



**International Covenant on  
Civil and Political Rights**

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**Human Rights Committee**

**Fourth periodic report submitted by Paraguay  
under article 40 of the Covenant pursuant to the  
optional reporting procedure, due in 2017\***

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\* 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.



## Introduction

1. The Republic of Paraguay, in keeping with its international obligations, submits to the Human Rights Committee (the Committee) its fourth periodic report, pursuant to article 40 of the International Covenant on Civil and Political Rights (the Covenant).
2. In that regard, Paraguay has set up a mechanism for working with State institutions in order to respond to the list of issues referred to it by the Committee. To that end, it has used its online system for monitoring human rights recommendations (SIMORE), which makes it possible better to monitor and follow up on compliance with the recommendations of international human rights bodies. This tool, which was developed as part of a cooperation project between Paraguay and the Office of the United Nations High Commissioner for Human Rights, is considered a good practice.
3. The report was discussed at a workshop held on 5 February 2018 in the context of the effort to promote constructive and interactive dialogue with representatives of civil society organizations and members of non-governmental organizations.

### **A. General information on the national human rights situation, including new measures and developments relating to the implementation of the Covenant**

#### **Question 1**

4. With respect to case No. 1407/05 Juan Asensi, Paraguay reaffirms that it acted with utmost good faith and willingness to comply with the Committee's Views, as shown in the different reports that were submitted. The Committee noted that the State party is under an obligation: (a) To provide the author with an effective remedy, including the facilitation of contact between the author and his daughters; (b) To prevent similar violations in the future; and (c) to publish the Committee's Views.
5. In this regard, Paraguay made different types of remedies available to both the father and his daughters. It should be noted that there is no judgment of the Supreme Court of Justice prohibiting the departure from the country of the then minors. The only measures of that nature were issued by the Juvenile Court of First Instance of the city of J.A. Zaldívar; subsequently, pursuant to A.I. (constitutional challenge) No. 76, of 20 May 2008, the order prohibiting the minors from leaving the country was lifted. Courses were given in different forums for children and adolescents, and the judgment was published on 25 August 2009 in the Official Gazette of the Republic of Paraguay.
6. As to case "No. 1828/08 Eulalio Blanco Dominguez, in order to follow up on the Committee's Views, a number of inter-agency meetings were held with the author of the communication, the Paraguayan Human Rights Coordinating Committee, acting as the author's legal representative, with a view to agreeing on the most effective measures for complying with the main points of the Views, namely: (a) to provide an effective remedy, which includes a full and effective investigation of the facts, the prosecution and punishment of those responsible and full reparation, including compensation; (b) to prevent similar violations in the future; (c) to publish and widely disseminate the Committee's Views.
7. Regarding points (a) and (b), following talks between the parties, a negotiating committee was set up, and discussions concluded on 27 September 2016 with the signing of the written record of the adoption of the terms of the draft agreement on measures of redress. Once this was done, steps were taken to have it signed by senior authorities and to obtain the necessary resources for implementing it.
8. Accordingly, the President of the Republic, by Decree No. 8027/17, approved the terms of the Agreement on reparations for compliance with the Views.
9. On 13 November 2017, the Agreement was signed, on behalf of the State, by Juan Afara, Vice-President of the Republic; Alicia Pucheta, Minister of the Supreme Court of

Justice; Javier Díaz Verón, Attorney General of the State, and on behalf of the victim, by Óscar Ayala, of the Paraguayan Human Rights Coordinating Committee.<sup>1</sup> As regards point (c), the Committee's Views were published in the Official Gazette of the Republic and on the websites of several institutions.

10. Case No. 1829/08 Ernesto Benítez Gamarra followed the same course as the Eulalio Blanco case; talks with the victim and his representative were resumed at a meeting held in September 2017. In follow-up to this, the victim's representative sent comments on the draft agreement, which is being considered by the various State institutions.

## Question 2

11. Act No. 4083/11, establishing the Programme of Support and Protection for Witnesses and Victims in Criminal Proceedings; Act No. 4313/11, on budget allocations for the Reproductive Health and Birth Kit Distribution programmes of the Ministry of Public Health and Social Welfare; Act No. 4429/11 and the amendment extending the duration of Act No. 4686/12, regularizing residence of aliens in irregular migratory status; Act No. 4744/12, including the human papillomavirus (HPV) vaccine in the expanded immunization programme of the Ministry of Public Health and Social Welfare; Act No. 4758/12, creating the National Public Investment and Development Fund and the Excellence in Education and Research Fund; Act No. 4788/12, Comprehensive Act to Combat Trafficking in Persons; Act No. 4633/12, to Combat Bullying in Public and Private Educational Establishments; Act No. 4614/12, amending articles 236 and 309 of Act No. 1160/97, amending the Criminal Code to bring the definition of torture and enforced disappearance in line with international standards; Act No. 4616/12, reserving certain spaces to be accessible to persons with physical or motor disabilities as a matter of priority; Act 4621/2012, on Vaccinations; Act No. 4698/12, on Guaranteed Early Childhood Nutrition; Act No. 5099/2013, on Exemption of Fees for Health Services at Establishments of the Ministry of Public Health and Social Welfare; Act No. 5136/13, on Inclusive Education; Act No. 4962/13, introducing Incentives to encourage employers to hire persons with disabilities in the private sector; Act No. 4934/13, on Accessibility of the physical environment for persons with disabilities; Act No. 5189/14, establishing the obligation to provide information on the use of public resources regarding salaries and other emoluments paid to civil servants in the Republic of Paraguay; Act No. 5347/14, providing for free access by indigenous applicants to authorized study programmes at the tertiary level in public and private universities; Act No. 5419/15, amending articles 17 and 20 of Act No. 1/92 on the Civil Code (raising the age of consent for marriage); Decree No. 8309/12, adopting the National Policy on Preventing and Combating Trafficking in Persons; Decree No. 10747/13, adopting the National Human Rights Plan; Act No. 2310/2013, on Protecting Children from Vaccine-preventable Diseases; Decree No. 11324/13, partially amending the Annex to the National Human Rights Plan; Act No. 5281/2014, amending articles 1 and 3 of Act No. 4698/12, on Guaranteed Early Childhood Nutrition; Act No. 5469/15, on Indigenous Health; Decree No. 3891/15, regulating the Accessibility Act; Decree No. 2837/14, regulating Act No. 5136/13, on Inclusive Education; Act No. 5446/15, on Public Policies on Rural Women; Act No. 5407/15, on Domestic Labour; Act No. 5415/15, establishing the Child Support Arrears Register; Decree No. 4541/2015, adopting the National Health Policy 2015–2030; Act No. 5508/2015, on Promotion and Protection of Motherhood and Support for Breastfeeding; Act No. 5538/2015, amending Act No. 2421/2004, on the Tax System, regulating tobacco-related activities and establishing measures to protect public health; Act No. 5653/2016, on protecting children and adolescents from harmful content on the Internet; Act No. 5659/2016, on Promotion of the proper treatment of children and adolescents, positive child-rearing methods, and the protection of children and adolescents from corporal punishment or any other form of violence as a corrective or disciplinary measure; Act No. 5683/2016, establishing the requirement to display in highly visible public places a text reading as follows: “Trafficking

<sup>1</sup> The Agreement covers inter alia: a public statement of recognition of State responsibility, a number of measures of satisfaction aimed at combating impunity, and guarantees of non-repetition and measures for rehabilitation and comprehensive health care, among others.

in persons, especially for the purpose of sexual exploitation of boys, girls and adolescents, is a crime in the Republic of Paraguay. Report it.”

12. Act No. 4251/11, on languages, creating the National Secretariat on Language Policy; Act No. 4288/11, on the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Act No. 4423/11, Organic Act on the Ministry of Public Defence; Act No. 4720/12, establishing the National Secretariat for the Human Rights of Persons with Disabilities; Act No. 4675/12, upgrading the Women’s Bureau to the rank of Ministry; Act No. 4989/13, creating the National Secretariat for Information and Communications Technologies; Act No. 5115/13, creating the Ministry of Labour, Employment and Social Security; Decree No. 5619/10, creating the Inter-Agency Commission on Establishment of the Network of Historic Sites and Sites of Conscience of the Republic of Paraguay; Decree No. 10144/12, establishing the National Anti-Corruption Secretariat; Decree No. 262/13, creating the National Youth Secretariat; Decree No. 10514/13, regulating Act No. 4720/12, establishing the National Secretariat on the Human Rights of Persons with Disabilities and the National Council on Disability;<sup>2</sup> Decree No. 4367/15, which provides for a restructuring of the Inter-Agency Commission responsible for implementing the actions required for compliance with international judgments; Decree No. 7865/17, establishing the National Commission on Fundamental Labour Rights and Prevention of Forced Labour.

13. The National Development Plan Paraguay 2030 was adopted in 2014 by Decree No. 2794. This strategy document facilitates coordination of the work of the sectoral agencies of the executive branch, as well as at different levels of government, civil society, the private sector, the legislature and the judiciary.

## **B. Specific information on the implementation of articles 1 to 27 of the Covenant, including with regard to the Committee’s previous recommendations**

### **Constitutional and judicial framework within which the Covenant is implemented (arts. 2, 3 and 26)**

#### **Question 3**

14. To comply with recommendation 5, concerning the Executive Inter-Institutional Commission for Compliance with International Judgments, the name of the Commission was changed by Decree No. 4367/2015, and an objective was added, as follows: “to establish a timetable for actions and the implementation thereof, to ensure effective compliance with judgments, recommendations, requests and other international human rights commitments, issued both by the inter-American human rights system and the different treaty bodies, mechanisms and rapporteurships of the United Nations system.”

#### **Question 4**

15. In December 2016, senior officials of the executive branch and the Attorney General’s Office submitted excerpts from the first progress report on implementation of the National Human Rights Plan, which addresses issues such as the rule of law, democracy and human rights, prevention of violence and citizen security, access to justice, the corrections system and transitional justice.

16. During the first half of 2017, the Directorate-General of Human Rights of the Ministry of Justice promoted mechanisms for implementing the National Human Rights Programme, which were created at the request of the Human Rights Network: (a) the Commission on Follow-up to Implementation of the National Human Rights Plan,

<sup>2</sup> The National Council on Disability is the agency responsible for developing public policies on behalf of persons with disabilities. It is a mixed body, including the State and civil society (seven non-governmental organizations).

comprised of civil society organizations, (b) the Committee on Implementation of the National Human Rights Plan, made up of State agencies and entities, which is in the process of developing an agenda as called for in the Plan of Action for 2017–2018 of the Human Rights Network of the Executive Branch.

17. The Ministry of Justice promotes the strengthening of constructive dialogue between the State and non-governmental organizations. Working through the Human Rights Network, it facilitated a discussion group attended by its members, the Technical Secretariat for Economic and Social Development Planning and representatives of civil society organizations. On that occasion, an open invitation was issued to join the Commission on Follow-up to Implementation of the National Human Rights Plan, which is made up of civil society organizations, with a view to setting up an agenda for follow-up.

18. The Ministry of Justice and the Technical Secretariat for Economic and Social Development Planning merged the National Human Rights Plan with the National Development Plan in order to bring it in line with the 2030 Agenda; thus, Paraguay became one of the first countries to link public human rights policy with development policy, making it possible to develop a dashboard of indicators and goals. Linking these public policy instruments is especially important in view of the global trend towards linking State reports on sustainable development goals with United Nations human rights mechanisms, especially the Human Rights Council.

19. On 28 September 2017, senior officials of the Ministry of Justice and the Technical Secretariat for Economic and Social Development Planning launched the Human Rights Dashboard, which is the first outcome of the process of linking the two plans. The Dashboard is conceived as a tool for monitoring and following up on the National Human Rights Plan and placing it on the 2030 Agenda. It should be noted that 92 per cent of the objectives of the National Development Plan 2030 were linked in whole or in part to the Sustainable Development Goals.

20. The Human Rights Dashboard will enable the Human Rights Network to consolidate mechanisms for implementing and monitoring the National Human Rights Plan, both with public agencies and with civil society organizations, and to promote sustainable and measurable actions for implementing the Plan. Based on this tool, periodic reports on compliance with the actions monitored will be issued.

21. The National Human Rights Plan was included in the Outcome-based Planning System with the aim of setting up processes for monitoring progress and investments made in order to meet the objectives of the National Human Rights Plan. The idea is to monitor progress in strategic actions, including reports on project implementation and investments, as well as improvements in services and the evidence generated. As natural users of the Outcome-based Planning System, State bodies and agencies will be able to identify budget programmes for operationalizing compliance with human rights commitments.

22. In order to set up procedures for aggregating structured information to indicate levels of progress of the National Human Rights Plans and its lines of action, strategic actions are assigned to the institutions concerned and visualized through the Dashboard in the Outcome-based Planning System. The Technical Secretariat for Economic and Social Development Planning, which administers the system's software tools, defines reporting protocols and supports the Ministry of Justice as the information allows for closer coordination among institutions within the State's Human Rights Network and between the State and civil society, so as to promote awareness and discussion on the status and progress of public policy on human rights.

23. In response to the Committee's Concluding observations on the National Human Rights Plan, it should be noted that the Plan did not receive unanimous consensus on specific issues, in particular on the subject of abortion and termination of pregnancy. This is mentioned in a document signed by members of the Coordinating Committee for the Plan.

**Question 5**

24. On 1 November 2016, the Chamber of Deputies appointed Miguel Godoy Servín, by 41 votes, as the new Ombudsman, and Carlos Alberto Vera Bordaberry as his Deputy, thus completing all the phases of the process.

**Question 6**

25. By Act No. 4793/12, establishing comprehensive health care services for victims of the dictatorship of 1954–1989, the State provided free medical care and psychological, pharmacological and surgical care for victims at health facilities belonging to the Ministry of Public Health Social and Social Welfare. The services were provided under a framework agreement for inter-agency cooperation between the Ministry of Public Health and Social Welfare and the Directorate-General for Justice, Truth and Reparation of the Ombudsman's Office.

26. According to the records of the Ombudsman's Office, from fiscal year 2016 to date, compensation payments totalling 25,760,175,950 guaraníes (USD 5,541.37 = USD 4,646,012.08) were made to 475 victims of the dictatorship.

27. The payments envisaged are made solely in correlation with the chronological order of the decisions issued by the Ombudsman's Office, as provided for in article 400 of Decree No. 4775/16, containing regulations to Act No. 5554 of 5 January 2016, adopting the general budget of the nation for fiscal year 2016.

28. Regarding investigations, the Public Prosecution Service is reviewing the documents submitted by the Truth and Justice Directorate of the Ombudsman's Office and classifying dockets so as to establish exactly which of the events mentioned have already been investigated (or are under investigation), in order to avoid duplicating investigations into the same events.

29. In keeping with the procedure established by Act No. 838/96, the judiciary provides background information on each applicant included in the Terror Archives of the Museum of Justice so as to add it to the relevant claim for compensation. The Public Defender Service has a staff of 75 public defenders for civil cases who can represent anyone seeking assistance with claims for reparations and compensation through the courts.

30. Since the report on compliance with the recommendations of the Truth and Justice Commission, 2011, was submitted, the Human Rights Directorate of the Public Prosecution Service has produced 50 expert opinions. These were included in the case files of the Special Unit on Punishable Acts against Human Rights.

31. Subsequently, considering the scattered location of the evidence to be gathered in the more than 50 open investigations on enforced disappearances during the period in question, the decision was made to accumulate the case files so as to expedite criminal proceedings aimed at identifying, prosecuting and ultimately convicting those responsible.

32. The available information is shown in the following tables, which cover cases involving human rights offences<sup>3</sup> handled by the Special Unit on Punishable Acts against Human Rights, it being understood that the legal definition of the punishable acts referred to the Prosecution Oversight System is preliminary in nature and may vary during the course of the investigation; therefore, the data provided are subject to change.

33. This is the case because of the factual scenarios with which the Public Prosecution Service works and because, should evidence be found, and an indictment be issued, the case may ultimately be subsumed during the public trial by the judicial bodies responsible for confirming or refuting the hypothesis of the prosecution.

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<sup>3</sup> Such as torture, inflicting bodily injury in the exercise of public duties and coercion.

**Number of victims by sex**

<i>Units</i>	<i>Number</i>	<i>Women</i>	<i>Men</i>
Unit 1	369	81	319
Unit 2	310	112	255
Unit 3	343	30	315
<b>Total</b>	<b>1 022</b>	<b>223</b>	<b>889</b>

**Number of cases by procedural outflows***Punishable acts investigated*

<i>Unit</i>	<i>Number</i>	<i>Convictions</i>	<i>Under investigation</i>	<i>Dismissed</i>	<i>Indictments</i>	<i>Conditional suspension</i>	<i>Case closed</i>	<i>Criterion</i>	<i>Stay of proceedings</i>	<i>Referred</i>
Unit 1	369		271	14	2	2	74	6	0	0
Unit 2	310	2	140	106	1	5	42	3	0	11
Unit 3	343		116	120	3	7	67	10	2	18
<b>Total</b>	<b>1 022</b>	<b>2</b>	<b>527</b>	<b>240</b>	<b>6</b>	<b>14</b>	<b>183</b>	<b>19</b>	<b>2</b>	<b>29</b>

34. Ten investigations leading to final convictions were not conducted by the Public Prosecution Service because at the time of the events, it did not have investigative powers, so the investigating judge conducted the investigations. Subsequently, with the reform of the criminal system under Act No. 1160/1997, on the Criminal Code, and Act No. 1298/1998, on the Code of Criminal Procedure, investigative powers were vested in the Public Prosecution Service.

35. In recent months, 10 additional charges have been brought in the investigations of crimes committed during that period; in eight of these cases, house arrest was requested owing to the age of the defendants (between 72 and 87), pursuant to the standard for treatment of persons over 70 years of age who are involved in criminal proceedings. In the cases of the remaining two defendants, the Public Prosecution Service requested pretrial detention as a precautionary measure. In addition, there have been two convictions (most recently in 2017) for inflicting bodily harm in the performance of official duties.

36. Regarding identification of the whereabouts of disappeared victims and identification of skeletal remains, in order to give continuity to the work of the National Team for the Investigation, Search for and Identification of Detained or Disappeared Persons and Victims of Extrajudicial Executions during the period 1954 to 1989, the Ministry of Justice and the non-governmental organization TAPE'A signed a technical cooperation agreement on 19 June which provides for a new budgetary allocation in order to continue with the investigation of the whereabouts of victims and the work of excavation and exhumation and to re-hire the Argentine Forensic Anthropology Team so as to add to the gene bank of relatives of disappeared persons and conduct forensic analyses of skeletal remains recovered to date (36).

37. The budget allocation for 2017, which is currently being executed, amounted to 330,000,000 guaraníes (USD 59,245).

38. In 2017, work continued in the effort to locate clandestine graves where disappeared persons might be buried, all in the interior of the country. Some of these activities involve surveying locations and interviewing reliable witnesses.

39. The first prospecting work of 2017 is currently being conducted on a property belonging to the National Police in the city of Lambaré. Further excavations are planned for the first quarter of 2018 in the departments of Caaguazú and Caazapá.

40. Regarding the work of identification, the skeletal remains of the four persons identified during 2016 were returned to their families in February 2017. Throughout the year, 27 new blood samples of family members were taken, and the Argentine Forensic Anthropology Team created genetic profiles and compared them with the new samples, without positive results. This indicates that there are still no samples of relatives of the 32 skeletons that have yet to be identified; therefore, the decision was made to reinforce the Jajoheka Jajotopa National Campaign so as to reach more family members and broaden the prospects for additional identification.

## **Non-discrimination (arts. 2, 3, 25, 26 and 27)**

### **Question 7**

41. Within the framework of the 100 Brasilia Regulations regarding access to justice for vulnerable people, the judiciary is conducting ongoing awareness-raising campaigns and training justice officials.

42. Decision No. 633/10, ratifying the 100 Brasilia Regulations regarding access to justice for vulnerable people, proposes an institutional mechanism for developing an inclusive model of justice based on recommendations to public agencies and those serving in the justice system, with the aim of promoting, developing and adapting specific public policies to ensure effective access to justice.

43. The Ministry for Women's Affairs operates specialized care services, including the Women's Support Service, four regional women's centres, helpline SOS 137 and two shelters for women facing violence. The shelters offer comprehensive care, information and advice for women who are victims of domestic, family and gender-based violence provided by an interdisciplinary team that offers care and socio-educational counselling to women suffering some form of discrimination.

44. The regional women's centres provide comprehensive care and protection for indigenous women in violent situations and organize training courses to enable them to find jobs. The same services are also provided at the Curuguaty shelter.

45. The Ministry for Women's Affairs and the Indigenous Women's Organization of Paraguay, with the support of the ComVoMujer programme on combatting violence against women and the Tekoha Programme, disseminated the recommendations and conclusions reached at the workshops on prevention of violence against indigenous women in the departments of Amambay, Boquerón and Canindeyú, as a contribution to the post-2015 development agenda. The objective was to strengthen knowledge about gender-based violence from an intercultural perspective, to propose preventive community strategies and to produce a report to be presented to the national and international community in the framework of the post-2015 Sustainable Development Goals.

46. Decree No. 4541/2015, National Health Policy 2015–2030, was adopted to guide the decisions and actions that the State has decided to take for the period 2015 to 2030 in order to ensure the full realization of the right to health for all the inhabitants of Paraguay. The country is committed to meeting the need for universal access to health care and universal health coverage that is at the heart of current challenges. Likewise, based on Decision No. SG 730/2016, the Ministry of Public Health and Social Welfare creates and promotes networks of comprehensive health services following a rights-based strategy of primary health care by implementing mechanisms for land-use management, reorganization of services, coordination and development of networks, strengthening of human resources, management processes and financing of institutions.

47. The National Sexual and Reproductive Health Plan, adopted by Decision No. SG 340/2013, recognizes human rights in the area of sexuality and reproduction, including (1) the right to safe motherhood; (2) the right to equality and freedom from all forms of

discrimination, including discrimination based on sexual orientation or on the fact of being a person living with HIV; (3) the right to a satisfactory and safe sexual and reproductive life without the risk of contracting sexually transmitted diseases or HIV; (4) the right to information and education; (5) the right to decide freely and on an informed basis the number of children and when to have them; (6) the right to receive quality care; (7) the right to enjoy the benefits of scientific progress; (8) the right to prevention of violence and of assistance in cases of violence.

48. Act No. 5469/2015, on Indigenous Health, was enacted on 7 September 2015 to guarantee access to health services for indigenous peoples, as well as recognition, respect and improved comprehensive health care systems. The regulations to Act No. 5469/2015 were adopted by Decision No. SG No. 653/2016, and rules for enforcement were laid down.

49. In the area of employment, the Ministry of Labour, Employment and Social Security conducts job fairs as part of its public policy on employment for the most vulnerable sectors of the population. In 2016 and 2017, it organized 62 job fairs in the capital city and the interior of the country, many of them targeting indigenous citizens, persons with disabilities (acquired, auditory, others), persons with negative business reports (Informconf) and single mothers. In addition, the Ministry and the Saraki Foundation signed an agreement in 2016 to provide training and job placement for persons with disabilities during 2016 and 2017. The Ministry is also working in conjunction with the Secretariat for Returnees to provide training and employment for repatriated nationals. Special laws have also been passed to protect workers with different abilities. Act No. 2479/04 makes it compulsory to hire persons with disabilities in public institutions; this act is regulated by Decree No. 6369 of 30 March 2011; and Act No. 4962/13, offering incentives for employers to hire persons with disabilities in the private sector.

50. Between 2014 and 30 June 2017, the National Career Development Service held courses for men and women in several fields, targeting indigenous people, persons with disabilities and returnees.

<i>Year</i>	<i>No. of courses</i>	<i>Beneficiaries</i>		
		<i>Men</i>	<i>Women</i>	<i>Total</i>
2014	6 004	56 404	56 585	112 989
2015	7 993	67 478	77 115	144 593
2016	8 898	81 735	95 588	177 323
2017	4 865	46 012	58 097	104 109

51. The National Labour Training System conducted several courses and programmes during the period 2014 to 30 June 2017, as shown below.

<i>Year</i>	<i>Programmes/courses</i>	<i>Beneficiaries</i>		
		<i>Men</i>	<i>Women</i>	<i>Total</i>
2014	100	1 676	1 985	3661
2015	475	9 101	8 317	17 418
2016	341	5 474	6 019	11 493
2017	65	852	1 218	2 070

52. In 2016, the Supreme Court for Electoral Justice submitted to the Chamber of Deputies a request to amend article 91 of the Paraguayan Electoral Code, along with a statement of reasons by the Commission on Accessible Voting. The Regulations on Accessible Voting were established by Decision No. 270/2014, which lays down the measures to be taken to guarantee full access for persons with disabilities to voting in the municipal elections of 2015. The programme provides for voting at home, accessible voting booths and an information service for persons with disabilities.

53. Accessible voting booths and information services will be set up at all polling stations in the general and departmental elections of 2018. More districts were added to those that allowed voting at home.

## **Equality between men and women (arts. 3, 25 and 26)**

### **Question 8**

54. Through a parliamentary initiative, a bill on democratic parity was submitted in March 2016 which is currently under consideration by the different committees of the Chamber of Senators. The purpose of the bill is firstly, to establish, regulate and ensure that women and men are able to participate in and be equally represented in elective positions, as well as in trade unions and social organizations; it includes an incentive consisting of an additional subsidy equivalent to 0.5 per cent of the minimum daily wage for unskilled labour per vote for women elected. The incentive is temporary and applies until women account for 50 per cent of persons elected. The Act also calls for parity in the appointment and selection of civil servants, officials of professional associations, cabinet ministers in the executive branch and officials of international organizations.

55. The Steering Committee for Democratic Parity, working in the context of the project on Empowering Women for Democratic Parity, trained 2,260 women, including 194 indigenous women; the training was provided in 86 workshops held in 11 departments throughout the country, with the aim of encouraging women leaders to participate in decision making.

56. As part of its three-year plan for 2016–2018, the Ministry for Women’s Affairs plans to highlight asymmetries in women’s participation in politics, setting up mechanisms and conducting campaigns to promote change, when necessary, and promote equality in political representation.

57. To encourage participation of women in the private and business sectors, the Ministry for Women’s Affairs, by Decision No. 241/15, promoted the Safe Business seal for businesses that are free of violence and discrimination against women; this is the highest recognition granted to companies that make an effort to prevent violence against women. The award is monitored by a committee made up of the Ministry of Labour, Employment and Social Security and the Ministry of Industry and Commerce. The idea is to recognize companies of all types that work to prevent violence and promote equal opportunities for their female staff, and encourage improvements in productivity, workplace environment and quality of life for the staff, and of course, to reduce labour costs arising from the scourge of discrimination.

58. In addition, Act No. 5508/15, on Protection and Promotion of Motherhood and Support for Breastfeeding, and the regulations thereto (Decree No. 7550 of 8 August 2017) represent a significant step forward in the evolution of the role and image of women in the employment and social spheres.

59. In the judiciary, statistics compiled at the country level show that between 2014 and 2016, the number of female judges of the higher courts rose by 5 per cent, from 44 to 64, and the number of female judges of lower courts rose from 49 per cent to 51 per cent, i.e., from 168 in 2014 to 245 in 2016. In the case of justices of the peace, in 2014, 118, or 51 per cent, were women, and in 2016, 137, or 53 per cent, were women.

60. The Appellate Court currently has 162 judges, 32 per cent of them women and 64 per cent, men. In criminal courts, 33 per cent of judges are women; in juvenile criminal

courts, 60 per cent are women. While a high percentage of judicial officials are men, the number of women in decision-making positions has increased; thus, while only two of the nine members of the Supreme Court of Justice were women in 2014, in 2016, three of them were women. This means that three women and six men held the highest rank in the Administration of Justice. This is especially important because a comparative study will show that Paraguay is a pioneer in the region in the promotion and achievement of parity at the highest level of the judiciary.

## **Violence against women, including domestic violence (arts. 6, 7, 14 and 26)**

### **Question 9**

61. Act No. 5777/16, on Comprehensive protection of women against all forms of violence, and the regulations thereto in Decree No. 6973, establishes policies and strategies for preventing violence against women and creates mechanisms for providing assistance, as well as protection, punishment and reparations, in both the public and the private sectors. The legislation includes protocols for providing services and conducting investigations in cases of violence against women involving special circumstances in which the victim is in a crisis or in need of immediate medical attention or in cases of sexual crimes, among others that require differentiated care.

62. In 2017, the Supreme Court worked to develop a comprehensive definition of the offence of femicide that was introduced in the aforementioned Act in order to enable the Court's Secretariat for Gender to conduct a training programme to ensure that it would be enforced appropriately.

63. In addition, following the adoption of the National Plan to Combat Violence against Women 2015–2020, the Ministry for Women's Affairs, pursuant to Decree No. 5140 of 2016, has pursued the objective of influencing public policy by strengthening institutions and encouraging them to promote full respect for the human rights of women, promoting comprehensive action by public and private institutions in the implementation of prevention, care and follow-up in specific cases and the protection of women facing violence. The Ministry also set up an Inter-Agency Board for prevention, care, and monitoring of cases and protection of women suffering violence. The Board is comprised of 17 State agencies, and its work is coordinated by the Ministry for Women's Affairs.

64. One of the main components of the National Plan to Combat Violence against Women is the creation of a national system for keeping records of cases of women in situations of violence. The system is being coordinated with institutions such as the judiciary which play a key role in collecting and organizing data, including full information on cases and the consequences and frequency of violence against women. An expert team has been set up to monitor and evaluate the Plan, follow up on activities and ensure compliance with targets and indicators.

65. The Public Prosecution Service has included the gender perspective in its documents and general instructions which lay down mandatory instructions for prosecutors and other officials. Those who do not comply will be referred to the Office of the Inspector General for an administrative inquiry.

66. The following General Instructions have been issued:

(a) No. 9/11, which lays down guidelines to be followed in proceedings involving the investigation of punishable acts of domestic and gender-based violence, with special emphasis on all cases involving women; an immediate response must be given to persons who report the situation; the deadline for response is 24 hours;

(b) No. 7/16, which establishes guidelines for pretrial detention, based on the domestic policy framework and international agreements in force in this area; a specific section on cases involving women was prepared taking into account the Bangkok Rules, the 100 Brasilia Regulations and other international instruments. The document suggests that precautionary measures should only be applied as an exception, especially bearing in mind

that before calling for pre-trial detention, the Prosecutor must consider "... the negative impact on children of arresting and putting their mother in jail, as well as the needs and physical, emotional, social and psychological development of babies and children affected by such a measure ..." of evidence that might be presented; in exceptional cases, pre-trial detention may be extended to 48 hours. The guidelines also stipulate that if necessary, the Prosecutor may order that protection be provided for the victim of the offence;

(c) No. 7/14, which lays down basic guidelines for prosecutors to follow when taking measures to protect witnesses, victims and others who are at risk or in danger as a result of their involvement in public criminal proceedings conducted by the Public Prosecution Service. The instruction lays down a methodological framework for gradual implementation of the witness protection programme that was created by law for highly complex situations of risk or danger in major criminal cases;

(d) No. 7/15, on punishable acts involving invasion of another person's property, which provides that in the event of arrest of women in vulnerable circumstances and pregnant women or minor children, less burdensome precautionary measures and alternatives to criminal proceedings should be implemented.

67. The Public Prosecution Service, working in coordination with the Ministry of Public Health and Social Welfare to develop an adequate and timely rights-based response for victims of violence, has launched its *Manual de Atención Integral a Víctimas de Violencia Intrafamiliar y de Género en el Sistema de Salud* (Handbook for Comprehensive Assistance to Victims of Domestic and Gender-based Violence in the Health System). This is the result of the joint efforts of government agencies and civil society organizations to optimize the gathering of evidence and contribute to excellence in criminal prosecution and fact finding. In the context of this programme and their commitment to the administration of justice, the two institutions have designed an efficient mechanism for combating violence in the form of this Handbook that lays down standardized and appropriate procedures for providing, on the one hand, comprehensive assistance for victims and, on the other, support for improvements in evidence gathering with a view to clearly establishing the facts and deciding on punishment of perpetrators.

68. The Public Prosecution Service, working in coordination with the Ministry of the Interior, the National Police and the Ministry for Women's Affairs, also developed the *Protocolo para la investigación de la violencia contra la mujer en el ámbito familiar desde una perspectiva de género* (Protocol for Investigating Violence against Women in the Family Environment from a Gender Perspective). The main objective is to mainstream the gender perspective in investigations, punishment and victim assistance in cases of domestic violence by laying down principles for action, providing tools, and fostering inter-agency coordination, so that victims can have effective access to protection and justice.

69. In that regard, the Public Prosecution Service set up its Department of Gender Issues with the aim of improving access to justice for women. One of its duties is to provide guidance in all cases involving gender-based violence and to offer counselling for victims when necessary during proceedings and to inform them of their rights. The Department of Gender Issues also works with prosecutors to set up mechanisms for enabling female victims of violence to have access to justice, to launch information campaigns and to promote awareness-raising workshops.

70. The Public Prosecution Service receives complaints, mainly through the Directorate for Criminal Complaints, which has offices throughout the country; these in turn are responsible for randomly referring complaints to criminal units that will be responsible for conducting the investigation. In cases of allegations of domestic violence, which are given priority, the matter is referred to the relevant duty unit, which must deal with it as a matter of urgency, possibly by transferring the victim immediately to a Victim Support Centre for evaluation by medical professionals. The Human Rights Directorate and its offices in Sector 1 and Site 1 receive complaints raised during visits to monitor educational centres and detention centres, in cases involving violations of the human rights of persons deprived of their liberty or persons who appeal to the offices of the Human Rights Directorate.

(a) The Public Prosecution Service has provided the following statistics on violence against women.

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*Complaints received by year by punishable acts*

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<i>Punishable acts</i>	<i>Period</i>			
	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Sexual abuse of children	1 430	1 664	1 787	1 658
Attempted sexual abuse of children	122	134	141	119
Sexual coercion and rape	862	956	903	869
Attempted sexual coercion and rape	401	355	346	317

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*Number of female victims per year, by punishable act*

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<i>Punishable acts</i>	<i>Period</i>			
	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>
Sexual abuse of girls			1 646	2 189
Sexual coercion and rape			1 078	1 403

Note: One person may be a victim of more than one punishable act

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*Domestic violence by ties of kinship*

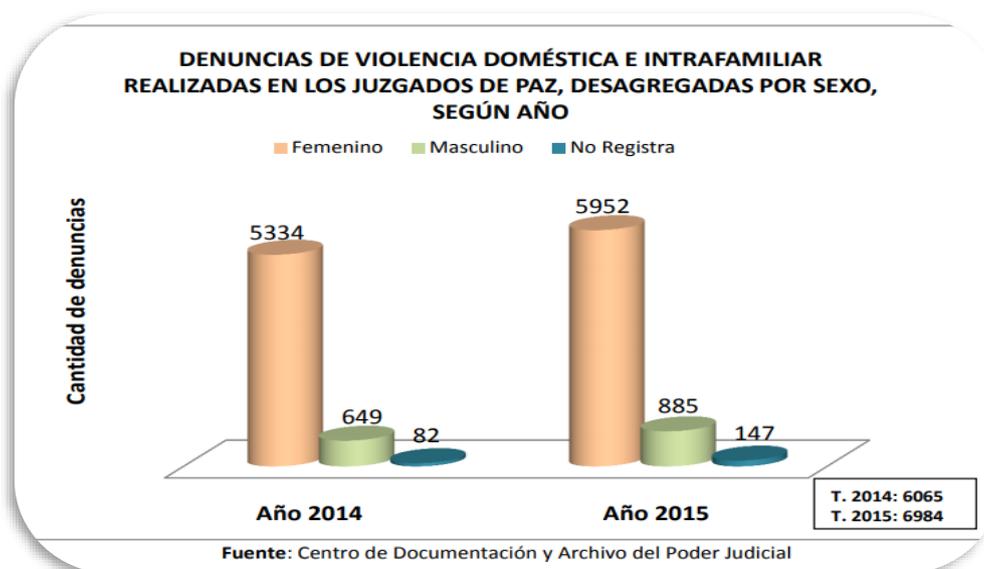
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<i>Kinship</i>	<i>Bodily injury</i>		<i>Sexual coercion</i>		<i>Attempted coercion</i>		<i>Domestic violence</i>	
	<i>F.</i>		<i>F.</i>		<i>F.</i>		<i>F.</i>	
	<i>2015</i>	<i>2016</i>	<i>2015</i>	<i>2016</i>	<i>2015</i>	<i>2016</i>	<i>2015</i>	<i>2016</i>
Grandfather	0	0	9	1	3	0	1	1
Male partner	50	51	2	3	1	0	886	1 184
Brother/sister-in-law	3	1	1	3	1	1	7	9
Husband	2	2	0	0	0	0	87	87
Stepbrother/sister	0	0	12	0	0	0	6	2
Brother/sister	10	7	0	3	0	0	59	72
Stepson/daughter	1	0	0	0	0	0	15	1
Son/daughter	2	6	0	2	0	0	124	178
Stepmother	2	0	0	0	0	0	3	0

*Domestic violence by ties of kinship*

Kinship	Bodily injury		Sexual coercion		Attempted coercion		Domestic violence	
	F.		F.		F.		F.	
	2015	2016	2015	2016	2015	2016	2015	2016
Mother	0	0	0	0	0	0	9	13
Granddaughter/son	1	1	0	0	0	0	1	9
Daughter-in-law	0	0	0	0	0	0	1	0
Stepfather	4	1	21	25	7	6	16	16
Father	4	2	16	25	1	4	29	51
Cousins	1	0	4	2	2	0	4	10
Nephews/nieces	0	0	1	0	0	0	11	33
Father/mother-in-law	0	0	0	0	0	0	4	0
Uncle/aunt	0	0	10	1	2	0	9	11
Son-in-law	2	0	1	18	0	3	18	15
Former partner	6	5	1	3	0	0	33	65
<b>Total</b>	<b>88</b>	<b>76</b>	<b>78</b>	<b>86</b>	<b>17</b>	<b>14</b>	<b>1 323</b>	<b>1 757</b>

Source: Department of Statistics of the National Police – Complaints 2015–2016.



71. In terms of forms for reporting complaints of domestic and family violence, the justices of the peace throughout the country recorded the following data: 2013: 8,006; 2014: 9,836; 2015: 10,100 and 2016: 11,380.

72. These data are classified by type of violence. In 2016: 42 per cent were for physical violence; 51 per cent, psychological; 2 per cent, property-related; 1 per cent, sexual; and 4 per cent, not recorded. Between 2013 and 2016, there was an upward trend in the number of reports of domestic and family violence that were recorded and arranged according to year.

73. The graph above shows the number of complaints that were recorded each year, disaggregated by sex. There was a 13 per cent increase and a significant gap between numbers of female and male complainants. Of the total number of complaints of domestic violence received in 2014, broken down by sex, 88 per cent were lodged by women, and 11 per cent, by men.

74. In 2015, 85 per cent of complaints were from women and 13 per cent, from men. Although complaints from women increased by 12 per cent, while those brought by men increased by 36 per cent, the number of complaints of violence against women is still seven times higher than those brought by men. Clearly, increasing numbers of men are turning to the justice system to obtain recognition of their situation as victims.

<i>Year</i>	<i>Total women assisted</i>	<i>Women assisted per day</i>	<i>First-time cases</i>	<i>Follow-up cases</i>	<i>Women in follow-up cases supported outside the institution</i>
2015	5 075	21	2 333	2 742	1 672
2016	4 280	18	2 026	2 254	538

Statistics provided by the Ministry for Women's Affairs (Women's Support Service and Regional Women's Centres).

(b) The Specialized Unit for Gender, Children and Adolescents of the Public Prosecution Service is responsible for investigating the following offences: coercion, sexual harassment, trafficking in persons, sexual abuse, sexual abuse of children, pandering, statutory rape, maltreatment of children, incest, domestic violence, violation of parental rights, dereliction of duty to meet legal support obligations; on average, there were approximately 480 cases per year.

(c) In terms of the total number of cases admitted in 57 neighbourhood, area and regional prosecutors' offices throughout the country, in 165 ordinary criminal units between 2015 and April 2017, a total of 16,659 cases involved violence against women that were investigated by the Public Prosecution Service. Of this total, 403 cases ended in convictions; in 2,326 cases, charges were made; in 988 cases, indictments were issued; 719 cases involved conditional suspension of proceedings; 35 cases, prosecutorial discretion; 744 cases were dismissed; there were two acquittals, 303 temporary stays of proceedings, 164 definitive stays, and in 166 cases, the files were archived.

75. With regard to the definition of femicide (article 50), statistics supplied by the judiciary show that from December 2016 to date, a total of six cases have been labelled as femicide perpetrated and five as femicide attempted; the department with the highest number of cases (three) is San Pedro. No conviction has yet been handed down under the aforementioned Act.

(d) and (e) In terms of the penalties envisaged, the most significant development is that the definition of domestic violence (article 229 of the Criminal Code) was changed from an offence to a crime (Act No. 5378/14), since the expectation of imprisonment is up to six years. This provision (article 229) had previously been changed twice: (a) Act No. 3440/08, amending several provisions of Act No. 1160/97, Criminal Code, and (b) Act No. 4628/12, amending article 229 of Act No. 1160/97, Criminal Code, as amended by Act No. 3440/08.

76. With the support of international cooperation, in the framework of Act No. 5777/16 and the Protocol for Inter-Agency Action in cases of violent death, attempted murder and high-risk violence against women made by a partner or former partner (PROMUVI-Mujer), the Secretariat for Gender Issues of the Supreme Court of Justice conducted an assessment

of the level of awareness among the judiciary and its officials of the content of the aforementioned Act and Protocol. Based on the findings, awareness-raising and training workshops were held for 131 officials in the judicial districts of Boquerón, Amambay and Alto Paraná. The plan is to cover the remaining 13 districts by 2018. The training courses covered the penalties envisaged in two categories: (a) criminal aspects and (b) civil aspects, of issues related to children and adolescents and, in general, interim measures of protection.

(f) In 2016, the judiciary set up support groups for female victims of violence with the primary objective of empowering female victims of domestic violence by encouraging participants to adopt attitudes that will help them break the cycle of violence in which they find themselves. The groups meet once a week for two hours. Each support group remains active for three months and has no more than 10 members in order to ensure that every woman receives the attention she needs.

77. During the period between 2011 and 2016, the Victim Support Centre of the Public Prosecution Service assisted a total of 21,151 persons, including 14,152 women. The punishable offences most often dealt with were domestic violence, sexual abuse of children, sexual coercion and rape, maltreatment of children and adolescents and statutory rape. In terms of the age groups of victims, 9,962 were minors, and 11,189 were adults.

(g) Act No. 5777 calls for the Public Defender Service to appoint specialized public defenders to offer professional assistance to women who are victims of violence. In 2015, the Ombudsman's Office promoted the creation of the inter-agency working group with technical assistance from the Regional ComVoMujer Programme, with the aim of developing a PROMUVI protocol in accordance with the Comprehensive Protection Act. This instrument will soon be officially announced and implemented.

78. The Public Prosecution Service issued General Instruction No. 9/11, which sets out the guidelines to be followed by prosecutors when investigating punishable acts of family and domestic violence. Likewise, General Instruction No. 9/15 lays down procedures to be followed by public prosecutors when requesting action by the Victim Support Centre. For the first time, this Instruction lays down the rules for use of the Gesell chamber in helping victims, witnesses and persons who are in a vulnerable situation.

79. The Public Prosecution Service, in coordination with the Ministry of Public Health and Social Welfare and other public agencies and civil society organizations, presented the *Manual de Atención Integral a Víctimas de Violencia Intrafamiliar y de Género en el Sistema de Salud* (Handbook on Comprehensive Care for Victims of Domestic and Gender-based Violence in the Health System). The Handbook will serve as a tool for optimizing the gathering of objective evidence to contribute to excellence in the prosecution and investigation of offences.

80. Since 2012, four Regional Women's Centres were set up in four departments in the framework of a strategy of deconcentration of services to women. The idea is to offer comprehensive care for female victims of domestic and gender-based violence by providing temporary accommodations, personal security, care and psychological support, counselling and legal aid, medical care and support, occupational therapy, information and training on their rights, school programmes for children who are admitted with their mothers and income-generation programmes designed to enable them to achieve economic independence for themselves and their children.

81. The Ministry for Women's Affairs promoted the creation of the Ciudad Mujer (Women's City) project, understood as a space where different State institutions will offer specialized services for women, ensuring that they receive comprehensive and timely assistance in an atmosphere of trust and quality, through five modules.<sup>4</sup> The facility will be located in the city of Villa Elisa.

82. Pursuant to General Instruction No. 9/2011, prosecutors and civil servants at all levels receive ongoing training at the Training Centre of the Public Prosecution Service on

<sup>4</sup> Sexual and reproductive health, comprehensive responses to gender-based violence, economic empowerment, education for equity and childcare.

procedures to be followed when investigating punishable acts involving family and gender-based violence, so as to ensure that criminal investigations are effective and efficient.

83. The judiciary is taking steps to promote the draft protocol to be followed by justices of the peace in cases of domestic and family violence, which provides recommendations and basic guidelines for the judges concerned and will serve as a mechanism for guaranteeing effective enforcement of the law and promoting access to justice.

84. Regarding measures taken to prevent and punish violence and discrimination against the LGBTI population, the Committee on Human Rights of the Chamber of Senators and the Panambi Organization organized a public hearing on 23 September 2015 on strategies for defending the human rights of transgender persons. As a result, an inter-agency working group was set up which was comprised of representatives of the Human Rights Directorate of the Supreme Court, the Public Prosecution Service, the Ministry of Justice, the Ministry of Public Health and Social Welfare, the Ministry of the Interior, the Ministry of Education and Science and the Equity and Gender Committee of the Chamber of Senators. These working groups are still active; the last meeting was held on Friday, 30 June 2017. Inter-agency coordination activities include the development, in coordination with the Public Defender Service and ComVoMujer, of the Protocol for Inter-Agency Action in cases of violent death, attempted murder and high-risk violence against women – PROMUVI-Mujer. The idea is to establish guidelines and common criteria for coordinated, effective and timely inter-agency intervention to prevent, investigate and punish murder, attempted murder and high-risk violence against women and to facilitate timely and effective access to justice and social services for abused women and persons affected by such aggression.

85. Decision No. SG 695/2016 provides that the integrated and comprehensive networks of health services of the Ministry of Public Health and Social Welfare may use the social name of transgender persons, i.e., the name with which they identify themselves, considering that doing so will ensure equal treatment and facilitate their timely access to health services by focusing on equity and respect for human rights.

### **Right to life and prohibition of torture and other cruel, inhuman or degrading treatment or punishment (arts. 3, 6, 7, 9 and 14)**

#### **Question 10**

86. In June 2017, the State acceded to the Agreement on the Regional Strategic Framework for the Prevention and Reduction of Unwanted Adolescent Pregnancy with a view to making progress in preventing new cases of teenage pregnancy and sexual abuse and strengthening the protection system. This initiative was supported by the United Nations Population Fund (UNFPA).

87. The National Sexual and Reproductive Health Plan, adopted by Decision No. SG No. 340/2013, addresses the basic needs of the population and takes a rights-based approach, especially to sexual and reproductive rights. Its lines of action are grouped into seven high-priority strategic areas to be implemented in the context of the National Health Policy 2015–2030, which is aimed at making health care more accessible, fair and effective. These strategic areas are: (1) motherhood and neonatal health; (2) family planning; (3) prevention and control of sexually transmitted infections, syphilis and HIV; (4) prevention, screening and treatment of breast and genital cancer in women and men; (5) prevention and care for persons in situations of domestic violence and gender-based violence; (6) prevention and comprehensive care for menopause and diseases, damage and dysfunction affecting sexual and reproductive health; (7) efficient management, monitoring and evaluation of the Plan. The cross-cutting themes permeating the priority areas are: (1) gender, rights, interculturalism, quality of care; (2) youth and adolescents; (3) attention to sexual and reproductive health of men and older persons; (4) advocacy, educational communication and social participation; (5) research. The strategic areas and cross-cutting themes are combined and merged in an inclusive approach aimed at improving sexual and reproductive health.

88. The National Adolescent Health Plan 2016–2021, adopted by Decision No. SG 506/2016, is designed to enable adolescents to be proactive in building their own lives and to exercise their right to a better quality of life and full health. To meet the objectives of the Plan, the following steps are proposed: (1) to help adolescents play a key role in developing and monitoring health policies, and to involve families and communities in sharing responsibility for guaranteeing the right to health of the adolescent population; (2) to improve the supply of comprehensive and inclusive services; (3) to strengthen the health information service; (4) to help strengthen human resources and the network of health services; (5) to monitor compliance with existing standards; (6) to promote partnerships with other sectors, such as the Ministry of Education and Science, the National Secretariat for Children and Adolescents, the Secretariat for Social Action, the National Institute of Indigenous Affairs, municipalities, governors' offices, non-governmental organizations, youth organizations, shapers of public opinion and social media. The health authorities have also approved and promoted the following documents related to the right of adolescents to sexual and reproductive health: *Norma Técnica de Atención Integral para Adolescentes en los Servicios de Salud* (Technical Regulations on Comprehensive Health Services for Adolescents), adopted by Decision No. SG No. 018/2017; *Manual Clínico y Cuadro de Procedimientos para Adolescentes IMAN (Integración del Manejo Adolescente y sus Necesidades)* (Clinical Handbook and Table of Procedures for Adolescents (Integrating Management of Adolescents and their Needs)), adopted by Decision No. SG No. 656/2015; *Guía de los Derechos de la Niñez y la Adolescencia en los Servicios de Salud* (Guide to the Rights of Children and Adolescents in Health Services), adopted by Decision No. SG No. 330/2016.

89. Information on maternal and neonatal deaths is available at <http://www.mspbs.gov.py/digies/>.

90. To prevent discrimination based on sexual orientation or gender identity, the Ministry of Education and Science has the Tekoarandu Programme for female and transgender sex workers. Rather than targeting a certain sector of society, which would ultimately accentuate discrimination, this programme is open to everyone. Helplines have been set up for lodging formal complaints in specific cases of discrimination as well as for queries about training and continuing education.

#### Question 11

91. On 26 May 2015, Senator Pedro Arturo Santacruz introduced a bill to repeal Act No. 5036/2013, amending and expanding on articles 2, 3 and 56 of Act No. 1337/99 on national defence and domestic security. The bill seeks to repeal Act No. 5036/2013, amending articles 2, 3 and 56 of Act No. 1337/99, on national defence and domestic security, which entered into force on 22 August 2013.

92. The bill was referred for consideration to the committees on constitutional issues, national defence and security forces, legislation, codification, justice and labour and prevention of and combating drug trafficking and related crimes. As of this date, the Committee on Constitutional Issues has submitted its views.

93. On 18 October 2016, a public hearing was held on the scope of the bill. The hearing included representatives of the Ministry of National Defence and representatives of political organizations, peasant organizations and representatives of civil society. A large number of representatives of municipalities in the departments concerned, Concepción and San Pedro, were also present.

#### Question 12

94. The Human Rights Unit of the Public Prosecution Service is responsible for dealing with the following offences: enforced disappearance (article 236 of the Criminal Code); causing bodily harm in the performance of public duties (article 307 of the Criminal Code); coercion to obtain a statement (article 308 of the Criminal Code); torture (article 309 of the Criminal Code, as amended by Act No. 4614/12); harassment of innocent persons (article 310 of the Criminal Code); enforcement of penalties against innocent persons (article 311 of the Criminal Code); violation of the secrecy of mail and telecommunications (article 317

of the Criminal Code); genocide (article 319 of the Criminal Code); and war crimes (article 320). Pursuant to article 15 of Act No. 1562/00, Organic Act of the Public Prosecution Service,<sup>5</sup> the Human Rights Directorate is responsible for collaborating with oversight of the prison regime so as to fulfil the purpose of criminal penalties and safeguard the rights of persons deprived of their liberty. Accordingly, monitoring visits are made to all the detention centres in the country, carrying out two rotations during the year, at which time data are gathered on the living conditions of persons deprived of their liberty and effective implementation of their human rights.

95. From its creation in 2011 until April 2017, 1,022 complaints were lodged, including 64 for torture, 698 for punishable acts of bodily injury in the performance of public duties, eight for coercion to obtain a statement, 57 for a variety of punishable acts, such as investigating more than one punishable act. The rest referred to other offences such as enforced disappearance, prosecution of innocent persons and others.

96. Forensic experts (Directorate for Legal and Forensic Medicine) are on staff to verify injuries when there are allegations of torture or bodily injury in the performance of public duties and conduct medical examinations as necessary for the proper diagnosis and investigation of such acts. Complaints may be lodged by the persons affected, their relatives or anyone having direct knowledge of such situations.

97. The Public Prosecution Service has a *Manual Práctico de Investigación en Casos de Tortura* (Practical Handbook for Investigating Cases of Torture) that follows the Istanbul Protocol. The Handbook covers investigations to be conducted immediately upon receipt of a report of torture-related events; objectives of the investigation; treatment of and interviews with the victim; identification of witnesses; physical, psychological and psychiatric signs of torture; preliminary intervention by the forensic medical expert; witness statements and interrogations, and requests for reports. As a legal parameter, the Handbook follows the description of behaviour laid down in Act No. 4614, amending articles 236 and 309 of Act No. 1160/97, the Criminal Code, adopted on 22 May 2012. This description is found in the international legislation on torture contained in the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Inter-American Convention to Prevent and Punish Torture and the Rome Statute of the International Criminal Court. The adoption of the new law has far-reaching legal implications arising from the need to adapt and modify the definition of the offence of torture in line with international law (in accordance with the recommendations made to Paraguay).

98. As regards the curriculum, it covers forensic medicine and forensic laboratory courses; also, in the area of criminal matters, the programme includes a module on conducting inspections at the scene of the crime.

99. It should be noted that Instructions Nos. 7, 11 and 12 of 2016<sup>6</sup> establish inter alia the obligation of the officials involved to monitor compliance with the legal safeguards envisaged in those instructions, which refer to the protection of due process and prevention of torture.

<sup>5</sup> Article 15. Collaboration on oversight of prisons. “The Public Prosecution Service shall collaborate with the enforcement judge in monitoring compliance with the prison regime and respect for the constitutional aims of the penalty and the rights of inmates.”

<sup>6</sup> The instructions issued by the Public Prosecution Service are based on the power of the Attorney General, under article 7 of Act No. 1562/00, to issue guidelines for action in specific cases, in accordance with criteria of criminal policy and the requirements of international human rights law. Article 7 of Act No. 1562/00 stipulates: “GENERAL INSTRUCTIONS. The duties of the Public Prosecution Service must, as such, be performed in accordance with the general instructions laid down by the Attorney General, although they may state their personal position as provided for in article 77. In their engagement with the courts, prosecutors shall enjoy autonomy of opinion as provided for in the procedural legislation. In their engagement with the courts, prosecutors shall enjoy autonomy of opinion as provided for in the procedural legislation. **Article 15. Collaboration in oversight of prisons.** The Public Prosecution Service shall collaborate with the enforcement judge in monitoring compliance with the prison regime and respect for the constitutional aims of the penalty and the rights of inmates.”

100. With regard to the investigation of reports of acts committed by the police, the Department of Internal Affairs: was set up to investigate complaints lodged with it concerning acts committed by police officers: the investigators submit their findings to the Directorate of Police Justice to undertake preliminary proceedings and establish administrative responsibilities, as well as to the Public Prosecution Service to conduct the relevant investigations in the area of its jurisdiction.

101. The Directorate of Police Justice is responsible for preparing reports on investigations conducted by the Department of Internal Affairs in response to complaints brought by the Ministry of the Interior or reliable third parties or the Commander of the National Police. As of March 2010, the Directorate has an organizational and operational structure and well-defined procedures that meet the requirements of due process.

102. To strengthen the Directorate of Police Justice, the National Police, by Decision No. 88 of 22 January 2011, set up summary courts and prosecution services specializing in human rights violations, with the main objective of supporting the work of the internal bodies responsible for investigating and punishing crimes of torture committed by police officers.

103. Article 15 of Act No. 1562/00, Organic Act of the Public Prosecution Service, and Decision No. FGE No. 1352/03 provide that prosecutors for criminal enforcement and the Human Rights Office should visit prisons in order to collaborate in oversight of the prison regime, to ensure compliance with the purposes of criminal penalties and to safeguard the rights of persons deprived of their liberty.

104. By Decision No. 197 of 2013, the Ministry of Justice established the Internal Affairs and Anti-Corruption Directorate to investigate, ex-officio or in response to specific complaints, all acts of corruption or in the case of persons deprived of their liberty, complaints of possible acts of torture, ill-treatment or inhuman or degrading treatment.

105. The Directorate General of Human Rights developed the *Manual sobre Uso de la Fuerza en Centros Penitenciarios y Centros Educativos* (Handbook on the Use of Force in Correctional Facilities and Educational Centres) in order to align administrative regulations with international standards on the use of force by law enforcement officials. It also developed a compendium of international human rights instruments applicable to prison management which incorporates the Mandela Rules and a number of international human rights instruments on the use of force.

106. To disseminate international standards at the institutional level, informational workshops were held to disseminate the rules on use of force.

107. The Ministry of Justice has worked to have the legislation revised and brought in line with international human rights standards for the prison system, including provisions to allow for complaints to prison authorities. With regard to the investigation of cases of torture and/or victims of torture, the Ministry of Justice has worked on the following protocols: (a) a protocol for action in response to reports of violations of the human rights of persons deprived of their liberty and a schedule for receiving complaints of human rights violations, (b) the Protocol for Reporting Torture of the Ministry of Justice, (c) Decision No. 446/2016, approving emergency measures for response to reports of human rights violations and torture of persons deprived of their liberty, adopted on 3 May 2016.

108. After the entry into force of the Protocol for Reporting Torture, 23 cases of alleged torture or ill-treatment were reported during 2016. In 2017, five reports of alleged acts of torture or ill-treatment were received, the last one on 4 July 2017; these reports were referred for administrative investigation following the established procedure.

109. After the entry into force of emergency measures in educational centres for juvenile offenders, seven of the teachers were immediately separated. In other cases involving permanent staff, such as that of Concepción, the Ministry of Justice filed criminal complaints, as well as in the situations reported by the National Preventive Mechanism (in the cases of educational centres in Ciudad del Este and Villarrica, the Ministry of Justice filed a criminal complaint against the teachers who had engaged in ill-treatment).

110. According to a report of the Directorate General for Legal Affairs,<sup>7</sup> 31 cases were opened between 2012 and 2017 concerning ill-treatment, torture, physical and psychological abuse, offences involving abuse of authority; of those, three have been concluded.

111. Decision No. 446/2016, approving emergency measures for responding to reports of human rights violations and torture of persons deprived of their liberty, was adopted in 2016. It applies to prisons and educational centres for juvenile offenders, enabling administrators to order the immediate transfer and/or change of duties, for the duration of the investigation, of correctional officers who have allegedly committed acts of torture.

112. Paraguay is the first country in the region to have set up an independent monitoring mechanism in accordance with the standards set out in the Optional Protocol to the Convention against Torture, known as the National Preventive Mechanism, as an independent institution with budgetary and operational autonomy and made up of respected national experts in the field.

113. Similarly, it should be noted that 10 final convictions have been handed down in connection with events that occurred during the Stroessner dictatorship. The relevant investigation was not conducted by the Public Prosecution Service because at the time of the events, in the absence of an authority with investigative powers, the investigating judge had to conduct the investigations. Subsequently, with the reform of the penal system under Act No. 1160/1997, on the Criminal Code, and Act No. 1298/1998, on the Code of Criminal Procedure, investigative powers were vested in the Public Prosecution Service.

114. In recent months, 10 additional charges have been brought in the investigation of crimes committed during the period between 1954 and 1989; in eight of these cases, house arrest was requested owing to the age of the defendants (between 72 and 87), pursuant to the standard for treatment of persons over 70 who are involved in criminal proceedings. In the remaining two cases, the Public Prosecution Service requested pretrial detention as a precautionary measure. There have also been two convictions (most recently in 2017) for inflicting bodily harm in the performance of official duties.

115. In the Paraguayan criminal legislation concerning punishable acts in the performance of public duties, the list of criminal offences includes behaviours that, objectively speaking, appear to have similar characteristics. This makes it difficult for prosecutors to subsume a conduct to a specific definition. Thus, a thorough legislative review is needed which is clearly beyond the scope of the Public Prosecution Service; however, the issue has been noted on the map of human rights risks prepared by the Human Rights Directorate.

116. The Public Prosecution Service currently operates a system on a number of software platforms, each one with different objectives. It should be borne in mind that when the different units have heavy workloads, it is difficult to keep all the systems up to date. Accordingly, a proposal has been submitted to the Attorney General's Office to change the management platform and consolidate all the systems into one.

117. Such a platform, which would be called the *Sistema de Gestión Fiscal* (Prosecution Management System), would be designed to include all relevant information on court proceedings and developments related to them. It would receive input from all the work environments operating in different modules that interact with the prosecutors' office.

118. With all this information, an interface would be created that would enable users in the prosecutors' offices to generate different actions using the information on the strategic case plan. The advantage of this working model is that it will no longer be necessary to work outside the system, since all documents and requests would be written within the system; that in itself would generate a series of reports the indicators of which would give decision makers (the Attorney General, the Deputy Attorney General, prosecutors in general) plenty of information on the progress of the proceedings. Once recorded in the

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<sup>7</sup> Note DGSJ No. 233/17, transmitting a report on investigations opened and concluded during the period 2012 to 2016.

system, the cases would send out alerts based on indicators defined as “danger”, so that those concerned can take the necessary steps to overcome the obstacles identified.

119. It should be noted that the aforementioned platform will include guidelines for all the formalities in each case, with the aim of recommending the optimum course of action.

120. The Attorney General’s Office decided to develop and implement a line management system that includes checks, management indicators and a list of areas selected in the implementation process; specialized prison units with their respective catalogues of punishable acts that are included at the request of the deputy prosecutors, zonal prosecutors and between specialized units, allowing for the development of risk maps of punishable acts of torture, early warning or detection of obstacles arising at every stage of the investigation. This system has already been developed and is partially in operation in several of the prosecution units in the Asunción and Central regions.

### **Question 13**

121. The Appeal Court of Canindeyú, by Decision and Judgment No. 06 of 3 April 2017, confirmed the sentence of 12 years’ imprisonment for Pánfilo Franco Toledo, who was indicted for the murder of Vidal Vega.

## **Elimination of slavery and servitude (arts. 7, 8, 14 and 24)**

### **Question 14**

122. Act No. 4788/12, Comprehensive [law] against trafficking in persons, which was promulgated on 13 December 2012, includes provision for the creation of a National Coordination Agency to Prevent and Combat Trafficking in Persons, along with an Inter-Agency Board to Prevent and Combat Trafficking in Persons in the Republic of Paraguay. The Act also envisages the National Programme to Prevent, Combat and Assist Victims of Trafficking and the National Investment Fund on Prevention and Assistance to Victims of Trafficking in Persons. As yet no administrative mechanism has been set up or created for either the National Programme or the Investment Fund. It has been decided that until such time as a special body is created for that purpose, the Programme will operate within the Ministry for Women’s Affairs. Thus, the Ministry for Women’s Affairs has been working on creating that body. In 2016, a budget line was obtained, but since the President vetoed the national budget for 2017, it was not executed.

123. The National Secretariat for Children and Adolescents has a Coordinating Committee on Trafficking and Sexual Exploitation of Children and Adolescents. As a specialized interdisciplinary body, it works with the Programme on Comprehensive Assistance to Victims of Trafficking and Sexual Exploitation.

124. The Rosa Virginia Shelter provides protection and support, including comprehensive care, with the aim of achieving emotional recovery and promoting rights, based on a respectful and timely approach within parameters of quality and credibility.

(a) The National Policy on Preventing and Combating Trafficking in Persons in Paraguay 2010–2019, adopted by Decree No. 8309 of 19 January 2012, is implemented by the Inter-Agency Board that has been working since 2005. The Board is comprised of several government agencies and civil society organizations that are involved in prevention and assistance to victims of trafficking. To ensure early detection and eradication, inter-agency boards have been set up in several cities in the interior. These local boards are known as departmental and district commissions and have the same characteristics as the National Board. They receive reports of trafficking and refer them for investigation and processing to the Public Prosecution Service. To date 12 departmental commissions and four district commission have been set up.

125. The Paraguayan State has responded to human trafficking inter alia through criminal prosecution of the crime and providing assistance and protection to victims from the very moment it has contact with them.

(b) With regard to assistance and protection for victims, between August 2013 and August 2017, the Victim Reintegration Programme provided assistance to 111 women in the Referral Centre and the Temporary Shelter for Victims of Trafficking. From 2013 to August 2017, a total of 20 women affected by trafficking benefited from the establishment of micro-enterprises which now enable them to generate income.

126. In 2016, the General Protocol for Assistance to Persons Affected by Trafficking in Paraguay was adopted by Decision No. 309/16 of the Ministry for Women's Affairs. The Protocol is being disseminated among key institutional actors involved in dealing with trafficking in persons who are being strengthened through training and refresher courses on territorial institutional benchmarks and the development and implementation of departmental work plans.

127. With regard to services and social reintegration programmes, the aim is to make the improve the sustainability of the National Budget so as to increase public investment in these mechanisms which will benefit victims of that heinous crime.

(c) The Public Prosecution Service has a specialized prosecution unit that conducts investigations and follows up on reports of trafficking cases.

(d) Between 2015 and 2017, a number of training workshops were held for government officials and civil society organizations with the aim of familiarizing them with the issues involved and the mechanisms available for providing assistance. The National Secretariat for Tourism has been promoting national campaigns on prevention of sexual exploitation of children linked to tourism; it has also promoted training opportunities and launched audiovisual materials on prevention. The same activity was carried out at Dakar in December 2016, where informational materials on awareness-raising and prevention were handed out.

128. In 2014, the judiciary signed a protocol for action with the International Labour Organization (ILO) through the International Labour Standards Department, which provides a framework of cooperation for the national labour and information monitoring system of ILO.

129. In that regard, after the Protocol was signed, the Human Rights Directorate conducted training activities for judges, public defenders and prosecutors, also providing technical and logistical assistance.

(e) International cooperation is a key aspect of efforts to combat trafficking in persons. In this regard, international agencies, especially the International Organization for Migration (IOM), working in coordination with State agencies, are supporting the fight against trafficking in persons. They are also helping reintegrate and relocate victims of trafficking to Paraguay through agreements and programmes with the agencies that are members of the Inter-Agency Board.

130. The Directorate General to Combat Trafficking in Women of the Ministry for Women's Affairs is part of the MERCOSUR Network on the *Mecanismo de Articulación para la atención a mujeres en situación de trata internacional* (Coordination Mechanism for Assistance to Women at Risk of International Trafficking). The goal of the Network is to provide assistance to women in MERCOSUR countries who are at risk of becoming victims of international trafficking. In the context of the Meeting of Ministers and High-Level Authorities on Women's Affairs, and prioritizing efforts to address trafficking of persons, the Ministry for Women's Affairs serves on the Paraguay-Argentina integration committees at Clorinda-Puerto Falcón, Formosa-Alberdi, Pilar – Bermejo, Ayolas-Ituzaingó and Encarnación-Posadas. It is also a member of the Board on Gender and Trafficking in Persons.

## (i) Cases Identified – Number of persons identified by State authorities as victims of trafficking in persons

	2014	2015	2016	2017
<b>Total (children + adults)</b>	<b>108</b>	<b>132</b>	<b>105</b>	<b>20</b>
Boys	6	3	13	-
Girls	44	23	14	7
<b>Total children</b>	<b>50</b>	<b>26</b>	<b>27</b>	<b>7</b>
Adult men	8	14	29	1
Adult women	50	87	49	13
<b>Total adults</b>	<b>58</b>	<b>101</b>	<b>78</b>	<b>14</b>

## (ii) Number of offences of trafficking in persons recorded

	2014	2015	2016	2017
<b>Total</b>	<b>80</b>	<b>68</b>	<b>77</b>	<b>24</b>

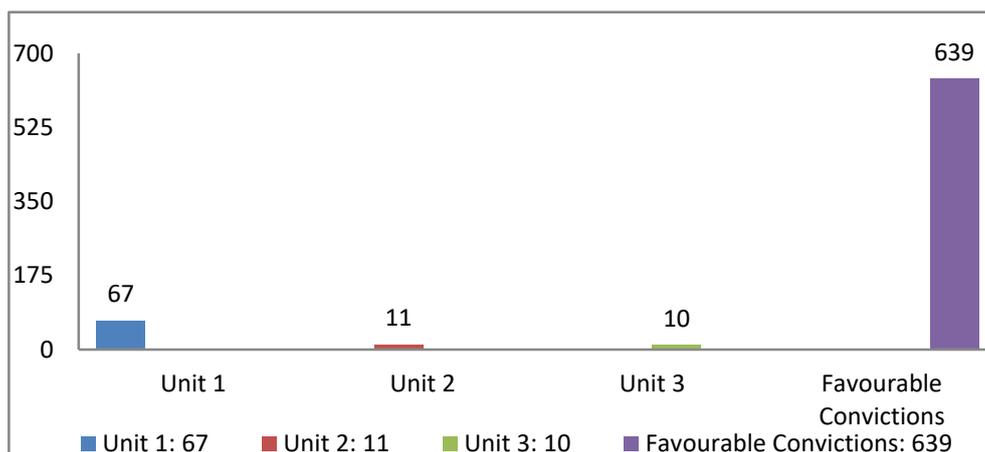
## (iii) Number of persons against whom criminal proceedings for trafficking in persons were initiated

	2014	2015	2016	2017
<b>Total</b>	<b>43</b>	<b>59</b>	<b>43</b>	<b>9</b>
Men prosecuted	21	43	20	5
Women prosecuted	22	16	23	4

## (iv) Number of persons convicted of trafficking in persons (preferably in first instance)

	2014	2015	2016	2017
<b>Total</b>	<b>13</b>	<b>20</b>	<b>26</b>	<b>3</b>
Men convicted	8	15	12	2
Women convicted	5	5	14	1

## (v) Convictions favourable to the Public Prosecution Service in the fight against trafficking in persons (between 2011 and August 2016)



*Note:* The convictions included sentences of imprisonment, fines and expedited procedure with suspended prison sentence under articles 139 (1) and (2) of Act. No. 3440/08 and article 140 (1) (1) of the Criminal Code.

131. The National Commission on Fundamental Labour Rights and Prevention of Forced Labour established by Decree No. 7865/17 and coordinated by the Ministry of Labour, Employment and Social Security, which meets regularly on a tripartite basis, has made significant progress in this area, as the National Strategy on Prevention of Forced Labour 2016–2020 was adopted by Decree No. 6285/16, and the Commission adopted the Tripartite Inter-Agency Guide for Intervention in Cases of Forced Labour and the Commission’s Biannual Plan 2017–2019. In the framework of the proposals for immediate action envisaged in the national strategy and with support from ILO, it has printed informational brochures on forced labour and on the establishment and activities of the Commission, and it has printed copies of the National Strategy for distribution and dissemination.

132. In terms of penalties, the Comprehensive Act against Trafficking in Persons (Act No. 4788/12) provides for a custodial sentence of up to eight years; under special aggravating circumstances, the penalty may be increased to up to 20 years. This Act has led to considerable progress being made in qualitative terms, in regard to preventing re-victimization of victims and avoiding the need for them to appear in court.

### Question 15

133. The State has ratified ILO Convention No. 189, concerning decent work for domestic workers and has enacted legislation and regulations for domestic work. This is a result of implementation of the agenda on portability of social security during the pro tempore presidency of the seventh Meeting of Ministers and High-Level Authorities on Women’s Affairs.

134. Act No. 5407/15, on Domestic Work, was enacted on 13 October 2015, and the Regulations thereto, in Act No. 233/16, were adopted on 22 April 2016. This legislation was drawn up in the framework of the Tripartite Commission on Equal Opportunities and includes important changes aimed at aligning rights and moving towards implementation of a minimum threshold of decent working conditions, thus changing the situation that had prevailed in domestic employment, hitherto governed by the Labour Code of 1993.

135. The new legislation recognizes many rights for domestic workers, some addressed in specific terms and others in reference to the general rule laid down in the Labour Code.

136. The Directorate General for Promotion of Working Women of the Ministry of Labour, Employment and Social Security provides differentiated advisory services to workers and employers in the domestic sector through the Office of Labour Affairs. The Office of Labour Affairs considers complaints in cases arising from non-compliance with labour regulations and offers mediation services (an effective tool for resolving issues at the administrative level). Employers are contacted in order to deal with the complaint. The

Office also assists employers and domestic workers with the settlement of wages, so as to determine the amount that is due regardless of the worker's status.

137. In order to inform and raise awareness among the general public regarding legislative progress and the importance of complying with the law, round table discussions are held with ILO experts on the importance of Convention No. 156, on Workers with Family Responsibilities, and its relationship with ILO Convention No. 189. The relevant regulations are also disseminated through television and radio and distribution of informational materials.

138. Strategic inter-agency partnerships were established with the Ministry for Women's Affairs, the Inter-Agency Group on Care Policies, UN-Women, the United Nations Development Programme (UNDP), UNFPA, ILO and South-South cooperation, in order to disseminate and promote the labour rights of domestic workers.

139. The Ministry of Labour, Employment and Social Security signed a Memorandum of Understanding with the Ministry of Labour and Labour Development of the Republic of Panama with the primary aim of publicizing the measures taken to formalize and dignify domestic work and transferring good practices and technical know-how on strategies adopted in the framework of ILO Convention No. 189, the new Act on Domestic Work and related regulations.

140. The Directorate General for Promotion of Working Women is implementing other initiatives and policies designed to narrow the gender gap in the domestic and other sectors.

141. Through a Letter of Intent signed with the Ministry of Social Development of Uruguay and with the support of the National Employment and Vocational Training Institute of Uruguay, curricula on care and training of trainers are being adapted with a gender and human rights approach. The idea is to attract and provide quality training for domestic workers to care for children and older persons with dependency issues; these strategies are designed to enable women domestic workers to achieve upward mobility.

142. The main purpose of the Inter-Agency Group on Care Policies, of which the Ministry of Labour, Employment and Social Security is a member, is to develop a national care policy.

143. Work cooperatives for domestic workers have been started which target the multiple-job-holding sector and seek to generate synergies among the main actors in this occupational sector.

144. At the country level, the Ciudad Mujer (Women's City) project is being carried out in Villa Elisa with the main objective of providing access to quality public services, focusing on comprehensive care and warmth to promote women's economic empowerment. This project is being implemented through several care modules led by the various ministries and institutions. The project offers technical vocational training services and counselling for women users, focusing on their insertion in the labour force and entrepreneurship. The module is designed to promote autonomy and economic empowerment of women and to enable them to generate their own income through training and skills development focusing on skills, guidance and labour intermediation, access to credit and awareness of their economic rights.

#### **Question 16**

145. With a view to eliminating the economic exploitation of children, the National Commission for the Prevention and Eradication of Child Labour and the Protection of Working Adolescents submitted to the legislature a draft bill to criminalize and punish hazardous child labour and *criadazgo*. The National Commission on Fundamental Labour Rights and Prevention of Forced Labour, coordinated by the Ministry of Labour, Employment and Social Security, developed the National Strategy on Prevention of Forced Labour 2016-2020, which was adopted by Decree No. 6285 in November 2016.

146. In regard to prevention, during 2016 and up to August 2017, the Directorate General for Protection of Children and Adolescents of the Ministry of Labour, Employment and Social Security carried out campaigns to raise awareness against child labour. One such

activity was a photo exhibit at Ministry Headquarters on the subject of World Day Against Child Labour. The exhibit was open for one week and reflected the ILO theme for the year, “NO to Child Labour”. A campaign was conducted to promote greater investment in prevention and protection for children and adolescents, with the theme of the twenty-third Week for the Rights of Children and Adolescents 2017.

147. The Ministry of Labour, Employment and Social Security adopted a form for reporting cases of child labour and a special procedure for conducting inspections, with special emphasis on cases in which a minor under 18 is found working. Complaints are referred to the Human Trafficking and Exploitation Unit of the Public Prosecution Service for investigation. At the same time, dissemination of news about child labour has been standardized to include impact measurement indicators, while ensuring respect for privacy and prohibiting the publication of data or pictures showing children or adolescents whose rights have been violated.

148. Among others, workshops on the subject “NO to child labour, no to *criadazgo*, respect my rights” were carried out in Caazapá, Coronel Oviedo, Ciudad del Este, Filadelfia, Pilar and Concepción. The objective of the workshop is to raise awareness about actors in the reference areas, so that they will undertake to play a leading role in defending and protecting the rights of children and adolescents in the area of child labour, trafficking for exploitation of labour, *criadazgo* and intervention in the context of the campaign. The workshop was carried out by an inter-agency team made up of representatives of the Ministry of Education and Science and the National Secretariat for Children and Adolescents, and it was coordinated by the Ministry of Labour, Employment and Social Security. A total of 335 people participated in the workshops.

149. A second stage of workshops was held in the following districts of the Central Department: Ñemby, Ypané, San Antonio, Villa Elisa, Fernando De la Mora, San Lorenzo, Luque, Mariano Roque Alonso, Itá, José Augusto Saldívar, Guarambaré, Nueva Italia, Itauguá, Capiatá and Ypacaraí. A total of 487 people participated in the workshops.

150. The Directorate General for Protection of Children and Adolescents participated in the Seventh World Congress for the Rights of Children and Adolescents, held on 16, 17 and 18 November at the National Secretariat for Sport. The following issues were addressed: quality of life, children as subjects of rights, social protection, formal and informal work, the importance of having statistical data disaggregated by sex, and others.

151. Article 5 of Act No. 5407/15, on Domestic Work, stipulates that no child may ever be engaged in domestic work. A draft bill is currently under consideration which would define and punish *criadazgo* so as to eliminate that practice and allow for criminal prosecution of those responsible.

152. In addition, the Human Rights Directorate of the Supreme Court has conducted workshops to raise awareness about *criadazgo* in the judicial circuits of Caaguazú, Itapúa, Alto Paraná and Caazapá. Number of judicial officials reached by the workshops. This activity has also been carried out with judges specializing in children and adolescents who have made contributions to the draft bill on *criadazgo*.

## **Liberty and security of person and humane treatment of persons deprived of their liberty (arts. 2, 9, 10 and 14)**

### **Question 17**

153. In 2016, in the framework of the Prison Reform Policy and in coordination with the judiciary, the Ministry of Justice launched a plan to clear out the backlog of cases and expedite court proceedings involving persons deprived of their liberty. The project specifies certain days when judicial officials are to work at prisons with a view to resolving cases that have been delayed. In May 2016, the Inter-Agency Office was created to serve as liaison between all officials in the criminal justice system, in order to coordinate and monitor hearings in the preparatory and intermediate stages. The Office is comprised of representatives of the Supreme Court of Justice, the Ministry of Justice, the Public Prosecution Service and the Public Defender Service; their duties are outlined in the Inter-

Agency Agreement on Implementation of the Inter-Agency Office (Decision No. 1057/16); the immediate result has been an increase in the number of hearings held.

154. In early 2016, the Paraguayan State launched a pilot plan for streamlining and defining legal proceedings, with the aim of settling cases by conducting hearings at the prisons. As of July 2016, 36 hearings had been held in three days, resulting in the release of half the cases considered.

155. Court hearings are also conducted by video conferencing at the prisons; this is being done in order to ensure greater and more expeditious access to justice in court proceedings and optimizing the use of human resources with regard to security and internal transfer of inmates for hearings. This has already been done at nine prisons, and a training programme is underway for personnel involved in this work.

156. The Supreme Court introduced the Pilot Plan for Restorative Justice that was set up by Decision No. 917, through a specialized court in the city of Lambaré. The Supreme Court of Justice highlighted the procedural economy made possible by this initiative, as well as the paradigm shift in the treatment of juvenile justice, both representing significant progress in terms of restorative justice. The Lambaré Court has dealt with around 400 non-custodial measures, with a recidivism rate of 8 per cent and only 6 per cent dropping out of the programme.

157. The modern Pedro Juan Caballero Educational Centre houses a total of 31 adolescents in conflict with the criminal law and has multidisciplinary technical teams that enable it to provide comprehensive care for adolescents. In addition, their food has been improved, both in quality and in daily rations, to the point where six meals a day are provided.

158. Under the agreement between the Ministry of Justice and the Ministry of Education and Science on access to formal education for juveniles deprived of their liberty at educational centres run by the National Service for Juvenile Offenders, out of a total of 358 young people in the educational centres, 321 receive schooling. Among them, 10 are in a literacy programme; 270 are in the basic bilingual education programme; 41 are at the secondary level, and 152 are in a programme offering job training and social skills for life (plumbing – National Career Development Service; cooking – National Career Development Service – Beginner; computer science; digital literacy – National Secretariat for Information and Communication Technologies; baking and soy milk – Centre for Family Worship; horticulture – National Career Development Service; carpentry – National Career Development Service; occupational workshop – M77; workshop on social skills for life – technical professionals; jewellery making – National Career Development Service; bakery and confectionery – National Job Training System; motorcycle mechanics – National Career Development Service, National Job Training System).

### **Question 18**

159. The Ministry of the Interior, through the National Police, adopted Decision No. 1244, establishing minimum standards for police custody and an institutional communication mechanism to safeguard the right to defence and ensure compliance with procedural time limits.

160. Likewise, the Directorate General of Human Rights of the Ministry of Justice has worked to promote and protect human rights within the prison system through different activities such as workshops involving social interaction with officials, prison officers and inmates, as well as distributing copies of the Mandela Rules in print and digital form. The website of the Ministry of Justice provides a hyperlink to information on the campaign.

161. The *Primer Manual Interinstitucional de Control de Cumplimiento de Medidas Alternativas y Sustitutivas a la Prisión* (First Inter-Agency Handbook on Monitoring Compliance with Alternatives to Imprisonment) was issued. Full computer equipment was supplied to all the educational centres within the National Service for Juvenile Offenders.

162. The Ministry of Justice, through the Directorate General of Human Rights, has worked on developing the Protocol for Assistance to Transgender Persons Deprived of Their Liberty, which is currently being disseminated and implemented. Three workshops on

dissemination of the protocols for persons deprived of their liberty who are at risk were held in 2016, one with the directors of all the prison facilities and two with prison officials. Approximately 100 persons participated in the workshops. In 2017, five workshops were held which were attended by 90 prison officials.

163. In the case of persons deprived of their liberty who belong to indigenous communities, the Deputy Minister for Criminal Policy and the Directorate General of Human Rights of the Ministry of Justice, along with the Federation for the Self-determination of Indigenous Peoples, are developing a specific protocol for indigenous persons deprived of their liberty with the aim of implementing institutional procedures that are consistent with the worldview of indigenous peoples within the framework of the progressive implementation of the Mandela Rules.

164. The process began with the signing of an agreement with the Federation for the Self-determination of Indigenous Peoples in December 2016, after which it was divided into stages. Stage One: drawing up the draft protocol and a documentary and statistical survey; Stage Two: socialization of the draft protocol at the institutional and inter-agency levels and in consultation with indigenous communities; Stage Three: adjustments to the contributions received and final approval.

#### **Question 19**

165. The Supreme Court, working through the Human Rights Directorate, has set up inter-agency working groups to develop a protocol for action by judges, prosecutors, defenders and psychiatric hospitals in the country, in cases of persons with psychosocial disabilities or mental illness who are in conflict with the criminal law. Such meetings are made up of representatives of the judiciary (judges, psychologists, psychiatrists), prosecutors, public defenders, officials of the Directorate General of Prisons, the Psychiatric Hospital, the Directorate of Mental Health and the Human Rights Directorate of the Ministry of Public Health and Social Welfare.

### **Right to a fair trial (art. 14)**

#### **Question 20**

166. With regard to the independence of the judiciary, article 248 of the Constitution provides that “in no case may the members of the other powers, or other officials, arrogate to themselves judicial powers that are not expressly established in this Constitution ...”. The same article also stipulates that anyone who attempts to undermine the independence of the judiciary and of its judges shall be disqualified from filling any public office for five consecutive years, in addition to such penalties as may be established by law. Under article 252 of the Constitution, judges who are confirmed for two consecutive terms acquire non-removability and may only be removed by the Jury for Prosecution of Judges in the event they commit crimes or perform poorly the judicial duties defined by law.

167. In that regard, the Office of Judicial Ethics was created by Decision No. 577 of 2005; this Office is responsible for the implementation and proper interpretation and application of the Code of Judicial Ethics. It also provides technical support for the work of the Judicial Ethics Tribunal and the Advisory Council on Judicial Ethics.

168. The records show that in 2016, there were a total of 13 complaints against judges for misconduct in the performance of their duties; of these, four were acquitted and recommendations were made on two occasions; in one case, a public reprimand was issued, and in another case, a private reprimand.

169. In 2016, as part of the campaign to promote the Code of Ethics, 400 copies were provided to judges, 800 to officials and 1,000 to the general public. An internal communication campaign on judicial ethics was launched with posters to disseminate ethical values and inform the public about the duties of the Office.

170. The Directorate General of Judicial Sector Auditing was set up as an oversight body under the Supreme Court of Justice with the aim of ensuring order and discipline among all

staff, ensuring proper performance of duties by officials, offices and units in the judiciary, monitoring the orderly conduct of trials and delivery of judgments as provided in the law and monitoring and ensuring proper compliance with provisions, rules and other regulations.

171. It should be noted that as a measure to prevent interference by other branches of Government, in 2006, by Circular No. 03/2006, emphasis was placed on the order to abstain from partisan political activities, it being understood that the duty of a judge is to exercise the judicial function with absolute independence from factors, criteria or motives other than strictly legal considerations.

172. Article 251 of the Constitution stipulates that “members of tribunals and courts throughout the Republic shall be appointed by the Supreme Court from a shortlist of three names proposed by the Council of the Judiciary.” In that regard, the process for the appointment of judges and prosecutors is regulated by the Council itself, which establishes criteria for selecting and evaluating the merits and qualifications of candidates and drawing up shortlists, according to the following procedures:

173. Article 8, the first stage, consists of an evaluation based on tests of general and specific knowledge; this is mandatory, and those who fail will be eliminated.

174. Article 16, the second stage, consists of an evaluation by means of a psychological and vocational test. The Council must publish a list of the applicants who qualify for this test.

175. Article 21. The interview is treated as a criterion for selection. The list of applicants who qualify for an interview must be published on the website of the Council of the Judiciary at least 48 hours in advance. The applicants who appear on the list, having met the minimum requirements, will be allowed to move on to the third stage, which consists of a personal competitive interview conducted by an evaluation board made up of at least two members of the Council, who are chosen by lot.

176. Article 24. Upon completion of the three stages, the Council of the Judiciary must reach a decision by adding up all the points earned by each candidate and drawing up a final list showing the individual scores. All data must be published on the official website of the institution or on other appropriate media. All supporting documentation must also be available on the official website of the Council of the Judiciary or the General Secretariat.

177. Article 27. When no comments are made on the list of candidates and scores for a given position or when any such comments have been dealt with by the Council of the Judiciary, the list will be ready for consideration by the Council. At that time, the study on the shortlists may be included on the agenda and published on the official website of the institution sufficiently in advance. The best qualified candidates will be entitled to be given priority to fill the vacancies unless the members of the Council have well-founded objections.

178. Article 28. Once the shortlist is drawn up by the Council, it must be published on the official website with the full names and scores of those who have been chosen. Candidates must be notified in person or by electronic means, and the shortlist must then be submitted to the Supreme Court.

179. The Complaints Department of the Judiciary implements the Supreme Court’s policy of transparency and citizen participation by reporting on complaints of irregular acts in order to reduce corruption and impunity. A procedure for receiving complaints has been established so that once a complaint is received, it is referred for investigation; evidence to be collected so as to decide whether or not a case should be opened. The subject of the complaint presents his or her defence, and the institution gathers the relevant evidence. Once that stage is completed, the Office of the Superintendent General of Justice issues a decision either recommending acquittal or calling for sanctions against the accused. Finally, the Council of Superintendents decides whether to punish or acquit.

180. The records show that during the first half of 2017, a total of 2,259 complaints were made, and during the second half, 2,006. Of these complaints, 238 were addressed to judges throughout the country.

181. The Talking about Justice Programme that began in 2013 carries out annual activities to raise awareness about the Supreme Court's systems for ensuring integrity and access to justice through workshops, seminars, discussions and interviews, using forums, regional meetings and mass media.

182. In the context of the fight against corruption in the judicial sphere, the Judicial Training Centre developed a transparency map of the judiciary in 2006 as part of the National Integrity Plan adopted by Decision No. 542/2008. Thus, it took steps to obtain information that would offer insight into both the factors that foster and those that determine opportunities for transparency and integrity in the institution.

183. The first indicators of the system were measured in 2014; 26 indicators were measured in the administrative and internal sphere of support for access to justice. In 2015, the final measurement was made of data from the sphere of jurisdiction. Training has subsequently been conducted to improve the quality of information in the different courts throughout the country.

184. With regard to regulation concerning impeachment, in 2012, the members of the Constitutional Chamber argued that the institution known as "impeachment" is an administrative parliamentary procedure that the National Congress has declared to be exclusively within its competence.

#### **Question 21**

185. The matter is currently being reviewed by the Criminal Chamber of the Supreme Court of Justice by virtue of a cassation appeal brought by the defence of the accused in the case.

186. With regard to the recommendations of the universal periodic review, at a meeting held on 6 August 2016, the plenary of the Senate adopted a draft resolution directing the President of the Senate to take steps to implement recommendation 104.1 of the United Nations Human Rights Council. The draft resolution was introduced by senators Sixto Pereira, Hugo Richer, Fernando Lugo, Pedro Arturo Santa Cruz and Miguel López Perito.

187. The proposal calls for an independent commission to be convened to investigate allegations of human rights violations related to the 2012 law enforcement action at Marina Kue.

188. Regarding the question on the Itaugua case, it should be noted that following the deaths of the adolescents, the Director of the Centre was dismissed and prosecuted, and the officials considered responsible were arrested and criminally prosecuted.

### **Freedom of expression (art. 19)**

#### **Question 22**

189. As the lead strategic agency for the communications policy of the executive branch, the Secretariat for Information and Communications is governed by the Constitution, article 26 of which guarantees freedom of expression and of the press. Likewise, with Act No. 5282/14, on Free Citizen Access to Public Information and Government Transparency, citizens are assured of the right of access to information and likewise, to take part in government programmes and State activities, with the support and valuable participation of the mass media (television, radio, new technologies) in the communication process. An independent regulatory body implements Act No. 5282/14.

190. The Directorate for Transparency and Access to Public Information of the judiciary was created by Decision No. 999 to ensure proper implementation of the Act. The Directorate is responsible for receiving requests for public information, as well as for processing and managing it. In addition, Decision No. 1005 of 2015 lays down procedures for judicial action on the issue and provides that in the event of express or tacit denial of a request for access to information or any other failure to comply, the person concerned may address the judge of the first instance with jurisdiction in the place of his domicile or where the public source is located.

191. A bill on freedom of expression, protection of journalists, members of the press and human rights defenders was submitted in November 2016 and is currently under consideration by the relevant committees of both houses of the National Congress. The purpose of the bill is to lay the groundwork for cooperation and coordination among branches of government, public international agencies, public institutions, organizations and private individuals and civil society, in order to protect the lives, integrity, freedom, safety and job stability of persons who are at risk owing to their work as journalists, members of the press or their defence of human rights. A national mechanism for the protection of journalists, members of the press and human rights defenders would be set up as the implementing body; it would decide on its composition, functions, guiding principles and on a procedure for removing members and grounds for such action.

192. The purpose of the national mechanism would be to promote initiatives for strengthening existing policies and legislation on press freedom and safety of journalists; to develop policies to prevent violence against journalists, including training for the journalists, for law enforcement personnel and for justice officials; to establish a rapid response procedure to be followed as soon as there is an imminent threat against a journalist; to monitor and document cases of violence against journalists and the contribution of Paraguay to preparation of the annual report of the Director-General of UNESCO, as part of the United Nations Plan of Action on the Safety of Journalists and the Issue of Impunity; this consists of information on investigations carried out to shed light on crimes against journalists.

193. To that end, the Ministry of the Interior and the National Police are working together on security-related issues. The Public Prosecution Service and the judiciary are also working on the investigation and punishment of offences against journalists. The legislative branch, for its part, will work on the adoption of institutional and policy measures on the subject. The State as a whole, along with civil society and journalists' associations, will be responsible for raising awareness on the issue.

## **Rights of the child and birth certificates (arts. 16 and 24)**

### **Question 23**

194. The Inter-Agency Commission to Promote and Protect the Right to an Identity has been active since 2008. Through the Coordinating Council on Identity, it undertakes activities aimed at promoting the right to identity, conducting mass campaigns on civil registration with the relevant institutional coordination.

195. In September 2014, the National Secretariat for Children and Adolescents launched the Coordination Programme on Promotion of the Right to Identity of Children and Adolescents, which brings together key actors for the implementation of public policies, with a view to restoring the rights of at-risk children and adolescents and providing comprehensive protection. The objectives of the Programme are to promote, manage, coordinate, ensure and facilitate free access for children and adolescents to the universal right to an identity. The idea is to ensure universal free access to the right to identity, which is a preliminary step towards setting up the National Plan for Universal Registration of Births.

196. The mass civil registration and identification campaigns are organized jointly with the Directorate General of the Civil Registry and the Identification Department of the National Police. Work is also coordinated with the municipalities in the interior of the country through the Municipal Advisory Services on the Rights of Children and Adolescents and the social area of the municipality of Asunción.

197. In 2016, a campaign was organized, planned and implemented through State mass media, in particular, on public television and national radio, as well as in print media such as *Diario ABC* and *Popular*.

198. Leaflets and answers to frequently asked questions on subjects such as how to obtain identity documents were prepared and published on the website of the National Secretariat for Children and Adolescents. This year the National Identity Bureau and the Secretariat for

Information and Communications are planning another large-scale public information campaign.

199. With regard to the necessary inter-agency coordination, in 2015, the National Secretariat for Children and Adolescents once again promoted the establishment of the National Committee on the Protection and Promotion of the Right to Identity, coordinated by the Vice-President of the Republic of Paraguay, as part of the national programme *Todos somos alguien* (We are all someone). The Committee is made up of representatives of State institutions, such as the Ministry of Education and Science, the Ministry of Public Health and Social Welfare, the National Secretariat for Children and Adolescents, the Secretariat for Social Action, the Ministry of the Interior, the National Directorate of Statistics, Surveys and Censuses, the Secretariat for Information and Communications and the National Secretariat for Information and Communication Technologies. The purpose of the Committee is to implement the programmes and goals laid down in the National Plan on Universal Registration of Births; the main lines of action are to strengthen institutions in the sector, reform the legal framework, promote community participation and reduce under-registration.

200. Statistics on identity cards issued during the mass registration and identity-card campaigns carried out in the framework of the *Sembrando Oportunidades* (Sowing Opportunities) Programme, with the Directorate of Population of the Ministry of the Interior.

#### **Campaigns conducted in the city of Asunción and departments of the Interior of the country**

<i>Month</i>	<i>Department</i>	<i>Beneficiaries</i>
March	Alto Paraná	3 366
April	Alto Paraná	6 382
May	Alto Paraná-Paraguarí	3 944
June	Curuguaty	1 629
July	Asunción	60 (*)
August	Asunción	121 (*)
September	Caazapa-Caapucú	3 570
October	Canindeyú-Asunción	44 (*)
November	Alto Paraná-Asunción	44 (*)
<b>Cumulative total</b>		<b>19 160</b>

*Note:* Numbers shown with (\*) refer to incomplete data owing to the lack of reports from the Directorate of Population of the Ministry of the Interior.

*General summary of mass registration campaigns conducted (2016)*

Asunción	5
Departments in the interior of the country	26
<b>Cumulative total</b>	<b>31</b>

General statistics 2016.

**Total number of identity card applications in 2016**

<i>Beneficiaries</i>	<i>Number</i>
Children (0–13)	4 031
Children (0–8)	5 257
Adolescents (14–17)	5 023
Adults (18–65)	18 751
	33 072

201. The judiciary allocates a specific budget for testing and publicizes the fact that the service is free. When those involved in legal action seeking acknowledgement of children are poor, the Supreme Court of Justice is responsible for covering the cost of DNA testing. To that end, a tender is issued to choose a laboratory to do the blood testing.

**Total number of cases authorized in 2017**

<i>Description</i>	<i>Qty.</i>	<i>Amount (Gs.)</i>	<i>Laboratory</i>
Judicial Administration Council Decision No. 63 of 3 May 2017	119	380 850 000	Díaz Gill
Judicial Administration Council Decision No. 254 of 13 September 2017	125	388 800 000	Díaz Gill

**Question 24**

202. Pursuant to Act No. 1938, the General Refugee Act, the National Refugee Commission gives priority to women and children, as specified in article 32, on Special treatment of women and children; the principle of most favourable treatment is applied to women and unaccompanied children seeking refuge in the Republic of Paraguay. Thus, the Commission seeks the involvement of agencies with competence in that area, in order to provide protection, employment opportunities, training, health and education.

203. In addition, regulations for the National Commission for Refugees, which will go into further detail on this point, are being drafted.

204. So far, individual applications for refuge have been received from men, while women and children are usually accompanied by their families.

## Participation in public life (art. 25)

### Question 25

205. On 20 September 2016, the Supreme Court for Electoral Justice submitted to the Chamber of Deputies a request to amend article 91 of the Paraguayan Electoral Code, along with a statement of reasons prepared by the Commission on Accessible Voting. The Regulations on Accessible Voting were established by Decision No. 270/2014, which describes the measures to be taken to guarantee full access to voting for persons with disabilities in the municipal elections of 2015. The programme provides for voting at home, accessible voting booths and an information service for persons with disabilities. This plan is being carried out in the departmental and general elections of 2018.

## Rights of persons belonging to minorities (art. 27)

### Question 26

206. In September 2016, the judiciary issued a document entitled *Protocolo de Actuación para una Justicia Intercultural* (Protocol for Action for Intercultural Justice); the document was issued for justices of the peace. The Protocol is a legal instrument for access to justice that will help judges and justice officials understand and deal with cases taking a rights-based approach and bearing in mind the cultural diversity of the indigenous peoples of the country.

207. In 2017, the Human Rights Directorate of the Supreme Court of Justice and the International Centre for Legal Studies presented the training programme in indigenous law for judges and other judicial officials. The programme was adopted by the plenary of the Supreme Court in December 2016 and is being implemented by experts and representatives concerned with the subject.

208. With regard to communities that have obtained judgments from the Inter-American Court of Human Rights, on 27, 28, 29 and 30 November 2017, Paraguay hosted a visit to the Yakye Axa, Sawhoyamaxa and Xákmok Kásek indigenous communities to verify the status of compliance with the three judgments of the Inter-American Court.

209. Through the Inter-Agency Commission for the Enforcement of International Judgments, the Paraguayan State included on the agendas of meetings for 2017 an item on follow-up to the three judgments, with the aim of coordinating actions among the agencies responsible for compliance with the operative provisions of the rulings and establish a plan of work for enforcement of sentences. Also during 2017, representatives of the Consultative Advisory Council of the Inter-Agency Commission for the Enforcement of International Judgments held meetings with indigenous leaders from the aforementioned communities and with lawyers from the Tierra Viva non-governmental organization, acting as representatives of those communities.

210. Following is a description of the communities' progress and challenges for 2018.

211. The resettlement of the Yakye Axa community is linked to the construction of an all-weather road: on 29 December 2017, the State brought a claim for a right-of-way easement against the corporations Ganadera Vista Alegre S.A. and MAGO SA. It is estimated that the trial for the right-of-way easement might end during the first half of 2018, as the proceeding was expedited with special requests to the judiciary.

212. With regard to the restitution of land to the Sawhoyamaxa indigenous community, the State, acting through the National Congress, passed and promulgated Expropriation Act No. 5194 of 11 June 2014, declaring a matter of public interest and expropriating for the benefit of the National Institute of Indigenous Affairs, for subsequent award to the Sawhoyamaxa indigenous community of the Enxet Lengua people, property No. 16,786, site No. 12,935, covering an area of 9,105 hectares and 2,978 square metres, and property No. 16,784, site No. 12,936, covering an area of 5,299 hectares and 4,720 square metres, both in the District of Villa Hayes (Pozo Colorado), Department of Presidente Hayes,

Chaco, belonging to the corporations Kansol S.A. and Roswell Company S.A. The final amount of compensation to be paid for expropriation is currently in litigation.

213. Regarding the Xákmok Kásek indigenous community, restitution of land entails the obligation to return 10,700 hectares in the places identified as Mompey Sensap (now Retiro Primero) and Makha Mompensa (now Retiro Kuñataí). With regard to the land of Retiro Primero (Mompey Sensap), covering an area of 7,701 hectares, the process of acquiring the land from Eaton y Cia. for the Xákmok Kásek community has been completed. The property was registered to the Xákmok Kásek community with the effective date of 7 December 2017. Concerning the remaining 2,999 hectares, the National Institute of Indigenous Affairs is in contact with community representatives in order to determine the location of the land with a view to implementing restitution.

214. With regard to the complaint of deforestation in the territories of the Ayoreo Totobiegosode community, the National Forestry Institute has reported the adoption of Administrative Decision No. 166/16 of 22 February 2016, ordering the cessation of activities on the properties identified in Decision No. 4/15 of the Inter-American Court of Human Rights.

215. For its part, the Secretariat for the Environment decided to notify and instruct all the activities identified that have an environmental licence to submit environmental audits to those responsible for the activities located in the area referred to in the claim brought by the indigenous group. It was decided to conduct an inspection in situ of the activities located in the area referred to in the claim of the indigenous group that have an environmental license and other permits, in order to verify compliance with the environmental impact mitigation measures imposed.

216. On 11 October 2017, a meeting of the National Commission on Fundamental Labour Rights and Prevention of Forced Labour was held (coordinated by the Ministry of Labour, Employment and Social Security) at the Office of the Governor of Boquerón – Filadelfia (Chaco). On that occasion, representatives of several indigenous communities and of the Indigenous Peoples' Council, as full members of the Commission, met with different authorities, including those of the Ministry of Labour, Employment and Social Security, since the indigenous groups had been informed about the implementation of the National Strategy for the Prevention of Forced Labour 2016–2020, the Tripartite Guide and Inter-Agency Intervention in Cases of Forced Labour and the Biennial Plan 2017–2019 of the National Commission on Fundamental Labour Rights and Prevention of Forced Labour.

217. After a lengthy process of reflection, dialogue and joint efforts by the Ministry of Public Health and Social Security, the National Institute for Indigenous Affairs, indigenous organizations (political leaders, religious leaders, elders, midwives and indigenous health promoters) and other non-governmental organizations, the project was launched on 7 September 2015 pursuant to Act No. 5469/2015, on Indigenous Health. The Act provides for participation by the legitimate representatives of the indigenous peoples in the design, formulation and implementation of health programmes coordinated in the context of national plans.

218. Since August 2015, the State has been engaged in drawing up the National Development Plan for Indigenous Peoples, with the aim of meeting the commitments it assumed in the Outcome Document adopted at the World Conference on Indigenous Peoples, including the development and implementation, in cooperation with indigenous peoples, of national action plans, to achieve the objectives of the United Nations Declaration on the Rights of Indigenous Peoples.

219. This process began with work involving representatives of State agencies, with the aim of contributing to the development of capacities and political dialogue among indigenous peoples, the Government and the United Nations system for the implementation of the agreements reached at the World Conference on Indigenous Peoples. A meeting of indigenous leaders was held, as well as a meeting with the key United Nations agencies involved in this process. The process was possible thanks to the cooperation of the secretariat of the United Nations Permanent Forum on Indigenous Issues, the International Fund for Agricultural Development (IFAD) and the International Work Group for

Indigenous Affairs (IWGIA), which selected two countries in Latin America and the Caribbean, i.e., El Salvador and Paraguay.

220. After several inter-agency meetings which included members of civil society and indigenous leaders, special attention was given to generating, from the outset, broad thematic lines of work on the situation of the indigenous peoples of Paraguay, after which the future national plan would be considered in depth. The process was systematized and organized.

221. The following main themes were agreed on:

- (a) Indigenous cosmology, spirituality, territory and human security;
- (b) Guarantees of non-discrimination and protection against all forms of violence;
- (c) Self-determination, legal pluralism and access to justice;
- (d) Citizenship, political participation, gender and generational equity;
- (e) Access to economic, social and cultural rights and indigenous development (ethno-development);
- (f) Protection for indigenous peoples in isolation and initial contact;
- (g) Human mobility, urban and cross-border indigenous peoples communication;
- (h) Regulatory and institutional framework for the protection of indigenous rights.

### **Dissemination of information about the Covenant and its optional protocols (art. 2)**

222. During 2013 and 2014, the Ministry for Foreign Affairs and the Ministry of Justice worked on setting up an inter-agency mechanism for systematizing, organizing and prioritizing international human rights recommendations, with the objective of facilitating regular updating of information. The *Sistema de Monitoreo de Recomendaciones* (Recommendations Monitoring System) is a software tool that facilitates the systematization of international human rights recommendations made to Paraguay by the various United Nations rights bodies and special procedures; it also allows access to up-to-date information on actions taken by State agencies relating to compliance with and implementation of those recommendations.

223. This inter-agency mechanism was established through the coordinated efforts of the executive branch, the legislature, the judiciary, the Public Prosecution Service and the Public Defence Service. This helped avoid scattering and duplication of efforts so as to ensure effective implementation of the recommendations and generate information for national reports on human rights. The tool is strengthening the inter-agency capacity of the State to assess progress and challenges, as well as to report regularly on these matters.

224. The Recommendations Monitoring System is an effective tool for strengthening the capacity of State agencies to monitor and follow up on implementation of international recommendations and issuing regular reports. Similarly, the information contained in the system facilitates the preparation of national reports and research studies on the human rights situation of the country.