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## 2009 Human Rights Report: Paraguay

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

### 2009 Country Reports on Human Rights Practices

March 11, 2010

Paraguay is a multiparty, constitutional republic with a population of approximately seven million. In April 2008 Fernando Lugo of the Patriotic Alliance for Change won the presidency in elections that were generally free and fair. Civilian authorities generally maintained effective 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 police, which the government occasionally investigated but rarely prosecuted. Some prisoners were reportedly subjected to torture and abuse by government agents. Prisons were routinely overcrowded. Political interference, corruption, and inefficiency in the judiciary were common, as was lengthy pretrial detention. Government corruption was a serious problem. Violence and discrimination against women, indigenous persons, persons with disabilities, and lesbian, gay, bisexual and transgender persons (LGBT) continued, as did trafficking in persons. Exploitation of child labor and violations of workers' rights were serious problems.

#### 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, there were occasional reports that security forces killed individuals using unwarranted or excessive force.

On August 5, police found the body of Higinio Aquino Santos in Ciudad del Este. Santos' father Valeriano Aquino Zorrilla stated that, prior to his death, police took his son into custody and released him after an extortion attempt. Zorrilla alleged that three policemen were responsible for the killing.

On October 5, policeman Nestor Eduardo Gonzalez Alonso fired warning shots to disperse a crowd in Villa Hayes, killing 16-year-old Roberto Ramon Mendoza. Prosecutors charged Alonso with murder. The case was pending at year's end.

On February 24, prosecutors of the August 2008 shooting of Leticia Veronica Lugo in Villa Elisa charged eight policemen with attempted murder and failure to assist a victim. The case remained pending at year's end.

There were no known developments in the December 2008 arrest of police officer Gustavo Arnaldo Duarte for the killing of security guard Salinas Vicente Gonzalez.

There were no known developments in the 2007 killings of Nancy Martinez, Cesar Gonzalez, Christian Delfino Morales, Rildo Ramirez, Alfonso Leguizamon, and Mario Leguizamon during a police raid in Minga Guazu.

On August 16, an appeals court reversed the 2007 acquittal of Alberto Magno Ferreria and ordered a new trial for the 2006 killing of Miguel Angel Benitez. The case remained pending at year's end.

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#### b. Disappearance

On October 15, the Paraguayan People's Army, which was suspected of kidnapping Luis Alberto Lindstron in September 2008, kidnapped Fidel Zavala from his ranch near the Brazilian border.

Free Fatherland Party members Aristides Vera Silguero, Roque Rodriguez Torales, Simeon Bordon Salinas, Basiliano Cardozo Jimenez, Agustin Acosta Gonzalez, and Gustavo Lezcano Espinola remained incarcerated awaiting trial for the 2004 kidnapping and killing of Cecilia Cubas.

On July 23, officials located a grave containing human remains of Stroessner-era political prisoners in the Tacumbu area of Asuncion. The remains of two victims were recovered, and as many as 50 more were suspected to be buried in this plot. At year's end, excavation and forensic work continued under the direction of the ombudsman.

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

The law prohibits such treatment, and the government generally respected these provisions in practice. However, there were reports that some government agents employed such treatment. The Paraguayan Human Rights Coordinator (CODEHUPY), made up of 33 nongovernmental organizations (NGOs) and civic organizations, and the local NGO Committee of Churches for Emergency Aid (CIPAE) reported several cases of police torture and other abuses designed to extract confessions or intimidate detainees.

On January 17, CODEHUPY accused police and military forces deployed in San Pedro department of torturing several farmers following a December 2008 attack on a military outpost in Tacuati.

On August 21, Emiliana Quinonez Espinola alleged that District Police Chief Virginia Villar tortured her in order to obtain a confession for a theft in Guayaybi. Villar was previously accused of torture by five other alleged victims and was convicted in 2004 for beating Eseer Arens.

On June 26, the Supreme Court reopened the case against former minister of the interior Walter Bower and police officers Basilio Pavon, Merardo Palacios, and Osvaldo Vera. Bower and Pavon reportedly tortured Alfredo Caceres following an alleged coup d'etat in 2000. The case remained pending at year's end.

On August 27, a three-judge panel ordered that National Military Academy cadets Guillermo Benitez Adorno, Cesar Candia Britos, Francisco Sotelo Blanco, and Leonardo Fabio Martinez Rotela be placed under house arrest while awaiting trial for the March 2008 rape of a female cadet.

There were no developments, and none were expected, in the July 2008 case of alleged police torture of Domingo Lezcano and other landless farmers.

The government improved hygienic conditions and implemented controls to monitor and prevent abuse at the Neuropsychiatric Hospital in Asuncion in compliance with the July 2008 Inter-American Commission of Human Rights

(IACHR) ruling on abuse at the hospital. The hospital transferred more than a dozen patients to three group homes opened during the year.

#### Prison and Detention Center Conditions

Prison and detention center conditions generally did not meet international standards. An August 2008 Senate Human Rights Committee report stated that prisons remained in "deplorable" condition. The most serious problems included violence, mistreatment, overcrowding, inadequate staffing, deteriorating infrastructure, unsanitary living conditions, poor food safety standards, and inadequate medical and psychological care. The 20 penitentiaries and correctional centers held more than 6,000 inmates, 60 percent more than their design capacity of 3,800. Tacumbu Prison in Asuncion, designed to hold approximately 900 inmates, held over 3,000 prisoners; the penitentiary in Ciudad del Este, designed to hold about 300 inmates, held more than 650.

On August 15, Isacio Ocampos died in custody of the Concepcion Police Department. His family alleged that that he did not receive sufficient medical care after he showed signs of illness.

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. Inmate escapes were common. There were cases of inmates conducting illicit activities by bribing prison guards. On September 12, prosecutors arrested Pablo Soley and Eligio Lagrana, the director and the chief of security at the Social Rehabilitation Center at Cambyreta, for alleged extortion of prisoners.

Living conditions at Tacumbu Prison and the Ciudad del Este Regional Penitentiary, both men's prisons, remained poor. Regional penitentiaries in the departments of Guaira, Amambay, Concepcion, Itapua, Caaguazu, and Misiones held both men and women but in separate wings. In 2008 the Senate's Special Committee on Penal Reform and Penitentiaries cited the Ministry of Justice and Labor (MJT) for failing to house prisoners by gender in separate facilities.

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 prisons. Living conditions in juvenile facilities were generally better than in adult prisons.

Prison officials and unauthorized prisoner leadership frequently separated inmates based on their ability to pay for better living conditions. Inmates could upgrade their accommodations for a monthly fee ranging from 15,000 to 700,000 guaranies (\$3 to \$150).

There were no new developments in the investigation of the alleged 2007 rape of female inmates by prison guards at San Juan Bautista Regional Center.

The government permitted independent monitoring of prison conditions and granted the media, human rights groups, and diplomatic representatives access to prisons with prior coordination from the MJT.

On March 27, the MJT established a Directorate of Health for Penitentiaries, Education Centers, and Housing Shelters. Red Cross volunteers provided training and classes to some prisoners under work training programs designed to rehabilitate them for their release back into society.

On September 14, the MJT closed the Amambay State Regional Penitentiary in the city of Pedro Juan Caballero after opening an improved facility.

#### 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 detained 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. There were some reports of arbitrary arrest and detention of persons without a warrant.

#### Role of the Police and Security Apparatus

The National Police, under the authority of the Interior Ministry, preserves public order, protects the rights and safety of persons and entities and their property, prevents and investigates crimes, and implements orders given by the judiciary and public officials. The military, under the president's authority, guards the country's territorial integrity and defends lawfully constituted authorities. The Defense Ministry, also under the president's authority but excluded from the military's chain of command, handled some defense matters. The law authorizes the Antinarcotics Secretariat (SENAD) and the Antiterrorism Secretariat (SEPRINTE), both under the president's authority, to enforce the law and maintain order in matters related to narcotics trafficking and terrorism.

Civilian authorities generally maintained control over the security forces. The security forces did not effectively coordinate law enforcement efforts. Although the government has mechanisms to investigate and punish security force abuses and corruption, there were regular reports of police involvement in crimes that went unpunished.

The 22,500-member National Police force was poorly trained, inadequately funded, generally corrupt, and shielded by impunity.

On August 21, President Lugo appointed Jose Gimenez as the new police commissioner in place of Viviano Machado, who resigned following allegations that his brother was involved with criminal elements.

The government continued to take steps to decrease and punish human rights violations committed by police officers. However, officers often continued to act with impunity. Although the National Police trained officers in human rights, there were routine incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping.

On September 16, prosecutors charged Agustin Rios and Ramon Lequizamon, both police officers working with the antikidnapping unit of the National Police, with extortion for allegedly demanding \$2,000 from an Uruguayan fugitive.

On October 13, Jose Dolores Amarillo, former head of the Narcotics Branch of the National Police, filed a complaint against Cesar Carrillo, the second in charge of the National Police, for allegedly ordering the return of confiscated cocaine to drug traffickers. Amarillo served 30 days in prison for insubordination. Authorities closed the case against Carrillo without charges because the only witnesses were the two immediate subordinates of Amarillo.

On February 25, prosecutors charged former defense minister Roberto Gonzalez Segovia, national deputies Magdaleno Silva and Jose Chamorro, and five others for issuing false documents to obtain special low-interest loans from Fondo Ganadero bank.

Corruption in the 12,000-member military continued.

#### Arrest Procedures and Treatment While in Detention

Police may arrest individuals when authorized by a judicial or prosecutorial warrant or when they discover a crime in process. 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 law permits detention without trial until the accused completes the minimum sentence for the alleged crime. This often occurred in practice. The law stipulates that pretrial detention may range from six months to five years based on the nature of the crime; in practice, detention was arbitrarily lengthy, and some detainees were held beyond their maximum allowable detention time.

The law allows judges to utilize "substitute measures," such as house arrest and bail in felony cases but prohibits their use in criminal cases. In nonfelony cases, judges frequently set relatively high bail, and many poor defendants were unable to post bond and thus waited in prison for trial. At the same time, minimal or no bonds were required of those with political or economic connections.

The law grants accused criminals the right to counsel, and the government provides representation to poor defendants. The government permitted defendants to hire attorneys at their own expense. Detainees had access to family members.

#### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; in practice, however, political interference seriously compromised that independence. Politicians and interested parties routinely attempted to influence investigations and pressured judges and prosecutors. The judicial system provides for separate military, criminal, civil, and commercial courts. Courts remained inefficient and routinely subject to corruption. Although the judiciary was not formally allied with any political group, a 2007 report showed that approximately 62 percent of judges were members of the Colorado Party, which governed for 61 years.

The nine-member Supreme Court appoints lower-court judges and magistrates based on slates of three candidates submitted by the eight-member Magistrate's Council. The council also nominates for Senate approval a slate of three candidates for Supreme Court vacancies. Both selection processes were highly politicized, with specific seats customarily allocated by political party.

There are five types of appellate tribunals: civil and commercial, criminal, labor, administrative, and juvenile. Lower courts and justices of the peace handle civil and commercial, criminal, labor, and juvenile cases. In many rural communities, one justice of the peace handles all judicial matters. 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 all courts and constitutional questions.

#### Trial Procedures

The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. In June the Center for Judicial Studies released a study indicating that only 47.9 percent of cases initiated in 2008 were resolved within one year. Wealthy or well-connected defendants received impunity by conspiring with judges and filing often-specious motions that slowed legal progress until their cases reached the statute of limitations.

The law provides for the use of three-judge tribunals in lieu of juries to rule on procedure, determine guilt or innocence, and decide sentences. A majority opinion is required to convict. One judge presides over misdemeanor cases when the maximum punishment does not exceed two years in prison and in civil cases.

All trials are open to the public. The law requires prosecutors to indict accused persons within 180 days of arrest. The 343 prosecutors and 98 public defenders on staff at the Public Ministry lacked the resources to perform their jobs adequately. Defendants enjoy a presumption of innocence and a right of appeal, and defendants and prosecutors may present written

testimony from witnesses and other evidence. Defendants and their attorneys have the right of access to state evidence relevant to their cases.

There were instances when prisoners were held beyond their scheduled release dates. On February 11, prison officials released transgender Luis Gaspar Rojas (alias Rosana) two years and two months after the completion date of her eight-month sentence for theft of a cell phone.

On September 17, Minister of Justice Humberto Blasco released Leonardo Oviedo from Tacumbu Prison more than five years after his 2004 release date.

In October prison officials released Eulogio Amarilla from the Encarnacion Rehabilitation Center more than three years after his 2006 release date.

#### 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. There are administrative and judicial remedies for alleged wrongs, although these were rarely granted to citizens. The government experienced problems enforcing court orders.

#### Property Restitution

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred.

During the year the government partially complied with the Inter-American Court of Human Rights' 2005 ruling in favor of the Yakye Axa indigenous community with full monetary restitution, including interest payments. The government did not deed land to the community, and on October 15, the Senate voted down a land expropriation measure, citing intercommunal conflicts and NGO interference. The government partially complied with the Inter-American Court of Human Rights' 2006 ruling in favor of the Sawhoyamaya indigenous community by providing continued monetary restitution but did not award the community land.

In Puerto Casado ongoing land disputes dating back to 2000 between local residents and landowner Victoria SA resulted in regular clashes and damage to private property. The government did not enforce judicial decisions and court orders to return occupied land to Victoria SA.

#### 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 reported that officials abused their authority by entering homes and businesses without warrants. There were credible allegations that some government officials occasionally spied on individuals and monitored communications for partisan or personal reasons.

An investigation of Colonel Heriberto Galeano, former commander of the Presidential Escort Regiment, for illegally wiretapping telephones from his home remained open at year's end. Separately, on December 31, the Supreme Court confirmed lower court decisions absolving Galeano of charges of illicit enrichment.

## 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 and privately, generally without reprisal or impediment.

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. Many media outlets reflected personal business or political interests, and ethical and professional standards were low.

Political officials often retaliated against media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. At the end of the year, *ABC Color* managing director Aldo Zuccolillo faced at least 20 criminal charges relating to defamation suits brought against him by former government officials.

During the year journalists were subject to harassment, intimidation, and violence due to their reporting. In contrast with 2008, there were fewer cases of government harassment of journalists.

On January 12, an unknown assailant shot and killed Martin Ocampos Paez, the director of a community radio station, at his home in Concepcion. Members of the Paraguayan Union of Journalists and the International Federation of Journalists speculated that Paez's death was linked to comments he made regarding the complicity of the police and local officials with drug traffickers in the region.

On February 5, two security officials at La Esperanza penitentiary assaulted Channel 13 journalist Richard Villasboa and camera operator Blas Salcedo after they attempted to report on the institution.

On March 8, private citizen Hugo Montiel Ortellado verbally assaulted and threatened with death journalist Aldo Lezcano because of opposition to articles published by the journalist's paper.

On September 14, alleged petroleum smugglers shot at journalist Javier Nunez as he photographed the theft of diesel fuel from the state oil company.

There were no known developments in the 2007 killing of Chilean radio journalist Alberto Tito Palma, the 2007 attack by log traffickers, and the 2007 threat by a local councilman against journalist Alberto Nunez in Capiibary, San Pedro Department.

In March the country hosted the biannual meeting of the Inter-American Press Association, during which President Lugo signed the organization's Chapultepec Declaration, affirming that "no law or act of government may limit freedom of expression or press, whatever the medium."

### 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. The International Telecommunication Union reported that there were 11 Internet users per 100 inhabitants in 2008.

Early in the year, the state-owned telecommunications company that controls most Internet access to and from the country occasionally blocked Web sites that used Voice Over Internet Protocol technology. There were reports that this practice had ended by year's end.

### 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. Although the law prohibits closing roads as a form of protest, demonstrators did so on many occasions during the year. Police sometimes forcibly removed protesters.

During the year campesino (peasant farmer) movements occasionally protested in the interior of the country, blocked major highways, and occupied private ranches to advocate for land reform. These protests occasionally turned violent, although less frequently than in 2008.

##### 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 religious freedom in practice.

A 2008 law allows doctors to administer blood transfusions in life-threatening situations without patient consent. Some Jehovah's Witnesses refused to give permission for blood transfusions. Early in the year, doctors at the National Hospital in Itaugua gave a newborn several blood transfusions without the consent of his parents. No new developments were reported in the 2007 case of Jehovah's Witnesses Jose Ortega and Asuncion Ortega Gaona, who were arrested for refusing to allow doctors to give their minor daughter blood transfusions.

On August 13, army major Marcos Fabio Meaurio Melgarejo, an evangelical Christian, was reprimanded by his unit commander for failing to attend a Catholic Mass. The army justified the reprimand by citing the failure to follow orders.

##### Societal Abuses and Discrimination

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

The Jewish community numbered approximately 1,000. Anti-Semitic and pro-Nazi messages and symbols, including graffiti, appeared sporadically. The government investigated but did not identify suspects.

For a more detailed discussion, see the *2009 International Religious Freedom Report* at: [www.state.gov/g/drl/rls/irf/](http://www.state.gov/g/drl/rls/irf/).

#### 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. The government's National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. CIPAE acted as the UN's local legal representative. 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.

## Protection of Refugees

The country is a party to the 1951 Convention relating to the Status of Refugees and the 1967 Protocol relating to the Status of Refugees. Its laws provide for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government also provided temporary protection to individuals who may not qualify as refugees. The government permitted persons refused asylum or refugee status to obtain legal permanent residency.

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

The law provides citizens the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections based on universal suffrage.

### Elections and Political Participation

In the April 2008 multiparty general elections, Fernando Lugo of the Patriotic Alliance for Change won the presidency and ended 61 years of uninterrupted Colorado Party rule. International observers characterized the elections as generally free and fair.

Although political parties operated 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 national and departmental elections; however, independent candidates may participate in municipal elections.

On July 21, the presiding judge concurred with a prosecutorial request and dismissed the complaint against Senator Juan Carlos Galverna for fraud he admitted committing in the 1992 Colorado Party primary. Confirmation of the decision was pending before the Supreme Court at year's end.

Prosecutors formally closed the criminal investigation into the alleged August 2008 meeting of former president Duarte, retired general Lino Oviedo, former Senate president Gonzalez, Attorney General Ruben Candia Amarilla, and TSJE president Juan Manuel Morales to discuss a coup d'etat against President Lugo. Prosecutors reported lack of sufficient evidence to press charges.

There were no legal impediments to women's participation in government and politics. There were 17 women in Congress (seven of 45 senators and 10 of 80 national deputies). Of 36 appeals court judges, 10 were women. One woman served on the Supreme Court, one as a departmental governor, and three as members of the Mercosur Parliament. One woman headed a cabinet-level ministry, and four women held ministerial rank. The electoral code requires that at least 20 percent of each party's candidates in their internal primaries be women.

Although there were no legal impediments to participation by minorities or indigenous groups in government and politics, no indigenous persons won office in the 2008 elections. On August 20, President Lugo named Lida Acuna director of the National Institute of the Indigenous (INDI) after indigenous communities protested limits on their political and human rights.

## Section 4 Official Corruption and Government 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. Under a law prohibiting court cases from lasting longer than five years, politicians convicted in lower courts routinely avoided punishment by filing appeals and motions until the statute of limitations was reached. The World Bank's Worldwide Governance Indicators reflected that corruption was a severe problem.

The Public Ministry, under the authority of the attorney general, commissioned several units of prosecutors to combat corruption. The Public Ministry worked with the Ministry of Industry and Commerce's Money Laundering Secretariat to investigate and prosecute corruption cases.

Elected officials are required to disclose their finances prior to running for office; however, many did not. Those who filed often filed late, incomplete, or misleading reports while engaging in corrupt practices with impunity and using political immunity to avoid prosecution.

On November 2, anticorruption prosecutors under the Public Ministry raided the office of Liz Perez Idoyaga, the head attorney of the TSJE in Asuncion. Idoyaga attempted to dispose of two briefcases that allegedly contained records of her theft of government salaries for more than a dozen nonexistent employees she claimed worked for her. In December the TSJE rescinded contracts for more than 5,000 of its 7,500 allegedly salaried employees.

On November 5, a tribunal sentenced Eugenio Escobar Cattebecke to two years and six months in prison for diverting more than 1.3 billion guaranies (\$280,000) in public money during his term as governor of Presidente Hayes.

On December 11, police arrested fugitive Alberto Luciano Chavez Pereira in Ciudad del Este. Federal prosecutor Victor Maldonado ordered his release the following day. Eyewitness and press reports indicated Maldonado accepted up to \$50,000 from Chavez in return for his release. At the order of the attorney general and vice minister of interior, authorities rearrested Chavez within hours of his release. There was no known government investigation into the bribery allegations.

On December 27, SENAD officers arrested Brazilian drug trafficker Jarvis Pavao in Concepcion Department. A list discovered during the raid indicated he made regular payments to police headquarters throughout the region.

On June 4, a judge released former labor and justice minister Silvio Ferreira on bond and barred him from leaving the country pending completion of his embezzlement trial.

On June 23, prosecutors petitioned the Supreme Court to overturn a lower court ruling that limited the illicit enrichment investigation of former president Nicanor Duarte Frutos. The Supreme Court had not ruled on the motion at year's end.

On September 29, the Supreme Court rejected former director of the National Service of Professional Promotion Nicolas Donato Dagogliano's appeal to overturn his April 2008 conviction for embezzling \$500,000 from the agency from 2001 to 2003. A government lawsuit to reclaim the embezzled money from Dagogliano remained pending at year's end.

The September 2008 case involving the detention of 13 officials from the National Administration of Navigation and Ports for alleged embezzlement remained pending at year's end.

On December 4, anticorruption prosecutors accused prosecutor Gustavo Gamba of soliciting a \$150,000 bribe from Colorado Senator Victor Bernal Garay. On June 3, prosecutors taped Bernal delivering an initial payment of \$90,000 to

Gamba in return for Gamba's promise to dismiss one of five cases pending against Bernal involving his reported misuse of funds while serving as director of the Itaipu Binational Entity. Authorities suspended Gamba. Bernal continued to enjoy political immunity while in office.

There were no new developments in the 2007 cases of the videotaped extortion by former foreign minister Ruben Melgarejo Lanzoni and prosecutor Juan Claudio Gaona; the misuse of public funds by Deputy Victor Bogado, who continued to enjoy political immunity while in office; or the bribery case of environment ministry official Jorge Colonel. These and a number of similar cases involving high-level corruption were paralyzed by political interference and corruption in the judicial system.

On December 10, the Supreme Court confirmed lower court rulings dismissing the case against former president Luis Angel Gonzalez Macchi, who was convicted in 2006 for illicit enrichment and making false statements.

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

#### Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

More than 50 domestic and international human rights groups, including the International Organization for Migration (IOM), the International Labor Organization (ILO), and the UN Children's Fund (UNICEF), operated without government restriction, investigating and publishing their findings on human rights cases. Major local NGO umbrella organizations representing many local human rights NGOs operated independently.

Government officials cooperated with domestic NGOs and met with domestic NGO monitors but often did not take action in response to their reports or recommendations. The government generally did not restrict domestic NGO operations or use tactics to suppress criticism by domestic NGOs. The government generally cooperated with international human rights groups, humanitarian NGOs, and international governmental organizations and regularly permitted visits by representatives of these organizations.

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. Human rights organizations and victims of the Stroessner dictatorship criticized Monges for what they considered ineffective handling of cases. Congressional interference limited the ombudsman's ability to handle cases involving government officials, and budgetary constraints hindered operations.

The MJT's director general of human rights chaired the National Commission on Human Rights. The office forwarded information concerning human rights abuses to the Public Ministry for action. The Foreign Ministry's Human Rights Section organized an interministerial roundtable on human rights that met periodically and served as a forum for human rights officials from the government and NGOs.

On February 26, President Lugo signed a decree establishing an executive interagency committee responsible for implementing decisions and recommendations of the Inter-American Court and Commission of Human Rights.

In October a team of government investigators released military records relating to political repression and human rights violations by the Stroessner regime.

## Section 6 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 discrimination in practice.

### Women

The law criminalizes rape, including spousal rape, and provides penalties of up to 10 years in prison for rape or forcible sexual assault. If the victim is a minor under the age of 18, the sentences range from three to 15 years. 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, and the police were generally reluctant to act on rape reports.

Although the law criminalizes domestic violence, including spousal abuse, and stipulates a penalty of two years in prison or a fine for those who are convicted, it requires that the abuse be habitual before it is considered criminal. Those convicted were typically fined. Despite increased reports of domestic violence, complaints were often withdrawn soon after filing due to spousal reconciliation or family pressure. In some cases the courts mediated in domestic violence cases. Domestic violence was very common, and thousands of women were treated for injuries sustained in domestic altercations. The Secretariat of Women's Affairs (SMPR) received 2,409 domestic abuse complaints, an 18 percent increase from 2008.

The SMPR operated a shelter for female victims of trafficking or domestic violence in Asuncion. The SMPR coordinated victim assistance efforts with the National Police, health care units, the Public Ministry, and women's NGOs. NGOs provided health and psychological assistance, including shelter, to victims. The SMPR also provided victims assistance courses for police, health care workers, and prosecutors. 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, but exploitation and trafficking of women, particularly underage prostitutes, remained serious problems.

The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine for those who are convicted; however, sexual harassment remained a problem for many women. Prosecutors found sexual harassment and abuse claims difficult to prove, and most complaints were settled privately without involving prosecutors.

Couples and individuals had the right to decide the number, spacing, and timing of children and had the information and means to do so free from discrimination. The government provided access to information on contraception and skilled attendance at delivery and in postpartum care. Services were concentrated in cities, and rural areas faced gaps in promised coverage. Women and men were given equal access to diagnostic services and treatment for sexually transmitted infections.

Although women generally enjoyed the same legal status and rights as men, gender-related discrimination was widespread. Women often were paid significantly less than men for the same work and experienced more difficulties finding work. According to the General Directorate of Statistics, Surveys, and Censuses, the December 2008 unemployment rate for women in the formal sector was 7.4 percent, compared with 4.6 percent for men. Women generally were employed as domestic workers, secretaries, and customer service representatives. The SMPR sponsored programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities.

## Children

Nationality is derived by birth within the country's territory, by birth to government employees in service outside of the country, or by birth to a citizen residing temporarily outside of the country. Citizenship is conveyed to all nationals who attain the age of 18 as well as individuals over age 18 when they are naturalized.

The failure to register all births resulted in some discrimination, including the denial of public services. In 2008 the Secretariat for Children and Adolescents (SNNA) registered approximately 255,000 births, but unofficial estimates suggested that up to 35 percent of births were unregistered.

Child abuse and neglect were serious problems. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) worked to prevent the exploitation of child labor. The SNNA and children's NGOs also organized programs to combat child abuse.

In August the SNNA provided funds to the Grupo Luna Nueva hostel for exploited children. The NGO Children's and Adolescents' Care and Assistance Center (CEAPRA) managed a shelter in Ciudad del Este partially supported by the SNNA, and local Catholic charities operated several children's homes and orphanages in several locations, including Asuncion and Encarnacion. The NGO Integral Adolescent Attention Service assisted abused children in Villarrica, Guaira Department. In many cities, the municipal council for children's rights assisted abused and neglected children.

Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children were forced to work as prostitutes or domestic servants for survival and were sexually abused. The law provides penalties of up to six years' imprisonment for prostitution of victims between the ages of 14 and 17 and eight years' imprisonment for victims younger than 14. The minimum age for consensual heterosexual sex is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex partners and prison for same-sex partners. Enforcement was not vigorous. Child pornography is illegal. Production of pornographic images can result in a fine or up to three years in prison. This penalty can be increased to 10 years in prison depending on the age of the child and the child's relationship to the abuser.

On November 4, the country signed an agreement with the IACHR concerning the forced disappearances of Marcelino Gomez Paredes and Christian Ariel Nunez, child soldiers who were recruited into the armed forces in 1997 at age 14 and disappeared in 1998. The agreement obligates the country to bring its penal code on forced disappearance into compliance with the Inter-American Convention on the Forced Disappearance of Persons and to establish a commission to investigate the disappearance of children.

## Trafficking in Persons

The law prohibits most forms of trafficking in persons; however, there were reports that persons were trafficked to, from, through, and within the country.

Anecdotal evidence suggested that each year several thousand women, children, adolescents, and transgender individuals were trafficked domestically and internationally. An estimated 80 percent of the victims were young women and adolescent girls. CEAPRA, which operated a children's shelter in Ciudad del Este, estimated in 2008 that up to 20 victims were trafficked each day to Brazil and Argentina via the Tri-Border Area (TBA). As of December 7, the Asuncion antitrafficking unit had 118 pending cases involving victims trafficked internationally. Most victims were trafficked to Argentina (60 percent), Spain (16 percent), and Bolivia (13 percent); smaller numbers of victims went to Chile, France, Korea, and Japan. Domestically, most victims were trafficked to Asuncion, Ciudad del Este, and Encarnacion.

Most trafficking exploited victims for the purposes of prostitution, domestic servitude, and manual labor. Most victims lived in the rural eastern departments of Alto Parana, Canindeyu, Caaguazu, and Itapua.

Studies showed that many trafficking victims were working as street vendors when traffickers targeted them. Grupo Luna Nueva estimated that more than 80 percent of the victims they worked with had drug or alcohol addictions.

The principal traffickers worked in organized criminal syndicates based in Argentina and Brazil with local contacts operating nationwide. Women who were paid to find victims made initial contact on behalf of traffickers and offered false promises of employment. Victims who accepted their offers were referred to handlers, who facilitated travel and lodging and issued false travel documents. Traffickers then transported victims domestically or internationally through illegal or unmonitored border crossing points.

On June 9, the trafficking in persons statute passed in July 2008 went into effect. The statute aligns the law with several ILO antitrafficking conventions and punishes convicted international traffickers with up to 12 years in prison. It strengthens penalties for persons who traffic minors and use excessive violence against their victims. The statute does not specifically address domestic human trafficking, although other laws, including the Children and Adolescents Law, the Domestic Violence Law, and a pandering statute, can be used to prosecute domestic traffickers.

The Public Ministry's special division to combat trafficking in persons opened 119 cases and indicted 47 suspected traffickers. There were two trafficking convictions during the year and one extradition to Argentina. The government assisted with international investigations and extradited citizens who were accused of trafficking in other countries.

On September 14, Bolivian authorities discovered 13 Paraguayan women between the ages of 18 and 22 living as prisoners in a brothel in Bolivia. The government repatriated the women and placed them in a hostel for trafficked women run by the Women's Ministry.

There were no known developments in the 2008 investigation into a syndicate that trafficked dozens of adolescent girls to Chile.

The Public Ministry investigates and prosecutes traffickers. Its antitrafficking unit consists of two prosecutors dedicated to fighting human trafficking. The ministry worked with the National Police, the Foreign Ministry, the SMPR, the SNNA, and Secretariat of Development for the Repatriated and Conational Refugees (SEDERREC). The Interior Ministry, which oversees the National Police, has an antitrafficking unit that assists with investigations and arrests. In October the unit opened a branch in Ciudad del Este with six officials tasked with receiving complaints and liaising with the Public Ministry. The government coordinated antitrafficking efforts through the Inter-Institutional Roundtable for the Prevention and Combat of Trafficking in Persons. The roundtable includes representatives from many government agencies, the IOM, the ILO, NGOs, and foreign missions. The TBA Antitrafficking in Persons Network assisted national antitrafficking agencies and NGOs to coordinate efforts in the TBA with their counterparts in Argentina and Brazil.

There were reports that public officials, including political figures, border guards, police, prosecutors, judges, and others, participated in, facilitated, or condoned human trafficking. Officials reportedly accepted bribes directly or indirectly to facilitate trafficking in persons. However, prosecutors and the police did not investigate or prosecute public officials allegedly involved in trafficking, nor did they remove them. Inadequate political will and financial and technical resources constrained the government's ability to combat trafficking.

The SEDERREC repatriated seven trafficking victims to the country. The SMPR and SNNA helped victims return to their families. The SNNA placed some child and adolescent victims in foster homes and referred others to shelters or foster homes and women to the women's shelter for trafficking victims. The government did not follow up with victims once they were repatriated.

The government encouraged victims to file complaints against traffickers and assist in the investigation and prosecution of traffickers. However, many victims avoided the legal process for fear of potential retaliation by traffickers or social stigma.

On January 9, the Interior Ministry announced the creation of an interagency workgroup on trafficking and other issues. During the year the government's Antitrafficking Interinstitutional Roundtable conducted antitrafficking meetings and seminars in greater Asuncion, Caacupe, and Ciudad del Este. The government also worked with international organizations such as the IOM, the ILO, and UNICEF to publish reports on trafficking and labor abuses.

The State Department's annual *Trafficking in Persons Report* can be found at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### 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 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 Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them.

The law requires that persons with disabilities fill 5 percent of all public sector jobs. However, they were less than 1 percent of all public sector employees. On December 18, the Secretariat for Personnel Management adopted regulations to implement the disability hiring law.

In February the Directorate General of Inclusive Education opened the country's first school for the blind.

On June 10, the Secretariat for Personnel Management created a director general for policies of equality and inclusion. The two-person directorate works to achieve equal access to government jobs for all citizens.

#### Indigenous People

The law provides indigenous people the right to participate in the economic, social, political, and cultural life of the country. However, the government did not effectively protect indigenous civil and political rights. Discrimination and lack of access to education, health care, shelter, and sufficient land hindered indigenous groups' ability to progress economically and maintain their cultural identity. The law protecting the property interests of indigenous people was not respected in practice.

A June 2008 census reported an indigenous population of approximately 108,000. The census estimated that 39 percent of the indigenous population over age 15 was illiterate, approximately 48 percent was unemployed, and 88 percent lacked health insurance. According to the General Directorate of Statistics, Surveys and Censuses, the average monthly income of the indigenous population in 2008 was 778,000 guaranies (\$167), approximately half the minimum wage and 65 percent that of the nonindigenous population. In December the national police academy opened 22 slots to be filled by indigenous recruits.

The INDI, Public Ministry, and Ombudsman's Office are responsible for protecting and promoting indigenous rights. However, the INDI frequently lacked funding to purchase land on behalf of the indigenous and required indigenous persons to register for land at its office in Asuncion. Indigenous workers engaged as laborers on ranches earned low wages, worked long hours, were paid infrequently or not at all, and lacked benefits. This situation was particularly severe

for indigenous persons engaged as laborers on ranches and estates in the Chaco region, where there were reports of forced labor (see section 7.c.).

The law authorizes indigenous people to determine how to use their land, leading many of them to transfer or rent their land to nonindigenous persons, some of whom illegally harvested fish or deforested indigenous lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands.

In March Amnesty International reported that the Yakye Axa and Sawhoyamaya indigenous communities were living with irregular water and food supplies and inadequate medical care, despite the 2005 and 2006 Inter-American Court of Human Rights rulings that ordered the government to provide the communities with basic services until it returns their traditional lands (see section 1.e.).

On August 13, the IACHR referred the case submitted by the Xakmok Kasek indigenous community to the Inter-American Court of Human Rights for trial. The petitioners charged that the government's failure to provide a satisfactory resolution to the community's land claims affected their access to land and aggravated their vulnerability in terms of food security and healthcare. The case remained pending at year's end.

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

There was societal discrimination based on sexual orientation. The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned such discrimination.

The crime of having sex with a minor between the ages of 14 and 16 is penalized differently, depending on the genders of the victim and perpetrator. Same-gender perpetrators are subject to up to two years in prison; the maximum penalty for opposite-gender perpetrators is a fine.

Several LGBT rights organizations operated during the year without governmental interference, including Paragay, Aireana, and Panambi. On July 11, these organizations conducted a gay pride march. The government issued the required permits and provided sufficient security for the march.

There were no developments regarding the July 2008 attacks on and killings of transgender persons Lupita, Laura, and Gaby. The cases remained pending at year's end.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care. All types of discrimination occurred frequently. On December 10, the Secretariat for Personnel Management enacted policies applying to administrative civil service jobs that prohibit discrimination by government employees on the basis of sexual orientation or gender identity.

#### Other Societal Violence or Discrimination

CODEHUPY noted that individuals with HIV/AIDS faced discrimination in health care, education, and employment as well as social intimidation.

On December 1, Congress passed legislation expanding the government's role in providing support and preventing the spread of HIV. The law prohibits preemployment HIV tests and expands privacy protections for those carrying the disease.

#### Section 7 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. The law allows unions to conduct legitimate activities without government interference and contains provisions that protect fundamental worker rights. Although the government did not always enforce these provisions, workers exercised these rights in practice. Approximately 317,000 persons (11 percent of the workforce) were members of more than 350 labor unions affiliated with six major labor umbrella organizations. Most workers, including farmers, ranchers, and informal sector employees, did not have suitable labor unions. Many of these workers were members of campesino movements.

There are no restrictions on the right to form or dissolve a union. All unions must register with the MJT. Although the official registration process can take more than a year, the MJT typically issued provisional registrations within weeks of application to allow new labor unions to operate.

The law provides for the right to strike, prohibits binding arbitration, and prohibits retribution against union organizers and strikers. 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.

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

The law allows collective bargaining, and this provision generally was respected in practice. The government did not place restrictions on collective bargaining and did not require approval for collective agreements to be valid. According to the MJT, there were approximately 30 collective bargaining agreements in place, covering approximately 10 percent of private sector employees and 60 percent of public sector employees.

Although the law prohibits antiunion discrimination, discrimination occurred in practice. Some union organizers experienced harassment and were fired for union activities. Some workers allegedly chose not to protest due to fear of reprisal or anticipation of government inaction.

There are no export processing zones. Factories (maquiladoras) that assemble imported parts for reexport to Mercosur are subject to all labor laws.

#### 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 6, trafficking in persons).

In May the UN Permanent Forum on Indigenous Issues reported allegations of debt labor on the estates and ranches of the Chaco region. Receiving little to no wages, some indigenous workers allegedly contracted debts with their employers, who advanced them pay to meet the cost of food, clothes, as well as the cost of sending their children to school. This situation was severe for women in domestic service, who were reportedly offered no compensation for their work and faced abuse. Investigators from the MJT were unable to substantiate claims made by the UN; however, they did not deny that such conditions could exist.

#### d. Prohibition of Child Labor and Minimum Age for Employment

The law protects children from exploitation in the workplace. However, the government did not effectively enforce these laws. Child labor was a problem, particularly in brick and lime manufacturing, domestic service, and agricultural sectors.

The law prohibits work by children under age 14. The law permits minors between 14 and 15 years of age to work, with

parental authorization, up to four hours per day in nonhazardous working conditions. Minors between 16 and 17 are permitted to work up to six hours per day in nonhazardous working conditions.

A 2007 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. Children, primarily boys, worked in manufacturing and agricultural sectors (including cotton, beans, soy, sesame, wheat, peanuts, and stevia production) and in the hotel, restaurant, and transportation industries. Children were also found working as vendors in markets. An estimated 60,000 children, primarily girls, worked as criadas (child domestic servants) and received no pay. In exchange for work, employers promised the child domestic servants room, board, and financial support for school. However, they were sometimes subject to sexual exploitation and often lacked access to education.

In addition to prostitution and domestic servitude, the worst forms of child labor occurred where malnourished, abused, or neglected children worked in unhealthy and hazardous conditions selling goods or services on the street, working in factories, or harvesting crops. Slavery and similar practices occurred, particularly in prostitution and domestic servitude. Parents and guardians reportedly sold their children for the purpose of forced labor, and children were used, procured, and offered to third parties for illicit activities. Some children were found working as drug smugglers along the border with Brazil.

The MJT is responsible for enforcing child labor laws, and the Public Ministry prosecuted violators. The CONAETI worked to eliminate exploitative child labor by increasing awareness, improving legal protections and public policy, and implementing monitoring systems; however, resource constraints limited the effectiveness of these efforts.

The SNNA administered "Programa Abrazo," and the Secretariat for Social Action administered "Tekopora" that paid parents of street children and parents in some rural areas a monthly stipend to send their children to school. The SNNA's "Operacion Verano" brought children of street workers into shelters when school was not in session. The Ministry of Education and Culture utilized the ILO's "Scream" child labor intervention campaign in six departments to train and assist educators in identifying child laborers and protecting them from exploitation. The government also participated in several regional projects to eliminate exploitative child labor.

#### e. Acceptable Conditions of Work

The mandatory national minimum wage, established by the MJT, was approximately 1.4 million guaranies (\$300) per month, sufficient to maintain a minimally adequate standard of living for a worker and family. The minimum salary is adjusted by presidential decree whenever annual inflation exceeds 10 percent; the increase is determined in an opaque manner. 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 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 12 and a maximum of 30 vacation days per year, depending on years of service. 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.

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 MJT 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 employment, but authorities did not effectively enforce this right.

