

Paraguay - United States Department of State

PARAGUAY: Tier 2

The Government of Paraguay does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so. The government demonstrated overall increasing efforts compared to the previous reporting period; therefore Paraguay remained on Tier 2. These efforts included prosecuting and convicting more traffickers; improved international cooperation on trafficking issues, resulting in trafficker arrests and identification of victims; opening a new shelter for child and adolescent victims of trafficking; and identifying more trafficking victims. However, the government did not meet the minimum standards in several key areas. Services for all victims remained insufficient, cooperation with civil society remained inadequate, use of the identification protocol and referral mechanism was ad hoc, and the government did not open any investigations into official complicity. The government did not align its anti-trafficking law with international law and it did not update the national action plan.

PRIORITIZED RECOMMENDATIONS:

Investigate and prosecute alleged traffickers, including complicit officials, and sentence convicted traffickers to significant prison terms. • Increase funding and training to implement victim identification protocols and referral mechanisms to increase proactive identification of trafficking victims. • Increase access to adequate specialized victim services, including for male victims. • Revise the definition of human trafficking under law 4788/12 to ensure force, fraud, or coercion are essential elements of the crime as established under the 2000 UN TIP Protocol. • Increase engagement with civil society actors to assist the government's efforts to prevent trafficking and protect victims, and actively invite and incorporate them as regular participants in the interagency roundtable. • Establish the national anti-trafficking secretariat, as required by law. • Draft an updated national plan to combat trafficking and approve funding for its implementation. • Train law enforcement officials to bolster understanding that child sex tourism is human trafficking. • Adopt reforms to eliminate situations of *criadazgo* (child servitude) and the related abusive practices and working conditions that may amount to trafficking. • Increase funding for the Paraguayan National Police Anti-Trafficking Unit (PNPTU). • Improve interagency coordination and develop a case management database for trafficking cases. • Establish adequate penalties to discourage child labor violations.

PROSECUTION

The government increased prosecution efforts. The Comprehensive Anti-Trafficking Law 4788 of 2012 criminalized sex trafficking and labor trafficking and prescribed penalties of up to eight years' imprisonment for cases involving adult victims and two to 20 years' imprisonment for those involving child victims; these penalties were sufficiently

stringent and, with respect to sex trafficking, commensurate with penalties prescribed for other serious crimes, such as rape. Inconsistent with international law, Law 4788/12 established the use of force, fraud, and coercion as aggravating factors rather than essential elements of the crime; penalties were increased to two to 15 years' imprisonment under such circumstances. Article 139 of the penal code, which relates to pimping crimes, could be used to prosecute child sex trafficking offenses; it prescribed penalties of eight years' imprisonment for offenses involving children, which are significantly lower than the penalties described under the anti-trafficking law. The PNPTU was responsible for investigating trafficking crimes, while the Anti-Trafficking Unit (ATU) was the lead prosecuting agency. In 2019, authorities initiated 141 trafficking investigations, 74 for sex trafficking and 67 for forced labor, compared with 110 investigations in 2018. The ATU reported 66 trafficking investigations involving child victims. Authorities filed preliminary charges against 53 traffickers, compared with 25 in 2018 and 53 in 2017. There were 127 additional trafficking cases from previous reporting periods that remained ongoing. The courts convicted 22 traffickers under Law 4788/12, compared with 15 in 2018. The government did not report the number of traffickers convicted of sex trafficking as opposed to labor trafficking, nor did it disclose sentencing data for those convicted. At least six, but perhaps more, convicted traffickers had their sentences commuted to two years' probation without imprisonment.

Anti-trafficking law enforcement operated with low budgetary allocations for a second consecutive reporting period; similar budgeting shortfalls impacted much of the government in 2019. The PNPTU's staff of specialized trafficking officers decreased to 36, compared with 38 in 2018 and 50 in 2017. In 2019, the ATU cooperated with Argentina, Brazil, and Spain on trafficking cases. In one instance, Paraguayan officials conducted a joint investigation with Spanish counterparts, leading to the arrest of nine traffickers and the identification of 12 victims, 11 of whom were Paraguayan. The government announced a bilateral agreement with Brazil to facilitate cross-border collaboration on trafficking issues during the reporting period. With assistance from a foreign government, the ATU participated in five training sessions on labor trafficking for 200 government officials, including judges, prosecutors, investigators, labor inspectors, and immigration officials.

Corruption and official complicity in trafficking crimes remained significant concerns, inhibiting law enforcement action during the year. The government did not report investigating any instances of official complicity, though civil society organizations continued to allege police involvement in trafficking activities. Such reports included officials taking bribes from massage parlors and brothels where trafficking crimes allegedly occurred, or to issue passports for Paraguayan trafficking victims exploited abroad. The government did not open a formal investigation into allegations that police facilitated sex trafficking of women and girls on barges operating along the Paraguay River.

PROTECTION

The government increased protection efforts. The government lacked a centralized database to aggregate efforts taken by various ministries and did not provide comprehensive data on victim identification. The ATU reported identifying 86 victims of trafficking in 2019. The Ministry of Women's Affairs (MWA) and the Ministry of Children and Adolescents (MINNA) further reported identifying nine and 75 victims, respectively. Based on the data available, the potential for overlap between these tallies could not be ruled out. The government reported identifying 70 victims in

2018, all of whom were identified by MINNA, and 90 victims in 2017. The government had a formal victim identification protocol and national referral guide for prosecutors, police, labor inspectors, and border officials; however, use of these tools was inconsistent and ad hoc. In practice, only some government entities had protocols for the proactive identification of victims; the government did not aggregate valuable statistical information on trafficking cases, as it did not have a centralized database to facilitate data collection.

There were two shelters dedicated for female trafficking victims, one managed by the MWA for adults and the other co-managed by MINNA and an NGO for child and adolescent victims. MINNA opened a new government-operated shelter for trafficking victims in 2019. The MWA could also serve female trafficking victims at its two domestic violence shelters. MINNA referred 44 minor victims to its shelters, compared with 48 in 2018. Meanwhile, the MWA assisted 16 victims, seven of whom were receiving continued support after being identified in previous reporting periods. It was unknown whether children identified as victims of forced or child labor during labor inspections were referred to social services. In addition to shelter and food, the government provided psychological support, social assistance, legal advice, and reintegration programs for victims. The government did not have a shelter to assist male trafficking victims; however, the ATU could provide psychological assistance, food, and immediate shelter at hotels on an ad-hoc basis before facilitating the return of male victims to their community of origin. The government did not have significant engagement with civil society. Aside from some funding provided to the NGO operating the MINNA shelter, the government did not provide assistance to NGOs contributing to the protection of victims. Lack of substantive cooperation with civil society limited the government's ability to provide comprehensive care. The overall quality of care for victims was insufficient due to limited resources and the lack of qualified personnel. The ATU continued to provide basic assistance to victims of trafficking due to inadequate victim services provision in other parts of government. However, the ATU did not receive government funding for victim assistance and relied on approximately \$16,000 provided by an international organization to assist victims. The government continued to receive support from international partners to provide assistance for victims, including in reintegration. Government officials reported funding was insufficient to assist victims adequately. In 2019, the MWA operated with a budget of 1.55 billion guaranies (\$240,970), compared with 1.73 billion guaranies (\$269,000) in 2018. In addition, MINNA provided approximately \$50,000 to the NGO that operated the specialized shelter for underage victims. The government helped repatriate five victims and referred them to care facilities, compared with five in 2018. Authorities did not provide government officials any training on victim protection for the third consecutive year.

PREVENTION

The government maintained prevention efforts. The Office of the Director General for Consular Affairs (DGCA) was the government entity responsible for coordinating anti-trafficking programs and an interagency roundtable that included representatives from 16 government agencies. In 2019, the roundtable held two committee sessions and four plenary sessions. Law 4788/12 did not require participation of civil society in the roundtable, and authorities provided them a limited role. The roundtable's plenary sessions were officially open to civil society, but a number of NGOs reported they did not receive consistent notification of meetings. Poor and informal interagency coordination limited the government's ability to monitor, collect, and report statistics. The government lacked a national anti-trafficking

secretariat, despite the 2012 law mandating its creation. Several observers reported the absence of a dedicated agency limited the effectiveness of anti-trafficking efforts. Two NGOs served as liaisons between the roundtable and civil society; however, observers indicated engagement was cursory and insufficient. The roundtable discussed but took no action to establish a 2019-2022 national plan to combat trafficking; meanwhile, the expired 2014-2018 national plan was still pending presidential approval during the reporting period.

The government continued to post brochures and posters in bus terminals, airports, and border crossings to promote awareness of trafficking. The government maintained hotlines to report crimes against women and children, which included trafficking, as well as a trafficking and exploitation complaint web hotline. While authorities did not provide the number of reports of trafficking received via these sources, they did report that 90 percent of investigations originated with hotlines. Authorities continued to operate a cell phone app version of the hotline to promote its use among younger audiences; the government received eight trafficking complaints through the app. The ATU created a new email inbox to receive trafficking complaints, which yielded viable investigations during the reporting period. The government did not allocate funds for public awareness campaigns; instead, it relied on partnerships with civil society, businesses, and trade unions to run campaigns in high-risk areas. In one such collaboration, the public ministry orchestrated a multi-city trafficking awareness theatrical production funded by the Spanish government. In the Chaco region, an area with high prevalence of labor trafficking, the Ministry of Labor supported a project, initiated by outside sources, to raise trafficking awareness among employers. The Ministry of Labor contracted inspectors received training on child labor; the 25 labor inspectors conducted 341 worksite inspections, through which they identified three child labor violations. Observers noted monetary fines levied against employers for child labor violations were not sufficient to discourage the practice. The government did not make efforts to reduce the demand for commercial sex acts. Additionally, the government did not identify or investigate crimes of child sex tourism in Ciudad del Este and the Tri-Border area as trafficking crimes. The Ministry of Foreign Affairs and the DGCA trained diplomatic and consular staff on anti-trafficking laws, protocol, and interagency coordination. However, the government did not provide anti-trafficking training for all diplomatic personnel deployed abroad.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic and foreign victims in Paraguay, and traffickers exploit victims from Paraguay abroad. The practice of compelling children to labor as domestic workers, *criadazgo*, is perhaps the most common form of trafficking in the country. Middle- and upper-income families in both urban and rural areas take on children, almost exclusively from impoverished families, as domestic workers and provide varying compensation that includes room, board, money, a small stipend, or access to educational opportunities. An estimated 46,000 Paraguayan children work in situations of *criadazgo*; many of these children are highly vulnerable to sex and labor trafficking. Although *criadazgo* mainly affects young girls, boys are increasingly at risk. Indigenous persons are particularly vulnerable to trafficking. Boys are often victims of forced labor in the agriculture industry, domestic service, criminality, and in some cases as horse jockeys. Traffickers exploit Paraguayan women and girls in sex trafficking within the country, and transgender Paraguayans are vulnerable to sex trafficking. In the Chaco region, traffickers exploit adults and children in debt bondage. Children engaged in street vending and

begging and working in agriculture, mining, brick making, and ranching are vulnerable to trafficking. Paraguayan victims of sex trafficking and forced labor have been identified in Argentina, Brazil, Chile, China, Colombia, Mexico, Spain, and other countries. Traffickers recruit Paraguayan women as couriers of illicit narcotics to Europe and Africa, where they subject them to sex trafficking. Traffickers move female trafficking victims regionally and to Europe via transit countries including Argentina, Bolivia, Brazil, and Spain. Paraguayan women and girls are vulnerable to trafficking on ships and barges navigating the country's major waterways. Traffickers exploit Paraguayan children in forced labor in the cultivation and sale of illicit drugs in Brazil. Foreign victims of sex and labor trafficking in Paraguay are mostly from other South American countries. The Tri-Border area between Argentina, Brazil, and Paraguay is vulnerable to trafficking given the lack of regulatory measures, insufficient transnational cooperation, and the fluidity of illicit goods and services. Civil society and victims reported instances of officials—including police, border guards, judges, and public registry employees—facilitating sex trafficking, including taking bribes from brothel owners in exchange for protection, extorting suspected traffickers to prevent arrest, and producing fraudulent identity documents.