



International Convention for the Protection of All Persons from Enforced Disappearance

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Committee on Enforced Disappearances

Additional information submitted by Paraguay under article 29 (4) of the Convention*

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I. General information

A. Participants involved in the preparation of the report

1. The process of preparing the present report was coordinated by the Ministry of Justice, in its capacity as coordinator of the Human Rights Network of the Executive Branch, together with the Ministry of Foreign Affairs, and was based on the guidelines on the form and content of the reports to be submitted by States parties.
2. The following State institutions collaborated in the preparation of the present report: the Chamber of Deputies, the Senate, the Ministry of Defence, the Public Prosecution Service, the Ministry of the Interior, the Ministry of Justice, the Ministry for Children and Adolescents, the Public Defence Service, the Supreme Court of Justice, the Ministry of Foreign Affairs, the Ombudsman's Office and the National Directorate of Migration.

B. Method of preparation of the report

3. The present report was prepared using the International Recommendations Monitoring System Plus (SIMORE Plus), a permanent national inter-institutional mechanism used in Paraguay to track the implementation of international human rights recommendations, including those of the Committee on Enforced Disappearances, and to prepare reports.
4. The present report is the product of an inter-institutional process of data collection through this mechanism, whose methodology is based on the work of a network of focal points in various institutions of the executive, legislative and judicial branches and autonomous government bodies, under the coordination of the Ministry of Foreign Affairs and the Ministry of Justice. The information is made available through a publicly accessible online platform.

II. General legal framework under which enforced disappearances are prohibited

5. Constitution of the Republic of Paraguay.
6. Act No. 933/96 ratifying the Inter-American Convention on Forced Disappearance of Persons.
7. Act No. 1663/01 ratifying the Rome Statute of the International Criminal Court.
8. Act No. 3458/08 ratifying the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity.
9. Act No. 3977/2010 ratifying the International Convention for the Protection of All Persons from Enforced Disappearance.
10. Act No. 5877/2017 implementing the Rome Statute of the International Criminal Court.
11. Act No. 838/96 on the compensation of victims of human rights violations committed during the dictatorship of 1954 to 1989, as amended, under which claims for compensation submitted by victims of the dictatorship are handled by the Ombudsman's Office.
12. Act No. 1160/97 on the Paraguayan Criminal Code, establishing enforced disappearance as an offence, as amended by Act No. 4614/12 amending articles 236 and 309 of Act No. 1160/97 on the Criminal Code.
13. Act No. 1286/98 on the Code of Criminal Procedure.

III. Information in relation to each substantive article of the Convention

Article 1

14. The preamble of the Constitution of Paraguay expressly establishes the recognition of human dignity, which is closely linked to human rights, in order to ensure liberty, equality and justice. This is consistent with the relevant conventions ratified by the country, namely the Inter-American Convention on Forced Disappearance of Persons (Act No. 933/1996) and the International Convention for the Protection of All Persons from Enforced Disappearance (Act No. 3977/2010).

15. Furthermore, by Act No. 1663/2001, Paraguay ratified the Rome Statute of the International Criminal Court, which includes enforced disappearance as a “crime against humanity”, stating that: “1. For the purpose of this Statute, ‘crime against humanity’ means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack ... (i) Enforced disappearance of persons”.

16. The State has a duty to protect all persons and their liberty. Article 5 of the Constitution thus provides that statutory limitations are not applicable to the offence of enforced disappearance, providing that: “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Genocide and torture, as well as enforced disappearance of persons, abduction and murder for political reasons, shall not be subject to any statute of limitations.”

17. In Paraguayan criminal law, the offence of enforced disappearance is defined in article 236 of the Criminal Code, as amended by article 1 of Act No. 4614/12.

Article 2

18. Under the criminal law in force in Paraguay, enforced disappearance has three constitutive elements that are fully consistent with the International Convention for the Protection of All Persons from Enforced Disappearance: deprivation of liberty, denial of information and placement outside the protection of the law.

19. Article 236 of the Criminal Code defines enforced disappearance as an offence and provides that it is punishable by a custodial sentence of not less than 5 years.

Article 3

20. By Attorney General’s Office Decision No. 52/11, the Public Prosecution Service created a Special Unit for Human Rights Offences with specific jurisdiction over the following criminal offences defined and penalized in the Criminal Code: enforced disappearance (art. 236), bodily harm inflicted in the performance of public duties (art. 307), coercion of statements (art. 308), torture (art. 309), malicious prosecution (art. 310), wrongful punishment (art. 311), breach of confidentiality of mail and telecommunications (art. 317), genocide (art. 319) and war crimes (art. 320).

21. By law, the Public Prosecution Service is obliged to investigate all publicly prosecutable criminal offences that come to its attention (art. 268 of the Constitution and art. 18 of the Code of Criminal Procedure). If the *notitia criminis* refers to the alleged commission of an offence related to enforced disappearance, it is entered into the computer system of the Public Prosecution Service and assigned to a Special Unit for Human Rights Offences, since enforced disappearance is among the offences investigated by these units, triggering the internal mechanisms of the institution.

22. By Ministerial Decision No. 285/13, the Directorate for Historical Memory and Reparation was created under the Directorate General of Human Rights of the Ministry of Justice.

Article 4

23. Paraguayan law, specifically article 236 of the Criminal Code, establishes enforced disappearance as an offence with specific characteristics that distinguish it from other related offences. In accordance with article 2 of the Convention, article 236 of the Criminal Code defines enforced disappearance as an offence in which agents of the State or persons acting with its authorization, support or acquiescence arrest, detain, abduct or in any other form deprive one or more persons of liberty, followed by a refusal to reveal the person's whereabouts, a refusal to acknowledge the deprivation of liberty or concealment of the fate or whereabouts of the person, which places such a person outside the protection of the law. This offence is punishable by a custodial sentence of not less than 5 years.

Article 5

24. Enforced disappearance as such has been defined and penalized in the Criminal Code on the basis of article 2 of the Convention; enforced disappearance as a crime against humanity is covered by the provisions of the Rome Statute.

25. Paraguay recognizes enforced disappearance as a crime against humanity under international law and has established a legal framework and international commitments under which the State is obliged to investigate, prosecute and punish these crimes.

26. Enforced disappearance is considered an offence not subject to any statute of limitations in Paraguay, in accordance with international standards. This means that criminal prosecutions and the corresponding penalties can be applied without time limitations, thus ensuring that perpetrators do not escape justice owing to the passage of time.

Article 6

27. In Paraguayan criminal law, the offence of enforced disappearance is defined in article 236 of the Criminal Code, as amended by article 1 of Act No. 4614/12, which reads: "1. Any person acting as an official or agent of the State or any person or group of persons acting with the authorization, support or acquiescence of the State who arrests, detains, abducts or in any other form deprives one or more persons of liberty and refuses to provide information on the person's whereabouts or refuses to acknowledge the deprivation of liberty or conceals the fate or whereabouts of the disappeared person, placing such a person outside the protection of the law, shall be liable to a custodial sentence of not less than 5 years. 2. The provisions of paragraph 1 of this article shall apply even if the act is committed by a person whose status as an official is not legally valid or by a person who is not an official."

28. Three forms of participation are provided for in the Criminal Code and are set out in article 29, "Perpetration" (individual or co-perpetration), article 30, "Instigation", and article 31, "Complicity". Thus, any person whose participation is proven in court is liable to punishment under domestic law.

29. In relation to the concept of "due obedience" in the context of enforced disappearance, it should be noted that this principle cannot be used as a defence in cases involving serious violations of human rights. "Due obedience" cannot be invoked to justify the commission of crimes against humanity, genocide, torture, enforced disappearance or other atrocity crimes.

Article 7

30. Article 236 of the Criminal Code defines enforced disappearance as a criminal offence and provides that it is punishable by a custodial sentence of not less than 5 years. The maximum term of imprisonment is 30 years under article 38 of the Criminal Code. The Code also provides for the application of security measures to the convicted person under article 75, "Confinement in a security facility"; such measures are applied together with the custodial sentence for a period not exceeding 10 years.

Article 8

31. Paraguayan law explicitly provides that crimes against humanity, including enforced disappearance, are not subject to any statute of limitations. This stipulation is found in both the Constitution and the Criminal Code, underscoring the State's commitment to international human rights standards.

32. Article 102 of the Criminal Code provides, in paragraph 3, that "the offences referred to in article 5 of the Constitution are not subject to any statute of limitations".

Article 9

33. Paraguay has an adversarial system in which proposed charges are brought by the prosecutor before the court. The characteristics of this system involve a sequence of objective and subjective elements that begins with the filing of charges against the perpetrator or participant in the offence being investigated, followed by the substantiation of the facts in the prosecutor's indictment, after which the principle of congruence is continuously observed until the end of the process, when the judge or court issues a final judgment.

34. The Public Prosecution Service initiates a criminal prosecution on the basis of a complaint about an act constituting a publicly prosecutable criminal offence. When there are sufficient grounds to believe that the act was committed and that the suspect was a participant, the prosecutor files a charging document with the competent criminal court judge; a six-month period of investigation is then opened with a view to indictment and committal for an oral and public trial of the case.

35. The Extraditions Department of the Directorate of International Affairs of the Public Prosecution Service reports that, in the last 10 years, the authorities have granted two requests for extradition referring to the provisions of the United Nations Committee on Enforced Disappearances. It also reports that the authorities have not denied any requests for extradition in relation to the offence of enforced disappearance.

36. Article 8 of the Criminal Code establishes that Paraguayan criminal law applies also to certain acts committed abroad, including those referred to in paragraph 6 of article 319, "Genocide", of the Criminal Code.

Article 10

37. Regarding the functions of the Directorate of International Affairs of the Public Prosecution Service, the Department of International Legal Assistance is in charge of notifying the Ministry of Foreign Affairs of any arrests, charges, indictments or deaths of foreign nationals that take place in the context of a criminal investigation conducted by the Public Prosecution Service. In turn, the Directorate of Legal Affairs of the Ministry of Foreign Affairs is in charge of notifying the relevant consular authorities in each case.

38. These steps are taken to assist prosecutors and provide consular assistance to persons under investigation so as to avoid subsequent procedural problems, such as language issues when statements are taken.

39. The legal basis for the communication is the 1963 Vienna Convention on Consular Relations (Act No. 91/1969). The internal regulations of the Public Prosecution Service are found in Circular F.G.E. No. 01/2024 and are consistent with the provisions of the Vienna Convention.

Article 11

40. Article 8 of the Criminal Code allows for the prosecution of offences committed abroad against legal rights; paragraph 1 provides that Paraguayan law applies also to acts committed abroad, specifically "offences which the Republic of Paraguay, by virtue of an

approved and ratified international agreement or treaty, is obliged to prosecute even if they have been committed abroad”.

Article 12

41. By law, the Public Prosecution Service is obliged to carry out the public criminal prosecution of offences that come to its attention (art. 268 of the Constitution and art. 18 of the Code of Criminal Procedure). For this purpose, there are offices for filing complaints at prosecutors’ offices throughout the country. Thus, any person claiming to be a victim of a publicly prosecutable criminal offence that is defined and penalized in the Criminal Code has the opportunity to report the matter to any police station or prosecutor’s office, and the Public Prosecution Service has a duty to investigate. The status and rights of victims are established in articles 67 and 68 of the Code of Criminal Procedure and refer without distinction to any person against whom any criminal act has been committed by one or more persons, for all offences defined in the Criminal Code. These provisions set out the definition of a victim and the rights to which he or she is entitled. There is a Victim Support Centre and a Directorate for the Witness Protection Programme.

42. By law, the Public Prosecution Service is obliged to investigate all publicly prosecutable criminal offences that come to its attention. If the *notitia criminis* refers to the alleged commission of an offence related to enforced disappearance, it is entered into the computer system of the Public Prosecution Service and assigned to a Special Unit for Human Rights Offences, since enforced disappearance is among the offences investigated by these units, triggering the internal mechanisms of the institution.

43. Police disciplinary rules provide that, when police officers are investigated for any act, especially in relation to enforced disappearance, they are suspended from duty for the duration of the investigation.

Article 13

44. Paraguayan law provides that the offence of enforced disappearance is extraditable by virtue of the treaties signed by the country. This is based on the Code of Criminal Procedure, which establishes the legal mechanism for extradition in the following articles:

“Article 147. Extradition. Matters relating to the extradition of accused or convicted persons shall be governed by current international law, national laws, international custom and the rules of reciprocity when there is no applicable norm.

Article 148. Issuance of requests for extradition. A request for the extradition of an accused person shall be ordered by the criminal court at the request of the Public Prosecution Service or the complainant, in accordance with the provisions of the preceding article, and shall be processed through the diplomatic channel.

Extradition may not be requested unless a personal precautionary measure has been ordered, as established in Book IV of this Code. The request for extradition of a convicted person shall be made *ex officio* by the enforcement judge.

Article 149. Receipt of requests for extradition. If a foreign State requests the extradition of an accused or convicted person, the relevant criminal court in the capital of the Republic shall have jurisdiction.

Any decision denying such an extradition request shall be sent to the Criminal Division of the Supreme Court of Justice, which shall rule thereon within 15 days of receipt of the documentation.

If the person sought is in detention, he or she shall not be released until the Criminal Division of the Supreme Court of Justice issues a decision. If it does not issue a decision within the stipulated time period, release shall be granted immediately and return to detention may not be ordered.”

Article 14

45. Paraguay is a party to a number of treaties and judicial cooperation agreements applicable to enforced disappearance, including the following:

Multilateral instruments:

- Inter-American Convention against Corruption (Caracas, 1996) – Act No. 977/1996.
- Inter-American Convention on Mutual Assistance in Criminal Matters (Nassau, 1992) – Act No. 2194/2003.
- United Nations Convention against Transnational Organized Crime (Palermo, 2000) – Act No. 2298/2003.
- United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (Vienna, 1988) – Act No. 16/1990.
- United Nations Convention against Corruption (Mérida, 2003) – Act No. 2535/2004.

Bilateral instruments:

- Agreement with the Republic of Colombia on judicial cooperation in criminal matters – Act No. 1211/1997.
- Agreement with the Republic of Peru on judicial assistance in criminal matters – Act No. 1047/1997.
- Agreement with the Republic of Venezuela on judicial assistance in criminal matters – Act No. 1053/1997.
- Treaty on cooperation with Mexico on mutual judicial assistance in criminal matters – Act No. 3118/2006.
- Agreement with Panama on mutual assistance in criminal matters – Act No. 3535/2008.
- Agreement with Colombia on cooperation for the prevention, control and suppression of money-laundering – Act No. 1266/1998.

46. Below are some specific cases of judicial cooperation on extraditions related to offences of unlawful deprivation of liberty, which are relevant in the context of enforced disappearance:

With Uruguay:

- Extradition requested by the Court of First Instance of Maldonado for continuous offences of abuse of authority against detainees and deprivation of liberty. Extradited on 22 January 2020.

With Argentina:

- Extradition requested by the Federal Court of First Instance of La Rioja for unlawful deprivation of liberty. Extradited on 21 September 2011.

47. The Directorate of International Affairs and External Legal Assistance of the Public Prosecution Service acts as the central authority for facilitating such cooperation under the aforementioned treaties and applicable national and international legal provisions.

48. The Supreme Court has a Directorate of Cooperation and International Judicial Assistance, created by Decision No. 1079/2016, whose role is to strengthen the Court's presence in the international arena by fostering supportive relationships with public and private sector groups, international organizations and foreign judiciaries in matters relating to technical and judicial cooperation, as well as with bar associations and notaries' associations of other countries.

49. The Directorate of Cooperation and International Judicial Assistance serves as a permanent source of advisory services for judges of the judicial branch on matters concerning international legal relations and cooperation. It thus supports them in the process of

professional development and refresher training required in their areas of competence, with a view to the constant modernization and institutional strengthening of Paraguayan justice. It is responsible for receiving and processing letters rogatory and all other requests for judicial assistance from the competent national and international authorities, which were previously handled by the secretariat of the Court.

Article 15

50. Paraguay is committed to the fight against enforced disappearance and has signed international treaties and agreements that establish its duty to cooperate with other States to help locate and provide assistance to victims. Key instruments signed by Paraguay include the International Convention for the Protection of All Persons from Enforced Disappearance, the Inter-American Convention on Forced Disappearance of Persons and bilateral and multilateral agreements on judicial assistance.

51. Specific examples of cooperation and specific measures taken include coordination with Argentina in the framework of investigations concerning victims of Operation Condor. Paraguay and Argentina have provided each other with mutual assistance in the search for information on citizens who disappeared during the military dictatorships in the two countries. Scientific work to identify skeletons and bone fragments exhumed in Paraguay is carried out at the laboratories of the Argentine Forensic Anthropology Team, which maintains a genetic databank of relatives of persons who disappeared during the dictatorship in Paraguay.

52. In another example of cooperation, in July 2023 the Director for Historical Memory and Reparation of the Ministry of Justice was summoned to appear at the criminal trial, before a court in Rome, of the Uruguayan former naval officer J.N. Troccoli for the enforced disappearances of Raffaella Filippazzi, José Agustín Potenza and Elena Quinteros. Ms. Filippazzi, an Italian national, and Mr. Potenza, an Argentine, were a married couple who were abducted in Uruguay on 27 May 1977. They were transferred to Asunción in June of that year and taken to the Police Investigation Department, where they were last seen in December 1977. Their remains were found on 19 March 2013 in a mass grave on the premises of the Special Branch of the National Police and were identified in August and September 2016 through the work of the Directorate for Historical Memory and Reparation.

53. The Directorate for Historical Memory and Reparation of the Ministry of Justice is in negotiations with Arizona State University to conduct future research work on sites to be excavated.

54. Paraguay participates in the Standing Commission on Memory, Truth and Justice of the Southern Common Market (MERCOSUR) Meeting of High-level Authorities on Human Rights. The objective of this Commission is to consolidate regional cooperation on memory, truth and justice policies through the exchange of information and documents on serious human rights violations and the search for and identification of victims of enforced disappearance. A working group on archives was established within this framework.

Article 16

55. Article 5 of the Refugee Act (No. 1938/2002) establishes that refugees may not be expelled, returned or extradited to another country, whether the country of origin or of habitual residence, when there are substantial grounds for believing that they could be subjected to torture or other cruel, inhuman or degrading treatment or punishment, or when their fundamental rights could be at risk.

56. Article 6 states that refugees may be expelled only in exceptional cases, when there are justified reasons of national security or public order, in accordance with the provisions of the Constitution, international treaties ratified by Paraguay or laws. This measure must be adopted in accordance with the legal procedures in force, guaranteeing the refugee's rights to submit evidence to clear himself or herself and to appeal. In such cases, the principle of non-refoulement and the provisions of article 5 of the Act will apply.

57. Extradition is dealt with under chapter IV, article 7, which provides that if a refugee is the subject of an extradition request by the country from which he or she comes and from which he or she sought refuge, the Ministry of Foreign Affairs must return the request without further formalities, explaining the reasons that prevent it from being processed.

58. For extradition to proceed in Paraguay, there must first be a bilateral agreement between the requesting and requested States. In Paraguay, extraditions are determined by the judiciary in accordance with the provisions of the bilateral agreement and the Code of Criminal Procedure.

59. Article 147 of the Code of Criminal Procedure provides that the extradition of accused or convicted persons is governed by current international law, national laws, international custom or, where there is no applicable norm, the principle of reciprocity.

60. Article 148 of the Code states that extradition requests concerning accused persons must be ordered by a judge at the request of the Public Prosecution Service or the complainant and be processed through the diplomatic channel.

61. Article 149 provides that if a foreign State requests the extradition of an accused or convicted person, the relevant criminal court in the capital of the Republic will have jurisdiction.

62. Article 150 states that the criminal court dealing with the case may order the provisional arrest and detention of an extraditable person provided that a judgment or detention order has been handed down.

63. The new Migration Act (No. 6984) of 2022, repealing Act No. 978/96, replaced the Directorate General for Migration with the National Directorate of Migration, a body with higher institutional status under the executive branch, with the power to issue its own regulations and self-sufficiency to generate, manage and invest its own resources.

64. The National Directorate of Migration organizes regular training on migration processes and security and on the different human rights conventions. This training is delivered by the International Organization for Migration, the Inter-American Development Bank and the National Directorate itself.

65. The National Directorate is currently developing the regulations for a higher technical education programme on migration management.

66. Regarding the keeping of registers of all detainees, the Ministry of Justice adopted Decision No. 79/18 establishing administrative procedures for mandatory use of an Automatic Fingerprint Identification System for the admission and release of persons deprived of liberty and adolescents in conflict with the law in the country's prisons and educational centres, and for the mandatory registration of such persons.

67. In 2018, the Ministry of Justice launched the Prison Information System of Paraguay, which began as a data collection project of the prison management system, with the aim of obtaining detailed information on the procedural, social and health situations of persons deprived of their liberty.

68. The Prison Information System serves as the Ministry of Justice register of persons deprived of their liberty. It contains personal data (name and surname, nickname, date and place of birth, age, nationality, sex, identity card and/or passport number, marital status, address, employer, telephone number and embassy information, if the person is a foreigner); family data (name of spouse or partner, number of children and their ages, names of parents and siblings, relative to contact in an emergency); academic data (academic level and last year of education completed); criminal data (name and number of the case file, offence, length of sentence, date of final judgment, trial court, registry, security measures, date of arrest and detention, additional penalties, name of defence counsel and/or public defender, telephone number, notification of admission to a relative, other cases, complaints of human rights violations during arrest and detention, default); prison data (date of admission, cell block, number of prisoners in the cell, place of detention, charges, length of detention, whether convicted or accused, reoffending, motive, time at liberty before most recent reoffending, belonging to a vulnerable group); and data on the prisoner's transfer history.

69. The officials responsible for managing the Prison Information System in prisons were appointed by Ministry of Justice Decision No. 28/19.

70. Ministry of Justice Decision No. 368/19 provides for the compulsory use of the Prison Information System.

71. Ministry of Justice Decision No. 292/23 provides that new prison admissions of foreign nationals must be notified to the Executive Directorate General of the Ministry of Justice.

72. In the event of non-compliance with the obligation to keep registers of detainees in prisons, the officials responsible are punishable under articles 56, 66, 67 and 68 of the Civil Service Act (No. 1626/00). This is in addition to the application of the provisions established under articles 6, 7, 8, 41, 42, 43 and 44 of the Ministry's internal regulations.

73. By Decision No. 717/20, the Ministry of Justice established the Higher Technical Institute for Prison Officers, which was accredited in 2021. The Institute offers two training programmes: a higher technical qualification for prison officers and a higher technical qualification in specialized restorative approaches for adolescent offenders.

74. Paraguay has an international judicial training centre under the Supreme Court of Justice. It is a technical body for the continuing education of judges and judicial officials.

75. The Public Prosecution Service Training Centre is attached to the Service's Organizational Development Office. Its mission is to provide comprehensive training, leading to high-quality institutional management, excellence in the administration of justice and the strengthening of the rule of law. It aims to deliver management training plans and programmes of suitable content and quality in support of the strategic actions by which the Public Prosecution Service fulfils its commitment to society.

76. Article 7 of the Training Centre's academic regulations provides for the following types of training:

(a) An induction programme for prosecutors, deputy prosecutors and officials joining the Public Prosecution Service;

(b) A reinduction programme for officials promoted to higher positions;

(c) An in-service training programme for prosecutors, deputy prosecutors and officials of the Public Prosecution Service. It is designed to provide them with theoretical and practical knowledge for the performance of their functions;

(d) A refresher training programme for prosecutors, deputy prosecutors and officials of the Public Prosecution Service. It is designed to provide training to meet the institution's challenges and needs. In-service training may be incorporated into refresher training when so warranted by the time that has elapsed and the relevance of the content, as determined by the Directorate for Academic Training and the Directorate for Curriculum Review and Evaluation;

(e) Specialized programmes for prosecutors, deputy prosecutors and officials of specialized units and technical support bodies who, by virtue of their functions, require specific forms of training.

Article 17

77. Article 12 of the Constitution sets out in detail the conditions and premises governing the detention of persons. It states that "no one shall be detained or arrested without a written order issued by a competent authority, except for those caught in flagrante delicto in relation to an offence punishable by a custodial sentence". This constitutional provision is regulated by other laws in force (the Criminal Code, the Code of Criminal Procedure and the Code of Criminal Enforcement) that guarantee the protection of human rights and due process, preventing abuses and arbitrary detentions.

78. Detention orders must comply with strict legal conditions and be issued by a competent court. In addition, the legal framework establishes that persons deprived of their

liberty have the right to communicate with family members, lawyers and others. For foreigners, there are specific provisions that facilitate their communication with consular authorities. In this regard, the Ministry of Justice has a protocol for the assistance of foreign nationals deprived of their liberty, adopted by Decision No. 789/2015, whose purpose is to improve the support provided to these persons and ensure the exercise of their rights.

79. Chapter X, “Medical assistance”, of the Prison Act (No. 210/70) provides that persons entering the prison system must have immediate access to healthcare. Visits to prisoners are regulated by Ministry of Justice Decision No. 121/2004.

80. Regarding legal assistance, the Ministry of Justice, in coordination with the Public Defence Service, arranges for the appointment of a public defender when one is requested by the person deprived of liberty. A specialized unit for procedural follow-up, under the Office of the Deputy Minister for Criminal Justice Policy, takes steps to detect situations that must be addressed by the institutions responsible for the criminal proceedings, such as the judiciary, the Public Prosecution Service and the Public Defence Service. This unit acts as a strategic ally, urgently identifying situations that require attention.

81. The Ministry of Justice conducts regular inspections to evaluate the functioning of prisons, the living conditions of persons deprived of liberty and compliance with the regulations. To this end, the Directorate for the Protection of Human Rights in the Prison System carries out constant monitoring of prisons and educational centres.

82. As for persons detained in the country’s police stations, National Police Decision No. 176/2010, which established a registration system for persons deprived of liberty as a preventive mechanism for ensuring respect for human rights, was supplemented by Decision No. 671/2013, making the use of a detention registration form compulsory in all police facilities.

Article 18

83. Act No. 5282/14 on Free Access to Public Information and Government Transparency guarantees the right of any person to request and have access to public information free of charge.

84. Article 22 of the Act defines restricted public information as information that has been or is expressly characterized as such by law. Article 34 of Regulatory Decree No. 4064/15, which regulates the Act, states that a request for access to public information may be refused only when the information is expressly excluded from public knowledge by a legal norm hierarchically not inferior to a law. In addition, article 35 provides that, in case of refusal, the public source must issue a duly substantiated decision and the burden of proof will be on the source, which must demonstrate that the requested information is subject to one of the exceptions established by law.

85. The Directorate of Transparency and Access to Public Information of the Public Prosecution Service facilitates requests for information, which may be transmitted by email, in writing or verbally. The Public Prosecution Service and the laws in force afford protection mechanisms for those who request information and participate in investigations, preventing reprisals against requesters and ensuring the integrity of the access to information process.

Article 19

86. In the cases of enforced disappearance that occurred between 1954 and 1989, genetic data have been obtained from the skeletal remains found. This work is carried out by the Argentine Forensic Anthropology Team at its laboratories. The Directorate for Historical Memory and Reparation is responsible for the search for disappeared persons in Paraguay and the tracing of their relatives in order to take blood samples for genetic comparison.

87. The genetic databank of the relatives of disappeared persons (1954–1989) is maintained at the laboratories of the Argentine Forensic Anthropology Team. The procedure for collecting blood samples from relatives is carried out under a signed agreement by which

they consent to the use of their genetic data exclusively for identification purposes, ensuring that the donor's identity remains strictly confidential.

88. Paraguay has a genetic databank of the relatives of disappeared persons (1954–1989), which is maintained at the laboratories of the Argentine Forensic Anthropology Team – a process that commenced in 2015. To date, more than 300 relatives have given blood samples.

Article 20

89. The Act on Free Access to Public Information and Government Transparency regulates the effective exercise by all persons of the right of access to public information, as enshrined in article 28 of the Constitution, setting out procedures, deadlines, exceptions and appropriate sanctions, and thus promoting the transparency of the State.

90. Act No. 6534/20 on the Protection of Personal Data protects sensitive data and ensures that they are used with the consent of the owner. Article 4 prohibits the publication or dissemination of sensitive personal data that are or can be individualized.

91. Act No. 4083/11, which established the Assistance and Protection Programme for Witnesses and Victims in Criminal Proceedings, provides for assistance and security measures.

Article 21

92. Procedures for the deprivation of liberty and the release of persons derive from the Constitution and are set forth under laws such as the Criminal Code, the Code of Criminal Procedure and the Code of Criminal Enforcement. These laws ensure that fundamental principles, such as due process, are respected.

93. Granting the release of a person deprived of liberty is a process overseen by the courts, the Public Prosecution Service, the National Police, the Ministry of Justice and defence counsel, each of which have specific roles and well-defined functions to ensure compliance with the law.

Article 22

94. The Constitution guarantees the right to habeas corpus, a remedy for which any person deprived of liberty, or another person acting on his or her behalf, may apply before a competent court. The remedy, whose purpose is to protect liberty of person against unlawful, arbitrary or unjustified detention, requires the judge to rule immediately.

95. Article 12 of the Constitution prohibits the detention or deprivation of liberty of any person except in the cases provided for by law and subject to a written order issued by a competent authority. The same article provides that all persons deprived of their liberty must be immediately informed of the reasons for their detention and of their rights, and that their detention must be duly registered.

96. In 2015, the Ministry of Justice issued Decision No. 189, which provides for mandatory identification for the admission of persons deprived of their liberty to prisons and educational centres.

97. Furthermore, by Decision No. 691/15, the Ministry of Justice approved the registration form for the admission of persons deprived of liberty, thus ensuring appropriate control. The Civil Service Act provides for sanctions in the event of administrative offences.

98. To guarantee the rights of all detained persons, National Police Decision No. 1344/2015 sets out the minimum conditions for deprivation of liberty in police facilities and the institutional communication mechanism to facilitate the right of defence and compliance with procedural deadlines, thereby ensuring the collection of all data of detained persons and respect for their rights.

99. The Ministry of the Interior has a monitoring programme for police facilities, under which visits are undertaken to police stations throughout the country to verify the correct and compulsory use of detainee registers and ensure that persons deprived of their liberty are able to communicate with their families, lawyers, public defenders or any other persons of their choice, as well as, in the case of foreigners, with their consular authorities.

Article 23

100. Various government institutions in Paraguay carry out training programmes on the promotion of and respect for human rights. For example, in 2021 the authorities opened the Higher Technical Institute for Prison Officers, which has three departments: operations and training, academic training and technical management. Within this framework, a programme of study leading to an advanced technical degree for prison officers has been introduced, for which the admission process includes multiple phases of evaluation. The Institute has held training sessions in key areas, such as initial training for prison officers and training officers, Act No. 5777/16 on the Comprehensive Protection of Women, workshops and training sessions on international human rights treaties and agreements, and an international seminar on prison systems and human rights, organized by the prison systems network of the Europe-Latin America Programme of Assistance against Transnational Organized Crime in conjunction with the Prison Officers Training Centre of Uruguay, among others.

101. The Ministry of Defence has a handbook on human rights and international humanitarian law, declared to be of ministerial interest in 2019, that addresses human rights and international humanitarian law from a disciplinary and academic standpoint. The handbook reflects a focus on the prevention of serious violations such as enforced disappearance.

102. The Ministry of the Interior provides ongoing training for police personnel, including modules on human rights as applied to police work. These courses cover topics such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; persons deprived of liberty and their treatment in accordance with human rights standards; vulnerable groups, with emphasis on the care of women victims of violence and persons with disabilities; and provisions adopted on the obligation to report enforced disappearances, among others.

103. The Directorate for Historical Memory and Reparation of the Ministry of Justice promotes the dissemination of information on enforced disappearance through educational and cultural activities. For example, talks on human rights have been given at universities and schools, with emphasis on the obligation to report any act that could lead to enforced disappearance.

104. Within the framework of the International Recommendations Monitoring System Plus (SIMORE Plus), which is coordinated jointly by the Ministry of Foreign Affairs and the Ministry of Justice, workshops on the implementation of the International Convention for the Protection of All Persons from Enforced Disappearance have been held for the focal points of the System. These workshops have received technical support from the Office of the United Nations High Commissioner for Human Rights.

Article 24

105. In relation to Case No. 121/2022, the Ombudsman's Office and the Directorate for Historical Memory of the Ministry of Justice filed a complaint with the Public Prosecution Service's Special Unit for Human Rights Offences in connection with the Caaguazú case. This case, which occurred in 1980, involves the enforced disappearance of 10 campesinos, a crime attributed to the dictatorship. The purpose of the complaint was to call for the initiation of excavations to search for and locate the remains of the victims, as part of the effort to identify persons who disappeared during the dictatorship in Paraguay.

106. The Directorate for Historical Memory and Reparation of the Ministry of Justice works in collaboration with the families of the victims to collect testimonies and conduct

investigations. A representative example of this is the Caaguazú case, in which excavations carried out in 2022 involved relatives of the victims.

107. The Directorate for Historical Memory and Reparation of the Ministry of Justice, in coordination with the Argentine Forensic Anthropology Team, is leading the investigations to locate the remains of victims of enforced disappearance. The genetic databank of relatives of disappeared persons, created in 2015, is a key mechanism for storing genetic material, which facilitates the identification of exhumed remains and their subsequent return to the victims' families.

108. The Directorate General for Truth, Justice and Reparation of the Ombudsman's Office manages compensation for the families of disappeared persons in accordance with Act No. 838/1996.

Article 25

109. The Criminal Code (Act No. 1160/97) criminalizes enforced disappearance in article 236 and makes perpetrators liable to custodial sentences of not less than 5 years, including penalties for officials who conceal or fail to provide information on disappeared persons.

110. Article 221 of the Criminal Code, "Misrepresentation of civil status", and article 222, "Violation of adoption rules", provide for penalties of up to 5 years in cases involving the falsification of documents or the circumvention of legal adoption procedures.

111. The provisions on the violation of parental rights (art. 228) and the forgery of public documents (arts. 250–252) also penalize the concealment or falsification of children's identity information.

112. The current mechanism for searching for children was established in National Police Decision No. 666/17 adopting the police intervention protocol laying down the procedure to be followed to search for and locate missing persons.

113. By Decision No. 871/2020, the Specialized Department to Search for and Locate Disappeared or Missing Persons was created within the National Police for the purpose of planning, organizing, supervising and carrying out operations to search for and locate persons throughout the national territory, in coordination with other public and private institutions.

114. Children and adolescents may petition the Public Defence Service to secure representation and request an autonomous measure to challenge their identity and establish their true identity, and may file complaints with the Public Prosecution Service if offences have been committed.

115. Under article 70 (14) of Act No. 6486/2020 on the promotion and protection of the right of children and adolescents to live in a family setting, regulating alternative care arrangements and adoption, one of the functions of the Adoption Centre is to cooperate in tracing the origins of adults who are adoptees and/or who personally submit a request to the Adoption Centre, which has an Origins Tracing Department for this purpose. In addition, petitions can be submitted to annul adoptions of disappeared children, as provided in article 94, "Annulment of adoption", of Act No. 6486/20.

116. A petition for annulment of an adoption decree may be submitted by the adopted person or by the biological mother or father, by means of an ordinary proceeding before the competent juvenile court.

117. The adoption decree may be annulled if it is established that the declaration of adoptability or the adoption of the child or adolescent was based on facts taken to be lawful that in reality were unlawful or if there was concealment of facts detrimental to the best interests of the child or adolescent, or if the provisions laid down in the Act were violated. This is established in Act No. 6486/20, article 94, "Annulment of adoption".

118. The Ministry for Children and Adolescents works in close collaboration with States that request measures to search for and locate a child's family for purposes of either return or alternative care.

119. Chapter IV of the Constitution, on the rights of the family, provides for special protection for children. Pursuant to article 53, on children, parents have the right and the obligation to assist, feed, educate and protect their minor children. Article 54, on the protection of children, states that “the family, society and the State have an obligation to ensure children’s harmonious and comprehensive development and the full exercise of their rights, protecting them from neglect, malnutrition, violence, abuse, trafficking and exploitation. Anyone may require the competent authority to enforce these guarantees and punish violators. In the event of a conflict, the rights of the child shall prevail.”

120. It is important to note that, by Act No. 57/90, the Paraguayan Government ratified the United Nations Convention on the Rights of the Child. In accordance with the Convention, any measure taken concerning children or adolescents must be based on their best interests. Accordingly, article 3 of Act No. 1680/01, “Code on Children and Adolescents”, provides that this principle has the “aim of ensuring their overall development and the full enjoyment of their rights and guarantees. In determining best interests, the child’s family ties, education and ethnic, religious, cultural and linguistic origins shall be respected. Account shall also be taken of the child’s views, the balance between his or her rights and duties, and his or her status as a developing human being”. With this principle established in Act No. 1680/01, children and adolescents are assured of the protection and care necessary for their well-being, taking all their rights into account. To this end, all appropriate steps are taken to ensure that, in any situation, the measure taken is the one that best and most fully ensures their rights, in a healthy physical and mental environment and in pursuit of their full personal and social development. In accordance with the Constitution, the family, society and the State have a duty to protect the rights of children and adolescents from the moment of conception.

121. Under current law, any dispute affecting the rights of children and adolescents must be settled by a juvenile court judge. In all cases, the substance of the judge’s reasoning and subsequent decision must be based on the best interests of the child. These interests must include the right of the child or adolescent to be heard.

122. Act No. 6486/20 on the promotion and protection of the right of children and adolescents to live in a family setting, regulating alternative care arrangements and adoption, provides in its article 5, “Guiding principles”, that in the interpretation and application of the Act, the following guiding principles apply: 1. priority; 2. precedence; 3. exceptionality; 4. temporariness; 5. due diligence; 6. right to be heard; 7. specialization; 8. meaningful participation; 9. non-discrimination; 10. best interests of the child or adolescent.

123. Article 32, “Emergency measures”, of Act No. 6486/20 provides as follows: “Once the background information on the situation of the child or adolescent is received, the juvenile court or magistrate’s court, as the case may be, shall within the following six hours hear the views of the child or adolescent personally and consider them in accordance with the child’s or adolescent’s age and maturity, and shall verify his or her general condition either on its own account or by means of the report provided by the Public Defence Service, and shall order such urgent precautionary measures as may be necessary to protect the safety and the physical and psychological integrity of the child or adolescent.”

124. Article 34, “Oral hearing”, of Act No. 6486/20 provides as follows: “The juvenile court shall summon the parties to a hearing within three days, with the stipulation that, should the respondent fail to appear in response to the first summons, he or she shall be brought by a law enforcement officer, who must be accompanied by a lawyer or, in the absence of a lawyer, by a public defender before the competent juvenile court, in order to safeguard his or her right to a defence ... The juvenile court is obliged to hear the child or adolescent in accordance with his or her degree of development and maturity in a setting appropriate for taking his or her statements, while preventing his or her public exposure, revictimization or contact with the victimizer. The child or adolescent shall be accompanied by the Public Defender for Children and Adolescents and a psychologist from the juvenile justice system’s advisory team, who will give their opinions verbally after the hearing, without prejudice to the subsequent provision of additional information.

125. In no case may the hearing be suspended owing to the absence of the prosecutor, the Public Defender for Children and Adolescents or any of the technical staff, who shall be replaced at the request of the court.”

126. Article 42, “Procedure”, of Act No. 6486/20 provides as follows: “During the procedure on the maintenance of family ties, the Court shall order the responsible technical team to carry out at least the following actions: hearing the views of the child or adolescent and ascertaining his or her life history, wishes and preferences, in accordance with his or her age and maturity.”

127. Article 44, “Hearing”, of Act No. 6486/20 provides as follows: “When family reintegration is possible, the Court shall schedule a hearing within three days for the purpose of hearing the views of the child or adolescent and the members of his or her nuclear family; the failure of the latter to appear shall not prevent such a hearing from being held. It shall also summon officials of the Public Defender and Prosecutor’s Office for Children and Adolescents concerned.”

128. Article 80, “Consent”, of Act No. 6486/20 provides as follows: “Consent to adoption must be given in person by the following parties before the juvenile court in charge of the adoption proceedings, failing which the adoption may be annulled: (a) the person to be adopted, if he or she is at least 8 years of age; (b) the adopting person or persons.

129. In all adoption proceedings, the court must enable the children or adolescents concerned to participate and must hear and consider their views, needs and desires, respecting their autonomy, in accordance with their maturity and degree of development, failing which the adoption may be annulled. Where applicable, the court must also seek their consent.”

130. Article 86, “Purpose of hearing the child or adolescent”, of Act No. 6486/20 provides as follows: “At the above-referenced hearing, the court shall hear the child or adolescent and shall verify: 1. the identity of the child or adolescent, with the possibility of ordering new tests or testimonies in the event of any doubt; 2. his or her origin and personal history and that of the nuclear or extended family, correctly described and detailed, insofar as possible, in its physical, medical and psychological aspects; 3. that the procedure on the maintenance of family ties has been carried out within the corresponding period; 4. that the opinion of the child or adolescent has been taken into account by the Adoption Centre, in accordance with his or her maturity, in the selection of the most suitable applicant or applicants; 5. the consent of the person to be adopted if he or she is at least 8 years of age, which must be given after appropriate counselling and in the absence of pressure or compensation of any kind.”

131. The Ministry for Children and Adolescents has been developing strategies to enhance children’s and adolescents’ training in and expression of citizenship. In all bodies of the National System for the Comprehensive Protection and Advancement of Children and Adolescents, it has promoted initiatives for ensuring this right, with due attention to the principles and processes that it entails and to the need to provide support and awareness-raising for all grass-roots organizations working to achieve this objective.

132. The Ministry for Children and Adolescents seeks to ensure that, through meaningful participation, children and adolescents can serve as social and historical agents of change in their communities, schools, municipalities and departments and that they can, through organizations, express their views on and ensure accountability in public affairs, while demanding that all children and adolescents enjoy full well-being.

133. By Decision No. 905/2021, the Ministry for Children and Adolescents adopted a programme called “National dialogue of children’s and adolescents’ organizations belonging to departmental and municipal councils” of the Ministry’s Office of the Deputy Minister of Regional Development for Children and Adolescents. The overall goal of the programme is to promote forums for consultation and dialogue at the regional and interdepartmental levels, made up of children and adolescents from organizations that are members of the country’s municipal and departmental councils, to advise the governing institutions on plans, programmes and projects concerning their meaningful participation. The programme is intended to increase the public visibility of children’s and adolescents’ participation at the municipal, departmental and national levels through dialogue, by establishing an inter-institutional mechanism as part of the system in which children and adolescents can express their views and have them taken into account by authorities and agencies. The programme’s direct target population consists of children and adolescents who are members of organizations participating in municipal and departmental councils in the districts and departments where such councils have been set up and put into operation. The indirect target

population consists of the adults supporting such participation by children and adolescents and the community in general.

134. It is also important to bear in mind the right of petition, provided for in article 26 of the Code on Children and Adolescents (Act No. 1680/01), which states that children and adolescents have the right to submit petitions on their own behalf addressed to any public entity or official on matters within the entity's or official's competence and to obtain a timely response.
