



International Covenant on Civil and Political Rights

Distr.: General
16 April 2024

Original: English

Human Rights Committee

Report on follow-up to the concluding observations of the Human Rights Committee*

Addendum

Evaluation of the information on follow-up to the concluding observations on Paraguay

Concluding observations (126th session): [CCPR/C/PRY/CO/4](#), 22 July 2019

Follow-up paragraphs: 13, 29 and 35

Information received from State party: [CCPR/C/PRY/FCO/4](#), 12 May 2023

Committee's evaluation: 13 [B], 29 [B] and 35 [B]

Paragraph 13: Human rights violations during the period of the dictatorship

The State party should:

(a) **Ensure that all cases of serious human rights violations that occurred during the dictatorship (1954–1989) and the transition period, which lasted until 2003, are duly investigated and that those responsible are brought to justice without delay and, where appropriate, punished;**

(b) **Ensure prompt, fair and effective access to compensation and full reparation for all victims and their families, irrespective of when the claim was filed;**

(c) **Accelerate the search for missing persons and the identification of remains found during the investigation of cases of enforced disappearance and ensure that the human, technical and financial resources necessary for this purpose are provided.**

Summary of the information received from the State party

(a) The Special Human Rights Unit of the Public Prosecution Service has contributed to the progress made in several cases involving indictments and charges that are expected to lead to convictions. Cases in which preliminary hearings or the resolution of appeals are currently pending are identified in the annex. One of the most representative convictions was obtained in case No. 3154/89 (the Martin Almada-Celestina Pérez case), in which Fortunato Laspina, Camilo Almada Morel and Nicolás Lucilo Benítez were convicted of various human rights violations by means of decision No. 3 of 20 December 2019. Likewise, a sentence of seven years was imposed in case No. 53/2017.

* Adopted by the Committee at its 140th session (4–28 March 2024).



(b) Compensation is being granted for human rights violations that occurred during the dictatorship, following a binding ruling by the Counsel General's Office on requests submitted by the Ombudsman's Office. The coronavirus disease (COVID-19) pandemic forced the State to reduce the budget allocated to compensation for human rights violations committed during the dictatorship to 9,644,185,951 guaraníes in 2021. In 2022, it was increased to 15,000,000,000 guaraníes, and was increased again to 25,196,209,428 guaraníes in 2023. To date, a total of 17,000 cases have been processed by the Ombudsman's Office. Owing to the high number of requests that did not comply with the requirements, the Counsel General's Office has, in many cases, been forced to refuse compensation. The affected parties have the right to appeal in court. A bill is currently being reviewed in the National Congress to improve the compensation mechanisms for victims and members of their families.

(c) Following the creation of the Genetic Databank, more than 200 people in Paraguay and around 100 in Argentina have been contacted, and samples from the family members of 158 missing persons have been collected. The National Campaign for the Identification of Persons Disappeared between 1954 and 1989 involves the continued search for relatives and the taking of blood samples, which are added to the Genetic Databank. Skeletal remains from five exhumations carried out between 2010 and 2018 are currently being analysed. In spite of the budgetary challenges, initial exploratory work has been carried out in the Department of Caaguazú in connection with the case of 10 persons who went missing in the 1980s. These operations form part of the investigations carried out by the Special Human Rights Unit of the Public Prosecution Service. After the discovery in September 2019 of skeletal remains in a property previously owned by the former dictator Alfredo Stroessner, the Public Prosecution Service carried out excavations and collected evidence. The remains found are thought to belong to victims of the dictatorship and were taken to Asunción for analysis.

Committee's evaluation

[B]

While welcoming the information provided on cases No. 3154/89 and No. 53/2017, the Committee requests further information on the outcome of the cases that are currently pending in court and on the number of appeals presented in court and their corresponding results. While noting the State party's efforts to search for missing persons and identify remains, as well as to ensure compensation for victims and their families, the Committee regrets to learn that many requests for compensation have been refused. The Committee reiterates its recommendations and requests updated information on the number of: (a) persons who received compensation; (b) requests that were refused, including the reasons for the refusal; and (c) appeals presented in court and their corresponding results. The Committee also requests additional information on the proposed bill to improve the compensation mechanisms for victims and their families, including its current status.

Paragraph 29: Pretrial detention and fundamental safeguards

The State party should:

(a) **Continue its reforms to significantly reduce the use of pretrial detention and ensure that non-custodial alternatives, such as bail or electronic bracelets, are given due consideration and that pretrial detention is exceptional, reasonable and necessary in all circumstances and as short as possible, including in the case of adolescents in conflict with the law;**

(b) **Ensure that all persons deprived of their liberty are informed of the reason for their detention and their rights, that they have proper access to a lawyer and that they can contact a family member or person of trust from the very beginning of their detention.**

Summary of the information received from the State party

(a) Under current legislation, pretrial detention is a measure of last resort. Judges can order alternative measures to pretrial detention or replace it with less restrictive precautionary measures, including granting release. The enactment of Act No. 6350/19 in July 2019 reversed the limitations previously placed on granting alternative measures, which had led to an exponential increase in the prison population. In addition, a bill establishing a special procedure for the lifting of pretrial detention in cases where the time limit established in article 19 of the Constitution has expired is under consideration. In December 2021, the Ministry of Justice prompted the signing of a cooperation agreement for the creation of a committee on alternative measures to deprivation of liberty, involving the highest authorities of the Supreme Court of Justice, the Public Prosecution Service and the Ministry of Public Defence. Also in 2021, the Supreme Court of Justice issued Resolution No. 1511, which sets out guidelines on the exceptional application of pretrial detention and promotes the use of an ex officio review of precautionary measures as a tool for reducing the prison population. Pursuant to Act No. 6345/19, the executive branch is responsible for regulating and implementing electronic or monitoring devices. The Ministry of the Interior convened a working meeting in March 2023 in order to advance the implementation of the Act and an inter-institutional round table was formed.

Since the implementation of the Restorative Juvenile Justice Programme, the number of adolescents deprived of their liberty has decreased. The first phase of a project designed to strengthen the restorative approach in adolescent criminal responsibility processes was implemented between 2019 and 2021. The project is now in its second phase. New protocols for custodial and non-custodial measures for adolescents have been developed and an inter-institutional round table on juvenile restorative justice has been formed.

(b) Free legal aid is provided throughout the country to represent and defend in court people who lack economic resources. Data on the range of services provided are available online. Public defenders receive in-service training on human rights and due process. Police staff also receive training on human rights, through human rights training days and training workshops. The National Police has a Department of Internal Affairs which oversees the investigation of complaints concerning police procedures, in line with the requirements of due process.

Committee's evaluation

[B]: (a)

While welcoming the State party's efforts to reduce the use of pretrial detention and ensure that non-custodial alternatives are given due consideration, including through the enactment of Act No. 6350/19 and the issuance of Resolution No. 1511 by the Supreme Court of Justice, the Committee regrets the lack of information on the impact and results of the State party's efforts to significantly decrease the use of pretrial detention. Furthermore, while noting with satisfaction the cooperation agreement for the creation of a committee on alternative measures to deprivation of liberty, the working meeting convened to advance the implementation of the Act on regulating and implementing the use of electronic or monitoring devices and the inter-institutional round table on juvenile restorative justice, the Committee regrets the lack of statistical data on the use of alternatives to pretrial detention. The Committee reiterates its recommendations in this regard and requests additional information on: (a) the status of the bill establishing a special procedure for the lifting of pretrial detention; and (b) the status and impact of the project designed to strengthen the restorative approach in adolescent criminal responsibility processes. It also requests statistical data on the number of persons in pretrial detention and the use of non-custodial alternatives during the reporting period.

[B]: (b)

While noting the information provided regarding the provision of free legal aid throughout the country and the ongoing human rights training received by public defenders and police staff, the Committee regrets the lack of information on specific steps taken during the reporting period. The Committee reiterates its recommendation and requests further details on the number of: (a) persons who received free legal aid during the reporting period;

(b) professionals who received training on human rights and standards of due process during the reporting period; and (c) complaints about police procedures received during the reporting period and their corresponding results, including the number of complaints that were referred to the Public Prosecution Service.

Paragraph 35: Independence of the judiciary

The State party should:

(a) **Strengthen its efforts to combat corruption within the judiciary, including by raising awareness among judges, prosecutors and police officers of the most effective ways to fight corruption;**

(b) **Eradicate all forms of interference in the judiciary by other branches of government; ensure prompt, thorough, independent and impartial investigations into all allegations of interference and corruption; and prosecute and punish the persons responsible;**

(c) **Review the laws and operations of the institutions responsible for administering justice, appointing judges and prosecutors and ensuring judicial ethics in order to ensure that, in law and in practice, the system in place guarantees the independence and impartiality of the judiciary and the autonomy of the Office of the Prosecutor, as well as transparency and public scrutiny.**

Summary of the information received from the State party

The National Anti-Corruption Secretariat has made significant progress in the fight against corruption and in promoting transparency and accountability, including the creation of an anti-corruption complaints portal and of a platform for monitoring compliance with active transparency obligations in the public sector. The National Integrity, Transparency and Anti-Corruption Plan 2021–2025 has also been approved. Between 2019 and 2021, the Public Prosecution Service Training Centre addressed corruption and raised awareness among judges, prosecutors and the national police. Several anti-corruption strategies have also been established. In 2020, the Supreme Court of Justice launched a publication on regulations and rulings on corruption and human rights. As part of its policy of transparency and access to information, the Court made available three web platforms to allow members of the public to observe court cases. Between 2006 and 2023, the number of complaints filed with the judiciary's Complaints and Reports Office has increased.

Through Decision No. 1309/20, the Supreme Court of Justice standardized the criteria and administrative and technical procedures concerning the management of entrance examinations and promotion within the judiciary. The Judicial Ethics Office promotes and monitors compliance with the Code of Judicial Ethics. The Ministry of the Interior organized training activities in different units of the National Police regarding the fight against corruption. In addition, the Department of Internal Affairs has been set up to investigate complaints against police officers. The courts specialized in economic crimes and corruption that were established pursuant to Act No. 6379/19 have been further strengthened through Act No. 6430/19.

The Special Unit for Economic Crimes and Anti-Corruption of the Public Prosecution Service investigates the offences of public corruption, economic crimes, money-laundering and financing of terrorism. It is in charge of a Deputy Prosecutor's Office and is made up of 14 prosecutors. Members of the Supreme Court of Justice, court and tribunal judges, the Attorney General and prosecutors must be nominated by the Council of the Judiciary and must meet the constitutional and legal requirements for holding office. This is assessed at a hearing that is broadcast publicly. Act No. 6814/21 established the procedure for the prosecution and potential removal from office of members of courts of appeal, judges, deputy prosecutors, prosecutors, the Chief Public Defender, deputy public defenders and public defenders. Pursuant to Act No. 6721/21, the national commission formed to review the legislation on the administration of justice must submit its conclusions for the consideration of the legislative branch within four years.

Committee's evaluation

[B]

While welcoming the various measures taken to fight against corruption and promote transparency and accountability in the judiciary, the Committee requests additional information on the impact of the measures taken to reduce corruption. It regrets the lack of specific information on measures taken to eradicate all forms of interference in the judiciary by other branches of government and the fact that no specific information was provided on investigations into all allegations of interference and corruption during the reporting period. The Committee requests statistical data on such investigations and their results, including whether there have been any prosecutions and convictions, and reiterates its recommendation in this regard.

Recommended action: A letter should be sent informing the State party of the discontinuation of the follow-up procedure. The information requested should be included in the State party's next periodic report.

Next periodic report due: 2028 (country review in 2029, in accordance with the predictable review cycle).
