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2010 Human Rights Report: Paraguay

BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR

2010 Country Reports on Human Rights Practices

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Paraguay is a multiparty, constitutional republic with an estimated population of seven million. In 2008 Fernando Lugo of the Patriotic Alliance for Change won the presidency in elections that were generally free and fair. Security forces reported to civilian authorities.

There were reports of killings by government officials and police that were not always investigated or prosecuted. Government agents reportedly abused some prisoners with impunity. Prisons were routinely overcrowded and did not meet international standards. Political interference, corruption, and inefficiency in the judiciary were common, as was lengthy pretrial detention. Government corruption remained a serious problem. Violence against women continued, as did discrimination against women, persons with disabilities; indigenous persons; and lesbian, gay, bisexual, and transgender (LGBT) individuals. Trafficking in persons persisted. Exploitation of child labor and violations of worker rights also remained serious problems.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings. However, there were reports that some security forces and government prosecutors, acting in official capacity but without government knowledge or support, occasionally killed individuals for personal gain.

On July 9, authorities arrested and charged Prosecutor Dionisio Daniel Fleitas Ramirez and five police officers (Miguel Leguizamon, Gervasio Almiron, Carmelo Ojeda, Isidro Torres, and Castro Dario Aguilera) with killing Marcos Roberto Carrion, a Brazilian. Carrion's body was found in a field near Ciudad del Este several days after a videotape showed Fleitas and the officers taking Carrion from the apartment building where he lived. The videotape also showed Fleitas

wiping Carrion's blood off the building stairwell floor. The alleged motive was the theft of \$26,000 that Carrion was carrying.

On August 30, prosecutors charged 17 police officers working for the 911 system with manslaughter in the death that day of 47-year-old Gustavo Munoz, who refused to show identification when approached by police. There were no further developments in the case by year's end.

On September 10, a three-judge panel sentenced police officers Daniel Alvarez, Luis Gonzalez Rodriguez, and Arsenio Fernandez Zayas to prison for killing Pedro Luis Morinigo Servin in April 2009.

There were no developments and no investigation in the August 2009 case in which the father of Higinio Aquino Santos alleged police killed his son after an extortion attempt in Ciudad del Este, and none were expected.

In October 2009 police officer Nestor Eduardo Gonzalez Alonso fired warning shots to disperse a crowd in Villa Hayes, killing 16-year-old Roberto Ramon Mendoza. Prosecutors charged Alonso with murder. The case remained pending at year's end, and no developments were expected.

On March 27, a court selected a three-judge tribunal to try eight police officers charged in the 2008 shooting of Leticia Veronica Lugo in Villa Elisa. However, as of year's end, a trial had not begun.

There were no known developments in the 2008 arrest of police officer Gustavo Arnaldo Duarte for the killing of security guard Salinas Vicente Gonzalez, and none were expected.

b. Disappearance

There were reports of "express kidnappings" for ransom, including by prosecutors and police officers, which occasionally resulted in unsolved disappearances.

In September Daniel David Castelli disappeared while carrying 200,000 euros (approximately \$270,000) that he allegedly received in conjunction with a large drug deal. Suspects included three police officers (German Arevelo, Marcos Valezquez, and Hector Ortiz); the attorney general was investigating the case at year's end.

On January 18, kidnappers calling themselves the Paraguayan People's Army (EPP) released cattle rancher Fidel Zavala Serrati, whom they had captured in mid-October 2009.

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

Throughout the year officials excavated a gravesite in the Tacumbu area of Asuncion containing remains of suspected Stroessner-era political prisoners. The remains of at least eight victims have been recovered since the site's discovery in July 2009. As many as 40 additional victims were possibly buried there. At year's end, excavation and forensic work continued.

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

The law prohibits such treatment, and the government generally respected these legal provisions, although there were reports that some government agents employed such practices. The Coordinator of Human Rights in Paraguay (CODEHUPY), made up of 33 nongovernmental organizations (NGOs) and civic organizations, reported several allegations of police torture and other abuses designed to extract confessions or intimidate detainees.

There were no new developments, and none were expected, regarding the January 17 CODEHUPY accusation that police and military forces deployed in San Pedro Department tortured several farmers following a 2008 attack on a military outpost in Tacuati.

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On October 13, Precinct Chief Alfredo Pineda filed a complaint against police officers Osvaldo Jose Navarro Diaz and Oscar Calestra for a May beating of a handcuffed 15-year-old youth in police custody at the 24th Precinct in Asuncion. On November 22, prosecutors also charged police officer Oscar Raul Rolon Unzain with causing bodily injury in this case. The alleged perpetrators videotaped the beating. An investigation remained pending at year's end.

On November 7, Carlos Sanchez accused two unidentified police officers from the Second Police District, Caaguazu Department, of beating him following his arrest on November 5. The police chief stated that doctors confirmed that Sanchez had injuries to his face, eyes, and nose. The investigation remained pending at year's end.

In January police reinstated Virginia Villar as Guayaybi District police chief. Six alleged victims had previously accused Villar of torture, and in 2008 she was convicted of the 2004 shooting of Eseer Arens Ocampos. After a public outcry, authorities removed Villar as district chief and assigned her to other duties. Andrews Ramon Rotela Acosta accused Villar in March of having made him sit naked on an anthill. The August 2009 allegation that Villar beat Emiliana Quinonez Espinola to unconsciousness in connection with a theft in Guayaybi District remained under investigation at year's end.

There were no developments in the reopened case against former interior minister Walter Bower and police officers Basilio Pavon, Merardo Palacios, and Osvaldo Vera. Bower and Pavon reportedly tortured Alfredo Caceres following an alleged coup d'etat in 2000. The case remained in the courts at year's end.

On April 8, a three-judge panel convicted National Military Academy cadets Cesar Antonio Candia Britos, Francisco Sotelo Blanco, Leonardo Fabio Martinez Rotela, Gustavo Joel Ramon Benitez, and Guillermo Benitez Adorno of sexual abuse of a defenseless person in the 2008 rape of a female cadet. The panel found Carlos Caniza not guilty on technical grounds and sentenced Candia, Sotelo, and Martinez to eight years and three months in prison; Ramon Benitez to three years; and Benitez Adorno to two years and six months. Judicial authorities denied initial appeals to substitute "conditional liberty" and "house arrest" but, on November 10, granted conditional house arrest to both Ramon Benitez and Benitez Adorno.

On November 3, first-year military cadet Antenor Rafael Saiz Ribes filed a complaint against the military academy alleging he was brutally beaten and verbally assaulted in October as part of a common hazing ritual. Accused cadets Derlis Milciades Villagra Castillo, Joel Alejandro Velazquez Meza, and Carlos Luis Coronel claimed Saiz received his injuries playing soccer. President Lugo replaced the commander of the corps of cadets following the controversy.

The government continued to improve hygienic conditions and implement controls to monitor and prevent abuse at the Neuropsychiatric Hospital in Asuncion in further compliance with the 2008 Inter-American Commission on Human Rights (IACHR) ruling on abuse at the hospital. The hospital opened an additional group home in September. A verbal agreement ending IACHR oversight of the hospital was pending formal announcement at year's end.

Prison and Detention Center Conditions

Prison and detention center conditions generally did not meet international standards. A 2008 Senate Human Rights Committee report stated that prisons remained in "deplorable" condition. The most serious problems included violence, mistreatment, overcrowding, inadequate and poorly trained staff, deteriorating infrastructure, unsanitary living conditions, poor food safety standards, and inadequate medical and psychological care.

The government permitted independent monitoring of prison conditions and granted the media, human rights groups, and diplomatic representatives access to prisons with prior coordination from the Ministry of Justice and Labor (MJT). Media, Red Cross representatives, and other NGOs conducted prison visits during the year.

The country's 15 penitentiaries held more than 6,200 inmates (including 240 women), approximately 16 percent more than their design capacity of 5,340. The penitentiary in Ciudad del Este, designed to hold approximately 300 inmates, held more than 620. Pretrial detainees made up approximately 70 percent of the prison population and were held together with convicted prisoners in all but two penitentiaries. In May the director of adult prisons estimated that 30 percent of prisoners were held beyond their constitutional minimum sentence for lack of a judicial decree ordering their release (see section 1.d., Arrest Procedures and Treatment While in Detention).

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. During the year the MJT recorded 18 deaths of prisoners in custody, some of whom were killed by other inmates, and 18 injuries. The MJT also recorded nine inmate escapes during the year. There were cases of inmates conducting illicit activities by bribing and conspiring with prison guards. Visitors were required to pay informal bribes to designated prisoners whose job was to alert inmates of visitors. This informal payment system hindered effective representation of inmates by public defenders.

On September 17, following reports that inmates at Tacumbu Prison in Asuncion used Christian ministry computers to blackmail female minors into entering the prison and submitting to the videotaping of sex acts, prosecutors raided the prison, seized computers, and charged prisoners Jorge Abe Pereira Colman and Feliciano Lopez Lopez with the production of child pornography videos and coercion. Unidentified prison guards also were allegedly involved. On October 6, prosecutors charged ministry pastors Horacio Danilak and Felix Duarte Dupont with failure to report a crime. The MJT suspended Prison Director Julio Acevedo, and on October 11, he resigned after prosecutors charged him and Tacumbu security chief Silverio Baez with several crimes related to the production of child pornography and failure to report a crime. A judge released Acevedo and Baez on bail on November 18, and all cases remained pending at year's end.

In September 2009 prosecutors arrested Pablo Soley and Eligio Lagrana, the director and the chief of security at the Social Rehabilitation Center at Cambyreta, for alleged extortion of prisoners. Soley resigned in January, and the case remained pending at year's end.

Although the MJT assigned minors convicted of juvenile crimes to five youth correctional facilities in the country, some juvenile offenders served their sentences in adult prisons. Living conditions in juvenile facilities were generally better than in adult prisons.

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

On July 9, President Lugo created the National Commission on Prison Reform by presidential decree.

The government's prison construction and relocation plan continued apace, with new prisons projected in the cities of Ciudad del Este, San Juan Bautista, and elsewhere.

d. Arbitrary Arrest or Detention

The law prohibits arrest and detention without an arrest warrant signed by a judge and stipulates that persons detained must appear before a judge within 24 hours for an initial hearing. Police may arrest without warrant a person apprehended

in the act of committing a crime, and the Public Ministry may detain persons up to six hours. There were some reports of arbitrary arrest and detention of persons without a warrant.

Role of the Police and Security Apparatus

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

Civilian authorities generally maintained control over the security forces. The security forces did not effectively coordinate law enforcement efforts. Although the government has mechanisms to investigate and punish security force abuses and corruption, there were regular reports of police involvement in crimes that went unpunished. In a change from previous years, authorities fired several police officers for criminal behavior (although they were not convicted).

The 23,000-member National Police force was poorly trained, inadequately funded, generally corrupt, and shielded by impunity. Police officers were routinely accused of "express kidnappings" and holding civilians for short periods until bribed for their release. Some prosecutors routinely conspired with police and criminal organizations to extort and blackmail individuals.

On November 1, prosecutors charged precinct police chief Juan Pereira and deputy police officer Nicodemos Mendez Torres with aggravated robbery of 32 million guaranies (approximately \$6,900) and assault of two moneychangers on October 30; authorities also charged two other officers with complicity. The cases remained open at year's end.

The government continued to take steps to decrease and punish human rights violations committed by police. However, some officers often acted with impunity. Although the National Police trained officers in human rights, there were routine incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping throughout the country, with such abuses particularly widespread in Ciudad del Este and other areas bordering Brazil (see section 4).

On request from President Lugo, Congress approved a 30-day "state of exception" in late April to permit domestic use of the military in five departments to support locating the EPP guerrilla group and detaining individuals involved in its attacks. On May 11, Amnesty International (AI) cautioned the president about the state of exception and mentioned the need to specify the rights to be restricted and to avoid violations of those rights. In the event, the populace supported the measure, and the government maintained its activities did not lead to restrictions on or violations of human rights. Authorities apprehended approximately 180 individuals during the state of exception, roughly half of whom were the subjects of outstanding arrest warrants. As of year's end, there were no known further developments in these cases.

Arrest Procedures and Treatment While in Detention

Police may arrest individuals when authorized by a judicial or prosecutorial warrant or when they discover a crime in process. The law provides that, after making an arrest, police have up to six hours to notify the Prosecutor's Office, whereupon the Prosecutor's Office has up to 24 hours to notify a judge of its intention to prosecute the case.

The law provides detainees with the right to a prompt judicial determination regarding the legality of the detention, and authorities appeared to respect this right in practice and inform detainees promptly of the charges against them. The law

permits detention without trial until the accused completes the minimum sentence for the alleged crime. This often occurred in actuality. The law stipulates that pretrial detention may range from six months to five years, based on the nature of the crime; in practice, detention was arbitrarily lengthy, and some detainees were held beyond the maximum allowable detention time. Judicial inefficiencies and corruption in the judiciary caused significant trial delays and extended pretrial detention.

On November 6, the Supreme Court Penal Tribunal ordered the release of Rogelio and Hector Paiva Vera, who were detained in prison since 2007 under grand theft charges. The maximum pretrial detention for grand theft is two years.

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

The law grants accused criminals the right to counsel, and the government provided representation to poor defendants. The quality of representation was degraded by the size of the public defenders' caseloads. The government permitted defendants to hire attorneys at their own expense. Detainees had access to family members.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; in practice, however, political interference seriously compromised that independence. Courts remained inefficient and subject to corruption. Politicians and interested parties routinely attempted to influence investigations and pressure judges and prosecutors. There were also frequent accusations that judges and prosecutors solicited bribes to drop or modify charges against defendants.

On September 14, appellate judges Maria Doddy Baez, Silvio Reyes, and Enrique Alfonso released Jose Martinez Mendi Pavao, the son of one of the country's most-wanted narcotics traffickers, on technical grounds. A judicial review board suspended the decision and replaced the judges and prosecutors the following day, pending an investigation. As of year's end, there were no known further developments.

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

Trial Procedures

The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. In June 2009 a Center for Judicial Studies report revealed that only 47.9 percent of cases initiated in 2008 were resolved within one year. Wealthy or well-connected defendants received impunity by conspiring with judges and filing often-specious motions that slowed legal progress until their cases reached the statute of limitations.

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

All trials are open to the public. The law requires prosecutors to indict accused persons within 180 days of arrest. Prosecutors and public defenders at the Public Ministry lacked the resources to perform their jobs adequately. Defendants enjoy a presumption of innocence and a right of appeal, and defendants and prosecutors may present written testimony from witnesses and other evidence. Defendants and their attorneys have the right of access to state evidence relevant to their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

On August 24, in the Xakmok Kasek indigenous community case, the Inter-American Court of Human Rights judged that the country violated the complainants' rights to life, personal integrity, collective property, humane treatment, and freedom from discrimination. The court criticized the government's passive and unresponsive administrative procedures and specifically directed the return of property by 2013, the funding of development projects, and the payment of compensation.

During the year the government partially complied with two other court rulings. Concerning the 2006 decision in favor of the Sawhoymaxa indigenous community, the government continued to provide monetary restitution but did not award the group land. Regarding the 2005 judgment in favor of the Yakye Axa indigenous community, the community accepted in principle the government's purchase of approximately 37,000 acres of alternative land for resettlement to replace ancestral land on which its members were living – an agreement negotiated in September through an IACHR representative. However, the community later reversed its position, and the alternative lands were not purchased. In both cases the legislature prevented implementation of the executive branch's preference for expropriation as a means to provide title for native lands to indigenous inhabitants.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, although authorities rarely granted them to citizens. The government experienced problems enforcing court orders.

Property Restitution

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. For example, in Puerto Casado, continuing land disputes dating back to 2000 between local residents and landowner Victoria SA have resulted in regular clashes and damage to private property. The government did not enforce judicial decisions and court orders to return occupied land to the landowner.

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, and the government generally respected these prohibitions in practice.

An investigation of former commander of the Presidential Escort Regiment Colonel Heriberto Galeano for illegally wiretapping telephones from his home remained open at year's end, and no developments were expected.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press, and the government generally respected these rights in practice. Individuals criticized the government publicly and privately, generally without reprisal or impediment.

The independent media were active and expressed a wide variety of views without restriction. The media frequently criticized the government and freely discussed opposition viewpoints without censorship. Many media outlets reflected personal business or political interests, and ethical and professional standards were low.

Political officials often retaliated against media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. For example, during the year *ABC Color* managing director Aldo Zuccolillo faced many criminal charges relating to defamation suits brought against him by former government officials. On April 7, a judge ordered him to pay 236 million guaranies (approximately \$51,000) plus interest for questioning the judicial decision that freed former president Luis Angel Gonzalez Macchi from prosecution. The appeals process remained pending at year's end.

During the year journalists were subjected to harassment, intimidation, and violence – primarily from drug trafficking gangs and criminal syndicates based in departments bordering Brazil – due to their reporting. For example, in January *ABC Color* correspondent Sergio Escobar Rober reportedly received anonymous death threats after reporting on police abuse. Unidentified assailants allegedly fired shots at the car and house of Panambi Vera radio and *La Nacion/Cronica* newspaper reporter Secundino Silguero Rodas after his reporting about police involvement in killings. Provincial governor bodyguards and an unidentified armed assailant reportedly threatened *Vanguardia/ABC Color* correspondent Fermin Jara and photographer Eduardo Homero after they covered vandalism allegedly performed by local officials. On March 2, members of the National Police Specialized Unit reportedly attacked and threatened with death *ABC Color* correspondent Higinio Ruiz Diaz who was covering a local clash.

There were no known developments, and none were expected, in the following cases: the January 2009 killing of Martin Ocampos Paez, director of a community radio station, by an unknown assailant in Concepcion; the February 2009 assault on television journalist Richard Villasboa and camera operator Blas Salcedo by security officials; the March 2009 death threat by a citizen against newspaper journalist Aldo Lezcano; and the September 2009 shooting at journalist Javier Nunez by alleged petroleum smugglers.

Internet Freedom

There were no government restrictions on basic access to the Internet or reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail. The International Telecommunication Union reported that approximately 16 percent of the population used the Internet in 2009.

Academic Freedom and Cultural Events

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

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly and association, and the government generally respected these rights in practice. The government generally protected demonstrators from indiscriminate violence. The law restricts demonstrations to certain times and places and prohibits meetings or demonstrations in front of specified government buildings.

Freedom of Association

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

c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at www.state.gov/g/drl/irf/rpt.

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

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government's National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the UN's local legal representative. At year's end, 115 political refugees were living in the country, 80 of whom were Cuban. The law prohibits forced exile, and it was not used.

Protection of Refugees

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

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

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

Elections and Political Participation

In the 2008 multiparty general elections, Fernando **Armando** Lugo Mendez of the Patriotic Alliance for Change won the presidency. International observers characterized the elections as generally free and fair.

Although political parties operated without restriction or outside interference, the government must approve their participation in elections. The government prohibits unregistered parties and independent candidates from participating in national and departmental elections, although independent candidates may participate in municipal elections. Between April and June, the Organization of American States conducted a review of the voter rolls in anticipation of November 7 municipal elections and found a freely and fairly functioning system but with some structural deficiencies; the elections were deemed free and fair.

The Superior Electoral Court oversees the electoral process and settles election disputes, and the Supreme Court has final appellate jurisdiction.

There were no legal impediments to women's participation in government and politics. There were 17 women in Congress (seven of 45 senators and 10 of 80 national deputies). Of 39 appeals court judges, 11 were women. Two women served on the Supreme Court; one, as a departmental governor; and three, as members of the Mercosur Parliament. One woman headed a cabinet-level ministry, and four women held ministerial rank. In municipal elections on November 7, women won

mayoral contests in 18 of the 238 cities where they were held. The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women, and this requirement was fulfilled.

Although there were no legal impediments to participation by minorities or indigenous persons in government and politics, there were no indigenous persons or members of minorities serving as governor or in the cabinet, legislature, or Supreme Court.

Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials in all branches and at most levels of government frequently engaged in corrupt practices with impunity. Under a law that prohibits court cases from lasting longer than five years, politicians convicted in lower courts routinely avoided punishment by filing appeals and motions until the statute of limitations was reached. The World Bank's Worldwide Governance Indicators reflected that corruption was a serious problem.

The Public Ministry, under the authority of the attorney general, commissioned teams of prosecutors to combat corruption. In October there were 11 anticorruption prosecutors. The Public Ministry worked with the Ministry of Industry and Commerce's Money Laundering Secretariat to investigate and prosecute corruption cases.

Elected officials are required to disclose their finances before running for office; however, many did not. Many engaged in corrupt practices with impunity and used political immunity to avoid prosecution. Filings often were late, incomplete, or misleading. Regarding police financial disclosure, on July 21, the interior minister announced that all police officers must file reports of net worth every three years and when they are eligible for promotion. As of July, individuals filed 174 formal complaints against the police for corruption, compared with 175 complaints for all of 2009.

There were no developments, and none were expected, in the February 2009 charges against former defense minister Roberto Gonzalez Segovia, national deputies Magdaleno Silva and Jose Chamorro, and five others for issuing false documents to obtain special low-interest loans or in the September 2009 extortion charges against police officers Agustin Rios and Ramon Lequizamon.

Corruption in the 12,000-member military continued. Several senior leaders at the military's primary training facility repaid money during the year that they had extorted from their subordinates, which resolved the case in the eyes of the military justice system. The extortion scheme involved instructors diverting a portion of their teaching stipend to their nonteaching senior leaders.

On May 24, prosecutors charged the former governor of Alto Paraguay Department, Rosalba Belmonte, with damage to state property in the disappearance of 2.7 billion guaranies (approximately \$582,000) while in office in 2007 and 2008.

On November 11, prosecutors charged 23 employees of the Civil Registry Office with extorting citizens requiring basic services. The employees had been filmed demanding and accepting bribes for rapid request processing. The Supreme Court ordered suspensions without pay starting November 16.

Following a November 2009 raid, prosecutors charged electoral prosecutor Liz Perez Idoyaga on September 7 with the theft of 185 million guaranies (approximately \$40,000) by claiming government salaries for more than a dozen nonexistent employees working for her. While the case proceeded, she was initially suspended for 60 days but then resumed work as a prosecutor in Quiindy. On October 14, Perez Idoyaga obtained a postponement by claiming amnesia, and she filed charges against the primary witness in the case for false testimony.

In the case of Eugenio Escobar Cattebecke, former governor of Presidente Hayes Department who was sentenced to two years and six months in prison in December 2009 for diverting more than 1.3 billion guaranies (approximately \$280,000) in public money during his term of office, a three-judge tribunal converted his sentence to house arrest on January 26.

There were no updates, and none were expected, in the case involving federal prosecutor Victor Maldonado. Eyewitness and press reports indicated Maldonado accepted a bribe from fugitive Alberto Luciano Chavez Pereira in return for his release. There was no known government investigation into the bribery allegation.

On June 9, a three-judge panel revoked the temporary bond of former justice and labor minister Silvio Ferreira and sentenced him to five years and six months in prison for embezzlement (allowing overcharging on public contracts), but the panel also found him not guilty of criminal association. An appeals court confirmed the sentence on November 19, but the Supreme Court did not affirm the results before the statute of limitations expired, leaving Ferreira without a criminal record in this case.

On January 4, a three-judge Supreme Court panel (composed of Colorado Party members) refused to overturn a lower court ruling that had limited the illicit enrichment investigation of former president (and Colorado Party member) Nicanor Duarte Frutos. A truncated investigation remained underway at year's end.

On August 18, a three-judge panel decided that suspended prosecutor Gustavo Gamba's case should proceed to trial. Gamba had been audiotaped in June 2009 receiving an initial payment of \$90,000 from Senator Victor Bernal Garay in return for Gamba's promise to dismiss one of five cases pending against the senator, involving his reported misuse of funds while serving as director of the Itaipu Binational Entity. Bernal continued to enjoy political immunity while in office, and his case was transferred to another prosecutor. In October the judges' panel scheduled Gamba's trial to start in December 2011.

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

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

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

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

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

The term of Ombudsman Manuel Paez Monges, the country's primary human rights advocate, expired in August, but he continued to serve while a replacement was sought. The ombudsman employed approximately 160 lawyers and support personnel, including 70 who worked in municipal offices outside Asuncion. Human rights organizations, victims of the

Stroessner dictatorship, and several Congress members criticized Monges for what they considered ineffective handling of cases. His office lacked independence and initiative and issued no significant reports during the year.

The Senate Committee on Human Rights made frequent fact-finding trips within the country and highlighted abuses in the military and prisons during the year.

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

Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

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

Women

The law criminalizes rape, including spousal rape, and provides penalties of up to 10 years in prison for rape or forcible sexual assault. If the victim is a minor under the age of 18, sentences range from three to 15 years. According to the Public Ministry, rape continued to be a significant problem, although no statistics were available for the year. The government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported, and police were generally reluctant to act on rape reports. In its latest available report, the government investigated 1,316 cases of various categories of sexual assault in 2008, including rape.

Although the law criminalizes domestic violence, including spousal abuse, and stipulates a penalty of two years' imprisonment or a fine for those who are convicted, it requires that the abuse be habitual before considering it criminal. Those convicted were typically fined. The law does not specify the amount of the fine but instructs judges to take into account the severity of the act on the victim and the perpetrator's economic situation.

Despite increased reports of domestic violence, individuals often withdrew complaints soon after filing due to spousal reconciliation or family pressure. In some cases the courts mediated in domestic violence cases, but there were no reliable statistics available as to the results. Domestic violence was very common, and thousands of women were treated for injuries sustained in domestic altercations. The emergency 911 system took 16,974 calls on domestic violence in 2009, and women filed 286 formal complaints with police. The National Police opened three domestic violence units in Asuncion during the year, staffed with approximately 30 police officers and operated from existing police stations. From January to November, 1,586 formal complaints of domestic violence were filed with them. The Secretariat of Women's Affairs (SMPR) received 2,409 domestic abuse complaints in 2009, an 18 percent increase from 2008; from January to November, the SMPR attended to 1,872 victims of domestic violence.

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

The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine of an unspecified amount (although the law requires the tribunal to take into account the economic situation of the perpetrator). Sexual harassment remained a problem for many women, although no statistics were available for the year. Prosecutors found sexual harassment and abuse claims difficult to prove, and most complaints were settled privately without involving prosecutors.

Couples and individuals had the right to decide the number, spacing, and timing of their children and had the information and means to do so free from discrimination. The government committed to providing access to information on contraception and providing skilled attendance at delivery and in prenatal and postpartum care. Contraception use among married women between the ages of 15 and 44 was 79 percent in 2008, according to the Population Reference Bureau. The UN Population Fund reported an estimated maternal mortality ratio of 95 deaths per 100,000 live births and approximately 150 maternal deaths in 2008. Reproductive health services were concentrated in cities, and rural areas distant from government-provided services faced significant gaps in promised coverage. Women and men had equal access to diagnostic services and treatment for sexually transmitted infections, including HIV.

Although women generally enjoyed the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. Employers often paid women significantly less than men for comparable work, and women experienced more difficulty finding work. A 2010 World Economic Forum survey estimated that women earned approximately 47 percent less than men for comparable work. Women generally were employed as domestic workers, secretaries, and customer-service representatives. According to the General Directorate of Statistics, Surveys, and Censuses (DGEEC), the 2009 unemployment rate for women in the formal sector was 7.8 percent, compared with 5.5 percent for men. The SMPR worked to promote the rights of women and sponsored programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities. Its minister-level director reported directly to the president.

Children

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

Failure to register all births resulted in some discrimination, including the denial of public services. The DGEEC noted registration of 49,879 live births in 2007, a shortfall in registrations of approximately 65 percent.

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

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

Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage children were forced to work as prostitutes or domestic servants for survival and were sexually abused. The law provides penalties of up to six years' imprisonment for prostitution of victims between the ages of 14 and 17 and eight years' imprisonment for victims younger than 14. The minimum age for consensual heterosexual sex is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex partners and prison for same-sex partners. Enforcement was not vigorous. Child pornography is illegal. Production of pornographic images can result in a fine or up to three years in prison. Authorities may increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser (see also section 1.c. concerning production of child pornography in prison).

On February 19, the minister of defense formally apologized to the families of Marcelino Gomez Paredes and Christian Ariel Nunez, child soldiers recruited into the armed forces in 1997 at age 14, who disappeared in the Chaco in 1998. The apology with monetary payments brought the country into compliance with the agreement mediated by the IACHR in November 2009.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual *Report on Compliance with the Hague Convention on the Civil Aspects of International Child Abduction* at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

Anti-Semitism

The Jewish community numbered approximately 1,000. There were no reports of anti-Semitic acts.

Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

Persons with Disabilities

The law prohibits discrimination against persons with physical and mental disabilities in employment, education, access to health care, or the provision of other state services. The law does not mandate accessibility for persons with disabilities, and most of the country's buildings were inaccessible. Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The Ministry of Education estimated that at least half of all children with disabilities did not attend school because public buses could not accommodate them. The National Institute for the Protection of Exceptional People (INPRO) is responsible for legally confirming disability status. On October 15, authorities issued regulations granting blind persons free passage on public transport.

Although the law requires that persons with disabilities fill 5 percent of all public-sector jobs, as of April they constituted less than 1 percent of public-sector employees. During the year the Secretariat for Personnel Management conducted training and outreach sessions for human resources offices within the government.

Indigenous People

The law provides indigenous persons the right to participate in the economic, social, political, and cultural life of the country. However, the government did not effectively protect indigenous civil and political rights. Discrimination and lack of access to education, health care, shelter, and sufficient land hindered the ability of indigenous persons to progress economically and maintain their cultural identity. The law protecting the property interests of indigenous persons was not respected in practice. The July 12 Amnesty International submission to the UN Universal Periodic Review focused on alleged violations of the rights of indigenous persons as provided in the country's constitution and specified concerns regarding traditional lands, healthcare, water, and sanitation.

A 2008 census reported an indigenous population of approximately 108,000 and estimated that 39 percent of indigenous persons above age 15 were illiterate and that approximately 48 percent were unemployed. According to the DGEEC, the average monthly income of the indigenous population in 2008 was 778,000 guaranias (approximately \$170), approximately half the minimum wage of the nonindigenous population. Indigenous workers engaged as laborers on ranches earned low wages, worked long hours, were paid infrequently or not at all, and lacked benefits. This situation was

particularly severe for indigenous persons engaged as laborers on ranches and estates in the Chaco region. On November 22, four indigenous recruits for the national police entered into service, including one woman. At year's end, the other 18 positions (of the 22 set aside in December 2009 for indigenous recruits) remained unfilled.

The National Institute of the Indigenous (INDI), the Public Ministry, and the Ombudsman's Office are responsible for protecting and promoting indigenous rights. The INDI reported titling approximately 477,000 acres of land to benefit 18 indigenous communities during a three-year program that ended in December. However, the INDI lacked funding to purchase land on behalf of indigenous persons and required them to register for land at its office in distant Asuncion, and Congress did not pass expropriation bills or appropriate sufficient funds, as requested by the executive branch, to comply with Inter-American Court of Human Rights rulings (see also section 1.e., Regional Human Rights Court Decisions).

The law authorizes indigenous persons to determine how to use their land, leading many of them to transfer or rent their land to nonindigenous persons, some of whom illegally harvested fish or deforested the lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands, and few indigenous persons held title to their ancestral lands. In a September 29 statement, Amnesty International pointed out that the country had no effective and efficient mechanism for settling ancestral land claims (see also section 1.e.).

In the Kelyemagategma indigenous community's case pending before the IACHR, two community leaders reportedly received death threats on September 5 while accompanying an international investigatory delegation.

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

The Public Ministry is responsible for investigating discrimination cases; however, government agents often condoned such discrimination. For example, on April 7, family members of 20-year-old Norma Beatriz Machado Rivarola forcibly took her from her partner's home, beat her, and locked her in her parent's house. The complaint she filed with the prosecutor's office on April 23 had not been acted upon by year's end.

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

Several LGBT rights organizations, which operated during the year without governmental interference, conducted two gay pride marches during the year. The government issued the required permits and provided sufficient security in both cases.

There were no developments regarding the 2008 attacks on and killings of transgender persons Lupita, Laura, and Gaby, and none were expected.

There are no laws explicitly prohibiting discrimination against LGBT individuals in employment, housing, access to nationality, access to education, or health care, but all types of discrimination occurred frequently. There was also societal discrimination based on sexual orientation.

In March the Interior Ministry signed a cooperation agreement with the NGO Somosgay to provide tolerance and antihomophobia training to police.

Other Societal Violence or Discrimination

The CODEHUPY noted that individuals with HIV/AIDS faced discrimination as well as societal intimidation in health care, education, and employment. In November the NGO Fundacion Vencer introduced a confidential toll-free help-and-information telephone line dedicated to HIV/AIDS-related problems.

Section 7 Worker Rights

a. The Right of Association

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

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

The law provides for the right to strike, prohibits binding arbitration, and prohibits retribution against union organizers and strikers. However, the government failed to prevent retaliation by employers who took action against strikers and union leaders. The courts provided due process through mechanisms such as voluntary arbitration.

b. The Right to Organize and Bargain Collectively

The law allows collective bargaining, and this provision generally was respected in practice. The government did not place restrictions on collective bargaining and did not require approval for collective agreements to be valid. According to the 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.

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

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

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

In May 2009 the UN Permanent Forum on Indigenous Issues reported allegations of debt labor on the estates and ranches of the Chaco region. Receiving little to no wages, some indigenous workers allegedly contracted debts with their employers, who advanced them pay to meet the cost of food and clothes as well as of sending their children to school. This situation was severe for women in domestic service, who were reportedly offered no compensation for their work and faced abuse. Investigators from the Ministry of Justice and Labor were unable to substantiate claims made by the UN; however, they did not deny that such conditions could exist. The government created the Commission on Fundamental Rights at Work and the Prevention of Forced Labor to address these problems in March 2009; the commission took no known public actions during the year.

d. Prohibition of Child Labor and Minimum Age for Employment

Laws protect children from exploitation in the workplace, but the government did not effectively enforce them. Child labor was a problem, particularly in brick and lime manufacturing, domestic service, and agricultural sectors. Also see the Department of State's annual *Trafficking in Persons Report* at www.state.gov/g/tip.

The law prohibits work by children under the age of 14. The law permits minors between 14 and 15 years of age to work, with parental authorization, up to four hours per day in nonhazardous working conditions. Minors who are 16 and 17 years of age are permitted to work up to six hours per day in nonhazardous working conditions.

A 2007 ILO study reported that 970,000 (53 percent) of children between the ages of five and 17 worked more than one hour per day and 862,000 worked at least 14 hours per week. Children, primarily boys, worked in the manufacturing and agricultural sectors (including cotton, beans, soy, sesame, wheat, peanuts, and stevia production) and in the hotel, restaurant, and transportation industries. Children also worked as vendors in markets. An estimated 60,000 children, primarily girls, worked as *criadas* (child domestic servants) and received no pay. In exchange for work, employers promised the child domestic servants room, board, and financial support for school. However, they were sometimes subject to sexual exploitation and often lacked access to education.

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

The Ministry of Justice and Labor is responsible for enforcing child labor laws, and the Public Ministry prosecuted violators. The country's National Commission for the Prevention and Eradication of the Exploitation of Children worked to eliminate exploitative child labor by increasing awareness, improving legal protections and public policy, and implementing monitoring systems; however, resource constraints limited the effectiveness of these efforts. In August the Ministry of Justice and Labor approved a commission-produced, intra-institutional guide for coordinating agency handling of child workers.

The SNNA administered the "Hug Program" (Programa Abrazo) to assist families with children at risk of working in the streets, and the Secretariat for Social Action administered the "Well-being Program" (Programa Tekopora) that paid parents of street children a monthly stipend to send their children to school. The SNNA's "Operacion Verano" brought children of street workers into shelters when school was not in session. The Ministry of Education and Culture continued using the ILO's Supporting Children's Rights through Education, the Arts and the Media (SCREAM) child labor intervention program in six departments to train and assist educators in identifying child laborers and protecting them from exploitation.

e. Acceptable Conditions of Work

The mandatory national minimum wage was approximately 1.5 million guaranies (\$320) per month, sufficient to maintain a minimally adequate standard of living for a worker and family, but the Ministry of Justice and Labor did not enforce it. In June the Secretariat for Personnel Management reported 9,234 government workers earned less than the minimum wage, an improvement from August 2008's estimate of 28,047. In July the DGEEC estimated that 40 percent of private-sector workers and 80 percent of public-sector workers earned the minimum wage or higher.

The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one day of rest. The law also allows an annual bonus of one month's salary and a minimum of 12 and a maximum of 30 vacation days per year, depending on years of service. The law requires overtime payment for hours in excess of the standard; however, many employers violated these provisions. There are no prohibitions of or exceptions for excessive compulsory overtime.

The law sets occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. The Ministry of Justice and Labor and Ministry of Health did not enforce these provisions effectively. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, but authorities did not effectively enforce this right.

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