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Paraguay

Country Reports on Human Rights Practices - [2005](#)

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Paraguay is a constitutional republic with a population of approximately 6.3 million. The president is the head of government and head of state. In 2003 voters elected Nicanor Duarte Frutos of the Colorado Party as president in generally free and fair elections. The congress consists of a 45-member Senate and an 80-member Chamber of Deputies. The civilian authorities generally maintained effective control of the security forces.

Although the government generally respected the human rights of its citizens, there were serious problems in some areas. The following human rights problems were reported:

- killings by the police and military, which the government investigated
- abuse of convicted prisoners, other detainees, and conscripts
- overcrowding and violence in prisons
- arbitrary arrests and detention, lengthy pretrial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights
- excessive police force against illegal but peaceful demonstrations
- violence and discrimination against women, trafficking in persons, discrimination against persons with disabilities and indigenous persons, inadequate protections of worker rights, child labor, and child abuse
- illegal military conscription of minors, although at reduced levels

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

While the government or its agents did not commit any politically motivated killings, security forces were responsible for killings involving the use of unwarranted or excessive force. There were reports of police officers killing persons while acting outside the scope of their duties and of deaths in custody.

On July 10, police sub-commissioner Francisco Ramon Rojas Aveiro was detained on charges of ordering the killing of three persons in San Pedro in January. An investigation continued at year's end.

On August 21, authorities arrested a police officer, a cadet in the Military Academy, and two others for killing Lucio Luis Vera on August 11. Reports indicated that Vera was returning home from work when the suspects shot him in the course of an attempted robbery. The case remained pending at year's end.

On several occasions, police used force to disperse illegal protesters, particularly in connection with land invasions and labor protests; these actions resulted in deaths and injuries on both sides (see section 2.b.).

On June 24, the forcible eviction by police of families from property claimed by a Brazilian settler in Tekojoja, Caaguazu Department, resulted in the deaths of Angel Cristaldo and Leopoldo Torres, who were members of the Agrarian and Popular Organization, and injuries to five others. Authorities arrested the settler Ademar Aloisio Opperman and several of his employees for their role in the killings. There were 25 suspects in the case, 3 of whom were in prison, and the case remained pending at year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

Political figures Juan Arrom and Anuncio Marti, members of the Patria Libre Party (PPL), accused of kidnapping Maria Edith Bordon de Debernardi in 2001, remained in Brazil, where authorities granted them political asylum in 2003. In June the lead prosecutor in this case

stated that the same gang involved in the Debernardi kidnapping was also responsible for the February killing of Cecilia Cubas, daughter of former President Raul Cubas, who had been kidnapped in September 2004. On October 13, after the attorney general filed formal charges, a judge indicted 15 suspects in the case. Several of the defendants had ties to a militant faction of the PPL.

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

Although the law prohibits such practices, there were reports that some government officials continued to employ them. The Paraguay Human Rights Coordinating Board (CODEHUPY)--a group of 32 nongovernmental organizations (NGOs), civic organizations, and trade unions--reported several cases of police torture and other abusive treatment of persons, including women and children, designed to extract confessions, punish escape attempts, or intimidate detainees.

Marcial Martinez Amarilla, a member of the Popular Rural *Campesino* Organization, stated that, on March 31, police in Valle Pe, Guaira Department, entered his home, forcibly apprehended him without a warrant for his arrest, and tortured him for three hours on suspicion of cattle theft. The case remained under investigation at year's end.

On December 29, police detained Juan Carlos Silvero Medina in San Juan Nepomuceno, Caazapa Department, where he was held for more than 10 hours for allegedly disturbing the peace and severely beaten.

There were no developments in the case of Ramon Benitez Irala, who claimed in July 2004 that he was shot when policemen raided his home and was refused treatment for eight days.

There were several reports of members of the military harassing, beating, and killing civilians, particularly while responding to land invasions (see section 2.b.).

The law allows the human rights ombudsman to investigate and seek monetary compensation in cases of human rights abuses stemming from the 1954-89 Stroessner regime. Since his appointment in 2001, the ombudsman has ruled that 805 of 1,728 victims who filed petitions were entitled to compensation and awards ranging from \$583 to \$17,500 (3.5 to 105 million guaranies). More than 400 victims (and/or family members) either already received payments or were due to receive payments, according to the ombudsman. Since 1993, 3,583 human rights cases have been filed, predominantly stemming from the Stroessner era. Although the Truth and Justice Commission continued to investigate and document human rights abuses between 1954 and October 2004, a tight budget constrained its progress.

On June 15, government officials, NGOs, and the UN Children's Fund (UNICEF) released a report documenting accusations of torture and ill-treatment of conscripts in the cities of Altos, Cordillera Department; Ciudad del Este, Alto Parana Department; and Mariscal Estigarribia, Boqueron Department. On August 25, armed forces commander, General Jose Kanazawa, apologized for past mistreatment committed by military personnel under his command.

Prison and Detention Center Conditions

Prison facilities were deficient, and prison conditions were extremely poor. Overcrowding, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. According to the Paraguay Human Rights Coordinating Board (CODEHUPY), Tacumbu prison, the largest in Asuncion, was built to hold approximately 800 inmates but held nearly 3 thousand for most of the year. A majority of those held were awaiting trial. Regional prisons generally held approximately three times more inmates than their original capacity. Additional prison facilities were under construction, for example, in Caaguazu.

A makeshift maximum security facility not designed as a prison or officially designated as a prison, held dangerous offenders or those considered high escape risks in solitary confinement.

Security was a problem throughout the prison system. For example, there were approximately 130 guards for nearly 3 thousand prisoners at Tacumbu prison. Inmates frequently had weapons, particularly at the Emboscada prison in Minas. Escapes and escape attempts were frequent, while corruption among prison guards and judicial officials remained a problem.

On April 10, the director of the Tacumbu prison Artemio Vera announced that some of his guards were accomplices, along with the prisoners, in criminal activities inside the prison. He called for changes in the prison system. On July 11, the prison's new director, Arnildo Caballero, announced the hiring of a private security firm to support the guards in such efforts as reducing the influx of weapons; there were no subsequent reports of guards associated with criminal activity.

Men and women prisoners generally were held separately. While some smaller institutions held prisoners of both sexes, it was government policy to hold them in separate wings, but this was not always done in practice. A Senate Human Rights Committee investigation of abuse and conditions at the prisons found that prisons generally were in "deplorable" conditions. Many prisons were overcrowded, lacked sufficient infrastructure to accommodate the inmates, needed additional security guards, required maintenance, and raised serious health concerns.

Although juvenile prisoners generally were held separately from adults, adults and juvenile prisoners continued to be held together in smaller prisons outside the capital.

The government permitted independent monitoring of prison conditions by human rights organizations. Amnesty International and diplomatic representatives were granted access to prisons for announced and unannounced visits.

d. Arbitrary Arrest or Detention

The law prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement; however, arbitrary arrest and detention were problems. The police may arrest without a warrant persons apprehended in the act of committing a crime, but they must notify a prosecutor. In practice the authorities did not always comply with these provisions.

Role of the Police and Security Apparatus

The National Police, under the authority of the minister of interior, have responsibility for law enforcement and internal security. The police were inadequately funded, poorly trained, and generally corrupt. The government took steps to control and punish human rights violations committed by police officers; however, the police enjoyed impunity for many of their actions. There were reports that police were involved in narcotics trafficking and provided support to the more notorious kidnapping rings. On September 2, the national police commander opened an investigation against one of his deputies for forging identification documents for a known leader of a kidnapping ring. In October the Senate rejected the promotion of corrupt police official Aristides Cabral who was connected to narcotraffickers. Nonetheless, in November Cabral was appointed chief of police for the department of President Hayes, which serves as a corridor for illegal flights moving drugs and contraband across the country.

The overall crime rate continued to fall; police made arrests in a number of high-profile cases, such as kidnappings; and the 911 system for reporting emergencies to police continued to generate positive results. Additionally, the National Antinarcotics Secretariat's hot line led to arrests of several of their most wanted persons.

Arrest and Detention

The law provides that, after making an arrest, police have up to 6 hours to notify the prosecutor's office, at which point the prosecutor's office has up to 24 hours to notify a judge whether it would prosecute the case.

The law provides a person in detention with the right to a prompt judicial determination of the legality of the detention, and authorities appeared to respect this right and to inform detainees promptly of the charges against them. The average time from arrest to trial was approximately 240 days. The law permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurred in practice. The law allows judges to utilize "substitute measures," such as house arrest, in place of bail for most crimes; however, judges frequently set relatively high bail, and many accused persons were unable to post bond.

The law grants accused criminals the right to counsel, but the government lacked resources to provide counsel to poor defendants, and many went to trial without representation. The government permitted defendants to hire attorneys at their own expense. Inmates were allowed regular visits from family members, including conjugal visits.

There were no reports of political detainees.

Pretrial detainees constituted approximately 75 percent of the prison population. Supreme court justices and staff and many criminal court judges made periodic visits to the prisons to identify and release improperly detained individuals.

e. Denial of Fair Public Trial

While the law provides for an independent judiciary, courts remained inefficient and subject to corruption and political influence. Politicians and other interested parties blocked or delayed investigations and often pressured judges, although the judiciary was not allied with any political group.

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

Trial Procedures

All trials are open to the public. The law stipulates that all defendants have the right to an attorney, at public expense if necessary; however, this right often was not respected in practice. Many destitute suspects received little legal assistance, and few had access to an attorney sufficiently in advance of the trial to prepare a defense. The 148 public defenders in the country, including 44 in Asuncion, lacked the resources to perform their jobs adequately.

The law requires prosecutors to bring charges against accused persons within 180 days. Defendants enjoy a presumption of innocence, and defendants and the prosecutor may present the written testimony of witnesses as well as other evidence. The judge alone determines guilt or innocence and decides punishment. A convicted defendant may appeal the sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

Political Prisoners

There were no reports of political prisoners.

Property Restitution

In August the government expropriated 130 thousand acres of land in Puerto Casado owned by Reverend Sun Myung Moon's Unification Church for distribution to local farmers. The government held that the land was not being productively used. The law requires compensation to the owners, but funding had not been identified by year's end.

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 credibly claimed that local officials and police officers abused their authority by entering homes or businesses without warrants and harassing private citizens. There were credible allegations that some government offices occasionally spied on individuals and monitored communications for partisan or personal reasons.

Marcial Martinez Amarilla, a member of the Popular Rural *Campesino* Organization, stated that, on March 31, police in Valle Pe, Guaira Department, entered his home and forcibly apprehended him without a warrant for his arrest (see section 1.c.).

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.

The print and electronic media were independently owned; some media outlets were tied closely to political parties or business entities. Many media outlets clearly reflected personal business or political interests, and ethical and professional standards were low. The media commonly criticized the government and freely discussed opposition viewpoints.

On August 26, police acting on an order of the National Commission for Telecommunications raided and closed Radio Nemity FM, a community-based radio station in Capiibary, on the grounds that the station had no license. Police also confiscated the station's equipment. The station, which was awaiting an answer to its request for registration, had been closed before due to on-air comments made about local politicians. Many other stations in the country operated without a license.

Application of libel law was irregular. Judges were biased toward plaintiffs and frequently ruled in their favor regardless of the merits of a case. Other political figures used police or private security officers to threaten or intimidate journalists. On December 28, the Supreme Court affirmed a lower court finding that *ABC Color*, a leading publication, had defamed Senator Juan Carlos Galaverna of the ruling Colorado Party; the charges stemmed from articles *ABC Color* published in 1997 and 1998.

On November 30, Ciudad del Este prosecutor Delio Gonzalez Sanchez denied four reporters access to the scene while he raided the Time Import Company to investigate the alleged circulation of counterfeit dollars. Authorities detained the reporters in a stairway behind a locked gate for more than an hour.

On several occasions, politicians and prosecutors publicly threatened journalists who revealed embarrassing information about them, typically related to corruption. In May agriculture minister Antonio Ibanez threatened journalist Erwing Rommel Gomez after he wrote several stories about Ibanez's alleged corrupt practices. Shortly thereafter, Ibanez resigned his position.

There were no government restrictions on the Internet or academic freedom.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. In some cases, police violently dispersed illegal but nonviolent assemblies.

The law restricts demonstrations in Asuncion to certain times and places and specifically prohibits meetings or demonstrations in front of the presidential palace and outside military or police barracks. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. In addition, the law prohibits public gatherings in the congressional plaza in Asuncion, the traditional focal point for many demonstrations, during daylight hours on workdays. The police may ban a demonstration but must provide written notification of the ban within 12 hours of receipt of the organizers' request. The law permits a police ban only if another party already has given notice of plans for a similar rally at the same place and time. This law does not apply to religious processions. The law prohibits closing roads as a form of protest, but demonstrators did so on many occasions during the year.

Although the president in November invoked the government's right to "act to preserve public order" in connection with a month-long

demonstration in front of the Palace of Justice, by year's end, the government had not acted to disperse hundreds of the demonstrators.

Several *campesino* organizations held demonstrations during the year. Although members blocked several national highways, and *campesinos* invaded and occupied numerous rural properties, calling on the government to expropriate farmland for redistribution, rural unrest was significantly less than in 2004.

Freedom of Association

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

c. Freedom of Religion

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

Societal Abuses and Discrimination

There were no reports of anti-Semitic acts. There were approximately 350 Jewish families in the country.

For a more detailed discussion, see the [2005 International Religious Freedom Report](#)

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

The law provides for these rights, and the government generally respected them in practice. 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 exile, and the government did not use it.

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. In practice the government provided protection against *refoulement*, the return of persons to a country where they feared persecution. The government granted refugee status or asylum. The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

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

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

Elections and Political Participation

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

There are no legal impediments to women's participation in government and politics. There were 14 women in congress (6 of 45 senators and 8 of 80 national deputies), 1 woman on the Supreme Court, 1 woman elected as a departmental governor, 3 women heading cabinet ministries, and 6 additional women holding ministerial rank and heading secretariats. The Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women.

Although there were no legal impediments to minority groups' participation in government and politics, there were no indigenous members of the legislature. An estimated 50 percent of the approximately 40 thousand indigenous persons eligible to vote did so in the 2003 general elections, but members of some indigenous communities reported that they were threatened and prohibited from fully exercising their political rights, and indigenous people continued to hold rallies protesting limits on their political and human rights.

Government Corruption and Transparency

There was a widespread public perception of corruption in government. The NGO Transparency International reported that corruption remained a "severe" problem in the country, although the perception index improved slightly from the preceding year. The government maintained working relationships with civil society organizations to promote transparency in the public sector.

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

Domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative; however, their response to the views and recommendations of the human rights groups was mixed.

Local NGO human rights groups included the Committee of Churches (an interdenominational group that monitored human rights, investigated refugee claims, and provided legal assistance), Grupo Luna Nueva (a group dedicated to the protection of children's rights), and Peace and Justice Service or SERPAJ (a group that defended conscientious objectors and provided legal assistance to those with grievances arising from military service). CODEHUPY's annual report highlighted abuses of police authority and mistreatment of military recruits.

In October Ombudsman Paez Monges was re-appointed for a third two-year term as the country's human rights advocate.

The director general of human rights, located in the Ministry of Justice and Labor, chaired the National Commission on Human Rights. The commission sponsored seminars to promote human rights awareness. The director general's office has access to the congressional, executive, and judicial authorities. It does not have subpoena or prosecutorial power, but the commission may forward information concerning human rights abuses to the attorney general for action. It served as a clearing house for information on human rights and trained thousands of educators in human rights law.

The Foreign Ministry's Human Rights Office organized an inter-ministerial roundtable on human rights that met periodically throughout the year. It served as a forum for human rights officials from various ministries to coordinate their efforts and focused principally on combating trafficking in persons.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The most pervasive violations of women's rights involved sexual and domestic abuse. Spousal abuse was common. Although the law criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal and then is punishable by a fine. Thousands of women were treated for injuries sustained in violent domestic altercations. Despite an apparent trend toward increased reporting of complaints, such complaints were often withdrawn soon after filing due to spousal reconciliation or family pressure, including from the attacker who is often the spouse. In addition, the courts allow mediation of some family violence cases, although not provided for in the law. The Secretariat of Women's Affairs' Office of Care and Orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the attorney general's office, and NGOs. In practice these services were available only in Asuncion. The secretariat also conducted training courses for the police, health care workers, prosecutors, and others.

The NGO Women's November 25th Collective operated a reception center where female victims of violence received legal, psychological, and educational assistance. The NGO Kuna Aty also offered services to abused women. There were no shelters for battered and abused women outside of Asuncion.

The law criminalizes rape, including spousal rape, and provides penalties of up to six years in prison. According to the Office of the Attorney General, rape was a significant problem. During the year, there were more than 300 cases of rape in Asuncion and many more in the other departments. The government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported because victims feared their attackers or were concerned that the law did not adequately respect their privacy.

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 of women, particularly underage prostitutes, remained a serious problem.

The law prohibits but does not criminalize sexual harassment, and it remained a problem for many women in the workplace. While there are no penalties specifically for harassment, related violations of the law are punishable by fines and up to three months' imprisonment. Claims of abuse may be filed with the courts and the Ministry of Justice and Labor, but harassment was difficult to prove, and most complaints were settled privately.

Although women generally enjoyed the same legal status and rights as men, gender-related job discrimination was widespread and widely tolerated. Women often were paid significantly less than men for the same work. The Secretariat of Women's Affairs occasionally 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.

Public schooling was provided through the age of 17, and education was compulsory until the age of 14. According to UNICEF, in 2004 the enrollment rate for children between the ages of 6 and 14 was 89 percent and 50 percent for those between the ages of 15 and 17. The law entitles boys and girls to equal educational access; at all ages, enrollment among girls was slightly greater than enrollment among boys. Rates of enrollment in urban areas were slightly higher than rates of enrollment in rural areas. Approximately 59 percent of indigenous

children between the ages of 6 and 14 were enrolled in school. The national literacy rate was 92 percent.

According to UNICEF, 48 percent of children age 14 or younger lived in poverty (20 percent in extreme poverty), and 11 percent of those suffered from chronic malnutrition, with both figures trending upward. Boys and girls generally had equal access to medical care.

Abuse and neglect of children was a serious problem. A local NGO attributed a rise in the number of complaints of mistreatment of children to the increased awareness of child abuse and neglect. The government has a National Plan to Prevent and Eradicate the Exploitation of Children. The Secretariat of Children and Adolescents is responsible for this five-year program, for identifying and providing assistance to abused and neglected children, and for educating the public to prevent abuse.

Sexual exploitation of children also was a problem. UNICEF reported that two-thirds of sex industry workers were minors, the majority of whom began working between the ages of 12 and 13. In addition, UNICEF reported there were more than 40 thousand *criadas* (domestic servants) between the ages of 6 and 12, who were often sexually exploited as well. In November the government's Municipal Advisory Council on the Rights of Children and Adolescents reported that 35 percent of street children in Ciudad del Este had been victims of sexual exploitation, in many cases with the full knowledge of their parents.

During the year the government's Child and Adolescent Secretariat registered more than 28 thousand children, not previously included in the Civil Registry; the secretariat estimated that more than 600 thousand children remained to be unregistered. The Secretariat also participated in or organized programs related to combating trafficking in persons, abuse of children, and child labor issues, such as children who are domestic servants.

There were reports of trafficking in girls for the purpose of sexual exploitation (see section 5, Trafficking).

On June 15, government officials, NGOs, and UNICEF released a report regarding the conscription of minors. The report found isolated incidents of continued forced or deceitful recruitment in the city of Salto del Guaira, Canindeyu Department, and documented accusations of torture and ill-treatment of conscripts in the cities of Altos, Cordillera Department; Ciudad del Este, Alto Parana Department; and Mariscal Estigarribia, Boqueron Department (see section 1.c.). The report also noted the recruitment of indigenous youths who were exempt from obligatory military service.

The government established review procedures for military conscripts to prevent enlistment of minors and to investigate and report on abuses and conditions. The government requires that all military officers responsible for recruiting ensure that all conscripts meet the legal minimum age of 18. The armed forces has a human rights office responsible for helping NGOs investigate the alleged use of forged documents and illegal recruiting practices.

Child labor was a problem (see section 6.d.).

Trafficking in Persons

Although the law prohibits trafficking in persons, there were reports that persons were trafficked from and within the country for sexual purposes.

The law punishes trafficking in persons with up to 10 years in prison; the law also forbids compelling anyone to travel outside the country or to enter the country for the purpose of prostitution or compelling a minor under 18 to work as a prostitute. At year's end, there were more than 20 transnational cases under investigation, 4 of which had been transferred to judicial proceedings. Ten persons were in prison, four convicted of trafficking and associated crimes and six charged with these crimes.

The secretariats of women's affairs and of children and adolescents were responsible for combating trafficking, and the Secretariat for Repatriations had a mandate to assist women who were trafficked abroad; however, the secretariats' small budgets limited their effectiveness.

On July 1, authorities extradited Paraguayan national Carolina Maidana Duarte from Spain for her involvement in the trafficking of Lurde Resquin to Spain. In December 2004, Maidana's brother Raul Antonio Maidana Duarte and Mario Ramon Gonzalez Caceres were convicted for their involvement in the trafficking of the same woman. In April the convictions were overturned on the grounds that the defendants should be tried in Spain where the trafficked woman suffered the ultimate effects of the crime. On November 21, the Supreme Court's Penal Court reversed the lower court decision and reinstated the original convictions, stating that the crime started in the country at the moment of deception by the defendants.

The country was a source for trafficked persons, and trafficking also took place within the country. Anecdotal evidence suggested that several hundred women and children were trafficked abroad annually. There were no estimates available on the extent of trafficking within the country. Most victims came from the rural interior of the country, particularly the departments of Alto Parana, Canindeyu, Caaguazu, and Itapua, which border Argentina and Brazil and where international organized crime groups have a heavy presence. The borders are very porous and there were few border officials. Within the country, victims were trafficked primarily to the two largest cities, Asuncion and Ciudad del Este; the most significant foreign destinations were Argentina and Spain; smaller numbers of victims went to Brazil. Trafficking victims within the country worked in the sex industry. Underage girls reportedly also were forced to work as *criadas*, both domestically and in neighboring countries. According to the Secretariat for Children and Adolescents, many of these children were sexually abused. Government and NGO studies showed that most of the girls trafficked were working as street vendors when traffickers targeted them and that 70 percent of victims had drug addictions. The local NGO Grupo Luna Nueva and the International Organization for Migration reported that trafficking of women and children increased by 27 percent in the past five years.

The trafficking of women and children for sexual exploitation was a high-profit, low-risk activity for traffickers who moved easily across the borders with Argentina and Brazil. The traffickers took advantage of the poor who lived in the border departments, promising women, and in many cases young girls, jobs in the retail industry. In some cases, the parents were fully aware that their daughters planned to work in other cities or countries but were unaware of the conditions and actual job.

On several occasions, Argentine police rescued Paraguayan women from Buenos Aires brothels, where they had been forced to work as prostitutes. On June 27, Argentine authorities detained two men in Buenos Aires for their involvement in holding 27 women and 5 young girls (one of whom was pregnant) in various locations for prostitution. On July 11, the country's ambassador to Argentina stated that 33 women and 10 girls had been rescued from brothels in Argentina. In both instances, the victims later were repatriated.

The government's primary focus in protecting victims was the repatriation of its own citizens. Provision for the physical and mental health of those repatriated, as well as for their transportation home, was limited. The lack of resources also prevented periodic follow-up after repatriation.

Efforts to prevent trafficking included interministerial roundtables organized by the Ministry of Foreign Affairs to discuss trafficking in persons. In July and August, the government, with foreign government support, organized and conducted a study to assess conditions and make recommendations for immigration and border controls that would assist in combating the problem of trafficking in persons. A national communications campaign, organized by the Secretariat of Women's Affairs with foreign government support, seeks to prevent women and girls from becoming victims of trafficking.

The Itaipu Binational Authority, a public utility company jointly owned by the country and Argentina, supported the NGO Children's and Adolescents' Care and Assistance Center, which operated a hot line and shelter for trafficking victims in Ciudad del Este.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. Nonetheless, many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law does not mandate accessibility for persons with disabilities, and most of the country's buildings, public and private, were inaccessible.

The Ministry of Health noted that half of all children with disabilities did not attend school because public buses could not accommodate them. Many bus drivers reportedly refused boarding to persons with disabilities or required them to be accompanied.

Conditions for the 460 residents at the Neuropsychiatric Hospital in Asuncion were substandard, and some patients reportedly were kept unclothed in cells and not treated for their mental illnesses. The hospital lacked running water, electricity, or even roofs, and the hospital was severely understaffed. The patients were not fed adequately; parasitic and skin infections were widespread and rarely treated. Children were housed with adults and were subjected to sexual assaults. There was no information available on a response by the Inter-American Commission on Human Rights to a 2002 petition that it intervene to protect the 460 residents of the facility from sexual abuse and to end their long-term isolation. On March 8, the NGOs Mental Disability Rights International and Center for Justice in International Law signed an agreement with the government to support reforms at that institution, but there were no reports of steps taken to implement the agreement by year's end.

Indigenous People

The law provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population (officially estimated at more than 90 thousand) was unassimilated and neglected. Low wages, long work hours, infrequent payment (or nonpayment) of wages, job insecurity, lack of access to social security benefits, and racial discrimination were common. Weak organization and lack of financial resources limited access by indigenous persons to the political and economic system. The law also protects the property interests of indigenous people, but these rights were not fully codified. The law allows public ministry officials to represent indigenous people in matters involving the protection of life and property.

Lack of access to sufficient land hindered the ability of indigenous groups to progress economically and maintain their cultural identity. In addition, there was insufficient police and judicial protection from persons encroaching on indigenous lands. Many indigenous people found it difficult to travel to the capital to solicit land titles or process the required documentation for land ownership.

Other significant problems facing the indigenous population included lack of shelter and medical care, economic displacement resulting from other groups' development and modernization, and malnutrition. Scarce resources and limited government attention slowed progress in dealing with these problems.

In February the Inter-American Commission of Human Rights stated that the government had violated six articles of the American Convention on Human Rights by displacing indigenous populations from their ancestral lands and denying them the right to land, education, health, and judicial protection.

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 without government interference and workers exercised this right in practice. The law contains provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121 thousand (15 percent) of workers were organized in approximately 1,600 unions.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process was cumbersome and could take more than a year, the Ministry of Justice and Labor issued provisional registrations within weeks of application. Employers who opposed the formation of a union can delay union recognition by filing a writ, but almost all unions requesting recognition eventually received it.

The law prohibits antiunion discrimination, but it was not always enforced. Harassment of some union organizers and leaders in the private sector continued. Fired union leaders may seek redress in the courts, but the labor tribunals were slow to respond to complaints. A number of cases involving union leaders fired as many as nine years ago remained pending in the courts. Although the courts typically favored employees in disputes, backlogs in the judicial system delayed cases for several years. As a result, most employees could not afford the time and expense of seeking judicial redress. The courts were not required to order the reinstatement of workers fired for union activities. In some cases, when judges ordered the reinstatement of discharged workers, employers continued to disregard the court order with impunity. The failure of employers to meet salary payments also frequently precipitated labor disputes.

There were also complaints that management created parallel or "factory" unions to compete with independently formed unions. In several cases workers allegedly chose not to protest due to fear of reprisal or anticipation of government inaction.

b. The Right to Organize and Bargain Collectively

The law provides for collective bargaining, and this provision generally was respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place, covering approximately 10 percent of private sector employees and 60 percent of public sector employees; however, the agreements typically did little more than reaffirm minimum standards established by law. When wages were not set in free negotiations between unions and employers, they were made a condition of individual offers of employment.

Although the law provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism rarely was employed. Senior Ministry of Justice and Labor officials were available to mediate disputes.

There were numerous strikes by members of all three worker centrals and smaller unions. Many of the strikes were related to the firing of union officials, management violations of a collective contract, management efforts to prevent the free association of workers, or demands for benefits such as payment of the minimum wage or contribution to the social security system. Others were directed at broader economic issues.

There are no export processing zones. Factories that assemble imported parts for re-export (*maquiladoras*), operated in the eastern part of the country. The Mercosur trade association accepted the country's *maquiladoras* into its automotive regime. The country's labor laws apply to *maquila* operators.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. Authorities enforced compulsory military service for all males, unless exempted as conscientious objectors) occurred, as there were reports of conscripts forced to work as construction workers for military officers in their privately owned businesses.

d. Prohibition of Child Labor and Minimum Age for Employment

The director general for the protection of minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws. In practice the government did not enforce minimum working age regulations, and child labor was a problem that contributed to the legal and illegal economy of the country.

Minors between 15 and 18 years of age may work only with parental authorization and may not be employed in dangerous or unhealthy conditions. Children between 14 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. Although the labor code prohibits work by children under age 14, in August the press reported government research documenting that approximately 40 percent of the children in primary grades worked in street vending jobs during school hours in Ciudad del Este.

The 2001 census reported that 5 percent of the workforce was under the age of 14. According to the NGO Organization for the Eradication of Child Labor (COETI), 265 thousand children, or 13.6 percent of those between the ages of 5 and 17, worked outside their homes, many in unsafe conditions. In supermarkets, boys as young as age 7 bagged and carried groceries to customers' cars for tips. Thousands of children in urban areas, many of them younger than 12 years of age, were engaged in informal employment, such as selling newspapers and sundries and cleaning car windows. Many of the children who worked on the streets suffered from malnutrition and disease and lacked access to education. Some employers of the estimated 11,500 young girls working as *criadas* denied them access to education and mistreated them. According to the Secretariat for Children and Adolescents, many of these children were also sexually abused. An official in the Center for Adoptions was arrested for employing a nine-year-old *criada*, who was living in deplorable conditions and not permitted to attend school. The official was detained, and the case remained pending at year's end. In rural areas, children as young as 10 years of age often worked beside their parents in the fields; according to COETI, 88 percent of rural children in the labor force worked at home or with

family members. Local human rights groups did not regard families harvesting crops together as an abuse of child labor. UNICEF reported that 25 percent of children between the ages of 10 and 17 worked, of whom 47 percent worked on family farms, 22 percent in construction, 13 percent work in the street, and 11 percent operated machinery or were artisans. The children worked approximately five hours per day.

While the government took some steps in implementing its 2003 plan to eliminate child labor, including the worst forms of child labor, resource constraints limited progress.

e. Acceptable Conditions of Work

The Ministry of Justice and Labor established a national private sector minimum wage sufficient to maintain a minimally adequate standard of living for a worker and family. There was no public sector minimum wage. In practice most (but not all) government agencies adjusted the hours of work for government workers to be paid at a rate comparable to the private sector minimum wage. The minimum salary is adjusted whenever annual inflation exceeds 10 percent, and was approximately \$180 (1.08 million guaranies) per month. However, the Ministry of Justice and Labor did not enforce the minimum wage and estimated that 50 percent of government workers earned less than the minimum wage, while 48 percent of private sector workers earned less. The law requires that domestic workers be paid at least 40 percent of the minimum wage and allows them to work up to a 12-hour day.

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

The law also stipulates conditions of safety, hygiene, and comfort. The government did not allocate sufficient resources to enable the Ministry of Justice and Labor and the Ministry of Health to enforce these provisions effectively.

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

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