

PARAGUAY

EXECUTIVE SUMMARY

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

The principal human rights problems were killings by police or government officials; harsh, occasionally life-threatening conditions in prisons; and political interference, corruption, and inefficiency in the judiciary.

Discrimination and violence against women; indigenous persons; persons with disabilities; and lesbian, gay, bisexual, and transgender (LGBT) persons continued, as did trafficking in persons. Exploitation of child labor and violations of worker rights also remained serious problems.

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

The government did not commit any politically motivated killings, but there were accusations of a politically motivated killing by an official of one of the major political parties.

On March 4, three unknown assailants killed National Republican Association (Colorado) party politician and radio journalist Merardo Alejandro Romero Chavez at his home in Itakyry. Romero's supporters contended that the killing was linked to fellow Colorado party member and former mayor Miguel Angel Soria, who was running against Romero in the March 13 primary elections for local party leader. A police investigation continued at year's end, and the prosecutor ordered the "preventive detention" of Romero's chief political advisor, Jose Valenzuela.

There were reports that some security forces acted in their official capacity but without government knowledge or support to kill individuals for personal gain. Some of those reports alleged that government prosecutors conspired to cover up the killings.

On August 21, subofficial Fermin Delvalle Carreras shot and killed Rafael Sanabria Amarilla, 20, after a police roadblock in Hohenau, Itapua Department, stopped the car in which Rafael and his friends were traveling. The occupants were forced to leave the car, kneel, and were frisked. Rafael was shot in the back while kneeling and allegedly offered no resistance. The Prosecutor's Office charged Delvalle with homicide, and the case remained pending at year's end.

There were no known developments in the case of Prosecutor Fleitas Ramires and five police officers arrested and charged in the July 2010 killing of Marcos Roberto Carrion or in the case of 17 police officers charged in August 2010 with manslaughter in the death of Gustavo Munoz.

b. Disappearance

There were no reports of politically motivated abductions; however, there were press reports of "express kidnappings" for ransom, including reports of actions taken by policemen with help after the fact from prosecutors, which occasionally resulted in unresolved disappearances.

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

The law prohibits such treatment, and the government generally respected these provisions in practice, although there were reports that some government agents employed such treatment. The Coordinator of Human Rights in Paraguay (CODEHUPY), made up of 33 nongovernmental organizations (NGOs) and civic organizations, reported several allegations of police torture and other abuses designed to extract confessions or intimidate detainees. 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 case remained under investigation by the Prosecutor's Office at year's end.

Prison and Detention Center Conditions

Prison and detention center conditions generally 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. On January 3, the minister of justice and labor announced the government would begin closing the largest prison in the country, Tacumbu, starting with transfers of prisoners to other prisons in 2012.

The country's 15 penitentiaries held more than 6,300 inmates, 20 percent more than their design capacity of 5,300. The penitentiary in Ciudad del Este, designed to hold approximately 300 inmates, held more than 650. Pretrial detainees were held with convicted prisoners in all but two penitentiaries. Women constituted approximately 5 percent of the prison population, and prison conditions for men and women were comparable.

Prisons lacked adequate security controls. Inmates frequently carried weapons and committed acts of violence, particularly against other inmates. Through November the Ministry of Justice and Labor (MJT) recorded the deaths of 17 prisoners in custody, some of whom were killed by other inmates, and 18 injuries. There were cases of inmates conducting illicit activities by bribing and conspiring with prison guards. Visitors occasionally needed to offer bribes to visit prisoners, hindering effective representation of inmates by public defenders.

Inmates had access to potable water. There are prison ombudsmen, and they are moderately effective. No significant steps to improve record keeping or use alternatives to sentencing have been undertaken.

Prisoners had access to visitors and were permitted to observe their chosen religion. Although in theory prisoners could submit complaints, it is not clear that such submissions were always without censorship. Authorities investigated credible allegations of inhumane conditions and took steps to alleviate them within the limitations of available resources.

In September 2010 prosecutors charged prison staff at Asuncion's Tacumbu Prison with complicity in the production of child pornography by inmates. Those charges and others against the former prison director and security chief remained pending at year's end.

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

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

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, the International Committee of the Red Cross, and other NGOs conducted prison visits during the year.

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

Role of the Police and Security Apparatus

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

Civilian authorities generally maintained control over the security forces. The security forces did not effectively coordinate law enforcement efforts. Although the government has mechanisms to investigate and punish abuses and corruption by the security forces, there were reports of police involvement in crimes that went unpunished. In 2010, 41 police officers were fired for a variety of criminal offenses. From January to April, authorities dismissed 58 police officers for criminal behavior.

The 23,000-member National Police force was poorly trained, inadequately funded, plagued by corruption, and shielded in large part by impunity. There were frequent 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. In 2010 the police recorded 160 formal complaints against police officers, mostly for alleged physical abuse or abuse of office. These complaints were generally unresolved. Some prosecutors routinely conspired with police and criminal organizations to extort and blackmail individuals.

In November 2010 military cadet Antenor Rafael Saiz Ribes filed a complaint against the military academy alleging he was beaten and verbally assaulted as part of a common hazing ritual. Although the president subsequently replaced the commander of the corps of cadets, further investigation was stymied by a lack of cooperation from military authorities, who disregarded a summons to give testimony on January 18.

The government continued efforts to decrease and punish human rights violations committed by police. On January 28, the National Police adopted a manual outlining circumstances in which police may use force, and on August 9, the National Police commander approved rules emphasizing transparency and respect for human rights in the disciplinary process. In March the Public Ministry established a special unit to receive, investigate, and prosecute human rights abuses; the unit assumed the existing 850 open cases and is mandated to deal with future complaints of human rights violations. 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 the Prosecutor's 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 while those with political connections often paid minimal or no bonds.

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

Pretrial Detention: The law permits detention without trial until the accused completes the minimum sentence for the alleged crime. Approximately 70 percent of prisoners were in pretrial detention during the reporting period. The law stipulates that pretrial detention may range from six months to five years, based on the nature of the crime. In practice detention was arbitrarily lengthy, and some detainees were held beyond the maximum allowable detention time. Judicial inefficiencies and corruption in the judiciary caused significant trial delays and extended pretrial detention.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; in practice, 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 bribes to drop or modify charges against defendants.

Trial Procedures

The constitution provides for the right to a fair trial, which the judiciary nominally enforced through a lengthy trial process. A 2009 Center for Judicial Studies report revealed that only 48 percent of cases initiated in 2008 were resolved within one year. Wealthy or well-connected defendants received impunity by conspiring with judges and often filing specious motions that slowed legal progress until their cases reached the statute of limitations.

The law provides for the use of three-judge tribunals in lieu of juries to rule on procedure, determine guilt or innocence, and decide sentences. A majority opinion is required to convict. One judge presides over civil cases 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 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 of access to state evidence relevant to their cases.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Regional Human Rights Court Decisions

In response to the August 2010 decision of the Inter-American Court of Human Rights in the Xakmok Kasek indigenous community case, the government informed the court in August that a presidential decree revoking the private nature reserve of the property in question was being prepared, thus paving the way for compliance with the land transfer ruling. Negotiations were underway for the purchase of land.

During the year the government partially complied with two court rulings. Concerning the 2006 decision in favor of the Sawhoyamaxa indigenous community, the government continued to provide monetary restitution but did not award land to the community.

Regarding the 2005 judgment in favor of the Yakye Axa indigenous community, the community accepted in principle the government's planned purchase of approximately 37,000 acres of alternative land for resettlement to replace ancestral land on which community members were living. The government subsequently allocated funds, identified such acreage on the El Algarrobal ranch, and on December 10 announced that it had agreed on the purchase price. The Yakye Axa agreed to relocate to the El Algarrobal property.

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 in enforcing court orders.

Property Restitution

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. However, systemic failures occurred. For example, in Puerto Casado land disputes dating back to 2000 between local residents and the land-owning business Victoria SA 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.

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

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

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of 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, generally without reprisal or impediment.

Violence and Harassment: Because of their reporting, journalists were on occasion subjected to harassment, intimidation, and violence--primarily from drug trafficking gangs and criminal syndicates based in departments bordering Brazil but also from politicians. In May Fermin Jara, a writer with the daily newspaper *ABC Color*, along with Carlos Bottino and Samir Sanchez, journalists with Radio Parque in Ciudad del Este, alleged that the governor of Alto Parana, Nelson Aguinagalde, sought to intimidate them. The journalists claimed that Aguinagalde threatened to “kill them with a machine gun” if they continued to criticize his administration. They also claimed that, at the request of Governor Aguinagalde, the radio programs hosted by Bottino and Sanchez were censored and later cancelled because of their refusal to stop their criticism of the governor.

Libel Laws/National Security: Political officials often retaliated against media criticism by invoking criminal libel laws and suing the media to intimidate journalists and suppress further investigations. For example, in 2010 *ABC Color*

managing director Aldo Zuccolillo faced criminal charges relating to defamation suits brought against him by former government officials. On April 7, authorities ordered him to pay 236 million guaranies (\$59,000) plus interest for questioning the judicial decision that freed former president Luis Angel Gonzalez Macchi from prosecution. An appeal was pending at year's end.

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. Individuals and groups could engage in the expression of views via the Internet, including by e-mail.

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 the Department of State's *International Religious Freedom Report* at 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 movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government's National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the UN's local legal representative.

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 permits 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.

Participation of Women and Minorities: There were no legal impediments to women's participation in government and politics. There were 17 women in congress (seven of 45 senators and 10 of 80 national deputies). Of 39 appeals court judges, 11 were women. Two women served on the Supreme Court and one as a departmental governor. One woman headed a cabinet-level ministry, and four women held ministerial rank. In the November 2010 municipal elections, 18 women won mayoral contests in 238 cities. The head of the country's largest political party, the Colorado Party, was a woman. The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women, and this requirement was met.

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. Official Corruption and Government Transparency

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

The Public Ministry, under the authority of the attorney general, has a dedicated prosecutorial unit to combat corruption. Elected officials are required to disclose their finances before running for office; however, 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. In July 2010 the interior minister, who oversees the National Police, announced that all policemen 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.

Corruption in the 10,000-member military continued. Several senior leaders at the military's primary training facility repaid money during the year that they had extorted from their subordinates.

The case against suspended prosecutor Gustavo Gamba, who had been taped in 2009 receiving an illicit payment of 360 million guaranies (\$90,000) from Senator Victor Bernal Garay, remained pending after the Constitutional Bench of the Supreme Court ruled March 4 against a motion to dismiss the charges.

Former principal commissioner and third-ranking officer in the National Police chain of command, Eligio Ibarra Hlavasek, and Commissioner Nery Vera both admitted to receiving bribes from business owners in return for assigning policemen to provide security for their businesses. In February they were ordered to pay 2.4 million guaranies (\$600) to a charity.

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

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

More than 50 domestic and international human rights groups, including the International Organization for Migration, 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: The term of Ombudsman Manuel Paez Monges, the country's primary human rights advocate, expired in August 2010, but he continued to serve with no apparent movement to find a replacement. The ombudsman employed approximately 163 lawyers and support personnel. Human rights organizations, victims of the Stroessner dictatorship, and several congress members criticized Monges for what they considered ineffective handling of cases. His office lacked independence and initiative, published no significant reports during the year, and has 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 but has not issued any reports since 2008.

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

The law prohibits discrimination based on race, gender, disability, language, or social status. However, women, LGBT persons, and indigenous persons faced discrimination in practice.

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. The government generally prosecuted rape allegations and often obtained convictions; however, many rapes went unreported due to fear of stigma and of retribution or further violence. Police generally did not give a priority to acting on rape reports. In 2010 the Public Ministry reported 892 cases of rape.

No unified official statistics accurately track the number of reported cases of domestic violence; however, the Public Ministry registered 1,977 cases of “family violence” in 2010. 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. Those convicted were typically fined. Despite increased reports of domestic violence, individuals often withdrew complaints soon after filing due to spousal reconciliation or family pressure. In some cases the courts mediated in domestic violence cases, but there were no reliable statistics available as to the results. Domestic violence was very common, and thousands of women were treated for injuries sustained in domestic altercations, but the government took little action to combat the problem. The emergency 911 system took 16,974 calls on domestic violence in 2009, resulting in only 286 formal complaints to police.

Throughout the country, the National Police oversaw six domestic violence units staffed with approximately 30 police officers and administered from existing police stations in Asuncion, Encarnacion, Villa Elisa, and Villarrica. In 2010 the Secretariat of Women’s Affairs (SMPR) received 2,030 complaints of domestic abuse (410 for physical beating, 861 for psychological attacks, 642 for economic distress, and 117 for sexual abuse).

The SMPR operated a shelter for female victims of trafficking and domestic violence in Asuncion and intervened in 1,741 cases in 2010. It coordinated victim assistance efforts, public outreach campaigns, and training with the National Police, healthcare units, the Public Ministry, and women’s NGOs. NGOs provided health and psychological assistance, including shelter, to victims. The SMPR and

the Public Ministry also provided victim assistance courses for police, healthcare workers, and prosecutors.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine; however, sexual harassment remained a problem for many women. Prosecutors found sexual harassment and abuse claims difficult to prove, and most complaints were settled privately without involving prosecutors.

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 UN estimates for 2008-09, the maternal mortality rate was 95 deaths per 100,000 live births, with 82 percent of births attended by skilled health personnel. Seventy percent of women ages 15-49 reportedly used a modern method of contraception, despite religious bans 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. CODEHUPY speculated that the reason for the high rate of such pregnancy was that “sex education in school curricula lacks the incorporation of perspectives regarding lay society, gender, and human rights.” Women and men had equal access to diagnostic services and treatment for sexually transmitted infections.

Discrimination: Although women generally enjoyed the same legal status and rights as men, gender-related discrimination was widespread and deeply ingrained. Employers often paid women significantly less than men for comparable work, and women experienced more difficulty finding work. Women generally were employed as domestic workers, secretaries, and customer service representatives. The Economic Commission for Latin America and the Caribbean reported unemployment levels of 7 percent for women and 4 percent for men. Women in the private sector earn on average approximately 73 percent of the monthly pay of their male counterparts. The SMPR 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. Its minister-level director reports directly to the president.

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 is conveyed to all nationals who attain the age of 18 as well as to older individuals when they are naturalized.

Child Abuse: Available information indicates 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 Secretariat of Children and Adolescents (SNNA) provided funds to the Grupo Luna Nueva hostel for exploited children. In Ciudad del Este the NGO Children's and Adolescents' Care and Assistance Center managed a shelter 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.

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. Child pornography is illegal. Production of pornographic images can result in a fine or up to three years in prison. Authorities may increase this penalty to 10 years in prison depending on the age of the child and the child's relationship to the abuser.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information, see the Department of State's report on compliance at http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html.

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

As of March there were 686 government employees with disabilities, constituting approximately 1 percent of public-sector employees. On February 23, the Asuncion City Council approved an ordinance establishing architectural requirements for accessibility to buildings and on sidewalks, as well as fines for lack of compliance. There are no laws to ensure access to information and communications.

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 and 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 respected in practice.

A 2008 census reported an indigenous population of approximately 108,000 and estimated that 39 percent over age 15 were illiterate and approximately 48 percent were unemployed. According to the General Directorate of Statistics, Surveys, and Censuses (DGEEC), the average monthly income of the indigenous population in 2008 was approximately half the minimum wage of the nonindigenous population.

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

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

The law authorizes indigenous persons to determine how to use their land, leading many of them to transfer or rent their land to nonindigenous persons, some of whom illegally harvested fish or deforested the lands through cultivation. There were insufficient police and judicial protections from encroachments on indigenous lands, and few indigenous persons held title to their ancestral lands.

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

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

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

There are no laws explicitly prohibiting 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.

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.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law allows both private- and public-sector workers to form and join independent unions (with the exception of the armed forces and the police), to conduct legal strikes, and to bargain collectively. The law prohibits antiunion discrimination. The government did not place restrictions on collective bargaining and did not require approval for collective agreements to be valid.

All unions must register with the MJT. The law requires that industrial unions have a minimum of 300 members to register, a requirement considered excessive by international standards.

The law also 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.

The government did not always effectively enforce these provisions. Procedures were subject to lengthy delays, mishandling of cases, and allegedly corruption.

Workers exercised freedom of association and the right to collective bargaining in practice. Although the official union registration process was cumbersome and could take more than a year, the MJT typically issued provisional registrations within weeks of application to allow new labor unions to operate. Unions often began operating on the date of their provisional registration. Worker organizations were independent of the government and political parties.

Most workers, however, including farmers, ranchers, and informal sector employees, did not have access to labor unions. Many of these workers were members of farm workers' movements. Steel and maritime workers and employees at meat-processing plants often did receive relevant legal protections.

The government failed to prevent retaliation by employers who took action against strikers and union leaders. The courts provided due process through mechanisms such as voluntary arbitration.

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. Authorities arrested three members of the union at the steelmaker Aceptar, and on April 23, the high court declared their strike illegal.

b. Prohibition of Forced or Compulsory Labor

The law prohibits transnational forced or compulsory labor but does not criminally penalize forced labor within the country. The government did not effectively enforce such laws, and there were reports that forced labor occurred in practice. There were reports of forced child labor (see section 7.c.).

The media continued to report allegations of debt labor 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, who 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.). The government's Commission on Fundamental Rights at Work and the Prevention of Forced Labor has taken no public action since its creation in 2009.

Also see the Department of State's *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 years. Adolescents between the ages of 14 and 17 may 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 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. Children younger than 13 years old are prohibited from working.

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 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.

According to Article 389 of the Labor Code and Article 257 of the Child Law Code, the maximum administrative penalty for employing a child under the age of 14 is 3.25 million guaranies (approximately \$812). The same articles stipulate that employers who employ adolescents between 14 and 17 under hazardous conditions will pay the maximum administrative penalty of 3.25 million guaranies (approximately \$812).

The National Secretariat of Children and Adolescents administered the Abrazo ("Hug") program to assist families with children at risk of working in the streets. Since its inception the program has reached 11,651 children and families. The Secretariat for Social Action administered the Tekopora ("Well-being") program that paid parents of street children a monthly stipend to send their children to school. Between 83,000 and 98,700 families have registered with Tekopora. The SNNA's Summer Operation and Winter Operation programs brought 920 children of street workers into shelters when school was not in session. A similar program was also created for indigenous families and has brought shelter and support to approximately 564 children and families in rural indigenous communities.

Child labor was a problem, particularly in brick and lime manufacturing, domestic service, and agricultural sectors. A 2007 ILO study reported that 970,000 (53 percent) of children between the ages of five and 17 worked more than one hour per day, and 862,000 worked at least 14 hours per week. The study did not disaggregate child workers by sector, but it reported that most worked in agriculture. From August to October the SNNA conducted the first national survey on child labor, but the findings were not published by the end of the year. In rural areas 23 percent of children worked, compared with 13 percent of urban children.

Children, primarily boys, worked in the manufacturing and agricultural sectors (including cotton, beans, soy, sesame, wheat, peanuts, and stevia production) and in the hotel, restaurant, and transportation industries. Children also worked as vendors in markets. An estimated 60,000 children, primarily girls, worked as child

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. Slavery and similar practices occurred, particularly in prostitution and domestic servitude. Parents and guardians reportedly sold their children for such purposes, and children were used, procured, and offered to third parties for illicit activities. Some minors worked as drug smugglers along the border with Brazil as part of criminal syndicates.

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 guaranies (\$400) per month, and the per capita monthly income was approximately 970,000 guaranies (\$243).

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. The Labor Code stipulates a fine of 30 minimum daily wages for an employer who pays below minimum wage.

The government sets occupational health and safety standards of safety, hygiene, and comfort. Workers have the right to remove themselves from situations that endanger their health or safety without jeopardy to their employment, but authorities did not effectively enforce this right in practice. The law stipulates penalties up to three to five years in prison for employing persons in hazardous conditions or coercing persons to work.

Government actions to prevent violations of minimum wage provisions were limited to information campaigns. 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. In 2010 the MJT had 30 inspectors in Asuncion and nine in regional offices.

In July 2010 the DGEEC estimated that in practice 40 percent of private-sector workers and 80 percent of public-sector workers earned minimum wage or higher. However, approximately 42 percent of the population earned less than minimum wage. Many employers violated provisions requiring overtime pay, particularly in the food service and agricultural industries, and reportedly in domestic service.

Credible data on workplace accidents were unavailable.