



**International Covenant on
Civil and Political Rights**

Distr.: General
28 February 2011
English
Original: Spanish

Human Rights Committee

**Consideration of reports submitted by States
parties under article 40 of the Covenant**

Third periodic report

Paraguay*

[31 December 2010]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction.....	1	4
II. Information provided in response to the concluding observations.....	2–153	4
A. Recommendation contained in paragraph 7 of the concluding observations	2–14	4
B. Recommendation contained in paragraph 8 of the concluding observations	15–21	6
C. Recommendation contained in paragraph 9 of the concluding observations	22–36	7
D. Recommendation contained in paragraph 10 of the concluding observations	37–46	9
E. Recommendation contained in paragraph 11 of the concluding observations	47–52	11
F. Recommendation contained in paragraph 12 of the concluding observations	53	11
G. Recommendation contained in paragraph 13 of the concluding observations	54–85	12
H. Recommendation contained in paragraph 14 of the concluding observations	86–95	16
I. Recommendation contained in paragraph 15 of the concluding observations	96–100	18
J. Recommendation contained in paragraph 16 of the concluding observations	101–114	18
K. Recommendation contained in paragraph 17 of the concluding observations	115–129	20
L. Recommendation contained in paragraph 18 of the concluding observations	130–131	22
M. Recommendation contained in paragraph 19 of the concluding observations	132–133	23
N. Recommendation contained in paragraph 20 of the concluding observations	134–137	23
O. Recommendation contained in paragraph 21 of the concluding observations	138–141	24
P. Recommendation contained in paragraph 22 of the concluding observations	142–148	24
Q. Recommendation contained in paragraph 23 of the concluding observations	149–153	26
III. Progress towards full enjoyment of the rights recognized in each article of the Covenant	154–264	26
A. Article 1	154–175	26

B.	Article 2.....	176–181	30
C.	Article 3.....	182–187	30
D.	Article 4.....	188–192	31
E.	Article 5.....	193–194	32
F.	Article 6.....	195	32
G.	Article 7.....	196–208	32
H.	Article 8.....	209–217	34
I.	Article 9.....	218–225	36
J.	Article 10.....	226–233	37
K.	Article 12.....	234–241	38
L.	Article 13.....	242–246	40
M.	Article 14.....	247–252	40
N.	Article 15.....	253–256	41
O.	Article 16.....	257	42
P.	Article 21.....	258	42
Q.	Article 22.....	259–260	42
R.	Article 23.....	261	42
S.	Article 25.....	262–263	42
T.	Article 27.....	264	43

I. Introduction

1. In accordance with the consolidated guidelines issued by the Human Rights Committee for State reports under the International Covenant on Civil and Political Rights (CCPR/C/66/GUI/Rev.2), this report is presented in two parts: the first focuses on the concluding observations issued by the Committee after its consideration of the second periodic report of Paraguay (CCPR/C/PRY/CO/2), while the second covers any new progress made with regard to ensuring the full enjoyment of the rights established in each of the articles of the Covenant.

II. Information provided in response to the concluding observations

A. Recommendation contained in paragraph 7 of the concluding observations

2. The Truth and Justice Commission was established by Act No. 2225/03 as the entity responsible for investigating acts committed by agents of the State or parastatal bodies between 1954 and 2003 that constituted or may have constituted human rights violations and for recommending measures to avoid a repetition of such acts.

3. The Commission comprised one representative of the legislature; four persons nominated by organizations of victims of the dictatorship and three persons nominated by civil society organizations devoted to the promotion and protection of human rights, which had advocated the establishment of the Truth and Justice Commission and were working together to preserve the country's historical memory; and one representative of the executive from the Ministry of Foreign Affairs, who served as the President of the Commission. The Commission started out with a budget of 967 million guaraníes. Its budget in subsequent years averaged about 2.5 billion guaraníes.

4. The Commission's initial 18-month mandate was extended for a further 24 months by Act No. 2931/06. The Commission concluded its activities in August 2008, but the Ministry of Foreign Affairs decided that it should remain in operation until 31 December 2008 so that its files and infrastructure could be kept intact while it completed the tasks associated with the publication of the Commission's report, which had been established as one of its responsibilities under Act No. 2225/03.

5. In order to carry forward the work of the Truth and Justice Commission and build on its installed capacity, the Directorate-General for Truth, Justice and Reparation was established by Resolution No. 179/2009 of 13 January 2009 as a branch of the Ombudsman's Office. Under its mandate to continue the work of the Truth and Justice Commission and to follow up on its recommendations, the Directorate-General is strategically positioned to pursue joint action with other key agencies to raise the visibility of the State's efforts to defend human rights.

6. The Directorate-General has continued the work of taking statements from direct and indirect victims of the Stroessner dictatorship and compiling a documentary archive. Since the Truth and Justice Commission's mandate ended, the investigation and excavation of unmarked graves as part of the search for disappeared persons have also been continued in cooperation with the Public Prosecution Service (*Ministerio Público*). All activities are conducted in keeping with current laws and regulations on the handling of such investigations.

7. Technical cooperation resources for the work of the Directorate-General have been obtained from specialized international agencies, such as the Argentine Forensic Anthropology Team, and under several international cooperation agreements. A report on the human rights situation in Paraguay between 1978 and 1990 that draws upon information provided under the confidential 1503 procedure was presented in 2010 to further the dissemination of information on human rights violations, which is essential to ensure that they are not repeated.
8. The executive declared the final report of the Truth and Justice Commission, its dissemination and the implementation of the recommendations it contains to be in the national interest in Decree No. 1875/2009 and identified the programme of the Directorate-General for Truth, Justice and Reparation as a national priority in Decree No. 3138/2009. The executive branch also took steps to increase the Directorate-General's budget to 1 million guaraníes for fiscal 2009, which was subsequently approved by Congress.
9. In order to recover and preserve the historical memory of the nation, the judiciary established the Museum of Justice and Documentation Centre and Archive for the Defence of Human Rights, commonly known as the "Archives of Terror", which houses the documents seized by members of the judiciary from the Police Investigations Department in 1992. These archives were reorganized, relocated and expanded upon under the CONMEMORIA project in 2007 and were recently registered as an expression of intangible cultural heritage by the United Nations Educational, Scientific and Cultural Organization (UNESCO) under its Memory of the World Programme.
10. An agreement was signed with agencies of the Ministry of Public Health and Social Welfare to provide medical and psychological support for victims of the 1954–1989 dictatorship and their relatives. A gene bank was also set up to assist with investigations concerning people who had been detained and disappeared or extrajudicially executed during the dictatorship and with the identification of their remains.
11. Act No. 3603/08, which amended Act No. 838/96 on the compensation of victims of human rights violations committed during the dictatorship of 1954–1989, became law on 10 September 2008. Some of the major changes introduced by this new law are that victims can now claim larger sums of compensation and that the children of victims are now also entitled to file for compensation.
12. According to the records kept by the Ombudsman's Office, the number of people awarded compensation under Act No. 838/96 was as follows: 92 in 2002, 278 in 2003 and 279 in 2004. Most received the maximum amount of 2,500 times the daily wage, but some received 1,500 times the daily wage and others less than that. The amount of compensation that can be awarded to relatives of people who disappeared during the years of dictatorship was raised to 3,000 times the daily wage. In total, 423 people were granted compensation in 2005, 357 in 2006, 446 in 2007, 606 in 2008, 576 in 2009 and 364 in 2010. The amounts of compensation awarded in those cases ranged from 1,000 to 2,500 times the daily wage.
13. Currently 19,960 cases are being examined in accordance with Act No. 3603/08, which increases the amount of compensation that can be granted and entitles children of victims to file claims. According to the most recent information, 15,476 case files have been submitted in Asunción and outside the capital.
14. In 2009, immediately after its creation, the Directorate-General for Truth, Justice and Reparation began to work with the legal advisory units of civil society organizations on the preparation of new complaints involving a range of offences. Between December 2009 and January 2010, 10 new complaints of human rights abuses committed during the dictatorship were filed.

B. Recommendation contained in paragraph 8 of the concluding observations

15. The Secretariat for Women of the Office of the President of the Republic is positioned as a decision-making body that works at the highest levels to promote gender equality, to combat all aspects of violence towards women and to develop regulations that embody the principles of equality enshrined in the Constitution. The Secretariat pursues these objectives through the National Equal Opportunities Plan and a decentralized approach to the management of gender affairs based on the promotion of inter-agency ties and the implementation of mechanisms that facilitate the participation of women and civil society.

16. In the pursuit of equal opportunities and equal treatment for men and women in the public administration, an inter-agency cooperation agreement was signed with the Secretariat of the Civil Service. Within that framework, a study on the situation of women in public administration was conducted, and guidelines were drawn up on key matters for the implementation of effective protection policies.

17. To ensure gender equality in the workplace, Paraguay is carrying out a joint programme entitled “Youth: Skills and Economic Opportunities for Social Inclusion”. The programme’s main objective is to increase the skills and opportunities of poor and vulnerable youths, especially paid female domestic workers, by promoting entrepreneurship, technical and occupational training, sound remittance management and greater respect for their rights from a gender perspective. The programme falls within the framework of the National Strategy to Combat Poverty, the Second National Equal Opportunities Plan and the Decent Work Programme of the Ministry of Justice and Labour.

18. On the legislative front, consultative workshops have been held on possible amendments to certain laws and changes in the social security system. One of the aims is to repeal the discriminatory provisions that exist in the Labour Code (Act No. 213/93) and Act No. 496/95. A drafting committee has also been set up to prepare a bill on paid female domestic workers, and provision has been made for broad-based participation in the debate on the bill’s contents.

19. The objectives of the National Equal Opportunities Plan and the action plan of the Ministry of Justice and Labour include mainstreaming the gender perspective in the Government’s job creation policies and in legislative proposals and following up on legislative initiatives on equal pay and maternity protection through strategic alliances with public- and private-sector agents.

20. Paraguay has also implemented the Programme for Equal Opportunities for Women in Education (PRIOME), which is represented on the committee that assesses bids for the provision of textbooks and materials for use in the effort to reform secondary school education. Under a teacher training project entitled “A look at gender” being carried out by the Secretariat for Women and the Ministry of Education and Culture, studies were performed and proposals drawn up for incorporating the gender perspective into the official basic teacher training syllabus. The second stage of the project consists of implementing the proposals and providing support in the form of working groups, in-class observation and tutoring of 1,842 teachers. Meanwhile, the first part of the specialization module “Gender in education – a process of cultural change”, which is directed at officials of the Directorates-General responsible for lifelong, early, primary and secondary, and higher education, has been implemented.

21. As shown by these examples, the Paraguayan Government is implementing coordination strategies and executing specific programmes, taking measures to improve the working conditions of men and women alike and lending both political support and

visibility to programmes designed to increase the participation of women in all areas of public and private life. These efforts are primarily overseen by the Secretariat for Women in coordination with other State and non-State agencies.

C. Recommendation contained in paragraph 9 of the concluding observations

22. Promoting policies on the prevention of violence against women and care for women victims of violence both form part of State action programmes. As regards prevention and protection, the Secretariat for Women, through the Directorate for Gender-Based Violence Prevention and Victim Assistance, has set up the Directorate of Women's Support Services, which offers professional legal and psychological counselling services to women victims of domestic violence on an ongoing basis during office hours.

23. The records of the Secretariat for Women indicate that, between 2006 and August 2010, a total of 18,898 cases of domestic violence were handled directly by its offices. Policies have been put in place to reduce the probable underreporting of domestic violence, and campaigns have been launched to increase the proportion of victims who file complaints. The Secretariat opened the first temporary shelter for women victims of domestic violence and their children in 2010. The purpose of the shelter is to provide accommodation and comprehensive services to women who have to leave their homes to escape violence. The shelter ensures their personal safety and offers temporary accommodation, psychological support and counselling, legal advice and assistance with legal procedures, medical care, occupational therapy, information and training on women's rights, and support to help ensure that the schooling of children in the family group is not interrupted before they reach 12 years of age.

24. The "Freedom from Violence" programme has an awareness-raising and training component whose objective is to sensitize the persons involved in preventing and eliminating violence against women and in ensuring that their aggressors are punished and to train them to detect and handle this type of problem properly. Ongoing training is provided to the persons involved in the implementation of Act No. 1.600/00, which include members of the national police force, justice system, health-care system and society at large. In 2009, about 800 persons who play key roles in the fight against gender-based violence received training under this programme nationwide.

25. One of the most important steps towards the elimination of all forms of violence against women was taken in 2008, a few months after the present Administration took office, when an inter-agency agreement on cooperation in the areas of violence prevention and victim protection and assistance was signed by the Ministry of the Interior, the Ministry of Public Health and Social Welfare, the National Secretariat for Children and Adolescents, and the Secretariat for Women. Under the agreement, specialized support units for women, child and adolescent victims of violence have been set up in the police stations of the sixth, seventh and fifteenth districts of the metropolitan area, the seventh district of Asunción and the Department of Itapúa. Other such units will soon be established in the Departments of Guairá and Alto Paraná. The main goal of the units is to ensure that victims of domestic violence receive quality specialized care in an appropriate setting.

26. Manuals prepared to improve the services provided to women victims of gender-based violence at all levels include: a police procedures manual for handling cases involving victims of gender-based violence; a procedures manual for the forensic examination of victims, sample-taking and referral of cases; and an operational regulations manual for the pilot shelter and support centre for women victims of domestic violence and their dependants.

27. At the end of 2008, the Senate Committee for Equity, Gender and Development, the Secretariat for Women and the United Nations Development Fund for Women (UNIFEM) defined the procedures to be followed in drafting a comprehensive bill on violence against women. This marked the starting point for the discussion and formulation of a completely new legislative proposal (rather than a reform of Act No. 1.600/2000). The specific objectives are to: (a) set up special working groups to draft the text of the bill; (b) promote the active, focused participation of organizations and key members of the women's movement in the discussion process; and (c) gather suggestions for the organization of an inclusive debate on the problem of male gender violence as an expression of unequal power relations that restrict women's rights and opportunities for attaining their full development as individuals.

28. As to the efforts to bring cases to trial and the judicial policies in place to ensure that perpetrators are prosecuted and appropriately punished, steps have been taken to improve the training of justice officials so that they can make greater use of international instruments in arriving at and applying judicial decisions. The Human Rights Directorate of the Supreme Court of Justice has disseminated information on human rights and justice issues and arranged different types of training courses for magistrates and officials in the different judicial districts in the country. These activities were stepped up in 2006–2010 following the establishment of the Human Rights Directorate.

29. To address issues relating to indigenous law and human rights and the rights of female workers nationwide, public hearings have been held at the jurisdictional and administrative levels. In-house workshops and courses have also been organized on the following subjects: the criminalization of the use of children and adolescents in pornography; domestic violence and gender; the prevention of human trafficking and forced labour from a human rights perspective; access to justice and women's rights; and mental health and human rights. An international seminar was also held on women's rights and the justice system.

30. At its session of 6 April 2010, the Supreme Court issued Decision No. 609/2010, in which it approved the establishment of the Secretariat for Gender Issues of the Judiciary as part of the Supreme Court. This office's objectives are to: promote the mainstreaming of international law on women's rights in the administration of justice; identify strategic areas and actions for increasing gender equity and equal opportunities for users of the justice system and justice officials by participating in the design of a comprehensive gender policy for the judiciary; and support gender policy implementation by serving as a technical policy platform, providing advisory services and ensuring that gender policies are effectively implemented in all areas of the justice system.

31. With the issuance of Agreement No. 633/10, the Supreme Court of Paraguay became the first judicial institution in Ibero-America to adopt the Brasilia Rules on Access to Justice for Persons in Vulnerable Situations. The 100 Brasilia Rules, which were agreed upon at the Fourteenth Meeting of the Ibero-American Judicial Summit, are a clear judicial policy statement for all of Latin America on the protection of human rights. They not only establish the bases for considering the problems that persons in vulnerable situations have in gaining access to justice, but they also make recommendations to public agencies and other service providers that operate in the judicial system.

32. The Access to Justice Commission was established on 1 June 2010 and is responsible for overseeing compliance with the 100 Brasilia Rules and for monitoring and systematizing their effective implementation in the judicial system. Its activities are overseen by the Supreme Court Justice responsible for the Human Rights Directorate.

33. In light of the approval of the Brasilia Rules, provisions have been introduced to regulate judicial practice with regard to persons in vulnerable situations, with such

situations being defined as those associated with age, disability, membership in an indigenous community, gender and victimization, among other factors. The aim is to broaden coverage and remove obstacles to justice so as to ensure effective access without discrimination.

34. Supreme Court Agreement No. 633/10 states that people may be subject to several different factors of vulnerability at once and that “the discrimination suffered by women in some areas hampers their access to justice, and this situation is exacerbated when they are vulnerable for another reason as well”. The agreement also states “that discrimination against women is understood to be any kind of gender-based distinction, exclusion or restriction that is intended to or whose end result is to lessen or nullify the recognition, enjoyment or exercise by women, on an equal footing with men and regardless of civil status, of human rights and fundamental freedoms in the political, economic, social, cultural, civil and other realms”.

35. Paraguay thus recognizes the vital importance of improving strategies within the justice system to ensure fulfilment of the nation’s commitments to protect women’s human rights, enhancing existing structures, providing focused training to specialized personnel and adhering to international standards to effectively instil practices that will produce more positive results for women in the justice system.

36. An office of the Supreme Court was set up in October 2010 to receive complaints of domestic violence. This office maintains a telephone hotline and operates outside normal working hours. Given the need to set the corresponding judicial procedures in motion quickly and to provide victims with prompt and effective support, complaints are reported to the justice of the peace who is on duty as soon as they have been logged into the system.

D. Recommendation contained in paragraph 10 of the concluding observations

37. To reduce the number of deaths caused by abortions, Paraguay has introduced family planning programmes. Progress has also been made in improving the quality and quantity of the data available for use as objective inputs for information and promotional activities and for family planning counselling that covers the use of contraceptives. As part of this effort, a national survey on sexual and reproductive health was conducted.

38. Contraceptive use among women aged between 15 and 44 who are married or in conjugal unions has doubled in the last 20 years, from 37.6 per cent in 1987 to 79.4 per cent in 2008. The use of contraceptives among women aged between 15 and 24 in their first sexual relationship has risen dramatically in the last 10 years, climbing from 12.2 per cent in 1987 to 71.3 per cent in 2008. Meanwhile, the total fertility rate has fallen by nearly 50 per cent in 20 years, dropping from 4.6 per cent in 1990 to 2.5 per cent in 2008. Among the women aged between 15 and 44 who were interviewed, 8.7 per cent were using traditional methods of contraception, while 4.7 per cent were not using contraceptives at all and were at risk of unwanted pregnancies.

39. In all, 72.6 per cent of the women who receive antenatal care use public health services and 21.6 per cent use private health services. The data show that, in 8 out of 10 live births between June 2003 and May 2008, the mothers had received timely antenatal care (i.e. within the first three months of pregnancy). Deliveries in medical establishments have risen in the last 10 years (from 56.3 per cent in 1998 to 84.6 per cent in 2008). Among young women aged between 15 and 24 years, 1 in 10 has had at least one pregnancy (27.2 per cent in 2008).

40. Government measures to reduce infant mortality are taken within the framework of a social development programme for 2010–2020 entitled “Paraguay for all”. The strategy is to lift people out of poverty and bring about improvements in primary health care, youth and adult literacy, the water supply, sanitation, housing, food security, social inclusion, employment and agrarian reform.

41. Policy planning at the Ministry of Public Health and Social Welfare is results-oriented and implemented through high-priority programmes, such as the Expanded Immunization Programme, the Programme to Prevent Mental Retardation, the Programme to Prevent Non-Transmissible Diseases, the National HIV/AIDS Programme, the National Programme on Sexual and Reproductive Health, and the Maternal and Neonatal Mortality Monitoring Programme.

42. In the area of neonatal health, courses are given in cardiopulmonary resuscitation, comprehensive delivery-room care, breastfeeding, humanized childbirth and comprehensive neonatal care. There is also a global strategy in place for combating childhood diseases which consists of a series of scientifically selected interventions that save lives by targeting the main illnesses and health problems of the population aged under 5.

43. Government efforts to reduce maternal mortality are proving to be effective: between 2000 and 2008, the maternal mortality rate fell by 26 per cent (from 158 to 117 deaths per 1,000 live births). One of the drivers of this success is the implementation of the National Sexual and Reproductive Health Plan for 2009–2013. As part of this plan, ministerial resolutions have been issued to ensure access free of charge for all women to public health services whose costs in previous years had posed a problem. According to the latest figures, medical consultations doubled between 2008 and 2009.

44. To boost the capacity of the health-care system, service coverage has been expanded through the implementation of a primary health-care network and the establishment of family health units staffed by between 3,500 and 4,000 Government health workers. Currently, 276 family health units are operating in rural areas and in neighbourhoods on the outskirts of cities, with priority being given to the poor and the indigent population. Hospital services have also been upgraded with new equipment and increased human resources to improve the care provided.

45. With regard to the Committee’s concern about Paraguay’s abortion laws, it should be noted that the Constitution protects life “in general, from the moment of conception”. Act No. 3440/08, however, which amended the current Criminal Code, abrogated the provisions relating to abortion. Those provisions had survived from the Criminal Code of 1914 and were completely out of line with modern principles of criminal law. The amended Code criminalizes abortion but favours women by decriminalizing attempted abortions by pregnant women.

46. Prison sentences are also shorter for women who perform an abortion on themselves. Moreover, the absence of the support for the child that is guaranteed in the Constitution can be cited as an extenuating circumstance. Article 109 of the amended Criminal Code reads as follows:

“ABORTION. (1) Whoever kills a foetus shall be punished with imprisonment for a term of up to 5 years. Attempts to do so shall also be punished. (2) The prison sentence may be increased to 8 years when the offender: (i) acts without the consent of the pregnant woman; or (ii) through his or her intervention, seriously endangers the life of the pregnant woman or causes her serious injury. (3) When the deed is committed by the pregnant woman herself or through her facilitation of the intervention of a third party, the penalty shall be imprisonment for up to 2 years. Attempts shall not be punished in such cases. In determining the sentence, special consideration shall be given to whether the deed was committed due to the absence

of the support for the child that is guaranteed in the Constitution. (4) Whoever indirectly causes the death of a foetus because, based on existing medical knowledge, it was necessary to preserve the life of the mother, shall not be deemed to have broken the law.”

E. Recommendation contained in paragraph 11 of the concluding observations

47. In order to act upon the Committee’s observations and to advance the implementation of appropriate measures to prevent and suppress the disproportionate use of force, the executive branch of the Government, through the Office of the National Police Commander and under Resolution No. 5 of 5 January 2009, ordered a physical audit of the general inventory of weapons and ammunition used by the national police.

48. With regard to the recommendation on supplying firearms to police officers, steps have been taken to provide service weapons to cadets who have recently graduated from police academies in accordance with the following instructions: “Commissioned and non-commissioned national police officers shall be issued the weapons, ammunition and vests referred to in the previous article upon graduation from police training institutes.” When the current Administration took office, the Ministry of the Interior began issuing service weapons to new police recruits. To date, the police force has issued 1,844 weapons, thereby putting an end to the practice of having law enforcement officers purchase their firearms themselves.

49. The above-mentioned weapons have been registered with the Directorate for Military Equipment, which comes under the Ministry of Defence and is responsible for registering weapons at the State level. These weapons, which supplement the 8,977 weapons already in use, are also being registered with the Weapons and Ammunition Department of the national police force.

50. With regard to the professional training of police officers, in order to ensure that police procedures fully respect human rights, cross-cutting content related to basic human rights principles has been included in the curricula of the various academies of the Higher Institute of Police Education.

51. As part of the efforts to tighten controls on the possession and sale of firearms, joint, comprehensive actions have been undertaken with other departments. In 2010, Act No. 4036/10 of August 2010 on firearms, their parts and components, ammunition, explosives, accessories and similar items was enacted. This law defines punishable offences such as illegal trafficking in and manufacture of weapons, thereby incorporating international instruments ratified by Paraguay into domestic law. It also establishes a regulatory framework to underpin efforts to restrict the proliferation of lethal weapons.

52. Measures restricting the private sale and proliferation of small arms and light weapons have been strengthened, and more specific regulations now govern the bodies that monitor and register weapons. These regulations apply new legal principles such as legality, waiting periods for permits and for other types of authorizations, in particular for transfers of dangerous weapons.

F. Recommendation contained in paragraph 12 of the concluding observations

53. The Paraguayan Government has made progress in the criminal prosecution of cases, and the Special Human Rights Unit, in coordination with the investigative offices,

keeps records on trials and investigations that have been conducted. In 2004, 23 cases concerning torture were entered, of which 4 were dismissed, while the rest were placed on file; in 2005, a total of 48 cases were entered, of which 5 were dismissed and the rest placed on file; in 2006, 25 cases of torture were entered, of which 2 were found to be time-barred, while the rest were placed on file; in 2007, a total of 32 cases were entered, of which 2 were dismissed and the rest placed on file; and in 2008, of the 47 trials that were entered, one was dismissed and the rest are being processed.

G. Recommendation contained in paragraph 13 of the concluding observations

54. Although the Referral Centre for Victims of Trafficking in Persons of the Secretariat for Women has been in existence since 2005, the Paraguayan Government has taken note of this recommendation and, in 2009, further strengthened the Centre by integrating it into the Directorate for Prevention and Support for Victims of Human Trafficking of the Secretariat for Women. A first step towards the institutionalization of these initiatives was taken with the inclusion of an initial allocation in the national budget for fiscal 2010.

55. The functions of the Directorate for the Prevention of Human Trafficking and Victim Assistance of the Secretariat for Women, a newly created coordinating office at the State level, are: drawing up prevention strategies; referring complaints about cases of female victims of human trafficking in an appropriate and timely manner; providing comprehensive assistance to such victims; and maintaining contact with member institutions of the Inter-Agency Committee to Prevent and Combat Human Trafficking in Paraguay. The Inter-Agency Committee comprises governmental institutions from the executive, legislative and judicial branches which, together with civil society and with support from international organizations, work to prevent and combat human trafficking, especially of the women, children and adolescents who make up society's most vulnerable groups. The Committee was formally established by Decree No. 5093 of 15 April 2005.

56. Paraguay has created its first temporary shelter for victims of human trafficking. The shelter was inaugurated in December 2007 with assistance being provided by the Embassy of the United States of America in Paraguay in equipping the shelter and covering the rent. It actually began operating in August 2008, however, with the arrival of the new administration of the Secretariat for Women. The shelter is equipped to accommodate between 12 and 20 female victims at any given time. To date, 92 victims have been admitted to the shelter, 48 per cent of whom were adult women and 52 per cent adolescents.

57. Comprehensive care, including counselling and social and legal assistance, is provided by the State through the Referral Centre for Victims of Trafficking in Persons. The State is also implementing a social reintegration programme, in conjunction with the International Organization for Migration under its Trafficking Victim Assistance Programme. Comprehensive services are provided to victims, in addition to social and economic resources, as a means of reducing the possibility of revictimization.

58. With the implementation of this social reintegration programme, the State has taken a multifaceted approach that includes protection for victims during their return and reintegration into their families. The programme offers medical, health-related, financial and legal assistance, as well as helping victims to go back to school and to participate in or set up microenterprises and income-generating activities.

59. With assistance from the international community, the Government, through the executing agency for its programme to combat human trafficking, especially women, girls and adolescents, has worked to encourage national discussions on trafficking in persons, particularly women and children, and to make sure that this issue figures on the human

rights, security and justice agenda. The aim of this effort is to raise awareness of the need for suitable public policies to combat this offence and to equip Paraguayan society to contribute to the solution of the problem.

60. The main components of this programme are as follows: (a) a communication and social dissemination strategy; (b) public policy inputs to support the fight against human trafficking; and (c) social monitoring and public and municipal participation. To date, the programme has made presentations on its objectives in 12 of the country's 17 departments and is working to introduce new ideas and create Government-society networks to combat trafficking in persons, especially women, children and adolescents.

61. In addition, the Government has created inter-agency committees to combat human trafficking. Four such committees have been formally established in Alto Paraná, Itapúa, San Pedro and Ñeembucú: geographically strategic locations that were chosen because of their popularity with tourists and proximity to the borders of neighbouring countries.

62. Paraguay has made progress in improving intergovernmental coordination and compiling official statistics through the Directorate-General of Statistics, Surveys and Censuses. Progress has also been made in systematizing data on cases of trafficking. The Government has also drafted a road map on trafficking in persons which illustrates the results of the analysis of institutional records and the tracing of trafficking routes.

63. The Government has also worked on legislative proposals to improve and amend the legal framework and to address problems that have arisen in the course of the application of existing mechanisms. These issues were the driving force behind the preparation of a special preliminary bill on combating human trafficking. The Secretariat for Women presented the text of this bill to the Inter-Agency Committee to Prevent and Combat Human Trafficking in Paraguay in December 2009.

64. As part of the communication and dissemination strategy, a campaign is under way to raise awareness of human trafficking and the exploitation of adolescents among public policymakers and groups that influence policy, including national authorities, members of the media, civil society organizations and the community. In 2009, the management report for 2004–2008 of the Inter-Agency Committee was published. Entitled "Towards a more effective means of combating human trafficking in Paraguay", this report furnishes background information on the Committee and describes its activities, objectives and goals.

65. The Trafficking Unit attached to the Executive Directorate-General of the National Secretariat for Children and Adolescents is responsible for providing assistance to victims. Within the framework of the Inter-Agency Committee, it receives and accompanies repatriated victims and provides counselling and treatment to help them to rejoin society. To provide this assistance and to facilitate preventive activities, regional offices have been set up in the border departments of Alto Paraná, Ciudad del Este and Encarnación. An operational plan has been in place for those offices since 2009 which makes provision for the expert and specialized personnel required to work in this field.

66. Paraguay is pursuing intergovernmental initiatives in areas that fall within the purview of the Committee. It is currently working on a cooperation project with the Argentina Fund for Horizontal Cooperation and the Technical Commission of the Niño @ Sur ("Southern Child") initiative to build the human resources capacity of the Trafficking Unit and the Inter-Agency Committee.

67. Data provided by the Special Unit on Trafficking in Persons and Sexual Exploitation of the Public Prosecution Service indicate that criminal convictions for human trafficking and sexual exploitation were handed down in 22 trials in 2008–2009. It should be noted, however, that at least three persons were convicted in each of these trials; such investigations are complex and, for each victim identified and protected by the State,

investigations are carried out into the activities of a number of different people with links to criminal organizations.

68. Between October 2007 and December 2008, 20 cases of child or adolescent victims of trafficking were handled by the Trafficking Unit of the National Secretariat for Children and Adolescents. Between January and August 2009, according to information received from the Unit, 24 such cases were received.

69. At the regional level, agreement is being reached on a cooperation project to develop the Regional Strategy to Combat the Trafficking and Smuggling of Children and Adolescents for Purposes of Sexual Exploitation in the border areas of the MERCOSUR countries. This project, known as the "Twin Towns" initiative, has the support of the Inter-American Development Bank.

70. The above-mentioned strategy covers 15 municipalities on the borders between Brazil and Argentina, Paraguay and Argentina, and Brazil and Uruguay in the tri-border region. The strategy focuses on at-risk children and adolescents and their families who live in the selected towns. Within this framework, governmental and non-governmental institutions offer assistance and preventive and leadership services aimed at protecting the rights of children and adolescents.

71. Two programmes focusing on the elimination of the commercial sexual exploitation of children and on the eradication of trafficking in children in the southern town of Encarnación, near the border with Argentina, are being supported by the European Union. Civil society organizations cooperate in the execution of these programmes.

72. The National Secretariat for Children and Adolescents is using a mechanism for the transfer of funds to non-profit organizations to support the implementation of protection, assistance and preventive strategies and to backstop the formation of preventive social service networks (e.g., health, education, police assistance, prosecution) in at-risk communities. A shelter for child and adolescent victims of commercial sexual exploitation is being established, and the use of this transfer mechanism is also being extended to include funding for social organizations that offer direct assistance to victims of trafficking.

73. The Fono Ayuda emergency helpline has been established by the Office of the President of the Republic to provide emergency assistance in cases where the rights of children and adolescents are being violated. Since 2009, this service has been funded by the State under the budget of the National Secretariat for Children and Adolescents and has widened its coverage. A comprehensive interdisciplinary team of 16 social science professionals (psychology, law and social work) now offers specialized assistance on a continuous basis.

74. The service operates via a free telephone number (147) that covers the entire country. The Government intends to move this service into a call centre, which would make it possible to answer a greater number of calls and to refer cases, in particular those originating in isolated areas, on the spot. According to the latest figures, between January and 31 October 2009, 901 cases were dealt with and 2,308 calls following up previous cases were made.

75. This service has also been expanded with the establishment of the Referral Centre, which, in addition to Fono Ayuda, includes another two components, namely direct (face-to-face) assistance to those arriving at the Centre and emergency interventions for urgent cases that require assistance in the field by the Centre's professional staff.

76. The National Secretariat for Children and Adolescents has teamed up with civil society to implement the Project for the Progressive Elimination of Sexual Exploitation and Trafficking in Children and Adolescents for Sexual Purposes (the Pepo Jerà project), which

outfits and runs an open day-care centre for victims of trafficking and sexual exploitation in locations along the border, such as Encarnación.

77. This service includes direct assistance for adolescent victims, starting from the time that they are found in the streets and brought into the centre, where they are offered food, health care (with emphasis on sexual and reproductive health) and counselling. The project uses a gender-based approach and is aimed at restoring the rights of its users. Efforts are directed at raising awareness and preventing trafficking and sexual exploitation in communities around Encarnación. The Government, through the National Secretariat for Children and Adolescents, has committed itself to providing technical support for the activities of the Pepo Jerà project and to forging links with the governmental institutions in the region.

78. Within the framework of the Inter-Agency Committee to Prevent and Combat Human Trafficking in Paraguay, the Trafficking Unit of the National Secretariat for Children and Adolescents manages the Commission on Prevention and Awareness-Raising. As part of the above-mentioned projects, in November 2009 and March 2010 coordination meetings were held by federal and provincial Argentine and Paraguayan authorities. These meetings were attended by representatives of specialized trafficking units of the national police force, the Public Prosecution Service, the Ministry for Foreign Affairs (General Coordination Office), the judiciary, the Ministry of Public Defence and the National Secretariat for Children and Adolescents of Paraguay, in addition to members of the Pepo Jerà project and, from Argentina, representatives of the Directorate on Trafficking in Persons and Sexual Exploitation of the Ministry of Social Development, the Ministry of Human Rights and the Secretariat for Children, Adolescents and the Family of the Province of Misiones.

79. The outcome was closer coordination of the two countries' victim assistance services and the establishment of communication channels that will facilitate joint activities. In addition, implementation of the Regional Strategy to Combat the Trafficking and Smuggling of Children and Adolescents for Purposes of Sexual Exploitation in MERCOSUR is under way. This strategy aims to create a regional network for this purpose in the border areas of the MERCOSUR countries.

80. As part of a project aimed at promoting an exchange of experiences regarding the Argentine legal framework for efforts to combat trafficking in persons, in particular children and adolescents, a training day for local stakeholders was held on the subject of trafficking in persons and sexual exploitation. This seminar, which took place at the regional headquarters of the National Secretariat for Children and Adolescents in Ciudad del Este in April 2010, was attended by representatives of the Public Prosecution Service, a number of the Municipal Councils for the Rights of Children and Adolescents, the Office of the Ombudsman and NGOs. This is a joint project involving various other Argentine and Paraguayan government agencies; its general objective is to promote a fuller understanding of the two countries' legal systems and an exchange of successful experiences in combating human trafficking between these countries with a view to coordinating their victim assistance mechanisms.

81. The Trafficking Unit of the National Secretariat for Children and Adolescents is currently undergoing an institutional consolidation process. National and international cooperative efforts are focused on consolidating a victim assistance team. Using a rights- and gender-based approach, this team's job is to assist victims of trafficking and sexual exploitation by helping to meet victims' material needs, assisting them with procedural issues and providing the services required to effectively restore their rights.

82. The Paraguayan Government, through the National Secretariat for Children and Adolescents, carries out prevention, treatment and assistance activities, programmes to

reintegrate victims into society and public awareness campaigns. As part of its work in this area, the Referral Centre for Victims of Trafficking in Persons in Paraguay was established in 2005 with the assistance of the Government of the United States of America. The Centre receives reports of trafficking and provides psychological, legal and social services for victims. In order to combat trafficking in persons in border regions, activities are being carried out to inform people about the National Plan for the Prevention and Elimination of the Sexual Exploitation of Children and Adolescents. In Ciudad del Este, training in the prevention and elimination of the commercial sexual exploitation of children and adolescents has been given in 127 public schools, 8 private subsidized schools and 97 private schools to 1,147 adolescents, 200 mothers, 115 fathers and 52,000 students.

83. In addition, specific courses and training have been given on the subject to police officers. For example, in two border towns, courses on subjects such as the role of the national police force in combating the commercial sexual exploitation of children have been held in conjunction with the Ministry of the Interior. An awareness-raising campaign on sex tourism is also being conducted, in conjunction with the National Tourism Secretariat and the International Labour Organization (ILO).

84. Under a witness protection programme run by the Public Prosecution Service's Victim and Witness Assistance Centre, which provides cross-cutting services to direct and indirect crime victims, the Centre provides crime victims with counselling, social services and legal assistance.

85. The Centre provides coordination and technical support for the various prosecuting authorities by helping victims to negotiate the different stages in proceedings, drawing up multidisciplinary victim assessments and offering a safe environment, support and guidance to foster the physical, psychological and social rehabilitation of victims and members of their family in accordance with domestic legislation.

H. Recommendation contained in paragraph 14 of the concluding observations

86. Paraguay has worked with civil society in pursuing a strategy for complying with the Committee's recommendation. To that end, it has promoted the work of the Coalition to Stop the Use of Child Soldiers. Its efforts in this regard expedited the withdrawal of the declaration on voluntary recruitment that it had made upon its ratification of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

87. The Government has partnered with the Coalition in various activities, including the steps taken to denounce the continuing presence of a considerable number of minors in army barracks, some of whom are in poor health and in possession of falsified birth certificates. The unresolved cases of child soldiers who died between 1989 and 2004 were documented, and information was furnished to the public and to national and international authorities with a view to making the practical and legislative changes that were required to block the enlistment of children and adolescents.

88. Following the amendment of the relevant laws, formal complaints concerning the continued unlawful recruitment of adolescents in some rural areas were received and acted upon. In some cases, military service by minors is seen as a means of survival for impoverished families; in others, it is a form of punishment or a way to access education. These complaints were immediately followed up and proved to deal with isolated cases only.

89. Some families encourage their children to enlist in the Armed Forces or the police force in the belief that their children will have better prospects for personal and academic development if they do so and, to that end, lie about their age or falsify documents to show that a minor is old enough to enlist. In view of this situation and the lack of any provision in domestic law to address these types of circumstances, an effort has been made to devise an alternative approach that would make it possible to offer parents the possibility of allowing their children to enlist in a civilian national service programme once they have reached the age of 18.

90. The measures taken by Paraguay to halt the recruitment of minors include the enactment of Act No. 3.360/2007, which repeals article 10 and amends article 5 of Act No. 569/75 on compulsory military service. Act No. 3.360/2007 provides that: “no one under 18 years of age shall be allowed to serve ...”.

91. Furthermore, under Act No. 3.485/08, which amends Act No. 123/52, Decree-Law No. 5689 of 24 October 1944 and Decree-Law No. 7687 of 10 October 1949 on the development of a specialized military training course for commissioned and non-commissioned officers of the student reserve are abrogated. That law also amends article 10 of Act No. 123/52 to read “military training courses for the commissioned and non-commissioned officers of the reserve are offered to civilian students aged 18 years or over ...”.

92. Paraguay has adopted numerous measures and has fulfilled specific mandates relating to the regional protection system in order to investigate the ill-treatment or death of conscripts and compensate the victims. In a landmark event in the field of human rights, the Paraguayan Government acknowledged its international responsibility in case No. 1.2330 (*Marcelino Gómez Paredes and Cristián Ariel Núñez v. Paraguay*) for violations of the rights to personal liberty, to the integrity of the person, to life, to specialized measures of protection for children and to judicial protection and judicial guarantees enshrined in the Inter-American Convention on Forced Disappearance of Persons as a consequence of the State’s failure to respect and uphold the rights and obligations deriving from the aforementioned Convention.

93. Following the conclusion of an amicable settlement of this case on 4 November 2009, Paraguay has introduced policies to ensure the application of judicial guarantees, along with other measures, in order to fulfil this agreement, whose effective implementation is being monitored. Since March 2010, the Truth and Justice Commission, comprising State and civil society representatives, has been working to honour the State’s obligation to do everything within its power to investigate the events surrounding the human rights violations perpetrated against the children Marcelino Gómez Paredes and Cristián Ariel Núñez and to punish all those responsible.

94. To date, members of the Truth and Justice Commission have travelled to the departments of Caaguazú and Alto Paraná to interview ex-comrades and family members of these disappeared child soldiers, as well as the officers in charge of the detachment from which they disappeared and other key informants. The Commission has also reviewed documents and files relating to the case as part of its investigation.

95. By way of redress, the State has issued an executive decree awarding a posthumous promotion to 64 conscripts who died while in active service, which entitles their heirs to a life pension and to medical care at the military health centres located throughout the country.

I. Recommendation contained in paragraph 15 of the concluding observations

96. The Paraguayan Government is aware of the issues raised by the Committee and has strengthened the human resource capacity of the Public Defender Service for assisting persons deprived of their liberty. It has also allocated funds from the 2010 budget to create 36 posts for public defenders. However, these posts have not yet been filled, as the established procedures of the selection process have not yet been completed. Provision has been made in the 2011 budget for the creation of 56 posts, half of which will be earmarked for public defenders for criminal cases.

97. The budget for the Public Defender Service has been significantly increased, with its allocated funds rising from 25,814,088,282 guaraníes in 2006 to 41,139,227,344 guaraníes in 2010.

98. While, to date, the Public Defender Service is hierarchically and financially dependent upon the Supreme Court of Justice and no organizational act governing it has yet been passed, a draft organizational act is currently before the Chamber of Deputies for consideration. If promulgated, that law will establish the Public Defender Service as a public legal entity within the judiciary and endow it with normative, administrative and functional autonomy. It will also give the Service its own budget.

99. The consideration of this bill entails an analysis of its significance in alerting legislators to the importance of ensuring that a suitable organization act and budget for the Public Defender Service are in place so that a stronger system of guarantees and other forms of protection are available to persons deprived of their liberty. This bill sets out a suitable legal and structural framework that will allow the Service to operate effectively and, in particular, to fully protect the human rights of defendants. The Constitutional Affairs Committee, the Legislation and Codification Committee, and the Justice, Labour and Social Welfare Committee have produced reports on this bill. The latter has approved the text, with a number of amendments.

100. An individualized registration and monitoring system has provided the following disaggregated data on persons deprived of their liberty who are represented by public defenders in criminal cases throughout the country:

- (a) Unconvicted adult males: 1,708;
- (b) Convicted adult males: 1,452;
- (c) Unconvicted adult females: 81;
- (d) Convicted adult females: 58;
- (e) Unconvicted male juveniles: 131;
- (f) Convicted male juveniles: 40;
- (g) Unconvicted female juveniles: 4
- (h) Convicted female juveniles: none.

J. Recommendation contained in paragraph 16 of the concluding observations

101. The Office of the Deputy Minister for Justice and Human Rights of the Ministry of Justice and Labour has addressed health issues in the country's prisons by carrying out a *barrido sanitario* ("health sweep") campaign to identify the most common diseases

requiring the most urgent care, such as tuberculosis, HIV and other infectious and contagious diseases. In addition, the country's first prison census has been conducted. The census covered all prisons and provided valuable data on the profiles of both male and female inmates that can be used to help design and implement relevant programmes in line with the needs of the prison population.

102. The Government now has on file 1,754 medical records, 2,399 psychological records and 313 dental records of male inmates at the Tacumbú National Prison, Paraguay's largest prison; 81 medical records and 203 psychological records at the Casa del Buen Pastor women's prison; and 600 medical records at the Ciudad del Este prison in the department of Alto Paraná.

103. Medical records of inmates were obtained, the most common diseases were identified and the work of medical and prison staff has been coordinated within the framework of programmes carried out by the Ministry of Public Health and Social Welfare. These measures have made it possible to monitor and check on the medicines dispensed in the prisons and the treatments administered to all detainees with health problems. Although the results obtained may be modest, this was the first time such action was taken by a prison administration. The efforts of the new authorities of the Office of the Deputy Minister for Justice and Human Rights demonstrate that the Government is placing priority on the protection of persons who are vulnerable because they are in custody.

104. These actions also facilitated internal restructuring and human resource optimization efforts, as well as contributing to the plans of the Ministry of Justice and Labour to reduce overcrowding and to build a prison hospital, which is to include a psychiatric ward.

105. All available resources are being used to strengthen educational programmes for inmates within the framework of the Ko'ê Pyahu ("new dawn") project being conducted by Paraguay's Bilingual Education Programme for Youth and Adults (PRODEPA). This project targets poor or indigent persons over 15 years of age who have never started or have not completed their basic education and who live in rural areas or marginal urban areas. The project is being carried out jointly with the Ministry of Education and Culture.

106. Approximately 20 billion guaraníes have been invested to improve existing prison infrastructure since 2008, when the new Administration took office.

107. The old Pedro Juan Caballero prison (known as the *gallinero* ("chicken coop")), which was infamous for the human rights violations committed there, was torn down and the construction of the new building was completed after more than 10 years of work. Renovations have been completed at the Tacumbú National Prison, the women's correctional facility of Casa del Buen Pastor, and the regional prisons of Ciudad del Este, San Pedro, Coronel Oviedo, Encarnación and Concepción. These facilities have now been fully equipped. The Ministry of Justice and Labour has started the construction of the regional prison of Misiones and has purchased the property on which the new prison of Ciudad del Este will be built.

108. A wing of the regional prison of Emboscada has been renovated and the construction of another wing has begun. Prison labour is being used to build this wing, which will have capacity for 155 convicts who are serving out their sentences. The facility is intended to ensure an effective holistic approach that will contribute to prisoners' recovery, rehabilitation and reintegration.

109. In order to apply the Government's policy on gender mainstreaming in the country's prison, steps have been taken to design a plan for protecting the fundamental human rights of children who accompany their mothers in prison and of pregnant women in prison and to ensure that the principle of the child's best interest, in particular, is respected. As part of this project, the applicable regulations were analysed, refresher training was provided to

staff members, improvements were made in the buildings of the Amanecer del Buen Pastor unit that house mothers and their children, and a day-care centre was set up. The inmates themselves and officers providing direct care played an active role in that regard.

110. Since 2008, the Ministry of Justice and Labour has undertaken substantive structural reforms to improve the justice system and the institutional framework for the protection of human rights. A programme to address gender issues in prison started to take shape in early 2010 within the framework of the Ibero-American Conference of Ministers of Justice (COMJIB), with technical assistance from the Federal Prison Service of the Ministry of Justice, Security and Human Rights of Argentina.

111. As a first measure, a committee was set up to develop a plan of action for accommodating women inmates who are accompanied by their children. The plan calls for measures to align infrastructure with international standards without jeopardizing security; relocate such inmates; install a special door for exclusive access; and create a day-care centre as a space for learning and leisure.

112. While their children are in the day-care centre, their mothers participate in training, receive health check-ups and counselling, work and engage in other activities conducive to their rehabilitation and reintegration.

113. A dispute settlement committee was set up in the women's prison on 28 July 2010. Its main purpose is to address and/or avert conflicts by fostering improved interpersonal relations in the prison and to develop proposals for improving the quality of prison life. The committee is composed of a team of experts, a representative of the Office of the Deputy Minister for Justice and Human Rights and two inmates representing the mothers, who were selected by the inmates themselves. Records are kept of the decisions reached by the committee.

114. The Secretariat for Women of the Office of the President of the Republic has held coordination meetings with officials from the Casa del Buen Pastor women's prison to review the status of women inmates, and ensure the effective implementation of inter-institutional agreements. One of the results of these meetings has been the demolition of the punishment cell known as "Pío Pío".

K. Recommendation contained in paragraph 17 of the concluding observations

115. The country's strategy for ensuring the independence of the judiciary is constantly being adjusted and reviewed. Programmes to renew and strengthen judicial structures have been implemented through the Supreme Court of Justice and have addressed such matters as: the coordination of joint action and follow-up on international guidelines issued by judicial summits; the coordination of an ongoing training programme; optimal procedures for the selection of judges; human resource management; transparent management models; improved access to judicial information; and management auditing and accountability in relation to jurisdictional and other matters. These are all key elements in ensuring the independence of the judiciary. If its independence is to be strengthened, the judiciary must be composed of qualified judges and officials who are confident about their decision-making powers and professional performance.

116. The Supreme Court is aware of the many challenges that it faces but is moving forward by building up its internal capacity and setting out relevant guidelines. It periodically holds workshops for the women and men working in the justice system with a view to harmonizing the approaches taken to ensure the correct implementation of rules and regulations for the benefit of individuals involved in legal proceedings.

117. Article 2 of Supreme Court Resolution No. 298/05 makes it compulsory for judicial and administrative officials of the judicial branch to attend training and refresher courses. To further complement training activities, the Judicial Code of Ethics of Paraguay sets out a requirement of ongoing knowledge-building and training for judges. This is a means of upholding the right of individuals involved in legal proceedings and of society in general to high-quality justice services.

118. The Council of the Judiciary is the constitutionally mandated body that is solely responsible for selecting and proposing candidates to sit on the Supreme Court and to preside over the lower courts and candidates to serve as public prosecutors on the basis of their qualifications, merit and aptitude. The Council's mandate is set out primarily under chapter III, articles 262 to 265, of the Constitution, but it also has its own regulations, which have been amended on various occasions; in addition, Act No. 296/94, as amended, establishes its operational structure.

119. A regulation exists which specifies the criteria to be used in screening candidates for judicial office and in grading their examinations. These are the criteria used by the Council of the Judiciary to draw up short lists of approved applicants. The six items covered by this regulation are to be incorporated into a procedure for processing applications submitted in response to vacancy announcements issued by the Supreme Court.

120. The General Superintendency of Justice was set up as a disciplinary body tasked with the application of clearly outlined rules designed to ensure that the mission of the judicial branch is fulfilled. This body bases its work on the principles of independence, transparency and public service and seeks to build public confidence in the administration of justice. It investigates complaints; holds disciplinary proceedings; issues rulings and recommendations concerning the application of disciplinary measures; oversees legal proceedings; helps to reduce delays in the judicial process; and works to curb corruption and impunity.

121. The Government Ethics Office implements the Judicial Code of Ethics, which entered into force on 1 January 2006. This Code is the outcome of a participatory process involving working groups of magistrates, consultants, representatives of civil society organizations, as well as polls and surveys of citizens and users of the judicial system. Any directly aggrieved party, whether a natural person or legal entity, or the Supreme Court of Justice can lodge a complaint against a judge for violating the Code. The assistance of a lawyer is not required. Proceedings are thus received ex officio by the Judicial Ethics Court (Agreement No. 408), and the confidentiality of information concerning complainants is safeguarded.

122. The Judicial Ethics Court does not have the authority to suspend or remove a magistrate from office; its competencies are purely related to rules of ethics as provided for in article 62, paragraph 2, which covers recommendations, warnings and reprimands.

123. With regard to judicial independence, article 10 of the Judicial Code of Ethics provides that: "It is the duty of a judge to exercise judicial power fully independently of factors, criteria or motivations other than those of a strictly legal nature." Judges must maintain the institutional, political and economic independence of the judiciary and must strive to ensure that the judicial profession, as an institution, retains all its essential elements, including, in particular, the principles of irremovability from a post and inviolability of judicial emoluments.

124. Judges are also required to maintain their independence from political parties, associations, groups, movements or any other organized structure and their leaders or representatives; they must abstain from carrying out any political or partisan activity, such as occupying posts in political parties, frequenting the offices of political parties or taking part in public or private political or partisan activities, even as onlookers, unless they are

required to do so in the performance of their judicial duties. They may not vote or participate in any way in party elections or publically express their political or partisan allegiances. Should a judge be affiliated with a political party, he or she must request the suspension of that affiliation for the duration of his or her time in judicial office.

125. Internal campaigns are conducted by the Judicial Ethics Office to discourage any conduct that could involve seeking political, partisan or any other kind of support for professional or personal gain. Judges are required to exercise their judicial powers for the purpose of administering justice through applicable law, in accordance with case documentation. They must disregard any recommendation or requests that they receive, regardless of their origin.

126. Following the relevant proceedings, the Judicial Ethics Court applied the measures relating to recommendations to five magistrates who had not abided by its regulations. In addition, approximately 600 magistrates, in accordance with article 3, have submitted a request for the suspension of their affiliation with political parties for the duration of their time in judicial office.

127. The Executive Council of Judicial Ethics sent out Circular No. 1/2008 to remind magistrates of Advisory Opinion No. 10/2007, which, in accordance with the above-mentioned article 3, provides that: "Magistrates in Paraguay must avoid the use of badges, bumper stickers and any others means of advertising or supporting political candidates or political parties in the course of their personal lives and in their workplace, offices, and private or State-owned vehicles."

128. In Paraguay, the Directorate-General of Judicial Sector Auditing, which comes under the Council of the Superintendency of the Supreme Court, began its work in February 2008 with support from the Threshold Program of the United States Agency for International Development (USAID) and in line with the provisions of Agreement No. 478/07. The Directorate-General has three units: Analysis and Programming, Rapid Response Auditing and Scheduled Auditing. While respecting the independence of the judiciary, the Directorate-General is responsible for auditing the judicial sector to ensure that cases are heard in an orderly and efficient manner and that rulings are made in line with the law. It is also responsible for monitoring officers of the court in accordance with the applicable legislation. It has strongly recommended the referral of five cases to the Tribunal for the Prosecution of Judges and has removed magistrates from office in two cases.

129. To foster transparency, the Paraguayan authorities have increased the scope for citizen participation in the selection process for senior judicial officials through, for example, public hearings for candidate judges, interactive Internet-based forums, the publication of curricula vitae, and public reporting systems for the disclosure of information concerning candidates for judicial posts.

L. Recommendation contained in paragraph 18 of the concluding observations

130. The Government has enacted Act No. 4013/06, which covers the exercise of the right to conscientious objection to obligatory military service and establishes community service as an alternative to military service. This law is designed to permit more accurate record-keeping and to make arrangements that will ensure that this right can be exercised and that broaden the application of guarantees of the right to enter a statement of conscientious objection. The Office of the Deputy Minister for Youth Affairs, which comes under the Ministry of Education and Culture, has, however, drafted a preliminary bill that would repeal this law because it is viewed by many citizens as violating constitutional

guarantees of freedom of conscience, the principle of the non-retroactive application of the law and the right to the effective exercise of conscientious objection.

131. Congress has availed itself of constitutional channels to approve regulations to safeguard the right to conscientious objection. In addition, for the purposes of improving coordination in the effective protection of the exercise of this right, the National Council on Conscientious Objection to Obligatory Military Service has been created.

M. Recommendation contained in paragraph 19 of the concluding observations

132. The Government of Paraguay is aware both of the advances that have been made in terms of freedom of the press and expression and of new challenges to be faced in areas such as the effective protection of the exercise of this right. It is also cognizant of the difficulties associated with the formation of unions, the exercise of freedom of opinion and the prevention of self-censorship within media companies. Protecting journalists in their work is a challenge and a delicate issue for the State, especially when complaints are lodged by individuals of libel and defamation. According to official information, not categorized by profession, in 2010 a total of 128 suits for defamation and/or libel were brought in Asunción, 1 in Ciudad del Este, 5 in Encarnación and 1 in Pedro Juan Caballero. One such suit was brought in Caazapá in 2007 and three were filed in Coronel Oviedo in 2009.

133. With regard to defamation suits, the State emphasizes its commitment to effective legal protection and due process, applied under current legislation and on a non-discriminatory basis. The same is true for labour disputes involving workers in the media who are dismissed or coerced by media companies following investigations or cases brought against them for making claims about third parties or for publishing certain information. In addition, from a political point of view, it will work to ensure that the enforcement of labour laws does not interfere with the exercise of freedom of expression by journalists in media companies.

N. Recommendation contained in paragraph 20 of the concluding observations

134. Members of the national police force are present at demonstrations to ensure that the rights of third parties are not infringed. On such occasions, they comply with international standards and recommendations on the use of force and weapons. A protocol has been drafted to regulate police action during public demonstrations in order to guarantee unrestricted respect for human rights.

135. The only legal restriction that was put in place during the reporting period was the declaration of a state of emergency, of which the Secretary-General of the United Nations was notified in due time and form.

136. In keeping with democratic principles, the right to peaceful demonstration is enshrined in article 32 of the Constitution, which provides that everyone has the right to meet and demonstrate peacefully, without weapons and for lawful purposes, without requiring authorization. The right not to be compelled to participate in such events is also guaranteed.

137. That article also stipulates that legal restrictions on the exercise of this right may be established only in respect of public places at specific times in order to safeguard the rights of third parties and public order, as established by law.

O. Recommendation contained in paragraph 21 of the concluding observations

138. In Paraguay, half of the population aged under 18 lives in poverty. The issue of child labour has been a priority for the Government, which aims at fully eliminating it through assistance programmes focused on street children and child workers and other key programmes that provide such children with adequate protection.

139. As part of its strategy to eliminate child labour, the State has drafted and applies a list of hazardous jobs. This list is the result of a process led by the National Commission for the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers (created by Presidential Decree No. 18835/02) which involved workers' and employers' organizations, governmental institutions, specialists, NGOs, community stakeholders at the national level, and children and adolescents. The participants in this process reached a consensus on 24 activities which they classified as hazardous.

140. Paraguay has established legal provisions and is taking special measures to protect adolescent workers and to prohibit child labour. It is aware that the poverty that continues to affect a large part of the country is a factor in its high rates of adolescent labour. The Government is also aware that poverty and social exclusion do not only deprive people of nutrition, health and education, but that they can also cause families to engage in such practices as child labour in order to survive. Child labour increases the likelihood of children contracting diseases and becoming victims of abuse and sexual exploitation, and it reduces or destroys their opportunities to access education and recreation.

141. The Abrazo Programme is an example of a specific activity being carried out by the State. It was launched in November 2008 with the aim of gradually eliminating child labour among street children. The programme is coordinated by the National Secretariat for Children and Adolescents in accordance with Executive Decree No. 869 of 18 November 2008. An early childhood component was added in order to combat the practice of using children aged under 5 to beg on public streets.

P. Recommendation contained in paragraph 22 of the concluding observations

142. The Government of Paraguay has launched a universal birth registration and civil identity documentation programme. The main aim of the programme is to develop a system to support the registration process and extend access to civil identity documentation for children and adolescents, with the involvement of their parents. The system should ensure effective compliance with the principles of universality, cost-free service, timeliness, security and simplicity. More specifically, the aim is to ensure access to birth registration and civil identity documentation for 300,000 children and adolescents in 100 municipalities in nine of the country's departments within a period of three years, using a strategy of coordinated outreach activities in schools and health centres. The Minister responsible for the National Secretariat for Children and Adolescents, the Minister of Justice and Labour, the Minister of Education and Culture and the Minister of Public Health and Social Welfare have all signed pledges to ensure the system's implementation, which is also supported by international cooperation agencies.

143. Pursuant to Resolution No. 1131, in June 2009 the Ministry of Education and Culture established that schools are responsible for promoting and facilitating access to birth registration and certification among their pupils.

144. The introduction of this strategy will allow universal birth registration to be accomplished through the country's schools, as the institutions closest to the community. It

will also enable civil registry officials to reach the most remote communities and register children on the basis of a community census undertaken by teachers.

145. Teachers are encouraged to take a key proactive role in preventing corrupt practices such as unlawful charges for a birth certificate or identity card. The registration of a birth and the initial birth certificate are provided free of charge. There is likewise no fee for a first identity card, as provided for in Act No. 1377/99. Training programmes covering the relevant procedures have been launched for school administrators and teachers serving as contact points in 82 districts and, as of 30 October 2010, 2,700 school administrators and teachers in 78 districts had received instruction. Activities are also planned in districts that have been identified as being of strategic importance for birth registration efforts because of their remoteness, such as Tomas Romero Pereira, Edelira, Ñacunday and San Juan Bautista de Ñeembucú.

146. To initiate the data collection work, census forms were distributed to pupils and families in five districts; that process is now complete. The work was carried out with support from civil society organizations and the United Nations Investing in People Programme, which is coordinated by the National Secretariat for Children and Adolescents. The Ministry of Justice and Labour has also organized mass registration and certification campaigns to ensure access for people living far from urban centres.

147. The records of the Civil Registry, which forms part of the Ministry of Justice and Labour, indicate that between September 2008 and September 2010:

- (a) 9,138 births were registered for the first time;
- (b) 18,276 birth certificates were issued;
- (c) 22,104 replacement birth certificates were issued electronically;
- (d) 6,686 replacement birth certificates were issued manually;
- (e) 39,986 duplicate birth certificates were issued;
- (f) 44,257 first-time identity cards were issued;
- (g) 15,468 replacement identity cards were issued;
- (h) 10,405 indigenous identity cards were issued.

148. Paraguay is developing computerized civil registration procedures, and paper documentation is being phased out. The need to provide citizens with new and better services related to their fundamental right to a civil identity is the main driver behind the Government's continuing efforts to identify accessible, effective, safe and sustainable means of delivering these services to all citizens irrespective of their cultural and financial circumstances and geographic location. To achieve the objectives of this drive, the Organization of American States (OAS) is helping the Civil Registry to digitize its registration records and decentralize its database by installing virtual private networks in such locations as, for example, offices of the Identification Department of the National Police, departmental head offices of the Civil Registry, hospital maternity wards and social security offices. The incorporation of digitized civil records into the database will facilitate information exchange among Government institutions working in such areas as health, education and migration and provide the inputs needed to generate vital statistics for use in the formulation of social and economic development plans. Support activities are also planned for a campaign to raise awareness of the importance of civil identity records that should help generate methodologies that can be replicated at the national level and thereby help to cement a culture of registration throughout the population.

Q. Recommendation contained in paragraph 23 of the concluding observations

149. Land titles to a total land area of 55,970 hectares were granted to 14 small indigenous communities in 2008 and 2009.

150. Paraguay's general expenditure budget for 2010 earmarks approximately US\$ 5 million for the acquisition of nearly 58,750 hectares for six indigenous communities, which include those that have filed claims with the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights.

151. The executive has established a master plan for 2010–2020 and the Land and Ethnic Development Programme drawn up by the National Institute for Indigenous Affairs, which sets a target for land title awards of 279,850 hectares by 2013, has been subsumed into this plan.

152. Title has been awarded to 15 indigenous communities in respect of a total of 27,284 hectares of land. Title is to be granted to a further 60,750 hectares using a special budget allocation established by the executive within the framework of the master plan.

153. In the past two years, the executive has promulgated a number of important presidential decrees which establish guidelines for action in favour of indigenous peoples. These include Decree No. 1945/2009, creating the National Comprehensive Support Programme for Indigenous Peoples, which involves various State bodies and is coordinated by the National Institute of Indigenous Affairs, and Decree No. 1595/2009, establishing the Inter-Agency Commission on the Enforcement of International Judgements to ensure compliance with decisions handed down by the Inter-American Court of Human Rights and recommendations issued by the Inter-American Commission on Human Rights.

III. Progress towards full enjoyment of the rights recognized in each article of the Covenant**A. Article 1**

154. Government policy is designed to ensure that human rights are mainstreamed and prioritized throughout the public administration. The Executive Branch Human Rights Network was established by Decree No. 2290/2009 to help achieve this aim. The decree states that the Human Rights Network shall take the action necessary to ensure the long-term, sustainable mainstreaming of human rights, working in partnership to coordinate and harmonize the policies, plans and programmes developed within the executive. The Network laid the groundwork for the creation of specialized human rights units in all State bodies that did not yet have one and has both a strategic plan and a biannual plan of action. The strategic decision to create a Government network was also driven by the need to secure a far-reaching public-sector commitment to promoting human rights, rather than confining responsibilities in this area to a single specialized secretariat. Looking to the future, this should ensure that all State institutions, whether decentralized or centralized, use proper budget programming procedures to ensure that their human rights planning processes are integrated into the country's public administration.

155. Important legislative advances include the adoption of Act No. 3232/2007 on credit assistance for indigenous communities and Act No. 3733/2009, which earmarks 1 per cent of higher education scholarships for the indigenous population. The National Institute of Indigenous Affairs has adopted Resolution No. 2039 on consultation with indigenous communities.

156. The various human rights directorates within the executive branch of government together constitute an institutional network of increasing strength which provides a platform for discussing and addressing complex cases of violations which call for coordinated action on the part of various State agencies. The Executive Branch Human Rights Network has a mandate to formalize and develop a national human rights network and, in practice, representatives of the three branches of government and of the Ombudsman's Office (Office of the Parliamentary Commissioner) already participate in its plenary sessions. This will allow for an extension of human rights safeguards in the future.

157. In December 2009, fees were eliminated for all medical and dental services, medicines, biological inputs and ambulance services provided in hospitals, health centres and clinics, family health-care units and other parts of the service network managed by the Ministry of Public Health and Social Welfare. It is estimated that, by the end of 2010, users will have been exempted from charges totalling 8 billion guaraníes.

158. To reduce inequalities in health care attributable to poverty, in 2009 the authorities began the progressive introduction of charge-free access to treatments for the precancerous lesions associated with cervical and breast cancer, including cryotherapy, cervical conization, loop electrical excision, mammographies and breast biopsies.

159. This health policy measure is having a marked impact in two interrelated respects. Firstly, it constitutes affirmative action to facilitate the exercise of the right to health, since it significantly reduces families' out-of-pocket expenses for health care and treatment, thereby supporting the poverty reduction component of the Government's social policy. Secondly, it facilitates and extends access to public health services. This is attested to by the significant increase in medical consultations and patient numbers, among other indicators, seen in the course of 2009. In fact, there were 1,401,871 more consultations in 2009 than in 2008 (an increase of 26 per cent).

160. To date, a total of 276 family health-care units have been established in the 144 districts of the 18 health regions with the highest poverty indices. These units serve approximately 1,104,000 persons, or about 19 per cent of Paraguay's population. The family health-care units form part of the primary health-care strategy, which introduces a new paradigm in health care model based on the premise that health-care needs and problems, whether simple or complex, should be provided for close to home, with input from the local community and throughout individuals' lives, by family health-care teams composed of doctors, nurses, nursing auxiliaries and community health workers.

161. This strategy is the cornerstone of a national health system composed of various health-care networks, with the network of family health-care units serving as the point of entry. The aim is to reduce social exclusion by extending the system's reach and facilitating access to the different health-care networks.

162. The strategy also makes it possible to address the social factors at the root of many health problems on the basis of the social territories in which people live and engage with each other. This approach makes use of community involvement and participation to ensure fulfilment of people's political, civil, social, economic and cultural rights.

163. The Secretariat for Women of the Office of the President organized a round table on gender and health in Ciudad del Este in Alto Paraná Department. A total of 15 professionals (11 women and 4 men) who work in the tenth health region in Ciudad del Este attended the round table in order to familiarize themselves with programme and project analysis concepts and tools and approaches for mainstreaming the gender perspective in planning processes. Three training courses have been organized for health-care professionals working in the maternity hospital in the San Pablo neighbourhood of Asunción on the following subjects: gender, health and sex; access to and monitoring of health-care resources; and stereotypes, empowerment, development and practical and strategic

approaches. These courses, which were attended by 144 people (113 women and 31 men), seek to impart an understanding of the fact that different groups have differing needs that must be identified if health professionals are to respond appropriately to those needs. The ways in which gender roles and relationships influence health were also covered, and a service action plan was drawn up. Work is under way to disseminate information on women's sexual and reproductive rights and the prevention of illness, along with reports on all deaths of women of childbearing age (i.e., between 10 and 54) in the three health regions with the greatest concentration of women in this age bracket: Asunción, Central Paraná and Alto Paraná.

164. The recently established Directorate-General for Health Care for Indigenous Peoples has the task of achieving indigenous peoples' gradual integration into the health-care system operated by the Ministry of Public Health and Social Welfare. This process will give members of indigenous communities direct access to health-care benefits, including reproductive health care for indigenous women.

165. In 2009 and 2010, identity cards were issued to members of 38 indigenous communities, and 848 births were recorded in the Civil Registry. The National Institute for Indigenous Affairs also issued a total of 3,968 identity cards to indigenous persons in 2010. These figures attest to the fact that a great deal of progress has been made in this respect, since, according to the results of the indigenous population census conducted in 2010, some 50 per cent of the indigenous population had no national identity document.

166. Since 2008, the Directorate of Mineral Resources, which is attached to the Office of the Deputy Minister for Mining and Energy of the Ministry of Public Works and Communications, has taken the following actions in accordance with article 1, paragraph 2, of the Covenant: (a) a publicly accessible register of mines has been published; (b) publicly available geological information has been distributed free of charge; (c) a forum for dialogue has been established in order to open the way for sustainable solutions for conflicts with small-scale gold miners in the Paso Yobai region of Guairá Department; (d) inter-agency meetings with representatives of small-scale mining ventures in the Paso Yobai region have been organized to examine the miners' situation; (e) a meeting has been held with the Armaments Directorate (DIMABEL) to discuss the supply of explosives for use in mining operations; and (f) a report on the amendment to Mining Act No. 3180/07 concerning the employment of juveniles in mining activities has been submitted to the Ministry of Justice and Labour.

167. In addition, the Directorate of Energy Resources, which is under the authority of the same Deputy Minister, has provided Brazil with information on Paraguay's position regarding the following issues in relation to Itaipú Binacional: (a) recovery of sovereignty over the country's hydroelectric resources; (b) fair energy prices; (c) debt review; (d) joint administration (co-management); (e) transparency and oversight; (f) completion of pending works. Negotiations regarding these issues are ongoing. An agreement between the two presidents, Fernando Lugo of the Republic of Paraguay and Luiz Inácio Lula da Silva of the Federal Republic of Brazil, was signed on 25 July 2010. Also in application of the provisions of article 1, paragraph 2, Paraguay has lodged claims with Argentina regarding the passage of Paraguayan energy through Argentine territory en route to Chile and Uruguay.

168. With regard to the provisions of article 1, paragraphs 1 and 2, of the Covenant, Paraguay is taking part in the EURO-SOLAR Programme, which it approved by Act No. 3557/08. The country's participation in this initiative is coordinated by the Deputy Minister for Mining and Energy under Agreement No. ALA/2006/017-223 on non-reimbursable financing signed between the European Commission and Bolivia, Ecuador, El Salvador, Guatemala, Honduras, Nicaragua, Peru and Paraguay.

169. The aim of the EURO-SOLAR Programme in Paraguay is to improve the living standards of rural communities that lack connections to the electricity grid by installing a total of 45 electricity generation kits consisting of photovoltaic panels that will support the development of basic services in the following areas: (a) social services (electricity hook-ups in key locations in the community, such as squares, schools, community centres, health centres, etc.); (b) education (computers and educational support); (c) telecommunications (satellite Internet access and IP voice telephony); and (d) health (water purifiers and refrigerators for storing vaccines).

170. Paraguay's total funding under the programme amounts to 2,156,250 euros; this includes 1,706,250 euros donated by the European Union in the form of technical assistance and equipment supplies. The local counterpart funds (450,000 euros) cover offices, staff and operating expenses such as Internet connection charges.

171. The rural electrification project developed with technical and financial assistance from the Latin American Energy Organization (OLADE) and the University of Calgary, working through the Canadian International Development Agency, has been implemented in the indigenous community of La Patria located in Puerto Pinasco in the Department of Presidente Hayes.

172. The aim of this initiative was to improve living conditions in the beneficiary community by investing in a production project and a social project involving renewable energy and energy efficiency components. The total investment of approximately US\$ 60,000 will be repaid by the beneficiaries from the income generated by the production project. The funds repaid by the beneficiaries will be used to finance other projects in that community and in other areas of the country.

173. The production project consists of a bakery that uses carob, a product found in abundance in the area, as its main ingredient. It is managed by the Angaité Community Development Association, a group formed by residents of the La Patria community. The Association's administrative responsibilities are set out in a fund management agreement signed by it, as the contractor, with the Deputy Minister for Mining and Energy, as the representative of OLADE, and the non-governmental organization MINGARA, as the principal. The social component of the project entailed the provision of 10 wood-fired stoves to an equal number of families. These stoves will ease the women's daily lives, make their environments more healthful and reduce the environmental impact of using wood to cook food.

174. A number of important presidential decrees have been issued which establish guidelines for measures designed to benefit indigenous peoples. These include Decree No. 1945 of 2009, which created the National Comprehensive Support Programme for Indigenous Peoples. Various State agencies participate in this programme, which is coordinated by the National Institute for Indigenous Affairs. In addition, Decree No. 1595/2009 established the Inter-Agency Commission on the Enforcement of International Judgements to ensure compliance with decisions handed down by the Inter-American Court of Human Rights and recommendations issued by the Inter-American Commission on Human Rights.

175. For the first time in its history, the Government, working through the Executive Branch Human Rights Network, has held consultations on anti-discrimination policies with all segments of civil society. It has also organized forums and hearings in partnership with the network of civil society organizations working to combat all forms of discrimination and has established channels of dialogue for the identification of strategic actions. The main subjects of discussion have been the protection of individuals' right not to be subject to discrimination, the State and its institutions as guarantors of security and the empowerment of persons living in poverty.

B. Article 2

176. The anti-discrimination bill currently being considered in the Senate expressly prohibits discrimination against ethnic minorities and persons of African descent. Although the State prohibits discrimination, it does recognize cultural diversity, and indigenous persons therefore enjoy special rights based on their specific culture.

177. In application of this policy, the Government has adopted a series of laws, decrees and specific measures to safeguard the rights of indigenous peoples.

178. In 1981 it passed Act No. 904, the Indigenous Communities Statute, which establishes indigenous communities' right to land and legal personality. This statute also provides for the creation of the National Institute of Indigenous Affairs, the body with oversight responsibility for this area.

179. A number of important executive decrees and administrative resolutions have also been adopted in the past two years with the aim of enforcing the rights recognized in national and international instruments.

180. Indigenous peoples have all the rights enjoyed by all Paraguayans, but they also have some special rights and special administrative and legal forums.

181. As the lead agency for indigenous policy, the National Institute of Indigenous Affairs, in conjunction with other State bodies, is responsible for overseeing and implementing actions to ensure respect for the rights of indigenous persons, both as individuals and as peoples with their own culture.

C. Article 3

182. The Secretariat for Women of the Office of the President has made significant advances in achieving the gender mainstreaming necessary for the formulation and application of public policies in accord with international treaties and domestic laws. Women's rights have been promoted in many different ways. Both in the capital city and in the provinces, new gender units have been established and specific budget allocations have been assigned to many of them, while political debate has highlighted the need to give due consideration to women's interests and expectations.

183. The Constitution protects Paraguay's indigenous peoples' right to apply their customary laws and system of jurisdiction within their communities. The Government of Paraguay has signed the United Nations Declaration on the Rights of Indigenous Peoples and is a party to the International Labour Organization (ILO) Convention concerning Indigenous and Tribal Peoples in Independent Countries (No. 169). Both texts expressly recognize indigenous people's right to self-determination. Thus, by becoming a party to these instruments, Paraguay has incorporated indigenous peoples' right to self-determination into its domestic legislation.

184. Organized indigenous communities are free to administer their resources as they wish, in accordance with Act No. 904/81, the Indigenous Communities Statute. The National Institute of Indigenous Affairs has made the right to ethnic development a central focus of its plan of action; this concept is understood to mean that indigenous communities have the right to use their land as they see fit in accordance with their own culture and their own vision of development.

185. In accordance with article 3 of the Covenant, the Council of the Judiciary has added cross-cutting courses to the curricula of its Judicial Training College that are specifically aimed at guaranteeing respect for the civil and political rights set forth in the Covenant.

186. The Government guarantees citizens' right to justice and works to remove any obstacles that might interfere with the transparency of the process by which their representatives select members of the judiciary. The Council of the Judiciary has a central role in this process, as the body responsible for drawing up shortlists of candidates. Its remit is to propose those persons whose profiles it considers best suited to the functions they will be required to perform. The Council ensures that human rights are duly protected through the performance of the duties entrusted to it under article 264 of the Constitution in accordance with articles 269 and 275, on the powers and duties of the Council. It therefore also plays a direct part in the system of justice established for dealing with complaints concerning judicial matters. To improve its institutional framework, a participatory strategic plan for the Council, which includes respect for human rights as one of its cross-cutting themes, is in the drafting stage.

187. In Decree No. 1730/09, which governs the organization of one of its departments, the Ministry of Justice and Labour included the first-ever reference in such a document to "access to justice" as a responsibility and a right in connection with the promotion of actions that facilitate access to justice, particularly for persons in situations of vulnerability.

D. Article 4

188. By Act No. 3994/10, in May 2010 the Government of Paraguay declared a 30-day state of emergency in certain, clearly-defined areas of Concepción, San Pedro, Presidente Hayes, Amambay and Alto Paraguay departments. It took this step in response to the serious disruption of internal order caused by insurgent groups operating in those areas, which was endangering the normal operation of constitutionally established bodies, the life, liberty and human rights of individuals, and their personal property. The declaration was made in accordance with constitutional mechanisms, i.e., with the required authorization, for periods of time falling within the allowed range, and subject to an oversight mechanism established and implemented by Congress.

189. Sufficient information on the scope of the aforementioned measure was provided to the country's population and to regional human rights organizations such as the Inter-American Commission on Human Rights, and there were no reports of human rights violations during the state of emergency.

190. While the state of emergency was in effect, information about the applicable legal provisions was widely disseminated and, in conjunction with local authorities, permanent service and assistance centres were set up to provide guidance, institutionalize preventive measures and process any complaints of alleged abuse. A free helpline was also established.

191. During the state of emergency, Government departments and secretariats publicized the existence and work of the newly created information centres of the Executive Branch Human Rights Network, prepared documents providing information about the state of emergency for distribution among the various State agencies, and distributed leaflets provided by the Human Rights Network to the different programmes and projects. Representatives also took part in meetings organized by the Human Rights Network to seek consensus on the work to be done while the state of emergency remained in place.

192. Visits were paid to departmental and municipal government offices to hand out leaflets to explain how the Human Rights Network's information centres' reporting mechanism was to be used, to raise awareness of the mechanism among the communities subject to the state of emergency, and to designate points of contact or liaison between departmental governments and the information centres. The staff of the information centres were organized into shifts in order to be on call for any complaints that might be lodged by citizens.

E. Article 5

193. In accordance with the provisions of article 5 of the Covenant, the Ombudsman's Office has worked ceaselessly to promote human rights and, in particular, to ensure the State's compliance with its international obligations. To this end, it has drawn the attention of the relevant public institutions to the recommendations made in relation to the provisions of article 5, paragraph 2, of the Covenant, and has referred to them in official documents, including its human rights policy paper, which covers rights enshrined in the International Covenant on Civil and Political Rights.

194. As the body responsible for initiating and administering criminal proceedings pursuant to the Constitution and prevailing legislation, the Public Prosecution Service has specialized units for handling human rights offences. These units are responsible for investigating human rights violations that are punishable under criminal law, such as torture, the infliction of bodily harm by persons acting in an official capacity, the use of duress to obtain statements, persecution of innocent people and wrongful punishment. In the past four years, 1,072 cases of alleged human rights violations have been investigated in Paraguay.

F. Article 6

195. Action to safeguard indigenous peoples' right to life is focused on the three complementary areas — land/territory, participation and ethno-development — that constitute the priority areas of indigenous policy in Paraguay. In addition, to provide indigenous families with adequate standards of living and to ensure their health and nutritional status, assistance is provided under the National Comprehensive Support Programme for Indigenous Peoples, a network of various State agencies that is coordinated by the National Institute of Indigenous Affairs.

G. Article 7

196. The legal framework for the enforcement of this provision was described in the previous periodic report and has not changed. We will therefore proceed to describe some of the specific actions taken by State institutions to ensure compliance with this article of the Covenant.

197. The Directorate of Civil Affairs, Human Rights and International Humanitarian Law has been established within the country's Armed Forces and a training programme on human rights and international humanitarian law has been approved by the Armed Forces High Command (General Order No. 237/02). As part of this programme, courses, seminars and workshops on human rights and international humanitarian law are offered in all military training institutions to officers of all ranks. Military officers assigned to peacekeeping missions receive specialized training prior to departure.

198. Within the Ministry of Defence, the Directorate of Legal Affairs, Human Rights and International Humanitarian Law has been established. This office, like its counterpart in the Armed Forces, works to raise awareness and enforces regulations related to human rights and international humanitarian law.

199. By Special Order No. 105/06, the Armed Forces Command resolved to raise awareness of these regulations in all barracks, among all young people entering military service, and among the management and staff of offices of the Public Prosecution Service and other State agencies involved in receiving, processing and investigating complaints of ill-treatment, torture and other violations of human rights by troops. To this end, posters

have been placed in visible places, and teaching materials have been prepared on laws, regulations and principles that promote the observance of humanitarian standards. These include a guide for soldiers, a handbook on humanitarian standards and a guide entitled *Derechos Humanos: Compromiso de Todos* (human rights: a commitment for all).

200. The Public Prosecution Service Training Centre organizes regular courses and seminars designed specifically for prosecutors and public officials attached to its Specialized Human Rights Units. These training exercises cover the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its scope and the obligations assumed thereunder, as well as other international human rights instruments.

201. In view of the importance of ensuring effective criminal prosecutions in cases of torture, the Public Prosecution Service determined that prosecutors needed an effective tool for accessing a comprehensive legal knowledge base that would facilitate the investigation of cases. This led to the development of a handbook for use in training public prosecutors, legal officers and other persons involved in human rights issues how to protect the rights of victims.

202. With a view to standardizing operations, the Government is working on the production of a series of practical guides for public officials. For example, in March 2006 it published a practical handbook on the investigation of cases of torture that focuses specifically on the inquiries which public prosecutors should initiate upon learning of a torture-related offence (investigative activities, victim support and interviewing). The Prosecution Service Training Centre has also prepared materials on the use of flow charts as investigative planning tools for prosecutors.

203. By Resolution No. 176/10, the national police force established a system for registering persons who are taken into custody. This system serves as a preventive mechanism and helps to ensure respect for human rights. The information recorded in these registers includes the legal grounds for deprivation of liberty, the exact time at which detention began, how long it lasted, the party responsible for its authorization and the identity of the law enforcement officers concerned, as well as precise information on the place of detention, the time at which the competent authorities were informed, the method of communication used and the time at which the detainee first appeared before a judge or other authority.

204. Use of the registration system is compulsory, and records are maintained in duly paginated, bound logbooks. The above-mentioned resolution also states that police station chiefs are responsible for training and supervising police personnel in the proper completion and lawful use of the registers.

205. A system for visiting and monitoring police stations to assess the situation of detainees in situ has been introduced as a proactive measure to help prevent abuse in police stations. The system is operated jointly with the Ombudsman's Office.

206. A master list of the reports on persons held in police stations prepared by the National Police Department of Order and Security is another preventive measure. These listings record the number of persons arrested or detained, the ages of these persons and the grounds for their arrest or detention. They serve, firstly, as a means of resolving any cases of unlawful detention and, secondly, as an oversight mechanism for discouraging judges from using police stations as prisons.

207. With a view to strengthening police procedures as they relate to the protection of human rights, the authorities have set themselves the task of drawing up police protocols to serve both as a practical tool and as a monitoring and control mechanism.

208. Various procedures have been defined in protocols of this nature. To date, these include: a protocol for assistance and referrals in cases involving child, adolescent and adult

female victims of domestic violence (which incorporates measures applying to all vulnerable groups, such as the elderly and persons in a dependent relationship or position of inferiority, including domestic workers and children working as domestic servants under the *criadazgo* system, etc.); a protocol for dealing with large-scale evictions; a protocol for dealing with building takeovers by squatters; a compulsory system for registering persons taken into custody which serves as a means of monitoring compliance with procedural principles; and regulations and guidelines for the progressive and differentiated use of force. Additionally, the Office of the National Police Commander brought disciplinary proceedings against 117 police officers suspected of such offences as physical abuse and the infliction of bodily injury. As a result of the ensuing investigations, 106 officers have been suspended, 4 dismissed and 7 cleared of all charges.

H. Article 8

209. Since the submission of Paraguay's second periodic report, Act No. 3440/08 has been enacted. This law amends some articles of the Criminal Code and defines the new offence of "trafficking in persons for purposes of labour or personal exploitation". The amended articles include the following:

"Article 129 (a) – Pimping: Anyone who exploits a person engaged in prostitution, deriving profit from that person's earnings, shall be sentenced to a term of imprisonment of up to 5 years.

[...]

Article 139 – Procuring: (1) Anyone who induces a person into prostitution who is: 1. under 16 years of age; 2. between 16 and the age of majority by exploiting their helplessness, trust or naivety; or 3. between 16 and the age of majority who is in their care, shall be punished by imprisonment for up to 5 years or by a fine. (2) If the offender acts for commercial gain, the penalty shall be increased to imprisonment for up to 6 years. Articles 57 and 94 shall also apply. (3) If the victim is under 14 years of age, the penalty shall be increased to imprisonment for up to 8 years."

210. The new offences defined as such are:

"Article 129 (b) – Trafficking in persons for purposes of sexual exploitation. (1) Anyone who, taking advantage of a person's situation of constraint or vulnerability owing to that person's presence in a foreign country, induces or coerces that person to engage in or to continue to engage in prostitution or in the performance of sexual acts, with another person or in front of another person, for purposes of sexual exploitation, shall be punished by imprisonment for up to 8 years. The same punishment shall apply to anyone who coerces another person under 18 years of age to engage in or to continue to engage in prostitution or the performance of acts referred to in paragraph 1. (2) A prison sentence of up to 12 years shall be imposed upon anyone who uses force, threat of considerable harm or deceit to: 1. coerce another person to engage in or to continue to engage in prostitution or the performance of sexual acts referred to in subsection 1, paragraph 2; or 2. recruit another person with the intent to induce them to engage in or to continue to engage in prostitution or the performance of sexual acts referred to in subsection 1, paragraph 2. (3) The same punishment shall apply if the victim is: 1. under 14 years of age; or 2. exposed to serious physical abuse or mortal danger. (4) The same punishment shall be imposed upon anyone who acts in a commercial capacity or as a member of a gang formed for the purpose of committing acts referred to in the previous paragraphs. In this case, articles 57 and 94 shall also apply. The victim's

consent to any type of exploitation shall not be taken into consideration if any of the methods referred to in this article have been employed.”

Article 129 (c): “Trafficking in persons for purposes of labour or personal exploitation: (1) Anyone who, taking advantage of another person’s situation of constraint or vulnerability owing to that person’s presence in a foreign country, subjects that person to slavery, servitude, forced labour or similar conditions or forces such a person to perform or continue to perform work under conditions that are far inferior to those enjoyed by other persons performing identical or similar jobs shall be sentenced to imprisonment for up to 8 years. The same sentence shall be imposed upon anyone who subjects a person under 18 years of age to slavery, servitude, forced labour or similar conditions or forces such a person to perform the type of work referred to in paragraph 1. (2) A prison sentence of up to 12 years shall be imposed upon anyone who uses force, threat of considerable harm or deceit to: 1. subject a person to slavery, servitude, forced labour or similar conditions or forces a person to perform or to continue to perform the type of work referred to in subsection 1, paragraph 1; 2. recruit a person with the intent to subject that person to slavery, servitude, forced labour or similar conditions or force the person to perform or to continue to perform the type of work referred to in subsection 1, paragraph 1; or 3. recruit a person with the intent to facilitate the removal of bodily organs without the person’s consent. (3) Article 129 (b), paragraphs 3 and 4, shall also apply. The victim’s consent to any type of exploitation shall not be taken into consideration if any of the methods referred to in this article have been employed.”

211. At the administrative level, Resolution No. 230/09 of the Ministry of Justice and Labour provides for the establishment of the Commission on the Protection of Fundamental Rights at Work and the Prevention of Forced Labour. Its objective is to implement national and international labour standards and instruments (in particular the International Labour Organization (ILO) Forced Labour Convention (No. 29), the ILO Abolition of Forced Labour Convention (No. 105) and the ILO Indigenous and Tribal Peoples Convention (No. 169), whose practical application is to be monitored by the ILO Committee of Experts on the Application of Conventions and Recommendations).

212. The above-mentioned Commission has carried out the following actions: dissemination of the ILO conventions ratified by Paraguay; implementation of an inspection programme in Chaco (which was already planned as part of the activities carried out in 2010 by the Office of the Deputy Minister for Labour and Social Security); training for labour inspectors (September 2009); a seminar to disseminate information and raise awareness among representatives of the business sector; printing and publication of a book on ILO Convention No. 169 in three languages: Nivaclé, Guaraní and Spanish; and a study on indigenous women and the labour market, which includes recommendations for improvements in public policies.

213. Furthermore, in the light of the Government’s concern about health and safety in the workplace and its commitment to full protection of the right to just and favourable conditions of work through the adoption of measures to prevent occupational accidents and illnesses, in February 2009 the executive branch signed a tripartite agreement with the ILO Subregional Office for the Southern Cone of Latin America and the principal public and private workers’ and employers’ organizations to implement the Decent Work Agenda. This agreement provides for the implementation of health and safety standards in the workplace, which is one of the main focuses of the Agenda.

214. In May 2010, the Secretariat of the Civil Service, the Ministry of Public Health and Social Welfare and the Ministry of Justice and Labour signed a framework convention on inter-agency assistance and cooperation, under which the parties made a commitment to achieve the following objectives: (a) monitoring working conditions in public institutions

and sound risk management; (b) establishment of in-house accident prevention committees; and (c) training civil servants in the areas of health and safety standards in the workplace, fire prevention, the creation of evacuation plans and the organization of evacuation drills.

215. The parties will also conduct joint inspections and investigations to ensure the effective implementation of current regulations. Each of these institutions will carry out the activities covered by the agreement insofar as its budgetary resources permit.

216. The Government is making every effort to encourage good practices in ensuring that indigenous persons have access to decent work. Cases of paid servitude have been reported in the Central Chaco region and, in response, the Ministry of Justice and Labour has taken appropriate measures to impose sanctions on the employers in question and raise awareness of the labour rights of indigenous persons.

217. Indigenous prison inmates receive literacy training and support for crafts-related or other small-scale production activities as part of their rehabilitation.

I. Article 9

218. A draft resolution by the Office of the National Police Commander, which was submitted in September 2010, is currently under consideration with a view to its approval. Once adopted, it would establish minimum standards in respect of police custody and an institutional communication mechanism to safeguard the right to defence and ensure compliance with procedural time limits.

219. In order to protect the rights of any person who is subjected to a search or who is arrested or detained by the national police, an exhaustive review of police training programmes has been conducted in conjunction with the International Committee of the Red Cross and national and international experts to ensure that principles and recommendations concerning promotion and respect for human rights are observed by the police force. Moreover, as part of the Government's fulfilment of its commitment to human rights, human rights training materials for police officers are being reviewed and produced on an ongoing basis. These materials include a trainers' training manual on the rights of vulnerable groups, a guide to human rights for police officers and a guide to community outreach.

220. The Ombudsman's Office receives citizens' complaints, channels those complaints, works to promote and protect human rights, files for habeas corpus and amparo in cases in which it intervenes, and requests reports from State authorities so that it can monitor their actions and ensure that due process is observed. Compliance with such requests is mandatory.

221. Efforts to improve coordination with the Ombudsman's Office have been carried out in spite of funding gaps; for example, none of the representatives of the Ombudsman at the departmental level outside of Asunción have their own office space but instead use offices provided to them by municipal and provincial governments.

222. Part of the role of the Ombudsman's Office is to monitor compliance with due process when it receives a complaint alleging a violation of procedural rights and to do so on an ex officio basis during the visits it makes to prisons. The Ombudsman's Office also channels complaints to the appropriate bodies so that they can remedy the violations.

223. An action plan has been developed under which specialized prosecution units responsible for investigating human rights offences are to be established, outfitted and strengthened in the capital and in other cities around the country. This measure is intended to ensure that investigations are conducted in accordance with the specific technical regulations applying to human rights cases.

224. Importance will also be given to other aspects, such as comprehensive protection for victims, the implementation of effective safeguards for the chain of custody of all evidence by trained, specialized staff, and the work of a team of forensic professionals highly trained in medical, psychological and psychiatric assistance and treatment for victims.

225. There is, nonetheless, room for improvement in many aspects of the system for ensuring access to justice. Institutional efforts are being made, however, and the initial results of the commitment to achieving success in this regard can already be seen. The Public Prosecution Service has coordinated inter-agency actions on the part of its Human Rights Directorate, the Directorate of International Affairs, and the Office for Technical Assistance (which includes the forensic laboratory and the Victim and Witness Assistance Centre), along with its Specialized Human Rights Units. A uniform model that is in accordance with the international treaties ratified by Paraguay serves as the framework for these actions. The work being done in this area demonstrates a paradigm shift in the policy of the Public Prosecution Service in Paraguay with regard to the prosecution and punishment of human rights offences, with the ultimate goal being to prevent impunity.

J. Article 10

226. The Supreme Court has adopted Agreement No. 222/01, which establishes procedural guidelines for the criminal justice enforcement system. These guidelines for monitoring respect for human rights and the application of safeguards within the prison system as set out in the Constitution, international law and ordinary law are designed to protect convicted and accused persons' right to human dignity and to uphold the principles of equal treatment and procedural expeditiousness at all times.

227. The procedures used in criminal cases involving indigenous persons, either as victims or as victimizers, take indigenous customary law into consideration. To that end, the Directorate of Ethnic Rights was established under the Public Prosecution Service to handle complaints involving indigenous persons. Indigenous persons have become familiar with the procedures for submitting complaints, which are handled with a view to protecting their freedom and safety. If the persons involved do not have a lawyer, a public defender is appointed free of charge.

228. The Ombudsman's Office visits police stations and prisons throughout the country in order to protect and promote human rights. It also participates in the inter-agency commissions set up to monitor places of detention and makes recommendations concerning respect for detainees' human rights. These commissions include the Inter-Agency Commission on Visits to Juvenile Detention Centres and the Inter-Agency Commission on Visits to Prisons.

229. These commissions have conducted visits every year since their establishment and, on the basis of their findings, make recommendations with a view to improving the country's prison system. In accordance with the principle established in book V of the Code on Children and Adolescents (Act No. 1680/01), which states that adolescents subject to custodial measures are to be placed in specialized establishments designed to further their education, in recent years the Government has invested in the construction of three new rehabilitation centres in Villarrica, Ciudad del Este and Concepción and in improvements in the infrastructure and equipment of three other rehabilitation centres. The total investment for the 2008/09 fiscal year amounted to 1,604,711,787 guaraníes; that is, 13 per cent of the budget allocated to the Directorate-General for Youth Offenders for that period.

230. The country has six rehabilitation centres, as well as a minors' wing in the regional prison in Encarnación. These facilities have a total capacity for 285 inmates, and there are

currently 257 young persons in custody (31 of these persons have received a final judgement while 226 are under prosecution).

231. The infrastructure in the rehabilitation centres essentially consists of classrooms and workshops for the provision of occupational training. These facilities make it possible to implement the PRODEPA bilingual basic education programme in cooperation with the Ministry of Education and Culture in all six rehabilitation centres. A total of 250 adolescents are enrolled in the programmes: 40 per cent of them attend the level of instruction designed for illiterates or functional illiterates (cycles one to three), 48 per cent attend the fourth cycle (equivalent to seventh, eighth and ninth grades in basic education) and 12 per cent attend the secondary-school distance education programme.

232. Occupational training programmes have been implemented under the Ministry of Education and Culture “Prolabor” programme, the National Training and Work Skills Development System (SINAFOCAL) and the National Occupational Promotion Service (SNPP) of the Ministry of Justice and Labour. Creative workshops have been conducted in cooperation with national and international organizations such as the Juan Salazar Spanish Cultural Centre. These programmes have trained, on average, 276 young persons, or 88 per cent of the total number of young persons in custody, in mid-level occupational skills such as: motorcycle mechanics, computer repair, cosmetology, library science, small-scale farming, earthworm farming, horticulture, recycling, baking, pastry-making, thermal lining installation, crocheting, cooking, Tae Bo, painting (fabrics and canvas), origami, guitar-playing, dance, theatre and others. Health workshops on first aid and prevention (of addictions, flu, HIV, tuberculosis, etc.) have also been held in the various rehabilitation centres.

233. In order to give effect to the provisions in the Code on Children and Adolescents on the need for trained staff in detention centres for young persons, a 2009–2010 training plan for officials was established which places emphasis on human rights and a gender perspective. A total of 173 staff members from the rehabilitation centres participated in these courses.

K. Article 12

234. The Government considers respect for the human rights of migrants to be of fundamental importance, regardless of their migratory status, and deems it vital that States should take effective measures to encourage the integration of migrants in their host country and to eliminate all forms of discrimination, xenophobia and racism. In March 2008 Paraguay adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by means of Act No. 3452/20078. With the passage of Act No. 3533/2008, Paraguay also adopted the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime.

235. The country’s migration policy is framed within the context of the Southern Common Market (MERCOSUR), as Paraguay, along with Brazil, Argentina and Uruguay, is one of the full and founding members of MERCOSUR. Chile, the Plurinational State of Bolivia, Ecuador and Colombia have also joined as associate members.

236. Within this framework, the Meeting of Ministers of the Interior of MERCOSUR and its Associate Member States focused on adopting measures relevant to the mandates of those ministries concerning two main issues: migration and security. Thanks to the combined efforts of the MERCOSUR member States, progress was made in developing rights-based policies on both issues aimed at promoting the well-being of the population.

237. The legislative achievements made in the country are as follows: Act No. 3566/2008, MERCOSUR, Adoption of the Agreement on the Smuggling of Migrants between Member States; Act No. 3567/2008, MERCOSUR, Adoption of the Agreement on the Smuggling of Migrants between Member States, the Plurinational State of Bolivia and Chile; Act No. 3582/2008, MERCOSUR, Adoption of the Agreement on Exemption from Translation of Administrative Documents for Immigration Purposes between MERCOSUR Member States; Act No. 583/2008, MERCOSUR, Adoption of the Agreement on Exemption from Translation of Administrative Documents for Immigration Purposes between MERCOSUR Member States, the Plurinational State of Bolivia and Chile.

238. MERCOSUR agreements have also been concluded on migration regularization. These include: Act No. 3486/2008, MERCOSUR, Adoption of the Agreement on Migration Regularization between the Government of the Republic of Paraguay and the Government of the Plurinational State of Bolivia; Act No. 3577/2008, MERCOSUR, Adoption of the Agreement on the Regularization of Internal Migration of Citizens of MERCOSUR Member States, the Plurinational State of Bolivia and Chile; and Act No. 3579/2008, MERCOSUR, Adoption of the Agreement on the Regularization of Internal Migration of Citizens of MERCOSUR Member States. The following MERCOSUR residency agreements were also approved: Act No. 3565/2008, MERCOSUR, Adoption of the Agreement on Residency between Member States; and Act No. 3578/2008, MERCOSUR, Adoption of the Agreement on Residency for Nationals of MERCOSUR Member States, the Plurinational State of Bolivia and Chile. Paraguay has also promulgated Act No. 3958/2009, which amends chapter I, title IV, article 142, paragraphs 17 and 18, of the Migration Act (Act No. 978/96) and repeals chapter I, title III, articles 126 to 131, and chapter II, title III, article 132, of that same act. The objective of all these regulations is to effectively protect the rights set forth in article 12 of the Covenant.

239. Act No. 1938/2002 provides a general legal framework with regard to political asylum and covers the status of refugees as subjects of the law, their obligations, the prohibition of expulsion and refoulement, extradition, exclusion, termination and revocation of refugee status, and special treatment for women and children. This law also provided for the establishment of the National Refugee Commission and defined its functions. The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted by means of Act No. 3452/2008, and the Protocol was adopted within the framework of MERCOSUR.

240. With regard to freedom of movement, the Government has been apprised of the practice of placing bars or locks on the entrances to some private farms and ranches, which interferes with the free movement of indigenous persons, in particular. Government policy calls for the removal of these locks because they hinder the free passage of indigenous persons. As a legacy of earlier times, in some ranches measures that infringe the freedom and free movement of indigenous persons are still in use. The Government is therefore concentrating its efforts on eliminating these practices, and it has made headway towards finding legal solutions to other problems relating to such issues as private security; some of these measures have been incorporated into the text of a bill that would restrict the use of firearms and private security guards to hinder the free movement of indigenous persons.

241. The Directorate-General of Prisons and Corrections of the Ministry of Justice and Labour keeps statistics on prison inmates which are disaggregated by ethnicity and indigenous group. Indigenous inmates receive literacy training and support for crafts-related or other small-scale production activities as part of their rehabilitation.

L. Article 13

242. The Directorate-General for Migration has submitted the Project on Border Integration and Migration Regularization for Development to the National Technical Unit of the MERCOSUR Structural Convergence Fund. The institutions involved in this project are the Ministry of the Interior and the Directorate-General for Migration, although it will also be supported by border-related administrative institutions such as the Directorate-General of Customs and the National Administration for Navigation and Ports.

243. The legal status of 1,126 migrants has been regularized. Based on this experience, a timetable was established for the Migration Regularization Programme begun in 2010. In the first phase of the programme, a total of 1,247 case files were processed in the city of Pedro Juan Caballero, in the Department of Amambay. The visa status of a large number of Brazilian students attending undergraduate and graduate courses of study in that city was regularized. The second phase of the programme was conducted in April 2010 in Katueté, in the Department of Canindeyú, where 1,166 applications for residency visas were filed and processed.

244. The third phase was carried out in June 2010 in Los Cedrales, where the legal status of 706 persons was regularized. During this phase, a large number of persons who had lived in the country without a visa for more than 30 years were identified. In the fourth phase, the legal status of 933 persons in Santa Rita was regularized in August 2010. The main achievement of these one-day migration regularization events is that they give the people concerned access to the rights of immigrants as set out in the Constitution and in the international instruments ratified by Paraguay.

245. In order to protect these rights and promote legal employment for migrant workers which gives them access to social security coverage, the Legal Advisory Board of the Directorate-General for Migration penalizes employers and companies that violate Migration Act No. 978/96.

246. Paraguay and Argentina have signed a joint framework agreement concerning the issuance of local transit cards in border towns. These cards will speed up border crossings, since cardholders will be given access to a dedicated lane. The two countries will also have a shared database on migratory flows in both directions.

M. Article 14

247. With regard to the implementation of article 14, the Ombudsman's Office has recommended that steps be taken to ensure the observance of the due process guarantees set out in the Covenant, the Constitution and current legal provisions in connection with each and every complaint and matter referred on an ex officio basis.

248. In order to uphold the right to access to justice, the Ombudsman's Office has made specific recommendations to the institutions involved in criminal proceedings concerning the observance of due process, particularly with regard to the right to be tried without undue delay and to defend oneself in person or to be assigned legal assistance if the person in question does not have sufficient means to pay for it.

249. The Ombudsman's Office has transmitted complaints from detainees and other persons held in custody about the lack of defence counsel in legal proceedings to the Public Defender Service.

250. In accordance with the principle established in book V of the Code on Children and Adolescents (Act No. 1680/01), which states that adolescents subject to custodial measures are to be placed in specialized establishments designed to further their education, in recent

years the Government has invested in the construction of three new rehabilitation centres in Villarrica, Ciudad del Este and Concepción and in improvements in the infrastructure and equipment of three other rehabilitation centres. The total investment for the 2008/09 fiscal year amounted to 1,604,711,787 guaraníes; that is, 13 per cent of the budget allocated to the Directorate-General for Youth Offenders for that period.

251. The country has six rehabilitation centres, as well as a minors' wing in the regional prison in Encarnación. These facilities have a total capacity for 285 inmates, and there are currently 257 young persons in custody (31 of these persons have received a final judgement while 226 are under prosecution).

252. The infrastructure in the rehabilitation centres includes classrooms and workshops for the provision of occupational training. These facilities make it possible to implement the PRODEPA bilingual basic education programme in cooperation with the Ministry of Education and Culture in all six rehabilitation centres. A total of 250 adolescents are enrolled in the programmes: 40 per cent of them attend the level of instruction designed for illiterates or functional illiterates (cycles one to three), 48 per cent attend the fourth cycle (equivalent to seventh, eighth and ninth grades in basic education) and 12 per cent attend the secondary-school distance education programme.

N. Article 15

253. Protections ensuring the implementation of article 15 are contained in article 17, paragraph 3, of the Constitution: "On procedural rights ... (3) not to be sentenced without a trial founded upon a law already in force at the time that the events giving rise to the trial took place and not to be judged by a special court." In addition, article 5 of the Criminal Code states that: "Application of the law in force at the time the punishable act was committed [...] (3) When the law in force at the time the offence was committed is amended prior to sentencing, the law applied shall be the one most favourable to the accused." Article 1 of the Criminal Code of Procedure further states that: "Application. Procedural norms shall not have retroactive effect unless they are more favourable to the accused or convicted person." As may be seen from the above, the procedural guarantees referred to in article 15 are provided for both in the Constitution and in the Code of Criminal Procedure.

254. The Human Rights Directorate of the Public Prosecution Service provides technical support to prosecutors nationwide. Under Resolution No. 1106/2001, criminal prosecutors are assigned sole responsibility for human rights offences. The Directorate's institutional policy on the prevention of human rights offences focuses on offences such as torture, the infliction of physical injury by persons acting in an official capacity, the use of force to obtain statements, forced disappearance, persecution of innocent persons, genocide and war crimes.

255. The Public Prosecution Service investigates reports of torture and undertakes investigations on an ex officio basis. In 2009, 15 cases of torture were investigated in Asunción, 3 in the Department of Caaguazú, 11 in Itapúa and 1 in Cordillera. In 2008, 4 cases were investigated in Amambay. No cases were reported in Amambay in 2008, and there have been no complaints of torture in Chaco or Concepción.

256. Seminars have been developed specifically for prosecutors from the Specialized Human Rights Units and officials from criminal investigation units. These seminars focus on issues addressed in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, its scope and the obligations deriving from it, and other international human rights instruments.

O. Article 16

257. Indigenous communities have legal personality in all administrative and legal disputes and in all civil, administrative and commercial acts.

P. Article 21

258. Indigenous peoples fully enjoy the freedoms of association and assembly. They organize themselves into communities headed by their own leaders and hold meetings (known as *aty*) in complete freedom, and are under no constraints in convening these meetings or in deciding upon their content and location. The decisions taken by these groups are respected by the Government as part of their right to self-determination. Recently, indigenous peoples have also been establishing inter-ethnic associations.

Q. Article 22

259. From January 2008 to December 2009, the Office of the Deputy Minister for Labour and Social Security of the Ministry of Justice and Labour issued 149 resolutions rejecting applications for the registration of trade unions (98 in 2008 and 51 from January to August 2009) and 130 resolutions authorizing the establishment of trade unions (60 in 2008 and 70 in 2009).

260. Indigenous peoples have recently developed a new form of collective expression through the creation of associations encompassing a number of different communities. These associations are recognized in the Civil Code. There are currently about 50 registered associations of different ethnic groups, some of which are inter-ethnic. This new development is having a strong impact in terms of the recognition of the rights of indigenous peoples in Paraguay.

R. Article 23

261. Members of indigenous groups live in extended families within their communities. The Constitution affirms the right of each indigenous community to use the traditional family structures of its own culture. Studies conducted on the family structures found among the peoples of the western region have identified matrilineal forms of organization in some ethnic groups in Chaco.

S. Article 25

262. The Secretariat of the Civil Service has adopted an important resolution (Resolution No. 942/2009) on measures to combat discrimination against citizens in the civil service. Indigenous persons and persons of African descent have been appointed to public office, and some indigenous persons have successfully stood for elected office in departmental governments.

263. Aware of the importance of ensuring respect for young people's rights, promoting opportunities for them and encouraging their legitimate aspirations to freedom and social progress, the Government has signed the Ibero-American Convention on the Rights of Youth, which has been submitted to Congress for ratification and adoption into law. The Convention is currently under consideration in the legislature.

T. Article 27

264. The cultural diversity of Paraguay is reflected in the presence of 20 different ethnic groups from 5 linguistic branches. The members of these groups speak their own language, freely practise their religious beliefs and have their own kinds of institutions (such as marriage and family organization) in accordance with their customary law.
