

PARAGUAY 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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

The National Police, under the authority of 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.

Significant human rights issues included reports of torture by government officials; 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; widespread and sometimes lethal violence against women and, to a lesser extent, indigenous persons, despite government efforts to curtail such acts; discrimination against lesbian, gay, bisexual, transgender, and intersex persons; and child labor, particularly in domestic service and informal agricultural sectors.

The government took steps to prosecute and punish low- and mid-rank officials who committed abuses, but general impunity for officials in the police and security forces continued to be 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

As of November 15, there were no reports that the government or its agents committed arbitrary or unlawful killings.

In May a court sentenced police officer Jorge Ramirez Bogarin to four years in prison for wounding a woman who was trying to assist Rodrigo Quintana, a Liberal Party official. As of October 1, the case of Gustavo Florentin, charged

with the 2017 murder of Quintana, remained in the pretrial stage awaiting the resolution of appeals.

As of year's end, Blas Llano had not followed up during his tenure as Senate president, which started on July 1, on the Senate-appointed independent commission report on the role of police in the Marina Cue events that resulted in the deaths of 11 campesinos and six police officers. Authorities had not prosecuted any members of the police involved in the incident. The Curuguaty/Marina Cue case remained open, although in July 2018, the Supreme Court annulled the conviction of 11 campesinos for their involvement in the 2012 confrontation with police agents attempting to evict landless occupiers. In August the judicial disciplinary board found one of the judges who voted to annul the case guilty of procedural irregularities and imposed an administrative sanction. The other judge who voted to annul resigned in May, alleging a lack of Supreme Court support for his work on the case.

b. Disappearance

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

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 11 torture investigation cases during the year, 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 unit was investigating 139 open cases as of October 1, including many from the 1954-89 Stroessner dictatorship.

Several civil society groups publicly criticized, and called for, the disbandment of the Joint Task Force (FTC) due to human rights abuses and corruption in the northeastern region of the country. In June opposition Senator Pedro Santa Cruz introduced a bill supported by the nongovernmental organization (NGO) Peace and Justice Service to eliminate the FTC. The FTC operated with the principal goal of eliminating the Paraguayan People's Army and included personnel from the armed forces, National Police, and National Anti-Narcotics Secretariat.

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, deteriorating infrastructure, and unsanitary living conditions.

Physical Conditions: According to the National Mechanism for the Prevention of Torture (NMPT), prisons were overcrowded, with inmates at some facilities forced to share bunks, sleep on floors, and sleep in shifts. As of October 1, the average occupancy rate for both male and female penitentiaries was three times above the NMPT's occupational index, 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, in which 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. In June the deadliest prison riots in history erupted in the Ycuamandyyu prison in San Pedro and the Tacumbu prison in Asuncion, leaving 10 dead and 14 injured. In Ycuamandyyu, incarcerated members of the Brazilian drug gang Primeiro Comando da Capital (PCC) attacked rival gang Clan de Rotela members, allegedly in reprisal for the killings of PCC members in Tacumbu prison in February.

Government authorities in the northeastern region of the country on the border with Brazil continued to report inmate recruitment within the prisons by members of Brazilian gangs, including PCC and Comando Vermelho.

Administration: Authorities conducted some investigations of credible allegations of mistreatment, but the NMPT stated authorities failed to conduct sufficient investigations, particularly into prison directors with previous accusations of mistreatment. Visitors reportedly needed to offer bribes frequently 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: The government granted media, independent civil society groups, and diplomatic representatives access to prisons with prior coordination.

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.

Arrest Procedures and Treatment of Detainees

Police may arrest individuals with a warrant or with reasonable cause. The law provides that after making an arrest, police have up to six hours to notify the Attorney General's Office, at which time 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.

The law grants defendants the right to hire counsel, and the government provides public defenders for those who cannot afford counsel. According to the NGO Paraguayan Human Rights Coordinator (CODEHUPY) and the NMPT, heavy caseloads adversely affected the quality of representation by public defenders. Detainees had access to family members.

Arbitrary Arrest: The law prohibits arbitrary arrest and detention. During the year the Special Human Rights Unit of the Attorney General's Office reported no cases of arbitrary arrest and detention of persons without a warrant. Media and NGOs, however, reported several cases of arbitrary arrest and detention.

In June the Inter-American Court of Human Rights ruled in favor of Paraguay, the defendant in the 2002 case concerning plaintiffs Juan Arrom and Anuncio Marti. The plaintiffs claimed police kidnapped and tortured them in 2002 for their alleged involvement in a 2001 kidnapping. In a unanimous decision, the court ruled the

Paraguayan state was not responsible for Arrom and Marti's arbitrary arrest and detention. The ruling acknowledged Arrom and Marti had been detained by civilians, who allegedly beat them, choked them, and questioned them about the kidnapping of Maria Bordon de Debernardi. The court concluded the evidence presented was insufficient to determine whether government agents were involved in or acquiesced to the defendants' abduction.

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 October 1, 74 percent of male prisoners and 65 percent of female prisoners were awaiting trial and sentencing.

In July, President Abdo Benitez signed into law an amendment to the criminal procedures code that removed constraints preventing judges from applying alternative measures to pretrial detentions for crimes with a potential sentence of five or more years. The NMPT had alleged the high number of detainees in pretrial detention was principally a result of the old law. After the amendment's passage, however, the number of released detainees was low due to an elevated rate of recidivism among pretrial detainees.

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 that 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 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 prompt 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, as well as 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 access 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 them 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.

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, which is the government agency charged with implementing land reform.

In response to complaints from private-sector organizations and a rapid increase in reported land invasions, 800 in the first eight months of the year, in September the Supreme Court annulled a 2012 protocol requiring authorities to attempt alternate measures before using police force to evict trespassers. Police forces can now evict unauthorized tenants upon request from a judge and no longer need to provide a site survey, inform human rights units from the Ministry of Internal Affairs and police, or notify the Ombudsman's Office, among other requirements.

In March the judiciary resolved the dispute between Brazilian-Paraguayan families claiming title to 555,435 acres of land and farming families occupying 222,965 acres of the disputed land in Colonia Guahory, Caaguazu Department. Upon a request from prosecutors to avoid going to trial, a judge imposed alternative measures to imprisonment for defendants Andres and Fatima Brizuela, thus formally ending the case. The case had originated when police attempted to conduct several eviction operations, but the farming families remained in place. Legal counsel for the small-scale farming families alleged the Brazilian-Paraguayan families claiming ownership had illegally purchased titles to the land.

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 these rights. An independent press 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. In July, following a meeting at the Asuncion City Council, a taxi-union leader called journalists “callous” and said they should be “executed using cannon balls.” Later in July, during taxi-driver-led protests against Uber, a member of the union pushed and groped a female journalist. Prosecutors opened an investigation against the alleged aggressor.

Brazilian drug trafficker Felipe “Baron” Escurra Rodriguez, who had reportedly planned to kill well known journalist Candido Figueredo Ruiz for reporting on Escurra’s illicit activities along the border with Brazil, remained at large despite police efforts to recapture him.

In December 2018 an appeals chamber in the department of Canindeyu upheld the sentence of Vilmar “Neneco” Acosta Marques, a former mayor of Ypejhu, who was sentenced to 29 years in prison for instigating his brother Wilson Acosta Marques and nephew Flavio Acosta Riveros to kill *ABC Color* journalist Pablo Medina and his assistant, Antonia Chaparro. Flavio Acosta Riveros, the alleged killer, remained in a Brazilian prison, where he was on trial for Medina’s murder. Brazilian law prohibits his extradition to Paraguay.

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.

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.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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: Authorities permitted persons whose asylum or refugee status cases were refused to seek other migration options, including obtaining legal permanent residency in the country or returning to the most recent point of embarkation. The government did not assist in the safe, voluntary return of refugees to their homes but rather relied on assistance from the Office of the UN High Commissioner for Refugees to facilitate such returns.

g. Stateless Persons

Not applicable.

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 April 2018 the country held general elections to elect a president, vice president, department governors, members of both houses of congress, and Mercosur Parliament members. ANR's Mario Abdo Benitez 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. The parties politicized the Supreme Court, lower courts, and the selection and disciplining of judges and prosecutors, including the nomination and selection process for the attorney general. 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 two Supreme Court justices through a transparent process that civil society considered relatively unpoliticized.

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.

In May, President Abdo Benitez signed into law an amendment to the electoral code enabling voters to vote for specific candidates on a party list, rather than voting for a list as a whole. The law also gives the electoral commission the authority to decide whether to introduce electronic voting starting in the 2020 municipal elections.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women. Although the parties met this requirement, they placed the majority of female candidates toward the end of the closed party lists, effectively limiting their chances of being elected. Women served in both the legislature and the Supreme Court; however, there were only 19 women in congress (eight of 45 senators and 11 of 80 national deputies). There were no female governors.

Although there were no legal impediments to participation by minorities 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, falsifying documents, and criminal association. Criminal cases typically spent 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 limitation or by successfully requesting the removal or suspension of judges and prosecutors working on their cases. Although indictments and convictions for corruption of 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 institution's effectiveness and undermining public trust.

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 had avoided prosecution in the justice system despite being accused of, and indicted for, corruption and other crimes. In May a judge sentenced former legislator Victor Bogado to one year in prison for using Senate staff salary funds to pay for his household nanny. Bogado avoided serving time in prison due to alternative measures legislation that allow convicts sentenced to less than two years of imprisonment to receive immediate release in cases of good behavior. As of November 1, there were 17 unresolved cases involving six former ministers and mayors, 10 former and current members of congress, and one former Supreme Court justice.

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 similar disclosures during a person's appointment, and it was common for public officials to serve for years without updating their disclosure statement.

In July congress passed a law mandating that starting in 2020, financial disclosures can be made public only with a court order.

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 generally not enforced. Legislators generally ignored the law with impunity, using political immunity to avoid investigation or prosecution. The Comptroller's Office did not investigate cases with 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 often did not take action in response to their reports or recommendations. There were a number of reports that anticorruption protesters were attacked while demonstrating, although police rarely identified assailants.

Government Human Rights Bodies: Human Rights Ombudsman Miguel Godoy Servin remained active in his office after 10 years of ombudsman inactivity prior to his term, including launching outreach campaigns and investigations into misuse of public money and abuse of authority by public officials. In April a court acquitted Manuel Paez Monges of charges for misusing funds set aside as reparation funds for victims of the 1954-89 Stroessner dictatorship and their families. The ombudsman had filed a formal complaint that led to the indictment of Paez Monges.

Several human rights NGOs complained there was no single, reliable point of contact within the government to discuss human rights issues. They stated they were not approached for consultations on human rights policies, planning, and legislation. Although several government ministries had human rights offices to

monitor compliance with human rights legislation, there was no coordinator to serve as the point of contact with civil society.

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

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 victim is a minor, the sentence ranges from a minimum of three years to 15 years in prison. According to the Attorney General's Office, 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 if convicted, it 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 jail 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's Affairs, domestic violence was widespread, and thousands of women received treatment for injuries sustained in domestic altercations. 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 September a man was recorded on video attacking his former girlfriend near the city of Coronel Oviedo. The attacker punched and kicked the victim and also cut her hair with a pocketknife; however, prosecutors dropped the case at the victim's request.

The ministry 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 of Women's Affairs' "Woman City" in Asuncion, an integrated service center for women, provided services focusing on prevention of domestic violence, reproductive health, economic empowerment, and education. As of October 1, the National Police had 17 specialized units to assist victims of domestic violence and more than 100 officers assigned to these stations.

Femicide remained a serious problem. A 2016 law criminalizes femicide and mandates a sentence of between 10 and 30 years in prison upon conviction. As of

October 1, the Observatory of Women's Affairs within the Ministry of Women's Affairs reported 25 cases of femicide, a significantly lower number than the previous year's total of 59 cases. July was the first month since the enactment of the law against femicide with no reported cases of femicide.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine, although sexual harassment remained a widespread problem for many women, especially in workplace environments. 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 continue cooperating with prosecutors.

In August, Maria Belen Whittingslow, a law student who in 2014 accused Cristian Kriskovich, her former professor and current member of the Justice Tribunal, of sexual harassment. She subsequently fled to Uruguay seeking refugee status after prosecutors requested Whittingslow's arrest for her involvement in a grade-fixing case involving 40 students. She alleged prosecutors requested her arrest under pressure from Kriskovich. Following Whittingslow's move to Uruguay, a group of female senators demanded Kriskovich quit his Justice Tribunal post to prevent undue influence over judges. As of November 20, Kriskovich remained in his position.

A 2018 protocol addresses sexual misconduct involving government workers. It streamlines the filing of complaints for misconduct and harassment. To facilitate the enforcement of the protocol, the Civil Service Secretariat trained public servants and adopted guidance to include gender perspective in all public agencies' internal resolutions.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: The constitution prohibits discrimination based on sex, but the government did not effectively enforce this provision. There is no comprehensive law against discrimination and thus no legal basis for enforcement of the constitutional clause against discrimination.

Women generally enjoyed the same legal status and rights as men. Nonetheless, gender-related discrimination was widespread. Women experienced more difficulty than men in securing employment.

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 widespread and equally prevalent among rural and urban families.

In September a court convicted a man for sexually abusing his seven-year-old stepdaughter but released him, on the basis of time served for the eight months during the trial. The judges instructed the man to "rethink" his actions and called him "a good guy." In response the lower house of congress issued a statement condemning the ruling, and the judicial disciplinary board started preliminary investigations into the judges' decision.

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 other general-purpose youth shelters. Several such shelters existed, including one managed by the government and a Roman Catholic organization. In many cities the municipal council for children's rights assisted abused and neglected children.

Early and Forced Marriage: The legal minimum age for marriage is 18, but the law permits marriage for those ages 16 to 18 with parental consent, and for those younger than age 16 only with judicial authorization under exceptional circumstances. There were no reports 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 remained problematic. The law provides penalties of up to eight years of imprisonment for persons responsible for pimping or brokering victims younger than 17 years of age.

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 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 can 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 audios of underage sexual abuse victims or witnesses and stipulates fines and one year in prison for offenders.

In the first 10 months of the year, the Prosecutor's Office received thousands of reports of sexual abuse against children. In September a prosecutor with the Attorney General's Office indicted 13 navy officers who had sexually abused a 13-year-old girl at a navy garrison in 2018.

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.html>.

Anti-Semitism

The Jewish community has 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, and most of the country's buildings remained inaccessible.

Many persons with disabilities faced significant discrimination in employment; others were unable to seek employment because of a lack of accessible public transportation. The law mandates the allocation of 5 percent of all available

public-employee positions to persons with disabilities; in practice less than 1 percent were so employed. The Ministry of Education and Sciences estimated more than 50 percent of children with disabilities did not attend school due to lack of access to public transportation capacity. The majority of children with disabilities who attended school were enrolled in public institutions. Some segregated schools serving special needs such as deafness operated.

National/Racial/Ethnic Minorities

Anecdotally, ethnic minorities 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 minorities represented 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, and sufficient 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 or 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; Ministry of Labor, Employment, and Social Security (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. In some instances INDI claimed it lacked sufficient funding to purchase land on behalf of indigenous persons or required them to register land in the Asuncion office rather than locally.

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 between indigenous communities and large landowners in rural areas, which at times led to violence.

CODEHUPY and other NGOs documented widespread trafficking in persons, rape, sexual harassment, and physical abuse of women in indigenous communities. Perpetrators were often male members of the community, workers, and employers from neighboring ranches and farms. NGOs also alleged agribusiness operations in the Chaco exploited and violated the rights of indigenous workers.

Acts of Violence, Discrimination, 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. Several NGOs, including SomosGay, the Center for Studies and Documentation, and Aireana, reported police harassment and discrimination against LGBTI persons.

According to press and NGO reporting, during the year police officers beat, robbed, and implicated transgender individuals as suspects in serious crimes, including drug trafficking and armed robbery.

In June a prosecutor appealed a judge's 2018 sentence allowing a transgender person to change her birth name on the grounds of a 1987 law banning the use of "ridiculous names" or those that can "create confusion about gender." As of October the case was pending Constitutional Court review.

In October a court convicted Blas Enrique Amarilla for the 2017 murder of a transgender person and sentenced him to 25 years in prison, marking the first conviction in the country for a crime targeting a transgender victim.

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 their HIV-positive status. Labor Ministry regulations forbid employers from requiring HIV testing prior to employment, but many companies reportedly still did so.

NGOs, CODEHUPY, and the HIV/AIDS and Human Rights Counseling and Reporting Center noted that persons with HIV/AIDS who sought access to health care, education, and employment opportunities faced discrimination based on their sexual orientation, demand for HIV testing, or 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 to form and join independent unions (with the exception of the armed forces and police), 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, however, typically issued provisional registrations within weeks of application to allow labor unions to operate. Unions with provisional registrations had the same rights and obligations as other 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 trade union office 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 of antiunion discrimination to protect labor rights 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 antiunion litigation. Employers who fail to recognize or to bargain collectively with a registered union face fines of 50 days' wages. Employers who blacklist employees face fines of 30 days' wages. These penalties were insufficient to deter violations. 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 collectively bargain. 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 government requested technical assistance from the International

Labor Organization to revise labor legislation to bring it into line with the Freedom of Association and Protection of the Right to Organize Convention.

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 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. The Special Directorate to Fight the Trafficking of Persons and Commercial Sexual Exploitation of Children, however, increased child and forced labor investigations in the Chaco region, where the worst forms of child labor, human trafficking, and debt bondage were most prevalent. Penalties for violations include up to 20 years in prison, but enforcement was minimal, and penalties were insufficient to deter violations.

During the year the Labor Ministry's regional office in the Chaco received complaints for unjustified firings, nonpayment of wages, and other labor violations. The ministry did not confirm instances of debt bondage in the Chaco but would 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. The ministry continued anti-child-labor information campaigns, in addition to campaigns promoting labor rights specific to the Chaco region.

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" child domestic workers, often from impoverished families, and provide them with shelter, food, some education, and a small stipend.) Approximately 47,000 children were engaged in the *criadazgo* practice. Although not all children in situations of *criadazgo* were victims of trafficking, it made them more vulnerable. The government did not oversee implementation of the practice nor specifically safeguard the rights of children employed through the *criadazgo*

system. While the practice is not legally prohibited specifically, the National Child and Adolescent Secretariat continued to denounce it as illegal under child labor laws.

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, with the exception of slavery-like practices that do not include trafficking involving physical movement of the victim. The minimum age for full-time employment is 18. Children 14 to 17 years old may work with written parental authorization, if they attend school and do not work more than four hours a day (14-15 years old) or six hours (16-17 years old), and do not work more than a maximum of 24 hours per week.

The government did not effectively enforce laws protecting children from exploitation in the workplace. The law stipulates those who 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, but penalties were insufficient to deter violations due to lax enforcement.

The Labor Ministry is responsible for administratively enforcing child labor laws, and the Attorney General's Office prosecutes violators. The Ombudsman's Office and the Child Rights Committee receive complaints and refer 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 as in 2018. Most worked as metalworkers, cashiers, salesclerks, helpers, and in other service jobs.

Despite the government's significant advancement in efforts to eliminate the worst forms of child labor, it continued to occur in retail; sugar, brick, and limestone production; domestic service, and small-scale agricultural sectors. Children, primarily boys, also worked in the manufacturing and agricultural sectors and in the restaurant and other service industries. The Ministry of Children and Youth agreed to take administrative and financial control of a program providing safe and educational spaces for children at risk of child labor, incorporating it into the existing Programa Abrazo. In exchange for work, employers promised child domestic servants room, board, and financial support for school. 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, or neglected children worked in unhealthy and hazardous conditions selling goods or services on the street, working in factories, or harvesting crops. Children were used, procured, and offered to third parties for illicit activities, including commercial sexual exploitation (see also section 6, Children), sometimes with the knowledge of parents and guardians, who received remuneration. Some minors were involved in forced criminality, acting as drug smugglers for criminal syndicates along the border with Brazil. Children reportedly worked in debt bondage alongside their parents in the Chaco region. Children also shined shoes on the street and in government buildings, including the Supreme Court building (see section 7.b.).

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> and the Department of Labor's *List of Goods Produced by Child Labor or Forced Labor* at <https://www.dol.gov/agencies/ilab/reports/child-labor/list-of-goods>.

d. Discrimination with Respect to Employment and Occupation

The law specifically prohibits discrimination based on race, 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 range from 10 to 30 daily wages per affected worker.

The press and civil society reported on employment discrimination based on sex, race, disability, age, language, weight, sexual orientation, HIV-positive status, and pregnancy. In one case an openly lesbian worker at a private school in Asuncion was victim of labor harassment and discrimination. The worker received multiple unfounded complaints from her supervisor, who told her that she was not performing up to standards. The supervisor assigned extra tasks to the worker and discouraged other employees from interacting with her because of her sexual orientation.

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

In July, President Abdo Benitez signed a law equalizing the mandatory minimum wage applied to domestic employees to the national minimum wage; the domestic employees' rate was previously set at 60 percent of the national minimum wage. The 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.

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

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 launched 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, and penalties were insufficient to deter violations.

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 the previous year. Men filed the majority of these complaints, which involved illegal dismissals or the failure of employers to pay the legally mandated end-of-year bonuses. Many formal and informal employers violated provisions requiring overtime pay, particularly in the food and agricultural sectors and for domestic services. Most workplace accidents or fatalities occurred in the construction and light-manufacturing industries.

Employers are obligated to register workers with the Labor Ministry. As of October 1, approximately 4,320 employers had registered 14,400 workers with the ministry, which doubled the corresponding numbers for 2018.

According to the Labor Ministry and NGOs, many domestic workers suffered discrimination, routinely worked 12-hour workdays (when eight is the maximum), were not paid for overtime work (as required by law), were allowed to rest less

than the 36 hours mandated by law, were not entitled to publicly provided retirement benefits, and did not routinely attain job stability after 10 years, unlike other workers covered by the labor code. Domestic workers were eligible for government-sponsored medical care and retirement programs through small payroll and employer contributions.