

# PARAGUAY 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

Paraguay is a multi-party, constitutional republic. On April 21, Horacio Manuel Cartes Jara of the Colorado Party National Republican Association, also known as the National Republican Association (ANR), won the presidency in elections recognized as free and fair and assumed office on August 15. Authorities maintained effective control over the security forces. There were reports that some security forces committed human rights abuses.

The principal human rights problems were impunity in the judicial sector, together with lengthy pretrial detention and trial delays, harsh and at times life-threatening prison conditions, and police involvement in criminal activities, including unlawful killings by persons associated with the security forces.

Other human rights problems included the killing and intimidation of journalists by organized-crime groups, corruption, discrimination, and violence in the society and in government against women and indigenous persons, persons with disabilities, and lesbian, gay, bisexual, and transgender (LGBT) persons, and trafficking in persons. Problems with child labor and violations of worker rights occurred often.

The government took steps to prosecute and punish officials who committed abuses, but general impunity for officials in the security forces and elsewhere in government was prevalent.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

There were allegations that some members of the security forces carried out killings for personal gain.

There were also multiple reports of politically motivated killings of peasant leaders and landowners. The nongovernmental organization (NGO) Coordinator of Human Rights in Paraguay (CODEHUPY), consisting of 33 NGOs and civic organizations, Peace and Justice Service (SERPAJ), and others alleged that rogue rural landowners opposed to the peasant leaders ordered the killings. Media outlets alleged the killings could have been ordered by the Paraguayan People's Army (EPP), a nationalist guerilla movement, or by local drug traffickers.

The Human Rights Unit of the Prosecutor's Office and the Disciplinary Review Board of the National Police are responsible for determining whether police killings legitimately occurred in the line of duty. The military justice system has jurisdiction over active military personnel.

There were credible reports during the year that unknown assailants killed six peasant leaders, who were targeted because of their activities in promoting land reform. On February 18, two men killed human rights activist and landless peasants' leader Benjamin Lezcano at his home in Arroyito, Concepcion. SERPAJ brought the case to the attention of the Inter-American Human Rights Commission (IACHR) and denounced the National Police and Prosecutor General's Office for their lack of interest in the investigation. SERPAJ also reported that other local leaders continued to receive threats after Lezcano's killing. On February 28, the IACHR condemned the homicide and urged the government to investigate. The Prosecutor General's Office opened an investigation in February, but there were no arrests, and the case was pending at year's end.

On May 31, rancher and former mayor of Tacuati Luis Lindstron was killed near Tacuati. The Prosecutor General's Office attributed the killing to the EPP, suggesting it may have been in retaliation for Lindstron having shared information on the EPP with the Prosecutor's Office. In October the Prosecutor's Office, with the assistance of military forces, arrested and charged five alleged members of the EPP with the murder and issued arrest warrants for another. The case was pending at year's end.

EPP members abducted and killed five ranch workers, including an off-duty police officer, who were working as part of a security detail at the Lagunita Ranch in Tacuati, San Pedro. The EPP released one of the hostages, who then reported the incident to the authorities. EPP members then ambushed police forces responding to the incident. One police officer was injured. The Prosecutor's Office opened an investigation, and the case was pending at year's end.

Judicial proceedings were pending at year's end against 10 squatters charged in December 2012 in the case involving the June 2012 deaths of six police officers at Curuguaty. Police did not charge any officers for the deaths of 11 squatters in the same incident.

## **b. Disappearance**

There were no reports of politically motivated abductions. There were press and government reports of short-term “express kidnappings” for ransom, most of which involved the participation of police officers.

On September 20, unknown individuals in Ciudad del Este, Alto Parana, kidnapped businessman Ruben Jacquet. His family received a ransom demand, and on September 23, authorities discovered Jacquet’s body in the nearby city of Presidente Franco. Authorities detained one civilian and were searching for two others in connection with the crime. The widow of the victim accused members of Ciudad del Este’s Anti-Narcotics Unit of being involved in her husband’s killing after detaining her and her husband on September 13 and 18 and forcing them to pay a \$6,000 bribe for their release. The minister of interior confirmed that the police reports of the detentions had several irregularities. Police authorities opened an internal investigation and removed from duty the police officers Carlos Alsina, Mario Figueroa, Mario Alvarez, and Federico Vera. Local press reports alleged that police authorities were pressuring Jacquet’s widow not to share any additional information with the press. The case was pending at year’s end.

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

The law prohibits such practices, and the government generally respected these provisions. There were credible reports, however, that some government officials employed such treatment. The Public Ministry’s Human Rights Unit opened 57 torture investigation cases during the year. At year’s end there were no convictions, and the investigations were pending. Lawyers associations claimed that defense attorneys, judges, and prosecutors at times stall a case until it has been open for the maximum of four years, after which it is dismissed. Lawyer’s associations alleged stalling is motivated because of complicity between accused parties and corrupt prosecutors, but by law torture charges do not have a statute of limitations.

CODEHUPY reported widespread allegations of police torture and other abuses designed to extract confessions or intimidate detainees. On July 30, the press reported that police from the Tembiapora police station allegedly tortured an 18-year-old man from Tembiapora, Caaguazu while trying to elicit a robbery confession. The man complained that police used a plastic bag to asphyxiate him,

forced him to swallow water, and beat him severely. The National Police opened an investigation, and the case was pending at year's end.

The prosecutor's investigation remained pending without developments at year's end in the case of dozens of credible allegations of police torture following the June 2012 shootings during the eviction in Curuguaty (see section 1.a.). CODEHUPY collected photographic evidence and testimony from 10 detained peasants who alleged they were tortured by police officers during their arrest while in transit to and at the police station in Curuguaty. CODEHUPY, on behalf of the peasants, filed complaints with the Human Rights Unit three times in 2012.

### **Prison and Detention Center Conditions**

Prison and detention center conditions continued to fall short of international standards, and conditions were harsh, and at times, life threatening. 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.

Physical Conditions: The country's 16 penitentiaries held more than 9,229 inmates, 31 percent more than their design capacity of 7,053. The prison in Ciudad del Este, designed to hold 450 inmates, held 1,153, and the prison in Tacumbu, designed to hold 2,202, held 3,853 inmates, as reported by the Ministry of Justice and Labor (MJT). Living conditions in the Tacumbu and Ciudad del Este prisons were inadequate, with widespread overcrowding and unsanitary living conditions. In an effort to address these conditions, the government continued to transfer prisoners from Tacumbu to a new prison in Emboscada. The countrywide prison population included 146 prisoners with diagnosed mental illness, 111 with tuberculosis, and 45 with HIV. Only the Padre Juan A. de la Vega prison, inaugurated in July and built to new prison codes with adequate heating and ventilation, had reasonable accommodations (such as ramps) for prisoners with physical disabilities. The remaining 15 penitentiaries did not have reasonable accommodations for inmates with physical disabilities.

Of the 9,229 inmates, only 2,534 inmates (27 percent) had convictions, while 6,695 inmates (73 percent) were pretrial detainees. Officials held pretrial detainees with convicted prisoners in all but two penitentiaries. Women accounted for 639 inmates, approximately 7 percent of the total prison population. Of these, 197 women inmates (31 percent) had convictions, and 442 (69 percent) were pretrial detainees. Prison conditions for men and women were comparable. A separate

women's prison in Asuncion (one of two in the country) has a capacity of 240 but held 413 inmates. Authorities permitted breastfeeding children to live with their mothers inside a special sector, separated from the rest of the prison population, in the Buen Pastor Women's Penitentiary in Asuncion.

The Directorate for the Care of Convicted Juveniles, part of the MJT, assigned minors convicted of juvenile crimes to one of six youth correctional facilities in the country, one of which was dedicated for female minors. Some juvenile offenders served their sentences in separate sections of adult prisons, specifically the Encarnacion and the women's Ciudad del Este penitentiaries, the latter having a section dedicated for female minors. Living conditions in juvenile facilities generally were better than in adult prisons. The MJT reported there were approximately 330 minors incarcerated for juvenile crimes, of which approximately 10 percent had a conviction. The remainder were in pretrial detention.

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 fee ranging from Gs. 20,000 to Gs. 50,000 (\$4.40 to \$11.10). Inmates had access to potable water. All but one prison lacked adequate heating and ventilation, particularly during the hot summer months of December to March.

Prisons lacked adequate security controls, especially at Tacumbu prison, where there were insufficient guards, according to international prison standards, to oversee 3,853 prisoners. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. There were cases of inmates conducting illicit activities by bribing, and conspiring with, prison guards. There were press reports that prison authorities and judges, in complicity with criminal leaders, allowed inmates to leave the prison to commit crimes and then return to escape prosecution or escape altogether. There were credible reports that criminal rings reportedly dedicated to extortion and racketeering operated freely within the prison. Inmates, using smuggled cell phones, reportedly called car theft victims and demanded money for the return of their vehicles. There were reports of inmates also posing as EPP operatives calling high-profile businessmen and extorting them for money.

There were frequent prison breaks, including one on November 4 in Concepcion. An EPP operative and drug traffickers used a weapon possibly smuggled in by

prostitutes to kill one guard and escape. Authorities detained two suspected prostitutes for questioning and a prison guard in connection with the incident.

At the end of November, there were 17 prison deaths reported during the year, including 11 at Tacumbu, the country's largest prison. Nationwide, inmate-on-inmate violence accounted for two deaths, one inmate died during a prison break attempt, and natural causes accounted for the remaining 14 deaths.

Administration: Record keeping was insufficient, and files used in different penitentiaries followed different formats and collected different data. There was no central digital archive of prisoner records or detailed census of inmates. MJT employees could not readily access inmate files.

Prison ombudsmen from the MJT's Human Rights Office reported problems in improving prison conditions. Ombudsmen were receptive to complaints but reportedly encountered resistance from prison guards, authorities, and inmates to implement reforms. On October 30, the MJT's Anti-Corruption Office filed a fraud complaint with the Public Ministry claiming that a consulting contract awarded in 2011 for the building of a new 710,420-square-foot prison was 1,500 percent greater than a similar consulting contract awarded in 2010 for the building of a 355,210-square-foot prison. Press reports alleged funds assigned to the construction of prisons were diverted.

Authorities allowed prisoners to observe their chosen religion. Visitors reportedly needed to offer bribes to visit prisoners, hindering effective representation of inmates by public defenders. Prisoners have the right to submit complaints. In November 2012 the MJT's Human Rights Office formally established permanent cell phone and landline hotlines for prisoners and their families, allowing for anonymous filing of inmate complaints. The MJT's Human Rights Office received an average of five inmate complaints per day. The office also collected up to 30 complaints per prison visit. Most complaints involved health and legal issues but also included complaints of mistreatment by correctional officers. The office used the complaints to lobby for internal prison reforms but noted difficulty in implementation.

Authorities investigated credible allegations of inhumane conditions and took steps to alleviate them within the limitations of available resources. Authorities did not separate nonviolent offenders from violent ones, nor were prisoners with pretrial detention orders separated from those with convictions.

Independent Monitoring: The government granted the media, human rights groups, and diplomatic representatives access to prisons with prior coordination from the MJT. Representatives of the media, the UN Commission Against Torture, the National Mechanism Against Torture (NCT), and other NGOs conducted prison visits during the year.

Improvements: In May the MJT created the Directorate for the Protection of Human Rights in the Penitentiary System, which receives all anonymous telephone calls from inmates, their relatives, and correctional employees. A female inmate submitted an anonymous complaint about the need for life-saving surgery during a MJT ombudsman prison visit. Her condition had been ignored because of a lack of funding. The complaint allowed the ombudsman to advocate successfully for her surgery.

#### **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 a person apprehended in the act of committing a crime without a warrant, and the Public Ministry may detain persons up to six hours. CODEHUPY reported several cases 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, preserve public order, protect the rights and safety of persons and entities and their property, prevent and investigate crimes, and implement orders given by the judiciary and public officials. The military forces, under the president's authority, guard the country's territory and borders and defend lawfully constituted authorities.

On August 22, in response to the August 17 EPP killing of five private security guards, Congress approved legislation authorizing the president to mobilize military forces domestically against any "internal aggression" endangering the country's sovereignty, independence, and integrity of its democratic constitutional order. The law requires the president to notify congress, within 48 hours, of the decision to deploy troops. Although deployments under the law are limited by the geographic location declared by the president in his deployment order and can be subject to congressional scrutiny, the law does not define or require a time limit for deployments. On August 24, the president deployed 400 military personnel to

Concepcion, San Pedro, and Amamabay departments without placing a time limit on their deployment.

The Defense Ministry, also under the president's authority but outside the military's chain of command, handles some defense matters. The Defense Ministry administers logistical and administrative aspects of the armed forces, especially concerning the development of defense policy. The law authorizes the National Anti-Narcotics Secretariat and the National Police's Counterterrorism and Anti-Narcotics Units, both under the president's authority, to enforce the law in matters related to narcotics trafficking and terrorism. Civilian authorities are in charge of the security forces, but there were cases of abuse by individual members of the military and police security forces.

The 27,000-member National Police force struggled with inadequate training and funding and with widespread corruption. The government made efforts during the year to improve investigation and punishment of security force abuses and corruption. Although there were reports of police involvement in crimes, National Police authorities cracked down and began to investigate, punish, and discharge members involved in crimes and other administrative violations. From January to November, 707 police officers underwent investigation by the police justice system. In comparison, 1,063 police officers underwent investigation in 2012, 921 officers in 2011, and 894 officers in 2010.

From January to November, the National Police Disciplinary Tribunal dishonorably discharged 49 police officers involved in a variety of criminal activities, including homicide, drug trafficking, robbery, rape, kidnapping, and arms trafficking. The tribunal dishonorably discharged 66 other police officers or cadets for administrative violations, including cases of abandonment of duty, test fraud, and insubordination.

The UN Human Rights Commission, several human rights NGOs, and press outlets noted frequent and credible reports of alleged incidents of police involvement in extrajudicial homicides, rape, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping throughout the country, with such abuses particularly widespread in Ciudad del Este and other locations on the border with Brazil.

On February 19, Carlos Gonzalez Mallorquin, a PROSEGUR armored truck employee, stole approximately Gs. 1.85 million (\$410) from the company and hid the money in his father's home before being arrested on February 21. An off-duty police officer reportedly spotted Mallorquin and enlisted the help of four other

officers to raid the father's home without a warrant. Three senior police officials reportedly attempted to confiscate the stolen cash, assaulted an officer who withheld the money, and subsequently seized the funds from the house of the officer's sister. On September 2, the Prosecutor's Office charged all eight police officers with the theft and also charged the three senior officers, Jose Dolores Amarilla, Osvaldo Ayala, and Joni Diaz, with extortion, robbery, kidnapping, aggravated assault, and money laundering. The case was pending at year's end.

Some prosecutors reportedly conspired with police and criminal organizations to extort and blackmail individuals.

On April 30, the Senate Human Rights Commission received a torture complaint by noncommissioned Air Force cadet Karen Ortiz, who alleged superiors tortured her and other female cadets. Ortiz claimed superiors forced her and others to drink a liquid that made them lose consciousness. Ortiz later dropped out from the academy. The military justice prosecutor opened an investigation, and the case was pending at year's end.

The Public Ministry's special unit to investigate and prosecute human rights abuses investigated 151 cases. The unit, consisting of six prosecutors, mostly considers complaints against public employees. The unit investigated 97 cases of excessive use of force (compared with 249 in 2012), opened 14 cases of torture (compared with 57 in 2012), and investigated 20 cases of improper prosecution of innocents (compared with 39 in 2012). There was no information whether any of these cases resulted in convictions or sentences.

### **Arrest Procedures and Treatment of Detainees**

Police may arrest individuals when authorized by a judicial or prosecutorial warrant or when they discover a crime in progress. The law provides that after making an arrest, police have up to six hours to notify the Prosecutor's Office, at which point that office has up to 24 hours to notify a judge that it intends to prosecute. The law provides detainees with the right to have a judge promptly review the legality of their detention, and authorities respected this right and generally informed detainees promptly of the charges against them.

The law allows judges to use measures such as house arrest and bail in felony cases. In misdemeanor cases judges frequently set high bail, and many poor defendants were unable to post bond. At the same time, minimal or no bonds were required of those with political connections or economic resources.

The law grants accused criminals the right to counsel, and the government provides public defenders to those who cannot afford private counsel. According to CODEHUPY, heavy caseloads adversely affected the quality of representation by public defenders. The government permits defendants to hire attorneys at their own expense. Detainees have access to family members.

Pursuant to the law establishing the Public Defender's Office, which came into effect in April 2012, authorities strengthened the office by giving it legal, administrative, and budgetary autonomy within the judicial system. The Public Defender's Office had 200 attorneys. This office also established a permanent Observatory Unit on Torture and an Observatory Unit on Penal Conditions.

Arbitrary Arrest: On June 3, a court acquitted and cleared of all charges Miguel Angel Correa Franco and Marcelo Trinidad, both of whom were arrested and held for 33 days in connection with the June 2012 shootout in Curuguaty. Correa claimed police officers illegally detained him while he was visiting a friend in the hospital in Curuguaty.

Pretrial Detention: The law permits detention without trial for a period equivalent to the minimum sentence for the alleged crime. This period could range from six months to five years. Approximately 73 percent of prisoners were in pretrial detention. Detentions were at times arbitrarily long, and some officials held detainees beyond the maximum allowable detention time. According to the NGO Judicial Studies Center, inefficiencies and corruption in the judiciary caused significant trial delays and extended pretrial detention.

There were cases of inmates released long after serving the maximum allowable detention time. On September 4, the Supreme Court voted against releasing inmate David Rodriguez, even though he had finished serving his 11-year sentence on June 26. The court denied Rodriguez' release because his case file had been lost, and access to his file was a prerequisite for his release. On September 11, Judge Ruben Riquelme released Rodriguez from Tacumbu under a habeas corpus order.

#### **e. Denial of Fair Public Trial**

The constitution provides for an independent judiciary; however, undue external influence seriously compromised that independence. Politicians and interested parties routinely attempted to influence investigations and pressure judges and prosecutors. Judicial selection and disciplinary review board processes were

highly politicized, with specific seats allocated by law to senators, deputies, presidential nominees, lawyer's unions, law professors, and Supreme Court justices. Courts were inefficient and subject to corruption. There were also accusations that judges and prosecutors solicited or received bribes to drop or modify charges against defendants. Authorities generally respected court orders.

### **Trial Procedures**

The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. A 2010 Center for Judicial Studies report revealed that only 42 percent of cases initiated in 2010 were resolved within one year. Wealthy or well-connected defendants received impunity by conspiring with judges or by filing numerous motions that slowed legal progress until their cases reached the statute of limitations. Law 4669, approved in 2012, mandated a reduction in the processing time of court cases from four to three years; however, following protests from the Prosecutor's Association, Congress postponed application of the law until 2014.

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. At least two votes are required to convict. One judge presides over civil cases as well as misdemeanor cases with maximum punishments not exceeding two years in prison.

All trials are open to the public. The law requires prosecutors to indict or release accused persons within 180 days of arrest, although prosecutors and public defenders at the Public Ministry in several cases 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 have the right to remain silent and cannot be compelled to testify or confess guilt. Defendants have the right of access to state evidence relevant to their cases. Defendants may confront adverse witnesses except in cases involving domestic or international trafficking in persons, in which victims can testify remotely or in the presence of the defendant's lawyers.

CODEHUPY, Amnesty International, and other NGOs questioned the fairness of trial procedures against the 12 defendants in the June 2012 killings in Curuguaty and the failure of the Attorney General's Office to charge police officers for the killings by security forces. The NGOs alleged prosecutors and judges had not respected trial procedures and withheld evidence (aerial and ground video), and

they questioned why no ballistics studies were performed on security forces' weapons.

In June 2012 the Lawyer's Association of Paraguay denounced a Supreme Court resolution that established new judicial fees, which they alleged were prohibitively expensive for poor defendants

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **Civil Judicial Procedures and Remedies**

Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, and authorities generally granted them to citizens. The government experienced problems enforcing court orders in this arena. The court can order civil remedies including fair compensation to the individual injured. Cases involving violations of an individual's human rights may be submitted through petitions by individuals or organizations to the IACHR, which in turn may submit the case to the Inter-American Court of Human Rights.

### **Regional Human Rights Court Decisions**

At the year's end the government continued in negotiations to purchase private landholdings to complete compliance with decisions of the Inter-American Court of Human Rights in its decisions involving the Sawhoyamaxa (2006) and Xakmok Kasek (2010) indigenous communities. The government had not purchased land for the Xakmok Kasek indigenous community.

On March 6, the executive branch signed a decree re-organizing a commission established to seek a solution for the restitution of lands to the Sawhoyamaxa. On March 22, a committee composed of officials from the MJT, Ministry of Industry and Commerce, and Ministry of Interior met with Sawhoyamaxa leaders to express the government's willingness to comply with the Inter-American Court resolution.

In 2012 the government purchased sufficient land for the Yakye Axa indigenous community under a 2005 ruling; however, it had not set up a fund for community development or for construction of suitable roads to access the property. On September 10, recently appointed National Institute for Indigenous Affairs (INDI)

administrator Jorge Anibal Servin presented a complaint to the Prosecutor's Office regarding the disappearance of more than Gs. 2.9 billion (\$644,450) assigned in the national budget to the Sawhoyamaxa and Yakse Axa tribes to satisfy obligations with the Inter-American Court's 2006 and 2010 rulings. On September 13, the Prosecutor's Office issued arrest warrants for former INDI president Ruben Dario Quesnel Velazquez and former INDI administrators Marlene Ysabel Mendoza Ferreira and Ever Ramon Otazo Martinez, charging all three with breach of trust and misappropriation of public funds. The Prosecutor's Office confirmed that the NGO Reforest Par, which was to have received the funds from INDI, was never created. The Sawhoyamaxa and Yakse Axa indigenous community subsequently complained they had not received any substantial monetary or logistical support from the government, only the provision of basic supplies. As of September 25, Quesnel had turned himself in and was in prison pending trial. The Prosecutor's Office opened an investigation, and the case was pending at year's end.

### **Property Restitution**

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. Systemic inadequacies within the land registry system did not allow the government to produce a reliable inventory of its landholdings.

In the aftermath of the June 2012 Curuguay confrontation, a review of the land registry records and court rulings concluded that the government in fact owned the land in dispute and had allocated it for land reform programs. The dispute of the ownership of the land was a determining factor in the period preceding the events that sparked the Curuguay shootout.

On October 29, the National Institute for Rural Development and Land granted the land titles of 1,100 acres in Lima, San Pedro, to 29 families belonging to the Peasant Association of San Isidro del Jejui. The families' properties were seized illegally in 1970, and family members were kidnapped, tortured, and killed during the dictatorship of Alfredo Stroessner. The families continued legal proceedings to recover 124 additional acres.

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

The law prohibits such actions, and the government generally respected these prohibitions.

The law prohibits the use of citizens' personal data and its use by unauthorized private entities, and the government prosecutes misuse of private information. In August 2012 an undercover investigation by the daily newspaper *Ultima Hora* discovered that criminal rings, in complicity with employees in government and private institutions, sold compact discs containing private information of approximately three million citizens. In response to the media attention, the Public Ministry's Specialized Unit on Electronic Crimes opened an investigation in 2012, which was pending at year's end.

The government at times allowed persons to be evicted from their place of residence and others to seize their property without due process. For example, in November 2012 police evicted 170 indigenous members of Ava Guarani community from 1,480 acres of their ancestral lands they recovered 20 years ago. The police burned 40 homes and destroyed a government-funded public school and health post. The indigenous community petitioned the Judicial Disciplinary Board (JEM) to sanction Judge Goiburu Bado for having signed an illegal eviction order in complicity with landowners. On March 12, the Supreme Court suspended Bado, without pay, and assigned an interim judge to replace him. On June 20, the JEM censured Bado but did not remove him.

The state-owned National Electricity Company spent more than Gs. \$320 billion (\$71.1 million) compensating property owners for the building of the transmission line between Hernandarias, Alto Parana, and Presidente Hayes, Chaco.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

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

Freedom of Speech: On May 20, the Engineering School of the National University of Asuncion (FIUNA), a government-run university, began disciplinary proceedings against engineering students Eduardo Becker and Esteban Caligaris for having voiced critical opinions against Isacio Vallejos Aquino, dean of the university's engineering school, and other authorities on their private Twitter and Facebook accounts. FIUNA authorities argued the students violated the school's code of conduct, but authorities did not specify which provisions were violated. At

year's end both students faced disciplinary sanctions and could be suspended for up to one year.

Censorship or Content Restriction: On April 18, shortly before the 2013 elections, two television stations – privately owned Canal 9 SNT and state-owned TV Publica – refused to broadcast a Frente Guasu Coalition campaign advertisement, which criticized the two leading candidates for their involvement in the June 2012 impeachment of former president Fernando Lugo. SNT also refused to broadcast campaign ads by the Partido Patria Querida political party. The electoral code regulates the broadcasting of political campaign ads and specifically stipulates that political parties and movements have equal access to media outlets. The law requires media outlets to cede 3 percent of their advertisement space during the 10 days prior to the national elections.

Violence and Harassment: Journalists occasionally were subjected to harassment, intimidation, and violence, primarily from drug-trafficking gangs and criminal groups based in departments bordering Brazil, but also from politicians. The media and international NGOs reported several such incidents against journalists.

On February 6, journalist Marcelo Vazquez Gonzalez, owner of Radio Without Borders 98.5 FM, was killed in front of his disco club in Pedro Juan Caballero. Press reports and the NGO Reporters Without Borders suggested that it was “very likely” that local criminal organizations were responsible for Vazquez’s assassination. On February 8, police arrested two alleged drug traffickers, Edgar Gimenez Duarte and Ramon Farina Figueredo, in connection with Vasquez’ death. The case was pending at year’s end.

On April 24, two unknown men shot and killed press photographer Carlos Artaza, who worked in the press department of the Amambay governor’s office. Artaza was returning from an Authentic Radical Liberty Party (PLRA) political rally in Pedro Juan Caballero celebrating Deputy Pedro Gonzalez’s election as governor of Amambay. Press reports noted police officers who arrived at the scene of the killing delivered Artaza’s laptop computer and cell phone to Amambay Governor Ricardo Sanchez instead of giving them to the Prosecutor’s Office. Authorities arrested Eder Gabriel Denis and Richard Bogado Benitez and charged them with murder. The Prosecutor’s Office opened an investigation, and the case was pending at year’s end. Other journalists covering the killing reported receiving death threats related to the case.

Libel Laws/National Security: Politicians sometimes responded to media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. For example, in March 2012 retired general and president of the National Union of Ethical Citizens party (UNACE) Lino Cesar Oviedo Silva filed a defamation lawsuit against journalist Maria Herminia Feliciangili, owner of Radio Mil, who accused Oviedo of responsibility for the killing of former vice president Luis Maria Argana. At the same time, Oviedo also filed a defamation lawsuit against Artemio Barrios, a Colorado Party congressman and former UNACE member, for statements about Oviedo's political activities. On February 3, Oviedo died in a helicopter crash. His son, Ariel Oviedo, decided to continue pursuing the lawsuits. Defamation is punishable by up to three years' imprisonment and significant fines.

### **Internet Freedom**

There were no government restrictions on access to the internet or credible reports that the government monitored e-mail or internet chat rooms without judicial oversight. The International Telecommunication Union (ITU) reported that 27 percent of individuals used the internet in 2012 and 19 percent of households had access to the internet in 2011. This did not reflect the existing and growing number of individuals who had access to the internet at work or through cell phones and smart phones. According to the ITU there were 102 cell phones for every 100 citizens.

### **Academic Freedom and Cultural Events**

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

### **b. Freedom of Peaceful Assembly and Association**

The law provides for freedom of assembly and association, and the government generally respected these rights.

On August 22, CODEHUPY members reported police harassed them during a meeting in which CODEHUPY activists were drafting a statement criticizing the implications of modifications to the National Defense and Internal Security Law (see section 1.d.). CODEHUPY leaders reported that five police vehicles and one Special Elite Police transport truck arrived at CODEHUPY's headquarters and inquired about the nature of the meeting. CODEHUPY noted that although police had initially escorted a citizens' human rights march that evening and that

concluded at CODEHUPY's offices, the police remained outside CODEHUPY's offices for two hours beyond the conclusion of the march and did not depart until the internal meeting ended.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

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

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. 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.

There were press reports of residents and businessmen from San Pedro and Concepcion departments who left the area due to EPP death threats or the lack of security. This included the family of former Tacuati mayor Lindstron, who was killed in May by persons claiming to belong to the EPP. There were reports that the family business' 150 employees also left the area as a result of losing their jobs.

### **Protection of Refugees**

Access to Asylum: 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.

From January to October 18, the National Commission on Refugees granted two refugee requests.

Durable Solutions: The government permitted persons refused asylum or refugee status to obtain legal permanent residency.

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

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

#### **Elections and Political Participation**

Recent Elections: In the April 21 multi-party general elections, Horacio Manuel Cartes Jara of the Colorado Party won the presidency. International observers from the EU, the Organization of American States (OAS), and the Union of South American Nations (UNASUR) characterized the elections as free and fair.

The OAS and the EU electoral observation reports highlighted the high voter turnout and the peaceful and orderly conduct of the April 21 elections. They also noted the Supreme Electoral Court's (TSJE) professionalism and timely execution of the electoral calendar.

The OAS and EU reports both criticized inappropriate partisan comments made by a TSJE minister on election day, legal statutes that exclude smaller parties from legally overseeing polling tables, and reports of vote buying by various parties at scattered polling stations. Also noted, prior to the election, was the vote buying by ANR Senator Silvio Ovelar (whom Congress immediately suspended without pay for 60 days).

The OAS and EU reports also noted the improper use of electoral polls and exit polls, the lack of media coverage of smaller political parties by media outlets, and the lack of control of campaign financing originating from private donations.

The OAS and EU Electoral Observation Mission's final report noted the practice of using "corrals" to induce indigenous voters to vote for certain candidates. Corrals are open air, fenced areas, where food and occasionally alcoholic beverages are given to members of indigenous communities until the day and time to vote arrives. Although indigenous voters apparently went willingly to the corrals, EU observers suggested these corrals were used to influence votes and prevent opportunities to sell votes to others. The EU mission observed the use of corrals in seven different locations.

The UNASUR electoral report also highlighted the high voter turnout and the peaceful and orderly development of the elections.

In June 2012 Congress impeached and removed President Fernando Lugo from office on grounds of “poor performance of duties.” Although the process followed constitutional requirements, it was controversial primarily due to its extraordinary speed. Lugo filed two separate appeals with the Supreme Court, both of which the court denied. The TSJE also recognized the validity of the impeachment. Vice President Federico Franco took office on June 22, 2012, to complete the presidential term, which concluded in August 2013. Former president Lugo remained active in politics and in the 2013 elections was elected to the Senate for a five-year term.

Political Parties: The ANR and the PLRA (or Liberal Party) had long-standing control of the political process due to regular power-sharing arrangements, patronage, and influence peddling. The parties had strong influence over the Supreme Court, lower courts, and the selection and disciplining of judges and prosecutors. Both traditional parties controlled the modification and creation of electoral laws through their congressional majorities. The supervisory unit of the electoral bodies, the TSJE, is governed by partisan representatives selected by both the ANR and PLRA, and to a minor extent, third-party political parties.

New, small, and nontraditional political parties faced hurdles in securing sizable congressional representation due to seat allocation formulas in the electoral code, which favor larger parties. Monitoring of electoral polling stations is conducted by party representatives rather than professional members of the TSJE.

The electoral code restricts voters to selecting slates of candidates in turn selected by party leaders, rather than individual candidates. Independent candidates face obstacles in setting up and running campaigns, since they are obligated by law to form a movement or political party and present a minimum number of candidates in a slate in order to compete.

The electoral subsidy and compensation system, which is established by law to finance political parties, rewards political parties by numbers of votes obtained, and the government annually transfers sizable sums of subsidies, mostly to the ANR and PLRA.

Participation of Women and Minorities: There were no legal impediments to women’s participation in government and politics. The electoral code requires that

at least 20 percent of each party's candidates in internal party primaries be women, and parties followed the requirement. There were 20 women in congress (nine of 45 senators and 12 of 80 national deputies). Of 39 appeals court judges, 11 were women. In July a woman was selected as one of the three electoral judges overseeing the TSJE. Two women served on the nine-member Supreme Court and one as a departmental governor. Three additional women headed cabinet-level ministries, and six women held positions of ministerial rank. The head of the country's largest political party, the ANR, was a woman.

In 2011 a new political party, Kuna Pyrenda (Platform of Women), emerged with the aim of advocating for women's rights. Ultimately, 250 prominent female leaders and activists signed its founding manifesto, including five who were then government ministers and one then a deputy minister. None of the more than 500 female and male candidates of the Kuna Pyrenda party won in the April 2013 general elections.

Although there were no legal impediments to participation by minorities or indigenous persons in government, no indigenous persons or members of minorities were serving as governor or in the cabinet, legislature, or Supreme Court. Three political parties fielded 21 indigenous candidates for the April national elections. The Kuna Pyrenda party fielded three female indigenous candidates to the Senate and five indigenous candidates to the departmental legislature in Boqueron, while the Frente Guazu Alliance put forth an indigenous candidate for the gubernatorial race and nine indigenous candidates for the departmental legislature in Boqueron. The Independent Constitutionalist Movement in Alliance had one indigenous candidate for the Senate.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for official corruption; however, impunity prevented effective implementation. Some officials in all branches and at all levels of government frequently engaged in corrupt practices with impunity, and cases typically spend years in the courts without any satisfactory resolution. Under a law that prohibits court cases from lasting longer than four 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 indicated corruption was a serious problem.

Corruption: The Attorney General's Office has a dedicated unit of prosecutors to investigate and combat corruption. The ministry works closely with and initiates

many investigations on the request of the General Auditor's Office (GAO), which is responsible for auditing and inspecting the public finances, management, and operational procedures of government entities, department and municipal governments, state-owned companies, and other entities with government financial interests. The specialized unit and the GAO generally collaborated with civil society, usually by following up on complaints of corruption brought forth by the press. Both agencies were sufficiently well funded and generally operated effectively.

The Executive Office's auditor general also cooperates with the GAO and the Public Ministry in the investigation of corruption cases. The Solicitor General's Office receives reports from the auditor general and GAO and files civil lawsuits on behalf of the state to recover monetary damages. The National Integrity System, a program dependent on the Executive Office, works with dozens of internal transparency units in several ministries, Customs, and the National Directorate for Government Procurement.

As of October the JEM had removed seven judges and prosecutors, reprimanded four others, and cancelled three proceedings due to magistrate resignations. In 2012 the JEM removed 12 judges and prosecutors and sanctioned six others, and one judge resigned before the completion of proceedings against him.

As of September 19, the GAO issued 24 reports of crimes against state assets in 2013, totaling Gs. 6.67 million (\$1,480). The largest corruption cases involved Gs. 1.3 billion (\$289,000) in the National Industry of Cement for the acquisition of 25,000 tons of imported plaster; Gs. 1.17 billion (\$260,400) in the National Secretariat for Animal Health and Quality for the construction of offices; Gs. 1 billion (\$222,200) in the National Secretariat of Social Assistance regarding social funds programmed for construction of homes and land titling; and Gs. 700 million (\$155,500) in the National Secretariat for Homes regarding its audit of the secretariat's annual budget. The GAO delivered its findings to the Prosecutor's Office, Senate, Chamber of Deputies, Presidency, and Solicitor General's Office. The Prosecutor's Office opened investigations in some cases, and the investigations were pending at year's end.

In early September media reports disclosed that 62 government entities, including the General Prosecutor's Office, Supreme Court, Chamber of Deputies, JEM, municipalities of Asuncion and Ciudad del Este, and a dozen other national and local agencies filed lawsuits questioning the GAO's authority to audit their balances. The constitution mandates that the GAO audit all the balances of

government institutions, including local government entities, and the legislative and judicial branches. The GAO has not audited the Supreme Court since 2004. These government entities did not comply with legal requirements to submit audit information to the GAO. Instead, the Supreme Court provided the required information to its Administrative Court or to the General Prosecutor's Office's Administrative Court, both of which were understaffed and not trained to perform GAO perform audits.

The National Anticorruption Secretariat, created in November 2012, is responsible for coordinating and monitoring the application of public policies in matters of transparency and corruption. It also is responsible for formulating strategies to prevent, investigate, and denounce acts of corruption, in coordination with other government entities. The institution is a part of the Executive Office.

In addition, an ethics code for the executive branch entered into force in November 2012. A Commission of Public Ethics receives and judges ethics complaints. All public servants, including senior employees, are required to adhere to this code.

In November 2012 legislators denounced Governor Oscar Venancio Nunez Gimenez (Colorado Party) and others for the misappropriation of Gs. 1.5 billion (\$333,300) for the One Laptop Per Child educational program in the department of Presidente Hayes. A GAO audit published in February 21 confirmed the amount was missing and advised the General Prosecutor's Office to open a criminal investigation. The GAO audit also confirmed several financial irregularities, amounting to Gs. 800 million (\$177,800), during Nunez' term between 2008 and 2013. In April Oscar Nunez was elected deputy for the department of Presidente Hayes, conferring upon him parliamentary immunity from prosecution. The Prosecutor's Office opened an investigation, and the case was pending at year's end.

Whistleblower Protection: There is no specific legislation outlining whistleblower protections, but the GAO's Citizen Monitoring Office has procedures in place to receive anonymous citizen complaints against corruption. A September 21 presidential decree also outlines provisions for guaranteeing the anonymity of citizen whistleblowers in complaints against public employees.

Financial Disclosure: The constitution requires all public employees, including elected officials and employees of independent government entities, to disclose their income and assets at least 15 days after taking office or being appointed and again 15 days after finishing their term or assignment. Modification of the

financial disclosure form will require the disclosure of assets and income of spouses and dependent children starting in January 2014, but the modifications do not require officials to file periodically when changes occur in their holdings.

The law mandates that the GAO monitor and verify disclosures, but the law does not allow these to be made available to the public. The GAO can make public the income and asset disclosures only at the request of the executive branch, Congress, General Prosecutor's Office, or judicial authorities. The General Prosecutor's Office occasionally opened investigations for inconsistencies in the disclosures.

On October 8, the executive branch signed a law that bars public employees from government positions for up to 10 years for failure to comply with financial disclosures and imposes monetary fines of up to Gs. 19.1 million (\$4,240). The new law obligates the GAO to monitor all disclosures.

Filings often were late, incomplete, or misleading. In addition, many simply did not disclose their finances. Legislators were known to ignore the law with impunity, using political immunity to avoid investigation or prosecution. Pursuant to a 2010 ministerial directive, all police officers must file reports of net worth every three years and when they are eligible for promotion. There were no reports on compliance with this directive.

President Franco submitted his financial disclosure form on time after his term ended on August 15. Several outgoing members of Franco's administration did not file timely financial disclosure reports.

Following the inauguration of the new government, the president, vice president, the 10 ministers of the executive branch and 22 other minister-rank and high-ranking employees of the Cartes administration filed their financial disclosure forms in compliance with the constitution. As of September 6, the GAO reported that six governors had not filed their financial disclosure forms, while 11 others presented them on time.

Public Access to Information: Although the constitution provides for overall public access to government information, citizens and noncitizens, including foreign media, had limited access to government information. There is no law to implement effectively the constitutional guarantee, nor does any legal framework exist regarding processing times, fees, criminal or administrative sanctions for noncompliance, appeals mechanism for reviews of disclosure denials, or lists of exceptions outlining the grounds for nondisclosure. Insufficient infrastructure and

systemic incentives to hide corruption hindered access, although the executive branch improved transparency by publishing information publicly via the internet.

In late August the *Ultima Hora* newspaper requested that the Chamber of Deputies' president, Bartolome Ramirez, publicly disclose the list of names, rank, and salary of all the employees working for the Chamber of Deputies, a request echoed by Deputies Dionisio Amarilla and Edgar Acosta on September 13. Subsequently much of this information was leaked to the press. It indicated that hundreds of public employees in the Chamber of Deputies acquired their positions through nepotism and received lavish salaries and multiple compensatory bonuses. Some collected multiple salaries, claiming that they performed more than one job simultaneously.

On October 5, the Supreme Court ruled that the municipality of San Lorenzo was required to release information regarding its public employees. Soon afterwards the judicial branch, the presidency, and almost all government ministries disclosed information on their public employees and their salaries, bonuses, and extraordinary compensation. In late October the Chamber of Deputies and Senate finally disclosed information on the salary and bonus compensations of congressional employees. At year's end 39 government institutions, including ministries, state-owned companies, and local and state entities had disclosed information on the names of their employees and their salaries.

### **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, International Labor Organization (ILO), and UN Children's Fund (UNICEF), operated generally 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 cooperated with international human rights groups, humanitarian NGOs, and international governmental organizations and regularly permitted visits by their representatives.

Government Human Rights Bodies: Although the term of Ombudsman Manuel Paez Monges, the country's primary human rights advocate, expired in 2006, he continued to serve because the Chamber of Deputies had yet to vote for a replacement among a slate of candidates selected by the Senate in August 2011. The ombudsman employed approximately 163 lawyers and support personnel. Human rights organizations, victims of the Stroessner dictatorship, and several congressional members strongly criticized Monges for what they considered ineffective handling of more than 20,000 backlogged compensation cases for victims of the Stroessner dictatorship. His office lacked independence and initiative, published no significant reports during the year, and had not issued an annual report on human rights to Congress since 2005.

The Senate Committee on Human Rights made frequent fact-finding trips within the country, including visits to several prisons, and issued its latest report in June 2012. Human rights NGOs criticized the committee for lacking initiative and objectivity in the investigation of human rights cases.

The National Commission against Torture has the legal prerogative to visit and inspect, without judicial authorization, any prison, police station, military installation, children's shelter and retirement home. Its six members were selected in December 2012. During the year the NCT visited several jails, correctional institutions, and military bases. It participated in several public hearings on hazing against cadets.

In March the NGO Coalition for Childhood and Adolescence filed a complaint with the NCT listing acts of physical abuse against children in the privately run orphanage Hogar la Compasion in the city of Limpio. Subsequently, the NCT led a commission consisting of members of the Secretariat of Children and Adolescents (SNNA), the Human Rights Unit of the Supreme Court, and several judges and police officers. The intergovernmental commission rescued 14 children and closed the shelter, which did not have municipal permits to operate. Several previous SNNA audits had recommended closing the shelter, but authorities had taken no action, despite findings of physical abuse and neglect. The owner of the shelter, Damaris Gonzalez, an employee of the National Police, was charged with physical abuse of children. The inspection was NCT's first of a children's shelter. NCT authorities subsequently stated they intended to inspect all 62 shelters and orphanages in the country. The NCT carried out a similar inspection at the Municipal Children's shelter but found no irregularities.

## Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

The constitution prohibits discrimination based on race, gender, disability, language, or social status, but it was not effectively enforced. Women, LGBT persons, indigenous persons, and persons of African ancestry also faced discrimination. The country has no comprehensive law against discrimination, which undermined enforcement of the constitutional clause against discrimination and the protection and restitution for victims of discrimination and societal abuses.

### Women

**Rape and Domestic Violence:** The law criminalizes rape, including spousal rape, and provides penalties of up to 10 years in prison for rape or forcible sexual assault. If the victim is a minor under the age of 18, the sentences range from three to 15 years. According to the Public Ministry, rape continued to be a significant and pervasive problem, including reports of minors who were drugged and gang raped. The government generally prosecuted rape allegations and sometimes obtained convictions; however, many rapes went unreported due to fear of stigma or retribution. The Public Ministry lacked a specialized unit for cases of gender violence and abuse of children and adolescents. The Public Ministry's antitrafficking specialized unit was at times assigned cases, but it lacked sufficient resources.

Police were responsive but generally did not prioritize acting on rape reports. During the year police received 453 rape complaints, of which 331 were solved. Of all complaints received, 266 cases involved minors; of these, 179 cases were resolved. Also during the year, the Public Ministry reported 836 cases of rape and 456 cases of attempted rape.

Although the law criminalizes domestic violence, including spousal abuse and psychological violence, and stipulates a penalty of two years in prison or a fine for those who are convicted, it requires that the abuse be habitual and that the aggressor and victim be "cohabitating or lodging together" before it is considered criminal. Judges typically fined those convicted but began sentencing offenders to jail to ensure the safety of the victim. 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 for results. Domestic violence was common, and thousands of women received treatment for injuries sustained in domestic altercations.

No unified official statistics accurately tracked the number of reported cases of domestic violence. During the year the Attorney General's Office registered 5,670 cases of domestic violence. Women were identified as victims in three-quarters of these cases. The National Police registered 865 complaints of domestic violence.

The Ministry of Women's Affairs (MWA) took actions to combat the problem, including promoting the national 24-hour telephone hotline for victims of domestic violence. As of October 31, a total of 11,774 women called the hotline.

The National Police oversaw seven domestic violence units throughout the country, staffed with approximately 123 police officers and administered from existing police stations in Asuncion (three units), Villeta, Encarnacion, Nemby, and Villarrica. From January to September, the domestic violence units received 5,493 complaints and helped 2,298 victims. One domestic violence unit in Asuncion provided psychological counseling in 483 cases and legal counseling in 782 cases.

From January through October, the MWA received and monitored 2,750 complaints of domestic abuse (including 634 for physical beating, 1,253 for psychological attacks, 106 for sexual abuse, and 619 for failure to provide economic support, compared with a total of 1,050 domestic abuse complaints in 2012. Each individual can report more than one type of domestic abuse complaint. There were 1,850 individuals who filed complaints, of which 1,069 were new cases and 781 were continuing cases from previous years. The MWA offers domestic violence victims information, counseling, and psychological and legal support.

The MWA operated a shelter for female victims of trafficking or domestic violence in Asuncion, which had hosted 49 women and 58 children as of October. The ministry also coordinated victim-assistance efforts, public outreach campaigns, and training with the National Police and healthcare units. The MWA, the Public Ministry, and women's NGOs provided health and psychological assistance, including shelter, to victims. From January to October, the MWA's shelter received 16 female trafficking victims. From January to October, its National Reference centers assisted 11 adolescents and 18 adult trafficking victims. The MWA and the Public Ministry also provided victim-assistance courses for police, health-care workers, and prosecutors. In 2012 the MWA, with the financial support of the Andean Fund, assisted 15 trafficking victims in reinsertion and rehabilitation programs. During the year the program assisted nine additional women. Most of the women received small-business support, training, and microloans.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine; however, sexual harassment remained a widespread problem for many women, especially in workplace environments. Prosecutors found sexual harassment and abuse claims difficult to prove because of victims' fear of workplace retaliation and societal pressures against victims, many of whom dropped their complaints or were unwilling to continue cooperating with prosecutors.

On August 22, however, a trial court sentenced the mayor of Itapua Poty, Mauro Ramon Escalante Godoy, to three years in prison for sexual harassment and extortion of a female municipal employee in 2011. The court granted a compensation of 15 million Gs (\$3,300) to the victim.

Some complaints were settled privately without involving prosecutors. Police statistics, for example, reported only one complaint filed during the year, and this case was cleared by investigators.

Reproductive Rights: Couples and individuals have the right to decide freely the number, spacing, and timing of their children, and they had the information and means to do so free from discrimination. The government provided access to information on contraception and skilled attendance at delivery and in postpartum care. According to the 2013 UN Population Fund (UNFPA) report, the maternal mortality rate was 99 deaths per 100,000 live births, with approximately 85 percent of births attended by skilled health personnel as of 2012. As of 2011, 70 percent of women ages 15-49 reportedly use a modern method of contraception. Reproductive health services were concentrated in cities, and rural areas faced significant gaps in coverage.

Adolescent pregnancy continued to be a problem. The UNFPA reported that 20 percent of all pregnancies occurred between the ages of 10 to 14. The UNFPA also reported that approximately 2 percent of all maternal deaths corresponded to adolescents 10 to 14 years old.

Discrimination: Women generally enjoyed the same legal status and rights as men, including a law mandating equal pay for equal work; however, gender-related discrimination was widespread. Women experienced more difficulty than men did in employment and occupation. Women generally obtained employment as domestic workers, secretaries, sales staff, and customer service representatives. The MWA promoted the rights of women and sponsored programs intended to

give women equal access to employment, social security, housing, credit, ownership of land, and business opportunities.

The government's General Directorate of Statistics, Surveys, and Censuses (DGEEC) reported unemployment levels of approximately 9 percent for women and 7 percent for men. The DGEEC statistics from 2012 indicated women in the private sector earned, on average, approximately 92 percent of the monthly pay of their male counterparts for similar jobs. On the other hand, the World Economic Forum's *2013 Competitiveness Report* indicated that on average women earned 59 percent of men's wages for comparable work.

## **Children**

Birth Registration: 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 conveys to all nationals who attain the age of 18 as well as to older individuals when they are naturalized. Birth certificates and national identity papers are a prerequisite for citizens to access government services, including obtaining a passport. There were reports of high levels of false birth certificates, which in turn led to the production of other false identity documents. The MJT's aggressive program to reduce the number of citizens with no birth certificate or national identity papers decreased that number to 5 percent as of August 2013.

Education: Education is free, compulsory, and universal from kindergarten through twelfth grade. According to the government, girls from rural families tended to leave school at a younger age than boys. Government-funded or subsidized school buses or other public transportation were scarce in rural areas. Approximately 10 percent of children from poor families did not have access to schooling, due to a lack of funds or early entrance into the workforce.

Child Abuse: The Coalition for the Rights of Children and Adolescents and the SNNA stated that violence against children was widespread and equally prevalent among rural and urban families. Authorities often did not act on complaints of child abuse. The National Police received 11 complaints of child abuse, of which 10 were resolved. The Public Ministry's Office reported 757 cases of child abuse during the year.

Government shelters for abused children were nonexistent. Local Catholic charities operated several children's homes and orphanages in several locations. In

many cities the municipal council for children's rights assisted abused and neglected children, but many municipal councils suffered from high turnover, inadequate funds, and a lack of trained professionals.

According to the SNNA and the NCT, there were approximately 62 children's shelters in Paraguay, which housed more than 2,000 children. The SNNA worked with UNICEF to strengthen the child protection system and improve government receptiveness to claims of abuse.

Forced and Early Marriage: The minimum legal age for marriage is 16, and parental consent is required for those 14 to 16 years old. Marriage for those younger than 14 is permitted only with judicial authorization under exceptional circumstances. Approximately 18 percent of women were married or in union before age 18. Unions for those younger than 18 were more common in indigenous and rural populations. There were no reports of forced marriage.

Sexual Exploitation of Children: Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many children were forced into prostitution or domestic servitude 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 of consent 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. The penal code prohibits the production, distribution, and possession of child pornography. Production of pornographic images of children 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.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For country-specific information see the Department of State's report at [http://www.travel.state.gov/abduction/country/country\\_5820.html](http://www.travel.state.gov/abduction/country/country_5820.html).

## **Anti-Semitism**

The Jewish community has fewer than 1,000 members. There were isolated reports of anti-Semitic acts, such as graffiti. On August 1, the NGO Coordinating Forum for Countering Anti-Semitism reported graffiti with Nazi content in a neighborhood in Asuncion.

## **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

## **Persons with Disabilities**

The law nominally prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, public transportation, access to health care, or the provision of other state services. The law generally does not mandate accessibility for persons with disabilities, and most of the country's buildings remained inaccessible. In 2011 the municipality of Asuncion approved an ordinance establishing architectural requirements for accessibility to buildings and on sidewalks, as well as fines for lack of compliance. Subsequently, Asuncion, San Lorenzo, and the National University of Asuncion began to improve accessibility in public sidewalks and in public buildings. In July 2012 the National Directorate for Public Procurement modified its bidding terms to include clauses to ensure accessibility in the future building of public construction projects.

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 mandates allocation of 5 percent of all available public employee positions, approximately 10,000 positions, to persons with disabilities. As of October government employees with disabilities constituted less than 1 percent of public sector employees, or approximately 1,000 employees. On August 22, Congress approved and the president signed into law a tax incentive for private companies that hire persons with disabilities.

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. No laws provide for access to information and communications. The DGEEC 2012 National Census's preliminary results found that 12 percent of the

population had some form of disability, a significant increase from 1 percent in previous censuses.

The National Secretariat for the Rights of Persons with Disabilities is responsible for legally confirming disability status.

### **Indigenous People**

The law provides indigenous people the right to participate in the economic, social, political, and cultural life of the country; however, the government did not always effectively protect those rights. Discrimination coupled with a lack of access to education, health care, shelter, and sufficient land hindered the ability of indigenous persons to progress economically while maintaining their cultural identity. Guarani, the most commonly spoken traditional indigenous language, is recognized as the country's second official language and is spoken by approximately 76 percent of the population, according to the 2002 census. The actual percentage is probably higher, since the DGEEC methodology asked only those older than five years to state the languages they spoke. The law protecting the property interests of indigenous persons was not always respected.

According to a DGEEC census of indigenous population published in July, the indigenous population numbers 115,944, spanning 17 different indigenous groups in 531 communities, 241 villages, and 54 family nuclei. A 2008 census estimated that 39 percent of the indigenous population over age 15 were illiterate and approximately 48 percent were unemployed. According to the DGEEC, the average monthly income of the indigenous population in 2008 was approximately half that of the non-indigenous population. According to the UN High Commissioner for Human Rights, although indigenous peoples composed only 2 percent of the population, the majority of the population was partly of indigenous descent.

Indigenous populations made up a more significant percentage of the population within the Chaco region, and communities there often had a more difficult time accessing government institutions and judicial services and often faced political and economic exclusion. On March 1, several Ayoreo and Guarani-Nandeva tribes held protests that blocked major roads in Central Chaco in response to irregular government sales of ancestral indigenous lands and local conflicts with ranchers over land rights disputes.

Indigenous workers engaged as laborers on ranches earned low wages, worked long hours, were paid infrequently or not at all, and lacked medical or retirement benefits. This situation was particularly severe for indigenous persons engaged as laborers on ranches and estates in the Chaco region.

INDI, the Public Ministry, the MJT, and the Ombudsman's Office are responsible for protecting and promoting indigenous rights. INDI lacked funding to purchase land on behalf of indigenous persons and required them to register for land at its office in distant Asuncion.

The law authorizes indigenous persons to determine how to use their land, leading many of them to transfer or rent their land to non-indigenous persons, some of whom illegally harvested fish or deforested the lands to facilitate cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands, and few indigenous communities held title to their ancestral lands. This often resulted in conflict between indigenous communities and large landowners in rural areas, which at times led to violence.

The indigenous group, Pai Tavytera, from Bella Vista, Amambay, requested police protection from drug traffickers, who since August 2011 had killed at least five Pai Tavytera witnesses to drug-trafficking operations. In December 2012 police arrested Julio Cesar Rojas Vadora, the former mayor of Bella Vista and former interim governor of Amambay, who allegedly led one of the operations that resulted in the death of a Pai Tavytera member in 2011. The Prosecutor's Office opened an investigation, and the case was pending at year's end.

CODEHUPY documented widespread trafficking in persons, rape, sexual harassment, and physical abuse among women in indigenous communities. Perpetrators were often neighboring workers and employers from ranches and agricultural establishments.

A 2012 Amnesty International report cited "wide international recognition of the fact that Indigenous Peoples in Paraguay suffer serious and systematic violation of their rights." The Committee on the Economic, Social, and Cultural Rights; the UN Permanent Forum on Indigenous Issues; the ILO; the UN special rapporteur on indigenous peoples; the IACHR; and the Inter-American Court of Human Rights expressed concern about the land rights of indigenous people in the country. NGOs such as Tierraviva, CODEHUPY, the Catholic Bishops' Conference, and the Coordinator for the Self-Determination of Indigenous Peoples (Coordinadora

por la Autodeterminacion de los Pueblos Indigenas, or CAPI) criticized indigenous people's displacement from their tribal lands.

In her 2011 visit to the country, UN Deputy High Commissioner for Human Rights Kyung-wha Kang called for passage of legislation to clearly define land rights and distribute land to the indigenous population. She also recommended implementing a prior consultation process so that indigenous communities would be properly consulted before the development of extractive and national development projects, such as hydroelectric dams. The UN Committee on the Elimination of Racial Discrimination called on Paraguay in 2012 to protect indigenous people's rights, especially in regard to land claims. The UN reiterated its concerns on these issues in June, noting that the government had made progress on these issues.

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

No laws explicitly prohibit discrimination against LGBT individuals in employment, housing, statelessness, access to education, or health care, and all types of such discrimination, including societal discrimination, occurred frequently. CODEHUPY reported widespread police harassment and discrimination against LGBT individuals.

Penalties for sex with a minor between the ages of 14 and 16 are more severe if the victim and perpetrator are of the same sex. Same-gender perpetrators are subject to up to two years in prison; the maximum penalty for opposite-gender perpetrators is a fine. In September 2012 the NGO Somos Gay filed a complaint asserting police harassed and illegally detained homosexual minors caught kissing in the street. On August 3, a security guard from the shopping mall Multiplaza expelled a lesbian couple for holding hands and kissing in public but did not expel other couples.

Nadine, a transvestite sex worker, was shot and killed in Fernando de la Mora by unknown persons driving a pick-up truck, according to witnesses on July 22. LGBT rights organization filed a police complaint, but by the end of November, the Prosecutor's Office had not opened an investigation into the case.

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

Panambi and other LGBT rights NGOs denounced the torture and killings of more than 50 transvestite sex workers between 1989 and 2013. Panambi reported 12 cases from 1989 to 1999 and 38 cases from 1999 to the present, with the latest killing occurring on July 22. LGBT NGOs accused the Prosecutor's Office of conducting cursory investigations with no tangible results.

In October, 400 advocates of LGBT rights marched in Asuncion demanding greater government recognition for LGBT persons and the investigation of killings targeting the transgender population. There were no reports of harassment during the event. The government's National Secretariat of Culture declared the march of "national cultural interest."

LGBT rights groups expressed concern when then presidential candidate Horacio Cartes compared gay people to "monkeys" and said he would shoot himself if he were to learn that his children were homosexual.

In January 2012, a young lesbian woman was robbed while at a club. She was approached by a police patrol car, which she believed would escort her to the police station to file a complaint. Instead, two male police officers drove her to a park and raped her while a third female officer filmed it with the victim's phone. The victim filed a complaint at the Prosecutor's Office and the press reported it, but there was no action taken on the case, and the victim subsequently reported harassing and threatening phone calls.

### **Other Societal Violence or Discrimination**

During the year persons claiming to be EPP members carried out 10 separate attacks in which three police officers were killed and 10 others were injured.

CODEHUPY noted that individuals with HIV/AIDS faced discrimination as well as societal intimidation in health care, education, and employment. On May 9, the Center for Complaints of HIV/AIDS and Human Rights reported that from December 2011 to December 2012, it received 312 complaints of discrimination based on HIV/AIDSs. From January to April, the center received an additional 123 complaints. The NGO specified that 55 percent of the complaints received during the year corresponded to discrimination based on sexual orientation, serological state, demand for HIV testing, gender identity, violation of the right to intimacy, and abuse of authority. The NGO refers complaints to the Public Ministry and National police for investigation. The center also established a hotline to receive complaints.

The law prohibits discrimination based on HIV/AIDS serological state and protects the privacy of medical information. The law also specifically prohibits employers from discriminating or harassing employees based on their serological state. A 2009 MJT resolution also forbids employers from requiring HIV testing prior to employment, but many companies did not follow this norm.

On May 28, the NGO Somos Gay, with the support of the AIDS Health Foundation, inaugurated the first men's health clinic, with a special emphasis on the prevention and treatment of HIV/AIDS. According to press reports, although the health clinic originally opened with a focus on the LGBT community, most of the patients were heterosexual. On September 8, the clinic tested more than 250 military personnel and provided information sessions to another 400.

CODEHUPY noted that minorities of African ancestry, "Afro-Paraguayans," also faced discrimination and racism.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law, including related regulations and statutory instruments, provides for the right of workers to form and join independent unions (with the exception of the armed forces and the police), bargain collectively, and conduct legal strikes. The law prohibits binding arbitration and retribution against union organizers and strikers. The law prohibits anti-union discrimination but does not require reinstatement of workers fired for union activity.

There are several restrictions on these rights. For instance, the law requires that industrial unions have a minimum of 300 members to register, a requirement considered excessive by international standards. All unions must register with the MJT, and the official union registration process was cumbersome. Moreover, employers can file a writ opposing the registration, which delayed recognition. In addition, workers cannot be members of more than one union, even if they have more than one part-time employment contract. Strikes are limited to purposes directly linked to workers' occupations. Candidates for trade union office must work in the company and be active members of the union.

The MJT is responsible for enforcing labor rights, registering unions, mediating in disputes, and overseeing social security and retirement programs. There were few effective and dissuasive penalties, fines, or remedies against antiunion

discrimination. MJT inspections of anti-union discrimination to protect labor rights were rare, suffered from inadequate resources, and reportedly occurred only if requested by an aggrieved party. The MJT does not have jurisdiction to initiate or participate in anti-union litigation. Employers who fail to recognize or work collectively to bargain with a legally registered union face fines of only 50 days' wages, or a fine of approximately Gs. 3.2 million (\$710). Employers who blacklist employees face fines of only 30 days' wages, or approximately Gs. 1.9 million (\$425). These penalties were not sufficient to deter violations. The government did not always effectively enforce these provisions.

The government often failed to prevent retaliation by employers who took action against strikers and union leaders. Procedures were subject to lengthy delays, mishandling of cases, and corruption. The government's Vice Ministry of Labor often intervenes, at the parties' request, as a voluntary arbiter in labor disputes. Although the formal union registration process often took more than a year, the MJT typically issued provisional registrations within weeks of application to allow new labor unions to operate. Unions with provisional registrations had no restrictions and had the same rights and obligations as other unions.

Freedom of association and the right to collectively bargain were not always respected. While union workers from the steel and maritime industries were unionized and often received relevant legal protections; most workers, including farmers, ranchers, and informal sector employees, did not participate in labor unions. Many of these workers were members of campesino (farm worker) movements. Private-sector worker organizations operated independent of the government and political parties.

Anti-union discrimination occurred. Union organizers experienced harassment and dismissal for union activities, and some workers chose not to protest due to fear of reprisal or expectations of government inaction.

On July 23, Vanguardia, S.A., a transportation company that operates a bus line in Asuncion, dismissed eight employees after they alleged the company forced them to work long hours and did not provide required social security and overtime payments. In August, 60 employees began a strike, some crucifying themselves and others initiating a hunger strike. Public pressure forced the Labor Vice Ministry to increase inspections of the company and fine the company for noncompliance. On September 28, the strike ended after an agreement that reinstated seven of eight dismissed employees.

In July 2012 the multinational private security firm PROSEGUR fired 327 employees belonging to the SITEPROPASA union (composed of PROSEGUR employees) after they returned to work following a 12-day legal strike demanding fair compensation for hazardous and overtime work. The fired union employees filed a restitution lawsuit against PROSEGUR's Paraguay operations. At year's end, despite mediation in progress, the company had not reached an agreement with the fired employees.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce such laws. The MJT did not conduct inspections focused solely on forced labor and lacked adequate resources to carry them out, especially in remote areas where such labor was more prevalent. The December 2012 law prohibiting all forms of human trafficking mandates sentences of up to 20 years in prison for those found guilty of forced or compulsory labor. The minimal enforcement and resulting penalties were insufficient to deter violations.

The government's Commission on Fundamental Rights at Work and the Prevention of Forced Labor, in partnership with funding from an NGO, undertook several public awareness campaigns on forced labor and labor rights aimed at indigenous communities in the Chaco region. The commission continued working with the Pai Puku radio station to broadcast information on labor rights and forced labor in common indigenous languages to indigenous communities in the Central Chaco. An MJT representative attended weekly Pai Puku radio shows and responded to on-air calls about labor issues.

Forced labor occurred. NGOs, indigenous organizations, CUT-A (a national trade center union) and international indigenous organizations, NGOs, the ILO, and unions denounced cases of indigenous workers in the Chaco region working under forced labor or debt-bondage conditions. Workers were either not paid at all, paid in kind with substandard food items, or left to purchase goods at debt-inducing prices at a company store.

From January to July, the MJT investigated 60 allegations from unions that forced labor and debt bondage continued to exist in the Chaco region in the agricultural and livestock sectors, the MJT performed inspections in the Chaco. The MJT did not directly confirm instances of debt bondage but did not dismiss the possibility that it may continue to exist. This situation was severe for women in domestic service, many of whom were not compensated for their work and faced abuse.

There were some reports of forced child labor, particularly in domestic service (see section 7.c.).

Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for formal, full-time employment is 18. Adolescents between the ages of 14 and 17 can work if they have a written authorization from their parents, attend school, do not work more than four hours a day, and do not work more than a maximum of 24 hours per week. Adolescents between the ages of 16 to 18 who do not attend school may work up to six hours a day, with a weekly ceiling of 36 hours. The law also permits "light work" for children between the ages of 12 and 14. The government had not adopted regulations governing the nature and conditions of the light work permitted for children between ages 12 and 14.

The government did not effectively enforce laws protecting children from exploitation in the workplace. The MJT is responsible for enforcing child labor laws, and the Public Ministry prosecuted some violators. The maximum administrative penalty for employing a child under the age of 14 is Gs. 3.25 million (\$720). The law stipulates that employers who employ adolescents between 14 and 17 under hazardous conditions will pay the maximum administrative penalty of Gs. 3.25 million (\$720). Penalties for employing persons in hazardous conditions or coercing persons to work range from three to five years in prison but were insufficient to deter violations.

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.

The National Secretariat of Children and Adolescents continued to administer the "Hug" program to assist families with children at risk of working in the streets, which as of November covered 66,096 children, including 745 children up to five years old. The program covered 33 districts in 11 departments and included 41 service centers. The Hug program also included monetary transfers to 1,911 families and in-kind food deliveries to another 1,171 families. The SNNA's

2012-13 Summer Operation programs brought 218 children of street workers into shelters when school was not in session.

The Secretariat for Social Action (SAS) administered the Well-being (Tekopora) program that paid parents (including those of working children) a monthly stipend to send their children to school as well as have them vaccinated and undergo regular health checks. As of November, 80,678, for a total of 444,776 individuals, were assisted by the program, including 210,114 children and adolescents.

SAS also operated another social program called Tekoha, which provides housing assistance for impoverished families and their children. A 2013 Tekoha program survey of 33,889 families determined that women were the head of household in 67 percent of the families and that 13,000 of those families received assistance under the SAS program.

Child labor was a problem, particularly in sugar, brick, and lime manufacturing, domestic service, and agricultural sectors. A 2011 quantitative study on child labor in the sugarcane sector estimated that children constituted more than 25 percent of the sugarcane workforce, and approximately one of four of those children suffered, on average, injuries twice a year while working. In 2012 the SNNA released its findings from its first national study on child labor, which covered the cities of Concepcion, Vallemi, and Tobati where child labor was most prevalent. The report concluded that 62 percent of the children in Vallemi began working between the ages of seven and 12, that 55 percent of children in Concepcion began working between ages nine and 11, and 62 percent of children in Tobati began working between ages four and six, while 38 percent began working at ages seven and eight.

Children, primarily boys, worked in the manufacturing and agricultural sectors (including sugar, cotton, beans, soy, sesame, wheat, peanuts, and stevia production) and in the hotel, restaurant, and transportation industries. Children also worked as vendors in markets. According to UNICEF and the SNNA, an estimated 60,000 children, primarily girls, worked as domestic servants and received no pay. In exchange for work, employers promised child domestic servants room, board, and financial support for school. Some of these children were victims of forced child labor, did not receive pay or the promised benefits in exchange for work, were sometimes subject to sexual exploitation, and often lacked access to education.

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. Children were used, procured, and offered to third parties for illicit activities, including commercial sexual exploitation (see also section 6, Children), sometimes with the knowledge of parents and guardians, who received remuneration. Some minors worked as drug smugglers along the border with Brazil as part of criminal syndicates.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The mandatory national minimum wage was approximately Gs. 1.6 million (\$355) per month. According to the DGEEC surveys, the per capita monthly income was approximately Gs. 970,000 (\$216). According to a 2011 DGEEC study, the poverty income level was Gs. 438,954 (\$98) per month, and the extreme poverty income level was Gs. 284,088 (\$63) per month. The law discriminates against domestic workers, who are legally entitled to only 40 percent of the minimum wage, and mandates that housing and food be counted towards a domestic worker's salary.

The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one day of rest. The law also mandates at least one 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. There are no prohibitions of, or exceptions for excessive compulsory overtime. Domestic workers were discriminated against; they had 12-hour workdays, were not eligible for overtime, rested only one day per week, were not entitled to publicly provided retirement benefits, and did not attain job stability after 10 years, unlike other workers covered by the labor code.

The government sets appropriate occupational health and safety standards stipulating conditions of safety, hygiene, and comfort. Although these standards were current and appropriate for the principal industries, enforcement was inadequate.

The MJT did not effectively enforce provisions of overtime pay, the minimum wage, or limitations on hours of work in the formal or the informal sector. The

Ministry of Health did not enforce occupational safety and health regulations effectively.

The MJT employed only 43 labor inspectors in Asuncion and nine regional offices, and they inspected for all types of labor violations. The ministry also did not have sufficient vehicles to enforce labor laws in remote areas. The law stipulates a fine of 30 minimum daily wages for an employer who pays below minimum wage, but government actions to prevent violations were limited to information campaigns. The penalties were not sufficient to deter violations. As part of the government's decent work campaign in June, 24 inspectors visited 88 commercial firms in the metropolitan area covering 2,159 employees (1,369 men and 790 women). The MJT also inspected 18 transportation firms in the metropolitan area, covering 1,722 employees (1,690 men and 32 women).

The inspections confirmed that 14 percent of inspected firms had failed to register all of their employees with the MJT and many did not have social security coverage. The inspections also revealed that 18 percent of the workers inspected were not paid a minimum wage or overtime. Fourteen percent of the workers worked more than eight hours per day or 48 hours per week, 17 percent lacked collective contracts, and 23 percent did not receive annual paid vacations or receive the annual bonus of one month's salary.

Workers in the informal economy did not receive any social protections. The DGEEC estimated that the percentage of workers who received the minimum wage increased from 65.2 percent in 2012 to 72.3 percent during the year. Many employers violated provisions requiring overtime pay, particularly in the food, agricultural, and domestic services. The UNDP's 2013 Human Development and Social Security study concluded that 81.3 percent of the labor force (2,370,677) worked in informal jobs and did not enjoy retirement or health benefits. According to a 2013 survey conducted by the DGEEC, there were approximately 107,243 domestic workers, most of them women.

Information on recent workplace fatalities or industrial accidents was not available. A 2012 DGEEC study reported that 1,948 labor accidents were reported in public hospitals in 2010.