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The Government of Paraguay has implemented social programs to combat child labor, including through cash transfer initiatives conditioned on removing children from exploitative work. However, a number of barriers exist in the effective reduction of the worst forms of child labor, including the limited allocation of resources for the enforcement of child labor laws. In addition, children continue to work in agriculture and domestic service where they may face a variety of occupational health and safety risks.

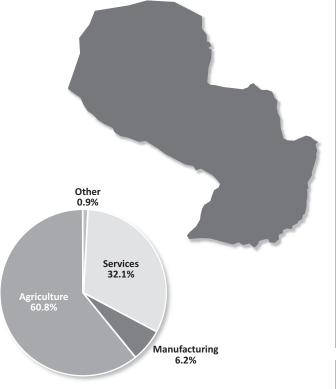
#### Statistics on Working Children and School Attendance

Children	Age	Percent
Working	10-14 yrs.	15.3
Attending School	5-14 yrs.	90.3
Combining Work and School	10-14 yrs.	12.1

## Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are engaged in the worst forms of child labor<sup>4699</sup> in Paraguay, particularly in agriculture. Children, primarily boys and many of indigenous descent, work in the production of cotton. Although evidence is limited, there is reason to believe that the worst forms of child labor are used in the production of soy, sesame, wheat, tobacco, manioc, peanuts, beans, sugarcane and stevia (a plant-based sweetener).<sup>4700</sup> Children working in agriculture may use hazardous tools, carry heavy loads, and apply harmful pesticides.

Children, primarily girls and many of indigenous descent, work as *criadas*, or child domestic servants who often work long hours and may be subject to physical and sexual exploitation by their employer.<sup>4701</sup> Children also work as street vendors and in markets, where risks include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.<sup>4702</sup>



Children, primarily boys, also work in the production of limestone, as well as in the manufacturing, construction, and transportation sectors which may require them to carry heavy loads and expose them to vehicular accidents and toxic dust.<sup>4703</sup> Children also reportedly work in the production of bricks.<sup>4704</sup>

Children in Paraguay are trafficked for commercial sexual exploitation and forced domestic service from rural to urban areas, including Asunción, Encarnación, and Ciudad del Este. Limited evidence suggests that in the Chaco region, indigenous children work raising cattle, a potentially dangerous activity, and sometimes work under conditions of debt bondage.<sup>4705</sup> The production of child pornography is a problem in Paraguay.<sup>4706</sup> Children reportedly smuggle drugs along the border with Brazil.<sup>4707</sup>

## Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code establishes 14 as the minimum age for work, and light work is permitted for children between the ages of 12 and 14. The Government, however, has not yet adopted regulations governing the nature and conditions of the light work permitted for children between ages 12 and 14.4708 A List of Work Endangering Children Decree 4951 prohibits children under age 18 from working in 26 broad classifications of work including work with dangerous tools, toxic substances, cattle, prolonged exposure to extreme climactic conditions, and work in public transport, public areas, mines, and domestic service. The Labor Code establishes fines for employing children under age 18 in dangerous forms of work.4709 However, research has not identified the specific legal provisions that stipulate penalties for violations of the List of Work Endangering Children or which ministries enforce the Decree.<sup>4710</sup> The age to which education is compulsory is 14.4711

<b>UID</b>	C138, Minimum Age	$\checkmark$
	C182, Worst Forms of Child Labor	$\checkmark$
٢	CRC	✓
	CRC Optional Protocol on Armed Conflict	$\checkmark$
	CRC Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography	~
	Palermo Protocol on Trafficking in Persons	~
	Minimum Age for Work	14
	Minimum Age for Hazardous Work	18
	Compulsory Education Age	14
	Free Public Education	Yes

The Penal Code prohibits commercial sexual exploitation of children and adolescents, including recruiting, facilitating, and benefitting economically from child prostitution.<sup>4712</sup> It also prohibits child pornography, including its production, distribution, and possession.<sup>4713</sup> Both the Constitution and the Penal Code prohibit slavery, forced labor, or analogous conditions. The Penal Code establishes penalties for forced labor.<sup>4714</sup>

July 2009 revisions to the Penal Code increased penalties for the international trafficking of persons. Penalties are higher when a child is trafficked.<sup>4715</sup> However, current legislation does not comprehensively prohibit internal trafficking for forced labor and commercial sexual exploitation.<sup>4716</sup>

The law establishes 18 as the minimum age for conscription into the military.<sup>4717</sup> No legislation to prohibit the recruitment of children for illicit activities, such as drug trafficking, could be identified.

## Institutional Mechanisms for Coordination and Enforcement

The National Council for Children and Adolescents (National Council) is the national coordinating body that establishes policies to protect children's rights and approves specific programs aimed at children and adolescents. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) is responsible for developing and implementing child labor policies.<sup>4718</sup> It includes representatives from the Ministries of Labor, Health and Social Welfare, and Education and Culture, the Children's and Adolescents' Secretariat, the Social Action Secretariat, the Women's Secretariat, and civil society.<sup>4719</sup>

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor. It can

issue fines against businesses found employing children in work prohibited by the Labor Code.4720 Child laborers identified by inspections are referred to other agencies for educational and social services. The Ministry of Justice and Labor employs 30 labor inspectors in Asunción and 9 inspectors in regional offices, who inspect for all types of labor violations, including child labor.<sup>4721</sup> This number of inspectors does not appear to be commensurate with the magnitude and scope of child labor in the country. Inspectors received training on child labor issues during the reporting period.<sup>4722</sup> The Ministry of Justice and Labor had just one vehicle to enforce labor laws. The Ministry of Justice and Labor indicated that it conducted 1,500 labor inspections in 2010.4723

The Public Ministry's Special Directorate to Fight the Trafficking of Persons and Commercial Sexual Exploitation of Children is responsible for enforcing criminal laws related to the worst forms of child labor. It has a unit staffed by two prosecutors specializing in human trafficking and sexual exploitation of children who receive regular high-quality training on those topics.4724 The Public Ministry also acts on referrals from the Ministry of Justice and Labor and the Child and Adolescent Secretariat in cases of dangerous and criminal child labor law violations.4725 The National Police operates a unit that investigates cases of trafficking and the commercial sexual exploitation of children. The unit employs 33 persons and operates in six cities.<sup>4726</sup> In February 2011, the National Police established a mandatory training on human trafficking.4727 Along with local prosecutors, the anti-trafficking unit at the Attorney General's Office's investigates and prosecutes human trafficking cases. In 2010, the Government of Paraguay opened investigations into more than 100 cases, mostly related to commercial sexual exploitation, and indicted 38 individuals.<sup>4728</sup> It also investigated and charged a police officer and a public registry employee with possible complicity in separate cases of human trafficking. However, it did not convict any individuals for such crimes.4729

The Women's Secretariat and the Child and Adolescent Secretariat have offices dedicated to combating trafficking of children. The Women's Secretariat, the Child and Adolescent Secretariat, and the Public Ministry maintain hotlines to report cases of trafficking and the commercial sexual exploitation of children and receive referrals from law enforcement agencies to provide social services to trafficking victims.<sup>4730</sup>

### Government Policies on the Worst Forms of Child Labor

In October 2010, the National Council approved a new National Strategy for the Prevention and Eradication of Child Labor and Protection of Working Adolescents (2010 – 2015), which seeks to coordinate policies to combat the worst forms of child labor, provide access to free and quality education to child laborers and livelihood alternatives for their families, raise awareness of child labor, and improve enforcement of child labor laws.<sup>4731</sup> In August 2010, the Ministry of Justice and Labor approved an inter-institutional guide as part of the national plan to provide a coordinated institutional response for assisting child laborers.<sup>4732</sup>

In 2010, the government adopted the National Plan for Development 2010-2020, which includes goals for reducing child labor as part of broader efforts to reduce social exclusion and poverty.<sup>4733</sup>

In addition, Paraguay participates in MERCOSUR's *Niñosur* (Southern Child) Initiative, which aims to defend the rights of children and adolescents in the region. The initiative works to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.<sup>4734</sup> During the reporting period, MERCOSUR member countries met to exchange good practices in systems to protect children and adolescents from commercial sexual exploitation as part of the *Niñosur* Initiative.<sup>4735</sup> Paraguay's National Tourism Office is part of the Joint Group for the Elimination of Commercial Sexual Exploitation of Children in Tourism. The group, whose members also include Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Peru, Suriname, Uruguay, and Venezuela, conducts prevention and awareness-raising campaigns.<sup>4736</sup>

During the reporting period, the National Secretariat for Children and Adolescents signed an inter-institutional agreement with the National Bureau for Public Contracts to ensure that any goods or services procured by the government are not produced through child labor.<sup>4737</sup>

## Social Programs to Eliminate or Prevent the Worst Forms of Child Labor

The Government of Paraguay operated several programs to combat poverty and prevent/remove children in or at risk of the worst forms of child labor. One is the Embrace program which assists children engaged in exploitative urban work by providing their families with cash transfers conditioned on children's school attendance and withdrawal from work.<sup>4738</sup> The program also operates 14 centers in 11 cities in Paraguay providing education and training, nutritional support, and access to health services.<sup>4739</sup> The program helped approximately 1,000 households and almost 2,000 children below age 14 during 2010.<sup>4740</sup> The Embrace program is in the process of expanding to target child labor in more sectors. During the reporting period, the program launched a pilot project to remove children from trash picking in the area of Encarnación.4741

A second program serves the Chaco region. It is also a cash transfer program conditioned on families' withdrawal of children from child labor and meeting education and health requirements and helped 700 families and approximately 1,300 children younger than age 14.<sup>4742</sup> The Government also operates the *Tekopora* program, which provides conditional cash transfers to families in moderate to extreme poverty. Its primary objective is to increase school attendance among poor children. Currently, this initiative operates in 14 of the Paraguay's 17 departments. In 2011, the Government began to link the *Tekopora* program and the Embrace program to more effectively assist working children.<sup>4743</sup> These efforts will only reach a small portion of children affected by the worst forms of child labor, however.

Education programs also address child labor issues. For example, the Ministry of Education and Culture continues to require that all schools gather information on the working status of children and has implemented teacher trainings on child labor issues.<sup>4744</sup>

The Government has also participated in a number of international-donor-funded projects to eradicate the worst forms of child labor in Latin America. During the reporting period, USDOL funded a \$6.75 million, 4-year project to promote collaboration across four countries-Bolivia, Brazil, Ecuador, and Paraguay-to combat the worst forms of child labor among socially excluded populations, including children of indigenous and Afro-descent. It began in 2009 and aims to withdraw 3,600 children from and prevent another 3,000 children from entering the worst forms of child labor through education interventions.<sup>4745</sup> The Government also participated in donorfunded initiatives and worked with local NGOs to combat child trafficking. The Government worked with the IDB on a \$1.2 million regional project to combat the trafficking and sexual exploitation of children in municipalities of Argentina, Brazil, Paraguay, and Uruguay and aims to strengthen local organizations and governments that work in prevention, detection, and victim assistance.4746

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The Government also provided some funding to NGOs to assist trafficking victims in Asuncion and Ciudad del Este, which furnish short-term legal, medical, and psychological services.<sup>4747</sup>

The Government of Paraguay has initiated a range of programs to combat child labor and its

causes. However, although the Government has implemented programs to address child labor in urban informal work, research found no evidence that the current programs reach children working in agriculture and domestic service.

## Based on the reporting above, the following actions would advance the reduction of the worst forms of child labor in Paraguay:

IN THE AREA OF LAWS AND REGULATIONS:

- Revise the Penal Code to prohibit trafficking in persons within the national territory.
- Adopt legislation prohibiting the use of children in illicit activities, such as drug smuggling.
- Publicize the legislation that establishes sanctions for violations of the Decree 4951, the List of Work Endangering Children.

#### IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources available to the Ministry of Justice and Labor in the form of vehicles and personnel to conduct child labor inspections.
- Ensure that human trafficking cases are resolved and that guilty individuals are convicted.

#### IN THE AREA OF SOCIAL PROGRAMS:

- Expand the Tekopora and Embrace programs to provide assistance to more families and children affected by the worst forms of child labor.
- Create and expand social programs to reach children working in domestic service and agriculture.

<sup>4699</sup> Data provided in the chart at the beginning of this country report are based on UCW analysis of ILO SIMPOC, UNICEF MICS, and World Bank surveys, Child Economic Activity, School Attendance, and Combined Working and Studying Rates, 2005-2011. Data on working children and school attendance are from 2005. Data on children combining working and schooling are from 2005. Reliable data on the worst forms of child labor are especially difficult to collect given the often hidden or illegal nature of the worst forms. As a result, statistics and information on children's work in general are reported in this section, which may or may not include the worst forms of child labor. For more information on sources used, the definition of working children, and other indicators used in this report, please see the "Children's Work and Education Statistics: Sources and Definitions" section of this report.

<sup>4700</sup> U.S. Embassy- Asunción, *reporting*, July 23, 2008. See also ILO, Cooperación Española, and el Desarme y la Libertad Movimiento por La Paz, *El Trabajo Infantíl en Canindeyu, Paraguay*, Geneva, 2005, 20; available from http://white.oit.org.pe/ipec/boletin/documentos/ti\_rural\_ py.pdf. See also ILO-IPEC, *Sembrando Futuro*, [online] July 2004 [cited May 3, 2010]; available from http://white.oit.org. pe/ipec/alcencuentros/interior.php?notCodigo=502.

<sup>4701</sup> ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 83-84; available from http:// white.oit.org.pe/ipec/documentos/estadisticas\_py\_07. pdf. See also UN Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII\_Mission\_Report\_Paraguay\_EN.pdf.

<sup>4702</sup> ILO-IPEC and Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 49-51, 83. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 2007, 22; available from http://white.oit.org. pe/ipec/documentos/tmc\_paraguay.pdf.

<sup>4703</sup> U.S. Embassy- Asunción, *reporting*, July 23, 2008. See also Ministerio de Trabajo y Justicia, "MJT descubre explotación de niños en caleras y canteras de Vallemí", [online], 2009 [cited May 8, 2011]; available from http:// www.mjt.gov.py/prensa/2009/setiembre/mjt-descubreexplotacion-de-ninos-en-caleras-y-canteras-de-vallemi.

<sup>4704</sup> La Coordinadora para la Eliminación del Trabajo Infantil and IPEC, *Dejame ser niño, Dejame ser niña* (Paraguay: 2011), DVD. See also Ministry of Justice and Labor, Interview with USDOL officials, July 6, 2011.

<sup>4705</sup> ILO-IPEC, Project to combat the worst forms of child labor through horizontal cooperation in South America,
Project Document, 2009, 14. See also U.S. Department of State, "Paraguay," in *Trafficking in Persons Report- 2011*,
Washington, DC, June 27, 2011; available from http://www. state.gov/g/tip/rls/tiprpt/2011/. See also United Nations Forum on Indigenous Issues, *Mission to Paraguay*, 2009, 16; available from http://www.un.org/esa/socdev/unpfii/documents/UNPFII\_Mission\_Report\_Paraguay\_EN.pdf.

<sup>4706</sup> U.S. Department of State, "Trafficking in Persons Report-2011: Paraguay." See also ILO-IPEC, Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia, 2007, 83; available from http://white.oit.org.pe/ipec/documentos/ verdades\_desafios\_py.pdf. See also Paraguay.com, "Ediles denuncian inacción de Evanhy ante pornografía infantil", [online], 2010 [cited May 8, 2011]; available from http:// www.paraguay.com/nacionales/ediles-denuncian-inaccionde-evanhy-ante-pornografia-infantil-24703. See also Vivaparaguay.com, "Primer Condena por Pornografía Infantil en Paraguay", [online], March 31, 2010 [cited May 8, 2011]; available from http://www.vivaparaguay.com/new/ index.php?option=com\_content&view=article&id=23750:pr imer-condena-por-pornografia-infantil-en-paraguay&catid= 4:nacionales&Itemid=7.

<sup>4707</sup> ILO-IPEC, Collection of good practices and lessons learned related to the prevention and elimination of commercial sexual exploitation (CSE) of girls, boys and adolescents: Income Generation, Asunción, 2005, 35-36; available from http://white.oit.org.pe/ipec/documentos/ genera\_ingre\_py\_br\_eng.pdf.

<sup>4708</sup> ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention*, 1973 (No. 138) *Paraguay (ratification: 2004) Submitted: 2008*, May 9, 2011; available from http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?h ost=status01&textbase=iloeng&document=21629&chapter= 9&query=Paraguay@ref&highlight=&querytype=bool&cont ext=0. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), article 58; available from http://www.senado.gov.py/leyes/ups/leyes/26031680. doc.

<sup>4709</sup> 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, *Que Modifica, Amplia y Deroga Artículos de la Ley, Código del Trabajo*, 213/93, (June 15, 1993), article 389; available from http://www.senado.gov.py/ leyes/ups/leyes/2648Ley496.DOC.

<sup>4710</sup> Government of Paraguay, *El Listado de Trabajo Infantil Peligroso*. See also Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley, Código del Trabajo,* article 122. See also Government of Paraguay, *Código de la Niñez y la Adolescencia,* articles 63-66.

<sup>4711</sup> UNESCO, *EFA Monitoring Report: Education for All by* 2015: Will We Make It?, 2007, 280; available from http://unesdoc.unesco.org/images/0015/001547/154743e.pdf.

<sup>4712</sup> Government of Paraguay, Código de la Niñez y la Adolescencia, article 31. See also Government of Paraguay, Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal, 3440, (1997), articles 129a and 139; available from http://www.hsph.harvard.edu/population/ domesticviolence/paraguay.penalcode.08.doc.

<sup>4713</sup> Government of Paraguay, Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal, article 140.

<sup>4714</sup> Government of Paraguay, *Constitución Política de la República del Paraguay*, (1992), article 10, 54; available from http://www.senado.gov.py/leyes/?pagina=ley\_resultado&id=2865. See also Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal*, article 129c.

<sup>4715</sup> Government of Paraguay, Que Modifica Varias Disposiciones de la Ley Nº 1.160/97, Código Penal, articles 129b and 129c.

<sup>4716</sup> Ibid. See also U.S. Embassy- Asunción, *reporting*,
February 17, 2010. See also U.S. Department of State,
"Trafficking in Persons Report- 2011: Paraguay."

<sup>4717</sup> ILO Committee of Experts, *Individual Direct Request C138: Paraguay (2008)*.

<sup>4718</sup> Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 43, ibid. See also U.S. Embassy-Asunción, *reporting* December 2, 2010.

<sup>4719</sup> U.S. Embassy- Asunción, reporting, December 2, 2010.

4720 Ibid.

4721 Ibid.

4722 Ibid.

<sup>4723</sup> Ministry of Justice and Labor, Interview, July 6, 2011.

<sup>4724</sup> U.S. Embassy- Asunción, reporting, December 2, 2010.

4725 Ibid.

4726 Ibid.

<sup>4727</sup> U.S. Department of State, "Trafficking in Persons Report-2011: Paraguay."

4728 Ibid.

4729 Ibid.

<sup>4730</sup> U.S. Embassy- Asunción, reporting, December 2, 2010. See also Secretaría Nacional de la Niñez y Adolescencia, Explotación Sexual de niños, niñas y adolescentes, [online] [cited March 24, 2011]; available from http://www.snna.gov. py/index.php?option=com\_content&view=article&id=186:8de-marzo-2011&catid=1:noticias&Itemid=65.

<sup>4731</sup> Government of Paraguay, Estrategia Nacional de Prevención y Erradicación del Trabajo Infantil y Protección del Trabajo Adolescente (2010-2015), 2010. See also National Council for Children and Adolescents, Resolución No. 03, October 13, 2010.

<sup>4732</sup> U.S. Embassy- Asunción, reporting, December 2, 2010.

<sup>4733</sup> Government of Paraguay, Paraguay para todos y todas: Propuesta de Política Pública para el Desarrollo Social 2010-2020, 2010, 23, 111; available from http://www.sas.gov .py/xhtml/notisas/archivo/2010/abr/noti\_amplio/PLAN\_ DESARROLLO\_06+abr+2010.pdf.

<sup>4734</sup> Niño Sur, *Quienes Participan, Niño Sur*, [online] [cited March 24, 2011]; available from http://www.niniosur.com/ index2.asp?id=124. See also Niño Sur, *Explotación sexual Infantil. Trata, Tráfico y Venta*, [online] [cited March 24, 2011]; available from http://www.niniosur.com/index2. asp?id=126.

<sup>4735</sup> Niño Sur, *Actividades, Niño Sur*, [online] [cited March 24, 2011]; available from http://www.niniosur.com/index3. asp?id=123.

<sup>4736</sup> Grupo de Acción Regional de las Américas, *Acciones Paraguay*, [online] 2010 [cited March 24, 2011]; available from http://www.grupodeaccionregional.org/index. php?option=com\_content&view=category&layout=blog&id =156&Itemid=105&lang=es.

<sup>4737</sup> Secretaria de la Niñez y la Adolescencia and Dirección Nacional de Contrataciones Públicas, *Convenio de Cooperación Interinstitutional entre la Secretaria de la Niñez y la Adolescencia (SNNA) y la Dirección Nacional de Contrataciones Públicas (DNCP)*, 2010; available from http://white.oit.org.pe/ipec/alcencuentros/interior. php?notCodigo=1778.

<sup>4738</sup> Secretaría Nacional de la Niñez y la Adolescencia, *Programa Abrazo*, [online] [cited March 24, 2011]; available from http://www.snna.gov.py/index.php?option=com\_conte nt&view=article&id=38:programa-abrazo&catid=32:protecc ion&Itemid=2.

<sup>4739</sup> Ibid. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

<sup>4740</sup> Secretaría Nacional de la Niñez y la Adolescencia, *Programa Abrazo*.

<sup>4741</sup> Ministry of Justice and Labor, Interview, July 6, 2011.

<sup>4742</sup> Secretaría de Acción Social, *Programa ÑOPYTYVÔ*,
[online] [cited March 24, 2011]; available from http://www.
sas.gov.py/xhtml/DGPSyDH/dgpsydh\_dnopytyvo.html.
See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 12.

<sup>4743</sup> ILO-IPEC, *Combating WFCL promoting horizontal cooperation in selected countries of South America (Bolivia, Brazil, Ecuador and Paraguay)*, Technical Progress Report, April 6, 2011, 8.

<sup>4744</sup> U.S. Embassy- Asunción, reporting, December 2, 2010.

<sup>4745</sup> ILO-IPEC, Project to combat the worst forms of child labor through horizontal cooperation in South America, 5-8, 61.

<sup>4746</sup> IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited March 24, 2011]; available from http://www.iadb.org/projects/Project.cfm?lan guage=Spanish&PROJECT=RG%2DT1266.

<sup>4747</sup> U.S. Embassy- Asunción, reporting, February 17, 2010.