The right to privacy in Paraguay - Stakeholders' Report Universal Periodic Review - 38th period of sessions

The report presented to the UPR by TEDIC and PI consists of information broken down into 7 areas of concern. A ***synthesis*** of each of them is offered here:

1. ***Communications monitoring***

Concern is expressed about the performance of intelligence agencies and their degree of compliance with international human rights standards. Specifically: lack of independence of the Executive Power; lack of definition of "national interest" in current legislation; lack of control and transparency over intelligence operations and lack of notification to people under surveillance.

2. ***Surveillance capabilities***

A lack of clarity about the State's surveillance capabilities is pointed out: the purchase of surveillance software such as Finfisher, wiretapping equipment, drones and others is questioned, as well as a lack of response on their use.

3. ***Use of surveillance technology to confront gender-based violence***

The report points to concerns on modifications in law 6558/20 that enables the collection of geolocation data of victims of gender violence by the National Police. Also the resolution of CONATEL, which enables the Ministry of Interior to request the blocking of telephone lines without judicial authorization or due process.

4. ***Facial recognition***

The lack of transparency around the purchase and use of facial recognition software in downtown Asunción and soccer stadiums is questioned. Specifically, TEDIC's request for access to information on the nature of these systems was rejected on grounds of "national security".

5. ***Government Actions during the COVID-19 Pandemic***

The adoption of extraordinary measures to fight COVID-19 without indicating the duration of the same is questioned. The purchase of surveillance drones to comply with confinement measures is documented, as well as monitoring on social networks (SOCMINT) activities as a strategy to identify protesters against the government.

6. ***Biometrics in voting system***

Concern is expressed about the bill that implements biometric technology for voter identification presented in 2019. The lack of impact evaluation on the use of this technology prior to the presentation of the project is also questioned.

7. ***Personal data protection***

The lack of a comprehensive law for the protection of personal data, in accordance with international standards, is noted. The inefficiency of the legal framework to protect sensitive health data and the lack of authority for the protection of personal data are highlighted.

8. ***Ñandareko and Pytyvõ Social assistance system***

Violation of social assistance computer systems in the framework of the pandemic is questioned: leaked databases, hosting on private servers and lack of adoption of basic security standards (*https*).

National Report presented by Paraguay

The document sent by Paraguay in the framework of the examination to which the country will be subjected to on the 38th period of sessions of the United Nations has unsatisfactorily addressed the concerns raised in the joint report presented by TEDIC-PI.

Specifically, in paragraphs 104 and 105, it is argued in a general way that the current legislation that concerns intelligence agencies provides guarantees to citizens and is in line with the National Constitution and international commitments of the country. The ambiguity of the term "national security" is not addressed, nor other issues raised in the report.

Summary of Stakeholder Communications in Paraguay - OHCHR Report

The summary of reports sent by civil society organizations and compiled by the Office of the United Nations High Commissioner for Human Rights (OHCHR) has echoed several of the recommendations of the joint report sent by TEDIC-PI. Specifically:

- Paragraph 35 on the monitoring of social networks by the government to ensure compliance with lockdown measures
- Paragraph 39 on restrictions on freedom of peaceful assembly
- Paragraph 40 on application of biometric voting system
- Paragraph 44 on mobile applications used for social assistance in the framework of COVID-19 and the violation of the sensitive data of its beneficiaries
- Paragraph 50 on sensitive information required to register with the social security system (IPS)
- Paragraph 65 on harassment of people who suffered COVID-19

For more information on the noted areas of concern, You can access the full report here or contact hola@tedic.org