



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

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**Committee against Torture**

**Eighth periodic report submitted by Paraguay  
under article 19 of the Convention, due  
in 2024\* \* \*\***

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\* The present document is being issued without formal editing.

\*\* The present document was submitted pursuant to the simplified reporting procedure. It contains the responses of the State party to the Committee's list of issues prior to reporting (CAT/C/PRY/QPR/8).

\*\*\* The annexes to the present document may be accessed from the web page of the Committee.



## **I. Introduction**

1. The Republic of Paraguay hereby submits, to the Committee against Torture, its eighth periodic report under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The report was prepared pursuant to the simplified reporting procedure and contains the State's responses to the list of issues prior to reporting ([CAT/C/PRY/QPR/8](#)).
2. The report is the outcome of an extensive inter-institutional data collection process coordinated by the Ministry of Justice and the Ministry of Foreign Affairs, using the national mechanism for implementation, reporting and follow-up, the Recommendations Monitoring System Plus (SIMORE Plus), an online platform for coordinating actions and systematizing information on progress and challenges with input from the relevant public institutions, including those of the executive, legislative and judicial branches and autonomous government bodies.
3. Consequently, the present document contains information on the actions and measures adopted by Paraguay to prevent and eradicate torture, highlighting the regulatory advances, public policies and programmes that have been implemented. It also provides information on follow-up to the observations received after the review of the seventh periodic report, as well as the progress made in their implementation, in order to comply with the constitutional principles and international commitments undertaken by the country in this regard.

## **II. Replies**

### **Reply to the issues identified for follow-up in the previous concluding observations (CAT/C/PRY/CO/7)**

4. The Ministry of Justice shared with the members of the Human Rights Network of the executive branch the recommendations made by the national preventive mechanism to educational centres for the period 2016–2020. They were sent to the Supreme Court of Justice, the Public Defender Service, the Ministry of Education and Science, the Ministry for Children and Adolescents, the Ministry of Public Health and Social Welfare, the Public Prosecution Service and the National Police.
5. The Ministry of Defence provides training to military personnel and also has a programme on human rights and international humanitarian law as part of the curriculum at military academies. In addition, it ensures that the national preventive mechanism has access to military institutions.
6. The Supreme Court of Military Justice intervenes ex officio in cases involving physical injury or abuse of authority and applies the necessary measures. The Public Prosecution Service has a Specialized Unit for Human Rights Offences.

### **Articles 1 and 4**

#### **Reply to the question raised in paragraph 2 of the list of issues (CAT/C/PRY/QPR/8)**

7. The National Commission for the Study of Criminal Justice and Prison System Reform is currently considering a bill that would partially amend article 1 of Act No. 4.614/12 amending articles 236 and 309 of Act No. 1160/97 on the Criminal Code. The bill would include discrimination as one of the specific purposes of the conduct in question.

### **Article 2**

#### **Reply to the questions raised in paragraph 3 of the list of issues**

8. The Ministry of Justice, in coordination with the Public Defender Service, arranges for the appointment of a public defender at the request of the person deprived of liberty.

9. Chapter X, “Medical assistance”, of Act No. 210/70 on the prison system establishes the conditions for prisoners’ access to healthcare from the moment they enter the system. The Ministry of Justice, by Decision No. 460/2020, approved a handbook on the duties of health personnel.
10. The medical staff of the Ministry of Justice receive continuous training on the scope of the Istanbul Protocol and the need to maintain confidentiality and respect prisoners’ privacy.
11. Decision No. 897/2015 of the Ministry of Public Health and Social Welfare provides for the conduct of medical inspections in all of the Ministry’s health facilities and for medical examinations of detainees under the inter-institutional cooperation agreement between this Ministry and the Ministry of the Interior.
12. The Public Defender Service, upon notification by the Public Prosecution Service, immediately provides public criminal defence services free of charge to any person who is arrested or detained in the context of a criminal proceeding.
13. The Public Defender Service offers advice to the person in question, contact with family members and medical attention, which is provided by the Service’s forensic doctors or upon referral by the latter.
14. Pursuant to Act No. 4.423/11,<sup>1</sup> the Public Defender Service is responsible for defending the users of its services and overseeing the effective observance of due process within the scope of its competence (art. 9, Main functions, and art. 29, Duties and powers).
15. The Ministry of the Interior monitors police facilities in accordance with the monitoring programme. In 2023, 190 visits were made to police stations in the country. The Ministry of the Interior provides blank detainee registers and verifies compliance with their use, which is mandatory.
16. A pilot plan involving the uploading of prisoner data was introduced in 10 police stations in the capital, with the result that real-time information became available on the number of people in custody, the length of their detention and observance of their rights.
17. The Constitution guarantees personal liberty and the rights of persons deprived of their liberty, in accordance with its article 12, “Detention and arrest”, and with article 6 of the Code of Criminal Procedure, “Inviolability of the right to a defence”.
18. When the Public Prosecution Service becomes aware, by any reliable means, of a punishable act subject to public criminal prosecution, it has a constitutional obligation to investigate. The Service has criminal complaints offices nationwide to fulfil its role.
19. The Public Prosecution Service carries out monitoring visits to places of detention in order to monitor the detention conditions of persons deprived of their liberty. If ill-treatment and/or torture is found to have taken place, the specialized prosecutor or the local prosecutor (in the country’s interior) is notified and carries out urgent investigative measures.

#### **Reply to the questions raised in paragraph 4 of the list of issues**

20. In the period 2018–2023, the Public Defender Service compiled records on a total of 251 complaints of torture and ill-treatment<sup>2</sup> from 12 female victims and 239 male victims.<sup>3</sup>

#### **Reply to the questions raised in paragraph 5 of the list of issues**

21. The Ministry of Education and Science, through its Directorate General of Youth and Adult Continuing Education, takes measures to implement, support, follow up on and monitor the programmes offered to the population, with special emphasis on vulnerable sectors.

<sup>1</sup> Act No. 4.423/11, Organic Act on the Public Defender Service.

<sup>2</sup> Annex 1: Number of complaints of torture and ill-treatment received by the Public Defender Service.

<sup>3</sup> Annex 2: Disaggregation by sex and age of victims.

22. To ensure that adolescents and adults deprived of their liberty are enrolled in employment-oriented educational programmes, since 2017 the authorities have offered educational opportunities aimed at the inclusion of people in situations of vulnerability.
23. The specific programmes and plans being implemented at continuing education centres include non-formal literacy programmes, bilingual basic education for young people and adults, secondary education for young people and adults, the PRODEPA-Prepara programme and the Ñane Ñe'ẽ post-literacy programme.
24. There are 23 youth and adult closed educational centres that provide basic education.
25. There are 10 youth and adult closed educational centres that provide secondary education.
26. Since 2017, the Ministry of Education and Science has been promoting the implementation of training for teachers at closed educational centres. Workshops have been held on the prevention of drug use and talks have been given on comprehensive protection against all forms of violence against women and on prevention of sexually transmitted diseases, among other topics.
27. Act No. 6.486/20<sup>4</sup> provides for the establishment of an administrative authority, the Directorate General of Alternative Care, within the Ministry for Children and Adolescents, with responsibility for authorizing, registering and supervising the operation of alternative care programmes, including both family-based and institutional care. Directorate staff visit places where children and adolescents are living in alternative care arrangements, to ensure that their rights are being observed and protected.
28. Alternative care programmes are carried out by implementing agencies. Under Act No. 6.486/20, such agencies are required to keep up-to-date individual files on each child and adolescent in alternative care, which must be available at the time of inspection visits by the Directorate General of Alternative Care and the national preventive mechanism.
29. Between 2017 and 2020, the Ministry for Children and Adolescents and the national preventive mechanism developed modalities for working together on the inspection and monitoring of the living conditions of children and adolescents in court-ordered care arrangements, and also generated opportunities for sharing information on their actions.
30. Between 2017 and 2021 the Directorate General of Alternative Care received five monitoring reports on care institutions and took up the recommendations made by the national preventive mechanism, incorporating them into internal procedures, in compliance with Act No. 4.288/11.<sup>5</sup>
31. In 2017, the national preventive mechanism and the Directorate of Special Protection processed data on 670 children and adolescents in 32 care institutions, with the aim of analysing the quality of care and their current situation.
32. In 2017, the national preventive mechanism made general recommendations to the Ministry for Children and Adolescents in the light of its monitoring of care institutions. The response was to fully comply with the recommendations.
33. In order to fully comply with the recommendations of the national preventive mechanism, in 2021 the alternative care facility Ñemity Learning Centre, which operates under the Ministry's Comprehensive Care Programme for Children and Adolescents Living on the Street, incorporated a technical team that works with the biological families of the children and adolescents concerned. In addition, infrastructure improvements have been made through an inter-institutional cooperation project between the Ministry for Children and Adolescents and Itaipu Binacional.
34. In 2019, the national preventive mechanism and the Ministry for Children and Adolescents held a workshop in Ciudad del Este for key actors of the system for the

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<sup>4</sup> Act No. 6486 on the promotion and protection of the right of children and adolescents to live in a family setting, regulating alternative care arrangements and adoption.

<sup>5</sup> Act No. 4288/11, National mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment.

protection and social advancement of children and adolescents, with the participation of representatives of municipal advisory services on the rights of children and adolescents, the Ministry of the Interior, courts for the protection of children and adolescents, the Office of the Public Defender for Children and Adolescents, care institutions and social and religious associations of the department, in order to develop a social action road map for deinstitutionalizing children and adolescents living in care institutions and avoiding their institutionalization in such facilities.

35. In 2020, the Ministry for Children and Adolescents set up working groups with the national preventive mechanism on the interventions carried out in alternative care entities in the context of the coronavirus disease (COVID-19) pandemic to protect the health of children and adolescents in such facilities. In addition, COVID-19 prevention protocols were presented.

36. The purpose of Act No. 904/81<sup>6</sup> is to ensure the social and cultural preservation of Indigenous communities, the defence of their heritage and traditions, the improvement of their economic conditions, their effective participation in the national development process and their access to a legal regime that guarantees their ownership of land and other productive resources on an equal footing with other citizens.

37. The National Plan for Indigenous Peoples, adopted by Decree No. 5.897/2021, comprises four strategic areas, including strategic area 2, “Ensuring rights”, which sets out measures for protecting Indigenous Peoples against all forms of violence and for ensuring their self-determination, legal pluralism and access to justice.

38. On the basis of the recommendations of the national preventive mechanism, the Ministry of the Interior established mechanisms for coordination with the National Police to increase the budgetary allocation for improving infrastructure at police stations, particularly to adapt cells to the standards set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

39. The Ministry of the Interior, together with the national preventive mechanism and the Office of the United Nations High Commissioner for Human Rights (OHCHR), conducted a series of talks for police personnel on the prevention of torture and ill-treatment.

40. By Ministerial Decision No. 207/23, the Ministry of Justice created an institutional technical team to address the follow-up and implementation of the national preventive mechanism’s recommendations.

41. The Ministry of Public Health and Social Welfare channels the mechanism’s recommendations to the different health regions where the country’s prisons are located, for the purpose of coordinating with the authority in charge of prison healthcare for the coordinated provision of healthcare to the prison population under the inter-institutional agreement between the Ministry of Public Health and Social Welfare and the Ministry of Justice.

42. The Ministry of Public Health and Social Welfare channels the recommendations of the national preventive mechanism through the comprehensive integrated health service networks based on the primary healthcare strategy, for the provision of medical assistance in care institutions, group homes and other places where persons are deprived of liberty or incarcerated.

43. During the COVID-19 pandemic, the Ministry of Public Health and Social Welfare set up several working groups with the national preventive mechanism to ensure medical and psychological care for people in temporary shelters, group homes and care institutions, and also to ensure compliance with the National COVID-19 Vaccination Plan, under which persons deprived of their liberty were among the priority groups.<sup>7</sup>

<sup>6</sup> Act No. 904/81, Statute of the Indigenous communities.

<sup>7</sup> The COVID-19 protocols of the Ministry of Public Health and Social Welfare are available at <https://www.mspbs.gov.py/covid-19.php>; <https://www.vacunate.gov.py/index-plan-vacunacion.html>.

44. By Decision No. 280/2022, an inter-institutional team was established to prepare documents in the framework of the recommendations made by the national preventive mechanism to the psychiatric hospital.

45. The Ministry of Defence and the armed forces ensure that the national preventive mechanism has access to military units.

#### **Reply to the questions raised in paragraph 6 of the list of issues**

46. The legislative measures include a gradual increase in budgetary allocations, as follows:

- Fiscal year 2017: 10,770,082,161 guaraníes (G).
- Fiscal year 2018: G 11,289,376,176.
- Fiscal year 2019: G 13,220,381,417.
- Fiscal year 2020: G 18,058,819,492.

47. In cases involving crimes against humanity, the working groups already established between the Ombudsman's Office, the Public Prosecution Service and the judicial branch continue to work on filing new cases and expediting existing cases.

48. The Directorate General for Truth, Justice and Reparation has been working on a project to develop a system for providing information. The aim is to cross-check the data in relation to volume VI of the final report and group them by episode for the opening of new criminal proceedings.

49. Regarding reparations for the families of the disappeared members of the Agrarian Leagues, the Directorate General for Truth, Justice and Reparation provides documentary information to support their claims for compensation under Act No. 838/1996 and the amendments thereto. Commemorative events and meetings with family members have been held, including at the Zimbrón company (department of Paraguari), Costa Rosado (Caaguazú), San Antoniomí (department of Alto Paraná) and Santa Rosa de la Misiones.

50. The Directorate General for Truth, Justice and Reparation, together with the Directorate for Historical Memory and Reparation, worked on the search for disappeared persons in the emblematic case known as "Caaguzú".

51. The Directorate General for Truth, Justice and Reparation continues to work on marking sites of memory and conscience and has planned several marking ceremonies.

52. The Ombudsman's Office recently went through the process of reaccreditation before the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions (GANHRI). The Office provided all the required information and, after a review of the institution based on the information submitted, and following an interview with the Subcommittee on Accreditation, the institution obtained A status.

#### **Reply to the questions raised in paragraph 7 of the list of issues**

53. Act No. 4.788/2012,<sup>8</sup> article 45: Composition of the Inter-institutional Working Group.

<sup>8</sup> Act No. 4.788/2012. The Inter-institutional Working Group shall be composed of two representatives, one titular and one alternate, from each of the following institutions: (a) Ministry of Foreign Affairs; (b) Public Prosecution Service; (c) Supreme Court of Justice; (d) Ministry of the Interior; (e) Ministry of Justice and Labour; (f) Ministry of Education and Culture; (g) Ministry of Public Health and Social Welfare; (h) Ministry of Trade and Industry; (i) Ministry for Women; (j) National Secretariat for Children and Adolescents; (k) Secretariat for Paraguayan Returnees and Refugees; (l) National Secretariat for Tourism; (m) Secretariat for Social Action; (n) Directorate General for Statistics, Surveys and Censuses; (o) Directorate General for Migration; and (p) binational entities.

54. Act No. 5.777/16,<sup>9</sup> article 27: The Inter-institutional Working Group for the Prevention of Violence against Women is composed of various State institutions.
55. The Public Defender Service has a support office at the Women's City Centre in Villa Elisa. In 2019 and 2020, 476 and 366 women used the office's services, respectively.
56. Women who are the victims of violence can contact the Public Defender Service for immediate assistance through the "133" support line.
57. In March 2021, the Public Defender Service launched the protocol for action by public defenders specializing in Act No. 5.777/16, which will be applied nationwide.
58. Within the framework of the Human Rights Network of the executive branch, in 2020 and 2021, the Ministry of Justice carried out remote training workshops on human trafficking in collaboration with the Ministry for Women, with technical support from the Luna Nueva Group and Partners of the Americas – Paraguay as part of Project Ñande Ko'ẽ.
59. From 2020 to 2023, through the Human Rights Network of the executive branch, the Ministry of Justice carried out training on the scope of Act No. 5.777/16, aimed at its own officials, focal points of SIMORE Plus, representatives of local and departmental governments, persons deprived of liberty (men and women) and prison staff, with technical support from the Ministry for Women, among other institutions.
60. From 2020 to 2023, through the National Justice House Programme, the Ministry of Justice carried out training on the scope of Act No. 5.777/16, including prevention work in various parts of the country. These sessions were conducted with technical support from the Ministry for Women and were directed at armed forces personnel and municipal officials.
61. The National Migration Directorate has conducted training on identifying victims of trafficking at the border and carried out widespread awareness-raising campaigns on human trafficking at strategic air, land and river migration checkpoints.
62. The National Migration Directorate has a procedural handbook on the granting of residency to victims of trafficking in persons in accordance with articles 40 and 41 of Comprehensive Act No. 4.788/12 against Trafficking in Persons. Only two cases were registered between 2017 and 2023.
63. In 2019, the Ministry of the Interior strengthened its Department for Assisting Victims of Domestic Violence. In addition, under Decision No. 574 of the National Police, all departmental and central police stations must have departments dedicated to assisting victims of domestic violence.
64. In 2021, a pilot plan for rapid response to violence against women was designed and implemented by an inter-institutional and multidisciplinary working group composed of officials of the Ministry of the Interior, the Ministry for Women, the Ministry for Children and Adolescents, the Public Defender Service, the Ministry of Public Health and Social Welfare, the Supreme Court and the National Police.
65. In 2021, the handbook on comprehensive healthcare for victims of sexual and gender-based violence, adopted by Decision No. 638/2021, was updated. The handbook

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<sup>9</sup> Act No. 5.777/16 on the comprehensive protection of women from all forms of violence, art. 27: The Inter-institutional Working Group for the Prevention of Violence against Women is coordinated by the Ministry for Women and composed of representatives of each of the following institutions: (a) Ministry for Women; (b) Ministry of the Interior; (c) Ministry of Finance; (d) Ministry of Public Health and Social Welfare; (e) Ministry of Education and Culture; (f) Ministry of Justice; (g) Ministry of Labour, Employment and Social Security; (h) National Secretariat on Childhood and Adolescence; (i) Directorate General for Statistics, Surveys and Censuses of the Technical Planning Secretariat for Economic and Social Development; (j) Secretariat for Social Action; (k) Secretariat for National Emergencies; (l) Secretariat for Information and Communication of the Office of the President of the Republic; (m) National Secretariat for Information and Communications Technology; (n) Public Prosecution Service; (ñ) Public Defender Service; (o) National Secretariat for the Rights of Persons with Disabilities; (p) the judiciary; (q) committees on gender equity and human rights of the Chamber of Deputies and the Senate of the National Congress; and (r) representatives of at least five civil society organizations.

contains a protocol of action for the health sector based on the provisions of Act No. 5.777/2016 and Act No. 6.202/2018; the latter Act sets out provisions for the prevention of sexual abuse and the care of sexually abused children and adolescents. The handbook incorporates a road map of care, including interdisciplinary care in the health sector, reporting forms and mechanisms for reporting and coordinating with other competent institutions.

66. In accordance with the handbook on comprehensive healthcare for victims of sexual and gender-based violence, the Ministry of Public Health and Social Welfare conducts training and awareness-raising campaigns aimed at healthcare and/or administrative personnel who work in the National Health System and the personnel of healthcare training facilities and other institutions that respond to situations of violence. These training activities are conducted in person or remotely.<sup>10</sup>

67. The Ministry for Women has been working on a draft bill that would supplement Act No. 5.777/16 on the comprehensive protection of women from all forms of violence and provide for the establishment of courts and tribunals specializing in cases of violence against women.

68. Through Decision No. 837/2021, the Ministry of Social Development approved a procedure for the inclusion of individuals/families receiving support from other public institutions in the Ministry's programmes and projects. Priority is given to victims of trafficking in persons, victims of violence, children and adolescents in vulnerable situations, persons with chronic diseases, persons living in street situations, the families of adolescents in conflict with the law and migrants settled in the country.

69. The Ministry of Public Health and Social Welfare is part of the Committee for Assisting Victims of Trafficking, which monitors cases and ensures inter-institutional coordination to assist victims. This body is made up of representatives of the Public Prosecution Service, the Public Defender Service, the Ministry for Children and Adolescents, the Ministry of Social Development and the Ministry of Public Health and Social Welfare.

70. Pursuant to Act No. 2.396/2004 adopting the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, in 2023, the Ministry of Public Health and Social Welfare provided training to 3,870 health workers, using the handbook on comprehensive care for victims in the health system, on the application of standardized protocols by health professionals, the concept of trafficking in persons and applicable legislation, obligations, the procedure for the comprehensive care of victims in health services, and communicating and reporting rights violations to bodies working with the health sector.

71. The approach of the National Health System to the comprehensive care of women, children and adolescents who are victims of violence is based on the following pillars: (1) prevention of violence against women; (2) the Immediate Response System; (3) the Comprehensive Management of Public Safety Programme; (4) awareness-raising through mental health education workshops; (5) promotion of strategies to prevent violence against children and adolescents; (6) outpatient care for victims of violence; (7) systemic comprehensive community therapy; (8) mental health training workshops focusing on prevention and care; and (9) hospitalization of acute patients at the Mental Health Unit of Pedro Juan Caballero Hospital, with a total of 673 hospital discharges between 2017 and 2021.<sup>11</sup>

72. Resources approved and rolled out by the Ministry of Public Health and Social Welfare to ensure access to assistance and protection for victims of violence and human trafficking include: the handbook on comprehensive care for victims in the health system; the National Plan for the Prevention of Gender-based Violence and Care for Victims within the National Health System 2020–2025; the guide to the rights of children and adolescents in

<sup>10</sup> Information on the training provided by the Ministry of Public Health and Social Welfare is available at <https://portal.mspbs.gov.py/unete-para-poner-fin-a-la-violencia-contra-las-mujeres/> and <https://www.mspbs.gov.py/portal/29948/gobierno-lanza-campantildea-todos-somos-responsables-para-prevenir-el-abuso-sexual-infantil-y-adolescente.html>.

<sup>11</sup> Annex 3: Hospital discharges 2017–2021.



health services; the reporting and assistance form for victims of domestic and gender-based violence; and the reporting and assistance form for child and adolescent victims of mistreatment and sexual abuse.

73. The National Institute of Indigenous Affairs facilitates inter-institutional and ex officio measures and/or interventions, taking into account the needs identified or reported in cases of violence.

74. The National Institute of Indigenous Affairs participates in the communication campaigns of other institutions, including the Ministry for Women, the Ministry for Children and Adolescents, the Public Prosecution Service, the Public Defender Service, the Ministry of the Interior and the National Police, to combat violence against women, children and adolescents.

75. The Ministry of Public Health and Social Welfare and the National Institute of Indigenous Affairs work together to ensure medical care for Indigenous women and adolescents on an ongoing basis.

76. The Ministry of Public Health and Social Welfare is gradually integrating health professionals and non-professional staff from different Indigenous communities into its regional health services to enhance cultural appropriateness in healthcare.

77. A project financed by the India-UN Fund to extend access to and coverage of maternal and child health in isolated rural areas, Indigenous communities and border territories in the Chaco region is currently under way. The project is managed by a technical operating committee with special powers established pursuant to Decision No. 890/2023.

78. The Ministry for Women and the Ministry of Justice have concluded an inter-institutional agreement on the prevention and elimination of violence against women and the protection of victims, the provision of professional services and the development of strategies incorporating human rights standards.

79. The Ministry for Women has carried out communication campaigns, including the “Zero Violence” campaign, which received support from the main ministries of the executive branch.

80. The “Zero Violence” campaign’s slogan was “Emergency! No more femicides!”.

81. During the health emergency, the “137” emergency hotline became the main communication channel for virtual assistance to women, providing psychological support, legal advice and referrals to available support services and follow-up on each case. A support service on the instant messaging application WhatsApp and a dedicated email inbox for reporting were also set up.

82. Four telecentres have been established in departments with regional women’s centres to promote the use of technology in the prevention of violence against women; the centres are equipped with furniture, computers and Internet access.

83. In 2020, the multidisciplinary team of psychologists, lawyers and social workers of the Women’s Support Service assisted 1,836 women in new and existing cases, providing a total of 3,902 specialized services.

84. In 2020, the “Mercedes Sandoval” Shelter for Women Victims of Violence housed 52 women and 56 children, offering a total of 1,366 services.

85. The “Paraguay Protects Women, Children and Adolescents against Gender-based Violence during the COVID-19 Emergency” project has strengthened services in specialized care centres by recruiting specialized personnel, offering capacity-building activities to staff and renovating facilities.

86. The regional women’s centres in Amambay, Canindeyú, Boquerón and Alto Paraná provide interdisciplinary and specialized care and intervention services for women victims of gender-based violence and trafficking in persons.

87. From January 2018 to November 2023, the four regional centres served 12,980 women and the Curuguaty shelter provided protection to 176 women and 100 children.

88. Data on care provided at the regional women's centres and the Curuguaty shelter are available in the annexes.<sup>12</sup>
89. Pursuant to Decision No. 177/2023, inter-institutional working groups for the prevention of violence against women were established in the departments of Canindeyú, Amambay, Alto Paraná and Boquerón, in compliance with Act No. 5.777/16 on the comprehensive protection of women from all forms of violence and its regulatory decree No. 6.973/17.
90. The Ministry for Women provides technical assistance to these departmental working groups for the prevention of violence in the dissemination and use of the unified protocol for assisting and providing care and comprehensive protection to women who are the victims of violence, thus strengthening the mechanisms for the comprehensive care of such women.
91. Guidelines for the construction of shelters and safe houses for women victims of gender-based violence or trafficking in persons were adopted by Decision No. 187/2023.
92. The Ministry for Women assists departmental governments with the construction of shelters and safe houses, in accordance with Act No. 5.777/16.
93. The Ministry for Women has been working with authorities of the district of San Pedro del Ycuamandijú to build a regional women's centre. This centre is currently under construction.
94. The Fourth National Equality Plan 2018–2024, approved by Presidential Decree No. 936/2018 and managed by the Ministry for Women, is designed to cut across the policies of public and private institutions and civil society organizations.
95. In 2022, an evaluation of the National Plan on Violence against Women 2015–2020 was carried out in order to identify the main achievements reached, progress made and obstacles encountered in its inter-institutional implementation process.
96. Through triangular cooperation and South-South cooperation with Costa Rica, the Ministry for Women developed the first national policy for the prevention of violence against women and assistance for victims for the period 2021–2030. This policy, which includes a strategic focus on masculinities in relation to gender equality, seeks to offer a comprehensive and inter-institutional response and improve the situation of girls, women and adolescents in Paraguay.
97. The first draft of the national policy for the prevention of violence against women and assistance for victims 2021–2030 reflects the results of a series of initial consultations and virtual and face-to-face training workshops led by officials of the National Institute for Women, the Ministry of Planning and Economic Policy and the public security forces of Costa Rica.
98. The working groups for the prevention of violence have held ordinary and extraordinary meetings to strengthen collaboration with the institutions responsible for social programmes and the implementation of measures to prevent gender-based violence and assist victims.
99. In December 2023, the inter-institutional action protocol on violent death, attempted murder and high-risk violence against women by their partner or former partner was launched.
100. The Ministry for Women, the Office of the First Lady and the Ministry of Information and Communications Technology have launched the “Violencia Visible” (Visible Violence) campaign.
101. In 2021, the Ministry for Women, in partnership with a pharmaceutical company, launched the “Tapabocas 37” (Mask 37) campaign,<sup>13</sup> demonstrating the concerted efforts of the public and private sectors to address violence against women.
102. The Ministry for Women launched the “Hablemos a Tiempo” (Let's Talk in Time) campaign, which is intended to foster intergenerational dialogue between grandmothers,

<sup>12</sup> Annex 4: Data on services provided at regional women's centres and the Curuguaty shelter.

<sup>13</sup> Available at <https://mujer.gov.py/nueva-etapa-de-la-campana-tapabocas-37/>.

mothers and daughters to raise awareness about violence. It also launched the “METETE” (Get on Board) zero-violence campaign.<sup>14</sup>

103. The Ministry for Women has worked on several bills related to violence and femicide, including a bill that would declare a national emergency in relation to femicide, on which proposals and suggestions have been submitted to the Chamber of Deputies.

104. Decree No. 4.473/20 provided for the adoption of the National Plan on Trafficking in Persons 2020–2023, which focuses on institutional strengthening and inter-institutional coordination, prevention, comprehensive care and protection of victims and investigation and punishment.

105. The Ministry for Women will head the Subcommittee for Assistance and Support for Victims of Trafficking, organizing regular meetings in order to strengthen inter-institutional coordination for the comprehensive care of persons affected by trafficking.

106. The Ministry for Women has promoted the establishment and strengthening of departmental commissions to prevent and combat trafficking. Currently, eight such commissions have been established by departmental decision in Guairá, Caazapá, Neembucú, Caaguazú, Concepción, Itapúa, Canindeyú and Boquerón.

107. Through Decision No. 388/19, the Ministry of Labour, Employment and Social Security established the Office for the Response to and Prevention of Workplace Violence, which is responsible for raising awareness, organizing training and disseminating information regarding workplace violence; researching and preventing workplace violence by means of documentation and statistical data; and taking operational measures in response to cases of workplace violence in the private sector.

108. All complaints received by the Ministry of Labour, Employment and Social Security regarding breaches of the Maternity and Breastfeeding Act have been resolved, with 70 per cent of the claims being settled and the remaining 30 per cent ending in legal action before other bodies.

109. By Decision No. 555/2021, the Ministry of Labour, Employment and Social Security adopted the Second National Strategy for the Prevention of Forced Labour 2021–2024. In this context, 37 persons attended two workshops in 2021, 34 persons attended two workshops in 2022 and 82 persons attended three workshops in 2023.

110. In 2021, a total of 126 people attended four workshops on the prevention of forced labour and human trafficking in Asunción, Paraguari, Ciudad del Este and Filadelfia.

111. In 2022, 300 people attended nine workshops organized as part of the Second National Strategy for the Prevention of Forced Labour in Asunción, Villarrica, Coronel Oviedo, Villa Hayes, Pilar, Salto del Guairá, Campo Loa (Chaco) and Laguna Negra (Chaco).

112. In 2023, the Ministry of Labour, Employment and Social Security sent Note No. 234/23 to the National Directorate of Public Procurement, regarding the establishment of a sworn statement, in which bidders would be required to swear that their supply is not the fruit or result of activities linked to forced labour.

113. The complaint and advisory records of the Directorate General for Promotion of Working Women for 2021, 2022 and 2023 are available online.<sup>15</sup>

114. Complaints of workplace violence are processed according to the following standard protocol of the Directorate General for Promotion of Working Women: offering of legal advice, submission of a complaint to the Office for the Response to and Prevention of

<sup>14</sup> Available at <https://www.lanacion.com.py/pais/2019/11/22/metete-nueva-campana-de-violencia-cero-hacia-la-mujer/>.

<sup>15</sup> 2021: <https://www.mtess.gov.py/observatorio/boletin-tecnico-anual-2021-nro-1-registro-de-denuncias-y-asesoramientos-de-la-direccion-general-de-promocion-la-mujer-trabajado/>; 2022: <https://www.mtess.gov.py/observatorio/boletin-tecnico-anual-2022-nro-2-registro-de-denuncias-y-asesoramientos-de-la-direccion-general-de-promocion-la-mujer-trabajado/>; 2023: <https://www.mtess.gov.py/observatorio/boletin-tecnico-anual-2023-nro-3-registro-de-denuncias-y-asesoramientos-de-la-direccion-general-de-promocion-la-mujer-trabajado/>.

Workplace Violence or the business concerned, investigation, hearing to resolve the conflict and, if the conflict is not resolved, referral to the Directorate General for Inspection and Oversight. A favourable decision has been obtained in 56 per cent of conflicts.

115. Training sessions have been held on preventing human trafficking and assisting victims of trafficking for public officials, academics and private-sector workers. Topics covered included the concept of trafficking, Act No. 4.788/12, healthcare protocols and guidance for journalists. Awareness-raising and prevention workshops are also organized for the general public, workers in the tourism and education sectors, trainees at the military academy and users of the Women's City Centre.

116. In 2020, the Ministry for Women launched the "Prevention of Trafficking in Persons during the COVID-19 Pandemic" campaign. In 2022, the "Date cuenta que es un cuento" (Spot the Lie) prevention campaign was launched to raise awareness of the risks of falling victim to trafficking in persons, with an emphasis on means of recruitment.

117. The "MERCOSUR Free of Trafficking in Women" campaign, launched in 2022 by the Meeting of Ministers and High-level Authorities on Women's Affairs of the Southern Common Market (MERCOSUR), seeks to make trafficking visible and ensure that it is considered unacceptable, inform victims about trafficking and the channels available for reporting it and train officials to identify and handle cases of trafficking. It is aimed at women victims and border officials and has been translated into the three official languages of MERCOSUR.

118. In 2022, the Ministry for Women and the Ministry of Education and Science issued human trafficking prevention resources in Braille for persons with visual impairments.

119. The Ministry of Education and Science has requested the Secretariat for Language Policy to translate Act No. 5.777/16 into Guaraní and promoted continuous training for teachers and officials on the subject, through workshops approved by Decision No. 606/2019 of the Directorate General for Teacher Training.

120. As part of the National Plan for Indigenous Peoples 2020–2024, trafficking prevention resources have been translated into the Enlhet and Nivaclé languages.

121. Between 2018 and June 2023, 67 women received initial care and 220 received follow-up care at the Women's Referral Centre, with a total of 287 services provided. At the Comprehensive Protection Service, 344 women received initial care and 1,244 received follow-up care, with a total of 1,588 services provided. At the Transitional Shelter for Women Victims of Trafficking, 25 women received initial care and 118 received follow-up care, with a total of 143 services provided. These data reflect ongoing efforts to improve protection and support services for women victims of violence and trafficking.<sup>16</sup>

122. A further 404 women have received assistance at the Referral Centre, with a total of 1,424 services provided, and 37 women are being sheltered at the temporary shelter for trafficking victims; these women have benefited from a total of 281 services including comprehensive care, protection, food, clothing and support, in addition to support through coordination with other institutions.

123. Data held by the Ministry for Women on femicide cases in the period 2017–2020 are provided in the annexes.<sup>17</sup>

124. The Public Prosecution Service has more than 100 criminal complaints offices throughout the country. These are located in the same buildings as the prosecutors' offices.

125. Regarding offences related to human trafficking and the exploitation of children and adolescents, cases can be securely reported through an easily accessible form available on the web pages of the Public Prosecution Service<sup>18</sup> and the Specialized Unit to Combat Human Trafficking,<sup>19</sup> which allow for follow-up on reports made. These web pages contain

<sup>16</sup> Annex 5: Data on victim support and protection.

<sup>17</sup> Annex 6: Data on femicide cases in the period 2017–2020.

<sup>18</sup> [www.ministeriopublico.gov.py](http://www.ministeriopublico.gov.py).

<sup>19</sup> [www.trata.ministeriopublico.gov.py](http://www.trata.ministeriopublico.gov.py).

institutional information, statistical data and prevention resources on the offences within the Unit's jurisdiction.

126. The Specialized Unit to Combat Domestic Violence of the Public Prosecution Service is responsible for investigating domestic violence offences as defined in article 229 of the Criminal Code, as amended by Act No. 6.934/2022.

127. In 2023, the Attorney General's Office made an official decision to incorporate the word "gender-based" into the Unit's name, turning it into the Specialized Unit to Combat Domestic and Gender-based Violence.

128. There are three specialized units for combating domestic violence in the department of Alto Paraná and two specialized units in the department of Guairá. The National Police implements a special care protocol in cases of domestic violence. Under Act No. 5.777/16, the Victim Support Centre works jointly with the Directorate for the Witness Protection Programme of the Attorney General's Office. There is also a complaints office at the Women's City Centre.

129. The Public Prosecution Service has a Special Unit to Combat Trafficking in Persons and the Sexual Exploitation of Children and Adolescents. Cases are handled by three specialized prosecutors who work under the supervision of a deputy prosecutor with national jurisdiction in the investigation of trafficking in persons, forcible removal of persons from Paraguayan territory, pimping, abuse of children and adolescents under guardianship, sexual abuse of children, abuse through technological means, sexual abuse of persons under guardianship, statutory rape, homosexual acts with minors, promoting, facilitating or exploiting the prostitution of others and pornography depicting children and adolescents. A specialized unit for combating human trafficking has been set up in the department of Alto Paraná.

130. The Special Unit to Combat Trafficking in Persons of the Public Prosecution Service works with a multidisciplinary team of psychologists, social workers and lawyers to support the participation of victims in criminal proceedings and facilitate their access to justice. There is a handbook on standard operating procedures and four protocols on the various stages of the human trafficking process. In collaboration with the Anti-Trafficking Department of the National Police, special investigative techniques and international cooperation are used to combat trafficking in persons and identify new recruitment methods.

131. The Ciudad del Este Regional Prosecutor's Office has two specialized units for offences against children and adolescents, whose objective is to provide specialized, sensitive and focused attention to cases affecting children and adolescents, in accordance with institutional policy.

132. The Public Prosecution Service applies a special investigation protocol in cases of domestic violence; this protocol is an important tool for the investigation of cases of domestic violence and the protection and safety of women and children affected by such violence. It is used by all units of the Public Prosecution Service in their operations, in particular in the investigation of violence against women in the family environment, incorporates a gender perspective and provides for inter-institutional coordination with the Ministry for Women and the National Police.

133. There is also a protocol for the criminal investigation of femicide based on the Latin American model protocol for the investigation of gender-based killings of women. The protocol was developed by the different units responsible for the institution's criminal investigation and coordination work. Joint work was carried out to study and analyse the Latin American model protocol for the investigation of gender-based killings of women with a view to its adaptation to Paraguayan legislation, procedures and investigation mechanisms and the harmonization of criteria and good practices in the criminal investigation of femicide.

134. Between 2021 and 2023, 20 investigations into human trafficking, 2 investigations into torture and 16 investigations into bodily injury in the performance of public duty were opened. In total, 35 people were prosecuted for trafficking, 5 for torture and 28 for bodily injury. Of these, 11 persons were convicted of trafficking and 2 persons were convicted of bodily injury. There are currently 10 persons in pretrial detention charged with trafficking, 1 person charged with torture and 1 person charged with bodily injury. Ten persons being

prosecuted for trafficking were granted non-custodial measures, according to data provided by the Supreme Court.<sup>20</sup>

135. The specialized units to combat domestic violence and the Anti-Human Trafficking Unit, the Directorate for Transparency, the Victim Support Centre and the Directorate for the Witness Protection Programme have all been strengthened.

136. From 2017 to 2023, the Public Prosecution Service recorded a total of 275 cases of femicide investigated by departmental prosecutors' offices; around 36.6 per cent of the victims in these cases were between 18 and 29 years old and 49.8 per cent were between 30 and 59 years old. Victims under the age of 18 years accounted for 7 per cent of victims, while those over the age of 60 years accounted for 5.3 per cent; 1.2 per cent of victims were unidentified.

137. In 2020, during the pandemic, the Public Defender Service assisted 125 unaccompanied returning migrant children. Of these, 31 were identified as victims of trafficking and the appropriate reports were filed. In terms of their origin, 18 per cent came from Caaguazú, 12 per cent from Alto Paraná, 6 per cent from San Pedro, 3 per cent from Itapúa and Canindeyú, 2 per cent from Caazapá and Central and 1 per cent from Amambay, Guairá, Paraguari and Asunción.

138. In 2020, public defenders at courts for the protection of children and adolescents arranged for 734 children and adolescents to be placed in protective care. Of these children and adolescents, 692 were receiving assistance in legal proceedings for mistreatment, including abandonment on the public highway, sexual abuse, labour exploitation, sexual exploitation, physical or psychological mistreatment and neglect.

139. The Ministry for Children and Adolescents coordinated its intervention strategies with the Public Defender Service, the Public Prosecution Service, the Ministry of Public Health and Social Welfare, the Ministry of Foreign Affairs, the International Criminal Police Organization (INTERPOL) and the Directorate General for Migration in order to protect and improve the support provided to 141 children and adolescents who had returned to the country without their parents during the COVID-19 pandemic.

140. To combat the crimes of trafficking for labour purposes and unpaid domestic child labour (*criadazgo*), the Ministry for Children and Adolescents is carrying out a project focused on preventing the trafficking of children and adolescents and assisting victims in Asunción, Central, Caaguazú, Itapúa and Alto Paraná, funded by the Spanish Agency for International Development Cooperation through the Organization of Ibero-American States.

141. As part of the Human Rights Network of the executive branch, in 2022 and 2023, the Ministry of Justice conducted virtual training sessions on forced labour and child labour for members of the Network and SIMORE Plus focal points.

142. The Ministry of Justice held awareness-raising workshops on child labour, forced labour and human trafficking in the San Francisco neighbourhood of Asunción.

143. Within the framework of the National Justice House Programme and with technical support from the Public Prosecution Service, the Ministry of Justice held workshops on computer-related crime and the risks of social networks, including grooming, sexting and cyberbullying.

144. Regarding procedures implemented after the COVID-19 pandemic, a working system has been developed to welcome and provide comprehensive care for unaccompanied children and adolescents, in coordination with the National Defence Council, the Ministry of Public Health and Social Welfare, the Public Prosecution Service and the Public Defender Service.

145. The #HayPromesasPeligrosas (Some Promises are Dangerous) prevention campaign is aimed at raising awareness of the trafficking and labour exploitation of children and adolescents through radio advertisements, posters at key points of entry and exit at the border

<sup>20</sup> Statistical data from the Supreme Court of Justice. *Source:* Directorate General of Information and Communications Technology and Directorate of Judicial Statistics of the Supreme Court of Justice, 13 December 2023.

and workshops with adolescents in schools and colleges in target cities. The aim is to raise awareness in society in order to prevent and increase the visibility of the crime of trafficking in persons.

146. The Programme for the Comprehensive Care of Child and Adolescent Victims of Trafficking in Persons and Sexual Exploitation of the Ministry for Children and Adolescents promotes the development and coordination of inter-institutional strategies for the prevention of these offences and the protection and comprehensive care of their child and adolescent victims. Data relating to the Programme for the Comprehensive Care of Child and Adolescent Victims of Trafficking in Persons and Sexual Exploitation, and other rights violations, are presented below.

**Child and adolescent victims of trafficking, sexual exploitation and other types of violations addressed in the Programme for the Comprehensive Care of Child and Adolescent Victims of Trafficking in Persons and Sexual Exploitation**

<i>Cases</i>	<i>Female</i>					<i>Male</i>				
	2020	2021	2022	2023	<i>Total female</i>	2020	2021	2022	2023	<i>Total male</i>
Trafficking	59	11	5	7	82	32	4	2	4	42
Sexual exploitation	47	28	27	42	144	9	3	1	8	21
Other violations	10	5	4	1	20	16	2	-	-	18
<b>Total</b>	<b>116</b>	<b>44</b>	<b>36</b>	<b>50</b>	<b>246</b>	<b>57</b>	<b>9</b>	<b>3</b>	<b>12</b>	<b>81</b>

147. The Ministry for Children and Adolescents, together with Global Infancia and with the support of the Canada Fund for Local Initiatives, organized a workshop entitled “Pact of the Municipalities in the Bioceanic Corridor against the Sexual Exploitation and Trafficking of Children and Adolescents”, to raise awareness of trafficking in persons, especially of children and adolescents, in the context of work on the bioceanic corridor in the Paraguayan Chaco. During the workshop, presentations were made on tools and strategies to prevent and address these problems, with an emphasis on the importance of community education and awareness, the identification of potential victims, victim assistance and protection, inter-institutional cooperation and the promotion of effective public policies. The workshop was aimed at municipal authorities, including mayors, members of municipal boards and councillors of the municipal advisory services on the rights of children and adolescents from the municipalities of Mariscal Estigarribia, Loma Plata, Carmelo Peralta, Filadelfia and Boquerón.

148. The Ministry for Children and Adolescents has been promoting the #TodosSomosResponsables (We Are All Responsible) campaign for the prevention of sexual abuse and all forms of violence against children and adolescents. The campaign highlights the important role of society in preventing all forms of violence and ensuring that they are viewed as unacceptable. It encourages responsible reporting through the appropriate channels. The campaign is being carried out by radio and television, on social networks and on the official web pages of most State institutions.

149. In 2020, the Ministry of Education and Science, the Ministry for Women, the Ministry for Children and Adolescents and the National Secretariat for Tourism organized webinars to raise awareness of human trafficking, initially prioritizing border areas, to sensitize the public and private sectors and the general population to the need to prevent the trafficking and sexual exploitation of children and adolescents in border areas. The workshops were targeted at the public sector (departmental and municipal public institutions, departmental police forces, departmental prosecutors, departmental oversight directorates, educational supervisors, teachers at all levels and students in the third year of secondary school and university level) and the private sector (businesses that provide services to tourists in border areas, including hotels, restaurants, tourist inns and public transport companies, and school and university teachers).

150. A prevention campaign promoting the certification of companies committed to the prevention of human trafficking and sexual exploitation of children and adolescents in the travel and tourism industries has been launched and is initially being piloted in the department of Itapúa.

151. The Ministry of Education and Science, the Ministry of the Interior, the Ministry for Children and Adolescents and the Ministry for Women have designed resources for the promotion and protection of rights with a focus on harmonious school relations and public safety. These resources cover topics such as sexting, grooming, femicide, abuse and the sexual and commercial exploitation of children.

### Article 3

#### Reply to the questions raised in paragraph 8 of the list of issues

152. The procedural protocol in place for border control operations adheres to the provisions of the General Act on Refugees (No. 1.938). In accordance with chapter II, article 22, of that law, asylum-seekers may file their applications at any border post, port or airport in the country. The authorities must forward the application to the executive secretariat of the National Commission for Refugees or to the National Migration Directorate within 24 hours.

153. The Ministry for Women developed and implemented several instruments, including the Ministry's Protocol for Prevention, Care and Follow-up in respect of Women Victims/Survivors of Violence and Human Trafficking; the Protocol for the Admission of Women with their Children and Other Dependents into the Shelters of the Ministry for Women during the COVID-19 Emergency; the Protocol for the Admission of Users for In-Person Consultations in the Women's Support Service; and the Guidance Protocol for the Delivery of Services to Women in Situations of Violence and/or Human Trafficking in Shelters Administered by the Ministry for Women during the COVID-19 Quarantine.

154. Statistical data on foreign users of women's shelters by age group can be found in annexes 8 and 9.

155. By Decision No. 1.814/2019, the Office of the Chief Public Defender established the Specialized Public Defenders Group to assist migrants and refugees. Since that time, the Specialized Group has provided assistance to 66 people.

156. Data regarding migrants and refugees assisted by the Specialized Public Defenders Group of the Public Defender Service are available in the annex.<sup>21</sup>

157. In July 2023, the National Migration Directorate issued a manual for border control personnel that was drawn up by experts from the European Union under the EUROFRONT Programme. This manual provides training materials for inspectors on asylum procedures and the principle of non-refoulement, along with clear instructions for processing asylum claims.

158. The Migration Act (No. 6.984/2022), which entered into force in 2022, establishes the migration regime of the Republic of Paraguay.

#### Reply to the questions raised in paragraph 9 of the list of issues

159. Annual statistics on the number of applications for asylum and the number of applicants granted asylum, disaggregated by sex, country of origin and age group, in 2017–2024 can be consulted in annexes 11 and 12.

160. The National Migration Directorate has no data on returns of such persons, given that foreigners entering the country through any checkpoint are entitled to request asylum in the country in accordance with the procedure established in Act No. 1.938/2002.

161. Article 66 of the Migration Act (No. 6.984/2022) empowers the National Migration Directorate, as the competent administrative or jurisdictional authority, to decide whether

<sup>21</sup> Annex 10: Data on migrants and refugees assisted by the Public Defender Service.



expulsion is appropriate and to order the departure of a foreign national from Paraguayan soil. Records of the number of persons expelled are attached.<sup>22</sup>

162. The Attorney General's Office has issued a circular in accordance with articles 36 (1) (b) and 37 (a) of the Vienna Convention on Consular Relations, which was incorporated into the legal framework of the Republic of Paraguay by means of Act No. 91/69. When any foreign citizen is deprived of his or her liberty in any way, the relevant prosecutor's office must notify the Directorate of International Affairs and External Legal Assistance of the Public Prosecution Service without delay. The Directorate is responsible for advising the Ministry of Foreign Affairs of all arrests, arraignments and deaths of foreign nationals under criminal investigation by the Public Prosecution Service. In turn, the Directorate of Legal Affairs of the Ministry of Foreign Affairs is in charge of notifying the corresponding consular authorities in each case. These steps are carried out in order to assist the relevant prosecutors and to ensure that consular assistance is provided to the person under investigation. The legal basis for these measures is the 1963 Vienna Convention on Consular Relations (Act No. 91/1969) and the above-mentioned circular.

#### **Reply to the questions raised in paragraph 10 of the list of issues**

163. No cases of refoulement, extradition or expulsion having been carried out after receiving diplomatic assurances or the equivalent thereof have been registered since 2017.

### **Articles 5 to 9**

#### **Reply to the questions raised in paragraph 11 of the list of issues**

164. The Ministry of Foreign Affairs has no record of having carried out any cases of refoulement, extradition or expulsion after receiving diplomatic assurances since 2017. Foreign nationals who feel threatened or believe themselves to be in danger of being subjected to torture or other ill-treatment may apply for asylum under the General Refugee Act (No. 1.938). The National Commission for Refugees is in charge of this process.

165. The extradition treaties to which Paraguay is a party do not specifically address extraditions based on torture or related offences. However, they do state that extradition will not be granted for persons accused of political offences except in serious cases such as attempts on the life of a Head of State, genocide, war crimes, crimes against the peace and security of humankind, drug trafficking and acts of terrorism, which include attacks against internationally protected persons, hostage-taking and bombings.

166. The Directorate General of Consular Affairs has reported that there have been no cases in which a person has been extradited for having committed torture or related offences or cases in which a request for the extradition of an individual suspected of having committed acts of torture has been refused.

167. Most of the countries with which extradition agreements have been signed have ratified the United Nations Convention against Torture, which implies that, when engaging in negotiations, both parties must take into consideration the obligations assumed thereunder. Generally, such agreements contain similar wording on cases in which extradition would be appropriate and those in which it would not, such as cases involving political or military offences or those based on race, religion, nationality or political opinion. The texts negotiated since the 1980s provide for the extradition of persons wanted for offences punishable by imprisonment of at least a certain number of years, whereas earlier texts listed the specific punishable offences. In addition, several agreements contain a paragraph stating that extradition is also possible when persons are wanted for offences covered by multilateral agreements in force between the parties, such as the Convention against Torture, which means that, even if torture is not explicitly mentioned, it is considered extraditable.

168. By Decree No. 12.436/2001, the State of Paraguay established a procedure for processing letters rogatory and other requests for judicial assistance sent by foreign Governments and those sent by national judicial authorities to other countries. Article V of

<sup>22</sup> Annex 13: Number of expulsions carried out since 2017.

the cooperation agreement in effect between the Supreme Court and the Ministry of Foreign Affairs establishes that the parties undertake to develop and implement an information system that will allow them to track the status of proceedings in respect of letters rogatory and other requests for judicial assistance that are being processed. In fulfilment of this agreement, the Supreme Court administers the Letters Rogatory Management System of the Republic of Paraguay.

169. In the period from 1 January 2001 to 1 November 2023, a total of 10,325 requests were received nationwide. Of these, 4,079 were requests relating to criminal matters, including requests for extradition, mutual legal assistance and the transfer of convicted persons, as well as requests for reports. Screening out these other types of requests leaves a total of 516 extradition cases in which Paraguay was the requesting country and 929 in which Paraguay was the requested country.

170. Regarding the 2023 case involving the request addressed to the Government of Paraguay for the extradition of Hussein Mounir Mouzannar and others, by its Decision A.I. No. 345 (21 June 2023), National Federal Criminal and Correctional Court No. 6 of Buenos Aires, Argentina, issued a warrant for their pretrial detention for the purpose of extradition on the basis of charges that include homicide with two aggravating circumstances (racial/religious hatred and public endangerment) and aggravated bodily harm and property damage. The persons involved are Hussein Mounir Mouzannar (Paraguayan Identification No. 2.271.299), Ali Hussein Abdallah (Paraguayan Identification No. 1.110.808), Farouk Abdul Hay Omairi (Brazilian Identification RG No. 785.315-7, SSP-PR) and Abdallah Salman (known by several aliases). The detainees have been ordered to be handed over to the corresponding Criminal Supervisory Court. The related documentation includes notes and legal documents issued on 22 and 23 June 2023 by various judicial authorities involved in the proceedings.

#### **Reply to the questions raised in paragraph 12 of the list of issues**

171. In terms of the processing of requests for international judicial assistance, Paraguay, through its central authority, namely the Public Prosecution Service, participates actively in several multilateral and bilateral international agreements on criminal matters. The multilateral agreements are the following: Inter-American Convention against Corruption (Caracas, 1996); Inter-American Convention on Mutual Assistance in Criminal Matters (Nassau, 1992) – Act No. 2.194/2003; United Nations Convention against Transnational Organized Crime (Palermo, 2000) – Act No. 2.298/2003; 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. 2.535/2004; Council of Europe Convention on Cybercrime (Budapest) – Act No. 5.994/2017.

172. The bilateral agreements include the following: Paraguay-Colombia Agreement on Judicial Cooperation in Criminal Matters – Act No. 1.211/1997; Paraguay-Peru Agreement on Judicial Assistance in Criminal Matters – Act No. 1.047/1997; Treaty between the Government of the United Mexican States and the Government of the Republic of Paraguay on Judicial Assistance in Criminal Matters – Act No. 3.118/2006. These agreements facilitate cooperation and judicial assistance in the fight against corruption, organized crime and illicit trafficking of drugs, thereby strengthening the country's capacity in transnational criminal matters.

173. Action has been taken in connection with the receipt and transmission of evidence in criminal proceedings relating to offences involving human rights violations, under requests for assistance both submitted and received by Paraguay. For example, Argentina requested information on cases linked to A.A.M., and Paraguay received requests to take statements from F.E.F.T. by videoconference, to obtain data on individuals in connection with illegal deprivation of liberty and to collaborate with the Argentine Forensic Anthropology Team to search for skeletal remains in the country. These activities demonstrate international collaboration in the search for truth and justice in cases of human rights violations.

174. Paraguay has signed bilateral agreements on judicial assistance in criminal matters with the following 11 countries (in order of date of signature): Uruguay, Venezuela, Peru,

France, Colombia, Costa Rica, Ecuador, Spain, Mexico, Panama and Honduras. Details are included in the annex.<sup>23</sup>

175. The MERCOSUR Protocol on Judicial Assistance in Criminal Matters covers a range of areas, including service of process, production of evidence (testimony, expert opinions, examinations), identification of persons, notification of witnesses/experts to appear voluntarily, transfer of persons to testify, precautionary measures in respect of property, compliance with requests concerning property, provision of documents and evidence, and confiscation and transfer of confiscated property. Paraguay uses this protocol as a reference when negotiating agreements in this area.

## Article 10

### Reply to the questions raised in paragraph 13 of the list of issues

176. Ministerial Decision No. 717/20 of the Ministry of Justice provides for the creation of the Higher Technical Institute for Prison Officers. By Decision No. 161/2021, the Directorate General of Universities, Higher Institutes and Higher Technical Institutes approved the opening of the Higher Technical Institute for Prison Officers and, by Decision No. 162/2021, established the recognized higher technical qualification for prison officers.

177. Decision No. 847/2022 of the Directorate General recognized the higher technical qualification in specialized restorative approaches for adolescent offenders, which is taught at the Higher Technical Institute for Prison Officers.

178. The Institute has three departments, for practical training, academic training and technical management, and a library.

179. The Institute's mission is to be an educational institution responsible for the provision of comprehensive and ongoing training to staff in the penitentiary system. It has two training programmes: the higher technical qualification for prison officers,<sup>24</sup> the first cohort of which numbers 178 students, and the higher technical qualification in specialized restorative approaches for adolescent offenders.<sup>25</sup>

180. The admissions process for the higher technical qualification in prison services involves assessments of several types: documentary, medical, psychometric, physical, personal and knowledge-related. The first call for candidates was launched through Ministerial Decision No. 619/21 and was followed by a second call launched through Ministerial Decision No. 74/22.

181. From 2018 to 2023, the Higher Technical Institute for Prison Officers developed courses and workshops on various topics.<sup>26</sup> The Adolescent Offenders Welfare Service has also delivered training for instructors at educational centres.<sup>27</sup>

182. The Ministry of Justice and the OHCHR office in Paraguay organized a discussion for prison officers and instructors on mistreatment in the context of detention. Discussion topics included the experience of Paraguay before the Inter-American Court of Human Rights, the use of force and human rights standards. Representatives of the United Nations Office on Drugs and Crime and the national preventive mechanism attended.<sup>28</sup>

183. The armed forces have incorporated a programme on human rights and international humanitarian law into military education. The 40-hour programme is mandatory and concludes with an evaluation.

<sup>23</sup> Annex 14: List of bilateral agreements on judicial assistance in criminal matters.

<sup>24</sup> Annex 15: Curriculum for the higher technical qualification for prison officers.

<sup>25</sup> Annex 16: Curriculum for the higher technical qualification in specialized restorative approaches for adolescent offenders.

<sup>26</sup> Annex 17: Training delivered by the Prison Institute, 2018–2023.

<sup>27</sup> Annex 18: Training delivered by the Adolescent Offenders Welfare Service, 2018–2023.

<sup>28</sup> Annex 19: Training provided by the Ministry of Justice through the Directorate General for Human Rights.

184. With support from the Inter-American Development Bank, the Ministry for Women organized discussions on positive masculinity.

185. The Office of the Deputy Minister for Human Capital and Organizational Management promotes good treatment within the public administration through training courses and management tools, as set out in the Second Equality, Inclusion and Anti-Discrimination Plan.

186. The training programme delivered by the National Civil Service Institute includes a course on equality in public policies for people management in the civil service, which was completed by more than 1,900 participants in 2021, and a course on equality, inclusion and anti-discrimination in the civil service, which is aimed at public officials.

187. In 2022, a webinar was held on the protocol for dealing with cases of workplace violence in the public sector, for which 3,993 employees and 202 private individuals registered. A workshop series on people management in the civil service, with the theme of gender perspectives in people management policies and practices in the civil service, was also held, with the participation of 25,096 civil servants and 2,831 people from outside the public sector.

188. In 2023, a webinar on inter-agency approaches to gender-sensitive public policies was held, with the participation of 1,478 people. A workshop series is being developed on people management in the civil service, with 3,892 registered participants, as well as a course on gender perspectives in people management policies and practices in the civil service, with 1,974 registered participants, including civil servants and people from outside the public sector.

189. Data on training courses delivered by the Civil Service Secretariat/Office of the Deputy Minister for Human Capital and Organizational Management are included in the annex.<sup>29</sup>

190. The Ministry of the Interior has a human rights education programme for police officers which covers topics such as national and international human rights regulations, use of force, searches of persons and vehicles, interventions involving vulnerable groups and procedures in cases of domestic violence.

191. The curriculum of the National Police Academy includes the following subjects: urban operational tactics and techniques and rural police techniques and tactics, which cover issues related to respect for human rights in the use of force; the Basic Principles on the Use of Force and Firearms; degrees of use of force; police interventions in cases of crisis; and rural operations.

192. The Ministry of Defence has designed a manual for the armed forces that includes a programme on human rights, international humanitarian law and gender perspectives. The 40-hour programme is part of the curriculum of military training institutes and gives a thorough overview of human rights theories by presenting and analysing the field of rights, relevant legal instruments and social justice and introducing military personnel to case studies, including how specific cases were handled and resolved.

#### **Reply to the questions raised in paragraph 14 of the list of issues**

193. The Public Prosecution Service Training Centre offers a training programme on human rights and compliance with treaties, with modules including an introduction to the course, the universal system, the normative framework, investigating torture and compliance with treaties. The programme was approved in 2017 and 2018, and a course catalogue is available.

194. The Public Prosecution Service has a practical manual for the investigation of torture cases, which was developed in cooperation with the German Agency for International

<sup>29</sup> Annex 20: List of courses delivered by the Civil Service Secretariat/Office of the Deputy Minister for Human Capital and Organizational Management.

Cooperation (GIZ) in 2006. In 2012, the Public Prosecution Service launched a second edition of the manual, which was expanded and updated in line with the Istanbul Protocol.

195. The training curriculum for forensic medicine and the forensic sciences incorporates a specialized programme that covers various international conventions and protocols, such as the Istanbul Protocol and the Minnesota Protocol. Other courses offered by the Public Prosecution Service include: juvenile criminal justice and human rights; the Santiago guidelines on the protection of victims and witnesses; guidelines for requesting expert witnesses; the gender perspective and human rights; the diploma in organized crime, with a module on human rights and compliance with treaties; and a series of discussion sessions on human rights, covering the importance of human rights during pandemics, the activities of the Victim Support Centre, the legal aspects of expert evidence in investigations and the roles of the Directorate of Forensic Medicine and Forensic Sciences and the Victim and Witness Protection Programme.

196. The Public Prosecution Service Training Centre publishes a law journal dedicated to research in legal and social sciences; one of the main topics addressed is human rights.

197. Between 2016 and 2023, the Training Centre organized various human rights-related activities covering topics such as investigation strategies, training on the inter-American human rights system and training programmes on human rights and safeguards in criminal proceedings, as well as the following courses: investigation of cases of torture (2018); the Brasilia Regulations Regarding Access to Justice for Vulnerable People (2018); prosecutorial application of the Sentence Enforcement Code (2021 and 2023); ethnic rights (2023); dynamic interpretation of the Sentence Enforcement Code (2023); the scientific method in the prosecutorial investigation of punishable acts (2023); and international cooperation in criminal matters (2023).

198. The Training Centre organized a series of discussion sessions related to the subject, including, for example: application of the Minnesota Protocol in cases of potentially violent death (two activities in 2022); and forensic aspects of the application of the Istanbul Protocol in torture cases (2023).

199. The Ministry of Public Health and Social Welfare has signed inter-institutional cooperation agreements with the Ombudsman's Office, the Ministry of Justice and the Ministry of the Interior with the aim of improving medical care for persons deprived of liberty in Paraguay. These agreements concern various areas such as the promotion of human rights in collaboration with the Ombudsman's Office, the coordination of healthcare in prisons in conjunction with the Ministry of Justice, the protection of the rights and physical integrity of persons during arrests and the updating of police operations in line with international human rights standards in collaboration with the Ministry of the Interior.

200. The Directorate for Prison Health organized refresher sessions on assessing and providing support to persons deprived of liberty who have physical or psychological after-effects that may be attributable to torture or ill-treatment. The sessions were focused on protocols such as Decisions No. 445/15 and No. 871/15 and international regulations such as the Istanbul Protocol, the Brasilia Regulations and the Nelson Mandela Rules. Forensic examinations were standardized through technical cooperation with the World Health Organization/Pan American Health Organization.

201. The Ministry of Justice has a protocol for the reporting of torture, the purpose of which is to establish the procedure for the involvement of the different units of the Ministry when the latter becomes aware of alleged acts of torture committed against persons deprived of liberty.

202. There are no criminal proceedings against any prison directors for alleged mistreatment.

203. In 2023, the Ministry of Justice provided training to 207 prison officials in online workshops on human rights in the context of detention. These sessions specifically addressed the Nelson Mandela Rules, the Beijing Rules and the Istanbul Protocol. The workshops were delivered with technical support from the Public Prosecution Service, the national mechanism for the prevention of torture and the United Nations.

204. The Higher Technical Institute for Prison Officers intends to create a specific training programme on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The main objective of the programme will be to provide prison system professionals and other relevant actors with the necessary skills and knowledge to carry out effective investigations and properly document cases involving torture and inhuman treatment.

## Article 11

### Reply to the questions raised in paragraph 15 of the list of issues

205. Three new prisons, built in accordance with international standards and the Sentence Enforcement Code to increase capacity to house persons deprived of their liberty, are nearing completion. They will house only convicted individuals, thus making it possible to separate accused persons from convicted offenders. In December 2023, the maximum-security wing of the Martín Mendoza Prison, located in the city of Emboscada, was partially opened.

206. The three new prisons, one in the city of Minga Guazú and two in the city of Emboscada, will each house 1,235 people, for a total capacity of 3,705 places. Each facility will have seven regular (medium- and low-security) blocks, with a capacity of 165, and one maximum-security block. The regular blocks will house three persons deprived of their liberty per cell, while maximum-security blocks will house one person deprived of liberty per cell.

207. The model applied in the new prisons will include care and treatment programmes and will address detention conditions, coexistence and internal control, thus facilitating classification of inmates by behaviour, age and type of offence and promoting a calm and orderly environment. The architectural design of the prisons will be functional, secure and in compliance with inclusivity standards (concerning, for instance, access ramps and toilets adapted for persons with disabilities) and will ensure sufficient light, safe electrical installations and an adequate water supply. As of the end of 2023, the three new prisons each had an internal hospital.

<i>Year</i>	<i>Accused men</i>	<i>Convicted men</i>	<i>Accused women</i>	<i>Convicted women</i>	<i>Total population</i>	<i>Total occupation rate</i>	<i>Foreign nationals</i>
2017	9 980	2 960	561	272	13 773	1.45	587
2018	10 451	3 457	534	362	14 804	1.56	618
2019	10 636	3 760	569	334	15 299	1.61	644
2020	9 256	3 823	457	285	13 821	1.45	634
2021	10 244	4 108	435	303	15 090	2	488
2022	10 612	4 981	523	327	16 443	1.65	533
2023	11 181	5 554	567	373	17 675	1.77	509

208. In 2023, to reduce overcrowding at Tacumbu National Prison, 715 persons deprived of their liberty were transferred to the regional prisons in San Pedro, Encarnación, Villarrica, Misiones, Coronel Oviedo and Emboscada.

209. Information on annual statistical data from 2017 to 2023.

210. Contracts for infrastructural repairs and maintenance of the country's various prisons, particularly Ciudad del Este Regional Prison, are being signed.

211. From 2017 to 2023, improvements and repairs were made at all prisons and educational centres. Work is under way pursuant to contract No. 20/2023 regarding infrastructural repairs at Tacumbu National Prison.

212. All prisons and educational centres have access to drinking water. A call for tenders has been made for the purchase of submersible pumps to improve the supply of drinking water in the Ciudad del Este Prison.

213. Under the inter-institutional agreement between the Ministry of Justice and Itaipu Binacional, the refurbishment of the drinking water supply system for the prisons in Concepción, Amambay, Misiones and Emboscada has been completed.

214. All of the country's prisons have comprehensive health units that operate using a biopsychosocial and rights-based approach and are composed of doctors, nurses, dentists, psychologists, social workers and health promoters. Healthcare is provided through permanent coordination with the Ministry of Public Health and Social Welfare. Where medical needs cannot be met by the units, care is provided externally, at national and regional hospitals, in keeping with Ministry of Health programmes.

215. Under its 2019 inter-institutional cooperation agreement with the Ministry of Justice, the Ministry of Public Health and Social Welfare is committed to the provision of coordinated healthcare services to persons deprived of their liberty in prisons.

216. The Ministry of Justice has deployed 279 healthcare professionals to the various prisons. The Emboscada Antigua Regional Prison and the Padre de la Vega Prison each have 12 such professionals.

217. A key strategy for the social reintegration of adolescents is to comprehensively address health and social issues in educational centres. Adolescents there receive outpatient treatment from doctors, psychiatrists, psychologists, nurses, social workers and dentists, both at the on-site health units and in local healthcare facilities. In addition, educational centres coordinate medical and social care for adolescents in conflict with the law, ensuring that they have access to examinations and various treatments, including for sexually transmitted diseases and drug use. Where the adolescents' treatment so requires, educational centres receive support from the Mental Health Directorate in providing controlled medications.

218. The Adolescent Offenders Welfare Service implements measures in an open environment for adolescents in conflict with the law, within the framework of the protocol on monitoring and oversight of socio-educational measures adopted through Ministerial Decision No. 400/16. These measures include the establishment of the Committee for the Coordination of Non-Custodial Measures to properly manage these efforts. The Coordination Committee conducts legal, psychological and social studies and prepares individualized plans for the monitoring of judicial measures, which are implemented through visits, summonses and reports and are subject to periodic reporting to the competent courts in Asunción, Gran Asunción, Lambaré and Luque. Since the intention is to replicate these plans in Encarnación and Concepción, the Spanish Agency for the Rehabilitation and Reintegration of Juvenile Offenders in an Open Environment conducted training in 2019. In 2022, the Adolescent Offenders Welfare Service launched the protocol on non-custodial and custodial measures, which was revised and amended through an inter-institutional effort and was adopted by ministerial decision.

219. A working group has been formed consisting of the technical team of the Adolescent Offenders Welfare Service, as well as directors and professionals in various fields representing educational centres, to develop the protocol on custodial measures. Fundamental to this process is the active participation of adolescents through workshops held in the eight educational centres for the purpose of developing the protocol and the educational model.

220. In 2021, a diploma course on a restorative approach to juvenile justice was held, in collaboration with Ibero-American University, for directors and educators at educational centres.

221. An educational care model has been developed that takes a restorative, interdisciplinary and inter-institutional approach to dealing with adolescents serving custodial and non-custodial sentences.

222. The Adolescent Offenders Welfare Service is creating spaces to foster and strengthen networks under the Prevention and Treatment Plan for Adolescent Offenders through the establishment of working groups in the cities of San Antonio and J.A. Saldívar, with the aim of enhancing preventive actions for adolescents, their families and communities.

223. Within the framework of the Prevention and Treatment Plan for Adolescent Offenders, talks are given in schools on topics such as entrepreneurship, health promotion, the

prevention of alcohol and other drug use, youth leadership, culture of peace, non-violence, early pregnancy and personal hygiene. These talks are aimed at informing adolescents, encouraging reflection on their personal growth and preventing criminal acts. They have benefited more than 700 adolescents since 2017.

224. In 2017, the Adolescent Offenders Welfare Service organized career counselling and the subsequent administration and marking of vocational tests for 59 secondary school students at the Acosta Ñu school in the city of San Antonio.

225. It has also been providing community-based support, including psychological consultations for adolescents and their families, at the Oscar Antonio outpatient centre in San Antonio since 2017.

226. The Adolescent Offenders Welfare Service has carried out important prevention, support and counselling activities for adolescents in vulnerable situations in two communities in the districts of La Chacarita and Zeballos Cué. In La Chacarita, 116 individual sessions were held over 38 days, benefiting 22 adolescents, while in Zeballos Cué, 69 individual sessions were held over 12 days, benefiting 37 adolescents. In addition, four sessions of a workshop on the use of prohibited substances have been held, with 35 teenage participants per session.

227. Statistical data for the period 2017–2023, broken down by educational centre, are provided in the annex.<sup>30</sup>

228. The Public Defender Service has adopted measures to reduce the population of places of deprivation of liberty by collecting data on vulnerable individuals assisted by the Service, including individuals who are ill, adults over age 60 and pregnant and breastfeeding women. The goal is to use the data to request a review of the precautionary measures imposed on them with the aim of obtaining leniency.

229. The Public Defender Service, in response to specific requests made to its staff, has ensured that persons deprived of their liberty receive medical services, has arranged transfers to other facilities, has coordinated surgical procedures and has facilitated contact with family members and public defenders.

230. Requests for assistance and representation at hearings or trial, made by persons deprived of liberty opting for a public defender, have been satisfied. Below are some data on the results achieved by the Public Defender Service between 2016 and 2020.

Definitive release	3 493 persons
Release pending trial	28 914 persons
Adults receiving assistance in criminal cases	1 980 persons
Adolescents receiving assistance in criminal cases	6 852 persons
Older persons receiving assistance in criminal cases	50 245 persons
Indigenous persons receiving assistance in criminal cases	515 persons

231. In the first half of 2021, the Public Defender Service, thanks to the legal representation provided by its staff before the criminal courts in the various cases in which they intervened, managed to obtain the release of 1,470 individuals held in different prisons around the country, according to data provided by the Department of Administration. In 2020, 3,813 beneficiaries of the Public Defender Service were released.

232. With regard to the maximum length of detention of adolescents, defenders rigorously conduct cross-checks to ensure that the relevant regulations are complied with. It is vital to maintain this time limit to safeguard the rights of adolescents and promote a more equitable and rehabilitation-focused juvenile justice system.

233. With regard to custodial measures, defenders are urged to request non-custodial precautionary measures at all times, in keeping with the Convention on the Rights of the Child, which recommends that custodial measures should be a measure of last resort. Judges

<sup>30</sup> Annex 21: Statistical data on educational centres.



are urged to exercise caution when imposing house arrest and to ensure that precautionary measures not only comply with legal requirements, but also contribute to reintegration and rehabilitation.

234. The Public Prosecution Service has a specialized unit dealing with punishable acts involving adolescents in conflict with the law, in the city of Ñemby, and a unit specialized in criminal offences involving adolescents at the Office of the Public Prosecutor of Caazapá; both are exclusively dedicated to the investigation of punishable acts involving adolescents, either as perpetrators or as participants. Criminal cases involving adolescents are processed on an urgent basis, taking into account their best interests in accordance with article 16 of the Organic Act on the Public Prosecution Service (No. 1.562/00).

235. The specialized unit based in Ñemby covers the localities of Villa Elisa, San Antonio, Ñemby and Lambaré and works in coordination with the Juvenile Criminal Court of Lambaré and with the members of that court's Multidisciplinary Advisory Team. It should be noted that professional psychologists are responsible for conducting psychological assessments of offenders, while social workers collect data on offenders' family situation and environment.

236. The unit specialized in criminal offences involving adolescents at the Office of the Public Prosecutor of Caazapá works with the Juvenile Criminal Court of Caazapá. The Restorative Justice Plan is in force in the judicial district of Caazapá, where a multidisciplinary team attached to the Juvenile Criminal Court is called in whenever the victim consents to the application of the Plan, which triggers a hearing before the Criminal Mediation Office.

237. In criminal cases involving adolescents, the ordinary units report the facts and complete the necessary procedures before the competent Juvenile Criminal Court, in accordance with article 427 of the Code of Criminal Procedure. They mainly request socio-environmental and socio-educational measures, as well as procedural alternatives, such as remission and conditional suspension of proceedings. Prosecutors have the power to file indictments in accordance with the principle of prosecutorial discretion. In addition, the General Instructions, which were revised by a working group at the request of the Attorney General's Office, are taken into account in criminal proceedings.

238. The Public Prosecution Service, as the petitioning body, may, in the event of an indictment, request the court to order precautionary measures under article 304 of the Code of Criminal Procedure. Pretrial detention is an individual measure of last resort and may be ordered by the criminal court only when indispensable and the requirements of article 242 of the Code of Criminal Procedure are met. Both the risk of flight and the risk of obstruction are defined in articles 243 and 244 of the Code of Criminal Procedure.

239. The suspension of pretrial detention is provided for in article 245 of the Code of Criminal Procedure, which establishes that, where the conditions for the imposition of pretrial detention are met but the risk of flight or obstruction can be avoided by the imposition of a different measure that is less restrictive of the accused's freedom, the judge must ex officio impose one of the alternative or substitute measures set forth in the law.

240. Under Act No. 5.162/2014, all judges must ensure that their work conforms to constitutional purposes, is consistent with the law in substance and form, and recognizes the dignity of human beings in general and that of adolescents in conflict with the law in particular, who have specific rights by reason of their vulnerable condition and level of development. Thus, adolescents are subject to criminal proceedings under the same rules as adults, in addition to age-specific rules that provide for greater protections, both in criminal matters and in administrative decisions.

241. Order No. 1.511/2021 highlights the need to apply pretrial detention on an exceptional basis, provides a guide to that end and promotes the use of ex officio review as a tool for the decongestion of prisons.

#### **Reply to the questions raised in paragraph 16 of the list of issues**

242. The Ministry of Justice adopted Decision No. 168/2015 on the National Programme for the Care of Women Deprived of their Liberty, which has been included in the Institutional Plan 2022–2026 and the 2023 Annual Operational Plan.

243. The procedural status of women deprived of their liberty is monitored and reviewed to reduce overcrowding in women's prisons. To this end, there are plans to identify intersectoral tasks to be coordinated by working groups comprising the Public Defender Service, the judiciary and the Public Prosecution Service.

244. The Ministry of Justice has in its care a total of 996 women deprived of their liberty, of whom 371 have been convicted and 625 are being prosecuted.<sup>31</sup>

245. The Ministry of Justice runs three women's prisons – Casa del Buen Pastor, Serafina Dávalos (Coronel Oviedo) and the Juana María de Lara Rehabilitation and Employment Reintegration Centre in Ciudad del Este – and six women's blocks in the regional prisons of Encarnación, Misiones, Pedro Juan Caballero, Concepción, San Pedro and Villarrica.

246. By Ministerial Decision No. 442/23, the Juana María Women's Prison was renamed the Juana María de Lara Rehabilitation and Employment Reintegration Centre for Women Deprived of their Liberty.

247. Decision No. 83/2023 established the New Prison Model Commission for the strategic and operational management of the country's new prisons.

248. Various activities with a comprehensive approach are carried out in women's prisons as part of the social reintegration programmes led by the Directorate of Social Welfare and Reintegration. They include bilingual basic education, secondary education and literacy programmes, as well as university courses. In addition, work programmes are being implemented, including Latente, a pioneering online platform that markets products made by persons deprived of their liberty with a view to fostering social and labour reintegration. Vocational training programmes are also being implemented in collaboration with the private sector.<sup>32</sup>

249. The Ministry of Justice regularly conducts monitoring visits to all the country's prisons and educational centres to observe conditions of detention and identify needs, which are then conveyed to the relevant agencies. Data on monitoring activities are provided in the annex.<sup>33</sup>

250. In 2022, the Ministry of Justice, with technical support from OHCHR, formulated the Protocol on Monitoring Visits to Prisons and Educational Institutions. The Protocol was adopted in 2023 through Ministerial Decision No. 93/2023 and is used during monitoring visits to obtain relevant data on the situation of persons deprived of liberty throughout the country; the data are used as a basis for developing public policies in the area of human rights.

251. The National Health Information System was implemented in all prisons and educational centres through Decision No. 491/20. Prisons have interdisciplinary teams composed of doctors, nurses, psychologists and social workers that provide comprehensive care to persons deprived of their liberty. In addition, the Ministry of Justice has a team of 27 psychologists and 3 psychiatrists.

252. Since 2020, medical training has been carried out jointly with the Higher Technical Institute for Prison Officers to improve the knowledge of prison-based healthcare professionals about health matters in the context of imprisonment.

253. The Protocol for the Care of Trans Persons Deprived of their Liberty was adopted through Decision No. 744/2015 to improve the care of trans prisoners and guarantee the enjoyment of their rights. In this framework, the Ministry of Justice carries out talks and training for prison officials to ensure that the Protocol is correctly implemented.

#### **Reply to the questions raised in paragraph 17 of the list of issues**

254. The Ministry of Labour, Employment and Social Security, through the National Employment Training System, promotes projects and programmes for adolescents in conflict with the law.

<sup>31</sup> Source: Daily report of the Directorate General of Prisons and Corrections.

<sup>32</sup> Annex 22: Courses for persons deprived of their liberty.

<sup>33</sup> Annex 23: Monitoring conducted during the period 2017–2023.

255. The National Career Development Service, through the Directorate of Social Reintegration Programmes, has conducted training courses in prisons and educational centres. These deal with areas such as dressmaking, cooking, carpentry, computers, agriculture, electricity, refrigeration and sewing.

256. The Adolescent Offenders Welfare Service has drafted new internal regulations for closed educational centres, in accordance with the Sentence Enforcement Code and the treaties in force, to guarantee dignified treatment and respect for the fundamental rights of adolescents in conflict with the law and to prohibit ill-treatment, torture and corporal punishment. The regulations were adopted in 2020.

257. The Adolescent Offenders Welfare Service, in cooperation with other institutions, provides continuous training in the appropriate treatment of adolescents in conflict with the law, emphasizing respect for their fundamental rights and the prohibition of ill-treatment and torture, as well as awareness of their consequences.

258. On admission to an educational centre, adolescents in conflict with the law are examined by healthcare professionals, in a manner respectful of their dignity, to determine whether they have been victims of ill-treatment.

259. Each educational centre has interdisciplinary technical teams composed of personnel from the different areas of care, namely psychologists, lawyers, social workers, teachers, educators, doctors and nurses.

260. The educational centres apply a social and community-based care model involving programmes focused on comprehensive healthcare, strengthening social and family ties and preparing for life post-release through education and job training.

#### **Reply to the questions raised in paragraph 18 of the list of issues**

261. Pursuant to Decision No. 637/21, the Commission for the Inspection of Prisons was created under the Ministry of Justice to prevent irregular situations, ensure strict adherence to the principle of equal treatment of all persons deprived of their liberty and ensure that their inalienable human rights are respected.

262. The Ministry of Justice has adopted internal regulations, a code of ethics and ethical commitments that set out criteria to prevent corruption in the institution.

263. The Internal Affairs and Anti-Corruption Directorate of the Ministry of Justice plans, coordinates and oversees investigations into the actions of public officials possibly amounting to punishable acts, on the basis of the relevant legal and regulatory provisions, to prevent and detect cases and inform the competent authority of any that arise.

264. A training plan is in place for officials of all prisons, with the collaboration of the Good Governance organization. It is aimed at raising officials' awareness of good practices in their field, thus preventing corruption within the prison system.

#### **Reply to the questions raised in paragraph 19 of the list of issues**

265. Regarding the deaths at the educational centres in Itauguá and Ciudad del Este, the Public Prosecution Service conducted investigations into both cases to determine whether the institution heads were responsible for the events. With regard to the educational centre in Itauguá, an investigation was initiated by Prosecution Unit No. 1 of Itauguá. The case was brought to public trial. The outcome of the trial, according to final judgment No. 528 in the trial of Ignacio Franco Fernández and others for intentional homicide and other offences, was that the former perimeter guard of the educational centre in Itauguá, Adrián Díaz, was sentenced to four years and seven months of imprisonment.

266. The court acquitted the other two defendants, Ignacio Franco Fernández and Juan Carlos Saucedo, as their participation in the death of the two adolescents in State custody had not been proven. As for the case at the educational centre in Ciudad del Este, the Ministry of Justice removed Director Ever Díaz, who was in charge of the institution at the time of the events, from his position.

267. In the context of the riot at San Pedro del Ycuamandiyú Regional Prison, the Ministry of Justice, by Decision No. 388/2019, took over the management of the facility, which is under the authority of the Directorate General of Prisons and Corrections, and appointed Mr. Ricardo Núñez as administrator to replace the then director, Mr. Wilfrido Quintana.

268. By Ministerial Decision No. 389/19, Mr. Víctor Serván was appointed as Director General of Prisons to replace Mr. Blas Martínez. By Ministerial Decision No. 574/2019, administrative charges were brought against Mr. Martínez and the case file concerning those charges was transmitted to the Civil Service Secretariat. Mr. Wilfrido Quintana was removed from his position as an official of the Ministry of Justice pursuant to Decree No. 2.016/2019.

269. From 2019 to 2023, 227 people died in custody of various causes enumerated in the table provided in the annex.<sup>34</sup> Data on deaths of adolescents in educational centres in the period 2014–2017 are also given in the annex.<sup>35</sup> No deaths were recorded between 2018 and 2023.

270. The Ministry of Public Health and Social Welfare reports that a total of 53 individuals died while in psychiatric hospital from 2017 to July 2021. No deaths attributed to assaults committed or tolerated by public officials in which excessive force was used or timely medical assistance and treatment was lacking have been recorded. Details in this regard are provided in the annex.<sup>36</sup>

#### **Reply to the questions raised in paragraph 20 of the list of issues**

271. Data on the number of persons deprived of their liberty in psychiatric hospitals from 2017 to 2021 are shown below.

<i>Year</i>	<i>Number of persons deprived of their liberty</i>
2017	114 patients
2018	95 patients
2019	111 patients
2020	87 patients
2021	63 patients

272. Group homes, or community facilities for psychosocial care, take in users of the psychiatric hospital who lack housing or a family. Users are admitted on a voluntary basis and assessed in advance by means of an interview. Once authorized by the users, the transfers are planned. Alternatively, users may choose to live at home and receive psychiatric follow-up at the nearest mental health centre.

273. In 2021, there were 178 users in the long-term ward of the psychiatric hospital. Of these, three were transferred to group homes; two went to the Joayhu Renda group home in Limpio and one to the Nuevo Horizonte group home in Asunción. There are currently five locations available for users to be transferred to group homes (three for women and two for men). As of July 2021, 175 users in the long-term ward were awaiting transfer. The planning of transfers has been delayed by outbreaks of COVID-19 in the various group homes.

274. Under Decision No. 357/2014, the Social Welfare Institute is designated as the sole entity responsible for group homes for users of mental health services, which are under the authority of the Ministry of Public Health and Social Welfare. Article 3 provides that the Mental Health Directorate is responsible for the technical supervision of group homes and that the mental health units operating throughout the country are responsible for providing care. Article 4 provides that the psychiatric hospital is to provide coverage in all cases where the mental health units do not have the necessary resources to provide care.

<sup>34</sup> Annex 24: Statistical data on deaths in custody.

<sup>35</sup> Annex 25: Deaths in educational centres (2014–2017).

<sup>36</sup> Annex 26: Information provided by the psychiatric hospital (2017–2023).

275. Hospitalization is contingent on the issuance of a recommendation to that effect, as a therapeutic measure, following a mandatory medical evaluation conducted on the basis of pre-established, strictly psychiatric medical criteria. As the users are in an acute phase of mental illness, hospitalization must be carried out in conditions in which their safety is guaranteed. The agreement of the responsible person or competent authority must also be obtained. If the criteria for involuntary hospitalization are met, the attending physician certifies the admission and enters it in the record.

276. Following the entry into force of Act No. 7.018/2022 and its regulatory decree No. 9.811/2023, the Mental Health Directorate is currently updating the National Mental Health Policy and the National Mental Health Plan, which include strategies and measures to increase decentralized coverage and broaden the range of available mental health facilities.

277. The Ministry of Justice coordinated an online training session entitled “Human rights of persons with disabilities and international recommendations”, for which technical support was provided by experts from the United Nations and the National Secretariat for the Human Rights of Persons with Disabilities. In 2023, acting in its capacity as coordinator of the Subcommission on Justice, the Ministry conducted a training session on psychosocial disability in the context of confinement. The session was held online and was attended by 530 people.

278. The Ministry of Justice has set up an inter-institutional working group to address the specific treatment of persons with disabilities who are deprived of their liberty. It is preparing practical guidelines on the application of the protocol on access to justice for persons with psychosocial disabilities, with technical assistance provided by the United Nations. The protocol is currently in the process of being adopted by the institutions that make up the justice system.

## **Articles 12 and 13**

### **Reply to the questions raised in paragraph 21 of the list of issues**

279. In 2020, the Ministry of Justice launched “Human Rights Online”, which is a system for submitting complaints, reports and requests. The system gives the family members of persons deprived of their liberty a communications channel through which to file complaints of possible human rights violations in the prison system or in educational centres, using either a web page with an online form or a WhatsApp message sent to a number established for this purpose. Family members and/or legal representatives can also submit complaints in person to the complaints department of the Ministry of Justice.

280. In 2022, the Ministry of Justice signed an agreement with the national preventive mechanism, the Public Defender Service and the non-governmental organization Asociación de Tecnología, Educación, Desarrollo, Investigación, Comunicación to establish an online platform for registering complaints of acts of torture within prisons.

281. Pursuant to Decision No. 494/2022, a manual on the use of force in prison contexts was adopted.

282. The Ministry of Justice conducts visits to prisons and educational centres in the country in order to monitor the situation of persons deprived of their liberty and adolescents in conflict with the criminal law. The Internal Affairs and Anti-Corruption Directorate of the Ministry of Justice takes action in cases requiring an investigation into conduct by public officials that may amount to an offence.

283. The Public Prosecution Service carries out monitoring visits to places of detention in order to monitor the detention conditions of persons deprived of their liberty. If ill-treatment and/or torture is found to have taken place, the special prosecutor or the local prosecutor for the place in question is notified and carries out urgent investigative measures.

### **Reply to the questions raised in paragraph 22 of the list of issues**

284. In 2018, the Public Defender Service established a mechanism for filing complaints of alleged cases of torture, ill-treatment or other offences through the communication

channels of the public defenders of the ordinary criminal courts, juvenile criminal courts and sentence enforcement courts. The defenders submit a form for registering cases of torture or ill-treatment to the Human Rights Directorate, which receives the form and then reports the situation to the Public Prosecution Service for the purpose of initiating a criminal investigation. In 2019, the “Defensores Paraguay” platform was officially launched. Designed using free software, it is used to record reports of torture and ill-treatment and consists of an application for mobile phones and a website that is exclusively used by public defenders to record alleged acts of torture or cruel, inhuman or degrading treatment.

285. Since 2023, the Public Defender Service has allowed the national preventive mechanism and the Ministry of Justice to use the “Defensores Paraguay” platform in order to comply with the recommendation to unify the registration of torture cases, which was already being carried out by the Public Defender Service.

286. The table below shows the number of complaints of torture and ill-treatment filed with the Public Prosecution Service, disaggregated by the service in which the perpetrator is employed.<sup>37</sup>

<i>Year</i>	<i>Service in which the accused person is employed</i>	
2018	Prison officers	11
	Police officers	17
2019	Prison officers	45
	Police officers	30
2020	Prison officers	10
	Police officers	29
2021	Prison officers	12
	Police officers	27
2022	Prison officers	8
	Police officers	24
2023	Prison officers	2
	Police officers	36

287. With regard to the investigations into the alleged torture of Esteban Villasanti, Fidel Villasanti and Alicio Cáceres at Villarrica Prison in 2017, Specialized Unit No. 1 for Human Rights Offences is handling case No. 179/2017, entitled “unnamed persons concerning infliction of bodily harm in the performance of public duties and other offences”. The investigation was initiated in response to a complaint filed by commissioner Carlos Portillo of the national preventive mechanism and the investigation is currently ongoing. The prosecutor assigned to the Specialized Unit is taking the steps that she considers pertinent, in accordance with the principle of prosecutorial discretion.

288. The Ministry of Defence and the armed forces support investigations within the scope of their jurisdiction and, if any allegation is proven, the corresponding penalty is applied. They also collaborate with the ordinary justice system in proceedings where clarification is required.

#### **Reply to the questions raised in paragraph 23 of the list of issues**

289. In recent years, the Directorate for Historical Memory and Reparation has recovered the skeletal remains of 40 people, 4 of whom were identified in 2016. In some cases, it was not possible to extract genetic material from the recovered remains. In others, the remains could not be genetically matched with information held in the gene bank of family members, making it necessary to continue taking blood samples from family members in order to expand the gene bank and thereby increase the possibility of identifying more remains.

<sup>37</sup> Source: Public Defender Service.

290. On 10 September 2019, in response to a report that a clandestine burial site had been discovered in Finca 66 in Ciudad del Este, the Specialized Unit, accompanied by Dr. Rogelio Goiburú, together with a forensic odontologist attached to the Ministry of Justice, an official of the Directorate for Historical Memory and Reparation, and police officers from Police Station No. 4, went to the former Stroessner residence in Ciudad del Este to verify the discovery of bones; three skulls, two femurs and one humerus were found. The bones were distributed in four boxes, with their respective codes, for further analysis. Subsequently, on 11 September 2019, in order to continue the search for more skeletal remains, they proceeded to excavate other places, but without success. On 12 September 2019, they went to the site again but, as the occupants of the property refused to cooperate, and for security reasons, the excavation work was suspended and the skeletal remains were brought to the city of Asunción for cross-checking.

291. The overarching aim of the Jajoheka Jajotopa II Programme, led by the Directorate for Historical Memory and Reparation, is to strengthen the National System for Searching for and Identifying Disappeared Persons. Its specific objectives include: (1) to investigate cases of enforced disappearance; (2) to excavate sites where clandestine burials are likely to have taken place; (3) to exhume skeletal remains in accordance with forensic archaeology guidelines; (4) to continue carrying out genetic analysis for identification purposes; (5) to update the public archive of disappeared persons; and (6) to expand the gene bank of family members.

292. In the second stage of the Jajoheka Jajotopa II project, the following areas were addressed: (1) investigating and searching for unmarked graves; (2) carrying out identification work; (3) archiving and documentation; and (4) excavation and exhumation.

293. The main results achieved in the second stage of the Jajoheka Jajotopa II project are the progress made in investigating the seven sites identified as possible clandestine burial sites of disappeared persons and the recognition of the final resting place where exhumed remains are deposited in the judicial morgue.

294. The Ministry of Justice authorized the transfer of G 300 million to the Heñói Centre for the Study and Promotion of Democracy, Human Rights and Socio-Environmental Sustainability, to fund the Centre's efforts to search for and identify the remains of persons who disappeared during the dictatorship. The work began in the department of Caaguazú, to search for and identify campesinos who disappeared during the dictatorship in what is known as the Caaguazú case.

295. The Specialized Human Rights Unit of the Public Prosecution Service is making progress in all cases involving officials of the dictatorial regime that ruled from 1954 to 1989.

296. A significant conviction was secured in case No. 3.154 of 1989, entitled "Alfredo Stroessner et al., concerning torture and other offences" (Martin Almada-Celestina Pérez case), where, pursuant to final judgment No. 03 of 20 December 2019, Fortunato Laspina and Camilo Almada Morel were sentenced to 7 years' imprisonment and Nicolas Lucio Benítez was sentenced to 12 years' imprisonment, upheld by the Court of Appeal, for criminal charges relating to the death of Ms. Celestina Pérez de Almada.

297. In 2024, Mr. Eusebio Torres Romero was convicted of acts of torture that occurred in 1976, during the dictatorship, within the framework of case No. 28/2010, entitled "Eusebio Torres et al., concerning torture". In accordance with final judgment No. 36 of 20 February 2024, Mr. Eusebio Torres was sentenced to 30 years' imprisonment.

298. Formal charges have been brought in case No. 83/2011, entitled "Lucilo Benítez et al., concerning torture", which is the subject of a public oral hearing. Case No. 26/2018, entitled "Lucilo Benítez et al., concerning torture", is pending a preliminary hearing. Case No. 4.827/2010 is entitled "Sabino Augusto Montanaro et al., concerning torture". Lucilo Benítez has been charged in absentia.

299. Case No. 4.811/2010, entitled "Sabino Augusto Montanaro, Eusebio Torres, Nicolas Lucilo Benítez, Camilo Almada, Agustin Belotto, Antonio Campos, Felipe Saldivar and Julias Ruiz Paredes, concerning torture and enforced disappearance", is under investigation.

300. Within the framework of case No. 5.236/2009, entitled “Unnamed persons, concerning enforced disappearance”, excavations were carried out and skeletal remains located in the special branch of the National Police. After DNA testing was carried out, in conjunction with the Argentine Forensic Anthropology Team, the skeletal remains of four persons – Miguel Ángel Soler, José Agustín Potenza, Cástulo Vera Báez and Rafaella Filipazzi – were identified. The criminal due process rota court ordered the issuance of death certificates and the delivery of the remains to the families in February 2017. The case is still under investigation.

301. Case No. 119/2018, entitled “Francisco Alcibiades Britez Borges et al., concerning enforced disappearance and torture”, in which the victim is Carlos Mancuello, and case No. 120/2018, entitled “Alfredo Stroessner, concerning enforced disappearance and torture”, in which the victims are the brothers Rodolfo and Benjamín Ramírez Villalba, were both investigated under the procedure described above and were joined by court order. In this case, the First Criminal Court of Appeal issued decision No. 225 of 22 June 2022, pursuant to which the case was terminated and the defendant Eusebio Torres was definitively acquitted. An application for constitutional review was filed with the Constitutional Chamber of the Supreme Court.

302. The case relating to Operation Condor, assigned to Specialized Unit No. 2 for Human Rights Offences and registered as case No. 80/2014, is entitled “Unnamed person, concerning enforced disappearance”. A sentence was issued in December 2019 in connection with the facts relating to the death of Celestina Pérez de Almada, as mentioned above. The criminal investigation records contain files on disappeared persons, a large percentage of whom disappeared in Argentina. These cases were reported to the National Commission on the Disappearance of Persons in Argentina. In some cases the place of disappearance is not known. Two cases in which the events occurred in Paraguay have been identified. These cases are still under investigation.

303. In connection with case No. 2.291/2001, entitled “Unnamed persons, concerning enforced disappearance and other offences”, searches and excavations were carried out, such as at the Tapyta ranch in Caazapá, witness statements were taken to identify more possible burial sites of victims, and efforts are being made to locate relatives of the disappeared persons in order to obtain blood samples and continue with DNA testing. These cases are still under investigation.

304. On 29 September 2022, the Ombudsman’s Office and the Ministry of Justice filed a complaint registered as No. 1-1-2-38-2022-121 against an unnamed person concerning enforced disappearance. A search warrant has been executed in the city of Caaguazú and excavations have begun. The case is still under investigation and searches are being conducted for disappeared persons listed in volume II of the final report of the Truth and Justice Commission.

305. The Ombudsman’s Office, following up on the case registered as No. 2.291/2001, No. 119/2018 and No. 120/2018 against unnamed persons concerning enforced disappearance, has reiterated the request for excavation and requested security measures.

306. In 2018, the Argentine Forensic Anthropology Team, together with a team from the Directorate for Historical Memory and Reparation, under the coordination of Specialized Unit No. 1, continued working in the offices of the Public Prosecution Service to extract more skeletal remains, which were sent via diplomatic bag to Argentina.

## Article 14

### Reply to the questions raised in paragraph 24 of the list of issues

307. The laws in force that regulate questions relating to compensation for victims of human rights violations during the 1954–1989 dictatorship are Act No. 838/96 and the amendments thereto, Act No. 3.603/08 and Act No. 4.381/11.

308. Act No. 3.603/08 establishes that surviving spouses or blood relatives up to the first degree may also claim compensation, provided that the victim has not been compensated



during his or her lifetime. Article 2 of the Act establishes that the children of victims may have the right to claim compensation if they were minors when their parents were deprived of their liberty and if they suffered human rights violations.

309. The Counsel General's Office is responsible for issuing binding rulings on requests for compensation, after the Ombudsman's Office has submitted all the documents and evidence on specific requests. The data below have been provided by the Counsel General's Office.

<i>Year</i>	<i>No. of requests received</i>	<i>No. of rulings issued</i>
2019	207	177
2020	79	81
2021	106	102
2022	235	66
2023	322*	202
<b>Total</b>	<b>949</b>	<b>628</b>

310. Compensation to victims of human rights violations during the 1954–1989 dictatorship:<sup>38</sup>

<i>Year</i>	<i>No. of beneficiaries</i>	<i>Total paid out</i>
2019	331	G 28 217 972 570
2020	197	G 22 423 199 000
2021	75	G 9 686 197 800
2022	165	G 14 564 601 738
2023*	208	G 24 630 934 900
<b>Total</b>	<b>976</b>	<b>G 99 522 906 008</b>

311. The Ombudsman's Office is responsible for processing claims for compensation. A total of 157 claims were received during the last complete year (2022).

312. Of the 12,789 cases processed under Act No. 838/96, 702 were settled in 2022 by means of decisions issued by the Ombudsman's Office, leaving 12,087 cases pending.

#### **Reply to the questions raised in paragraph 25 of the list of issues**

313. Current statistical data on cases relating to compensation claims:

Favourable decisions	11 455
Dismissals	4 941
Decisions relating to expired claims	2 408
Decisions relating to extensions	845
Decisions relating to corrections	977
Revocatory decisions	24

314. The Ombudsman's Office is currently drafting a new bill on the establishment of a national network of sites of memory and conscience in Paraguay.

<sup>38</sup> Source: Counsel General's Office.

## Article 15

### Reply to the question raised in paragraph 26 of the list of issues

315. Article 174 of the Code of Criminal Procedure establishes that evidence obtained in violation of due process has no probative value. This provision is in compliance with article 17 of the Constitution, which guarantees that unlawfully obtained evidence will not be used.

## Article 16

### Reply to the questions raised in paragraph 27 of the list of issues

316. Case No. 51/2017: Benito Sanabria Duarte, concerning the infliction of bodily harm in the performance of public duties, in which police officer Benito Sanabria was sentenced to 9 years' imprisonment for shooting a deputy in the face at a demonstration.

317. Case No. 140/2017: Fernando Agüero Benítez, concerning the infliction of bodily harm in the performance of public duties, in which the police officer Fernando Agüero Benítez was sentenced to 2 years and 6 months' deprivation of liberty for injuring the left eye of Ms. Blanca Brizuela by punching her and hitting her with a truncheon and the butt of a shotgun, at 10.30 p.m. on 31 March 2017, in the vicinity of the National Congress, on Independencia Nacional and Palma streets in Asunción.

318. Case No. 53/2017: Jorge Ramírez Bogarín, concerning the infliction of bodily harm in the performance of public duties, in which the police officer Jorge Ramírez Bogarín was sentenced to 3 years and 6 months' imprisonment for causing serious bodily harm to Ms. Alicia Cabrera, inside the headquarters of the Liberal Party, with rubber bullets that he fired.

319. Criminal Unit No. 2 of the Specialized Prosecutor's Office is investigating several cases of alleged human rights violations reportedly committed by the Joint Task Force in the north of the country. Notable cases include: (1) cases No. 191/16, No. 74/18 and No. 53/18: investigation into acts of torture; (2) case No. 152/18: investigation into bodily harm inflicted in the performance of public duties; (3) case No. 129/2020: investigation into offences against life and other offences. In addition, Prosecution Unit No. 3 is investigating case No. 82/2015, relating to Aldo Mercado, concerning bodily harm inflicted in the performance of public duties, in which charges have been brought against members of the Joint Task Force. In the case in question, all the relevant proceedings have been carried out with a view to shedding light on the reported act, including the gathering of witness statements and the conduct of psychological assessments of victims. Charges were brought and, as a final request, the indictment was filed and an application was made for the case to be tried in a public oral hearing. At the time of writing, the preliminary hearing is pending.

320. Regarding the disproportionate use of lethal force, torture and other ill-treatment allegedly committed by State agents during the raid of 15 June 2012 in Curuguaty, the Specialized Unit is investigating two main cases. One investigation is being conducted by Specialized Unit No. 3 into acts of torture and the infliction of bodily harm in the performance of public duties while the other is being conducted by Specialized Unit No. 1 into the prosecution of innocent persons and other offences following the oral hearing in 2016. They are registered as case No. 46/12, against unnamed persons concerning acts of torture, assigned to Specialized Criminal Unit No. 3, and case No. 103/2016, against unnamed persons concerning acts of torture.

321. In 2018, an assistant prosecutor from the Specialized Unit, together with professional psychologists, went to the place called Marina Cué in the city of Curuguaty to conduct psychological and socio-environmental evaluations. The outcome is still pending. Marcos Shirakawa, the lawyer handling the case, was also present.

322. In 2020, the lawyer filed a request to expand the complaint to include the alleged offence of enforcement of penalties against innocent persons. In the same year, the victims and witnesses testified. In 2021, the alleged victims submitted supplementary statements by means of videoconferencing.

323. With regard to the alleged cases of arbitrary evictions and the burning of homes and destruction of the agricultural produce of Indigenous Peoples, including the case of the Ava Guaraní community in Ybyrarobana on 7 December 2018, case No. 796/17 against unnamed persons concerning the invasion of property has been opened. This complaint relates to the occupation of a farm in Caaguazú, currently Ybyrarobana, in the department of Canindeyú. On 6 December 2017, the prosecutor went to the site to establish the facts and individually identify the alleged invaders, who claimed to be members of the Jejty Miri community. The prosecutor found that the occupation was taking place outside the property that had been legally secured for the Tekoha Jejty Miri Indigenous community.

#### **Reply to the questions raised in paragraph 28 of the list of issues**

324. Measures adopted by the legislative branch to protect human rights defenders and journalists include several bills that are going through the legislative process, including No. S-2311464 and No. D-2164736. The bills are specifically focused on the protection of journalists and human rights defenders. Furthermore, a single-chamber statement (file No. D-1954200) calling on public institutions to implement inter-institutional programmes to guarantee a safe environment and protect human rights has been issued. Also under consideration, since 16 November 2016, is bill No. D-1642344 relating to freedom of expression and the protection of journalists, press workers and human rights defenders.

325. The Attorney General's Office issued decision No. 1.712/2021, appointing the prosecutors that make up the Specialized Unit for Human Rights Offences, which participates in the investigation of offences against journalists. In this connection, the Office of the Deputy Public Prosecutor established guidelines on conducting investigations into criminal cases involving offences against journalists and media workers in the performance of their work, through instruction No. 1/22 of the Office of the Deputy Public Prosecutor for Human Rights.

326. The Directorate for the Victim and Witness Protection Programme of the Public Prosecution Service was established pursuant to a decision of the Attorney General's Office, in compliance with Act No. 4.083/2011 establishing the Programme for the Protection of Witnesses, Victims, Persons Cooperating with the Justice System and Other Parties Involved in Criminal Proceedings. The purpose of the Programme is to implement assistance and security measures for witnesses, victims/witnesses, cooperating parties and other key parties who are at risk or in danger because they have cooperated with the justice system within the framework of criminal proceedings investigated by the Public Prosecution Service. The Attorney General's Office is the authority responsible for protection matters.

327. Journalists and human rights defenders whose legal rights are at risk owing to their participation in criminal proceedings as victims, witnesses, victims/witnesses, etc. are covered by the protection system established under Act No. 4.083/11.

328. The Directorate for the Programme maintains absolute confidentiality in respect of the cases with which it deals owing to the confidential nature of information on witnesses, victims, persons cooperating with the justice system and other persons covered by the system under Act No. 4.083/2011. For this reason, information provided about protected journalists is generic in nature.

329. In 2022 and 2023, the Directorate took action in criminal proceedings by implementing measures to protect six journalists, and their immediate families, against whom a number of offences had been committed when they were carrying out their work. Currently, three journalists are being protected under the Protection Programme.

330. In accordance with the security protocol for journalists exposed to a high level of risk, adopted pursuant to decision No. 538 of 22 June 2017 of the Office of the National Chief of Police, the Office is responsible for the implementation of protection measures.

#### **Reply to the questions raised in paragraph 29 of the list of issues**

331. The Public Prosecution Service, without distinction of any kind, initiates public criminal proceedings in respect of offences that come to its knowledge, bringing prosecutions without any distinction whatsoever.

### Reply to the questions raised in paragraph 30 of the list of issues

332. The Ministry of Public Health and Social Welfare disseminated a circular setting out physical distancing measures, with emphasis being placed on older persons and residential homes. Talks were given via Zoom to the managers of homes and their staff, providing information on the disease and essential care. Psychology professionals joined the team staffing the 146 toll-free telephone line. The use of masks was promoted and care guidelines were drafted. In addition, monitoring visits to the homes were carried out to provide advice during the pandemic.

333. All the information on the measures taken by the Ministry of Public Health and Social Welfare during the COVID-19 pandemic can be found at the following link: <https://www.mspbs.gov.py/covid-19.php>.

334. The Ministry of Justice issued decision No. 250/20 to immediately implement a preventive action plan to curb the spread of COVID-19 in the country's prisons and educational centres. The plan included strengthening hygiene measures for prisoners and staff, placing information posters in visible places, reducing and then temporarily suspending visits, and using videoconferencing to facilitate communication with family members. In addition, pursuant to decision No. 276 of 18 March, an operational task force was established to manage these measures.

335. The Ministry of Justice requested the Supreme Court to establish an inter-institutional committee to review the judicial status of prisoners in order to reduce overcrowding. In March 2020, it drew up a list of prisoners in vulnerable situations, including pregnant women, nursing mothers, chronically ill persons and older persons, and sent it to the Supreme Court, the Public Prosecution Service and the Public Defender Service.

336. The Ministry of Justice took steps to improve health facilities for persons deprived of their liberty during the COVID-19 pandemic, including by establishing a single health isolation plan and providing telephone booths so that they could communicate with family members, lawyers and public defenders. In addition, a protocol for the receipt and delivery of parcels was established and informational and awareness-raising talks were given to the prison population. The Ministry of Justice also oversaw the purchase of personal protective equipment for the healthcare staff of prisons and educational centres and carried out disinfection, general cleaning and repair work in the areas used for health-related isolation.

337. In educational centres, adolescents used mobile phones and tablets to make video calls to their families. The healthcare team was expanded, educational talks were given and information on the COVID-19 pandemic was disseminated through newsletters, pamphlets and information videos. In addition, information on the reasons for the suspension of family visits was provided and the slogan #QUEDATEENCASA (stay at home) was publicized.

338. Within the framework of the Human Rights Network, a document bringing together all the recommendations relating to human rights and COVID-19 was drafted. The document was disseminated among all public institutions to provide them with important information on human rights so that any measure or decision taken to curb the spread of the virus would be in strict compliance with the standards of international law on human rights.

339. By Decision No. 69/19, the Public Defender Service adopted a form for recording alleged acts of torture or cruel, inhuman or degrading treatment and made its use mandatory by public defenders attached to the criminal courts, juvenile criminal courts and sentence enforcement courts as from February 2019. Subsequently, by Decision No. 620/2021, use of the mobile phone application and the "Defensores" web page to record alleged acts of torture or cruel, inhuman or degrading treatment was adopted and made mandatory for public defenders attached to the criminal courts, juvenile criminal courts and sentence enforcement courts.

340. The National Secretariat for the Human Rights of Persons with Disabilities makes use of a regulatory framework and the guidelines set out in the National Action Plan for the Rights of Persons with Disabilities. It is currently implementing mechanisms for monitoring compliance with the relevant safeguards, such as incorporating the disability variable in the dashboard of the results-based planning system, pursuant to Decision No. 45/2021 of the

Technical Planning Secretariat. This measure will make it possible to issue reports on the situation of persons with disabilities, including in crises or disasters.

341. During the COVID-19 pandemic, the National Secretariat for the Human Rights of Persons with Disabilities actively responded to complaints received in places of confinement where the rights of persons with disabilities could have been violated, as well as in other places where such violations could have occurred. In addition, the National Secretariat implemented remote consultation and online admissions systems, facilitated the issuance of certificates and distributed food to ensure the welfare of persons with disabilities during this period.

**Reply to the questions raised in paragraph 31 of the list of issues**

342. The legislative branch adopted Act No. 6.350/2019 amending article 245 of Act No. 1.286/1998, the Code of Criminal Procedure, as amended by Acts No. 4.431/2011 and No. 2.493/2004. The Act amends the provisions of the Code of Criminal Procedure regulating pretrial detention, thereby empowering judges to opt for less burdensome alternatives.

343. Act No. 6.174/2018 elevates the National Secretariat for Children and Adolescents to the rank of a ministry, named the Ministry for Children and Adolescents.

344. Act No. 6.350/2019 amending article 245 of Act No. 1.286/1998, the Code of Criminal Procedure, as amended by Acts No. 4.431/2011 and No. 2.493/2004. The Act amends the provisions of the Code of Criminal Procedure regulating pretrial detention, thereby empowering judges to opt for less burdensome alternatives.

345. In response to the COVID-19 health emergency, the Public Defender Service established court management guidelines for the public defender units of the criminal courts, juvenile criminal courts and sentence enforcement courts of each judicial district in the country.

346. Decision No. 693/20 was issued, adopting the protocol for monitoring children and adolescents accommodated in mandatory preventive quarantine facilities and patients with COVID-19.

347. The Public Defender Service distributed corporate telephone lines to public defenders and civil servants to facilitate institutional communication and communication with clients, ensuring that they could perform their duties effectively. In addition, Internet routers with a capacity of 10 GB per month were delivered to all defenders and to the front desks of each headquarters, thereby ensuring Internet access at the national level.

348. In 2018, by Decree No. 1.039/2018, the procedural protocol on free, prior and informed consultation with and consent by Indigenous Peoples living in Paraguay was adopted. Subsequently, pursuant to Decree No. 5.897/2021, the National Plan for Indigenous Peoples was adopted.

349. The Ministry of Justice and the National Secretariat for the Human Rights of Persons with Disabilities set up an expert committee to address the specific treatment of persons with disabilities deprived of their liberty. The purpose of the committee was to develop a plan for visiting prisons so that persons with disabilities could be identified and certified by the National Secretariat.

350. Paraguay reaffirms its sincere willingness to continue cooperating in good faith with the Committee and making its best efforts to meet its responsibility to respect, protect and fulfil human rights and comply with its obligation to eradicate torture and other cruel, inhuman or degrading treatment or punishment. It also reaffirms its willingness to engage in transparent dialogue and constructive cooperation with international mechanisms for the promotion and protection of human rights.