

PARAGUAY 2012 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In 2008 Fernando Lugo of the Patriotic Alliance for Change won the presidency in elections considered generally free and fair. In June Congress impeached and removed President Lugo from office in a process challenged less for whether it met the country's constitutional standard for actions that could support removal and more for whether the speed of the process allowed the president to present his case, for the Congress to have meaningful debate, and for the public to have time for full reflection. As provided in the constitution, the vice president, Federico Franco, took office to complete the presidential term, which concludes in August 2013 following elections in April. Security forces reported to civilian authorities and did not become involved in the impeachment process.

The principal human rights problems were allegations of killings by security forces; harsh, occasionally life-threatening conditions in prisons; and political interference, corruption, and inefficiency in the judiciary.

Other human rights problems included frequent security force involvement in crime, lengthy pretrial detention and trial delays, and occasional harassment and intimidation of journalists, principally by organized-crime groups. Discrimination and violence in the society and government against women; children; indigenous persons; persons with disabilities; and lesbian, gay, bisexual, and transgender (LGBT) persons continued, as did trafficking in persons. Child labor and violations of worker rights also remained serious societal problems. Corruption was pervasive at all levels of government.

There was impunity for officials who committed abuses in the security forces and elsewhere in government.

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 acting under color of authority but without government knowledge killed individuals for personal gain; there was also an allegation that the killing of a political party official was

politically motivated. Some credible reports alleged that government prosecutors conspired to cover up killings by security forces.

On January 30, two unidentified men shot and killed Esteban Velasquez Marin, member of the National Union of Ethical Citizens (UNACE) party and candidate running for the city council of Zanja Pyta, Amambay. Velasquez's brother, Ramon, attributed the killing to a political dispute. In February Ramon abandoned his own campaign for mayor of Zanja Pyta due to threats on his life. The prosecutor's investigation remained pending at year's end.

On June 15, police attempts to evict approximately 150 squatters from a property in Marina Cue, Curuguaty, led to an exchange of gunfire in which six police personnel and 11 squatters were killed. A 15-year-old present at the scene (identified in the press as R.A.B.) testified that he witnessed the execution of an unarmed farmer who had surrendered. The nongovernmental Coordinator of Human Rights in Paraguay (CODEHUPY) collected statements from arrested squatters who alleged that after the shootout, two unarmed squatters who had surrendered were executed. Nine bodies of farmers were recovered on June 15, and the next day journalists and civilians discovered two additional bodies. An investigation continued at year's end.

On August 7, Aregua police officers Silvio Ruben Diaz and Quirnos Javier Estigarribia shot and killed brothers Nolasco and Gerardo Riveros. The brothers were butchering their father's cow in a vacant lot in the middle of the night. The police officers asserted that they shot the brothers in self-defense; however, the two bodies showed signs of torture, and one remained handcuffed; each body sustained five bullet wounds. The Prosecutor's Office charged both officers with aggravated murder; at year's end the officers were in pretrial detention.

On December 1, two men killed Vidal Vega in Marina Cue, Curuguaty. Vega was the secretary of the Association of Relatives of the Curuguaty Victims (ARCV) and considered by CODEHUPY as a key witness in the Curuguaty incidents. He was filing paperwork requesting that the government distribute the disputed land of Marina Cue, Curuguaty, to members of the ARCV. Vega was also a member of the Authentic Radical Liberal Party (PLRA), working closely with PLRA Deputy Andres Gimenez. Authorities arrested and jailed Panfilo Franco as a suspect, while an investigation continued at year's end.

In August Jose Valenzuela, who was charged with planning the March 2011 killing of Merardo Romero, a Colorado Party politician and journalist, surrendered to

authorities and was immediately placed under house arrest. Two other individuals, who confessed to the killing, remained in jail awaiting trial.

b. Disappearance

There were no reports of politically motivated abductions, but there were credible press reports of short-term “express kidnappings” for ransom, some of which involved police officers.

On October 25, police officers kidnapped two Brazilian tourists, Anderson Martin de Freitas and Marcos Antonio de Souza, and demanded \$10,000 for their liberation in Ciudad del Este, Alto Parana. The Tourist Police Unit and the Public Ministry intervened after being alerted by one of the tourists, who had been released to fetch the ransom. Because the tourists had been held for ransom inside the police station in the nearby city of Presidente Franco, prosecutors ordered the detention and investigation of all 30 police officers assigned to the police station. Police authorities removed police station chief, Ever Paris, from his post. Prosecutors charged three police officers: Luis Vargas Villalba, Pedro Sanabria Ortiz, and Asterio Gamarra Silvero. Authorities also charged a civilian, Nelsi Roman Fernandez, the owner of the car used during the kidnapping. The case was pending at year’s end.

In September an appellate court sentenced police officers Roberto Diaz, Carlos Balbuena, and Ernesto Ozuna to prison terms of more than 10 years for the “express kidnapping” of Guido Guzman Garcete in 2010. The appellate court judges emphasized the severity of the sentences was directly related to the perpetrators’ abuse of their position as police officers.

On May 16, five alleged members of the Paraguayan People’s Army (EPP) failed in an attempt to kidnap Rudi Paetzold Machado in Yaguarete Forest, in the department of San Pedro, according to police reports. The Prosecutor’s Office opened an investigation, which continued 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; however, many government agents allegedly employed such treatment. The Public Ministry’s Human Rights Specialized Unit opened 57 torture cases during the year, but there have been no recent convictions. CODEHUPY,

consisting of 33 nongovernmental organizations (NGOs) and civic organizations, reported widespread allegations of police torture and other abuses designed to extract confessions or intimidate detainees.

On January 31, two police officers allegedly kidnapped and tortured Cipriano Encina Casco and his wife Reina Troche near Ciudad del Este. Encina claimed the police officers beat and suffocated them with plastic bags while demanding money and stealing their vehicle. The couple reported receiving subsequent death threats from the officers against whom they filed a complaint. The Prosecutor's Office charged police officers Cesar Dario Aquino and Manuel Insaurralde Dominguez with bodily harm and injury. The case remains pending.

There were dozens of allegations of police torture following the June 15 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. The individuals alleged that they were struck (sometimes while handcuffed) and frequently threatened while being interrogated. Some of the individuals also claimed they were denied prompt medical attention for injuries. According to a press report, one of the detained peasants, a 15-year-old identified as R.A.B., alleged that after being detained, he was tortured by police during interrogation, had three rib bones broken, and was hospitalized in the Villarrica regional hospital. R.A.B. was imprisoned in the Villarrica juvenile correctional facility awaiting trial on charges of murder in connection with the events of June 15. Police Chief Pablino Rojas Vera denied the accusations of police torture.

The Public Defender's Office, CODEHUPY lawyers, and members of the Ludwig Boltzmann Institute of Human Rights reported that in an interview Judge Jose Dolores Benitez of Curuguaty acknowledged that he saw signs of torture on the peasants but did not make the complaint because he could not be both the judge and the affected party. CODEHUPY's report denounced the judge for failing to fulfill his obligation to investigate allegations of torture. CODEHUPY, on behalf of the peasants, filed complaints with the Human Rights Unit of the Public Ministry on June 18, August 14, and November 12. Prosecutor Alicia Sapriza's investigation remained pending without known developments at year's end.

On June 17, Cesar Baez Samaniego, the legal advisor of the Human Rights Division of the Prosecutor's Office, criticized the police action in Curuguaty. His office had sent three observers to Curuguaty, and they reported that police

dispatched to the scene only one-quarter the number of officers mandated by the established National Police eviction protocol.

Prison and Detention Center Conditions

Prison and detention center conditions continued to fall short of international standards. 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 15 penitentiaries held more than 7,700 inmates, 45 percent more than their design capacity of 5,300. The penitentiary in Ciudad del Este, designed to hold approximately 300 inmates, held more than 875, and the prison in Tacumbu, designed to hold 1,300, held 3,650 inmates, as reported by the Ministry of Justice and Labor (MJT). Transfers from Tacumbu to a recently refurbished prison began during the year. Tacumbu's prison population included 139 prisoners with mental illness, 66 with tuberculosis, 32 with HIV, and only 855 with firm sentences. Officials held pretrial detainees with convicted prisoners in all but two penitentiaries. Women constituted approximately 5 percent of the prison population. Prison conditions for men and women were comparable. A separate women's prison in Asuncion (one of five in the country) has a capacity of 240 but held 315 inmates and 14 children.

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

Prison officials and unauthorized prisoner leadership frequently separated inmates based on their ability to pay for better living conditions. Inmates could upgrade their accommodations for a fee ranging from 20,000 to 50 million guaranias (approximately \$5 to \$12,500).

Prisons lacked adequate security controls. 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. Visitors frequently needed to offer bribes to visit prisoners, hindering effective representation of inmates by public defenders.

There were 30 prison deaths reported during the year, including 20 at Tacumbu, the country's largest prison: inmate-on-inmate violence accounted for 10 deaths and natural causes for the remaining 20. CODEHUPY reported that inmates suffered corporal punishment, unsanitary conditions, and lack of food. Inmates had access to potable water.

Administration: Recordkeeping on prisoners was not adequate, and there were prison ombudsmen who were moderately effective. Prisoners had access to visitors and could observe their chosen religion. Prisoners have the right to submit complaints, but lack of legal guarantees and anonymity meant they could not do so without fear of retaliation from prison guards or authorities, which led many prisoners to engage in self-censorship. To address this issue, the Human Rights Office of the MJT in November instituted several pilot programs in the prisons of San Pedro and Pedro Juan Caballero. These programs provided hotlines for prisoners and family members to make complaints. The program also incorporated inmate interviews, where inmates could file complaints anonymously and with lesser possibility of retaliation. Since the program's inception, the Human Rights Office received 10 inmate complaints.

Authorities investigated credible allegations of inhumane conditions and took steps to alleviate them within the limitations of available resources.

Hearings continued in the 2010 case regarding the criminal association, rape, and child pornography charges against two inmates, the former Tacumbu prison director, and four prison guards.

Monitoring: The government permitted independent monitoring of prison conditions and granted the media, human rights groups, and diplomatic representatives access to prisons with prior coordination from the MJT. Representatives of the media, International Committee of the Red Cross, and other NGOs conducted prison visits during the year.

Improvements: Sections of the prison in Emboscada, Cordillera, were refurbished during the year, and transfers of approximately 740 prisoners from the Tacumbu to the newly renovated Emboscada prison began. As of November, 168 prisoners had been transferred.

Despite inadequate record keeping, authorities made improvements in assessing inmates' cases and releasing those who had fulfilled their sentences or minimum pretrial detention sentences.

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. There were several reports of arbitrary arrest and detention of persons without a warrant.

Role of the Police and Security Apparatus

The National Police, under the authority of the Interior Ministry, 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, under the president's authority, guard the country's territorial integrity and defend lawfully constituted authorities. The Defense Ministry, also under the president's authority but outside the military's chain of command, handles some defense matters. The law authorizes the National Antinarcotics Secretariat and the National Police's Counterterrorism and Antinarcotics 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 were not able to maintain effective control of them in all cases.

The 24,000-member National Police force was inadequately trained and funded, plagued by corruption, and shielded in significant part by impunity. 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 that went unpunished.

From February to December, authorities discharged 175 police officers involved in corruption and a variety of criminal activities, and from June to December, 522 police officers underwent disciplinary committee reviews.

There were frequent alleged incidents of police involvement in homicide, arms and narcotics trafficking, car theft, robbery, extortion, and kidnapping throughout the country, with such abuses particularly widespread in Ciudad del Este and other locations on the border with Brazil. As of August the Division of Police Justice was investigating 184 cases against police officers. Complaints against police

personnel were generally unresolved. Some prosecutors routinely conspired with police and criminal organizations to extort and blackmail individuals.

On April 18, authorities arrested police officer Osmar Dario Gonzalez Caballero on charges of raping and robbing two female victims in Asuncion and three other victims in San Lorenzo and Fernando de la Mora in 2012 and 2011; he was later charged for two killings in 2008 and 2007. The arrests took place after two rape victims and their relatives went to file a complaint at their local police station, where they encountered Gonzalez, who was reportedly the head of the criminal investigations unit. After Gonzalez was identified, his colleagues allowed him to flee, but the victim's relatives chased and detained him. The Public Ministry subsequently discovered the victims' stolen possessions inside Gonzalez's office and in his car. The police station chief, Silvio Solabarrieta Martinez, was removed and, along with other police personnel at the station, faced an administrative investigation. At year-end Gonzalez remained in prison awaiting trial.

On July 23, authorities arrested police officer Santiago Hidalgo Ayala, a member of the emergency response "911" unit, and charged him for the sexual coercion and rape of a 12-year-old girl who worked as a nanny in Ayala's home. After the girl went to a hospital, a doctor who attended her made the complaint on her behalf based on the physical evidence and the minor's testimony. At year's end Ayala was in prison awaiting trial.

Hazing in the military academy continued. In September Deputy Olga Ferreira, head of the Human Rights Committee in the lower house of Congress, disclosed a hazing complaint from military cadet Amado Gonzalez against cadet Guillermo Gonzalez. Unlike cases in preceding years, a military court ruled against Guillermo Gonzalez and expelled him from the military academy. Deputy Ferreira also alleged that Sergeant Hugo Barrios tortured and imprisoned for 15 days Adrian Acosta Sanabria, a soldier assigned to a military base in the Chaco region. Military prosecutor Ernesto Cabrera Urbieto opened an inquiry in the case, which remained pending at year's end.

The government continued efforts to punish human rights violations committed by police. Authorities incorporated the National Police "use of force" manual in the base curriculum for all cadets at the Police Academy, and National Police disciplinary rules emphasize transparency and respect for human rights.

In March 2011 the Public Ministry established a special unit to investigate and prosecute human rights abuses. The unit, consisting of four prosecutors, mostly

investigates complaints against public employees. The unit received 249 complaints of excessive use of force (compared with 261 in 2011), opened 57 cases of torture (compared with 28 in 2011), and investigated 39 cases of improper prosecution of innocents (compared with 19 in 2011). However, there were no reports of significant prosecutorial successes by year's end.

Arrest Procedures and Treatment While in Detention

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

The law allows judges to utilize "substitute measures" such as house arrest and bail in felony cases. In misdemeanor cases, judges frequently set relatively 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 representation to poor defendants. 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 Organic Law of the Public Defense Office, which came into effect on April 12, authorities reorganized the Public Defenders' Office, strengthening it and giving it legal, administrative, and budgetary autonomy within the judicial system. The Public Defender's Office has 200 attorneys. This office also established a permanent Observatory Unit on Torture and an Observatory Unit on Penal Conditions.

Amnesty International reported that on June 18, Miguel Angel Correa Franco and Marcelo Trinidad were arrested near a hospital in Curuguaty. A police statement declared that Correa was arrested at the site of the June 15 shootout in Curuguaty. However, Correa claimed he was not there when the clashes occurred and that police officers detained him as he arrived at a hospital in Curuguaty to visit a friend. Correa, an employee of the Ministry of Agriculture, alleged that he was

beaten in custody and faced death threats by the police. Video footage of Trinidad being arrested at the hospital after visiting a relative was widely distributed on the Internet; it appeared to contradict police reports that stated he was at the site of the shootout. Relatives of Correa, Trinidad, and other detained landless peasants complained they were not permitted to visit the accused.

Correa's defense lawyer requested his release on three occasions, arguing that he was elsewhere during the clash, and the local prosecutor also recommended Correa's and Trinidad's release on the grounds there was no evidence to support charges against them. Both local and appeals court judges rejected the requests, but the two were released 33 days after their initial arrest on June 18 in accordance with a judicial order.

Pretrial Detention: The law permits detention without trial for a period equivalent to the minimum sentence for the alleged crime; this could range from six months to five years, based on the nature of the crime. Approximately 70 percent of prisoners were in pretrial detention. In practice, detentions were at times arbitrarily long, and some officials held detainees beyond the maximum allowable detention time. Judicial inefficiencies and corruption in the judiciary caused significant trial delays and extended pretrial detention.

There were cases of inmates who were released long after serving the maximum allowable detention time or sentence. In September authorities released Librado Villasboa Benitez, an inmate in Tacumbu sentenced in 2003 to seven months' imprisonment for aggravated robbery, after authorities discovered he should have been released nine years earlier.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, political interference seriously compromised that independence. Judicial selection processes were highly politicized, with specific seats customarily allocated by political party. Courts remained inefficient and subject to corruption. Politicians and interested parties routinely attempted to influence investigations and pressure judges and prosecutors. There were also frequent accusations that judges and prosecutors solicited 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 whether by conspiring with judges or by filing numerous motions that slowed legal progress until their cases reached the statute of limitations. During the year Congress approved Law 4669, which 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 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 not be compelled to testify or confess guilt. Defendants have the right of access to state evidence relevant to their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens have access to the courts to bring lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, although authorities rarely granted them to citizens. The government experienced problems enforcing court orders in this arena. Citizens and organizations can appeal decisions to the Inter-American Commission of Human Rights.

Regional Human Rights Court Decisions

At year-end government negotiations continued 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. During the year the government purchased sufficient land for the Yakye Axa indigenous community under the 2005 ruling. However, the government had not set up a fund for community development or for construction of suitable roads to access the property.

Property Restitution

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. For example, in Puerto Casado, land disputes dating back to 2000 between local residents and landowner Victoria S.A. resulted in periodic clashes and damage to private property, while the government did not enforce judicial decisions and court orders to return occupied land to the landowner. Systemic failures within the judicial system also affected landholdings belonging to the government, which does not have a reliable inventory of the land it owns. In the aftermath of the June 15 Curuguaty confrontation that left 17 dead, news reports alleged that the government owned the land in dispute and had allocated it for land reform programs.

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

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

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 an undercover investigation by 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, Prosecutor Ariel Martinez, from the Public Ministry's Specialized Unit on Electronic Crimes, opened an investigation, which continued 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, on November 20, police evicted 170 indigenous members of Ava Guarani community from 1,480 acres of their ancestral lands they had recovered only 20 years ago.

The police burned 40 homes and destroyed a government-funded public school and health post. The eviction order was signed because of a repossession lawsuit filed by Paulo Ferreira de Souza, the former mayor of the nearby Brazilian border town of Sete Quedas. The indigenous leaders filed several motions to nullify the proceedings, which they considered fraudulent. The indigenous leaders accused Deputy Andres Gimenez of lobbying the judge on Ferreira's behalf.

On November 22, the same judge reversed his decision and temporarily reinstated the property to indigenous leaders, on the basis the indigenous community was not formally notified of the proceedings and was therefore unable to defend itself. The indigenous community petitioned the Magistrates Review Committee to sanction the judge who signed the order. The case remained pending at year's end.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

Violence and Harassment: Because of their reporting, journalists occasionally were subjected to harassment, intimidation, and violence primarily from drug-trafficking gangs and criminal syndicates based in departments bordering Brazil, but also from politicians.

On June 23, Marcelo Martinessi, the former director of government-owned Public TV, stated that immediately after President Lugo's impeachment concluded, that Cristian Vasquez, who claimed to be the new government's communications director, broke into Public TV's central control room. Martinessi stated Vasquez asked the station to stop broadcasting images of the open microphone that had been set up for public comment following the June 22 impeachment. Vasquez denied breaking into the premises and explained that he only requested the station's programming grid. The new government allowed the open-microphone broadcasts to continue until public interest waned and commentators stopped showing up to request the microphone.

On July 6, the government dismissed eight journalists and communications workers from state media outlets (Public TV, National Radio, and IIParaguay) and other government media offices. On September 5, the government blocked 27

journalists from entering state-owned Public TV's Asuncion headquarters and summarily dismissed them. The journalists attributed the dismissals to their opposition to President Lugo's impeachment, broadcast on the June 22 *Open Microphone* program. The government's communication director, Martin Sannemann, asserted that the dismissals involved funding shortfalls.

In January a special Brazilian counternarcotics police unit informed Candido Figueredo, a correspondent for the daily newspaper *ABC Color* in the northern department of Amambay, that traffickers had targeted him for assassination. Figueredo has been under 24-hour government protection for almost 13 years due to his reporting on drug trafficking and travelled only with armed bodyguards.

In February unknown persons sabotaged Radio Babilonia in Paso Yobai, Guaira, by cutting the wires holding the radio antenna of the station. The station owners, Luico and Guido Perez, had criticized gold miners operating illegally in the area, and previously Guido Perez had been assaulted and harassed while he conducted interviews in the region for *ABC Color*.

In October two alleged EPP guerillas attacked Radio Guyra Campana in Horqueta, Concepcion. After forcing the radio staff to leave at gunpoint, the guerillas planted bombs, two of which detonated and destroyed the control room offices and one below the radio antenna that police deactivated before it exploded. The guerillas left letters criticizing the radio owner for broadcasting government-paid advertisements offering rewards for information on EPP members. The government offered police protection for the radio and its staff, but the owner decided to curtail programming and stop broadcasting government advertising aimed at capturing the EPP.

Libel Laws/National Security: Politicians often retaliated against media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. For example, on March 15, retired general and president of 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 murder 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. Defamation is punishable by up to three years' imprisonment and significant fines.

In September a lower court acquitted *ABC Color* journalist Alberto Candia in a defamation lawsuit filed by lawyer Hiran Delgado Von Lepel, an official during the Stroessner regime. Candia had written a strongly accusatory article on Von Lepel's role during that period.

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 reported that 24 percent of individuals used the Internet and 19 percent of households had access to the Internet in 2011.

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 in practice.

c. Freedom of Religion

See Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/rls/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 in practice. The government's National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the UN's local legal representative.

Foreign Travel: Authorities on occasion barred those convicted of crimes from traveling abroad after completing their sentences.

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.

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

Temporary Protection: The government also provided temporary protection to individuals who may not qualify as refugees.

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

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

Elections and Political Participation

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

In June Congress impeached and removed President Fernando Lugo from office. The grounds for his impeachment were "poor performance of duties." Although the process followed constitutional requirements, it was characterized by extraordinary speed. The Senate granted Lugo less than 24 hours to prepare his rebuttal. Lugo filed two separate appeals with the Supreme Court, both of which the court denied. The Supreme Electoral Tribunal also recognized the validity of the impeachment. Vice President Federico Franco took office on June 22 to complete the presidential term, which concludes in August 2013. Presidential elections remained on schedule for April 2013.

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 this requirement was followed. There were 18 women in Congress (seven of 45 senators and 11 of 80 national deputies). Of 39 appeals court judges, 11 were women. Two women served on the Supreme Court and one as a departmental governor. Three women headed cabinet-level ministries (Defense, Labor and Justice and Women's Affairs, and four women held ministerial rank (Tourism, Culture, Public Service, Rights of Persons with Disabilities). In August the Secretariat for Women's Affairs became the Ministry of Women's Affairs. In the November 2010 municipal elections, 18 women won mayoral contests in the 238 races. The head of the country's largest political party, the Colorado Party, was a woman.

In May 2011 a new political party, Kuna Py Renda (Platform of Women), emerged with the aim of advocating for women's rights; 250 prominent female leaders and activists signed its founding manifesto, including five government ministers and one deputy.

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

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and some officials in all branches and at all levels of government frequently engaged in corrupt practices with impunity. 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.

The Public Ministry, under the authority of the attorney general, 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 ministry's 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.

On November 28, the government created the National Anticorruption Secretariat, responsible for coordinating and monitoring the application of public policies in matters of transparency and the fight against 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.

On November 28, the Public Service Secretariat announced the entry into force of an ethics code for the executive branch. A Commission of Public Ethics will receive and judge ethics complaints. All public servants, including senior employees, are required to adhere to this code.

In November a lower court convicted former council member Francisco Yore to 30 months in prison for bribery. Prosecutor Arnaldo Giuzzio had charged Yore for soliciting a \$34,000 bribe to favor an investment bank as the prime broker in a bond issuance in 2008.

On November 15, Deputy Sebastian Acha, of the Partido Patria Querida (Beloved Fatherland Party), denounced Governor Oscar Nunez (Colorado Party) and others, for the disappearance of \$340,000 dollars to have been spent on the One Laptop Per Child educational program in the department of President Hayes. On November 23, a GAO audit confirmed the amount was missing and advised the General Prosecutor's Office to open a criminal investigation.

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. The financial disclosure form does not require

disclosure of assets and income of spouses and dependent children and does not require officials to file periodically when changes occur in their holdings.

The law mandates that the GAO monitor and verify disclosures, but these were not 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. There are no fines or administrative sanctions for noncompliance. The General Prosecutor's Office occasionally opened investigations for inconsistencies in the same.

Filings often were late, incomplete, or misleading. In addition, many simply did not disclose their finances and engaged in corrupt practices with impunity, using political immunity to avoid 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.

The GAO reported that 14 former senior advisers and ministers of President Lugo's government did not file their financial disclosure forms after they left office in June. No sanctions were levied against them. Congressional representatives questioned discrepancies in the financial disclosure form of President Franco, who stated there was an error in the appraisal of his house and asked the GAO to audit his filing prior to its amendment.

Corruption in the security forces continued. In January the Prosecutor's Office in Curuguaty, Canindeyu, charged antinarcotics police officers Roque Jara Irala and Pedro Lezcano Benitez with aggravated extortion. According to the charges, Jara and Lezcano intercepted the car of Vicente Salinas and Carlos Cantero, detained the two individuals, and pressured them to pay a bribe of 10 million guaranies (\$2,200) in exchange for not being arrested for possession of drugs, which Jara allegedly planted in Salinas's vehicle. Relatives contacted the Prosecutor's Office, which organized a successful sting operation. Subsequently, the National Police commander ordered investigation and closure of the antinarcotics police office in Curuguaty.

On July 29, a group of 20 police officers stormed the offices of Guardian S.A., a private security and armored car company, where they held the guards at gunpoint and stole \$1,167,000. Prosecutors arrested and charged five police officers: Adan García, Braulio Machado, Ramon Chena, Patricio Garcia, and Oscar Encina. (Machado is the nephew of a former police commander, Viviano Machado.)

Civilians Diego Martínez and Ramon Lopez also were arrested. The fugitive leader of the group was Jose Lopez; other fugitives were Jose Aguiar, Nelson Fernandez, Adriano Duarte, Hugo Mereles, and Ezequiel Romero.

Although the constitution provides for overall public access to government information, in practice citizens and noncitizens, including foreign media, had limited access to government information. There is an absence of a regulatory law to implement effectively the constitutional guarantee. There is no legal framework 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 determined efforts to hide corruption hindered access, although the government improved transparency by publishing information publicly via the Internet.

Senator Jorge Oviedo Matto, president of the Senate, issued an internal resolution in December 2011 prohibiting employees from sharing information with the media without his authorization. On October 19, *ABC Color* requested that Oviedo Matto release information from 2008 to 2012 on the senators' attendance record to regular and committee sessions, number of draft bills presented, number of trips undertaken, amounts received for travel per diem, and fuel subsidies. Oviedo Matto replied that the information was available on the Senate Web site. On November 12, *ABC Color* filed a writ of constitutional remedy requesting full access to the information because the data on the Web site was incomplete. On November 28, Judge Ruben Ayala Brun denied the request, explaining, "He had to believe Oviedo Matto's word" and that "if the information on the Web site was misleading or incomplete, a prosecutor needed to intervene." Oviedo Matto eventually released some of the requested information.

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 UNICEF, operated without government restriction, investigating and publishing their findings on human rights cases. Major local NGO umbrella organizations representing many local human rights NGOs operated independently.

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 cases. 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 2011.

The National Commission against Torture, created in 2011, 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.

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 in practice. 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 recent 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 342 rape complaints, of which 198 were solved. 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 very common, and thousands of women received treatment for injuries sustained in domestic altercations.

No unified official statistics accurately track the number of reported cases of domestic violence. During the year, the Public Ministry registered 5,670 such cases in three-quarters of which women were victims, while the National Police registered 1,342 complaints of domestic violence, including 817 cases involving aggression by a common-law partner and 85 cases of aggression by husbands against wives.

The Ministry of Women's Affairs (MWA) took actions to combat the problem, including promoting the 24-hour telephone hotline, established in November 2011, for victims of domestic violence. As of August 31, 4,435 women called the hotline. On November 25, the MWA launched another public awareness campaign, "Turning Off the Tap on Violence Against Women," distributing informational pamphlets on domestic violence along with the water bills of 270,000 clients in Asuncion and 20 cities in the country's interior.

The National Police oversaw six domestic violence units through the country, staffed with approximately 64 police officers and administered from existing police stations in Asuncion, Encarnacion, Nemby, and Villarrica. From January to October 2011, the domestic violence units fielded 3,186 complaints and helped 2,509 victims.

From January to December, the MWA received 1,050 complaints of domestic abuse (including 469 for physical beating, 190 for psychological attacks, and 106 for sexual abuse), compared with a total of 1,167 domestic abuse complaints in 2011.

The MWA operated a shelter for female victims of trafficking or domestic violence in Asuncion. The MWA 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. The MWA and the Public Ministry also provided victim-assistance courses for police, healthcare workers, and prosecutors. In September the MWA organized a sensitivity training course on domestic violence best practices for 120 police officers.

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, and most complaints could be settled privately without involving prosecutors.

In May the MJT published a resolution establishing safety and health guidelines for workplaces in private and public entities, mandating them to have an explicit internal procedure for receiving and investigating sexual harassment and physical harassment complaints.

Reproductive Rights: Couples and individuals had the right to decide freely the number, spacing, and timing of their children and 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 2012 UN Population Fund report, the maternal mortality rate was 99 deaths per 100,000 live births, with approximately 82 percent of births attended by skilled health personnel as of 2010. As of 2011, 70 percent of women ages 15-49 reportedly use a modern method of contraception, despite bans by some religions on "artificial" contraception. Reproductive health services were

concentrated in cities, and rural areas faced significant gaps in coverage. Adolescent pregnancy continued to be a problem.

Discrimination: Although women generally enjoyed the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. Women experienced more difficulty finding work. Women generally obtained employment as domestic workers, secretaries, and customer service representatives. As of 2011 the Economic Commission for Latin America and the Caribbean reported unemployment levels of 8 percent for women and 6 percent for men. According to the General Directorate of Statistics, Surveys, and Censuses (DGEEC) statistics from 2011, women in the private sector earned on average approximately 73 percent of the monthly pay of their male counterparts for similar jobs, while the World Economic Forum's *2012 Competitiveness Report* indicated that on average women earned 57 percent of men's wages for comparable work. The MWA promoted the rights of women and sponsored programs intended to give women equal access to employment, social security, housing, ownership of land, and business opportunities.

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. The MJT's aggressive program to reduce the number of citizens with no birth certificate or national identity papers decreased that number to 8 percent by June 2011.

Child Abuse: Available information indicated 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 Public Ministry's Office reported 757 cases of child abuse during the year.

The Secretariat of Children and Adolescents (SNNA) funding for the NGO Grupo Luna Nueva's hostel for exploited children ended in June. The NGO Children's and Adolescents' Care and Assistance Center managed a shelter in Ciudad del Este partially supported by the SNNA, and local Catholic charities operated several children's homes and orphanages in several locations. 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.

Child Marriage: The minimum legal age for marriage is 16, except that parental consent is required for those under age 20. Marriage for those younger than 16 is permitted only with judicial authorization under exceptional circumstances. Approximately 18 percent of women were married or in union before age 18. Unions at an early age were more common in indigenous and rural populations.

Sexual Exploitation of Children: Sexual exploitation of children, principally in prostitution, was a serious problem. According to the SNNA, many underage 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 for consensual heterosexual sex is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex partners and prison for same-sex partners. Enforcement was not vigorous. 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.

Anti-Semitism

The Jewish community has fewer than 1,000 members. There were no reports of anti-Semitic acts or reports of societal abuses or discrimination based on other religious affiliation, belief, or practice.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at 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 February 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. Since then Asuncion, San Lorenzo, and the National University of Asuncion have started to improve accessibility in public sidewalks and in public buildings. In July 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 to persons with disabilities. As of December 2011, government employees with disabilities constituted less than 1 percent of public-sector employees.

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 Institute for the Protection of Exceptional People (INPRO) is responsible for legally confirming disability status. In October the executive branch signed a decree transforming INPRO into the National Secretariat for the Rights of Persons with Disabilities. The law gives the entity ministerial rank and allows it to manage its own budget and have more autonomy.

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. The law protecting the property interests of indigenous persons was not always respected in practice.

A 2008 census reported an indigenous population of approximately 108,000 and estimated that 39 percent over age 15 were illiterate while 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. During the year the DGEEC conducted a census of the indigenous populations with results to be available in 2013.

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

The National Institute of the Indigenous, Public Ministry, and Ombudsman's Office are responsible for protecting and promoting indigenous rights. However, the institute 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 persons held title to their ancestral lands.

The indigenous group, Pai Tavytera, from Bella Vista, Amambay, requested police protection from drug traffickers, who since August 2011 have killed at least five Pai Tavytera witnesses to drug-trafficking operations. On December 7, 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 November 2011.

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.

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 the crime of having 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.

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

Other Societal Violence or Discrimination

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

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, protects both private and public sector workers’ right to form and join independent unions (with the exception of the armed forces and the police), conduct legal strikes, and bargain collectively.

The law places several restrictions on these rights. For instance, it 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 in practice 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' occupation. Candidates for trade union office must work in the company and be active members of the union.

The law prohibits binding arbitration and retribution against union organizers and strikers. The law prohibits antiunion discrimination; however, courts are not required to reinstate workers fired for union activity. There were few effective and dissuasive penalties, fines, or remedies against antiunion discrimination. 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 alleged 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.

Workers exercised freedom of association and the right to collective bargaining in practice. Worker organizations were independent of the government and political parties. Union workers from the steel and maritime industries were unionized and often received relevant legal protections. Most workers, however, including farmers, ranchers, and informal sector employees, did not participate in labor unions. Many of these workers were members of campesino (farm worker) movements.

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

In November 2011 seven union representatives from a logging firm, Grupo La Victoria workers' union in Guayavbi, San Pedro, were dismissed after joining the new union formed in October. The workers decided to stage a strike in protest at the dismissals and against the precarious occupational safety conditions resulting in a very high level of accidents at the company. The MJT was asked to arbitrate, and the case was pending at year's end.

On January 20, 13 employees of Maehara S.A., producer of the Yemita brand of eggs, were fired after 27 employees started forming a union. On April 24, three union leaders of employees of the same firm, Leoncio Britez, Gustavo Jara, and

Teodoro Enciso, were briefly detained by authorities and subsequently fired, without compensation, for trying to unionize Maehara S.A.'s workforce. The Vice Ministry of Labor canceled the union's registration, at the request of the owners of Maehara S.A.

On July 30, the multinational private security firm PROSEGUR fired 327 employees belonging to the SITEPROPASA union, after they returned to work following a 12-day legal strike demanding fair compensation for hazardous and overtime work. The strike had ended after the MJT offered to mediate and PROSEGUR called for a negotiation on July 27. The fired union employees filed a restitution lawsuit against PROSEGUR's Paraguay operations.

b. Prohibition of Forced or Compulsory Labor

The law prohibits transnational forced or compulsory labor. In December a new law against domestic trafficking in persons was approved that prohibits domestic forced labor and penalizes forced labor within the country. The government did not effectively enforce such laws, and there were reports that forced labor occurred in practice.

The government's Commission on Fundamental Rights at Work and the Prevention of Forced Labor undertook several public awareness campaigns on labor rights aimed at indigenous communities in the Chaco region, which included raising awareness on forced labor. Under the MJT's Decent Work campaign, the commission worked with the Pai Puku radio station to broadcast information in Guarani and Nivacle on labor rights and forced labor to indigenous communities in the Central Chaco.

The MJT's regional office in the Chaco attended 96 cases during the year. Following allegations from unions that forced labor and debt bondage continued to exist in the Chaco region in agricultural and cattle raising, 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.

The ILO, indigenous organizations, and NGOs continued to report instances of debt bondage primarily of men, but also of some older children, on the estates and ranches of the Chaco region. Receiving little to no wages, some indigenous workers allegedly contracted debts with their employers, who advanced them pay to meet the cost of food and clothes as well as of sending their children to school. This situation was severe for women in domestic service, many of whom were

reportedly 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.

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 so long as 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 worked. The law also permits "light work" for children between the ages of 12 and 14. The government has not yet 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 violators. The maximum administrative penalty for employing a child under the age of 14 is 3.25 million guaranies (\$715). The law stipulates that employers who employ adolescents between 14 and 17 under hazardous conditions will pay the maximum administrative penalty of 3.25 million guaranies (\$715). Penalties for employing persons in hazardous conditions or coercing persons to work range from three to five years in prison.

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 (Abrazo) program to assist families with children at risk of working in the streets, which as of December covered 5,533 children, including 700 children up to five years old. The program covers 23 districts in nine departments and includes 42 service centers.

The Secretariat for Social Action administered the Well-being (Tekopora) program that paid parents (including those of working children) a monthly stipend to send their children to school, have them vaccinated, and attend to regular health checks.

Approximately 109,000 families have registered with Tekopora. The SNNA's Summer Operation and Winter Operation programs brought 699 children of street workers into shelters when school was not in session. The government continued to operate a similar program for indigenous families, providing shelter and support to approximately 700 families, comprised of 3,774 individuals (of whom 1,320 were children 14 and younger), in rural indigenous communities.

Child labor was a problem, particularly in sugar, brick and lime manufacturing, domestic service, and agricultural sectors. In June 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. Surveys in 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. A 2011 quantitative study on child labor in the sugarcane sector estimated that children comprised more than 25 percent of the sugarcane workforce, and approximately one out of four of those children suffered, on average, injuries twice a year while working.

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. However, 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.

d. Acceptable Conditions of Work

The mandatory national minimum wage was approximately 1.6 million guaranías (\$375) per month; the per capita monthly income was approximately 970,000 guaranías (\$236). According to the DGEEC, the poverty income level was \$127 in urban areas and \$79 in rural areas. The law discriminates against domestic workers, who are legally entitled to only 40 percent of the minimum wage. The law mandates that housing and food be counted towards 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 allows an annual bonus of one month's salary and a minimum of 12 and a maximum of 30 vacation days per year, depending on years of service. The law requires overtime payment for hours in excess of the standard. 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 occupational health and safety standards stipulating conditions of safety, hygiene, and comfort.

The MJT did not effectively enforce the minimum wage or limitations on hours of work in the formal or the informal sector. The MJT also failed to enforce provisions for overtime pay, and the Ministry of Health did not enforce occupational safety and health regulations effectively.

The MJT employed only 43 labor inspectors in Asunción and nine regional offices, and they inspected for all types of labor violations; it needed more inspectors to enforce labor law effectively. The MJT 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. In June 2011, the most recent data available, as part of the government's decent work campaign, 13 inspectors visited 62 firms (44 urban and 18 rural) where they inspected 808 employees. They confirmed that 76 percent of employees were

registered with the MJT and had social security coverage. Workers in the informal economy did not receive any social protections.

The DGEEC estimated that the percentage of workers who did not receive the minimum wage decreased from 46 percent in 2010 to 37 percent by 2011. Many employers violated provisions requiring overtime pay, particularly in the food service and agricultural industries and domestic service. A 2011 DGEEC survey concluded that 22 percent of the labor force was comprised of workers in the informal economy, or 708,000 workers. According to a 2009 survey conducted by the DGEEC, there were approximately 190,000 domestic workers, of whom 94 percent were women.

The Committee for the Prevention of Work Place Accidents of the Social Security Institute was created in August. Credible data on workplace accidents were unavailable.