Human Rights Committee
104th session
New York, 12–30 March 2012
Item 6 of the provisional agenda
Consideration of reports submitted by States parties under article 40 of the Covenant

Draft list of issues to be taken up in connection with the consideration of the third periodic report of Paraguay (CCPR/C/PRY/3)

Constitutional and legal framework (arts. 1 and 2)

1. Please provide information on the provisions established in domestic law regarding compensation for victims of violations of the rights set forth in the Covenant and examples of their application in the administration of justice and by judicial bodies.

2. Please explain the measures taken to boost the independence and effectiveness of the Ombudsman’s Office in conformity with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles) adopted by the General Assembly in resolution 48/134. In particular, please describe the measures taken to ensure the transparency of the process for nominating candidates and selecting the most suitable person to occupy the position of Ombudsman.

3. Please outline the measures taken to implement the Committee’s Views under the Optional Protocol and the general procedures in place to ensure the implementation of those Views. Please also report on the measures taken in regard to Communication No. 1407/2005, Asensi v. Paraguay, to give full effect to the Committee’s Views.

Non-discrimination, rights of minorities and equal rights of men and women (arts. 3 and 25–27)

4. Please report on the status of the anti-discrimination bill and the measures planned to ensure its implementation and dissemination.

5. Please provide information on the steps taken to prevent and punish discrimination against the indigenous population. Please describe the measures put in place to guarantee the right to prior consultation and the participation of the indigenous population in the drafting and implementation of public policy. Please describe the measures taken to strengthen the National Institute for Indigenous Affairs (INDI), by ensuring that it has sufficient authority and resources to represent properly the interests of all indigenous
persons. Also explain the specific measures adopted to expedite the processing of land claims made by indigenous communities and provide examples of the State’s satisfactory settlement of such claims.

6. Please provide disaggregated information for urban and rural areas on: (a) female employment rates and the proportion of women holding positions of responsibility in the public and private sectors; (b) the steps taken to guarantee equal pay for equal work for both sexes; and (c) how literacy and school attendance rates for women compare with those for men. Please indicate the action taken to eliminate negative stereotypes and attitudes in society and to end discriminatory practices, in the public and private sectors and in urban and rural areas, that undermine gender equality in the exercise of human rights. In that regard, please describe the results of the measures implemented to promote gender equality under the National Equal Opportunities Plan (PNIO) and the Programme for Equal Opportunities for Women in Education (PRIOME) in rural areas. Please also report on the status of the Secretariat for Gender Issues of the Judiciary and whether it has its own budget and suitably qualified human resources.

7. Please describe the decisions and action taken to safeguard the rights of persons with disabilities and ensure their full participation and inclusion in society.

8. Please report any legislative reforms or specific measures taken to combat discrimination against lesbian, gay, bisexual and transgender persons (LGBT).

States of emergency (art. 4)

9. Please explain why states of emergency were declared in May 2010 and October 2011 and whether they were duly reported under article 4 of the Covenant.

Right to life; elimination of slavery, servitude and forced labour and child protection measures (arts. 6, 8 and 24)

10. Please provide information on the scale of the problem of violence against women, and of domestic violence in particular, in the past five years. Please specify the applicable legislation and the measures taken to ensure that domestic violence cases are properly investigated and perpetrators are tried and punished. Please report: (a) the number of complaints received; (b) the number of investigations carried out; (c) the amount and nature of the penalties imposed; (d) the compensation awarded to victims; and (e) the number of safe houses and other resources allocated to the care of domestic violence victims.

11. Please provide statistical data on: (a) the number of abortions performed on adult and adolescent women in the last five years; (b) the steps taken to permit access to legal and safe abortions; (c) the number of cases in which abortions have resulted in criminal prosecutions under article 109 of the Criminal Code; and (d) the penalties imposed in such cases.

12. Please provide statistics on the number of complaints filed, investigations conducted and penalties imposed in cases of human trafficking since the enactment of Act No. 3.440/08. Please describe the measures taken to prevent trafficking in persons, to protect and rehabilitate the victims and ensure their reincorporation into society. In particular, please report on the implementation of the public policy drawn up by the Inter-Agency Board on Trafficking in Persons. Please also indicate the action taken to ensure that domestic legislation on the sexual exploitation and trafficking of persons conforms to the applicable international instruments.
13. Please indicate how many cases of forced recruitment of children and adolescents by the Armed Forces and the police have been reported since the implementation of Act No. 569/75, as well as the number of investigations carried out and the decisions in each case, and in particular the number of persons who have been found guilty of forcibly recruiting children or adolescents.

14. Please describe the activities carried out to prevent and punish forced labour, including debt bondage among indigenous communities in the Chaco, and the results obtained. Please report on the measures taken to prevent and punish the practice of *criadazgo*, whereby children perform domestic tasks in exchange for food, accommodation and, at times, education.

**Rights of persons deprived of their liberty and prohibition of torture and cruel, inhuman and degrading treatment (arts. 7 and 10)**

15. Please describe the measures taken to ensure the investigation and prosecution of cases of torture by agents of the State and the fair and adequate compensation of the victims, including the cases mentioned in the report of the Truth and Justice Commission. Please explain why almost all the torture cases reported by the Special Human Rights Unit of the Public Prosecution Service since 2004 have been placed on file and why perpetrators of acts of torture have not been criminally prosecuted. Also please report on the steps taken to implement Act No. 4288 on the National Preventive Mechanism against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment and to define torture in domestic law in terms that are compatible with article 7 of the Covenant.

16. Please provide information on the measures taken to prevent the torture and ill-treatment of persons deprived of liberty, including those in pretrial detention. Please report on the mechanisms available for investigating complaints of torture and other ill-treatment filed by persons deprived of their liberty. Also list the measures adopted to restrict the use of solitary confinement as a punishment for persons deprived of their liberty.

17. Please describe the results of the plans of the Ministry of Justice and Labour and other measures to reduce overcrowding in prisons and to improve the conditions of detention in accordance with article 10 of the Covenant. Also please indicate whether and how often alternative measures to detention are applied, such as the referral of cases to non-judicial procedures, probation, community service or suspended sentences. Please advise whether there are laws or regulations that allow persons deprived of their liberty to vote. The Committee would also like to learn about the progress made in the construction of the prison hospital.

18. Please report on the steps taken to ensure that corporal punishment is explicitly prohibited by law in all realms, including in the home and at school. Also specify the measures adopted to ensure that criminal prosecution of such cases does not have to be instigated by the victim and that the punishment is proportionate to the harm caused.

**Right to liberty and security of person; right to a fair trial and procedural guarantees (arts. 9 and 14)**

19. Please describe the measures taken to guarantee the legal and functional autonomy, as well as the financial independence, of the Public Defender Service, whose establishment was approved under Act No. 4423/11. Please also report on the projects to recruit new public defenders in accordance with the budgets for 2010 and 2011, and the recruitment plans for the next five years.
20. Please provide information on the specific measures taken to combat corruption, particularly in the judiciary, the police force and the prison system, on the investigation of corruption cases in the past five years and the disciplinary measures and judicial sanctions imposed in the same. Please also report on the number of complaints received by the Judicial Ethics Court and the decisions and measures it has adopted since its institution.

21. Please report on the criteria applied to determine the amount of compensation received, under Act No. 3603/08, by victims of the human rights violations perpetrated during the 1954–1989 dictatorship. Please provide statistics, by type of violation, on the amounts of compensation awarded and other reparations made.

Recognition of legal personality and child protection measures (arts. 16 and 24)

22. Please describe the results of the measures taken to promote the registration of children in rural areas and indigenous communities.

23. Please provide statistics on the number of girls and boys who accompany their mothers in prison and indicate what percentage of those children have access to nursery care and education in prison.

Freedom of religion and belief (art. 18)

24. Please provide information on the status of persons who were recognized as conscientious objectors prior to the implementation of Act No. 4013 and on the decisions taken in relation to the bill drawn up by the Office of the Deputy Minister for Youth Affairs to promote the effective exercise of conscientious objection and uphold the principle of the non-retroactive application of the law.

Freedom of opinion and expression (arts. 19 and 20)

25. Please report on the rulings handed down in the defamation suits mentioned in the State party’s report and specify the circumstances and year in which the complaints were made, as well as the rulings handed down.

Right of peaceful assembly and freedom of association (arts. 21 and 22)

26. Please describe the measures taken to amend the legislation on the right of peaceful assembly and to ensure the free exercise of that right.

Disseminating information relating to the Covenant and the Optional Protocol (art. 2)

27. Please describe any steps taken to disseminate information about the Covenant and its Optional Protocols, the presentation of the State party’s initial report, and its forthcoming consideration by the Committee. Please also provide more detailed information on the participation of representatives of ethnic groups and minorities, civil society, non-governmental organizations and the national human rights institution in the preparation of the report.