

COUNTRY REPORT

IMMIGRATION DETENTION IN PARAGUAY: THE NON-DETENTION NORM VERSUS MANDATORY COVID QUARANTINE

DECEMBER 2020

 GLOBAL DETENTION PROJECT



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THE GLOBAL DETENTION PROJECT MISSION

The Global Detention Project (GDP) is a non-profit organisation based in Geneva that promotes the human rights of people who have been detained for reasons related to their non-citizen status. Our mission is:

- To promote the human rights of detained migrants, refugees, and asylum seekers;
- To ensure transparency in the treatment of immigration detainees;
- To reinforce advocacy aimed at reforming detention systems;
- To nurture policy-relevant scholarship on the causes and consequences of migration control policies.

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Front cover image: A view of inside one of Paraguay's COVID-19 quarantine shelters © Latinousa.org

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GLOSSARY

CERD	UN Committee on the Elimination of Racial Discrimination
CMW	UN Committee on Migrant Workers
CONARE	National Commission for Refugees
DGM	Dirección General de Migraciones
GDP	Global Detention Project
IL	Immigration Law N°978/96
OPCAT	Optional Protocol to the Convention against Torture
RIL	Decree N°18.295 which Regulates Immigration Law N°978/96
SPT	UN Subcommittee on the Prevention of Torture



KEY FINDINGS

- Paraguay does not operate a dedicated immigration detention system. Non-nationals detained for immigration reasons are confined in prisons and police stations.
- Detention can be used only to ensure deportation.
- The number of people who are detained is unclear because the country's immigration authority does not release statistics on this measure.
- There is no time limit on the length of immigration detention. The law states that in expulsion cases, authorities may order the detention of a non-national for the “minimum time necessary to ensure that the expulsion is conducted.”
- As an administrative body, the migration authority—the *Dirección General de Migraciones* (DGM)—does not have coercive powers and, as such, does not detain people. The National Police (*Policía Nacional*) has the power to make arrests based on irregular immigration status and subsequently reports to the DGM.
- The country's Immigration Law provides that pushbacks at the border can be authorised in certain circumstances.
- After the onset of the COVID-19 pandemic, Paraguay extended non-citizens' residence permits and set up several dozen quarantine centres (in warehouses and other buildings such as schools), where several thousand people were mandatorily quarantined.
- As of December 2019, there were 1,106 refugees and 694 asylum seekers in Paraguay. Additionally, there were at that time some 3,588 displaced Venezuelans living in the country.



1. INTRODUCTION

Paraguay has traditionally been a country of emigration rather than of immigration. Following the War of the Triple Alliance (between Paraguay and the Triple Alliance of [Argentina](#), [Brazil](#), and [Uruguay](#), ending in 1870), in which approximately 60 percent of the population died, authorities sought to promote and encourage immigration to the country. In its first post-war National Constitution of 1870, it noted: “American and European immigration will be encouraged and it will not be possible to restrict, limit, or impose any tax on the entry of foreigners who come to the country with the aim of improving industries, working the land, or that will teach science and the arts.” This provision was kept without many changes until 1996, when new immigration legislation introduced limitations to obtaining temporary or permanent residence permits.¹

In recent years, as Paraguay’s economy has steadily grown (in 2017, the country saw a 4.9 percent growth rate),² there has been a slow increase in the number of migrant arrivals. As of 2019, 160,000 migrants were reported to be in the country—representing approximately 2.3 percent of the population—most of whom were from Brazil and Argentina.³ Also, recently the country has begun to have a growing population of Venezuelans fleeing turmoil in their country, who numbered roughly 3,500 by the end of 2019.⁴

Like many of its South American neighbours, Paraguay does not have a dedicated detention system. While the country’s law provides for the detention of non-nationals for migration-related reasons—specifically, to ensure expulsion—people are placed in prisons and police stations.⁵ It remains unclear, however, whether non-nationals are separated from people imprisoned for criminal prosecution or the extent to which detention measures are used in immigration proceedings.

¹ IOM, “*Migración en el Paraguay*,” accessed on 21 October 2020, <https://paraguay.iom.int/?q=es/node/15>

² The World Bank, “GDP Growth (Annual %) – Paraguay,” accessed on 16 October 2020, <https://data.worldbank.org/indicator/NY.GDP.MKTP.KD.ZG?locations=PY>

³ Datosmacro.com, “*Paraguay – Inmigración*,” accessed on 19 October 2020, <https://bit.ly/3oBP4s1>

⁴ UNHCR, “Paraguay Fact Sheet – June 2020,” July 2020, <https://bit.ly/37S9NRC>

⁵ Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>



2. LAWS, POLICIES, PRACTICES

2.1 Key norms.

Core pieces of national legislation providing a framework for immigration detention

- Immigration Law N°978/96
- Decree N°18.295 which Regulates Immigration Law N°978/96

Paraguay's legal norms relating to immigration detention are found in two key pieces of legislation: the 1996 Immigration Law N°978/96 ("*Ley 978/96 de Migraciones*") (IL), and its accompanying Decree N°18.295 of 28 August 1997 which Regulates Immigration Law N°978/96 ("*Decreto N°18.295 del 28 de Agosto de 1997 que Reglamenta La Ley N°978/96 de Migraciones*") (RIL).

Article 141 of the IL designates the Paraguayan immigration authority (*Dirección General de Migraciones* or DGM) as being the governmental organ responsible for the application of the IL and the RIL, under instructions of the Ministry of the Interior. Furthermore, Article 142 of the IL provides the DGM with the following functions: (6) controlling the stay of non-citizens with respect to their immigration status; (7) declaring the entry or stay of non-citizens as irregular when they cannot prove their immigration status; (9) regularise the immigration status of irregular migrants where appropriate; (11) ensure that expulsions and pushbacks take place, as ordered by the competent authority; and (14) apply the sanctions that correspond to the infractions provided in this law and collect corresponding fines.

Additional pieces of legislation are also relevant to immigration enforcement. Paraguay's Constitution, enacted in 1992, provides several guarantees for all inhabitants of the country, including the right to freedom and security, protection against arbitrary detention, as well as due process rights (Article 9; Article 11; Articles 16 and 17). Article 41 provides the right of free movement and specifically states that "non-citizens with permanent residence cannot be forced to leave it, except by virtue of a judicial sentence".

On top of this, the following laws are also relevant:

- Law N°3.958/10 which Modifies and Widens Law N°227/93 which Creates the Secretary of Development for Returnees and Connational Refugees; and modifies Immigration Law N°978/96 ("*Ley N°3.958/10 que Modifica y Amplia La Ley N°227/93 que Crea la Secretaria de Desarrollo Para Repatriados y Refugiados Connacionales; y Modifica La Ley N°978/96 de Migraciones de 28 de Diciembre 2009*")
- Decree N°4483/15 of 27 November 2015, by Which the National Migration Policy of the Republic of Paraguay is Approved ("*Decreto N°4483/15 por el Cual se Aprueba la Política Nacional de Migraciones de la Republica del Paraguay*")

- General Law on Refugees N°1938/02 of 2002 (GLR) (“*Ley N°1938 de 2002 General Sobre Refugiados*”)
- Law N°4504/11 of 11 November 2011, which Modifies Articles 13 and 20 of the General Law on Refugees N°1938/02 of 2002 (“*Ley N°4504 que Modifica los Artículos 13 y 20 de la Ley N°1938/02 General Sobre Refugiados*”)

2.2 COVID-19 response.

Did authorities issue a moratorium on new detention orders?	No
Were deportations ceased?	No

Paraguay was experiencing an economic resurgence when the COVID-19 pandemic hit in early 2020.⁶ Faced with the crisis, the country adopted measures to help prevent the virus’ spread, including lockdown measures that lasted three months.⁷ Authorities also took several specific measures concerning non-citizens, including prolonging the validity of permits that expired after 13 March 2020.⁸ With many non-citizens left stranded in the country, the *Dirección General de Migraciones* (DGM) also temporarily ceased issuing fines for non-citizens who overstay, provided that they can demonstrate proof of entry when they depart the country.⁹

At the start of the pandemic, the GDP submitted information requests to government agencies in Paraguay to better understand what measures were being adopted to protect non-nationals during the crisis. The requests, which were in the form of a survey, were sent to the DGM and the country’s Ombudsman (*Defensoría del Pueblo*), as well as to the National Preventive Mechanism (*Mecanismo Nacional de Prevención de la Tortura*).¹⁰ As of December 2020, only the DGM had responded.

In its response to the GDP’s survey, submitted in August 2020, the DGM reported that while the country had not implemented a detention moratorium since the onset of the pandemic, no new immigration detention orders had been made given that foreigners’ permits had been temporarily extended. According to the immigration authority, deportations had, however, continued during the pandemic—although not to countries where border closures prevented returns. The DGM highlighted cases of Brazilians who had been deported for unspecified

⁶ The World Bank, “The World Bank in Paraguay: Overview,” 19 October 2020, <https://www.worldbank.org/en/country/paraguay/overview>

⁷ A. Attanasio, “Coronavirus en Paraguay: 3 Claves Para Entender Como el País Logro Contener el Contagio Pese a Estar en la Región ‘Epicentro Mundial’ de la Pandemia,” *BBC News*, 19 June 2020, <https://www.bbc.com/mundo/noticias-america-latina-53085660>

⁸ UNHCR, “Ayuda Paraguay: Avisos Importantes,” 25 June 2020, <https://help.unhcr.org/paraguay/coronavirus/avisos-importantes/>

⁹ ABC Color, “Migraciones Elimina Multa Para Extranjeros Varados en Paraguay,” 30 June 2020, <https://www.abc.com.py/nacionales/2020/06/30/migraciones-elimina-multa-para-extranjeros-varados-en-paraguay/>

¹⁰ Paraguay’s National Preventive Mechanism was established in 2011 through Law N°4288 of the National Preventive Mechanism Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 2011 (LNPM) (“*Ley N°4288 del Mecanismo de Prevención Contra la Tortura y Otros Tratos o Penas Crueles e Inhumanos o Degradantes de 2011*”).

reasons as well as people living in border towns such as Ciudad del Este, who were ordered to leave the country for breaking quarantine rules.¹¹

The DGM also provided information pertaining to asylum seekers, noting that as of the end of August, Paraguay had received just five asylum requests so far for the year, all of which were made at the Infante Rivarola border control station, on the border with Bolivia. Newly arrived asylum seekers, like all new arrivals, must undergo COVID-19 tests and complete an obligatory 14-day quarantine at a designated reception centre/shelter (“*albergue*”).¹² As a consequence of this, authorities stepped up the police presence at the country’s entry points. On 30 June, *La Nación* reported that immigration officials intercepted 45 Paraguayan and Brazilian nationals attempting to cross the border.¹³

According to observers, thousands of people—many of them Paraguayan migrant workers returning from Brazil and Argentina—had been held in unsanitary state-run quarantine facilities during the early months of the pandemic, where they faced “inhumane conditions without adequate food, water and medical care.”¹⁴ By late May, authorities had established 84 quarantine centres (in warehouses and other buildings such as schools) and as of late June, Paraguayan authorities had mandatorily quarantined some 8,000 people.¹⁵ By September, however, Amnesty International reported that many of these facilities had been shuttered.¹⁶

Within prisons, meanwhile, authorities adopted several measures designed to prevent the virus’ spread. On 17 March 2020, prison visits were suspended (with certain exceptions) until the end of the quarantine period.¹⁷ Visits were permitted to resume in all penitentiaries across the country on 31 May, albeit with several new requirements: visitors must book their visit in advance, show an ID card, complete a health questionnaire, wear a mask, and wash their hands. Certain categories of visitors were also excluded from visiting people over 65 years old, pregnant women, and those who recorded temperatures above 37.5°C. Nonetheless, detainees in seven prison facilities (Tacumbú, Pedro Juan Caballero,

¹¹ Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 28 August 2020, <https://bit.ly/3a8EII9>; Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>

¹² Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 28 August 2020, <https://bit.ly/3a8EII9>; Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>

¹³ *La Nación*, “COVID-19: Evitan Cruce Ilegal de 45 Personas en Frontera Entre Paraguay y Brasil,” 30 June 2020, <https://www.lanacion.com.py/pais/2020/06/30/covid-19-evitan-cruce-ilegal-de-45-personas-en-frontera-entre-paraguay-y-brasil/>

¹⁴ Amnesty International, “Tens of Thousands Locked up in ‘Punitive’ State-Run Quarantine Centres Across Venezuela, El Salvador, and Paraguay – New Report,” 17 September 2020, <https://www.amnesty.org.uk/press-releases/tens-thousands-locked-punitive-state-run-quarantine-centres-across-venezuela-el>

¹⁵ Amnesty International, “Tens of Thousands Locked up in ‘Punitive’ State-Run Quarantine Centres Across Venezuela, El Salvador, and Paraguay – New Report,” 17 September 2020, <https://www.amnesty.org.uk/press-releases/tens-thousands-locked-punitive-state-run-quarantine-centres-across-venezuela-el>

¹⁶ Amnesty International, “When Protection Becomes Repression: Mandatory Quarantines Under COVID-19 in the Americas,” 17 September 2020, <https://www.amnesty.org/download/Documents/AMR0129912020ENGLISH.PDF>

¹⁷ *La Nación*, “Suspenden Visitas A Todas Las Cárceles Por Riesgo de Coronavirus,” 17 March 2020, <https://www.lanacion.com.py/pais/2020/03/17/suspenden-visitas-a-carceles-por-riesgo-de-coronavirus/>

Misiones, Buen Pasto, San Pedro, La Esperanza, and Encarnacion) expressed their wish to prolong the suspension of visits until 6 June so as to avoid spreading the virus.¹⁸

The DGM reported to the GDP that it does not collect or maintain statistics related to immigration detention measures.¹⁹ Thus, the GDP has been unable to ascertain the number of immigration detainees affected by COVID measures in criminal prisons.

2.3 Grounds for administrative migration-related detention.

Are grounds for administrative migration-related detention provided in law?

Yes

Article 83 of the Immigration Law (IL) provides that the judicial authority can order the detention of a non-national “for the minimum time necessary to ensure that the expulsion is conducted within the time period set by the competent authority that has decided the expulsion.” According to Article 84, the *Dirección General de Migraciones* (DGM) is only entitled to order the expulsion of a non-citizen in cases provided by Article 81(1); (3) and (4). These cases are: (1) when the person has entered the country clandestinely; (3) when the person remains in the country after their authorised period of stay has expired; and (4) when the person remains in the country once their residence permit has been cancelled and intends not leave the country by the given deadline.

Article 60 of the IL provides that “upon determining the illegality of the entry or stay of a non-citizen, the DGM, taking into account the non-citizens’ profession, their family ties with Paraguayan nationals [if any], the time period that was granted to the non-citizen to stay in the country, and further personal and social conditions, will be able to: (1) suggest that the person regularises their immigration status; or (b) order the non-citizen to leave the country within a determined period of time, under threat of ordering their expulsion if the person does not comply.” Non-residents (or people who do not possess temporary residence) who are permitted to regularise their situation in the country will be provided with a temporary residence for the duration of the regularisation process (Article 61, IL).

In addition, the IL provides for pushbacks at the border. Article 78 of the IL provides that “a pushback is an administrative action by which the immigration authority, when carrying out immigration control, denies entry to the country to a non-citizen, ordering their immediate redirection to the country of origin or to a third country that would admit them.” According to Article 79 of the IL, such action is appropriate when, *inter alia*: (1) a non-citizen does not possess the required documentation to enter the country or they present falsified documentation; (2) certain grounds for inadmissibility are met; (3) a non-citizen is caught trying to enter the national territory by eluding immigration control, or through an unofficial crossing point; and (4) a non-citizen who had been expelled from the country has not yet received a re-entry permit from the relevant authority.

¹⁸ La Nación, “*Suspenden Visitas A Todas Las Cárceles Por Riesgo de Coronavirus*,” 17 March 2020, <https://www.lanacion.com.py/pais/2020/03/17/suspenden-visitas-a-carceles-por-riesgo-de-coronavirus/>

¹⁹ Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>

2.4 Criminalisation

Does the country provide specific criminal penalties for immigration-related violations?

Yes

According to Article 112 of the Immigration Law (IL), the *Dirección General de Migraciones* (DGM) will issue fines to non-citizens who are admitted into the country as permanent or temporary residents but who do not comply with the obligations enshrined in Article 64 of the IL, or do not possess the correct documentation or certificates issued by the DGM.

In addition, Article 32 of the Accompanying Decree which Regulates the IL (RIL) states that “the expiration of the residence permit for non-citizens will be sanctioned with a fine of seven minimum wages for various non-specified activities. The same penalty will apply to those non-citizens that upon their exit from the country, do not present the document demonstrating their regular entry into the country.” According to information provided on the DGM’s website, the fine is of 253,020 PYG (approximately 36 USD) and may be paid at any migration control station. Once the fine has been paid, the non-citizen has 48 hours to leave the country. If the person once again refuses to leave the country, new sanctions may be applied.²⁰

2.5 Length of detention.

Maximum length for administrative immigration detention in law

Unlimited

Paraguayan law does not provide a limit to the length of immigration detention. Rather, Article 83 of the Immigration Law (IL) states that in expulsion cases, the judicial authority may order the detention of a non-national for the “minimum time necessary to ensure that the expulsion is conducted.” According to information obtained by the GDP in 2015 from the country’s Ombudsman (*Defensoría del Pueblo*), there were certain cases where migrants were detained for more than 24 hours without access to a translator. The Ombudsman pointed out that, while there is no time limit in the law, detention is usually limited to 48 hours in these cases. Only in cases where further offences of document falsification or tampering are discovered will the length of detention be extended.²¹

2.6 Detaining authorities and institutions.

What authorities are responsible for detention and other migration-control measures?

- National Police (*Policía Nacional*)
- *Dirección General de Migraciones*

According to the *Dirección General de Migraciones*’ (DGM) response to the GDP’s COVID-19 survey, the Immigration Law (IL) does not provide the DGM with coercive powers and as such, the agency does not detain people. Instead, the National Police (*Policía Nacional*) is responsible for making arrests based on irregular immigration status and subsequently reports this information to the DGM.

²⁰ Dirección General de Migraciones, “*Sanciones a Extranjeros/as que Incurran en Infracciones a la Ley Migratoria del Paraguay*,” accessed on 16 October 2020, <http://www.migraciones.gov.py/index.php/sanciones>

²¹ Defensoría del Pueblo (Giselle Rivas), Email to Killian Dorier (Global Detention Project), 8 May 2015.

According to the DGM, people found to be in an irregular migration situation will be required to regularise their immigration status within a set period of time. If the individual fails to do so, they may have expulsion proceedings initiated against them.²² In cases of expulsion, the DGM is permitted to request that the judicial authority detain the non-citizen in order to ensure that the expulsion is carried out, as prescribed by Article 83 IL: “when the expulsion is resolved by the competent administrative authority, it may request the judicial authority to order the detention of the non-citizen for the purposes set forth above.”

2.7 Domestic monitoring.

Is the national human rights institution (NHRI) recognised as being fully compliant with the Paris Principles?	Partially
Does the National Preventive Mechanism carry out visits?	Yes

In December 2005, Paraguay ratified the [Optional protocol to the Convention against Torture \(OPCAT\)](#) and in April 2011, it created the *Mecanismo Nacional de Prevención de la Tortura* and designated it as National Preventive Mechanism (NPM) through Law N°4288 of 27 April 2011 of the National Preventive Mechanism against Torture and other Cruel and Inhuman or Degrading Treatment or Punishment (“*Ley N°4288/11 del Mecanismo Nacional de Prevención Contra la Tortura y Otros Tratos o Penas Crueles e Inhumanos o Degradantes del 27 Abril de 2011*”). This body monitors and reviews the human rights situation of people deprived of liberty in Paraguay, and shares this information through its annual reports and other specific reports. In addition, the institution conducts visits to places of detention and drafts reports on issues ranging from health provision in the Tacumbú national penitentiary to access to water in penal institutions. All reports can be found and downloaded on its website.²³

Moreover, as a party to the 1951 Convention Relating to the Status of Refugees and its accompanying 1967 Protocol Relating to the Status of Refugees, Paraguay established the National Commission for Refugees (CONARE) through GLR N°1938/02 of 2002. Article 13 of the GLR, which established the CONARE, also specifies the members that will be part of the institution. These members are representatives from: the Ministry of Foreign Affairs, Ministry of the Interior, Ministry of Labour, Justice and Social Security, the Human Rights Commission of both houses of Congress, an NGO, and UNHCR (with a voice, but without a vote).²⁴ Furthermore, according to Article 14, the CONARE must, *inter alia*: (a) examine and resolve applications for international protection in less than 90 days; ... (i) examine and resolve family reunification requests; and (j) assist in the voluntary repatriation of refugees.

²² Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>

²³ Mecanismo Nacional de Prevención de la Tortura, “*Informes de Monitoreo y Seguimiento*,” accessed on 19 October 2020, <http://www.mnp.gov.py/index.php/repository/informes-de-monitoreo-y-seguimiento>

²⁴ UNHCR, “Paraguay,” accessed on 19 October 2020, <https://www.acnur.org/paraguay.html>

2.8 International monitoring.

Have international monitoring bodies reviewed immigration detention practices?	Yes
Have special procedures of the Human Rights Council conducted visits?	Yes
Have any relevant recommendations been issued by the UN Universal Periodic Review?	No

Having ratified the OPCAT, Paraguay receives visits from the UN Subcommittee on the Prevention of Torture (SPT). The country has received two visits from the SPT, one in March 2009, along with a follow-up visit in September 2010. In its follow-up visit in September 2010, the SPT stated that: “authorities of the State party have informed the Subcommittee that it remains common practice in the country to hold detainees in police cells for prolonged periods. Some police stations in Paraguay are obliged, by court order, to hold detainees in pretrial detention for months at a time, even if they do not have the necessary infrastructure, personnel or budget to do so. (...) The Subcommittee reiterates its recommendation and further recommends that the judiciary and the Ministry of the Interior enter into discussions for the purpose of reaching an agreement that will enable them to put an end to this practice.”²⁵ However, during the visits and in reports drafted thereafter, detention for immigration-related reasons is not mentioned.

In addition, Paraguay ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW) on 23 September 2008 and has been subject to comments from the Committee on the Protection of the Rights of All Migrant Workers (CMW) since then. In its 2012 recommendations, the Committee urged “the State party to take into consideration the need to provide protection for migrant children who have been separated from their parents and to design an effective strategy for dealing with unaccompanied or separated migrant children who enter the country and for ensuring that they receive the assistance that they need in accordance with international standards of child protection.”²⁶

Paraguay is also bound by the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), ratified on 18 August 2003. The Committee on the Elimination of Racial Discrimination (CERD), in its concluding observations of October 2016, urged the “State party to take immediate action to name an Ombudsman through a selection and appointment process that is transparent and participatory and in which the guiding principles are merit, ability and integrity. The Committee recommends that the State party adopt the legislative and administrative measures needed to ensure that the Office of the Ombudsman fully complies with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).”²⁷

²⁵ Subcommittee on the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (SPT), “Report on the Follow-up Visit to the Republic of Paraguay from 13 to 15 September 2010, CAT/OP/PRY/2,” 30 May 2011, <https://bit.ly/3n3aoGu>

²⁶ UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW), “Concluding Observations of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, CMW/C/PRY/CO/1,” 16 May 2012, <https://undocs.org/en/CMW/C/PRY/CO/1>

²⁷ UN Committee on the Elimination of Racial Discrimination (CERD), “Concluding Observations on the Combined Fourth to Sixth Periodic Reports of Paraguay, CERD/C/PRY/CO/4-6,” 4 October 2016, <https://undocs.org/en/CERD/C/PRY/CO/4-6>

2.9 Transparency and access to information.

Is data pertaining to immigration detention readily available?	No
Were relevant bodies able to provide information to the GDP during the COVID-19 pandemic?	Some, but not all

According to information submitted to the GDP by the *Dirección General de Migraciones* (DGM), the DGM does not collect or maintain statistics related to immigration detention measures.²⁸ During the pandemic, however, the DGM was able to provide information to the GDP pertaining to measures taken to protect non-nationals during the pandemic—as well as answers to several follow up questions.²⁹ In contrast, the country’s Ombudsman (*Defensoría del Pueblo*) as well as to the National Preventive Mechanism (*Mecanismo Nacional de Prevención de la Tortura*) have not, to date, responded to the GDP’s information requests (sent in March 2020).

In 2015, Paraguay became the 100th country to introduce a freedom of information law.³⁰ Paraguay’s then president, Horacio Cartes, signed Decree N°4064/15 by which Law N°5282/14 of Free Citizen Access to Public Information and Government Transparency is Regulated (“*Decreto N°4064/15 por el cual se Reglamenta La Ley N°5282/2014 de Libre Acceso Ciudadano a la Información Pública y Transparencia Gubernamental*”) on 18 September 2015, implementing Law N°5282/14 of Free Citizen Access to Public Information and Government Transparency (“*Ley N°5282/14 de Libre Acceso a la Información Pública y Transparencia Gubernamental*”).³¹

A study published in 2019 on the implementation of the law on access to public information found that despite certain weaknesses, “access to information has now become a public policy as it has remained on the government agenda despite changes of government and it has been having a satisfactory state response.”³² However, one of the observed weaknesses noted by the report was the fact that no independent body exists with capacity to determine access rights to information that a public authority has refused to disclose Paraguay has instead opted for the judicial courts to intervene in these cases, and as of the study’s publication, “67 judicial review actions against refusals to access public information were lodged in the Paraguayan courts.” In most cases, “the courts ordered public institutions to provide the requested information.”³³

²⁸ Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>

²⁹ Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 28 August 2020, <https://bit.ly/3a8EII9>; Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>

³⁰ T. McIntosh, “Paraguay is 100th Nation to Pass FOI Law, But Struggle for Openness Goes On,” *The Guardian*, 19 September 2014, <https://tinyurl.com/y6t7q2gz>

³¹ Freedominfo.org, “Decree Brings Access Law Into Effect in Paraguay,” 22 September 2015, <http://www.freedominfo.org/2015/09/decree-brings-access-law-into-effect-in-paraguay/>

³² R. Q. Rodas, C. Benitez, & D. Cordone, “*Midiendo la implementación de la Ley de Acceso a información Pública en Paraguay*,” Centro de Estudio Ambientales y Sociales (CEAMSO), 2019, p.28, <http://www.ceamso.org.py/upload/publicaciones/1561648215.pdf>

³³ R. Q. Rodas, C. Benitez, & D. Cordone, “*Midiendo la implementación de la Ley de Acceso a información Pública en Paraguay*,” Centro de Estudio Ambientales y Sociales (CEAMSO), 2019, p.11, <http://www.ceamso.org.py/upload/publicaciones/1561648215.pdf>

2.10 Trends and statistics.

Number of refugees	1,106 (2019)
Number of asylum seekers	694 (2019)
Number of new asylum applications	775 (January - June 2020)

According to UNHCR, as of December 2019 there were 1,106 refugees and 694 asylum seekers in Paraguay.³⁴ The National Commission for Refugees (CONARE) also reports that by June 2020, 775 new asylum applications had been received, of which 670 were lodged by Venezuelans and 105 by Cubans. From April to June 2020, more than 200 applications were received.³⁵ UNHCR reports that there were 3,588 displaced Venezuelans living in the country as of December 2019.

³⁴ UNHCR, "Paraguay Fact Sheet – June 2020," July 2020, <https://bit.ly/37S9NRC>

³⁵ UNHCR, "Paraguay Fact Sheet – June 2020," July 2020, <https://bit.ly/37S9NRC>



3. DETENTION INFRASTRUCTURE

3.1 Summary. Although Paraguay’s Immigration Law provides for the detention of non-citizens in cases of expulsion, the country does not maintain a dedicated immigration detention estate. The *Dirección General de Migraciones* (DGM) informed the GDP that expulsions ordered by the judicial authority take place within the framework of criminal law and that non-citizens are placed in preventive detention. When the intervention is carried out by the National Police, detention takes place in the relevant police station, which has cells for all detainees.³⁶ It remains unclear, however, whether people held in detention while awaiting deportation are held separately from people imprisoned for criminal prosecution.

The GDP has been unable to locate any other locations or facilities that are utilised for immigration detention.

³⁶ Dirección General de Migraciones (Rafael Arrego), Email to Michael Flynn (Global Detention Project), 9 September, <https://bit.ly/2K4GHGG>



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