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## Human Rights Council

Working Group on the Universal Periodic Review

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### **Compilation prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (b) of the annex to Human Rights Council resolution 5/1**

#### **Paraguay**

The present report is a compilation of the information contained in the reports of treaty bodies, special procedures, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the United Nations High Commissioner for Human Rights (OHCHR), other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. Information included herein has been systematically referenced in endnotes. The report has been prepared taking into consideration the four-year periodicity of the first cycle of the review. In the absence of recent information, the latest available reports and documents have been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty and/or to a low level of interaction or cooperation with international human rights mechanisms.

## I. Background and framework

### A. Scope of international obligations<sup>1</sup>

<i>Core Universal human rights treaties<sup>2</sup></i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>
ICERD	18 August 2003	None	Individual complaints (art. 14): No
ICESCR	10 June 1992	None	-
ICCPR	10 June 1992	None	Inter-State complaints (art. 41): No
ICCPR-OP 1	10 January 1995	None	-
ICCPR-OP 2	18 August 2003	None	-
CEDAW	6 April 1987	None	-
OP-CEDAW	14 May 2001	None	Inquiry procedure (arts. 8 and 9): Yes
CAT			Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
	12 March 1990	None	
OP-CAT	2 December 2005	None	-
CRC	25 September 1990	None	-
OP-CRC-AC		Binding declaration under art. 3: 18 years	-
	27 September 2002		
OP-CRC-SC	18 August 2003	None	-
ICRMW			Inter-State complaints (art. 76): No Individual complaints (art. 77): No
	23 September 2008	None	
CRPD	3 September 2008	None	-
OP-CRPD	3 September 2008	None	Inquiry procedure (arts. 6 and 7): Yes

*Treaties to which Paraguay is not a party: OP-ICESCR<sup>3</sup> (signature only, 2009), and CED (signature only, 2007).*

<i>Other main relevant international instruments</i>	<i>Ratification, accession or succession</i>
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol <sup>4</sup>	Yes
Refugees and stateless persons <sup>5</sup>	Yes, except Stateless Conventions 1954 and 1961
Geneva Conventions of 12 August 1949 and Additional Protocols thereto <sup>6</sup>	Yes
UNESCO Convention against Discrimination in Education	No

1. In 2010, the Committee on the Rights of the Child (CRC) recommended that Paraguay ratify the Optional Protocol to the Covenant on Economic, Social and Cultural Rights and the Convention for the Protection of All Persons from Enforced Disappearance.<sup>7</sup>

## **B. Constitutional and legislative framework**

2. In 2005, the Committee on the Elimination of Discrimination against Women (CEDAW) requested Paraguay to incorporate a definition of discrimination against women into national legislation, and to take steps to ensure that the provisions of the Convention can be effectively enforced.<sup>8</sup>

3. After a visit in November 2006, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment noted that Paraguay had come a long way in overcoming the legacy of the military dictatorship by building up democratic institutions based on the rule of law and respect for human rights, and welcomed the efforts of the Truth and Justice Commission. He added that Paraguay was the only country in Latin America's Southern Cone without an amnesty law and welcomed the clear constitutional prohibition on torture.<sup>9</sup>

4. In 2010, CRC regretted that the national legislation was not fully in conformity with the Convention. It was also concerned that the bill to amend the Code of Criminal Procedure was still under consideration and did not coincide with the CNA (Código de la Niñez y la Adolescencia) in terms of juvenile criminal procedure.<sup>10</sup>

5. The United Nations country team in Paraguay (UNCT) reported that the Criminal Code had reduced the penalties for child pornography and that, in cases of abuse, the decision to prosecute had to come from the victim even if the victim was a minor, and the penalty was a fine only.<sup>11</sup> The Committee on the Rights of the Child made much the same points.<sup>12</sup>

## **C. Institutional and human rights infrastructure**

6. The *Defensoría del Pueblo* (Ombudsman) was accredited with A status by the International Coordinating Committee of National Human Rights Institutions for the Promotion and Protection of Human Rights (ICC) in 2003 and reconfirmed in 2008.<sup>13</sup>

7. CRC recommended that Paraguay strengthen the role of the National Council for Childhood and Adolescence and allocate adequate resources to ensure effective coordination among the different institutions responsible for children rights.<sup>14</sup>

8. CRC recommended that Paraguay clearly define the mandate of the Department for Rights of Children and Adolescents of the Ombudsman, effectively disseminate its annual reports, and ensure that complaints mechanisms are easily accessible and child-sensitive.<sup>15</sup>

## **D. Policy measures**

9. CRC recommended that Paraguay identify possible deficiencies and assess the progress achieved under the National Plan of Action for Children and Adolescents (2003–2008), and to adopt a new National Plan of Action with sufficient resources.<sup>16</sup>

10. The United Nations country team in Paraguay reported that human rights policies and programmes had been coordinated since 2009 by the Human Rights Network of the Executive Branch (RDHPE), but the latter did not have the resources it needed to carry out its work.<sup>17</sup>

11. The United Nations country team in Paraguay said that the system of juvenile justice was still not linked to the national child protection system and there were no preventive policies in place to develop children's social skills and facilitate their integration into society. It added that the lack of data on women deprived of their liberty was striking, as was the record of violence by State officials in prisons.<sup>18</sup>

12. In 2005, Paraguay adopted the United Nations Plan of Action (2005–2009) for the World Programme for Human Rights Education focusing on the national school system. In primary and secondary schools, human rights is taught, *inter alia*, in social sciences courses.<sup>19</sup>

## II. Promotion and protection of human rights on the ground

### A. Cooperation with human rights mechanisms

#### 1. Cooperation with treaty bodies

<i>Treaty body<sup>20</sup></i>	<i>Latest report submitted and considered</i>	<i>Latest concluding observations</i>	<i>Follow-up response</i>	<i>Reporting status</i>
CERD				Initial report overdue since 2004
CESCR	2006	November 2007		- Fourth report due in 2011
HR Committee	2004	October 2005	June 2008	Third report overdue since 2008
CEDAW	2004	January 2005		Sixth report overdue since 2008
CAT				Fourth and fifth reports overdue since 2003 and 2007 respectively
CRC	1999	May 2000		Combined fourth to sixth reports due in 2017
OP-CRC-AC	2008	January 2010		- Initial report overdue since 2004
OP-CRC-SC				Initial report overdue since 2005
CMW				Initial report due in 2010
CRPD				- Initial report due in 2010

13. The Subcommittee on Prevention of Torture (SPT) visited Paraguay from 10 to 16 March 2009. In June 2010, Paraguay informed about its decision to make the SPT report public<sup>21</sup> and provided replies, which were also made public.<sup>22</sup> SPT conducted a follow-up visit between 13 and 15 September 2010.<sup>23</sup>

14. In 2007, the Committee on Economic, Social and Cultural Rights (CESCR) regretted that most of its 1996 recommendations were not fully implemented, and that Paraguay did not address more effectively the following subjects of concern: the slow pace of agrarian reform; the wage gap between men and women; the persistence of domestic violence; the lack of minimum wage guarantee for all workers; the fact that trade union rights were not fully guaranteed; the high proportion of the population excluded from any form of social security; the high number of child workers; and the fact that the right to health was not guaranteed.<sup>24</sup>

15. CEDAW was concerned at the failure to take adequate steps to implement the recommendations regarding several concerns, particularly: the low participation of women in decision-making bodies and in public life, and the high illiteracy and dropout rates among women.<sup>25</sup>

16. CRC encouraged Paraguay to submit its initial reports under the two Optional Protocols to the Convention.<sup>26</sup> CESCR invited Paraguay to update its core document in accordance with the harmonized guidelines on reporting compiled in 2006.<sup>27</sup>

## 2. Cooperation with special procedures

<i>Standing invitation issued</i>	<i>Yes</i>
<i>Latest visits or mission reports</i>	SR on the sale of children, child prostitution and child pornography (23 February–5 March 2004); <sup>28</sup> SR on torture and other cruel, inhuman or degrading treatment and punishment (22–29 November 2006); <sup>29</sup> SR on the right to education (14–22 April 2009). <sup>30</sup>
<i>Visits agreed upon in principle</i>	SR on the independence of judges and lawyers; SR on freedom of religion or belief (postponed).
<i>Visits requested and not yet agreed upon</i>	SR on human rights defenders.
<i>Facilitation/cooperation during missions</i>	The Special Rapporteurs on the sale of children, child prostitution and child pornography; on torture and on the right to education expressed their gratitude to the Government for its cooperation during their respective visits.
<i>Follow-up to visits</i>	-
<i>Responses to letters of allegations and urgent appeals</i>	During the period under review, The Government responded to 5 communications.
<i>Responses to questionnaires on thematic issues</i>	Paraguay responded to 4 of the 23 questionnaires sent by special procedures mandate holders. <sup>31</sup>

## 3. Cooperation with the Office of the High Commissioner for Human Rights

17. OHCHR's work with Paraguay had, until 2009, consisted in a limited number of technical cooperation projects. In response to a request for increased cooperation both with the Government and the UN country team, the Office deployed a human rights adviser to the country in 2010.<sup>32</sup>

## B. Implementation of international human rights obligations

### 1. Equality and non-discrimination

18. In 2006, UNFPA indicated that although gender equality has been mainstreamed in laws and policies, inequality persisted: women occupied only 10 per cent of seats in congress; female-led households received 15.4 per cent less than male-headed households; the illiteracy rate in rural areas was 15.4 per cent for women compared to 10.7 per cent for men.<sup>33</sup> CESCR<sup>34</sup> and the Human Rights Committee<sup>35</sup> raised similar concerns.

19. In 2010, the ILO Committee of Experts on the Application of Conventions and Recommendations noted the Government's recognition, in its report, that a clear gap continues to exist between men and women's income at almost all levels, despite legal provisions on equal remuneration. It requested the Government to continue to supply information on steps undertaken to promote equal remuneration for men and women.<sup>36</sup> The Committee also noted that the third National Plan for Equality of Opportunity between Women and Men 2008–2017 recognized the widening of the gaps, and that unemployment and underemployment were rising more rapidly among women.<sup>37</sup>

20. CEDAW remained concerned about the situation of rural women who continued to have limited access to land ownership, credit facilities and extension services, which perpetuated their low social and economic conditions.<sup>38</sup> CESCR expressed similar concerns.<sup>39</sup>

21. While welcoming the fact that the rights of the indigenous have been set as a priority in the platform of the new government,<sup>40</sup> CRC remained concerned, as highlighted by the ILO Committee of Experts,<sup>41</sup> about discrimination faced by the indigenous population, which resulted in various inequalities for children.<sup>42</sup>

## 2. Right to life, liberty and security of the person

22. In 2005, HR Committee welcomed the abolition of the death penalty.<sup>43</sup>

23. While acknowledging the prohibition of torture in the Constitution, the Special Rapporteur on torture<sup>44</sup> and SPT<sup>45</sup> reported in 2006 and 2009, respectively, that the definition of torture in the Criminal Code was too narrow and did not comply with the Convention against Torture. Therefore some acts that were not filed under the offence of torture were subject to weaker sentences and to the statute of limitations. SPT also regretted that the revision of the Criminal Code did not modify the definition of torture.<sup>46</sup> The Special Rapporteur<sup>47</sup> and SPT<sup>48</sup> also remarked that the Military Criminal Code did not include a prohibition of torture.

24. SPT also recommended that Paraguay give the necessary priority to the adoption of the bill aimed at establishing a National Preventive Mechanism, which has been pending in the Senate since January 2009.<sup>49</sup> CRC made a similar recommendation.<sup>50</sup>

25. The Special Rapporteur on torture noted that the situation of torture and ill-treatment in prisons and military detention facilities had improved. However, he concluded that torture was still widely practised during the first days of police custody. He considered that impunity was the main reason for the continuing use of torture and ill-treatment.<sup>51</sup> SPT made similar remarks<sup>52</sup> and noted with concern that, according to information received from the Public Prosecutor's Office, out of 230 complaints of torture received between 2000 and 2008, only one had resulted in conviction.<sup>53</sup> SPT recommended that the responsibility of police officers implicated in acts of torture against detained persons be fully investigated.<sup>54</sup> HR Committee made similar comments and recommendation.<sup>55</sup>

26. With regard to detention conditions, the Special Rapporteur on torture reported that overcrowding was a structural phenomenon and that the authorities were failing to respect human rights and minimum standards of human dignity, as laid down in article 10 of ICCPR and the UN Standard Minimum Rules for the Treatment of Prisoners. The Special Rapporteur found a failure to effectively separate remand (more than 70 per cent of all detainees) and convicted prisoners, and described older facilities as deplorable. The failure of the authorities to provide for the basic needs of the detainees, together with the low salaries paid to prison staff were found to contribute to endemic corruption in the prison system. The Special Rapporteur concluded that the use of non-custodial measures for accused persons could significantly contribute to solving overcrowding.<sup>56</sup> HR Committee and SPT<sup>57</sup> made similar remarks.<sup>58</sup>

27. SPT recommended that solitary confinement be severely restricted and not used at all for minors and mentally disabled persons.<sup>59</sup>

28. In 2006, UNFPA stated that gender-based violence was a problem: 33.4 per cent of women aged 14 to 44 report having been victims of verbal violence; 19.3 per cent, physical violence; and 7.6 per cent, sexual violence.<sup>60</sup>

29. The United Nations country team in Paraguay reported that although there were no official statistics, as there was no standardized national registry, high rates of femicide had been reported.<sup>61</sup> It added that the law on domestic violence was a civil law that only provided for emergency protection measures and that there was no public shelter for battered women, although a project to create one had been proposed in the past year. Problems in applying the law and the obstacles to filing a complaint and accessing justice

were directly related to the persistence of gender-based cultural bias in society. Some progress has been made in introducing a gender perspective but there was stiff structural resistance to that approach.<sup>62</sup>

30. Following a visit in March 2004, the Special Rapporteur on the sale of children, child prostitution and child pornography reported that the sexual exploitation of children and young persons was a fact of life in Paraguay, but difficult to quantify due to lack of adequate statistical data. He added that the majority of child victims of sexual exploitation had previously suffered sexual and/or physical abuse and that the level of sexual abuse and domestic violence against children, especially girls and women, was alarming.<sup>63</sup>

31. CRC was concerned that Paraguay continued to be a source and destination country for women and children victims of trafficking,<sup>64</sup> and urged to ensure the protection of children from trafficking and sale.<sup>65</sup> CRC was also concerned that the National Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children had not been carried out, due to a lack of public funding.<sup>66</sup> CEDAW was concerned that domestic legislation on sexual exploitation and trafficking of minors was not in line with international standards.<sup>67</sup>

32. In 2010, recalling its previous concern about debt bondage within the indigenous communities of the Chaco, the ILO Committee of Experts stated that debt bondage constitutes forced labour within the meaning of the Forced Labour Convention (No. 29).<sup>68</sup>

33. A 2010 compilation of comments by ILO supervisory bodies noted that the Committee of Experts has requested the Government to provide further information on the implementation of its 2009 Decent Work Country Programme and its impact on the eradication of forced labour involving indigenous peoples, particularly those working on ranches or in Mennonite communities, and including information on the extent to which the indigenous peoples concerned were consulted for the development of that plan.<sup>69</sup>

34. CRC was concerned that there was no explicit prohibition of corporal punishment and that corporal punishment was culturally accepted as a form of education and family discipline.<sup>70</sup> CRC recommended the prohibition of corporal punishment by law in all settings, as well as an effective monitoring system and awareness campaigns aimed at changing the general attitude towards this practice.<sup>71</sup>

35. While welcoming the efforts to eradicate child labour, CRC expressed concern that there were no reliable statistics and no specialized unit to monitor and inspect the working conditions of children.<sup>72</sup> The Special Rapporteur on the sale of children, child prostitution and child pornography reported that *criadazgo* — the practice of using children to perform domestic tasks in exchange for board, lodging and, sometimes, basic education — was a serious problem.<sup>73</sup> CRC was also gravely concerned by the persistence of this practice and by the fact that it had not yet been defined as an offence by law.<sup>74</sup>

36. CRC was concerned at the high number of children living or working in the street,<sup>75</sup> and recommended that Paraguay ensure that children in such situations be provided with adequate protection, assistance, nutrition and shelter as well as with health care and educational opportunities.<sup>76</sup>

37. In 2008, the ILO Committee of Experts noted the comments from the International Trade Union Confederation (ITUC) that, in practice, children between 12 and 17 were recruited by the military through various means, including the use of force and persuasion of parents. The Committee requested the enforcement of the legislation prohibiting the forced military recruitment.<sup>77</sup> HR Committee made similar remarks.<sup>78</sup> The Special Rapporteur on torture received credible allegations of hazing and beating of conscripts.<sup>79</sup>

### **3. Administration of justice and the rule of law**

38. HR Committee regretted the lack of objective criteria governing the appointment and removal of judges.<sup>80</sup> In its follow-up response, Paraguay informed about the mechanism for appointing judges by the Council of the Judiciary.<sup>81</sup>

39. CRC was concerned at the wide use of preventive detention for children between 16 and 18 years, as well as the precarious conditions in which adolescents served sentences. It urged Paraguay to undertake efforts to implement a policy on juvenile justice<sup>82</sup> and to ensure that all children victims (e.g. of abuse, domestic violence, sexual and economic exploitation, abduction, trafficking, or witnesses of such crimes) have effective access to justice and are provided with protection.<sup>83</sup>

40. The United Nations country team in Paraguay pointed out that the Truth and Justice Commission (2003–2009) had investigated political violence against women but could not document all cases, especially those involving sexual abuse, because the victims were afraid of exposure to cultural bias.<sup>84</sup>

41. CRC was highly concerned by allegations contained in the report of the Truth and Justice Commission, published in 2008,<sup>85</sup> of torture and arbitrary detention of children during the dictatorship, which have not yet been resolved.

### **4. Right to marriage and family life**

42. CRC expressed concern at the low legal minimum age for contracting marriage, which is 16 years, but which can, in certain cases, be lowered to 14.<sup>86</sup> It recommended that the minimum age for marriage be set at 18.<sup>87</sup> CEDAW made a similar recommendation.<sup>88</sup>

43. CRC was concerned at the underreporting of a large amount of births and difficulties of accessing services for registering indigenous children and children living in rural areas.<sup>89</sup> CRC recommended that Paraguay ensure that unregistered children are not deprived of their rights, notably to health and education.<sup>90</sup> In 2005, HR Committee made a similar recommendation.<sup>91</sup>

44. CRC welcomed the various initiatives undertaken by the State regarding adoption which are aimed at restricting international adoption in response to widespread trafficking and sale of children, but remained concerned that families wishing to adopt could select a child and take him/her home, even before the child is eligible for adoption, and without an evaluation of the family.<sup>92</sup>

### **5. Freedom of expression, association and peaceful assembly, and right to participate in public and political life**

45. HR Committee recommended that Paraguay ensure that defamation cases do not hamper the full enjoyment of freedom of expression.<sup>93</sup>

46. The Special Rapporteur on torture reported that the military had a law enforcement role vis-à-vis the general population. He received numerous allegations about the use of excessive force by the military to disperse demonstrations, particularly in relation to campesino movements.<sup>94</sup>

47. HR Committee observed with concern that, in practice, Act No. 1066/1997 limited the right to demonstrate by establishing unreasonable restrictions on the time, place and number of demonstrators, and the requirement of prior police authorization. It recommended amending the legislation to ensure untrammelled exercise of the right to peaceful demonstration.<sup>95</sup>



48. In the 2009 report on its mission to Paraguay in 2008, United Nations Permanent Forum on Indigenous Issues (PFII) noted that it had received allegations that the organization of indigenous workers had often been the target of repressive action.<sup>96</sup>

49. HR Committee recommended that Paraguay ensure that the constitutional right of conscientious objection to military service could be effectively exercised, and guarantee that information about its exercise was properly disseminated.<sup>97</sup>

## **6. Right to work and to just and favourable conditions of work**

50. The United Nations country team in Paraguay reported that the labour market was characterized by relatively low unemployment rates and high rates of underemployment and employment in the informal sector, as well as by the weakness of institutions in the world of work, with low coverage of social security schemes and numerous problems in the effective exercise of labour rights.<sup>98</sup>

51. CESCR remarked that the wages paid to domestic workers represented only 40 per cent of the minimum wage.<sup>99</sup> It recommended amending the articles of the Labour Code that establish discriminatory conditions for domestic work, as well as increasing the number of labour inspections.<sup>100</sup> CEDAW was concerned about the high number of girls performing domestic work without remuneration.<sup>101</sup>

52. The PFII indicated that 84.5 per cent of Guaraní people worked in agriculture. Only 27.4 per cent of the Guaraní population were wage earners, while the 72.6 per cent majority had no stable employment. According to information from the General Directorate of Statistics, Surveys and Censuses, in 2008, the average monthly income of the indigenous population was about half the minimum wage.<sup>102</sup>

53. CEDAW remained concerned about the poor working conditions for women in the informal sector, low participation in the formal labour market, and persistent wage disparities between women and men.<sup>103</sup>

54. CESCR was concerned about the slow procedure for trade union registration with the Ministry of Justice and Labour, as well as the exposure to harassment experienced by trade union leaders in the private sector.<sup>104</sup>

## **7. Right to social security and to an adequate standard of living**

55. In 2006, UNFPA stated that total poverty affected 2.2 million inhabitants, 60 per cent of whom resided in urban areas. Unequal income distribution was associated with the poverty level.<sup>105</sup> CESCR noted with concern the persistence of striking disparities in the enjoyment of economic, social and cultural rights, and indicated that the number of persons living in extreme poverty had increased.<sup>106</sup>

56. The United Nations country team in Paraguay reported that, notwithstanding the Government's efforts, it was not possible to identify a clear and convincing policy at the highest level that would protect, promote and facilitate implementation of the right to food, as the Government's initiatives tended to be fragmented, unstructured and inconsistent.<sup>107</sup>

57. UNFPA indicated that, despite efforts to improve health-care coverage and quality, deficiencies persisted. In 2004, the maternal mortality ratio was 157 deaths per 100,000 live births. Risks were high for contracting sexually transmitted infections, including HIV, especially in border areas and penitentiaries, among commercial sex workers, and among children and adolescents living or working on the streets.<sup>108</sup> CRC recommended measures to reduce the spread of HIV infection, particularly with regard to young people.<sup>109</sup>

58. In 2005, CEDAW recommended a national consultation with civil society groups, including women's groups, to address the issue of abortion, which was illegal and a cause of high mortality rates.<sup>110</sup> CRC<sup>111</sup> made a similar recommendation.<sup>112</sup>

59. The PFII indicated that 87.8 per cent of the indigenous population had no access to medical services.<sup>113</sup>

60. CESCR noted that the expansion of soybean cultivation had fostered the indiscriminate use of toxic agro-chemicals, leading to deaths and illnesses, water contamination and the disappearance of ecosystems.<sup>114</sup> CRC expressed a similar concern.<sup>115</sup>

61. CESCR noted with concern that Paraguay had not yet adopted a housing policy, especially for rural areas, despite the housing shortage reportedly affecting more than one million families.<sup>116</sup>

62. CRC recommended that Paraguay guarantee the delivery of drinking water and proper sanitation services for the population, particularly children in rural areas.<sup>117</sup>

## 8. Right to education

63. A 2010 United Nations Statistical Division source indicated that in 2007, the total net enrolment ratio in primary education was 90.7 per cent.<sup>118</sup>

64. Following a visit in April 2009, the Special Rapporteur on the right to education concluded that free education was not yet a given in Paraguay and that a sizeable share of the State's obligations had shifted to families. He noted with concern the high repetition rate in basic education (30 per cent), low completion rate in secondary schools (27 per cent) and that rural dwellers and the indigenous communities had fallen into neglect in nearly all aspects of development. The Special Rapporteur found it regrettable that the illiteracy rate among indigenous people aged over 15 stood at 40 per cent.<sup>119</sup>

65. The PFII noted that official figures continued to reveal an alarming situation marked by a high illiteracy rate affecting 40 per cent of the indigenous population, an average of three years' schooling for indigenous children aged 10 and over, as compared to 8 years for the non-indigenous population. The problem was more acute in rural areas.<sup>120</sup>

66. In 2008, the ILO Committee of Experts was deeply concerned by the high school drop-out rate and pointed that poverty was one of the primary causes of child labour. It requested redoubled efforts to improve the functioning of the education system.<sup>121</sup>

## 9. Minorities and indigenous peoples

67. CESCR noted with concern that some 45 per cent of indigenous people did not hold legal title to their ancestral lands.<sup>122</sup> The 2010 report of the 9th session of the PFII recommended, *inter alia*, that the Government remain firm in its commitment to cooperating with indigenous peoples' organizations in order to find emergency solutions to the extremely serious situation of the indigenous communities that have been wholly dispossessed of their land; implement policies to ensure the reconstitution of their territory; make resolute progress towards the development of a land registry that would facilitate land titling and thus the recovery of land by indigenous communities, and the territorial reconstitution of their respective peoples; give priority, in its emergency plans, to the protection of vulnerable indigenous children from practices of forced labour and other forms of exploitation.<sup>123</sup>

68. The United Nations country team in Paraguay reported that there was still discrimination in the use of Guaraní. For example, Spanish was predominantly the language of the courts, thus limiting the exercise of cultural rights. Moreover, indigenous women

who did not speak an official language, followed by non-indigenous women who spoke only Guaraní, suffered most from inequality in Paraguay.<sup>124</sup>

69. The Special Rapporteur on the right to education was of the view that urgent action was essential to save and develop the Guaraní language which is spoken by over 80 per cent of the population of Paraguay, the only truly bilingual country in Latin America. Guaraní is usually shunned by teachers, and younger people are shy about speaking it in public, even though it is protected under the Constitution.<sup>125</sup>

70. CESCR noted with deep concern the large number of forced evictions of peasant and indigenous families who had been occupying the land, and reports that the National Police used excessive force in carrying out the evictions.<sup>126</sup>

71. In 2010, the ILO Committee of Experts expected that urgent action would be taken to put an end to bonded labour in the indigenous communities of the Paraguayan Chaco as well as in other parts of the country that may be affected. The Committee noted that the Government had requested ILO technical assistance.<sup>127</sup>

#### **10. Migrants, refugees and asylum-seekers**

72. CRC regretted that no special procedures had been established to deal with unaccompanied minor asylum-seekers<sup>128</sup> and recommended that Paraguay ensure that asylum claims submitted by children take into account the UNHCR Guidelines on determining the best interests of the child.<sup>129</sup>

73. The Special Rapporteur on the right to education was informed of an increasing influx of labourers and their families from a neighbouring country for the soya harvest. Their children lacked adequate access to education, partly because they lived in remote areas, and partly because they did not understand or speak Spanish.<sup>130</sup>

### **III. Achievements, best practices, challenges and constraints**

74. In 2009, the Special Rapporteur on the right to education learnt about the National Programme on Equal Opportunities for Women in Education (PRIOME) which was launched in 1995. With NGO help, the programme aimed at establishing national coordination and advice on gender for the Ministry of Education, incorporating the gender perspective in teacher training, assisting in the analysis and reform of the curriculum, and raising public awareness of the need to eliminate discrimination in education. The Special Rapporteur noted that PRIOME had been instrumental in the advances made in gender issues thanks to its treatment of areas such as gender roles and equal treatment in family structures and tasks, sex education, promotion of health and rights, including sexual and reproductive health, prevention of sexually transmitted diseases and HIV, violence and respect for cultural and religious diversity. Despite these efforts, sexism had not disappeared from the hidden curriculum, which showed that girls' and women's rights have still not found a place in teachers' thinking or behaviour.<sup>131</sup>

### **IV. Key national priorities, initiatives and commitments**

#### **Specific recommendations for follow-up**

75. In March 2009, the HR Committee adopted views regarding the custody case referred to in communication 1407/2005, and recommended that contact be facilitated between the author and his daughters.<sup>132</sup> In its follow-up response of October 2009, Paraguay denied having violated the Covenant.<sup>133</sup>

76. In 2005, HR Committee requested Paraguay to provide, within one year, information on the implementation of the Committee's recommendations in paragraphs 7 (Truth and Justice Commission), 12 (56 cases of torture investigated by the Special Human Rights Units within the Public Prosecutor's Office), 17 (appointment and removal of judges) and 21 (street children).<sup>134</sup> In June 2008, Paraguay provided a follow-up response.<sup>135</sup>

## V. Capacity-building and technical assistance

77. CRC recommended that Paraguay seek technical assistance from the UN system and other partners for the development of rehabilitation and reintegration programmes for child labourers;<sup>136</sup> juvenile justice;<sup>137</sup> and HIV/AIDS.<sup>138</sup>

### Notes

<sup>1</sup> Unless indicated otherwise, the status of ratifications of instruments listed in the table may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 1 April 2009* (ST/LEG/SER.E/26), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, <http://treaties.un.org/>.

<sup>2</sup> The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
OP-ICESCR	Optional Protocol to ICESCR
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CRPD	Convention on the Rights of Persons with Disabilities
OP-CRPD	Optional Protocol to the Convention on the Rights of Persons with Disabilities
CED	International Convention for the Protection of All Persons from Enforced Disappearance

<sup>3</sup> Adopted by the General Assembly in its resolution 63/117 of 10 December 2008. Article 17, paragraph 1, of OP-ICESCR states that "The present Protocol is open for signature by any State that has signed, ratified or acceded to the Covenant."

<sup>4</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

<sup>5</sup> 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

<sup>6</sup> Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and

relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at [www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html](http://www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html).

- <sup>7</sup> CRC/C/PRY/CO/3, para. 81.
- <sup>8</sup> CEDAW/C/PAR/CC/3-5, para. 21.
- <sup>9</sup> A/HRC/7/3/Add.3, p. 2, and paras. 35, 82 and 83.
- <sup>10</sup> CRC/C/PRY/CO/3, para. 8.
- <sup>11</sup> UNCT submission to the UPR on Paraguay, para. 14.
- <sup>12</sup> CRC/C/PRY/CO/3, para. 8.
- <sup>13</sup> For the list of national human rights institutions with accreditation status granted by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC), see A/HRC/13/45, annex I.
- <sup>14</sup> CRC/C/PRY/CO/3, para. 11.
- <sup>15</sup> *Ibid.*, para. 15.
- <sup>16</sup> *Ibid.*, para. 13.
- <sup>17</sup> UNCT submission to the UPR on Paraguay, para. 9.
- <sup>18</sup> *Ibid.*, para. 15.
- <sup>19</sup> See General Assembly resolution 59/113B and Human Rights Council resolutions 6/24, 10/3 and 12/4. See also letters from the High Commissioner for Human Rights dated 9 January 2006 and 10 December 2007 at <http://www2.ohchr.org/english/issues/education/training/Summary-national-initiatives2005-2009.htm>, and an evaluation questionnaire from the Permanent Mission of Paraguay dated 31 March 2010 at <http://www2.ohchr.org/english/issues/education/training/evaluation/WPHRE.htm>.
- <sup>20</sup> The following abbreviations have been used for this document:
- |              |   |
|--------------|---|
| CERD         | Committee on the Elimination of Racial Discrimination                               |
| CESCR        | Committee on Economic, Social and Cultural Rights                                   |
| HR Committee | Human Rights Committee  |
| CEDAW        | Committee on the Elimination of Discrimination against Women                        |
| CAT          | Committee against Torture   |
| CRC          | Committee on the Rights of the Child  |
| CMW          | Committee on the Protection of the Rights of All Migrant Workers and Their Families |
| CRPD         | Committee on the Rights of Persons with Disabilities                                |
- <sup>21</sup> See CAT/OP/PRY/1.
- <sup>22</sup> See CAT/OP/PRY/1/Add.1.
- <sup>23</sup> See press release "Prevención de la Tortura: grupo de expertos de la ONU concluye visita de seguimiento al Paraguay, 16 September 2010, available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=10345&LangID=S>.
- <sup>24</sup> E/C.12/PRY/CO/3, para. 12.
- <sup>25</sup> CEDAW/C/PAR/CC/3-5, para. 18.
- <sup>26</sup> CRC/C/PRY/CO/3, para. 81.
- <sup>27</sup> E/C.12/PRY/CO/3, para. 38.
- <sup>28</sup> E/CN.4/2005/78/Add.1.
- <sup>29</sup> See A/HRC/7/3/Add.3.
- <sup>30</sup> See A/HRC/14/25/Add.2.
- <sup>31</sup> The questionnaires referred to are those reflected in an official report by a special procedure mandate holder issued between 1 January 2006 and 30 June 2010. Responses counted for the purposes of this section are those received within the relevant deadlines, and referred to in the following documents: a) E/CN.4/2006/62, para. 24 and E/CN.4/2006/67, para. 22; b) A/HRC/4/23, para. 14; c) A/HRC/4/24, para. 9; d) A/HRC/4/29, para. 47; e) A/HRC/4/31, para. 24; f) A/HRC/4/35/Add.3, para. 7; g) A/HRC/6/15, para. 7; h) A/HRC/7/6, Annex; i) A/HRC/7/8, para. 35; j) A/HRC/8/10, para.120, footnote 48; k) A/62/301, paras. 27, 32, 38, 44 and 51; l) A/HRC/10/16 and Corr.1, footnote 29; m) A/HRC/11/6, Annex; n) A/HRC/11/8, para. 56; o) A/HRC/11/9, para. 8, footnote 1; p) A/HRC/12/21, para.2, footnote 1; q) A/HRC/12/23, para. 12; r) A/HRC/12/31, para. 1, footnote 2; s)

- A/HRC/13/22/Add.4; t) A/HRC/13/30, para. 49; u) A/HRC/13/42, Annex I; v) A/HRC/14/25, para. 6, footnote 1; w) A/HRC/14/31, para. 5, footnote 2.
- <sup>32</sup> See High Commissioner's Strategic Management Plan 2010–2011, pp. 87 and 99; also OHCHR 2009 report, pp. 74, 109–110.
- <sup>33</sup> UNFPA, Country Programme for Paraguay, 2006, DP/FPA/CPD/PRY/6, para. 8, available at [http://www.unfpa.org/exbrd/2007/firstsession/dpfpa\\_pry\\_6\\_eng.pdf](http://www.unfpa.org/exbrd/2007/firstsession/dpfpa_pry_6_eng.pdf).
- <sup>34</sup> E/C.12/PRY/CO/3, para. 13.
- <sup>35</sup> CCPR/C/PRY/CO/2, para. 8.
- <sup>36</sup> ILO CEACR, Individual Direct Request concerning Equal Remuneration Convention, 1951 (No. 100), 2010, Geneva, doc. No. (ILOLEX) 092010PRY100, 1st para.
- <sup>37</sup> Ibid., Individual Direct Request concerning Discrimination (Employment and Occupation) Convention, 1958 (No. 111), 2010, Geneva, doc. No. (ILOLEX) 092010PRY111, 3rd, 5th and 9th paras.
- <sup>38</sup> CEDAW/C/PAR/CC/3-5, para. 34.
- <sup>39</sup> E/C.12/PRY/CO/3, para. 14.
- <sup>40</sup> CRC/C/PRY/CO/3, para. 24.
- <sup>41</sup> ILO CEACR, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008PRY182, 9th para.
- <sup>42</sup> CRC/C/PRY/CO/3, para. 24.
- <sup>43</sup> CCPR/C/PRY/CO/2, para. 3.
- <sup>44</sup> A/HRC/7/3/Add.3, paras. 17–20 and 83.
- <sup>45</sup> CAT/OP/PRY/1, paras. 23, 26 and 28.
- <sup>46</sup> Ibid., para. 28.
- <sup>47</sup> A/HRC/7/3/Add.3, paras. 17–20.
- <sup>48</sup> CAT/OP/PRY/1, para. 28.
- <sup>49</sup> Ibid., paras. 57–58 and 247.
- <sup>50</sup> CRC/C/PRY/CO/3, para. 36.
- <sup>51</sup> A/HRC/7/3/Add.3, p. 2, and paras. 44 and 53–54.
- <sup>52</sup> CAT/OP/PRY/1, para. 142.
- <sup>53</sup> Ibid., paras. 53 and 54.
- <sup>54</sup> Ibid., para. 268.
- <sup>55</sup> CCPR/C/PRY/CO/2, para. 11.
- <sup>56</sup> A/HRC/7/3/Add.3, p. 2, and paras. 50, 64–65 and 80.
- <sup>57</sup> CAT/OP/PRY/1, paras. 147 and 152.
- <sup>58</sup> Ibid., para. 297.
- <sup>59</sup> Ibid., paras. 185 and 295.
- <sup>60</sup> UNFPA, Country Programme for Paraguay, 2006, DP/FPA/CPD/PRY/6, para. 8, available at [http://www.unfpa.org/exbrd/2007/firstsession/dpfpa\\_pry\\_6\\_eng.pdf](http://www.unfpa.org/exbrd/2007/firstsession/dpfpa_pry_6_eng.pdf).
- <sup>61</sup> UNCT submission to the UPR on Paraguay, para. 12.
- <sup>62</sup> Ibid., para. 14.
- <sup>63</sup> E/CN.4/2005/78/Add.1, paras. 12–13 and 24–25.
- <sup>64</sup> CRC/C/PRY/CO/3, para. 72.
- <sup>65</sup> Ibid., para. 73.
- <sup>66</sup> Ibid., para. 70.
- <sup>67</sup> CEDAW/C/PAR/CC/3-5, para. 29.
- <sup>68</sup> ILO CEACR, Individual Observation concerning Forced Labour Convention, 1930 (No. 29), 2008, Geneva, doc. No. (ILOLEX) 062010PRY029, 1st, 3rd and 7th paras.
- <sup>69</sup> CRC/C/PRY/CO/3, para. 37.
- <sup>70</sup> Ibid., para. 37.
- <sup>71</sup> Ibid., para. 38; see also UNICEF, “Estudio sobre maltrato infantil en el ámbito familiar – Paraguay.” Documento de Trabajo 2010, available at <http://www.sinviolencia.com.py/docs/informeviolenciapy.pdf>.
- <sup>72</sup> CRC/C/PRY/CO/3, para. 64.
- <sup>73</sup> E/CN.4/2005/78/Add.1, p. 2.
- <sup>74</sup> CRC/C/PRY/CO/3, para. 66.
- <sup>75</sup> Ibid., para. 68.

- <sup>76</sup> Ibid., para. 69.
- <sup>77</sup> ILO CEACR, Individual Direct Request concerning Worst Forms of Child Labour Convention, 1999 (No. 182), 2008, Geneva, doc. No. (ILOLEX) 092008PRY182, 1st and 2nd paras.
- <sup>78</sup> CCPR/C/PRY/CO/2, para. 14.
- <sup>79</sup> A/HRC/7/3/Add.3, paras. 51 and 86.
- <sup>80</sup> CCPR/C/PRY/CO/2, para. 17.
- <sup>81</sup> CCPR/C/PRY/CO/2/Add.1, paras. 18–28.
- <sup>82</sup> CRC/C/PRY/CO/3, para. 77.
- <sup>83</sup> Ibid., para. 78.
- <sup>84</sup> UNCT submission to the UPR on Paraguay, para. 16.
- <sup>85</sup> CRC/C/PRY/CO/3, para. 29.
- <sup>86</sup> Ibid., para. 22.
- <sup>87</sup> Ibid., para. 23.
- <sup>88</sup> CEDAW/C/PAR/CC/3-5, para. 27.
- <sup>89</sup> CRC/C/PRY/CO/3, para. 33.
- <sup>90</sup> Ibid., para. 34.
- <sup>91</sup> CCPR/C/PRY/CO/2, para. 22.
- <sup>92</sup> CRC/C/PRY/CO/3, para. 44.
- <sup>93</sup> CCPR/C/PRY/CO/2, para. 19.
- <sup>94</sup> A/HRC/7/3/Add.3, para. 52.
- <sup>95</sup> CCPR/C/PRY/CO/2, para. 20.
- <sup>96</sup> PFII, Mission to Paraguay. Report and Recommendations, 2009, para. 34 (p.18), available at [http://www.un.org/esa/socdev/unpfii/documents/UNPFII\\_Mission\\_Report\\_Paraguay\\_EN.pdf](http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf).
- <sup>97</sup> CCPR/C/PRY/CO/2, para. 18.
- <sup>98</sup> UNCT submission to the UPR on Paraguay, para. 21.
- <sup>99</sup> E/C.12/PRY/CO/3, para. 15.
- <sup>100</sup> Ibid., para. 26.
- <sup>101</sup> CEDAW/C/PAR/CC/3-5, para. 30.
- <sup>102</sup> PFII, Mission to Paraguay. Report and Recommendations, 2009, para. 25 (p.15), available at [http://www.un.org/esa/socdev/unpfii/documents/UNPFII\\_Mission\\_Report\\_Paraguay\\_EN.pdf](http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf).
- <sup>103</sup> CEDAW/C/PAR/CC/3-5, para. 30.
- <sup>104</sup> E/C.12/PRY/CO/3, para. 12.
- <sup>105</sup> UNFPA, Country Programme for Paraguay, 2006, DP/FPA/CPD/PRY/6, para. 1 and 3, available at [http://www.unfpa.org/exbrd/2007/firstsession/dpfpa\\_pry\\_6\\_eng.pdf](http://www.unfpa.org/exbrd/2007/firstsession/dpfpa_pry_6_eng.pdf).
- <sup>106</sup> E/C.12/PRY/CO/3, para. 12.
- <sup>107</sup> UNCT submission to the UPR on Paraguay, para. 18.
- <sup>108</sup> UNFPA, Country Programme for Paraguay, 2006, DP/FPA/CPD/PRY/6, para. 6, available at [http://www.unfpa.org/exbrd/2007/firstsession/dpfpa\\_pry\\_6\\_eng.pdf](http://www.unfpa.org/exbrd/2007/firstsession/dpfpa_pry_6_eng.pdf).
- <sup>109</sup> CRC/C/PRY/CO/3, para. 59.
- <sup>110</sup> CEDAW/C/PAR/CC/3-5, para. 33.
- <sup>111</sup> CRC/C/PRY/CO/3, para. 52.
- <sup>112</sup> Ibid., para. 53.
- <sup>113</sup> PFII, Mission to Paraguay. Report and Recommendations, 2009, para. 40 (p. 20), available at [http://www.un.org/esa/socdev/unpfii/documents/UNPFII\\_Mission\\_Report\\_Paraguay\\_EN.pdf](http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf).
- <sup>114</sup> E/C.12/PRY/CO/3, para. 16.
- <sup>115</sup> CRC/C/PRY/CO/3, para. 50.
- <sup>116</sup> E/C.12/PRY/CO/3, para. 19.
- <sup>117</sup> CRC/C/PRY/CO/3, para. 57.
- <sup>118</sup> United Nations Statistical Division coordinated data and analyses, available at [mdgs.un.org/unsd/mdg](http://mdgs.un.org/unsd/mdg).
- <sup>119</sup> A/HRC/14/25/Add.2, p. 1 and para. 79.
- <sup>120</sup> PFII, Mission to Paraguay. Report and Recommendations, 2009, para. 23 (p.13), available at [http://www.un.org/esa/socdev/unpfii/documents/UNPFII\\_Mission\\_Report\\_Paraguay\\_EN.pdf](http://www.un.org/esa/socdev/unpfii/documents/UNPFII_Mission_Report_Paraguay_EN.pdf).
- <sup>121</sup> ILO CEACR, Individual Direct Request concerning Minimum Age Convention, 1973 (No. 138), 2008, Geneva, doc. No. (ILOLEX) 092008PRY138, 5th para.
- <sup>122</sup> E/C.12/PRY/CO/3, para. 18.

- <sup>123</sup> PFII, Report on the ninth session (19–30 April 2010), New York 2010, E/2010/43-E/C.19/2010/15, para. 77–82.
- <sup>124</sup> UNCT submission to the UPR on Paraguay, para. 25.
- <sup>125</sup> A/HRC/14/25/Add.2, para. 60.
- <sup>126</sup> E/C.12/PRY/CO/3, para. 17.
- <sup>127</sup> ILO, Monitoring Indigenous and Tribal Peoples' Rights through ILO Conventions, Compilation of comments 2009–2010, Geneva, 2010, p. 105, available at [http://www.ilo.org/wcmsp5/groups/public/--ed\\_norm/--normes/documents/publication/wcms\\_126028.pdf](http://www.ilo.org/wcmsp5/groups/public/--ed_norm/--normes/documents/publication/wcms_126028.pdf).
- <sup>128</sup> CRC/C/PRY/CO/3, para. 62.
- <sup>129</sup> Ibid., para. 63.
- <sup>130</sup> A/HRC/14/25/Add.2, para. 52.
- <sup>131</sup> Ibid., paras. 32–34.
- <sup>132</sup> CCPR/C/95/D/1407/2005.
- <sup>133</sup> CCPR/C/98/3, p. 14.
- <sup>134</sup> CCPR/C/PRY/CO/2, para. 25.
- <sup>135</sup> See CCPR/C/PRY/CO/2/Add.1.
- <sup>136</sup> CRC/C/PRY/CO/3, para. 65.
- <sup>137</sup> Ibid., para. 77.
- <sup>138</sup> Ibid., para. 59.
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