

PARAGUAY 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Paraguay is a multiparty, constitutional republic. In 2013 Horacio Cartes 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.

Civilian authorities at times did not maintain effective control over the security forces. Critics asserted the government did not deploy or monitor forces effectively, particularly in the northeastern section of the country and during a protest in the capital on March 31 that resulted in the burning of the national congress building.

The most significant human rights issues included isolated reports of unlawful and arbitrary killings by security forces; harsh and at times life-threatening prison conditions; arbitrary arrest and detention; corruption of prosecutors and judges and police involvement in criminal activities; violent intimidation of journalists by organized crime groups and government officials; legal impunity and widespread corruption in all branches and all levels of government; widespread and sometimes lethal violence against women and violence against indigenous persons, as well as police violence against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons.

The executive branch took steps to prosecute and punish low- and mid-ranked officials who committed abuses, but general impunity for officials in the police and security forces continued to be widely reported.

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

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

There were several reports that the government or its agents committed arbitrary or unlawful killings.

On March 31, police officer Gustavo Florentin shot and killed Liberal Party official Rodrigo Quintana in a police raid on the party's headquarters following protests and the burning of the national congress building. The protests stemmed

from an extra-official senate session on March 31 to advance a public referendum on a constitutional amendment that would have permitted President Cartes and former presidents to run for re-election. The UN Committee against Torture declared Quintana's death an extrajudicial execution in its seventh periodic review of the country on August 11. Florentin was in custody, charged with homicide, and the case was pending as of October 5.

On May 29, the court of appeals in Salto del Guaira upheld the sentences of all 11 defendants found responsible for the 2012 Marina Cue confrontation near Curuguaty that resulted in the death of 11 farmers and six police officers. Authorities did not prosecute any members of the police. The defendants' appeal was pending with the Supreme Court as of October 13.

According to press reports, on July 3 Diego Bertolucci, head of a Senate-appointed independent commission to investigate the role of the police in the Marina Cue events, formally submitted his findings to Senate President Fernando Lugo. The document criticized the prosecution's lack of objectivity, irregularities associated with the initial eviction action, the lack of a credible investigation into police action, and insufficient evidence, suggesting the state sought to close the case quickly and find the farmers guilty. Senate President Lugo did not follow up on the report as of October 13.

b. Disappearance

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

The Special Human Rights Unit in the Attorney General's Office investigated cases of forced disappearance and kidnapping.

On August 21 and September 1, respectively, the Paraguayan People's Army (EPP) reportedly kidnapped Franz Hiebert Wieler and Bernhard Blatz Friessen, both farmers residing in San Pedro Department. An eyewitness reported five armed assailants wearing military-style uniforms, including one woman, kidnapped Wieler from his tractor. Authorities arrived later to find the tractor burned and an EPP pamphlet claiming responsibility. In the case of Blatz, the press and government authorities reported armed individuals opened fire on his truck and seized him as his father watched from another vehicle. Additionally, the government alleged the EPP still held Eladio Edelio Morinigo (a police officer kidnapped in 2014), Abraham Fehr (a Paraguayan-Mexican farmer kidnapped in

2015), and Felix Urbieta (a rancher kidnapped in 2016). The abductees' whereabouts and conditions were unknown as of October 5.

On February 25, the EPP released Franz Wiebe Boschman, a farmer from San Pedro Department, after 214 days in captivity. Press reports and government statements indicated that as part of the EPP's demands, Wiebe's family and community provided approximately 137 million guaranies (Gs.) (\$24,400) worth of food and basic supplies to 14 indigenous communities in the northeastern part of the country.

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 torture investigation cases during the year, but there were no convictions, and all investigations were pending as of October 13. Unlike criminal cases not involving torture, 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 more than 100 open cases as of October 13, including many from the Stroessner dictatorship and that of the farmers detained after the fatal confrontation in Curuguaty/Marina Cue in 2012.

Several civil society groups publicly criticized, and called for, the disbandment of, the Joint Task Force (FTC) for human rights violations in the northeastern region of the country. The FTC operated in northeast with the principal goal of eliminating the EPP and included personnel from the armed forces, National Police, and National Anti-Narcotics Secretariat (SENAD).

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. Government authorities in the northeastern region of the country along the border with Brazil reported inmate recruitment within the prisons there by members of the Brazilian First Capital Command gang.

Physical Conditions: According to the government's quasi-independent watchdog agency, the National Mechanism to Prevent Torture (NMPT), prisons were overcrowded, with inmates at some facilities forced to share bunks, sleep on floors, and sleep in shifts. As of August 11, the Ministry of Justice reported the country's 18 penitentiaries housed 37 percent more inmates than their design capacity allowed. The NMPT also reported that three of the 11 facilities for juveniles had exceeded their design capacity during the same period. Penitentiaries did not have adequate accommodations for inmates with physical disabilities.

The justice ministry's Directorate for the Care of Convicted Juveniles assigned minors convicted of juvenile crimes to one of 11 youth correctional facilities in the country, one of which was dedicated to young women. Some juvenile offenders served their sentences in separate youth sections in adult prisons, such as the women's penitentiary in Ciudad del Este.

Prisons and juvenile facilities generally lacked adequate temperature control systems, of particular concern during the exceedingly hot summer months. Some prisons had cells with inadequate lighting, in which prisoners were confined for long periods without an opportunity for exercise. Although sanitation and medical care were generally considered adequate, some prisons lacked sufficient medical personnel. Adherence to fire prevention norms was lacking.

Administration: Visitors reportedly needed to offer bribes frequently to visit prisoners, hindering effective representation of inmates by public defenders. During the year the justice ministry's Internal Affairs Office continued random, unannounced visits to several prisons. Although married and unmarried heterosexual inmates were permitted conjugal visits, the Ministry of Justice prohibited such visits for homosexual inmates.

Independent Monitoring: The government granted the media, independent civil society groups, and diplomatic representatives access to prisons with prior coordination. Representatives of the media and nongovernmental organizations (NGOs) conducted regular prison visits. Government agencies, such as the NMPT, the Public Defender's Office, and representatives of the Judicial Branch, also conducted independent visits. By law the Judicial Branch is responsible for overseeing the funds it transfers annually to the Ministry of Justice.

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/her arrest or detention in court, but the government did not always observe these requirements. The law stipulates that persons detained without a judge-ordered arrest warrant must appear before a judge within 24 hours for an initial hearing. Police may arrest a person apprehended in the act of committing a crime and detain the suspect for up to six hours, after which the Attorney General's Office may detain persons up to 24 hours. 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 (although the law does not obligate citizens to carry or show identity documentation).

Role of the Police and Security Apparatus

The National Police, under the authority of the Ministry of the Interior, 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. The constitution charges military forces with guarding the country's territory and borders. By law civilian authorities are in charge of the security forces.

The law authorizes the president to mobilize military forces domestically against any "internal aggression" endangering the country's sovereignty, independence, or the integrity of its democratic constitutional order. The law requires the president to notify congress within 48 hours of a decision to deploy troops. By law the president's deployment order must define a geographic location, be subject to congressional scrutiny, and have a set time limit. As of October 13, the government deployed more than 700 personnel from the FTC to the departments of Concepcion, San Pedro, and Amambay in accordance with the law that allows military mobilization domestically.

The Ministry of National Defense, also under the president's authority but outside the military's chain of command, handles some defense matters. The ministry is responsible for the logistical and administrative aspects of the armed forces, especially the development of defense policy.

The law authorizes SENAD and units within the National Police, all under the president's authority, to enforce the law in matters related to narcotics trafficking and terrorism. The law provides for SENAD to lead operations in coordination with the Attorney General's Office and the judiciary. To arrest individuals or use

force, SENAD must involve members of the National Police in its operations, but reportedly it often did not do so.

The Special Human Rights Unit of the Attorney General's Office and the Disciplinary Review Board of the National Police are responsible for determining whether police killings legitimately occurred in the line of duty. The military justice system has jurisdiction over active military personnel.

Several human rights NGOs and the media reported incidents of police involvement in homicides, rape, arms and narcotics trafficking, soliciting bribes, robbery, extortion, and kidnapping, with reported abuses particularly widespread in Ciudad del Este and other locations on the border with Brazil, where authorities dismantled a major bribery scheme by a network of corrupt police.

During the year the Special Human Rights Unit in the Attorney General's Office investigated hundreds of cases of excessive use of force, torture, and other abuses by security forces. No information was available whether any of these cases resulted in convictions or penalties.

Although the National Police reportedly struggled with inadequate training, funding, and widespread corruption, it continued to investigate and punish members involved in crimes and administrative violations.

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 they set minimal or no bail for the wealthy or for those with political connections.

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 NGOs reported several cases of arbitrary arrest and detention of persons without a warrant.

On April 1, police arrested 213 individuals for alleged involvement in the March 31 protests that set fire to the national congress building. Detainees included individuals at the central protest site and in other locations around the capital including gas stations and office buildings. Authorities released all 213 within days of their detentions, with some minor reports of abuse and mistreatment.

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 Ministry of Justice and the NMPT, 78 percent of the total number of prisoners continued to await trials and sentencing as of July 17.

The NMPT alleged the high number of prisoners in pretrial detention was principally a result of legislation that disproportionately affects low-level drug offenders. Specifically, it claimed the legislation prohibits judges from applying alternative measures to pretrial detentions for crimes with a potential sentence of five or more years. It also said the legislation sets overly strict guidelines on preventive detention for suspects in drug cases. As of August 11, 21 percent of inmates awaiting trial and 65 percent of all women in jail were low-level drug offenders.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons are entitled to challenge in court the legal basis or arbitrary nature of their detention and any delay in obtaining judicial rulings.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. Undue external influence, however, 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, presidential nominees, lawyer's union representatives, law professors, and Supreme Court justices.

Courts were inefficient and subject to corruption, and NGOs and government officials alleged that some judges and prosecutors solicited or received bribes to drop or modify charges against defendants. Authorities generally respected court orders.

Trial Procedures

The constitution provides for the right to a fair and public trial, which the judiciary nominally provided, albeit through a lengthy trial process exacerbated by legal defense tactics that remove or suspend judges and prosecutors working on cases. Impunity was common due to politicization of and corruption within the judiciary and regular manipulation of the judicial process by defense attorneys that pushed statutes of limitations to expire before trials reach conclusion.

Defendants enjoy a presumption of innocence and a right of appeal. 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 have the right to prompt information and detail of the indictments and charges they face, but some defendants received notification only when they faced arrest charges or seizure of their property.

Defendants have the right to access free interpretation services as necessary, including translation to Guarani--the country's second official language. Defendants have the right to a fair 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 may confront prosecution or plaintiff witnesses and present their own witnesses and evidence. Defendants are not compelled to testify or confess guilt and may choose to remain silent.

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 allegations of corruption within local government and National Institute for Rural Development and Land, the government agency charged with implementing land reform, and reports of forced evictions.

On June 10 and 12, private security contractors allegedly fired rifles and pistols to intimidate small-scale farming families occupying disputed land in Colonia Guahory, Caaguazu Department. The incident followed a May 22 presidential veto of a law that would have allowed the state to expropriate the land for distribution under larger land reform efforts, as well as a violent encounter on January 3 between farming families and police that resulted in rubber bullet injuries to 20 individuals. Seventy Brazilian-Paraguayan families claimed title to the 555,436 acres of land, and alleged the farming families began occupying 222,965 acres of it in 2014 and were renting it to local and national political figures. From September to December 2016, police conducted three separate eviction operations. Legal counsel for the small-scale farming families alleged the Brazilian-Paraguayan families illegally purchased land titles. The case brought by the 70 families regarding ownership of the land was pending as of October 5.

Despite the government's acceptance of the donation of the disputed land on which the 2012 Curuguaty/Marina Cue confrontation occurred, the Public Registry refused to register the property. Officials explained they could not act until lawsuits establishing previous ownership were resolved.

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, but there were reports that members of the security forces failed to respect the law in certain instances. NGOs, local Roman Catholic church organizations, and some national legislators alleged FTC personnel in the departments of Concepcion, San Pedro, and Amambay searched homes and schools without warrants. The Special Human Rights Unit in the Attorney General's Office investigated several cases of unlawful interference with private correspondence during the year.

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. The media and international NGOs reported several such incidents against journalists.

On September 2, citing lack of evidence, Judge Leongino Benitez released Brazilian drug trafficker, Felipe "Baron" Escurra Rodriguez, who had reportedly planned to kill well known journalist Candido Figueredo Ruiz. In 2012, Brazilian police intercepted a call involving Escurra in which he discussed killing Figueredo for reporting on Escurra's illicit activities along the Paraguay-Brazil border. Escurra had been in custody since his arrest after a shootout with SENAD agents in August 2016. An appeal against Escurra's release was pending as of October 13.

On June 23 and July 1, President Cartes publicly called for the imprisonment of radio journalists Mercedes Menchi Barriocanal and Oscar Acosta, accusing them of inciting the March 31 protests that resulted in the burning of the national congress building. Barriocanal and Acosta had been critical of Cartes' legislative push to amend the constitution to allow for presidential re-election. The push for re-election sparked the March 31 protests.

On December 14, a Paraguayan court found Vilmar “Neneco” Acosta, former mayor of Ypejhu, guilty of ordering the assassination of ABC Color journalist Pablo Medina and his assistant Antonia Chaparro in 2014. On December 19, Acosta was sentenced to 39 years in prison. Authorities continued to search for Acosta’s brother, Wilson Acosta Marques, whom they accused of participating in the assassination, but Flavio Acosta Riveros, the alleged assassin (nephew of Wilson and Vilmar), remained in a Brazilian prison awaiting extradition.

Internet Freedom

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

The International Telecommunication Union (ITU) reported 51 percent of inhabitants used the internet in 2016. This did not reflect the existing and growing number of individuals who had access to the internet at work or through mobile phones. According to the ITU, there were 105 cell phones for every 100 citizens in 2016.

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 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. The government’s National Commission of Refugees cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian

organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern. The NGO Committee of Churches for Emergency Aid acted as the local legal representative of the UNHCR.

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: As of August 15, the government received 29 asylum requests, with 18 pending review. 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 UNHCR assistance to facilitate such returns.

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: On December 17, the country held nationwide party primaries with technical experts from the Organization of American States (OAS) and the Inter-American Institute of Human Rights-Center for Electoral Promotion and Assistance. Both OAS 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. On June 14 and 15, both chambers of congress changed their respective members of the eight-member Council of Magistrates, which helps choose judges, prosecutors, and public defenders throughout the judicial system as well as the attorney general, for two politically connected politicians.

As of November 7, more than 550 public employees filed complaints with a nongovernmental public employee association for being harassed, dismissed, or transferred for not actively supporting President Cartes' Colorado Party faction in advance of the December 17 internal party primaries. The electoral commission had not commented publicly as of November 30.

New, small, and nontraditional political parties faced hurdles in securing sizable congressional representation due to seat allocation formulas in the electoral code, which favor larger parties.

The electoral code requires voters to select slates of candidates that party leaders rather than individual candidates draw up. There was extensive public discussion about discontinuing the use of these closed party lists as a possible means of increasing accountability and exposing allegedly corrupt or compromised candidates. Candidates running for executive office run on individual ballots, but with strong and direct party affiliations aligned with lists of congressional candidates. In the country's list-based voting system whereby winners are decided via their ranking in a popular vote, voters do not select individual congressional representatives. Independent candidates for any office face 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.

Participation of Women and Minorities: The electoral code requires that at least 20 percent of each party's candidates in internal party primaries be women, and parties followed the requirement. Although the parties met this requirement, they placed the majority of female candidates towards the end of the closed party lists, effectively limiting their chances of actually being elected. Women served in both the legislature and the Supreme Court; however, there were only 20 women in the congress (nine of 45 senators and 11 of 80 national deputies, or 16 percent overall).

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. 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 occur more frequently, high-ranking public officials enjoy a high degree of impunity. Sometimes such officials are indicted or forced to resign or repay embezzled funds, but formal complaints rarely lead to active prosecutions or convictions.

Politicization and corruption were pervasive throughout the judicial branch, hampering the institution's effectiveness and undermining public trust. As of September 5, the Supreme Court had not ruled on outstanding cases concerning the constitutionality of the re-election amendment process, the eligibility of former president Fernando Lugo to run for president, the irregular June sessions of congress that brought new leadership to both houses and two judicial oversight bodies, or the recusals of the 13 prosecutors working on the Megalavado money-laundering case. From January to September 5 of the reporting year, the Justice Tribunal, which ostensibly provides disciplinary oversight for judges and prosecutors, ruled to apply sanctions in only seven of 476 cases brought before it. NGOs, legal associations, government officials, and the press reported repeated instances in which the Justice Tribunal refused to discipline judges and prosecutors who had released or absolved defendants with ties to narcotics trafficking and financial crime. Voting records for individual tribunal members were not available to the public.

Corruption: Impunity was endemic for former and current high-level government officials accused of crimes. There were no convictions of high-profile officials during the reporting period, but NGOs and the press continued to report on several former government ministers, mayors, governors, and current elected officials accused of, and indicted for, corruption and other crimes who had avoided prosecution in the justice system. As of October 13, there were unresolved cases involving 10 indicted former ministers and 10 indicted current members of congress.

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.

The law mandates the Comptroller's Office monitor and verify disclosures; the Comptroller may make income and asset disclosures public only at the request of the executive branch, congress, the Attorney General's Office, or judicial authorities. The Attorney General's Office opened several investigations for inconsistencies related to these disclosures.

The law bars public employees from holding government positions for up to 10 years for failure to comply with financial disclosure laws and imposes monetary fines of up to Gs. 19.1 million (\$3,400), 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, including those of eight customs officials who allegedly skimmed millions of dollars of import duties and bribes over decades of service. The cases were pending with the Attorney General's Office as of October 13.

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

More than 50 domestic and international human rights groups operated, generally 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.

Government Human Rights Bodies: Human Rights Ombudsman Miguel Godoy Servin continued overhauling his office after 10 years of inactivity prior to his term, including launching outreach campaigns and investigations into misuse of public money and abuse of authority by public officials. Godoy filed a formal complaint leading to the indictment of former ombudsman Manuel Paez Monges for misusing approximately Gs. 1.375 billion (\$245,200) of funds set aside as reparation funds for victims of the Stroessner dictatorship from 1954 to 1989 and their families. Paez Monges' case was pending as of October 13.

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, and it was believed that many rapes went unreported. The government generally prosecuted rape allegations and sometimes obtained convictions. Police generally did not prioritize reports of rape.

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. The ministry promoted a national 24-hour telephone hotline for victims.

The Ministry of Women's Affairs operated a shelter coordinated victim assistance efforts, public outreach campaigns, and training.

According to the latest information available, the National Police had 16 specialized units to assist victims of domestic violence, and 118 officers were assigned to these stations.

Femicide remained a serious problem. In December 2016 President Cartes signed Law 5777 for the Comprehensive Protection of Women against Violence, including femicide. The law criminalizes femicide and assigns sentences of between 10 and 30 years in prison upon conviction. As of October 25, the Ministry of Women's Affairs reported 34 cases of femicide, a significant increase from previously reported numbers.

Sexual Harassment: The law prohibits sexual harassment and stipulates a penalty of two years in prison or a fine; however, sexual harassment remained a widespread problem for many women, especially in workplace environments. Prosecutors found sexual harassment and abuse claims difficult to prove because of victims' fear of workplace retaliation and societal pressures against victims. Many dropped their complaints or were unwilling to continue cooperating with prosecutors.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: The constitution prohibits discrimination based on sex, but the government did not effectively enforce these provisions. There is no comprehensive law against discrimination, 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 did in securing employment and occupation

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 this is not the case for many children born in rural areas and in indigenous communities with limited access to health-care facilities. Citizenship conveys to all nationals who attain the age of 18 as well as to older persons upon naturalization. Birth certificates and national identity documents are a prerequisite to access government services, including obtaining a passport.

Education: Education is free, compulsory, and universal from kindergarten through secondary school. According to the government, girls from rural families tended to leave school at a younger age than did boys. Approximately 10 percent of children from poor families did not have access to schooling, due to economic hardship, geographic isolation, or early entry into the workforce.

Child Abuse: The NGO Coalition for the Rights of Children and Adolescents and the Secretariat of Children and Adolescents (SNNA) stated that violence against children was widespread and equally prevalent among rural and urban families. As of October 13, the Attorney General's Office reported 596 cases of child abuse.

There was one government shelter for abused children, mainly girls, managed by 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 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 SNNA, child trafficking for the purpose of sexual exploitation or forced domestic service 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.

The minimum age of consent is 14 when married and 16 when not married. While there is a statutory rape law for those under 14, the maximum penalty is a fine for opposite-sex offenders and prison for same-sex offenders. The law was not effectively enforced. 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 age 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.

For nonintercourse sexual abuse of a minor, the maximum sentence is up to three years or a fine. For cases involving intercourse, authorities can increase the sentence to 10 years. As of September 30, the Attorney General's Office received 295 complaints of rape of minors.

Child Soldiers: The government as well as NGOs, including the Coordinator for the Rights of Infants and Adolescents and the Peace and Justice Service, alleged that the EPP continued recruitment of children, most of whom reportedly were relatives of adult EPP members. The children started in logistical support roles, carrying supplies to members in the field and serving as lookouts, before later being incorporated as full-time combatants, usually between 14 and 16 years of

age. The number of youth recruited was unknown but expected to be relatively low, given the small size of the EPP, estimated to be 20 to 50 members in total.

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 travel.state.gov/content/childabduction/en/legal/compliance.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 www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law nominally prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The law generally does not mandate accessibility for persons with disabilities, nor does it specifically provide for access to information or communications, and most of the country's buildings remained inaccessible, although some municipalities made progress.

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 employed. The Ministry of Education and Sciences estimated more than 50 percent of children with disabilities did not attend school because of lack of access to public transportation.

The National Secretariat for the Rights of Persons with Disabilities is responsible for certifying disability status.

National/Racial/Ethnic Minorities

Anecdotally, ethnic minorities reported discrimination in such areas as employment, credit, equal pay, owning and/or managing businesses, education, and housing.

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 or not at all, and lacked medical or retirement benefits. This situation was particularly severe in the Chaco region.

The National Institute for Indigenous Affairs (INDI), the Attorney General's Office; the Ministry of Justice; Ministry of Labor, Employment, and Social Security; the Social Action Secretariat; and the 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 neighboring workers and employers from ranches and farms. NGOs also alleged agribusiness operations in the Chaco exploited and violated the rights of indigenous workers.

On May 7-9, a group of 12 to 15 armed private security personnel forcibly evicted 20 families of the Ava Guarani indigenous community from 740 acres on the disputed Colonia Colorado'i property near Itakyry, Alto Parana Department. Press reports indicated the armed group, allegedly contracted by Paraguayan Alcohol

Industries S.A., burned buildings and crops and destroyed the community school and temporary tents in the presence of idle police officers on the scene. The Attorney General's Office charged three individuals associated with the Paraguayan Alcohol Industries S.A. (Marcos Torales, Javier Torales, and Robert de Souza) and one member of the Ava Guarani indigenous community (Ismael Barrios), for participating in and organizing the eviction operation. The case was pending as of October 5.

The government did not fully comply with obligatory rulings by the Inter-American Court of Human Rights on access to land. In January it made the third and final payment to purchase 19,030 acres of land for the Xakmok Kasek community in accordance with a 2010 Inter-American Court ruling. The government had not, however, provided sufficient land and titles for the Sawhoymaxa community pursuant to a 2006 ruling or suitable access to the Yakye Axa community pursuant to a 2005 ruling.

The government and representatives of the Ayoreo Totobiegosode People, a community in voluntary isolation, held a series of formal meetings to discuss the implementation of the February 2016 request by the Inter-American Commission on Human Rights that the government adopt precautionary measures in favor of the rights of this indigenous community. The Ayoreo Totobiegosode People continued to allege local cattle ranchers conducted intrusions and deforestation activities on their land.

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

No laws explicitly prohibit discrimination against LGBTI persons; discrimination, including societal discrimination, occurred frequently. Several NGOs, including SomosGay, the Center for Studies and Documents, and Aireana, reported police harassment and discrimination against LGBTI persons.

On March 31, police allegedly assaulted patrons outside an LGBTI nightclub after the protests that led to the burning of the congress building. The nightclub was 1.2 miles from the site of the protests. Victims reported police officers approached the exterior of the nightclub and assaulted patrons with clubs and rubber bullets. The case was pending as of September 5.

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

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 still did so.

NGOs, including 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 Ministry of Labor, Employment, and Social Security, 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 Ministry of Labor, Employment, and Social Security 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, or approximately Gs. 3.5 million (\$624). Employers who blacklist employees face fines of only 30 days' wages, or approximately Gs.2.1 million (\$374). These penalties were not sufficient 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.

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 farm-worker movements.

Beginning in early July, thousands of small-scale farmers mounted protests in the capital seeking debt forgiveness. On August 4, President Cartes vetoed a bill that offered up to \$10,000 of relief per farmer with less than 74 acres of land. The veto was due to the lack of a mechanism to identify appropriate beneficiaries and the lack of a source of funding. Protesters peacefully left the city center August 15, after the senate failed to overturn the veto.

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 Ministry of Labor, Employment, and Social Security lacked adequate resources to conduct inspections, especially in remote areas where forced labor was reportedly more prevalent. Penalties for violations include up to 20 years in prison. Minimal enforcement 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 that 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 and provided limited protective services to female and child trafficking victims.

Forced child labor, 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.

See the Department of State’s annual *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

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 maximum administrative penalty for employing a child under age 14 is a fine of Gs. 3.78 million (\$674). The law stipulates those who employ adolescents between ages 14 and 17 under hazardous conditions must pay the maximum administrative penalty and/or serve three to five years in prison, but the potential penalties and lax enforcement were insufficient to deter violations.

The government did not effectively enforce laws protecting children from exploitation in the workplace. The Ministry of Labor, Employment, and Social Security 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. As of September 30, the Ministry of Labor, Employment, and Social Security received 17 complaints regarding child and adolescent workers. Of the 17 complaints, 12 were for boys and five for girls. Most worked as metalworkers, cashiers, sales clerks, helpers, and in other service jobs. In 2016 the Ministry of Labor, Employment, and Social Security received 28 complaints from child workers.

Child labor continued to be a problem in retail, sugar, brick, and limestone manufacturing, 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. According to both the government and the NGO community, 45,000-47,000 children, primarily girls, worked as domestic servants and received no pay under the *criadazgo* system. In exchange for work, employers promised child domestic servants room, board, and financial support for school. Some of these children were victims 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.

On January 15, the Attorney General's Office indicted Rosa Delvalle and Anderson Rios for serious bodily damage, attempted homicide, sexual abuse, and torture for forcing a 15-year-old minor to drink caustic soda in Pedro Juan Caballero, Amambay Department. Reports indicated the minor had been living with the couple as a domestic worker under the *criadazgo* system. Delvalle and Rios remained at large, and the case was pending as of October 13.

On June 14, a court condemned Tomas Eligio Ferreiro Rojas and his common-law wife, Ramona Triflacion Melgarejo Figueredo, to 15 and seven years in prison, respectively, for killing 14-year-old Carolina Marin, who was employed as a domestic worker under the *criadazgo* system, in January 2016. Defense attorneys for the couple were appealing the sentences.

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 coerced into acting as drug smugglers for criminal syndicates along the border with Brazil. There were also reports of child soldiers with the EPP. Children reportedly work in debt bondage alongside their parents in the Chaco region (see section 7.b.).

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

d. Discrimination with Respect to Employment and Occupation

The labor code specifically prohibits discrimination based on race, color, sex, age, religion, political opinion, or social origin. Other legislation prohibits discrimination based on disability and HIV-positive status. No specific legislation forbids labor discrimination based on national origin, citizenship, sexual orientation, gender identity, language, or having a communicable disease.

The government did not effectively enforce applicable law, and penalties were insufficient to deter violations. The fines for discrimination range from 10 to 30 daily wages per affected worker. Fines are doubled for multiple offenses.

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

e. Acceptable Conditions of Work

The mandatory national minimum wage was approximately Gs. 2.04 million (\$364) per month. The law stipulates that domestic employees work a maximum of eight hours per day, are entitled to overtime if they exceed these hours, and have the right to enjoy a weekly rest of 36 hours, as well as all national holidays paid. The law provides for a standard legal workweek of 48 hours (42 hours for night work) with one and one-half days of rest. The law also mandates payment of at least one annual bonus of one month's salary and a minimum of 12 days' and a maximum of 30 days' vacation per year, depending on total years of service. There are no prohibitions of, or exceptions for, excessive compulsory overtime.

According to the Ministry of Labor, Employment, and Social Security 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.

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 Ministry of Labor, Employment, and Social Security 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 to remind them of their labor obligations. The number of labor inspectors was insufficient to enforce compliance with all labor laws, and penalties were insufficient to deter violations.

As of September 9, the labor ministry's Department of Mediation of Private Conflicts received 5,571 labor complaints and mediation requests. 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. The General Directorate for Statistics estimated the percentage of workers who received the minimum wage or more increased from 71.1 percent in 2015 to 73.7 percent in the second semester of 2016. Many formal and informal employers violated provisions requiring overtime pay, particularly in the food and agricultural sectors and for domestic services. From January to September 30, the Ministry of Labor, Employment, and Social Security received 100 complaints of occupational safety and health violations, some associated with workplace accidents or fatalities. Most workplace accidents or fatalities occurred in the construction and light-manufacturing industries.

Employers are obligated to register workers with the Ministry of Labor, Employment, and Social Security. As of October 13, however, approximately 2,160 employers had registered 7,090 workers with the Ministry of Labor, Employment, and Social Security, a very low number compared with the country's population of approximately 6.7 million.

The government considers the informal economy to be economic activities performed by persons not registered under the laws governing tax, employment, and social security. In some cases workers received a formal salary, on which they and their employers paid social security tax, and an additional, undeclared salary. Some businesses were formally registered to operate and pay taxes, but they did not register or declare their entire staff to the employment authorities.