



RED
CONTRA TODA FORMA
DE DISCRIMINACION
TODAS
LAS PERSONAS SOMOS
IGUALES



initiatives for
human rights



**ALTERNATIVE REPORT
FOR THE UNITED NATIONS COMMITTEE ON THE RIGHTS OF THE
CHILD:
SEXUAL AND REPRODUCTIVE RIGHTS OF CHILDREN AND
ADOLESCENTS AND NON-DISCRIMINATION IN PARAGUAY.
Pre-session No. 95
(01 to 05 May 2023)**

March 2023

Introduction

1. This alternative report to the United Nations Committee on the Rights of the Child (CRC), for the review of the State of Paraguay, is a joint contribution between the Network Against All Forms of Discrimination of Paraguay, the CDIA (for its acronym in Spanish) - Coordinator for the Rights of Children and Adolescents of Paraguay, Akahatá - Task Force on Sexualities and Genders, SYNERGIA - Initiatives for Human Rights and SRI - Sexual Rights Initiative; for the 95th session of the CRC.
1. More than three decades ago, the Paraguayan State entered into commitments stemming from the International Convention on the Rights of the Child. By ratifying this Convention, Paraguay assumed the obligation to adapt its legislation to the terms of this instrument, as well as to carry out concrete actions for substantial change with respect to the guarantee of the rights of children and adolescents. These rights include sexual and reproductive rights, which will be covered in this report.
2. Bearing in mind that the Paraguayan State has numerous international recommendations for the advancement of the protection of human rights in general. This alternative report is based on the concluding observations submitted to the Paraguayan State in response to the third periodic report of Paraguay (CRC/C/pry/3) at its 1457th and 1459th meetings, held on 12 January 2010, and at the 1501st meeting, held on January 29, 2010, at which those observations were adopted.
3. Compliance with the recommendations will have a direct impact on the reduction or elimination of barriers to full access to these rights, which have an impact on the lives of children, adolescents, and young people in the country. The consequences of insufficient action on sexual and reproductive rights and how they affect this sector of the population will be discussed below.
- I. General measures of implementation 4, 42, 44(6))

A. Legislation

4. The lack of legislative alignment with the Convention is a pending matter for the State. While recognizing the efforts made in the development of national plans that include objectives and targets for the respect, protection, promotion and guarantee of sexual and reproductive rights such as the National Plan for Children and Adolescents 2020-2024 and the National Plan for Sexual and Reproductive Health 2019-2023. In this regard, it is important that the Paraguayan State promote compliance at all levels of governance within the national territory. It is also necessary to guarantee the updating and continuity of these plans following the principles of progressivity and non-regression in human rights.

5. On the other hand, it is worrisome that circular no. 005/2022 of the Ministry of Foreign Affairs states that "terminologies have been identified that have been promoted in different forums and do not have a universally accepted definition, so they must be avoided".¹ Among these terms are those of gender, diversity, intersectionality, autonomy, sexual and reproductive rights, among others.² Also, this circular, instructs officials how to introduce footers as a form of opposition of the State to the previous terms. This fact obstructs and limits the scope of the law and gender approaches established within international instruments.
6. There is a wide gap between what is established in the Convention and the practices of the operators of the Protection System, mainly of the justice system and education. A clear example is that in the face of so many situations of sexual abuse, violence, pregnancies, early unions, comprehensive sexuality education is still not incorporated to address these situations, even when students are constantly demanding it³. On the contrary, the Ministry of Education and Science issued a resolution banning "gender ideology"⁴, a fact that will be deepened later.
7. Reality shows a clear setback rather than progress. One of the most recent and serious facts is that the Ministry of Education and Sciences eliminated the routes of care for those cases of students victims of discrimination, linked to their sexual and reproductive rights, by the principal; teaching or administrative staff and/or their peers⁵.
8. An important step was the approval of Law No. 5659 on the Promotion of Good Treatment, Positive Parenting and the Prohibition of Physical Punishment and Humiliating Treatment⁶. Paraguay has shown progress in legislative matters; however, these do not translate into public policies and sufficient investment for their effective implementation. The legal prohibition of punishment, without guaranteeing the addressing of structural and cultural factors of normalization of violence, ends up being a *check* on the recommendations they have given Paraguay, without the legislation being reflected in practice. Every day, thousands of girls, boys and adolescents, in this macho, adult-

¹ Ministry of Foreign Affairs. Circular No. 005/2022.

² [Words about gender that Paraguayan diplomats should avoid.](https://www.abc.com.py/nacionales/2022/11/02/los-palabras-sobre-genero-que-diplomaticos-paraguayos-deben-evitar/)
<https://www.abc.com.py/nacionales/2022/11/02/los-palabras-sobre-genero-que-diplomaticos-paraguayos-deben-evitar/>. (November 2, 2022). ABC.

³ <https://alc-noticias.net/en/2018/09/21/somos-pytyvohara-mobiliza-estudiantado-exigiendo-educacion-integral-de-la-sexualidad/>

⁴ https://www.mec.gov.py/cms_v4/documentos/ver_documento/?titulo=29664-2017-RIERA1

⁵ [Interagency Intervention Guide for the attention of cases of violation of sexual and reproductive rights in the educational field](#), it had 66 pages as can be seen in the index, however, it was currently shortened to only 22 pages.

⁶ [Law No. 5659 "On the promotion of good treatment, positive upbringing and protection of children and adolescents against physical punishment or any type of violence as a method of correction or discipline"](#)

centered and authoritarian society, continue to be victims of multiple violence, in different areas: family, educational, health, etc⁷.

9. The State, in its last official report, indicated that it was preparing a policy to promote positive parenting, however, such a policy does not exist. Communication campaigns are carried out, which are important, but cannot be the only response of the State to the problem of violence. These actions must be linked to the capacity of the System for the Comprehensive Protection of Children and Adolescents (SIPPINA, for its acronym in Spanish) to provide a real response, carry out monitoring, research and provide the required protection, with a focus on rights, gender, inclusion and interculturality.

Recommendations

10. That the Paraguayan State guarantee the updating and continuity of the National Plan for Children and Adolescents 2020-2024 and the National Plan for Sexual and Reproductive Health 2019-2023, following the principles of progressivity and non-regression in terms of human rights.
11. Revise the new Action Guide for the detection of sexual harassment or abuse in children and adolescence; approved by Resolution No. 192 of February 7, 2023, of the Ministry of Education and Sciences (MEC, for its acronym in Spanish), in light of international standards in the field and especially under the principles of the best interest and progressive autonomy of children and adolescents.
12. That the Ministry of Foreign Affairs revises circular no. 005/2022 that limits the concepts of gender, diversity, intersectionality, autonomy, sexual and reproductive rights, adjusting to international definitions in the matter.
13. That the Paraguayan State establish a public policy of positive upbringing and good treatment towards children and adolescents. In this sense, State institutions that implement policies, plans and programs related to children and adolescents must actively participate in the promotion of positive parenting guidelines and good treatment aimed at all sectors of society.
14. That the human rights, gender, inclusion and interculturality approach be incorporated into the plans drawn up; in line with existing legislation and commitments established in international, regional and local instruments on gender equality and the inclusion of all persons.

⁷ <https://www.cdiaobserva.org.py/2021/11/19/la-infancia-count-paraguay-2020/>

B. National Action Plan

15. The Paraguayan State, in a short time, approved two national plans for children and adolescents. The implementation of the first plan provoked a reaction from anti-rights groups⁸ that pushed for a campaign⁹ to eliminate several of the document's approaches. The State yielded to this pressure and, on November 24, 2020, the National Council for Children and Adolescents, through Resolution No. 5/2020, annulled Resolution No. 3/2020 approving the National Plan for Children and Adolescents 2020-2024. The National Council for Children and Adolescents decided by resolution No.1/2021 that the drafting committee of the new plan should also be composed of representatives of parents' organizations and faith-based organizations who were the main detractors of the previous plan. This fact resulted in gender and inclusion approaches being overridden, as well as the omission of the word gender throughout the document. The new National Plan for Children and Adolescents 2022-2024¹⁰ demonstrates the State's non-compliance with the principle of non-regression in terms of rights. This setback directly affected everything related to the sexual and reproductive rights of Paraguayan children and adolescents, among other rights that will be seen later.

Recommendations

16. Prepare and approve a new national plan with a focus on gender, inclusion and non-discrimination, as well as contemplating Comprehensive Sexuality Education (CSE) based on scientific evidence, secular, with a gender and human rights approach.
17. Ensure the implementation of training and the distribution of materials to teachers and students on sex education and issues related to the rights approach, based on scientific and secular information.

C. Coordination

18. The National Plan for Sexual and Reproductive Health 2019 - 2023 has as one of its strategic guidelines to “Define or determine the scientific content related to health to be incorporated into the academic programs of the different levels of formal education: initial, preschool, elementary, middle, high school and graduate”. To this end, it is proposed to provide technical support to the Ministry of Education and Sciences for the development of sexual and reproductive health contents to be taught in formal

⁸ [Parents reject National Plan for Children and Adolescents.](#) (November 10, 2020). La Nación.

⁹ [They ask to prepare a new "Plan for Children and Adolescents" with the participation of parents.](#)(November 23, 2020). La Nación.

¹⁰ [National Plan for Children and Adolescents 2022-2024.](#)

education"¹¹ To date, this process of joint work between these two state institutions has not been carried out, a situation that hinders the implementation of Comprehensive Sexuality Education within public and private educational institutions.

Recommendations

19. Prepare and implement a national policy of comprehensive sexuality education that is scientific, secular, with a gender and human rights perspective, in coordination with the Ministry of Public Health and Social Wellbeing and the Ministry of Children and Adolescents for all public and private educational institutions.

D. Data Collection

20. Despite the efforts reported by the State in terms of systems for the production of data, these are insufficient. The lack of disaggregated and unified data capable of making visible issues such as, for example, the levels of school exclusion, the incidence of suicides in LGBT children and adolescents, among other fundamental data for decision-making based on information for the evaluation and reformulation of current public policies, is detected.

Recommendations

21. Intensify data collection and analysis to produce statistics, at both the national and local levels, using data disaggregated by age, gender, ethnicity, family income, disability, as well as other variables related to sexual and reproductive rights.
 22. Strengthen, through the National Survey Institute, the administrative records of institutions; and intensify the generation and processing of official statistical data, disaggregated by territories, age, gender, ethnic origin, family income and disability.
- II. Definition of the child (art. 1)
23. Although Law 5419/2015 amended the minimum age for marriage, the State does not explicitly state in its report that it contemplates exceptions for which, with the authorization of the family, adolescents can marry from the age of 16. In official data of the State, year 2021, the registration of a male child who has contracted marriage between 10 and 14 years is observed, being that the law prohibits it¹².

Recommendations

¹¹ [National Plan for Sexual and Reproductive Health 2019 · 2023](#). Pg. 43.

¹² INE/DGREC. 2021 administrative vital statistics records.

24. Promote legislative measures and public policies aimed at avoiding child marriages and early and forced unions, as well as accompanying measures for married or united adolescents, from a multisectoral approach and with assured funding; as well as the significant participation of children and adolescents and the organizations that work on these issues for their development, monitoring and evaluation.

III. General principles

A. Non-discrimination (art. 2).

25. The Constitution of Paraguay guarantees equality between all persons and prohibits discrimination (art. 46). However, discrimination is not legally defined and there are no legal mechanisms or public policies to eradicate it. The bill against all forms of discrimination that was debated in the House of Senators in 2014 was rejected by 17 votes to 21. The State has not given explanations or alternatives to the non-approval of the law. The lack of a law against all forms of discrimination creates a vacuum of concrete mechanisms of effective protection so that anyone who suffers discrimination can report, discrimination is denatured, reflections are generated within institutions and companies, awareness is raised, violence that implies it is prevented, sanctions are applied against those who exercise it, and effective mechanisms of reparation are established for the affected persons. The absence of a mechanism to report discrimination means that the resolution of cases depends on the good intentions of the people who are in institutional positions. There is a need for a comprehensive law against all forms of discrimination, including all areas involved in people's lives: health, education, employment, political, family, social, recreational, among others. In this regard, it is recalled that the grounds for non-discrimination must include the sexual orientation and health status of the girl, boy or adolescent (including HIV/AIDS and mental health)¹³ as provided for in point 6 of General Comment No. 4.

26. The Committee in response to the State's third report notes that it "remains concerned that some children in the State, suffer discrimination on the basis of ethnic origin, native language, gender, nationality, disability and street situation"¹⁴. Additionally, in accordance with article 2 of the Convention, recommends that the State "(b) expedite the process of adopting the draft law against all forms of discrimination".¹⁵ There are numerous recommendations regarding the need for the adoption of legislation against all

¹³ General Comment No. 4 of 2003 on Adolescent Health and Development in the Context of the Convention on the Rights of the Child.

¹⁴ Recommendation Nº 24.

¹⁵ Recommendation Nº 25.

forms of discrimination, without these having been complied with. The Simore¹⁶ records eleven follow-ups to this recommendation and only one of them refers to the law against all forms of discrimination¹⁷, without stating actions for the acceleration of the approval process by the responsible institutions.

27. With the elimination of the human rights, gender, inclusion and intercultural approaches of the new National Plan for Children and Adolescents 2022-2024¹⁸, barriers are generated for the enforceability of institutional practices that favor the participation and equal opportunities of children and adolescents. It also limits the visibility of diversity and the particular conditions that make each person different. The inclusion approach responds positively to diversity and individual differences, understanding that diversity is not a problem, but an opportunity for the enrichment of society. In this sense, the elimination of this approach distances LGBTI children and adolescents from information and services related to sexual and reproductive rights that respond to their specificities.

Recommendations

28. The Paraguayan State is recommended to sanction and promulgate the bill against all forms of discrimination “Julio Fretes”, currently under consideration in the Chamber of Senators.
29. To review and update the National Plan for Children and Adolescents 2022 -2024 including the approaches of human rights, gender, inclusion and interculturality in order to guarantee non-discrimination in access to sexual and reproductive rights.

B. The best interests of the child (art. 3.)

30. The principle is not translated into practice and the authorities responsible for determining the best interests are insufficiently trained, especially when it comes to issues related to sexual orientation and gender identity. This principle is constantly questioned by religious groups where they argue that the best interest cannot be determined by the State since it allegedly violates parental authority, but that it is the parents who are the only ones authorized to determine what is best for their sons and daughters¹⁹, even if this violates fundamental rights of children and adolescents such as

¹⁶ The Recommendations Monitoring System (SIMore) is an inter-institutional system that facilitates the systematization of international human rights recommendations made to Paraguay by the different human rights bodies and special procedures. See: <https://www.mre.gov.py/simoreplus/>

¹⁷ <https://www.mre.gov.py/simoreplus/Home/DetailsFollow-up/1016> “On November 23, 2015, the Network Against All Forms of Discrimination re-submitted the Anti-All Forms of Discrimination Bill to the Senate. To date, it has a favorable opinion from the Permanent Advisory Commissions of: Human Rights and Equity and Gender; and pending an opinion in the Permanent Advisory Commissions of: Constitutional Affairs and Legislation.

¹⁸ [New National Plan for Children and Adolescents 2022-2024](#)

¹⁹ [Pro-life groups ask to stop the educational transformation](#). (November 22, 2020). Última Hora.

access to scientific, secular, gender perspective information linked to sexual and reproductive rights.

Recommendations

31. Establish guidelines for decision-makers on the care and accompaniment of LGBT girls, boys and adolescents and training of public servants to respect diversity taking into account the principle of the best interest and progressive autonomy.

C. The right to life, survival, and development (art. 6).

32. The right to life, survival and development must be understood holistically since its guarantee depended on the fulfilment of the other rights enshrined in the Convention. In this sense, the non-recognition of the identities of LGBTI children and adolescents becomes a hindrance to the enjoyment of fundamental rights, undermines integral development and constitutes a clear threat to the life and dignity of children and adolescents with sexual orientation and gender identity not heteronormalized.

Recommendations

33. Development and enactment of a Gender Identity Law that recognizes and guarantees the self-perceived identity of transgender girls, boys, and adolescents, without there being correspondence with the sex assigned at birth, including the personal experience of the body. Likewise, it is considered essential that this law allows people, from a simple administrative and free procedure, to register their name and their gender identity without the need for medical, psychological, or psychiatric diagnoses and in accordance with all the standards established by the Advisory Opinion on gender identity, equality, and non-discrimination against same-sex couples, (2017), OC-24 / 17 of the Inter-American Court of Human Rights.

D. Respect for the opinion of the child (art. 12)

34. To facilitate the fulfillment of this principle, it is necessary for the State to generate spaces for the prominent participation of children and adolescents, however, there are groups contrary to this right that continue to encourage that daughters and sons are the property of the parents and that this prominent participation²⁰ must be “authorized” by the family, a situation that conditions respect for the opinion of children and adolescents within the national territory. The pressure exerted by anti-rights groups had an effect on the new National Plan for Children and Adolescents 2022-2024,²¹ which eliminated from its

²⁰ They assert that the main guarantor is the parents and not the Government. “The aforementioned plan also violates the inviolable right of parents in the education of their children and in particular in matters of sexual and reproductive education,” the statement said.

²¹

http://www.minna.gov.py/archivos/documentos/2022_Plan%20Nacional%20de%20la%20Ni%C3%B1ez%20ok_phocpzwe.pdf.

principles the prominent participation, leaving only the word participation that must be in harmony with the exercise of parental authority, which implies that without the authorization of the responsible adult person this fundamental right cannot be exercised. This distorts the very meaning of prominent participation.

35. Regarding sexual and reproductive rights, there are no institutional guarantees for respect for the self-perceived gender identity of girls, boys, and adolescents, as well as the name and pronoun chosen. Nor for access to information on sexual and reproductive health issues. In this sense, the importance of resolution No. 695 is recognized,²² by which the Ministry of Public Health and Social Wellbeing contemplates the need for the use of the social name of trans persons by officials and service providers of said ministry.
36. The educational field, instead of promoting the leading participation and listening to the voices of children and adolescents, is one of the most censorious spaces. During 2022, among several situations, the harassment and questioning of a student who did his homework and included homoparental families to the types of family stands out, the case reaching the press. This led to interventions in the educational institution, and the Ministry of Education and Science ordered sanction and indictment to the director and teacher of the institution²³. This sets a precedent that incites censorship, while reproducing authoritarianism and disrespecting the views of children and adolescents.

Recommendations

37. Adoption of resolutions on the use of social names in public institutions, especially educational institutions, which should promote plural participation and promote respect for opinion, however, they remain unsafe spaces for LGBTI children and adolescents, because they censor and do not respect opinions that diverge from the official institutional discourse, which is the denial of differences.
38. The State must elaborate and implement at its three levels of government and in the three branches of the State, a public policy of leading participation of children and adolescents, so that public policy actions incorporate their visions and voices and respond to the needs of the country's various population groups.

²² Ministry of Public Health and Social Wellbeing (2016) Resolution S.G. No. 695. By which it is established that in the integrated and integral networks of health services (RIISS) under the Ministry of Public Health and Social Wellbeing, the name of social use of the trans people with whom they are identified may be used. Paraguay.

²³ [Homoparental family, the poster that causes a stir in a school in Ciudad del Este](#). (October 13, 2022). La Nación.

IV. Civil rights and freedoms

A. Birth registration

39. Of the 103,782 births that were registered in 2021 only 70.5% registered their birth in the civil registry in the same year. Before the pandemic, the percentage of this register reached 72.6%, a figure that decreased considerably in 2020, taking into account the limitations as a result of quarantine, the percentage was only 66.1%²⁴. This clearly demonstrates the shortcomings that the civil registry continues to have.
40. These situations are aggravated in rural areas taking into account that they must go to the urban area where the Civil Registry is located to be able to register their daughter or son, that is, said registry is not accessible so that they can be registered at the time of birth, but they must move to another place to be able to do so.
41. Obstacles to the registration of certain names such as those of Guarani²⁵ origin persist, as well as the existence of provisions, such as article 56 of Law No. 1366/87: “the Civil Registry officer shall not register ridiculous names, or that may mislead on sex, nor more than three names”²⁶, which leave the decision to the free discretion of the operator.

Recommendations

42. It is recommended that article 56 of Act No.1366/87 be revised to guarantee the right to identity without discrimination of all children and adolescents within Paraguayan territory.
43. Civil registry offices and their staff must be closely monitored, as well as receive training and awareness-raising on the scope of the legal framework for the protection of children and adolescents in the country.

B. Torture and other cruel, inhuman, or degrading treatment or punishments

44. In Paraguay, torture practices persist which, under the guise of conversion therapy²⁷, inflict physical and psychological harm on LGBTI children and adolescents²⁸. While it is a breakthrough that Law No. 7018/2022 on Mental Health²⁹ prohibits this type of practice, it still remains to ensure its dissemination and compliance by all mental health services

²⁴ CDIA Observa, 2023. Calculated from the [Vital Statistics of Paraguay 2021 of the INE pag. 11](#) and the [number of live births registered by the Ministry of Public Health and Social Wellbeing](#).

²⁵ The Nation, 2023. [Viral scandal and confusion for registering name in Guarani](#).

²⁶ [Agreement and Judgment No. 817 of December 28, 2022](#). (January 9, 2023). La Nación.

²⁷ Since 2019, LGBTI organizations in Paraguay have systematically reported this type of torture. See Reports of the Human Rights Coordinator of Paraguay, 2019, 2020, 2021 and 2022. Available at: <https://www.codehupy.org.py/annual-reports/>

²⁸ [Conversion Therapies in Paraguay](#). (January 10, 2023). Agencias presente.

²⁹ [Law No.7018/2022 on Mental Health](#).

both public and private. In this sense, it is worrisome that this law establishes that "The Executive Power will regulate this law within a period of 90 (ninety) days after the enactment", this has not yet been fulfilled although the established term is expired.

Recommendations

45. Regulate Law No. 7018/2022 on Mental Health and advocate for its effective enforcement in order to eradicate inhuman and degrading practices affecting LGBTI children and adolescents, such as so-called conversion therapies, as well as to avoid torture and other ill-treatment. The State must provide sufficient budget for the effective implementation of this legal framework, at all three levels of government.

C. Corporal punishment

46. Despite the validity of Law no. 5659/2016, which, in its first article, establishes that "Everyone responsible for the parental authority, guardianship, dative guardianship, special guardianship, guardianship, upbringing, education, care, attention, assistance, guidance, treatment and protection of children and adolescents, is prohibited from using physical punishment and all types of cruel, inhuman or degrading treatment as a form of correction or discipline"³⁰, this practice persists, especially as a punishment measure to correct behaviors of children and adolescents linked to gender identity and expression. Girls, boys and adolescents with sexual orientation that does not correspond to heterosexual orientation are victims of this type of violence, in addition to the denial of this reality by the State.

Recommendations

47. It is necessary for the State to establish prevention and protection policies to ensure that there is no physical abuse by teachers and other professionals working with children and adolescents. The Ministry of Education and Science and other public institutions must keep a record of these cases and carry out the corresponding sanctions.
48. That the State recognize the specificities of LGTBI children and adolescents and establish mechanisms for monitoring complaints and establish prevention and protection policies, in order to prevent and eliminate any type of discriminatory, inhuman and degrading cruel treatment towards this sector of the population.

³⁰ Law No.5659/2016, on the promotion of good treatment, positive upbringing and protection of children and adolescents against physical punishment or any type of violence as a method of correction or discipline.

- V. 5. Family environment and alternative care (arts. 5; 18 (paras. 1-2); 9-11; 19-21; 25; 27 (para. 4); and 39 of the Convention)

A. Family environment

49. The constant impulse by anti-rights groups to limit the definition of family only to that formed by father and mother, leaving other types of family outside the protections guaranteed by the State, remains a concern. As a result of the above, a negative context is generated for the recognition and legal protection of other types of families such as single parents, those formed by trans people and those composed of people of the same sex. An example of this is the disproportionate reaction by the Ministry of Education and Sciences, which, following an information poster prepared by a student about families, which included the homoparental family, was the reason for a quick indictment of the teacher in charge of the subject Citizen Ethics and the principal of the San Blas School of the department of Alto Paraná³¹. This measure also constitutes an “exemplary” measure to send the message that the conversation in the classroom on LGBTI issues will not be tolerated. It also constitutes an attack on the freedom to teach and learn.
50. The new National Plan for Children and Adolescents 2022-2024 states that “the nuclear family composed of a father and a mother in a stable marriage or union can be the best guarantor of the gradual and harmonious development of children's rights, including their participation in family dialogue. This, however, cannot lead to stigmatization or discrimination of other family arrangements, such as single-parent nuclear families or assembled two-parent nuclear families (single woman with children, married or in union to widowed or divorced with children), or substitute, host and foster families³². This statement ignores and excludes from protection homoparental families and those composed of trans people, evidencing discrimination against these types of families.
51. From the State there are no actions, such as campaigns with content on non-discrimination against LGBTI girls, boys and adolescents, aimed at avoiding unnecessary expulsions from the family nucleus, a fact that entails the violation of a series of rights, such as the right to live in a family, to education, to health, and that in many cases increases the possibility of being subjected to sexual exploitation and compromises the right to life. Eighty four point one (84.1%) of transgender people leave the home before the age of 19 on grounds of expulsion from the home, hostility and discrimination in the community³³

³¹ [“Homoparental Family”: Students Disagree with MEC Action Against Teacher](#). (October 14, 2022). ABC.

³² [National Plan for Children and Adolescents 2022-2024](#). Pg. 36

³³ [Human Rights of Transgender People in Paraguay. Report of the study on the main barriers to access to education, work, housing, and health of transgender and non-binary people in Asunción, Central, Caaguazú, Amambay and Alto Paraná, Paraguay](#). (December 17, 2021) UNDP.

Recommendations

52. Provide legal protection to all types of families, explicitly to those composed of persons of the same sex and those formed by trans people, recognizing all the rights enshrined in articles 46 and 49 of the National Constitution and other legislation established for families.
53. Develop and implement a public policy linked to the right to live in a family, indicated by Law 6486, ensuring that the State provides the necessary social services that contribute to guarantees that children and adolescents, without judgments, can have positive parenting guidelines, and that their families accompany their life paths in a respectful way.

B. Alternative care

54. Law No. 6486 on the Promotion and Protection of the Right of Children and Adolescents to Live in Families, which regulates alternative care and adoption, establishes two modalities for alternative care: residential shelter and institutional shelter. However, there are no guidelines or approach protocols for the promotion and protection of LGBTI children and adolescents. This lack of protocols means that in many cases gender identity is not respected by the operators, a situation that violates the right to identity of these people. It is also concerned that mechanisms are not included to ensure that persons and institutions responsible for alternative care are not prejudiced towards sexual orientation and gender identity, a situation that could violate the rights of LGBTI children and adolescents.

Recommendations

55. Establish actions to ensure respect for the gender identity of LGBTI children and adolescents in alternative care and adoption processes, as well as arbitrate measures and mechanisms to ensure that persons and institutions responsible for alternative care do not have prejudices towards non-heteronormative sexual orientation and gender identity.
56. Generate non-discriminatory processes in alternative care and adoptions, where LGBT adults, couples or not, can participate in foster care programs and adopt children and adolescents who have been declared adoptable by the justice system, based on due process, provided for in the law.

C. Abuse and neglect

57. Law n. 5659/2016³⁴ Promotion of good treatment, positive upbringing and protection of children and adolescents against physical punishment or any type of violence as a method of correction or discipline. However, the approaches of rights, gender, diversity, and inclusion are not contemplated, ignoring that LGBTI children and adolescents are people prone to verbal, physical and psychological abuse due to the fact of expressing their sexual orientation or gender identity. In 2017, a 17-year-old teenager was the victim of a brutal assault near the city of Caaguazú. The teenager was repeatedly mistreated and physically assaulted, resulting in an attempt at “corrective rape.”³⁵ The young man received threats and was discriminated against because of his sexual orientation, and the local authorities, both educational, health and responsible for the protection of children and adolescents, did not take any previous action until after the terrible outcome.

Recommendations

58. Revise Law no. 5659/2016 and provide for measures with a focus on human rights, gender, inclusion and interculturality that make effective the right to a life free from abuse of LGBTI children and adolescents.
59. The State must provide psychosocial support to the families of LGBTI children and adolescents, so that they have tools to accompany the upbringing of their children, from respect and affection, thus avoiding situations of violence, discrimination, expulsion from the home, among other facts.
- VI. VI. Disability, basic health, and wellbeing

A. Children with Disability

60. There is a difficulty in guaranteeing the rights of children and adolescents with disabilities, in relation to sexual and reproductive rights. The constant denial of the sexuality of children and adolescents with disabilities, who suffer the greatest risk of discrimination, violence, marginalization, abuse, and exclusion, continues.

Recommendations

61. Actions related to education and the provision of sexual and reproductive health services need to address the needs of persons with disabilities, mainly children and adolescents, for the full enjoyment of their sexual and reproductive rights.

³⁴ [Law on the Promotion of Good Treatment, Positive Parenting and Protection of Children and Adolescents from Physical Punishment or Any Type of Violence as a Method of Correction or Discipline.](#)

³⁵ [#Paraguay: Two accused for brutal sexual attack on a teenager.](#) (April 17, 2022) Agencia Presentes.

B. Health and health services

62. The importance of the National Plan for Sexual and Reproductive Health³⁶ of the Ministry of Public Health and Social Wellbeing is recognized, as well as the efforts made in the Guide to the Rights of Children and Adolescents in Health Services³⁷ that includes a rights and gender approach. In this regard, there are a number of recommendations of this committee that have not yet been complied with by the Paraguayan State³⁸.
63. On the other hand, the responses of the State to these recommendations are limited in legal actions³⁹ without detailing the concrete proposals for this purpose, nor does it address central points, such as actions related to the reduction of pregnancy in girls and adolescents, those carried out for the effective implementation of comprehensive sexuality education, as well as actions to mitigate the use of psychoactive substances by girls, boys, and adolescents.
64. The alarming increase in pregnancies among girls and adolescents⁴⁰ that is directly related to sexual abuse persists⁴¹, as well as the early age of sexual intercourse without information relevant to sexual and reproductive rights. Every day, in Paraguay, two girls aged 10 to 14 have children every hour, and two teenagers aged 15 to 19 give birth⁴². The State's marked refusal to provide comprehensive sexuality education has an impact on the sharp increase in child sexual abuse figures. On average, between 10 and 13 victims were reported per day, figures even higher than in 2021 when between 7 and 8 cases were recorded per day.⁴³

³⁶ [National Plan for Sexual and Reproductive Health.](#)

³⁷ https://paraguay.unfpa.org/sites/default/files/pub-pdf/Gu%C3%ADa%20DNA%20en%20Salud_FINAL.pdf

³⁸ With regard to adolescent health, the Committee regrets the lack of information on the evaluation of these plans and is concerned about the high incidence of teenage pregnancies, sexually transmitted infections and drug and alcohol abuse among adolescents. In this regard, it is concerned that the Committee's recommendations on conducting studies to understand adolescent health problems remain unfulfilled, that it develops strategies to prevent teenage pregnancies, sexually transmitted infections and drug, tobacco and alcohol abuse, and that it promote and ensure access to reproductive health services for all adolescents, including sexual and reproductive health education in schools, communities and health centers.

³⁹ It refers to the National Plan for Adolescent Health 2016-2021 framed within the National Health Policy 2015-2030, the document on "Technical Standard of Comprehensive Care for Adolescents in Health Services", the "Guide on the Rights of Children and Adolescents in Health Services".

⁴⁰ The births of daughters and sons of girls between 10 and 14 years of age constitute one fifth of all births that occur annually in the country. Between 2010 and 2016, 18.7% of all births registered corresponded to live births to children and adolescents aged 10 to 19 years. (UPR CSE).

⁴¹ [MEC records 137 cases of sexual abuse and harassment in just 4 months.](#) (September 05, 2022). Última Hora

⁴² [Center for Documentation and Studies \(CDE\) 2018 Pregnancy and maternity of girls in Paraguay Asunción: CDE.](#)

⁴³ https://www.swissinfo.ch/spa/paraguay-justicia_paraguay-reporta-3.804-casos-de-abuso-sexual-infantil-durante-el-2022/48260994#:~:text=%2D%20Paraguay%20report%C3%B3%20este%20domingo%20que,trav%C3%A9s%20de%20las%20redes%20sociales.

65. Talking about teenage pregnancies involves analyzing the problems of early unions; this is a reality that affects approximately 9,786 adolescents between 14 and 17 years of age; however, it is a reality that mainly affects women, 97.8% of cases.⁴⁴
66. In 2021, 13,552 girls and adolescent women between 10 and 19 years of age gave birth, 493 were only between 10 and 14 years old, according to data from the Ministry of Public Health and Social Wellbeing.⁴⁵ The scenarios that increase the risk of pregnancy in girls and adolescents are diverse, including situations of sexual abuse against girls, the lack of access to timely and relevant information through comprehensive sexuality education with preventive approaches and the effective functioning of the institutions responsible for their protection. In Paraguay, although legally there is the possibility of terminating pregnancy when the life of pregnant people is at risk, it is not an option of the health system or justice in the face of acts of sexual abuse in girls and adolescents.
67. In August 2020, the official launch of the campaign called Ñañangareko was carried out, which seeks to generate comprehensive actions between several institutions, with the slogan “A pregnant girl is an abused girl”, however; there is still the debt of generating effective actions that have the relevant investments for the efficient approach to the problem.⁴⁶
68. Another area of great concern is mental health. In 2021, 99 girls, boys, and adolescents between 5 and 19 years old committed suicide in Paraguay, according to the records of the Ministry of Public Health and Social Wellbeing. Suicide is one of the leading causes of death in girls, boys and adolescents between 10 and 19 years of age in the country, and especially affects LGBTI children and adolescents. On March 10, 2022, the case of a teenager who tried to take her own life after being discharged from her school (private and religious), due to her sexual orientation, was reported.⁴⁷

Recommendations

69. Expand adolescent-friendly health services to all territories with the highest percentage of adolescent pregnancies in the country, in order to accompany pregnancy prevention actions for girls and adolescent women under 18 years of age.
70. Comply with the Committee's recommendations on conducting studies to understand adolescent health problems; develop strategies to prevent teenage pregnancies, sexually

⁴⁴ CDIA Observa, 2023 from EPHC, 2021 of the INE.

⁴⁵ MSPBS/DIGIES/DES. Vital Statistics Information Subsystem (SSIEV). Provisional data. Date of update: 29/06/2022.

⁴⁶ [The Ñañangareko campaign seeks to protect girls and adolescents from abuse and early pregnancy.](#)

⁴⁷ [Student attempted to take her own life after being deregistered because of her sexual orientation.](#) (August 06, 2020) MTESS.

transmitted infections and drug, tobacco, and alcohol abuse; and promote and ensure access to reproductive health services for all adolescents, including sexual and reproductive health education in schools, communities, and health facilities.

71. Promote and care for mental health, examine the scenarios that give rise to cases of suicides and enforce the mental health law throughout the national territory with sufficient budget.
72. Communication campaigns are not enough, if they are not accompanied by specific social services and rooted in each locality of the country.
73. MINNA does not have a permanent budget line to carry out annual communication campaigns on the different topics that must be accompanied, it does so only with funds from international cooperation or civil society.

C. Breastfeeding

74. The breast milk supply service, through the Milk Bank, recorded that in 2022, 2,633 newborns received pasteurized breast milk with certified quality; 1,360 mothers were given counseling and 1,179 breast milk evaluations were carried out; 439 milk donor mothers were also incorporated; 1,138 home visits were made, with a total of 1,268 liters of pasteurized milk with certified quality. However, the budget allocated to 2023 is Gs. 55,096,000 which implies an allocation of only Gs. 4,591,333 per month.
75. Data from UNICEF's 2016 Multiple Indicator Cluster Survey show that only three in ten children under six months old are exclusively breastfed⁴⁸. Law no. 550849 does not have an effective application and a control mechanism, mainly in public institutions linked to security⁵⁰ and in the private sector⁵¹ due to the weak monitoring of the Ministry of Labor and Social Security (MTESS). A paradigmatic case occurred in the Armed Forces, in 2019, where a career military woman was arrested for requesting to exercise her right to motherhood and her son's right to be breastfed⁵².

Recommendations

⁴⁸ [DGEEC. MICS Multiple Indicator Cluster Survey MNCH 2016.](#)

⁴⁹ ["Promotion, protection of maternity and support for breastfeeding"](#)

⁵⁰ ["UN Paraguay calls for guarantees for breastfeeding"](#) (05 April 2019). Última hora

⁵¹ ["Life will be complicated' for women"](#) (October 29, 2015). ABC Color.

⁵² ["They will not be able to pardon a military officer arrested for asking to breastfeed his child"](#) (April 10, 2019). Última Hora.

76. Generate effective mechanisms for monitoring compliance with Law No. 5508 on the promotion, protection of maternity and support of breastfeeding and establish monitoring and control mechanisms in public and private institutions.

D. Standard of living

77. State initiatives such as school feeding and other benefits offered within the Social Protection System do not reach LGBTI children and adolescents due to, for example, the educational exclusion linked to physical, verbal, and symbolic violence that persist as common practices within both public and private educational institutions,⁵³ facts that reveal that schools are not safe spaces for LGBTI children and adolescents. In this sense, there is no record of the actions carried out by the State that are linked to understanding how discrimination affects the school retention of these people. There are also no protocols for the intervention and care of LGBT girls, boys, and adolescents within public and private institutions.

Recommendations

78. Provide public institutions with intervention protocols and care for LGBTI children and adolescents and arbitrate measures aimed at the incorporation of LGBTI children and adolescents in situations of vulnerability to access state plans and programs.

E. HIV/AIDS

79. In Paraguay from 2017 to 2021, 7,131 new HIV diagnoses have been registered, 460 of the cases occurred in the range of 0 to 19 years of age. From 1985 to 2022, 25,050 HIV diagnoses have been made. In 2013 PRONASIDA published the number of people living with HIV, the figure was 16,453 people, taking into account the number of deaths and new diagnoses in 2021 the number of people living with HIV would be 17,373. According to the 2022 annual report, the proportion of people diagnosed with HIV who received continued antiretroviral treatment reached 76.58%, the target was 14,780 people, and the population reached: 11,320 people.
80. Despite the Committee's recommendations, the spread of HIV among young people continues to increase⁵⁴. The State reported, in its official report, the measures carried out

⁵³ [Paraguay's schools are not a safe space for LGBTI youth.](#) (August 25, 2022)

⁵⁴ The committee noted that despite the progress reported by the State, it remains “concerned that prevention programs for children and adolescents are relatively limited and that there are no comprehensive public care and assistance services for children affected by HIV/AIDS and their families”. In this regard, it recommended that the State “take measures to reduce the spread of HIV in its territory, especially among young people” and that it: “continue, strengthen and develop policies and programs to care for and support children infected or affected by HIV/AIDS, including programs and policies to strengthen the capacity of families and the community to care for these children”. Recommendation No. 58 and 59.

for the general population, without reporting on the direct measures for girls, boys and adolescents. The increase in STIS and HIV in the population of adolescents and young people, linked to sexual initiation at an early age without information, is worrying. The Ministry of Public Health and Social Wellbeing records that the highest number of HIV diagnoses is concentrated in age groups from 20 to 29 years⁵⁵. The number of diagnoses in children under 5 has increased compared to 2018⁵⁶. There is also a lack of awareness-raising efforts to prevent the incidence and spread of HIV/AIDS to young people with a rights and gender focus, especially access to information within educational institutions.

81. A journalistic investigation showed that, between 2013 and 2019, the National Congress granted public funds and the Ministry of Education and Sciences authorized the admission to both schools and colleges of a religious entity called "Decisions"⁵⁷ with the slogan of "Imparting biblical values in youth sexuality". This entity carried out activities that included the distribution of materials with false information on the ineffectiveness of condoms to prevent pregnancies and HIV. Among other messages, they highlight that women who suffer sexual abuse are responsible for what happened for not behaving as they should and promoting conversion therapies as a "cure" for homosexuality. These messages reached more than 25,000 students ages 13 to 18 across the country.⁵⁸
82. Early and free access to barriers to protection against HIV and STIS, such as condoms, lubricants, etc. for adolescents remains unaffected. During the year 2020, pandemic time, the distribution of contraceptive methods in the public health system decreased drastically, compared to the 2019⁵⁹ period.
83. Stigma and discrimination are situations commonly experienced by people with HIV, generated by ignorance and lack of information. Likewise, the different studies and exposure of information separates the problem of HIV, first from the other STIS and then from the specific health sections.

Recommendations

84. Increase efforts in the prevention of HIV transmission, mainly from mothers to daughters or sons; and improve the care of children and adolescents with HIV from a comprehensive and non-discriminatory perspective.

⁵⁵ Ministry of Public Health and Social Wellbeing (2019) Report on the HIV/AIDS Epidemiological Situation in Paraguay.

⁵⁶ Ibid.

⁵⁷ [Investigation of the independent journalistic media](#) (August 05, 2020) El Surtidor.

⁵⁸ Available in Manzoni, Maximiliano. [The evangelical NGO that meddles with your children using state money](#)

⁵⁹ See Mirta Moragas Mereles. "The pandemic deepened the gaps in the recognition of rights." In Human rights in Paraguay 2000. Assumption: Codehupy, 2020.

85. Improving access to information systems, the installation of Comprehensive Sexuality Education, isolated awareness campaigns are not enough to prevent the spread of both HIV and other STIS.
86. The reports requested both nationally and internationally must include it within the Health and Welfare Section, together with the other STIS, since it is not an isolated problem and has an impact on the health dimensions of people.
87. Strengthen and improve the exposure of data related to HIV/AIDS, being able to obtain more precise information on population groups, ages, territories; it is necessary to link the statistical system of the Ministry of Public Health and Social Wellbeing with PRONASIDA, for a more transparent exposure of the data and thus enable better public policies that actually respond to existing needs.
88. Take measures to remove all obstacles to adolescents' access to information and preventive measures, such as condoms and other contraceptive methods.

VII. Education, leisure, and cultural activities (arts. 28, 29 and 31 of the Convention)

A. Education, including vocational training and guidance

89. The State reports on progress in legislation and plans for inclusion, but this is not seen in practice. The retention of LGBTI people in schools remains a gap to be bridged and there is a need to generate data in this regard. Educational spaces are still not a safe space for LGBTI children and adolescents⁶⁰. The threat to cancel the enrollment of a teenager assumed as a lesbian became present in 2022⁶¹.
90. The denial of identity persists, starting with the non-recognition of the social name, as well as the prohibition of the use of uniforms that do not coincide with the sex assigned at birth. It is important to recognize that school expulsion affects other rights, such as health and labour rights, and particularly exposes transgender girls and adolescents to sexual abuse and exploitation. In this sense, 21% of trans people never went to school. 19.6% reached the primary level, 39.2% Secondary, 2% tertiary level and 17.6% University, as well as 6 out of 10 trans people in school report having suffered violence from a peer and 5 out of 10 from a teacher⁶².
91. One of the factors that influences the permanence and retention of girls, boys and adolescents is related to discrimination based on sexual orientation and gender identity

⁶⁰ [Paraguay's schools are not a safe space for LGBTI youth..](#) (August 25, 2022). Agencias Presentes.

⁶¹ [A school in Asunción wanted to expel two girls for being lesbians.](#) (November 3, 2022). Agencias Presentes.

⁶² [Human Rights of Transgender People in Paraguay. Report of the study on the main barriers to access to education, work, housing, and health for transgender and non-binary people in Asunción, Central, Caaguazú, Amambay and Alto Paraná, Paraguay.](#)

within the education system. This especially affects LGBTI children and adolescents. The validity of Resolution no. 29664/2017 which prohibits the dissemination and use of printed and digital materials referring to gender theory⁶³; as well as Resolution no. 1761/2019 which provides for the non-use of the material called Guide for teachers on comprehensive sexuality education, further limited access to this right.

92. The validity of the resolutions of the Ministry of Education and Science, despite its recommendation to be repealed⁶⁴, makes it impossible to address issues related to discrimination based on sexual orientation and gender identity, both in the classroom with formal curricula, as well as in other spaces such as those offered by NGOs in talk formats and workshops within educational institutions. As a good practice, it is important to highlight the exceptions made by specific schools so that trans adolescents can complete their studies respecting their gender identity and self-perceived name.⁶⁵

Recommendations

93. Repeal the Resolution of the Ministry of Education and Sciences no. 29.664 of October 5, 2017 "By which the dissemination and use of printed materials as digital referring to gender theory and/or ideology is prohibited, in educational institutions under the Ministry of Education and Sciences".
94. Repeal the Resolution of the Ministry of Education and Sciences No. 1,761/19 "Which provides for the non-use of the material called Guide for teachers on Comprehensive Sexuality Education – Permanent Education, in officially, privately and privately subsidized educational institutions throughout the country".
95. Formulating and approving an educational transformation plan with a focus on human rights, gender, inclusion and interculturality as cross-cutting axis, based on the promotion of the rights of LGBTI people and respect for these identities by the teaching staff, would have a positive effect on the permanence of these girls, boys and adolescents in the educational system.
96. Implement Comprehensive Sexuality Education (CES) based on up-to-date scientific knowledge according to the age of girls, boys, and adolescents; that guarantees the right to sexual and reproductive health, considered as a fundamental human right.

⁶³ Ministry of Education and Science (2017) Resolution No. 29.664. By which the dissemination and use of printed materials as digital referring to gender theory is prohibited, in educational institutions under the Ministry of Education and Sciences. Paraguay.

⁶⁴ Committee on the Elimination of All Forms of Discrimination against Women, Concluding observations on the seventh periodic report of Paraguay ([Doc. CEDAW/C/pry/CO/7, 22 November 2011](#)), para. 9.

⁶⁵ [See human rights reports in Paraguay, Codehupy 2019, 2020 and 2021.](#)

B. Special protection measures (articles 22, 30, 38, 39, 40, 37 (section b) to d)), and 32 to 36 of the Convention)

97. The reduction in budget for special protection measures was a matter of concern. The largest cut was made in addressing children and adolescents in street situations, problems derived from the use of psychoactive substances or conflict with the criminal law, which decreased by 87.7%, from having a budget of 2.245 million Guarani in 2020, in 2021 it remained at 277 million. Likewise, the treatment of children and adolescents in situations of child labour decreased by 26.8%.⁶⁶
98. It is important to understand that the decrease in resources allocated to special protection measures directly affects the inclusion of new groups such as LGBTI children and adolescents. This means that no protocols or guidelines are generated for the approach of trans girls, boys, and adolescents in street situations⁶⁷ and makes it unlikely that the above issues can be concretized, especially in a context in which it is evaluated to declare a national emergency regarding the use of psychoactive substances from a repressive approach, without taking into account the structural factors that affect girls, boys and adolescents in street situations.⁶⁸

Recommendations

99. Provide the Ministry of Children and Adolescents with a greater budget for addressing children and adolescents in street situations, problems derived from the use of psychoactive substances or conflict with the criminal law and in situations of child exploitation, especially to more vulnerable groups such as indigenous children and adolescents, LGBTI or with problems derived from the use of drugs.

C. Street children

100. Stigma, violence and discrimination are exacerbated towards girls, boys and adolescents in street situations if they are indigenous or transgender girls. In this regard, the State has not reported on the generation of efficient and clear mechanisms for the implementation of Observation 21, on children and adolescents in street situations. State action relies mainly on raids to remove them from certain public spaces, without providing definitive solutions in this regard. In this sense, we must reflect on the intersectionalities that affect these people, such as being indigenous and trans, two groups in which the street situation is naturalized as inevitable, avoiding taking adequate measures for this purpose. In this regard, the Comprehensive Care Programme for Street Children and Adolescents, like

⁶⁶ [Deepening the inequalities and historical challenges of the Paraguayan State with children and adolescents in the context of the pandemic.](#) (2021) Codehupy.

⁶⁷ [They warn that addiction centers do not cater for street children.](#) (23 February 2023). The Nación.f

⁶⁸ [approval is granted to declare a nationwide emergency for mass drug addiction.](#)

most programmes for the protection of street children and adolescents and their families, is under-resourced.

Recommendations

101. Provide the Ministry of Children and Adolescents with sufficient resources to reactivate programs aimed at the protection of children and adolescents in street situations and their families, which are implemented in a decentralized manner with the municipalities.
102. Demand that local governments, mainly municipalities, comply with the legal frameworks for the prevention and protection of children and adolescents, and provide quality social services, which are support for families at greater risk of social and economic vulnerability in each of their territories.

D. Sexual exploitation and abuse

103. Lack of access to education and other childcare policies, especially for girls and adolescent women, increases the risk of sexual exploitation and abuse. In this sense, 51.8% of trans people have started sexual intercourse between the ages of 4 and 14, while 45.2% say they have started it between the ages of 15 and 19. 15.8% say that the first sexual act was an abuse.⁶⁹
104. In 2021, more than 4,100 complaints of child sexual abuse and mistreatment entered the Public Prosecutor's Office. In 2022, 5,256 complaints were received for the same events throughout the country. 3,804, showing an increase in more than 1,000 cases compared to the previous year⁷⁰. This implies that more than 14 cases are reported per day in relation to these crimes.
105. With the expulsion from home, education system and the lack of a state system of containment, a high percentage of transgender girls and adolescents are victims of sexual exploitation. The age of 17 is the stated average age of having been victims of sexual exploitation.⁷¹

⁶⁹ According to the report of the Study on the Prevalence of HIV/Syphilis/Hepatitis B, behaviors, practices, and attitudes of the transgender population in Paraguay 2020.

⁷⁰ In 2021, more than 2,800 complaints of child sexual abuse, more than 1,300 complaints of ill-treatment and 2,796 complaints of child pornography entered the Public Prosecutor's Office. In 2022, 5,256 complaints of sexual abuse and maltreatment of children were received throughout the country. 3,804 correspond to Abuse and 1,452 to Abuse. There was an increase of more than 1,000 cases compared to the previous year.

See: <https://ministeriopublico.gov.py/nota/abuso-sexual-y-maltrato-en-ninos-un-total-de-5256-denuncias-fueron-presentadas-ante-el-ministerio-publico-en-el-ano-2022-7119>

⁷¹ According to the study on barriers to the fulfillment of the human rights of transgender people in Paraguay, 51.9% of the people surveyed reported having been in a situation of sexual exploitation while they were still minors.

106. In 2018, Law No. 6202/2018 on the Prevention of Sexual Abuse and Comprehensive Care of Children and Adolescents Victims of Sexual Abuse was enacted, which to date has not been regulated and less implemented. The Ministry of Education and Science, from its main authorities, is unaware of national legal frameworks and international conventions on the prevention of sexual violence in the national education system. Law No. 6002/17 increases custodial sentences for punishable acts of sexual abuse of girls and boys, however, cases of sexual violence against girls have increased in recent years. In 2018, 17,386 babies born alive were from girls, adolescents, and youth between 10 and 19 years old. Between 2008 and 2019, 26,123 victims of sexual violence against children and adolescents have been reported to the Public Prosecutor's Office. In 2019, 4,439 children and adolescents were victims of sexual violence, an increase of 19% compared to 2018. Recorded cases of sexual violence against girls, boys and adolescents went from an average of 2 per day (2010) to 12 per day (2019). Paraguay does not provide for the optional application of termination of pregnancy for cases of rape and incest involving girls and adolescents.
107. In Paraguay, in 2021, at least 3,288 girls, boys and adolescents were victims of sexual abuse, according to records of complaints from the Prosecutor's Office. Sexual abuse is a crime and constitutes one of the worst forms of violence against children and adolescents. It threatens their development, their understanding of their own body and their emotions. Paraguay does not have an assistance program for the recovery of victims of sexual violence, with interdisciplinary teams and specialized accompaniment that allows them to recompose their life trajectories. The department of care for victims of the Public Ministry is specifically for the investigative process, it is also not present in all cities, so it limits the access or frequency with which the process should be carried out.
108. On the other hand, the Sexual Exploitation of Children and Adolescents (ESNNA, for its acronym in Spanish) is understood as the use of a person under 18 years of age in sexual activities, under the promise of economic retribution (in payment or species), threats or even through physical force. Among the issues linked to the ESSNA are the high profitability of the "sex industry" and the proliferation of activities such as tourism, without adequate control. One of the spaces used by girls, boys and adolescents in sex tourism is the Transchaco Rally. For this reason, the Ministry of Children and Adolescents annually carries out the so-called "Operation Rally", to prevent violation and protect children and adolescents, mainly, those who come from indigenous communities or who are in a street situation. However, it is an area that must be detailed in depth, establishing the necessary mechanisms for the recognition of facts, and the monitoring of the due processes for the protection of children and adolescents. Not only the sports

spaces that attract tourists from abroad must be attended but any event that generates the gathering of people, such as the pilgrimages in December and Easter, the patron saint festivities in the rural area, among others.

Recommendations

109. Implementation of an assistance program for the recovery of victims of sexual violence, with interdisciplinary teams and specialized accompaniment that allows them to recompose their life trajectories, by the Ministry of Public Health and Social Wellbeing, with budget and implemented at the territorial level.

E. Sale and trafficking of persons

110. The number of children and adolescents who disappear in Paraguay remains alarming, without efficient mechanisms for reporting and locating these people.⁷² In 2021, the National Police reported 1,575 people missing: more than half of these people were under 18 years old, of which 79.3% were girls and adolescent girls. On the other hand, 57% of male children and adolescents reported missing were located, while only 47% of female children and adolescents were located⁷³. In 2021, a bill was presented that creates and regulates the National Missing Persons Alert System (SINAPDE, for its acronym in Spanish), but this was rejected⁷⁴.

Recommendations

111. Establish effective mechanisms to search for and locate missing children and adolescents, as well as carrying out studies to determine the reasons for disappearance and the establishment of protection measures for persons located alive.
112. The State should establish an integrated centre for the search and tracing of persons, mainly children and adolescents, and draw up a risk map of the areas most prone to this situation.
113. Carry out a social and environmental evaluation of the families, before reintegration, in the event that the person has been found alive, in order to avoid revictimization in the event of having suffered situations of violence or sexual abuse.

⁷² [Disappearance of children and adolescents, what lies behind the dead.](#)(November 6, 2022). La Nación.

⁷³ [In Paraguay, more girls and adolescent girls disappear and are the least localized by the State.](#) (August 1, 2022) CDIA.

⁷⁴ [They announce a new attempt to create the Missing Persons Alert System.](#)

F. Administration of Juvenile Justice

114. Of the total number of persons deprived of liberty, almost 50% are under 30 years of age, according to data from the first Statistical Yearbook of Persons Deprived of Liberty in the Republic of Paraguay 2018.⁷⁵ According to data from the National Mechanism for the Prevention of Torture, 34% of adolescents claimed to have been victims of ill-treatment and torture in educational institutions⁷⁶

G. Indigenous children and adolescents

115. The state of vulnerability of girls, boys and adolescents, especially girls from indigenous peoples, who are victims of sexual abuse and exploitation is alarming. Complaints made in the media exposing this situation in different parts of the country are frequent.⁷⁷ In 2020, the discovery of the body of a dismembered indigenous girl, in a backpack in the vicinity of the Asunción Bus Terminal⁷⁸ created commotion.

Recommendations

116. Arbitrate special protection mechanisms for LGBT adolescents in detention, given that they are more vulnerable to violence, ill-treatment and humiliation.
117. Urgently plan and implement concrete actions aimed at resolving the situation of sexual exploitation and other types of abuse suffered by indigenous children and adolescents; with the participation of indigenous peoples.
-

⁷⁵ [Half of Paraguay's population deprived of liberty is young.](#)

⁷⁶ National Mechanism for Torture Prevention. Opening doors to confinement. Reality of adolescents in detention in Paraguay. 2015

⁷⁷ [Terrifying, indigenous girls are raped in the middle of the street in the city of Mariano Roque Alonso.](#)

⁷⁸ [An indigenous girl found dead in the terminal area, she was strangled.](#)