



## Paraguay

### Country Reports on Human Rights Practices - [2002](#)

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Paraguay is a constitutional republic with three branches of government. The President is the Head of Government and Head of State; he cannot succeed himself. Colorado Party Senator Luis Gonzalez Macchi assumed the presidency in March 1999; in August 2000, voters elected Julio Cesar Franco of the Liberal Party to be Vice President. The bicameral Congress is made up of a 45-member Senate and an 80-member Chamber of Deputies. The Colorado Party, the dominant political party, holds a plurality in both houses of Congress. The Constitution provides for an independent judiciary; however, the courts remained inefficient and subject to corruption and political pressure, although the Supreme Court continued to undertake judicial reforms to root out undue influence and corruption.

The military generally no longer plays an overt role in politics; however, members of two army units and a group of National Police officers participated in an attempted coup in 2000. The National Police has responsibility for maintaining internal security and public order and reports to the Ministry of the Interior. The civilian authorities generally maintained effective control of the security forces. Members of the security forces committed some human rights abuses.

The country has a market economy with a large state presence and a large informal sector. The population is approximately 5.8 million. In 2001 the per capita gross domestic product (GDP) of \$1,510 was lower in real terms than it was 10 years earlier, and the Central Bank projected negative 2.5 percent growth for 2002. An estimated 32 percent of the population was employed in agriculture, which provided 30 percent of the GDP and more than 90 percent of export earnings. The informal economy, estimated to equal the value of the formal sector, also has shrunk considerably in recent years.

The Government generally respected the human rights of its citizens in most areas; however, there were serious problems in some areas. There were killings by the police and military. Incidents of torture and abuse of convicted prisoners and other detainees continued, including an unresolved case of abduction and torture of two kidnaping suspects, allegedly directed by government agents. The human rights ombudsman prosecuted cases of human rights abuses committed during the 1954-89 Stroessner regime.

Conditions in prisons throughout the country were substandard, marked by overcrowding and poor safety and control of inmates. Treatment of conscripts improved. Other problems included arbitrary arrests and detention, lengthy pretrial detention, corruption and inefficiency in the judiciary, and infringements on citizens' privacy rights. The Government's Inter-Institutional Commission on Human Rights took steps to reduce illegal military conscription; however, recruitment and conscription of underage minors continued. Police used force against nonviolent demonstrators. Violence and discrimination against women, abuse of children, and discrimination against persons with disabilities and indigenous people were problems. Worker rights were not protected adequately, and child labor existed. Paraguay was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

## RESPECT FOR HUMAN RIGHTS

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

#### a. Arbitrary and Unlawful Deprivation of Life

The police and military were responsible for some 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, of deaths in custody, and of the killing of a military conscript.

Officers Nelson Mora Leguizamon, Sinecio Camacho, and Edgar Herrera Caballero were charged in the May shooting death of taxi driver Carlos Villagra Lovera in Asuncion.

In June demonstrator Calixto Cabral was shot and killed in Caacupe when National Police officers attempted to stop him and others opposed to the privatization of a telephone utility from marching to Asuncion. An investigation continued at year's end.

In September Tacumbu Prison inmate Gustavo Ramon Portillo allegedly killed fellow inmate Luis Alberto Martinez during an argument in the prison.

In October police officers Edison Torres, Roque "Rambo" Fretes, and Rodolfo Fernandez were arrested in connection with the October shooting death of Cinthia Fretes. Witnesses reportedly said that the officers fired upon a vehicle in which several people, including Cinthia Fretes, were riding. The investigation was pending at year's end.

In November police in Ciudad del Este charged police officer Adan Ramirez Olazar with the November shooting death of Roberto Carlos Paniagua Jara. Ramirez Olazar reportedly shot Paniagua while he was trying to mediate a dispute between the police officer and a third man. The trial was pending at year's end.

In November underage military conscript Luis Fernando Bobadilla Acuna died of a gunshot wound while on duty. Military authorities determined preliminarily that the death was accidental, but family members contended that he was murdered. An investigation continued at year's end (see Section 1.f.).

Off-duty police officers Juan Carlos Ocholasky, Reinaldo Dario Nunez Rojas, and Richard Jimenez Perez were convicted in the September 2001 murder of Jose Vera, whom they kidnaped in Asuncion and tortured before shooting him to death.

In April prosecutors recommended that nine police officers implicated in the November 2001 shooting death of Miguel Casco Valdovinos each be sentenced to 25 years in prison. Casco Valdovinos died in Curuguaty while in police custody.

In August the nongovernmental organization (NGO) Human Rights Watch (HRW) asked the Government to investigate deaths among military recruits in the armed forces. HRW indicated that it had received information that 111 recruits had died while in service since 1989, the majority of whom were under 18 years of age, and noted that most of the investigations of these deaths had not been resolved (see Section 1.f.).

In September police officer Pedro Recalde Aguilar was sentenced to 22 years in jail for killing two men in 1998.

In September lawyers from the NGO Committee of Churches petitioned the Foreign Ministry to continue prosecuting a motion to extradite Alfredo Stroessner from Brazil to stand trial for a murder committed in 1987. A December 2001 petition to extradite Stroessner for the 1976 killings of Rodolfo and Benjamin Ramirez remained pending at year's end.

No information was available on investigations in the case of a 14-year-old inmate at the Neuropsychiatric Hospital in Asuncion who died in 2000 (see Section 5).

In the continuing investigation of the 1999 death of Jose "Coco" Villar, whom police officers allegedly shot and killed, a judge ordered a new forensic examination after an investigation proved that an earlier examination was falsified. The investigation was underway at year's end.

At year's end, prosecutors still were investigating the 2000 death of a juvenile military recruit, Pedro Centurion.

In the case of the 1999 killing of Vice President Luis Maria Argana and seven antigovernment protesters (see Section 1.d.), sanctions against three of the four alleged ringleaders were discontinued. Former army commander Lino Oviedo faced charges in connection with these killings; at year's end, Oviedo remained in Brazil (see Section 1.d.).

#### b. Disappearance

There were no reports of politically motivated disappearances.

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

The Constitution prohibits torture as well as cruel, inhuman, or degrading punishment or treatment; however, torture (primarily beatings) and brutal and degrading treatment of convicted prisoners and other detainees continued. The Paraguay Human Rights Coordinating Board (CODEHUPY)—a group of 32 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. The Attorney General's office and the NGO Committee of Churches compiled numerous examples of police abuse.

In January law enforcement agents from the Attorney General's office allegedly kidnaped leftist political figures Juan Arrom and Asuncion Marti, tortured them, and threatened their lives. Arrom and Marti, suspects in the kidnaping of Maria Bordon de Debernardi, allegedly were held for 2 weeks and freed by family members who said they were tipped off by neighbors and

police. Interior Minister Julio Cesar Fanego, Justice and Labor Minister Silvio Ferreira, Police Chief Blas Chamorro, and Investigations Chief Roberto Gonzalez Cuquejo all resigned shortly after the Arrom/Marti incident. Two police officers were arrested and then released, and another continued under investigation. Arrom and Marti alleged that Fanego and Ferreira knew that they were being held against their will but did nothing. No charges were filed against the former ministers. The Government's national intelligence service was disbanded because of information compiled during the investigation of the Arrom and Marti kidnaping. The Government complied with the Inter-American Commission on Human Rights' (IACHR) request for information on the case. In December prosecutors filed kidnaping charges against Arrom and Marti; at year's end, they remained free on bail pending trial.

In January lawyers for the country's Human Rights Commission alleged that police officers tortured Victor Colman and Jorge Samudio, later charged in the Debernardi kidnaping, after arresting the two men. The Interior Ministry denied that its officers had tortured the men, acknowledging only that they suffered bruises while being arrested.

In May five military recruits claimed they were tortured while in service at the First Cavalry Regiment in Pozo Colorado. Hugo Espinola, Mario Guerrero Gonzalez, Hugo Omar Rojas Gimenez, Jose Asuncion Aguero, and Mario Gamarra alleged that their superiors in the regiment physically, sexually, and psychologically mistreated them. Four of the men escaped the Pozo Colorado barracks and reached help after walking 12 miles through the night; the fifth was recaptured by the military. Authorities had not resolved the case by year's end.

In May 2000, several persons arrested during the state of exception following the abortive 2000 coup reported being tortured during their detention (see Sections 1.d. and 3). Some of these persons reported that former Interior Minister (and current legislator) Walter Bower witnessed and encouraged the beatings of suspects in three unrelated cases. Press reports also connected Bower to the torture of eight peasants in Concepcion in 2000; police reportedly beat them in Bower's presence after they were arrested for illegally cutting down trees. In August 2001, prosecutors charged Bower with torture and other crimes for his actions following the abortive coup. In December Saul Leonardo Franco filed a complaint alleging that Bower and three police officers tortured him following the failed coup attempt. Criminal actions against Bower remained pending at year's end; however, there were no significant developments during the year. In October commentators alleged that courts were delaying consideration of the case.

Police used force to disperse protesters on several occasions, sometimes killing or seriously injuring civilians (see Sections 1.a. and 2.b.).

Hundreds of cases of torture and abuses remained pending from the 1954-89 Stroessner regime. Under the Constitution, the Defensor del Pueblo (Human Rights Ombudsman) prosecutes cases seeking monetary compensation for human rights abuses committed during the Stroessner regime. Since his appointment in November 2001, the ombudsman has ruled that 35 persons were entitled to compensation for torture, imprisonment, and other human rights violations suffered during the Stroessner regime. More than 140 cases have been filed. In June the Government gave the Ombudsman an additional 36 months to adjudicate these cases.

The Ombudsman maintains documents related to abuses committed during the Stroessner regime in an "Archives of Terror" that are available for research by academics and the general public. During the investigation of the Arrom/Marti abduction, authorities discovered additional documents that were added to the Archives.

In April a review tribunal found that Captain Napoleon Ortigoza had been detained unjustly for 25 years during the Stroessner dictatorship and awarded him \$1 million (7 billion guaranies) in compensation. In September Nemesio Barreto Monzon filed a formal charge with the Attorney General's office alleging that Stroessner, former Interior Minister Sabino Montanaro, and other officials tortured him in 1974 because of his political affiliation; the case was pending at year's end.

In April a trial judge issued a detention order against Stroessner and his Interior Minister Sabino Montanaro in the 1987 torture and death of Celestine Perez de Almada. While the order showed continued interest in following up on wrongs from that regime, it had little practical effect since Stroessner and Montanaro have lived in Brazil and Honduras, respectively, since 1989. In September the Supreme Court denied Ramon Duarte Vera's habeas corpus seeking to be freed from prison pending his appeal of his conviction for torture and attempted murder in 1959, during the Stroessner regime.

Prison facilities were deficient, and prison conditions were extremely poor. Overcrowding, unsanitary living conditions, and mistreatment were the most serious problems affecting all prisoners. Tacumbu Prison—the largest in Asuncion—was built to hold 800 inmates but housed more than 2,100, two-thirds of whom were awaiting trial. In October the Office of Penal Institutions noted that more than 100 inmates in the Tacumbu Prison suffered from serious illness: 8 suffered from HIV, 70 from syphilis, 32 from tuberculosis, and 47 from mental diseases. Other regional prisons generally held approximately three times more inmates than originally planned. UNICEF reported that conditions were substandard in other facilities around the country, especially in the Coronel Oviedo prison, where more than 500 inmates were confined in a facility built for 100.

Security was a problem throughout the prison system. For example, there were approximately 120 guards for more than 2,100 prisoners at Tacumbu Prison. In July inmates held two guards prisoner for several hours until Justice and Labor Minister Diego Abente negotiated an end to the siege. Inmates frequently had weapons, particularly at Emboscada in Minas. During prison searches in March, guards found drugs and knives in inmates' possession in Tacumbu and in Abraham Cue in San Juan Bautista. During a July riot in Emboscada, two inmates were killed, one by gunshots from prison guards. In August inmates in

the Emboscada and Itagua facilities killed two fellow juvenile inmates. In April inmate Ruben Insfran hanged himself in the Tacumbu facility.

Escapes were frequent; for example, in September Vicente Urdina Chamorro, convicted of domestic violence, escaped from Tacumbu. The press also reported numerous escapes and attempted escapes from the Itagua facility. In February authorities thwarted a major escape attempt from the maximum-security facility in Emboscada when the murder of inmate Leonardo Meza prompted a surprise inspection.

At the Asuncion women's prison, Buen Pastor, there were several reported rapes of prisoners by their guards, although laws governing prisons forbid male guards in the women's prisons. In August inmates in Buen Pastor rioted after the prison warden was replaced following reports of narcotics use among inmates; drugs also were found in the warden's office. Still, conditions in the women's prison were better and less crowded than at Tacumbu. A small number of women were housed in predominantly male facilities, where they were segregated from the male population. After the August riots, prison officials transferred 19 female inmates to the all-male Emboscada maximum-security prison to separate them from the general population.

The Congressional Human Rights Commission criticized the prisons for their poor nutritional standards. Prisons generally served one meal a day, and prisoners seldom got vegetables, fruit, or a meat protein source, unless they had individual means to purchase them.

In June the IACHR referred a long-standing complaint against conditions in Panchito Lopez, the former youth detention center, to the Inter-American Court for Human Rights. The complaint, filed by the NGOs Center for Justice and International Law (CEJIL) and Tekojoja alleged that prison officials had violated the human rights of youth offenders at Panchito Lopez from 1996 until the facility burned in 2001.

In September the Ministry of Justice and Labor replaced the warden and senior security officials at the Emboscada prison after reports that officials were beating and torturing prisoners. In July authorities fired the officials in charge of the Tacumbu Prison and charged them after learning that officials and inmates were operating a stolen car ring out of the facility.

The Government, led by Justice and Labor Minister Diego Abente, took some steps to improve prison conditions. Work continued on new juvenile facilities at Itagua and Fernando de la Mora prisons. While pretrial detainees were not held separately from convicted prisoners, in January the Ministry of Justice decreed that convicted inmates would be segregated from those who were held awaiting trial. The new administration at Tacumbu made several immediate changes, including closing the areas where more affluent prisoners paid for more comfortable accommodations. To increase accountability, in January a judge ordered that authorities provide national identification cards to prisoners.

The Government permitted independent monitoring of prison conditions by human rights organizations. Amnesty International and diplomatic representatives have been granted access to prisons on announced and unannounced visits.

#### d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention were persistent problems. The Constitution prohibits detention without an arrest warrant signed by a judge and stipulates that any person arrested must appear before a judge within 24 hours to make a statement. The police may arrest persons without a warrant if they catch them in the act of committing a crime, but they must notify a prosecutor within 6 hours. In practice the authorities did not always comply with these provisions.

Pretrial detention remained a serious problem; an estimated 66 percent of persons in prison were held pending trial, many for months or years after their arrest. While the law encourages speedy trials, the Constitution permits detention without trial until the accused completes the minimum sentence for the alleged crime, which often occurs in practice. Judges have the discretion to permit "substitute measures," such as house arrest, in place of bail for most crimes. Judges frequently set relatively high bail, and many accused persons were unable to post bond. The Supreme Court and many criminal court judges also made periodic visits to the prisons to identify and release improperly detained individuals.

In 1999 more than 45 persons—including well-known political figures—were arrested in connection with the 1999 assassination of Vice President Argana and the killing of student protesters (see Section 1.a.). Sanctions against three of the four prominent suspects, who had been remanded to house arrest or other alternative detention, were discontinued, and only one person remained subject to such sanctions (see Section 1.a.).

The last of the 54 military personnel detained in 2000 for their suspected participation in the attempted coup were released from prison. The Supreme Court reversed the convictions of members of an artillery battalion, and many of the other personnel were not tried or sentenced.

The Constitution expressly prohibits exile, and the Government did not use it.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, politicians and other interested parties often pressured judges, although the judiciary was not allied with any one political group. Courts remained inefficient and subject to corruption and political influence.

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 fall within four functional areas: Civil and commercial, criminal, labor, and juvenile. The military has its own judicial system.

The 2000 Penal and Criminal Procedures Code provides the legal basis for the protection of fundamental human rights. The new code introduced expedited oral proceedings and 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 his or her sentence to an appeals court, and the Supreme Court has jurisdiction over constitutional questions.

The new system reduced the backlog of pending criminal cases, as 95 percent of those cases active in 1999 had been resolved by March 2001. The average length of a criminal proceeding dropped by 75 percent, resulting in a reduction of the length of pretrial detention; however, the average time from arrest to trial was still approximately 240 days. The long trial period highlighted the judiciary's struggle with inefficiency and insufficient resources.

In September the Supreme Court voided provisions of the new criminal code that would have dismissed those cases filed under the old system that were still pending on February 28, 2003. Human rights advocates hailed this decision, which they felt would prevent defendants from avoiding prosecution by delaying their cases until that deadline.

The Constitution stipulates that all defendants have the right to an attorney, at public expense if necessary, but 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.

There were no reports of political prisoners. Of the more than 45 supporters of former General Lino Oviedo who were arrested after the 1999 killings of Vice President Argana and the student protesters, 4 were awaiting prosecution at year's end (see Sections 1.a. and 1.d.). They said they were being detained because of their political opposition to President Gonzalez Macchi.

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

The Constitution provides that the police may not enter private homes except to prevent a crime in progress or when the police possess a judicial warrant; however, at times the Government infringed on citizens' privacy rights. While the Government and its security forces generally did not interfere in the private lives of citizens, human rights activists claimed that local officials and police officers abuse their authority by entering homes or businesses without warrants and harassing private citizens. There were allegations that the Government occasionally spied on individuals and monitored communications for political and security reasons.

During the year, the authorities took steps to reduce the illegal conscription of minors, the mistreatment of recruits, and the unexplained deaths of recruits (see Sections 1.a. and 1.c.). The Government's Inter-Institutional Committee, including judges, attorneys, legislators, and NGO representatives, continued its visits around the country during the year to inspect conscripts' records and identify any minor soldiers. The Committee had the power to investigate and report on abuses and conditions.

The Government established review procedures for military recruits to prevent future enlistment of minors, although it was unclear whether they had been implemented. The Government ordered all military officers responsible for recruiting to ensure that all conscripts meet the legally minimum mandated requirement age of 18 for military service. The armed forces no longer allowed 17-year-olds to enlist with parental permission. However, there were reported violations, including allegations that military recruiters forced underage youths to join units and provided them with false birth certificates and other documentation to show them to be of age. In September and October, Human Rights Ombudsman Manuel Paez Monges found 20 17-year-old conscripts in the Intendencia and Navy facilities and formally petitioned the armed forces chief to stop recruiting underage soldiers.

Since 1989, 111 underage conscripts have died while in military service. In November underage military conscript Luis Fernando Bobadilla Acuna died of a gunshot wound while on duty (see Section 1.a.).

There were several allegations of mistreatment of military recruits by noncommissioned and commissioned officers (see Section 1.c.). In June 2001, the Coalition to Stop the Use of Child Soldiers reported that the average age of recruits was 16.4 years and that seven underage soldiers had died. Human rights organizations and victims' families filed complaints with the IACHR on behalf of five men who died—one had been beaten and another tortured—or disappeared while in military service between 1989 and 1998. In January the Senate Human Rights Commission charged Sigfrido Chavez Orrego with altering birth certificates of minors who then were enlisted. Chavez Orrego allegedly forged documents for recruits in the Second Calvary Division and in

the Lower Chaco. The charges came after visits in 2001 to military institutions by the Government's Interinstitutional Committee.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The Constitution provides for freedom of expression and the press, and the Government generally respected these rights in practice.

The print and electronic media were independently owned; some media outlets were tied closely to political parties, particularly the Colorado party, factions of this party, or business entities. The media commonly criticized the Government and freely discussed opposition viewpoints.

In February a court of appeals confirmed a fine of \$90,000 (630 million guaranies) against ABC Color Editor Aldo Zuccolillo in a case of slander brought by a senator of the Colorado Party.

In March a criminal court in Alto Parana and Canindeyu confirmed a 25-year sentence given to the man convicted of the January 2001 killing of journalist Salvador Medina, a reporter and chairman of the board of directors of radio station Nemy FM in Capiibary, San Pedro. Medina's family said he received a number of threats just prior to his death following exposes he had made in his radio broadcasts.

In July the World Association of Community Radio Broadcasters alleged that the National Telecommunications Commission, accompanied by police, shut down radio station Nemy FM in Capiibary, for which Medina had been a reporter and board member, and confiscated its equipment. The Commission claimed it was enforcing a 1999 judicial order to close the station for regulatory reasons.

In August the Senate modified provisions of the Privacy Law to limit its effect on freedom of the press. Critics of the law argued that while intended to protect dissemination of personal information about individuals, in practice it limited the public's access to information about the property and the commercial and legal affairs of public employees.

A report issued in September by the Sindicato de Periodistas del Paraguay (SPP), the national journalists' union, warned of "alliances of media owners and politicians ... that impede the exercise of pluralistic journalism." The SPP mentioned the example of Radio Corpus, in Ciudad del Este, explaining that the station fired a journalist who refused to do paid interviews with local politicians.

In July the Supreme Court affirmed a decision overturning ABC Color journalist Telmo Ibanez's libel conviction, levied after his reports on corruption among government officials in Concepcion.

There were no further developments in the 2001 case of threats against journalist Sever del Puerto.

In September the Government closed Internet service provider Planet after a prosecutor alleged that the company was providing international telephone service in violation of the telecommunications laws. After 4 days, the Government dismissed the charges and allowed Planet to resume operations.

The Government did not restrict academic freedom.

### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of all citizens to peaceful assembly, and the Government generally respected this right in practice; however, in some cases police used violent force against 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. Some groups have opposed these restrictions. The law also requires that organizers notify the Asuncion police 24 hours before any rally downtown. In addition, the law also 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. During the year, the Government applied this law selectively, using it against its political opponents. The Constitution prohibits closing roads and bridges as a form of protest; however, demonstrators closed roads on several occasions.

Police used live ammunition and clubs against demonstrators at the National Palace in Asuncion several times. After a February confrontation, in which the National Police stated that its forcible actions were necessary to control the crowd, some human rights organizations severely criticized the police action as a return to the state-sponsored repression of the Stroessner

regime. In September the police used force to disperse approximately 1,000 political demonstrators from the Palace grounds. These demonstrators were supporters of former general Lino Oviedo; their political party subsequently filed a complaint with the IACHR, and the International Federation of Human Rights expressed its "extreme concern" regarding the "violent police brutality" employed. No information was available at year's end on the IACHR's action on the complaint.

In June National Police in Caacupe used force to stop marchers protesting the privatization of government utilities. One demonstrator was shot and killed, and dozens of others were shot or beaten (see Section 1.a.).

In July President Luis Gonzalez Macchi declared a state of emergency, banning protests and authorizing arrests without warrants, after demonstrators nationwide blocked roadways and bridges. The demonstrators, allegedly organized by former general Lino Oviedo, called for Gonzalez Macchi's resignation. After the protests subsided, the President lifted the state of emergency following constitutional procedures.

In September in Edelia, Itapua, police used force to disperse demonstrators—who had joined nationwide protests by mechanized farmers and others against economic conditions—after they refused to obey a court order directing them to clear roadways.

The Constitution provides for the right of all 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 that all religious groups register with the Ministry of Education and Culture but imposed no controls on these groups, and many informal churches existed.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

All citizens may travel within the country with virtually no restrictions, and there generally were no restrictions on foreign travel or emigration. However, the persons allegedly involved with plotting the 2000 coup were not allowed to leave the country and were required to sign in with the Justice Ministry once a month (see Section 3). The Constitution prohibits closing roads and bridges as a form of protest; however, protesters closed roads on several occasions (see Section 2.b.).

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. In July the country enacted asylum legislation based on a UNHCR model. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees. The Immigration Department determines each request on a case-by-case basis in consultation with the Ministries of Foreign Relations and Interior and the nongovernmental Committee of Churches. The issue of the provision of first asylum did not arise.

There were no reports of the forced return of persons to countries where they feared persecution.

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

Citizens have the right and ability to change their government through democratic means. Multiple parties and candidates contested the country's leadership positions. Five parties were represented in the Congress. The Constitution and the Electoral Code mandate general elections every 5 years, voting by secret ballot, and universal suffrage. Debate in Congress was free and frank. The Congress often rejected the executive branch's proposals.

Observers from the Organization of American States characterized as free and fair the August 2000 vice-presidential elections, the first national executive election won by the opposition in more than 50 years. Gubernatorial elections and nationwide municipal elections were held in April and November 2001, respectively. There were no reports of irregularities, although the elections were marked by the lowest voter turnout (50 percent) since the end of the Stroessner dictatorship in 1989. Political parties held primary elections in December to choose nominees for the 2003 presidential and congressional elections.

There are no legal impediments to women's participation in government and politics. There were 10 women in Congress (8 of 45 senators and 2 of 80 national deputies), and women headed 3 government ministries. The Electoral Code requires that 20 percent of each party's candidates in their internal primaries for elective office be women. Women served as judges (although not on the Supreme Court) and prosecutors.

Members of indigenous groups are entitled to vote, and the percentage of indigenous people who exercised this right grew

significantly in recent years. The inhabitants of some indigenous communities reported that they were threatened and prohibited from fully exercising their political rights.

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

The Government did not restrict the activities of any human rights groups or advocates; however, it had a mixed record in cooperating with or responding to recommendations from such groups.

Local NGO human rights groups included the Committee of Churches (an interdenominational group that monitored human rights, investigated refugee claims, and provided legal assistance), Tekojoja (a group dedicated to the protection of children's rights), and 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 and noted that an impartial and corruption-free judiciary is necessary to enforce human rights in the country. In February the Government and the International Red Cross (ICRC) signed a memorandum of understanding for ICRC operations in the country.

In October 2001, Human Rights Ombudsman (Defensor del Pueblo) Manuel Paez Monges began work as the country's human rights advocate. His office took charge of the prosecution of 330 lawsuits seeking compensation for human rights violations dating from the Stroessner dictatorship (see Section 1.b.).

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 clearinghouse for information on human rights and trained thousands of educators in human rights law.

In 2000 the Supreme Court established an office to oversee the conduct and prosecution of human rights cases. During the year, the Supreme Court conducted human rights training workshops among government agencies.

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

The Constitution and other laws prohibit discrimination based on race, sex, disability, language, or social status; however, certain groups, such as indigenous people, faced significant discrimination in practice.

##### Women

The most pervasive violations of women's rights involved sexual and domestic abuse, which were underreported. Spousal abuse was common. Although the Penal Code criminalizes spousal abuse, it stipulates that the abuse must be habitual before being recognized as criminal, and then it is punishable only by a fine. Thousands of women were treated for injuries sustained in violent domestic altercations. Between January and August 2001, the Secretariat of Women's Affairs registered 533 cases of violence against women, a 25 percent increase over the same period in 2000.

According to women's rights activists, official complaints rarely were filed or were withdrawn soon after filing due to spousal reconciliation or family pressure. In addition, the courts allow for mediation of some family violence cases, which is not provided for by the law. There are no specialized police units to handle complaints involving rape. The Secretariat of Women's Affairs chaired a national committee, made up of other government agencies and NGOs, that developed a national plan to prevent and punish violence against women. Under the plan, an office of care and orientation receives reports on violence against women and coordinates responses with the National Police, primary health care units, the Attorney General's office, and NGOs. However, 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 Women's November 25th Collective, an NGO, operated a reception center where female victims of violence received legal, psychological, and educational assistance. No shelters for battered and abused women were available outside the capital of Asuncion. Most imprisoned women reportedly were detained for assault, including murder, committed following domestic violence.

The law prohibits the sexual exploitation of women, but the authorities did not enforce the prohibition effectively. Prostitution by adults is not illegal, and exploitation of women, especially teenage prostitutes, remained a serious problem. Law enforcement officials periodically staged raids on houses of prostitution. National daily newspaper Noticias ran a series of features in September and October chronicling child prostitution in Asuncion and other cities in the country.

There were reports of trafficking in women (see Section 6.f.).

The Labor Code prohibits sexual harassment; however, many women in the workplace faced sexual harassment. Claims of abuse are filed with the courts and the Ministry of Justice and Labor. Sex-related job discrimination continued to be widespread and widely tolerated. The Secretariat of Women's Affairs occasionally sponsored programs intended to give women free and equal access to employment, social security, housing, ownership of land, and business opportunities.

Women had much higher illiteracy rates than men. A 2001 census survey found that 15.4 percent of rural women were illiterate, compared with 10.7 percent of rural men. In addition, maternal mortality rates are high, and as many as 65 percent of such deaths were related to poor medical care. Several groups worked to improve conditions for women, including Women for Democracy, which was active in civic and electoral education. Other groups included SUMANDO, an NGO that promoted educational reform and voter participation in elections, and SEFEM, which focused on women and public policy and the participation of women in local development.

#### Children

The Constitution protects certain children's rights and stipulates that parents and the State should care for, feed, educate, and support children. The population is very young, with an average age of 25.3 years; 38.6 percent of the population is under age 15. A February 2001 census survey reported that 45 percent of children age 5 or younger lived in poverty, compared with 32 percent of the general population. Boys and girls legally are entitled to equal treatment in education and health care. However, females had less access to education, particularly in rural areas. The educational system did not provide adequately for the educational needs of the population. The Government was unable to implement fully amendments to its General Education law, such as extending compulsory attendance through ninth grade, because of inadequate funds. Families pay a fee to cover each school's administrative expenses and must purchase books, uniforms, and other supplies for their children's use. The census found that the 2001 national literacy rate was 91.6 percent.

Abuse and neglect of children was a problem. A local NGO attributed a rise in the number of complaints of mistreatment of children during 2000 to the increased awareness of child abuse and neglect.

Sexual exploitation of children also was a problem. In a survey released in 2001, the NGO AMAR identified 619 child victims of sexual exploitation, the vast majority of whom lived in Asuncion and Ciudad del Este. Approximately 33 percent of the victims were under the age of 16.

There were unsubstantiated reports of trafficking in girls for the purpose of sexual exploitation (see Section 6.f.).

There continued to be reports of the conscription of underage youth (see Section 1.f.).

#### Persons with Disabilities

The Constitution provides for equal opportunity for persons with disabilities and mandates that the State provide them with health care, education, recreation, and professional training. It further requires that the State formulate a policy for the treatment, rehabilitation, and integration into society of persons with disabilities. However, the Congress never enacted legislation to establish such programs or provide funding for them. 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 the persons with disabilities, and the vast majority of the country's buildings, both public and private, were inaccessible.

Conditions at the Neuropsychiatric Hospital in Asuncion were substandard, and some patients reportedly were kept unclothed in cells and were not treated for their mental illnesses. The physical facilities of the hospital lacked running water, electricity, or even roofs, and the hospital was severely understaffed. Children were housed with adults in the facility and were subject to sexual assaults from older patients. Two men were arrested and charged with sexually assaulting inmates at the hospital. No information was available on the Government's response to problems at this facility, including the 2001 death of an inmate (see Section 1.a.).

In June members of the Paraguayan Association of the Blind contended that the group had received only one-third of the \$30,000 (210 million guaranies) fund promised in 2001 by the Government's Social Benefits Division. There was no information on the ultimate disposition of these funds.

#### Indigenous People

The Constitution provides indigenous people with the right to participate in the economic, social, political, and cultural life of the country; however, the indigenous population—80,000, according to 2001 census data—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. Numerous indigenous groups challenged Congress's proposed changes to the Indigenous Community Statute, which grants local groups the right to observe their traditional lifestyles and customs. Weak organization and lack of financial resources limited access by indigenous people to the political and economic system. Indigenous groups relied primarily upon parliamentary commissions to promote their particular interests. The Constitution also

protects the property interests of indigenous people, but these rights are not codified fully. The Constitution 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. The Government's National Indigenous Institute (INDI) has the authority to purchase land on behalf of indigenous communities and to expropriate private property under certain conditions to establish tribal homelands. However, there were significant allegations of wrongdoing within INDI. Furthermore, 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.

## Section 6 Worker Rights

### a. The Right of Association

The Constitution allows both private and public sector workers (with the exception of the armed forces and the police) to form and join unions without government interference. The Constitution contains several provisions that protect fundamental worker rights, including an antidiscrimination clause, provisions for employment tenure, severance pay for unjustified firings, collective bargaining, and the right to strike. Approximately 121,000, or 15 percent, of workers were organized in approximately 1,600 unions.

In general unions were independent of the Government and political parties. One of the country's three labor centrals, the Confederation of Paraguayan Workers (CPT), was aligned closely with the ruling Colorado Party.

All unions must be registered with the Ministry of Justice and Labor. Although the official registration process was cumbersome and could take a year or more due to government bureaucracy, the Ministry of Justice and Labor issued provisional registrations within weeks of application. Employers who wish to oppose the formation of a union can delay union recognition by filing a writ opposing it. However, almost all unions that request recognition eventually receive it.

The International Labor Organization (ILO) Committee of Experts noted deficiencies in the application of certain conventions ratified by the Government. These included conventions dealing with minimum wage, abolition of forced labor, minimum age of employment, freedom of association, equal remuneration, and employment policy. The ILO specifically criticized as inconsistent with international norms regarding the freedom of association regulations requiring a minimum of 300 workers to form a union; the imposition of excessive requirements to be able to hold office in the executive body of a trade union; and the submission of collective disputes to compulsory arbitration. In response to the ILO criticism, the Ministry of Justice and Labor did not enforce the 300-worker minimum, although the requirement remained in the Labor Code.

The Constitution prohibits antiunion discrimination; however, the firing and harassment of some union organizers and leaders in the private sector continued. Union organizers sometimes were jailed for their role in leading demonstrations. Fired union leaders may seek redress in the courts, but the labor tribunals were slow to respond to complaints and typically favored business in disputes. 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. Principal problems included bottlenecks in the judicial system and the inability or unwillingness of the Government to enforce labor laws. There were a number of cases involving trade union leaders fired as long as 8 years ago that remained pending in the courts. In May the president of a government employees' union alleged that he had been fired because of his union activity; at year's end, there was no information on the resolution of his complaint. In November a union reported that officials in San Lorenzo threatened to fire a union organizer until the union intervened on his behalf. The ILO and the International Confederation of Free Trade Unions criticized the lack of measures to prevent antiunion discrimination and observed that legislation does not oblige labor courts to reinstate unfairly fired trade unionists.

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

Unions were free to form and join federations or confederations, and they were affiliated with and participated in international labor bodies.

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

The law provides for collective bargaining, and this provision was generally respected in practice. According to the Ministry of Justice and Labor, there were approximately 30 collective bargaining agreements in place. However, they were the exception rather than the norm in labor-management relations and typically reaffirmed 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.

The Constitution provides for the right to strike, bans binding arbitration, and prohibits retribution against strikers and leaders carrying out routine union business; however, employers often took action against strikers and union leaders. Voluntary arbitration decisions are enforceable by the courts, but this mechanism rarely was employed. Senior Labor Ministry 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. In May police and former employees of the Itaipu Dam clashed in Ciudad del Este during a labor demonstration protesting layoffs by a contractor at the dam. Thirty persons, including 4 police officers, were injured in the confrontation, and 28 were arrested. In June employees of the telephone utility Antelco led a series of strikes in Asuncion and throughout the country opposing the planned privatization of that company; ultimately, the Government decided to withdraw its plans to sell the company. In the September "tractorazo" strikes, farm workers throughout the country went on strike, ceasing production and parking their vehicles on the sides of roadways demanding reductions in the gasoline tax and water rates and changes in other economic measures (see Section 2.b.).

There were no export processing zones. Maquiladora factories, which assemble imported parts for re-export, have been established in the eastern part of the country. The Mercosur trade association accepted the country's maquiladora factories into its automotive regime. The country's labor laws apply to maquila operators.

#### c. Prohibition of Forced or Bonded Labor

The law prohibits forced labor, including by children; however, cases of abuse of national service obligations (compulsory military service for all males, unless exempted as conscientious objectors) occurred (see Section 6.d.). There were reports of conscripts forced to work as construction workers for military officers in their privately owned businesses. There were allegations of forced conscription of underage youths (see Section 1.f.).

Frequently families who could not afford to raise a child—usually a daughter, sometimes as young as age 5—sent the child to relatives or colleagues, who expected the child to work in exchange for room, board, and access to education.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Director General for the Protection of Minors in the Ministry of Justice and Labor is responsible for enforcing child labor laws; however, in general the Government did not enforce minimum working age regulations, and child labor was a problem. 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 12 and 15 years of age may work only in family enterprises, agriculture, or apprenticeships. The Labor Code prohibits work by children under 12 years of age.

The 2001 census found that 5 percent of the workforce was under the age of 14. The Statistics Bureau reported that from August to December 2000, 55 percent of boys between the ages of 10 and 19 worked. According to the NGO Coeti, 265,000 children, or 13.6 percent of children between the ages of 5 and 17, worked outside their homes, many in unsafe conditions. Studies indicated that 42 percent of these children began working by the age of 8, and some 37 percent did not attend school. 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 domestic servants or nannies denied them access to education and mistreated them (see Section 6.c.). Employers sometimes filed false charges of robbery against those who sought to leave domestic jobs and turned them over to the police. In rural areas, children as young as 10 years of age often worked beside their parents in the field; 88 percent of rural children in the labor force worked at home or with family members, according to Coeti. Local human rights groups did not regard families harvesting crops together as an abuse of child labor.

In August more than 500 child and adolescent workers gathered to protest adoption of ILO Convention 138, which established for the first time a minimum working age (14).

#### e. Acceptable Conditions of Work

The executive, through the Ministry of Justice and Labor, has established a 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 adjust 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 it was approximately \$136 (876,168 guaranias) per month at year's end, according to the Ministry. However, the Ministry was unable to enforce the minimum wage and estimated that 50 percent of workers earned less. The Labor Code 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 Labor Code allows for a standard legal workweek of 48 hours (42 hours for night work), with 1 day of rest. The law also provides for an annual bonus of 1 month's salary and a minimum of 6 vacation days a year. The law requires overtime payment for hours in excess of the standard. However, many employers violated these provisions in practice. There are no prohibitions on excessive compulsory overtime. Workers in the transport sector routinely staged strikes to demand that their employers comply with the Labor Code's provisions on working hours, overtime, and minimum wage payments.

The Labor Code also stipulates conditions of safety, hygiene, and comfort. The Government did not devote sufficient resources to 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 health or safety without jeopardy to their continued employment, but they may not do so until such conditions were recognized formally by the Ministries of Justice and Labor and Health. Although there are laws intended to protect workers who file complaints about such conditions, many employers reportedly took disciplinary action against them.

#### f. Trafficking in Persons

The Constitution proscribes and the Penal Code criminalizes trafficking in persons, but there were sporadic reports of trafficking to and from the country for sexual purposes.

The Penal Code punishes trafficking in persons with up to 10 years in prison; the code also outlaws compelling anyone to travel outside of the country or to enter the country for the purpose of prostitution or compelling a minor under 18 years of age to work as a prostitute. There were no documented prosecutions against traffickers. The Government's Secretariats of Women's Affairs, Children's Affairs, and Social Action maintained an interest in trafficking.

In July the ILO completed a study of the sexual exploitation of persons in the area near Itagua bordering Argentina and Brazil. The survey observed children as young as 8 years of age involved in prostitution, many to supplement their families' incomes (see Section 5). The survey was part of the ILO's 4-year program to identify and remedy the social and legal problems leading to abuses in the region.

In September and October, the newspaper Noticias published a series of anecdotal articles about children working as prostitutes in Asuncion, Ciudad del Este, Ita, and other towns; they often were recruited by boyfriends and older relatives or were runaways.

Because there were no government investigations of trafficking, there was no information regarding methods used or persons responsible.

The NGOs Luna Nueva and Global Infancia monitored trafficking situations that affected women and children and provided assistance to victims.