



Targeted Surveys on application of core labour standards Paraguay

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Targeted Surveys on application of core labour standards, Paraguay

This report has been developed to provide a picture of the application of core labour standards in Paraguay. The report is based on a combination of desk research and stakeholder interviews. The assessments of the issues covered in the report are based on the views of credible international organisations, national governments, employer organisations, trade unions, experts and other stakeholders.

Progress

- Efforts to combat forced labour, human trafficking and child labour
- Efforts to address claims of debt bondage and labour exploitation in the Chaco region
- Efforts to make workplaces more inclusive
- Right to paid maternity and paternity leave

Challenges

- Failure to protect trade unionists from reprisals and dismissals
- Labour inspection and enforcement capacity
- Child labour
- Widespread discrimination

Key context

Paraguay has a small and open economy, which has grown steadily at annual rates of around 5% over the past decade yet is subject to volatility due to its dependence on natural resources. Generation of electricity, soy cultivation, and livestock farming and production are Paraguay's main economic activities – together representing more than 70% of the country's exports in 2016. Poverty, inequality, corruption, and a weak judiciary are contextual issues of concern, which impact on the enjoyment of core labour standards.

In April 2018, Paraguay elected Mario Abdo of the conservative right-wing Colorado Party as its new president. Abdo assumed office in August 2018. Some observers suggest that Abdo's conservative inclinations will lead to retrogressions in terms of human rights, including those of women and minorities. However, the new president has called for the reduction of poverty, inequality and corruption in the country, and his new Minister of Labour has called for greater dialogue with unions and the development of equal opportunities for women.

The ILO, trade unions, and government officials have noted that the Ministry of Labour (MTESS) lacks sufficient financial, human, and technical resources to effectively perform its duties regarding core labour standards, particularly in isolated regions of the country. While there has been some progress within the MTESS, it is considered a key issue to be tackled by the new administration.

Freedom of association and collective bargaining

Worker organisations have reported that unions are subject to significant constraints in Paraguay, while labour authorities emphasize their efforts to promote social dialogue

between employer and worker organizations. Trade unions report that dismissals of union members are common in several sectors, including communications, metallurgic, aviation, transport, and banking, and that union members have been subject to criminal prosecution for their involvement in protests.

Trade unions also report that employers and professional associations have influence over trade unions in the private sector and that collective bargaining is minimal and not currently a free process. Despite some noted efforts to hasten the union registration process, procedural delays and interference by government officials and employers in the process are concerns shared by local trade unions and international observers, including the ILO.

The newly appointed Minister of Labour, Carla Bacigalupo, has promised greater dialogue with trade unions, which has been noted by stakeholders.

Forced labour

Trade unions and international organisations report that forced labour is prevalent in the agricultural sector in indigenous areas. UN entities and other international observers have identified the risks of debt bondage and other forms of labour exploitation in the Chaco region. The government has made some progress and adopted policies and implemented strategies to combat forced labour, with some focus in the Chaco region. However, deficiencies in the labour inspectorate are a constraint to the eradication of the practice, with indigenous communities most affected and without having access to effective complaint mechanisms.

There are efforts to bring the legislative framework up to international standards regarding forced labour. There is a proposal that would provide for specific sanctions for forced labour. Under the current legislative framework, instances of forced labour are only punished if they amount to trafficking in persons. Under the proposed law, establishments would not be able to limit their liability by suggesting it lies only with traffickers, and prosecutors would not have to prove the elements of trafficking.

Child labour

The government has adopted legislation, policies and programs to combat child labour, but international observers, including the UN Committee on Economic, Social and Cultural rights, report that child labour remains a pervasive problem in Paraguay. International observers indicate that children work in several sectors of the economy, including services retail; metallurgic, brick, and limestone manufacturing; clothing manufacturing; and ranching, sugar processing, and agricultural sectors. The practice of *criadazgo* is also reportedly widespread, with children from impoverished families being hired to perform domestic work in households in exchange for room and board and support for school attendance – but who are sometimes subjected to forced labour without any type of compensation. Regarding the worst forms of child labour, children can be found begging, street vending, and working in factories and agriculture subject to abuse or hazardous conditions. There are also accounts of children being subjected to debt bondage alongside their parents in the Chaco region.

International observers, including UN agencies and the ILO, and local trade unions, report some advances in combating the practice, including cultural shifts that make the practice unacceptable to society, legislative efforts to address concerns and efforts from

the government and social partners. However, lack of presence of the labour inspectorate in isolated regions and failure to address the root causes of child labour in these areas are constraints to the eradication of child labour.

Discrimination

Paraguay has adopted government policies and programs to promote inclusion in the workforce and made advances in legislation providing paid maternity and paternity leave. Nevertheless, the country lacks a comprehensive anti-discrimination law and fails to prohibit discrimination on the basis of national origin, citizenship, sexual orientation, gender identity, language, or having a communicable disease other than HIV.

International organisations, including UN agencies and the ILO, and the Government of Paraguay report that women encounter more obstacles than men in accessing employment, receive lower wages, and encounter discrimination based on pregnancy. Discrimination based on race, disability, age, language, weight, sexual orientation and HIV status is common.

The new Minister of Labour, has announced that the presidency will focus on employment opportunities for all, including providing for equal rights for women.

Status of ratification and reporting

Paraguay has ratified all eight ILO fundamental (core) labour conventions without reservations and maintains their ratification. Paraguay has ratified two of the four ILO Governance (priority) conventions. The two priority Governance conventions it has not ratified are C129 on Labour Inspection (Agriculture) and C144 on Tripartite Consultation. Paraguay had previously fallen behind but is currently up-to-date with its reporting obligations in relation to the fundamental labour and Governance conventions it has ratified, with the exception of C105 regarding which no recent records were found.

		Application issues - latest ILO CEACR observations and direct requests on core conventions
Freedom of association & collective bargaining	C87	(2016): Noted reports related to the arrest of trade unionists, compulsory arbitration of strikes, and pending inconsistencies of legislative provisions with C87. Chief among these inconsistent provisions are the requirement of an unduly large number of workers (300) to establish a branch trade union, prohibition against joining more than one union even if a worker has more than one job, restrictive requirements to be eligible to serve in trade union leadership, and excessive minimum service requirements during a public services strike.
	C98	(2016): Noted two issues – inadequate protection against dismissal of public sector union officers and pending inconsistencies of legislative provisions with C98. These legislative inconsistencies include absence of anti-union discrimination protections for trade union members (as opposed to leaders) and inadequate penalties and justice delays for acts of anti-union discrimination. (2016): Requested that the government provide information on steps it has taken to promote social dialogue and collective bargaining.

Forced Labour	C29	<p>(2017): While acknowledging the government's significant efforts to combat trafficking and forced labour, the Committee expressed deep concern about operational problems in administrative agencies established to enable indigenous workers who are victims of labour exploitation to exercise their rights. The Committee requested information about prosecutions of and criminal penalties enforced against perpetrators of forced labour through debt bondage and other means.</p> <p>(2017): Noted efforts and requested further information regarding measures taken to assist Paraguayan victims of trafficking and forced labour. It also raised the issue of prison labour, requesting information about the nature of work by prisoners – whether it is voluntary and whether it is for private profit or public benefit.</p>
	C105	<p>(2006): Raised the issue of provisions on the Penal Code imposing prison sentences for slander and libel.</p>
Child labour	C138	<p>(2017): Requested information and statistics about progress achieved under several recently adopted child labour eradication programs and the National Strategy for the Prevention and Elimination of Child Labour and the Protection of Young Workers. Other issues raised included insufficient penalties for child labour violations and Paraguay's ongoing efforts to improve its inspection system. The Committee noted with satisfaction that Paraguay recently raised the minimum age for any type of domestic work to 18.</p> <p>(2017): Noted falling school enrolment rates despite the adoption of policies like the National Education Plan 2014 and legislation expanding free compulsory education for children ages 6 to 14. Requested Paraguay to intensify its efforts in this area.</p>
	C182	<p>(2017): Issues raised include lack of information about penalties imposed against traffickers and the absence of a system to gather data to support follow-up action for trafficking victims. Noting progress made through adoption of policies and international cooperative efforts, the Committee asked the government to intensify its efforts to take immediate and effective action to eliminate the sale, trafficking, and sexual exploitation of children and young persons. Committee also noted allegations of lack of border control and inadequate training for border officials in identifying trafficking and sexual exploitation of children, who are treated like criminals and not victims of prostitution. It also noted efforts to ban the <i>criadazgo</i> practice.</p> <p>(2017): Noted the special risk faced by street children of engaging in work classified as hazardous child labour. Noting Paraguay's significant efforts in removing children from this risk, the Committee asked the government to intensify its efforts. The Committee also requested the government to intensify its efforts to protect indigenous children from the worst forms of child labour.</p>
Discrimination	C100	<p>(2016): Requested specific information about Paraguay's efforts to reduce the wage gap and adopt objective job appraisal mechanisms to fully implement the concept of equal pay for work of equal value by women and men, noting inequalities regarding women in the</p>

		workforce.
	C111	(2016): The primary issues raised include the omission of national origin as a prohibited ground of discrimination in the Labour Code and the need to adopt comprehensive sexual harassment legislation that covers both <i>quid pro quo</i> and hostile work environment harassment and provide for adequate reparations. The Committee noted Paraguay's adoption of legislation prohibiting discrimination based on HIV/AIDS status and efforts to implement policies to improve gender equality.

References

ILO CEACR, [Observations and Direct Requests for Paraguay](#).