

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES  
UNDER ARTICLE 19 OF THE CONVENTION**

**Concluding observations of the Committee against Torture**  
*(Extracts for follow-up of CAT/C/PRY/CO/4-6)*

**PARAGUAY**

(...)

**C. Principal subjects of concern and recommendations**

(...)

**Fundamental legal safeguards**

11. The Committee is concerned that many of the human rights of persons deprived of their liberty, including minors, as set out in Paraguayan legislation, are not observed in practice. In particular, the Committee expresses concern at the lack of mechanisms to give effect to the right of persons deprived of their liberty to legal assistance from the very start of detention and to independent medical examinations, and their right to notify a relative or trusted individual of their detention and to be informed of their rights and the grounds for arrest at the time of detention. With regard to habeas corpus, the Committee is concerned by information it has received that habeas corpus petitions can take 30 days to be resolved. As regards medical examinations at the start of detention, the Committee is concerned that these are not routinely carried out and that they take place in the presence of police officers. It is also concerned by reports that persons deprived of liberty are held in police custody for long periods without being properly registered and that a large number of police stations do not, in practice, comply with the rules on registration procedures for detainees. In general, the Committee expresses concern at the statement by the delegation from the State party that there are problems with the nationwide implementation of Decision No. 176/2010 of the Office of the National Police Commander, ordering the introduction of a registration system in police stations (arts. 2, 11 and 12).

**The State party should take prompt and effective action to ensure that all detainees benefit in practice from all fundamental legal safeguards from the time of their detention. The State party should guarantee that, in practice, all detainees are informed immediately of the reason for their detention and of their rights, and that their right to have access to a lawyer and to contact a relative or trusted individual is guaranteed. The remedy of habeas corpus should be reviewed and strengthened and the necessary steps taken to ensure that the procedure granting it is summary and brief and that decisions on it are taken within the legal time limit in every case. The State party should guarantee that individuals in police**

custody are able to undergo an independent medical examination at the very start of their detention and not in the presence of a police officer. The State party should make certain that persons deprived of their liberty are registered promptly and ensure that the custody records in police stations are inspected regularly to check that they are being maintained in accordance with the procedures established by law. The State party should also ensure that the provisions of Decision No. 176/2010, on registration of detainees, are observed and, to that end, should consider making said decision law.

(...)

### **Impunity for acts of torture and ill-treatment**

18. The Committee is concerned about the numerous and consistent allegations of torture and ill-treatment of persons deprived of their liberty, in particular by police officers. The Committee regrets the lack of any consolidated statistics on complaints of torture, investigations and the penalties handed down during the period covered by the State party's report. The Committee takes note of the statistics provided in the State party's report concerning disciplinary proceedings against police officers; however, it notes that the statistics do not indicate how many of those cases have been brought to court. The Committee is also concerned that, according to the information provided in the State party's report, during 2009 there were only nine complaints of torture in the State party's prisons. The Committee considers that the figures do not tally with the persistent allegations and extensive documentation received from other sources concerning cases of torture and ill-treatment of persons deprived of their liberty. The Committee is further concerned by the limited effectiveness of police monitoring and supervision mechanisms and the lack of compensation and rehabilitation services for victims of torture and ill-treatment (arts. 2, 12–14 and 16).

#### **The Committee recommends that the State party should:**

- (a) As a matter of urgency, take immediate and effective measures to prevent acts of torture and ill-treatment, including through the announcement of a policy that would produce measurable results in the eradication of torture and ill-treatment by State officials;**
- (b) Adopt appropriate measures to ensure that all complaints of torture and ill-treatment are promptly and impartially investigated by an independent body;**
- (c) Review the efficacy of the internal complaints procedure available to persons deprived of their liberty and consider establishing an independent complaints procedure for all persons deprived of their liberty;**
- (d) Ensure that the Public Prosecution Service conducts, of its own motion, investigations and, if appropriate, institutes criminal proceedings whenever there are reasonable grounds to believe that acts of torture have been committed;**

- (e) **Duly bring to trial alleged perpetrators of acts of torture or ill-treatment and, if they are found guilty, sentence them to penalties commensurate with the seriousness of their acts;**
- (f) **Strengthen existing mechanisms for monitoring and oversight of the police so as to ensure independent and effective oversight;**
- (g) **Provide victims with appropriate compensation and direct its efforts towards ensuring rehabilitation that is as complete as possible.**

(...)

### **Trafficking in persons**

23. The Committee recognizes the efforts made by the State party to address trafficking in persons, including the creation of the Inter-Agency Committee to Prevent and Combat Human Trafficking and special units in the National Secretariat for Children and Adolescents and the Secretariat for Women, the establishment of a centre to provide comprehensive support for trafficking victims and the drafting of a bill to combat trafficking in persons. The Committee notes with interest the opening of a temporary shelter for trafficking victims, but observes that the shelter has limited space and only receives female victims. The Committee is concerned that Paraguay continues to be both a source and transit country for human trafficking and regrets the lack of comprehensive information on trafficking cases and convictions (arts. 2, 10 and 16).

**The State party should ensure that all allegations concerning the trafficking of persons are investigated promptly, impartially and thoroughly and that the offenders are prosecuted and punished for the crime of trafficking in persons. The State party should continue to conduct nationwide awareness-raising campaigns, provide adequate programmes of assistance, recovery and reintegration for victims of trafficking and offer training to law enforcement officers, judges, prosecutors, migration officials and border police on the causes, consequences and repercussions of trafficking and other forms of exploitation. In particular, the State party should make every effort to implement the National Plan for the Prevention and Elimination of the Sexual Exploitation of Children and Adolescents and ensure it is allocated the necessary human and financial resources. The Committee further recommends that the State party increase its efforts to establish systems and mechanisms of international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent, investigate and punish cases of human trafficking.**

(...)

29. The The Committee requests the State party to provide information, by 25 November 2012, on the follow-up to the Committee's recommendations on: (a) access

to and strengthening of the legal safeguards for detained persons; (b) the conduct of prompt, impartial and effective investigations; and (c) the prosecution of those suspected of committing acts of torture and other forms of ill-treatment and the punishment of those responsible for such acts, as set forth in paragraphs 11 and 18 of the present document. The Committee also requests information on follow-up to the recommendations presented in paragraph 23 of the present document regarding measures to be taken to prevent, combat and eradicate trafficking in persons.

(...)

---