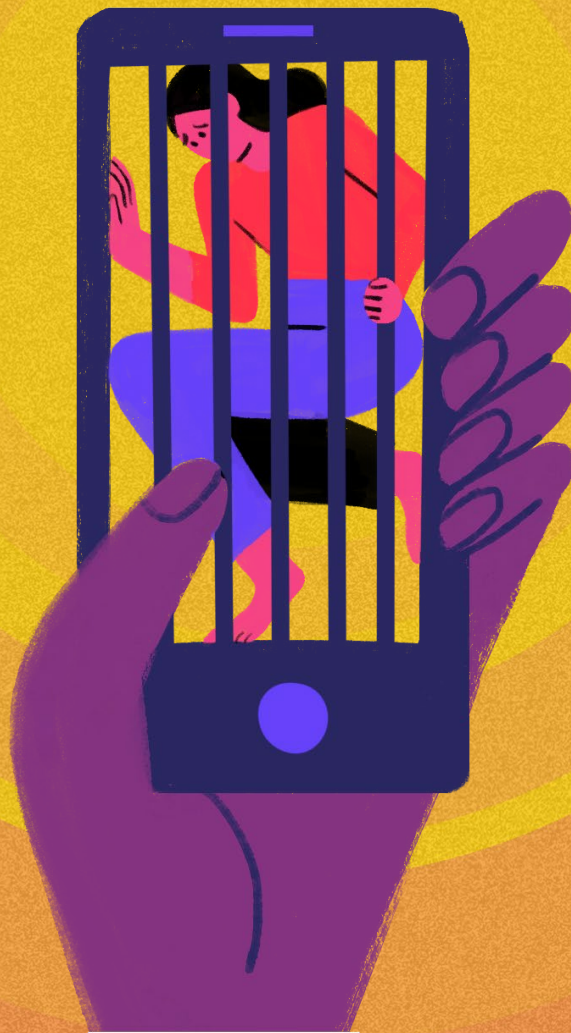


TRAFFICKING IN PERSONS AND SEXUAL EXPLOITATION IN ITS INTERSECTION WITH ICTS IN PARAGUAY

AN EXPLORATORY STUDY



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This material was prepared by the Luna Nueva Group within the framework of the Project: “Adolescents, youth and women protected from Sexual Violence with emphasis on ESNNA and Trafficking in Asunción and the Department of Itapúa” (Project 2022/PRYC/000697), developed by the non-governmental organization Grupo Luna Nueva of Paraguay and the Asociación de Investigación y Especialización sobre Temas Iberoamericanos - Aieti, of Spain, and financed by the Spanish Agency for International Cooperation and Development-AECID.

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TRAFFICKING IN PERSONS AND SEXUAL EXPLOITATION IN ITS INTERSECTION WITH ICTS IN PARAGUAY

An exploratory study

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EXECUTIVE SUMMARY

This report demonstrates, through a series of evidence collected from public sources and the empirical experience of public officials, that the use of Information and Communication Technologies (ICTs) for the recruitment of trafficking victims, with particular emphasis on cases of trafficking in persons for sexual exploitation and online sexual exploitation, is in force in our country and requires the attention of policy makers for a frontal and evidence-based fight against this scourge. Among the main findings, these are the highlights:

- ◆ Although there is an understanding and knowledge of the Public Prosecutor's Office, Ministry of Childhood and Adolescence, Ministry of Women and National Police on the role of ICTs in the process of recruiting victims of trafficking in persons, there are no processes for collecting information and data that allow quantifying the prevalence of the phenomenon of trafficking persons in its intersection with ICTs.
- ◆ The current response capacity of public institutions involved in the fight against trafficking in persons and sexual exploitation is insufficient in general and for a number of reasons related to territorial presence throughout the country and lack of resources. Such insufficiency is also evident with regard to the technological component for a correct protection and reparation of victims that is comprehensive to their experience.
- ◆ Once again, this report highlights the urgent need to pass a comprehensive law on personal data protection in Paraguay, to guide training strategies throughout the country to help people understand the value of the information they make available online, as well as to improve their digital security skills.
- ◆ Strategies for training and prevention of the dangers of the use of technology are currently insufficient and/or almost nonexistent in the educational sphere. Beyond the need for certain updates to the legal framework on trafficking in persons, public officials highlight the need for greater public prevention policies in order to avoid the occurrence of trafficking in persons and sexual exploitation online and offline.
- ◆ In relation to the current legal framework in force, a major challenge is to go beyond the current criminalization of trafficking in persons, which is currently inevitably associated with the verification of the stages of recruitment, transfer and exploitation of victims. ICTs only eliminate the transfer phase and redefine recruitment and exploitation. Thus, cases of technology-facilitated trafficking (TFT) must be incorporated into the current legal framework for effective protection and redress of victims at all stages of exploitation.

INTRODUCTION

Trafficking in Persons (TIP) is a global phenomenon that materializes through various forms of exploitation, whether it is the appropriation of freedom, work and dignity of people (ILO 2022).

It is recognized worldwide as a criminal activity in which basic rights such as life, personal freedom, integrity, dignity and sexual freedom are violated. Trafficking in persons, as well as associated practices such as slavery, servile marriage and others are themselves violations of human rights and are prohibited under international human rights law.

That said, a particular intersection that has generated attention from public and private institutions and civil society is how Information and Communication Technologies (ICTs) have redefined the way in which we understand the phenomenon of trafficking in persons. With the expansion of ICTs, they have become mediators for the recruitment and exploitation of human trafficking victims.

This situation gained notoriety during and after the COVID-19 pandemic, due to the accelerated digitization process in the face of national and global movement restrictions. The United Nations Special Rapporteur on Trafficking in Persons in a report on the impact and consequences of the COVID-19 pandemic on victims of trafficking in persons and exploitation, with a particular disproportionate impact on women and girls, noted that:

The deep economic difficulties caused by COVID-19 is exposing the most vulnerable people to risks of sexual exploitation, while current victims of trafficking in persons are at greater risk of further abuse and exploitation [...] The impact of the current crisis is especially strong on women and girls, who generally earn less, save less, and are more involved in the informal economy (Giammarinaro 2020).

The report warned that restrictions on movement itself would generate displacement in traditional forms of exploitation, warning of the risk that women and children would be sexually exploited for commercial purposes by their traffickers online (Giammarinaro 2020). Closely connected to such exploitation, the report specifically focuses on the risk of online sexual exploitation of children and adolescents by saying that:

COVID-19 is exacerbating children's vulnerability to sexual exploitation. The closure of schools could increase the risk of online sexual exploitation as children spend more time online, possibly without constant parental supervision, and exploiters could easily reach them. Law enforcement reported an increase in online activity by those seeking child abuse material. Police also warned of new types of live streaming, due to increased demand for the creation of pornographic content (Giammarinaro 2020).

Paraguay is not exempt from these trends and issues. Specifically, it is possible to argue that ICTs have become increasingly important in the process of recruiting victims of trafficking in persons for various purposes. For example, the latest data provided by the Spanish Civil Guard indicate that Paraguayan women represent the highest percentage (37%) of the victims who were recruited online for prostitution in Spain (ABC Color 2023). However, there has not yet been a comprehensive research that focuses on the modes and particularities that occur at this intersection in Paraguayan territory. This report aims to help alleviate, in part, the need for information on the subject.

According to the United Nations, trafficking in persons consists of three phases: recruitment, transfer and harboring for exploitation (United Nations 2000), phases that are also recognized and listed in the current Paraguayan legal framework. This paper focuses on the recruitment phase, since Paraguay is considered a country of origin of victims of trafficking in persons (Oddone, Hugo and Masi Netto, Chiara 2021 p. 101), with a particular focus on victims of trafficking for sexual exploitation and online sexual exploitation.

METHODOLOGY

Due to the exploratory nature of this report, the research process was nurtured by a series of processes to collect data and characterize the phenomenon under study.

In order to analyze the problem of online recruitment of people for the purpose of trafficking and sexual exploitation in Paraguay, and to understand the dynamics of approaching and recruiting future victims, the networks used and the communication processes between victims and perpetrators, a review of the existing literature in recent years was conducted, with a particular focus on works published from 2020 onwards. This process allowed to identify a series of keywords¹ in order to map situations at the intersection of trafficking in persons, sexual exploitation and ICTs in various public sources, as well as in public and private media of high circulation, to understand which cases on the subject are currently known at the public level, and to characterize at first how the phenomenon is understood at the public level. Table 1 below provides a summary of the keywords used and sources consulted.

| KEYWORDS | |
|---|---|
| Trafficking in persons; Combating trafficking in persons; Prevention of trafficking in persons; Inter-institutional Roundtable for the Prevention and Combat of Trafficking in Persons; Migration rights; trafficking in persons Paraguay; migrant smuggling; trafficking for sexual exploitation; trafficking for labor exploitation; human trafficking; Paraguay; modeling; modeling agencies | |
| SOURCES | |
| Sector | Institution |
| Public | National Directorate of Migrations |
| | Ministry of Interior |
| | Ministry of Women |
| | Ministry of Foreign Affairs |
| | National Police Department |
| | Public Prosecutor's Office |
| | Ministry of Childhood and Adolescence |
| | Ministry of Justice and Labor |
| | Ministry of Education and Science |
| | Ministry of Public Health and Social Welfare |
| | Ministry of Industry and Commerce |
| | National Tourism Secretariat |
| | National Institute of Statistics |
| | Supreme Court of Justice |
| | Ministry of Social Development |
| Ministerio de Desarrollo Social | |
| Local and international non-governmental organizations | Grupo Luna Nueva |
| | Human Rights Coordinator of Paraguay (CODEHUPY) |
| | Coordinator for the Rights of Children and Adolescents (CDIA) |
| | Center for Judicial Studies (CEJ) |
| | Amnesty International |

1 These keywords were a combination of Spanish and English words, in order to guarantee the highest number of entries.

| | |
|--|--|
| International Organizations and public entities from abroad | International Organization for Migration (IOM) |
| | EUROFRONT Program |
| | United Nations Network on Migration |
| | United Nations Population Fund (UNFPA) |
| | Global Database on Violence against Women - United Nations |
| | Spanish Agency for International Development Cooperation (AECID) |
| | Program of Assistance against Transnational Organized Crime (EL PACCTO) |
| | Ministry of Interior - Spain |
| | Association for the Prevention, Reinsertion and Assistance of Prostituted Women (APRAMP) |
| | US Department of State |
| National private and public media | La Nación |
| | Ultima Hora |
| | ABC Color |
| | Agencia IP |
| Academic repositories | Academia.edu |
| | Google Scholar |

Table 1 created by the authors.

In parallel, an exhaustive mapping of the existing legal framework in the country was carried out, in order to understand the institutional approach to trafficking in persons with a particular emphasis on online and offline sexual exploitation.

Next, in order to build on the preliminary findings based on the first phase and try to close information gaps, a series of requests for access to public information² were made, as well as face-to-face interviews with various public institutions directly and indirectly related to the issue of trafficking in persons³.

The combination of the first and second phases allowed for a final triangulation of the different findings, in order to offer a series of final reflections on the topic investigated and to answer the research question indicated in the introductory section of this report.

2 Specifically, requests for access to public information were made to the Specialized Unit to Combat Trafficking in Persons and Sexual Exploitation of Children and Adolescents, the Ministry of Childhood and Adolescence (MINNA), the Trafficking Department of the National Police and the Ministry of Women.

3 In order to guarantee an honest discussion on the subject, the research guaranteed the anonymity of the public officials who kindly provided the interviews, providing only for the publication of the institutions that participated in them. In this sense, interviews were conducted with the Public Prosecutor's Office, MINNA and the National Police.

CONTEXTUAL FRAMEWORK

Some initial approaches to trafficking in persons

Trafficking in persons or smuggling can be national, internal and/or transnational and international (International Organization for Migration, 2021). The difference with the illegal smuggling of migrants is that there is no consent and the aim is to profit from the exploitation of the person transferred (Pérez, V. P. and Durán, F, 2020). It is the third most lucrative criminal business worldwide after arms and drug trafficking, according to reports by the United Nations Population Fund (UNFPA 2023). Other studies, such as the Global Organized Crime Index, even indicate that it currently ranks second among criminal markets, surpassing arms and drug trafficking (ENACT 2023).

It should be noted that the diversity of the conceptualization and the phenomenon of trafficking in persons is difficult to understand for those who are not familiar with the subject. Likewise, it is a definition that may vary depending on what are the appreciations, laws and agendas (Latonero, 2012 p. 9). It should also be taken into account that, many times, the discourse on trafficking in persons has focused on the prostitution of women and girls, which has sometimes caused the invisibility of other types of exploitation (Villota 2019 pp. 24, 34). According to the United Nations' *Trafficking in Persons Protocol*⁴, trafficking in persons is defined as:

The recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs (UN, 2000, Art. 3, p. 2)

A particularly widespread form of exploitation through trafficking in persons is sexual exploitation. The International Organization for Migration (IOM) defines it as:

The use of women, men, girls, boys and adolescents in work such as prostitution, sex tourism, pornography, or captivity for sexual service in illegal armed groups. It often includes abuse by traffickers, torture and the acquisition of sexually transmitted diseases, as well as little payment in money or in kind to the victims, or to a third person or group. There are also cases where the victim receives no financial compensation (International Organization for Migration 2010 p. 79).

Today, these types of exploitation are amplified by ICTs, as will be described below.

4 Also known as the Palermo Protocol

Dynamics of approaching and recruiting victims of trafficking in persons via ICTs

As already mentioned, trafficking in persons has different phases. This report focuses on the recruitment of victims for various purposes, with particular attention to recruitment for sexual exploitation. Recruitment strategies are diverse depending on the criminal group involved - whether it is a complex transnational network or local criminal groups -, on the social group to which the victim belongs, on the territory where it occurs, and on the type of forced labor for which people are being recruited.

The Internet has had multiple positive effects for societies around the world. However, among its negative consequences, we can point out that it has enabled criminal activities in a virtual space without clear jurisdiction (Burbano and Hernandez-Alvarez 2017 p. 1). A clear example is how ICTs have become tools for trafficking in persons. In the case of sexual exploitation, several cases have shown how ICTs are instrumental for the recruitment of victims, the advertising of exploitative services and the same exploitation at a distance or in streaming mode (UNODC, 2020b p. 120).

Trafficking in persons has been affected positively and negatively by technological changes. Technologies have served criminal networks as immediate, secure, and relatively anonymous tools for communication. Therefore, these are present in almost all types and phases of trafficking (Villota, 2019 p. 1). It should be emphasized that for a greater understanding at the global level, further research is still needed on the role of technologies in trafficking in persons (Latonero 2012; Watson, H., Donovan, A., and Muraszkievicz, J. 2015; Burbano and Hernandez-Alvarez 2017; Villota 2019).

That said, there are already a number of approaches that shed light on the role of ICTs in trafficking in persons and sexual exploitation. A survey of 178 women victims of trafficking in persons in Serbia, conducted by the organization Atina, provides some initial insights. Among the main findings of the survey, it confirms a high prevalence of abuse in digital environments towards women and girls, both in the recruitment and exploitation phase (Radoičić, 2020 p. 9).

Specifically, 42% of respondents survived some form of technology-facilitated gender-based violence⁵, colloquially known as digital violence (with various manifestations such as cyberbullying, vindictive distribution of explicit/pornographic content, impersonation, etc.), while for 31% of respondents, digital violence was directly related to the situation of trafficking in persons, both for the purpose of recruitment and exploitation. Out of the total number of respondents, 65% were exposed to digital threats, which in most cases were aimed at intimidation to change or withdraw a testimony or statement in criminal proceedings (a total of 59%) (Radoičić, 2020 p. 9).

In addition to the high frequency of violence in the digital sphere, the analysis also shows that this specific type of violence has become an almost indispensable form of coercion used by perpetrators of violence and traffickers to blackmail, threaten, belittle victims, record without authorization or distribute pornographic material involving even children (Radoičić, 2020 p. 10).

5 A narrower definition of the subject will be provided later in this report.

In contrast, just as technologies can be useful for conducting online crimes, they are useful for combating them (Latonero 2012; Watson, H., Donovan, A., and Muraszkievicz, J. 2015; Villota 2019). For example, one might cite data mining, which could eventually enable investigators to respond more quickly, especially if traffickers advertise in one location for a short period of time before moving their victims to another location (Latonero, 2012 p. 29) or the use of artificial intelligence, as in the case of Sweetie, an artificial intelligence created by the NGO *Terre des Hommes* that emulated being a 10-year-old Filipino girl with the aim of chatting with criminals to then obtain information and evidence to prosecute them (Villota, 2019 p. 10)⁶.

Although there is no universal definition of the word technology, this report takes Mark Latonero's (2012) definition, since several authors have worked on the issue of trafficking in persons after his definition. The author points out that:

“When we use the word technology, we refer to those ICTs, particularly those that constitute digital and networked environments. Technologies that allow users to exchange information through networks include the Internet, social media and cell phones” (Latonero, 2012 pp. 9, 10).

Latonero (2012) also introduces the term Technology-Facilitated Trafficking (TFT). This refers to:

a social and technical ecosystem in which individuals use ICTs to engage in trafficking in persons and related behaviors (Latonero, 2012 p. 10).

According to the author, these technologies impact various aspects of the phenomenon of trafficking in persons such as visibility, coordination, transaction, exchange and organization. Based on Latonero's (2012) terminology, the authors Watson, Donovan & Muraszkievicz (2015) have developed a taxonomy of known technologies whose use is related to trafficking in persons, which can be classified into two groups:

- 1. Applications and software:** Applications or 'Apps' are computer programs, which in everyday usage of the term, almost always refer to programs running on smartphones or other mobile devices. Within this category, we also include web-based applications (e.g., databases) that are a form of program designed to fulfill a specific purpose. Finally, we include 'software', the programs and other operative information elements used by a computer.
- 2. Hardware:** those physical tools and machinery that enable the use of applications and software, or act independently and are types of technological equipment in their own right (e.g., television and cameras) (Watson, H., Donovan, A., and Muraszkievicz, J. 2015 p .5).

6 It is important to reflect that cases such as Sweetie pose a series of challenges to international criminal law, as such law only processes real facts, and therefore, anything that is taken from a conversation by a technology such as Sweetie is not considered as cause and the case may end up being dismissed.

Based on this taxonomy, they constructed the following table of known technologies for conducting, combating and preventing trafficking in persons:⁷

| TYPE OF TECHNOLOGY | ROLE IN TRAFFICKING IN PERSONS | STAGE IN TRAFFICKING IN PERSONS |
|--|--------------------------------|---------------------------------|
| Applications and software | | |
| Adult entertainment sites | Facilitation | Exploitation |
| | Prevention | Not applicable (N/A) |
| Advertising and classified ads | Facilitation | Recruitment/Exploitation |
| Applications | Facilitation | Recruitment/Exploitation |
| | Prevention | Not applicable (N/A) |
| Data management tool | Combat | Not applicable (N/A) |
| Computer games | Facilitation | Exploitation |
| | Prevention | Not applicable (N/A) |
| Crowdsourcing | Facilitation | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Police computerization system and database | Combat | Not applicable (N/A) |
| Dark-web | Facilitation | Exploitation |
| Database | Combat | Not applicable (N/A) |
| Online training programs | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| E-mail | Facilitation | Facilitation, Exploitation |
| | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Facial Reconstruction Software | Combat | Not applicable (N/A) |
| Financial Follow-Up | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Geographic information system | Combat | Not applicable (N/A) |
| Software I2 | Combat | Not applicable (N/A) |
| Online collaboration platforms | Combat | Not applicable (N/A) |
| Online dating sites | Facilitation | Exploitation |
| Online forums | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |

⁷ The third column refers to the facilitation category of the second column; it explains at what stages each technology facilitates trafficking in persons.

| | | |
|--|--------------|---------------------------|
| Online requests | Combat | Not applicable (N/A) |
| Peer-to-peer networking | Facilitation | Exploitation |
| Podcasts | Combat | Not applicable (N/A) |
| Social Media Sites | Facilitation | Recruitment/Exploitation |
| | Prevention | Not applicable (N/A) |
| Supply Chain Management Tools | Combat | Not applicable (N/A) |
| Web Sites (Generic) | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Hardware | | |
| Cable television | Prevention | Not applicable (N/A) |
| Camera and video technologies and associated outputs | Facilitation | Exploitation |
| | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Closed Circuit Television (CCTV) | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Desktops, laptops and tablets | Facilitation | Exploitation/ Recruitment |
| | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Routers and backup devices | Combat | Not applicable (N/A) |
| Scanners | Facilitation | Exploitation |
| Telephone (including landline and cell phone) | Combat | Not applicable (N/A) |
| | Prevention | Not applicable (N/A) |
| Television | Facilitation | Exploitation |
| | Prevention | Not applicable (N/A) |

Table 2 created by the authors based on the work of Watson, Donovan & Muraszkiewicz (2015, p. 5).

It should be borne in mind that the taxonomy could be limited by the evidence that exists on the use of these technologies as well as by the time period of the publication itself, the social context and the development of new ICTs. The same authors cite as an example that there are technologies such as databases that would be useful for criminals, but were not included due to lack of evidence.

One of the limitations found by the authors when developing their taxonomy is that much of the existing literature is oriented to sexual exploitation, which may mean a limitation in terms of the technologies identified, noting that there are other types of purposes for trafficking in persons (Watson, H., Donovan, A., and Muraszkievicz, J. 2015 p. 7). For his part, Alonso Villota (2019) points out that some technologies have proven to be more important for specific purposes in the trafficking in persons chain than others. He indicates, for example, that in the case of recruitment, the use of social media, forums and online games predominates (Villota, 2019 p. 53). It is noted as necessary to perform the analysis on the use of technologies in the phenomenon of trafficking in persons, adjusting to the specific profile of the country or population (Latonero, 2012 p. 36). Similarly, the particular use of a technology should not be studied in isolation from other technologies (Watson, H., Donovan, A., and Muraszkievicz, J. 2015 p. 8).

More recent studies have also pointed to more concrete examples that are particularly observed at the intersection of trafficking in persons and online sexual exploitation. For example, *cyber-trafficking*, which constitutes *live-streaming* of sexual exploitation. This form of cybercrime involves trafficking in persons, i.e. live streaming of sexual exploitation. This type of abuse differs from other forms of human trafficking since traffickers abuse victims in both real and digital space, forcing them to perform sexual acts on their own or with others and holding them in sexual slavery (Radoičić, 2020 p. 34).

Another such form of abuse is on-camera rape, often committed by a trafficker or another person who paid the trafficker for it. This form of trafficking in persons can take place in real time, or it can be recorded and posted on the Internet as a type of pornographic content. Similar cases have already been recorded in Serbia, where scenes of sexual abuse of a child are broadcast via live “cyberdens”⁸ with financial compensation (Radoičić, 2020 p. 34).

¿TFT as a manifestation of online gender-based violence?

It is important to understand trafficking in persons and sexual exploitation as it intersects with ICTs from a holistic perspective that recognizes it as a *continuum* of gender-based violence in general, and a specific manifestation of online gender-based violence. One of the major milestones in recent years has been the recognition that gender-based violence is not a private problem, but a matter of public interest and a violation of human rights recognized in international instruments and national laws that prescribe the obligation of States to prevent, address, investigate, repair and punish it (Vera Morales, 2021 p. 9).

While there is currently no theoretical framework or paradigm of what online gender-based violence means, and in fact there are other terms and concepts in co-existence such as technology-facilitated gender-based violence, digital violence, digital abuse and other terms that seek to conceptualize this phenomenon (Carrillo, Peralta & Saenz, 2024 pp. 6-7), there is agreement that this type of violence is a constantly evolving concept. The UN Special Rapporteur on Violence against Women points out that rapid technological transformation influences online violence, and new and different manifestations of violence emerge as digital spaces transform and disrupt offline life (Vera Morales, 2021 p. 10).

8 According to Radoičić, cyberdens is a term that represents the digital abuse of children through prostitution or pornography. Human traffickers and other criminal groups recruit school, primary and secondary school-aged children from poor and disadvantaged families, as well as children from minority groups.

In this sense, it is important to begin to understand the phenomenon of TFT as a direct manifestation of this type of violence⁹.

In this regard, Vera Morales (2021) proposes “abuse, exploitation and/or trafficking of women and girls through the use of technology” as a specific type of online gender-based violence (Vera Morales, 2021). Specifically, she states that some surveys suggest that technologies provide global trafficking in persons, whose victims are women in 80 percent of cases and in 95 percent of cases for the purpose of sexual exploitation, with a new digital *modus operandi*. The Internet is used for the recruitment, sale, advertising and exploitation of women and girls (Vera Morales, 2021 p. 39).

Specifically, violence is manifested through the use of technology to exercise power over a person, sexually exploiting their image or body against their will (Vera Morales, 2021 p. 39). Among the examples cited are:

1. Technologies are used to target and recruit women and girls for the sexual abuse of trafficking, to coerce them into accepting trafficking and sexual abuse situations, to exert power and control over them, and to prevent them from freeing themselves from abuse, including by threatening them with disclosure of private information.
2. Grooming involves deliberate acts by an adult to approach a child (possibly cultivating a romantic connection) in order to establish a relationship and emotional control that allows them to commit sexual abuse, engage in virtual sex, obtain child pornography, or traffic the child.
3. The publication of sexual images without a person’s consent and for the purpose of commercialization and prostitution (Vera Morales, 2021).

The role of social media and ICTs in general in the recruitment of trafficking in persons and online sexual exploitation

The Internet has become a place where traffickers can efficiently recruit victims. It provides them with anonymity, which is useful to reinvent themselves according to their needs, such as pretending to be a potential romantic interest or offering fake jobs (Villota, 2019 p. 56). Also, the internet as a technology amplified the geographic scope of their operations, because traffickers can act in different places without the need to be physically in all of them, while the victims are exploited in a specific place, for example through the modality of streaming (UNODC, 2020a p. 124).

There are different types of platforms used for recruitment, including social media such as Facebook, and messaging services such as WhatsApp. In some cases, trafficking networks use stand-alone websites to advertise fake jobs to attract the attention of potential victims. Moreover, social media represent, on the other hand, a space with a lot of personal information, which recruiters use to identify vulnerable people who could fall into trafficking in persons networks (UNODC, 2020a p. 122).

9 While recognizing the diversity of terminologies that seek to define online gender-based violence, technology-facilitated gender-based violence and other terms, this report adopts the definition of online gender-based violence proposed by the Association for Progress of Communication (APC) and in connection with the term used by Vera Morales. APC defines it as Acts of gender-based violence committed, instigated or aggravated, in whole or in part, through the use of Information and Communication Technologies (ICTs), such as cell phones, the Internet, social media platforms and email (Carrillo, Peralta & Saenz 2024 p. 6).

ICTs recruitment techniques have two modalities, “one in which traffickers proactively seek out a specific type of victim (“hunting”) and the other in which traffickers lure potential victims (“fishing”)” (UNODC, 2020a p. 127). Hunting is characterized by the trafficker’s non-random choice of targets. Economic, emotional or other vulnerabilities are taken into account in the choice. The identification of people with this type of profile almost always involves the use of social media, due to the specific information they can get there about the target, which will be useful for their approach (UNODC, 2020a p. 127). Fishing involves online posting of advertisements by traffickers, waiting for responses from potential victims. According to data collected by UNODC, this strategy was more commonly used than hunting. In general, publications usually refer to well-paid job offers that look attractive such as “modeling”, which subsequently involve the victim sending compromising photos and end up in extortion situations (UNODC, 2020a p. 127).

Regarding victim profiling and recruitment, Alonso Villota (2019) points out that the information we post or the traces we leave today on social media and other parts of the Internet can be used by traffickers to identify and gain the trust of people vulnerable to falling into the network. People called “digital natives”, who have grown up using today’s communication technologies, are more used to sharing their intimate lives and feelings online. Many times, this happens without adult supervision for children and adolescents. Criminals know how to approach victims by taking advantage of the available information, until the conversations become close enough to obtain intimate content from the child or adolescent, which can then be used, together with the information they have collected, to force them to do what they want. This method is known as grooming (Villota, 2019 pp. 44-56).

Once contact is made with the victims, recruiters gain victims’ trust to convince them to migrate or take them to situations from which to generate coercion such as “sextortion”, which in this case corresponds to the threat of distribution of intimate images or videos through platforms or social media (UNODC, 2020a p.15). This technique is especially used with children and adolescents, with whom the recruiters first court or seek to generate bonds of friendship (Galeano Monti, J. and Hamuy, 2016 p. 19).

Recruitment methods and strategies used through social media and other ICTs in Paraguay

It is difficult to reach very precise conclusions about the role of social media and ICTs in general in Paraguay due to the lack of clarity in the existing data. According to the Counter Trafficking Data Collaborative (CTDC) in its *Global Victim-Perpetrator Synthetic Dataset*, which analyzes the relationship between victims and recruiters, in the American region this relationship is established with a close bond in more than 80% of cases, whether an intimate partner, family or friend (CTDC, 2024). In Paraguay, it has been noted that the tendency in cases of trafficking in persons has been that the first contact was through a trusted person, relatives, friends or neighbors, who do not generate a sense of danger in the person (Grupo Luna Nueva, 2005; APRAMP, 2016). Likewise, in the case of people who are initially strangers to the social circle of the victims, an emotional and trusting bond is first generated, to then make the proposal to migrate the person captured (UNODC, 2020a p. 126).

This contact could be occurring more and more frequently through ICTs. A recent study by Kuña Róga (2023) indicates that social media are the main places where people are recruited for trafficking purposes (Kuña Róga, 2023). However, beyond specific cases, there is still not much data collected and systematized on the types of social media and technologies in general most used in the country for the recruitment of people, nor on the methods and strategies used. It should be taken into account that the clandestinity of the problem contributes to limitations in its study (Villota, 2019 p. 14).

A version of children and adolescents' recruitment for sexual exploitation already identified in the country is the "Sexual Exploitation of Children and Adolescents (ESNNA, for its Spanish acronym) by delivery". It consists of pimps or sexual perpetrators summoning victims through a phone call or -preferably- a text message via WhatsApp, to make them go –most of the time by their own means– to the place of exploitation, which can be a private party, a private house, a motel, or the vehicle of the final perpetrator" (Grupo Luna Nueva, 2021 p. 35).

The literature collected and analyzed also points out that there are cases of use of social media with false job advertisements in order to recruit victims, reported already in 2016, as important background of current trends in the use of social media for trafficking in persons. As in the case given as an example in APRAMP's¹⁰ publication in that year:

I'm Julia, my cousin Maria and I traveled from Caaguazú, in Paraguay, to Madrid to work by taking care of the elderly, the reality that awaited us here was quite different. My cousin and I were looking for work and one day through Facebook a girl who seemed very nice and friendly became our friend, we became friends and started to tell her things about our lives. She offered us a job in Spain, paid for our tickets and gave us instructions on how to talk at the airport so we wouldn't get stopped by the police for not having a work permit in Spain. When we arrived in Madrid, they took us to a club in Cuenca and told us that we would have to work there to pay off our debt, that it would be our home. The first day they let us watch how they worked so we could learn. They bought us clothes and the next day we had to work by doing sexual services. My cousin got some money to take a taxi to a friend's house who lived in Madrid. We left the club for a coffee and when we felt safe, we ran until a car stopped and took us to a taxi stand. From there we went to our friend's house. When we told her our story, she called a friend of hers in Paraguay who knew of associations in Spain that could help us. So, we called APRAMP and they offered us to go to their center and be protected. We wanted to go home and forget. From APRAMP they contacted the Public Prosecutor's Office in Paraguay and we were able to talk to them, they told us that it was dangerous for us to return now, that they were investigating in order to reach the people who had brought us, since they were deceiving many Paraguayan girls through Facebook and other social media. We received training at APRAMP and now we can work calmly in Spain (APRAMP, 2016p. 8).

The above is consistent with testimonies of victims of trafficking in persons and sexual exploitation in other countries. In the survey conducted by Radoičić (2020), 30% of trafficking victims were recruited through the Internet. Out of this percentage, 70% of girls and women were recruited for the purpose of subsequent exploitation (trafficking in persons), while 30% were recruited to have some other form of violence committed against them, such as rape, robbery, physical violence and others (Radoičić, 2020). It is also apparent from the survey that the perpetrators for this phase of recruitment were, in 51% of cases, persons known to the victim, followed by 42% of unknown persons (Radoičić, 2020 p. 29).

Among the main types of recruitment via ICTs are certainly false advertising, but also making oneself known through the Internet, false business proposals offered by well-known people, financial assistance, and the like, which in the following phases turns into exploitation of the victim in order to obtain benefits (Radoičić, 2020 p. 29).

10 Association for the Prevention, Reintegration, and Assistance of Prostituted Women based in Spain.

Source: <https://apramp.org/>

Another way in which technologies are used for recruitment is the sending of money by traffickers to victims through telephone money transfers, which are hard to trace due to the difficulty of tracing these companies¹¹. This money is used to cover the costs of the trip, which is considered a “debt” owed by the victim to the trafficker and is used as a form of blackmail to force the victim to accept her exploitation (CENIJU et al., 2014 p. 37). Regarding the exploitation of children and adolescents, it is estimated that two out of every three people who prostitute themselves in Paraguay belong to this group, with a starting age between 12 and 13 years old. During the pandemic, there was an increase in Internet use and dependence in Paraguay. This suggests that both children and their potential exploiters have also spent more time online (Alves, 2021 pp. 44, 48).

On the other hand, payment mechanisms via cryptocurrencies also seem to be a trend to be taken into account. For example, payment to a trafficker can be made via online transactions and particularly payments in cryptocurrencies that can further “accelerate” exploitation in an area that is not yet well regulated in the economy (Radoičić, 2020).

The work of Galeano Monti & Hamuy (2016), on the use of technologies in Paraguay by adolescents and their link with situations of risk and sexual exploitation, collected data on adolescents aged 11 to 18 years old in 27 educational institutions in 6 departments of the country. During in-depth sessions, the research found that adolescents are frequently contacted through social media, online games or direct messages, for conversations with sexual content and/or virtual sex, for various purposes. This represents a dangerous situation, since these contacts are not limited only to unknown numbers (Galeano Monti and Hamuy, 2016 pp. 16, 46).

The study identified a number of risk situations that could lead to more serious events such as online and offline sexual harassment or abuse. Among them:

1. The use of private information to establish contact with adolescents, after they have requested a service from providers such as deliverymen or taxis. For example, one adolescent reported that a classmate of hers began receiving text messages from the delivery man she had requested a service from, since he knew her telephone number and the location of her home.
2. Hacking of accounts. This fact was identified as risky for adolescents and with the possibility of deriving in possible cases of sexual exploitation (Galeano Monti and Hamuy, 2016 p. 50). Galeano Monti (2016) also suggests the hypothesis that the lower the socioeconomic stratum, the greater the possibility that children and adolescents’ rights will be violated through the use of ICTs, even though those of lower socioeconomic stratum have, in general, more limited access to their use (Galeano Monti and Hamuy, 2016 p. 58).

Finally, to fully understand this analysis, it is important to know the effect on victims of trafficking in persons even after leaving the trafficking situation, and even years after the court sentence. These people may experience fear of using digital media, such as opening a profile on social media with their full name, posting photos or videos that reveal their place of residence, or sharing photos with people close to them so as not to expose them to possible retaliation from traffickers. They also avoid taking photos in public spaces, events; responding to unknown numbers, and the like (Radoičić, 2020 p. 34).

11 Latonero (2011) points out that under the principles of corporate social responsibility, companies have the opportunity to be part of the collective response to the problem of human trafficking.

Patterns and common factors in documented cases of trafficking in persons in Paraguay

Territory and socio-economic context

Trafficking in persons in the country occurs both internally, from poorer rural areas to urban areas, and transnationally. The main destinations of traffic victims outside the country are Spain, Argentina and Brazil. At the local level, the Triple Border in the department of Alto Paraná, as well as the departments of Itapúa, Caaguazú, San Pedro and Central, are places of recruitment of victims (UNFPA, 2023). The Triple Border is a space conducive to trafficking in persons due to the lack of regulation, insufficient transnational cooperation, and the normalization of illicit businesses such as smuggling (US State Department 2021). In this context, inter-regional movements become highly relevant to facilitate trafficking in persons at the transnational level, as noted in the following paragraph:

Recent studies on trafficking in persons show that recruitment currently takes place mainly within the countries themselves and that in the case of international flows, the predominant routes are intra-regional (Marin, 2013). Even so, the intense migratory flows from Paraguay to Spain in the 1990s left a network that is still active for this traffic, which places that country in second place in terms of importance. Today, neighboring or southern cone countries occupy first place as destinations: Argentina, Brazil, Chile and the Plurinational State of Bolivia, in that order, although some of them could very well be transit destinations to overseas countries. The area known as the Triple Border, a nodal point where the geographical boundaries of Paraguay, Argentina and Brazil meet, is a major operations center for trafficking and international flows, where the practice of intra-border child exploitation has recently come to light, especially affecting children living on the streets. These are indigenous families displaced from their localities by the advance of deforestation and corporate agro-livestock exploitation, who seek to survive on the streets of the city by begging or child labor as informal vendors or car washers (International Organization for Migration, 2021 p. 78).

Among the regions and local cities, the Grupo Luna Nueva (2021) currently identifies Asunción, Caaguazú and Alto Paraná as the main centers for the recruitment of victims, including children and adolescents, from where they are also connected to international trafficking. The advance of the modality of victim recruitment through ICTs could generate territorial dynamics different from those seen more frequently to date. These spaces have in common being urban centers that attract vulnerable populations seeking better living conditions as a result of the expulsion from their territories with the advance of extractivism and the precariousness of peasant family agriculture (Grupo Luna Nueva, 2021). More recent initiatives identify the Bioceanic Corridor in the Western Region of the country, which crosses the Paraguayan Chaco, projected to link the Atlantic with the Pacific, as a new cross-border route conducive to sexual exploitation (Page12, 2024). Limited labor options and impoverishment are key factors in the generation of a population vulnerable to trafficking in persons.

On the other hand, 80% of the cases identified are related to pimping (Kuña Róga, 2023), with 75% of the victims (according to the figures since 2013) being women and children (UNFPA, 2023). The predominant type of trafficking in Paraguay is international trafficking (Kuña Róga, 2023).

Social profile of victims

Kuña Róga (2023) report that during the period 2019-2023 the National Police registered a total of 501 victims of trafficking in persons (441 women and 60 men), with 2020 being the year in which the largest number of cases (184) were registered. Out of these cases, 443 (86%) were categorized as pimping, 33 (6%) referred to labor exploitation, 14 (3%) were identified as international trafficking and 22 (4%) were not specified in their records. The vast majority of the cases involved children and adolescents (86%). Another point to highlight is that 98% of the cases involved Paraguayan nationals. Among these, 35% belong to Central, 11% to Alto Paraná, 8.6% to Cordillera and 6.7% to Caaguazú (Kuña Róga, 2023 pp.41, 42). Regarding the profile of the victims in general, the following stands out:

The pattern is common: women in situation of economic, social or family vulnerability leave their place of origin with the promise that they will find a job at their destination that will allow them to send money back home to their families. The same occurs with young girls whose families send them away from home in the hope that they will have a better future. Criminal networks look for them, for vulnerable women and girls who, because of their situation, have no option but to be blackmailed in order to get ahead. They are the most common victims (El Paccto. 2021).

In this sense, gender inequality can be identified as a factor of vulnerability to trafficking in persons, since women and girls are socially perceived as having fewer rights, and as merchandise to be used especially for sexual exploitation. As mentioned in the section on territory, another major factor of vulnerability is impoverishment and lack of opportunities at the local level, which generate an uprooting of the population willing to migrate. In the case of children and adolescents, a vulnerability factor is the weakened family ties, the existence of situations of violence or abuse, or living outside the family nucleus, victims of internal trafficking such as “criadazgo” or labor exploitation of children and adolescents (National Secretariat for Childhood and Adolescence (SNNA and CDIA, 2018 p. 35).

In addition to women, girls and adolescents who represent the typical victims of trafficking in persons, cases of male victims of trafficking for sexual and labor exploitation, both adults and children, have now begun to be recorded:

The case of men recruited nationally and internationally for slave labor in factories dedicated to the mass production of clothing is a frequent example and affects both national migrants abroad and foreign immigrants in Paraguay. And the case of children, men and women used as victims of commercialization of pornographic material is of enormous magnitude and worldwide extension, with several subsidiaries of international networks having been dismantled in the country. In the case of trafficking of adult men, more frequently for labor exploitation, there could be a high level of underreporting, either because the victims themselves hide their situation, or because of a sort of “machismo prejudice” (...). Furthermore, the dismantling of a labor exploitation network would mean the loss of the job which, however precarious or exploitative may be, could mean some form of wage consideration, regardless of how minimal and illegal it may be. But in any case, the problem of underreporting in all cases related to trafficking in persons in general should not be ruled out, due to its clandestine nature and the obligatory anonymity required by the regulatory frameworks in favor of the victims (International Organization for Migration, 2021 p. 77).

Selected list of cases of recruitment through the use of social media and other ICTs during 2020-2024 in Paraguay

A total of eighteen (18) press reports related to trafficking in persons and sexual exploitation were identified during the period under review, which mentioned the use of social media and other ICTs. These were almost entirely related to trafficking for the purpose of sexual exploitation. One of the news articles refers to the awareness campaign launched by the Ministry of Women on July 30, 2022, World Day Against Trafficking in Persons. The campaign points out that the most common form of recruitment nowadays is through social media. Another important point to take into account is the significance of the Covid-19 pandemic in relation to the visibility of trafficking in children and adolescents. Four (4) news items were identified that mention children and adolescents who had returned alone to the country in times of quarantine from Brazil, and it has been verified that they were victims of trafficking in persons for labor exploitation or in some cases sexual exploitation. Among all the news items, five (5) were selected as examples, since they clearly show the importance acquired by ICTs for the recruitment of people for trafficking purposes.

Although there is currently no detailed systematization of data on the use of social media and other ICTs for TFT, it was possible to verify their existence in the press related to the subject of this work. For the search, the digital editions of Diario Última Hora (UH), Diario Abc Color (Abc Color), Diario La Nación (LN) and Agencia de Información Paraguaya (IP) were considered the most relevant at the national level.

Headline: Minor girl prevented from being taken to Brazil by a trafficking network

Publication: Diario Última Hora

Location: Ciudad del Este

Date: 24 November, 2020

Summary: A couple was arrested while they were trying to get a 15-year-old minor to cross the border. The minor had been contacted since she was 13 years old through social media such as Facebook and WhatsApp. The person who contacted her urged her to travel to Brazil under the promise that he had a job for her as a seamstress. It is suspected to be a human trafficking network (Ultima Hora, 2020).

Headline: Two minors were going to be handed over to human trafficking network

Publication: Diario Última Hora

Location: Natalio, Departament of Itapúa

Date: 22 June, 2021

Summary: Two minors disappeared from their home, but the quick action of family members and police agents allowed them to be found in the city park. In the chip of one of the minors, there were indications that the captors were supposedly planning to take them from the city of Natalio and to change their identity. This could be verified from information extracted from the WhatsApp application (Ultima Hora, 2021).

Headline: Operation Tarantis: three accused in CDE for trafficking in persons

Publication: Diario La Nación

Location: Ciudad del Este

Date: 17 November, 2021

Summary: Three people were charged in Ciudad del Este for the crime of obtaining benefits in human trafficking. All this within the framework of Operation Tarantis, which investigated a human trafficking network for the purpose of sexual exploitation that operated in Paraguay, Spain and France. The victim reported that she was contacted by a Paraguayan citizen through social media, and then he gave her indications on where she should go to get money to pay for her trip (La Nación, 2021).

Headline: A heart was offered in exchange for the adoption of little Milán

Publication: Diario La Nación

Location: Mariano Roque Alonso

Date: 18 July, 2022

Summary: The mother of 4-year-old Milán Alexander, who was waiting for a heart, denounced that the password of her electronic wallet was stolen, which was being used to raise funds for the child's operation. She also claimed that unknown persons contacted her via text message to offer her the heart of a 26-year-old person in exchange for signing some papers to hand over her son. The mother declared that it was a case of trafficking in persons (La Nación, 2022).

Headline: Child Pornography: Arrested man asked 7-year-old girl for nude photos via social media

Publication: Diario Última Hora

Location: Asunción

Date: 21 July, 2023

Summary: A 25-year-old man was arrested in a raid in Bañado Tacumbú. Seven cell phones, a flash drive and a firearm were found in his home. The victim was a 7-year-old girl whose mother had created social media profiles for her since she was 3 years old. The girl was contacted by the man through Facebook from where he asked her for nude photos and videos (Ultima Hora, 2023).

Headline: Inmate extorted women with promise of earnings on Onlyfans

Publication: Diario Ultima Hora

Location: Ciudad del Este

Date: 18 March, 2024

Summary: A victim reported that an inmate of the Ciudad del Este penitentiary was posing as a rancher and businessman to defraud and extort women by promising them high profits with the adult content platform Onlyfans. The *modus operandi* involved the inmate obtaining images of women naked or in underwear, and then he began to extort them for various purposes, including that they had go to the penitentiary to have sex with the inmate in question, who already had several similar criminal records (Ultima Hora, 2024).

LEGAL FRAMEWORK

There are two treaties adopted in 2000 by the United Nations that are part of the international response to the crime of Trafficking in Persons (TIP): the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (known as the Palermo Protocol).

The Palermo Protocol is the main legal instrument on TIP and provides the internationally accepted definition already mentioned above.

Trafficking in persons as a form of violence against women and girls

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in its General Recommendation No. 38, on trafficking in women and girls in the context of global migration, has identified trafficking in persons as a phenomenon rooted in structural gender-based discrimination and recognizes it as a form of gender-based violence (CEDAW, 2020).

In the Palermo Protocol, although the gender perspective is not expressly contemplated, it can be inferred from its preamble, which states:

[. . .] to effectively prevent and combat trafficking in persons, especially women and children. . .” and “. . .to combat the exploitation of persons, especially women and children” (UNODC, 2000).

In the case of children and adolescents¹², the Palermo Protocol establishes that the condition of vulnerability invalidates their consent in all cases, even if inappropriate means have not been used:

The recruitment, transportation, transfer, harboring or receipt of a child for the purpose of exploitation shall be considered “trafficking in persons” even if none of the means set forth in subparagraph (a) of this article are used (UNODC, 2000 Art. 3, para. c).

Trafficking in children and adolescents is also defined as one of the Worst Forms of Child Labor (WFCL) in Convention No. 182 (ILO 1999).

The United Nations Office on Drugs and Crime (UNODC), through its various reports, provides an overview of the patterns and flows of TIP crime globally and regionally, noting that women and girls continue to be the main victims of human trafficking globally, accounting for 77% and 72% respectively, for the purpose of sexual exploitation (UNODC, 2020b).

12 “Child’ shall mean any person under the age of 18 years” (UNODC, Art. 3, para. d).

Trafficking in persons in its intersection with information and communication technologies (ICTs)

The link between TIP and technology undoubtedly represents a challenge for criminal law and criminal policy. This challenge stems from transnational modalities such as the influence of artificial intelligence on the legal system, various forms of cybercrime such as identity theft, online fraud, phishing, hacking, espionage, online child pornography and cyberbullying. These phenomena must be addressed without compromising the principles and guarantees of criminal law and due process (INTERPOL, 2023).

Several international organizations refer to the existence of connections between cybercrime and TIP. In its 2020 report on the global state of TIP, UNODC highlighted the growing use of ICTs and the Internet by traffickers and criminal networks in the commission of the crime (UNODC, 2020b).

The use of social media, instant messaging applications, video chat or video streaming, websites and employment platforms are presented as new tools through which the commission of crime is perfected in all its phases and for any of the purposes of exploitation (SHERLOC, 2024b).

The impact of technology in two of the phases of the TIP process: recruitment and exploitation, is of particular concern to the CEDAW Committee, which warns about the trends and role of ICTs, social media and messaging applications (CEDAW, 2020). In such media, traffickers can access information about the lives of their potential victims, know what their tastes and vulnerabilities are, what their work, personal and family situation is. Traffickers are now able to recruit, organize, communicate and coordinate almost exclusively through digital means, effectively streamlining their activities.

In addition to the need to understand how traffickers use technology as constituent elements of TIP and exploitation, ICTs have the potential to develop effective responses to prevent their misuse, to prevent and combat trafficking in persons.

The national and international legal framework of tip and related crimes

The order of normative precedence is established in article 137 of the Constitution of the Republic of Paraguay (NC)¹³, an instrument that expressly prohibits trafficking in persons, as well as slavery and personal servitude, in the chapter on the right to freedom of persons (art. 10). The Magna Carta also protects life, physical and psychological integrity, the right not to be subjected to torture, the right not to be deprived of liberty for debt, the protection of children and the protection against violence in the family, as well as the equality of all persons (Constituent Assembly, 1992).

In accordance with this constitutional mandate, Paraguay has signed international conventions in which it commits itself to establish appropriate mechanisms for the prevention, investigation and prosecution of this transnational crime.

In the field of international human rights law, two of the main human rights treaties ratified by Paraguay make direct reference to TIP: the Convention on the Elimination of All Forms of Discrimination against Women –in Article 6– and the Convention on the Rights of the Child (CRC) –particularly in Articles 6, 20, 34, 35, 36 and 37– define sexual exploitation and trafficking of children and adolescents and stipulate the obligations of States in terms of prevention.

However, there is a general consensus in the international community that TIP is, in itself, a serious violation of human rights, which is why the treaties on slavery and the slave trade, forced labor, child labor, migrant workers and persons with disabilities, as well as those treaties of a more general nature dedicated to civil and political, economic, social and cultural rights, also apply.

Table 3 offers a synthesis of the international normative framework that covers the set of commitments assumed by the Paraguayan State for the recognition and protection of rights according to the different phases of the trafficking in persons cycle, where one or another human right comes into play.

13 Constitution of the Republic of Paraguay. Article 137. On the supremacy of the Constitution. The supreme law of the Republic is the Constitution. This, the treaties, conventions and international agreements approved and ratified, the laws enacted by Congress and other legal provisions of lower hierarchy, sanctioned accordingly, make up the national positive law in the order of precedence stated.

| DOCUMENT | PARAGUAYAN LEGISLATION |
|---|------------------------|
| Universal Declaration of Human Rights (1948) | |
| Convention 29 on Forced Labor | Law Nº 1930/1967 |
| Convention 105 on the Abolition of Forced Labor (1948) | Law Nº 1331/1968 |
| Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (OP-CEDAW) | Law Nº 1215/1986 |
| American Convention on Human Rights or Pact of San José, Costa Rica. | Law Nº 1/1989 |
| Convention on the Rights of the Child (CRC) | Law Nº 57/1990 |
| Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) | Law Nº 69/1990 |
| International Covenant on Economic, Social and Cultural Rights | Law Nº 4/1992 |
| International Covenant on Civil and Political Rights | Law Nº 5/1992 |
| Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women or Convention of Belem Do Parã | Law Nº 605/1995 |
| Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights o Protocol of San Salvador | Law Nº 1040/1997 |
| Convention 182 on the Worst Forms of Child Labor | Law Nº 1657/2001 |
| International Convention on the Elimination of All Forms of Racial Discrimination o Optional Protocol to the Convention on the Rights of the Child | Law Nº 2128/2003 |
| Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography | Law Nº 2134/2003 |
| United Nations Convention against Transnational Organized Crime | Law Nº 2298/03 |
| Protocol to Prevent and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime | Law Nº 2396/04 |
| United Nations Slavery Convention | Law Nº 3117/2006 |
| Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime | Law Nº 3533/2008 |
| International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families | Law Nº 3452/2008 |
| Convention on the Rights of Persons with Disabilities | Law Nº 3540/2008 |
| International Convention for the Protection of All Persons from Enforced Disappearance | Law Nº 3977/2012 |
| Convention on Cybercrime and the Additional Protocol to the Convention on Cybercrime Concerning the Criminalization of Acts of a Racist and Xenophobic Nature Committed through Computer Systems | Law Nº 5994/2017 |
| 100 Brasilia Rules on Access to Justice for Persons in Conditions of Vulnerability | Agreed CSJ 633/2010 |

| | |
|---|--|
| Inter-American Declaration to Combat Trafficking in Persons “Declaration of Brasilia” ¹⁴ | Both the guide and the declaration have not been ratified through national laws. However, they were signed respectively as international cooperation commitments. As a result, both institutions incorporate them into their institutional legal framework on trafficking in persons issues. |
| Santiago Guide on Victim and Witness Protection ¹⁵ | |

Table 3 created by the authors, visualizing the international legal framework adopted by the Paraguayan State in relation to trafficking in persons.

In addition, since 2004, the universal system has had a Special Rapporteur on trafficking in persons, especially women and children (OHCHR, 2024).

In Paraguay, the comprehensive law against trafficking in persons (Law No. 4788/2012) is the main national instrument to prevent, address, punish and eradicate trafficking in persons. It introduces new categories in the definition of trafficking (art. 4) such as the illicit extraction of organs, criminal association, servitude, forced labor or service, servile marriage, serfdom, slavery for debt, economic exploitation and other similar slavery practices (National Congress, 2012).

One of the most important contributions of the law is that it broadens its scope of application in national and foreign territory, reinforcing state action for the protection and assistance to victims. In other words, it recognizes internal trafficking as a criminal offense. This law thus applies to all forms of TIP, whether exclusively on national territory or transnational, and whether or not they are linked to organized crime.

In addition to the prevention and punishment of the crime, which also establishes complementary sanctions (art. 16), civil liability (art. 17 to 22), special means of investigation (art. 23 to 29), this law covers protection, assistance and economic compensation for victims and survivors (art. 30 to 43).

14 The Brasilia Declaration is the result of the Fourth Meeting of National Authorities on Trafficking in Persons, held on December 4 and 5, 2014 in Brasilia, Brazil. The meeting is held every two years under the rotating presidency of a Member State of the Organization of American States.

15 These guidelines were generated in the context of the work of the Ibero-American Association of Public Prosecutors (AIAMP), as an orientation for prosecutors, both in the role of victim and witness protection and in the creation or organization of victim and witness protection programs.

The national regulatory framework, related to TIP and sexual exploitation of children and adolescents, is also composed of other laws, decrees and resolutions, many of which do not directly address the phenomenon but are related to the protection of rights that are vulnerable to trafficking in persons, such as:

- ◆ Labor Code (Law Nº 213/1993 and amending law Nº 496/95).
- ◆ Penal Code (Law Nº 1160/1997 and amending laws Nº 3440/2008, Nº 4439/11 and Nº 6.002/2017).
- ◆ Code of Criminal Procedure (Law Nº 1286/1998).
- ◆ Childhood and Adolescence Code (Law Nº 1680/2001).
- ◆ Law approving Convention Nº 182 and the recommendation concerning the prohibition and immediate action for the Elimination of the Worst Forms of Child Labor (Law Nº 1657/2001).
- ◆ Law for the protection of victims and witnesses of the Public Prosecutor’s Office (Law Nº 4083/2011).
- ◆ Law against bullying in public, private or subsidized private educational institutions (Law 4633/2012).
- ◆ Law on Domestic Work (Law Nº 5407/2015 and its amendment Law Nº 6338/2019).
- ◆ Law establishing the special procedure for the treatment of Child Abuse in the Specialized Jurisdiction (Law Nº 4295/2015).
- ◆ Law that establishes the obligation to display a legend in public and visible places stating: “Trafficking in persons and especially when it is for the purpose of sexual exploitation of children and adolescents is a crime in the Republic of Paraguay, report it” (Law Nº 5683/2016).
- ◆ Law for the comprehensive protection of women against all forms of violence (Law Nº 5777/2016 and its regulatory decree Nº 6973/2017).
- ◆ Law on alternative care and adoption measures (Law Nº 6486/2020).
- ◆ Law approving the framework cooperation agreement between Mercosur state parties and associated states for the creation of joint research teams (Law Nº 6458/2020).
- ◆ Migration Law Nº 6984/2022.
- ◆ Law approving the treaty regarding the electronic transmission of requests for international legal cooperation between central authorities. Law Nº 7001/2022.
- ◆ Decree Nº 18.835/02, which creates the National Commission for the Prevention and Eradication of Child Labor and the Protection of Adolescent Labor (CONAETI).
- ◆ Decree Nº 345/2005 which establishes the list of the worst forms of child labor.

- ◆ Decree Nº 8.309/12 approving the national policy for the prevention and fight against trafficking in persons.
- ◆ Decree Nº 4473/2020 approving the “National Plan for the Prevention and Fight against Trafficking in Persons in the Republic of Paraguay”.
- ◆ Resolution Nº 3/2010 of the National Council for Children and Adolescents, “Whereby the National Strategy for the Prevention and Eradication of Child Labor and Protection of Adolescent Labor in Paraguay and the Inter-institutional Coordination Guide for the Care of Workers under 18 years of age, submitted to the National Council for Children and Adolescents are approved”.
- ◆ Resolution Nº 5731/2015 of the Ministry of Education and Science, “Whereby the Interinstitutional Intervention Guide for the Attention of Sexual and Reproductive Rights Violations in the Educational Environment is approved”.
- ◆ Resolution Nº 1848/2015 of the Ministry of Education and Science, “Whereby the Protocol for the pedagogical attention to students at risk, of educational institutions of the levels of Elementary, Middle and Highschool is approved”.
- ◆ Resolution Nº 5308/2015 of the Public Prosecutor’s Office, “Whereby the Operating Procedure Manual and Protocols for the Specialized Unit for the Fight against Trafficking in Persons and Sexual Exploitation of Children and Adolescents are approved”.
- ◆ Resolution Nº 296/2016 of the General Directorate of Migration, “Whereby the Manual of Procedures for Foreign Victims of Trafficking in Persons is approved and established”.
- ◆ Resolution Nº 309/2016 of the Ministry of Women, “Whereby the General Protocol for the Assistance of Persons Affected by Trafficking in Paraguay is approved and applied”.
- ◆ Resolution Nº 85/2018 of the National Secretariat for Childhood and Adolescence, “Whereby the National Secretariat for Childhood and Adolescence of the Presidency of the Republic of Paraguay declares the Guide for the Comprehensive Assistance to Children and Adolescent Victims of Trafficking in Persons to be of institutional interest”.
- ◆ Resolution Nº 1561/2019 of the Ministry of Public Defense, “Whereby Resolution Nº 1227/2014 is amended, which establishes directives regarding the performance of the Public Defender’s Office for Children and Adolescents in Gesell Chamber proceedings, ordered by Criminal Courts or Criminal Prosecutor’s Offices, within the framework of Jurisdictional Advance of Evidence and/or Criminal Proceedings”.
- ◆ Resolution Nº 1562/2019 of the Ministry of Public Defense, “Whereby directives are established regarding the performance of the Public Defender’s Office for Children and Adolescents in criminal proceedings where children or adolescents are involved as alleged victims of Trafficking in Persons and related crimes”.

- ◆ Resolution Nº 423/2019 of the Ministry of Public Health and Social Welfare “Whereby the new Manual for the organization of services within the framework of the Integrated and Comprehensive Health Services Networks, the portfolio of services by levels of care and complexity of the Ministry of Public Health and Social Welfare is approved, and its implementation in the Network of Services throughout the country is provided for, and Resolution S.G Nº 463, dated August 03, 1998, is approved”.
- ◆ Resolution Nº 162/2020 of the Ministry of Women, “By which the Protocol for Prevention, Assistance and Follow-up of women victims/survivors of violence and women affected by Trafficking in Persons, of the Ministry of Women is approved, in view of the emergency situation caused by the coronavirus (COVID-19)”.
- ◆ Resolution Nº 784/2020 of the Ministry of Public Health and Social Welfare, “Whereby the National Plan for Prevention and Attention to Gender-Based Violence from the National Health System 2020-2025 is approved, and its implementation is provided for”.
- ◆ Resolution Nº 061/2021 of the Ministry of Women, “Whereby the Manual of Methodological Procedures for the care in an institutional context of the Ministry of Women for persons affected by Trafficking in Persons is approved”.

The criminal justice response to trafficking in persons and online sexual abuse in Paraguay

Paraguay is one of the countries that typifies trafficking in persons as a crime. The 1997 Penal Code (PC) already punished with imprisonment by establishing that:

[...] whoever by force, threat or deception, takes another person out of the country or brings the person from abroad to induce her to prostitution (Penal Code, 1997).

In other words, it criminalized international trafficking. However, with the ratification of the Palermo Protocol, the definition of its Art. 3 was legally introduced into the Paraguayan legal framework. Nevertheless, it did not harmonize with the criminal type that was in force. Thus, with the partial reform of the criminal legislation in 2008, the definition of the criminal type was modified and expanded, but it was still limited to the international sphere, without addressing domestic trafficking.

It is only with the Comprehensive Law Against Trafficking in Persons (Law Nº 4788/2012) that the chapter on punishable acts against TIP is harmonized with the Palermo Protocol and expressly repeals Articles 129b and 129c of the Penal Code as amended by Law Nº 3440/2008.

The Integral Law Against Trafficking in Persons includes a whole chapter on punishable acts, where all criminally relevant conducts are typified, as well as aggravating and especially aggravating circumstances and provides for civil compensation for the victims.

The Public Prosecutor's Office (MP) is in charge of exercising public criminal action on behalf of the State. It directs the investigation of punishable acts and promotes the initiation of criminal proceedings, whenever there are sufficient elements of suspicion about the existence of an act. It works in coordination with institutions such as the National Police (PN), the Ministry of Public Defense (MDP), the Ministry of Labor, Employment and Social Security (MTESS), the Ministry of Women (MINMUJER) and the Ministry of Childhood and Adolescence (MINNA), as a member of the Inter-institutional Roundtable to Combat Trafficking in Persons in Paraguay, the National Council for Children and Adolescents, and the Intersectoral Roundtable against Child Sexual Exploitation.

For the investigation of punishable acts related to TIP and sexual exploitation of children and adolescents, there is a Specialized Prosecutor's Unit to Combat Trafficking in Persons and Sexual Exploitation of Children (UFETESI)¹⁶, which is composed of a deputy prosecutor, three units in Asunción and one in Alto Paraná (Public Prosecutor's Office, 2023).

The UFETESI has competence at the national level in the investigation of the punishable acts of TIP (Law Nº 4788/12, Art. 5), pimping or sexual exploitation of adults (PC, Art. 129, modified by Law Nº 3440/08), pimping or sexual exploitation of minors (PC, Art. 139), pornography involving children and adolescents (PC, Art. 140, modified by Law Nº 4439/11), and alienation of persons (PC, Art. 125, modified by Law Nº 3440/08).

16 Resolution Nº 3473/08, which creates the Specialized Unit for Combating Trafficking in Persons and Sexual Exploitation of Children and Adolescents (UFETESI).

In the area of investigation, the National Police (PN) also has a Unit of Anti-Trafficking in Persons and Related Crimes. It is the institution responsible for preventing and investigating the crimes of TIP, sexual exploitation, labor exploitation, slavery and similar practices, as well as other closely related crimes, such as the production of public documents with false content, extortion, coercion, threats and others. It works in coordination with the Public Prosecutor's Office under articles 58 and 59 of the Code of Criminal Procedure (National Congress, 1998).

In the punishable acts of TIP, the comprehensive law against trafficking in persons (Law Nº 4788/2012) expressly provides for the possibility of resorting to special investigative means, generally used in investigations related to organized crime, such as undercover operations, controlled deliveries of money or informants. The entire procedure for carrying out these proceedings is regulated in an exceptional manner and only in the investigation of the conducts provided for in this Law.

Regarding online sexual abuse, Paraguayan criminal legislation does not specifically include crimes with nomenclatures such as grooming or cyber bullying. However, Law Nº 6002/2017 introduced an amendment to Art. 135 of the Penal Code thereby including the crime of abuse by technological means and establishing that it will be punishable by imprisonment for up to three years, including attempt (Art. 135b) (National Congress, 2017).

In the framework of TIP investigations, digital evidence plays an increasingly important role and has a variety of forms including (SHERLOC, 2024a):

- ◆ E-mail
- ◆ Cell phones
- ◆ Text messages
- ◆ WhatsApp messages
- ◆ Publications in social media
- ◆ Photos, videos and audio recordings
- ◆ Electronic payments
- ◆ Cryptocurrencies
- ◆ Applications data
- ◆ Cloud storage
- ◆ GPS
- ◆ Websites and dark web.
- ◆ Computer files.

It is important to note that the use of digital evidence still poses several challenges in investigations, such as jurisdiction, chain of custody, management, analysis and, above all, privacy. These challenges require adequate regulation, within a framework of protection of human rights and with special care for privacy, secrecy of communications and freedom of expression in technological media.

With regard to evidence, the Code of Penal Procedure lacks a specific regulation in relation to digital means of evidence. However, based on the principle of freedom of evidence regulated in Art. 173, the rules of physical evidence are applied by analogy. This constitutes a suitable means for the fight against TIP, although it is necessary that such evidence receives a treatment that guarantees its effectiveness.

Undoubtedly, international legal cooperation in criminal matters is one of the most effective tools in the fight against transnational TIP. In this case, technology has brought immediacy to investigations, allowing remote training, joint operations and making it easier to hear the victims of a case during the trial from their country of origin. UFETESI has established effective information exchange mechanisms and joint work teams with various countries such as Spain and Brazil, in addition to being an active member of the Ibero-American Association of Public Prosecutors (AIAMP), which has an Ibero-American Network of Anti-Trafficking Prosecutors and the Ibero-American Network of International Legal Cooperation¹⁷.

Institutional framework and the national strategy against trafficking in persons

As part of the commitment taken by the Paraguayan State, based on the Palermo Protocol, despite not having a comprehensive law against TIP at that time, the Inter-Institutional Roundtable for the Prevention and Fight against Trafficking in Persons¹⁸ was created in 2005. The purpose of this roundtable is to guide policies and guidelines for preventive actions, sanctions and combating trafficking in persons. Initially, it was composed of 47 public institutions and an active participation of civil society organizations and international agencies such as the International Organization for Migration (IOM), the International Labor Organization (ILO) and the United Nations Children’s Fund (UNICEF). Together, they worked to develop the National Policy to Prevent and Combat Trafficking in Persons in the Republic of Paraguay 2010-2019 (POLNATRAP), approved by decree¹⁹. This policy aims to establish the principles, approaches, guidelines and strategic axes for prevention, investigation, criminal punishment, protection and comprehensive care for victims, based on local, national and international cooperation and in accordance with the National Constitution, national and international instruments ratified by the country and national legislation.

One of its fundamental principles establishes the priority of assistance to children and adolescents. With the enactment of the comprehensive law against trafficking in persons (Law No. 4778/2012), the national strategy against trafficking in persons is established, institutionalizing the Roundtable and assigning it the role of national coordinating body for the prevention and fight against trafficking. This roundtable, coordinated by the Ministry of Foreign Affairs (MRE), is the national government’s advisory body on the matter.

Another essential component of the national strategy is the National Program for Prevention, Combating and Assistance, created by the comprehensive law (Art. 49) and whose mission is to articulate comprehensive attention and oversee the creation of commissions and programs for comprehensive attention and prevention at the departmental and municipal levels. It would become the operational secretariat of the Interinstitutional Roundtable²⁰.

As a transitory provision, the law provisionally installed the program in the Ministry of Women (MIN-MUJER). However, it is imperative for the program to function operationally in an institution that could comply with the mandate granted by the law and by POLNATRAP, which also contemplates the articulation with other national policies including migration policy, citizen security and the strengthening of departmental and municipal instances.

17 <https://trata.ministeriopublico.gov.py/index.php/coordinacion-internacional/redtramp>

18 Executive Decree Nº 5093/05, dated April 15, 2005 “Whereby the Interinstitutional Board for the Prevention and Fight against Trafficking in Persons is created and integrated”.

19 Decree Nº 8.309/12 “Approving the national policy to prevent and combat trafficking in persons”.

20 Art. 49 of Law 4777/12

The comprehensive law also provides for the program to manage the National Investment Fund for Prevention and Care, which must be included in the General Expenditure Budget, and may also receive funds from international cooperation and donations from the binational entities (Itaipú and Yacyretá), both members of the Roundtable.

Likewise, the National Plan on Trafficking in Persons PNTP (2020-2024) is in force and includes 4 strategic axes: institutional strengthening and inter-institutional articulation; prevention; comprehensive assistance and protection of persons affected by trafficking; and investigation, prosecution and punishment. Recognizing the role of ICTs in the new forms of recruitment and exploitation, the PNTP emphasizes the need to mainstream technology and know how to handle these new forms of recruitment in order to better address them.

Among the agencies and entities of the State that are members of the Roundtable and are referents in the approach to PT are:

1. Ministry of Foreign Affairs²¹

It is the National Coordinator of the Roundtable. Through the Directorate of Assistance to Paraguayan Communities Abroad, under the General Directorate of Consular Affairs (DGAC), it is responsible for cooperating with prevention, assistance and combat actions. Through its representations and consular offices, it manages primary assistance for victims of international trafficking.

2. The Ministry of Women²²

It currently houses the National Program on Trafficking in Persons. It has a General Directorate for Combating Trafficking in Women, which reports to the Vice-Ministry for the Protection of Women's Rights.

Through the Directorates of Policies for the Prevention of Trafficking in Women and Assistance and Care for Victims, it plays a very important role in the care of victims and articulates a series of awareness and training campaigns in various areas, including local and departmental governments. It manages the transitory shelter for adult women.

3. Ministry of Childhood and Adolescence (MINNA)²³

Leads the Program of Integral Attention to Victims of Trafficking and Sexual Exploitation (PAIVTES), which is responsible for implementing preventive actions and promoting, in coordination with other state agencies and civil society, the protection and care of children and adolescent victims of trafficking and sexual exploitation. MINNA emphasizes three specific forms of sexual violence against children and adolescents: trafficking, abuse and sexual exploitation. Its assistance mechanism focuses on the 147 hotline and the corresponding referrals. As a member of the Inter-institutional Board, it coordinates the Prevention and Dissemination Commission.

21 <https://www.mre.gov.py/>

22 <https://mujer.gov.py/combate-a-la-trata/>

23 <https://www.minna.gov.py/>

4. Ministry of Labor, Employment and Social Security²⁴

It has the institutional mandate to enforce labor legislation, protect working adolescents, provide job training and coordinate the National Commission for the Prevention and Eradication of Child Labor and the Protection of Adolescent Labor (CONAETI) and the National Commission for Fundamental Rights at Work and the Prevention of Forced Labor (CONTRAFOR).

It has regional labor offices that receive complaints about cases of non-compliance with labor legislation and lead awareness-raising activities.

5. Ministry of Education and Science (MEC)²⁵

It is in charge of the management of the country's educational system and contributes with dissemination, prevention and early warning of human trafficking situations, through its different agencies.

6. Ministry of Public Health and Social Welfare (MSPBS)²⁶

Manages health services and facilities for direct assistance. Through the Gender Directorate, it carries out actions of promotion and primary health care, prevention and psychosocial support; together with mental health actions for victims.

7. Ministry of Interior²⁷

It is responsible for public policies related to Internal Security, Political Affairs, Population, Migration and Repatriation of Nationals, in coordination with the competent agencies.

8. General Directorate of Migration (DGM)²⁸

Dependent on the Ministry of Interior, it is the institution in charge of registering and controlling the migratory movement produced in the border areas of the country. It is also responsible for the elaboration and updating of the National Migration Policy. It plays a fundamental role in detecting irregularities at border crossings, by carrying out timely risk analyses regarding trafficking in persons.

9. National Police (PN)²⁹

It is the entity in charge of the internal security of the nation. Through the Division of Trafficking in Persons and Related Crimes, it participates in the investigation of the crime of trafficking in persons. Through Interpol, it supports the criminal investigation and collaborates with the security of the victims. It also has a Specialized Division for Victims of Violence against Women, Children and Adolescents. In the community approach, it can detect situations of trafficking in persons.

24 <https://www.mtess.gov.py/>

25 <https://www.mec.gov.py/cms/>

26 <https://www.mspbs.gov.py/index.php>

27 <https://www.mdi.gov.py/>

28 <https://www.migraciones.gov.py/>

29 <https://www.policianacional.gov.py/>

10. National Secretariat of Tourism (SENATUR)³⁰

Its role in dealing with trafficking in persons is to articulate prevention actions such as dissemination and information, with emphasis on Trafficking in Persons and Sexual Exploitation of Children and Adolescents (ESNNA) in the context of “Travel and Tourism”. It has a code of conduct aimed at preventing trafficking in persons and sexual exploitation of children and adolescents in the tourism industry. As a member of the Regional Group of the Americas (GARA)³¹, it implements various activities related to prevention, internal coordination and the development of a mechanism for obtaining statistical data on trafficking and exploitation in the tourism sector through a regional observatory.

11. Development Secretariat for Repatriates and Refugees³²

The entity develops actions that promote the reintegration of nationals and their inclusion in the national development process, ensuring that victims of trafficking in persons who have opted for return can be properly included in their communities (whether those of origin or others that they themselves have chosen).

The other member institutions of the Roundtable are: Ministry of Justice (MJ), the Ministry of Social Development, the Ministry of Industry and Commerce, the National Statistics Institute, the Supreme Court of Justice, and the Itaipú and Yacyretá binational entities³³.

The Ministry of Public Defense³⁴ also has a fundamental role in addressing trafficking in persons. This is done through the Public Defender’s Offices for Children and Adolescents, Specialized in Violence against Women and Migrants. Through them, the Ministry guarantees access to justice, mainly in cases of sexual and labor exploitation of children and adolescents and the special procedure for indigenous peoples and persons.

Finally, with regard to institutional bodies at the departmental and local levels, the Comprehensive Law contemplates the creation of Departmental and Municipal Commissions for the prevention and fight against trafficking in persons, which must have regulations in accordance with the model developed by the Inter-Institutional Roundtable.

Many municipal governments have Departmental Women’s and/or Children’s Secretariats, which are bodies that coordinate public policies between the national and municipal governments, mainly with institutions in the social area.

At the municipal level, the Municipal Council for Children and Adolescents carries out actions of direct attention and comprehensive promotion of the rights of children and adolescents, aimed at the protection and defense of their rights.

30 <https://senatur.gov.py/>

31 The Regional Action Group of the Americas (GARA) for the prevention of sexual exploitation of children and adolescents in travel and tourism is a regional body composed of 11 States, represented by their national tourism administrations and two international organizations: the Inter-American Children’s Institute and ECPAT International, as observers.

32 <https://www.repatriados.gov.py>

33 Art. 45 of Law 4777/12

34 <https://www.mdp.gov.py/>

MAIN FINDINGS

The findings of this report were constructed through requests for access to public information and face-to-face interviews with various public institutions. The interviews were particularly useful to characterize in detail different real situations mapped by public institutions and in which ICTs played a predominant role in the recruitment of potential victims of trafficking in persons.

In contrast, requests for access to public information helped to access statistical information on the issue of trafficking in persons to complement what was collected in the desk review phase. However, very few responses provided detailed information on the role of ICTs, particularly social media and messaging channels, in the process of recruiting potential victims. The research considers such a situation in itself a finding, as it evidences the current lack of attention to the intersection of trafficking in persons and ICTs.

Requests for access to public information

Requests for access to public information were made to the following institutions:

- ◆ Specialized Prosecutor's Unit for Combating Trafficking in Persons and Sexual Exploitation of Children (UFETESI) of the Public Prosecutor's Office³⁵.
- ◆ Department of Investigation of Trafficking in Persons of the National Police.³⁶
- ◆ Ministry of Childhood and Adolescence (MINNA)³⁷
- ◆ Department of Assistance to Victims of Trafficking in Persons of the Ministry of Women³⁸

A first point to celebrate is the speed in responding to requests for access to public information by the various institutions, thus highlighting once again the importance of continuing to fully strengthen the law on access to public information as an instrument that facilitates access to data for subsequent analysis by public, private and civil society institutions and with a view to the subsequent generation of evidence-based public policies.

Depending on the specific institution, access was requested to concrete information on the use of ICTs³⁹ for the recruitment of victims of trafficking in persons as well as victims of online sexual exploitation. Information was also requested on the departments and cities from which these victims come from, as well as the main destinations to which they end up. We also sought to understand whether there was any relationship between the socio-economic profile of the victims in relation to the possible ICTs used in recruitment processes.

35 <https://ministeriopublico.gov.py/unidad-especializada-en-la-lucha-contra-la-trata-de-personas-y-explotacion-sexual-de-ninos-ninas-y-adolescentes->

36 <https://policianacional.gov.py/habilitacion-de-la-oficina-externa-del-departamento-de-investigacion-de-trata-de-personas-en-la-estacion-de-buses-de-asuncion/>

37 <https://www.minna.gov.py/>

38 <https://mujer.gov.py/combate-a-la-trata/>

39 In order to provide the greatest possible clarity, it was clarified that the requests for access to information included ICTs such as social media, digital subscription platforms for access to specific content, digital payment systems, messaging channels and web pages, and according to what was collected in the document review phase.

In the case of requests for access to MINNA, we wanted to know the current numbers of trafficking in children and adolescents, to request information on whether any of these cases used ICTs⁴⁰, and any information on the profile of the victims by gender, age and city. We also wanted to know whether the victims were trafficked to local/internal or international trafficking destinations.

For all requests for access to public information, specific information was requested for the period 2020-2024. The following is a summary of the main responses from the various authorities consulted.

Public Prosecutor’s Office

The responses of the Public Prosecutor’s Office only provide general numbers on the phenomenon of trafficking, but do not allow us to understand the role of ICTs in the recruitment phase of this type of victims. They do confirm the prevalence of the phenomenon in different parts of the country, as well as the enormous asymmetry that exists in relation to women versus men affected by the phenomenon.

Trafficking in Persons - Year 2020- 2024

| OPEN DATA PROGRAM DEPARTMENT OF TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|
| Gender of the victim | Year | | | | |
| | 2020 | 2021 | 2022 | 2023 | 2024 |
| Male | 27,5 % | 16,8 % | 25,3 % | 37,9 % | 30 % |
| Female | 71,9 % | 83,2 % | 73,5 % | 62,1 % | 70 % |
| Not specified | 0,6 % | 0,0 % | 1,2 % | 0,0 % | 0,0 % |
| TOTAL | 100 % | 100 % | 100 % | 100 % | 100 % |

Table 4 created by the authors based on the response to the public information access request (TEDIC 2024b).

As shown in Table 5, the prevalence of the phenomenon is evident in some departments over others, with Capital, Central, Alto Paraná and Caaguazú having the highest number of cases (TEDIC 2024b).

40 The same clarification given on the previous page was used.

| TRAFFICKING IN PERSONS. YEARS 2020-2024 | | | | | | | | | | |
|---|-----------------------|------|------|------|------|--------------------------|------|------|------|--------------------|
| Departament | Amount per department | | | | | Total amount per country | | | | |
| | 2020 | 2021 | 2022 | 2023 | 2024 | 2020 | 2021 | 2022 | 2023 | 2024 ⁴¹ |
| Asunción | 55 | 29 | n/a | 29 | 2 | 114 | 82 | n/a | 68 | 17 |
| Alto Paraná | 22 | 24 | n/a | 21 | 6 | | | | | |
| Central | 12 | 12 | n/a | 8 | 7 | | | | | |
| Caaguazú | n/a | 9 | n/a | 2 | n/a | | | | | |

Table 5 created by the authors based on the response to the public information access request.

The other departments have much lower numbers, ranging from one to three cases per department, which is why the research decided to make only these departments visible in the table.

Ministry of Women

the responses from the Ministry of Women did provide a general understanding of the phenomenon of trafficking in persons as it intersects with ICTs. Although the request does not respond with the desired disaggregation to the various questions mentioned above, it does yield some interesting data. It states that out of a total of 201 women who received assistance between 2020 to 2024, 24 victims were captured through WhatsApp and Facebook, the response does not mention other media or messaging channels. The rest of the recruitment processes correspond to links with friends, acquaintances or relatives and apparently without the intermediation of technology (TEDIC 2024d).

The response also mentions that, among the technologies used, messaging channels and social media predominate. However, there is no statistical data on the use of one or the other technology. Finally, it mentions that victims come from Alto Paraná, Caaguazú, San Pedro, Itapúa, Amambay and Central and that international trafficking predominates in destinations such as Argentina, Spain and Brazil with some cases detected in Asia and Africa (TEDIC 2024d).

National Police

The Department of Trafficking in Persons of the National Police mentions that the cases investigated by this entity are received in the first instance by MINNA, Prosecutor's Offices, Public Defender's Offices and are subsequently referred to this department to carry out the corresponding investigation. As a consequence, this means that the details regarding the elements of reception, whether on the technology used, platforms, social media, etc., remain with the entities of this first instance.

That said, the response provides some numbers of trafficking in persons cases systematized by that department. It does not provide information disaggregated by gender.

41 Cabe resaltar que los números para el año 2024 son menores pues el grado de detalle de información en las respuestas solo va hasta marzo de este año.

| Year | Cases |
|--------------------|-------|
| 2020 | 45 |
| 2021 | 44 |
| 2022 | 49 |
| 2023 | 20 |
| 2024 ⁴² | 10 |

Table 6 created by the authors based on the response to the public information access request (TEDIC, 2024a).

Ministry of Childhood and Adolescence (MINNA)

MINNA's response does not provide the degree of disaggregation of information requested. However, they do provide a series of macro numbers that are important to replicate in the present research.

The requests state that the program of comprehensive attention to victims of trafficking and sexual exploitation (PAIVTES), under MINNA, provides attention to adolescent victims of trafficking for sexual exploitation. Table 7 provides a summary of the information.

| Year | Female | Age | Male | Age |
|--------------|-----------|---------------|----------|----------|
| 2020 | 6 | 14 - 17 years | 0 | — |
| 2021 | 7 | 14 - 17 years | 1 | 15 years |
| 2022 | 5 | 14 - 17 years | 0 | — |
| 2023 | 1 | 14 years | 0 | — |
| 2024 | 2 | 16 years | 1 | 15 years |
| Total | 21 | | 2 | |

Table 7 prepared by the authors based on the response to the request for access to public information (TEDIC 2024c).

42 The request clarifies that these cases are until May 2024.

Among the departments with the most victims, the departments of Alto Paraná, Central and Caaguazú are once again the most frequent and there are other new ones such as Coordillera, Amambay and Caazapá.

| CASES | | | | | | | | |
|--------------|---|-----------|------------|-----------|------------------|-----------|------------|-----------|
| Year | Trafficking for labor and sexual exploitation | | ESNNA | | Other violations | | Total | |
| | FEM | MASC | FEM | MASC | FEM | MASC | FEM | MASC |
| 2020 | 59 | 32 | 47 | 9 | 10 | 16 | 116 | 57 |
| 2021 | 11 | 4 | 28 | 3 | 5 | 2 | 44 | 9 |
| 2022 | 5 | 2 | 27 | 1 | 4 | — | 36 | 3 |
| 2023 | 7 | 4 | 42 | 8 | 1 | — | 50 | 12 |
| Total | 82 | 42 | 144 | 21 | 20 | 18 | 246 | 81 |

Table 8 prepared by the authors based on the response to the request for access to public information (TEDIC 2024c).

As can be seen, for all cases, and in line with the data provided by the Public Prosecutor's Office, it is evident that women, girls and adolescents are much more affected in this type of cases.

On the other hand, the response does not disaggregate information that would allow understanding the role of ICTs in the process of recruitment or even exploitation. One possible reason for the lack of disaggregated information is that PAIVTES clarifies that, for its comprehensive assistance processes for children and adolescents, priority is given to avoiding revictimization during the approach, avoiding asking questions about the event or about the perpetrators (TEDIC 2024c).

Finally, regarding the socio-economic profile of the victims, the response indicates that the children and adolescents assisted by the PAIVTES Program are mostly from dysfunctional families, from vulnerable socio-economic contexts, rural areas or urban peripheries and have been exposed to intra-family violence, emotional and affective neglect, with a significantly low educational level, low self-esteem and limited knowledge of their rights (TEDIC 2024c).

Interviews

The interviews with representatives of the Public Prosecutor's Office, MINNA and the National Police allowed us to close a series of information gaps in trying to understand the role of ICTs in the process of recruiting victims of trafficking in persons for online and offline sexual exploitation. This information could not be obtained through desk review or requests for access to public information. Likewise, these interviews provided a glimpse of the lack of capacity that currently exists in the State to generate data in a coordinated manner, and to understand the real scale of the use of ICTs to recruit victims of trafficking in persons and sexual exploitation online and offline.

The information collected through the interviews connects with many of the trends described in the contextual framework and with regard to the type of technologies used. In addition, it reveals the challenges with which public institutions deal with when collecting data, and, above all, the enormous prevalence of the phenomenon that mainly affects women, girls and adolescents.

The data collection instruments via interviews sought to collect any information to understand and characterize the use of ICTs to recruit victims of trafficking in persons and online sexual exploitation. This included the socio-economic profile of the victims, new trends in the use of ICTs that may not have been identified in previous phases of data collection, as well as interviewees' assessments of the institutional and legal challenges to address the issue of trafficking in persons in general and its intersection with ICTs.

Role of ICTs in the recruitment process and its importance in the post pandemic

There is agreement among most of the people interviewed on the role of ICTs for the first contact with potential victims. This situation gained particular attention in the context of the pandemic and post-pandemic, due to an initial challenge that did not allow any kind of movement of people, as well as greater access to devices in educational contexts and by children and adolescents. However, testimonies refer to the fact that the phenomenon already existed even before the pandemic:

I believe there is a clear before and after the pandemic. They took full advantage of everything available to them, especially the internet, the web, and social media. They realized that they could operate remotely, exploiting people from a distance.” (Interviewee 2 - Public Ministry)

After the pandemic, many people, especially children, who previously had no access to a telephone or a smartphone, suddenly gained access during the pandemic due to the need to continue studying remotely. Then, many parents provided their children with phones, something they hadn't done before, creating an opportunity for unscrupulous individuals to exploit these new circumstances to achieve their goals (Interviewee 3 - Public Prosecutor's Office).

I definitely consider that the recruitment process occurs through technological means in almost 60% of the cases, if not more. The most commonly used platforms are social media, particularly profiles on Instagram and TikTok, while Facebook is not very used by young people, but TikTok is (Interviewee 3 - Public Prosecutor's Office).

We observed a significant increase of sexual exploitation, because before the pandemic there were no virtual classes, and children didn't need a cell phone for school. However, as virtual learning became necessary, every parent gave their child a device, and that device was never under control [...] not even the State or the parents were in a position to indicate some minimum security measures that their child could adopt (Interviewee 1 - National Police).

Social media was already being used before the pandemic, long before the pandemic (Interviewee 3- National Police)

[...] during the pandemic there was a sudden boom, when everyone had to go back to work and as a result, many children and adolescents, mostly boys, went to work in the sewing industry or in plantations. (Interviewee 1- MINNA)

I think that one of the reasons why we continue to have victims of trafficking, and most of them are adolescents, is due to technology. Adolescents are the ones who have more access to platforms and networks, and those are the ones that are used to capture them (Interviewee 1-MINNA).

Modalities and types of ICTs used for the recruitment of victims

The different modalities of recruitment via social media identified by UNODC (Hunting versus Phishing) are identified through concrete examples given by the interviewees, for cases of trafficking for sexual and labor exploitation, as well as for cases of online sexual exploitation:

We specifically noticed in cases of labor trafficking: Phishing... in the cases of those exploited in Brazil, in the cigarette factory companies, most of them told us that they saw on social media, like Facebook, job offers and when they contacted them, the contact was via WhatsApp (Interviewee 1 - Public Prosecutor's Office).

She [*Researcher comment: The interviewee refers to an adolescent victim of trafficking for the purpose of sexual exploitation*] mentions that she received a friend request, they started to establish a friendship as if they were the same age, then the perpetrator pretends to be her boyfriend and they continue talking. Then, he offers her a job. As far as I understand, they study the profile, because she was an adolescent who had a bad relationship with her mother. So, he starts to get close to her using that, then he told her that he was going to get her a job, and then she had a fight with her mother [...] and that's when he took her to Bolivia (Interviewee 1- MINNA).

For example, in Chile, there are many people who travel through connections made on social media. They use social media of people who are well-known and who are there, and who capture people from here... They know very well the economic vulnerability of the person, the need that the person has (Interviewee 3 - National Police).

In cyberspace we are full of unscrupulous people who use a fake profile to engage in various types of punishable acts to recruit children. Among these, I can mention online sexual abuse and child pornography, which have a very high percentage (Interviewee 3 - Public Prosecutor's Office).

Perpetrators for cases of trafficking in persons or online sexual exploitation can be both persons known and unknown to the victims, as was noted in Radoičić's survey (2020). The use of fake profiles as a strategy for approaching victims also persists:

"I know you from somewhere, you are my friend on Facebook" and they start chatting, they see a photo and tell her, "I want to go there too". Or suddenly, she talks to a friend who is abroad about how she can leave the country, that friend tells her, "I came for so-and-so, and I can connect you with her" (Interviewee 2- Public Prosecutor's Office).

From the moment they fall into these networks and are seduced by the supposed boyfriends, but through a screen, where the boyfriends are actually adults who convince them to send them sexual photos [*Researcher comment: Referring to a child as the person convinced to send the photo*] (Interviewee 3 - Public Prosecutor's Office).

A recruiter was known to the family, the girl's parents knew him and through her parents, he met her and sent her a friend request on Facebook, he was talking to her and then he offered her a job, asked her if she wanted to leave the country, and told her he was going to cover all the expenses (plane tickets, travel expenses...), he was going to give her everything... (Interviewee 3 - National Police).

We had a case in Asunción, eight girls were recruited through social media (Facebook), it was a page that offered jobs and that was basically all paid [Researcher comment: Alluding to the fact that they offered victims to cover all their expenses] (Interviewee 3 - National Police).

There is no need for Osmar [Researcher comment: Referring to a hypothetical person] to leave here [Researcher comment: Referring to the victim's place of origin] and know me and know what I need. No, there is no need for that, because social media are used for all kinds of things (Interviewee 3 - National Police).

This contrasts with the perception of the MINNA interviewee, who considers that in cases of sexual exploitation of children and adolescents, the perpetrator's dynamic persists as someone close to the victim and that technology does not particularly affect the recruitment and exploitation processes.

Within the experience, cases of sexual exploitation of children and adolescents are quite particular because in most of the cases the perpetrator is within the family. Most of the exploiters themselves are siblings, fathers, mothers or grandmothers. It is not necessarily linked to technology (Interviewee 1 - MINNA).

The people interviewed also mention the use of new social media and messaging channels and beyond platforms such as Facebook and WhatsApp, particularly in the processes of online recruitment of children and adolescents for sexual exploitation. This extension in the use of new digital tools was observed even in the processes of digitization of education in the framework of the pandemic.

Facebook is not widely used by young people, but TikTok is, and this a very big problem because TikTok does not cooperate with law enforcement, making it difficult for us to obtain data since they are from China. Unlike Meta, which owns Facebook and Instagram, who many times responds to judicial authorizations in cases involving pornography and abuse, but TikTok doesn't (Interviewee 3 - Public Prosecutor).

Normally those predators look for, like everyone else, also young people and children... not in those traditional social media like Facebook, Instagram, we are a little bit more adults [...] today they have their favorite social media [...] like Discord... They [Researcher comment: referring to the perpetrators] often initiate contact through interactive games, then they move the conversation to a private network where the interaction is very private. Nowadays, parents are often unaware of these new social media platforms, so their control on the behavior that their child is developing with these strangers suddenly goes unnoticed (Interviewee 1 - National Police).

In fact, during the pandemic, I encountered many cases of abuse, particularly through technological means. It increased significantly, partly due to the lack of control over the platforms used for these purposes. For example, Telegram has private channels that promote pornography, and one thing leads to another. That's why I was referring to the fact that we should take care of our children who are vulnerable, who have access to a smartphone and fall into these networks and many times when is already too late (Interviewee 3 - Public Prosecutor's Office).

Well, we observed significant changes in the increase of sexual exploitation, because before the pandemic there were no virtual classes, and children didn't need cellphones [...] and the time came when every parent gave their child a device, and that device was never monitored [...] So, you give them a tool, they connect to the world with MEET (clarification: google meet), with their video-call, and there, during class hours, many times they start to use these tools for other purposes, and then perpetrators start to attack. So, there was of course an increase in the recruitment of minors using classroom platforms [*Researcher comment: Referring to the classrooms*]. Initially, we used free platforms and then the government began to adopt certain paid tools, and we started with Zoom (and we continue with zoom). Sometimes, mail databases are captured in those open networks... And even some people entered the classroom because those links were sent to students, but adults with malicious intent would enter these virtual classrooms and potentially target victims... Unfortunately, the institutions overseeing these platforms at the time were often unaware of who was in the online community (Interviewee 1 - National Police).

There is also an understanding of the use of technology for the purpose of transferring economic resources for a post-capture phase, which is the transfer:

[...] And they contact each other not only for recruitment purposes, but also to use technological platforms to send money, to buy tickets, to send the money they have to carry so as to demonstrate that they have economic solvency. And this is part not only of the recruitment, but of the transportation phase (Interviewee 2 - Public Prosecutor's Office).

Finally, and thinking about the socio-economic profile of the victims and its influence on the use of ICTs, some testimonies suggest that coming from economically vulnerable contexts does not necessarily increase the risk of falling into a capture situation. In the case of children and adolescents, the greatest risk lies in the amount of time they spend in front of the screen. This contrasts with the findings compiled in the document review by Galeano and Hamuy (2016).

No, we should not necessarily discriminate by social status. It is enough that they have a smartphone, and anyone can have a smartphone, it is available in the black market or even in the common market at very low prices (Interviewee 3 - Public Prosecutor's Office).

Well, on this issue, the socio-economic status isn't relevant as much as the availability and the time that the child spends on the Internet. Nowadays, children go to their rooms and sleep with their phones, and there is no restriction in that case (Interviewee 1 - National Police).

However, there is a general consensus that the victims of trafficking in persons, whether for sexual exploitation or other types of exploitation, usually come from vulnerable contexts.

Look, most of them are children and adolescents who come from extreme poverty, dysfunctional families, with little access to education and with some kind of violence within the family environment. This is more or less a profile that you always find, either in sexual exploitation of children and adolescents or in trafficking (Interviewee 1 - MINNA).

They are on the poverty line. They are all on the poverty line (Interviewee 1 - Public Prosecutor's Office).

The continuum of online and offline violence and social media duality

The interviewees reported that the process of approaching victims not only stops at the interaction and possible online exploitation, but can also turn into a situation of offline exploitation, following the trend of some of the news items collected in the document review.

The person was sentenced to 26 years of imprisonment following a report of massive downloading of pornography related to children. During the search, authorities found 24 external storage devices where this person kept images of children whom he subdued inside his house. In addition to downloading and consuming pornography, he committed sexual abuse on children and filmed them and saved the footage in external devices (Interviewee 3 - Public Prosecutor's Office).

There have been cases where a minor was taken out of school, invited somewhere during school hours, or taken out of their home. We had some cases where the minor suddenly left and took a taxi or a Bolt [*Researcher comment: Uber-type transport application that operates in Paraguay and other countries in the Latin American region*] and some of those cases were public. Sometimes even the taxi driver himself reported that the minor was leaving. This highlights how social media is frequently used for the recruitment of minors (Interviewee 1 - National Police).

Also, several interviews point to a dual nature of social media as they intersect with the issue of trafficking in persons and exploitation. On the one hand, they allow a glimpse into the lives of potential victims and are particularly useful for hunting-type perpetrators. On the other hand, they are extremely useful for law enforcement to access information and evidence about the cases, and to collect information necessary for the different cases led by the Public Prosecutor's Office.

Social media and open sources are very useful to obtain more information to help us identify the alleged victim, the alleged perpetrators, their modus operandi. Many times, we do that surveillance setup and we don't... When you do it anonymously, you don't get much information, so you have to resort to open sources (social media) to obtain more information and the modus operandi of the people (Interviewee 2- National Police).

In social media, people often share their daily life, for example, posting pictures of their lunch or the farm they work in. And this leads the traffickers to assume they are in vulnerable situations or in need. He says [*Researcher comment: Referring to the perpetrator and what he says to a possible victim of trafficking*]: "Well, you are not going to work in the farm anymore, you are not going to be a domestic worker there, come here, I will pay you better, I will find you a job" (Interviewee 2- National Police).

Challenges to address the issue and data improvement

Most of the people interviewed agree that regulatory reform is not needed to address the issue more effectively, but rather more resources are needed to carry out investigations and, above all, a greater capacity to implement prevention campaigns. There is also evidence of a lack of territorial presence in different parts of the country, which contributes to a significant underreporting that prevents accurate data on the issue, as well as a lack of assistance to potential victims.

I believe that the criminal figures are there, but I see the need for a stronger focus on prevention, more than anything else. There should be greater access to information about the potential dangers of giving a 5-year-old a weapon such as a cell phone or allowing minors access to social media. This parental control, this prevention is what should be strengthened in order not to fall into this, in a criminal prosecution for already accomplished facts (Interviewee 3 - Public Prosecutor's Office).

Actually, resources are needed to carry out these investigations, because private vehicles, more technology and trainings are needed (Interviewee 3 - National Police).

I believe that the law is not bad, but institutions do not have all the necessary means to provide full assistance. For me, the law is quite good [*Researcher comment: Referring to the law on trafficking in persons*] (Interviewee 1 - MINNA).

The safe reporting system, which is also there on the website, needs to be publicized so that people can know how and where to report. And at some point, it would be useful to have a link that redirects to a WhatsApp chat, but that requires a budget, and we do not have it (Interviewee 1 - Public Prosecutor's Office).

From the scope of reaching... That's why we have more numbers here in the metropolitan and central area, because we have already investigated and, I think it's only because of the capacity we have here to move from one place to another (Interviewee 1 - National Police).

Regarding the regulatory framework, and connected to the issue of prevention, one testimony points to the need for a personal data law as a necessary step to strengthen the legal framework and as part of a broader education strategy to improve the digital security of people, particularly children and adolescents.

Above all, today, for example, in educational institutions, why don't we prioritize data security and protection? We use a lot of tools with children, encouraging them to "Research this, research that", but we have to generate awareness and information security behavior, so that they understand that this data can be dangerous if mishandled, or how they can be protected if someone access that information [...] What we lack today is a focus on protection, and fundamentally, we need a data protection law. It may be imperfect initially, but it has to come out and then we can work on improving it (Interviewee 1 - National Police).

On this point, it is important to highlight that the interviewee mentioned the current personal data protection bill that has been pending in Congress since 2021. This bill was presented by the Personal Data Coalition, of which TEDIC is a co-founding organization⁴³. The initiative proposes a paradigm shift in the way personal data is collected and processed in Paraguay and was developed collaboratively between civil society, the State and the private sector.

Also, some testimonies reflect that certain data indicating a decrease in the number of cases in the country are misleading. This is due to the fact that the country is in a situation of normalization of trafficking in persons, which results in few denunciations. Connected to this, many criminal cases that start in countries such as France or Spain do not reach the country, which also contributes to the lack of important data to understand the phenomenon.

We talk about thousands of possible victims. Why possible victims? In Europe, for example, in Spain, they always carry out studies and talk about thousands of Paraguayan women as possible victims, because they are not yet identified as victims, but from the moment they are seen practicing prostitution, there are some indications that they may be victims of trafficking. So, if they have 3,000 to 4,000 Paraguayan women identified in that situation, at least 70 or 80% of them are likely being exploited there. I find it hard to believe that someone would go to work as a prostitute alone in a place they do not even know. It is very difficult. There may be some cases like that, but I believe that most of those who are in this situation of prostitution are being exploited (Interviewee 2 - Public Prosecutor's Office).

It's appalling the amount of people that are involved in this. There are no limits. I don't know, it tripled, quintupled. The information we have is that some procedures are carried out here and there. But many procedures do not come here. For example, France is a country where they are working on a lot of cases and they are already identifying them, but we have no information here (Interviewee 2- Public Prosecutor's Office).

On the other hand, and within the framework of the different discussions that arose in this research, the need for greater attention in the collection of information at the intersection of trafficking in persons and technology is recognized.

I believe it is important to notice that you are now interested in having concrete data. How much does technology mean at this moment in terms of trafficking? Especially in recruitment. We have to identify the quantity, the modes, design specific prevention strategies (Interviewee 2 - Public Prosecutor's Office).

However, this situation contrasts with challenges when assisting certain types of victims, particularly children, and the need for non-revictimization.

At least under our care, we avoid re-victimize them, particularly girls or adolescents. We only listen if they tell us or what the prosecutor's office tells us (Interviewee 1- MINNA).

43 For more information on the current bill, click here <https://www.datospersonales.org.py/ultima-version-del-proyecto-de-ley-de-datos-personales-en-paraguay-un-trabajo-colectivo-y-participativo/>

Finally, an important challenge when reflecting on the impact of ICTs in the processes of recruitment of trafficking victims is criminalization. In order to classify a case of trafficking in persons, certain requirements must be met. Although there are global discussions on the subject, a series of internal adaptations are required to adequately understand and classify trafficking in persons in Paraguay and its intersection with ICTs.

In relation to the reports that we presented to the Department of State (United States) and that caught our attention, mine personally, was the inclusion of a paragraph where they clearly stated that, for them, online recruitment and online sexual exploitation constitute trafficking. I explained that our law establishes that trafficking is very particular, it has its moments. Now, with the upcoming high-level meetings at the OAS and the United Nations on trafficking, are they going to review the definition of trafficking? Because it's so particular, so characteristic, there has to be a recruitment, a transfer, an exploitation for it to be considered trafficking. Investigating these aspects is already complex, and adding online exploitation into the trafficking framework -how would that work and what would that imply? (Interviewee 1 - Public Prosecutor's Office).

It would be difficult to classify it as trafficking as it is currently defined, because we talk about moments, we talk about transfers, we do not talk about virtuality (Interviewee 2 - Public Prosecutor's Office).

It is not so easy, we can change the definition and change our typifications and say that it is all types of exploitation, without talking about recruiting, transporting, transferring, receiving and harboring, or finally we leave the conception that we all have, it took years (Interviewee 2 - Public Prosecutor's Office).

FINAL REFLECTIONS

Technology-facilitated trafficking (TFT) is a reality in Paraguay. Although it is not properly recognized and codified in the current legal framework, it exists and manifests itself in various forms, affecting different populations, with a particularly disproportionate effect and lasting negative consequences in the lives of women, adolescents and girls.

The document review, the requests for access to public information and the interviews all point to the urgent need to address this issue and incorporate the technology variable into public policies that seek to analyze, document and address this problem.

Among a series of findings and reflections, a recurring theme throughout this research is the lack of disaggregated data. Public institutions, both those in charge of investigating cases and those responsible for assisting victims, lack detailed information to understand the prevalence of the phenomenon of TFT in its recruitment phase, as well as the sexual exploitation of children and women, both in its online and offline components. Today, there is no real capacity to understand where the victims who were recruited via social media or messaging channels come from, the different dynamics that occur in these networks/channels depending on variables such as age groups, gender and diverse geographic origins. There is also no consistent data on the social media/messaging channels that are used to a greater or lesser degree depending on such variables. Nor is it possible to affirm that there are specific assistance strategies in those cases where there was a preponderant role of ICTs for recruitment and exploitation, or even to prevent scenarios in which perpetrators can make contact again with rescued victims and within the framework of a trial.

This research shows that technology represents a key element to understand in the processes of recruitment of victims of trafficking in persons and sexual exploitation online and offline. At the national level, it is necessary to continue conducting more research on the subject, given the need for updated and systematized data on the mechanisms and dynamics of recruitment in Paraguay. The present research evidences Facebook and WhatsApp as particular spaces in which scenarios of online recruitment of victims of trafficking in persons and sexual exploitation are generated. It also shows the role of new platforms such as Discord, TikTok and Only Fans as new spaces in which this type of online gender-based violence is manifested.

An important issue to be highlighted is the experience of public officials in the field. This experience and attention to detail is what allowed the development of this research, and is where the attention of decision makers should go in order to strengthen strategies to prevent, combat and redress victims of trafficking in persons and online sexual exploitation.

Closely connected to the issue of prevention, there is again the need for a comprehensive law on personal data protection that allows, among a number of issues, to provide inputs for training on digital security in schools and colleges, and that allows a cultural change with a view to raise awareness among people –with particular emphasis on parents and caregivers of children– about the need to protect their data and how they expose themselves and their children on various digital platforms. Such a situation will contribute positively and significantly to the protection against cases of fishing and hunting. Such a law will also allow establishing high levels of protection to the disaggregated information that should be generated by the State for a better understanding of cases of TFT and online sexual exploitation, both of adults and children.

On the other hand, and despite the delocalization allowed by ICTs, the territories where most of the victims come from according to the data systematized so far are Asunción, Central, Caaguazú and Alto Paraná. These departments represent important areas to take into account for future research on TFT and online sexual exploitation. In particular, the Tri-Border area between Paraguay, Brazil and Argentina, as an area of illegal business, presents a territory to be looked at more closely in terms of trafficking in persons. Attention should also be paid to the opening of new high-impact road networks such as the Bioceanic Corridor in the Chaco region, due to the implications it could have for the issue under analysis.

In relation to the current legal framework in force, a major challenge is to go beyond the current criminalization of trafficking in persons, which is currently inevitably associated with checking the moments of recruitment, transfer and exploitation. ICTs only come to eliminate the transfer phase (in the understanding of the displacement of a person from point A to point B), but redefine the recruitment and exploitation, so that TFT cases should be incorporated into the current legal framework, for effective protection and redress for victims at all stages of exploitation.

On the other hand, although significant progress has been made in terms of regulatory adaptation and the development of plans and policies, obstacles persist and, above all, there is evidence of insufficient action in their implementation to fight and combat trafficking in persons, related crimes and other forms of exploitation.

It should be noted that the POLNATRAP, despite being a very complete instrument and in line with international standards, was approved before the integral law came into force, and therefore merits a review and updating process to incorporate and mainstream technology in the different dimensions and strategic axes, in line with what is established in the current PNTP.

Finally, in general terms, the use of ICTs brings indisputable benefits in prevention and awareness-raising, facilitating access to user-friendly information and also in public strategies for combating and sanctioning. However, it should be noted that the benefits for access can be unequal. In order for its reach to be universal, the digital divide needs to be bridged, thus reaching those departments that are particularly affected by trafficking in persons and outside the capital city.

Recommendations

This research raises a series of points of attention for the State, organized civil society and international organizations, to effectively incorporate technology as an important variable in understanding and mitigating scenarios of TFT and online sexual exploitation. Specifically, and with a view to incorporating such a variable, it is necessary, as a minimum:

- ◆ To develop methodologies for collecting information at different stages of interaction and assistance with victims of TFT and online sexual exploitation. This, with a view to generating disaggregated data to understand the type of ICTs used based on variables such as age group, gender and geographic location. Such methodologies should also focus attention on the perpetrators of this type of violence, to understand the phenomenon as a whole.
 - ▶ Based on such data and possible trends identified, it is desirable to identify opportunities to design prevention communication campaigns on TFT and online sexual exploitation. Such campaigns should incorporate the digital divide as an important variable, so as to ensure that information reaches different target audiences.
- ◆ To unlock the legislative process and enact the comprehensive personal data protection law. Specifically, it is important that the Inter-institutional Roundtable to Prevent and Combat Trafficking in Persons gets involved in this debate through the public institutions that comprise it, and support the treatment of the current personal data protection bill.
- ◆ To update POLNATRAP to mainstream technology in the different dimensions and axes, in line with what is established in the PNTP. It is important that such attention to technology is not only limited to the recruitment and exploitation stages, but also focus on protecting victims from their perpetrators and after their rescue, to avoid contact scenarios of such perpetrators during a judicial process.
- ◆ To establish opportunities for dialogue and debate with a view to determining the incorporation of TFT within the current legal framework that addresses trafficking in persons, and beyond the verification of the moments of recruitment, transfer and exploitation. This is in order to strengthen existing legal tools and with a view to improving the prevention and punishment of this crime.
- ◆ To expand the focus of attention from known social media and messaging channels such as Facebook and WhatsApp, and towards new emerging social media such as Discord, TikTok and Only Fans. This in order to continue generating information on the role of these social media in the recruitment process of TFT and online sexual exploitation in Paraguay, for subsequent combat.

Limits on this research

In order to expand the depth of the findings of this research, it is necessary to generate new research that allows a direct dialogue with victims of trafficking in persons. This is in order to replicate the experience of the Atina Foundation in Serbia, and to collect first-hand data on the role of ICTs in the recruitment of victims of trafficking in persons and online sexual exploitation in Paraguay. Such a dialogue can broaden the understanding of this emerging issue, and should be designed with particular care to avoid re-victimization.

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