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U.S. Department of State

Paraguay Country Report on Human Rights Practices for 1998

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PARAGUAY

Paraguay is a constitutional republic with a strong executive branch and an increasingly important bicameral legislature. The President is the head of government and cannot succeed himself. On May 10, Raul Cubas Grau of the Colorado Party became the country's second freely elected civilian President. The turnover of power that occurred on August 15 was the first from one civilian government to another in over 50 years and resulted from the most transparent electoral process in the country's history. Former army commander Lino Oviedo, elected as the Colorado Party presidential candidate in September 1997, was disqualified as a candidate due to his conviction by a military tribunal for sedition and rebellion, he forfeited the nomination to his running mate, Cubas. Two days after taking office, Cubas commuted Oviedo's sentence, only to have the Supreme Court overturn that decree in early December. Cubas issued another decree that simply noted the decision and ordered that it be filed. He then sent the Court's decision back to the military tribunal (newly constituted with pro-Oviedo officers) for review and implementation. Although the Constitution provides for an independent judiciary and the Supreme Court continued its process of reform, the courts are subject to pressure by politicians and others, and there also were concerns at year's end about the President's handling of the Supreme Court decision against his decree commuting Oviedo's sentence.

The military no longer plays an overt political role; however, rumors of coup-plotting persisted during the year until Oviedo's disqualification. Although the military's political role has diminished considerably since 1989, many citizens were concerned that the major personnel changes made by the new Government may erode its apolitical status. The national police force has responsibility for maintaining internal security and public order; while it is nominally under the authority of the

presidency, under the current administration it reports to the Ministry of the Interior. The civilian authorities maintain effective control of the security forces. The police committed some 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 \$10 billion gross domestic product resulting from agriculture and industry. Over 40 percent of the population is engaged in agricultural activity, and approximately 20 percent of families depend on cotton farming. Wealth continues to be concentrated, with both urban and rural areas supporting a large subsistence sector. Agricultural commodities (soybeans, cotton, lumber, and cattle) were the most important export items. The economy contracted by approximately 0.5 percent in 1998. Annual per capita income was approximately \$1,600.

The Government's human rights record improved slightly, but serious problems remain. The principal human rights problems included torture and mistreatment of criminal suspects, prisoners, and military recruits; poor prison conditions; arbitrary arrest; detention of suspects without judicial orders; lengthy pretrial detention, general weaknesses within the judiciary; infringements on citizens' privacy; discrimination against women, the disabled, and indigenous people; violence against women; abuse of children and child labor; and firings of labor organizers.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of politically motivated killings in 1998.

Human rights monitors, including a support group for families of military recruits, report that 53 military recruits have died since 1989 at the hands of the military and the police. In January two conscripts disappeared and were presumed dead, allegedly having been abandoned in the Chaco region by their commanding officer, Lieutenant Blas Vera. A judge opened a case in Filadelfia and named Vera as the accused. At year's end, a conflict in jurisdiction between military and civilian courts had delayed the case.

In 1997 police officers were involved in the shooting death of a student, Gustavo Daniel Gonzalez Delgado. Human rights monitors claimed that Gonzalez was shot three times, after police opened fire on his car, following a traffic incident between Gonzalez's car and a police vehicle. Gonzalez's parents declined to bring charges against the police. The authorities elevated the case from an internal police investigation to a criminal case in May 1997, but there has been no further action.

There was no further action in the investigations into the 1995 killing of peasant protester Pedro Jimenez or the 1994 killings of peasant leaders Sebastian Larrosa and Esteban Balbuena.

Authoritarian regimes ruled the country until 1989, when dictator Alfredo Stroessner was overthrown by General Andres Rodriguez, who was elected President later that year. The judicial branch continued its efforts to convict and punish those who committed human rights abuses, including extrajudicial killings, during the Stroessner era.

In one case, Judge Ruben Dario Frutos ordered the return of police official Eusebio Torres to jail for the 1974 double homicide of Benjamin and Rodolfo Villalba. Frutos had released Torres in 1996 after a

police report stated that Torres had been working in a different section of the police department than the one in which the victims were interrogated and murdered. The testimony of three witnesses, who testified that they had seen Torres take part in the interrogations, and that of Pastor Coronel, a Stroessner-era police official who also has been jailed for his role in human rights abuses, convinced Frutos to reverse his decision.

On July 30, the Supreme Court upheld the constitutionality of two laws that could provide as much as \$6 million in reparations to former political prisoners and other victims of human rights violations during the Stroessner regime. However, budgetary and bureaucratic constraints could delay the payment process.

On October 2, President Cubas annulled the decrees issued by former president Stroessner in 1970, which had been used to wrongfully imprison and discharge Captain Modesto Napoleon Ortigoza and Captain Heran Fernando Falcon for the murder of cadet Alberto Benitez. Ortigoza and Falcon were convicted in 1963. The Supreme Court ruled in 1996 that the confessions were extracted under duress and therefore invalid. Imprisoned for 25 years, Ortigoza endured numerous beatings and was once sentenced to over 6 months' solitary confinement in a tiny cell.

The October arrest of former Chilean dictator General Augusto Pinochet in the United Kingdom drew renewed attention to extrajudicial killings and other abuses that occurred 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 provided him with documents from Paraguayan archives that he claims implicate General Pinochet in Operation Condor.

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 Bellotto Vouga, Camilo Almada Morel, and Juan Aniceto Martinez). The authorities also continued their cases against former police chief Ramon Duarte Vera (see Section 1.c.).

On November 11, three armed civilian security guards reportedly killed Gumersindo Pavon Diaz, a peasant laborer, on land that had been expropriated in 1996 from a businessman who had rejected the Government's offered price and was seeking judicial redress. Rural peasants responded violently, burning down buildings owned by the real estate company that operates on the land. Landowner Roberto Antebi stated publicly that the security guards had found Pavon Diaz trying to steal a horse, and that the shooting was accidental. The authorities arrested one of the guards; two remained at liberty. The cases were pending at year's end.

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 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 examples of numerous incidents of police abuse and extrajudicial killings. One incident, reported by local human rights advocates, involved the torture of juvenile detainees in the Pedro Juan Caballero prison by police guards. According to the juveniles, they were handcuffed and hung by their wrists, without their feet touching the floor, for several hours. The guards then forced them to undress and humiliated them. A judge decided to detain two of the alleged perpetrators, while acquitting the others.

In May 1997, the United Nations Committee against Torture criticized the Government for continued torture and mistreatment of prisoners and detainees by the police.

There were numerous allegations of mistreatment of military recruits by noncommissioned and commissioned officers. Such mistreatment has resulted in a number of deaths (see Section 1.a.). One incident reported to the Senate Commission on Human Rights involved a group of women involuntarily brought to a police station without cause and left in the care of 17-year-old noncommissioned officer Edgar Dulcirio Ojeda. The women escaped and Silvio Silvero, the commanding officer, beat Dulcirio until he lost consciousness. On July 21, the authorities arrested Silvero, charged him with a "serious infraction" involving "abuse of authority," and imposed an administrative punishment of 30 days' disciplinary arrest. Silvero remained on the police force.

Stroessner-era police chief, retired General Duarte Vega, arrested in 1997 for acts of torture committed in 1963, remained in a military prison. Victims continued to file additional charges against him, and the case was ongoing at the end of the year.

Credible reports continued that landowners, many of them Brazilians living near the border in the Alto Parana, Canindeyu, and Amambay departments, forcibly removed squatters from their property with the help of the police. Some of the evictions reportedly were violent, with paid armed civilians operating in conjunction with police personnel. The authorities undertook no effective action in response to these reports.

Prison conditions are extremely poor. Overcrowding and unsanitary living conditions were the most serious problems affecting all prisoners. Mistreatment of prisoners is also a serious problem. Tacumbu prison, the largest in Asuncion, was built to hold 800 inmates but houses over 1,400. Other regional prisons generally hold about three times more inmates than originally planned. Jailing large numbers of landless peasants for trespassing exacerbates prison overcrowding. The regional prison in Coronel Oviedo has a capacity of 120 inmates but holds almost 500.

Security is another problem. For example, there are only 30 guards to supervise over 600 inmates in the Alto Parana prison. In 1997 the Congressional Human Rights Commission 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. At the prison in Encarnacion there is one latrine for 280 detainees. Prisons have separate accommodations for well-to-do prisoners, ensuring that those with sufficient means receive far better treatment than other prisoners.

The Government permits independent monitoring of prison conditions by human rights organizations.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are 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, according to human rights activists, the authorities often violated these provisions.

Pretrial detention remains a serious problem. More than 95 percent of the over 5,000 prisoners were held pending trial, many for months or years after their arrest. Of the 600 inmates in Alto Parana prison, for example, only 18 have been sentenced. 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. The Supreme Court, the Public Ministry, and a judicial working group have taken 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 held 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, it often is pressured by politicians and other persons whose interests are at stake. There also were concerns about the President's handling of the Supreme Court decision against his decree commuting General Oviedo's sentence (see Section 3). Nonetheless, 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. Several minor courts and justices of the peace fall within these five functional areas. The judicial system remains relatively inefficient, due to outdated penal and criminal procedure codes, insufficient resources, and delays as new judicial officials learn their tasks. There is also a large backlog of cases. The military has its own judicial system.

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 13 public defenders available to assist the indigent. Some judicial districts have not even been assigned public defenders. Moreover, the public defenders lack the resources to perform their jobs adequately.

Trials are conducted almost exclusively by presentation of written documents to a judge who then renders a decision. A Public Ministry official is responsible in most cases for bringing charges against accused persons. Defendants and the Public Ministry can present written testimony of witnesses as well as evidence. In practice, testimony is oral and generally taken by members of the judicial staff, without a judge present. 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. In this phase, the judge is also likely to make a personal inspection of the scene of the crime and of the available physical evidence. The accused often appears before the court only twice: to plead and to be sentenced. If the sentence is appealed, an appellate judge reviews the verdict, and the law provides for appeals to the Supreme Court in certain cases.

Judicial reform has been under way since 1992. A new Penal Code entered into force in November and replaced the antiquated 1914 code. It establishes the protection of fundamental human rights. In July

Congress passed another important reform, the Criminal Procedures Code, which is to take effect in July 1999. It 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.

A separate documentation center and repository holds the government archives discovered in December 1992, which document various human rights abuses and implicate many former government officials of the Stroessner regime (see Section 1.a.).

There were no reports of political prisoners.

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

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 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 also were credible allegations that some government agencies required or pressured their employees to join or campaign on behalf of the ruling Colorado Party. There were allegations of 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 respects these rights in practice. The public and the press exercised these rights freely.

The print and electronic media are independently owned. The media commonly criticized the Government and freely discussed opposition viewpoints.

The police did not reopen the investigation into the 1991 murder of journalist and radio station owner Santiago Leguizamon in Pedro Juan Caballero. According to one of the major daily newspapers, two suspects have been identified, Luiz Henry Rodriguez Georges and Daniel Alvarez Georges, who are living in Brazil across the border from Pedro Juan Caballero. Leguizamon's widow stated publicly that the investigation was held up because "the accused are people of considerable influence."

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 respects this right in practice. In 1997 the Government amended a law regulating demonstrations in Asuncion that further restricted areas where demonstrations may take place, but it 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 a 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.

Political demonstrations and rallies occurred without major incidents. In March thousands of peasants from the interior marched on Asuncion to protest perceived government indifference to problems of land, health, and education. On December 22, supporters of General Oviedo protested in the streets of Asuncion, breaking windows at the Supreme Court building and blocking two major highways for 3 hours. The police stopped buses that defied a transportation strike, bringing charges of government complicity in the demonstration.

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 conscience for all persons and recognizes no official religion; the Government respects this right in practice. Roman Catholicism is the predominant religion, but all persons are free to worship as they choose. Adherence to a particular creed confers no legal advantage or disadvantage, and foreign and local missionaries proselytize freely. All religious groups must be registered with the Ministry of Education and Worship, but the Government imposes no controls on these groups.

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.

The Government cooperates with the office of the United Nations High Commissioner for Refugees and other humanitarian organizations in assisting refugees. There are no established provisions to grant asylum or refugee status; the Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and the Interior and the nongovernmental Committee of Churches (that investigates claims to refugee status). 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 nation's leadership positions. Four 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.

The executive branch and other political players asserted significant pressure on the Supreme Electoral Tribunal (TSJE), in an attempt to delay the May elections. However, the TSJE took a hard line against this pressure, and, in the end, the TSJE and the executive branch ensured that the elections took place at the constitutionally mandated time. Raul Cubas Grau defeated the opposition Democratic Alliance candidate, Domingo Laino, by 11 percentage points in elections observed by the Organization of American States and other international observers, who considered them to be free and fair.

There are three major political parties and a number of smaller ones. The opposition's power had 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. However, the Colorado Party swept the 1998 general elections, and the opposition lost control of both chambers of Congress.

The Government survived a test in April 1996, when then-army commander General Lino Oviedo defied a presidential order to resign and attempted to pressure President Juan Carlos Wasmosy to resign. A strongly negative public reaction and prompt international criticism convinced Oviedo to back down. After retiring from the military, he entered politics and ran for president.

In 1997 the TSJE declared Oviedo the winner of the Colorado Party presidential primary. However, the TSJE disqualified him after the Supreme Court in April upheld his conviction by a military tribunal for insubordination and armed rebellion in connection with his actions in April 1996. Oviedo already had been subjected to 30 days' detention for violating military discipline, and to a further indefinite detention, pursuant to a military court order, as a "moral author or suspected accomplice" in the 1996 crisis. The TSJE named Oviedo's running mate, Raul Cubas Grau, as the Colorado Party's presidential candidate 3 weeks prior to the election. Oviedo and his supporters argued that there were major irregularities in the decisions of the military tribunal and the Supreme Court. After the election, in June the Chamber of Deputies passed a bill that would have prevented Oviedo from receiving a pardon for 5 years and disqualifying him from running for president through 2008.

After assuming office, President Cubas commuted Oviedo's sentence and freed him, and in August a new military court (newly constituted with pro-Oviedo officers) annulled his previous conviction. Opponents challenged these measures in the judicial system. In September the Supreme Court ruled that the new military tribunal's ruling was invalid, and that the original sentence should stand. In December the Supreme Court ruled that Cubas' decree commuting Oviedo's sentence was unconstitutional, and that its original decision to uphold the 10-year sentence imposed by the first military tribunal should be enforced. Cubas responded with another decree, noting the court's decision and ordering that it be filed. He then sent the case to a lower military tribunal for review and implementation. At year's end, there was considerable tension regarding the President's refusal to honor the Supreme Court's decision. The Supreme Court also sent a copy of its decision to the TSJE, which must rule on whether or not Oviedo retains his political rights, i.e., the right to vote and run for office.

The Colorado Party controls Congress, and vestiges remain of the Stroessner-era merging of the State, the armed forces, and the Colorado Party. The press reported the use of state resources, particularly vehicles, to support party political rallies. There were also credible reports of government officials requiring public employees to attend Colorado Party functions and contribute funds to the party (see Section I.f.). These allegations increased during the Colorado Party presidential primary campaign, and continued during the general election campaign, as the Colorado Party used state employees and resources to fend off the strongest challenge in 50 years to its hold on the presidency. Only a few weeks before the election, President Wasmosy ordered state employees to take to the streets to protest an unfavorable TSJE ruling. This trend continued in the Cubas administration when, in early December, it was reported that public employees were encouraged to attend a pro-Oviedo rally and protest in front of the Congress.

There are no legal impediments to women seeking to participate in government and politics, but in practice they are somewhat underrepresented. In May voters elected 10 women to Congress (8 of 45 senators and 2 of 80 national deputies), and there are 3 women 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. Women are well-represented in the judicial system as judges and prosecutors.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right has grown significantly in recent years. Nevertheless, the inhabitants of some indigenous communities report being threatened and inhibited 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). The Government did not restrict the activities of any human rights group; however, it has a mixed record in cooperating with or responding to recommendations.

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 congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial powers 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 an ardent 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.

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

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

Women

Spousal abuse is common. Thousands of women are treated annually for injuries sustained in violent domestic situations. According to women's rights activists, official complaints rarely are filed, or when filed are soon 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, that has developed a national plan to prevent and punish violence against women. Pursuant to 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. The Secretariat also conducts training courses for the police, health care workers, prosecutors, and others.

Violence against women has been targeted as a key area of concern by several NGO's and the Secretariat of Women's Affairs. According to a 1995-96 national census on reproductive health, 14 percent of women reported that they were abused at some point in their lives. Most observers believe this number understates the reality. In Asuncion alone, observers believe close to 5,000 cases of violence against women go unreported each year. Almost 30 percent of the women who responded that they had been physically abused but did not report the abuse said that they believed that they could resolve the situation themselves. Approximately 20 percent feared reprisals from their attacker. About 25 percent of all violent crimes take place in the home, with the vast majority directed against women. Almost 20

percent of women with less than 2 years of education reported being abused; roughly 10 percent of women report being hit by their spouses. Under the Criminal Code, a rapist may be exonerated of the crime if he agrees to marry the victim and the victim accepts. Women's rights and advocacy groups succeeded in widening the debate about violence against women. The Women's November 25th Collective operates a shelter for battered and abused women, where they can seek medical and legal assistance.

The law prohibits trafficking and sexual exploitation of women, but the authorities do not enforce it effectively. Exploitation of women, especially teenage prostitutes, remains a serious problem. Law enforcement officials regularly stage raids on houses of prostitution, and there were cases of arrests and closures of brothels where minors were involved in prostitution.

The Secretariat of Women's Affairs continued to sponsor programs intended to enable women to have free and equal access to employment, social security, housing, ownership of land, and business opportunities. Sex-related job discrimination continues to be common and widely tolerated. Claiming that a majority of women in the workplace face sexual harassment, in 1997 several unions and NGO's sponsored a campaign against sexual harassment. The campaign was prompted in part by the plight of two women who sued their employer for sexual harassment, lost their suit, and then were held criminally liable for defamation and injury. The unions' campaign against sexual harassment is an ongoing effort.

Women have much higher illiteracy rates than 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. One is Women for Democracy, which is active in civic and electoral education. Other groups include Sumando, an NGO promoting educational reform policy and voter participation in elections; Sefem, which highlights such issues as women and public policy, women and social policy, participation of women in local development, and women in the Americas; and the Women's November 25th Collective, which sponsors a home for battered women and helps coordinate legal assistance. These groups are effective advocates for change.

Children

The Constitution protects certain children's rights, and stipulates that parents and the State should care for, feed, educate, and support children. Boys and girls are entitled to equal treatment in education and health care. Elementary school education is compulsory through the sixth grade. Access to primary education is widespread, with approximately 95 percent of eligible children attending first grade, although only 54 percent reach the sixth grade. However, female access to education is lower, particularly in rural areas.

Abuse of children is a problem. According to the United Nations Children's Fund, one in three children (some 462,000) between the ages of 7 and 17 work, many in unsafe labor conditions. According to a study by a local NGO, between 3,700 and 6,000 children and adolescents work in the streets of Asuncion. Many of these children suffer from malnutrition, lack of access to education, and disease. The typical work day extends from before 7:00 a.m., uninterrupted, until 5:00 p.m. The employers of some 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. Sexual exploitation is a problem, and of all the females who report being sexually exploited, 58.5 percent are 16 years old or younger. According to the Attorney General's office, there are approximately 200 complaints per month regarding mistreatment and sexual abuse of minors. The Government has taken effective steps to combat the problem of baby trafficking and in 1995 enacted a moratorium on international adoptions.

In 1996 then-president Wasmosy and the armed forces Chief of Staff ordered all officers responsible for recruiting to ensure that all conscripts meet the constitutionally mandated minimum age of 17 years for military service. However, there were several reported violations, including allegations of military recruiters forcing underage youths to join units. The military took no significant disciplinary action against those responsible for underage recruits. Human rights groups and some military personnel allege that poor families knowingly send underage children to the armed forces for the economic benefits.

People With Disabilities

The Constitution provides for equal opportunity for people 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 the disabled. However, the Congress has never enacted legislation to establish such programs. 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 nation's buildings, both public and private, are inaccessible to the disabled.

Indigenous People

The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the nation. Nevertheless, 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 provides that Public Ministry officials may represent indigenous people in matters involving the protection of life and property.

A lack of access to sufficient land hinders the ability of indigenous groups to progress economically and maintain their cultural identity. 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 1997 a congressional human rights committee requested an accounting of INDI's land purchases and transfers. In 1998 allegations of poor performance because of corruption continued. Many indigenous people find it difficult to travel to the capital to solicit land titles or process the required documentation associated with land ownership. After spending much time petitioning the Government, on July 28 between 50 and 70 families in indigenous communities received title to about 50,000 acres of traditional lands that the Government had acquired from cattle ranchers; additional requests were pending at year's end.

Significant problems facing the indigenous population are lack of education, malnutrition, lack of medical care, and economic displacement resulting from other groups' development and modernization. Scarce resources and limited government attention resulted in little progress in dealing with these problems. On October 12, 2,000 representatives of the Enxet and Toba Qom indigenous communities from the Chaco region marched on Asuncion to demand "land, food, health care, and education." Leaders of the tribal groups met with President Cubas and congressional leaders.

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 150,000, or 10 percent, of workers are organized in approximately 1,300 unions.

In general, unions are independent of the Government and political parties. One of the nation'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 further delay union recognition 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, a prohibition often violated by employers. 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 fixing machinery, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy.

There were numerous strikes by members of all three worker centrals. 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 24-hour general strike on November 25 led to some scattered acts of violence and vandalism, but largely was ineffective. The most noticeable effect was the lack of public transportation, more a testament to the superior organizational skills of the transport unions than symbolic of public support for the strike. Rural peasant groups had threatened to shut down major roadways throughout the country, but inclement weather largely undermined these efforts. The strike was indicative of much of the disorganization and discord that exists within the labor movement.

One major strike in April involving 3 unions and 44 bus lines lasted 6 days. Transport workers protested violations of the Labor Code by bus managers, including long work days and lack of access to social security benefits. Violence occurred during the strike period, as strikers attacked two buses, burning one. There were no injuries or deaths.

Violence against bus owners and their buses often erupts during strikes. In one instance a bus was set on fire and its driver, who owned the bus, was robbed and assaulted. Police suspected that striking union members were responsible for the attack.

Unions are free to form and join federations or confederations and affiliate with and participate in international labor bodies.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining. The number of negotiated collective contracts continued to grow; there were 93 in 1998. 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.

While the Constitution prohibits antiunion discrimination, the firing and harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes are incarcerated for their role in leading demonstrations. In February the authorities jailed six union members accused of leading bus drivers in a demonstration. One of the accused openly admitted that he had participated in the demonstration but maintained that he had broken no law. 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 5 years earlier, have not yet received a decision from the courts.

The failure 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.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor, including that performed by children (see Section 6.d.). However, cases of abuse of national service obligations occurred. There were several 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.

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. The law prohibits forced or bonded labor by children, and generally is enforced effectively, although there were allegations of forced conscription of underage youths (see Sections 5 and 6.c.). 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 sixth grade. In practice, however, many thousands of children, many of them younger than 12 years of age, may be found in urban areas engaged in informal employment such as selling newspapers and sundries, shining shoes, and cleaning car windows (see Section 5). 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 the crop together as an abuse of child labor.