



Human Rights Council
Working Group on the Universal Periodic Review
Thirty-eighth session
3–14 May 2021

Compilation on Paraguay

Report of the Office of the United Nations High Commissioner for Human Rights*

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1, 2}

2. The Special Rapporteur on the rights of persons with disabilities noted that Paraguay had ratified virtually all the international and regional instruments on human rights.³ The Committee against Torture, the Committee on the Elimination of Racial Discrimination, the Special Rapporteur on contemporary forms of slavery, including its causes and consequences, the Special Rapporteur on the right to food, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the United Nations country team recommended that Paraguay ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights.⁴

3. The Committee on the Elimination of Racial Discrimination and the United Nations country team recommended that Paraguay ratify the Inter-American Convention against Racism, Racial Discrimination and Related Forms of Intolerance and the Inter-American Convention against All Forms of Discrimination and Intolerance.⁵ The United Nations Educational, Scientific and Cultural Organization (UNESCO) recommended that Paraguay be encouraged to ratify the Convention against Discrimination in Education.⁶

4. The Human Rights Committee was concerned that Paraguay had not given full effect to its Views in the cases of *Asensi Martínez v. Paraguay* (CCPR/C/95/D/1407/2005); *Olmedo v. Paraguay* (CCPR/C/104/D/1828/2008); *Benítez Gamarra v. Paraguay* (CCPR/C/104/D/1829/2008) and *Giménez v. Paraguay* (CCPR/C/123/D/2372/2014).⁷

* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter's control.



5. Paraguay submitted a midterm report on the implementation of the recommendations from the second cycle of the universal periodic review.⁸

6. Paraguay is currently covered by the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights (OHCHR) and a national human rights adviser. With the support of the national human rights adviser, the Office contributed to enhancing the meaningful participation of rights holders, especially women and discriminated groups, in reporting to the international human rights mechanisms.⁹

7. Paraguay contributed financially to OHCHR in 2017.¹⁰

III. National human rights framework¹¹

8. Three Committees, three special procedure mandate holders and the United Nations country team expressed concern about the situation of the Office of the Ombudsman.¹² The Committee on the Elimination of Discrimination against Women recommended that Paraguay ensure that the Office was in full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and that it allocate to the Office the human, technical and financial resources necessary to fulfil its mandate.¹³ The Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Special Rapporteur on disability made similar recommendations.¹⁴

9. The Human Rights Committee was concerned about the limited implementation of the National Human Rights Plan. It recommended that Paraguay continue its efforts to ensure that the Plan was effectively implemented and regularly monitored, that it was accorded the necessary human, financial and technical resources and that representatives of civil society, including minorities, were actively involved in the Plan's development and implementation.¹⁵ The Special Rapporteurs on food, on disability and on health also referred to the Plan.¹⁶

10. The United Nations country team noted that the National Human Rights Education Plan adopted in 2011 had not been implemented and its application had not been monitored.¹⁷

11. The United Nations country team indicated that the Recommendations Monitoring System (SIMORE) and its updated version (SIMORE Plus) had gained international recognition though challenges remained as to the system's implementation and updating.¹⁸ The Special Rapporteurs on slavery, on food, on disability and on health also commended Paraguay on that System.¹⁹

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination²⁰

12. Three Committees, the Special Rapporteur on disability and the United Nations country team were concerned about the lack of a comprehensive anti-discrimination legal framework and the persistent discrimination suffered by women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons and persons with HIV.²¹

13. The Human Rights Committee recommended that Paraguay adopt comprehensive legislation prohibiting discrimination, including multiple, direct and indirect discrimination; guarantee comprehensive protection against discrimination for women, persons of African descent, indigenous peoples, persons with disabilities, sex workers, lesbian, gay, bisexual, transgender and intersex persons and persons infected with HIV; and adopt effective policies for the protection of lesbian, gay, bisexual, transgender and intersex persons and sex

workers.²² Two other Committees and the United Nations country team made similar recommendations.²³

14. The United Nations country team noted that, in a historic 2019 judgment, a person had been convicted of femicide in the death of a trans woman. However, discrimination on grounds of sexual orientation and gender identity or expression remained pervasive in the practice of public institutions.²⁴

2. Development, the environment, and business and human rights²⁵

15. The Special Rapporteur on food noted that, in the context of large-scale industrial agriculture, it was vital that development plans and policies should take into account the real cost of protection measures for such resources as land and water and the impact of environmental degradation on future generations. She also noted that the indiscriminate use of pesticides resulted in water pollution and, in the long run, adversely affected the quality and fertility of the soil. She recommended that Paraguay implement and monitor environmental regulations that protected human health or prevented soil degradation and water contamination.²⁶ In August 2019, the Human Rights Committee reached the view that Paraguay must undertake an effective and thorough investigation into fumigations with agrochemicals and the subsequent poisoning of peoples, including children, and contamination of water, soil and food.²⁷

16. The United Nations country team emphasized the institution-building stemming from the establishment of the Ministry of Environment and Sustainable Development, the adoption of the regulatory instrument for the Air Quality Act, the promulgation of the Climate Change Act and ratified the Paris Agreement. Nevertheless, Paraguay still faced challenges in terms of strengthening the agencies responsible for the implementation and monitoring of environmental law.²⁸

17. The Special Rapporteur on slavery urged the Government to ensure more oversight and accountability of businesses in the Chaco region. She also reminded all businesses operating in Paraguay, including in the Chaco, of their obligations under the Guiding Principles on Business and Human Rights.²⁹

B. Civil and political rights

1. Right to life, liberty and security of person³⁰

18. The Committee against Torture, the Human Rights Committee and the United Nations country team remained concerned about reports of torture, extrajudicial killings, arbitrary detentions and enforced disappearances committed by the military-police unit known as the Joint Task Force.³¹ The Human Rights Committee recommended that Paraguay strengthen the role of the National Police in the maintenance of law and order and enable it to assume the law and order functions exercised by the Joint Task Force.³² On 6 September 2020, the OHCHR Regional Office for South America issued a press release urging the Government to conduct a prompt and impartial investigation into the death of two 11-year-old girls in a Joint Task Force operation carried out on 2 September 2020 against a non-State armed group.³³

19. The Human Rights Committee was concerned about reports of torture, ill-treatment, excessive use of force and arbitrary detention by law enforcement officers during the April 2017 demonstrations. It noted that the resources assigned to the national mechanism for the prevention of torture were not sufficient to enable the mechanism to fulfil its functions.³⁴ It recommended that Paraguay ensure that domestic legislation on the use of force was fully in line with international standards.³⁵ It also recommended that Paraguay ensure that the national mechanism for the prevention of torture had the resources necessary for its full functioning and that it had access to all the places to which the law granted it access.³⁶

20. The same Committee was concerned about the persistence of high levels of overcrowding in prisons and the poor living conditions, including in educational institutions, police stations and establishments for persons with mental disabilities. It was also concerned about the reportedly high number of deaths among persons deprived of their liberty and about

the vulnerable situation of women and lesbian, gay, bisexual, transgender and intersex persons, and especially transgender persons, who were deprived of their liberty.³⁷ The United Nations country team noted, in relation to deprivation of liberty, that the national mechanism for the prevention of torture should be strengthened. It added that the prison system had issues with space- and privilege-buying schemes and the drinking water in cell blocks and that the prisons in Minga Guazú and Cordillera did not meet the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).³⁸ The Committee on the Elimination of Discrimination against Women raised particular concerns about women in detention.³⁹ The Human Rights Committee recommended that Paraguay redouble its efforts to improve detention conditions, reduce overcrowding and ensure that detention conditions in all places of deprivation of liberty were in line with the Nelson Mandela Rules; investigate all deaths of persons deprived of their liberty; and ensure that the rights of persons deprived of their liberty who were particularly vulnerable were respected.⁴⁰

2. Administration of justice, including impunity, and the rule of law⁴¹

21. The same Committee was concerned about the numerous reports of high levels of politicization and corruption within the judiciary, including interference in the judiciary by the executive and legislative branches of government. It was also concerned that the system for selecting and appointing judges and prosecutors might not adequately ensure the independence and competence of the judiciary and the Office of the Prosecutor. It recommended that Paraguay strengthen its efforts to eradicate all forms of interference in the judiciary by other branches of government.⁴² The United Nations country team shared similar concerns and recommendations.⁴³

22. The United Nations country team noted that the proportion of prisoners in pretrial detention was among the highest in the region and the world.⁴⁴ It added that the Public Defence Service's free legal aid programme for persons in vulnerable situations should be strengthened.⁴⁵

23. The Human Rights Committee was concerned about the slow and limited progress made in the investigation, prosecution and punishment of those responsible for serious human rights violations, including enforced disappearances, torture, extrajudicial killings and illegal detention during the dictatorship and the transition period. It was also concerned about the limited progress made on reparations to the victims and their families. While noting the efforts made to locate and identify the remains of disappeared persons, including the creation of a genetic database, it was concerned about the slow progress made in that area. It recommended that Paraguay ensure prompt, fair and effective access to compensation and full reparation for all victims and their families; and accelerate the search for missing persons and the identification of remains found during the investigation of cases of enforced disappearance.⁴⁶

24. The United Nations country team noted that the gender equity approach had been strengthened in the judiciary through strategies to end harmful gender stereotypes in judicial proceedings.⁴⁷

3. Fundamental freedoms and the right to participate in public and political life⁴⁸

25. UNESCO recommended that Paraguay decriminalize defamation and include it in a civil code that was in accordance with international standards. It also recommended that Paraguay update its access to information law in order to align it with international standards.⁴⁹

26. The Human Rights Committee noted the existence of a bill on the protection of journalists and human rights defenders that provided for the establishment of a national protection mechanism.⁵⁰ Three Committees and the United Nations country team were concerned about reports of attacks, reprisals and assaults against journalists and human rights defenders and about the inadequate measures for ensuring their effective protection.⁵¹ The Human Rights Committee recommended that Paraguay ensure the provision of effective assistance and protection to human rights defenders and journalists who were subjected to threats, violence and intimidation, ensure that they could carry out their work in appropriate conditions, and investigate attacks, reprisals and assaults against them.⁵² The United Nations

country team indicated that the police protocol on highly at-risk journalists had still not been implemented.⁵³

27. The United Nations country team noted that the rate of women's participation in political life remained among the lowest in the region and recommended that Paraguay adopt a law on democratic parity.⁵⁴

4. Prohibition of all forms of slavery⁵⁵

28. The Human Rights Committee was concerned about the persistence of trafficking in persons in Paraguay, which affected women in particular, the insufficient protection provided to victims and the few prosecutions and convictions.⁵⁶ The United Nations country team noted that, notwithstanding the adoption of laws and policies in response to the trafficking problem, there was still a need for an intercultural approach, stronger prevention policies, better inter-institutional cooperation, more shelters and more training for justice officials.⁵⁷

29. The Human Rights Committee recommended that Paraguay strengthen its efforts to prevent, combat and punish trafficking in persons, including by providing training for judges, prosecutors, law enforcement officers and immigration agents. It should ensure the effective implementation of the National Programme to Prevent, Combat and Care for Victims of Human Trafficking and the National Investment Fund to Prevent and Care for Human Trafficking Victims.⁵⁸ The Committee on the Elimination of Discrimination against Women made a similar recommendation.⁵⁹

5. Right to privacy and family life⁶⁰

30. The Committee on the Elimination of Discrimination against Women took note of the increase of the minimum age for marriage for girls and boys to 18 years. Nevertheless, it was concerned at the remaining exceptions allowing marriage under 18 years of age. It recommended that Paraguay take measures to eliminate exceptions to the minimum legal age of marriage for girls and boys and ensure that any such exceptions could be authorized only by a judicial authority and only with the prior, free and informed consent of the girls concerned.⁶¹ The United Nations country team recommended that Paraguay eliminate the exception for 16-year-olds.⁶²

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work⁶³

31. While two Committees, the Special Rapporteur on slavery and the United Nations country team recognized the legislative progress made in the area of labour rights, they were concerned by reports of labour exploitation of domestic workers and the prevalence of the worst forms of child labour, including the practice of unpaid domestic child labour known as *criadazgo*.⁶⁴ The Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) shared similar concerns.⁶⁵ The Human Rights Committee recommended that Paraguay ensure respect for the fundamental rights of domestic workers; and step up its efforts to prevent, combat and punish child labour, including its worst forms, and to adopt regulatory instruments and policies for eliminating the practice of *criadazgo*, including support for the family of origin and the development of awareness-raising campaigns.⁶⁶ The Committee on the Elimination of Discrimination against Women and the Special Rapporteur on slavery made similar recommendations.⁶⁷

32. The United Nations country team indicated that in the first quarter of 2020, 62.7 per cent of economically active persons worked in the informal sector. Domestic labour, self-employment and private employment accounted for the largest proportion of informal workers.⁶⁸

33. The Committee on the Elimination of Racial Discrimination was concerned by reports of the precarious working conditions faced by many indigenous people, in particular on farms in the Chaco region.⁶⁹ The United Nations country team indicated that, despite the efforts

made, the labour inspectorate remained weak and did not have procedures in place to effectively punish non-compliance.⁷⁰

2. Right to an adequate standard of living⁷¹

34. The Special Rapporteur on food noted that poverty remained high in some parts of the country.⁷² The United Nations country team noted that, between 2016 and 2019, the poverty rate had fallen from 28.9 per cent to 23.5 per cent but that the extreme poverty rate in urban areas had risen. The highest poverty rates in rural areas were found in Caaguazú, San Pedro, Itapúa, Caazapá and Concepción.⁷³

35. The Special Rapporteur on food was concerned that, while Paraguay had adopted a wide range of policies and programmes to ensure the effective enjoyment of the right to food, it had failed to implement legislation and policies on the right to food.⁷⁴ The United Nations country team noted that the coronavirus disease (COVID-19) pandemic had had an impact on the food system (processing, distribution and consumption), and especially on food security, owing to unemployment and the lack of income.⁷⁵ The Special Rapporteur on food recommended that Paraguay adopt a human rights-based national framework law on the right to food, with effective benchmarks and implementation plans for each region.⁷⁶ The United Nations country team recommended that Paraguay introduce public policies to develop productive and resilient family farming.⁷⁷

36. The United Nations country team reported that 63.7 per cent of households encountered issues that affected their quality of life and that thousands of families were establishing informal settlements with an irregular legal status, where they lived in precarious conditions, without access to services or rights, and were thus at risk of eviction.⁷⁸

37. The Committee on the Elimination of Racial Discrimination was concerned that there were still significant gaps in the enjoyment of the rights to adequate food and to water by members of the indigenous population and Afro-Paraguayans compared with the rest of the population.⁷⁹

3. Right to health⁸⁰

38. The United Nations country team noted that the State provided free care (medical, surgical and diagnostic services and medication) to 70 per cent of the population and ran essential programmes on mother and childcare, vaccination, communicable diseases and mental health, among others. In addition, despite State efforts, there were still significant gaps in terms of quality and patient safety in public health services, especially for populations in vulnerable situations, and of guaranteed sufficient, efficient and sustained funding to maintain essential programmes. Furthermore, significant challenges remained in implementing the Indigenous Peoples' Health Act.⁸¹ The United Nations country team recommended that Paraguay take steps towards the universalization of quality health care.⁸²

39. The Committee on the Elimination of Discrimination against Women was concerned about the high rates of maternal mortality, mainly owing to unsafe abortions and health professionals refusing to conduct therapeutic abortions.⁸³ The Human Rights Committee expressed similar concerns.⁸⁴

40. Two Committees and the Special Rapporteur on health noted that the legislation on voluntary termination of pregnancy was extremely restrictive.⁸⁵ The Committee on the Elimination of Discrimination against Women recommended that Paraguay remove punitive provisions imposed on women who underwent abortion, legalize abortion at least in cases of risk to the health of the woman, rape or incest and severe fetal impairment and decriminalize it in all other cases.⁸⁶ The Human Rights Committee recommended that Paraguay ensure access to adequate sexual and reproductive health services, contraception and education for men, women and adolescents throughout the country.⁸⁷

41. The Special Rapporteur on the right to health expressed concern about the mental health policy and practice in the country.⁸⁸ The Special Rapporteur on disability was concerned about the multiple barriers facing persons with disabilities in exercising their right to health.⁸⁹

42. The United Nations country team pointed out that Paraguay had a normative framework to safeguard the rights of persons living with HIV/AIDS and had established the National AIDS Council as the governing body of the national HIV/AIDS response. However, major shortcomings remained, including the failure to adopt effective means to address discrimination and stigmatization and to provide funding for the national response.⁹⁰

4. Right to education⁹¹

43. UNESCO noted that the Education Action Plan 2018–2023 prioritized actions in accordance with the National Education Plan 2024, the National Development Plan 2030 and the Sustainable Development Goals.⁹²

44. The Committee on the Elimination of Discrimination against Women was concerned about the ban by the Ministry of Education and Science on all dissemination and use of educational materials referring to “gender theory” and/or “gender ideology”, under Ministry decision No. 29664. It recommended that Paraguay repeal that decision.⁹³

45. The United Nations country team indicated that the illiteracy rate was 6 per cent overall but 9.4 per cent among the rural population. The absence of comprehensive sex education in the formal system remained a shortcoming repeatedly pointed out by the authorities.⁹⁴

46. The Committee on the Elimination of Discrimination against Women welcomed the introduction of non-formal literacy programmes for indigenous communities and non-formal vocational programmes allowing young people and adults to develop practical skills for specified occupations. However, it was concerned about the persistence of structural barriers to access to high-quality education for girls, in particular at the secondary and tertiary levels.⁹⁵ UNESCO recommended that Paraguay be encouraged to strengthen measures to ensure that girls could access and complete quality education at the secondary and higher levels of education, including in non-traditional fields of education.⁹⁶

47. The Committee on the Elimination of Racial Discrimination was concerned by the significant differences in access to education observed mainly among children of indigenous and Afro-Paraguayan populations. It recommended that Paraguay ensure the availability, accessibility and quality of education for indigenous and Afro-Paraguayan children.⁹⁷ The Special Rapporteur on disability noted that, despite progress in terms of legislative and institutional frameworks on inclusive education, many students with disabilities continued to face barriers to education.⁹⁸

48. UNESCO referred to resolutions No. 308, No. 354, No. 358 and No. 375 adopted by the Ministry of Education and Science in response to the COVID-19 crisis.⁹⁹ The United Nations country team noted that the cancelation of in-person instruction and the introduction of virtual classes due to the COVID-19 pandemic had adversely affected children and adolescents and raised particular challenges for the State with regard to, inter alia, school meals, Internet access, the loss of education professionals and the rise in cases of violence.¹⁰⁰

49. The United Nations country team indicated that the 2020 adoption of Act No. 6530, officially recognizing Paraguayan Sign Language, had led to increased demand for trained teachers. Adjustments to the physical environment, adaptations of educational materials and teaching methods, and training and capacity-building for education professionals were needed to accommodate students with disabilities.¹⁰¹

D. Rights of specific persons or groups

1. Women¹⁰²

50. The Committee on the Elimination of Discrimination against Women was concerned at the persistence of discriminatory stereotypes in media communication and at intersecting forms of discrimination against women based on their sex, ethnicity, disability and marital status.¹⁰³ It recommended that Paraguay put in place a comprehensive strategy to raise public awareness of the concept of gender and eliminate patriarchal attitudes and stereotypes that discriminated against women; and that it encourage the adoption of a code of conduct for

advertising in public and private media.¹⁰⁴ The Human Rights Committee made similar recommendations.¹⁰⁵

51. The United Nations country team indicated that 31.1 per cent of young rural women were neither in school nor employed, making them vulnerable to unwanted pregnancy, economic dependency and forced migration. Moreover, rural women had higher rates of illiteracy (53.5 per cent) and unemployment (44.7 per cent) because they engaged in domestic work.¹⁰⁶

52. The Human Rights Committee was concerned about the still limited extent of women's participation in political and public life and their underrepresentation in decision-making positions and in public and elected office, including in the judiciary, the legislature and the executive branch.¹⁰⁷

53. The same Committee was concerned about the increase in domestic and sexual violence against women, girls and adolescents and about reports of an alarming number of femicides. The fact that only a very small number of femicides had been investigated since it was established as a crime in 2016 was of particular concern.¹⁰⁸ The United Nations country team was of the view that the 78 per cent rise in the number of calls to the domestic violence centre between 2019 and 2020 was a sign of the stress families were under.¹⁰⁹ The Human Rights Committee recommended that Paraguay step up its efforts to prevent, combat and punish femicides and all acts of violence against women, girls and adolescents, including by collecting the required statistical data and ensuring that the institutions and programmes involved in that work were provided with adequate resources. It also recommended that Paraguay ensure that all offences of that kind were investigated promptly, thoroughly and impartially by providing adequate training for judges, prosecutors and law enforcement agencies.¹¹⁰ The Committee on the Elimination of Discrimination against Women made similar recommendations.¹¹¹

54. The United Nations country team recommended that Paraguay ensure that a comprehensive gender perspective was mainstreamed, especially across COVID-19 early recovery programmes in the light of the differentiated impact of the pandemic, and that staff of public institutions received ongoing training in human rights, sexual diversity and gender identity.¹¹²

2. Children¹¹³

55. While noting with satisfaction that the inter-institutional cooperation agreement signed in 2018 provided for the issuance of birth certificates by the consular sections of Paraguayan diplomatic missions abroad, the Human Rights Committee was concerned about the significant percentage of children who were still not registered.¹¹⁴ The United Nations country team noted that 16 per cent of children under 1 year were not registered, which created problems in terms of claiming their rights.¹¹⁵ The Human Rights Committee recommended that Paraguay strengthen its efforts to ensure that all children born in its territory were registered and received an official birth certificate. It should continue its efforts to establish civil registry offices in maternity and children's hospitals and in rural and indigenous communities.¹¹⁶

56. The Committee on the Elimination of Discrimination against Women, while welcoming the adoption of a national adolescent health plan covering the period 2016–2021, was concerned at the negative effect on the development of adolescents, specifically on their physical and mental health, their education and their future opportunities for decent work, of the high pregnancy rates among girls aged 10–19 years and the high rates of sexual violence against adolescent girls.¹¹⁷ The United Nations country team reported that the pregnancy rate among girls aged 10–19 years remained worrying, as did the high maternal mortality rate among 15- to 19-year-olds.¹¹⁸

57. The Committee against Torture noted with concern that 85.5 per cent of adolescents in conflict with the law were being held in pretrial detention at the end of 2016.¹¹⁹ It recommended that Paraguay avoid pretrial detention of minors and ensure that they were brought to trial in especially speedy fashion, in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.¹²⁰

58. The United Nations country team indicated that some 380,000 children and adolescents were engaged in child labour, making it difficult for them to remain in the school system.¹²¹ UNESCO recommended that Paraguay be encouraged to combat child labour and adopt measures to ensure that children of compulsory school age were enrolled in school.¹²²

3. Persons with disabilities¹²³

59. The Special Rapporteur on disability noted that Paraguay had made substantial participatory efforts to revise its normative, institutional and programme frameworks in line with the provisions of the Convention on the Rights of Persons with Disabilities.¹²⁴ While recognizing the importance of the National Plan of Action for the Human Rights of Persons with Disabilities, she noted that, despite the significant efforts made by the National Secretariat for the Human Rights of Persons with Disabilities to harmonize planning and implementation processes, the lack of adequate funding affected its capacity to operate.¹²⁵

60. The Special Rapporteur recommended that Paraguay harmonize legislation and public policies with the Convention on the Rights of Persons with Disabilities in order to modify or abolish laws, regulations and practices that discriminated against persons with disabilities, including the provisions of the Civil Code, the Code of Civil Procedure, the Electoral Code and the Constitution. She also recommended that Paraguay provide the National Secretariat for the Human Rights of Persons with Disabilities with the budget required for it to perform its tasks in designing, developing and coordinating public policies on disability, including the National Plan of Action for the Human Rights of Persons with Disabilities.¹²⁶

61. The United Nations country team underscored that the lack of information on the scope of policies, plans, programmes and projects for children and adolescents with disabilities relating to various rights (education, health, protection) cemented the invisibility of that group in the country. As such persons had not been identified as a group requiring protection, they were not taken into account in public policy planning or budget allocations.¹²⁷

4. Minorities and indigenous peoples¹²⁸

62. The Human Rights Committee noted with satisfaction the enactment of Decree No. 1039/18 on the procedural protocol on free, prior and informed consultation with and consent by indigenous peoples.¹²⁹ Nevertheless, three Committees and the Special Rapporteur on food were concerned about the high levels of poverty within indigenous communities, the difficulties they faced in accessing education and health care, the slow progress made in registering and returning land, the limited participation of indigenous peoples in political life, the situation of the National Institute of Indigenous Affairs and the limited progress in the implementation of the judgments of the Inter-American Court of Human Rights.¹³⁰ The ILO Committee of Experts shared similar concerns.¹³¹ The Committee on the Elimination of Racial Discrimination also noted with concern the lack of adequate measures for promoting participation by indigenous peoples and Afro-Paraguayans in public decision-making processes.¹³²

63. Three Committees recommended that Paraguay ensure access to education and health care for all indigenous peoples, implement the national consultation mechanism that guaranteed the free, prior and informed consent of indigenous peoples to facilitate their participation in decision-making processes at all levels of government, expedite the return and registration of land, ensure the participation of members of indigenous peoples in political life, strengthen the capacities of the National Institute for Indigenous Affairs and ensure the implementation of the judgments of the Inter-American Court of Human Rights concerning the Sawhoyamaya, Yakye Axa and Xákmok Kásek indigenous communities.¹³³

64. The United Nations country team drew attention to the fact that the health situation was worse for indigenous communities than for the population as a whole. The National Institute of Indigenous Affairs had adopted a resolution on a protocol for entering indigenous communities during the pandemic in order to reduce the risk of COVID-19 spread.¹³⁴

5. Migrants, refugees, asylum seekers and internally displaced persons¹³⁵

65. While taking note of the regulatory framework governing the right of asylum, the Committee against Torture was concerned about the lack of procedural protocols for

identifying asylum seekers who entered Paraguay illegally at its borders. It recommended that Paraguay establish an inter-agency protection network at the border for the purpose of providing information on asylum procedures to potential applicants, improving measures to receive and assist them and referring them to the asylum procedure.¹³⁶

66. The Human Rights Committee was concerned about reports that, although the Refugee Act had been adopted in 2002, the decree and internal administrative procedures necessary for its implementation had still not been adopted.¹³⁷ It recommended that Paraguay ensure that national legislation on immigration, including the Refugee Act, was consistent with the International Covenant on Civil and Political Rights and other international standards and that it guarantee protection and assistance for asylum seekers.¹³⁸

6. Stateless persons¹³⁹

67. The United Nations country team noted that the implementation of the law on protection and facilities naturalization for stateless persons, adopted in 2018, remained pending. Accordingly, it recommended that Paraguay guarantee the right to apply to the border authorities for international protection by establishing a clear and effective procedure.¹⁴⁰

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Paraguay will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/PYindex.aspx.
- ² For relevant recommendations, see A/HRC/32/9, paras. 102.1–102.8 and 105.1–105.2.
- ³ A/HRC/34/58/Add.1, para. 10.
- ⁴ CAT/C/PRY/CO/7, para. 43; CERD/C/PRY/CO/4-6, para. 45; A/HRC/39/52/Add.1, para. 64 (i); A/HRC/34/48/Add.2, para. 106 (a); A/HRC/32/32/Add.1, para. 131 (a); and United Nations country team submission for the universal periodic review of Paraguay, p. 10.
- ⁵ CERD/C/PRY/CO/4-6, para. 45; and United Nations country team submission, p. 10.
- ⁶ UNESCO submission for the universal periodic review of Paraguay, p. 5.
- ⁷ CCPR/C/PRY/CO/4, para. 6.
- ⁸ See <https://ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>.
- ⁹ OHCHR, *United Nations Human Rights Report 2019*, pp. 202–204.
- ¹⁰ OHCHR, *United Nations Human Rights Report 2017*, pp. 79, 83 and 89.
- ¹¹ For relevant recommendations, see A/HRC/32/9, paras. 102.14–102.24, 102.28–102.30 and 102.34–102.35.
- ¹² CCPR/C/PRY/CO/4, para. 10; CEDAW/C/PRY/CO/7, para. 14 (c); CERD/C/PRY/CO/4-6, para. 13; A/HRC/34/48/Add.2, para. 21; A/HRC/32/32/Add.1, para. 18; A/HRC/34/58/Add.1, para. 17; and United Nations country team submission, p. 2.
- ¹³ CEDAW/C/PRY/CO/7, para. 15 (c).
- ¹⁴ CCPR/C/PRY/CO/4, para. 11; CERD/C/PRY/CO/4-6, para. 14; and A/HRC/34/58/Add.1, para. 76 (d).
- ¹⁵ CCPR/C/PRY/CO/4, paras. 8–9. See also United Nations country team submission, p. 2.
- ¹⁶ A/HRC/34/48/Add.2, para. 23; A/HRC/34/58/Add.1, paras. 19, 23 and 76 (e); and A/HRC/32/32/Add.1, para. 16.
- ¹⁷ United Nations country team submission, p. 2. See also A/HRC/32/32/Add.1, para. 16.
- ¹⁸ United Nations country team submission, p. 2.
- ¹⁹ A/HRC/39/52/Add.1, para. 16; A/HRC/34/48/Add.2, para. 22; A/HRC/34/58/Add.1, para. 18; and A/HRC/32/32/Add.1, para. 14.
- ²⁰ For relevant recommendations, see A/HRC/32/9, paras. 102.33, 102.36–102.45 and 102.52–102.58.
- ²¹ CCPR/C/PRY/CO/4, para. 14; CEDAW/C/PRY/CO/7, para. 10; CERD/C/PRY/CO/4-6, para. 9; A/HRC/34/58/Add.1, para. 14; and United Nations country team submission, p. 4.
- ²² CCPR/C/PRY/CO/4, para. 15.
- ²³ CEDAW/C/PRY/CO/7, para. 11; CERD/C/PRY/CO/4-6, paras. 10 and 12; and United Nations country team submission, p. 10.
- ²⁴ United Nations country team submission, p. 7.
- ²⁵ For the relevant recommendation, see A/HRC/32/9, para. 102.186.
- ²⁶ A/HRC/34/48/Add.2, paras. 81, 88 and 106 (n). See also CERD/C/PRY/CO/4-6, para. 24 (b).
- ²⁷ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24890&LangID=E.
- ²⁸ United Nations country team submission, p. 5.

- ²⁹ A/HRC/39/52/Add.1, para. 52. See also A/HRC/34/48/Add.2, para. 78.
- ³⁰ For relevant recommendations, see A/HRC/32/9, paras. 102.9–102.10, 102.64–102.66 and 102.110–102.111.
- ³¹ CCPR/C/PRY/CO/4, para. 22; CAT/C/PRY/CO/7, para. 18; and United Nations country team submission, p. 1.
- ³² CCPR/C/PRY/CO/4, para. 23. See also CAT/C/PRY/CO/7, para. 19.
- ³³ See <https://acnudh.org/paraguay-debe-esclarecer-muerte-de-dos-ninas-en-operativo-estatal-pide-onu-derechos-humanos%E2%80%A8/>.
- ³⁴ CCPR/C/PRY/CO/4, para. 24. See also CAT/C/PRY/CO/7 paras. 14 and 20.
- ³⁵ CCPR/C/PRY/CO/4, para. 25 (b).
- ³⁶ *Ibid.*, para. 25 (e). See also CAT/C/PRY/CO/7, para. 15.
- ³⁷ CCPR/C/PRY/CO/4, para. 26; and CAT/C/PRY/CO/7 paras. 10–11, 16, 26, 28 and 30. See also A/HRC/34/58/Add.1, paras. 55–59.
- ³⁸ United Nations country team submission, pp. 3 and 9.
- ³⁹ CEDAW/C/PRY/CO/7, paras. 44–45.
- ⁴⁰ CCPR/C/PRY/CO/4, para. 27 (a), (b) and (d). See also CAT/C/PRY/CO/7, paras. 17, 27 and 29.
- ⁴¹ For relevant recommendations, see A/HRC/32/9, paras. 102.105–102.109, 102.113–102.118, 102.120–102.122 and 104.1.
- ⁴² CCPR/C/PRY/CO/4, paras. 34–35 (b).
- ⁴³ United Nations country team submission, pp. 2–3.
- ⁴⁴ *Ibid.*, p. 3. See also CCPR/C/PRY/CO/4, paras. 28–29; CAT/C/PRY/CO/7 paras. 24–25; and CEDAW/C/PRY/CO/7, paras. 44–45.
- ⁴⁵ United Nations country team submission, p. 3.
- ⁴⁶ CCPR/C/PRY/CO/4, paras. 12–13 (b)–(c).
- ⁴⁷ United Nations country team submission, p. 1. See also CEDAW/C/PRY/CO/7, paras. 26–27.
- ⁴⁸ For relevant recommendations, see A/HRC/32/9, paras. 102.119 and 102.123–102.135.
- ⁴⁹ UNESCO submission, p. 6.
- ⁵⁰ CCPR/C/PRY/CO/4, para. 36.
- ⁵¹ *Ibid.*; CEDAW/C/PRY/CO/7, para. 28; CERD/C/PRY/CO/4-6, para. 29; and United Nations country team submission, p. 8.
- ⁵² CCPR/C/PRY/CO/4, para. 37 (a)–(b). See also CEDAW/C/PRY/CO/7, para. 29; and CERD/C/PRY/CO/4-6, para. 30.
- ⁵³ United Nations country team submission, p. 3.
- ⁵⁴ *Ibid.*, pp. 3 and 11.
- ⁵⁵ For relevant recommendations, see A/HRC/32/9, paras. 102.12 and 102.99–102.104.
- ⁵⁶ CCPR/C/PRY/CO/4, para. 32. See also CEDAW/C/PRY/CO/7, para. 22.
- ⁵⁷ United Nations country team submission, p. 4.
- ⁵⁸ CCPR/C/PRY/CO/4, para. 33 (a).
- ⁵⁹ CEDAW/C/PRY/CO/7, para. 23 (a).
- ⁶⁰ For relevant recommendations, see A/HRC/32/9, paras. 102.62–102.63 and 102.138.
- ⁶¹ CEDAW/C/PRY/CO/7, paras. 46–47 (a).
- ⁶² United Nations country team submission, p. 11.
- ⁶³ For relevant recommendations, see A/HRC/32/9, paras. 102.13 and 102.95–102.96.
- ⁶⁴ CCPR/C/PRY/CO/4, para. 32; CEDAW/C/PRY/CO/7, para. 34 (c); A/HRC/39/52/Add.1, paras. 10, 37–38 and 43; and United Nations country team submission, pp. 4 and 6.
- ⁶⁵ See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:4012643.
- ⁶⁶ CCPR/C/PRY/CO/4, para. 33 (d)–(e).
- ⁶⁷ CEDAW/C/PRY/CO/7, para. 35 (c); and A/HRC/39/52/Add.1, para. 66 (i)–(iv).
- ⁶⁸ United Nations country team submission, p. 9.
- ⁶⁹ CERD/C/PRY/CO/4-6, para. 31. See also A/HRC/39/52/Add.1, paras. 32–34 and 48–52; and A/HRC/34/48/Add.2, para. 49–52.
- ⁷⁰ United Nations country team submission, p. 6; and A/HRC/39/52/Add.1, paras. 29, 35, 49, 51, 57, 69 (iii) and 70 (iii)–(iv).
- ⁷¹ For relevant recommendations, see A/HRC/32/9, paras. 102.139–102.146 and 102.185.
- ⁷² A/HRC/34/48/Add.2, paras. 104–105.
- ⁷³ United Nations country team submission, p. 2.
- ⁷⁴ A/HRC/34/48/Add.2, paras. 102–103.
- ⁷⁵ United Nations country team submission, p. 6.
- ⁷⁶ A/HRC/34/48/Add.2, para. 106 (b). See also United Nations country team submission, p. 12.
- ⁷⁷ United Nations country team submission, p. 12.
- ⁷⁸ *Ibid.*, p. 5.
- ⁷⁹ CERD/C/PRY/CO/4-6, para. 33. See also United Nations country team submission, p. 12.
- ⁸⁰ For relevant recommendations, see A/HRC/32/9, paras. 102.148–102.157 and 105.3–105.6.

- 81 United Nations country team submission, pp. 4–5. See also CERD/C/PRY/CO/4-6, paras. 35–36.
- 82 United Nations country team submission, p. 10.
- 83 CEDAW/C/PRY/CO/7, para. 36 (c). See also A/HRC/32/32/Add.1, paras. 28–39.
- 84 CCPR/C/PRY/CO/4, para. 20.
- 85 Ibid., para. 20; CEDAW/C/PRY/CO/7, para. 36 (d); A/HRC/32/32/Add.1, paras. 32–39.
- 86 CEDAW/C/PRY/CO/7, para. 37 (d). See also CCPR/C/PRY/CO/4, para. 21; and A/HRC/32/32/Add.1, para. 131 (g).
- 87 CCPR/C/PRY/CO/4, para. 21.
- 88 A/HRC/32/32/Add.1, paras. 94–101.
- 89 A/HRC/34/58/Add.1, paras. 49–51.
- 90 United Nations country team submission, p. 10. See also CEDAW/C/PRY/CO/7, para. 37 (f); and A/HRC/32/32/Add.1, paras. 80–88 and 131 (m)–(n).
- 91 For relevant recommendations, see A/HRC/32/9, paras. 102.147 and 102.158–102.165.
- 92 UNESCO submission, p. 3.
- 93 CEDAW/C/PRY/CO/7, paras. 8–9 (a).
- 94 United Nations country team submission, p. 5.
- 95 CEDAW/C/PRY/CO/7, para. 32.
- 96 UNESCO submission, p. 5.
- 97 CERD/C/PRY/CO/4-6, paras. 37–38.
- 98 A/HRC/34/58/Add.1, paras. 40–44.
- 99 UNESCO submission, p. 5.
- 100 United Nations country team submission, p. 3.
- 101 Ibid., p. 5.
- 102 For relevant recommendations, see A/HRC/32/9, paras. 102.31–102.32, 102.48–102.51, 102.67–102.76, 102.78–102.89 and 102.137.
- 103 CEDAW/C/PRY/CO/7, para. 18. See also CCPR/C/PRY/CO/4, para. 16; and A/HRC/34/48/Add.2, paras. 98–99.
- 104 CEDAW/C/PRY/CO/7, para. 19 (a)–(b).
- 105 CCPR/C/PRY/CO/4, para. 19 (d).
- 106 United Nations country team submission, p. 7.
- 107 CCPR/C/PRY/CO/4, para.16.
- 108 Ibid., para. 18. See also CEDAW/C/PRY/CO/7, para. 20.
- 109 United Nations country team submission, p. 7.
- 110 CCPR/C/PRY/CO/4, para. 19 (a)–(b).
- 111 CEDAW/C/PRY/CO/7, para. 21.
- 112 United Nations country team submission, p. 12.
- 113 For relevant recommendations, see A/HRC/32/9, paras. 102.11, 102.46–102.47, 102.59–102.61, 102.77, 102.90–102.94, 102.97–102.98 and 102.121.
- 114 CCPR/C/PRY/CO/4, para. 40.
- 115 United Nations country team submission, p. 7.
- 116 CCPR/C/PRY/CO/4, para. 41. See also CEDAW/C/PRY/CO/7, para. 31.
- 117 CEDAW/C/PRY/CO/7, para. 42. See also A/HRC/32/32/Add.1, para. 55.
- 118 United Nations country team submission, p. 4. See also A/HRC/32/32/Add.1, paras. 49 and 59.
- 119 CAT/C/PRY/CO/7, para. 32. See also A/HRC/32/32/Add.1, para. 63.
- 120 CAT/C/PRY/CO/7, para. 33 (c).
- 121 United Nations country team submission, p. 6.
- 122 UNESCO submission, p. 5.
- 123 For relevant recommendations, see A/HRC/32/9, paras. 102.166–102.170.
- 124 A/HRC/34/58/Add.1, para. 73.
- 125 Ibid., paras. 19 and 21.
- 126 A/HRC/34/58/Add.1, para. 76 (a) and (f).
- 127 United Nations country team submission, p. 8.
- 128 For relevant recommendations, see A/HRC/32/9, paras. 102.125–102.127, 102.136 and 102.171–102.182.
- 129 CCPR/C/PRY/CO/4, para. 44.
- 130 Ibid.; CEDAW/C/PRY/CO/7, para. 40 (c); CERD/C/PRY/CO/4-6, paras. 10, 15, 19, 21, 27, 35 and 37; and A/HRC/34/48/Add.2, paras. 37 and 94–95.
- 131 See www.ilo.org/dyn/normlex/en/F?p=1000:13100:0:NO:13100:P13100_COMMENT_ID:3341595.
- 132 CERD/C/PRY/CO/4-6, paras. 27–28.
- 133 CCPR/C/PRY/CO/4, para. 45; CEDAW/C/PRY/CO/7, para. 41 (a)–(c); CERD/C/PRY/CO/4-6, paras. 18, 20, 22, 28, 36 and 38.
- 134 United Nations country team submission, p. 8. See also CERD/C/PRY/CO/4-6, paras. 25–26.
- 135 For the relevant recommendation, see A/HRC/32/9, para. 102.184.

¹³⁶ CAT/C/PRY/CO/7, paras. 34–35 (a).

¹³⁷ CCPR/C/PRY/CO/4, para. 42. See also United Nations country team submission, p. 10.

¹³⁸ CCPR/C/PRY/CO/4, para. 42. See also CAT/C/PRY/CO/7, para. 34; and United Nations country team submission, p. 10.

¹³⁹ For relevant recommendations, see A/HRC/32/9, paras. 102.183–102.184.

¹⁴⁰ United Nations country team submission, pp. 9 and 11.
