2002, 43. See also U.S. Department of State, *unclassified telegram no. 1178*.

<sup>3194</sup> IDB, *IDB Approves \$23.4 Million Loan to Paraguay to Improve Preschool and Early Education*, [online] 2003 [cited May 26, 2004]; available from [http://www.iadb.org/NEWS/display/PRView.cfm?PR\\_Num=131\\_03&Language=English](http://www.iadb.org/NEWS/display/PRView.cfm?PR_Num=131_03&Language=English).

educational services to adolescents who do not have a primary school education, and address the educational needs of street children.<sup>3195</sup> In 2004, the World Bank approved a USD 24 million loan to improve the management and efficiency of Paraguay's education system, and to support achievement and equity in secondary education.<sup>3196</sup>

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<sup>3195</sup> U.S. Department of State, *unclassified telegram no. 1178*.

<sup>3196</sup> World Bank Group, *World Bank Approves \$24 Million For Education Reform in Paraguay*, DevNews Media Center, [online] 2003 [cited June 2, 2004]; available from <http://web.worldbank.org/WBSITE/EXTERNAL/NEWS/0,,contentMDK:20121951~menuPK:34467~pagePK:64003015~piPK:64003012~theSitePK:4607,00.html>.