



U.S. DEPARTMENT OF STATE  
DIPLOMACY IN ACTION

## 2008 Human Rights Report: Paraguay

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

**2008 Country Reports on Human Rights Practices**

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Paraguay is a multiparty, constitutional republic with a population of approximately 6.7 million. Voters elected Fernando Lugo of the Patriotic Alliance for Change as president in generally free and fair April 20 elections that ended 61 years of Colorado Party rule. The civilian authorities generally maintained 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 investigated but rarely prosecuted. Some prisoners were reportedly subject 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. Journalists were harassed and intimidated. Government corruption was a serious problem. Violence and discrimination against women, indigenous persons, and persons with disabilities continued, as did trafficking in persons. Exploitative 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 reports that security forces using unwarranted or excessive force killed several persons, including persons in their custody.

A January 23 confrontation in Ciudad del Este between police and gang members who kidnapped a 17-year-old boy resulted in the deaths of gang members Valdecir Pinheiro dos Santos, Juan Anibal Gonzalez, Jorge Ruben Acosta, Sebastian Gonzalez Gonzalez, and Cesar Martinez.

On August 22, police officers shot 20-year-old Leticia Veronica Lugo in Villa Elisa, after she failed to stop her vehicle for inspection and led them on a brief chase. Prosecutors were investigating 12 police officers, including local police commissioner Federico Noguera, for attempted homicide and failure to assist the victim. On August 25, then police commissioner Federico Acuna acknowledged police negligence in the case.

On December 30, police officer Gustavo Arnaldo Duarte was arrested for killing security guard Salinas Vicente Gonzalez while Duarte attempted to rob a local business.

On March 24, an unknown assailant killed Geraldino Rotela, a prominent political activist, in Caazapa Department.

On April 9, unknown assailants seriously injured radio talk show host and political activist Alfredo Avalos and killed his wife Silvana Rodriguez in Curuguaty.

There were no developments in the May 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 April 19, a three-person tribunal in Villarrica, Guaira Department, acquitted police inspector Alberto Magno Ferreira of torturing farmer Miguel Angel Benitez in 2006. However, an appeals court reopened the case on October 31, and Ferreira remained under indictment.

There were no developments in the 2006 killings of Agustin Cristaldo and Alberto Escobar Silvero or in the 2006 killings of Josais Adan Valiente Ovelar and Luis Martinez by members of the civilian militia known as the National Commission for Citizen Security (CONASEG). On December 11, President Lugo disbanded CONASEG.

On October 16, a judge absolved former Colorado senator Victor Galeano Perrone of involvement in the 1999 assassination of then-vice president Luis Maria Argana and subsequent killing of seven student protesters by government agents. Galeano turned himself in on September 10 after spending nine years as a fugitive in Uruguay and Paraguay. On December 22, the Supreme Court cleared retired army commanding general (and 2008 presidential candidate) Lino Oviedo of involvement in Argana's assassination.

#### b. Disappearance

There were no reports of politically motivated disappearances; however, there were updates in earlier cases.

On September 24, a tribunal sentenced former police officer Carmelo Ortiz Salinas to 30 years in prison for masterminding the 2005 kidnapping of Evelyn Kuo.

On December 2, Free Fatherland Party (PPL) members Aristides Vera Silguero, Roque Rodriguez Torales, Simeon Bordon Salinas, Basiliano Cardozo Jimenez, Agustin Acosta Gonzalez, and Gustavo Lezcano Espinola were extradited from Argentina to Paraguay to face charges for the kidnapping and killing of Cecilia Cubas. Their case remained pending at year's end.

On September 12, following the ransom payment of 1.2 billion guaranies (approximately \$237,000), kidnappers calling themselves the Paraguayan People's Army (EPP) released rancher Luis Alberto Lindstron after holding him for 44 days. Lindstron's brother, who paid the ransom, publicly alleged that EPP leader and former PPL member Manuel Cristaldo Mieres received the payment. On December 31, Mieres and two other EPP members reportedly attacked a military outpost in Tacuati (San Pedro), briefly took the military guard hostage, and burned down the outpost.

#### 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), comprising 37 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 July 1, police in Horqueta, who reportedly entered the home of Domingo Lezcano during a raid on his property, beat and tortured him, his family, and several landless farmers (campesinos).

There were no new developments, and none were expected, in the April 2007 beatings of four marijuana growers and Blas Argana.

There were no new developments in the September 2007 alleged police torture of Juan Dolores Colman Espinola or the November 2007 beatings of brothers Ramon and Isidro Benitez.

During the year the government made partial reparations to victims and their families in the Inter-American Court of Human Rights torture and abuse cases of Juvenile Reeducation Institute (Panchito Lopez) (2004), Agustin Goiburu and 26 others (2005), and Gerardo Vargas Areco (2006). On December 15, the government publicly apologized to Vargas Areco's family, partially fulfilling its obligations.

On March 6, the Inter-American Commission of Human Rights allowed Cristina Aguayo Ortiz, et al. to submit their case to the Inter-American Court of Human Rights for consideration after concurring with the petitioners' claim that the government committed human rights abuses when it rounded up and detained hundreds of Asuncion street children without due process in 2000 and 2001.

In November 2007 the Senate rescinded an indemnity the ombudsman had awarded to pro-Nazi activist Ramon Dardo Castelluccio, and on April 23, the Senate Committee on Human Rights opened an investigation into his alleged role in violence committed against Sonia Aquino, director of the NGO Coordinator for Victims of the Dictatorship. Aquino claimed that Dardo verbally threatened her and placed a hand grenade under her vehicle in December 2007.

On July 31, following several incidences of rape, sexual abuse, castration, and suspicious deaths at the Neuropsychiatric Hospital in Asuncion, the Inter-American Commission of Human Rights ruled that the government must implement controls to monitor and prevent abuse. The government had not implemented these controls by year's end.

On March 20, National Military Academy cadets Guillermo Benitez Adorno, Cesar Candia Britos, Francisco Sotelo Blanco, Leonardo Martinez Rotela, and Carlos Caniza allegedly raped a female cadet. Another female cadet, Leticia Atenas Quintana, videotaped the rape and posted it on the Internet. On October 23, a judge ordered the five male cadets incarcerated. On December 11, Quintana filed a complaint against Colonel Agustin Duarte Perez, alleging psychological torture after she was expelled from the Military Academy.

#### Prison and Detention Center Conditions

Prison and detention center conditions generally did not meet international standards. In August the Senate Human Rights Committee reiterated the Senate's Special Committee on Penal Reform and Penitentiaries' 2006 finding 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 capacity of 3,800. Tacumbu Prison in Asuncion, designed to hold approximately 900 inmates, held an average of 3,000 prisoners; the penitentiary in Ciudad del Este, designed to hold about 300 inmates, held more than 650.

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. Inmate escapes were frequent, while others conducted illicit activities by bribing prison guards and officials and using cell phones to commit crimes. In August the administration banned inmates from carrying electronic devices and conducted two crackdowns before the year's end.

Living conditions at Tacumbu Prison and the Ciudad del Este Regional Penitentiary, both men's prisons, remained poor. Regional penitentiaries in the departments of Paraguari, Canindeyu, Concepcion, Itapua, Caaguazu, and Misiones held both men and women but in separate wings. 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 frequently separated prisoners based on their ability to pay for better living conditions. Inmates could upgrade their accommodations to "private" rooms for a monthly fee of 20,000 to 150,000 guaranies (\$4 to \$30).

On June 22, inmates at La Esperanza Penitentiary in Asuncion seized prison officials and demanded nighttime conjugal visits and an end to mistreatment by guards. Prison officials agreed to investigate abuse claims and stop strip-searching visitors. On October 8, the MJT resumed authority over the penitentiary after two years of administration by a private firm.

On October 14, 30 inmates at Buen Pastor Women's Prison in Asuncion denounced guards for sexual assault and rioted. Officials agreed to replace male guards with female guards. After a second disturbance October 16, prison officials transferred 12 inmates to other penitentiaries.

There were no new developments in the investigation of the December 2007 alleged 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 limited access to prisons with prior authorization from the MJT. On October 22, the MJT signed an agreement with the International Committee of the Red Cross authorizing Red Cross specialists to assess prison conditions and provide training to prison staff.

#### 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 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 Anti-Narcotics Secretariat (SENAD) and the Anti-Terrorism 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 reports that such cases often went unpunished.

The 22,500-member National Police force was poorly trained, inadequately funded, generally corrupt, and shielded by impunity. On November 24, Interior Minister Rafael Filizzola dismissed newly appointed Police Commissioner Federico Acuna and Deputy Commissioner Nestor Baez for insufficient progress in reducing corruption in the National Police. Minister Filizzola also authorized prosecutor raids on various police headquarters to prosecute endemic police corruption.

The new government, aware of the security forces' poor reputation, took steps beginning in August to control and punish human rights violations committed by police officers; in several instances, overt use of excessive force by police officers against civilians was rapidly condemned by the new government and met with quick action (see section 1.a.). However, police officers often continued to act with impunity. 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.

On January 23, six individuals wearing police uniforms hijacked a public bus and robbed its passengers of 640 million guaranies (approximately \$127,000). On October 7, authorities arrested five police officers from the National Police Economic Crimes Investigations Department for stealing 15 million guaranies (approximately \$2,970) from Manuela Raquel Santacruz; department chief Wenceslao Recalde was also dismissed. However, the five officers were released on October 9 after police determined that Santacruz had outstanding arrest warrants for fraud. On December 3, police arrested police officer Nery Rupert Britos for leading a gang of youthful robbers.

There were continuing cases of corruption in the 12,000-member military. On January 17, prosecutors opened an investigation into allegations that the army illegally transferred construction materials to former defense minister Roberto Gonzalez Segovia for personal use and issued false documents to conceal the action.

#### 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 law permits detention without trial until the accused completes the minimum sentence for the alleged crime, which 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 reality, detention was arbitrarily lengthy, and some detainees were held beyond their maximum allowable detention.

On October 9, prison officials released Dionisio Escobar after 11 years of detention on charges of attempting to rob a furniture store. Although the old Procedural Code does not specify a maximum length of detainment, Escobar's time in detention nearly equaled the maximum sentence of 12 years he would have served if he had been convicted.

The law allows judges to utilize "substitute measures," such as house arrest and bail for 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 bonds, if any, were routinely and blatantly provided to 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 were allowed access to family members.

#### e. Denial of Fair Public Trial

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

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.

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. On June 4, the Center for Judicial Studies released a study indicating that only 41.7 percent of cases initiated in 2007 were resolved within one year. Wealthy or well-connected defendants received impunity by 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 witnesses' written testimony and other evidence. Defendants and their attorneys have the right of access to state evidence relevant to their cases.

#### 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; however, the government did not deed land to the community and at year's end was considering a proposal to obtain land for them. The government also partially complied with the Inter-American Court of Human Rights' 2006 ruling in favor of the Sawhoyamaya indigenous community by providing monetary restitution but did not award the community land.

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 5, a three-judge tribunal ignored substantial evidence and absolved Galeano, of illicit enrichment, a decision that prosecutors appealed on December 30.

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. During political speeches throughout the year then-president Duarte and senior members of the Colorado Party repeatedly criticized the press, accusing the media of partisanship and inaccurate reporting.

On December 19, the government launched an official newspaper, Paraguay for All, with an initial run of 15,000 copies touting the Lugo administration's accomplishments. The government stated that it would not use the newspaper as a propaganda tool but only as a source of public information.

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. On April 30, a judge absolved ABC Color managing director Aldo Zuccolillo and reporter Carlos Davalos Caceres of defamation in a suit filed by former controller general auditors Atilio Perazza and Juan Antonio Cristaldo. The suit concerned a 1999 ABC Color article accusing public works and communications ministry officials of embezzlement. On February 8, a tribunal acquitted Zuccolillo of defamation charges brought by former deputy Benjamin Marecos Dure. At year's end Zuccolillo faced at least 20 additional criminal charges.

Government agents harassed and intimidated journalists. 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 April 11, the National Communications Commission (CONATEL) shut down the Community Progress FM radio station in Curuguaty, Canindeyu Department, for operating without a radio license. The station's president, Brigido Gonzalez, claimed that, in the period leading to the national election, CONATEL shut down his station after its broadcasts criticized then Colorado deputy Julio Colman but did not shut down two other unlicensed radio stations in Curuguaty that supported Colman and his political allies.

On June 23, police reportedly beat two La Nacion newspaper journalists with batons during a protest in front of the Social Action Secretariat in Asuncion. In June FM del Sur de Encarnacion correspondent Miguel Angel Masi was assaulted four times by unknown assailants and received death threats by phone. Journalists from Ultima Hora, Radio 1000, and Mega FM radio station received death threats during the year.

On August 16, the government's security forces declined to intervene when Venezuelan President Hugo Chavez' security agents physically assaulted Radio Nanduti and ABC Color journalists during Chavez' visit to San Pedro Department.

On January 22, prosecutors charged civilians Nelson Gustavo and Fabio Vera Sanabria with the August 2007 killing of Chilean radio journalist Alberto Tito Palma. There were no new developments in the March 2007 attack by log traffickers and the September 2007 threat by a local councilman against journalist Alberto Nunez in Capiibary, San Pedro Department. There were no developments in the 2006 killing of Colorado mayoral candidate and journalist Julio Benitez Ruiz Diaz.

#### 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 nine Internet users per 100 inhabitants in 2007.

There were reports that the government censored Web sites. On April 12, the Beloved Fatherland Party accused the government-owned Paraguay Communications Company (COPACO) of blocking several political Web sites prior to the April 20 national election. Additionally, COPACO used its monopoly status to block access to Voice over Internet Protocol.

#### 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.

On January 18, hundreds of former vice president Luis Castiglioni's supporters blocked a major highway after transportation officials selectively stopped their buses and conducted impromptu road safety and security checks.

The supporters had been traveling to Asuncion to protest disputed Colorado Party primary results.

During the year campesino movements frequently protested in the streets of Asuncion, blocked major highways, and occupied private ranches to advocate for land reform. These protests occasionally turned violent. The major umbrella organizations comprising many campesino movements included Sin Techos (Without Roofs), Sin Tierras (Without Land), the National Coordinating Board of Campesino Organizations (MCNOC), and the National Federation of Campesinos (FNC) representing 35 regional campesino movements.

In some cases police used excessive force to disrupt campesino protests. On April 14, police clashed with 2,000 Sin Techos protesters in Asuncion, and 15 protesters were injured. On October 3, campesino leader Bienvenido Melgarejo was killed and several campesinos were injured during a clash with police in Colonia, Alto Parana Department; campesino leader Jorge Arevalos claimed that police killed Melgarejo. On November 5, police injured 48 members of MCNOC and the Social and Popular Front (FSP) during a protest outside the Public Ministry in Asuncion. On November 25, police reportedly injured six members of the country's public workers union during a protest. On December 5, police clashed with Sin Techos protesters in Coronel Oviedo; two Sin Techos protesters were injured, and a bystander was killed.

#### 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. However, it occasionally failed to enforce religious freedom laws when abuses occurred.

On July 30, the Vatican issued a decree announcing that Pope Benedict XVI had granted then-president-elect Lugo a special waiver dispensing him from his clerical duties.

Jehovah's Witnesses who refused to give permission for blood transfusions in 2007 reported that authorities challenged what the group considered a "right to bodily self-determination." No new developments were reported in the September 2007 case of Jose Ortega and Asuncion Ortega Gaona, arrested for refusing to allow doctors to give their minor daughter blood transfusions.

#### Societal Abuses and Discrimination

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

During the year's election campaign, then-president Duarte made several critical remarks about the Catholic clergy in an attempt to discredit his handpicked successor's opponent, Fernando Lugo, a former Catholic bishop.

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 2008 International Religious Freedom Report at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### 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, and the government did not use it.

On May 21, three police officers entered the Venezuelan Embassy in Asuncion without permission and arrested Paraguayan police officer Anibal Insaualde, who had sought political asylum in Venezuela.

#### 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 the expulsion or return of refugees to countries where their lives or freedom would be threatened. The government also provided temporary protection to individuals who may not qualify as refugees under the 1951 convention or the 1967 protocol and provided it to approximately 15 persons during the year, including four Cubans. The government permitted those 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 with 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 20 multiparty general elections, Fernando Lugo of the Patriotic Alliance for Change won the presidency and ended 61 years of uninterrupted Colorado Party rule. Observers from the Organization of American States and NGO International Foundation for Electoral Systems characterized the elections as generally free and fair. There were no reports of systematic nationwide irregularities; however, there were reports of minor irregularities at several polling stations.

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.

Although the government prohibits civil servants from engaging in political campaigns and using public resources to benefit political parties, many did so during the year's election campaign. Public employees were often pressured by their supervisors to campaign on behalf of the Colorado Party, which routinely used public resources on behalf of the party and its candidates.

On January 8, Colorado senator Juan Carlos Galaverna acknowledged that he committed fraud during the 1992 Colorado Party primary to help Carlos Wasmosy win the primary. Congress censured Galaverna and suspended him for 60 days; Galaverna returned to the Senate on July 21. Prosecutors opened an investigation into the case, which remained pending at year's end.

On June 23, then-president and senator-elect Duarte tendered his resignation from the presidency to join the Senate on July 1. The Senate refused his resignation, and Duarte remained president until the end of his term on August 15. On August 26, Senate President Enrique Gonzalez Quintana swore Duarte in as a full senator; on the same day, the Senate met and overturned Gonzalez's decision, named Colorado Jorge Cespedes senator in Duarte's place, and appointed Duarte as a nonvoting senator emeritus, in keeping with the 1992 constitution.

On August 31, army general Maximo Diaz claimed that then-president Duarte, retired general Lino Oviedo, Senate President Gonzalez, attorney general Ruben Candia Amarilla, and TSJE president Juan Manuel Morales met to discuss a coup d'etat. Prosecutors opened an investigation, which remained pending at year's end.

There were no legal impediments to women's participation in government and politics. There were 16 women in Congress (six of 45 senators and 10 of 80 national deputies). One woman served on the Supreme Court, one as a departmental governor, and three served as members of the Mercosur Parliament. One woman headed a cabinet-level ministry, and five women held ministerial rank. Colorado candidate Blanca Ovelar was the first female presidential candidate of a major political party. 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 were elected to government during the year. On August 15, President Lugo named Ache indigenous chief Margarita Mbywangy director of the National Institute of the Indigenous (INDI) but dismissed her on December 18 over accusations that she favored the Ache over other groups. Members of some indigenous communities protested 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. 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 attorneys 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, most did not, engaging in corrupt practices with impunity and using political immunity to avoid prosecution.

On April 10, a tribunal sentenced Nicolas Donato Dagogliano, former director general of the National Service of Professional Promotion (SNPP), and former SNPP economic head Elias Fernandez Defelice to six years' and five years' imprisonment, respectively, for embezzling 2.4 billion guaranies (approximately \$475,000) from the agency from 2001 to 2003.

On June 4, a tribunal sentenced former municipal personnel retirement and pension finance administrator Edgar Gomez Zaputovich and five subofficials to three and a half years in prison for embezzling 600 million guaranies (approximately \$118,000).

On July 31, police apprehended former labor and justice minister Silvio Ferreira, who had been a fugitive since 2003. Prosecutors indicted Ferreira, who served under then-president Luis Gonzalez Macchi during 2000 to 2002, on multiple counts of embezzlement, including six billion guaranies (approximately \$1.2 million) in funds from the Republic of China (Taiwan) and 480 million guaranies (approximately \$95,000) in ministry funds earmarked for

prison food and materials. The case remained pending at year's end.

On September 4, police detained 13 officials from the National Administration of Navigation and Ports for alleged embezzlement of approximately five billion guaranies (one million dollars). The case remained pending at year's end.

On October 3, prosecutors announced they had opened an investigation into allegations of illicit enrichment by former president Nicanor Duarte Frutos and his wife, Gloria Penayo de Duarte. Prosecutors based their investigation on findings released October 1 by the Controller General that indicated the Duartes possessed known cash reserves seven times higher than their income. The Children and Adolescent's Secretariat (SNNA) demanded September 15 that the Paraguayan Network for Human Development (REPADEH), an NGO controlled by Penayo de Duarte, transfer to the government property purchased by REPADEH with funds provided by the government of the Republic of China (Taiwan).

On December 11, prosecutors indicted Colorado senator Victor Bernal Garay for misusing 340 million guaranies (\$67,000) in Itaipu Dam funds while serving as director of the Itaipu Binational Entity. Bernal was also under investigation for misusing Itaipu Dam funds designated for the NGO Fundacion Tesai, diverting funds to Sistema Siete, an advertising agency controlled by then-president Duarte that worked on the Colorado Party's election campaign, and enriching himself and his family. Bernal continued to enjoy political immunity while in office.

There were no new developments in the May 2007 case of videotaped extortion by former foreign minister Ruben Melgarejo Lanzoni and prosecutor Juan Claudio Gaona; the June 2007 case of misuse of public funds by deputy Victor Bogado, who continued to enjoy political immunity while in office; the 2007 bribery case of environment ministry official Jorge Colonel; or former president Gonzalez Macchi's appeal of his 2006 conviction and six-year prison sentence for embezzlement. These and a number of similar cases involving high-level corruption were paralyzed by political interference in the judicial system.

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

Over 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. These included the NGO Association of Paraguay (Pojoaju), CODEHUPY, the Coordinator for the Self-Determination of Indigenous People (CAPI), the Human Rights Coordinator for Infants and Adolescents (CDIA), and the Coordinator for Paraguayan Women (CMP).

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 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. The ombudsman's offices generally operated without government interference; however, budgetary constraints hindered their operations. Congressional interference limited the ombudsman's ability to handle cases involving government officials.

The Ministry of Justice and Labor'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.

The law mandates that the Truth and Justice Commission (CVJ), established by Congress and appointed by the president, document human rights abuses that occurred during the 1954-89 Stroessner regime. The ombudsman's office worked closely with the CVJ to process abuse cases. On August 28, the CVJ published its 1,000-page final report. The CVJ concluded that as many as 128,077 persons, almost 1 percent of the total population, were potential victims of Stroessner-era abuses, including 20,090 directly affected by human rights abuses, 19,682 political prisoners, 18,772 torture victims, 3,470 exiles, 377 disappearances, and 59 extrajudicial executions. The CVJ urged the government to investigate an estimated 2,800 individuals who allegedly committed abuses while serving as officials under Stroessner. The CVJ based its report on 9,923 testimonies from 2,059 victims of Stroessner-era abuses and their relatives and on documents found in the "Terror Archive."

The law 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; and since 2004, 1,886 victims or their family members received payments totaling 147.2 billion guaranies (\$29.1 million).

On October 30, Misiones Department governor Victor Pereira and human rights activist Martin Almada announced they had uncovered in the basement of a former interior ministry building identification cards, photos, and personal information from political prisoners held captive and tortured during the Stroessner regime.

#### 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 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 annually for injuries sustained in domestic altercations. Through September the Secretariat of Women's Affairs (SMPR)

registered 3,871 domestic violence complaints by women who contacted the SMPR (1,387), National Police (628), Center for Medical Emergencies (38), and NGO Kuna Aty (1,818). Also through April, the Public Ministry investigated cases of domestic violence filed by 88 women and 15 men.

The SMPR operated a shelter for women who are 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, and 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.

Although women generally enjoyed the same legal status and rights as men, gender-related economic 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 November 2007 unemployment rate for women in the formal sector was 7.5 percent, compared with 5.6 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

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

The failure to register births resulted in some discrimination, including the denial of public services. The SNNA estimated that more than 600,000 children remained unregistered.

Child abuse and neglect were serious problems. The National Commission to Prevent and Eradicate the Exploitation of Children (CONAETI) assisted abused and neglected children and educated the public on preventing abuse. The SNNA and children's NGOs also organized programs to combat child abuse. The Ministry of Health and Social Welfare operated three homes for abused children and orphans in Asuncion and placed some abused children in foster homes.

On December 29, the SNNA opened a shelter for street children in Asuncion. 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 (SAIA) assisted abused children in Villarrica, Guaira Department. 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 were forced to work as prostitutes or domestic servants for survival and were sexually abused.

#### Trafficking in Persons

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

Anecdotal evidence suggests that each year several thousand women, children, adolescents (mostly girls), and transgendered prostitutes were trafficked domestically and internationally from the country. An estimated 80 percent of the victims were young women and adolescents. CEAPRA, which operated a children's shelter in Ciudad del Este, estimated in February that up to 20 victims were trafficked each day to Brazil and Argentina via the Tri-Border Area (TBA). Most victims were trafficked to Argentina (52 percent) and Spain (25 percent); smaller numbers of victims went to Brazil, Italy, and Bolivia. 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 victims were working as street vendors when traffickers targeted them and that 70 percent of victims had drug 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 July 16, the government adopted a new trafficking in persons statute. 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 those who traffic minors and use excessive violence against their victims. The new trafficking in persons 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, with SMPR assistance, opened 11 trafficking cases this year on behalf of 19 women, including six minors. During the year, prosecutors indicted nine suspected traffickers, and four traffickers were convicted and sentenced to up to six years in prison. The government also assisted with international investigations and extradited citizens who were accused of trafficking in other countries.

In March a 15-year-old trafficking victim who escaped from a brothel in Buenos Aires fled to Ciudad del Este, where she filed a complaint with the SNNA. Based on her complaint, Argentine and Paraguayan authorities rescued 25 girls from the brothel. Charges remained pending. During the year prosecutors opened an investigation into a syndicate that trafficked dozens of adolescent girls to Chile.

There were no developments in the 2006 trafficking cases of Antonio Cortes Villena, Ramiro Noquer Garcia, Juana Rocio Adorno Silguero, and Jorge Kraufer Gimenez, or Spaniards Claudia Lorena Martinez and Andres Eligio Ponce for trafficking children to Spain.

The Public Ministry investigates and prosecutes traffickers. On October 14, the ministry established an

antitrafficking unit with three prosecutors dedicated to fighting human trafficking. The ministry worked with the National Police, Foreign Ministry, SMPR, 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. 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, IOM, ILO, NGOs, and foreign missions. The TBA Anti-Trafficking 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, because they lacked the resources and political will. Inadequate financial and technical resources constrained the government's ability to combat trafficking.

The SEDERREC repatriated trafficking victims to Paraguay and provided them with limited legal, medical, and psychological assistance. The SEDERREC had 60 pending cases of individuals awaiting repatriation. The SEDERREC, SMPR, and SNNA help 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 new 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.

The government's antitrafficking Interinstitutional Roundtable frequently conducted antitrafficking meetings and seminars in Greater Asuncion, Caacupe, and Ciudad del Este. The government also worked with international organizations such as the IOM, 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 Health and Social Welfare noted that half of all children with disabilities did not attend school because public buses could not accommodate them.

Hygienic conditions for the more than 250 residents at the Neuropsychiatric Hospital in Asuncion, the country's only health care center for persons with disabilities, improved since 2005, when the government agreed to restructure the country's mental health system. However, the hospital needed to enhance its security and accountability systems (see section 1.c.).

#### 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 law protecting the property interests of indigenous people was not respected in practice, and indigenous persons faced systemic discrimination.

A June census reported an indigenous population of approximately 108,000. The census estimated that 39 percent of indigenous people over age 15 were illiterate, approximately 48 percent were unemployed, and 88 percent lacked health insurance.

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 INDI, the Public Ministry, and the ombudsman's office are responsible for protecting and promoting indigenous rights. However, 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. The Public Ministry and ombudsman rarely investigated or prosecuted discrimination against indigenous people.

Human rights NGOs, such as CAPI and the Center for International Law and Justice, filed one case on behalf of indigenous groups with the Inter-American Commission of Human Rights. On July 24, the Inter-American Commission of Human Rights referred the case submitted by the Kelyenmagategma indigenous community to the court (see section 1.e.).

The law authorizes indigenous people to determine how to use their land, leading many of them to transfer or rent their land to the nonindigenous persons. Some nonindigenous persons illegally harvested fish or deforested indigenous lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands. On May 21, leaders of the Ava Guarani indigenous group filed a complaint with prosecutors after nonindigenous farmers occupied their land near Itakyry, Alto Parana Department.

#### Other Societal Abuses and Discrimination

There was societal discrimination based on sexual orientation. The Public Ministry is responsible for investigating discrimination cases; however, government agents condoned such discrimination. On January 14, a judge jailed Jesus Alejandro Martinez and Blanca Estigarribia after their wedding on January 13 when an unknown individual claimed the couple entered into a same-sex marriage. On January 16, the judge released the couple after a doctor determined that Martinez was a hermaphrodite.

There were reports of killings of transgendered persons. On July 1, an unknown assailant killed 17-year-old "Lupita" and attacked "Laura," who witnessed the killing. On July 3, unknown individuals shot "Gaby." These cases remained pending at year's end.

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

#### 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. 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 160,000 (10 percent) of workers were members of over 350 labor unions affiliated with five major labor umbrella organizations. Most workers, including farmers, ranchers, and informal sector employees, could not join a labor union. 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, bans 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 5, Trafficking).

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

The law protects children from exploitation in the workplace, but the government did not effectively enforce these laws. Child labor was a problem, particularly in the domestic service, brick and lime manufacturing, and agricultural sectors (including cotton, sugar cane, corn, soy, sesame, wheat, mandioca, and stevia production).

The law prohibits work by children under age 12. Children 12 to 14 years of age may work with parental authorization up to four hours per day in nonindustrial, nonhazardous working conditions. The law permits minors between 15 and 18 years of age to work with parental authorization up to six hours per day in nonhazardous working conditions. An August 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, primarily in domestic servitude, factories, or in agriculture. The same study estimated that 60,300 children worked as unpaid domestic servants (criadas). More girls than boys were involved in exploitative child labor until the age of 12; after age 12, more boys were involved.

In addition to prostitution and domestic servitude, the worst forms of child labor occurred where malnourished, abused, or neglected children worked in unhealthy 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. Many children also performed hazardous work.

The MJT is responsible for enforcing child labor laws, and the Public Ministry prosecuted violators. Several government agencies 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 Secretariat for Social Action (SAS) administered the programs Programa Abrazo (Hug Program) and Tekopora (Healthy Life) that paid parents of street children and parents in some rural areas a monthly stipend to send their children to school. On June 30, the Ministry of Education and Culture (MEC) launched Vision 2020, a program designed to improve children's access to education. The MEC also adopted the ILO's "Scream" child labor intervention campaign 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 1.34 million guaranties (\$265) 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.