



Paraguay

Country Reports on Human Rights Practices - [2007](#)

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Paraguay is a constitutional republic with a population of approximately 6.7 million. The president is the head of government and head of state. In 2003 voters elected Nicanor Duarte Frutos of the Colorado Party as president in generally free and fair elections. The country has a multiparty electoral system, but the Colorado Party has governed for 60 years. The civilian authorities generally maintained nominal control of the security forces.

Although the government generally respected the human rights of its citizens, there were serious abuses in some areas. There were reports of killings by the police and military, which the government investigated but rarely prosecuted. Some convicted prisoners, other detainees, and conscripts were subject to torture and abuse by government authorities. Prisons were routinely overcrowded and violent. Corruption, inefficiency, and external interference in the judiciary were routine problems, as was lengthy pretrial detention. Journalists were occasionally harassed and intimidated. Government corruption was a serious problem. Violence and discrimination against women and indigenous persons continued, as did trafficking in persons, discrimination against persons with disabilities, and discrimination based on sexual orientation or against persons with HIV/AIDS. Protections for worker rights and laws regulating child labor were inadequately enforced.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, security forces killed several persons while in custody or acting outside the scope of their duties using unwarranted or excessive force.

On May 6, police officers acting under the authority of Anti-Kidnapping Prosecutor Rogelio Ortuzar Bareiro killed Nancy Martinez, Cesar Gonzalez, Christian Delfino Morales, Rildo Ramirez, and Alfonso Leguizamon and his 16-year-old son, Mario Leguizamon, during a police raid in Minga Guazu, Alto Parana Department. Police alleged the victims were involved in kidnapping four persons who were released on April 20 after paying a \$138,000 (690 million guaranies) ransom. A Public Ministry investigation was pending at year's end.

Members of the National Commission for Citizen Security (CONASEG), which coordinates the public security efforts of government ministries, agencies, and civil groups, have been accused of killings, robberies, assaults, and protecting traffickers. Several members were under investigation for killings; however, none had been prosecuted by year's end.

There were no developments in the cases of the alleged 2006 police killings of Agustin Cristaldo, Miguel Angel Benitez, and Alberto Escobar Silvero or in the alleged 2006 killings of Josais Adan Valiente Ovelar and Luis Martinez by CONASEG members.

There were no developments in the 2005 cases of alleged police killings of Lucio Luis Vera, Angel Cristaldo, and Leopoldo Torres. The 2005 case of three killings reportedly ordered by Police Subcommissioner Francisco Ramon Rojas Aveiro remained pending.

b. Disappearance

There were no reports of politically motivated disappearances.

Enrique Galeano, host of a news and music program on the Horqueta-based Radio Azotey, disappeared in February 2006 near the city of Yby Yau, Concepcion Department. On July 16, Galeano appeared in Sao Paulo, Brazil, and claimed that

Brazilian drug trafficker Luis da Rocha, with support from Colorado Deputy Magdaleno Silva and police officer Osvaldo Nunez, forced him to leave the country after kidnapping him, abusing him, and threatening his family. On July 6, Uruguay granted Galeano political asylum. Galeano alleged that his disappearance was related to his public criticism of powerful political figures for corruption and involvement in narcotics trafficking.

In November 2006 a judge convicted 12 members of a militant faction of the Free Fatherland Party on charges related to the 2004 kidnapping and 2005 killing of Cecilia Cubas, daughter of former president Raul Cubas, and issued sentences between five and 35 years' imprisonment. Six escaped to Argentina, one of whom subsequently fled to Bolivia after the others were captured, and were awaiting the possibility of extradition. Two escaped to Bolivia and extradition was pending. An additional nine individuals remained at large and were under investigation.

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

Although the law prohibits such practices, there were reports that some government officials continued to employ them. The Paraguayan Human Rights Coordinator (CODEHUPY) comprising 37 nongovernmental organizations (NGOs), civic organizations, and trade unions, and the local NGO Committee of Churches for Emergency Aid (CIPAE) reported several cases of police torture and other abuses, including of women and children, designed to extract confessions, punish escape attempts, or intimidate detainees.

There were several reports of police officers harassing and beating civilians. On April 18, police officers in Guayaibi, San Pedro Department, allegedly beat 11-year-old Blas Argana, whose father was wanted by police for growing marijuana. San Pedro police officers also reportedly beat marijuana growers Derlis Martinez, Valentin Cabral, Juan Blas Martinez, Eliodoro Martinez, and Teodoro Jimenez. On September 18, agents in Ciudad del Este's Crimes Investigation Unit allegedly put Juan Dolores Colman Espinola in a polyethylene bag and beat him severely to extract a confession. On September 20, Ciudad del Este police commissioner Major Wenceslao Recalde acknowledged that police engaged in torture. On November 1, Ciudad del Este police reportedly beat brothers Ramon, age 12, and Isidro Benitez, age 23, after arresting them in Hernandarias, Alto Parana Department, on suspicion of robbery. On November 7, Felipe Benitez Cano claimed he was beaten by Ciudad del Este police after he stopped paying police a \$100 (500,000 guaranies) monthly extortion fee.

There were no developments in the cases of the 2005 arrest and torture of Marcial Martinez Amarilla or the 2005 police beating of Juan Carlos Silvero Medina.

CODEHUPY reported that torture and other inhumane acts remained a significant problem in prisons, and police or prison guards enjoyed impunity. UN Special Rapporteur on Torture Manfred Nowak stated in November 2006 that torture was widely practiced during the first days of police custody. He reported: "The use of torture to obtain confessions is a standard practice in Ciudad del Este and other regions, where the methods used include beatings, stripping detainees naked, placing plastic bags over their heads, and squeezing their testicles." The rapporteur cited impunity as one of the most important reasons for the continuing practice of torture and abuse.

The law mandates that the Truth and Justice Commission (CVJ) gather information for cases of human rights abuses during the 1954-89 Stroessner regime. The law also requires that the ombudsman investigate and work with the prosecutor general, who reports directly to the president, to seek monetary compensation in these cases. Since his appointment in 2001, the ombudsman ruled that more than 1,200 victims who filed petitions were entitled to reparations. More than 400 victims (or family members) received payments totaling \$20 million (100 billion guaranies). The CVJ, whose five-year mandate expires in 2008, estimated that as many as 12,000 Stroessner-era abuse cases may have been filed.

In May the CVJ examined the armed forces archives to clear up possible abuses during the Stroessner regime; however, the commission did not find any evidence of Stroessner-era human rights abuses or disappearances by the armed forces or any evidence of Stroessner-era abuses in the National Police archives. On December 22, the Supreme Court opened the Terror Archives, a collection of Stroessner-era secret police documents, to the public and made them available online.

In September 2006 the Inter-American Court on Human Rights found the government culpable in the case of the 1977 disappearance of Agustin Goiburu and 26 others and stated that the government should pay \$633,000 (3.17 billion guaranies) in reparations to these victims of Operation Condor who were tortured or killed under the Stroessner regime; the government's response was pending at year's end.

On September 7, the ombudsman awarded pro-Nazi activist Ramon Dart Castelluccio \$20,000 (100 million guaranies) for abuses against him when he spent more than one year in jail during the Stroessner regime. On September 12, the Supreme Court ordered the government to pay \$400,000 (two billion guaranies) to the widow of Antonio Maidana, former secretary-general of the Paraguayan Communist Party who was incarcerated for 19 years and killed in 1980.

Special rapporteur Nowak noted in November 2006 that he had received allegations of beating and degrading treatment of military conscripts, such as a form of hazing known as "descuereo," which involves forcing individuals to carry out extreme forms of exercise as punishment. In January, 17-year-old Air Force recruits Cristian Recalde and Victor Jose Coronel complained about this form of punishment; as a result, the military eliminated a special provision allowing recruits aged 17

to serve with parental consent and required that recruits be 18 years of age.

In February the government authorized the ombudsman to monitor conditions at the Mariscal Francisco Solano Lopez Military Academy in Capiata, Central Department; the ombudsman reported no allegations of torture, rape, or assault. There were no developments in the case of the May 2006 alleged rape and sexual assault of several female cadets at the academy by senior military officers.

Prison and Detention Center Conditions

The Ministry of Justice and Labor manages the country's prisons, including 20 penitentiaries and correctional centers holding approximately 6,100 inmates, 60.5 percent more than their capacity of 3,800. Tacumbu Prison in Asuncion, designed to hold approximately 900 inmates, held an average of 3,000 prisoners.

Prison and detention center conditions generally did not meet international standards. Overcrowding, insufficient infrastructure, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. Most prisons needed additional prison guards, required maintenance, and ignored serious health concerns. CODEHUPY noted increased overcrowding, violence, and deterioration in food safety and medical care in prisons. In August 2006 the Senate Committee on Prisons found that prisons generally remained in "deplorable" conditions. In particular, Special Rapporteur Nowak found the maximum security wing of the Ciudad del Este Regional Penitentiary in an extremely overcrowded condition without light, ventilation, or basic hygiene. Security was a problem throughout the prison system. Inmates frequently had weapons. Escapes and escape attempts were frequent; corruption among prison guards and judicial officials remained a problem. However, the Esperanza Industrial Penitentiary, which opened in 2005 and held approximately 300 male prisoners, represented a model for prison reform.

Regional penitentiaries in the departments of Paraguari, Canindeyu, Concepcion, Itapua, Caaguazu, and Misiones held prisoners of both sexes in separate wings. A 2006 report by the Senate Committee on Prisons questioned the practice of co-locating male and female prisoners, but the government did not change the practice. On December 10, CIPAE noted that prison guards at San Juan Bautista Regional Center raped several female inmates, including one who was hospitalized for internal injuries. Although the ministry assigned minors convicted of juvenile crimes in Asuncion, Concepcion, and Encarnacion to youth detention centers, juvenile offenders elsewhere served their sentences in adult penitentiaries. Living conditions in juvenile facilities were generally better than in adult prisons. Prison administrators frequently separated prisoners based on their ability to pay for better living conditions.

The government permitted independent monitoring of prison conditions by human rights organizations and granted Amnesty International and diplomatic representatives limited access to prisons for announced and unannounced visits. Observers found prison conditions extremely poor. During sensitive periods following prison unrest, some prison directors required the human rights and diplomatic representatives to obtain permission from the Ministry of Justice and Labor before visiting prisons.

d. Arbitrary Arrest or Detention

The law prohibits arrest and detention without an arrest warrant signed by a judge. The law also stipulates that persons arrested must appear before a judge within 24 hours to make a statement. The police may arrest without warrant persons apprehended in the act of committing a crime, and persons may be detained up to six hours by the Public Ministry. In practice there were reports of arbitrary arrest and detention of persons without a warrant.

Role of the Police and Security Apparatus

The National Police, military, CONASEG, the Anti-Narcotics Secretariat (SENAD), and the Anti-Terrorism Secretariat (SEPRINTE) are responsible for law enforcement and maintenance of order. The structure of the security forces is decentralized, and security forces did not effectively coordinate law enforcement efforts. Corruption and impunity were severe problems in the National Police. Civilian authorities maintained nominal control over the security forces. Although the government has mechanisms to investigate and punish abuse and corruption, there were reports of abuses and corruption involving the security forces that went unpunished.

The National Police, under the authority of the Interior Ministry, has responsibility for law enforcement and internal security. The 15,000-member police force was inadequately funded, poorly trained, and generally corrupt. On February 15, the government took steps to enhance urban law enforcement and assigned 295 officers of the new Urban Specialized Police unit to patrol Asuncion. CONASEG members supported the National Police. Although they could not arrest suspects or use weapons, CONASEG members acted as police officers in local communities.

The government took steps to control and punish human rights violations committed by police officers; however, the police officers enjoyed impunity for many of their actions. Although the National Police trained officers in human rights, there were incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping.

Despite the Senate's 2005 rejection of his promotion to national police commissioner (due to his connections to narcotics traffickers) and his forced retirement in 2006, Aristides Cabral was appointed as the Interior Ministry's national intelligence director on November 20.

The 12,000-member military, under the authority of the Defense Ministry, is responsible for external security but also has some limited domestic security responsibilities. There were isolated cases of military corruption.

SENAD, under the president's authority, is responsible for enforcing laws related to drugs and drug trafficking. SEPRINTE, also under the president's authority, combats terrorism. SENAD and SEPRINTE were effective in their antinarcotics and antiterrorism efforts.

Arrest and Detention

The law provides that, after making an arrest, police have up to six hours to notify the prosecutor's office, at which point the prosecutor's office has up to 24 hours to notify a judge that it intends to prosecute the case.

The law provides detainees with the right to a prompt judicial determination regarding the legality of the detention, and authorities appeared to respect this right and to inform detainees promptly of the charges against them. The average time from arrest to trial was approximately 240 days. Pretrial detainees constituted approximately 70 percent of the prison population. The law permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurred in practice.

The law allows judges to utilize "substitute measures," such as house arrest, in place of bail for most crimes; however, judges frequently set relatively high bail, and many accused persons were unable to post bond.

The law grants accused criminals the right to counsel, and the government provides counsel and representation to poor defendants. The government permitted defendants to hire attorneys at their own expense. Inmates were allowed regular visits from family members, including conjugal visits.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, courts remained inefficient and routinely subject to corruption and political influence.

Politicians and other powerful, interested parties blocked or delayed investigations and often pressured judges. Although the judiciary was not formally allied with any political group, approximately 62 percent of judges were members of the Colorado Party while 11 percent were Liberals.

The nine-member Supreme Court appoints lower court judges and magistrates based on recommendations of the eight-member Magistrate's Council; the Council also nominates for Senate approval a slate of three candidates for Supreme Court vacancies.

There are five types of appellate tribunals: civil and commercial, criminal, labor, administrative, and juvenile. Minor courts and justices of the peace handle civil and commercial, criminal, labor, and juvenile cases. The military has its own judicial system, and the Supreme Court of Military Justice oversees military cases. The Superior Electoral Court (TSJE) oversees the electoral process and settles election disputes. The Supreme Court has final appellate jurisdiction over decisions of the Supreme Court of Military Justice, the TSJE, and appellate courts.

On July 16, a civilian three-judge panel determined that the government violated habeas corpus by holding former general Lino Oviedo for more than three years without trial on charges stemming from the 1999 assassination of Vice President Luis Argana and subsequent killings of seven student protesters. On September 5, the Supreme Court of Military Justice released Oviedo on parole, after determining that, while incarcerated at Vinas Cue military prison and detained in Brazil, he had served more than half his 10-year sentence for a 1996 coup attempt. On October 30, just hours before the deadline for Oviedo to register to vote (and thus be permitted to run) in the 2008 national election, the Supreme Court reinstated Oviedo's full civil and political rights. These military and civilian court rulings spurred widespread complaints of executive interference in the judicial system.

On March 14, the government complied with the Inter-American Court of Human Rights' 2004 ruling by fully compensating former presidential candidate Ricardo Canese for imprisoning him after he criticized former president Carlos Wasmosy during the 1993 election campaign.

Trial Procedures

The law provides for the right to a fair trial, and an independent judiciary generally enforced this right. In practice groups such as women and indigenous persons were denied this right.

All trials are open to the public. The law stipulates that all defendants have the right to an attorney and to consult with that attorney in a timely manner, at public expense if necessary. The law requires prosecutors to bring charges against accused persons within 180 days of arrest. The 200 public defenders in country, including 49 in Asuncion, lacked the resources to perform their jobs adequately. Defendants enjoy a presumption of innocence, and defendants and prosecutors may present the written testimony of witnesses as well as other evidence. Defendants and their attorneys have access to government-held evidence relevant to their cases.

Juries are not used. In most cases a three-judge panel determines guilt or innocence and decides punishment. A majority opinion is required to convict. One judge presides in misdemeanor cases when the maximum punishment does not exceed two years in prison. A convicted defendant has the right to appeal, and the Supreme Court has final appellate jurisdiction over constitutional questions. In practice the Supreme Court considered many cases not related to constitutional questions, further delaying the judicial process.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. While the justice system provides for an independent civil and commercial judiciary, courts remained inefficient and subject to corruption and political influence. Politicians and other interested parties had considerable influence and often pressured judges.

Property Restitution

The government generally enforces court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. In 2005 the government expropriated approximately 319,000 acres of land in Puerto Casado owned by Reverend Sun Myung Moon's Unification Church. On May 23, the Supreme Court ruled the government's expropriation unconstitutional. On August 10, Congress and the Unification Church agreed to a donation of 74,130 acres for distribution to local farmers. Thereafter, the church had access to its remaining landholdings.

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

The law prohibits police entry into private homes except to prevent a crime in progress or when the police possess a judicial warrant. 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 abused their authority by entering homes and businesses without warrants and harassing private citizens. There were credible allegations that some government officials occasionally spied on individuals and monitored communications for partisan or personal reasons.

On November 1, a prosecutor indicted Colonel Heriberto Galeano, former commander of the Presidential Escort Regiment and the First Infantry Division, as part of an investigation into his involvement in illegal telephone tapping operations from his home. Galeano posted bail and remained free while awaiting trial; the military suspended him and placed him on leave without pay.

There were no developments in the 2005 robbery and assault case of Norma Silva Centurion or in the 2005 case of Marcial Martinez Amarilla, who was arrested without a warrant.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals criticized the government publicly or privately generally without reprisal, and the government generally did not impede criticism. After August, however, President Duarte and senior members of the Colorado Party repeatedly criticized the press during political speeches, accusing the media of partisanship and inaccurate reporting. On November 22, the president called for a press law that would require the registration of journalists and control the content and ownership of media outlets.

Harassment and intimidation of journalists by government agents occurred. On several occasions, politicians and prosecutors publicly threatened journalists who revealed embarrassing information about them, typically related to corruption. Political figures used police or private security agents to threaten or intimidate journalists.

On March 4, 12 illegal log traffickers attacked and briefly took hostage journalist Alberto Nunez in the Capiibary National Forest Reserve, San Pedro Department. The traffickers beat Nunez and threatened his life for taking photographs. On August 13, Nunez also received death threats after local news media broadcast videos showing the daughter of a local councilman involved in a sexual act. On September 13, Ciudad del Este police beat Channel 13 cameraman Luis Carlos Ayala Davalos after he took pictures of a local family whose child was crushed to death by a falling wall.

On August 22, unknown assailants killed Chilean radio journalist Tito Alberto Palma in Mayor Otono, Itapua Department, following numerous death threats associated with his reporting. Although investigators identified members of Palma's family as potential suspects in the case, they have not ruled out possible government involvement in his death. Palma reported on organized crime and political corruption on the Mayor Otano radio station and on Radio Chaco Boreal in Asuncion.

On July 16, disappeared journalist Enrique Galeano appeared in Sao Paulo (see section 1.b.). There were no developments in the case of the December 2006 killing of Colorado mayoral candidate and journalist Julio Benitez Ruiz Diaz.

The independent media were active and expressed a wide variety of views with few legal restrictions. The media frequently criticized the government and freely discussed opposition viewpoints without censorship or content restriction. Many media outlets reflected personal business or political interests, and ethical and professional standards were low. Political officials often retaliated against media criticism by using the misinterpreted libel law. Judges were biased toward officials and frequently ruled in their favor.

Internet Freedom

There were no government restrictions on basic access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. Internet access was available to and used by citizens, albeit limited by insufficient infrastructure. Additionally, the government-owned COPACO telephone company used monopoly status to attempt to block access to Voice-over Internet Protocol (VoIP) telephony to enrich particular interests. On October 3, COPACO president Juan Ramon Ibarra stepped down after 10 months as chief executive amid allegations that officials profited from \$40 million (200 billion guaranies) paid to a German company for international telephone access.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. The government generally protected demonstrators from indiscriminate violence.

The law restricts demonstrations to certain times and places and specifically prohibits meetings or demonstrations in front of specified government buildings. The law prohibits closing roads as a form of protest, but demonstrators did so on many occasions during the year. Police sometimes forcibly removed protesters.

Court decisions in the case of the 2004 Ycua Bolanos Supermarket fire prompted protests that police dispersed with force. In December 2006 demonstrations broke out following involuntary manslaughter convictions (vice murder) in that case. More than 50 judges recused themselves from participating in the trial for fear of public retaliation. On August 8, protesters and police clashed again following the court's decision to retry the case. In response to an appellate court's September 7 decision conditionally releasing the owners of Ycua Bolanos, approximately 120 family members and victims protested; police used water cannons and rocks to disperse them.

Several farmers' groups blocked national highways and occupied numerous rural properties to call attention to farmers' issues, including land reform. On March 27, police used force, including rubber bullets, to break up an illegal protest by two thousand members of the landless movement. The police resorted to force when protesters attempted to converge on the president's residence.

Freedom of Association

The constitution provides for the right of citizens to free association, and the government generally respected it in practice.

c. Freedom of Religion

The constitution provides for freedom of religion, and the government generally respected this right in practice. The government required all religious groups to register with the Ministry of Education and Culture but imposed no controls on these groups, and many unregistered churches existed.

Jehovah's Witnesses who refused to give permission for blood transfusions reported that authorities challenged what the group considered a "right to bodily self determination." On September 10, police arrested Jehovah's Witnesses Jose Ortega and Asuncion Bernarda Ortega Gaona for refusing to allow doctors to give their daughter blood transfusions. They were released from prison; their case remained under investigation.

Societal Abuses and Discrimination

There were occasional reports of violence, harassment, and discrimination against members of religious groups.

In the second half of the year, President Duarte made repeated discriminatory remarks against members of the Catholic clergy in an attempt to discredit the presidential candidacy of Fernando Lugo, the former bishop of San Pedro Department who submitted his resignation from the clergy in December 2006.

There were an estimated 1,000 Jews in country. Anti-Semitic and pro-Nazi messages and symbols, including graffiti, appeared sporadically. On July 5, the newspaper *ABC Color* published anti-Semitic comments in an article. Representatives of B'nai B'rith met with the publisher to express their concern.

For a more detailed discussion, see the [2007 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. However, authorities frequently prohibited those accused of crimes from leaving the country and, on occasion, barred those convicted of crimes from traveling abroad after completing their sentences. The law expressly prohibits forced exile, and the government did not use it. However, at a November 22 political rally, President Duarte accused large landholders of exploiting and killing their workers and of not supporting continued Colorado Party rule. Singling some out by name, the president declared "they should be expelled from Paraguay."

Protection of Refugees

The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. In practice the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution.

The government granted asylum to five of six Colombians seeking protection during the year; the sixth was expelled. The government provided temporary protection to 14 Cubans who entered the country during the year and did not qualify as refugees under the 1951 convention or the 1967 protocol. The government granted asylum to one Cuban, denied another, and was reviewing the remaining 12 cases at year's end.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and other humanitarian organizations in assisting refugees and asylum seekers. CIPAE acted as the UN's legal representative. On May 2, the government agreed to join the UNHCR's regional resettlement program.

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

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. The law mandates general elections every

five years with voting by secret ballot.

Elections and Political Participation

In the April 2003 multiparty general elections, Nicanor Duarte Frutos of the Colorado Party won the presidency. Observers from the Organization of American States characterized the elections as generally free and fair. There were no reports of systematic nationwide irregularities, although the NGO Transparency Paraguay cited irregularities at several polling stations.

The government prohibits unelected public officials from political campaigning and the use of public resources to benefit political parties; however, in the run-up to the April 2008 national elections, many public officials used public resources to further political campaigns.

Although political parties could operate without restriction or outside interference, the government must approve their participation in elections. The government prohibits unregistered parties, including those with military wings, and independent candidates from participating in elections.

There are no legal impediments to women's participation in government and politics. There were 11 women in Congress (four of 45 senators and seven of 80 national deputies), one woman on the Supreme Court, one woman elected as a departmental governor, one woman heading a cabinet ministry, and six women holding ministerial rank. The Electoral Code requires that at least 20 percent of each party's candidates in their internal primaries for elective office be women.

Although there were no legal impediments to indigenous groups' participation in government and politics, there were no indigenous members of government. In November 2006 several candidates from the National Indigenous Movement ran for office in municipal elections, but none were elected. Members of some indigenous communities reported they were threatened and prohibited from fully exercising their political rights, and indigenous persons continued to protest limits on their political and human rights.

Government Corruption and Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials frequently engaged in corrupt practices with impunity. According to the World Bank's worldwide governance indicators, corruption was a serious problem.

The Public Ministry under the authority of the attorney general commissioned several units of attorneys to combat corruption. The Ministry of Industry and Commerce's Secretariat on Money Laundering referred eight cases to the Public Ministry for prosecution during the year.

A December 2006 National University of Asuncion report indicated that corruption cases experienced delays often exceeding legal timeframes. The report found that approximately 77 percent of all cases expired under the statute of limitations and indicated that wealthy or well-connected defendants received impunity by filing motions that slowed legal progress.

Government prosecutors pursued high-profile corruption cases. On May 21, prosecutors arrested former foreign minister Ruben Melgarejo Lanzoni and Prosecutor Juan Claudio Goana for attempting to extort \$50,000 (250 million guaranies) from a French businessman. The case remained pending at year's end.

On June 21, Colorado Deputy Victor Bogado stepped down as president of the House of Deputies. Deputy Bogado remained under investigation by prosecutors for, among other acts, spending an estimated \$125,000 (800 million guaranies) in public funds to finance his wedding. His case remained pending while he retained congressional immunity.

On August 7, prosecutors arrested Environment Ministry official Jorge Colonel, Boqueron Department, for soliciting a \$20,000 (100 million guaranies) bribe from a British mining company.

On November 12, prosecutors opened an investigation against Itaipu Binational Authority Director Victor Bernal Garay for allegedly using public funds generated by the public utility company jointly owned by Paraguay and Brazil to purchase personal properties.

On December 6, prosecutors indicted 37 officials from the Paraguayan Customs Investigative Unit for falsifying travel vouchers totaling \$27,200 (128.8 million guaranies).

There were no developments in former president Luis Angel Gonzalez Macchi's appeal of his 2006 conviction and six-year prison sentence for involvement in the illegal transfer in 2000 of \$16 million (800 billion guaranies) from the liquidated

Oriental Bank and Union Bank.

Elected officials are required to disclose their finances prior to running for office; however, not all did so, engaging in corrupt practices with impunity and using political immunity to avoid prosecution.

Although the law provides for public access to government information, citizens and noncitizens, including foreign media, had limited access to government information. Efforts to hide corruption and insufficient infrastructure hindered access to information; however, the government improved transparency by publishing information publicly via the Internet.

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

Nearly 50 domestic and international human rights groups, including the IOM, International Labor Organization (ILO), and UN Children's Fund (UNICEF), operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were somewhat cooperative and responsive to the views of domestic and international NGOs.

Ombudsman Manuel Paez Monges was the country's primary human rights advocate. The ombudsman employed approximately 160 lawyers and support personnel, including 70 who worked in municipal offices outside Asuncion. The ombudsman's office worked closely with the CVJ to process Stroessner-era abuse cases. The ombudsman's offices and the commission generally operated without government interference; however, budgetary constraints hindered their operations.

The Ministry of Justice and Labor's director general of human rights chaired the National Commission on Human Rights. The director general's office did not have subpoena or prosecutorial power, but the commission forwarded information concerning human rights abuses to the Public Ministry for action.

The human rights office in the Ministry of Foreign Affairs organized an interministerial roundtable on human rights and trafficking in persons that met periodically. It served as a forum for human rights officials from the government and domestic and international NGOs.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

While the law prohibits discrimination based on race, gender, disability, language, or social status, certain groups, such as indigenous persons, faced significant discrimination in practice.

Women

The law criminalizes rape, including spousal rape, and provides penalties of up to six years in prison. According to the Public Ministry, rape was a significant problem. The government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported.

Domestic violence was very common, and thousands of women were treated annually for injuries sustained in domestic altercations. Through November the Secretariat of Women's Affairs (SMPR) registered 14,330 domestic violence complaints in Asuncion by women who contacted the SMPR (1,390), National Police (11,690), and the NGO Kuna Aty (1,250). Also through November the Public Ministry investigated four cases of domestic violence filed by 13 women.

Although the law criminalizes spousal abuse, it stipulates that the abuse must be habitual before it is considered criminal. Those convicted are typically fined. Despite increased reports of domestic violence, such complaints were often withdrawn soon after filing due to spousal reconciliation or family pressure. The courts allowed mediation of some family violence cases. The SMPR received reports on domestic violence and coordinated victim assistance efforts with the National Police, health care units, the Public Ministry, and NGOs. NGOs provided health and psychological assistance, including shelter, to victims. The SMPR also conducted training courses for the police, health care workers, prosecutors, and others in assisting victims of trafficking and domestic violence. The SMPR and NGOs Kuna Aty and Women's November 25th Collective offered services to abused women in Asuncion. Kuna Roga offered services to abused women in Encarnacion.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution is legal for persons over the age of 18, and exploitation and trafficking of women, particularly underage prostitutes, remained a serious problem.

The law prohibits but does not criminalize sexual harassment, and it remained a problem for many women in the workplace. While there are no specific penalties for harassment, related violations such as abuse are punishable by fines and up to three months' imprisonment. Claims of abuse were filed with the courts and the Ministries of Justice and Labor;

however, harassment was difficult to prove, and most complaints were settled privately.

Although women generally enjoyed the same legal status and rights as men, gender-related economic discrimination was widespread and widely tolerated. Women often were paid significantly less than men for the same work. According to the General Directorate of Statistics, Surveys, and Censuses, the unemployment rate for women in November 2006 was 16.7 percent, compared with 7.6 percent for men. Women generally were employed as domestic workers, secretaries, and customer service representatives. The SMPR combated discrimination by sponsoring programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities.

Children

The law protects certain children's rights and stipulates that parents and the state should care for, feed, educate, and support children.

The government's failure to register births resulted in some discrimination, including the denial of public services. In 2006 the Secretariat for Children and Adolescents (SNNA) registered more than 25,000 children not previously included in the Civil Registry; the SNNA estimated that more than 600,000 children remained unregistered.

Primary education was compulsory, free, and universal, and public schooling was provided for four hours per day, 20 hours per week, through the age of 17 and was compulsory until age 14. According to an ILO study published in August, 14.5 percent of children between the ages of five and 17 did not attend school. The law entitles boys and girls to equal educational access, and their enrollment rates were approximately equivalent; overall enrollment rates for children ages five to 17 in urban areas (90 percent) were higher than in rural areas (80 percent).

Boys and girls generally had equal access to state-provided medical care. The government provided free consultation for children under the age of five, but medical services required payment by the parent or guardian. According to UNICEF, 48 percent of children age 14 or younger lived in poverty with limited or no access to medical care, and 11 percent of those suffered from chronic malnutrition.

Violence and abuse of children was a serious problem. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) assisted abused and neglected children and educated the public on preventing child abuse. The Ministry of Health and Social Welfare operated three homes for abused children and orphans in Asuncion and placed many other abused children in foster homes. The Paraguayan Network for Human Development (REPADEH) chaired by First Lady Gloria Penayo operated two children's homes in Asuncion. The NGO Children's and Adolescents' Care and Assistance Center (CEAPRA), managed a shelter in Ciudad del Este, and the Catholic Church operated a home in Encarnacion. The NGO Integral Adolescent Attention Service began assisting abused children in Villarrica, Guaira Department. The SNNA and NGOs also organized programs to combat child abuse and child labor. In many cities, the Municipal Council for Children's Rights (CODENI) assisted abused and neglected children.

Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children forced to work as domestic servants were sexually abused. UNICEF reported that two-thirds of persons in prostitution were minors; the commercial exploitation of a majority of these minors typically began between the ages of 12 and 13. There were reports of trafficking in girls for the purpose of sexual exploitation. On November 29, the Argentine organization High Coalition of Trafficking, Sexual Exploitation, and Infant Commerce reported that, between October 2006 and October 2007, Argentine authorities took more than 160 Paraguayan girls under age 18 into protective custody.

Trafficking in Persons

Although the law prohibits most forms of trafficking in persons, the country was a source for internationally trafficked persons, and internal trafficking was a serious problem.

Most trafficking occurred to exploit victims for the purposes of prostitution, domestic servitude, and manual labor. Anecdotal evidence suggested that several hundred women and children, the groups most at risk for trafficking, were trafficked abroad annually. In October the ILO reported that traffickers coerced hundreds of males under the age of 18 to become transgendered prostitutes (taxi boys). Most persons were trafficked to transit points in Argentina and Brazil, or for exploitation in the Tri-Border Area. The most significant foreign destinations were Argentina and Spain; smaller numbers of victims went to Brazil, Italy, and Bolivia. Domestically, most victims were trafficked to Asuncion and Ciudad del Este.

The principal traffickers were organized criminal syndicates based in Argentina and Brazil with operations in the Tri-Border Area. The trafficking of women and children for sexual exploitation was a high-profit, low-risk activity for traffickers who traveled covertly at nonrecognized or unmonitored border crossing points. Most victims came from the rural, eastern interior of the country, where international crime syndicates operated. Government and NGO studies showed that most of the girls trafficked were working as street vendors when traffickers targeted them and that 70 percent of victims had drug addictions. Traffickers falsely promised the girls jobs in the retail industry. In some cases, the parents were fully aware that

their daughters planned to work in other cities or countries but were unaware of the exploitative conditions.

The law punishes trafficking in persons with up to 10 years' imprisonment. The law also forbids compelling anyone to travel outside the country or to enter the country for the purpose of sex tourism or compelling a minor under 18 to work as a prostitute. A specific law prohibiting internal human trafficking does not exist, although other provisions of the penal code can be used to prosecute trafficking-related activity within the country. There were 34 persons in prison on trafficking-related offenses; 11 of these individuals had been convicted of trafficking and associated crimes, 23 were charged with these crimes, and five were in restrictive custody. The Public Ministry, with the assistance from the SMPR, opened five trafficking cases on behalf of 11 women. The ministry prosecuted 26 total trafficking cases filed from 2005 through 2007 on behalf of 66 women, including nine minors. The government also assisted with international investigations and extradited citizens who were accused of trafficking in other countries. On November 10, Spanish police arrested three nuns from Boqueron Department for trafficking women to Spain.

There were no developments in the cases of the 2006 arrests of Bolivian citizens Antonio Cortes Villena and Ramiro Noquer Garcia and Paraguayan citizens Juana Rocio Adorno Silguero and Jorge Kraufer Gimenez for recruiting girls to work as prostitutes; or of Spaniards Claudia Lorena Martinez and Andres Eligio Ponce for trafficking children to Spain.

There were reports that government officials, including border guards, police, prosecutors, judges, members of Congress, or other officials, participated in, facilitated, or condoned human trafficking. There were also reports that officials accepted bribes directly or indirectly to facilitate trafficking in persons. The Public Ministry supported the efforts of the SMPR and SNNA to combat trafficking. However, the ministry failed to prosecute officials involved in trafficking or remove them because it focused on combating trafficking syndicates and lacked the resources and political will to prosecute government officials.

The Public Ministry, SMPR, and SNNA were responsible for combating trafficking, and the Secretariat for the Repatriated had a mandate to assist victims who were trafficked abroad; however, their small budgets limited their effectiveness. Foreign governments and NGOs provided additional assistance. On December 21, the Ministry of Foreign Affairs, Public Ministry, SMPR, SNNA, and the Secretariat for the Repatriated instituted the first nationwide trafficking in persons database connecting these agencies with the National Police, allowing them jointly to manage cases of trafficking in persons.

Resource constraints also limited government assistance to trafficking victims, and the government did not screen vulnerable population groups to identify trafficking victims. Victims received limited legal, medical, and psychological support. The government's primary focus in protecting victims was the repatriation of its own citizens. Scarcity of funds limited physical and mental health services for those repatriated, their transportation home, and follow-up after repatriation. Authorities encouraged victims to file complaints; however, repatriated victims faced societal discrimination as a result of their experience.

Efforts to prevent trafficking included interministerial roundtables organized by the Ministry of Foreign Affairs to discuss trafficking in persons. A national communications campaign, organized by the SMPR with foreign government and NGO support, sought to prevent women and girls from becoming trafficking victims. On December 12, the SMPR inaugurated the first shelter for female trafficking victims. The Itaipu Binational Authority and SNNA supported CEAPRA's shelter for child trafficking victims in Ciudad del Este.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law does not mandate accessibility for persons with disabilities, and most of the country's public and private buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Health noted that half of all children with disabilities did not attend school because public buses could not accommodate them.

Conditions for the more than 400 residents at the country's principal health care center for persons with disabilities, Neuropsychiatric Hospital in Asuncion, remained substandard. Parasitic and skin infections were widespread. Children continued to be housed in the institution despite the government's pledge to place them in the community.

Indigenous People

The law provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population (officially estimated at more than 90,000) was unassimilated and politically underrepresented. The law protecting the property interests of indigenous people was not respected in practice. The law allows public ministry officials to represent indigenous people in matters involving the protection of life and property.

Indigenous fishermen and farmers suffered from activities of nonindigenous people who illegally harvested fish or deforested indigenous lands through logging or soy cultivation. Lack of access to sufficient land hindered indigenous groups' ability to progress economically and maintain their cultural identity. There was insufficient police and judicial protection from persons encroaching on indigenous lands, and many indigenous people found it difficult to travel to the capital to solicit land titles from the government's Institute of the Indigenous (INDI). In September more than 370 persons from the Mbya and Chupapou groups won government land concessions of more than 5,000 acres after a four-month occupation of Asuncion's two most popular parks. On November 5, the Office of the Coordinator for the Self-Determination of Indigenous Peoples reported that the government had abused, insufficiently protected, or withheld land from the Ava, Totobiosode Ayoreo, Mbya, Samhoyamaya, and Yakye Axa indigenous groups.

Indigenous people faced discrimination with respect to employment, education, housing, and health services. Indigenous workers, who generally worked as laborers on ranches, earned low wages, worked long hours, were paid infrequently or not at all, and lacked job security and benefits. Indigenous people often lacked shelter and medical care.

INDI promoted indigenous rights and assisted indigenous groups. The ombudsman handled complaints involving violations of indigenous rights, but scarce resources and limited government attention slowed progress in dealing with these problems. On November 28, the ombudsman reported that the government paid \$12,000 of an \$18,000 March 2006 Inter-American Court of Human Rights ruling in favor of the Sawhoyamaya community. On June 1, the government fully compensated the Yakye Axa community pursuant to a 2005 Inter-American Court of Human Rights ruling. On July 24, the court agreed to hear a case against the government submitted by the Kelyenmagategma community.

Other Societal Abuses and Discrimination

There was societal discrimination based on sexual orientation or against persons with HIV/AIDS. The Public Ministry was responsible for investigating these cases; however, police or other government agents perpetrated or condoned such discrimination. In May the Ministry of Health and Welfare reported 5,358 cases of HIV/AIDS, including 642 new cases in the first 10 months of 2006; 61 percent of all cases were male and 39 percent female.

Section 6 Worker Rights

a. The Right of Association

The law allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions. Workers exercised this right in practice. The law contains 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 (15 percent) of workers were organized in approximately 1,600 unions. These numbers excluded the informal sector, which represented a significant segment of the economy. Given legal restrictions on union rights, more than half the workforce was unable to join unions.

There are no legal or practical restrictions on the right to form or dissolve a union. All unions must register with the Ministry of Justice and Labor. Although the official registration process could take more than a year, the ministry issued provisional registrations within weeks of application to allow new unions to operate. Employers who opposed forming a union could delay union recognition by filing a writ; however, almost all unions requesting recognition eventually received it.

The law prohibits antiunion discrimination, but it was not always enforced. Some union organizers and private sector leaders experienced harassment; however, the government generally respected the civil liberties and human rights of union leaders. Legal mechanisms to combat antiunion discrimination were ineffective. Union leaders and workers fired for union activities sought redress in the courts, which tended to favor employees in labor disputes. However, judicial backlogs delayed many cases for several years. In some cases, when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. Employers occasionally dismissed workers before they had been employed long enough to be protected by the law. There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. In several cases, workers allegedly chose not to protest from fear of reprisal or anticipation of government inaction.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right. The law provides for collective bargaining, and this provision generally was respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place, covering approximately 10 percent of private sector employees and 60 percent of public sector employees. These labor and wage agreements did little more than reaffirm minimum legal standards.

The law provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, the government failed to prevent retaliation by employers who took action

against strikers and union leaders. The courts provided due process through mechanisms such as voluntary arbitration. There were numerous strikes related to management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as paying minimum wages or contributing to the social security system.

There were no export processing zones. Factories that assembled imported parts for re-export (maquiladoras) operated in the eastern part of the country. The Mercosur trade association accepted the country's re-export factories into its automotive regime. The country's labor laws applied to their operators.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred (see Section 5, Trafficking).

d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace and prohibits forced or compulsory labor. The government did not enforce minimum working age regulations, and child labor was a problem in the country's formal and informal economies.

The law prohibits work by children under age 14 and permits minors between 15 and 18 years of age to work only with parental authorization and in conditions that are not dangerous or unhealthy. Children over 14 years of age may work only in family enterprises, agriculture, or apprenticeships.

An August ILO study reported that 970,000 (53 percent) of children between the ages of five and 17, worked more than one hour per day, and 862,000 worked at least 14 hours per week, primarily in domestic jobs as childcare providers, housekeepers, or cooks, or in laundries. According to the ILO, rural children worked primarily in agriculture, including family farms, community services, restaurants and hotels, industrial manufacturing, and on the street.

In addition to prostitution and domestic servitude, the worst forms of child labor occurred in the services sector, where most children worked as vendors or laborers. In supermarkets, boys as young as age seven bagged and carried groceries for tips. Thousands of urban children were engaged in informal employment, on behalf of their parents or as orphans, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition, disease, and sexual abuse, lacked access to education, and faced severe health and safety risks from vehicle exhaust and solicitations from traffickers. In rural areas, children as young as five often worked beside their parents in the fields.

The Ministry of Justice and Labor is responsible for enforcing child labor laws, and the Public Ministry prosecutes violators. The government took some steps to eliminate child labor through CONAETI, including funding the SNNA, REPADEH, and NGOs such as CEAPRA and Kuna Aty. Municipalities funded CODENI to assist victims of child labor and other abuses. However, these efforts were not accompanied by strong public institutions and programs nor translated into changes in social practices.

e. Acceptable Conditions of Work

The Ministry of Justice and Labor established a mandatory national private sector minimum wage, approximately \$268 per month (1.34 million guaranies), 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. However, the ministry did not enforce the minimum wage and estimated that 50 percent of government workers and 48 percent of private-sector workers earned less than the minimum. An economic think tank, Foundation for Sustainable Development (FSD), reported that the monthly median wage in the formal economy was \$165.45 (893,430 guaranies) and in the informal sector \$36.36 (196,344 guaranies). FSD estimated that 80 percent of workers were employed in the informal sector with urban poverty rates on the rise. The law 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.

There was no public sector minimum wage. Most government agencies paid government workers on an hourly basis at a rate comparable to the private sector minimum wage.

The law provides for a standard legal workweek of 48 hours (42 hours for night work), with one day of rest. The law also allows an annual bonus of one month's salary and a minimum of six vacation days a year. The law requires overtime payment for hours in excess of the standard; however, many employers violated these provisions. There are no prohibitions or exceptions on excessive compulsory overtime. Workers in the transportation sector routinely staged strikes to demand that their employers comply with the law's provisions on working hours, overtime, and minimum wage payments.

The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. The government did not allocate sufficient resources to enable the Ministry of Justice and Labor and the Ministry of Health to enforce these provisions effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their continued employment, but they may not do so until the Ministries of Justice and Labor and Health recognize such conditions. While laws protect workers who file complaints about such conditions, many employers took disciplinary action against these workers.



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