



## Paraguay

### Country Reports on Human Rights Practices - [2000](#)

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Paraguay is a constitutional republic with an executive branch and a bicameral legislature. The President is the Head of Government and cannot succeed himself. The bicameral Congress is made up of a 45-member Senate and an 80-member Chamber of Deputies. The Colorado Party has a small majority in both houses of Congress; however, factional differences within the party result in shifting alliances depending upon the issue. President Luis Gonzalez Macchi's "National Unity Government" was weakened in February when the Liberal Party withdrew from the Government, claiming that the President's Colorado Party refused to share power with its coalition partners. On May 18, members of two army units and a group of National Police officers loyal to former General Lino Oviedo attempted to overthrow President Gonzalez Macchi. The coup attempt lasted less than 1 day, and the majority of the military remained loyal to the Government. President Gonzalez Macchi declared and Congress ratified a controversial and unpopular state of exception on May 19, in response to the coup attempt; he lifted it on May 31. The Government used the state of exception to imprison those it suspected of involvement in the coup attempt and to limit public meetings and demonstrations. Although the Constitution provides for an independent judiciary, and the Supreme Court continued a reform process, the courts continued to be subject to pressure from politicians and others.

In general the military no longer plays an overt role in politics; the attempted coup was an exception to this practice. However, many citizens remained concerned about possible erosion of the military's apolitical status. Nonetheless, during the attempted coup in May, all but two groups within the armed forces remained loyal to the constitutional order. The national police force has responsibility for maintaining internal security and public order; while it is nominally under the authority of the presidency, in practice it reports to the Ministry of the Interior. The civilian authorities generally maintain effective control of the security forces. Members of the security forces committed serious human rights abuses.

Paraguay has a market economy with a large informal sector. The formal economy is oriented toward services, with less than half of the \$7.8 billion gross domestic product resulting from agriculture and industry. Over 40 percent of the population are engaged in agricultural activity, and approximately 10 percent of all families depend on cotton farming. Wealth continues to be concentrated, with both urban and rural areas supporting a large subsistence sector. Hydroelectric power and agricultural commodities (soybeans, cotton, lumber, and cattle) were the most important export items. The economy grew by approximately 0.5 percent in 1999 but experienced zero real growth during the year. Annual per capita income was approximately \$1,700.

The Government's human rights record remained generally poor, and there continued to be serious problems. The principal human rights problems included extrajudicial killings; torture and abuse of criminal suspects, prisoners, and military recruits; and extremely poor prison conditions. Arbitrary arrest and detention, lengthy pretrial detention, a general weakness within the judiciary, and infringements on citizen's privacy rights also were problems. The Government at times restricted freedom of the press. Following the May coup attempt, the Government arrested journalists and destroyed two radio stations; several journalists were threatened. The Government restricted freedom of assembly, and police used force to disperse protesters on several occasions, sometimes severely injuring citizens. Violence and discrimination against women, abuse of children, discrimination against the disabled and indigenous people, and incomplete protection of worker rights also were problems. There were instances of forced labor. Child labor and trafficking in women and girls also are problems.

#### RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Political and Other Extrajudicial Killing

The police and military were responsible for some extrajudicial killings.

On January 8, police killed 3 persons while attempting to evict 400 landless peasants from a ranch that they had taken over. Nine policemen were injured during the incident.

In December in Itakyry, police shot and killed 10 men suspected of robbing an armored vehicle. One of the suspects, slightly wounded but alive when the police transported him to a local medical center, was dead upon arrival, with eight bullet holes in his body. At year's end the police were conducting an investigation.

No further information was available regarding the disposition of extrajudicial killings from previous years, including the following cases: Jose "Coco" Villar, whom police killed in June 1999; Guillermo Jara Ramirez, whom antinarcotics police killed in July 1999; and Fernando Aristides Gutierrez and Marcial Torres, recruits killed during their military service.

At least eight recruits died in questionable circumstances during the year, including 14-year-old Pedro Centurion, whom the military allegedly conscripted into service with false documents at 13 years of age against his wishes. In September he was shot and killed; the military claimed that he shot himself by accident. It was discovered later that Centurion was in fact an Argentine citizen. Human rights monitors, including a support group for families of military recruits, report that 104 recruits, most of whom were underage, were killed or died in accidents since 1989 while fulfilling their mandatory military service. Although military law requires that recruits be at least 18 years of age to serve in the armed forces (or 17 in the year of their 18th birthday), only an estimated 20 percent of those serving during the year met that requirement, and over 30 percent were 15 or younger.

In November the Government proposed an agreement to the Inter-American Commission on Human Rights (IACHR) regarding the deaths of 14-year-old military recruits Cristian Nunez and Marcelino Gomez. Military officers abandoned the two boys in the inhospitable Chaco region during a training exercise in 1998. According to the agreement, the Government accepted responsibility for the deaths of the boys.

The March 1999 assassination of Vice President Luis Maria Argana, which has been attributed widely to allies of then-president Raul Cubas Grau, led to political protests in which the police and civilian supporters of President Cubas fired on student demonstrators, killing 7 and injuring over 100. The Gonzalez Macchi Government made little progress in bringing those responsible to justice. Three suspects were convicted in the assassination; others remained at large. The authorities charged and imprisoned a number of suspects for the shootings of demonstrators in the plaza following the assassination, but the courts have not convicted any of them, and few have been released from confinement. As a result, many of those charged remain in legal limbo, with their political rights limited, although their involvement with the crimes never has been confirmed.

Former army commander Lino Oviedo, who played a prominent role in the downfall of the Cubas Government in 1999, and whose whereabouts were unknown after he fled Argentina (where he had received asylum) in December 1999, was arrested in Brazil in June and remains in prison in Brasilia. Several extradition requests for Oviedo are at various stages in the Brazilian justice system. He faces charges stemming from his alleged involvement in the March 1999 killing of Vice President Argana and seven antigovernment protesters. Two individuals with long criminal records, suspected of having participated in the Argana assassination and who were imprisoned in a federal police facility in downtown Buenos Aires, escaped from the jail in September. In November the authorities captured one of them in Ciudad del Este; at year's end he awaited trial in Asuncion. The other was thought to be hiding in Brazil.

Authoritarian regimes ruled the country until 1989, when dictator Alfredo Stroessner was overthrown by General Andres Rodriguez, who was elected President later that year. In 1996 an appellate court affirmed the convictions for human rights abuses of five Stroessner-era officials (former police Investigations Director Pastor Coronel and police officers Lucilo Benitez Santacruz, Agustin Belotto Youga, Camilo Almada Morel, and Juan Aniceto Martinez). Pastor Coronel died in detention in September.

The 1998 arrest of former Chilean dictator General Augusto Pinochet in the United Kingdom and his subsequent return to Chile drew renewed attention to extrajudicial killings and other abuses that occurred in Paraguay under the Stroessner regime. There were renewed allegations that Stroessner cooperated in Operation Condor, a regional plan to eliminate leftists. One human rights activist who was a political prisoner during that time has filed cases with Spanish judge Baltasar Garzon, who was preparing the case against Pinochet, and has provided him with documents from Paraguayan archives that he claims implicate General Stroessner in Operation Condor. There was no progress during the year on Operation Condor cases.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture as well as cruel, inhuman or degrading punishment or treatment; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. A human rights nongovernmental organization (NGO), the Committee of Churches, reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees. The Attorney General's office and the Committee of Churches compiled numerous examples of police abuse.

In May during the state of exception several of the persons arrested reported that they were tortured during their detention. Some of these persons reported that former Interior Minister Walter Bower witnessed and encouraged the beatings of suspects in three unrelated cases. Bower was not charged with any crime related to these accusations; however, he was removed from his position in October. Press reports also tied him to the torture of eight peasants in Concepcion in March; police reportedly beat them in Bower's presence after they were arrested for illegally chopping down trees.

Police used force to disperse protesters on several occasions, sometimes seriously injuring civilians (see Section 2.b.). Police also beat at least one person, a labor union leader, during a strike in June (see Section 6.a.).

Violence erupted several times during the year when police removed squatters from lands they occupied. For example, on May 10 and 11, over 400 police officers tried to remove squatters from a ranch in Caazapa using tear gas. Some shots were fired, and peasants were armed with Molotov cocktails, machetes, and scythes.

In addition there were several allegations of mistreatment of military recruits by noncommissioned and commissioned officers. Recruits commonly charged that the military does not give them enough to eat and forces them to hunt wild animals or steal cattle to kill for food. In one case, a 15-year-old recruit, Cesar Francisco Pereira, reported that he was forced to fight another recruit by two sergeants who wagered a can of beer on the outcome. When Pereira lost, he was pistol-whipped by Julio Cesar Alarcon, the sergeant who lost the bet, and spent a month in a clinic recovering. Many recruits have claimed that they were tortured or beaten while fulfilling their mandatory service obligations.

Prison conditions are extremely poor. Mistreatment of prisoners is a serious problem. Overcrowding and unsanitary living conditions were the most serious problems affecting all prisoners. Tacumbu prison, the largest in Asuncion, was built to hold 800 inmates but houses over 1,500. Other regional prisons generally hold about three times more inmates than originally planned.

Security is another problem in the prison system. There are approximately 120 guards for over 1,500 prisoners at Tacumbu prison, and 3 inmates were killed during the year by other inmates. At the Asuncion women's prison, Buen Pastor, there have been several reported rapes of prisoners by their guards, although laws governing prisons forbid male guards in the women's prisons. Conditions in the women's prison are better than at Tacumbu, with less overcrowding and a generally safer environment. There is a separate prison for juveniles.

The Congressional Human Rights Commission has criticized the prisons for their poor nutritional standards. Prisons generally serve one meal a day, and prisoners seldom get vegetables, fruit, or a meat protein source, unless they have individual means to purchase them. Prisons have separate accommodations for well-to-do prisoners, which ensures that those with sufficient means receive far better treatment than other prisoners. Pretrial detainees are not held separately from convicted prisoners.

The Government permits independent monitoring of prison conditions by human rights organizations. Members of the International Committee of the Red Cross had access to the detained supporters of Oviedo who were arrested in March 1999 and to those arrested in May.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are persistent problems. The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours

to make a statement. The police can arrest persons without a warrant if they catch them in the act of committing a crime but must bring them before a judge within 24 hours. However, the authorities often violated these provisions, and the recent introduction of new penal and criminal procedure codes, which are not yet well understood by prosecutors and police, has exacerbated the problem.

Following the May 18-19 coup attempt, police detained journalists (see Section 2.a.).

Following the assassination of Vice President Argana and the killing of student protesters in March 1999, authorities arrested over 45 persons in connection with these cases. Many of those arrested were well-known political figures, including legislators allied with the former Government. There was little evidence presented to support the charges against most of them, and most of the accused were held without bail, leading some observers to question whether due process had been observed. At year's end, many of those detained still remained in jail, and at least 10 prominent suspects who had been remanded to house arrest had not yet been cleared of the charges against them and therefore remained in an uncertain legal status.

Pretrial detention remains a serious problem; 91 percent of persons in prison were held pending trial, many for months or years after their arrest. While the law encourages speedy trials, the Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurs in practice. A bail system exists for most crimes, and judges have discretion over it. Judges frequently set relatively high bail, and many accused persons are unable to post bond. In March the Supreme Court, the Public Ministry, and a judicial working group took steps to reduce the large number of pretrial detainees but achieved only modest results. The Supreme Court and many criminal court judges also make quarterly visits to the prisons to identify and release improperly detained individuals.

The Constitution expressly prohibits exile, and the Government does not use it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, judges often are pressured by politicians and other persons whose interests are at stake. There were allegations that members of the judiciary who issued arrest warrants against the Oviedistas following the events of March 1999 were pressured to do so by politicians who opposed Oviedo. While there are credible reports of political pressure affecting judicial decisions, the judiciary is not allied with any one political group.

The nine-member Supreme Court appoints lower court judges and magistrates, based upon recommendations by the magistrate's council. There are five types of appellate tribunals: Civil and commercial, criminal, labor, administrative disputes, and juvenile. Minor courts and justices of the peace fall within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The judicial system remains relatively inefficient; however, the 1999 enactment of new penal and criminal procedure codes is expected to improve the judicial system's efficiency over time. The judiciary continues to suffer from insufficient resources. There is also a large backlog of cases. The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary, but this right often is not respected in practice. Many destitute suspects receive little legal assistance, and few have access to an attorney sufficiently in advance of the trial to prepare a defense. In Asuncion for example, there are only 26 public defenders available to assist the indigent, and only 102 nationwide, although 25 new positions are planned. In practice, public defenders lack the resources to perform their jobs adequately.

The new Penal and Criminal Procedures Code entered fully into force in March and replaced the antiquated 1914 code. It provides the legal basis for the protection of fundamental human rights. The new code includes procedures for an oral and accusatorial system, as well as a faster and more transparent criminal trial process. If implemented effectively, these reforms could improve the credibility of the judicial system and reduce the number of persons in pretrial detention.

Enactment of the new Penal and Criminal Procedures Code has introduced gradually oral proceedings. A prosecutor is responsible for bringing charges against accused persons within 180 days. Defendants and the prosecutor can present written testimony of witnesses as well as other evidence. All interested parties have access to all documents reviewed by the judge, and defendants can rebut witnesses. Defendants enjoy a presumption of innocence. The judge alone determines guilt or innocence and decides punishment. During the pretrial phase, the judge receives and may request investigative reports. The accused often appears before the court only twice: to plead and to be sentenced. Defendants have the right to appeal. If the sentence is appealed, an appeals court reviews the verdict. The law provides for appeals to the Supreme Court if constitutional questions arise.

There were no reports of political prisoners. More than 45 supporters of former General Lino Oviedo were arrested after the killings of Vice President Argana and the student protesters in March 1999, and many remained in jail at year's end. They assert that they are being detained because of their political opposition to President Gonzalez Macchi (see Section 1.d.).

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

At times the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abuse their authority by entering homes or businesses without warrants and harassing private citizens. The Constitution provides that the police may not enter private homes except to prevent a crime in progress or when the police possess a judicial warrant. There were allegations that the Government occasionally spied on individuals and monitored communications for political and security reasons. There were allegations of the forced conscription of underage youth (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and the press, and the Government generally respected these rights in practice during most of the year; however, there were several exceptions during the state of exception in May and following the vice presidential election in August.

The print and electronic media are independently owned; however, some newspapers, radio and television stations are closely tied to political parties, factions of those parties, or business interests. The media commonly criticized the Government and freely discussed opposition viewpoints.

Following the coup attempt of May 18-19, the Government arrested journalists, and police destroyed two radio stations. During the coup attempt, Radio Asuncion, whose owners, Miguel and Adriana Fernandez, had been linked to Oviedo, broadcast appeals to the public to support the uprising. Early in the afternoon of May 20, as many as a dozen uniformed officers of the Paraguayan National Police entered Radio Asuncion's studios, where they destroyed some broadcast equipment and stole other items, effectively dismantling the station, and detained both the owners. Radio Asuncion was unable to resume operations and was off the air at year's end. The Government also detained Juan Carlos Bernabe of Radio Nanawa. On June 2, the authorities released Bernabe and the Fernandezes.

Radio 970 in Asuncion, which the Government similarly accused of supporting the coup attempt while it was in progress, reported being threatened with closure in the days following the uprising. Senator Francisco Jose de Vargas said during a public session of the Senate that he had requested that President Gonzalez Macchi send a helicopter to bomb the transmission tower of the station during the May 18-19 incidents because it was "abetting the insurrection."

Also after the coup attempt, under the decree implementing the state of exception, President Gonzalez Macchi ordered the detention of Hugo Ruiz Olazar, editor of the Asuncion daily newspaper ABC Color and local correspondent for Agence France Presse and El Clarin of Buenos Aires, on suspicion of having participated in planning the coup attempt. Police maintained surveillance outside the newspaper, monitoring movements to and from the building in an evident attempt to capture Ruiz. He was never arrested and returned to his position at ABC after the state of exception was lifted.

In addition several journalists were threatened around the time of the vice presidential election on August 13. On the evening of August 15, a reportedly drunken mob of several dozen Colorado Party supporters surrounded the studios of the country's leading station Radio Nanduti, threw stones and bottles, and threatened to storm the building. During the election campaign, Radio Nanduti's owner and leading commentator, Humberto Rubin, had been mildly critical of the Colorado Party and a prominent Colorado political family. Although the station called the police and also broadcast appeals for assistance, the police took more than an hour to arrive and disperse the crowd. Some windows were broken, but no one was reported injured. Then-Interior Minister Walter Bower later telephoned station owner Rubin on the air to offer apologies for the slow response.

On December 19, Brazilian journalist Mauri Konig of the O Estado do Parana newspaper was beaten with chains and severely injured after photographing a police station in Alto Parana department, near the border with Brazil. Konig reported that at least one of the three men who beat him was wearing a police uniform, and a pickup truck reportedly used by his assailants was linked to several police officials. At year's end, the

authorities had made no arrests in the case.

The Government does not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of all citizens to peaceful assembly, and the Government generally respected this right in practice during most of the year; however, before and during the state of exception in May the Government restricted this right. Police used gunfire to disperse protesters on several occasions, sometimes severely wounding civilians.

In 1997 the Government amended a law regulating demonstrations in Asuncion to further restrict areas where demonstrations may take place but expanded slightly the hours in which they may be held. Union groups were the most vocal opponents of the modifications. The law requires that organizers notify the Asuncion police 24 hours before any rally in the downtown area. The police may ban a protest but must provide written notification of such a ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. In addition the law prohibits public meetings or demonstrations in front of the presidential palace and outside military or police barracks. This law does not apply to religious processions.

In March in San Pedro police removed a roadblock erected by peasants. During the altercation six persons were shot. However, police deny that they shot the peasants, claiming that they had only rubber bullets. Police also beat at least one person, a labor union leader, during a strike in June (see Section 6.a.).

On April 3, dozens of police in riot gear prevented members of the UNACE faction of the Colorado Party from holding a meeting to discuss what position their party should take in the upcoming internal party elections. Police allegedly violently forced members to leave the area of the UNACE office and stopped members in cars from completing their trip. Party leader Luis Villamayor complained that the action violated the Constitution.

The Government restricted freedom of assembly during the state of exception imposed in late May after the coup attempt. The Government prohibited public gatherings of UNACE followers during the state of exception and required other groups holding meetings or demonstrations first to receive authorization from the police. The police retained the right to forbid any meeting and to demand identification from anyone participating in a meeting or demonstration.

Other political demonstrations and rallies occurred during the year, generally without major incidents. Labor unions continued to demonstrate for better working conditions, and peasant organizations closed roads on several occasions to bring attention to the needs of the rural population.

The Constitution provides for the right of all citizens to free association, and the Government respects this right in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government respects this right in practice. The Government requires that all religious groups be registered with the Ministry of Education and Culture, but imposes no controls on these groups, and many informal churches exist.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All citizens may travel within the country with virtually no restrictions, and there are no restrictions on foreign travel or emigration. There were no travel restrictions during the state of exception. The alleged coup plotters are not allowed to leave the country and must sign in with the Justice Ministry once a month.

The Government cooperates with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Constitution provides for the granting of asylum; however, there are no established provisions to grant asylum or refugee status in accordance with the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and Interior and the nongovernmental Committee of Churches. The issue of the provision of first asylum has never arisen.

There were no reports of the forced return of persons to countries where they feared persecution.

### Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens have the right and ability to change their government through democratic means. Multiple parties and candidates contest the country's leadership positions. Three parties are represented in the Congress. The Constitution and the Electoral Code mandate general elections every 5 years, voting by secret ballot, and universal suffrage. Debate in Congress is free and frank. The Congress often rejects the executive branch's proposals.

Three major parties and several smaller political parties are active. Competing factions within the parties are distinguished by the personal ambitions of their leaders, not by policy differences. The opposition's power increased as a result of the changes brought about by the 1992 Constitution and the subsequent election of a civilian president and an opposition-controlled congress. President Gonzalez Macchi's "National Unity Government" was weakened in February when the Liberal Party withdrew from the Government, claiming that the Colorado Party refused to share power with its coalition partners. The president of the Liberal Party was elected Vice President in August and took office in September. International observers from the Organization of American States characterized the election as free and fair. This was the first national election won by the opposition in almost 90 years. Interim gubernatorial elections that were scheduled for June were delayed because of a court challenge by the Colorado Party and were rescheduled for March 2001.

On May 18, members of two groups of the armed forces and some National Police officers loyal to former General Lino Oviedo attempted to overthrow President Gonzalez Macchi. Two cavalry units led by some former military officers and politicians took over the major cavalry bases in and around Asuncion and threatened to overthrow the Government. The coup attempt lasted less than 1 day, and the majority of the military remained loyal to the Government. However, following the coup attempt President Gonzalez Macchi declared and the Congress ratified a controversial and unpopular state of exception on May 19 and lifted it on May 31.

There are no legal impediments to women's participation in government and politics; however, in practice they are underrepresented. There are 9 women in Congress (7 of 45 senators and 2 of 80 national deputies), and there is 1 woman in the Cabinet. The new Electoral Code requires that, in their internal primaries, 20 percent of each party's candidates for elective office be women. Although women are represented in the judicial system as judges and prosecutors, there are no women on the Supreme Court.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right has grown significantly in recent years; however, members of indigenous groups are underrepresented in government and politics. The inhabitants of some indigenous communities report being threatened and prohibited from fully exercising their political rights.

### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Several human rights groups operate, including the Committee of Churches (an interdenominational group that monitors human rights, investigates refugee claims, and provides legal assistance), Tekojoja (a group dedicated to the protection of children's rights), and SERPAJ (a group that defends conscientious objectors and provides legal assistance to those with grievances arising from military service). In 1999 32 NGO's, civil organizations, and trade unions officially formed the Paraguay Human Rights Coordinator (CODEHUPY). The Government did not restrict the activities of any human rights group or advocates; however, it has a mixed record in cooperating with or responding to recommendations from such groups.

The 1992 Constitution mandates that Congress name a human rights ombudsman through whom citizens could press claims against the state; however, the Congress has yet to do so. The Director General of Human Rights, located in the Ministry of Justice and Labor, chairs the National Commission on Human Rights. The Commission sponsors seminars to promote human rights awareness. The Director General's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power but may forward information concerning human rights abuses to the Attorney General for action. It also serves as a clearinghouse for information on human rights and has trained thousands of educators in human rights law.

The office of the Attorney General's Special Adviser on Human Rights has been extremely active in pursuing justice against human rights abusers from the Stroessner regime. Although the position has little real authority, the Adviser is a strong spokesman for the human rights community and the rights of the disenfranchised and uses his position to identify and publicize human rights abuses by the Government. During the year, the

Special Adviser heard complaints from many citizens regarding alleged human rights violations and sponsored several conferences on different human rights themes.

On October 23, Minister of Foreign Affairs Juan Esteban Aguirre and Inter-American Institute of Human Rights representative Roberto Cuellar signed a cooperative agreement between the Government and the San Jose-based Institute. Under the terms of the agreement, the Inter-American Institute is to provide assistance in the fields of human rights education, political participation, and access to justice.

#### Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

Although the Constitution and other laws prohibit discrimination, certain groups, such as indigenous people, faced significant discrimination in practice.

#### Women

The most pervasive violations of women's rights involved sexual and domestic abuse, which is both widespread and vastly underreported. Spousal abuse is common. Although the new Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal, and then it is punishable only by a fine. Thousands of women are treated annually for injuries sustained in violent domestic altercations. Between January and September, the Secretariat of Women's Affairs registered 426 cases of violence against women. According to press reports published between January and August, nearly 60 percent of the cases of violence against women were rape cases. The authorities were able to detain the alleged attacker in less than 10 percent of those cases.

According to a 1995-96 national poll on reproductive health, 14 percent of women reported that they were abused physically at some point in their lives. Most observers believe that this number understates the reality. According to women's rights activists, official complaints rarely are filed or when filed soon are withdrawn due to spousal reconciliation or family pressure. The Secretariat of Women's Affairs chairs a national committee, made up of other government agencies and NGO's, which developed a national plan to prevent and punish violence against women. Under the plan, an office of care and orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGO's. However, in practice, these services are available only in Asuncion, and women living elsewhere in the country rarely benefit from them. The Secretariat also conducts training courses for the police, health care workers, prosecutors, and others.

The Women's November 25th Collective, an NGO, operates a reception center where female victims of violence can receive legal, psychological, and educational assistance. No shelters for battered and abused women are available outside the capital of Asuncion.

In July 1999, an IACHR report stated that in 1998 one case of rape was reported to the press every 3 days. During the first 4 months of that year, there was one case of rape reported each day. There are no specialized police units to handle complaints involving rape.

Most women imprisoned reportedly were detained for assault, including murder, that they committed following domestic violence.

The law prohibits the sexual exploitation of women, but the authorities do not enforce the prohibitions effectively, and trafficking in women is a problem. Prostitution by adults is not illegal, and exploitation of women, especially teenage prostitutes, remains a serious problem. Law enforcement officials periodically stage raids on houses of prostitution, and raids on two brothels in June confirmed that teenage prostitutes were working in both locations. A ring of traffickers sending women and teenage girls to Buenos Aires under the guise of working as domestic servants was uncovered during the year (see Section 6.f.).

Recognizing that a majority of women in the workplace face sexual harassment, several unions have sponsored an ongoing campaign against it. Sex-related job discrimination continues to be common and widely tolerated. The Secretariat of Women's Affairs occasionally sponsors programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

Women have much higher illiteracy rates than men, with an estimated 16 percent of rural women illiterate compared with about 10 percent of rural men. In addition, maternal mortality rates are high, and as many as 65 percent of such deaths are related to poor medical care. Several groups work to improve conditions for women, including Women for Democracy, which is active in civic and electoral education. Other groups include SUMANDO, an NGO that promotes educational reform and voter participation in elections; and SEFEM, which

focuses on women and public policy and the participation of women in local development.

#### Children

The Constitution protects certain children's rights and stipulates that parents and the state should care for, feed, educate, and support children. The population is very young, with 41 percent under the age of 15, and 60 percent under the age of 20. Boys and girls are entitled to equal treatment in education and health care. However, female access to education is lower, particularly in rural areas. The educational system does not provide adequately for the educational needs of the population. However, in 1998 the educational system was changed to make elementary school education compulsory through the eighth grade, with plans to extend it through grade nine, although the Government lacks the money to implement the changes. Families pay a fee to cover each school's administrative expenses and must purchase books, uniforms, and other supplies for their children's use.

Abuse and neglect of children is a problem. Children 14 and older are treated as adults for purposes of arrest and sentencing. According to UNICEF, 1 in 3 children (some 462,000) between the ages of 7 and 17 work, many in unsafe labor conditions (see Section 6.d.). According to a study by a local NGO, many of the children who work on the streets suffer from malnutrition, lack of access to education, and disease. Some employers of the estimated 11,500 young girls working as domestic servants or nannies deny them access to education and mistreat them.

Sexual exploitation of children also is a problem. According to the Attorney General's office, there are approximately 200 complaints per month regarding the mistreatment and sexual abuse of minors. In the city of Encarnacion, the authorities arrested a man for selling pornographic images of young girls over the Internet.

Trafficking in girls for the purpose of forced prostitution is a problem (see Section 6.f.).

The Government has ordered that all military officers responsible for recruiting ensure that all conscripts meet the legally minimum mandated requirement age of 18 for military service. However, there were many reported violations, including allegations of military recruiters forcing underage youths to join units and providing them with false birth certificates and other documentation to show them to be of age. The military took no significant disciplinary action against those responsible for underage recruits. Poor families often knowingly send underage children to the armed forces for economic reasons.

#### People with Disabilities

The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of disabled persons. However, the Congress never has enacted legislation to establish such programs or provide funding for them. Many persons with disabilities face significant discrimination in employment; others are unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for the disabled, and the vast majority of the country's buildings, both public and private, are inaccessible.

#### Indigenous People

The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population, estimated at 75,000 to 100,000, is unassimilated and neglected. Low wage levels, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination are common. Weak organization and lack of financial resources limit access by indigenous people to the political and economic system. Indigenous groups relied primarily upon parliamentary commissions to promote their particular interests. The Constitution also protects the property interests of indigenous people, but these rights still are not codified fully. The Constitution allows Public Ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land also hinders the ability of indigenous groups to progress economically and maintain their cultural identity. This is made worse by insufficient police and judicial protection from persons encroaching on their lands.

The Government's National Indigenous Institute (INDI) has the authority to purchase land on behalf of indigenous communities and to expropriate private property under certain conditions to establish tribal homelands. However, there have been significant allegations of wrongdoing within INDI, and in June a former

INDI director was sentenced to 9 years' imprisonment for embezzlement. Furthermore, many indigenous people find it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership. In August a group of indigenous people who had established a squatters' settlement on the edge of a highway were attacked by hooded men presumed to be ranch hands from a nearby property, in an attempt to dislodge them.

Significant problems facing the indigenous population also include lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention resulted in little progress in dealing with these problems. However, there were individual small successes that benefited indigenous people, including the successful pursuit in the courts in February and in July by members of the Enxet group of compensation for the forced labor and unlawful firing of some of its members (see Section 6.c.).

## Section 6 Worker Rights

### a. The Right of Association

The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference. The Constitution contains several provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000, or 15 percent, of workers are organized in approximately 1,600 unions.

In general unions are independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), traditionally was aligned closely with the ruling Colorado Party, but these ties appear to be loosening.

All unions must be registered with the Ministry of Justice and Labor. The registration process is cumbersome and can take several months. Employers who wish to oppose the formation of a union can delay union recognition further by filing a writ opposing it. However, virtually all unions that request recognition eventually receive it. The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism still is employed rarely. Senior Labor Ministry officials are available to mediate disputes.

The International Labor Organization (ILO) Committee of Experts has noted deficiencies in the application of certain conventions ratified by the Government. These include conventions dealing with minimum wage, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy. The ILO specifically criticized regulations requiring a minimum of 300 workers to form a union as inconsistent with international norms regarding the freedom of association.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of these were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. A general strike called for 2 days in late June only lasted 1 day, and was observed rigorously only by bus drivers, after several had their buses burned or their windshields smashed for initially defying the strike. Some violence also occurred during the month-long strike by Sitrande, the national electric utility workers' union, including reported acts of sabotage by union members. The workers went on strike to protest the privatization of the utility company.

There were unconfirmed allegations of several cases of intimidation and violence against union members during the year. In one case during a June transportation strike, union members and police clashed violently and one union leader was seriously injured.

Unions are free to form and join federations or confederations and during the year were affiliated with and participated in international labor bodies.

### b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and this provision is respected in practice. The number of negotiated collective contracts continued to grow, surpassing 100 contracts by the end of the year. However, they were still the exception rather than the norm in labor-management relations and typically reaffirmed minimum standards established by law. When wages are not set in free negotiations between unions and

employers, they are made a condition of individual offers of employment.

The Constitution prohibits antiunion discrimination; however, the firing and harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes are jailed for their role in leading demonstrations. Fired union leaders can seek redress in the courts, but the labor tribunals have been slow to respond to complaints and typically favored business in disputes. The courts are not required to order the reinstatement of workers fired for union activities. As in previous years, in some cases where judges ordered the reinstatement of discharged workers, the employers disregarded the court order with impunity. There are a number of cases in which trade union leaders, fired as long as 6 years earlier, have not yet received a decision from the courts.

The failure of employers to meet salary payments also frequently precipitated labor disputes. Principal problems included bottlenecks in the judicial system and the inability or unwillingness of the Government to enforce labor laws. There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. There were several cases of workers who chose not to protest because of fear of reprisal or anticipation of government inaction.

The union representing workers in Antelco, the state-run telephone provider, asserts that a new privatization law violates the conditions of a collective agreement between the Government and the bargaining unit by reducing the amount paid to workers who would be fired after the company is sold. The workers organized a strike in response to the privatization law.

There are no export processing zones.

#### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including that performed by children; however, cases of abuse of national service obligations occurred (see Section 6.d.). There were reports of conscripts forced to work as servants or construction workers for military officers in their residences or privately owned businesses. There also were allegations of forced conscription of underage youths (see Section 5). Apart from the abuse of national service obligations, the authorities appear to enforce the law effectively; however, trafficking in women and girls also is a problem (see Section 6.f.).

It is a common practice for families who cannot afford to raise a child, most often a daughter, to send her to relatives or colleagues, where she may be expected to work in exchange for room, board, and access to education. Sometimes these girls, who can be as young as 5 years old, are abused by those charged with providing for them.

In February and July, courts ordered ranch owners to pay compensation to members of the Enxet indigenous group for forced labor and unlawful firing of some members (see Section 5).

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws. Minors between 15 and 18 years of age may be employed only with parental authorization and cannot be employed in dangerous or unhealthy conditions. Children between 12 and 15 years of age may be employed only in family enterprises, apprenticeships, or in agriculture. The Labor Code prohibits work by children under 12 years of age, and all children are required to attend elementary school through the eighth grade.

In general the Government does not have the resources to enforce minimum working age regulations. According to UNICEF, 1 in 3 children (some 462,000) between the ages of 7 and 17 work, many in unsafe conditions. Recent studies indicate that 42 percent of these children began working by the age of 8, and some 37 percent do not attend school. According to a study by a local NGO, some 6,000 children and adolescents work in the streets of Asuncion, of whom a third are under 10 years of age. Thousands of children in urban areas, many of them younger than 12 years of age, are engaged in informal employment such as selling newspapers and sundries, and cleaning car windows. Many of the children who work on the streets suffer from malnutrition, lack of access to education, and disease. Some employers of the estimated 11,500 young girls working as domestic servants or nannies deny them access to education and mistreat them. Employers sometimes file false charges of robbery against those who seek to leave domestic jobs and turn them over to the police. In rural areas, it is not unusual for children as young as 10 years of age to work beside their parents in the field. Local human rights groups do not regard families harvesting crops together as an abuse of child labor.

The law prohibits forced or bonded labor by children, and generally it is enforced effectively; however, there were allegations of forced conscription of underage youths and trafficking in girls for forced prostitution (see Sections 5, 6.c., and 6.f.).

e. Acceptable Conditions of Work

The executive, through the Ministry of Justice and Labor, has established a private sector minimum wage sufficient to maintain a minimally adequate standard of living for a worker and family. The minimum salary is adjusted whenever annual inflation exceeds 10 percent and was approximately \$195 (680,162 guaranies) per month at year's end. However, the Ministry is unable to enforce the minimum wage, and most analysts agree that 50 to 70 percent of workers earn less than the decreed minimum. The Labor Code requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

The Labor Code allows for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also provides for an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard. However, many employers violate these provisions in practice. There are no prohibitions on excessive compulsory overtime. Workers in the transport sector routinely stage strikes to demand that their employers comply with the Labor Code's provisions on working hours, overtime, and minimum wage payments.

The Labor Code also stipulates conditions of safety, hygiene, and comfort. The Ministry of Justice and Labor and the Ministry of Health did not effectively enforce these provisions, due in part to a lack of inspectors and other resources.

Workers have the right to remove themselves from situations that endanger health or safety without jeopardy to their continued employment, but they may not do so until such conditions are recognized formally by the Ministries of Justice and Labor and Health. Although there are laws intended to protect workers who file complaints about such conditions, many employers reportedly took disciplinary action against them.

f. Trafficking in Persons

There is no specific legislation to prevent trafficking in persons, and there were sporadic reports of trafficking of women and girls for sexual purposes. In August the press reported that a trafficking ring had been uncovered that sent women and young girls to Buenos Aires, Argentina, under the guise of working as domestic servants, and then forced them into prostitution. In one prominent case, two girls escaped from an Argentine brothel in April and returned to their homes. The authorities brought charges against a number of Paraguayans under laws criminalizing the forced prostitution of a minor, but at year's end, none had been convicted. An Argentine television station also conducted an investigation of prostitutes working in greater Buenos Aires and discovered a number of undocumented Paraguayan women and girls working there as virtual slaves, held as prisoners offering their services as prostitutes in exchange for their clothing, room, and board.

[End.]