

Sexual Exploitation of Children in Paraguay
Submission
for the Universal Periodic Review of the Human Rights situation in Paraguay

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Grupo Luna Nueva
and
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ECPAT International is a global network of civil society organisations working for the eradication of all forms of sexual exploitation of children. For the past 30 years, ECPAT has acted as the international watchdog, monitoring States' response to sexual exploitation of children, and advocating for robust international measures to protect children from sexual exploitation. ECPAT International currently has 121 network members operating in 103 countries.

Justification for submission

1. The purpose of the present submission is two-fold: (1) to serve as an update on the progress that has been made by the Government of Paraguay (GoP) to end the sexual exploitation of children (SEC) in the country, and (2) to assess the level of implementation of the UPR recommendations relating to SEC made in 2016.
2. During Paraguay's previous UPR in 2016, the report of the Working Group contained 42 recommendations related to children's rights,¹ of which 10 are directly related to SEC.² Five of these recommendations related to SEC in general,³ two encouraged Paraguay to ratify the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure (OPIC),⁴ two related to child trafficking⁵ and one related to the sexual exploitation of children in travel and tourism.⁶

Methodology and Scope

3. The content of this report is based on country work experience of the Grupo Luna Nueva and desk research by ECPAT International.
4. The scope of this report is limited to SEC and its different manifestations, including exploitation of children in prostitution,⁷ online child sexual exploitation (OCSE), child sexual abuse materials (CSAM),⁸ child trafficking for sexual purposes, sexual exploitation of children in the context of travel and tourism (SECTT)⁹ and child, early and forced marriage (CEFM).

Current status and developments of sexual exploitation of children in Paraguay

General overview of country conditions

5. The Republic of Paraguay is a presidential republic organised into 17 administrative departments.¹⁰ It is a landlocked country with shared borders with Brazil, Argentina and Bolivia.¹¹ As of 2018, Paraguay had a population of around 6.956 million people, of which 2.446 were under the age of 18.¹²
6. Whilst the poverty rate fell from 24.2 percent in 2018 to 23.5 percent in 2019, the COVID 19 pandemic struck during a period of growth for Paraguay and is expected to have profound negative economic consequences.¹³ This is likely to cause a slowdown in poverty reduction as well as a rise in unemployment.¹⁴ As of 2018, Paraguay had the 97th largest economy in the world.¹⁵ Furthermore, in 2018, Paraguay ranked 98th out of 189 countries on the Human Development Index, placing it in the high development category.¹⁶
7. High levels of sexual abuse and sexual violence have been identified by UNICEF, in its 2019 report on Paraguay, as particular areas of concern for the country.¹⁷ In 2018, the Public

Prosecutor's office dealt with more than 5000 cases of crimes against children, 51% of which involved some form of sexual abuse.¹⁸ Further, in 2020, there were 869 registered cases of child sexual abuse between January and April, with 98% of these involving children under the age of 13.¹⁹ Of these cases, 80% involved girl victims and in 20% the victim was a boy.²⁰

Exploitation of children in prostitution

8. Unfortunately, the lack of recent research and information relating to the exploitation of children in prostitution makes it difficult to provide an accurate, up to date picture of the magnitude of the problem within the country today.

Online child sexual exploitation

9. As of 2018, there were around 106.9 mobile cellular subscriptions per 100 inhabitants²¹ and 64.99% of people using the Internet within Paraguay.²² The increasing use of mobile phones and the proliferation of Internet access, although conducive to innovation and development, present potential and growing new vulnerabilities to the sexual exploitation of children in the online environment. The misuse of available technologies offers perpetrators new ways to groom and exploit children. In addition, the anonymity of the Internet facilitates the exchange and dissemination of child sexual abuse materials (CSAM).²³
10. In a 2016 study conducted with 2208 children aged 11-18, it was revealed that 92% of children in the sample had received unsolicited pornographic images.²⁴ Further, 22% of the sample had had sexual conversations or engaged in virtual sex. Of this 22% (486), 98 children had engaged in such activities with an anonymous person and 147 with an adult.²⁵ Moreover, 5% (110) of the children surveyed had been victims of sexual extortion online.²⁶ Over two hundred children reported having met someone online who insisted on meeting in person, 5% of whom were then victims of assault or sexual abuse by this person.²⁷ Finally, 31% (684) of the children reported knowing a friend or colleague who had been asked to send sexual content on the Internet.²⁸
11. In an interview with media outlets, the prosecutor for computer crimes indicated that, in 2020, the Computer Crime Prosecutor's Office has been receiving over 100 CSAM reports a week.²⁹ This CSAM is often shared through social media or email and usually contains victims aged 13-15.³⁰ In 2018, of around 5000 reported cases of crimes against children, 10% were related to CSAM.³¹ Despite these indications that children in Paraguay are indeed vulnerable to OCSE offences, there is a worrying lack of protection offered by the legislation, as will be explored in further detail below.

Sale and trafficking of children for sexual purposes

12. 'The trafficking of children in Paraguay is often conducted through the practice of *criadazgo*, young children being sent to carry out domestic work in the homes of other families, and through the use of children for labour, with the most recent government statistics from 2011 indicating that 23.5% (436,419) of children between 5 and 17 were carrying out some form of child labour³² and 2.5% (46,993) were in situations of *criadazgo*.³³
13. Victims of *criadazgo* usually come from poor families in rural regions and are sent to wealthier families, usually in urban areas, to carry out child labour.³⁴ Children involved in the practice are thought to be at much higher risk of suffering from maltreatment and sexual abuse,³⁵ with statistics provided by Luna Nueva in 2014 suggesting that 90% of adolescents who had been sexually exploited were previously subjected to *criadazgo*.³⁶
14. A 2011 study into the internal trafficking of children for sexual purposes identified that girls were tricked by offers of work before being trafficked.³⁷ Further, construction zones, bars, cheap lodging and bus terminals throughout the country were identified as hot spots for children being trafficked for sexual purposes.³⁸ According to the Government, human trafficking is currently third behind only arms and drugs trafficking for the illegal business that generates most money.³⁹ Further, the Government estimates that 70% of all victims are women and girls, with 3 out of 4 subjected to sexual exploitation.⁴⁰

Sexual exploitation of children in travel and tourism

15. According to government statistics, 1,215,645 tourists visited Paraguay in 2019.⁴¹ Although there is a disappointing lack of research and information available on the sexual exploitation of children in travel and tourism in Paraguay, the Global Study on SECTT previously identified that rising tourism arrivals in the region has been associated with an increased number of offenders actively seeking opportunities to sexually exploit children.⁴²
16. Only 6 travel and tours operators with operations in Paraguay, including hotels and associations, have signed the Code of Conduct for the Protection of Children from Sexual Exploitation in Travel and Tourism which aims to protect children from sexual abuse in travel and tourism.⁴³ Currently there is only one company based in Paraguay that is a signatory of The Code

Child, early and forced marriage

17. Child, early and forced marriage remains an important issue in Paraguay, with UNICEF highlighting that between 2012 and 2018, amongst women aged 20-24, 4% were married before turning 15 and 22% were married before 18.⁴⁴ There are no statistics available regarding child marriage involving boys. The United Nations Population Fund has indicated

that the practice of child marriage has been normalised within Paraguay, with around 80% of marriages of girls under 18 involving an older male.⁴⁵ This often results in a discontinuation of study, early motherhood and a position of subordination within the marriage.⁴⁶

18. Statistics from 2016 show that the areas most affected by child marriage were Alto Paraguay, Asunción, Alto Paraná and Resto, as well as amongst indigenous and Guarani speaking communities.⁴⁷ Poverty has been shown to be a driver of child marriage, with 37% of women from the population's poorest fifth married before 18 compared to 9% from the richest fifth.⁴⁸ Moreover, the level of education attained had a direct impact on likelihood of being married before turning 18, with 45% of women with no education married before 18 compared with only 6% of those who had completed higher education.⁴⁹

Legislative framework on prohibition of sexual exploitation

19. Under Paraguayan law it is established that anyone aged 13 or under is considered as a child and anyone aged 14-18 is considered as an adolescent.⁵⁰
20. The age of sexual consent is set at 14 under Article 135 of the Paraguayan Penal Code.⁵¹ Performing sexual acts on or inducing a child under 14 to carry out sexual acts on himself/herself or third parties will be punishable with imprisonment up to three years or a fine.⁵² When the perpetrator has carried out sexual intercourse with the victim the punishment will be between two and ten years imprisonment and if the victim is under 10 years old the imprisonment may increase to fifteen years.⁵³
21. Under the '*estupro*' provision in Article 137, "a man who persuades a girl of 14-16 to carry out extramarital intercourse will be punished with a fine".⁵⁴ In addition, an adult engaging in sexual acts with a person of the same sex aged 14-16 will be punished with a fine or up to two years imprisonment.⁵⁵ These provisions mean that protection is provided to girls aged 14-16 only when the offending man is married, as per Article 137, or when the offender is a woman, as per Article 138. Further, the punishment of a fine under Article 137 is insufficient in protecting girls aged 14-16. In addition, boys aged 14-16 will only be protected when the perpetrator is a man. The lack of close in age exemption under Article 138 could also result in the criminalisation of same sex consensual sexual activity. When the perpetrator of offences under Articles 135 and 137 is under 18 the penalty may be rescinded.

Exploitation of children in prostitution

22. Engaging in prostitution is not criminalised under Paraguayan law. However, inducing a child under 16 to prostitution will be punishable with a fine or up to five years

imprisonment.⁵⁶ However, for children aged 16-18 the same offence will only be criminalised when the perpetrator has abused the helplessness, trust or naivety of the victim or is in charge of the victim's education.⁵⁷ When the offender acts commercially, the punishment will be increased with imprisonment of up to six years.⁵⁸ Moreover, if the victim is under 14, the punishment will be increased to up to eight years imprisonment.⁵⁹

23. Prostitution is also considered under the Anti Trafficking Law which makes it an offence to capture, transport, transfer or receive a victim for the purpose of sexual exploitation.⁶⁰ Receiving benefits from another's participation in prostitution is considered under the definition of sexual exploitation.⁶¹ When the victim is aged between 14-16 the punishment will be two to fifteen years of imprisonment and when the victim is 13 or under the punishment will be raised to up to twenty years imprisonment.⁶²
24. Lastly, under Article 226 of the Penal Code, anyone who severely violates his/her legal duty of care or education of another and exposes them to practicing prostitution, will face a fine or up to three years imprisonment.⁶³ The attempt at carrying out crimes under the Penal Code is punishable with a sentence not exceeding three quarters of the legal maximum for the commission of that offence.⁶⁴

Online child sexual exploitation

25. Under Article 1 of Law 2681 it is prohibited to produce or reproduce publications that depict sexual acts in which a person younger than 18 is taking part or exhibiting their genitals.⁶⁵ In addition, it is prohibited to distribute, import, export, offer, exchange, exhibit, broadcast, promote or finance the production or reproduction of these publications.⁶⁶ Furthermore, it is an offence to organise, finance or promote spectacles, public or private, in which a person under 18 participates by performing sexual acts.⁶⁷ The acquisition, consumption or possession of such material is also criminalised.⁶⁸ It will be considered as an aggravating circumstance for the above crimes when the child is under 14, or when the perpetrator was a guardian or caregiver to the child.⁶⁹
26. Unfortunately, the Paraguayan legislation contains many omissions with regards to CSAM and OCSE related offences. Firstly, there is no definition of CSAM provided in line with the OPSC, leaving room for ambiguity as to whether audio, written, virtual or material depicting a minor would be considered as CSAM. Moreover, none of the prohibited acts refer explicitly to acts carried out in an online environment.
27. Crucially, there are no provisions under Paraguayan law that explicitly define or criminalise forms of online child sexual exploitation other than CSAM, such as live streaming of sexual abuse material, online grooming, online sexual extortion or unsolicited sexting. Whilst article 135 of the Penal Code prohibits conducts similar to offline grooming; it is

considered a crime to contact a child, through verbal obscene manifestations or pornographic publications, with the intention of sexually stimulating him/her or inducing a child to perform sexual activity,⁷⁰ it does not explicitly include online solicitation for sexual purposes.

28. Another omission in the law relating to CSAM is the lack of an exemption clause concerning sexting between minors. The lack of such a clause may result in children becoming offenders for engaging in consensual sexting between peers or creating CSAM in an abusive or exploitive situation. It is clear that this would not be in the best interests of the child. Finally, there is no obligation for Internet Service Providers in Paraguay to filter, block or report instances of CSAM. Under the law prohibiting CSAM there is an obligation for anyone who became aware of such crimes to report them to the police or public ministry.⁷¹ Further, under Law 5653, ISPs are required to supply all customers with free of charge software that detects, filters, blocks and eliminates harmful content.⁷²

Sale and trafficking of children for sexual purposes

29. Under the Anti Trafficking Law it is an offence to capture, transport, transfer or receive a victim for the purpose of, among other things, sexual exploitation and servile marriage.⁷³ When the victim is aged between 14-16 the punishment will be two to fifteen years of imprisonment and when the victim is 13 or under the punishment will be raised to up to twenty years imprisonment.⁷⁴ Additionally, anyone who benefits economically from services conducted by a victim of trafficking, but who was not involved in the trafficking itself, will be punished with up to five years imprisonment.⁷⁵ Furthermore, victims of human trafficking are not punishable for the commission of any crime that is the direct result of being trafficked.⁷⁶

30. The means used to carry out the trafficking offence i.e. fraud, deception, coercion etc is not required to constitute an offence for adults or children, and instead is considered under the aggravated penalties.⁷⁷ Only children aged 16 or under are included under the aggravating penalties within the trafficking legislation, meaning that child victims over 16 are effectively treated as adults. The trafficking of children within and outside of their national territory is criminalised under the Paraguayan legislation.⁷⁸ Finally, the sale of children is not considered as an offence under Paraguayan legislation.

Sexual exploitation of children in travel and tourism

31. There is no specific legislation that prohibits SECTT in Paraguay, with the Tourism Law mentioning only that the trafficking of minors for sexual purposes which is linked to tourism will be liable for the sanctions provided under the Penal Code.⁷⁹

Child, early and forced marriage

32. The minimum age of marriage is set at 18 under the Civil Code.⁸⁰ However, an exception exists whereby a child aged 16 or over may marry with the consent of his/her parent, guardian or, in the case that both parents are incapable or have lost parental authority, a judge.⁸¹ Whilst the forced marriage of children is not included as a specific offence under Paraguayan law, trafficking for the purposes of servile marriage is considered as an offence under Article 5 of the Anti-Trafficking Law.⁸²

Extraterritorial jurisdiction and extradition

33. All crimes carried out, by Paraguayan citizens or foreigners, within Paraguay's territory will be punishable unless the perpetrator has already been tried in another country.⁸³ Certain listed crimes, including trafficking offences, that are committed abroad will be punishable within Paraguay, but only when the perpetrator has entered the country and hasn't already been sentenced or acquitted in another State.⁸⁴ For all other crimes, the principle of double criminality applies, meaning that in order to be a punishable act the offence must also be punishable in the place of its execution.⁸⁵ Further, the alleged offender must have Paraguayan nationality or be a foreigner who is subsequently present in Paraguay after the offence.⁸⁶ The Paraguayan legislation does not explicitly recognise extraterritorial jurisdiction when the victim is a citizen of Paraguay.
34. The Criminal Procedure Code states that extradition will be governed by international law, international treaties or by the rules of reciprocity when there is no applicable rule.⁸⁷ Currently, Paraguay has bilateral treaties with 27 States as well as two regional multi-lateral extradition treaties.⁸⁸

Recommendations to the Government of Paraguay

1. Amend legal provisions relating to prostitution in order to expand protection of children aged 16-18 in all circumstances;
2. Adopt a definition of child sexual abuse material in line with Article 2(c) of the OPSC;
3. Adopt specific legal provisions to criminalise other offences related to online child sexual exploitation such as online grooming, live streaming of sexual abuse and sexual extortion;
4. Amend the law regulating Internet Service Providers to obligate them to block, filter and report all instances of child sexual abuse materials detected on their systems;
5. Adopt specific legal provisions to explicitly criminalise the sale of children;
6. Establish 18 as the legal age of marriage without any possible exception;
7. Remove the double criminality requirement in provisions relating to extraterritorial jurisdiction;
8. Ensure that all SEC offences are included as extraditable offences.

Implementation

National policies and programmes

35. The main policy aimed at protecting the rights of children in Paraguay is the National Policy for Childhood and Adolescence 2014-2024.⁸⁹ It is in the framework of this policy that the National Plan for Childhood and Adolescence 2014-2018 and 2019-2024 have been developed.⁹⁰ The only mention to SEC that is contained under the National Plan 2014-2018 is the goal of elaborating and implementing a National Strategy for the Eradication of the Sexual Exploitation of Children.⁹¹ The new edition of this plan is currently being formed.⁹² In addition, although it was reported in the media in 2019 that the National Plan 2019-2024 had been put in place,⁹³ it has not been approved⁹⁴ and so it cannot be verified whether or not it contains goals or strategies related to SEC.
36. The National Strategy for the Prevention and Eradication of Child Labour 2019-2024 contains the aim of strengthening rehabilitation centres for child victims of sexual exploitation and trafficking for sexual purposes.⁹⁵ The Strategy aims to increase the number of children receiving care in government programmes from 35 in 2015 to 200 in 2024.⁹⁶ As there have been no evaluation reports carried out on the Strategy thus far, progress towards this goal is unclear.
37. In collaboration with UNICEF, the Christian Children's Fund Canada and Aldeas Infantiles SOS Paraguay, the government has elaborated the Plan on Protection of Children against all forms of Violence and Abuse.⁹⁷ The Plan contains the aim of ensuring that 100% of cases of exploitation, violence and trafficking of children are attended by 2021.⁹⁸ As there have been no evaluation reports carried out on this plan, it is unclear what progress has been made in relation to this goal.
38. The National Council for Children and Adolescents is the body responsible for forming, supervising and evaluating plans and policies related to children's rights.⁹⁹ The Council is made up of a number of different governmental departments, including, among others, the National Secretariat for Children and Adolescents and the Public Ministry.¹⁰⁰

Recommendations to the Government of Paraguay

9. Ensure that the new edition of the National Strategy for the Eradication of the Sexual Exploitation of Children integrates all manifestations of sexual exploitation of children;
10. Ensure accountability by carrying out and making publicly available evaluation reports for all plans and strategies related to the protection of children.

Prevention, awareness and education

39. The Code for Children and Adolescents grants all children the right to be protected from all forms of exploitation and performance of any activity that may be dangerous or harmful to their health and development.¹⁰¹ Further, the Code prohibits the use of the child in any sexual commerce activities or in the elaboration, production or distribution of pornographic materials.¹⁰²

40. In 2020, the Government of Paraguay enacted a law creating a register for those convicted of sexual crimes against children.¹⁰³ The Law also creates an obligation for all entities working with children to request proof from their workers that they do not appear in said register.¹⁰⁴ The register will also include a gene bank that stores the forensic information of all those convicted of sexual crimes against children.¹⁰⁵ However, nothing indicates that the authorities enforce international travel restrictions on nationals that were convicted of sexual offences against children, nor that they consistently deny entry to foreign child sex offenders.
41. In 2019, the government of Paraguay, in collaboration with various NGOs, launched the campaign ‘We are all responsible’ in order to raise awareness of child sexual abuse and to promote the reporting of such offences.¹⁰⁶ Further, in 2015, the government launched a campaign against the sexual exploitation of children in travel and tourism. Activities under the campaign included awareness raising materials in taxis, hotels and tourist establishments, information leaflets for tourists, information talks for the public and private sector on the prevention of child sexual exploitation and a 30 second video to be shown on land and air transport.¹⁰⁷
42. The Government, through its Connect Safe campaign, has produced a number of different awareness raising activities on online safety, grooming, sexting and online sexual exploitation of children.¹⁰⁸
43. In terms of trafficking, the Government launched the campaign ‘May your dreams not become nightmares’ in 2019. Although this campaign targets trafficking in general and not only children, it lists forced prostitution, sexual exploitation of children, child sexual abuse material, sexual exploitation of children in travel and tourism and forced marriage as purposes of trafficking.¹⁰⁹

Recommendations to the Government of Paraguay

11. Allocate enough funding to raise public awareness about all manifestations of sexual exploitation of children, specifically among vulnerable groups, citizens and visitors;
12. Invest in child empowering prevention programmes to address the root causes and multiple vulnerabilities that place children, families and communities at risk;
13. Enforce restrictions on the movement of nationals who have been convicted of sexual offences against children and enable authorities to deny access to foreign child sex offenders;
14. Establish government-regulated child protection standards for the tourism industry and take the appropriate steps to sensitise and involve local companies in the fight against sexual exploitation of children in general and the sexual exploitation of children in travel

and tourism in particular.

Protection

Measures taken by the GoP to protect the rights and interests of child victims

National complaint mechanisms

44. Criminal procedure may be initiated at the request of the child, their parents or guardians, the Office of the Ombudsman for Children or the Public Ministry.¹¹⁰ They may also be initiated ex officio by the judge.¹¹¹

45. The Code for Children and Adolescents imposes an obligation to report any violation of the rights of children.¹¹² Whilst this obligation applies to everyone, the Code stresses a particular obligation on all those who work directly with children.¹¹³ These reports must be made to a Municipal Department for the Rights of the Child and Adolescent or to the Public Ministry, who will then refer the case to the relevant judicial authority, where necessary.¹¹⁴

46. Child victims of SEC may use the 147 line to report offences or access psychological, social and legal support. Whilst the line deals with all types of abuse and mistreatment of children and not only with SEC, it is exclusively for children.¹¹⁵ The most recent and publicly available statistics show that the line received 22,000 calls in 2017, 2000 of which were related to sexual abuse.¹¹⁶ In addition, the Public Ministry has an online reporting portal for crimes related to trafficking or the sexual exploitation of children.¹¹⁷ In the course of this research it has not been possible to access statistics related to this portal and so it cannot be verified whether it has been widely used to report instances of SEC.

Child sensitive justice

47. The Code for Children and Adolescent states that any measure taken in regards to children will be based on their best interests.¹¹⁸ The Code also provides for support measures to be given in children in need of protection, including, among other things, medical and psychological assistance and alternative care and living arrangements.¹¹⁹ Further, the Code provides for the creation of specialised children's courts,¹²⁰ which should have the requisite knowledge of all rights granted to children.¹²¹ Finally, the child's right to privacy is protected with a prohibition on the publishing of any data relating to the child victim or accused.¹²²

48. Under the Criminal Procedure Code the court may decide to hold part of or the whole hearing in private when a minor is involved.¹²³ Furthermore, any interrogation of a child will be carried out by the Judge who may avail of the assistance of family members or an expert in psychology or behavioural science.¹²⁴ Any child under 14 may choose not to give testimony.¹²⁵

49. Under Law 4083, which creates a programme of assistance and protection for victims and witnesses in criminal procedures, victims and witnesses are guaranteed psychological, medical and legal assistance.¹²⁶ Moreover, the Law guarantees protective security measures where necessary as well as temporary accommodation with food, transport and health care provided for.¹²⁷ Child victims of sexual crimes are listed as especially vulnerable victims who should be afforded special attention.¹²⁸
50. Child victims of SEC may also make use of the 'Gessel Chamber', an entity designed to prevent re-victimisation through providing a child friendly interview space, capacity for recorded interviews that can be used as evidence in judicial processes.¹²⁹

Access to recovery and reintegration

51. Child victims of SEC have a right to recovery and reintegration services, to be protected from revictimisation and to be protected from all dangers arising from their status as a victim of sexual abuse, as provided for by Law 6202.¹³⁰
52. The Victim Assistance Centre, operated by the Public Ministry, offers attention to child victims of SEC. The Centre has thirty three offices around the country and offers access to psychologists and social workers.¹³¹ However, this service is focused mainly on providing assistance throughout the criminal process and offers help to all vulnerable victims, not only victims of SEC.¹³²
53. In 2019 a specialised centre for girl victims of exploitation was opened in San Lorenzo, with the capacity to house up to 12 children and adolescents.¹³³ However, this centre has never been utilised and remains empty.¹³⁴ In addition, the organisation Las Hermanas del BuenPastor run a centre for children under an agreement with the Ministry for Children and Adolescents.¹³⁵ Overall, there are a worrying lack of adequate recovery and reintegration services operating within Paraguay, with much of the help available focusing on offering assistance and protection throughout the criminal process.

Access to compensation

54. Under Law 6202 it is stated that child victims of sexual abuse have the right to all forms of reparation, including full compensation that must be easily accessible and adapted to children.¹³⁶ The Code of Criminal Procedure provides that during sentencing a judge may order compensation to be paid to the victim for damages caused.¹³⁷ Victims may also file a civil action in order to claim compensation.¹³⁸ Additionally, under the Anti-Trafficking Law, victims may be granted compensation for, among other things, all medical or psychological treatment, rehabilitation costs, legal costs and all non-material costs resulting from physical, psychological or emotional suffering.¹³⁹ There are no State managed funds through which child victims of SEC may claim compensation. In the course of this research it has not been possible to verify whether victims of SEC have been able to

effectively access compensation.

Recommendations to the Government of Paraguay

15. Ensure that enough shelters for children victims of sexual exploitation are available, properly funded, staffed by well-trained personnel and able to offer integrated services (psychological, legal, medical, etc.);
16. Increase victim identification efforts, notably by providing adapted training to public servants, law enforcement officers, immigration agents and health care workers;
17. Make sure that all victims of sexual exploitation of children benefit from the legal protections given under the legislation pertaining to child sensitive justice;
18. Ensure that law enforcement agencies have the funds, resources and skills to identify, investigate and respond to sexual exploitation of children and are able to use adapted protocols when dealing with child victims of sexual exploitation;
19. Develop a comprehensive national database on sexual exploitation to monitor progress on child protection, and ensure that information is shared with child rights organisations
20. Ensure that all victims of sexual exploitation of children have effective access to adequate levels of compensation.

¹ See Human Rights Council. (2016). [UPR of Paraguay– Second Cycle – Thematic List of Recommendations.](#)

² Human Rights Council. (2016). [Report of the Working Group on the Universal Periodic Review: Paraguay.](#) A/HRC/32/9 12th April 2016 Recommendations 102.2, 105.1, 102.77, 102.91, 102.12, 102.83, 102.87, 102.81, 102.92, 102.101.

³ *Ibid.*, Recommendations 102.77, 102.83, 102.87, 102.81, 102.92.

⁴ *Ibid.*, Recommendations 102.2, 105.1.

⁵ *Ibid.*, Recommendations 102.12, 102.101.

⁶ *Ibid.*, Recommendation 102.91.

⁷ In line with the recently and widely adopted Terminology Guidelines, ECPAT prefers the term “exploitation of children in prostitution” instead of “child prostitution.” ECPAT International (2016). [Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse, Adopted by the Interagency Working Group in Luxembourg, 28 January 2016](#), 29. Bangkok: ECPAT.

⁸ In line with the recently and widely adopted Terminology Guidelines, ECPAT prefers the term “child sexual exploitation material” or “child sexual abuse material” instead of “child pornography.” *Ibid.*, 39.

⁹ *Ibid.*, 54.

¹⁰ World Factbook. (n,d). [Paraguay.](#)

¹¹ *Ibid.*

¹² UNICEF. (2019). [The State of the World’s Children 2019. Children, Food and Nutrition: Growing well in a changing world.](#) UNICEF, New York. 194.

¹³ The World Bank. (n,d). [Country Overview: Paraguay.](#)

¹⁴ *Ibid.*

¹⁵ World Bank. (2018). [Gross domestic product 2018.](#)

¹⁶ United Nations Development Programme. (2019). [Human Development Report: Paraguay.](#)

¹⁷ UNICEF. (2019). [Country Office Annual Report: Paraguay.](#)

¹⁸ *Ibid.*

¹⁹ NPY. (2020). [La mitad de los niños abusados este 2020 tienen entre 10 a 13 años.](#)

²⁰ *Ibid.*

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- ²¹ ITU. (n,d). [Mobile cellular subscriptions per 100 inhabitants](#).
- ²² ITU. (n,d). [Individuals using the Internet](#).
- ²³ ECPAT International. (2018). [Trends in online child sexual abuse materials](#). Bangkok : ECPAT International.
- ²⁴ UNICEF. (n,d). [A mi no me va a pasar](#). 39.
- ²⁵ *Ibid.*, 48.
- ²⁶ *Ibid.*, 72.
- ²⁷ *Ibid.*, 64.
- ²⁸ *Ibid.*, 79.
- ²⁹ La Nacion. (2020). [Pornografía infantil: Consumidores, potenciales abusadores](#).
- ³⁰ HOY. (2020). [Cada semana hay 100 nuevos reportes de pornografía infantil en Paraguay](#).
- ³¹ UNICEF. (2019). [Country Office Annual Report: Paraguay](#).
- ³² Republic of Paraguay. (2011). [Magnitud y características del trabajo infantil y adolescente en el Paraguay](#). 14.
- ³³ *Ibid.*, 76.
- ³⁴ Global Infancia. (2010). [Tan sola y tan lejos de casa](#).
- ³⁵ Republic of Paraguay. (2017). [Coordinacion de Erradicacion de Trabajo Infantil y Proteccion del Trabajo Adolescente](#).
- ³⁶ UNICEF. (2014). [Situación del Derecho a la Protección Infantil y Adolescentre en Paraguay](#). 58.
- ³⁷ Grupo Luna Nueva. (2011). [La trata interna de niñas, niños y adolescentes con fines de explotación sexual](#).
- ³⁸ *Ibid.*
- ³⁹ Republic of Paraguay. (n,d). [Más del 70% de las víctimas de trata son mujeres y niñas](#).
- ⁴⁰ *Ibid.*
- ⁴¹ Republic of Paraguay. (n,d). [Turismo Receptor 2019](#).
- ⁴² ECPAT International. (2016). [Offenders on the Move: Global Study on Sexual Exploitation of Children in Travel and Tourism](#). Bangkok : ECPAT International.
- ⁴³ The Code. (n,d). [Members of the Code](#).
- ⁴⁴ UNICEF. (2019). [The State of the World's Children 2019. Children, Food and Nutrition: Growing well in a changing world](#). UNICEF, New York. 234.
- ⁴⁵ UNFPA. (2020). [Prácticas nocivas como las uniones tempranas siguen afectando a mujeres y niñas e impiden la igualdad en el Paraguay y en el mundo](#).
- ⁴⁶ *Ibid.*
- ⁴⁷ Republic of Paraguay. (2016). [Encuesta de Indicadores Múltiples por Conglomerados](#). 191.
- ⁴⁸ *Ibid.*
- ⁴⁹ *Ibid.*
- ⁵⁰ Republic of Paraguay. (2003). [Law 2169](#).
- ⁵¹ Republic of Paraguay. (1997). [Penal Code](#) as modified by [Law 3440/2008](#). Article 135.
- ⁵² *Ibid.*
- ⁵³ *Ibid.*
- ⁵⁴ *Ibid.*, Article 137.
- ⁵⁵ *Ibid.*, Article 138.
- ⁵⁶ *Ibid.*, Article 139
- ⁵⁷ *Ibid.*
- ⁵⁸ *Ibid.*
- ⁵⁹ *Ibid.*
- ⁶⁰ Republic of Paraguay. (2012). [Law 4788 Anti Trafficking Law](#). Article 5
- ⁶¹ *Ibid.*, Article 4
- ⁶² *Ibid.*, Article 6 -7.
- ⁶³ Republic of Paraguay. (1997). [Penal Code](#). Article 226.
- ⁶⁴ *Ibid.*, Articles 27 and 67.
- ⁶⁵ Republic of Paraguay. (2006). [Law 2861/2006](#). Article 1.

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- ⁶⁶ *Ibid.*, Article 2.
- ⁶⁷ *Ibid.*, Article 3.
- ⁶⁸ *Ibid.*, Article 6.
- ⁶⁹ *Ibid.*, Article 4.
- ⁷⁰ Republic of Paraguay. (1997). [Penal Code](#) as modified by [Law 3440/2008](#). Article 135.
- ⁷¹ Republic of Paraguay. (2006). [Law 2861/2006](#). Article 7.
- ⁷² Republic of Paraguay. (2016). [Law 5653](#). Article 3.
- ⁷³ Republic of Paraguay. (2012). [Law 4788 Anti Trafficking Law](#). Article 5.
- ⁷⁴ *Ibid.*
- ⁷⁵ *Ibid.*, Article 8.
- ⁷⁶ *Ibid.*, Article 14.
- ⁷⁷ *Ibid.*, Article 6.
- ⁷⁸ *Ibid.* Article 3.
- ⁷⁹ Republic of Paraguay. (2005). [Tourism Law](#). Article 39.
- ⁸⁰ Republic of Paraguay. (2015). [Law 5419/2015](#). Article 1.
- ⁸¹ *Ibid.*
- ⁸² Republic of Paraguay. (2012). [Law 4788 Anti Trafficking Law](#). Article 5.
- ⁸³ Republic of Paraguay. (1997). [Penal Code](#). Article 6.
- ⁸⁴ *Ibid.*, Article 8.
- ⁸⁵ *Ibid.*, Article 9
- ⁸⁶ *Ibid.*
- ⁸⁷ Republic of Paraguay. (1998). [Code of Criminal Procedure](#). Article 147.
- ⁸⁸ Republic of Paraguay. (n,d). [Tratados](#).
- ⁸⁹ Republic of Paraguay. (2014). [Política Nacional de Niñez y Adolescencia](#).
- ⁹⁰ *Ibid.*
- ⁹¹ Republic of Paraguay. (2014). [Plan Nacional de Niñez y Adolescencia](#). 38.
- ⁹² Grupo Luna Nueva. (August, 2020). Personal Communication.
- ⁹³ La Nacion. (2019). [Presentan "Plan Nacional de Niñez y Adolescencia 2019-2024"](#).
- ⁹⁴ Grupo Luna Nueva. (August, 2020). Personal Communication.
- ⁹⁵ Republic of Paraguay. (2019). [Estrategia Nacional de Prevención y Erradicación del Trabajo Infantil y Protección del Trabajo Adolescente en el Paraguay](#). 32.
- ⁹⁶ *Ibid.*, 39.
- ⁹⁷ Republic of Paraguay. (n,d). [Paraguay y la Protección de la Niñez Contra el Abuso y Todas Formas de Violencia](#).
- ⁹⁸ *Ibid.*, 22.
- ⁹⁹ Republic of Paraguay. (2001). [Code for Children and Adolescents](#). Article 43.
- ¹⁰⁰ *Ibid.*, Article 42.
- ¹⁰¹ *Ibid.*, Article 25.
- ¹⁰² *Ibid.*, Article 31.
- ¹⁰³ Republic of Paraguay. (2020). [Registro de agresores sexuales traerá un antes y un después en materia de protección a menores](#).
- ¹⁰⁴ *Ibid.*
- ¹⁰⁵ *Ibid.*
- ¹⁰⁶ Republic of Paraguay. (2020). [Con el llamado #HacéTuParte lanzan campaña de lucha contra el maltrato y abuso infantil y adolescente](#).
- ¹⁰⁷ Republic of Paraguay. (n,d). [Turismo responsable](#).
- ¹⁰⁸ Republic of Paraguay. (n,d). [Conectate Seguro](#).
- ¹⁰⁹ Republic of Paraguay. (n,d). [Campaña contra la Trata de Personas](#).
- ¹¹⁰ Republic of Paraguay. (2001). [Code for Children and Adolescents](#). Article 167.
- ¹¹¹ *Ibid.*

-
- ¹¹² *Ibid.*, Article 5.
- ¹¹³ *Ibid.*
- ¹¹⁴ *Ibid.*, Article 50.
- ¹¹⁵ Republic of Paraguay. (2018). [Fono ayuda 147 de la SNNA para atender casos de maltratos.](#)
- ¹¹⁶ *Ibid.*
- ¹¹⁷ Republic of Paraguay. (n,d). [Denuncia de Trata de Personas y Explotación Sexual Infantil.](#)
- ¹¹⁸ Republic of Paraguay. (2001). [Code for Children and Adolescents.](#) Article 3.
- ¹¹⁹ *Ibid.*, Article 34.
- ¹²⁰ *Ibid.*, Article 158.
- ¹²¹ *Ibid.*, Article 161.
- ¹²² *Ibid.*, Article 29.
- ¹²³ Republic of Paraguay. (1998). [Code of Criminal Procedure.](#) Article 368.
- ¹²⁴ *Ibid.*, Article 391.
- ¹²⁵ *Ibid.*, Article 205.
- ¹²⁶ Republic of Paraguay. (2011). [Law 4083.](#) Article 8.
- ¹²⁷ *Ibid.*, Article 9.
- ¹²⁸ *Ibid.*, Article 3.
- ¹²⁹ Republic of Paraguay. (n,d). [Cámara Gessel.](#)
- ¹³⁰ Republic of Paraguay. (2018). [Law 6202.](#) Article 4.
- ¹³¹ Republic of Paraguay. (n,d). [Dirección del Centro de Atención a Víctimas.](#)
- ¹³² *Ibid.*
- ¹³³ Republic of Paraguay. (2019). [Habilitan centro de atención a víctimas de explotación en San Lorenzo.](#)
- ¹³⁴ Grupo Luna Nueva. (August, 2020). Personal Communication.
- ¹³⁵ *Ibid.*
- ¹³⁶ Republic of Paraguay. (2018). [Law 6202.](#) Article 4.
- ¹³⁷ Republic of Paraguay. (1998). [Code of Criminal Procedure.](#) Article 439.
- ¹³⁸ *Ibid.*, Article 27.
- ¹³⁹ Republic of Paraguay. (2012). [Law 4788 Anti Trafficking Law.](#) Articles 17-18.