

## OFFICE TO MONITOR AND COMBAT TRAFFICKING IN PERSONS (June 19, 2013)

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### PARAGUAY (Tier 2)

Paraguay is a source country for women and children subjected to sex trafficking, and for men, women, and children subjected to forced labor. To a more limited extent, Paraguay is a destination and transit country for men and women subjected to forced labor and forced prostitution. Paraguayan victims of sex trafficking and forced labor are found in Argentina, Chile, Bolivia, and Spain, and during the year a significant number of Paraguayan victims were identified in Brazil. Paraguayan victims of sex trafficking have also been identified in other countries, most recently including Ecuador and Colombia. There were continued reports of child sex trafficking in the tri-border area with Argentina and Brazil. There are reports that Paraguayan women are recruited as couriers of illicit narcotics to Europe, where they are subsequently coerced into forced prostitution. Domestic servitude and sex trafficking of women and girls within the country remain a serious problem; some victims are recruited from rural areas, in particular from the departments of Caazapa, Caaguazu, and San Pedro, and exploited in urban centers. Indigenous persons are particularly at risk of being subjected to forced labor and sex trafficking, especially in the Chaco region. Street children and children involved in hazardous work are vulnerable to human trafficking.

The Government of Paraguay does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government maintained law enforcement efforts against sex trafficking offenders and took action against official complicity by convicting a police officer involved in sex trafficking. Authorities passed a new trafficking law strengthening the country's legal framework, maintained provision of victim services for some sex trafficking victims, and strengthened prevention efforts. Specialized victim services, however, remained limited, and authorities lacked a formal system to proactively identify trafficking victims or to refer them to care services. Trafficking-related corruption remained a serious concern.

**Recommendations for Paraguay:** Enhance access to comprehensive services and shelter for victims of sex and labor trafficking alike through increased funding for victim services and enhanced partnerships with civil society organizations; institute formal referral mechanisms to ensure that all identified victims can access care services; increase efforts to proactively investigate forced labor cases and identify labor trafficking victims, including those exploited within the country; continue to intensify efforts to investigate and prosecute trafficking offenses, including forced labor crimes and crimes involving official complicity, as well as efforts to convict and punish trafficking offenders; consider increasing resources for dedicated anti-trafficking units; increase training for government officials, including law enforcement officials, labor officials, judges, and social workers on how to identify and respond to trafficking cases; improve data collection on human trafficking cases; and continue to strengthen efforts to raise public awareness about all forms of human trafficking, including internal trafficking.

### Prosecution

The Government of Paraguay passed a law prohibiting all forms of human trafficking in December 2012, and it maintained strong efforts to investigate and prosecute sex trafficking offenses throughout the year; however, efforts to investigate forced labor remained weak. The new law also strengthened investigative tools available to prosecutors, raised penalties for trafficking crimes, and outlined victim protection commitments. The law prescribes penalties of up

to eight years' imprisonment, which can be increased to up to 20 years with aggravating factors; these penalties are sufficiently stringent and commensurate with penalties prescribed for other serious crimes, such as rape. Previously, Paraguay's penal code did not sufficiently prohibit internal trafficking, though articles 129(b) and (c) prohibited transnational sex and labor trafficking, prescribing penalties up to 12 years' imprisonment. Other statutes, including those penalizing commercial sexual exploitation of children, were used to investigate domestic trafficking cases.

The police maintained anti-trafficking units in five cities with a total of 33 officers; these units also investigate crimes such as extortion and the production of fraudulent documents, and reportedly faced resource and staffing challenges during the year. The government increased the staff of the dedicated anti-trafficking unit in the attorney general's office to a total of three prosecutors and 20 assistants, including a social worker and a psychologist. The unit worked with prosecutors across the country to investigate and prosecute human trafficking cases. Some civil society and government actors noted that these units had limited human and material resources, that law enforcement response in some parts of the country was severely limited or delayed, and that awareness of internal trafficking crimes was weak among many officials. In 2012, Paraguayan prosecutors reported 128 new trafficking investigations; out of these, only two involved forced labor. Authorities initiated 23 new prosecutions and convicted 14 sex trafficking offenders: eight offenders were convicted under article 129 (b), while six offenders were convicted under a statute prohibiting pimping. Sentences ranged from six months to seven and a half years' imprisonment, and at least six sentences were suspended. There were no reported convictions for forced labor. This compares with 2011, when authorities reported prosecuting 30 cases and convicting eight sex trafficking offenders and one labor trafficking offender.

Some government officials, including police, border guards, judges, and public registry employees, reportedly facilitated human trafficking, including by protecting brothels where children were prostituted, extorting suspected trafficking offenders in order to prevent arrest, and producing fraudulent identity documents. There were also reports that some traffickers used their connections with local politicians to intimidate judges and police officers. In 2012, the government convicted a police officer of forcing two Paraguayan women into prostitution in Chile, and he was sentenced to seven and a half years' imprisonment. Much of the specialized training on human trafficking for Paraguayan officials was either funded by, or provided by, foreign governments and international organizations; the women's ministry trained hundreds of local officials on human trafficking, prosecutors created anti-trafficking modules with foreign government funding to incorporate into mandatory training for new prosecutors. Paraguayan officials collaborated with Argentine, Bolivian, Chilean, German, and Spanish counterparts on trafficking investigations, and extradited two Argentine citizens to Argentina to face trafficking charges.

## **Protection**

The Government of Paraguay maintained efforts to protect some female victims of sex trafficking during the reporting period, but victim assistance remained uneven, particularly outside of the capital. Authorities did not employ formal procedures for proactively identifying trafficking victims among vulnerable populations such as those in prostitution, domestic workers, or street children. Officials referred identified victims to services on an *ad hoc* basis. During the reporting period, prosecutors identified 58 trafficking victims and reported referring all sex trafficking victims to care facilities. The coordinator of the anti-trafficking roundtable stated that the government identified 174 victims during the year, while the foreign ministry reported assisting 202 Paraguayan victims abroad. While the majority of victims identified within the country were Paraguayan, authorities reported identifying two Bolivian citizens exploited in forced

labor, and a potential Brazilian victim of forced labor. The differing figures reflect the continued difficulties in collecting comprehensive and accurate victim data. It is unclear how many of the victims exploited abroad or within the country received specialized services.

The women's ministry ran one open shelter in Asuncion for female trafficking victims that provided medical, psychological, and legal services to 18 victims during the year, 10 girls and eight adult women. This represents a decrease from 38 victims assisted at the shelter in 2011. The government increased funding for the anti-trafficking unit in the women's ministry during the year, which had a staff of five. The women's ministry maintained other assistance programs, including seven drop-in centers for a variety of women's issues, four of which opened in 2012. These centers provided assistance to 47 trafficking victims during the year, 37 women and 10 girls; the women's ministry provided follow-up assistance to 20, including participation for six victims in social reintegration programs. Government-provided services for child sex trafficking victims were inadequate. NGOs and international organizations provided victim services, mostly focused on vulnerable children, and one NGO providing specialized services and shelter for child sex trafficking victims in Asuncion ceased providing this care due to a funding decrease from international donors. Specialized services, including shelters, remained inadequate for the number of identified victims, including for child sex trafficking victims. The Paraguayan government did not offer shelter facilities for male victims.

Paraguayan authorities encouraged victims to participate in the investigation and prosecution of trafficking offenders, and some victims filed complaints to open investigations. Victims generally avoided the court system, however, due to social stigma, fear of retaliation, and the lengthy judicial process. Identified victims generally were not jailed, deported, or otherwise penalized for acts committed as a direct result of being subjected to human trafficking. The government could offer temporary or permanent residency status for foreign trafficking victims through its liberal immigration system, but did not report doing so in the past year.

## **Prevention**

The Paraguayan government strengthened its prevention activities during the reporting period. Government agencies, civil society organizations, and foreign diplomatic missions participated in a government-run anti-trafficking roundtable, which met several times during the year, and whose four sub-committees each met frequently. In 2012, authorities also formed several regional anti-trafficking roundtables which varied in effectiveness. With funding from a private company, the women's ministry launched an awareness campaign targeting vulnerable Paraguayan citizens seeking jobs. Authorities continued to distribute pamphlets on the rights of migrant workers to citizens applying for passports. Some government agencies issued public reports of their anti-trafficking efforts. There were no reports of Paraguayans engaged in child sex tourism abroad. Authorities reported no efforts to reduce demand for commercial sex acts or forced labor. The government provided anti-trafficking training to Paraguayan troops prior to their deployment abroad on international peacekeeping missions.