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Universal periodic review

Report of the Working Group on the Universal Periodic Review*

Paraguay

Addendum

**Views on conclusions and/or recommendations, voluntary
commitments and replies presented by the State under
review**

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1. Paraguay considers that the universal periodic review is one of the international community's most important mechanisms for the examination of the human rights situation in the world. Its principles of equality, universality, integrity, impartiality and periodicity have made it possible to guarantee equal treatment and promote cooperation among States. This position has been adopted since the first experience of this mechanism during the first cycle, when all the recommendations made on that occasion were accepted. Subsequently, to reaffirm its commitment, it has sent a midterm report to indicate the progress made in the implementation of these recommendations.
2. This same premise has determined actions carried out throughout the preparation process for this latest review. These actions range from the preparation of the national report, with the broad participation of more than 30 national institutions and a drafting group composed of representatives from the three branches of the State, to consultations with civil society organizations and other national human rights institutions, coordinated by the Human Rights Network of the Executive Branch.
3. The coordination and systemization of information was conducted through the Recommendations Monitoring System (SIMORE), an inter-institutional coordinating mechanism available on line, which has demonstrated its effectiveness in strengthening the capacity of the State to comply with its obligations. In this connection, Paraguay was pleased to note during the interactive dialogue with States that some 45 countries recognized the implementation of this tool. This encourages our country to continue contributing with the other countries with a view to establishing human rights institutions which will help to raise standards of protection.
4. Paraguay participated in its review with the same conviction, responsibility and commitment as always, in order to report, in a clear and transparent way, the progress made but also the remaining challenges to the effective realization of human rights in the country. Paraguay expresses its appreciation to States for the interest shown through the 193 recommendations made during the oral review, most of which are at an advanced stage of implementation, as has been noted in the thorough analysis duly carried out. It has also welcomed the recognition of the public policies, mechanisms and measures adopted for the well-being of all Paraguayans. The country has committed itself to continue consolidating this progress.
5. In conclusion, Paraguay considers it useful to encourage States to continue to fully support the universal period review mechanism, which has made it possible to learn about and assess the human rights situation in all States Members of the United Nations. It is incumbent on States to work to properly implement the recommendations of the mechanism through effective systems that facilitate appropriate follow-up, which will help to make a real impact on the ground.

Recommendations on international obligations

6. The Republic of Paraguay accepts recommendation 102.1, which is currently being discussed among the various government bodies. They are considering its possible ratification and conditions of applicability. Similarly, it accepts recommendation 102.2 as it is soon to be submitted to Congress for ratification. It also accepts recommendations 102.3 and 102.4.
7. Paraguay draws attention to the inaccuracy of recommendations 105.1 and 105.2: Paraguay has ratified the two Optional Protocols to the Convention on the Rights of the Child and has signed the third Optional Protocol, whose ratification is under way. Recommendation 105.2 requests the withdrawal of the reservations to articles 76 and 77 of

the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, which Paraguay has not made.

8. With regard to recommendations 102.5, 102.6, 102.7 and 102.8 relating to the implementation of the Rome Statute and the Kampala Amendments, the bill “To implement the Rome Statute establishing the International Criminal Court” is currently under consideration in the National Congress. For its preliminary approval, a decision on the bill must be reached by the Legislation Commission of the Senate, which is the final review body to have a say on the matter.

9. Recommendation 102.9 was accepted on the understanding that Act No. 4614/12 harmonized the definitions of torture and enforced disappearance with the definitions established in the Convention against Torture and the Convention on Enforced Disappearance, in the framework of a consistent interpretation of both human rights treaties, which are binding on Paraguay.

Recommendations on national human rights institutions

10. Paraguay accepts recommendations 102.14, 102.15, 102.16, 102.17, 102.18, 102.19, 102.20, 102.21, 102.22, 102.23 and 102.24.

Recommendations on the National Human Rights Action Plan

11. With regard to the recommendations on the implementation of the National Human Rights Action Plan, Paraguay accepts recommendation 102.28, 102.29 because of its close links, and 102.30 for similar reasons. A positive measure to be noted is that the Human Rights Observatory will be inaugurated in the near future.

Recommendations on children and adolescents

12. Paraguay accepts recommendations 102.10, 102.11, 102.12 and 102.141. It also accepts recommendations 102.46 and 102.47 on corporal punishment and reports that on 2 February 2016 the bill on the “Protection of children and adolescents against corporal punishment and other cruel, inhuman or degrading treatment” was presented to Parliament and has currently been given preliminary approval.

13. Paraguay also accepts recommendations 102.59, 102.60 and 102.61 on birth registration.

14. The recommendations relating to action to combat all forms of violence against children accepted by Paraguay are 102.91 and 102.92. Recently, the campaign entitled “Respect my rights? Report sexual violence” was officially launched. It is an initiative which aims to raise the awareness of all persons concerned of the importance of reporting acts involving violations of the rights of children and adolescents.

15. With regard to child labour, Paraguay accepts recommendations 102.90, 102.93, 102.94, 102.95, 102.96, 102.97 and 102.98. Act No. 5407/15 on domestic work raised the minimum age for admission to employment to 18 years. The preliminary bill providing for the criminalization and appropriate punishment of hazardous child labour and exploitation of child domestic workers (*criadazgo*) is also in its final drafting stages. The revision of the National Strategy for the Prevention and Elimination of Child Labour and for the Protection of Adolescent Workers of Paraguay is also being stepped up in order to improve its implementation.

Recommendations on indigenous peoples

16. With regard to the recommendations relating to indigenous peoples, Paraguay accepts recommendations 102.118, 102.25, 102.26, 102.27, 102.171, 102.172, 102.173, 102.174, 102.175, 102.176, 102.177, 102.178, 102.179, 102.180, 102.181 and 102.182.

Recommendations concerning women

17. Paraguay accepts recommendation 102.31 and in this connection, on 8 March 2016, International Women's Day, the bill on democratic parity was introduced. This will ensure that women occupy real decision-making positions.

18. Recommendations 102.32, 102.48, 102.49, 102.50, 102.51, 102.136 and 102.137 are also accepted.

19. The recommendations relating to violence against women and girls are supported by Paraguay and are as follows: 102.66, 102.67, 102.68, 102.69, 102.70, 102.71, 102.72, 102.73, 102.74, 102.75, 102.76, 102.77, 102.78, 102.79, 102.80, 102.81, 102.82, 102.83, 102.84, 102.85, 102.87, 102.88 and 102.89. The bill on the "Comprehensive protection of women" is under consideration by Parliament. It was adopted in general terms by the Chamber of Deputies in December 2015 and is currently being analysed in detail.

Recommendations on persons with disabilities

20. Paraguay accepts recommendations 102.163, 102.164, 102.165, 102.166, 102.167, 102.168, 102.169 and 102.170, many of which will be addressed in the strategic outlines of the first National Action Plan for the Rights of Persons with Disabilities, which was formally presented in February 2016 and constitutes the road map for decision-making from the perspective of the rights of persons with disabilities to have equal opportunities and to enjoy all conditions for their full development.

Recommendations on trafficking in persons

21. Paraguay accepts the following recommendations: 102.99, 102.100, 102.101, 102.102, 102.103 and 102.104, most of which are in the process of implementation.

Recommendations on non-discrimination

22. Paraguay accepts recommendations 102.33, 102.36, 102.37, 102.38, 102.39, 102.40, 102.41, 102.42, 102.43, 102.44, 102.45, 102.52, 102.53, 102.54, 102.55, 102.56, 102.57 and 102.58.

Recommendations on the national systems for follow-up to recommendations

23. Paraguay accepts recommendation 102.34 and, based on its positive experience with the SIMORE System, has designed and made available to States its technical cooperation programme, SIMORE Paraguay, in order to contribute to the establishment of similar systems in other countries. It is currently providing technical assistance to Uruguay, Honduras and Chile. Paraguay accepts recommendation 102.35. Follow-up to the implementation of the universal periodic review recommendations will be carried out

through SIMORE, whose workplan provides for the incorporation of civil society organizations; the Human Rights Forum: International Agenda, headed by the Ministry of Foreign Affairs, will act as the coordinating platform for the different social actors.

Recommendations on monitoring activities

24. Paraguay accepts recommendations 102.62 and 102.63 and emphasizes that all agencies responsible for monitoring activities are governed by binding international and national provisions that guarantee respect for citizens' rights and fundamental freedoms.

Recommendations on statelessness

25. Paraguay accepts recommendations 102.183 and 102.184.

Recommendations on the prison system

26. Paraguay accepts recommendations 102.64 and 102.65. It also accepts recommendation 102.121 regarding the specialized Juvenile Justice System, in relation to which a "Protocol on follow-up and monitoring of socioeducational measures for adolescents in conflict with the law" has recently been introduced with the aim of establishing the forms and strategies for monitoring implementation of non-custodial measures. This instrument seeks to establish collaboration with the justice system and is a working tool of the Department for Non-Custodial Measures of the National Service for Juvenile Offenders (SENAAI), under the Ministry of Justice.

Recommendations on the administration of justice

27. The recommendations aimed at ensuring the independence and impartiality of the judiciary which Paraguay accepts are 102.105, 102.106 and 102.120. It also accepts the recommendations regarding access to justice for the most vulnerable groups: 102.107, 102.108 and 102.109. The Ministry of Justice recently launched a project to promote a culture of voluntary legal aid in order that lawyers provide free assistance for the review of cases of the most vulnerable detainees in the country's prisons. This initiative is expected to reduce undue delays in criminal proceedings.

28. The Executive Branch is committed to delivering the content of recommendation 104.1 to the National Congress for implementation under the terms of article 195 of the Constitution, which reads: "... On the Commissions of Inquiry: both Chambers of Congress may establish joint commissions of inquiry on any matter of public interest, and on the conduct of their members" (sic).

29. The public oral proceedings on the events at Marina Cue are entering their final stage. In addition to the main trial, a single complaint of human rights violations was submitted in 2012 to the Public Prosecutor's Office, whose investigation is ongoing. In the four-year period subsequent to the events at Marina Cue, no other formal complaints have been received by the competent authorities on this matter.

Recommendations on torture

30. Paraguay accepts the recommendations made with regard to the prevention and elimination of torture: 102.110, 102.111, 102.112 and 102.119.

Recommendations on corruption

31. Paraguay accepts the recommendations to eliminate corruption in the various State institutions, namely: 102.113 and 102.114.

Recommendations on security of journalists and on human rights defenders

32. Paraguay accepts recommendations 102.115, 102.116, 102.117, 102.124, 102.125, 102.126, 102.127, 102.128, 102.129, 102.130, 102.131, 102.132, 102.133, 102.134 and 102.135. In April 2016, the bill seeking to generate a protection mechanism for journalists and press personnel was presented in Parliament. The public hearings will be held in June 2016.

Recommendations on memory, truth and justice

33. Paraguay accepts recommendation 102.122.

Recommendations on freedom of religion or belief

34. Paraguay accepts recommendation 102.123.

Recommendations on social improvements and action to combat poverty

35. Paraguay accepts recommendations 102.139 and 102.140.

36. With regard to action to combat poverty, Paraguay accepts recommendations 102.142, 102.143, 102.144, 102.145, 102.146, 102.147 and 102.185. In this regard, the *Sembrando Oportunidades* (Sowing Opportunities) flagship programme has led to a significant decline in the rates of poverty and extreme poverty. Thus, in the period 2011-2015 at the national level, both overall poverty and extreme poverty showed a downward trend from 32.43 per cent to 22.24 per cent and from 18.03 per cent to 9.97 per cent, respectively.

Recommendations on family protection

37. Paraguay accepts recommendation 102.138.

Recommendations on health, education and work

38. Paraguay accepts recommendation 102.13 on improving labour legislation relating to women and children. For that purpose, the *Plan for Formalization and Combating Illegality* has been launched; it seeks to formalize enterprises and offers tax incentives to companies and enterprises that promote social responsibility and compliance with legal provisions relating to labour rights.

39. It also accepts the recommendations on universal access to health care: 102.148, 102.149 and 102.150.

40. It accepts recommendations 102.151, 102.152, 102.153, 102.154, 102.155, 102.156 and 102.157. The National Plan on Comprehensive Child Health 2016-2021 is currently being validated so as to identify new strategies which cover priority needs and problems, with a focus on rights, gender and interculturality, giving priority to the integrated notion of health, and in particular the comprehensive health of girls and boys, in all policies.

41. Paraguay notes that recommendations 105.3, 105.4, 105.5 and 105.6 are incompatible with the constitutional provisions and international obligations under the international instruments that guarantee the right to life.

42. Paraguay accepts recommendations 102.158, 102.159, 102.160, 102.161 and 102.162 relating to the full enjoyment of the right to education. In this regard, the Ministry of Education and Culture is developing various strategies to improve access to education, such as the universal distribution of school supplies, the transfer of financial resources to State-run schools to cover operating costs, in keeping with the notion of free education, and the distribution of student vouchers, school meals and scholarships.

Recommendations on the environment

43. Paraguay accepts recommendation 102.186.

Voluntary commitments

44. Paraguay reiterates the commitments made in its national report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21. To that end, some of those commitments have already been achieved, including: the adoption of the new National Migration Policy and the National Action Plan for the Rights of Persons with Disabilities; and the promulgation of Act No. 5508 on the “Promotion and protection of motherhood and support for breastfeeding”.

45. Paraguay is committed to continuing to launch initiatives to raise the standards of the promotion and protection of rights, in line with international human rights obligations, and promoting cooperation with regional and international bodies.
