



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.: General  
9 September 2013  
English  
Original: Spanish  
Spanish and English only

---

## Committee against Torture

### Concluding observations on the combined fourth to sixth periodic reports of Paraguay\*

#### Addendum

#### Information provided by Paraguay in respect of the concluding observations\*\*

[23 January 2013]

1. In preparing these comments as requested by the Committee against Torture, the Human Rights Directorate of the Ministry of Foreign Affairs has consulted with the Ministry of Justice and Labour, the Ministry of Education and Culture, the Supreme Court, the Public Prosecution Service, the Ministry for Women and the Directorate for Paraguayan Communities Abroad.

#### A. Access to and strengthening of the legal safeguards for detained persons

2. On this point (concluding observations, para. 29), with a view to ensuring the fullest possible application of National Police Decision No. 176/10 establishing a register to protect the human rights of persons deprived of their liberty, the Human Rights Directorate of the Ministry of the Interior has applied to the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and administered by the Grants Committee of the Office of the United Nations High Commissioner for Human Rights (OHCHR), for help in consolidating the detention registration system used in Paraguay's police stations in order to create a single method of registration for all police stations, in the form of ledgers containing standard forms to be filled in when the detainee is admitted.

3. These registers will comply with the recommendations of the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and will come into effect in 2013. They will contain the names of persons deprived of liberty, the legal grounds for the deprivation of liberty, the exact time when detention

---

\* Adopted by the Committee at its forty-seventh session (31 October–25 November 2011).

\*\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

began, how long it lasted, who was responsible for its authorization and the names of the law enforcement officials concerned, together with precise information on the place of detention, the time at which the competent authorities were informed and the means of communication used to do so, and the time at which detainees first appeared before a judicial or other authority (Public Prosecution Service).

4. The registers will also record medical examinations of persons deprived of their liberty, complaints received and visits, either from family or lawyers.

5. To ensure the protection of detainees, on 28 December 2012 the national preventive mechanism against torture and other cruel, inhuman or degrading treatment or punishment was convened as an independent body with legal personality in public law, as established in Act No. 4288/2011, in order to help strengthen the protection of persons deprived of their liberty from punishment of any kind of that may be prohibited under Paraguayan law or the relevant provisions of international law. This body will also work for the prevention and eradication of torture and other cruel, inhuman or degrading treatment or punishment.

6. Membership is as follows:

Three-year tenure: Stella Maris Catalina Caccace Campagnucci, Jorge Domingo Rolón Luna and Soledad Villagra de Biedermann.

Five-year tenure: Roque Arnaldo Orrego Orué, Carlos Ranulfo Portillo Esquivel and Diana Rocío Vargas Núñez.

7. Alternates: María Elizabeth Flores Negri, María Isabel Peralta Duarte and Federico Jorge Tatter Radice.

8. The selection was made in public hearings.

9. The selection board comprised judge Pedro Mayor Martínez (Chair), Mariela González, José Carlos Rodríguez, Dionisio Gauto, Carlos María Aquino and Alejandra González.

## **B. Prompt, impartial and effective investigations**

10. On this point (concluding observations, para. 29), anyone with knowledge of acts of torture or ill-treatment may file a report with the Ministry of the Interior Citizens Complaint Centre (free phone number). On the basis of that report information will be sent to the Directorate of Police Justice, which will open an administrative enquiry.

11. The Human Rights Directorate of the Ministry of the Interior is responsible for receiving and transmitting reports of police misconduct. When reports are received, they are sent to both the Directorate of Police Justice and the Public Prosecution Service for administrative enquiry.

12. The National Police has a Department of Internal Affairs, which is responsible for investigating reports of police misconduct from the Ministry of the Interior or reliable third parties. It transmits its findings to the Directorate of Police Justice, to carry out an inquiry and determine administrative responsibility, and to the Public Prosecution Service, to conduct the necessary judicial investigations.

13. The Directorate of Police Justice has since March 2010 had an organizational and functional structure and a clearly defined procedure that meet the requirements of due process and the principles of speed and efficiency.

14. After the preliminary proceedings, the Directorate of Police Justice submits the information and conclusions to the disciplinary tribunal, which recommends the penalties to be imposed by the National Chief of Police.

15. As of 2009, these police departments have been working to enhance oversight systems through international cooperation provided by the United States Department of State as part of a Threshold Country Programme administered by the Ministry of the Interior, and which finished in March 2012.

### **C. Prosecution of those suspected of committing acts of torture and other forms of ill-treatment and punishment of those responsible**

16. On this point (concluding observations, para. 29), it is important to note that, in the last six months, i.e., since the new Government took office, some 890 police officers have been relieved of their duties and investigated for punishable offences or serious misconduct in the course of their duties.

17. To strengthen the Directorate of Police Justice, special courts and prosecutors' offices have been set up to deal with human rights offences. The existence of this special human rights jurisdiction within the Directorate will make for more efficient and effective investigation of human rights violations.

### **D. Trafficking in persons**

18. Since 2009 the Ministry for Women (formerly the Secretariat for Women of the Office of the President of the Republic) has had a Directorate for Prevention and Support for Victims of Human Trafficking. Its functions are to develop prevention strategies, channel the complaints of trafficking victims appropriately and offer comprehensive support to victims, liaising with the institutions represented on the Inter-Agency Board on Human Trafficking.

#### **Prevention campaigns and training**

19. All prevention initiatives rely heavily on nationwide publicity campaigns and training programmes.

#### **“Mi vida vale y no tiene precio” (“My life counts and has no price”)**

20. This campaign is intended to combat human trafficking in Paraguay. It was designed using an extensive collection of data and analyses on this transnational criminal offence and on the basis of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Palermo Protocol) and other international legislation on efforts to effectively prevent and combat trafficking.

21. The emphasis in this campaign was on sexual and labour exploitation: these are the main motives for human trafficking in Paraguay and local and international statistics have shown that the vast majority (around 80 per cent) of victims are women.

22. Prevention through sensitization: the messages sent by the campaign help potential victims of human trafficking to identify and recognize risk situations and thereby avoid them.

23. Countering through awareness-raising: the campaign reinforces the idea that human trafficking is a transnational crime, so as to make ordinary people react to it and report traffickers.

24. Reintegration: images and ideas are transmitted showing the knowledge, strength of will and resources that individuals need to cope, with an emphasis on human values.

**“Las falsas promesas existen, la trata de personas también” (“False promises are a fact, human trafficking too”)**

25. As part of the constant struggle to eliminate all forms of discrimination against women, the Directorate for Prevention and Support for Victims of Human Trafficking is tackling a problem that is claiming an ever-growing number of victims. The vast majority of victims of trafficking are tricked with false promises of employment and then subjected to ill-treatment of all kinds. The criminal gangs operate at national and international level and their aim is to exploit their victims.

26. Following an analysis of the problem and the situation facing Paraguay, it became clear that action was needed that would engage people and alert them to the problem of false promises of work.

27. There were two phases to the campaign.

28. In the first phase, which was carried out under cover, fictitious offers of work were spread around seven cities.

**Results**

29. In two weeks, 1,800 calls were received. This high figure shows what a demand for work there is, and it is this that traffickers rely on to entice potential victims for the purposes of labour or sexual exploitation.

30. The message went home. It came as a surprise to many, arousing their curiosity and interest in the subject by showing how easy it can be to fall victim to human trafficking.

31. There was an increase in calls made to complaint hotlines; many people called to get information and ended up helping with the campaign.

32. The second phase was the campaign itself, “False promises are a fact, human trafficking too”, which was officially launched on 17 July 2012. Its aim is to raise awareness of human trafficking and to change people’s response to deceitful offers of work.

**Support for victims**

33. The Directorate for Prevention and Support for Victims of Human Trafficking, the main trafficking victim support unit, has a referral centre where women victims are given comprehensive support by a multidisciplinary team; family members can also obtain guidance there and cases are referred to the proper authorities.

34. The Directorate has the following departments:

- Social Department: responsible for social support and preparation, implementation and monitoring of the programme for social reintegration of victims;
- Legal Department: responsible for providing advice, support and monitoring in legal proceedings concerning victims dealt with by the Directorate;
- Psychological Department: emotional support to victims, interviews, evaluation and psychotherapy.

**Halfway house for women victims**

35. This is the only shelter for women victims of trafficking in Paraguay. It opened in 2007 and initially it was only for adult women but the age range was extended in 2008 to meet the need for protection of girls and adolescent victims. The shelter coordinates with the National Secretariat for Children and Adolescents and has the following departments:

- Social Department;

- Legal Department;
- Psychology and Occupational Therapy Department.

36. Food, clothing and protection are also provided.

#### **Public policies**

37. It is the Directorate that implements the prevention and support components of public policy to combat human trafficking. In these areas it works closely with the regional centres in Ciudad del Este, Filadelfia and Curuguaty, all of which work under the Ministry for Women.

38. Between January and December 2012 support was provided to 37 adult women and 10 adolescents.

#### **Model social reintegration programme**

39. The aim is to achieve social reintegration of the victims of human trafficking.

40. The programme is voluntary and is based primarily on productive activities that are developed from the perspective of the victims in accordance with their interests and abilities. It focuses specifically on training and providing victims with the tools needed to support themselves financially and for their empowerment.

41. To date the Directorate has helped set up nine microenterprises, in accordance with the provisions of article 6 (assistance to and protection of victims of trafficking in persons) of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

42. In 2010, with the support of the Itaipú Binacional project Committee for Gender Equity, an agreement was signed to address human trafficking and reintegrate women into social, economic and community life. The social reintegration model sought to achieve social reintegration of the victims of trafficking.

43. In 2011 the model social reintegration programme continued to be applied and microenterprises were set up in Central, Caaguazú and Alto Paraná departments.

44. The Ministry for Women plans to continue using this model in 2012 and 2013, in cooperation with the Development Bank of Latin America (CAF), to help around 15 women victims of trafficking. The intention is also to produce a manual explaining the reintegration model, to be applied as a policy of the institution; all of this is to be done in collaboration with the International Organization for Migration (IOM), which will take on implementation of the reintegration component of project 7233/10, on consolidation of institutional mechanisms for prevention of trafficking in persons and support, protection and reintegration for women and child victims.

#### **Regional Inter-Agency Boards**

45. In 2011 the existing boards were strengthened and new combined boards on gender-based violence and trafficking in persons were set up in Alto Paraná (Ciudad del Este), Concepción, Central and Canindeyú departments, by resolution in the first three cases.

46. In that context, in November a meeting of combined boards on gender-based violence and trafficking in persons, on “Strengths and challenges”, was held. The coordinators and members of the boards of Alto Paraná, Concepción, Canindeyú, Central, Ñeembucú, San Pedro, Itapúa, Misiones and Boquerón attended and an analysis of the current situation with regard to gender-based violence and human trafficking in Alto

Paraná, Canindeyú, Central, Concepción, Boquerón, Itapúa, Ñeembucú and San Pedro departments was presented, and strengths and challenges in addressing these problems were identified for each department.

47. As a result of this event, steps were taken to begin setting up a national prevention network to support victims of gender-based violence and human trafficking.

48. In addition, the main aim of the CAF project on consolidation of institutional mechanisms for prevention of trafficking in persons and support, protection and reintegration for women and child victims is to improve the public provision for intervention at the various stages of trafficking in women and girls. The project comprises the following components:

- (a) Network of institutional mechanisms;
- (b) Strengthening of the support system;
- (c) Reintegration;
- (d) Strengthening of the Ministry for Women.

49. The first component also covers the setting up of the departmental inter-agency boards in Caazapá, Boquerón and Misiones departments, all of which have now been established by resolution, and in Caaguazú department, where a resolution is still pending.

#### **Regional women's centres**

50. Along the same lines, support services are being decentralized, with regional women's centres being set up in Ciudad del Este (Alto Paraná), Filadelfia (Boquerón), Curuguaty and Pedro Juan Caballero. In addition, shelters are expected to be opened in Ciudad del Este and Curuguaty in 2013. The direct beneficiaries of these centres and shelters will be women victims of human trafficking or gender-based violence. The centres will be staffed by qualified teams of women social workers, women psychologists and women lawyers, to provide full support to those who call in or are given shelter.

51. The Directorate for Prevention and Support for Victims of Human Trafficking also strives to raise awareness of human trafficking among the general public. Its aims are:

- To prevent women falling victim to trafficking of any kind;
- To discourage criminal gangs involved in human trafficking in order to prevent the spread of this crime in Paraguay.

52. Some of the most important events organized in 2011 and 2012 were:

- Workshop for police officers on prevention of trafficking, with the aim of sensitizing key players in preventing and detecting human trafficking; the same workshop was run for officials of the National Secretariat for Tourism and tour operator staff;
- International seminar, "Responses to gender-based violence in the Southern Cone: challenges and promising experiences", in the National Congress;
- Working meeting on the implementation of the Third National Plan for Equal Opportunities for Women and Men for 2008–2017, attended by representatives of the Inter-Agency Board on Human Trafficking, and specifically members of the Support and Assistance Committee;
- Validation workshop on the protocol on intervention for the support and reintegration of trafficking victims, prepared by the Secretariat for Women and the Inter-Agency Board on Human Trafficking, and specifically the Support and Assistance Committee;

- Dissemination in a range of media of information on the problem of trafficking and the services provided by the Ministry for Women;
- The Ministry for Women is represented by the Directorate for Prevention and Support for Victims of Human Trafficking on the Inter-Agency Commission on Population and the Programme on Reinforcement of Border Towns, and fieldwork has been done in Carmelo Peralta, in Alto Paraguay department; also under that Programme, the following activities have been organized: a sensitization and training course on human trafficking for women and students, and publicity for the work of the Ministry for Women on community radio and in primary and secondary schools, hospitals, magistrates courts and police stations in Carmelo Peralta (Alto Paraguay), Mayor Otaño (Itapua) and Alberdi (Ñeembucú); these initiatives have reached around 800 people;
- In May 2012, with the support of the Spanish Agency for International Development Cooperation (AECID), an international seminar was held on the prevention of human trafficking and support for women and girl victims, with the aim of exchanging experiences on best practices on prevention and on support for women and girl victims of human trafficking, and learning about and discussing national plans and legislation on human trafficking;
- The Development Bank of Latin America (CAF) project on consolidation of institutional mechanisms for prevention of trafficking in persons and support, protection and reintegration for women and child victims was officially launched on 20 April 2012 at the Ministry for Women and the main aim is to improve the public provision for intervention at the various stages of trafficking in women and girls;
- With the support of the Development Bank of Latin America (CAF), a handbook on support for trafficking victims is planned, for use by bodies represented on the Inter-Agency Board on Human Trafficking in Paraguay; it can be adapted for use by members of the network of departmental inter-agency boards in the system of support for women and girl victims of trafficking;
- Training for the Armed Forces: in view of the need for continual progress on the question of gender-based violence and human trafficking, an agreement was signed between the Ministry of Defence and the then Secretariat for Women of the Office of the President of the Republic to formally incorporate the gender perspective in Ministry of Defence policies and work. The aim is to facilitate a joint, participatory learning process in order to sensitize men and women members of the military to the crime of trafficking in persons, enable them to recognize the vulnerability of victims of trafficking and make them aware of the legal basis for intervention in such cases. Nine courses were run in 2012, in the following units: the Army High Command, the Mariscal Francisco Solano López military academy in Capiatá, senior officers of the Army Military Training Institute in Mariano Roque Alonso, Air Force Command in Luque, Navy Command in Asunción (Barrio Sajonia), Logistics Command in Asunción (Barrio Sajonia), First Army Corps in Curuguaty (Canindeyú), Second Army Corps in Misiones (Misiones), Third Army Corps in Mariscal Estigarribia (Boquerón);
- Training for police (2012): workshops were organized at the Special Higher Police Institute; the aim was to provide an understanding of basic concepts around trafficking in women and the main instruments of international law on the subject, and to provide information on progress made by the Ministry for Women in its policies on preventing and combating human trafficking;
- Training in universities (2012): one of the principal activities in awareness-raising and training is the round tables and workshops held in universities across the

country, including Columbia University of Paraguay, the Coronel Oviedo branch of the National University of Asunción Faculty of Law, the National University of Asunción Faculty of Philosophy and the National University of Pilar;

- The following activities were organized for key members of institutions providing support to trafficking victims:
  - Workshops on human trafficking at the regional women's centres, Ciudad del Este (Alto Paraná), Filadelfia (Boquerón) and Curuguaty (Canindeyú); all of these work under the Ministry for Women;
  - Round table on human trafficking at Pedro Juan Caballero (Amambay), with a view to raising awareness among strategic players in Pedro Juan Caballero;
  - Special awareness-raising session on human trafficking for officials in public and private agencies in Caazapá, Caaguazú, Misiones and Boquerón departments, as part of SMPR/CAF project 7233/10 on consolidation of institutional mechanisms for prevention of trafficking in persons and support, protection and reintegration for women and child victims.

### **Implementation of State policy on preventing and combating trafficking of persons in Paraguay**

53. Paraguay is a party to the United Nations Convention against Transnational Organized Crime (Act No. 2298/2003) and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Act No. 2396/2004). Act No. 3440/08 amending the Paraguayan Criminal Code broadened the definition of the offence of trafficking in persons to cover all the forms of exploitation referred to in the Palermo Protocol and established sentences of up to 12 years. In addition, when investigating human trafficking, the special prosecutors for trafficking in persons and sexual exploitation of children and adolescents may make use of other charges such as deprivation of liberty or abduction.

54. On 19 January 2012 the National Policy on Preventing and Combating Trafficking in Persons in the Republic of Paraguay was adopted by Decree No. 8/2012. It was prepared by the Inter-Agency Board and thus provides a road map for the State.

55. The thrust of the Policy is to provide protection and assistance to all victims or potential victims of human trafficking, whether on national territory or abroad, in order to safeguard their human rights, and to provide stronger support for prosecution of criminal gangs and the investigation, trial and punishment of this crime.

### **Comprehensive Act (No. 4788/12) on Trafficking in Persons**

56. The Inter-Agency Board on Human Trafficking in Paraguay, which is part of the Ministry for Women, was established in 2005 and is coordinated by the Ministry of Foreign Affairs; some 47 agencies of all three branches of the State and from civil society are members.

57. With regard to measures taken to prevent, combat and eradicate trafficking in persons, Congress recently passed Act No. 4788, the Comprehensive Act on Trafficking in Persons, whose purpose is to prevent and punish human trafficking in all its forms, on national territory and abroad. It also aims to protect and support victims and to reinforce action taken by the State against this crime.

58. In 2012 the National Police set up a Department to Combat Trafficking in Persons and Related Offences to prevent and investigate human trafficking, sexual and labour

exploitation, slavery and slavery-like practices, and other closely related offences such as falsification of official documents, extortion, removal of persons, coercion and uttering threats, among others.

---