

PARAGUAY 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In 2018 Mario Abdo Benitez of the Colorado Party, also known as the National Republican Association, won the presidency in elections recognized as free and fair. Legislative elections took place at the same time.

The National Police, under the Ministry of Internal Affairs, are responsible for preserving public order, protecting the rights and safety of persons and entities and their property, preventing and investigating crimes, and implementing orders given by the judiciary and public officials. Civilian authorities at times did not maintain effective control over the security forces. Members of the security forces committed some abuses.

Significant human rights issues included: alleged killing of minors during a security operation; reports of torture and cruel, inhuman, or degrading treatment by security forces; harsh and at times life-threatening prison conditions; arbitrary arrest and detention; substantial problems with the independence of the judiciary; violent intimidation of journalists by organized-crime groups; widespread corruption in all branches and levels of government; lack of investigation of and accountability for violence against women; and child labor, particularly in domestic service and informal agriculture.

The government took steps to prosecute and punish low- and mid-ranking officials who committed abuses, but impunity for officials in police and security forces was widely alleged.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

PARAGUAY

There were reports that the government or its agents committed arbitrary or unlawful killings. The Attorney General's Office is charged with investigating whether security force killings are justifiable; it pursued some prosecutions. The Special Human Rights Unit of the Attorney General's Office investigated cases of human rights abuses by security forces.

Two 11-year-old girls were found dead in the department of Concepcion after a combined police-military Joint Task Force (FTC) operation against the Paraguayan People's Army, a criminal group, on September 2. Political activists alleged the FTC killed two civilian girls; however, the government asserted the girls were child soldiers in the Paraguayan People's Army. Military officials provided photographs of the deceased girls in combat fatigues with firearms and ammunition. As of October 16, the government was investigating the incident.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

On September 9, a group claiming to be the Paraguayan People's Army abducted former vice president Oscar Denis and his employee Adelio Mendoza in the department of Concepcion, approximately 250 miles northeast of Asuncion. The captors released Mendoza on September 14, but as of December 15, Denis's welfare and whereabouts were unknown. The Paraguayan People's Army allegedly held two other captives: police officer Edelio Morinigo, missing since 2014; and farmer Felix Urbieta, missing since 2016.

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

The law prohibits such practices, and the government generally respected these provisions, but there were credible reports that some government officials employed such practices. The Attorney General Office's Special Human Rights Unit opened seven torture investigation cases, but there were no convictions, and all investigations were pending as of October 1. Unlike other criminal cases, torture charges do not have a statute of limitations or a defined period within which charges, an investigation, or the oral trial must be completed. The Special Human

PARAGUAY

Rights Unit was investigating 102 open cases as of October 1, the majority of them from the 1954-89 Stroessner dictatorship. A representative of the unit stated it was unusual for a case to move to prosecution and sentencing within one year due to mandatory procedural steps and a lack of investigative resources.

The Attorney General's Office obtained convictions of three police officers charged in 2017 with human rights violations, specifically bodily injury perpetrated by security forces. The charges against police officers Benito Sanabria, Jorge Ramirez Bogarin, and Fernando Agüero Benitez stemmed from police response to 2017 antigovernment protests in Asuncion. The convictions resulted in sentences ranging from two and one-half years to nine years in prison.

The semi-independent National Mechanism for the Prevention of Torture (NMPT) alleged that unidentified Coast Guard sailors committed torture and other cruel, inhuman, or degrading treatment of 35 civilians in Ciudad del Este on the night of July 15. The sailors allegedly committed physical and psychological abuses, including threats of death, in responding to the killing of a fellow sailor by narcotics traffickers earlier that evening. The alleged torture took place both in the San Miguel neighborhood of Ciudad del Este and at the Ciudad del Este East Naval Area Base, where the Coast Guard unit was stationed. The NMPT concluded torture likely occurred and recommended a national-level investigation. As of October 16, the Attorney General's Office had not charged or prosecuted any Coast Guard units or individuals. Although the navy removed base commander Captain Walter Diaz after the incident, it had not removed the Coast Guard unit commander, Captain Luis Torres, who was in charge of the unit during the incident, nor had it punished any sailor involved.

Several civil society groups publicly criticized the FTC and called for its disbandment due to alleged human rights abuses and corruption by the FTC in the country's northeastern region. The FTC's principal goal was eliminating the Paraguayan People's Army. The FTC included personnel from the armed forces, National Police, and National Anti-Narcotics Secretariat.

Impunity was a problem in the security forces, specifically the FTC. Corruption and politicization allegedly contributed to impunity. The Special Human Rights Unit of the Attorney General's Office and NMPT both investigated alleged human

PARAGUAY

rights abuses by security forces. Prosecutions and charges, when they occurred, often took years of investigation and judicial processing.

Prison and Detention Center Conditions

Prison and detention center conditions were harsh and at times life threatening due to inmate violence, mistreatment, overcrowding, poorly trained staff, poor infrastructure, and unsanitary living conditions.

Physical Conditions: According to the NMPT, prisons were overcrowded, with inmates at some facilities forced to share bunks, sleep on floors, and sleep in shifts. The NMPT found that as of August 31, the average occupancy rate was 98 percent above the NMPT's occupational index, an improvement from the 200 percent occupancy rate reported in 2019, based on a standard of at least 75 square feet for each inmate. Penitentiaries did not have adequate accommodations for inmates with physical disabilities.

Prisons and juvenile facilities generally lacked adequate temperature control systems, of particular concern during hot summer months. Some prisons had cells with inadequate lighting. At times prisoners were confined for long periods without an opportunity for exercise. Some prisons lacked basic medical care. Adherence to fire prevention norms was lacking.

Overcrowding and limited resources to control the prisons abetted criminal organizations and generated violent confrontations. Government authorities in the northeastern region of the country on the border with Brazil reported inmate recruitment within the prisons by members of Brazilian gangs, including Primeiro Comando da Capital (PCC) and Comando Vermelho. The government attributed a significant jailbreak at Pedro Juan Caballero Prison in January by more than 70 PCC members in part to corruption and complicity among prison officials.

On July 6, inmates at Tacumbu Prison rioted in an effort to regain visitation rights that were limited or eliminated as a COVID-19 precautionary measure. Visitation rights at Tacumbu Prison were restored later.

Administration: Authorities conducted some investigations of credible allegations of mistreatment, but the NMPT reported authorities often failed to

PARAGUAY

conduct adequate investigations, particularly into prison directors accused of mistreatment. There were reports that visitors, including lawyers, frequently needed to offer bribes to visit prisoners, hindering effective representation of inmates by public defenders. Although married and unmarried heterosexual inmates were permitted conjugal visits, the ministry prohibited such visits for homosexual inmates.

Independent Monitoring: With prior coordination the government granted access to prisons for media, independent civil society groups, and diplomatic representatives. Officials sometimes barred access to investigative journalists.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court, but the government did not always observe these requirements. In some cases police ignored requirements for a warrant by citing obsolete provisions that allow detention if individuals are unable to present personal identification upon demand. Police also allegedly enforced COVID-19 quarantine restrictions unevenly, including arbitrarily using supposed violations of quarantine as an excuse to solicit bribes or otherwise intimidate civilians.

Arrest Procedures and Treatment of Detainees

Police may arrest individuals with a warrant or with reasonable cause, although police allegedly made arrests without judicial authorization or reasonable cause in some cases. The law provides that after making an arrest, police have up to six hours to notify the Attorney General's Office, after which that office has up to 24 hours to notify a judge if it intends to prosecute. The law allows judges to use measures such as house arrest and bail in felony cases. According to civil society representatives and legal experts, in misdemeanor cases judges frequently set bail too high for many poor defendants to post bond, while politically connected or wealthy defendants paid minimal or no bail or received other concessions, including house arrest.

PARAGUAY

The law grants defendants the right to hire counsel, and the government provides public defenders for those who cannot afford counsel. Detainees had access to family members, but COVID-19 prevention measures reduced the permitted frequency and length of visits.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention. As of September 30, the Special Human Rights Unit of the Attorney General's Office reported 82 complaints of "deprivation of freedom," a category that includes arbitrary arrest and detention. Media and nongovernmental organizations (NGOs) also reported several cases of arbitrary arrest and detention.

Pretrial Detention: The law permits detention without trial for a period equivalent to the minimum sentence associated with the alleged crime, a period that could range from six months to five years. Some detainees were held in pretrial detention beyond the maximum allowed time. According to the NMPT, as of August 31, 71 percent of male prisoners and 61 percent of female prisoners were awaiting trial or sentencing.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, courts were inefficient and subject to corruption and outside influence. Authorities generally respected court orders.

NGOs and government officials alleged some judges and prosecutors solicited or received bribes to drop or modify charges against defendants. In addition undue external influence often compromised the judiciary's independence. Interested parties, including politicians, routinely attempted to influence investigations and pressure judges and prosecutors. Judicial selection and disciplinary review board processes were often politicized. The law requires that specific seats on the board be allocated to congressional representatives, who were reportedly the greatest source of corrupt pressure and influence.

Trial Procedures

The constitution provides for the right to a fair and public trial, which the judiciary nominally provided. Defense attorneys, however, regularly manipulated the

PARAGUAY

judicial process to reach the statute of limitations before trials concluded. Defense tactics to remove or suspend judges and prosecutors exacerbated the lengthy trial process. Impunity was common due to politicization of and corruption within the judiciary.

Defendants enjoy a presumption of innocence. Defendants have the right to receive promptly information on the charges they face, but some defendants received notification only when they faced arrest warrants or seizure of their property. Defendants have the right to a trial without undue delay, although trials were often protracted. They have the right to be present at the trial. Defendants have the right to communicate with an attorney of their choice or one provided at public expense. Defendants have the right to a reasonable amount of time to prepare their defense and to access their legal files. Defendants have the right to free interpretation services as necessary, including translation to Guarani, the country's second official language. Defendants may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. Both defendants and prosecutors may present written testimony from witnesses and other evidence. Defendants may confront adverse witnesses, except in cases involving domestic or international trafficking in persons, in which case victims may testify remotely or in the presence of the defendant's lawyers, in lieu of the defendant. Defendants are not compelled to testify or confess guilt and may choose to remain silent. Defendants have the right of appeal.

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 file lawsuits seeking damages for, or cessation of, human rights violations. There are administrative and judicial remedies for alleged wrongs, and authorities generally granted these remedies to citizens. The court may order civil remedies, including fair compensation to the injured party; however, the government experienced problems enforcing court orders in such cases. Individuals and organizations may appeal adverse domestic decisions to regional human rights bodies.

PARAGUAY

Property Restitution

The government generally enforced court orders with respect to seizure, restitution, or compensation for taking private property. Systemic inadequacies within the land registry system, however, prevented the government from compiling a reliable inventory of its landholdings. Registered land far exceeded the size of the country, and there were reports of forced evictions and allegations of corruption within local government and the National Institute for Rural Development and Land (INDERT), which is the government agency charged with implementing land reform. In May, INDERT credit director Mirna Alaye and international and interinstitutional coordination director Liz Florentin resigned due to rumors that they requested bribes in exchange for desired land management outcomes.

According to the Special Human Rights Unit in the Attorney General's Office, between January and July, reports of land invasions increased approximately 25 percent from 2019. Police may evict unauthorized tenants upon request from a judge, whereas until September 2019 they needed to follow the requirements specified in the 2012 protocol to provide a site survey, inform human rights units from the Ministry of Internal Affairs and police, or notify the Ombudsman's Office.

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

The constitution and law prohibit such actions, and the government generally respected these prohibitions. The Special Human Rights Unit in the Attorney General's Office did not receive reports of new cases of unlawful interference with private correspondence during the year, but it continued to investigate cases from previous years.

Section 2. Respect for Civil Liberties, Including

a. Freedom of Expression, Including for the Press

The law and constitution provide for freedom of expression, including for the press, and the government generally respected this right. An independent press

PARAGUAY

and a functioning democratic political system combined to promote freedom of speech and press for the most part, although widespread corruption in the judiciary hindered protections in court.

Violence and Harassment: Journalists occasionally suffered harassment, intimidation, and violence, primarily from drug-trafficking gangs and criminal groups, but also from politicians and police. Media and international NGOs reported several such incidents against journalists.

On February 12, armed assailants killed Brazilian journalist Leo Veras in the courtyard of his house in the Paraguayan border city of Pedro Juan Caballero. Veras ran the *Pora News* web portal and worked as a photojournalist and correspondent for several Brazilian media outlets, reporting on corruption and drug trafficking. The ensuing investigation revealed the assailants had ties to drug trafficking and organized crime. Other journalists in Pedro Juan Caballero subsequently received threats and requested police protection.

In April journalist Edgar Chilavert was found innocent of sexual abuse of a minor after his trial revealed that the witnesses who implicated him in a 2018 complaint lied under pressure from the prosecutor. Chilavert had previously exposed corruption by the mayor and other leaders of Concepcion City.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

Academic Freedom and Cultural Events

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

b. Freedoms of Peaceful Assembly and Association

The law provides for the freedoms of assembly and association, and the government generally respected these rights. The prosecution, however, of some civil society activists for alleged violation of COVID-19 protocols during

PARAGUAY

antigovernment protests, among them Esther Roa in June, led to accusations of repression. Political activists accused the government of applying quarantine regulations selectively as a means to punish persons for speaking out against corruption and other official misdeeds.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights. Between March and October, these freedoms were curtailed due to COVID-19 precautions and safety regulations.

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other organizations regarding treatment of refugees, asylum seekers, and stateless persons.

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

Durable Solutions: Persons whose claims of asylum or refugee status were refused could seek other migration options, including obtaining legal permanent residency in the country or returning to their most recent point of embarkation. The Ministry of Foreign Affairs stated it approved 100 percent of refugee applications in the year. Refugees received documentation that verified their legal status and allowed them to work, attend public schools, access health care, and begin citizenship processes. The government did not assist in the safe, voluntary

PARAGUAY

return to their home countries of those who were not granted refugee status; it relied on assistance from UNHCR to facilitate such returns.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: In 2018 the country held general elections to elect a president, vice president, department governors, members of both houses of Congress, and Mercosur Parliament members. Mario Abdo Benitez of the National Republican Association (ANR) won the presidential election. The ANR also won a plurality in the Senate and a majority in the lower house of Congress. Election observation missions from the Organization of American States and the EU characterized the elections as free and fair.

In June, Congress passed a law delaying municipal elections scheduled for December 2020 until October 2021 due to concerns regarding COVID-19. Although unprecedented, the move was generally viewed as reasonable due to the extenuating circumstances of the pandemic.

Political Parties and Political Participation: The ANR and the Liberal Party maintained long-standing control of the political process. The parties politicized the Supreme Court, lower courts, and the selection and disciplining of judges and prosecutors. The Council of Magistrates helps choose the attorney general, judges, prosecutors, and public defenders throughout the judicial system. During the year the Council of Magistrates selected one Supreme Court justice through a transparent, although somewhat politicized, process.

New, small, and nontraditional political parties faced hurdles in securing sizable congressional representation due to seat allocation formulas in the electoral code that favor larger parties. Independent candidates faced obstacles in setting up and running campaigns, since by law they must form a movement or political party and present a minimum number of candidates in a slate in order to compete.

PARAGUAY

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process. Women participated in the process, but there were no minority groups represented in Congress or governorships. The law requires that at least 20 percent of each party's candidates in internal party primaries be women. Although the parties met this requirement in the 2018 election, they placed the majority of female candidates toward the end of the closed party lists, effectively limiting women's chances of being elected. Women's representation in Congress, 14 percent, did not change as a result of the 2018 election.

Women served in both the legislature and the Supreme Court; there were 21 women in Congress (eight of 45 senators and 13 of 80 national deputies). There were no female governors.

Although there were no legal impediments to participation by members of minority groups or indigenous persons in government, no clearly identifiable individuals from those groups served as a governor or in the cabinet, legislature, or Supreme Court.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government generally did not implement the law effectively. Officials engaged frequently in corrupt practices with impunity. Corruption in all branches and at all levels of government remained widespread, with investigative journalists and NGOs reporting on hundreds of cases of embezzlement, tax evasion, illicit enrichment, breach of public confidence, false documents, and criminal association.

Criminal corruption cases typically took several years in the courts. Under a law that prohibits court cases from lasting longer than four years, politicians and influential individuals convicted in lower courts routinely avoided punishment by filing appeals and motions until reaching the statute of limitations or by successfully requesting the removal or suspension of judges and prosecutors working on their cases. Although indictments and convictions for corruption of

PARAGUAY

low- and mid-level public officials occurred more frequently, high-ranking public officials enjoyed a high degree of impunity. In addition, politicization and corruption were pervasive throughout the judicial branch, particularly in the lower courts and regional offices, hampering the judiciary's effectiveness and undermining public trust.

On October 8, the lower house of Congress voted to suspend opposition Authentic Radical Liberal Party representative Celeste Amarilla for 60 days for "inappropriate behavior" following her comment during an October 2 session that 60 to 70 percent of her peers entered the lower house owing to corruption.

Corruption: Impunity was endemic for former and current high-level government officials accused of crimes. NGOs and the press continued to report on several former government ministers, mayors, governors, and current elected officials who avoided prosecution in the justice system despite being accused of, and indicted for, corruption and other crimes. As of October 16, unresolved high-level corruption cases included three former ministers from the current administration, as well as five former and 10 current members of Congress, and three former Supreme Court justices.

In August Minister of Agriculture Rodolfo Friedmann resigned when the Attorney General's Office charged him with corruption, money laundering, and criminal association during his time as governor of Guaira Department. After Friedmann retook his Senate seat, his fellow senators in September voted to strip him of the immunity from prosecution typically granted to all legislators, allowing the attorney general to proceed with the charges. The Senate delayed a vote to remove Friedmann from his seat pending the result of his trial. As of December 15, Friedmann held his Senate seat but was not immune from prosecution.

Financial Disclosure: The constitution requires all public employees, including elected officials and employees of independent government entities, to disclose their income and assets within 15 days of taking office or receiving an appointment and again within 15 days of finishing their term or assignment. Public employees must also disclose assets and income of spouses and dependent children. There is no requirement to make disclosures during a person's time in government, and it

PARAGUAY

was common for public officials to serve for years without updating their disclosure statement.

The law bars public employees from holding government positions for up to 10 years for failure to comply with financial disclosure laws, but this was rarely enforced. Legislators generally ignored the law with impunity, using political immunity to avoid investigation or prosecution. The Comptroller's Office did not investigate cases of incriminating financial information.

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

Domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally cooperated with domestic NGOs and international organizations and met with domestic NGO monitors and representatives, but they rarely took action in response to NGO reports or recommendations.

Government Human Rights Bodies: The human rights ombudsman generally operated with independence, focusing on investigating misuse of public money and abuse of authority by public officials. The NMPT maintained its independence from other government offices, although its reports were not always acted upon. The Attorney General's Office maintained a special human rights unit in charge of investigating human rights abuses on behalf of the government. Several other government ministries had human rights offices to monitor compliance with human rights legislation. According to NGOs and civil society, however, there was no central point of contact to coordinate human rights issues.

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

Women

PARAGUAY

Rape and Domestic Violence: The law criminalizes rape of men or women, including spousal rape, and provides penalties of up to 10 years in prison for rape or sexual assault. If the victim is a minor, the sentence ranges from three to 15 years in prison. According to the Ministry of Women and media sources, rape continued to be a significant and pervasive problem, with many rapes going unreported. The government generally prosecuted rape allegations and sometimes obtained convictions.

Although the law criminalizes domestic violence, including psychological abuse, and stipulates a penalty of two years in prison or a fine, the law requires the abuse to be habitual and the aggressor and victim to be “cohabitating or lodging together.” Judges typically issued fines, but in some cases they sentenced offenders to prison to provide for the safety of the victim. In some instances the courts mediated domestic violence cases.

According to NGOs and the Ministry of Women, domestic violence was widespread. Civil society and private-sector experts believed domestic violence increased during the COVID-19 quarantine period, although government statistics were inconclusive. Government statistics from January to July, however, showed a 54 percent increase in calls to a hotline for victims of domestic violence, compared with the same period in 2019. In many instances victims asked prosecutors to drop cases against their attackers due to fear of reprisals, allowing their attackers’ crimes to go unpunished. In May the wife of a well-known journalist filed a criminal complaint with the Special Unit for Combatting Domestic Violence at the Attorney General’s Office accusing her husband of domestic violence. After the news became public, the woman dropped the case against her husband.

The Ministry of Women promoted a national 24-hour telephone hotline for victims. The ministry also operated a shelter and coordinated victim assistance efforts, public outreach campaigns, and training. The ministry’s “Woman City” in Asuncion, an integrated service center for women, provided assistance focusing on prevention of domestic violence and also on reproductive health, economic empowerment, and education. As of September 30, the National Police had 18 specialized units to assist victims of domestic violence and thousands of officers trained at a basic level to respond to domestic violence situations.

PARAGUAY

Femicide remained a serious problem. The law criminalizes femicide and mandates a sentence of between 10 and 30 years in prison. As of September 1, the Observatory of Women's Affairs within the Ministry of Women reported 27 cases of femicide, a significantly lower number than the previous year's total of 52 cases.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine. Sexual harassment remained a problem for many women, especially in the workplace. Prosecutors found sexual harassment and abuse claims difficult to prove due to victims' fear of workplace retaliation and societal pressures against victims. Many dropped their complaints or were unwilling to cooperate with prosecutors. Although the government did not have specific programs to reduce sexual harassment, the Ministry of Women's "Woman City" initiative attended to complaints of sexual harassment and provided legal guidance and emotional support for victims.

In August a judge acquitted priest Silvestre Olmedo of sexual harassment following allegations by a female parish volunteer, Alexa Torres. Even though Olmedo admitted to committing the acts, the judge ruled that because the acts had only occurred once, they did not constitute sexual harassment.

Reproductive Rights: Couples and individuals have the right to decide the number, spacing, and timing of their children free from discrimination, coercion, or violence. Abortion is explicitly prohibited unless the mother's life is at risk. Abortions carry prison sentences of up to two years for a consenting mother; up to five years for a consenting service provider; and up to eight years for anyone who kills a fetus without the mother's consent.

The government provided access to sexual and reproductive health services for survivors of sexual violence. A Ministry of Health protocol for survivors of sexual violence, which includes provision of reproductive health services, applies to all health care institutions. Follow-up psychiatric care and legal referrals were also available for victims. In practice, however, health care institutions did not provide access to reproductive health services evenly and in some cases denied such services to sexual violence survivors.

PARAGUAY

Reproductive health services were concentrated in cities; rural areas faced significant gaps in coverage. According to United Nations Population Fund estimates, in 2019 the adolescent birth rate remained high at 72 births per 1,000 girls and women between the ages of 15 and 19. The Ministry of Health reported a daily average of two births for girls between the ages of 10 and 14.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Discrimination: The constitution prohibits discrimination based on sex, but the government did not effectively enforce this provision. There is no comprehensive law against discrimination. There is a law specifically against workplace discrimination based on race, skin color, sex, age, religion, political opinion, disability, HIV-positive status, or social origin, but it was rarely enforced.

Women generally enjoyed the same legal status and rights as men. Nonetheless, gender-related discrimination persisted, and employers were sometimes reluctant to hire female employees who might require maternity leave as set forth in the labor code. Women experienced more difficulty than men in securing employment. For example the National Police Academy's admissions policy does not allow female applicants who are married or have children to become cadets, although no such restriction exists for men who have children.

Children

Birth Registration: Nationality derives from birth within the country's territory, from birth to government employees in service abroad, or from birth to a citizen residing temporarily outside the country. Hospitals immediately register births, but registration was difficult for many parents of children born in rural areas and in indigenous communities with limited access to health-care facilities. Birth certificates and national identity documents are a prerequisite to access government services, including obtaining a passport.

Child Abuse: The NGO Coalition for the Rights of Children and Adolescents and the Ministry of Children and Youth stated that violence against children was

PARAGUAY

widespread. The Ministry of Children and Youth received reports of physical and psychological child abuse through its child abuse hotline.

The government did not have a shelter exclusively for child victims of sexual abuse; victims were usually assigned to an extended family member or referred to general-purpose youth shelters. Several such shelters existed, including one comanaged by the government and a Roman Catholic organization. In many cities the municipal council for children's rights assisted abused and neglected children.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18, but the law permits marriage for persons ages 16 to 18 with parental consent, and for those younger than age 16 only with judicial authorization under exceptional circumstances. There was one report of forced marriage.

Sexual Exploitation of Children: According to the Ministry of Children and Youth, child trafficking for the purpose of commercial sexual exploitation or forced domestic servitude was a problem. The law prohibits commercial sexual exploitation; sale, offering, or procuring children for prostitution; and child pornography. The law provides a penalty of eight years' imprisonment for persons responsible for pimping or brokering victims younger than 17, which is significantly lower than the penalties described under the antitrafficking law. The government generally enforced the law.

The minimum age of consent is 14 when married and 16 when not married. The law sets the penalty for sexual abuse in cases involving violence or intercourse to at least 15 years in prison if the victim is younger than 18, and up to 20 years in prison if the victim is younger than 10. The penal code also provides for fines or up to three years in prison for the production, distribution, and possession of pornography involving children or adolescents younger than 18. 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. The law prohibits the publication of names, images, or audio recordings of underage sexual abuse victims or witnesses, and it stipulates fines and one year in prison for offenders.

In the first seven months of the year, the Prosecutor's Office received hundreds of reports of sexual abuse of children. In April a seven-year-old girl went missing in

PARAGUAY

Emboscada, a city 20 miles north of Asuncion. Police found that the girl had been made to participate in the production of child pornography. The girl's parents were charged with neglect and producing child pornography. As of October 16, the parents remained in pretrial detention; the girl's welfare and whereabouts were unknown.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases>.

Anti-Semitism

The Jewish community had fewer than 1,000 members. There were no reports of anti-Semitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law nominally prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law mandates accessibility in all public offices, but it does not specifically provide for access to information or communications. Most of the country's buildings remained inaccessible.

Many persons with disabilities faced significant discrimination in employment; some were unable to seek employment because of a lack of accessible public transportation. The law mandates the allocation of 5 percent of all available civil servant positions to persons with disabilities; in practice persons with disabilities occupied less than 1 percent of civil service positions. As of July, of 413 public institutions, only 26 institutions hired enough persons with disabilities to fill at least 5 percent of their positions. Teleton, an NGO that advocates and provides services for children with disabilities, estimated more than 50 percent of children

PARAGUAY

with disabilities did not attend school due to lack of access to public transportation. The majority of children with disabilities who attended school were enrolled in the public school system. Some specialized schools served specific needs such as deafness.

Members of National/Racial/Ethnic Minority Groups

Anecdotally, members of ethnic minority groups faced discrimination in finding employment, accessing credit, receiving equal pay, owning or managing businesses, accessing education, and accessing housing. There were no members of ethnic minority groups in Congress, the cabinet, or the Supreme Court.

Indigenous People

The law provides indigenous persons the right to participate in the economic, social, political, and cultural life of the country, but the law was not effectively enforced. Discrimination, coupled with a lack of access to employment, education, health care, shelter, water, and land, hindered the ability of indigenous persons to progress economically while maintaining their cultural identity. Indigenous workers engaged as laborers on ranches typically earned low wages, worked long hours, received pay infrequently, and lacked medical and retirement benefits. This situation was particularly severe in the Chaco region.

The National Institute for Indigenous Affairs (INDI), Attorney General's Office, Ministry of Justice, Labor Ministry, Social Action Secretariat, and Ombudsman's Office are responsible for protecting and promoting indigenous rights. The law mandates that INDI negotiate, purchase, and register land on behalf of indigenous communities who claim lack of access to their ancestral lands.

The law authorizes indigenous persons to determine how to use communal land. There were insufficient police and judicial protections from encroachments on indigenous lands. This often resulted in conflict and occasional violence between indigenous communities and large landowners in rural areas.

The NGO Paraguayan Human Rights Coordinator and indigenous rights NGO Tierraviva documented widespread trafficking in persons, rape, sexual harassment,

PARAGUAY

and physical abuse of women in indigenous communities. Perpetrators were often male members of the community, workers, or employees from neighboring ranches and farms. NGO representatives also alleged agribusiness operations exploited and violated the rights of indigenous workers. Indigenous leaders reported that the insurgent group the Paraguayan People's Army actively recruited minors from indigenous communities.

In January a 14-year-old girl from the Mbya Guarani indigenous community was found in a warehouse in Asuncion with her hands tied and showing signs of sexual abuse. Authorities believed she had been trafficked for sexual exploitation, but as of October, they had not arrested or charged anyone in the case.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation and Gender Identity

No laws explicitly prohibit discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons, and discrimination occurred frequently.

There were allegations that on July 15 in Ciudad del Este, navy sailors targeted three transgender women for torture and abuse because of their sexual orientation and gender identity. The Attorney General's Office opened an investigation into the incident.

HIV and AIDS Social Stigma

The law prohibits discrimination based on HIV-positive status and protects the privacy of medical information. The law also specifically prohibits employers from discriminating against or harassing employees based on HIV-positive status. Labor Ministry regulations forbid employers from requiring HIV testing prior to employment, but many companies reportedly did so.

NGOs, including the Paraguayan Human Rights Coordinator and the HIV/AIDS and Human Rights Counseling and Reporting Center, noted that persons with HIV and AIDS who sought access to health care, education, and employment

PARAGUAY

opportunities faced discrimination based on their sexual orientation, demand for HIV testing, and gender identity.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law, including related regulations and statutory instruments, provides for the right of workers (with the exception of the armed forces and police) to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits binding arbitration or retribution against union organizers and strikers.

There are several restrictions on these rights. The law requires that industrial unions have a minimum of 20 members to register. All unions must register with the Labor Ministry, a process that often takes more than a year. The ministry, typically within weeks of the application, issues provisional registrations that allow labor unions to operate. Unions with provisional registrations have the same rights and obligations as fully registered unions. Workers cannot be members of more than one union, even if they have more than one part-time employment contract. Strikes are limited to purposes directly linked to workers' occupations. Candidates for office in trade unions must work for a company and be active members of the union.

The Labor Ministry is responsible for enforcing labor rights, registering unions, mediating disputes, and overseeing social security and retirement programs. Penalties, fines, and remedies associated with discrimination against unions were generally ineffective. Investigations to protect labor rights from antiunion discrimination were rare, lacked sufficient resources, and reportedly occurred only if requested by an aggrieved party. The ministry does not have jurisdiction to initiate or participate in litigation to prevent unionization.

Employers who fail to recognize or to bargain collectively with a registered union face a fine equaling 50 times the minimum daily wage, or approximately \$600. Employers who blacklist employees face a fine of 30 times the minimum daily wage (\$360). These penalties were insufficient to deter violations but were commensurate with penalties for workplace discrimination based on gender or

PARAGUAY

race. The government often did not prevent retaliation by employers who took action against strikers and union leaders. Administrative and judicial procedures were subject to lengthy delays, mishandling of cases, and corruption.

The government did not always respect unions' freedom of association and the right to bargain collectively. Employers and professional associations heavily influenced some private-sector unions. The leadership of several unions representing public-sector employees had ties to political parties and the government.

The International Labor Organization provided technical assistance in a number of areas, including the formalization of micro, small, and medium enterprises.

While union workers from the steel and maritime industries were unionized and often received relevant legal protections, most workers, including farmers, ranchers, and informal-sector employees, did not participate in labor unions. Many of these workers were members of farmworker labor movements.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. The government did not effectively enforce the law. The Labor Ministry was unable to conduct inspections effectively, especially in remote areas, where forced labor was reportedly more prevalent. Penalties for violations include up to 20 years in prison, commensurate with penalties for analogous crimes such as kidnapping (15 to 25 years in prison).

During the year media reported unjustified firings, nonpayment of wages, and other labor violations, many related to COVID-19 quarantine and lockdown. The Labor Ministry did not confirm instances of debt bondage in the Chaco region but did not dismiss the possibility that it continued to exist. In that region there were reports children worked alongside their parents in debt bondage on cattle ranches, on dairy farms, and in charcoal factories.

The government continued antitrafficking law enforcement and training efforts for teenagers entering the workforce but provided limited protective services to female and child trafficking victims. In late September the government began

PARAGUAY

investigating a complaint of young persons subjected to forced labor in marijuana plantations in the department of Amambay. The Labor Ministry carried out child-labor information campaigns, in addition to campaigns promoting labor rights specific to the Chaco region. The ministry's Directorate for the Protection of Children and Youth implemented a number of new strategies designed for COVID-19-era limitations, including online training for local authorities and a hotline for child labor tips.

Child labor and trafficking, particularly in domestic service, was a significant problem (see section 7.c.). Reports of *criadazgo* continued throughout the year. (Criadazgo is the practice where middle- and upper-income families informally “employ” children as domestic workers. The children are often from impoverished families and in theory receive shelter, food, some education, and a small stipend.) Approximately 47,000 children, or an estimated 2.5 percent of all children and youth, were engaged in criadazgo. Although not all children in situations of criadazgo were victims of trafficking, criadazgo made them more vulnerable. The government did not oversee implementation of the practice or specifically safeguard the rights of children employed through the criadazgo system. While the practice is not legally prohibited, the National Child and Adolescent Secretariat continued to denounce it as illegal under child labor laws, and the Ministry of Children and Youth designed a social media campaign to call attention to the potentially harmful effects of criadazgo.

See the Department of State's annual *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor but allows slavery-like practices that do not involve physical movement of the victim. The minimum age for full-time employment is 18. Children ages 14 to 17 may work with written parental authorization if they attend school, do not work more than four hours a day (if they are ages 14 to 15) or six hours a day (if they are ages 16 to 17), and do not work more than a maximum of 24 hours per week.

PARAGUAY

The government did not effectively enforce laws protecting children from exploitation in the workplace. The law stipulates those who illegally employ adolescents between ages 14 and 17 under hazardous conditions must pay the maximum administrative penalty, serve up to five years in prison, or both. These penalties were not as harsh as those for analogous crimes, such as kidnapping, and were insufficient to deter violations, in part due to lax enforcement.

The Labor Ministry is responsible for administratively enforcing child labor laws, and the Attorney General's Office prosecutes violators. The Ministry of Children and Youth continued its program providing safe and educational spaces for children at risk of child labor, incorporating it into the Programa Abrazo (Hug Program). The Ombudsman's Office and the Child Rights Committee received complaints and referred them to the Attorney General's Office. In the first nine months of the year, the ministry received 17 complaints regarding child and adolescent workers, which was the same number as in 2019. Most children worked in supermarkets, customer service, and restaurants.

Despite the government's significant advancement in efforts to eliminate the worst forms of child labor, child labor continued to occur in sugar, brick, and limestone production; domestic service; and small-scale agriculture. Children also worked in manufacturing, restaurants, and other service industries. Boys were often victims of forced labor in domestic service, crime, and in some cases as horse jockeys.

In exchange for work, employers promised room, board, and financial support for school to child domestic servants. Some of these children were victims of human trafficking for the purposes of forced child labor, did not receive pay or the promised benefits in exchange for work, suffered from sexual exploitation, and often lacked access to education.

The worst forms of child labor occurred where malnourished, abused, and 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 were involved in forced criminality, such as acting as drug smugglers for criminal

PARAGUAY

syndicates along the border with Brazil. Children reportedly worked in debt bondage alongside their parents in the Chaco region.

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/agencies/ilab/resources/reports/child-labor/findings and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods.

d. Discrimination with Respect to Employment and Occupation

The law specifically prohibits workplace discrimination based on race, skin color, sex, age, religion, political opinion, disability, HIV-positive status, or social origin. The government did not effectively enforce the law, and penalties were insufficient to deter violations. The fines for discrimination, which range from 10 to 30 times the minimum daily wage per affected worker, are not commensurate with laws related to civil rights such as election interference, which can carry penalties of up to five years in prison.

The press and civil society reported on employment discrimination based on sex, race, disability, age, language, sexual orientation, HIV-positive status, and pregnancy.

Many workers within the LGBTI community preferred not to file complaints with the Labor Ministry due to the ministry's ineffective enforcement of the law and due to fear of being dismissed.

e. Acceptable Conditions of Work

The law does not provide for a national minimum wage for all economic sectors, but a standard minimum wage applies to most sectors. Further, there are minimum wage standards stipulated for specific sectors such as cattle raising. The standard minimum wage was above the official estimate for the poverty income level.

The law stipulates that domestic employees work a maximum of eight hours per day. The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one and one-half days of rest. There are no prohibitions of, or exceptions for, excessive compulsory overtime.

PARAGUAY

The Labor Ministry did not effectively enforce provisions for overtime pay, the minimum wage, or limitations on hours of work in the formal or the informal sector. It continued public-awareness campaigns, however, aimed at employers and workers to raise awareness of labor laws and worker rights. The number of labor inspectors was insufficient to enforce compliance with all labor laws. Penalties, which were limited to fines, were insufficient to deter violations and were not commensurate with those for similar crimes such as fraud, which could include imprisonment.

The government sets appropriate occupational safety and health (OSH) standards stipulating conditions of safety, hygiene, and comfort. Although these standards were current and appropriate for the light manufacturing and construction industries, enforcement was inadequate. Penalties for violations of OSH laws were commensurate with those for crimes such as negligence. Inspectors have the authority to make unannounced inspections and recommend sanctions.

During the first nine months of the year, the Labor Ministry's Department of Mediation of Private Conflicts received more than 5,000 labor complaints and mediation requests, a number similar to 2019. According to media reports, many formal and informal employers violated provisions requiring severance pay when they terminated contracts during the COVID-19 national quarantine, particularly in the food and service sectors.

Between January 1 and September 30, the Labor Ministry received five reports of fatal workplace accidents: two took place in supermarkets, and one each in civil construction, restaurants, and finance.

Employers are obligated to register workers with the Labor Ministry. As of September 1, approximately 3,055 employers registered 8,964 new workers with the ministry, both numbers significantly lower than in 2019.

According to media and NGOs, many domestic workers suffered discrimination, were not paid for overtime work as required by law, and were not entitled to publicly provided retirement benefits, unlike other workers covered by the labor code. Only 15,000 of an estimated 250,000 domestic employees were registered for social security benefits. Domestic workers were eligible for government-

PARAGUAY

sponsored medical care and retirement programs through payroll and employer contributions. Many employers reportedly used COVID-19 quarantine restrictions as justification for terminating domestic workers' employment without severance pay.