



**Convention on the
Rights of the Child**

Distr.: General
13 August 2012
English
Original: Spanish

Committee on the Rights of the Child

**Consideration of reports submitted by States
parties under article 12, paragraph 1 of the
Optional Protocol to the Convention on the Rights
of the Child on the sale of children, child
prostitution and child pornography**

Initial reports of States parties due in 2005

Paraguay

[18 October 2010]

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I. Introduction

General data on the population of Paraguay¹

1. According to the Directorate-General of Statistics, Surveys and Censuses, the total population of the country in 2007 was 6,054,976, of whom 3,532,553 (58.34 per cent) lived in urban areas and 2,522,423 (41.66 per cent) in rural areas. Of the country's total population, 30.7 per cent lived in Central Department (1,860,603) and 8.6 per cent (518,846) in Asunción.² Approximately 43 per cent of the total population are aged under 18.

2. Results of the Indigenous Household Survey 2008 indicate that the indigenous population that year totalled 108,308 persons, representing 1.7 per cent of the country's total population. A little more than half of them are male (50.8 per cent). Some 52.5 per cent live in the eastern region, and 47.5 per cent in the western region. Ordered by age, the figures show that the population is especially young, with a low proportion of adults.³

3. In 2007, 35.6 per cent of the population (2,155,572 persons) lived in poverty – 19.4 per cent (1,174,665 persons) in extreme poverty and 16.3 per cent (980,907 persons) in conditions of poverty that were not extreme. Trends over the past five years indicate a 2.3 per cent rise in the number of people who have gone from living in poverty to extreme poverty. The percentage of extremely poor in urban areas has risen from 12.8 per cent to 15.7 per cent since 2004, and from 22.8 per cent to 24.4 per cent in rural areas, in spite of the implementation of a number of programmes and social projects.⁴

4. In absolute terms, the majority of the country's poor (around 1,273,000 people) live in urban areas. Of them, 6.6 per cent live in Asunción, 33.7 per cent are concentrated in the urban areas of Central Department, and 18.7 per cent in the country's remaining urban areas. Of the total number of poor, 40.9 per cent live in rural areas.

5. The sexual exploitation of children and trafficking in persons is prevalent in border areas, such as the so-called "triple-border" region between Paraguay, Brazil and Argentina. Women and girls, in particular, are the most common victims of trafficking in persons.

6. The country is divided for administrative purposes into 17 departments and 238 municipalities. Municipalities on the border with Brazil and Argentina are the most affected by sexual exploitation and trafficking for the purpose of sexual exploitation. Domestic trafficking, however, affects all departments.

7. Paraguay ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography by Act No. 2134/2003. The present document constitutes the first report submitted by Paraguay under the Optional Protocol.

¹ Data from the strategic plan of the National Secretariat for Children and Adolescents, 2009.

² Government of the Republic of Paraguay, Directorate-General of Statistics, Surveys and Censuses, key results of the Continuous Household Survey 2007 (Asunción, Paraguay, June 2008).

³ Government of the Republic of Paraguay, Directorate-General of Statistics, Surveys and Censuses, Indigenous Household Survey 2008 (Asunción, Paraguay, August 2008).

⁴ Government of the Republic of Paraguay, Directorate-General of Statistics, Surveys and Censuses, Recent Poverty Statistics, Continuous Household Survey 2007 (Asunción, Paraguay, August 2008).

II. Preparation of the report

8. For the preparation of this report, which was the responsibility of the National Secretariat for Children and Adolescents (SNNA), a technical design team was selected to gather information from the various State and private institutions. Institutions directly involved in the preparation of the report included: the Ministry of Education and Culture; the Ministry of Public Health and Social Welfare; the Secretariat for Women; the Directorate-General of Statistics, Surveys and Censuses; the Public Prosecution Service; the Supreme Court of Justice; the Ministry of Justice and Labour; the Ministry of the Interior; the Ministry of Foreign Affairs; and other institutions and NGOs.

III. Planning and legislative progress towards implementation of the Optional Protocol

9. Measures to implement the Optional Protocol have been taken gradually, given that it was necessary first of all to assess the situation of children and adolescents affected by rights violations before weighing up responses, in terms of policies or other administrative or judicial measures, to combat this scourge.

10. The implementation of Act No. 1680/01 establishing the Code on Children and Adolescents has led to the establishment of administrative institutions such as the National System for the Comprehensive Protection and Advancement of Children and Adolescents, which brings together a series of initiatives and interrelated and coordinated bodies with the aim of ensuring the full enjoyment by children and adolescents of their rights. National, departmental and municipal councils are represented in the System. The executive is represented on the National Council for Children and Adolescents through the Ministry of Public Health and Social Welfare, the Ministry of Education and Culture, and the Ministry of Justice and Labour. The judiciary is represented by the Public Prosecution Service and Public Defence Service, and domestic NGOs are also represented.

11. Under Executive Decree No. 15201/01, the National Secretariat for Children and Adolescents was established with ministerial status to facilitate coordination between the System's different organizational levels. The tasks of the body include ensuring the implementation of policies developed by the System, by carrying out plans and programmes to give impetus to public policies designed to deal effectively with the social problems affecting the rights of children and adolescents, and thereby becoming the hub and principal driver for the coordination of institutions working with and for children.

12. The Council has won approval for policies and national plans, as well as programmes to be carried out by the National Secretariat for Children and Adolescents. They include:

- (a) National policy on childhood and adolescence (2003–2013) and its related plan of action (2003–2008);
- (b) Policy on the restitution of the rights of street children and adolescents;
- (c) National policy on early childhood care;
- (d) National plan for the prevention and elimination of sexual exploitation of children and adolescents (2003–2008);
- (e) National plan for the prevention and elimination of child labour and for the protection of adolescent workers (2003–2008);

(f) Plan for the prevention and elimination of abuse and sexual exploitation (2008–2013);

(g) National plan for the promotion of an equitable quality of life and health for children and adolescents (2010–2015).

13. The following programmes and measures, among others, are being implemented:

- Programme for universal birth registration and civil identity documents
- Strengthening of public policy on children and adolescents
- Methodological proposal for drawing up public policy on youth offenders
- Strategic planning by the National Secretariat for Children and Adolescents

14. Paraguay has ratified most human rights treaties and made progress on amending its legislation accordingly, in an attempt to bring its provisions into line with the principles of the Convention on the Rights of the Child. The following laws on protection have been passed:

- Act No. 1600/00 on domestic violence
- Act No. 1680/01 establishing the Code on Children and Adolescents
- Act No. 1938/02 on asylum requests by unaccompanied children

A. Adoption of laws related to the Optional Protocol

15. The following laws can be regarded as measures related to implementation of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography:

(a) Act No. 2754/1990, on the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(b) Act No. 1683/2001, ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women;

(c) Act No. 1925/2002, ratifying the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities;

(d) Act No. 2134/2003, ratifying the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography;

(e) Act No. 2396/2004, ratifying the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the provisions of the Criminal Code relating to trafficking in persons for sexual purposes;

(f) Act No. 2161/06,⁵ on the suppression of the trade and commercial dissemination of pornographic material depicting minors or the disabled;

(g) Act No. 3156/06, amending the Civil Registry Act in order to facilitate the registration of children who have no birth certificate;

(h) Act No. 3440/08, amending the Criminal Code;

⁵ The Act was made obsolete in 2008 by amendments to the Criminal Code.

(i) Act No. 2169/03, which sets the age of majority and reaffirms that where doubts exist about the age of a person, it will always be presumed that he or she is a child or adolescent;

(j) Act No. 1657/2001, ratifying the International Labour Organization (ILO) Worst Forms of Child Labour Convention, 1999 (No. 182). In March 2005, Decree No. 4951, regulating Act No. 1657/2001 and establishing a list of dangerous forms of child labour,⁶ was signed;

(k) Decree No. 3279/2004, establishing 31 May as the national day against the ill-treatment and sexual and labour abuse of children and adolescents in Paraguay, and 18 June as the international day against the commercial sexual exploitation of children;⁷

(l) Decree No. 4907/2005, establishing the National Committee for the Protection of Street Children (CONASICA);

(m) Decree No. 5093/2005 establishing the Inter-Agency Board on Trafficking in Persons in Paraguay.

16. Article 31 of Act No. 1680/01, establishing the Code on Children and Adolescents, explicitly prohibits the use of children and adolescents in the sex trade, and in the preparation, production or distribution of pornographic publications. It also prohibits their access to pornographic shows.

17. Under this legislative framework, the problem is recognized and victims of commercial sexual exploitation are protected. The Criminal Code, however, has serious shortcomings in this respect.

18. The sexual exploitation of children and adolescents is a crime under the Criminal Code (Act No. 1168/97). Although the sex trade between adults is permitted and prostitution is not considered a crime, trafficking in persons, procuring and pimping are.

19. With regard to legislative measures taken in the context of the Optional Protocol, mention should be made of Act No. 2861/2006,⁸ which suppresses the trade and commercial distribution of pornographic material using images of children or persons with disabilities.

20. The Act is significant due to its broad definition of such crimes, which were not previously covered in the Criminal Code, and the scope it provides for punishment.

21. Some of the Act's innovative articles are set out below:

- Article 7 establishes the specific obligation to report such crimes, on pain of a custodial sentence of up to 3 years or a fine for the failure to do so
- Article 8 prohibits the application of substitute or alternative measures to pretrial detention or conditional release for persons standing trial on charges of committing acts punishable under the Act
- Article 5 states that where the perpetrator has traded or acted as a member of a group created for the purpose of committing the offences set out in the above articles, the

⁶ Prohibitions include: street work or street selling; work entailing travel to other countries and regular border crossings; night work (from 7 p.m. to 7 a.m.); modelling work for the creation of erotic images; child domestic labour and work as servants. Domestic work may be permitted for persons aged 16 or over, so long as their rights to education and health are safeguarded.

⁷ Following outrage at the sexual abuse and murder of a girl who sold medicinal herbs in public places.

⁸ In force until 2008.

provisions of articles in the Criminal Code on pecuniary penalties and special wide-ranging confiscation measures shall be applied

22. With regard to the safeguarding of rights and guarantees during criminal prosecution, the following provisions for safeguarding the rights and guaranteeing the best interests of the child or adolescent must be observed:

- Images in the possession of the Public Prosecution Service shall not be handed over to the parties involved or shown to third parties.
- A document listing the contents of the images shall be drawn up and made available to the parties involved, and shall remain confidential.
- The accused shall be allowed to be present when the document is drawn up. If unable to attend in person or to be represented by their counsel, the accused may request of the judge responsible for procedural safeguards that they be shown the images in a closed hearing of the parties. Their observations shall be noted in the record.
- The images shall not be reproduced, unless the court rules otherwise. The sole ground for such a ruling shall be the need to keep evidence intact. The party that requests the measure shall be entitled to challenge a decision to turn down its request. The Public Prosecution Service and victim shall be entitled to challenge a decision granting the measure.
- Any persons with access to the images because of their role as a public servant or their professional activity are, in accordance with the provisions of this article and other laws, personally responsible for ensuring that their content is neither totally nor partially reproduced, disseminated or divulged (art. 9).
- Failure to comply with the above-mentioned provisions is punishable by custodial sentences ranging from 5 to 10 years (art. 10).

B. The Criminal Code as amended

23. The Criminal Code provides for the offence of abandonment, which carries a custodial sentence of up to 5 years, or up to 10 years if the victim is the perpetrator's child.

24. In cases of sexual assault and rape involving victims under 18 years of age, custodial sentences range from 3 to 10 years. The fact that the victim is underage is considered to be an aggravating circumstance.

25. Formerly, trafficking in persons was only classified as an offence under the Code when it was for the purpose of prostitution (art. 129). Under the amendment contained in Act No. 3440/08, trafficking in persons for the purpose of sexual (art. 129 (b)), personal or labour exploitation (art. 129 (c)) is also deemed to be an offence.

26. The offence of trafficking for the purpose of sexual exploitation is no longer limited to prostitution but refers to any sexual act. It carries a custodial sentence of up to 9 years. Where the victim is under 14 years of age, the penalty may be increased to up to 12 years in prison.

27. Trafficking for the purpose of personal and labour exploitation carries a custodial sentence of up to 8 years, which can rise to 12 years if the offence was committed in order to traffic in body organs. However, the fact that the victim is underage does not constitute an aggravating circumstance in this case.

28. Chapter VI of the Criminal Code covers all punishable acts against children and adolescents, formerly entitled “punishable acts against minors”. It defines the following offences:

Table I

Punishable acts against children and adolescents defined in the Criminal Code

<i>Offence</i>	<i>Penalty</i>
Physical ill-treatment of children and adolescents in care (art. 134)	Custodial sentence of up to 3 years or fine ⁹
Sexual abuse of children (art. 135)	Fine or custodial sentence of up to 3 years, which can be increased to 5, 6, 12 or 15 years, depending on the circumstances
Sexual abuse of persons in care (art. 163)	Custodial sentence of up to 3 years or fine
Statutory rape (art. 137) ¹⁰	Fine
Homosexual acts involving minors (art. 138) ¹¹	Custodial sentence of up to 2 years or fine
Procuring (art. 139)	Custodial sentence of up to 5 years or fine
Pornography related to children and adolescents (art. 140)	Custodial sentence of up to 5 years or fine

29. The criminal offence of sexual abuse of children provides for the application of the same penalty to a person who carries out sexual acts in front of, or directs them at, a child, or induces the child to carry out such acts in front of them or other persons.

30. Sexual intercourse with a victim who is in the care of the perpetrator or with a victim under 10 years of age is considered to be an aggravating circumstance, as is the combination of aggravating circumstances.

31. In the case of the criminal offence of procuring, the victim must be a minor led to engage in prostitution by the procurer.

32. Where the perpetrator acts for commercial gain, the penalty may rise to 6 years, or to 8 years if the victim is under 14 years of age.

33. It should be noted that the criminal offence of child pornography has been introduced into the Code in response to the need to align the domestic legal framework with the Optional Protocol.

34. The criminal offence includes:

- The production of publications depicting sexual acts involving persons under 18 years of age, with a view to exciting sexual appetite or displaying their genitalia for the purpose of pornography

⁹ The harm caused by the ill-treatment is considered to be an aggravating circumstance if it is equivalent to the criminal offence of serious injury.

¹⁰ The victim must be female and aged between 14 and 16 in order for this category of criminal offence to apply.

¹¹ The victim must be aged between 14 and 16.

- The organization, financing or promotion of shows (public or private) in which a person under 18 years of age participates in sexual acts
- The distribution, import, export, proffering, exchange, exhibition, dissemination, promotion or financing of the production or reproduction of publications depicting the performance of sexual acts involving persons under 18 years of age

35. Aggravating circumstances include: the use of persons under 14 years of age, which can lead to an increase in custodial sentences of up to 10 years; the exercise by the perpetrator of parental authority, guardianship or care over the victim; the use of force, violence, threats, coercion, deception, payment or any promise of remuneration, or attempts to make commercial gain by the perpetrator.

36. Possession of pornographic materials involving minors can also lead to custodial sentences of up to 3 years or fines.

37. Because domestic laws have been harmonized with the Optional Protocol, tools are in place to enable their implementation. Nevertheless, shortcomings remain, in particular with regard to complaints mechanisms and effective, timely responses to protect victims and witnesses, given that there is no protection programme for victims or witnesses affected by this problem.

C. The commercial sexual exploitation of children and adolescents in figures

38. The Secretariat for Social Action carried out research in 2001 in the framework of the Amar Project, which is supported by the European Union,¹² focusing on four municipalities: Asunción, Ciudad del Este, Hernandarias and Presidente Franco. The results revealed 619 cases of sexual exploitation of children and adolescents between the ages of 8 and 18 years in the street, brothels, bars and dance clubs.

39. Further results are available from a project implemented across the country, and notably in the triple-border region, by the ILO International Programme on the Elimination of Child Labour (IPEC). Its assessment of the situation reveals that a total of 3,500 children and adolescents are affected by sexual violence in the triple-border region between Argentina, Brazil and Paraguay.¹³ The study also indicates that many of them are victims of sexual exploitation linked above all to work in the streets.

40. Other data are given in the 2004 report by the United Nations Special Rapporteur on the sale of children, child prostitution and child pornography, Mr. Juan Miguel Petit, which confirms that sexual exploitation is a problem in Paraguay and that it is linked to organized crime.

41. The report indicates that one of the gravest shortcomings is the system of social and judicial protection, noting that threats have been received by “various people whose work brings them into contact with the victims of sexual exploitation, such as justices of the

¹² The research was carried out by the NGO Base Educativa y Comunitaria de Apoyo (BECA) and covered Asunción, Ciudad del Este, Hernandarias and Presidente Franco, cities on the border with Brazil, and was published in 2001.

¹³ ILO, *Sensibilización y Fortalecimiento Institucional. Colección de buenas prácticas y lecciones aprendidas en prevención y erradicación de la explotación sexual comercial (ESC) de niñas, niños y adolescentes* (Awareness-raising and institution-building: Collection of good practices and lessons learned related to the prevention and elimination of commercial sexual exploitation of children and adolescents) (Paraguay, 2005), p. 127.

peace, officials working for the municipal advisory services on the rights of children and adolescents (CODENIS) and teachers working with street children”. The Special Rapporteur adds that in the triple-border region “there are powerful and dangerous forces at work in and profiting from the underground economy generated by sexual exploitation”.¹⁴

42. Sexual exploitation linked to trafficking in persons has progressively become more common, against a backdrop of poverty and social and economic insecurity that has created favourable conditions for trafficking in persons, mainly girls and women, by domestic and international networks.

43. There is little information on the subject, although one exploratory study on trafficking in persons carried out by the International Organization for Migration (IOM) in Paraguay¹⁵ provides an account of cases revealed in the press between 2000 and 2004. According to the study, press reports during those years show that 70 per cent of recorded cases were related to international trafficking and 30 per cent to internal trafficking.¹⁶

44. Internal trafficking is barely visible compared with external trafficking, a situation compounded by the fact that it is not classified as an offence in the current Criminal Code. It therefore goes unreported and has come to be regarded as normal. One clear example of this is the still widespread use of servants.¹⁷

45. Although few studies have been able to shed much light on the situation, it is known where victims are sent when they are sent abroad: historically Argentina and, more recently, Spain and other European countries.

46. Trafficking in persons mainly affects women and becomes a doubly profitable business when combined with sexual exploitation. It involves a broad range of participants and is mostly backed or encouraged by senior police officials and politicians linked to mafia networks.

47. According to a report by the United States Department of State, Paraguay occupies second place among countries of origin of women, children and adolescents who fall victim to trafficking. Most of the victims are sent to Argentina or Spain for the purpose of sexual exploitation or forced labour.

48. The report states that, of a total of 473 females concerned by this issue, 104 were cases of children and adolescents trafficked for sexual purposes.

49. It also reports that border areas are especially vulnerable, given that little control is exercised over children and adolescents who cross the border, in particular the border with Brazil, in both directions with no protection.

¹⁴ ILO reports in the above-mentioned document that, between May 2003 and April 2004, the Public Prosecution Service raided 22 locations in which it was believed that commercial sexual exploitation was taking place and that charges were brought in 37 cases, including one for pornography that was suspended in the oral hearings.

¹⁵ IOM, *La Trata de Personas en Paraguay. Diagnóstico exploratorio sobre el tráfico o trata de personas con fines sexuales* (Trafficking in persons in Paraguay: Exploratory study of trafficking in persons for sexual purposes) (Buenos Aires, 2005, <http://www.oim.inf>).

¹⁶ Ibid.

¹⁷ Children working as servants lack all legal or social protection, given that they are handed over by their families, who are often deceived into believing that they will be allowed to study, and are subsequently exploited as labour and suffer all sorts of ill-treatment and sexual abuse. This practice is accepted by society and considered to be beneficial for poor children.

D. Child pornography

50. In 2003, Paraguay ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, thereby taking on the responsibility of combating these problems. Until 2006, however, the law made no provision for such offences. Reporting the perpetrators therefore had no positive outcome for the victims.¹⁸

51. In early 2006, Congress passed Act No. 2861/06 classifying child and adolescent pornography as an offence, creating a new situation in which the problem is viewed as a punishable criminal offence.

52. Leaving aside legislation, it has to be recognized that certain cultural practices could be seen as highly pornographic. They include model and beauty contests, mostly involving young women, which are heavily promoted by the press and financed by companies. This type of activity is not perceived by the general public as a problem but rather as an opportunity for children, adolescents and their families to participate “freely” and earn money.

53. Erotic photographs, mainly of girls and young women, are constantly published by the media, especially the press, and the production of home-made videos showing explicit sexual acts involving adolescents is increasing.¹⁹ They are sold in the streets, without any legal restriction and, it could almost be said, with the consent and for the enjoyment of the general public.

54. The predominant attitude is that the girls are not victims and for that reason the purchase or sale in the street of videos featuring them is not considered to be an offence, on the assumption that they willingly participate and enjoy their interaction with the older persons involved, who in most cases are their boyfriends.

55. There are many gaps not only in the legal framework and law enforcement but also in the comprehensive care policies for victims that are aimed at prevention, punishment, comprehensive assistance and guaranteed access to justice, which the State is obliged to ensure by virtue of its international commitments.

56. The country’s legal framework makes it possible to report violations of the rights of children and adolescents, but for various reasons, including the lack of protection for victims, impunity and a prejudiced view of the conduct of victims, complaints cannot always be followed up.

57. Judicial intervention continues to be marked by strong biases, given that the common view of victims, especially when they are adolescents, remains that they are prostitutes and not sexually exploited persons.

58. Paraguayan legislation does not provide for the protection of child and adolescent victims of sex and related criminal offences, meaning that the rights of these victims as

¹⁸ The best known case was that of the German photographer Xiscatti, who photographed rural children in the nude and posted the photos on the web. The case was dismissed, according to the prosecution service, for lack of credible evidence.

¹⁹ There are well-known cases of models filmed when they were still under 18 years of age, apparently with their consent. When put on sale, however, such films promote adolescent pornography. In other cases, adolescent boys and girls take photographs of one another with their mobile telephones and pass them on to their partners, who in turn pass them on to other people, or post them on the web.

persons (rights of the child) and as victims are not protected.²⁰ Added to this is the fact that the Code of Criminal Procedure focuses mainly on punishment and the gathering of evidence and ignores the protection of child and adolescent victims.²¹

59. A study of the Criminal Code carried out by Köhn²² in the context of commercial sexual exploitation reveals several gaps in the classification of these offences. By way of example, in an article on procuring, there is no provision for increasing the penalty in cases of sexually exploited children and adolescents. Another article that addresses prostitution equally fails to provide for aggravating circumstances in cases where the procurer involves children and adolescents, and child pornography is not classified as an offence.²³

60. Between 2005 and May 2007, a process to amend the Criminal Code and Code of Criminal Procedure was undertaken by Parliament, leading to proposals to amend the law and criminalize sex offences. However, practically none of those proposals has been taken up in amendments.²⁴

61. The entire chapter on sexual abuse and exploitation, sexual autonomy and pornography is not only insufficient but also violates the principle of minimum guarantees contained in current legislation. As far as child pornography is concerned, the present proposal represents a backward step compared with laws passed only in 2006.

62. However, a step forward has been made with the comprehensive criminalization of trafficking in persons, in line with the Palermo Protocol. Even so, it should be taken into account that an article entitled “Removal of persons” has been proposed that could lead to confusion when the criminal definition is applied.

63. The proposal does not provide for penalties for media outlets that habitually show child and adolescent victims of these offences in the news, thereby generating perverse images and quite often holding the victims themselves responsible for such acts.

64. It should be recognized that efforts have been made to ratify international instruments. However, the legislation is wanting, and the implementation of those instruments is minimal, especially with regard to the definition of criminal acts for which no specific actions or concrete sanctions are provided.

E. Processes launched by different bodies to understand and tackle the problem

65. In 2001, the Coordinating Office for the Rights of Children and Adolescents (CDIA) set up a working group, in which State institutions, other civil society organizations and international cooperation agencies were able to take part, in order to prepare for Paraguay’s

²⁰ Martínez, Teresa and Barboza, Lourdes, consultants, “Bill on the protection of child and adolescent victims of sexual violence in criminal trials”, submitted to Parliament in 2004 by BECA.

²¹ In Ciudad del Este, in November 2006, the national police arrested an adolescent transvestite in the street on the grounds that she was a sex worker, thereby shifting the responsibility for being a victim on to her.

²² Marcos A. Köhn Gallardo, *Aplicación de la legislación en Argentina y Paraguay* (Implementation of legislation in Argentina and Paraguay) (Asunción, ILO-IPEC, 2005).

²³ A law was passed in early 2006 classifying this as an offence.

²⁴ The National Secretariat for Children and Adolescents and civil society bodies filed a request with President Duarte Frutos to veto some of the Code’s articles and thereby safeguard the legislative progress made with regard to child and adolescent pornography. Errors in the presentation of the written veto request prevented adoption of the proposed changes.

participation in the regional seminar for Latin America and the Caribbean and the Second World Congress against Commercial Sexual Exploitation of Children.²⁵

66. One strategy employed by the group was to hold the first Forum on the Sexual Exploitation of Children: Reflection for Action,²⁶ with the aim of placing sexual exploitation of children on the political agenda and proposing the creation of an inter-agency working group to provide clear direction for State policy on the matter.

67. As a result of the forum, the groundwork was laid for the establishment of a tripartite committee on which CDIA-SAS-Amar and the United Nations Children's Fund (UNICEF) were represented. ILO-IPEC and the United Nations Population Fund (UNFPA) joined subsequently, along with State institutions such as the National Secretariat for Children and Adolescents. The main challenge for the committee was to prepare a national action plan to address the problem.

68. In 2002, the process of preparing the action plan began, coordinated by CDIA and with the support of UNICEF and ILO-IPEC.

69. In 2003, the draft plan was submitted to all participating sectors for consultation. The content and structure of the plan were then amended and a final document emerged that was submitted to the National Secretariat and to the National Council for Children and Adolescents.

70. ILO, through an IPEC project focused on the triple-border region,²⁷ has developed an approach to the problem of sexual exploitation. Initiatives undertaken include an assessment of the problem in Ciudad del Este and the establishment of a local committee in the triple-border region.

71. In 2004, the National Council for Children and Adolescents approved a plan for the prevention and elimination of sexual exploitation in Paraguay. It should be noted that this plan is linked to and in line with the national plan of action on childhood and adolescence.

72. An important advance with regard to sexual exploitation is the recognition of it as a social problem, whereby children and adolescents need to be considered as victims, and the implementation of a holistic approach.²⁸

73. In April 2005, the Inter-Agency Board on Trafficking in Persons in Paraguay was established by Decision No. 5093 of the Ministry of Foreign Affairs.²⁹ The principal mission of the board is to provide policy guidance and guidelines on preventing, punishing and combating trafficking in persons.

74. The Ministry of Foreign Affairs is responsible for carrying out the PR-T1012 project in support of efforts to combat trafficking in persons, especially women and children, which

²⁵ The regional meeting took place in Montevideo and the world congress in Yokohama.

²⁶ This event was supported by UNICEF and attended by representatives of the public sector and NGOs. The forum was entitled "Sexual Exploitation of Children: Reflection for Action".

²⁷ The triple border region is where the borders of Brazil, Argentina and Paraguay meet; the project is based in Ciudad del Este in Paraguay.

²⁸ Among NGOs that have worked directly in this area are Luna Nueva (Asunción) and CEPARA (Ciudad del Este).

²⁹ Made up of the Ministry of Foreign Relations, Ministry of the Interior, Ministry of Education and Culture, Ministry of Public Health and Social Welfare, Ministry of Industry and Trade, Secretariat for Women, National Secretariat for Children and Adolescents, Secretariat for Paraguayan Returnees and Refugees, National Secretariat for Tourism, Secretariat for Social Action, Directorate-General of Statistics, Surveys and Censuses, Directorate-General of Migration, the National Police and Itaipú Binacional. The board has been expanded to include other Government agencies and NGOs.

aims to broaden the national debate on the subject by placing it in the framework of protection of human rights, security and justice.

75. In 2005, a regional office was set up in the border town of Ciudad del Este to detect and deal with cases of sexual exploitation and work towards prevention. That office subsequently became, and still is, the regional headquarters of the National Secretariat for Children and Adolescents. This year, the National Secretariat has supported or funded, depending on available resources, projects run by NGOs to tackle the problem of sexual exploitation of children and adolescents.

76. At the end of November 2006, the National Secretariat opened another regional office in the city of Encarnación, the main task of which is to tackle trafficking in children and adolescents and commercial sexual exploitation.

77. One positive outcome that should be noted is the approval by the National Council for Children and Adolescents in 2006, within the framework of the specialized care policies set out in the national and sectoral plans, of a manual that outlines a model for the provision of care by different sectors to the victims of commercial sexual exploitation.³⁰

78. The Secretariat for Women, which is part of the Office of the President, succeeded in establishing, in May 2005, a referral centre for victims and their families, which provides legal, psychological and medical assistance and follow-up for the reintegration of victims of trafficking in persons. It also published a manual on intervention in trafficking in persons, with the support of the Embassy of the United States, in 2006.³¹

79. In 2008, at the request of the Attorney-General (*Fiscal General*) and in concert with the Inter-Agency Board on Trafficking in Persons, a specialized trafficking and exploitation unit was set up within the Public Prosecution Service. The unit is nationwide in scope and has been involved in several operations related to trafficking in persons, both adults and minors, cases of sexual exploitation and the production, distribution and sale of child pornography.

80. A special anti-trafficking section has been set up within the Homicide Division of the National Police. Human resources during this time have received greater support, manpower and specialized training. Similarly, a division devoted to specialized care for victims of violence against women, children and adolescents has been set up in the framework of a project on specialized care for victims of domestic and gender violence. Its offices are presently located in the police headquarters for the capital city area in Fernando de la Mora and, elsewhere in the country, in Villarrica, Encarnación and Ciudad del Este. The division's main objectives are to:

- (a) Guarantee that every victim of violence receives specialized and high quality care;
- (b) Facilitate the full exercise of their rights by victims of violence;
- (c) Ensure that cases receive specialized attention in a manner that is respectful of their human rights;
- (d) Develop coordination mechanisms across the competent Government institutions;

³⁰ The document is an adaptation of a series of manuals edited by ILO in Colombia and developed by the NGO BECA, but yet to be published.

³¹ The manual was prepared by lawyers Teresa Martínez and Lourdes Barboza of the Childhood and Youth Studies Centre (CENIJU). It is an unprecedented tool in Paraguay, and will enable institutions to conceptualize the problem of trafficking in persons and intervene in their areas of competence.

- (e) Create an area for the provision of guidance, counselling, advice and support.

F. Children in the adoption process

(a) Background

81. Act No. 1136/97 established the Adoption Centre as the central administrative authority for adoptions.

82. The centre opened its doors in 1999 and has been working since then with justice officials such as judges, public prosecutors and children's defenders, who refer children available for adoption to the centre so that it can work with them to uphold their right to a permanent family.

83. This pioneering piece of national legislation has established a new approach to work with children who have been abandoned or separated from their families, and stipulates that work with these children must include:

- Seeking and locating the child's biological family
- Maintaining a connection with the child's family of origin
- If a child needs to be separated from his or her family, temporarily housing the child with another family or providing some other form of family-based care until the situation is resolved

84. If possible, the child should return to live with a member of his or her family, or join a new family through the adoption process.

85. The Adoption Centre was the first institution to implement a foster care programme at national level for the children in its care.

86. As part of the foster care programme, families interested in taking on children for a temporary period receive training and support from an interdisciplinary unit. This has not only established foster care at the national level as a means to protect children deprived of family care, but has also pioneered an approach that has, over the course of a decade, produced a great deal of know-how in this area.

87. During its first year of operation, the Adoption Centre developed and implemented, on the basis of the family care model, a form of residential care for children. This form of shelter was named *Hogarcito* ("Little home"), and involved the recruitment of a family group to care for up to eight children.

88. A 2009 review of the institution included an assessment of its temporary care arrangements. It was observed that the *Hogarcito* model had changed with the passage of time: in terms of its atmosphere, spirit and in-house routine, it had moved closer to the institutional model and away from the original family or residential model.

89. Observation of the children in the *Hogarcito* centre, and its in-house routine, revealed that:

- (a) The time the children spent in the care facility easily exceeded 12 months, which undermined the aim of providing temporary care;
- (b) The number of children was over 20, when it should not have exceeded 8 or 10;
- (c) The way in which the system operated led to the children being confined to the shelter, as trips outside the centre were generally limited to medical appointments;

(d) The matron, who was the person the children were supposed to recognize as their primary emotional reference point, ended up dealing with administrative duties rather than with the children, and there was a high turnover among the staff who looked after the children;

(e) There were serious shortcomings in the guidance and training provided to staff assigned to the Hogarcito;

(f) There was virtually no support for the carers;

(g) The children cared for in the shelters displayed many of the symptoms of “institutional syndrome”.

90. It was also noted that the situation was the result not only of existing internal dynamics, but also of the lack of clear guidelines or a suitable institutional structure, in terms of the institution’s design and operating methods, that would allow the spirit of the Hogarcito to endure despite the departure of the directors running the institution.

(b) Change of model

91. Within the framework of the above-mentioned review, it was observed that while the family care model had produced excellent results, the residential care model had not.

92. In view of all these factors, a decision was taken by both the Adoption Centre and the National Secretariat for Children and Adolescents to prioritize family care over institutional care for the children dealt with by the Adoption Centre.

93. The decision was therefore made at the institutional level to close the Hogarcito and refer the children to the foster families registered with the institution or with partner organizations.

94. Measures to prioritize the family model included two assessments for the purposes of comparison, namely an initial assessment of the level of development of each child in the Hogarcito, carried out in September, and a second, similar assessment, carried out three months later, to coincide with the child’s third month with a foster family.

(c) Observation of children under 1 year of age

95. In this age group, the children’s motor skills, language, level of autonomy, level of socialization and cognitive skills were assessed.

96. At the second assessment, following a period in the care of a foster family, significant progress was observed in all the children in this age group, in terms of motor skills, language and level of socialization.

97. Despite having spent only three months with a foster family, the children were able to develop skills that, in view of their age, they should have developed much earlier, and which provided them with a springboard for the subsequent rapid acquisition of new skills in other areas.

(d) Observation of children between 1 and 2 years of age

98. The most significant developmental problems at this stage related to language, level of autonomy and cognitive skills.

99. At the second assessment, following a period in the care of a foster family, it was observed that all the children assessed had made significant progress, mainly in the areas of language, level of autonomy, cognitive ability and level of socialization.

100. Obviously, the opportunity to establish personal bonds with others in a family environment, rather than the types of bonds established in an institution, provided the basis for the development of specific skills in the area of language, with a subsequent impact on the child's cognitive ability and level of autonomy.

(e) **Observations relating to children between 2 and 3 years of age**

101. During the initial assessment of children in this age group, more significant developmental problems were observed, mainly in the areas of language, cognitive ability and level of socialization. Given that these children had been institutionalized for a longer period of time, and in view of the things they had probably experienced before they were referred, it was thought that progress in the above-mentioned areas would pose an even greater challenge.

102. At the second assessment, however, following a period in the care of a foster family, a general improvement was noted in all the areas assessed, particularly with regard to language, cognitive ability and level of socialization. As with the previous group, the children made striking progress in the area of socialization, where they completely overcame their disadvantage.

(f) **Foster-care policy**

103. The challenges of opting for foster care as the care model are essentially twofold: ensuring an effective response to the care needs of all the children referred to the institution; and making sure that the temporary care provided affords comprehensive protection for the child, and is indeed temporary.

104. Thus, the main aim is to ensure that any methods the Adoption Centre introduces, or continues to use, are in line with the comprehensive approach to protection, which draws on the Convention and the current Code on Children and Adolescents.

105. The main role of the foster family is to support the child in need, and his or her family, for whatever length of time is necessary, in order to avoid placing the child in an institution. Foster families therefore provide a complementary form of family care and support for families facing difficulties. One of the other important roles of a foster family is to promote and support the child's ties with his or her biological or adoptive family.

106. Currently, the Adoption Centre is responsible for the following:

107. **Foster families:** As of March 2010, the organization has a roster of volunteer foster families. It has also signed two inter-agency cooperation agreements in that regard, with:

- The Fundación Corazones por la Infancia, a foundation with which it has been working since 2004 in the field of foster care
- Enfoqueniñez, an organization with which it has been working since 2008 in the field of foster care and since 2009 on both foster care and maintaining the family ties of the children in care

108. **Abrigo La Esperanza:** In 2006, an agreement was signed with the Anglican Church that led to the allocation of five places for children over the age of 6 months in this shelter.

109. In the middle of 2010, an outreach campaign was organized to attract new foster families and increase the response capacity of the foster system. The campaign resulted in the registration of 50 new families, who are currently being evaluated.

110. From 2009 to 2010, the capacity of the Adoption Centre in terms of foster care increased by 43 per cent – a very encouraging figure.

111. Meanwhile, the good work done in the field of foster care is reflected in the fact that, of the total number of foster families caring for a child on a temporary basis, only 2 per cent have applied to adopt that child. This is proof of the quality of the assessment and selection process for foster families, as well as of the families' own understanding of their role.

(g) Adoptions

112. To date, the Adoption Centre has registered 466 adoptions. There are currently 80 names on the list of applicants to adopt.

113. At the institutional level, steps have been taken to promote the adoption of older children and children with disabilities, as the current arrangements for these children — if they cannot live with their biological parents — involve placing them in an institution, which is preferably to be avoided.

Table II
Adoptions in Paraguay

<i>Year</i>	<i>Number of registered adoptions</i>
1999	2
2000	27
2001	45
2002	34
2003	36
2004	44
2005	41
2006	57
2007	64
2008	61
2009	44
2010	11
Total	466

Source: SNNA (2010).

114. The biggest problem, with regard to the adoption process, concerns the granting of legal custody for the purpose of adoption.

115. The problem is that people interested in adopting, instead of approaching the Adoption Centre to be assessed and placed on a waiting list, find and contact the child they wish to adopt, then apply to the courts for custody and then wait for two years before applying to adopt the child.

116. This practice violates the spirit of the Adoption Act, and has earned our country a critical remark from the United Nations Committee on the Rights of the Child. At its most recent meeting with representatives of Paraguay in January, the Committee viewed this irregularity as a failure by judges to properly understand the Adoption Act: they award custody of children to families interested in adopting them, before the child in question has been declared available for adoption.

117. Of all the adoptions registered during the last five years, 76 per cent followed this procedure.

118. This problem has led to a review of the Adoption Act at national level.

IV. International return of abducted children and adolescents

119. With regard to the international return of children, Decree No. 3230/04 established the National Secretariat for Children and Adolescents as the central authority for the international return of minors abducted by their parents.

120. It performs this task within the framework of the Hague Convention on the Civil Aspects of International Child Abduction and the Inter-American Convention on the International Return of Children, both of which Paraguay has ratified.

A. Cases handled by the unit on the international return of children

121. October 2009

- Cases pending: 98
- Closed or settled cases: 1
- New cases: 1

122. November 2009

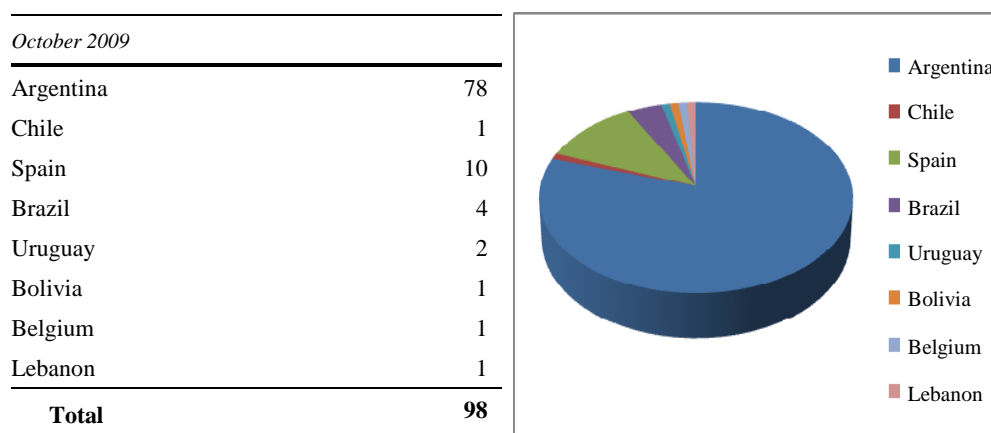
- Cases pending: 101
- Closed or settled cases: 0
- New cases: 3

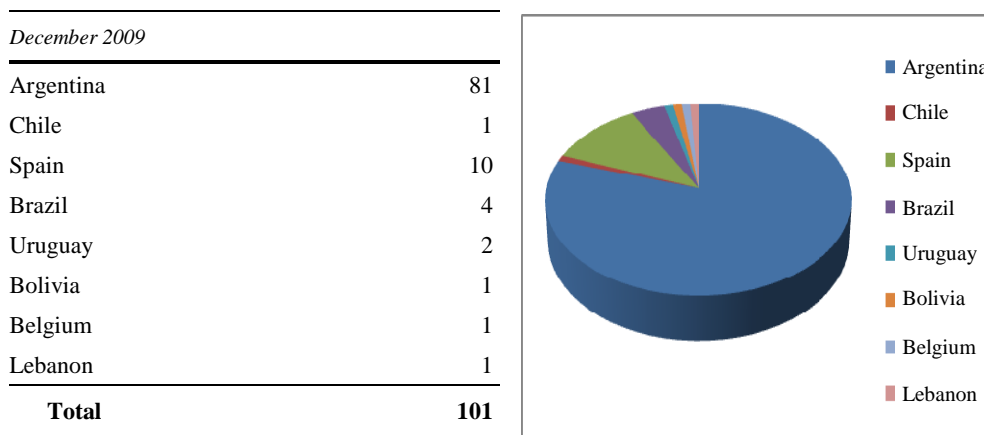
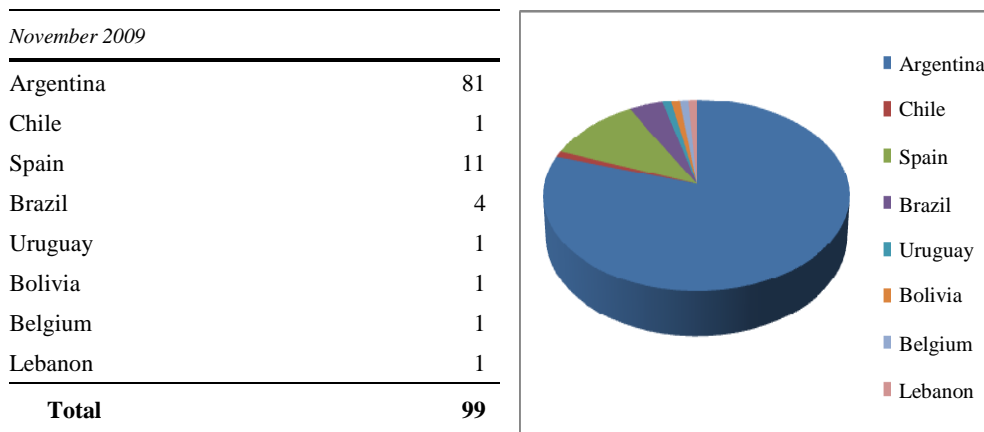
123. December 2009

- Cases pending: 101
- Closed or settled cases: 1
- New cases: 0

124. During this period, the majority of the cases brought before the central authority concerned Argentina. Cases concerning Spain, Brazil, Uruguay, Bolivia, Chile, Lebanon and Belgium were also handled. The table below gives the monthly figures, together with a chart, for cases of return, disaggregated by country.

Table III
Number of cases of return, by country, October–December 2009





125. Constraints include:

- Lack of human resources, which makes it difficult to follow up pending cases, both in the capital and in the rest of the country
- Lack of funds for sending packages, both within the country and abroad, as well as for the payment of judicial notices, photocopying, etc.
- Lack of a direct telephone line for calls to mobile phones or international calls, and for a fax machine for international correspondence

V. Measures to support vulnerable population groups

126. The Government has made progress in adopting measures to integrate vulnerable populations. In line with the national plan of action, special protection plans and programmes are being drawn up for children from indigenous and rural communities. That is why the National Secretariat for Children and Adolescents has promoted and supported the creation and implementation of programmes and plans, at departmental and municipal level, to provide care for children in their own families and communities.

127. In order to strengthen the National System for the Comprehensive Protection and Advancement of Children and Adolescents, the National Secretariat for Children and Adolescents, with the cooperation of the Inter-American Development Bank, is taking steps to disseminate knowledge and raise public awareness of the national policy on childhood

and adolescence, by evaluating, systematizing, studying and creating an information system; designing and piloting ways to help children up to the age of 18 years in six municipalities in six departments in the country, and to respond to the needs of children whose rights have been violated; introducing management and monitoring procedures by drawing up plans at municipal and departmental level and establishing indicators; and making the National Secretariat for Children and Adolescents the main frame of reference for promoting and facilitating the proper functioning of the system.

128. The National Secretariat for Children and Adolescents also runs programmes that allow the authorities to intervene to combat discrimination, which has a dramatic impact on victims. The National Secretariat prioritizes and attaches particular importance to the national plan for the prevention and elimination of sexual exploitation of children and adolescents, the national plan for the prevention and elimination of child labour and for the protection of adolescent workers, the work of the Inter-Agency Board on Trafficking in Persons, and the Comprehensive Care Programme for Street Children.

129. In 2005, the Executive promulgated a decree approving the creation of the National Committee for the Protection of Street Children, chaired by the National Secretariat for Children and Adolescents, and consisting of representatives of other government departments and NGOs.

130. Its implementation programme aims to ensure the restitution of the rights of street children and adolescents, and involves three stages: outreach, detoxification and reintegration in the family or placement in a hostel. The implementation of the programme has made it possible to offer better institutional care in four homes for juvenile drug addicts, from where they are referred to specialist care homes or rehabilitation centres.

131. The comprehensive programme for street children and adolescents in Asunción (PAINAC) has helped and sheltered more than 1,100 children, reuniting a total of 108 children with their biological parents. This programme is aimed at children aged 6 to 14 who have been abandoned in the streets of the capital and are cut off from their families.

132. One successful strategy for lodging complaints and finding help has been the national helpline *Fono Ayuda 147*.³² This is a helpline for children and adolescents whose rights have been violated, especially those facing abuse. It provides psychological, social and legal advice. Measures have been taken to promote the use of the helpline to combat trafficking in the tri-border region between Brazil, Argentina and Paraguay.

133. The Case Referral Centre (Fono Ayuda) of the National Secretariat for Children and Adolescents has provided the following statistics on sexual exploitation, trafficking and other crimes:

Table IV

Statistical data on sexual exploitation, trafficking and other crimes

<i>Violations</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>January– October 2010</i>	<i>Total</i>
Sexual exploitation	2	17	18	2	39
Trafficking	1	2	1	9	13

³² This telephone service was launched in 2008 by the NGO BECA, with the support of UNICEF and Plan Paraguay, and was later transferred to the National Secretariat. In 2009, it became one of the Secretariat's programmes, funded from its budget.

<i>Violations</i>	<i>2007</i>	<i>2008</i>	<i>2009</i>	<i>January– October 2010</i>	<i>Total</i>
Sexual exploitation of children (pornography)	-	3	-	-	3
Sale of prohibited items	-	-	2	-	2

Source: SNNA (2010).

134. Table V contains statistics collected since the third quarter of 2009 and supplied by the unit responsible for preventing the trafficking and sexual exploitation of children and for providing assistance to victims.

Table V
Cases handled during the third quarter of 2009

<i>Cases handled</i>	<i>Gender/age</i>	<i>Type of crime</i>	<i>Year</i>
38	79% (30) male 21% (8) female	79% (30) trafficking for labour exploitation 16% (6) trafficking for sexual exploitation	2009 Third quarter
50	64% (32) male 36% (18) female	66% (33) trafficking for labour exploitation 16% (8) trafficking for sexual exploitation 18% (2) children or adolescents who are victims of sexual exploitation	2009 Fourth quarter
11	100% (11) female	18% (2) victims of trafficking for labour exploitation 82% (9) victims of sexual exploitation	2010 First quarter
7	85.7% (6) female 14.3% (1) male	14.3% (1) trafficking for sexual exploitation 14.3% (1) trafficking for labour exploitation 14.3% victims of violence 57% (4) victims of sexual exploitation	2010 Second quarter
Total: 106	Male: 63 Female: 43	Trafficking for labour exploitation: 65 Trafficking for sexual exploitation: 15 Sexual exploitation: 24 Human trafficking: 1 Violence: 1	July 2009–June 2010

Source: SNNA (2009).

135. Action has been taken to combat the sexual exploitation of children by combining national sectoral plans, promoting, designing and implementing activities at the municipal level to combat sexual exploitation on and off the streets, enforcing the national and municipal legislation on sexual exploitation, and encouraging the effective application of judicial remedies and redress for victims of sexual exploitation, ill-treatment and abuse.

136. The Inter-Agency Board has drawn up protocols on “Support for victims of human trafficking”, “Joint support for victims of human trafficking (Argentina, Brazil, Paraguay)”, “Key players in the field of prevention, support and law enforcement” and “Information management”.

137. The Inter-Agency Board has overseen the following action:

- Information, awareness-raising and prevention campaigns were organized in all areas of government and civic life, the most recent being the December 2009 campaign entitled “Human trafficking = Modern slavery, *eñantendorâke* [watch out!]”
- Administrative officials were trained to accord more decent and humane treatment to migrants, especially children and women, who are the most vulnerable to all types of exploitation and abuse
- Officials of the Directorate-General for Migration received training in how to spot forged documents at the Regional Training Centre for Latin America in Lima and in Foz do Iguacu, Brazil, in October 2009
- It was made compulsory (by Decision No. 090/10 of 23 April 2010) to indicate the passenger’s seat number on boarding and arrival cards filled out by passengers of the airlines operating in Paraguay, in accordance with a commitment made by the Directorate-General for Migration to the Inter-Agency Board on Trafficking in Persons

138. Under the aegis of the Southern Common Market (MERCOSUR), the Comprehensive Programme for Victims of Human Trafficking in the Triple-Border Region between Argentina, Brazil and Paraguay was launched in August 2009, with the technical and financial support of project managers from the IOM regional mission in Buenos Aires and with the support of the IOM representative in Asunción.

139. Thanks to this cooperation, it was possible to assemble a large team and to fully roll out the programme in the three border cities. The target is to assist 80 victims of human trafficking in the three countries. As at November 2009, 25 per cent of that number had been assisted. Participating institutions have begun to provide comprehensive assistance, giving priority to cases involving minors.

140. Under the support programme for efforts to combat trafficking in persons, especially women and girls, and with support from the Inter-American Development Bank, a register of trafficking victims in Paraguay has been established. A statistical study has been done by the Directorate-General of Statistics, Surveys and Censuses, which reports to the Government’s Secretariat for Planning.

141. The Inter-Agency Board is developing a national policy to combat human trafficking in Paraguay with technical cooperation from UNICEF and the Millennium Development Goals Achievement Fund. The strategic policy areas focus on:

- (a) Prevention;
- (b) Protection and comprehensive care for victims;
- (c) Investigation, prosecution, trial and punishment of crimes;
- (d) Local, national and international cooperation efforts;
- (e) Oversight and monitoring.

142. With regard to the national plan for the prevention and elimination of sexual exploitation of children and adolescents, a meeting to assess the plan was held in March 2010 between representatives of the Government and civil society.

143. The National Secretariat for Children and Adolescents defined its strategy for 2008–2013 as “coordination with key stakeholders to implement public policies aimed at the restitution of the rights of vulnerable children and adolescents, and also at the provision of comprehensive protection for children and adolescents”.

144. The National Secretariat has established, by Decision No. 15/08, a special interdisciplinary unit to tackle the trafficking and sexual exploitation of children and adolescents. As this unit is in transition and is being strengthened, it is continually reviewing its working tools and methods.

145. With the support of the Case Referral Centre, which deals with children and adolescents whose rights have been infringed in various ways, it offers technical and material assistance to victims of trafficking and sexual exploitation.

146. **Outreach measures:** In 2009, a partnership agreement was signed with the NGO Global Infancia on a project to strengthen the system for promoting and protecting the rights of children and adolescents and to strengthen response capacity in the area of child labour (domestic work) and human trafficking. The project, entitled "Getting there in time", involved the training of trainers in the municipalities of Capiatá, Itauguá and Caaguazú.

147. The specialized unit in the National Secretariat for Children and Adolescents provides support to empower adolescents and to restore and protect their rights. Its approach is based on the doctrine of comprehensive protection and has a specific focus on gender, and is aimed at raising awareness of the impact of these issues on children or adolescents, depending on which of their rights have been violated. The team needs to develop a stronger gender perspective, as the institution is weak in this area.

148. Certain key points have been identified in the work with adolescent victims of sexual exploitation and trafficking, particularly the need for them to see themselves as subjects of the same rights as men and as having equal access to community services and employment opportunities.

149. In the workplace, the aim is for the adolescents to recognize their own potential and to realize that they have the same rights as men or better-off individuals in terms of the job opportunities open to them. The work usually consists of jobs that quickly assure them of an independent income, but is not limited to stereotypical jobs for women.

150. With regard to follow-up work with families, special importance is attached to making them realize that their children have been deceived and exploited and are not rebels or prostitutes.

151. In 2009, the National Secretariat for Children and Adolescents reactivated the Inter-Agency Board on the Elimination of Commercial Sexual Exploitation. Each of the participating agencies was asked to make its participation official (in the form of an institutional decision), in order to ensure the involvement of institutional stakeholders and formalize the commitments made. The Board is currently in the process of drawing up general and specific objectives, as well as guidelines for its work. One of the short-term objectives is to obtain national recognition, by means of an executive decree.

152. An exploratory study was conducted, with technical assistance from ILO, on transgender girls who had been sexually exploited, to explore ways of providing an institutional response based on the needs of the victims themselves.

153. The special unit of the National Secretariat for Children and Adolescents on combating the trafficking and sexual exploitation of children and adolescents organized various training days for its staff and for officials dealing with cases of trafficking and sexual exploitation.

154. During the past year, various activities have been carried out in this area, including a project aimed at promoting an exchange of experiences and increasing knowledge of the Argentine legal framework for combating trafficking in persons, particularly children and adolescents. The project is jointly run by the National Secretariat for Children and Adolescents and the Ministry for Social Development of the Republic of Argentina,

through its National Secretariat for Children and the Family. The project involved six days of training for local stakeholders on the subject of human trafficking and the sexual exploitation of children, and took place in Asunción, Encarnación and Ciudad del Este.

155. Training was provided for officials of the National Secretariat for Children and Adolescents who provide direct assistance to children in the special unit of the National Secretariat or the Case Referral Centre, and for educators working in the street or in the Adoption Centre. Training has also been provided for members of the Inter-Agency Board on Trafficking in Persons and for justice officials (judges, criminal and juvenile lawyers, prosecutors), members of municipal advisory services on the rights of children and adolescents, national police officers trained to handle trafficking cases, immigration officers, officials of the Ministry of Public Health and Social Welfare, educators and other interested parties.

156. The training involved an analysis of the concept of trafficking, its purpose, the elements of the offence of trafficking, specialized assistance to victims, and the further victimization of trafficked persons by the media and institutions in general, as a result of ignorance of the subject.

VI. Cooperation with other institutions and organizations

157. The National Secretariat for Children and Adolescents has signed a cooperation agreement with the alliance composed of the NGOs Base Educativa y Comunitaria de Apoyo (BECA) (Community Educational Support Foundation) and Centro de Educación, Capacitación y Tecnología Campesina (CECTEC) (Centre for Rural Education, Training and Technology). These two organizations manage the Pepo Jerá Project for the progressive elimination of sexual exploitation and the trafficking for sexual purposes of children and adolescents in Encarnación, which supplies and runs an open day-care centre for victims of trafficking and sexual exploitation in that city.

158. The project provides direct support for adolescent victims that involves approaching them on the street and taking them to the centre, where they are offered food, health care (with an emphasis on sexual and reproductive health) and counselling. The project takes a gender-based approach and aims to restore the rights of young people. It also works to prevent and raise awareness of human trafficking and sexual exploitation in communities near Encarnación. The National Secretariat for Children and Adolescents has pledged to provide technical support for the activities of the Pepo Jerá Project and to ensure coordination with the region's government institutions.

A. National coordination

159. Following the establishment of the Inter-Agency Board on Trafficking in Persons in Paraguay, a trafficking and sexual exploitation unit was set up within the National Secretariat to oversee this aspect of the Board's work.

B. Regional coordination

160. In the framework of the above-mentioned projects, the Paraguayan and Argentine federal and provincial authorities held regional coordination meetings in November 2009 and March 2010.

161. The meetings were attended by, from Paraguay, representatives of the specialized trafficking units of the national police, the Public Prosecution Service, the Ministry of

Foreign Affairs (General Coordination Office), the judiciary, the Public Defence Service and the National Secretariat for Children and Adolescents as well as members of the Pepo Jerá Project and, from Argentina, representatives of the Directorate of Trafficking in Persons and Sexual Exploitation of the Ministry of Social Development, the Ministry of Human Rights and the Secretariat for Children, Adolescents and the Family of the province of Misiones.

162. The outcome was closer coordination between the two countries' victim support services and the establishment of communication channels facilitating joint action.

163. Also under implementation is a regional strategy for combating trafficking in children and adolescents in which the aim is to build a regional network for combating trafficking in children and adolescents for the purpose of sexual exploitation in the border areas of MERCOSUR countries.

164. The strategy is being implemented in 15 municipalities straddling the borders of Argentina, Brazil, Paraguay and Uruguay, including some in the triple-border region, through cooperation between "Twin Cities".

165. Project beneficiaries are at-risk children, adolescents and their families living in the municipalities selected through cooperation between the governmental and non-governmental institutions that provide prevention, support, protection and accountability services in the area of child and adolescent rights.

166. **Events organized to prevent and raise awareness of the problem:** As part of the project aimed at promoting an exchange of experiences and increasing knowledge of the Argentine legal framework for combating trafficking in persons, particularly children and adolescents, a training day for local stakeholders was held on the subject of trafficking and sexual exploitation in April 2010. The training day took place at the regional office of the National Secretariat for Children and Adolescents in Ciudad del Este and was attended by representatives of the Public Prosecution Service, a number of the municipal advisory services on the rights of children and adolescents, the Ombudsman's Office and NGOs.

167. The above-mentioned project is run jointly by the Argentina Fund for Cooperation (FOAR), the Ministry of Social Development, the National Secretariat for Children, Adolescents and the Family of Argentina, and the National Secretariat for Children and Adolescents of Paraguay. Its general objective is to increase awareness of the legal frameworks and to promote the exchange of successful experiences in combating trafficking in persons between the countries, with a view to coordinating their victim support mechanisms.

C. Challenges

168. The trafficking and sexual exploitation unit of the National Secretariat for Children and Adolescents is going through a period of institutional consolidation. Although it was created several years ago, it does not have a separate budget that would allow it to meet its needs in an optimal manner. With national and international assistance, it is currently seeking to create a team to support victims of trafficking and sexual exploitation using a rights- and gender-based approach, to provide for their material needs and to make available the services required for the effective restitution of violated rights.

169. The National Secretariat for Children and Adolescents runs prevention, support and assistance activities, victim reintegration programmes and public awareness campaigns. As part of its work in these areas, it has:

- In 2005, with assistance from the Government of the United States of America, established a referral centre for victims of trafficking in women and children in

Paraguay that responds to reports of trafficking and provides psychological, legal and social support for victims

- Disseminated a national plan for the prevention and elimination of the sexual exploitation of children and adolescents
- Provided training for police officers in two border cities on the role of the national police force in combating the commercial sexual exploitation of children, in conjunction with the Ministry of the Interior, the national police and ILO
- Conducted a campaign to raise awareness of sex tourism, in conjunction with the National Secretariat for Tourism and ILO

170. To address the trafficking problem in border regions, in Ciudad del Este training in the prevention and elimination of the commercial sexual exploitation of children and adolescents has been given in 127 State schools, 8 private subsidized schools and 97 private schools to 1,147 adolescents, 200 mothers, 115 fathers and 52,000 students.

VII. Witness protection

171. The victim and witness support centre run by the Public Prosecution Service provides cross-cutting services to all direct and indirect victims of crime and aims to provide for their needs through counselling, social services and legal assistance.

172. The centre provides technical support for the various prosecuting authorities, helping victims through the different stages of proceedings, drawing up multidisciplinary victim assessments and offering a safe and supportive environment for the physical, psychological and social rehabilitation of victims and members of their family, in accordance with current criminal legislation.

VIII. Child labour

173. Half of the population under the age of 18 years lives in poverty and this is a factor in most cases of child labour.

174. A list of hazardous jobs has been drawn up as a result of a process led by the National Commission for the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers (created by Presidential Decree No. 18835/02) that involved workers' and employers' organizations, governmental institutions, specialists, NGOs, community stakeholders at the national level, children and adolescents. The participants in this process reached a consensus on 24 activities that should be classified as hazardous.

175. Although domestic law contains provisions affording special protection to adolescent workers and prohibiting child labour, the poverty that affects a large part of the country has driven a high percentage of children and adolescents into work.

176. Poverty and social exclusion not only deprive people of nutrition, health and education but can also lead families to engage in practices such as child labour in order to survive. The prevalence of child labour increases the likelihood of children contracting diseases and becoming victims of abuse and sexual exploitation, and decreases or destroys any possibility of their accessing education and recreation.

The *Abrazo* programme for the elimination of child labour in the streets

177. In November 2008, the *Abrazo* (“Embrace”) programme, which had been run since the time of its launch by the Secretariat for Social Action with the aim of gradually reducing child labour in the streets, was transferred to the National Secretariat for Children and Adolescents, in application of Executive Decree No. 869 of 18 November 2008.

178. The programme was restructured at the time of its transfer, without changing the frame of reference, objective and basic components, and an early childhood component was added to address the practice of using boys and girls under the age of 5 years to beg on public streets.

179. **Street component: Intervention strategy**

The strategy consists of:

(a) *Targeting*

180. This involves positioning educators at road junctions where children engage in economic activities, collecting data, making contact with children, young people and social actors and maintaining a continuous presence in the street. At least for a certain period of time, which is agreed with the educator depending on how the situation develops in the hotspots, targeting is the only action taken. Due to the need for an accurate baseline for the number of children working on the street, it is important to identify all hotspots where children work and to build relationships with them through a street educators’ presence.

181. The street outreach work consists of a regular educators’ presence in public places, on street corners and on the thoroughfares with the greatest concentration of children, young people and adults engaging in some form of economic activity. For programme purposes, these locations are known as “hotspots” (10 districts in Central Department and Ciudad del Este).

182. The programme aims to bring real benefits for the target group. i.e. boys and girls working in public places. The educators therefore encourage child workers to join the programme and monitor their subsequent progress.

183. The street outreach work follows an established pattern:

- *Observation*, which entails tracking movement in hotspots and among child workers. In hotspots, movement in the streets with the greatest concentration of people is studied. In the case of child workers, attention is paid to the times at which they are present in hotspots, how long they remain there and the activities they perform. It is important to emphasize that at this stage no contact is made with the children.
- *Targeting*, which entails mapping out the streets and avenues with the greatest concentration of people in areas singled out by the programme for initiating contact and building relationships with children.
- *Engagement*, which is the stage during which educators initiate contact with children, young people and adults working in hotspots included in the programme. At this stage, child workers are surveyed to collect detailed information about them, which will be used to make contact with their families.
- *Relationship-building*, which is the stage during which educators must establish a trust-based relationship with the children. The process is supported by a regular presence in hotspots, where the educators maintain an ongoing dialogue with children which initiates a process of re-education.

184. During the relationship-building stage, children will be taken to an open centre. After they begin visiting the centre, the same educator will monitor their progress and endeavour to reduce the number of hours they spend on the street. The educator will also serve as the point of contact and liaison with existing community services and facilities.

185. **Objectives of the street outreach work:**

- To identify potential beneficiaries in the hotspots defined by the programme
- To monitor the time children recruited to the Programme spend on the street and in public places (hotspots)

186. **Open centre component: Comprehensive children's care centres/Centre organization**

187. **What is an open centre?**

188. An open centre is a place (usually a house) where alternatives to street life can be explored in a more structured manner through educational, social and cultural activities.

189. Education is essential, especially among at-risk children, to achieving good school performance. The more the innate abilities of each child are nurtured, the greater the likelihood that they will achieve well developed imaginative, motor and language skills in school.

190. **Basic criteria for participation in the activities carried out in open centres**

191. The child's parents must sign an agreement giving consent for their child to attend the centre. A home study, interview and meeting with the child's parents or guardian will first be conducted.

192. **How do open centres work?**

193. *Services provided in open centres:* Open centres operate from 7.30 a.m. to 5 p.m. Monday to Friday and from 8 a.m. to 11 a.m. on Saturday. Open centres run two separate sessions for children.

Table VI

Open centres' opening hours

Morning session: 7.30 a.m.–12 p.m. (summer) Afternoon session: 12.30 p.m.–5 p.m.

Winter timetable (8 a.m.)

194. Session times at open centres are determined by the times that children attend school, i.e.:

- Children who attend school in the morning go to open centres in the afternoon
- Children who attend school in the afternoon go to open centres in the morning
- Children who are not in school attend both sessions at the open centre

195. Usually children attending open centres, especially those attending the afternoon session, go straight from the centre to their school.

196. **Day-to-day routine (regular and occasional activities).** The daily routine consists of a schedule of activities that run every day at the centre. The aim is to ensure that the activities are well organized. It is very important that details of the daily activities are displayed at the centre in a clearly visible place so that the children can find out about each day's activities as part of the learning process.

197. **Saturdays.** On Saturdays all children from both morning and afternoon sessions meet for a single session. Because all the children are at the centre at the same time, the recreational activities need to be very lively and varied.

198. **Learning support.** This is an educational service provided to children with a view to ensuring their integration or reintegration in the formal education system (schools), their continuing attendance and the completion of their studies, as well as to improving their school performance.

199. Learning support is intended to reinforce the teaching given in schools, mainly in the core subject areas (mathematics, Guarani and communication) set by the Ministry of Education and Culture. Learning support is based on non-formal educational methods that complement those used in schools.

200. **Lunch and afternoon snacks.** Lunch and afternoon snacks are provided to improve children's nutrition, so increasing their retentive ability and educational performance.

201. Afternoon snacks are provided for all children attending open centres from Monday to Saturday.

202. **Personal and social development workshops for children.** Personal and social development workshops are organized to increase children's self knowledge and esteem and their appreciation of others. The aim of the workshops is to foster a sense of security and a positive self-image that will equip children to deal with conflict and adverse situations in full exercise of their rights.

203. The programme for the personal and social development workshops covers all issues relating to everyday life and includes art workshops and workshops exploring the rights of the child.

204. **Educational monitoring.** This entails maintaining regular contact with the State schools in which programme beneficiaries are placed, in order to obtain up-to-date information on their educational progress. In this vitally important task, parents, with ongoing assistance from the family support service, are responsible for obtaining and forwarding information about their children's educational progress.

205. Educational monitoring involves:

- Enrolment
- Checking school attendance
- Consulting the child's first school report book to check progress
- Checking school attendance
- Educational development

206. **Educational monitoring process.** This involves school visits to gather information about the difficulties encountered and progress made by children. If necessary the learning support unit will visit. Parents are responsible for ensuring that their children's rights are fulfilled.

207. Keeping up-to-date with pupils' progress in school: educators regularly review children's school exercise books and, after an initial induction assessment, request further information about the children's educational progress during visits.

208. **Education grants.** School materials are distributed to children free of charge to encourage their integration or reintegration in the education system and their continuing attendance.

209. **Family component**

210. **What is it?** One of the first challenges the programme faced was whether it would be able to locate the homes and forge a personal working relationship with the families of all children invited to take part. How would the families react? Would they open the door? Would they agree to take part?

211. In the past three years the programme's work with families has involved:

- Strengthening the family unit: regular visits to families to get to know them better, build a closer working relationship and encourage them to assume a greater share of the responsibility for their children's education and development, as well as referring problems that arise in the family environment to public and/or private institutions and subsequent case follow-up. All these processes are performed in conjunction with social workers.
- Training on such subjects as parent-child relationships, family planning, nutrition, first aid, domestic violence and the rights of the child. Workshops are held in each open centre on a monthly basis and last for an hour and a half.

Working with families

212. The Abrazo programme's strategic decision to go out to the homes of families whose children were engaging in some form of economic activity on public thoroughfares entailed a learning process for both the families and the social workers who contacted them. It was not enough simply to visit the families' homes, explain the State services available and encourage them to take advantage of these services.

213. This stage of the programme called for a strategy consisting of support and encouragement in parallel with concrete action to enhance the standard of living and life goals of the people involved and foster conditions conducive to their psychological and emotional development. More specifically, the social integration and development process had to be preceded by an initial period of support that would restore families' ability to function effectively and instil in them basic decision-making skills.

214. The Abrazo programme seeks to establish a personal relationship with every participating family and, working jointly with each, to develop a strategy for action that empowers every family to improve its living conditions, to develop the skills necessary for their integration in local networks and gradually to achieve sufficient levels of autonomy to cope effectively with the structural conditions that usually accompany situations of extreme poverty.

Working with local authorities

215. A second challenge faced by the Abrazo programme relates to its strategic decision to work with local authorities. In the three years since its launch, there have been efforts at cooperation between the programme and a number of local government authorities.

216. In the first year, responses to the programme on the part of local authorities differed; some responded positively while others viewed it as an imposition. How would the local authorities react? At this stage, would the programme be considered a further imposition of duties on the part of central Government?

217. *Implementing a method of work relevant to families' situation.* The method of work to be used with families constituted a third challenge. Would it be relevant to their situation?

218. *Achieving the promised results.* A fourth challenge for the Abrazo programme was whether it would actually be able to achieve results, i.e. whether the families involved would be able to comply with the “family undertakings”.

219. Would these undertakings ensure that the families were able to overcome their situation of extreme poverty? Would the families have the ability and the motivation to comply with these undertakings?

220. **Psychosocial support.** Psychosocial support entails assigning to each family a suitably qualified family support worker to perform the following activities:

- Make regular visits to the families to get to know them better
- Build a close relationship with them, encouraging them to share responsibility for their children’s education and development
- Refer any problems in the family environment to public and/or private institutions and provide follow-up

221. **Family support.** A close relationship (technically a “psychosocial support relationship”) is forged between the family support worker and beneficiary family.

222. **Early childhood component.** Since 2005 the Abrazo programme has not addressed the problem posed by street children under the age of 5 years, children without family ties and indigenous children, as a different type of response is needed for these children.

223. **Inter-agency coordination component.** The Abrazo programme coordinates its activities with those of the regional or local government authorities, as it is the local authorities that are responsible for providing health and education services.

224. The programme also seeks support from civil society and private and public sector institutions to enhance its efforts to eliminate child labour.

225. **Community engagement subcomponent.** A new community engagement component has been launched to enhance the programme by incorporating activities that protect, promote and enforce rights from a holistic perspective based on active community participation.

226. The intervention strategy calls for better family and community relationships and action coordinated with the authorities in towns and villages where initiatives are to be carried out jointly with the local and departmental authorities, taking account of the fact that the public sector is responsible for providing the services necessary to provide for children’s health and education rights.

227. The aim of the new component is to work with families to continue improving their living conditions and their ability to live autonomously, using local networks that the programme will help establish on behalf of the community whenever required.

228. **Monitoring**

Objectives: The aim of the monitoring and follow-up system is to monitor the activities of the Abrazo programme with a view to identifying potential problems in its procedures and services. The system should spot any problems related to the programme’s operation as soon as they arise.

229. **Overview.** The monitoring and follow-up system should be viewed as a management tool that generates necessary and timely decision-making information for the programme and programme workers. The information generated should show:

- Whether the programme has achieved the results expected
- Whether the other stakeholders involved have fulfilled their duties

230. The system provides information relating to the different levels of programme implementation (e.g. beneficiaries, management, districts, schools, health-care institutions, etc.). It is a management tool that gives the agencies and institutions involved the possibility of improving the way the programme is run and focusing on achieving the objectives set through analysis of the information generated. It serves to refocus their activities.

Specific measures

231. **Identity.** The National Secretariat for Children and Adolescents is currently implementing a universal birth registration and civil identity registration programme. The general objective is to develop a system to support the birth registration process and extend access to civil identity documentation for children and adolescents, with the involvement of their parents, which ensures effective compliance with the principles of universality, cost-free service, timeliness, security and simplicity. More specifically, the aim is to ensure access to birth registration and civil identity documentation for 300,000 children and adolescents in 100 municipalities in nine of the country's departments within a period of three years, through a strategy of coordinated outreach activities in schools and health centres. The minister responsible for the National Secretariat for Children and Adolescents and the Minister of Justice and Labour, the Minister of Education and Culture and the Minister of Public Health and Social Welfare have all signed pledges to ensure the system's implementation, which is also supported by the United Nations system and Plan Paraguay.

232. In its Decision No. 1131 of June 2009, the Ministry of Education and Culture decided to make schools responsible for promoting and facilitating access to birth registration and certification among their pupils.

233. The introduction of this strategy will allow universal birth registration to take place through schools, which are the institutions closest to the community, and will enable civil registry officials to reach the most remote communities and register children on the basis of a community census undertaken by teachers. Teachers are encouraged to take a key proactive role in preventing corrupt practices such as unlawfully charging for a birth certificate or identity card. The registration of a birth and the issue of an initial birth certificate are free of charge. As provided for in Act No. 1377/99, there is also no fee for a first identity card.

234. Training programmes have been launched for school administrators and teachers serving as contact points in 82 districts and, as of 30 October 2010, 2,700 school administrators and teachers in 78 districts had received training.

235. The main aim of the training programmes was to impart the skills needed to conduct censuses of pupils and their families. However, they also provided an opportunity to take stock of the State's shortcomings in terms of birth registration and civil identity documentation, with many teachers highlighting difficulties in the civil registration process.

236. In 2009, more than 150,000 census forms were distributed for 450,000 pupils and 450,000 forms for families. The work was carried out with the support of Plan Paraguay and the United Nations "Investing in People" programme, which is coordinated by the National Secretariat for Children and Adolescents.

237. Mass registration and documentation campaigns are also being carried out to ensure access for people living far from urban areas.

IX. National plan for the prevention and elimination of the sexual exploitation of children and adolescents

238. In 2009, a project was implemented under an agreement with the NGO Global Infancia to strengthen the system for promoting and protecting the rights of children and adolescents and its capacity to respond to the exploitation of children as domestic workers and to trafficking in persons. A train-the-trainers project called “Getting there on time” was also implemented in the municipalities of Capiatá, Itauguá and Caaguazú.

239. In 2009, the National Secretariat for Children and Adolescents reactivated the Inter-Agency Board on the Elimination of Commercial Sexual Exploitation. Each of the participating agencies was asked to make its participation official (in the form of an institutional decision), in order to ensure the involvement of institutional stakeholders and formalize the commitments made.

240. The Board is currently in the process of drawing up general and specific objectives, as well as guidelines for its work. One of the short-term objectives is to obtain national recognition, by means of an executive decree.

241. An exploratory study was conducted, with technical assistance from ILO, on transgender girls who had been sexually exploited, to explore ways of providing an institutional response based on the needs of the victims themselves.

242. It is also thought important to inform the Committee about some of the specific steps the Paraguayan Government has taken to combat trafficking in persons. In 2005, the Inter-Agency Board on Trafficking in Persons in Paraguay was established and its members were designated under Executive Decree No. 5093/05. The role of the Board is to oversee the policies and guidelines governing the actions coordinated by the Ministry of Foreign Affairs to prevent, punish and fight trafficking in persons and to address the issues of assistance for assistance for victims, monitoring and international cooperation in a comprehensive, systemic way.

243. The Board’s Legislation Committee is currently reviewing the preliminary bill on combating trafficking in persons, together with the Directorate-General of Special Affairs of the Ministry of Foreign Affairs.

244. The Board’s membership consists of executive, legislative and judicial bodies, which, together with civil society and with the support of international organizations, draw up and implement policies, programmes and projects to prevent, address, combat and punish trafficking in persons.

245. One of the Board’s main outputs has been the road map for intervention called “Levels of intervention in national and international trafficking in persons for different purposes”.

246. At the initiative of the Directorate-General of Statistics, Surveys and Censuses and the Secretariat for Women and as part of the programme to support the fight against trafficking in persons, especially women and children, the Board is designing a form for recording specific details of trafficking cases, including indicators of the socioeconomic situation of the victims, the characteristics of the trafficking and the possibilities of social rehabilitation.

247. In 2009, a report on the activities of the Inter-Agency Board in 2004–2008 was published. Entitled “Towards a more effective means of combating human trafficking in Paraguay”, the report furnishes background information on the Board and describes its activities, objectives and goals.

248. The Trafficking Unit attached to the Directorate-General of the Cabinet of the National Secretariat for Children and Adolescents is responsible for providing assistance to victims. Within the framework of the activities of the Inter-Agency Board, it receives and accompanies repatriated victims and provides counselling and treatment until they can rejoin society.

249. To provide this assistance and to facilitate preventive activities, regional offices have been set up in the border departments of Alto Paraná, Ciudad del Este and Encarnación. The objective of these offices is to strengthen the Unit by employing skilled human resources and to support the work of the Inter-Agency Board, as well as the coordination of regional, national and international programmes and projects to combat trafficking in persons.

250. A cooperation project with the Argentina Fund for Cooperation (FOAR) is currently awaiting approval within the framework of the Technical Commission of the Niño Sur (“Southern Child”) initiative to upgrade the skills of the human resources of the Trafficking Unit and the Inter-Agency Board.

251. Data provided by the Special Unit on Trafficking in Persons and Sexual Exploitation of the Public Prosecution Service indicate that criminal convictions for human trafficking and sexual exploitation were handed down in 22 trials in 2008–2009. It should be noted, however, that the number of trials does not coincide with the number of persons convicted since at least three persons were charged and convicted in each trial.

252. Between October 2007 and December 2008, 20 cases of child or adolescent victims of trafficking were handled by the Trafficking Unit of the National Secretariat for Children and Adolescents. Between January and August 2009, according to information received from the Unit, 24 such cases were received.

253. At the regional level, agreement is being reached on a cooperation project to develop the regional strategy to combat the trafficking and smuggling of children and adolescents for purposes of sexual exploitation in the border areas of the MERCOSUR countries. This project, known as the “Twin Cities” initiative, has the support of the Inter-American Development Bank.

254. The project covers 14 border towns in the MERCOSUR countries (Argentina, Brazil, Uruguay and Paraguay), including Ciudad del Este in Paraguay, Foz do Iguazú in Brazil and Puerto Iguazú in Argentina. The project includes prevention, protection and care activities that involve mobilizing, organizing, strengthening and connecting up local support networks and services. The project is now in the first stage of implementation, and the National Secretariat for Children and Adolescents is responsible for providing technical advice and support to the other agencies involved.

255. Two programmes related to trafficking in children for purposes of sexual exploitation are being implemented in Paraguay. One of them, the *Alas Abiertas* (“Open Wings”) programme, which focuses on the elimination of the commercial sexual exploitation of children in Encarnación, is supported by the European Union. The NGOs BECA and CECTEC are responsible for their implementation.

256. The other programme is directly related to the eradication of trafficking in children within the country and is implemented by the NGO Luna Nueva and the Institute for Comparative Studies in Criminal and Social Sciences (INECIP). Both programmes receive technical advice from IPEC.

257. The National Secretariat for Children and Adolescents has a mechanism for transferring funds to non-profit organizations to support the implementation of strategies to combat the commercial sexual exploitation of children and trafficking, as well as the associated prevention, care and protection activities.

258. One of the NGOs benefiting from this mechanism is BECA, which receives funds to strengthen the formation of social networks to link protection services (e.g. health, education, police, prosecution) in at-risk communities.

259. Another beneficiary is Luna Nueva, which has received funds to establish a shelter for child and adolescent victims of commercial sexual exploitation. The Arco Iris foundation also receives funding through the mechanism for its direct assistance to trafficking victims.

X. Services for handling complaints related to the violation of the rights of children and adolescents

260. The Fono Ayuda helpline was developed by the NGO BECA and implemented in 2002. Over the last few years, the technical operation of the helpline has been transferred to the National Secretariat for Children and Adolescents attached to the Office of the President of the Republic.

261. Since 2009, the helpline has been allocated public funds within the Secretariat's budget and the programme has expanded to offer round-the-clock specialized services through an interdisciplinary team comprising 16 professional social scientists (psychologists, lawyers and social workers) who receive, advise on, process and refer complaints regarding the violation of the rights of children and adolescents.

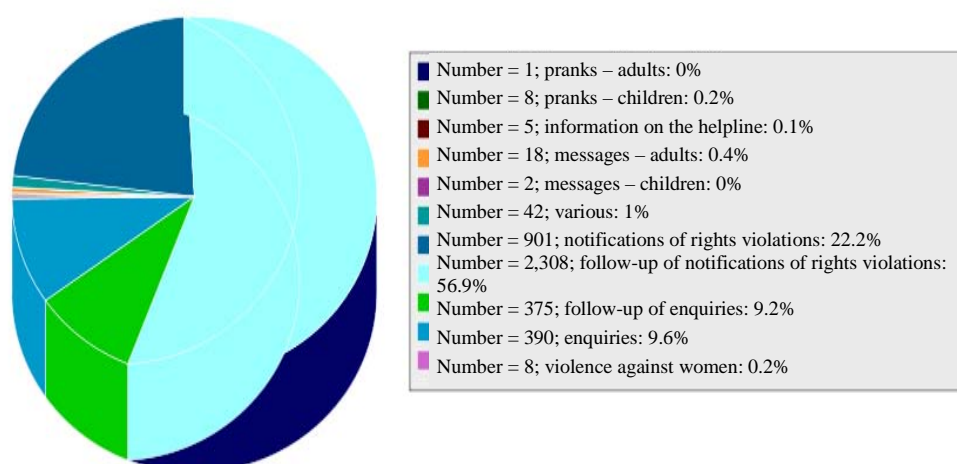
262. As part of the programme's expansion, the Case Referral Centre was set up. The centre offers two other services in addition to the helpline: face-to-face (*Cara a Cara*) advice for individuals who go to the centre in person; and an emergency response service for urgent cases that require the on-site presence of the professionals working at the centre.

263. The helpline service operates through a free fixed telephone line and is available nationwide. The Government intends to set up a call centre for the service so that more calls can be handled and referred simultaneously.

264. The use of mobile phones is widespread in Paraguay, and people can also call the helpline service using mobile phones from outside the capital, including from more remote areas. The Case Referral Centre in fact now has four mobile telephone numbers for contacting the helpline service, one of which can be reached by dialling 147.

265. Between January and 31 October 2009, 901 new cases involving rights violations were handled, and 2,308 follow-up contacts were made in relation to cases that had been reported earlier.

Figure I
Follow-up of cases

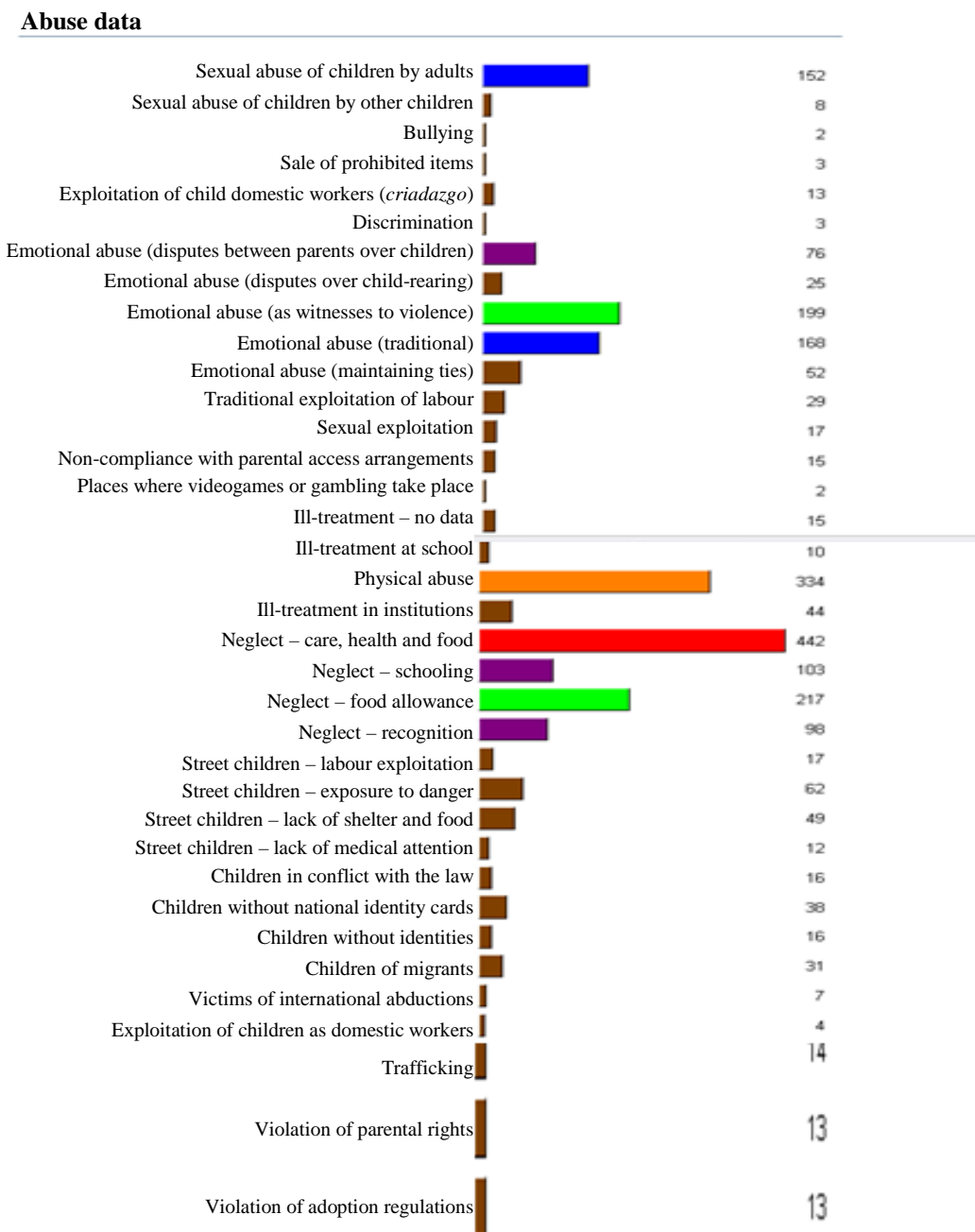


266. The statistical data show that different types of abuse are reported and that many are related to the poverty and extreme poverty in which a large number of Paraguayan families live.

267. The types of abuse in question are: sexual abuse of children by adults, physical abuse, institutional abuse, sexual abuse of children by other children and adolescents, neglect (failure to provide proper care, food, shelter, health care, education, an identity; exposure to danger), cyberbullying, pornography, the sale of prohibited items, exploitation of child domestic workers (*criadazgo*), discrimination, emotional abuse (resulting from disputes between parents over the children or child-rearing or from witnessing violence), labour and sexual exploitation, failure to comply with parental access arrangements, ill-treatment at school, violation of parental rights and adoption regulations.

268. The chart below shows the different types of abuse recorded.

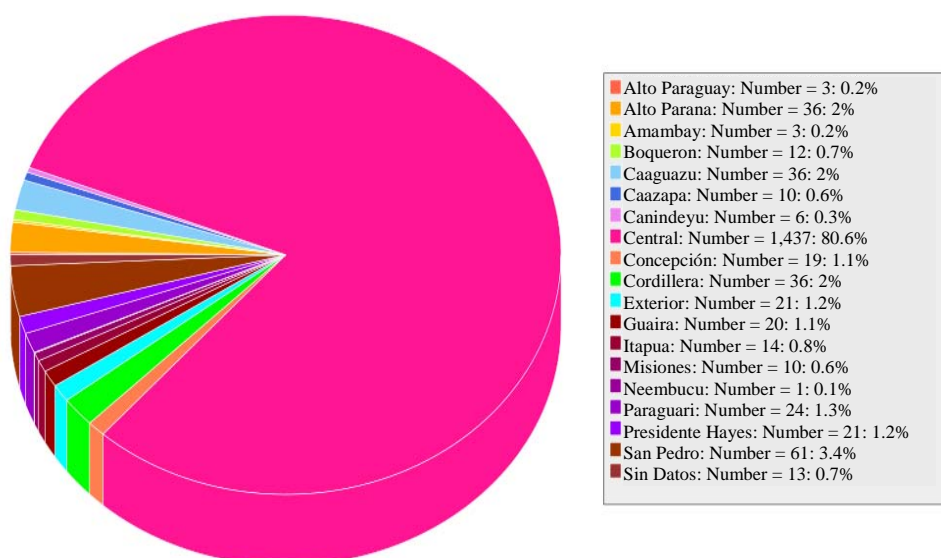
Figure II
Types of abuses recorded



269. The National System for the Comprehensive Protection and Advancement of Children and Adolescents was established by law. The purpose of the system is to prevent the violation of the rights of children and adolescents and to implement protection and support measures through its local agencies, namely the municipal advisory services on the rights of children and adolescents. It is important to note that the Case Referral Centre coordinates specific activities with the staff of these local protection services. In areas without such services or areas that are very far from urban zones, however, arrangements are made with local focal points (civil society) or local institutions (schools, health centres), which help in specific cases.

270. Although the service is available nationwide, demand among users (including children and adolescents) is largely concentrated in the area known as Gran Asunción (the capital city and Central Department), as shown in figure III. Although there is some demand for the service in remote areas such as Alto Paraguay and Boquerón, the proportion is minimal.

Figure III
User demand



271. The service is publicized through the mass media and the distribution of informative literature, as well as through meetings or workshops held by human rights promoters or community focal points.

272. Use of the service is increasing: for example, between 2006 and 2009, 333 complaints were received from children, 49 of them this year (up to October).

273. The Case Referral Centre operates as follows: situations are reported and complaints are received through one of its two component services, *Fono Ayuda* (the helpline) and *Cara a Cara* (the personal service). Preliminary information about the action that needs to be taken is immediately provided and support is given, as appropriate, to those who require it.

274. Next, the case is referred to the agencies that need to step in or appropriate action is coordinated with them.

275. If the presence of the centre's professional staff is required on the scene or by the agencies to which the case is referred, a team is dispatched to assess or contain the situation and direct the case as appropriate. Often action is taken jointly with other State agencies and usually with the knowledge of justice officials. Cases are recorded in a database either at the time or afterwards.

276. **Victim care.** As far as assistance for victims of violence is concerned, a crisis response service has been set up for victims of abuse, including ill-treatment and sexual abuse, which can be accessed through the helpline and the face-to-face advisory services of the Case Referral Centre. The scope of the crisis response service is limited, however, for several reasons: the poor state of infrastructure, human resources limitations and coverage problems. As soon as the complaints are referred to the corresponding agencies, the Public

Prosecution Service becomes responsible for providing assistance to victims through its Department for Crime Victims, which takes the following action:

277. In terms of support: (1) it provides psychological first aid to victims; (2) it helps child victims or child witnesses to give statements; (3) in special circumstances, it helps adolescents and adults with statement-making as well; (4) it supports victims through the reconstruction of events and the identification of aggressors; and (5) it prepares and helps underage victims and underage witnesses in oral proceedings.

278. The Department also refers cases to the network of victim support service centres and agencies.

279. As far as victim support and the handling and follow-up of cases of violence is concerned, the following actions are being taken.

280. To fulfil the commitments assumed by the Ministry of Public Health and Social Welfare in this area, on 29 October 2008 a framework agreement on inter-agency cooperation was signed by the Ministry of the Interior, the Ministry of Public Health and Social Welfare, the Secretariat for Women (Office of the President of the Republic) and the National Secretariat for Children and Adolescents (also of the Office of the President). In addition, health workers are receiving training in violence-related subjects, the records system is being organized, and teams are being put together to address the issue in key hospitals. A copy of the aforementioned inter-agency agreement is attached.

281. **Participation and coordination of action with other sectors.** An inter-agency committee comprising the agencies that signed the agreement plus the Public Prosecution Service organizes joint action under a strategic plan and monitors compliance with the aforementioned agreement.

282. **Design and standardization of protocols for handling victims of violence** (women, children and adolescents). These protocols will be standardized and implemented nationwide, both in clinical and forensic medicine. Their use will prevent the re-victimization of persons who have suffered an assault and will expedite judicial procedures.

283. An interdisciplinary team comprising the Health Directorate for Children and Adolescents (DIRSINA), the Mental Health Directorate and the Hospital for Paediatrics and Medical Emergencies is currently being put together to develop a comprehensive programme for child and adolescent victims of violence and/or ill-treatment that will include follow-up and monitoring activities on the one hand and preventive and community-based action on the other.

284. One of the components of the national plan on sexual and reproductive health for 2009–2013 is the prevention of sexual or gender-based violence and the care of victims of such violence.

XI. Inter-agency coordination mechanisms for the promotion and protection of the rights of children and adolescents

285. The steps taken to improve coordination include the application of methods that facilitate the establishment of social protection networks at the local and national levels.

286. The purpose of the networks is to coordinate institutional responses that build on the experience and capacities of their members to ensure comprehensive social support for children and adolescents. In networks, practices that do not coincide with a rights-based approach can be reviewed and agencies can benefit from each others' accumulated knowledge to help establish a common frame of reference, since procedures used in interventions make sense only if they respect the community process.

287. This network-based approach is fostered and framed by the various strategies of the National Secretariat for Children and Adolescents and paves the way for more effective inter-agency coordination, which will, in turn, strengthen the lead agency because it will be recognized as such on account of the specific targeted technical support it provides. The legitimacy of the lead agency is thus enhanced above and beyond its formal legal status as established in the Code.

288. The coordination of responses is made possible through the financial resources that are allocated as a matter of priority to address the needs of those whose rights have been violated. Specific programmes have been developed that set out guidelines to address each type of problem. One useful tool in this regard has been the establishment of committees to address particular issues. These have improved coordination among the member agencies.

289. Local (departmental) government agencies have been encouraged to take up the issue of the rights of children and adolescents so that they coordinate action directly with the municipal advisory services on the rights of children and adolescents and to arrange promotion and protection activities that are adapted to local realities.

290. The development of plans at the departmental and local levels will make it possible to accurately assess the situation of children and adolescents and thus improve the effectiveness of social investment.

291. The regular meetings held by the National Council for Children and Adolescents are opportunities for informing the public of the progress achieved and the activities sponsored by the National Secretariat for Children and Adolescents, which include: the programme to ensure universal birth registration and identification documents for all; the policy to restore the rights of street children and adolescents; efforts to bolster public policies on children and adolescents; the activities carried out in relation to Children's Rights Week; a proposed methodology for drafting public policy on youth offenders; the Secretariat's strategic planning; and the national early intervention policy.

292. Working meetings have also been held, at the request of the Secretariat, with the Office of the Public Defender for Children and Adolescents, the Ministry of Education and Culture, the Ministry of Public Health and Social Welfare, the Ministry of the Interior, the Ministry of Justice and Labour and the municipal advisory services on the rights of children, especially those in Asunción and the metropolitan area, to agree on intervention mechanisms and the roles each of these agencies is expected to play.
