

# PARAGUAY 2018 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In April, Mario Abdo Benitez of the Colorado Party, also known as the National Republican Association (ANR), won the presidency in elections recognized as free and fair. Legislative elections took place at the same time.

Civilian authorities at times did not maintain effective control over the security forces. Critics asserted the government did not deploy or monitor forces effectively, particularly in the northeastern section of the country.

Human rights issues included reports of torture by government officials; harsh and at times life-threatening prison conditions; arbitrary arrest and detention; corruption of prosecutors and judges, and police involvement in criminal activities; violent intimidation of journalists by organized crime groups and government officials; legal impunity and widespread corruption in all branches and all levels of government; widespread and sometimes lethal violence against women and indigenous persons, despite government efforts to curtail such acts, as well as police violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; and child labor, particularly in domestic service and informal agricultural sectors.

The executive branch took steps to prosecute and punish low- and mid-ranked officials who committed abuses, but general impunity for officials in the police and security forces continued to be widely reported.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

In contrast with the previous year, as of October 1, there were no reports that the government or its agents committed arbitrary or unlawful killings.

On July 2, a court convicted police officer Gustavo Florentin of homicide for the March 2017 shooting of Liberal Party official Rodrigo Quintana following protests that resulted in the partial burning of the congressional building. The judge sentenced Florentin to 12 years in prison.

On July 26, the Supreme Court annulled the convictions of all 11 defendants found responsible for the 2012 Marina Cue confrontation near Curuguaty that resulted in the deaths of 11 farmers and six police officers. Senate President Fernando Lugo did not follow up on the Senate-appointed independent commission report on the role of the police in the Marina Cue events during his tenure as senate president, which ended on July 1. As of August 24, Senate President Silvio Ovelar, who began his term on July 1, had not followed up on the report. Authorities had not prosecuted any members of the police involved in the incident.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

The Special Human Rights Unit in the Attorney General's Office investigated cases of forced disappearance and kidnapping.

On February 5, the Paraguayan People's Army (EPP), a rebel guerilla group, released hostages Franz Hiebert Wieler and Bernhard Blatz Friessen, kidnapped in August and September 2017, respectively. The EPP released the two farmers after their families paid a ransom of \$500,000 for Hiebert Wieler and \$750,000 for Blatz Friessen.

On January 11, the government found the remains of Abraham Fehr, a Paraguayan-Mexican farmer kidnapped by the EPP in 2015. The EPP had previously communicated to Fehr's family the location of the remains. An autopsy confirmed Fehr's identity and determined he died soon after his abduction.

On April 11, authorities informed the family of Eladio Edelio Morinigo, a police officer kidnapped by the EPP in 2014, that they believed Morinigo was deceased. Authorities relied on a note found in an alleged EPP camp with instructions on how to dispose of Morinigo's corpse. It was the first time the government provided this type of information without having located the victim's remains. Morinigo's death was not definitively confirmed.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The law prohibits such practices, and the government generally respected these provisions, but there were credible reports that some government officials

employed such practices. The Attorney General Office's Special Human Rights Unit opened 18 torture investigation cases during the year, but there were no convictions, and all investigations were pending as of September 5. Unlike other criminal cases, torture charges do not have a statute of limitations or a defined period within which charges, an investigation, or the oral trial must be completed. The unit was investigating more than 100 open cases as of September 5, including many from the 1954-89 Stroessner dictatorship.

In October 2017 the government's quasi-independent watchdog agency, the National Mechanism for the Prevention of Torture (NMPT), filed a report alleging that officials at the Villarica penitentiary tortured inmates Esteban Villasanti, Fidel Villasanti, and Alicia Caceres. The Attorney General's Human Rights Unit continued to take witnesses' sworn statements throughout the year.

Several civil society groups publicly criticized, and called for, the disbandment of the Joint Task Force (FTC) for human rights violations and corruption in the northeastern region of the country. The FTC operated in the region with the principal goal of eliminating the EPP and included personnel from the armed forces, National Police, and National Anti-Narcotics Secretariat (SENAD).

### **Prison and Detention Center Conditions**

Prison and detention center conditions were harsh and, at times, life threatening due to inmate violence, mistreatment, overcrowding, poorly trained staff, deteriorating infrastructure, and unsanitary living conditions.

Physical Conditions: According to the NMPT, prisons were overcrowded, with inmates at some facilities forced to share bunks, sleep on floors, and sleep in shifts. As of August 13, the Ministry of Justice reported the country's 18 penitentiaries held 52 percent more inmates than their design capacity allowed. The NMPT also reported that four of the eight facilities for juveniles had exceeded their design capacity. Penitentiaries did not have adequate accommodations for inmates with physical disabilities. The Justice Ministry's Directorate for the Care of Convicted Juveniles assigned minors convicted of juvenile crimes to one of eight youth correctional facilities, one of which was dedicated to young women.

Prisons and juvenile facilities generally lacked adequate temperature control systems, of particular concern during hot summer months. Some prisons had cells with inadequate lighting, in which prisoners were confined for long periods without an opportunity for exercise. Although sanitation and medical care were

generally considered adequate, some prisons lacked sufficient medical personnel. Adherence to fire prevention norms was lacking.

Government authorities in the northeastern region of the country along the border with Brazil continued to report inmate recruitment within the prisons by members of the Brazilian First Capital Command gang.

Administration: Authorities conducted some investigations of credible allegations of mistreatment, but the NMPT stated authorities failed to conduct sufficient investigations, particularly into prison directors with previous accusations of mistreatment. During the year the Justice Ministry's Internal Affairs Office continued random, unannounced visits to several prisons. Visitors reportedly needed to offer bribes frequently to visit prisoners, hindering effective representation of inmates by public defenders. Although married and unmarried heterosexual inmates were permitted conjugal visits, the ministry prohibited such visits for homosexual inmates.

Independent Monitoring: The government granted the media, independent civil society groups, and diplomatic representatives access to prisons with prior coordination. Representatives of the media and nongovernmental organizations (NGOs) conducted regular prison visits. Government agencies, such as the NMPT, the Public Defender's Office, and representatives of the judicial branch, also conducted independent visits.

#### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government did not always observe these requirements. In some cases police ignored requirements for a warrant by citing obsolete provisions that allow detention if individuals are unable to present personal identification upon demand (although the law does not obligate citizens to carry or show identity documentation).

#### **Role of the Police and Security Apparatus**

The National Police, under the authority of the Ministry of Internal Affairs, are responsible for preserving public order, protecting the rights and safety of persons and entities and their property, preventing and investigating crimes, and implementing orders given by the judiciary and public officials. The constitution

charges military forces with guarding the country's territory and borders. By law civilian authorities are in charge of the security forces.

The law authorizes the president to mobilize military forces domestically against any "internal aggression" endangering the country's sovereignty, independence, or the integrity of its democratic constitutional order. The law requires the president to notify congress within 48 hours of a decision to deploy troops. By law the president's deployment order must define a geographic location, be subject to congressional scrutiny, and have a set time limit. As of August 24, the government continued to maintain a deployment of more than 1,200 personnel from the FTC, of whom approximately 1,000 were military, to the departments of Concepcion, San Pedro, and Amambay.

The Ministry of National Defense, also under the president's authority but outside the military's chain of command, handles some defense matters. The ministry is responsible for the logistical and administrative aspects of the armed forces, especially the development of defense policy.

The law authorizes SENAD and units within the National Police, all under the president's authority, to enforce the law in matters related to narcotics trafficking and terrorism. The law provides for SENAD to lead operations in coordination with the Attorney General's Office and the judiciary. To arrest individuals or use force, SENAD must involve members of the National Police in its operations, but reportedly it often did not do so.

The Special Human Rights Unit of the Attorney General's Office and the Disciplinary Review Board of the National Police are responsible for determining whether police killings legitimately occurred in the line of duty. The military justice system has jurisdiction over active military personnel.

Several human rights NGOs and media reported incidents of police involvement in homicides, rape, arms and narcotics trafficking, soliciting bribes, robbery, extortion, and kidnapping, with reported abuses particularly widespread in Ciudad del Este, Pedro Juan Caballero, and other locations on the border with Brazil.

Hundreds of cases of excessive use of force, torture, and other abuses by security forces remained unresolved and open with the Special Human Rights Unit in the Attorney General's Office. No information was available whether any of these cases resulted in convictions or penalties during the year.

Although the National Police reportedly struggled with inadequate training, funding, and widespread corruption, it continued to investigate and punish members involved in crimes and administrative violations.

### **Arrest Procedures and Treatment of Detainees**

Police may arrest individuals with a warrant or with reasonable cause. The law provides that after making an arrest, police have up to six hours to notify the Attorney General's Office, at which time that office has up to 24 hours to notify a judge if it intends to prosecute. The law allows judges to use measures such as house arrest and bail in felony cases. According to civil society representatives and legal experts, in misdemeanor cases judges frequently set bail too high for many poor defendants to post bond, while politically connected or wealthy defendants pay minimal or no bail or receive other concessions, including house arrest.

The law grants defendants the right to hire counsel, and the government provides public defenders for those who cannot afford counsel. According to the NGO Paraguayan Human Rights Coordinator (CODEHUPY) and the NMPT, heavy caseloads adversely affected the quality of representation by public defenders. Detainees had access to family members.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention. During the year NGOs reported several cases of arbitrary arrest and detention of persons without a warrant.

Pretrial Detention: The law permits detention without trial for a period equivalent to the minimum sentence associated with the alleged crime, a period that could range from six months to five years. Some detainees were held in pretrial detention beyond the maximum allowed time. According to the NMPT, 76 percent of male prisoners and 69 percent of female prisoners awaited trial and sentencing as of August 13.

The NMPT alleged the high number of prisoners in pretrial detention was principally a result of legislation that disproportionately affects low-level drug offenders. Specifically, it claimed the legislation prohibits judges from applying alternative measures to pretrial detentions for crimes with a potential sentence of five or more years. It also said the legislation sets overly strict guidelines on preventive detention for suspects in drug cases. As of July 13, 63 percent of all female detainees were low-level drug offenders.

### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary. Undue external influence, however, often compromised the judiciary's independence. Interested parties, including politicians, routinely attempted to influence investigations and pressure judges and prosecutors. Judicial selection and disciplinary review board processes were often politicized. The law requires that specific seats on the board be allocated to congressional representatives, who were reportedly the greatest source of corrupt pressure and influence.

Courts were inefficient and subject to corruption, and NGOs and government officials alleged that some judges and prosecutors solicited or received bribes to drop or modify charges against defendants. Authorities generally respected court orders.

### **Trial Procedures**

The constitution provides for the right to a fair and public trial, which the judiciary nominally provided, albeit through a lengthy trial process exacerbated by legal defense tactics that remove or suspend judges and prosecutors working on cases. Impunity was common due to politicization of and corruption within the judiciary and regular manipulation of the judicial process by defense attorneys who pushed statutes of limitations to expire before trials reached conclusion.

Defendants enjoy a presumption of innocence and a right of appeal. Both defendants and prosecutors may present written testimony from witnesses and other evidence. Defendants may confront adverse witnesses, except in cases involving domestic or international trafficking in persons, in which case victims may testify remotely or in the presence of the defendant's lawyers, in lieu of the defendant. Defendants have the right to prompt information and detail of the indictments and charges they face, but some defendants received notification only when they faced arrest charges or seizure of their property.

Defendants have the right to access free interpretation services as necessary, including translation to Guarani--the country's second official language. Defendants have the right to a trial without undue delay, although trials were often protracted, as well as the right to be present at the trial. Defendants have the right to communicate with an attorney of their choice or one provided at public expense. Defendants have the right to a reasonable amount of time to prepare their defense

and to access their legal files. Defendants may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. Defendants are not compelled to testify or confess guilt and may choose to remain silent.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to the courts to file lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, and authorities generally granted them to citizens. The court may order civil remedies, including fair compensation to the injured party; however, the government experienced problems enforcing court orders in such cases.

Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies.

### **Property Restitution**

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. Systemic inadequacies within the land registry system, however, prevented the government from compiling a reliable inventory of its landholdings. Registered land far exceeded the size of the country, and there were allegations of corruption within local government and the National Institute for Rural Development and Land, the government agency charged with implementing land reform, and reports of forced evictions.

The dispute between Brazilian-Paraguayan families claiming title to 555,436 acres of land and farming families occupying 222,965 acres of the disputed land in Colonia Guahory, Caaguazu Department, continued throughout the year. Police attempted to conduct several eviction operations, but the farming families remained in place. Legal counsel for the small-scale farming families alleged the Brazilian-Paraguayan families illegally purchased titles to the land. The case was pending as of October 15.

Despite the government's acceptance of the donation of the disputed land on which the 2012 Curuguaty/Marina Cue confrontation occurred, the Public Registry refused to register the property. Officials explained they could not act until lawsuits establishing previous ownership were resolved.

## **f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibit such actions, and the government generally respected these prohibitions, but there were reports that members of the security forces failed to respect the law in certain instances. NGOs, local Roman Catholic Church organizations, and some national legislators alleged FTC personnel in the departments of Concepcion, San Pedro, and Amambay searched homes and schools without warrants. Catholic priests accused FTC personnel of sexual harassment against women living in the area of FTC operations. The Special Human Rights Unit in the Attorney General's Office did not receive reports of any new cases of unlawful interference with private correspondence during the year, but it continued to investigate cases from previous years.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Expression, Including for the Press**

The law and constitution provide for freedom of expression, including for the press, and the government generally respected these rights. An independent press and a functioning democratic political system combined to promote freedom of speech and press for the most part, although widespread corruption in the judiciary hindered protections in court.

Violence and Harassment: Journalists occasionally suffered harassment, intimidation, and violence, primarily from drug-trafficking gangs and criminal groups, but also from politicians and police. Media and international NGOs reported several such incidents against journalists.

On March 22, a prosecutor with the Attorney General's Office summoned *ABC Color* journalist Mabel Rehnfeldt to testify regarding a case of corruption, seeking to compel her to reveal the identity of the source who had secretly recorded a number of audiotapes relevant to the case. The audiotapes, which Rehnfeldt made public, exposed massive political interference and corruption in the Justice Tribunal, which ostensibly provides disciplinary oversight for judges and prosecutors. Journalist associations protested the prosecutor's decision, claiming it constituted an affront to a journalist's right to protect her sources, a right safeguarded by the constitution.

Brazilian drug trafficker Felipe “Baron” Escurra Rodriguez, who had reportedly planned to kill well known journalist Candido Figueredo Ruiz, remained at large despite Paraguayan police efforts to recapture him. In 2012 Brazilian police intercepted a call involving Escurra in which he discussed killing Figueredo for reporting on Escurra’s illicit activities along the Paraguay-Brazil border. Escurra had been in custody since his arrest after a shootout with SENAD agents in 2016. In September 2017 Judge Leonjino Benitez released Escurra, but the order was subsequently revoked.

Authorities continued to search for Wilson Acosta Marques, whom they accused of participating in the 2014 assassination of *ABC Color* journalist Pablo Medina and his assistant Antonia Chaparro. Flavio Acosta Riveros, the alleged assassin (and Wilson’s nephew), remained in a Brazilian prison awaiting extradition.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

The International Telecommunication Union reported 68 percent of inhabitants used the internet in 2017.

### **Academic Freedom and Cultural Events**

There were no government restrictions on academic freedom or cultural events.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State’s *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation and the government generally respected these rights. The government's National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the local legal representative of UNHCR.

### **Protection of Refugees**

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: Authorities permitted persons whose asylum or refugee status cases were refused to seek other migration options, including obtaining legal permanent residency in the country or returning to the most recent point of embarkation. The government did not assist in the safe, voluntary return of refugees to their homes but rather relied on UNHCR assistance to facilitate such returns.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

Recent Elections: On April 22, the country held general elections to elect a president, vice president, department governors, members of both houses of congress, and Mercosur Parliament members. ANR's Mario Abdo Benitez won the presidential election. ANR also won a plurality in the Senate and a majority in the lower house of congress. Election observation missions from the Organization of American States and the EU characterized the elections as free and fair.

Political Parties and Political Participation: The ANR and the Liberal Party maintained long-standing control of the political process. The parties politicized the Supreme Court, lower courts, and the selection and disciplining of judges and prosecutors, including the nomination and selection process for the attorney general. On July 4 and 5, both chambers of congress changed their respective

members of the eight-member Council of Magistrates for two politically connected politicians. The Council of Magistrates helps choose the attorney general, judges, prosecutors, and public defenders throughout the judicial system.

New, small, and nontraditional political parties faced hurdles in securing sizable congressional representation due to seat allocation formulas in the electoral code that favor larger parties.

The electoral code requires voters to select slates of candidates that party leaders, rather than individual candidates, draw up. Candidates running for executive office run on individual ballots but with strong and direct party affiliations aligned with lists of congressional candidates. In the country's list-based voting system whereby winners are decided via their ranking in a popular vote, voters do not select individual congressional representatives. Independent candidates for any office face obstacles in setting up and running campaigns, since by law they must form a movement or political party and present a minimum number of candidates in a slate in order to compete.

Participation of Women and Minorities: The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women. Although the parties met this requirement, they placed the majority of female candidates towards the end of the closed party lists, effectively limiting their chances of being elected. Women served in both the legislature and the Supreme Court; however, there were only 19 women in the congress (eight of 45 senators and 11 of 80 national deputies). There were no female governors.

Although there were no legal impediments to participation by minorities or indigenous persons in government, no clearly identifiable individuals from those groups served as a governor or in the cabinet, legislature, or Supreme Court.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Corruption in all branches and at all levels of government remained widespread, with investigative journalists and NGOs reporting on hundreds of cases of embezzlement, tax evasion, illicit enrichment, breach of public confidence, falsifying documents, and criminal association. Criminal cases typically spent several years in the courts. Under a law that prohibits court cases from lasting longer than four years, politicians and influential individuals convicted in lower courts routinely avoided punishment by

filing appeals and motions until reaching the statute of limitation or by successfully requesting the removal or suspension of judges and prosecutors working on their cases. Although indictments and convictions for corruption of low- and mid-level public officials occurred more frequently, high-ranking public officials enjoyed a high degree of impunity. Sometimes such officials were indicted or forced to resign or repay embezzled funds, but formal complaints rarely led to active prosecutions or convictions. Public protests forced the resignation of three legislative officials, but the congress raised the minimum number of votes to invoke a sanction against a corrupt member of congress from a simple majority to a two-thirds supermajority, making already rare sanctions even more unreachable.

Politicization and corruption were pervasive throughout the judicial branch, hampering the institution's effectiveness and undermining public trust. As of September 5, the Supreme Court had not ruled on outstanding cases concerning the recusals of the 13 prosecutors working on the Megalavado money-laundering case, more than one year after their recusal. In the first eight months of the year, the Justice Tribunal, which ostensibly provides disciplinary oversight for judges and prosecutors, ruled to apply sanctions in only seven of 476 cases brought before it. NGOs, legal associations, government officials, and the press reported repeated instances in which the Justice Tribunal refused to discipline judges and prosecutors who had released or absolved defendants with ties to narcotics trafficking and financial crime. Although the new president of the tribunal began to make meeting agendas public, voting records for individual tribunal members were not available to the public.

Corruption: Impunity was endemic for former and current high-level government officials accused of crimes. There were no convictions of high-profile officials during the year, but NGOs and the press continued to report on several former government ministers, mayors, governors, and current elected officials accused of, and indicted for, corruption and other crimes who had avoided prosecution in the justice system. As of September 5, there were unresolved cases involving four indicted former ministers and nine indicted current members of congress.

On August 28, a court convicted Ruben Quesnel, former president of the National Institute of Indigenous Persons, of misappropriation of public funds and breach of public trust.

In December 2017 prosecutors opened investigations of two members of congress and the Justice Tribunal, Oscar Gonzalez Daher and Jorge Oviedo Matto, for influence peddling, bribery, and criminal association. The Senate removed

Gonzalez Daher from his position but allowed Oviedo Matto to resign. Both returned to the congress in the new period, which began on July 1, as a result of being placed on the respective parties' fixed candidate list. Following large-scale public pressure, Gonzalez Daher resigned in August and Oviedo Matto in September. In January prosecutors opened an investigation of Carlos Portillo, a member of congress, for influence peddling, bribery, and criminal association. During the year prosecutors opened an investigation of Enrique Garcia, former comptroller general, for use of fraudulent documents. All four cases were pending as of August 24.

Financial Disclosure: The constitution requires all public employees, including elected officials and employees of independent government entities, to disclose their income and assets within 15 days of taking office or receiving an appointment and again within 15 days of finishing their term or assignment. Public employees must also disclose assets and income of spouses and dependent children. There is no requirement to make similar disclosures during a person's appointment, and it was common for public officials to serve for years without updating their disclosure statement.

The law mandates the Comptroller's Office monitor and verify disclosures; the comptroller may make income and asset disclosures public only at the request of the executive branch, congress, the Attorney General's Office, or judicial authorities. The Attorney General's Office opened several investigations for inconsistencies related to these disclosures.

The law bars public employees from holding government positions for up to 10 years for failure to comply with financial disclosure laws and imposes monetary fines of up to 19.1 million guaranies (Gs.) (\$3,240), but this was generally not enforced. Legislators generally ignored the law with impunity, using political immunity to avoid investigation or prosecution. The Comptroller's Office did not investigate cases with incriminating financial information.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

More than 50 domestic and international human rights groups operated, generally without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with domestic NGOs and international organizations and met with domestic NGO monitors and representatives, but they often did not take action in response to their reports or

recommendations. There were a number of reports that anticorruption protesters were attacked while demonstrating, although police rarely identified assailants.

Government Human Rights Bodies: Human Rights Ombudsman Miguel Godoy Servin continued overhauling his office after 10 years of inactivity prior to his term, including launching outreach campaigns and investigations into misuse of public money and abuse of authority by public officials. Godoy filed a formal complaint leading to the indictment of former ombudsman Manuel Paez Monges for misusing approximately Gs. 1.375 billion (\$233,000) of funds set aside as reparation funds for victims of the 1954-89 Stroessner dictatorship and their families. Paez Monges' case was pending as of August 24.

Several human rights NGOs complained there was no single, reliable point of contact within the government to discuss human rights issues. They stated they were not approached for consultations on human rights policies, planning, and legislation. Although several government ministries had human rights offices to monitor compliance with human rights legislation, there was no coordinator to serve as the point of contact with civil society.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

### **Women**

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and provides penalties of up to 10 years in prison for rape or sexual assault. If the victim is a minor, the sentence ranges from a minimum of three years to 15 years in prison. According to the Attorney General's Office, rape continued to be a significant and pervasive problem, with many rapes going unreported. The government generally prosecuted rape allegations and sometimes obtained convictions.

Although the law criminalizes domestic violence, including psychological abuse, and stipulates a penalty of two years in prison or a fine if convicted, it requires the abuse to be habitual and the aggressor and victim to be "cohabitating or lodging together." Judges typically issued fines, but in some cases they sentenced offenders to jail to provide for the safety of the victim. In some instances the courts mediated domestic violence cases. According to NGOs and the Ministry of Women's Affairs, domestic violence was widespread, and thousands of women received treatment for injuries sustained in domestic altercations. The ministry promoted a national 24-hour telephone hotline for victims. The ministry also

operated a shelter and coordinated victim assistance efforts, public outreach campaigns, and training.

In February the Ministry of Women's Affairs launched Ciudad Mujer in Asuncion, an integrated service center for women, focusing on prevention of domestic violence, reproductive health, economic empowerment, and education. The ministry indicated the center had served 24,000 visitors as of July 31.

As of August the National Police had 17 specialized units to assist victims of domestic violence, and 137 officers were assigned to these stations.

Femicide remained a serious problem. A 2016 law criminalizes femicide and mandates a sentence of between 10 and 30 years in prison upon conviction. In 2017 there were 53 cases of femicide, an increase of 15 from 2016, according to the Supreme Court's gender office. As of August 24, the office reported 32 cases of femicide.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine, although sexual harassment remained a widespread problem for many women, especially in the workplace environments. Prosecutors found sexual harassment and abuse claims difficult to prove because of victims' fear of workplace retaliation and societal pressures against victims. Many dropped their complaints or were unwilling to continue cooperating with prosecutors.

In July the Civil Service Secretariat approved a protocol for addressing sexual misconduct involving government workers. This protocol streamlines the filing of complaints for misconduct and harassment. To facilitate the enforcement of the protocol, the Civil Service Secretariat trained public servants and adopted guidance to include gender perspective in all public agencies' internal resolutions.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution prohibits discrimination based on sex, but the government did not effectively enforce these provisions. There is no comprehensive law against discrimination and thus no legal basis for enforcement of the constitutional clause against discrimination.

Women generally enjoyed the same legal status and rights as men. Nonetheless, gender-related discrimination was widespread. Women experienced more difficulty than men in securing employment and occupation.

## **Children**

Birth Registration: Nationality derives from birth within the country's territory, from birth to government employees in service abroad, or from birth to a citizen residing temporarily outside the country. Hospitals immediately register births, but this is not the case for many children born in rural areas and in indigenous communities with limited access to health-care facilities. Birth certificates and national identity documents are a prerequisite to access government services, including obtaining a passport.

Education: Education is free, compulsory, and universal from kindergarten through secondary school, although in many parts of the country parents had to pay fees to make sure the school could pay operational expenses. According to the government, girls from rural families tended to leave school at a younger age than did boys. Approximately 10 percent of children from poor families did not have access to schooling, due to economic hardship, geographic isolation, or early entry into the workforce.

Child Abuse: The NGO Coalition for the Rights of Children and Adolescents and the Ministry of Children and Youth, formerly the Secretariat of Children and Adolescents, stated that violence against children was widespread and equally prevalent among rural and urban families.

On August 21, a criminal court convicted priest Felix Miranda Gamarra of sexually abusing a 13-year-old boy. Rather than sentencing Miranda to jail time, the court ordered him to donate Gs. five million (\$850) to a local hospital.

The government does not have a shelter exclusively for child victims of sexual abuse; victims are usually assigned to an extended family member or referred to other general-purpose youth shelters. Several general-purpose youth shelters existed, including a shelter comanaged by the government and a Roman Catholic organization. In many cities the municipal council for children's rights assisted abused and neglected children. An insufficient number of orphanages operated in the country.

Early and Forced Marriage: The legal age for marriage is 18, but the law permits marriage for those ages 16 to 18 with parental consent, and for those younger than age 16 only with judicial authorization under exceptional circumstances. There were no reports of forced marriage.

Sexual Exploitation of Children: According to the Ministry of Children and Youth, child trafficking for the purpose of commercial sexual exploitation or forced domestic servitude remained problematic. The law provides penalties of up to eight years of imprisonment for persons responsible for pimping or brokering victims younger than 17 years of age.

The minimum age of consent is 14 when married and 16 when not married. A December 2017 amendment to the penal code establishes mandatory sentences for sexual abuse of children. The amendment increases the penalty for sexual abuse in cases involving violence or intercourse to at least 15 years in prison if the victim is under 18 and to 20 years in prison if the victim is under 10 years old. The penal code also provides for fines or up to three years in prison for the production, distribution, and possession of pornography involving children or adolescents younger than age 18. Authorities can increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser. A 2018 law prohibits the publication of names, images, or audios of underage sexual abuse victims or witnesses and stipulates fines and one year in prison for offenders.

In the first nine months of the year, the Ministry of Children and Youth received more than 2,000 reports of sexual abuse against children. In early September a prosecutor with the Attorney General's Office placed in pretrial detention 13 navy officers who had sexually abused a 13-year-old girl at a navy garrison.

Child Soldiers: While the government as well as NGOs, including the Coordinator for the Rights of Infants and Adolescents and the Peace and Justice Service, alleged in previous years that the EPP recruited children into logistical support roles that later grew into combatant roles, there were no such reports during the year. The entire size of the EPP was estimated to be 20 to 50 members.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data.html>.

## **Anti-Semitism**

The Jewish community has fewer than 1,000 members. There were no reports of anti-Semitic acts.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

## **Persons with Disabilities**

The law nominally prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law mandates accessibility in all public offices, but it does not specifically provide for access to information or communications, and most of the country's buildings remained inaccessible, although some municipalities made progress.

Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law mandates the allocation of 5 percent of all available public-employee positions to persons with disabilities; in practice less than 1 percent were so employed. The Ministry of Education and Sciences estimated more than 50 percent of children with disabilities did not attend school because of lack of access to public transportation capacity.

## **National/Racial/Ethnic Minorities**

Anecdotally, ethnic minorities faced discrimination in finding employment, accessing credit, receiving equal pay, owning or managing businesses, accessing education, and accessing housing.

## **Indigenous People**

The law provides indigenous persons the right to participate in the economic, social, political, and cultural life of the country, but the law was not effectively enforced. Discrimination, coupled with a lack of access to employment, education, health care, shelter, and sufficient land, hindered the ability of indigenous persons to progress economically while maintaining their cultural identity.

Indigenous workers engaged as laborers on ranches typically earned low wages, worked long hours, received pay infrequently, and lacked medical or retirement benefits. This situation was particularly severe in the Chaco region.

The National Institute for Indigenous Affairs (INDI), the Attorney General's Office; the Ministry of Justice; Ministry of Labor, Employment, and Social Security; the Social Action Secretariat; and the Ombudsman's Office are responsible for protecting and promoting indigenous rights. The law mandates that INDI negotiate, purchase, and register land on behalf of indigenous communities who claim lack of access to their ancestral lands. In some instances INDI claimed it lacked sufficient funding to purchase land on behalf of indigenous persons or required them to register land in the Asuncion office rather than locally.

The law authorizes indigenous persons to determine how to use communal land. There were insufficient police and judicial protections from encroachments on indigenous lands. This often resulted in conflict between indigenous communities and large landowners in rural areas, which at times led to violence.

CODEHUPY and other NGOs documented widespread trafficking in persons, rape, sexual harassment, and physical abuse of women in indigenous communities. Perpetrators were often workers and employers from neighboring ranches and farms. NGOs also alleged agribusiness operations in the Chaco exploited and violated the rights of indigenous workers.

The cases of Marcos Torales, Javier Torales, Robert de Souza, and Ismael Barrios were pending as of September 5. In 2017 the Attorney General's Office charged them for organizing and participating in the May 2017 eviction of 20 families of the Ava Guarani indigenous community from 740 acres on the disputed Colonia Colorado'i property near Itakyry, Alto Parana Department.

### **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

No laws explicitly prohibit discrimination against LGBTI persons, and discrimination occurred frequently. Several NGOs, including SomosGay, the Center for Studies and Documentation, and Aireana, reported police harassment and discrimination against LGBTI persons.

According to press and NGO reporting, during the year police officers beat, robbed, and implicated transgender individuals as suspects in serious crimes, including drug trafficking and armed robbery.

### **HIV and AIDS Social Stigma**

The law prohibits discrimination based on HIV-positive status and protects the privacy of medical information. The law also specifically prohibits employers from discriminating against or harassing employees based on their HIV-positive status. Labor ministry regulations forbid employers from requiring HIV testing prior to employment, but many companies reportedly still did so.

NGOs, CODEHUPY, and the HIV/AIDS and Human Rights Counseling and Reporting Center noted that persons with HIV/AIDS who sought access to health care, education, and employment opportunities faced discrimination based on their sexual orientation, demand for HIV testing, or gender identity.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, provides for the right of workers to form and join independent unions (with the exception of the armed forces and police), bargain collectively, and conduct legal strikes. The law prohibits binding arbitration or retribution against union organizers and strikers. There are several restrictions on these rights. The law requires that industrial unions have a minimum of 20 members to register. All unions must register with the Ministry of Labor, Employment, and Social Security, a process that often takes more than a year. The ministry, however, typically issued provisional registrations within weeks of application to allow labor unions to operate. Unions with provisional registrations had the same rights and obligations as other unions. Workers cannot be members of more than one union, even if they have more than one part-time employment contract. Strikes are limited to purposes directly linked to workers' occupations. Candidates for trade union office must work for a company and be active members of the union.

The Ministry of Labor, Employment, and Social Security is responsible for enforcing labor rights, registering unions, mediating disputes, and overseeing social security and retirement programs. Penalties, fines, and remedies associated with discrimination against unions were generally ineffective. Investigations of

antiunion discrimination to protect labor rights were rare, lacked sufficient resources, and reportedly occurred only if requested by an aggrieved party. The ministry does not have jurisdiction to initiate or participate in antiunion litigation. Employers who fail to recognize or to bargain collectively with a registered union face fines of 50 days' wages, or approximately Gs. 3.5 million (\$595). Employers who blacklist employees face fines of only 30 days' wages, or approximately Gs. 2.1 million (\$350). These penalties were insufficient to deter violations. The government often did not prevent retaliation by employers who took action against strikers and union leaders. Administrative and judicial procedures were subject to lengthy delays, mishandling of cases, and corruption.

The government did not always respect unions' freedom of association and the right to collectively bargain. Employers and professional associations heavily influenced some private-sector unions. The leadership of several unions representing public-sector employees had ties to political parties and the government.

While union workers from the steel and maritime industries were unionized and often received relevant legal protections, most workers, including farmers, ranchers, and informal-sector employees, did not participate in labor unions. Many of these workers were members of farmworker movements.

#### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. The Ministry of Labor, Employment, and Social Security lacked adequate resources to conduct inspections, especially in remote areas where forced labor was reportedly more prevalent. The Special Directorate to Fight the Trafficking of Persons and Commercial Sexual Exploitation of Children, however, increased child and forced labor investigations in the Chaco region, where the worst forms of child labor, human trafficking, and debt bondage were most prevalent. Penalties for violations include up to 20 years in prison, but enforcement was minimal and penalties were insufficient to deter violations.

During the year the labor ministry's regional office in the Chaco received complaints for unjustified firings, nonpayment of wages, and other labor violations. The ministry did not confirm instances of debt bondage in the Chaco but would not dismiss the possibility that it continued to exist. In that region there were reports children worked alongside their parents in debt bondage on cattle ranches, on dairy farms, and in charcoal factories. The government continued

antitrafficking law enforcement and training efforts and provided limited protective services to female and child trafficking victims. The labor ministry began an antichild-labor information campaign specific to the Chaco in August.

Child labor and trafficking, particularly in domestic service, was a significant problem (see section 7.c.). Reports of *criadazgo* continued throughout the year. *Criadazgo* is the practice where middle- and upper-income families informally “employ” child domestic workers, often from impoverished families, and provide them with shelter, food, some education, and a small stipend. Although not all children in situations of *criadazgo* were victims of trafficking, it made them more vulnerable. The government did not oversee implementation of the practice nor specifically safeguard the rights of children employed through the *criadazgo* system. While the practice is not legally prohibited specifically, the National Child and Adolescent Secretariat continued to denounce it as illegal under child labor laws.

See the Department of State’s annual *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibits the worst forms of child labor, with the exception of slavery-like practices that do not include trafficking involving physical movement of the victim. The minimum age for full-time employment is 18. Children 14 to 17 years old may work with written parental authorization, if they attend school and do not work more than four hours a day (14-15 years old) or six hours (16-17 years old), and do not work more than a maximum of 24 hours per week.

The government did not effectively enforce laws protecting children from exploitation in the workplace. The maximum administrative penalty for employing a child under age 14 is a fine of Gs. 3.78 million (\$640). The law stipulates those who employ adolescents between ages 14 and 17 under hazardous conditions must pay the maximum administrative penalty, serve up to five years in prison, or both, but penalties were insufficient to deter violations due to lax enforcement.

The Ministry of Labor, Employment, and Social Security is responsible for administratively enforcing child labor laws, and the Attorney General’s Office prosecutes violators. The Ombudsman’s Office and the Child Rights Committee receive complaints and refer them to the Attorney General’s Office. In the first nine months of the year, the ministry received 17 complaints regarding child and

adolescent workers. Most worked as metalworkers, cashiers, sales clerks, helpers, and in other service jobs.

Child labor continued to occur in retail; sugar, brick, and limestone production; domestic service; and small-scale agricultural sectors. Children, primarily boys, also worked in the manufacturing and agricultural sectors and in the restaurant and other service industries. According to both the government and the NGO community, 45,000-47,000 children, primarily girls, worked as domestic servants and received little or no pay under the *criadazgo* system. In exchange for work, employers promised child domestic servants room, board, and financial support for school. Some of these children were victims of human trafficking for the purposes of forced child labor, did not receive pay or the promised benefits in exchange for work, suffered from sexual exploitation, and often lacked access to education.

The 2017 case against Rosa Delvalle and Anderson Rios for serious bodily damage, attempted homicide, sexual abuse, and torture for forcing a 15-year-old minor to drink caustic soda while working as a domestic servant under the *criadazgo* system remained pending as of August 24.

The worst forms of child labor occurred where malnourished, abused, or neglected children worked in unhealthy and hazardous conditions selling goods or services on the street, working in factories, or harvesting crops. Children were used, procured, and offered to third parties for illicit activities, including commercial sexual exploitation (see also section 6, Children), sometimes with the knowledge of parents and guardians, who received remuneration. Some minors were involved in forced criminality, acting as drug smugglers for criminal syndicates along the border with Brazil. Children reportedly work in debt bondage alongside their parents in the Chaco region (see section 7.b.).

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment and Occupation**

The law specifically prohibits discrimination based on race, color, sex, age, religion, political opinion, disability, HIV-positive status, or social origin. The government did not effectively enforce the law, and penalties were insufficient to deter violations. The fines for discrimination range from 10 to 30 daily wages per affected worker.

The press and civil society reported on employment discrimination based on sex, race, disability, age, language, weight, sexual orientation, HIV-positive status, and pregnancy.

### **e. Acceptable Conditions of Work**

The mandatory national minimum wage was Gs. 2.12 million (\$355) per month. The mandatory minimum wage for domestic employees is set at 60 percent of the national minimum wage. Both were above the official estimate for the poverty income level. The law stipulates that domestic employees work a maximum of eight hours per day. The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one and one-half days of rest. There are no prohibitions of, or exceptions for, excessive compulsory overtime.

The government sets appropriate occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. Although these standards were current and appropriate for light-manufacturing and construction industries, enforcement was inadequate.

The Ministry of Labor, Employment, and Social Security did not effectively enforce provisions for overtime pay, the minimum wage, or limitations on hours of work in the formal or the informal sector. It launched public awareness campaigns, however, aimed at employers and workers to raise awareness of labor laws and worker rights. The number of labor inspectors was insufficient to enforce compliance with all labor laws, and penalties were insufficient to deter violations.

During the first eight months of the year, the labor ministry's Department of Mediation of Private Conflicts received 5,571 labor complaints and mediation requests. Men filed the majority of these complaints, which involved illegal dismissals or the failure of employers to pay the legally mandated end-of-year bonuses. Many formal and informal employers violated provisions requiring overtime pay, particularly in the food and agricultural sectors and for domestic services. From January to September 30, the labor ministry received 100 complaints of occupational safety and health violations, some associated with workplace accidents or fatalities. Most workplace accidents or fatalities occurred in the construction and light-manufacturing industries.

Employers are obligated to register workers with the labor ministry. As of October 13, however, approximately 2,160 employers had registered 7,090 workers with

the ministry, which was very low compared with the country's population of approximately 6.7 million.

According to the labor ministry and NGOs, many domestic workers suffered discrimination, routinely worked 12-hour workdays (when eight is the maximum), were not paid for overtime work (as required by law), were allowed to rest less than the 36 hours mandated by law, were not entitled to publicly provided retirement benefits, and did not routinely attain job stability after 10 years, unlike other workers covered by the labor code. Domestic workers were eligible for government-sponsored medical care and retirement programs through small payroll and employer contributions.