

PARAGUAY 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In 2018, Mario Abdo Benítez 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 law enforcement and maintaining internal security. The combined police-military Joint Task Force has the task of combatting the Paraguayan People's Army and transnational criminal organizations. Civilian authorities generally maintained effective control over the security forces. There were reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: torture or cruel, inhuman, or degrading treatment by security forces; harsh and at times life-threatening prison conditions; arbitrary arrest and detention; serious problems with the independence of the judiciary; serious restrictions on freedom of expression and media, including intimidation of journalists by politically and economically powerful actors and enforcement of or threat to enforce criminal libel laws to limit expression; serious government corruption; lack of investigation of and accountability for gender-based violence; and existence of the worst forms of child labor.

The government took steps to prosecute and punish low- and mid-ranking officials who committed human rights abuses or engaged in corruption, but impunity for high-level politicians and officials in police and security forces was widely alleged.

The Paraguayan People's Army criminal group continued to carry out kidnappings, bombings, and other violent acts in Concepción, Amambay, and San Pedro Departments.

Section 1. Respect for the Integrity of the Person

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

There were no reports that the government or its agents committed arbitrary or unlawful killings. Media occasionally reported allegations of law enforcement inappropriately using lethal force in security operations.

On July 27, three police officers in Ciudad del Este shot and killed Juan Daniel Ortigoza Ávalos when, during a law enforcement operation, they mistook him for a murder suspect. The officers fired their guns at Ortigoza's car after he failed to stop at a police checkpoint. Authorities were investigating the incident.

The Paraguayan People's Army (EPP) continued to carry out kidnappings, bombings, and other violent acts in Concepción, Amambay, and San Pedro Departments. The EPP originally modeled its ideology and guerilla tactics on the Revolutionary Armed Forces of Colombia (FARC), but in recent years the EPP shifted toward narco-trafficking and other forms of organized crime. On April 3, authorities in Concepción Department found the bodies of two farm workers with gunshot wounds in their heads. Authorities believed the EPP executed the men, although the EPP did not take credit. The workers, Esteban Valenzuela and Julio Aveiro Cárdenas, had been missing since March 5 from an area where the EPP was active. A third person who also disappeared on March 5 in the same area reappeared on March 14 with messages from the EPP to deliver to media.

On April 27, an improvised explosive device attributed to the EPP detonated under a joint police-military task force (FTC) vehicle and injured three military personnel traveling between Concepción and Amambay Departments. On October 23, members of the EPP, including its leader Osvaldo Villalba, allegedly executed two Indigenous persons the EPP accused of collaborating with authorities. Members of the FTC in the area reportedly killed Villalba before he could execute a third individual.

b. Disappearance

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

The EPP and its splinter groups allegedly continued to hold three captives: police officer Edelio Morínigo, missing since 2014; farmer Félix Urbieto, missing since 2016; and former Vice President Óscar Denis, missing since 2020. Authorities reported no new information on the welfare or whereabouts of the three missing men.

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

The law prohibits such practices, but there were credible reports that some government officials employed them. The Special Human Rights Unit of the Public Ministry (Attorney General's Office) opened 10 torture investigation cases between January 1 and September 27, but there were no convictions, and all cases remained pending. 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 Rights Unit was investigating 121 open cases as of October 1, most 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.

On March 24, a cadet at the Armed Forces Military Academy was hospitalized after being beaten in what media suggested was hazing. As a result of this incident, on April 1, President Abdo Benítez fired the director of the academy. The Public Ministry's Special Human Rights Unit was investigating the incident.

Several civil society groups, including the nongovernmental organization (NGO) Paraguayan Human Rights Coordinator, the civil society group Coordinator for the Rights of Children and Adolescents, and the NGO Tierraviva, criticized the FTC for its alleged human rights abuses in the country's northeastern region. These allegations included arbitrary detainment and threats of lethal force and intimidation. FTC officials met with multiple civil society organizations during

the year to discuss their concerns. The FTC's principal goal was eliminating the EPP while also combatting other transnational criminal organizations. The FTC included personnel from the armed forces, National Police, National Anti-Narcotics Secretariat, and the Public Ministry.

Impunity was a problem in the security forces. Corruption and politicization allegedly contributed to impunity. The Special Human Rights Unit and the semi-independent National Mechanism for the Prevention of Torture (NMPT) both continued to investigate alleged human rights abuses by security forces. Charges and prosecutions often took years of investigation and judicial processing. The military implemented a requirement in February that all military educational institutions offer as part of their curriculum 40 hours of human rights awareness training.

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.

Abusive 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. According to the Ministry of Justice, as of September 27, the average occupancy rate was 63 percent above designed capacity; however, the Emboscada Penitentiary was at 353 percent of designed prisoner capacity. Penitentiaries did not have adequate accommodations for inmates with physical disabilities.

Prisons and juvenile facilities generally lacked adequate ventilation 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. There were reports that inmates had to pay bribes for basic services such as medical appointments. Adherence to fire prevention norms was lacking.

Overcrowding and limited resources to control the prisons abetted criminal organizations and generated violent prisoner-on-prisoner confrontations.

Government authorities reported inmate recruitment within the prisons by members of Brazilian gangs, including Primeiro Comando da Capital (PCC) and Comando Vermelho, as well as domestic criminal organizations, including the Rotela Clan.

On August 7, 35 inmates escaped the Misiones Regional Prison in a prison break that authorities stated the PCC gang helped organize. In September a riot at Concepción Regional Penitentiary resulted in the death of one inmate and the injury of two others after inmates allegedly affiliated with the PCC gang briefly held three guards hostage during a failed escape attempt. Human rights activists alleged that overcrowding, inhuman living conditions, and a lack of surveillance in gang-controlled areas of prisons encouraged and enabled such escapes.

Administration: Authorities conducted some investigations of credible allegations of mistreatment, but the NMPT reported authorities often failed to conduct adequate investigations, particularly regarding prison directors accused of mistreatment.

Although married and unmarried heterosexual inmates were permitted conjugal visits, the ministry prohibited such visits for lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) inmates. NMPT representatives stated prison authorities were unable to permit conjugal visits for LGBTQI+ inmates because the law does not recognize same-sex marriage.

Independent Monitoring: The government granted access to prisons for media, international monitoring bodies, independent civil society groups, and diplomatic representatives. Officials sometimes barred access of 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.

Arrest Procedures and Treatment of Detainees

Police may arrest individuals with a warrant or with reasonable cause, although in

some cases, police allegedly made arrests without judicial authorization or reasonable cause. The law provides that after making an arrest, police have up to six hours to notify the Public Ministry, after which the Public Ministry has up to 24 hours to notify a judge if it intends to prosecute. The government generally respected these rights. 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.

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.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention. The Special Human Rights Unit reported no complaints from January to September of “deprivation of freedom,” a category that includes arbitrary arrest and detention. Observers attributed this significant drop from 2021’s 68 complaints to government’s complete lifting of the COVID-19 curfew and movement restrictions on which many of the 2021 complaints were based.

Media and NGOs reported several cases of arbitrary arrest and detention occurred during the year that were not officially reported to authorities. 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.

Pretrial Detention: Lengthy pretrial detention was a problem. 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 October 17, 71 percent of prisoners awaited trial or sentencing, contributing to overcrowding, prisoner-on-prisoner violence, illegal activity, and lack of access to basic services.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary; however, courts were

inefficient and subject to corruption and outside influence. The National Republican Association (ANR) party and the Liberal Party politicized the Supreme Court, lower courts, and the selection and disciplining of judges and prosecutors. The Council of Magistrates chooses the attorney general, judges, prosecutors, and public defenders throughout the judicial system. This process, combined with similarly politicized five-year career renewal appointments and a parallel qualifications examination, contributed to an atmosphere within the judicial branch of excessive political influence and lack of judicial independence.

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.

In some cases, convicted inmates remained imprisoned beyond the time for which they were sentenced.

Trial Procedures

The constitution provides for the right to a fair and public trial, which the judiciary nominally provided. Defense attorneys, along with complicit judges and prosecutors, however, regularly manipulated the judicial process to reach the statute of limitations before trials concluded (see section 4). 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 have the right to promptly receive 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, but trials were often protracted.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Citizens and organizations 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. 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.

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.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The law and constitution provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent press and a functioning democratic political system combined to promote freedom of expression, including, for the most part, for members of the media, although widespread corruption in the judiciary hindered protections in court.

Violence and Harassment: Journalists occasionally suffered harassment and intimidation from politically motivated “bots” or automated social media profiles, but also from politicians. Media and international NGOs reported several such incidents against journalists.

Journalists and political observers said politicians made vague, irresponsible, and unsupported allegations against journalists whose politics were contrary to their own. Journalists expressed concern that such allegations were meant to intimidate and promote threats against journalists and editors.

Libel/Slander Laws: Libel, slander, and defamation are criminal offenses, and such laws were generally enforced. Individual public figures sometimes used these laws to restrict public discussion or retaliate against journalists or political opponents. Former Vice Minister of Taxation Marta González Ayala continued to pursue two lawsuits for alleged defamation against major media outlet *ABC Color* after it reported extensively on corruption allegations against her.

Nongovernmental Impact: Criminal groups sought to inhibit freedom of expression, including for members of the press. On September 6, members of a crime group killed journalist Andrés Coronel Godoy in Amambay Department as he was leaving the radio station where he worked. Godoy was recognized for his reporting on narco trafficking and transnational organized crime. Godoy had long been a victim of threats and intimidation, reporting them to authorities as recently as June. Press freedom activists alleged the government did not do enough to protect Godoy.

Independent online media outlet *5Days* said its journalists and their families received threats after reporting on corruption and money-laundering allegations against former President Horacio Cartes, one of the country's wealthiest and most politically powerful figures. The threats were credible enough to make *5Days* journalists consider leaving the country for their own safety.

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.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

Media alleged police used unnecessary force on a group of medical professionals who were demonstrating on August 15 and seeking access to a government-organized celebration of the founding of Asunción. Media reported police kicked and hit some of the demonstrators, who were protesting the government's decision to deny them a scheduled salary increase, after demonstrators attempted to cross police barriers.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

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. The government did not assist in the safe, voluntary return to their home countries of those who were not granted refugee status; it relied on assistance from the Office of the UN Human Rights Commission to facilitate such returns.

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.

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 Benítez of the ANR party 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.

Political Parties and Political Participation: The ANR and the Liberal Party maintained long-standing control of the political 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 to compete.

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 most female candidates toward the end of the closed party lists, effectively limiting women's chances of being elected.

On September 12, Congress passed a law eliminating voting limitations for persons whose disabilities prevented them from "making themselves understood in writing or other means."

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. There were widespread reports of government corruption in all branches and at all levels, 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.

Public Ministry corruption investigations and indictments typically proceeded slowly and took several years to reach a verdict 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 of low- and mid-level public officials for corruption occurred occasionally, 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.

Corruption: Impunity was endemic among 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 despite being accused of, and indicted for, corruption and other crimes. Persons indicted for corruption were not held in pretrial detention. As of October 17, unresolved high-level corruption cases included four former ministers from past administrations, two former ministers from the current administration, three former and seven current members of Congress, one former attorney general, three former governors, and one former Supreme Court justice.

On September 28, Ombudsman Miguel Godoy resigned from his position in the face of likely impeachment regarding allegations that he improperly collected fees of approximately 440,000 guaranis (\$62) from each of 4,000 conscientious objectors to avoid the country's obligatory military service. While the law allows

contentious objectors to avoid military service by paying a fee, Godoy was accused of failing to follow proper procedure and of using the money for personal gain. He also faced accusations of sexual harassment and labor law violations.

Section 5. Governmental Posture Towards 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 officials rarely acted in response to NGO reports or recommendations.

Retribution against Human Rights Defenders (HRDs): Human rights organizations reported an increase in public attacks and intimidation from conservative political activists. Such activists accused human rights defenders of polarizing and ideologizing the population, fomenting violence against the government, and destroying “traditional family values” by employing “leftist” and “globalized” rhetoric. On December 7, a judge ordered protective measures for prominent journalist and human rights activist Mercedes Barriocanal after a conservative political group published Barriocanal’s telephone number on social media and called on its followers to harass her. Barriocanal had criticized conservative and so-called pro-family groups’ misinformation campaign pressuring Congress to block international funding for public education.

Government Human Rights Bodies: The human rights ombudsman generally operated with independence, focusing on the promotion of human rights, investigating human rights abuses by public officials, being a channel for citizen complaints, and protecting community interests, but he was ineffective. The NMPT maintained its independence from other government offices, although its reports were not always acted upon. The Public Ministry 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 within the government to coordinate human rights issues.

Section 6. Discrimination and Societal Abuses

Women

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 survivor is a minor, the sentence ranges from three to 15 years in prison.

The government generally prosecuted rape allegations and sometimes obtained convictions. Prosecutors reported difficulties obtaining convictions for rape due to survivors' reluctance to testify or submit to medical examinations. Due to the slow pace of the judicial system, cases often reached their statute of limitations before prosecutors could obtain a conviction.

According to the Ministry of Women's Affairs and media sources, rape continued to be a significant and pervasive problem, with many rapes going unreported due to social stigma, survivors' fears of retaliation, and lack of training among law enforcement officials.

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 survivor 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 survivor. In some instances, the courts mediated domestic violence cases.

According to NGOs and the Ministry of Women's Affairs, domestic violence was widespread. The Public Ministry reported domestic violence was the most reported crime during the year. In many instances, survivors asked prosecutors to drop cases against their attackers due to fear of reprisals, allowing their attackers' crimes to go unpunished.

Femicide remained a serious problem. The law criminalizes femicide and mandates a sentence of between 10 and 30 years in prison. Officials generally enforced the law and prosecuted femicide cases, but impunity in these cases remained high.

The Ministry of Women's Affairs promoted a national 24-hour telephone hotline for survivors. The ministry also operated a shelter and coordinated survivor assistance efforts, public outreach campaigns, and training. The ministry's Woman City in Asunción, an integrated service center for women, focused on prevention of domestic violence and on reproductive health, economic empowerment, and education. As of October 12, the National Police had 15 specialized units to assist victims of domestic violence and 88 officers dedicated exclusively to responding to domestic violence situations.

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 victims dropped their complaints or were unwilling to cooperate with prosecutors. The Ministry of Women's Affairs Woman City initiative attended to complaints of sexual harassment and provided legal guidance and emotional support for victims.

On August 27, the Public Ministry pressed charges against veteran journalist and news producer Carlos Granada for sexually harassing six colleagues. According to the ministry, Granada used his position and connections to harass junior female journalists, some of whom left their jobs after finding their employer either refused to take action against Granada or pressured the accusers to resign. As of October 17, Granada remained in custody as the case against him moved forward. Granada's employer, telecommunications company Albavisión, subsequently fired the six complainants and threatened to file a criminal defamation lawsuit against one of them. In firing the six employees, Albavisión reportedly violated labor laws.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Women's rights advocates reported cases of doctors at public hospitals refusing to perform tubal ligation procedures on childless women younger than age 30, or when there was no consent from the patient's spouse. These criteria were not based on law or Ministry of Health guidance, but rather on the doctors' personal (often conservative or religious) beliefs.

Reproductive health services were concentrated in cities; rural areas faced significant gaps in coverage.

The government provided access to sexual and reproductive health services, including for survivors of sexual violence. A Ministry of Health protocol for survivors of sexual violence, which included provision of reproductive health services, applied to all health-care institutions. Emergency contraception was available as part of clinical management of rape. Follow-up psychiatric care and legal referrals were also available for survivors. Health-care institutions did not provide consistent access to reproductive health services, however, and in some cases denied such services to sexual violence survivors due to doctors' personal religious beliefs or social stigma and survivor-blaming surrounding sexual violence.

While menstrual period stigma was not sufficiently strong to prevent women and girls from participating in society, lack of sexual education and limited access to hygiene products may have dissuaded some students from going to class during their periods. In addition, women's rights advocates reported some pregnant adolescents were barred from private schools.

According to the most recent UN estimates, in 2020 the adolescent birth rate remained high at 70 births per 1,000 girls and women between ages 15 and 19. Ministry of Childhood and Adolescence authorities attributed the high adolescent birth rate to a lack of adequate sexual education in schools, noting conservative and religious groups effectively quashed the ministry's December 2020 attempt to improve sexual education in public schools.

Discrimination: The constitution prohibits discrimination based on gender, 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, gender, 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-based discrimination persisted, and employers were sometimes reluctant to hire female employees who might require maternity leave as set forth in the labor code.

Systemic Racial or Ethnic Violence and Discrimination

The law protects members of ethnic minorities or groups from violence and discrimination. On July 20, Afro-Paraguayans became the first and only racial minority to receive legal protections. The government did not enforce the law effectively. The Public Ministry was responsible for investigating crimes against ethnic minorities. NGOs also performed independent investigations.

Based on the latest census (2018), the Ministry of Culture estimated there were 12,000 persons of African descent in the country. Despite the president signing legislation on July 20 protecting Afro-Paraguayans from discrimination, NGOs did not believe the discrimination and marginalization of the Afro-descendant community would cease. Afro-descendant communities faced high rates of racial profiling and violence by police, as well as discrimination in the legal system. Afro-descendant communities had limited access to quality education, health services, housing, and social security, as well as low rates of political participation.

On September 21, the Afro-descendants Network of Paraguay (RPA) issued a public complaint against the National Institute of Statistics over its decision to exclude a question on the 2022 census that would allow an individual to identify as ethnically Afro-Paraguayan. The RPA said the decision showed the government's lack of initiative to collect data on the Afro-Paraguayan community. The RPA argued the resulting "statistical invisibility" enabled systemic discrimination. The institute said the decision was based on experience in a pilot census during which census respondents refused to answer the question, refused to complete the census, or were unable to complete the census in the allotted time.

Indigenous Peoples

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), Public Ministry, Ministry of Justice, Labor Ministry, and Ombudsman's Office were responsible for protecting and promoting Indigenous rights. The law mandates that INDI negotiate, purchase, and register land on behalf of Indigenous communities who claim a lack of access to their ancestral lands. Land rights activists reported INDI was unable to fulfill its mandate due to lack of government support. The Ombudsman's Office often failed to safeguard the rights of Indigenous communities.

Propertyless farmers and Indigenous groups used land invasions to claim unused land or land these groups believed to be rightfully theirs. NGOs and Indigenous rights groups characterized laws criminalizing land invasions as designed to protect politically powerful families who took possession of public land during the dictatorship of Alfredo Stroessner.

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. Indigenous rights NGO Tierraviva and media reported Indigenous communities were often victims of threats, intimidation, and violence from large agrobusinesses in land disputes, frequently resulting in forced displacement. Agrobusinesses often employed private security guards to intimidate Indigenous communities. Tierraviva and media reported law enforcement failed to protect victims in such cases.

The NGOs Paraguayan Human Rights Coordinator and Tierraviva expressed

concern regarding the widespread cases of rape, sexual harassment, and physical abuse of women in Indigenous communities. Perpetrators were often male members of the community, workers, or employees from neighboring ranches and farms. There were also credible reports of trafficking in persons in Indigenous communities. NGO representatives alleged agrobusiness operations exploited and violated the labor rights of Indigenous workers by undercompensating them. Security officials reported that the EPP actively recruited minors from Indigenous communities.

Media reported that on July 12, 350 National Police personnel, supported by a helicopter, forcibly evicted 70 families of the Hugua Po'i Indigenous community from land owned by a large-scale soy producer in the Raúl Arsenio Oviedo district of Caaguazú Department. Hugua Po'i leaders said their community had historical and cultural ties to the land and, despite not holding the deed, had no choice but to farm there to feed their families. The community said that the judge who approved the order to evict them did not have jurisdiction over the area in question, and that the community had received no support from INDI in its dispute.

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 registered births on a nondiscriminatory basis, 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 were a prerequisite to access government services, including obtaining a passport.

Child Abuse: The law prohibits child physical abuse and child sexual abuse. Penalties range from up to one year in prison for physical abuse and four to 15 years in prison for child sexual abuse. The government frequently prosecuted child abuse cases and had a large but ineffective agency to combat child abuse. The NGO Coalition for the Rights of Children and Adolescents and the Ministry of Childhood and Adolescence stated that violence against children was widespread. The Ministry of Childhood and Adolescence 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 17 with parental consent. For those younger than age 16, marriage is permitted only with judicial authorization and under exceptional circumstances.

Sexual Exploitation of Children: According to the Ministry of Childhood and Adolescence and the NGO Coalition for the Rights of Children and Adolescents, child trafficking for the purpose of commercial sexual exploitation or forced domestic servitude was a problem. The law prohibits commercial sexual exploitation; the sale, offering, or procuring of 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; this penalty 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 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.

Indictments and convictions for child sexual abuse were common. In August, police arrested and charged a man, age 35, in Luque Municipality with sexually abusing a boy, age 10. According to prosecutors, the man repeatedly lured minors to his house with gifts and video games. Prosecutors stated the man may have

been paying the boy's father to allow the man to keep abusing the boy. As of November, the case against the abuser continued, and prosecutors were investigating the boy's father.

In October, investigative journalists used hidden cameras to expose a prostitution ring in Mariano Roque Alonso, a northern suburb of Asunción. The footage showed that a complete lack of police presence allowed abusers to exploit adolescent Indigenous girls in public spaces without fear of punishment. Witnesses told the journalists they had given up reporting such incidents to authorities, who had done nothing to respond to past calls for help.

Antisemitism

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

Trafficking in Persons

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

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law does not criminalize consensual same-sex sexual conduct between adults or so-called cross-dressing. LGBTQI+ advocates reported that police sometimes applied laws on loitering disproportionately to LGBTQI+ persons to justify arbitrary arrest and targeted LGBTQI+ persons in public spaces for document verification.

Violence against LGBTQI+ Persons: There were no reported cases of violence against LGBTQI+ persons. LGBTQI+ advocates said victims of such violence rarely reported it to authorities due to fear of retribution or lack of faith that the judicial system would take their case seriously. According to the civil society organization Panambi, violence against transgender persons remained high throughout the country.

Discrimination: No laws explicitly prohibit discrimination against LGBTQI+ persons. Artist Bruno Comas told media in January that bouncers at a popular nightclub denied him entry on New Year’s Eve because he was wearing a skirt. The bouncers told him that, per “house rules,” transgender individuals and men in dresses were not allowed in the club.

Throughout the year, multiple public officials and legislators engaged in anti-LGBTQI+ discrimination. In July, Social Security Institute Director General Marciano Zuárez used social media to direct antigay hate speech at a participant in the Asunción Pride Parade. In September, 13 senators voted in favor of a resolution accusing a foreign diplomat in the country with a same-sex spouse of “questionable behavior.”

The law does not recognize same-sex unions. In May, LGBTQI+ advocates, organized by the NGO SOMOSGAY, urged the government to respect the ruling of the Inter-American Court of Human Rights and provide a pathway to equal marriage for LGBTQI+ citizens.

Availability of Legal Gender Recognition: The law does not allow individuals to officially change their birth names to anything that could “cause confusion over the person’s sex.” As a result, transgender individuals must maintain names on their vital documents that do not match their gender identity. LGBTQI+ rights activists reported this created difficulties for transgender individuals when accessing essential services, including denial of those services. Two transgender activists denounced the law before the UN Human Rights Committee on September 13.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were no reports of conversion therapy practices. LGBTQI+ advocates, however, reported a variety of institutions, including churches, organized teen retreats that emphasized the importance of “traditional” gender roles to stigmatize LGBTQI+ lifestyles and “scare straight” any LGBTQI+ participants.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no legal restrictions on those speaking out about LGBTQI+ issues or

on the ability of LGBTQI+ organizations to legally register or convene events. Nonetheless, many who spoke out or participated in such events were met with hateful or otherwise intimidating responses, particularly on social media platforms. LGBTQI+ rights NGOs reported that an increase in such rhetoric in the year made many activists afraid to publicly advocate for LGBTQI+ rights.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. Discrimination was widespread, however, and most of the country's buildings, communications, public transportation, and health services were inaccessible to persons with disabilities.

Many persons with disabilities faced significant discrimination in employment. Some persons with disabilities 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; however, persons with disabilities occupied only 1 percent of civil service positions. As of September, of 16,900 positions allocated for persons with disabilities in 422 public institutions, only 2,643 were filled. Systemic barriers such as inadequate accessibility in education and logistical accessibility obstacles in public transport and infrastructure limited the numbers of persons with disabilities filling these roles.

According to UNESCO's *Profiles Enhancing Education Reviews*, as of June only 36 percent of persons with disabilities between the ages of six and 18 attended educational institutions. Only 17 percent of students with disabilities completed elementary school, and only 2 percent of students with disabilities enrolled in higher education. Most children with disabilities who attended school were enrolled in the public school system. Some specialized schools served specific disabilities, such as deafness.

Other Societal Violence or Discrimination

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

employment opportunities faced discrimination based on their sexual orientation and gender identity. The COVID-19 pandemic negatively affected access to health care and testing for HIV and AIDS. Public officials lacked awareness of human rights issues related to HIV and AIDS, in some cases resulting in privacy violations. Labor Ministry regulations forbid employers from requiring HIV testing prior to employment, but many companies reportedly did so.

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 (except for 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 Ministry of Labor, 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 government generally did not protect 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 Labor Ministry was responsible for enforcing labor rights, registering unions, mediating disputes, and overseeing social security and retirement programs. Investigations to protect labor rights from antiunion discrimination were rare 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, 4.9 million guaranis (\$685). Employers who blacklist employees face a fine of 30 times the minimum daily wage, 2.9 million guaranis (\$417). These penalties were commensurate with penalties for workplace discrimination based on gender or race but were generally ineffective and were rarely applied against violators. The government 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 ministry generally did not effectively enforce laws protecting freedom of association, collective bargaining, and the right to strike for workers.

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

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.

Ministry of Labor authorities reported no known instances of debt bondage. In the Chaco region, however, there were reports of children working alongside their parents in debt bondage on cattle ranches and dairy farms.

The government continued antitrafficking law enforcement and training efforts for teenagers entering the workforce but provided limited protective services for identified trafficking victims. Government shelters for women and minors who

were trafficking victims were insufficient, and there were no government shelters for male trafficking victims.

Child labor and trafficking, particularly in domestic servitude, was a significant problem (see section 7.c.). The Labor Ministry carried out child-labor information campaigns, in addition to campaigns promoting labor rights. The ministry's Directorate for the Protection of Children and Youth continued to develop online training for local authorities and a hotline for child labor tips.

Reports of *criadazgo*, the practice where middle- and upper-income families informally “employ” children as domestic workers, continued throughout the year. The children were often from impoverished families or rural areas. Employers provided shelter, food, some education, and a small stipend in exchange for the child's domestic work; however, many of these relationships were exploitative. Civil society groups estimated 47,000 children, or 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. The civil society group Coordinator for the Rights of Children and Adolescents continued to denounce *criadazgo* as illegal under child labor laws.

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

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

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. Penalties were rarely applied against violators.

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

Many workers within the LGBTQI+ 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

Wage and Hour Laws: 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 and requires employers to pay higher wages for overtime hours depending on the time of day and day of the week the work is performed. There are no prohibitions of, or exceptions for, compulsory overtime.

The Labor Ministry continued public-awareness campaigns aimed at employers and workers to raise awareness of labor laws and worker rights. Alleged violations of wage, hour, or overtime laws were common in cattle ranching and the textile industry.

Occupational Safety and Health: The government sets appropriate occupational safety and health (OSH) standards stipulating conditions of safety, hygiene, and comfort. These standards were current and appropriate for the light manufacturing and construction industries but were rarely applied in practice. OSH experts did not actively identify unsafe working conditions or respond to worker's OSH complaints.

Between January 1 and September 27, the Labor Ministry received no reports of fatal workplace accidents.

Wage, Hour, and OSH Enforcement: The Labor Ministry is responsible for enforcement of wage, hour, and OSH laws. Inspectors have the authority to make unannounced inspections and to initiate sanctions. The number of labor inspectors was insufficient to enforce compliance. Penalties for OSH violations were commensurate with those for crimes such as negligence, but penalties for wage and hour violations, which were limited to fines, were not. Penalties were rarely applied against violators.

According to media and NGOs, many employers did not pay domestic workers for overtime work, nor did they register domestic workers for publicly provided retirement benefits as required by the labor code. Domestic workers were eligible for government-sponsored medical care and retirement programs through payroll and employer contributions.

Informal Sector: The National Institute of Statistics estimated in 2021 that 64 percent of workers in nonagricultural sectors were active in the informal economy. Experts believed most of these workers were employed in the service (including restaurants, hotels, and commerce), construction, and manufacturing sectors, and that the rate of informal employment in the agricultural sector was much higher. Informal-sector workers were not covered by OSH laws or inspections. No government entity provided social protections for workers in the informal economy, although such workers qualified for basic health care and social security benefits available to all citizens. Informal-sector workers did not unionize.