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Rights**

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT**

PARAGUAY*

Addendum

**Comments of the Government of Paraguay on the concluding observations of the Human
Rights Committee (CCPR/C/PRY/CO/2)**

[25 June 2008]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

**RESPONSE OF THE PARAGUAYAN STATE TO THE RECOMMENDATIONS
OF THE HUMAN RIGHTS COMMITTEE FOLLOWING CONSIDERATION
OF ITS SECOND PERIODIC REPORT ON COMPLIANCE WITH THE INTERNATIONAL
COVENANT ON CIVIL AND POLITICAL RIGHTS**

Paragraph 7

While welcoming the establishment of the Truth and Justice Commission to investigate the most serious human rights violations of the past, the Committee regrets the lack of proper State funding and the fact the Commission's mandate (18 months) appears to be too short to accomplish its objectives (article 2 of the Covenant).

The State party should ensure that the Commission has sufficient time and resources to carry out its mandate

Length of mandate

1. Act No. 2225/03 establishing the Truth and Justice Commission (CVJ) ceased to be in force in August 2006. On the initiative of the social organizations that had urged its establishment and with the support of national and international cooperation agencies, the Commission requested the National Congress to extend its mandate, particularly in the light of the following factors:

- a) The period to be covered by the investigations, which totals 49 years, divided into two periods: 35 years for the dictatorship and 14 years for the period of Democratic Transition;
- b) The types of human rights violations during the period, such as: torture, exile, enforced disappearances, extrajudicial executions and other serious violations;
- c) The 18-month time limit set to conclude the investigations and publish the report;
- d) Insufficient and inadequate financing on the part of the State, which had approved and promulgated the Act establishing the Commission.

2. In May 2006 The National Congress unanimously approved and the executive authority promulgated Act No. 2931/06, extending for a further 24 months the length of the mandate of the Truth and Justice Commission up to 31 August 2008.

3. The political gesture made by the executive and legislative authorities in extending the Commission's mandate, along with the cooperation extended by national and international agencies, strengthened the institutional standing of the Commission, thereby enabling it to continue and conclude the task entrusted to it by the law that had established it.

**Current budget situation of the Commission and budget available to it
for the 2008 period**

4. For the 2008 period, the State granted for the first time 100 per cent of the requested budget (see tables below: Financial resources for previous periods).

5. The budget available for 2008 is equivalent to US \$470,000 (at an exchange rate of 4.650 guaranies to the dollar).
6. This budget will cover the conclusion of the work of investigation and the preparation of the final report on its investigations, as laid down by Act No. 2225/03 establishing the Truth and Justice Commission of Paraguay.

Financial resources allocated by the State in previous periods

7. While, for 2008 (when the Commission completes its mandate), the State allocated 100 per cent of the requested budget, it should be noted that, since its establishment, the Commission has been limited and institutionally weakened in its investigations, but even more in carrying out the technical and economic cooperation activities offered by national and international agencies owing to insufficient and inadequate State financing. For this reason, the budget has had to be successively reprogrammed, including through the budget of the Ministry of Foreign Relations on which the Commission depends both administratively and financially.

8. As is seen in the following table, between 2004 (three months of activity: October, November, December) and 2007, representing a total period of three years and three months, the Commission requested from the State a total budget equivalent to \$2,444,000. The State approved only 73 per cent of the amount requested, equal to \$1,788,000, **from which it allocated only 56 per cent of the financial plan (the real financing mechanism) to cover its expenses, equivalent to \$1,378,000**, of which the Commission implemented \$1,269,000, equivalent to 92 per cent of the allocation.

General budget summary 2004-2007 in millions of us dollars

<i>In millions of us dollars</i>					
<i>Description</i>	<i>Requested by CVJ</i>	<i>Budget approved by annual appropriations act</i>	<i>Financial plan approved by Ministry of finance</i>	<i>Implemented by CVJ</i>	<i>Implemented from financial plan</i>
Total budget 2004, 2005, 2006 and 2007	2 444	1 778	1 378	1 269	92%
Budget approved as percentage of budget requested	100%	73%	56%		

General budget summary 2004-2007, by year

<i>Description</i>	<i>Requested in thousands of US\$</i>	<i>Approved in thousands of US\$</i>	<i>% approved</i>	
CVJ BUDGET 2004	184	155	84%	AER: 6,200 G
CVJ BUDGET 2005	746	329	44%	AER: 6,200 G
CVJ BUDGET 2006	864	845	98%	AER: 5,500 G
CVJ BUDGET 2007	650	449	69%	AER: 5,000 G

AER: average exchange rate

Analysis and commentary

9. **In 2004**, the State approved 85 per cent of the requested budget, for three months of activity. This made it possible to recruit a team of professionals and obtain equipment and supplies to install the Commission and ensure its minimum operation.

10. **In 2005**, the period when the bulk of the work of the Commission needed to be performed, the State granted only 44 per cent of the requested budget and only 8 per cent of the total amount requested for staff costs, which paid for the salaries of the contracted personnel only up to February. From March, the Commission had no budget for staff salaries and, as a result, had to apply to the Minister of Foreign Affairs, Ms. Leila Rachid, with a request for 292 million guaranies (\$48,000) from the Ministry's budget. The Commission was thereby able to function on a precarious footing until August 2005, cutting staff salaries by between 40 and 50 per cent and paying them two months in arrears. Consequently, in order to cover salaries from September to December, the "operating costs" item in the Commission's own budget had to be reprogrammed, bringing it up to 601 million guaranies, which also meant a three-month arrears of payment, between September and November 2005.

11. **In 2006**, the State approved 94 per cent of the requested budget for the concluding period of the Commission's mandate under Act No. 255/03, which expired in August 2006. However, owing to developments in the ongoing investigations, this budget again proved insufficient, with provision to pay salaries only up to July. The Ministry of Foreign Affairs again bailed out the Commission to the tune of 100 million guaranies (\$19,000) in order to pay staff salaries for August 2006.

12. Under Act No. 2931/06, promulgated in May 2006, the Commission was granted a 24 month extension to continue its work. Accordingly, a budget supplement had to be requested, which was approved by the National Congress on 31 August 2006; however, the measure was not officially adopted by the executive authority until 21 September 2006. At that time, the Commission owed two months' salary to the staff (September and October 2006), pending the adoption by the Ministry of Finance of a financial plan to implement the budget supplement and regularize the arrears in the payment of staff salaries, rental costs and other basic items of expenditure.

13. It must be pointed out that, the Commission was only able to benefit from some 20 per cent of the requested budget supplement, given that it was approved in the last quarter of the year and that, in October, the Ministry of Finance had not adopted the necessary financial plan.

14. **For 2007**, under the Appropriations Act passed by the National Congress, only 69 per cent of the budget requested for the period was approved. This again made it necessary to submit a request for a budget supplement. This being rejected by the National Congress, the Ministry of Finance consequently released through a reprogramming of its budget the equivalent of US\$50,000, thus enabling the Commission to complete its work in 2007.

Paragraph 12

While welcoming the establishment of Special Human Rights Units within the Public Prosecutor's Office, the Committee regrets that none of the 56 cases of torture investigated by this Office have resulted in prosecutions of those responsible for torture (article 7 of the Covenant).

The State party should prosecute those responsible for torture and ensure that they are appropriately punished. Victims of such treatment should receive fair and adequate compensation.

15. It should be stressed that the 56 cases noted in the report of the Special Human Rights Units of the Public Prosecutor's Office, according to Paraguay's second periodic report (2004), are not exclusively cases of torture but concern all the reports of human rights violations received by the aforementioned Special Units (see CCPR/C/PRY/2004/2, para. 227).

16. It is accordingly important to note that one of the prosecutors in the Public Prosecutor's Office is currently investigating a total of four alleged cases of torture, reported to the reception desk of the Public Prosecutor's Office during the period running from 31 October 2005 to the time of writing (March 2008), the circumstances and details of which are set out below.

17. It should be emphasized, however, that in addition to the aforementioned cases, the Special Unit has opened investigations into eight reported cases of torture from previous years that had not been followed up, in addition to other human rights offences. Details of other cases before the Public Prosecutor also follow.

Report of the Special Human Rights Unit

Cases relating to acts of torture

(Public prosecution officer Ramona Domínguez - *Period from 31/10/2005 to 24/3/2008*)

No.	Case	Month/ Year	Docket	Punishable Offence	Complainant	Víctims	Suspected/ Charged	Imprisoned	Stage in proceedings
1	9426	09/11/ 05,	Hernán López and others/ torture	Torture	Deolinda Bogarín	Juan Acosta Bogarín	As at 8/02/2008 Hernán López Vera and Pedro Antonio Aquino Pereira	No	Charged
2	5504	08/08/ 06 *	Police officer of the 3rd district/ Torture	Torture	Osear Zayas Maríni	Osear Zayas Marini	Unnamed person	No	Investigation
3	6116	04/09/ 06	Unnamed person/ Torture	Torture	Hermelin da Viveros de Zarza	Marcos Chamorro	Unnamed person	No	Investigation
4	7282	18/10/ 07	Juan Carlos Bedoya and others/ torture	Torture	Demetria Zarza	Juan Ramón Zarza	Juan Carlos Bedoya; Victor Benítez; Raúl Aquino	No	Investigation

Report of 31 October 2005 to January 2008
(Public Prosecution Officer Juan de Rosa Ávalos).

2005

<i>Case no.</i>	<i>Date of registration</i>	<i>Punishable offence</i>	<i>Charged or reported</i>	<i>Complainant</i>	<i>Victim</i>	<i>Stage in proceedings</i>
9417	11/11/2005	Bodily harm by public official	Police station 5th district	Celsa Soto Romero	Joao Gilva Cuevas	Investigation
9619	16/11/2005	Bodily harm by public official	Police station 13th district	Mirian Beatriz Almada	Ignacio Escobar Ferreira	Investigation
9921	29/11/2005	Bodily harm by public official. Publicas.	Police station 7th district.	Bernardo López	Bernardo López	Investigation
10035	01/12/2005	To be determined	Unnamed persons	Unnamed persons	Unnamed persons	Investigation
10246	10/12/2005	To be determined	Unnamed persons	Mirian Graciela Amarilla	Nelson Medina	Investigation
10266	28/12/2005	To be determined	Carlos Ortiz Barrios	Cinéfila Pérez Toranzos	Cinthia Pérez Toranzos	Rejected
8366		Bodily harm by public official	Inspector Manuel Llamas	Diego Garcia Armoa	Diego García Armoa	Investigation
10430	16/12/2005	Torture	Itaugua police station	Dario Fariña and others	Dario Fariña and others	Investigation
10429	16/12/2005	To be determined	Unnamed persons	Unnamed persons	Unnamed persons	Closed

2006

<i>Case no.</i>	<i>Date of registration</i>	<i>Punishable offence</i>	<i>Charged or reported</i>	<i>Complainant</i>	<i>Victim</i>	<i>Stage in proceedings</i>
498	24/01/2006	Bodily harm by public official.	Agents of emergency call system 911	Teresa Insfrán	Jorge Valiente and others	Closed
571	26/01/2006	Bodily harm by public official.	Agents of emergency call system 911	Carlos Medina Caballero	Félix Caballero and others	Investigation
1771	15/03/2006	Tortura	Agents of call system 911	Pedro Avalos	Pedro Avalos	Charged
2032	17/03/2006	Bodily harm by public official	Inspector. Marcos Giménez	Nilza Noemi Nuñez Rolón	Nilza Noemi Nuñez Rolón	Rejected
2291	03/04/2006	Bodily harm by public official	San Lorenzo 1st district police station	Nancy Elena Silva	Milciades Gauto Romero	Investigation
3202	10/05/2006	Bodily harm by public official	Unnamed persons	Osear Ricardo Zayas	Osear Ricardo Zayas	Closed
3130	08/05/2006	Torture	San Lorenzo Brigade	Teófilo Guerrero	Teófilo Guerrero	Investigation
3900	06/06/2006	Harassment	Police station of	Gustavo	Gustavo	Closed

<i>Case no.</i>	<i>Date of registration</i>	<i>Punishable offence</i>	<i>Charged or reported</i>	<i>Complainant</i>	<i>Victim</i>	<i>Stage in proceedings</i>
			14 th district	Silvestre Sanabria	Silvestre Sanabria	
3938	07/06/2006	Bodily harm by public official	Antonio Gamarra and others	Valdomera Urbieto	Valdomera Urbieto and others	Investigation
6599	22/09/2006	Torture	Sergio Eduardo González	Derlis Céspedes	José Amarilla and others	Investigation
6656	25/09/2006	Bodily harm by public official.	Inspectors at police station of 9th district	Aqustín Cabanas Escobar	José Cabanas León	Closed
6790	28/09/2006	Bodily harm by public official	Sergio Ramírez	César Augusto Baez	Cesar Augusto Baez	Investigation
6813		Bodily harm by public official	Luis Alfredo Sosa Blanco	Edgar Villalba Riquelme	Juan Milciades Marino A.	Investigation
7476	26/10/2006	Bodily harm by public official.	Agent of 911 emergency call system	Antoliano Aquino	Marcelino Recalde Aranda	Investigation
7530	01/11/2006	Deprivation of liberty and other abuses	Fernando de la Mora 2nd district police station	José Eduardo Vieira Zarate	José Eduardo Vieira Zarate	Investigation
8357	27/11/2006	Bodily harm by public official.	Police station of 21st district and others	Selva Stcheverry	Carlos Estigarribia and others	Investigation
8452	30/11/2006	Bodily harm by public official.	Unnamed persons	Prosecuting Officer Juan Avalos	Unnamed persons	Closed
8424	29/11/2006	Bodily harm by public official.	Personas Innominadas	Maria Estela Cáceres	Víctor Alderete and others	Closed
9135	27/12/2006	Bodily harm by public official.	Alberto Buenaventura Cantero	Melanio Medina	Candido Aquino and others	Investigation

2007

<i>Case no.</i>	<i>Date of registration</i>	<i>Punishable offence</i>	<i>Charged or reported</i>	<i>Complainant</i>	<i>Victim</i>	<i>Stage in proceedings</i>
220	10/01/2007	To be determined	F.F.A.A	Clara Rolón	Victor Coronel	Closed
2762	27/03/2007	Torture	Yby Cuá police station	Cesar Baez	Eduardo Vera	Investigation
3749	24/05/2007	Bodily harm by public official	Ñemby 7th district police station	Roberto Presentado	Roberto Presentado	Investigation
5164	26/07/2007	Harassment	Juan Pedro Shaerer and others	Pastora Arrióla	Pastora Arrióla	Rejected
5201	27/07/2007	To be determined	6th district police station	Raúl Casanello	Raúl Casanello	Investigation

<i>Case no.</i>	<i>Date of registration</i>	<i>Punishable offence</i>	<i>Charged or reported</i>	<i>Complainant</i>	<i>Victim</i>	<i>Stage in proceedings</i>
6469	18/09/2007	Bodily harm by public official	Villa Hayes 4th district police station	Fiscal Ysaac Ferreira	Vicente Gaona and others	Investigation
6563	21/09/2007	Bodily harm by public official	5th district police station	Susana Zarza	Susana Zarza	Investigation
7479	29/10/2007	Bodily harm by public official.	Unnamed persons Innominadas	Camilo Torres	Jorge David Benitez	Investigation
7577	30/10/2007	Bodily harm by public official.	Gustavo Achar	Prosecuting Officer Juan Avalos	Carlos Pereira Duarte	Investigation
8177	26/11/2007	Bodily harm by public official.	7th district police station	Francisca Esquivel Benitez.	David Daniel esquivel	Investigation
8775	22/12/2007	Bodily harm by public official	1st district police station	Juan Bautista Saldivar	Juan Bautista saldivar	Investigation
8899	28/12/2007	Enforced disappearance	Unnamed persons	Truth and Justice Commission	Unnamed persons	Investigation

2008

<i>Case no.</i>	<i>Date of registration</i>	<i>Punishable offence</i>	<i>Charged or reported</i>	<i>Complainant</i>	<i>Victim</i>	<i>Stage in proceedings</i>
480	23/01/2008	Bodily harm by public official	9th and 21st district police stations	Rodolfo Ramón Bordoy R.	Rodolfo Ramón Bordoy R.	Investigation

Paragraph 17

The Committee regrets the lack of objective criteria governing the appointment and removal of judges, including Supreme Court justices, which may undermine the independence of the judiciary (article 14 of the Covenant).

The State party should take effective action to safeguard the independence of the judiciary.

18. It should first be emphasized that the final stage in the procedure for the selection of magistrates and members of tribunals rests with the Supreme Court of Justice, which takes the final decision regarding actual appointment, except in respect of judges in the Supreme Court of Justice and magistrates in the Electoral Court (appointed by the Senate, with the agreement of the executive authority) and the Attorney-General (appointed by the executive authority with the agreement of the Senate). With regard to the functions that clearly fall to the Council of the Judiciary, as laid down by the Constitution and legislation, and the advances made in its work, particular note should be taken of the following.

19. Since its establishment by the 1992 Constituent Assembly, the Council of the Judiciary, which is the body responsible for selecting candidates for judicial posts, has been gradually evolving. Initially, in accordance with the provisions of the Constitution, Act No. 296/94 and its

Rules of Procedure, selection was based on suitability, in the light of each candidate's merits and abilities. Clearly, it has always been the concern of the Council to make such selection transparent. The original selection procedure, which consisted in examining curricula vitae and subsequently sending short lists to the Supreme Court of Justice or the Senate (as the case might be), did not ensure the requisite transparency or publicity with regard to the criteria applied by members of the Council in their examination of candidates' files.

20. Following the elaboration and entry into force of the Regulation (Act No. 804 of 13 September 2004) laying down criteria developed by the College of Magistrates for the selection and examination of candidates for judicial office, selection criteria have become more transparent and better known. This Regulation established a system for grading candidates' profiles, in addition to an examination covering general and specific knowledge which, as its name suggests, measures the level of general knowledge in the area of interest to the candidate. No less important is a test designed to measure psychological, technical and occupational fitness, provided for the Regulation but not yet put into practice for budgetary reasons.

21. The purpose of this test is to measure personality, emotional character, tolerance level, frustration, general, specific and logical intelligence, reasoning and fitness for the vacant post applied for, in accordance also with the special profiles established.

22. Moreover, for the purposes of a more efficient and more transparent selection procedure, the Council of the Judiciary has entered into an agreement with the United States Agency for International Development (USAID), which regards the Council as the key institution in the legal reform process. In April 2005, it provided assistance in the following areas in particular: (a) analysis of the current legal framework for the selection of magistrates; (b) establishment of an electronic roster of candidate magistrates and the regulations required to develop, use and maintain this roster. The roster will provide the Council of the Judiciary with a means of improving its work, performing more efficiently, speeding up responses, saving time and resources while increasing reliability and security, providing accurate information about candidates in the selection process.

23. The training of lawyers and magistrates is a priority for the judicial system, given that the better prepared they are, the better they will be able to serve society. For this reason, the College of Magistrates was founded (Act No. 1376/98). This institution comes under the Council of the Judiciary and is designed to provide specialized legal training in order to help improve the administration of justice. Completion of the College of Magistrates course and the qualifications thereby obtained are taken into account in evaluating candidates for posts in the Office of the Official Guardian and the Public Prosecutor's Office.

24. The Council of the Judiciary is committed to ensuring that the independence of the judiciary is not just an ideal but a reality contributing to the well-being of society.

25. The Tribunal for the Prosecution of Judges is a specific constitutional body, independent of the powers of the State, vested with sole and exclusive competence for judging and removing magistrates and prosecutors for the commission of offences or misfeasance of office, with the ultimate aim of protecting public interest against abuses of judicial power. In other words, its purpose is not the individual punishment of those prosecuted but the protection of legal interests entrusted to them by society. In short, it has oversight over those who exercise judicial duties and

in that capacity applies the relevant rules to guarantee the rights of citizens and guarantees due process in determining the responsibility of magistrates and prosecutors.

26. In the period 31 October 2005 to 9 October 2006, 33 final judgments were handed down, including 26 acquittals, five removals and two annulments. In addition, in accordance with the power granted to the Tribunal by article 16 of Act No. 1084/97 and the amendment thereto contained in Act No. 1752/01, 17 proceedings were initiated ex officio and 27 applications were rejected *in limine*, each time in accordance with the abundant and consistent case law established by this body.

27. Following the amendment of Act No.131 of 1993 by Acts No. 1084 of 1997 and No. 1752 of 2001, which set out the rules governing the procedure for trying and removing magistrates, parties to judicial liability proceedings against magistrates of the judicial system and members of the Public Prosecutor's Office were provided with better guarantees and the Tribunal was thereby able to perform its constitutional task more efficiently. However, some significant gaps have been noted in its technical and legislative structure, which must necessarily be remedied in order for it to play its role as a judicial watchdog, which does not in any way mean that the constitutional principle of due process is violated. A project for the reform of the aforementioned laws was submitted to the Chamber of Deputies on 9 December 2004.

28. A list of the cases in which, from 31 October 2005 to 9 October 2006, the aforementioned final and interlocutory judgments were handed down is annexed to this document.¹

Paragraph 21.

The Committee notes that, despite some legislative and institutional progress, child labour still persists and the number of street children remains high (articles 8 and 24 of the Covenant).

The State party should take steps to ensure respect for children's rights, including urgent steps to eradicate child labour.

29. Concerning action taken to give effect to the recommendation of the Human Rights Committee, as the monitoring body of the International Covenant on Civil and Political Rights, Paraguay, since its ratification of International Labour Organization (ILO) Conventions No. 138, concerning the Minimum Age for Admission to Employment, and No. 182, concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, has developed a series of activities to reduce child labour and eventually to eliminate it.

30. In 2005, the Government issued Decree N.º 4951, which lists dangerous forms of child labour and prohibits minors under the age of 18 from engaging in them (article 13). Article 2.2 of the Decree expressly includes among such forms of labour work on the public highway and itinerant labour, which carry risks of road accidents, respiratory, neurological and dermatological problems due to environmental pollution and solar radiation, risks of psychological and sexual abuse, stress, fatigue, psychosomatic disorders, low self-esteem, difficulties of socialization, aggressive and anti-social behaviour, depression, substance addiction and early pregnancy, in particular.

¹ The annexes were transmitted with the original documents.

31. In addition, the National Commission for the Eradication of Child Labour and the Protection of Adolescent Labour (CODENI), a quadripartite body chaired by the Ministry of Justice and Labour and composed of Government representatives, has, with the support of the ILO IPEC programme, developed a plan of activities for 2006 which includes the following:

- a) Compilation and adoption of the Adolescent Labour Register;
- b) Organization of seven workshops for a total of 80 member of the Municipal Councils for the Rights of Children and Adolescents (CODENI) in the cities of Asunción, Caacupé, Concepción, Coronel Oviedo, Carapeguá, Encarnación and Ciudad del Este;
- c) Organization of workshops with 65 work, health and occupational safety inspectors and representatives of the public passenger transport sector, all under the Ministry of Justice and Labour, focusing on the National System for Child and Adolescent Protection and Advancement, the Worst Forms of Child Labour, the Adolescent Labour Register and the inspection system;
- d) Organization of a workshop for adolescents and NGOs concerned with childhood issues;
- e) Printing of 25,000 copies of the Adolescent Labour Register for distribution among CODENIs throughout the country;
- f) Printing of 7,000 three-page leaflets on the worst forms of child labour;
- g) Design and printing for distribution of 7,000 two-page leaflets on protected adolescent labour;
- h) Organization of working breakfasts with representatives of professional associations and trade unions respectively, to inform them of the Register and encourage its use.

32. The Ministry of Justice and Labour and the National Secretariat for Childhood and Adolescence have been carrying out joint activities on the subject of child labour. The National Council on Childhood and Adolescence, for its part, serves as a permanent forum on issues relating to child labour and how they are affected by public policies.

33. Following a meeting held this year by the Ministry of Justice and Labour with senior officials of the Office of the Ombudsman, attached to the judicial authority, a procedure was established for the use of adolescents required to appear in court with Ombudsman representation, in cases where they cannot be represented by parents. This allows them to seek judicial remedy in cases where their labour rights have not been respected.

Child labour progress report – street children

34. With regard to the normative framework and the advances achieved, mention may be made of the following legislative measures:

- a) Decree N.º 4907 of 10/3/2005 establishing the National Committee for the Protection of Street Children (CONASICA);

b) Decree N.º 4951 of 22/3/2005 regulating implementation of Act N.º 1657/2001 and approving the 'List of dangerous forms of child labour';

c) Decree N.º 2645 of 08/6/2004 approving the National Plan for the Prevention and Eradication of Child Labour and Adolescent Labour Protection';

d) By Decree N.º 2616/04, the Government recognized as being in the public interest activities to commemorate the World Day against Child Labour, inviting citizens to discuss and undertake action to prevent and gradually eliminate child labour in Paraguay. By Resolution No. 3.631, the Ministry of Education and Culture decided to observe the date (12 June) and instructed educational institutions to carry out activities to mark the occasion;

e) Promulgation of Act No. 1980/02 on first employment, aimed at laying down rules for regulating, encouraging and promoting salaried youth employment;

f) As a member of CONAETI, the Secretariat for Childhood and Adolescence has collaborated actively in compiling material for the Adolescent Labour Register, in accordance with the rules set out in Act No. 1680/2001, articles 55 to 57;

g) By Resolution N.º 701 of 03/10/2006, the Ministry of Labour and Justice approved the format and design of the Special Adolescent Labour Register and stipulated that the Register must be used by the Municipal Councils for Children and Adolescents under the supervision of the Ministry of Justice and Labour;

h) To ensure the proper use of the forms involved, day-long training sessions were organized with CODENI Councillors from that date until 2 November 2006 in a number of Departments in the country (Concepción, Cordillera, Central, Alto Paraná, Ka'aguasu, Paraguari and Itapúa).

i) The Trade Union Coordination of Paraguay, (CUT - CNT - CUT -A - CGT and CPT) aware of the problem of child labour and the right of children to benefit fully from their childhood, has also launched a campaign to reduce child labour among children under the age of 14.

35. Mention should be made of the following specific actions.

National Committee for the Protection of Street Children

36. The National Committee for the Protection of Street Children (CONASICA) was established by Presidential Decree N.º 4907 of 10 March 2005. It comprises an NGO working group. Its aim is the reintegration of street children and their families, to whom it offers comprehensive care with a view to restoring their rights. Within the CONASICA framework, five sub-commissions were set up, which established a work plan along the following lines:

- a) Approach (in the street);
- b) Shelters;
- c) National Plan of Action;
- d) Strengthening the family;

- e) Street children prevention.

37. The Committee is chaired by the National Secretariat for Childhood and comprises the following institutions:

- a) Ministry of Public Health and Social Welfare;
- b) Ministry of Education and Culture
- c) Ministry of the Interior;
- d) Ministry of Finance;
- e) Secretariat for Women;
- f) Secretariat for Social Action;
- g) Technical Secretariat for Planning;
- h) National Secretariat against Drugs;
- i) National Secretariat for Sport;
- j) Departmental Council for Childhood and Adolescence, for cities with street children;
- k) Three reputed non-governmental organizations (NGOs) selected by a consensus of NGOs;
- l) Chamber of Industry;
- m) Chamber of Commerce.

38. Decree N.º 5988 of 20 July 2005 partially amended the previous Decree, adding the following institutions to the Committee's membership:

- a) Social Welfare and Assistance Department (DIBEN);
- b) The Paraguayan Human Development Network (REPADEH);
- c) Municipal authorities.

Programmes of all the member institutions of CONASICA and coordination between them

39. CONASICA activities are organized along the following lines:

Geographical targeting and zoning of the target group;

Mapping, classification and registration (child and family cards);

Preparation of the plan of action (specialized committee). The Committee is authorized by the same decree to draw up its plans of action and its rules of procedure.

Care and rehabilitation of children with or without family ties according to rights violated.

Family and community reintegration for children with family ties.

Street children monitoring and protection.

40. The Programme is divided into four components whose expected results are as follows:

41. Component 1: Inter-institutional coordination. Street children issues are a cross-cutting theme in institutions that form the specialized committee.

42. Component 2: Effective integration. Children covered by the project receive comprehensive care with a view to restoring rights violated through the conditions of street life.

43. Component 3: Strengthening of the family and the community for comprehensive childhood protection:

- a) Psychological and social support is provided to families to strengthen family ties;
- b) Families receive material assistance (solidarity vouchers) on a condition of shared responsibility
- c) Families receive job training which enables them to have an income;
- d) Social investments in the municipalities and communities from which the children have been excluded (play areas, nursery schools, community centres, canteens, etc.)

44. Component 4: Monitoring and evaluation. All the components of the project are monitored and evaluated to ensure its continuing effectiveness.

45. Since the establishment of CONASICA, its various member institutions, mindful of the need to coordinate their efforts to provide comprehensive care for street children, have launched the following programmes:

Comprehensive care programme for vulnerable children and adolescents in the streets of Asunción (PRAIN) implemented by the Paraguayan Human Development Network (REPADEH)

46. The general aim of this programme is to extend comprehensive care to vulnerable children and adolescents in the streets of Asunción with a view to providing them with temporary homes, together with food, health, education, psychological counselling, recreation and job training services and initiating with them a process of family, community and social reintegration.

47. The programme is designed to provide care for a total of 300 children and adolescents up to the age of 17 over a four-year period.

48. The programme is in three stages:

49. Stage 1 (training), aimed at establishing bonds of friendship and trust with the children and adolescents and interesting them in an option other than that of living in the street.

50. Stage 2 (integration into temporary homes), aimed at offering children and adolescents a substitute family life that meets their basic needs, so as to guide their family, community and social reintegration. The temporary home is located in an area of land measuring just over 18 hectares and comprises 10 houses that can accommodate 12 children under the responsibility of host families.

51. The site has facilities for the development of training and subsistence activities, including a milking yard, a stockyard, a vegetable garden, a fish farm and an ornamental fish pond. It also contains an orchard, a sports field, a medical centre and an education centre in operation.

52. Stage 3 (family reintegration), aimed at reintegrating the children or adolescents into their families and communities. This requires the development of a family reintegration plan that takes into account the factors to which they owe their vulnerability

53. Stage 4 (long-term homes), aimed at housing adolescents who do not meet the minimum requirements for integration into their families. This stage includes a special educational and occupational integration programme.

54. Financial assistance and training are provided to families that are at an advanced stage in reintegrating children and adolescents into the basic nucleus. Upon completion of the reintegration process, the families continue to receive support.

55. This programme is directed at children and adolescents living in the street without family ties, regardless of whether or not they work.

56. In 2007, **170 children and adolescents** were reintegrated into their families.

57. The following results were achieved in 2005:

- a) Restoration of rights of abandoned children: 42 children;
- b) Children registered: 458;
- c) Children having undergone detoxification: 70, at Alceina and detoxification centre;
- d) Children housed: 39, in a number of special centres (Hogar Don Bosco Roga, Tekové Pyahú, Mujer Tu importas);
- e) Children reintegrated into their families: 9;
- f) Children back in the street: 15;
- g) Children transferred to INDI and the Takuaró community: 22;
- h) New approach procedure designed and coordination with governmental and non-governmental organizations (Callescuela, Don Bosco Roga, Hogar Mimbi, etc.) with a view to its implementation.

58. Inter-institutional coordination meetings were held as follows:

- a) 20 and 28 July 2006: plenary meetings;
- b) 19 and 23 August 2006, respectively: one plenary meeting and one meeting of sub-commission on approach procedure;
- c) 5, 8 and 14 September 2006: meetings of the sub-commission on approach procedure.

59. Street approach operations were conducted every week between 4.30 p.m. and 8 p.m. with the following results:

- a) July 2006: Approaches were made on Monday, 4, 11, 18 and 25 July: 15 children entered the Alceina home and 17 returned there; 15 children were transferred to Tape Pyahu and four children were recovered by their families;
- b) August 2006: Approaches were made on Monday, 1, 8, 17 and 26 August: 15 children entered the Alceina home and three returned there; four were transferred to Tape Pyahu;
- c) September 2006: Approaches were made on Monday, 2, 12, 19 and 26 September: 21 children entered the Alceina home, eight returned there; seven children were transferred to Tapé Pyahú, 15 children returned to the street, and seven remained in Alceina;
- d) October 2006: Approaches were made on 3, 11, 12 and 19 October;
- e) November 2006: Approaches were made on 18, 22 and 25 November;
- f) December 2006: Approaches were made on 20 and 22 December.

60. A census was taken, in the course of the approaches made, in the areas of Microcentro, Mercado 4, Mercado de Abasto, Shopping Multiplaza Km.5, Bus Terminal at Asunción and Esquinas, where most street children are found.

61. Summary of activities for January-December 2006: 33 days of approaches: 458 children and adolescents registered on cards and sent to the STP for processing of their files and then to the Secretariat for Social Action.

Programmes and results in 2006

<i>CONASICA Programme/Project</i>	<i>Beneficiaries</i>	<i>Results to date (October 2006)</i>
Approach and comprehensive care	Children and adolescents living in the street, with no family ties, suffering from drug addiction, to initiate a process of detoxification and restoration of rights.	46 children sent to care and detoxification centres
REPADEH's PRAINIA Programme	Street children between the ages of 6 and 14 in Asunción and Gran Asunción.	120 receiving help under the project. 66 children in the process of family reintegration.
The Social Welfare and Assistance Department (DIBEN) under the home strengthening project for child street workers, provides financial assistance to families and dental care and distributes food packages .	Socially vulnerable families.	600 families, 1,800 children.

The *Abrazo* programme

62. Another one of the CONASICA action programmes is the *Abrazo* programme, designed to bring about a gradual decrease in child street work, in Asunción and 10 districts of Central Department. It is carried out by the Secretariat for Social Action, with the support of the National Secretariat for Childhood and Adolescence and the United Nations Children's Fund (UNICEF), and caters every day to more than 1,350 children who attend the care centres opened by the programme. It fits into the Poverty Reduction and Alleviation Strategy and also forms part of:

a) The Comprehensive Care Plan for street children coordinated by the Secretariat for Childhood and Adolescence, launched in February 2005;

b) The National Plan against Poverty and the Social Protection Network put in place by the Government.

63. The successive stages of the programme are as follows

a) Targeting and registration in the street;

b) Inviting families to participate in the programme;

c) Interviews, commitment by families and visits to the homes of the child workers;

d) Children attend the 114 centres opened in the following cities: Luque, Fernando de la Mora, Lambaré, Villa Elisa, Ñemby, San Lorenzo, Itauguá, Capiatá, Limpio, Mariano Roque Alonso, Asunción and Ciudad del Este;

e) Selected, registered families receive solidarity vouchers

f) The families benefit from public services;

g) The families are offered the possibility of training and obtaining an income;

h) The children stop working in the street and their families improve their living conditions.

64. The *Abrazo* programme offers a presence in the street, care in centres, support for the family, means of income generation and vouchers.

Results of the *Abrazo* programme up to 2007

65. The *Abrazo* programme resulted in 2007 in the daily attendance of 1,340 children and adolescents at its care centres in Asunción, thereby benefiting 665 families. At the same time, 391 families received solidarity vouchers..

66. In January 2007, the *Abrazo* programme launched its first operations in Ciudad del Este and started to adapt its management model. It targeted 200 children belonging to 147 families and succeeded in reaching 129 children belonging to 105 families. A total of 116 children regularly attend the Open Centre.

67. Among good practices in terms of strategy, mention should be made of technical cooperation under the networking project *Tejiendo Redes*; at the regional level, two school action models have been developed².

68. The *Abrazo* programme has a comprehensive care target of 1,600 child street workers and 800 families living in extreme poverty. It provides services in five areas: identity papers; culture and sport; food and health; work and income; education.

69. The programme has achieved the following:

a) Project for the Prevention and Eradication of Domestic Child Labour in the Homes of Third Persons, aimed at contributing to the eradication of child labour and strengthening the system of protection for children and adolescents in Paraguay; it is carried out by Global Infancia and ILO, with the support of the National Secretariat for Childhood and Adolescence.

b) The Secretariat for Childhood and Adolescence has collaborated with the International Programme on the Elimination of Child Labour (IPEC) in investigations undertaken in the Department of Canindeyú. This investigation has yielded information about the characteristics of the work performed by children and adolescents in the agricultural sector. It has also provided a basis for analyzing gender variables, determining the relations between school attendance and work and establishing a typology of labour hazards linked to climate and topography and the exposure of children to chemical and toxic materials, thereby offering a broad picture of the child labour situation. This study marked a further stage in public and private action to protect children's rights in Paraguay with a view to boosting efforts to eliminate child labour.

70. Up-to-date information is provided below from the Secretariat for Childhood and Adolescence concerning, in particular, programmes to combat child labour.

Comprehensive Care Programme for Street Children implemented by the National Secretariat for Childhood and Adolescence

71. The goal of this programme, which started up in 2005, is the social reintegration of street children and their families through the provision of comprehensive care to such children with a view to the restoration of their rights. The strategic principles on which the programme is predicated are: comprehensiveness, targeting, equity, participation, decentralization, sustainability and a rights-based approach.

72. The target group consists of about 1,500 children, 200 of whom are without family links, broken down as follows:

1. Working children with a nuclear or extended family
2. Working children without family links
3. Children and adolescent addicts in conflict with the law
4. Indigenous children

² ILO-IPEC. Buenas prácticas y lecciones aprendidas: Tejiendo Redes contra la explotación de niños, niñas y adolescentes. Chile, Colombia, Paraguay y Perú. Lima, ILO, 2007.

73. The main activities of the programme are as follows:

Home support for child street workers

74. The help for street children project has been successfully carried out since 2004 and began with the allocation of grants to child and adolescent street workers, in view of the steady increase in the problem in Asunción, so as to offer a means of protecting them. The grant scheme continued in 2005, and was then expanded in 2006 to benefit entire families, who were thereby provided with a monthly allowance, food supplies and health care.

75. The project is designed to help child and adolescent street workers, whether or not they work in the company of their parents. It takes the form of the provision of aid, under certain conditions, monthly cash support and a food package distributed to parents or the responsible adults, along with medical and dental care to families. Parents or other adults concerned commit themselves in writing to ensure that the children stop working in the street and regularly attend school.

76. Beneficiaries are selected through approaches to children at the place of work, followed by interviews with the responsible adults and information meetings on the scope of the project. The selection process is coordinated with public institutions and NGOs working in the same areas.

77. The medical and dental care services are provided both to mothers and to the children concerned and include medicines and special examinations.

78. Monitoring and follow-up in the street is ensured in coordination with the institutions that are also involved in selecting the beneficiaries.

79. In 2007, DIBEN achieved the following: 1,000 children stopped working in the street and were enrolled in schools; 600 families received monthly support in the form of a cash allowance, food and medical and dental care; a comprehensive care centre for 100 children was officially established in Valle Pucu, Aregua.

80. The establishment of comprehensive care centres in the main areas identified as places that exclude families living in poverty, who go to downtown Asunción in order to join the informal market, is meant to serve the purpose of creating conditions conducive to the all-round development of children and to working with the family and the community. Such centres will be set up in coordination with municipalities, the Secretariat for Childhood and Adolescence and other institutions concerned, the objective being that the municipality and the community shoulder responsibility for the project and thereby ensure its sustainability.

81. A further achievement in 2007 was that 100 families of children working in Ciudad del Este received monthly cash allowances, taking into account the situation of children living in that city, exposed to various violations of their rights, and the characteristics of the city as a border zone.

Other results of various projects and programmes up to 2007

82. It should be noted that one of the results achieved in the period up to 2007 was that the programme benefited 1,700 children and adolescents belonging to 598 families in the city of Asunción. The families received a cash allowance and a food package containing such products

as milk, maté, oil, beans, noodles, antiparasite treatment and vitamins. Two days were also devoted to providing identity papers, which were issued to 124 children.

83. At the San Miguel Comprehensive Care Centre in Areguá remedial teaching was provided for an average of 70 to 85 children, enabling them to improve their performance, since 90 per cent received a pass mark and 70 per cent achieved better results. On average, 100 children were fed every day at the centre; 15 to 20 families received medical assistance and medicines; in May and November, weight and height were checked and it was found that, on average, the children had put on 3 to 5 kilos and had grown by 5 to 10 centimeters. Days were set aside for lice and parasite prevention and the treatment of dermatological problems. A total of 50 children received psychological attention, involving the establishment of psychological profiles by means of psychometric and projective tests.

84. Community canteens, intended to keep out of the street children and adolescents at risk, provided a means of feeding 1000 boys and girls every day and of enrolling 1000 boys and girls in school, with the support of organized groups who helped to run the canteens.

85. In Ciudad del Este, in 2007, solidarity vouchers were distributed to 114 families, who are also beneficiaries of the *Abrazo* programme of the Secretariat for Social Action.

Work with voluntary educators for the identification, monitoring and accompaniment of children performing or having performed domestic work

86. The process of self-development centred on self-esteem, which was the linchpin of this undertaking, entailed the creation of facilities in schools in order to offer children and adolescents in domestic service opportunities to develop attitudes and values that would help them to change their situation. The activities were conducted by the NGO Global Infancia between June 2005 and August 2007 through an action programme under the *Tejiendo Redes* project. It also forms part of the National Plan for the Eradication of Child Labour, which is a sectoral prong of the Childhood Action Plan and National Childhood Policy of Paraguay.

87. It was particularly important to work with teachers so that they would serve as agents for the protection of children and adolescents, since traditionally in Paraguay they act as intermediaries between the rural families of origin of the children and the urban families that take them in, in exchange for domestic service (a practice known as *criadazgo*). The transformation of teachers into 'voluntary educators' who monitor domestic child labour, both among children already in domestic service and among those at risk of being recruited for such work, is a major strategic factor in this undertaking.

88. The beneficiaries of the project were living in the cities of Mariano Roque Alonso, Ñemby, Capiatá, Areguá and Luque in Central Department and in the city of Encarnación, in the Department of Itapúa.

89. The aim was to provide personal development training centred on self-esteem for teachers so that they would be able in turn to dispense such training to the children and adolescents targeted by the action programme. The teachers would thus undertake effective and non-violent ways of improving the working conditions of child domestic workers and identify the real possibilities for putting an end to such service, organize self-esteem development workshops and,

subsequently, offer constant help to the children and adolescents concerned by helping to create a support structure.

90. Awareness-raising activities were also undertaken among the various social actors, mainly involving voluntary directors and officials of the Municipal Councils for the Rights of Children and Adolescents.

91. In quantitative terms, 60 teachers received training, of whom 49 became voluntary educators, monitoring 363 child domestic workers. In 15 schools, the voluntary teachers became reference points, to whom children who feel threatened can turn.

92. The impact of the project can also be seen in the number of child workers who stay at school and in their improved performance. Several beneficiaries noted that the workshops made them feel loved and understood and that, subsequently, they were more inclined to stand up for their rights.

93. Lessons learned include the following:

a) The advantages of the use of a school context to combat school labour were highlighted;

b) For similar projects, each municipality would need a bigger technical team, which would offer better backing to voluntary teachers and help to build their technical and methodological capacity;

c) In the design of this kind of undertaking, provision should be made more explicitly, as part of the strategy, for mechanisms for counteracting the possible negative impacts on children of the fear felt by employers in the face of awareness-raising activities.

Prevention of domestic child labour and sexual exploitation for commercial ends through awareness-raising for teachers, children and adolescents in schools; application of the SCREAM methodology by the Ministry of Education

94. This initiative was designed to promote changes in social and cultural attitudes towards child labour as a precondition for its prevention and gradual elimination by incorporating within the regular framework of the Ministry of Education and Culture the methodology and aims of SCREAM (*Supporting Children's Rights through Education, the Arts and the Media*) and giving a voice to children who suffer in silence. It was carried out between 2005 and 2007 by means of contracts for services under the *Tejiendo Redes* project.

95. This methodology, developed by the International Labour Organization, comprises a set of 15 multi-purpose modules that can be applied in an open manner, totally or in part, in a formal or non-formal educational setting, in any geographical or cultural framework, with various groups (although designed essentially for adolescents) and well able to be adapted to the educational and social realities addressed. It accordingly offers creative and dedicated teachers good possibilities of action.

96. The SCREAM training and social mobilization project 'An end to child labour!' aims to help teachers throughout the world to inform and develop the awareness of young people about child labour.

97. Use of the SCREAM methodology in 2005 and 2006 led to greater awareness among children, teachers, fathers, mothers and other key actors regarding the danger represented by child labour. As a result of this initiative, in December 2006, the Ministry of Education in conjunction with the National Secretariat for Childhood and Adolescence requested the directors of the *Tejiendo Redes* programme to introduce it into schools in five Departments in the country, selected by the Directorate of Supervision Coordinators - Alto Paraná, Canindeyú and Itapúa (where there were the highest risks and vulnerability), San Pedro and Guairá (where there was very low school enrolment). This last stage in the operation ran through 2007 and provided training for departmental supervisors, principals and teachers.

98. The methodology adopted by the Ministry of Education, which encourages solidarity and commitment on the part of adolescents towards their peers, was used with more than 15,000 young people over a period of three years. In 2005, it benefited from the participation of 30 teachers who applied the methodology to 633 pupils in the first and second levels of basic education in Caacupé and Tobatí, in the Department of Cordillera. In 2006, 65 teachers participated, applying the methodology to 2,700 pupils in the third level of basic and middle education in Arroyos and Esteros, San Bernardino, Atyrá and Tobatí, in the Department of Cordillera. In 2007, 300 teachers participated, applying the methodology to 12,500 pupils in the following five Departments: Alto Paraná, Guairá, Canindeyú, Itapúa and San Pedro.

99. This initiative revealed the value of preventive work in the sphere of public education, based on the adoption of a gradual approach. The results achieved at each level must be turned to account in order to promote the gradual spread of this approach and system-wide application of its methods and objectives.

100. With regard to the legal framework in Paraguay, it should be noted that it comprises a series of provisions that establish special protection for adolescent workers, including:

a) In the Childhood and Adolescence Code (Act No. 1680), the right of children and adolescents to be protected against any form of exploitation (article 25) and in the provisions of Book Two, Title Two (Protection of Adolescent Workers), Chapters I to IV and other related provisions;

b) In the Labour Code (Acts No. 213 and No. 496), Labour Guarantees, articles 8, 9, 11 to 16 and 19, and in the provisions of Book One, Title III, Chapter II, Regarding Work by Minors and Women, which were not repealed by the new Childhood and Adolescence Code, and the penalties provided for therein by articles 384, 385 and 389;

c) In the Criminal Code, the general provisions contained in article 12 and the particular provisions contained in articles 124, 125, 128, 129, 132, 134 to 138, 140, and 203 to 205;

d) Act No. 1657/01, ratifying ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (1999);

e) Act No. 2332/03, ratifying ILO Convention No. 138 concerning the Minimum Age for Admission to Employment (1973).

f) Act No. 1652, establishing and organizing the basic and further occupational training system. Article 4 provides that the system is for the benefit of young people between the ages of

14 and 25 applying for employment for the first time. They are therefore the subjects and the beneficiaries of the training process provided by this law, which thus better adapts occupational training to the requirements of the job market and is one of the central planks of labour policy, particularly for the promotion of youth employment. It is underpinned by a system for monitoring the working conditions of adolescent workers, which ensures that their work is not detrimental to their education or health and, ultimately, to their physical, intellectual and moral development;

g) Executive Decree N.º 4951/05, regulating the implementation of Act No. 1657/01, which prohibits the employment in certain activities of minors under the age of 18;

h) Resolution N.º 701/06 of the Ministry of Justice and Labour, approving the format of the Adolescent Labour Register, which is mandatory throughout the country.

101. With regard to formal institutional mechanisms for investigating and addressing complaints relating to child labour, there exist two such mechanisms, one for questions relating to child labour, the other for the protection of adolescent workers.

102. In the case of the former, inspectors from the Ministry of Justice and Labour are authorized to monitor enterprises and workplaces where adolescents are employed in order to check that they are registered with the CODEN of their municipality and whether the employer has proof thereof. The Register is a means of protection not only for the adolescent but also for the employer, since it contains the parents' or tutors' authorization for the adolescent to work.

103. In cases where the employer does not have the necessary proof that the adolescent is authorized to work in the enterprise in question, the inspectors are required to initiate an administrative procedure to ascertain whether or not the employer bears responsibility for non-compliance with the obligation to enter the adolescent in the Register.

104. If, as a result of the administrative inquiry, the enterprise is penalized for administrative fault, the procedure followed is that laid down in the Labour Code, which provides in article 384 that 'the penalties specified herein shall apply without prejudice to other liabilities, compensations or payments of any kind provided for in this Code, in the event of non-compliance with its provisions (...)'. Article 385 further provides that 'failure to comply with the provisions of this Code shall, in the absence of any special penalty to that effect, be penalized by a fine of 10 to 30 times the minimum daily wage for each worker concerned; this fine shall be doubled for a repeated offence. For each case of non-compliance with the legal obligations of the employer towards the Labour Administration, a fine shall be imposed of 10 to 30 times the minimum daily wage; this fine shall be doubled for a repeated offence, without prejudice to other provisions of the law (...)'.

105. Furthermore, article 389 of the Labour Code stipulates that 'an employer who obliges children aged under 18 years to work in unhealthy or hazardous places or to perform night work in industry shall be liable to a fine (...). An employer who employs children aged under 12 years shall be liable to a fine of 50 times the minimum daily wage; this fine shall be doubled for a repeated offence. Any authorization for a child to work given by his legal representative in contravention of the law shall constitute grounds for voiding the labour contract and the legal representative in question shall be liable to a fine of 50 times the minimum daily wage for every child affected; this fine shall be doubled for a repeated offence (...)'. Article 398 provides that 'the penalties provided for herein shall be imposed summarily by the competent administrative

authority following a hearing of the offender and taking into account the evidence produced. Recourse against this decision may be sought from the Labour Tribunal. In cases where the offender accepts the fine and pays it within 48 hours, the fine shall be reduced by 50 per cent’.

106. The second case arises when a formal complaint has been lodged with the Office of the Prosecutor for Criminal Cases for violation of ILO Convention No. 182, the Childhood and Adolescence Code and Decree No. 4951 listing the worst forms of child labour, or in cases where it is alleged that the employer employs children under the minimum age of employment, which is 14 years in our country. In such cases, the appropriate judicial organ is the criminal court and the employer will be charged with punishable offences covered by the Paraguayan Criminal Code. The relevant articles of the Criminal Code are article 204 (Dangerous activities in the building industry), which provides that ‘whosoever, within the framework of commercial or professional building activities, and in serious breach of technical safety requirements, plans, builds, alters or demolishes a built structure, thereby endangering the life or physical integrity of other persons, shall be punished by up to five years’ imprisonment or a fine, or if such offence is the result of culpable behaviour, it shall be punished by up to two years’ imprisonment or a fine’, and article 205 (Exposure of persons to dangerous places of work), which stipulates: ‘1. The proprietor of an establishment or company and the official responsible for industrial injury prevention who (a) is at the origin of or does not prevent non-compliance at work sites or work places with legal provisions regarding safety and accident prevention in places of work, or (b) clearly fails to comply with technical safety requirements and thereby endangers the life or physical integrity of others shall be punished by up to five years’ imprisonment or a fine. 2. Employers who, in accordance with (a) fail properly to inform employees about work-related dangers to life or physical integrity and preventive measures shall be punished by up to three years’ imprisonment or a fine. 3. Whosoever commits such offence as a result of culpable behaviour shall be punished, in cases under (a) by up to three years’ imprisonment or a fine, and, under (b) by a fine’.

107. Paraguay has a number of monitoring mechanisms in place for issues relating both to the prohibition of child labour and to the protection of adolescent workers.