

Paraguay

The Government has implemented cash transfers conditioned on children's removal from work. However, resource constraints hamper 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 | 7-14 yrs | 12.1% |



Prevalence and Sectoral Distribution of the Worst Forms of Child Labor

Children are exploited in the worst forms of child labor⁴⁰⁶⁴ in Paraguay, including agriculture and domestic service. Children, primarily boys and many of indigenous descent, work in agriculture including 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 and stevia (a plant-based sweetener).⁴⁰⁶⁵ Working children in agriculture might engage in unsafe and unhealthy activities such as using dangerous tools, carrying heavy loads, and applying harmful pesticides.

Children, again primarily boys, also work in the production of limestone, as well as in the manufacturing, construction, and transportation sectors where dangers might arise from work involving heavy loads, vehicular accidents, and exposure to toxic dust.

Children also work as street vendors and in markets, where they are exposed to a variety of risks to their safety and health, which may include severe weather, accidents caused by proximity to vehicles, and vulnerability to criminal elements.⁴⁰⁶⁶ Children, primarily girls and many of indigenous descent, work

as *criadas*, or child domestic servants, and often do not receive salaries despite promises of room, board, and financial support for schooling. Child domestic workers are also sometimes subject to sexual exploitation.⁴⁰⁶⁷

In the Chaco region of the country, indigenous children work raising cattle, a potentially dangerous activity, and sometimes they work under conditions of debt bondage. Children in Paraguay are trafficked for commercial sexual exploitation and forced domestic service from rural to urban areas, including Asuncion, Encarnacion, and Ciudad del Este.⁴⁰⁶⁸ Adolescent girls are trafficked to Argentina for commercial sexual exploitation. Child pornography is also a problem.⁴⁰⁶⁹ Children, primarily underage girls, are also trafficked to Spain, Brazil, Chile, and Bolivia.⁴⁰⁷⁰ In addition, children are also found working as drug smugglers along the border with Brazil.⁴⁰⁷¹

Laws and Regulations on the Worst Forms of Child Labor

The Child and Adolescent Code establishes 14 as the minimum age for work. The Government, however, has not yet adopted regulations governing the nature and conditions of the light work that are permitted for children between the ages of 12 and 14.⁴⁰⁷² A List of Work Endangering Children Decree 4951 prohibits

children under age 18 from working in 26 broad classifications of work including operating dangerous machinery, working with toxic substances, selling alcoholic beverages, working underground, and carrying heavy loads. Research has not identified all of the legal provisions that sanction violations of the Decree or which Ministries are charged with enforcing the provisions of the Decree.⁴⁰⁷³ The Labor Code establishes fines for employing children under age 18 in hazardous forms of work.⁴⁰⁷⁴

The Penal Code prohibits commercial sexual exploitation of children and adolescents, including recruiting, facilitating, and benefitting economically from child prostitution.⁴⁰⁷⁵ It also prohibits child pornography, including its production, distribution, and possession.⁴⁰⁷⁶ Both the Constitution and the Penal Code prohibit slavery, forced labor, or analogous conditions. The Penal Code establishes penalties for forced labor.⁴⁰⁷⁷

| | | |
|---|--|-----|
|  | C138, Minimum Age | ✓ |
| | C182, Worst Forms of Child Labor | ✓ |
|  | CRC | ✓ |
| | CRC Optional Protocol on Armed Conflict | ✓ |
| | 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 |

July 2009 revisions to the Penal Code increased penalties for the international trafficking of persons. Penalties are higher when a child is trafficked.⁴⁰⁷⁸ Current legislation does not comprehensively prohibit internal trafficking for forced labor and commercial sexual exploitation.⁴⁰⁷⁹

The law establishes 18 as the minimum age for conscription into the military.⁴⁰⁸⁰ 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 Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) is responsible for making and implementing child labor policies in Paraguay. It includes representatives from the Ministries of Labor, Health and Social Welfare, and Education and Culture as well as the Children's and Adolescents' Secretariat, Social Action Secretariat, Women's Secretariat, and civil society.⁴⁰⁸¹

The Ministry of Justice and Labor is responsible for inspecting workplaces for child labor. It can issue fines against employers found employing children in work prohibited by the Labor Code. The Ministry of Justice and Labor employs 43 labor inspectors, who each inspect for all types of labor violations.⁴⁰⁸² During the reporting period, the Ministry of Justice and Labor had just one vehicle and few other resources to enforce labor laws.⁴⁰⁸³ Officials inspected eight brick-making factories and found instances of child labor in six.⁴⁰⁸⁴ Information was not available on whether the Ministry of Justice and Labor penalized those in violation of child labor laws in this case.

The Public Ministry is responsible for prosecuting criminal violations of child labor laws. It has a unit staffed by two prosecutors specializing in human trafficking and sexual exploitation of children. The Public Ministry also acts on referrals from the Ministry of Justice and Labor and the Child and Adolescent Secretariat in cases of hazardous and criminal child labor law violations.⁴⁰⁸⁵ The National Police operates a unit that investigates cases of trafficking and the commercial sexual exploitation of children. The unit employs 33 staff and operates in six cities.⁴⁰⁸⁶ 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.⁴⁰⁸⁷ During the reporting period, the Government's Inter-institutional Roundtable to

Combat Trafficking Persons conducted several trainings on trafficking issues for relevant government officials.⁴⁰⁸⁸

The Government opened 119 trafficking cases during the reporting period involving at least 30 minors. The Public Ministry worked with the Women's Secretariat to provide assistance to 30 child trafficking victims.⁴⁰⁸⁹ The Government indicted 47 suspected traffickers, whose victims included children, and convicted two suspects during the period.⁴⁰⁹⁰

Government Policies on the Worst Forms of Child Labor

CONAETI approved a new National Plan of Action against Child Labor which took effect in January 2010. CONAETI also developed intra- and interdepartmental guides to address child labor violations.⁴⁰⁹¹

In 2009, the Government of Paraguay signed an agreement with MERCOSUR member countries to coordinate labor inspections, share good practices, and conduct trainings of labor inspectors on issues including child labor, human trafficking, and forced labor.⁴⁰⁹² In addition, MERCOSUR carries out the *Niño Sur* ("Southern Child") initiative to defend the rights of children and adolescents in the region. The initiative aims to raise awareness of commercial sexual exploitation, improve country legal frameworks, and exchange best practices to tackle issues related to victim protection and assistance.⁴⁰⁹³

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.⁴⁰⁹⁴

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

In recent years, the Government of Paraguay has operated two programs to combat poverty and prevent/remove children in or at risk of the worst forms of child labor. One is *Programa Abrazo* (Program Hug). This program is for children and adolescents in urban areas engaged in informal work, and it provides cash transfers to families conditioned on their children's school attendance and withdrawal from work. The

program also operates 14 centers in five cities in Paraguay providing education and training, nutritional support, and access to health services.⁴⁰⁹⁵ To date, the program has helped approximately 8,600 households and 30,000 children below 14.⁴⁰⁹⁶ The second program serves the Chaco region. It is also a cash transfer program conditioned on families' withdrawal of children from child labor and education and health requirements. That program helps 700 families and approximately 1,300 children younger than age 14.⁴⁰⁹⁷

Efforts to address child labor are also found in education and anti-trafficking programs. For example, the Ministry of Education and Culture continues to require that all schools gather information on the working status of children. In addition, the Ministry has implemented teacher trainings on child labor issues.⁴⁰⁹⁸

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.⁴⁰⁹⁹ The Government also participated in donor-funded initiatives and worked with local NGOs to combat child trafficking. The Government worked with the IDB in a \$1.2 million regional project to combat the trafficking and sexual exploitation of children in municipalities of Argentina, Brazil, Paraguay, and Uruguay. The project aims to strengthen local organizations and governments that work in prevention, detection, and victim assistance.⁴¹⁰⁰ 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.⁴¹⁰¹

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.
- Establish regulations to govern the types and conditions of light work allowed for children between the ages of 12 and 14.

IN THE AREA OF COORDINATION AND ENFORCEMENT:

- Increase resources available to the Ministry of Justice and Labor in the form of vehicles, personnel, and training to conduct child labor inspections.
- Publicize the legislation which establishes sanctions for violations of the Decree 4951, the List of Work Endangering Children.

IN THE AREA OF SOCIAL PROGRAMS:

- Expand successful cash transfer programs to reach more families and children affected by child labor.
- Create and expand social programs to reach children working in domestic service and agriculture.

⁴⁰⁶⁴ 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*, 2005-2010. Data 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 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.

⁴⁰⁶⁵ U.S. Embassy- Asunción, *reporting*, July 23, 2008, 76. See also ILO, Cooperación Española, and el Desarme y la Libertad Movimiento por La Paz, *El Trabajo Infantil 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*, [July 2004 [cited May 3, 2010]; available from <http://white.oit.org.pe/ipec/alcencuentros/interior.php?notCodigo=502>.

⁴⁰⁶⁶ ILO-IPEC and Roberto Cespedes, *Infancia y adolescencia trabajadora de Paraguay*, 2006, 49-51, 83; available from http://white.oit.org.pe/ipec/documentos/estadisticas_py_07.pdf. 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. See also Ministerio de Trabajo y Justicia, "MJT descubre explotación de niños en caleras y canteras de Vallemi", [online], 2009; available from <http://www.mjt.gov.py/prensa/2009/setiembre/mjt-descubre-explotacion-de-ninos-en-caleras-y-canteras-de-vallemi>.

⁴⁰⁶⁷ ILO-IPEC, *Trabajo Infantil Doméstico en Brasil, Colombia, Paraguay y Perú*, Lima, 2004, 57, 73, and 103; available from http://white.oit.org.pe/ipec/boletin/documentos/perfil_de_trabajo_infantil_vol_1_material_de_trabajo_4_conte.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.

⁴⁰⁶⁸ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, Project Document, 2009, 14. See also Martha Casal Cacharrón, *Un Día te Dejan de Mirar y Te Perdés: Verdades y Desafíos de la Explotación Sexual Comercial de la Infancia y Adolescencia*, ILO-IPEC, Asunción, 2007, 76; available from http://white.oit.org.pe/ipec/documentos/verdades_desafios_py.pdf.

⁴⁰⁶⁹ U.S. Department of State, "Paraguay (Tier 2)," in *Trafficking in Persons Report- 2010*, Washington, DC, June 14, 2010; available from <http://www.state.gov/g/tip/rls/tiprpt/2010/142761.htm>. 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; 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”, 2010; available from <http://www.paraguay.com/nacionales/ediles-denuncian-inaccion-de-evanhy-ante-pornografia-infantil-24703>. See also Vivaparaguay.com, “PRIMER CONDENA POR PORNOGRAFÍA INFANTIL EN PARAGUAY”, March 31, 2010; available from http://www.vivaparaguay.com/new/index.php?option=com_content&view=article&id=23750:primer-condena-por-pornografia-infantil-en-paraguay&catid=4:nacionales&Itemid=7.

⁴⁰⁷⁰ Cacharrón, *Un Día te Dejan de Mirar y Te Perdés*. See also ILO and IOM, *La trata de Personas en el Paraguay*, Buenos Aires, 2005; available from <http://www.oimconosur.org/archivos/buscador.php?archivo=75>. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Paraguay.”

⁴⁰⁷¹ 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/ipecc/documentos/genera_ingre_py_br_eng.pdf.

⁴⁰⁷² ILO Committee of Experts, *Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138) Paraguay (ratification: 2004)*, [online] 2006 [cited February 4, 2009]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21629&chapter=9&query=Paraguay@ref&highlight=&querytype=bool&context=0>.

⁴⁰⁷³ 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*, No. 213, (June 15, 1993), article 122; available from <http://www.senado.gov.py/leyes/>. See also Government of Paraguay, *Código de la Niñez y la Adolescencia*, 1680, (May 30, 2001), articles 63-66; available from <http://www.senado.gov.py/leyes/ups/leyes/26031680.doc>.

⁴⁰⁷⁴ Government of Paraguay, *Que Modifica, Amplia y Deroga Artículos de la Ley 213/93, Código del Trabajo*, (August 22, 1994), article 389; available from <http://www.senado.gov.py/leyes/ups/leyes/2648Ley496.DOC>.

⁴⁰⁷⁵ Government of Paraguay, *Código de la Niñez y la Adolescencia*, article 31. Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, 3440, articles 129a and 139; available from <http://www.diputados.gov.py:1006/busquedaleyas/2008%5CD11707.pdf>.

⁴⁰⁷⁶ Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, article 140.

⁴⁰⁷⁷ Government of Paraguay, *Constitución Política de la República del Paraguay*, (June 20, 1992),

articles 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 N° 1.160/97, Código Penal*, article 129c.

⁴⁰⁷⁸ Government of Paraguay, *Que Modifica Varias Disposiciones de la Ley N° 1.160/97, Código Penal*, articles 129b and 129c.

⁴⁰⁷⁹ Ibid. See also U.S. Embassy- Asunción, *reporting*, February 17, 2010. See also U.S. Department of State, “Trafficking in Persons Report- 2010: Paraguay.”

⁴⁰⁸⁰ ILO Committee of Experts, *Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182) Panama (ratification: 2000)*, [online] 2006 [cited May 6, 2010]; available from <http://www.ilo.org/ilolex/cgi-lex/pdconv.pl?host=status01&textbase=iloeng&document=21894&chapter=9&query=%28C182%29+%40ref+%2B+%28Panama%29+%40ref&highlight=&querytype=bool&context=0>.

⁴⁰⁸¹ U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁸² Ibid.

⁴⁰⁸³ Ibid.

⁴⁰⁸⁴ Ibid.

⁴⁰⁸⁵ Ibid.

⁴⁰⁸⁶ Ibid.

⁴⁰⁸⁷ Ibid. See also Secretaría Nacional de la Niñez y Adolescencia, *Explotación Sexual de niños, niñas y adolescentes*, [online] [cited May 6, 2010]; available from <http://www.snaa.gov.py/?categoria=63&t=explotacion-sexual-de-ninos-ninas-y-adolescentes>.

⁴⁰⁸⁸ U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁸⁹ U.S. Embassy- Asunción, *reporting*, February 17, 2010.

⁴⁰⁹⁰ U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁹¹ Ibid.

⁴⁰⁹² MERCOSUR, *Plan Regional de Inspección del Trabajo del Mercosur*, Asunción, July 2, 2009.

⁴⁰⁹³ Comité Argentino de Seguimiento y Aplicación de la Convención Internacional de los Derechos del Niño, *Iniciativa Niñ@ Sur, una Instancia Regional que se Afirma*, [online] [cited February 5, 2010]; available from http://www.casacidn.org.ar/news_abril/nota1.html. See also U.S. Embassy- Asunción, *reporting*, February 18, 2010.

⁴⁰⁹⁴ Ministry of Tourism, *Ecuador Asume Liderazgo en Suramérica para la Protección de Menores Jóvenes*, [online] November 26, 2008 [cited February 5, 2010]; available from http://www.turismo.gov.ec/index.php?option=com_content&task=view&id=885&Itemid=43.

⁴⁰⁹⁵ Secretaría Nacional de la Niñez y Adolescencia, *Programa Abrazo*, [online] [cited May 6, 2010]; available

from <http://www.sna.gov.py/?categoria=40&t=programa-abrazo>. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*. See also Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

⁴⁰⁹⁶ Secretaría de Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 8-10.

⁴⁰⁹⁷ Secretaría de Acción Social, *¿Que es el Programa ÑOPYTYVÓ?*, [online] 2009 [cited May 6, 2010]; available from http://www.sas.gov.py/xhtml/DGPSyDH/dgpsydh_dnopytyvo.html. See also U.S. Embassy- Asunción, *reporting, February 18, 2010*. See also Secretaría de

Acción Social and ILO, *Impacto de los programas TEC en el trabajo infantil*, 12.

⁴⁰⁹⁸ U.S. Embassy- Asunción, *reporting, February 18, 2010*.

⁴⁰⁹⁹ ILO-IPEC, *Project to combat the worst forms of child labor through horizontal cooperation in South America*, 5-8, 61.

⁴¹⁰⁰ IDB, *La Trata y el Tráfico de Niños y Adolescentes para fines Explotación Sexual*, [online] [cited May 3, 2010]; available from <http://www.iadb.org/projects/Project.cfm?language=Spanish&PROJECT=RG%2DT1266>.

⁴¹⁰¹ U.S. Embassy- Asunción, *reporting, February 17, 2010*.