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## **National report submitted in accordance with paragraph 15 (a) of the annex to Human Rights Council resolution 5/1**

### **Paraguay\***

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## Glossary

1.	MRREE	Ministerio de Relaciones Exteriores
2.	MJT	Ministerio de Justicia y Trabajo
3.	RDDHHPE	Red de Derechos Humanos del Poder Ejecutivo
4.	PJ	Poder Judicial
5.	PL	Poder Legislativo
6.	MP	Ministerio Público
7.	TSJE	Tribunal Superior de Justicia Electoral
8.	CN	Constitución Nacional
9.	VMJDDHH	Viceministerio de Justicia y Derechos Humanos
10.	Plan DDHH	Plan de Derechos Humanos
11.	NNUU	Naciones Unidas
12.	OHCHR	Office of the United Nations High Commissioner for Human Rights
13.	PNDHPY	Plan Nacional de Derechos Humanos para el Paraguay
14.	UDH	Unidad de Derechos Humanos
15.	CSJ	Corte Suprema de Justicia
16.	DDH	Dirección de Derechos Humanos
17.	CEMP	Centro de Entrenamiento del Ministerio Público
18.	CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
19.	CERD	Convention on the Elimination of All Forms of Racial Discrimination
20.	ILO	International Labour Organization
21.	CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
22.	CRPD	Convention on the Rights of People with Disabilities
23.	OPAC	Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict
24.	CMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
25.	CICSI	Comisión Interinstitucional Ejecutiva para el Cumplimiento de Sentencias Internacionales
26.	CVJ	Comisión Verdad Justicia
27.	CPP	Código Penal Procesal
28.	PRODEPA	Programa de Alfabetización de Adultos
29.	MEC	Ministerio de Educación y Cultura

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30.	SNPP	Servicio Nacional de Promoción Profesional
31.	SINAFOCAL	Sistema Nacional de Formación y Capacitación Laboral
32.	CNA	Código de la Niñez y la Adolescencia
33.	INDI	Instituto Paraguayo del Indígena
34.	CAPI	Coordinadora por la Autodeterminación de los Pueblos Indígenas
35.	CIN	Cédula de Identidad Nacional
36.	CE	Carnet Étnico
37.	SMPR	Secretaría de la Mujer de la Presidencia de la República
38.	PNIO	Planes Nacionales de Igualdad de Oportunidades entre Hombres y Mujeres
39.	PRIOME	Programa de Igualdad de Oportunidades para las Mujeres en la Educación
40.	CRC	Convention on the Rights of the Child
41.	SNNA	Secretaría Nacional de la Niñez y la Adolescencia
42.	POLNA	Política Nacional en Niñez y Adolescencia
43.	SNPPI	Sistema Nacional de Promoción y Protección Integral
44.	CONAETI	Comisión Nacional de Erradicación del Trabajo Infantil
45.	IOM	International Organization for Migration
46.	DGEEC	Dirección General de Estadística, Encuestas y Censos
47.	DGM	Dirección General de Migraciones
48.	CIP	Comité Interinstitucional de Población
49.	SDRRC	Secretaría de Desarrollo para Repatriados y Refugiados Connacionales
50.	INPRO	Instituto Nacional de Protección a Personas Especiales
51.	DGEI	Dirección General de Educación Inclusiva
52.	MSP y BS	Ministerio de Salud Pública y Bienestar Social
53.	SAS	Secretaría de Acción Social
54.	FFAA	Fuerzas Armadas
55.	ENRP	Estrategia Nacional de Reducción de la Pobreza y la Desigualdad
56.	PROPAIS	Programa de Inversiones Sociales
57.	PRODECO	Promoción Social y Desarrollo Comunitario
58.	FIS	Fondo de Inversión Social
59.	IPG	Índice de Priorización Geográfica
60.	IDB	Inter-American Development Bank
61.	PEES	Plan Estratégico, Económico y Social
62.	PPDS	Políticas Públicas para el Desarrollo Social
63.	CEPRA	Coordinación Ejecutiva para la Reforma Agraria

64.	INDERT	Instituto de Desarrollo Rural y de la Tierra
65.	MAG	Ministerio de Agricultura y Ganadería
66.	ACES	Asociación de Cooperativas Escolares
67.	PLANAL	Plan Nacional de Soberanía y Seguridad Alimentaria y Nutricional del Paraguay
68.	RISS	Red Integrada de Servicios de la Salud
69.	WHO	World Health Organization
70.	PRONASIDA	Programa Nacional de Control de VIH-SIDA ITS
71.	ERSSAN	Ente Regulador del Servicio Sanitario
72.	FOCEM	Fondo de Convergencia Estructural del MERCOSUR
73.	IPS	Instituto de Previsión Social
74.	SENAVITAT	Secretaría Nacional de la Vivienda y el Hábitat
75.	CONAVI	Consejo Nacional de la Vivienda
76.	FONAVIS	Fondo Nacional para la Vivienda
77.	CELADE	Latin American and Caribbean Demographic Centre
78.	EBY	Entidad Binacional Yacyretá
79.	SEAM	Secretaría Del Medio Ambiente
80.	INFONA	Instituto Forestal Nacional
81.	SFN	Servicio Forestal Nacional
82.	CICR	International Committee of the Red Cross
83.	SPT	Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

## **I. Methodology**

1. This report has been produced by the Ministry of Foreign Affairs and the Ministry of Justice and Labour, as coordinator of the Executive Branch's Human Rights Network, in consultation with the Judiciary, the Legislative branch, the Prosecution Service and the Supreme Electoral Court.
2. Civil society and the Ombudsman's office provided input for the consultation by expressing their views and making observations. Information on the preparatory process for the National Report for the UPR has been published on the State's web pages.

## **II. Background**

3. The democratic revival (in 1989) after 35 years of dictatorship, made it possible to reorganize the political and institutional apparatus and to adopt a new national constitution in 1992. The Constitution established a democratic, representative, participative and pluralistic form of government, founded on recognition for human dignity, which guarantees full respect for human rights. In 2008 for the first time since the establishment of democracy a change of government came about through universal suffrage.

## **III. Overall normative and institutional framework for the promotion and protection of human rights**

4. The Republic of Paraguay is a unitary, indivisible and decentralized State governed by the rule of law. Its territory is divided into 17 departments, themselves subdivided into municipalities which, within the limits determined by the Constitution, exercise political, administrative and legislative autonomy in managing their affairs and independently levy and invest their resources. According to the 2002 Census, the population was 5,163,198,<sup>1</sup> with a slight majority of women; in 2009 it had risen to 6,273,103.<sup>2</sup>
5. The Government is chosen by the people through direct and periodic suffrage. Government is exercised by the Legislative, Executive and Judicial branches, which are separate, balanced, coordinated and subject to mutual control.
6. The Constitution is a democratic constitution which guarantees human rights. It recognizes the fundamental rights inherent to the dignity of the human person and establishes a system of safeguards to provide legal protection and oversight for them. The rights for which it provides are consistent with the international human rights instruments which Paraguay has ratified.<sup>3</sup>

### **A. State bodies responsible for promoting and protecting human rights**

7. Decree No. 1730/09 reorganized the Department of Justice and Human Rights, an agency of the Ministry of Justice and Labour, which is responsible for the Human Rights Network of the Executive Branch. This network was set up by Decree No. 2290/09 for the purpose of coordinating and establishing linkage between policies, plans and programmes developed by the executive branch to improve mechanisms to promote, protect and ensure the implementation of human rights, to raise the profile of rights-based activities and to undertake other activities such as the development of the National Human Rights Plan, the preparation of a general annual report structured by thematic issues, ensuring observance

and the implementation of the relevant international instruments and participation in the human-rights report-writing process, etc.<sup>4</sup>

8. The State's structure includes numerous human rights departments which form part of the Executive Branch Human Rights Network,<sup>5</sup> an entity in which the Department of Human Rights of the judicial branch participates together with the Prosecution Service.

9. The Executive Branch Human Rights Network has drawn up a Plan of Action 2010–2011 which sets forth the State's firm determination to fulfil its obligations in this sphere by ensuring full respect for fundamental rights. The Plan is the outcome of inter-institutional cooperation which has resulted in the definition of priorities for action. Technical support was provided by OHCHR, in response to a request made by the President of the Republic when he took office.

10. The strategic objective of the human rights plan is to provide training and an institutional framework for the Government's human resources. In 2010, a total of 10 days' training was provided by OHCHR for 80 officials in 2 courses; the courses covered international human rights mechanisms and the treaty-bodies review system. Pursuant to the Plan, the Ministry of Foreign Affairs has laid the foundations of a system to monitor and follow up the United Nations human rights instruments by organizing round tables on the preparation of reports for the following bodies: the Committee on the Elimination of Racial Discrimination, the Committee on Economic Social and Cultural Rights, the Committee on Civil and Political Rights, the Convention on the Rights of Persons with Disabilities, the Optional Protocol to the Convention on the Rights of the Child, the Optional Protocol on the sale of children, child prostitution and child pornography, the Convention against Torture and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. In addition, human rights is a mandatory subject for anyone desiring to join or be promoted in the diplomatic and consular corps.

11. The State intends further to strengthen the internal structure of the Executive Branch Human Rights Network and to provide it with institutional resources. The establishment of an institution with ministerial status to be responsible for justice and human rights is also being considered together with the creation of a system of human rights indicators, which will also require strengthening of the National Statistical System.

12. The judicial branch has set up a human rights office (Decision No. 759/00), a technical and administrative body known as the Human Rights Unit, with a broad mandate that was expanded by Act No. 31/02.<sup>6</sup> Its brief is to promote and protect human rights within the sphere of the Judiciary by cooperating with a number of governmental and non-governmental entities. Its work focuses essentially on the administration of justice in a number of spheres assigned priority: children and adolescents, gender, indigenous affairs, international systems for the protection of human rights (United Nations Organization of American States), economic, social and cultural rights, persons who are vulnerable or disabled and communication.<sup>7</sup>

13. Its work has included the development of human rights aids in order to encourage the courts to refer to the relevant international instruments in their decisions. Noteworthy publications include: the compendium of human rights legislation on disabled persons, three books, Gender Violence, Indigenous Law and Human Rights, a CD on economic, social and cultural rights and information brochures on indigenous law and female workers, 1,500 copies of which have been published.

14. The Prosecution Service has a human rights department which provides nationwide support to prosecutors. Decision No. 1106/01 assigned to criminal prosecutors sole responsibility for human rights offences.

15. The thrust of its institutional policy is to prevent human rights offences, with a focus on offences such as torture, inflicting physical injury while performing a public function, using force to obtain statements, hostage-taking, prosecution of innocent persons, genocide and war crimes. During the last four years, a total of 1,072 cases have been investigated involving alleged human rights violations throughout the country.

16. The Legislative branch comprises the Chamber of Senators and the Chamber of Deputies, which have standing human rights committees charged with examining legislation on the subject. The principal legislative instruments adopted are the following: Acts No. 3075/06, No. 3603/08 and No. 3852/09, amending Act No. 838/96 to provide compensation for victims of human rights violations committed during the 1954 to 1989 dictatorship, Act No. 3232/07 to provide credit support for indigenous communities and Act No. 4013/10 governing the exercise of the right to conscientious objection to mandatory military service and establishing civilian service to replace it.

17. The Constitution established the function of Ombudsman, a parliamentary commissioner responsible for upholding human rights, channelling complaints from the public and protecting community interests.<sup>8</sup> The Ombudsman operates 21 offices in the capital and 24 in the hinterland, although for budgetary reasons, not all of these have their own premises. An effort to strengthen its structure in order to respond to the needs of citizens is a challenge for the State.

## **B. Paraguay's obligations in respect of international human rights law**

18. Paraguay has adopted the principle international human rights instruments and has introduced laws to establish an appropriate legal framework for their effective implementation. In recent years, it has ratified the following instruments: the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the International Convention for the Protection of All Persons from Enforced Disappearance, ILO Conventions No. 156, No. 187 and on Maritime Labour. Drafting of a bill on the implementation of the Statute of the International Criminal Court is currently being finalized.

19. To date, pursuant to its international agenda and in an effort to eliminate the backlog in this area, Paraguay has fulfilled almost all of its commitments for the submission of reports to the United Nations treaty bodies. This is evidence of the political will of the Government to ensure compliance with, observance of and to promote human rights and the responsibility it has assumed in respect of those rights and towards the international community.

20. By Decree No. 1595/09, the Executive set up the Inter-Agency Executive Committee on the enforcement of international decisions, which the Office of the Procurator-General of the Republic is responsible for coordinating. The Committee is charged with taking measures to ensure that international sentences handed down by the Inter-American Human Rights Court and the recommendations of the Inter-American Commission on Human Rights are enforced. As far as payment of compensation is concerned, inter alia the following payments have been made: Agustín Goiburú US\$ 380,085; Yakye Axa indigenous community US\$ 536,760; Sawhoyamaya indigenous community US\$ 281,217; Institute for the Re-education of Minors US\$ 3,133,499.

**C. The status of international human rights law in the domestic legal system**

21. Those international treaties which the Congress has adopted by law, and whose instruments of ratification have been exchanged or deposited have become part of the domestic legal system, ranking immediately below the Constitution. International human rights treaties may be amended only by the procedures governing amendments to the Constitution.

**IV. Measures relating to human rights violations committed by the military regime**

22. The Truth and Justice Commission,<sup>9</sup> was established by Act No. 2225/03. The Commission is responsible for investigating acts committed by agents of the State or of para-State bodies between 1954 and 2003 which constitute or may constitute human rights violations and for drafting recommendations for the adoption of measures to avoid a repetition of such acts. It operated with an initial budget of US\$ 199,381, increased over subsequent years to an average of US\$ 515,463.

23. The final report Anivé Haguã Oiko (Lest it happen again) of the Truth and Justice Commission was submitted to the representatives of the three branches of State at a public ceremony in 2008 and was declared of national interest by Decree No. 1875/09. In accordance with the recommendations made in the report, the Ministry of Education and Culture has introduced training for teachers on the subject of authoritarianism in Paraguay's recent history, and has incorporated the subject into the official curriculum in order to educate and provide training on human rights. The State faces the challenge of making progress towards the implementation of the other recommendations made in the report.

24. Together with the Ministry of the Interior and the Directorate-General for Truth, Justice and Reparation, an agency of the Ombudsman's Office, the Prosecution Service is continuing efforts to find persons who disappeared during the dictatorship and is taking blood samples from relatives for purposes of identification and reparation. Bones from seven corpses were found, three of them with full genetic profiles, at the premises now occupied by the National Police Force Special Unit, where one of the largest torture centres used to operate.

25. In order to develop and revive historical memory, the Judiciary maintains the Museum and Documentation Centre and the Human Rights Archive, otherwise known as the Terror Archive. This contains documents seized during the judicial investigations carried out in 1992 at the Police Force's Department of Investigations. It was reorganized under the CONMEMORIA project (2007) when it was relocated and expanded.

26. In order to provide medical and psychological support for victims of the military regime and their relatives, an agreement was signed between the Directorate-General for Truth, Justice and Reparation and the Ministry of Public Health and Social Welfare to set up a gene bank for identifying detained, disappeared and extrajudicially executed persons.

## **V. Civil and Political Rights**

### **A. Comprehensive modernization of the system of administration of justice**

#### **1. Penal reform**

27. Since 1997 there have been changes in criminal legislation and criminal procedure. The adoption of Act No. 1160/97 (Criminal Code Act) has enshrined the principles of legality, culpability and proportionality and incorporates the presumption of innocence.

28. Inter alia, the following categories of offence were introduced: domestic violence, incest, sexual abuse, sexual abuse of defenceless persons and children and trafficking in people. Act No. 3440/08 amended a number of categories of offence in terms of the penalties applicable to them and their classification.

29. Act No. 1286/98, (Code of Criminal Procedure), introduced the adversarial in place of the inquisitorial regime and guaranteed freedom, personal safety and due legal process; it established courts to enforce legal safeguards, intermediate-level courts, courts to enforce penalties and ordinary and special prosecution services. It is important that the bill bringing the offences of torture and enforced disappearance into line with the categories established by the international instruments which Paraguay has ratified should be approved.

#### **2. Criminal justice applicable to adolescents**

30. The Code of Criminal Procedure institutes special rules for the investigation and hearing of offences committed by adolescents (14 to 18 years), in accordance with the Children's and Adolescents' Code, book V relating to criminal offences, and is a step forward.

31. Ombudsman's offices, prosecutors' offices, courts, courts of appeal and specialized guardianship and criminal courts for children and young persons have been set up. Nevertheless, we recognize the need to assign more magistrates to this area.

#### **3. Indigenous criminal justice**

32. The Constitution recognizes the right of indigenous people voluntarily to subject themselves to their customary law for matters relating to their own communities, provided those laws do not undermine the fundamental rights laid down in the Constitution. Customary indigenous law shall be taken into account in case of jurisdictional conflicts.

33. The Code of Criminal Procedure lays down procedure for offences concerning indigenous people. A technical consultant specialized in indigenous affairs must be present during the pretrial stage of the investigation.<sup>10</sup>

#### **4. Military justice**

34. Military courts are established by the Constitution, which restricts their jurisdiction to purely military offences and misdemeanours committed during active service, except in cases of international armed conflict.

35. Current military legislation, which dates from before the Constitution, provides for the death penalty for a number of offences, especially during wartime; in this respect the code of military justice is not in keeping with current procedural models on account of its inquisitorial nature.<sup>11</sup> Although in practice it is tempered by the application of the constitutional guarantees relating to due process, reform of the military system of justice is a challenge that has to be taken up.

36. It should be pointed out that in accordance with the Constitution, ordinary offences committed by military personnel are tried by the ordinary courts.

## 5. Access to justice

37. The Judicial Branch has adopted a strategic plan for 2005–2010 with the aim of ensuring not only that the Judiciary is independent, respected, prestigious, reliable and transparent but also that it is composed of judges and officials who are suited to their task, efficient and who provide service of an excellent quality, timely and non-discriminatory access to justice while ensuring legal safeguards. The thrust of its action is based on judicial governance, judicial management and administrative management.<sup>12</sup>

38. In Decision No. 517/08, the Supreme Court of Justice set up the Judicial Assistance Service in 8 departments and 61 districts. These offices provide channels of communication between those who provide justice and their community; it also serves as a means of providing civic and legal training and of prevention. In May 2010, there were 782 judicial outreach workers (292 of whom were women), providing 2,432 services for the benefit of 140,000 persons. In addition, the legal mediation service was extended to 14 sites in Paraguay and in 2010 the Secretariat for Gender Issues was set up within the Supreme Court and charged with ensuring women's rights are incorporated and institutionalized into the administration of justice.

39. The Constitution establishes and guarantees the financial independence of the Judiciary, which receives no less than 3 per cent of the central government budget. In 2010 the budget of the Judicial Branch accounted for 7.47 per cent of the central government budget. Its budget was subdivided into funds for the Supreme Court and the Office of the Public Defender, the Supreme Electoral Court, the Council of the Judiciary and the Judges Investigation Panel.

40. The mission of the Office of the Public Defender is to ensure due legal process and effective protection for human rights within its sphere of competence. It has 192 public defenders throughout the country, most of them dealing with criminal law. In 2007–2009, legal assistance was provided for 79,800 cases, a volume which has posed the challenge of reinforcing the institution so that it may provide more effective coverage.

41. By Decision No. 184/98, the Prosecution Service set up the Victims' Support Agency, which provides comprehensive support covering the psychological, social and legal needs of victims. Since 2007 it has provided support for 31 victims of human rights violations.

42. In 1993, the Ethnic Rights Unit was set up in order to ensure implementation of legislation on ethnic rights and to safeguard them in the administration of justice; it was transformed into the Department of Indigenous Affairs by Decision No. 185/98 to enable it to provide prosecutors with technical support to ensure the implementation of specific national and international provisions on indigenous affairs and to act as a technical consultant whenever members of indigenous communities are involved either as victims or offenders in criminal cases.

43. The Unit has drawn up a set of mandatory instructions for the complaints registry and for prosecutors, which were approved by Decision No. 3918/09. Pursuant to these instructions, the Department must be informed from the outset of any affairs involving members of indigenous communities. Since 2009, it has been provided with the necessary human resources and its own offices.

44. The Prosecution Service has a training centre where its officials are given training on children's and gender issues, human rights, criminal and procedural law; each year 3,000 officials receive training. The Prosecution Service operates and is administered

independently in accordance with Act No. 1560/00 and its budget increased by 26 percentage points between 2007 and 2010.

45. Most of the perpetrators of human rights violations committed during the dictatorship have been dealt with by the courts. The victims of those violations have, and continue to receive compensation in accordance with Act No. 838/96.

## 6. Public security

46. The Ministry of the Interior has completed drafting the Basic Document for a national policy on public security with the following main lines of action: civic participation, human rights, gender violence, the effort to combat impunity, and communication. The document will be widely disseminated and discussed in the political, social and academic spheres in order further to develop it. The main challenge in implementing it will be to involve all stakeholders and to establish public security as the cornerstone of democratic governance.

47. The Ministry of the Interior and the Office of the President have set up human rights departments in order to promote measures to implement human rights policies, plans and programmes. The actions carried out by them have included providing support in procedures involving community interests, monitoring conditions of detention in police stations, bringing domestic legislation into line with human rights standards, drawing up procedural protocols for the police, accountability and receiving, channelling and following up complaints.

48. The National Police Force has approved<sup>13</sup> a protocol on methods of intervention for large-scale expulsions, which lays down the procedure to be observed by police officers when enforcing decisions of the courts, and which emphasizes negotiation, dialogue, mediation, refraining from the use of force and protecting vulnerable persons to achieve a less confrontational approach, permit peaceful outcomes and meet the needs of those affected. According to data from the Police, during 2008 to 2010 they acted in approximately 98 expulsions ordered by the courts, affecting 1,066 families; most of the expulsions were carried out through dialogue and negotiation, a marked change from previous years.

49. The National Police Force<sup>14</sup> runs human rights training programmes for its personnel. The programmes are included in the different levels of police training which includes 224 hours of lectures on human rights. It also has a permanent in-service training programme on human rights and humanitarian principles as they apply to policing, with 80 hours of lectures. The Ministry of the Interior runs a programme to provide up-to-date information on human rights for policing, which emphasizes protection for the vulnerable. Each year, police officers are trained as instructors with the assistance of ICRC.

50. The Police Force has strengthened its monitoring systems;<sup>15</sup> it has provided additional human, material, normative and operational resources for the Department of Internal Affairs and the Police Justice Department,<sup>16</sup> and has made accountability a mandatory aspect of policing. As a result, in 2009 proceedings were instituted against 37 police officers for causing bodily harm in the course of their duties; 34 of them were punished. As recommended by the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, a mandatory register of persons deprived of their liberty, using sealed and numbered registers is now kept in police stations to ensure that procedural principles are complied with.<sup>17</sup>

51. We should mention that in May 2010, Act No. 3994/10 declared a 30-day state of emergency in the departments of Concepción, San Pedro, Presidente Hayes, Amambay and Alto Paraguay in response to the serious disturbances caused there by criminal gangs

operating in the area which threatened the normal operation of the constitutional bodies, life, liberty and individual and property rights.<sup>18</sup>

52. The Government ensured that there was no limitation of specific fundamental rights in this instance.<sup>19</sup> The Executive Branch Human Rights Network informed the public of the scope of the Act, and permanent response bureaux were opened, jointly with the local authorities<sup>20</sup> to channel and hear any complaints. No complaints were lodged against the security forces<sup>21</sup> for human rights violations.

## **B. Detention facilities**

### **1. Prisons**

53. The prison system dates from the 1970s. For this reason, in July 2010 the Executive adopted Decree No. 4674 as the first step in the process of prison reform. The Decree established the National Commission comprising members of the judicial system and other persons to review the prison system in the light of contemporary methods of treating persons deprived of their liberty.

54. The Ministry of Justice and Labour is developing a plan to improve the treatment of detainees and to improve the infrastructure of prisons. There are 15 prison facilities for adults, with a total capacity of 5,146 and a current population of 6,367 (69 per cent awaiting trial – 31 per cent convicted). In 2009 a prison census and a health examination of all detainees in all prisons were carried out to gather data for plans and projects for the comprehensive reform of the system.

55. Investment was made in new buildings and improvements to several prison facilities, including Pedro Juan Caballero, Emboscada, Coronel Oviedo and Industrial Esperanza. A basic bilingual education programme (PRODEPA) is being carried out in two facilities to teach adults to read and write.<sup>22</sup>

56. The National Vocational Advancement Service and the National Labour Skills and Training Service carry out activities to teach skills to and provide training for young persons and adults with a view to reintegrating them into society. The primary health-care programme has been implemented in order to provide early diagnosis of diseases among inmates, improve their access to medical care and to teach first aid: 60 prisoners have been trained as outreach workers.

57. A pilot Gender in Prison programme has been implemented in the *Amanecer* section of the *Casa del Buen Pastor* women's prison. It involves alterations to the infrastructure and a refresher course for the specialist staff responsible for mothers in prison with their children.<sup>23</sup>

58. The Paraguayan Institute for Indigenous Affairs and the Ministry of Justice and Labour have conducted the first survey of indigenous detainees,<sup>24</sup> concerning the value they attach to receiving work training, which is provided (according to the survey) to 50 per cent of the 80 indigenous detainees.

59. In 2009 Paraguay received a visit from the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Subcommittee's report has been published together with information on the progress made in response to its recommendations. The bill on the Act for a mechanism to prevent torture is already half way through the process of adoption by the Senate. Furthermore, a programme needs to be developed to provide support for persons who have served their sentence, to help them reintegrate into society.

## 2. Rehabilitation centres

60. The Constitution stipulates that custodial measures require that adolescents be detained in special facilities designed to fulfil an educative purpose. To meet this requirement, rehabilitation centres have been built in Villarrica, Ciudad del Este and Concepción and the infrastructure and equipment of the other centres have been improved thanks to an investment of US\$ 330,868 during the period 2008/09, a 13 per cent increase in their budget over the last two years.

61. The centres have teaching units and workshops to provide work training, thanks to which it has been possible to implement adult literacy programmes in all rehabilitation centres. A total of 250 adolescents were enrolled in the programmes: 40 per cent of them were illiterates or functional illiterates, 48 per cent had completed the fourth grade and 12 per cent the intermediate remote education programme.

62. Work training was provided via the National Vocational Advancement Service, the National Labour Skills and Training Service and the Prolabor programmes for the benefit of 88 per cent of the adolescent detainee population. In addition, the 2009–2010 training plan, with an emphasis on gender issues, was provided for 173 staff in rehabilitation centres.

63. There is a need to ensure effective implementation of government policy in respect of adolescent offenders.

## C. The rights of indigenous peoples

64. Act No. 904/81 establishing the Indigenous Communities Statute and the amendments thereto recognize the specific rights of the indigenous communities and establish the Institute for Indigenous Affairs, the institution that oversees indigenous policy and coordinates with the other State bodies any measures concerning them. Cross-cutting legislation has been promulgated to complete certain aspects of the Statute mentioned in this report. In recent years, the Institute for Indigenous Affairs has been strengthened and has improved its previously weak image.<sup>25</sup>

65. The 2002 National Indigenous Population and Housing Census registered 20 indigenous peoples who make up some 2 per cent of Paraguay's total population, an ethnic diversity that enriches our culture. In 2010, the Institute for Indigenous Affairs has registered 534 communities, 414 of which have legal personality. There are 1,234 legally recognized community leaders. One per cent of them, 13 in all, are women, which is a small step forward.

66. As regards the process of prior consultation and participation, the communities have set up civil-law associations which take part in matters relating to indigenous policy and in their economic activities. On their own initiative they have held workshops to develop skills of relevance to public bodies, with the support of the Institute for Indigenous Affairs and the United Nations.

67. In conjunction with an NGO, the Legislative Branch has organized a seminar on consultation and participation of indigenous peoples, which was attended by indigenous leaders from different peoples and ILO experts. One outcome of the workshop has been consideration of a protocol on consultation mechanisms, due to be implemented in 2011. At the individual level, indigenous persons have held elected office on municipal and departmental bodies.

68. While respecting their cultural identity and diversity, indigenous persons possess a national identity card and an ethnic identity card specifying to which ethnic group and community they belong. In 2009–2010, identity cards were issued to members of 38 indigenous communities, together with 3,968 ethnic identity cards; 848 entries were also

made in the civil registry, which marks a step forward as according to the National Indigenous Population and Housing Census, 50 per cent of the indigenous population do not have an identity card.

69. The Territory, Participation and Development Programme has been the Government's priority for its social policy. The aspirations of the indigenous people focus on these three issues, foremost among which is the recovery of their ancestral lands. It should be borne in mind that 55 per cent of the indigenous communities hold communal property deeds. The State budget includes an item for the purchase of lands. In 2009, the Institute for Indigenous Affairs invested more than US\$ 4,000,000 to purchase land. Funds are allocated to other items of its budget to foster the ethnic development of the communities.

70. Between 2007 and 2009, various indigenous communities were given the deeds to 95,721 hectares of land. The target for 2010 is to hand over deeds to 55,970 hectares, with the objective of providing deeds to 279,850 hectares by 2013, allowing 95 indigenous communities to live on settlements with their own leaders.

71. In order for the indigenous communities to exercise their right to a form of development compatible with their way of life, a balance needs to be struck between the following elements: territory, community participation and development within a framework of ethnic diversity, which poses a challenge. In addition, an effort is required to strengthen inter-institutional efforts at the national and local levels because indigenous settlements are in remote and inaccessible locations.

72. As for efforts to combat discrimination, the national Parliament is examining a bill to combat all forms of discrimination whose adoption will herald a significant step forward for efforts to combat racism and discrimination.

#### **D. Women's rights**

73. The Presidential Office Secretariat for Women, which was set up by Act No. 34/92, is involved in drafting, coordinating and implementing public policies so as to take into account the gender dimension in order to eliminate all forms of discrimination against women and promote equal opportunities. As a result of the Fourth World Conference on Women (Beijing 1995) the National Equal Opportunities Plans for Men and Women I, II and III were implemented.

74. National Equal Opportunities Plan III (2008–2017) was programmed around three lines of action: prevention, inclusion and protection in nine areas: equal rights for men and women, the culture of equality, access to economic resources and work, equity in education, a healthy and sustainable environment, comprehensive health, effective decentralization, social and political participation and living without the threat of violence.

75. The campaigns Equal in every Respect (2006), Silence Kills (2008) and No more Complicity, Silence Kills (2009) were organized as part of the National Equal Opportunities Plans II and III in order to raise awareness of the gender gap and of violence against women through cultural change.

76. As far as social and political participation on equal terms is concerned, the project Equal Opportunities through Political Participation has been implemented to foster gender equality and the empowerment of women by strengthening policies to achieve equality and enhance the skills of political and social stakeholders by providing opportunities for a dialogue between them.<sup>26</sup>

77. In 2008, inter-institutional mechanisms were developed to ensure, uphold, protect and promote the rights of women and girls; these mechanisms sought to involve society as a

whole. In addition, divisions for women and girl victims of violence were set up in three police stations in the metropolitan area and three in the hinterland.<sup>27</sup> A workshop was held to allow an exchange of methods of action and intervention in order to strengthen and improve the services offered to victims of gender violence.

78. In order to help provide a specialized response and to improve the police's handling of domestic violence, the 1600 telephone number for cases of domestic violence was introduced under the police force's 911 emergency call system; calls to this number are handled separately.

79. The Ministry of Health and Social Welfare's Protocol on Care for Persons affected by Violence and the Prosecution Service's Protocol on Comprehensive Expert Investigation of Sexual Offences were unified to permit their use in health posts nationwide.

80. By Decision No. 4257/07, as part of the effort to prevent and punish violence against women, the Supreme Court ordered the use by magistrate's courts of a form for registering acts of violence in order to provide immediate assistance to victims of violence. Notwithstanding the efforts made, we still face a challenge to reinforce the means of intervention in order to provide a response to this problem and to develop reliable and trustworthy statistics on it.

81. The Supreme Court holds a constitutional mandate as the guardian of the will of the people and strives to include women in politics. Its Gender Unit was established by Decision No. 130/09 to incorporate the gender perspective into the electoral process and to develop and increase women's participation in politics. Act No. 834/96 set a minimum quota of 20 per cent of women on electoral lists, although changing this proportion is a challenge that still has to be taken up if parity is to be achieved.

82. In connection with Paraguay's desire to assess the impact of government policies through a differential approach, we still have to introduce statistical information systems to generate data differentiated by gender and to increase the budget of the Presidential Office for Women's Affairs.

## **E. The rights of children and adolescents**

83. After ratification of the Convention on the Rights of the Child, a number of changes were made to legislation. These included Act No. 1136/97 on Adoption and Act No. 1680/01 Children's and Adolescents' Code.<sup>28</sup>

84. The Children's and Adolescent's Code established the National System for Comprehensive Protection and Advancement of Children and Adolescents, which comprises the National Council for Children and Adolescents. Its strategic Plan for 2008–2013 hinges on the implementation of government policies to provide comprehensive care, ensure institutions are properly managed and to restore the rights of vulnerable children and adolescents.

85. The National Secretariat for Children and Adolescents, which was set up by the Children's and Adolescent's Code, is responsible for implementing the public policies of the National System for Comprehensive Protection and Advancement; these include the National Policy for Children and Adolescents 2003–2013; the National Plan of Action 2003–2008 and three sectoral plans: the Plan to Prevent and Eradicate Child Labour and to Provide Protection for Adolescent Workers; the Plan to Prevent and Eradicate the Sexual Exploitation of Children and Adolescents and the Plan to Prevent and Eradicate the Ill-Treatment and Sexual Abuse of Children and Adolescents.

86. The Abrazo (Hug) Programme offers an entry point to the social protection network against poverty via four elements: the street, the family, open centres and protection

networks; it provides care for 1,800 children from more than 1,100 families in 13 open centres and has a budget of US\$ 2,190,336.

87. The *Fono Ayuda* telephone helpline, which was set up to allow children and adolescents to lodge complaints, was reorganized in 2009 to offer three services: a helpline, one-to-one advice and emergency intervention and is open 15 hours each day. As of March 2010, 6,457 cases had been dealt with. It operates with a budget of US\$ 152,507.

88. The Centre for Adoption caters for children who have lost their family or who are at risk of losing it, and operates through the courts. The Alternative Care Unit for Children and Adolescents has been operating since 2010. It looks after 2,500 children in institutional care. It has a policy of family placement as a first step to removing children from the institutional environment by encouraging forms of temporary placement in families, while giving priority to the preservation of links with their biological family and community of origin through adoption.

89. Since 2009, through its Women, Child and Adolescent Victims of Violence Division, the Police Force has operated specialized units that receive on average one phone call every 12 minutes and one complaint every 2 hours.

90. By Decision No. 03/10 the Ministry of Justice and Labour has established a team to modernize the system of management of homes by implementing the Human Rights Council's Guidelines for the Alternative Care of Children and the recommendations made by the Committee on the Rights of the Child to Paraguay. These are reflected in the Regulations applicable to Ara Pyahu (New Sky), Temporary Shelter which takes in some 98 children each year.

91. The Supreme Court has pressed ahead with its Family Placement Programme designed to provide specialized care for children removed from their families by the courts and its Programme for Adolescent Offenders,<sup>29</sup> which provides multidisciplinary care for adolescents sent to prison. In 2009, 203 persons were concerned by the Programme. We need to take up the challenge to strengthen these programmes in order to expand the coverage they offer.

92. We recognize that the National System for Comprehensive Protection and Advancement needs to be strengthened and the actions of its member institutions systematically coordinated.

## **F. Efforts to combat trafficking in people**

93. The 2007 reform of the Criminal Code introduced this category of offence and the prescriptions of the Palermo Protocol, in accordance with United Nations resolution No. 1373/01.

94. Decree No. 5093/05 established the Inter-Institutional Forum to Combat Trafficking in People. This body is drawing up policies to combat such trafficking by working on prevention, comprehensive protection and care for victims, investigation, prosecution, trial and punishment, local, national and international cooperation, supervision and monitoring. Further efforts are needed to strengthen the body.

95. According to data jointly produced by the National Secretariat for Children and Adolescents, the Presidential Office Secretariat for Women and the Prosecution service, in 2004–2008 there were 84 complaints concerning trafficking for sexual exploitation or work. Of these complaints, 90 per cent were from Argentina and the victims were from the country's interior. A total of 32 persons were repatriated, most of them women. Of the total

number of repatriations, 58 per cent were to Argentina, 23 per cent to Bolivia, 15 per cent to Spain and 4 per cent to other countries.

96. Since 2005, the Presidential Office Secretariat for Women has had a referral centre for victims of trafficking in persons, which provides legal, medical and psychological support to contribute towards the social reintegration of victims. It was renamed the Department for Prevention and Care for Victims of Trafficking in Persons and during 2005–2010 it provided 206 victims with assistance.

97. In 2009 the Programme to Provide Comprehensive Assistance to the Victims of Trafficking in Persons in the Area of the Triple Frontier (Argentina, Brazil and Paraguay) was instituted within the ambit of MERCOSUR. The Programme received technical and financial training from the ILO Office in Buenos Aires and a technical team was formed to implement the Programme. It was planned to provide assistance to 80 victims; by November 2009, 25 per cent of the target had been achieved.

98. Under the Programme to Provide Support for Efforts to Combat Trafficking in Persons, and especially Women and Girls, the Directorate-General for Statistics, Surveys and Censuses has set up a statistical register of victims of trafficking in persons, covering institutions involved in providing them with assistance. The register has made it possible to develop a database and to map routes used by trafficking. Periodically updating the database is another challenge that will have to be met.

## G. The rights of migrants

99. Act No. 978/96 on Migration introduced a flexible migrations policy and made it possible for foreigners rapidly to obtain documentation and to take up residence in Paraguay.

100. The Directorate-General for Migration<sup>30</sup> is responsible for population policy which is mainly concerned with migration and the geographical distribution of persons, in compliance with the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

101. Integration among the MERCOSUR countries is based on the regularization of migration as a means of lawfully obtaining a temporary or permanent resident's permit in accordance with Acts No. 3565/08 and No. 3578/08 on Residence within MERCOSUR and No. 3486/08, No. 3577/08 and No. 3579/08 on Regularization of Migration. More than 4,000 persons have benefited from these provisions.

102. The Directorate-General for Migration has carried out a number of actions including the reduction of fines for possession of out-of-date residence permits, coverage of blind spots in registration of migrants, reduction of waiting times for the granting of residence permits, registration of immigration agents and encouraging postgraduate students to register legally for residence, etc.

103. The Department for Paraguayan Communities residing abroad was set up by Decree No. 3514/09 as a department of the Ministry of Foreign Affairs,<sup>31</sup> to provide assistance, information, advice and follow-up for the situation of Paraguayan residents abroad in association with their families in the country. Approximately 117 Paraguayan citizens benefited from its services and the migratory status of 59,000 Paraguayans living in Argentina was regularized through the *Patria Grande* Programme. Nevertheless the services provided need to be strengthened so as to reach more citizens.

104. The Secretariat for Paraguayan Returnees and Refugees, which was set up by Act No. 227/93, provides humanitarian assistance to vulnerable Paraguayans abroad. It provides

help for them to return home, assistance with the repatriation of their remains, free access to legal documentation for foreign offspring and spouses of Paraguayans, etc.<sup>32</sup>

105. The *Mi país, mi casa* (My country, my home) housing programme, jointly operated by the National Housing and Habitat Secretariat and the Ministry of Foreign Affairs, ensures Paraguayans who live abroad and returnees have equal access to housing and makes available 300 houses, a number that is determined by the number of applications made. To date, 20 per cent of the total number have been assigned. Ensuring the sustainability of this reinsertion mechanism is another task that has to be tackled.

## **H. The rights of people with disabilities**

106. The national Constitution guarantees disabled persons health care, education, recreation and vocational training for their full integration within society.

107. The National Institute for the Protection of Exceptional Persons, which was established by Act No. 780/79 as a dependency of the Ministry of Education and Culture, offers diagnosis and rehabilitation for disabled persons. It provides training in sign language and implements the rehabilitation programme of the Physical Medicine and Rehabilitation Division, through which training of physiotherapists for children has begun. There are currently 45,840 registered regular users. In 2009–2010, approximately 187,000 persons with some form of disability received assistance.

108. Within the Ministry of Education and Culture the Directorate-General for Inclusive Education has a department that attends to persons with special educational requirements and provides training for staff in the regular education system. It encourages the enrolment of disabled persons in the capital and in 13 of Paraguay's departments. A total of 60 teachers have been trained. It also contributes to developing curricula for basic bilingual education for disabled persons aged over 15 years.

109. Act No. 3585/08 requires at least 5 per cent of government employees to be disabled persons. In 2010, their number was 651, an increase of more than 200 per cent from the 186 persons in 2008. In 2009, the civil service department drew up the basic framework for non-discriminatory policies within the civil service, which includes a section on non-discrimination against disabled persons.<sup>33</sup>

110. The National Sports Secretariat supports disabled athletes competing at the national and international levels by providing them with kit, tickets for travel and subsistence allowance. Some 60 athletes benefit from this support each year.

111. The Ministry of Health and Social Welfare has 1 mobile unit and 39 fixed units that provide care in health centres and regional hospitals for people with psychosocial disabilities. These facilities provide psychiatric and psychological care and free drugs. Their budget has increased by 0.9 per cent.<sup>34</sup>

112. Paraguay appreciates the importance of consolidating the institutions responsible for ensuring observance of the rights of disabled persons so as to develop an appropriate government policy and ensure its application at all levels.<sup>35</sup>

## **I. The rights of older persons**

113. By Decision No. 10068/07, the Ministry of Health and Social Welfare set up the department for older persons which has drawn up a draft plan on government policies for adults, which is currently under consideration and whose implementation will represent a challenge.

114. The Social Security Institute has set up the MEDICASA<sup>36</sup> programme to help reduce the burden of adult medical consultations in hospitals; a total of 1,770 persons have benefited from the programme and more than 20,000 home consultations were provided in 2009.

115. The Geriatric Hospital has electrically-adjustable beds and medical imagery diagnostic equipment. Its human resources have also been improved. The National Hospital for adults has 90 beds in its ordinary care section and 11 in its intensive care unit. Each year it treats 2,236 patients. A further challenge is to increase the capacity of these services.

116. The Secretariat for Social Action, which was established by Decree No. 9235/05, operates the Fund to Provide Grants for Projects for the Advancement and Social Integration of Older Persons Living in Poverty and Extreme Poverty. It finances 12 social projects to foster the social participation and integration of older persons within their communities and to provide them with new roles thanks to the provision of welfare and care services for 2,000 persons at a total cost of US\$ 390,000. Decree No. 8202/06 awarded a subsidy of US\$ 247 per person to veterans of the Chaco war. The initial number of beneficiaries was 4,600 although the number has fallen because veterans have died.

117. The Ministry of Defence has equipped the Geriatric Centre for Defenders of The Chaco to provide rehabilitation for disabled older persons; the Centre provides comprehensive care for indigent or neglected former military personnel. The Pensions Act for impoverished older persons is due to come into force at the end of 2010. The Act introduces a pension equivalent to \$70. Gradually to increase that amount is a challenge for the future.

## **J. The rights of persons with a different gender identity and sexual orientation**

118. A guide to inclusive and non-discriminatory practices was prepared as part of the Basic Framework for Non-Discriminatory Policies and Inclusion within the Civil Service. The guide defined non-discriminatory good practices in respect of persons with a different gender identity and sexual orientation.

119. Together with an NGO, the Ministry of the Interior has initiated the Police Free from Homophobia – Paraguay for All campaign. The aim of the campaign is to provide awareness-raising and training to ensure that police officers refrain from all forms of discrimination against persons of a different sexual orientation.

120. In conjunction with an NGO, the Presidential Office Secretariat for Women is carrying out the “*Acá no se discrimina*” (We don’t discriminate here) campaign, as an institutional effort to prevent discrimination against lesbians, to ensure respect for diversity and to show understanding for their different characteristics. The campaign has included one-day awareness-raising workshops on sexual orientation, gender identity and non-discrimination.

## **VI. Economic, social and cultural rights**

### **A. Efforts to combat poverty and social inequality**

121. According to data from the standing household survey for 2008, a total of 18.9 per cent of the population are poor and 19 per cent extremely poor. The Human Development Index<sup>37</sup> for Paraguay was 0.755; 0.837 in Asunción and 0.679 in Alto Paraguay.

122. The National Poverty and Inequality Reduction Strategy (ENREPD 2004) was drawn up in order to reduce poverty and improve the quality of life of Paraguay's inhabitants. The Strategy involved the implementation of programmes and projects known as the Network for Protection and Advancement. Subsequently, the ministerial Social Planning Team was assigned responsibility for coordinating the Government's social policies and programmes.<sup>38</sup>

123. The Tekoporá (welfare) programme was assigned priority by the Government in Decree No. 1928/09.<sup>39</sup> The programme is designed to mitigate the harsh social conditions of people living in extreme poverty and to prevent poverty being passed on from one generation to the next by granting conditional allowances to families; in return for the allowances, the families undertake to ensure that their children are healthy and well fed and that they attend school. A total of 96,532 families with 482,660 members have benefited from the programme. The PROPAIS II programme also provides these allowances on different sites from the Tekoporá programme. In all, more than 111,000 families benefit from the two programmes.

124. The Social Investment Fund (2008), which is operated by the Secretariat for Social Action in order to provide poor rural communities with greater opportunities for participation in mainstream society covers 41 of the 66 districts to which the Ministerial Social Planning Team has assigned priority and extends to some 82 communities made up of 10,000 families. The Fund is worth an estimated US\$ 6,204,673.

125. The State has made considerable efforts to reduce poverty. However, if it is to attain objective 1 of the Millennium Development Goals, it needs to increase its investment in the social sphere in order to implement programmes.

## **B. The right to food**

126. The National Plan for Food and Nutritional Sovereignty (PLANAL) was established by Decree No. 2789/09 to eliminate malnutrition among children under 5 years of age by 2025. It is implemented through plans of action in the urban and rural areas of three departments. Its achievements include improvements to four schools with an average of 100 pupils of both sexes in each school; training 30 food security specialists and 50 chief technicians; preparing 100 hectares of land and providing seed for subsistence and cash crops for small farmers and indigenous communities.

127. The National Programme to Provide Comprehensive Support for Indigenous Peoples (PRONAPI), was set up by Decree No. 1945/09. It involves a number of State agencies for the purpose of implementing measures to meet the urgent needs of indigenous people through a three-tier approach: emergency response and mitigation; rehabilitation (securing the communities and meeting the needs detected in them) and ensuring their needs are addressed by institutions. In order to restore minimum levels of food security US\$ 2,061,855 have been invested to pay for minimum food baskets worth 218,195 guaraníes for 11,000 families living in 309 communities.

128. The Ñemity (Sow) project to provide basic tools and seeds for indigenous communities was carried out as part of this Programme. The project benefited 18,000 indigenous families in 10 departments, with a total investment of US\$ 618,556. The State recognizes the need to develop sustainable development programmes, following consultation, for the benefit of indigenous peoples and has adopted a framework act on food sovereignty and security and the right to food.

129. A total of 35,503 pupils received 4,246 litres of milk and 2,740,557 kilograms of bread under the food supplement programme, thanks to which both school attendance and nutritional coverage improved.

130. The Comprehensive Agricultural Reform Programme is designed to resolve the most pressing problems of rural communities. One of its five lines of action is food sovereignty and security and it has spent an estimated US\$ 100,000,000 to provide support for 8,200 families in 64 communities. In addition, the programme to develop family food production is intended to improve food security and to increase the income of family farms. It has so far benefited 83,673 families in 182 districts. The target population for 2013 is 130,000 farmers.<sup>40</sup>

### C. The right to health

131. In consonance with the Government's principles of universality, equity, comprehensiveness and social participation, the Ministry of Health and Social Welfare has instituted the Plan to Ensure Quality of Life and Health with Equity with the aim of reducing and ultimately eliminating inequity in health. Responsibility for the administration of health services has been decentralized in order to ensure the effectiveness of the policy of quality with equity. In 2009, more than US\$ 6,391,752 were transferred to 139 local and 7 regional councils.

132. Primary health care is the responsibility of the family health units, which are assigned to specific territorial subdivisions. Each unit covers 3,200 people and has a physician and a qualified nurse or obstetrician, an assistant nurse or nursing technician and community health outreach workers. By mid 2010, 276 such units were operational in 17 departments and 144 districts, where they provided care for 1,104,000 people. By the end of the year it is planned to have 500 units in operation covering 2,000,000 people.

133. The National Programme to Control HIV/AIDS and Sexually Transmitted Diseases (PRONASIDA) has been amended and brought into effect by Act No. 3940/09 with the aim of giving priority to prevention, ensuring comprehensive care for infected persons, providing access to drugs free of charge and preventing discrimination. The Strategic Plan for a National Response to Sexually Transmitted Infections HIV/AIDS 2008–2012 links actions within the framework of PRONASIDA in the following areas: public policies and human rights; promotion, prevention and protection; diagnosis, care and treatment; institutional development and management; epidemiology; harmonization and a cross-sectoral approach; monitoring and evaluation, which are carried out by the Ministry of Health and Social Welfare.

134. The following aspects of the programme are worthy of note: an increase of 37 per cent in its budget in comparison with 2006, a 50 per cent reduction in the cost of reagents for HIV, a 65 per cent increase in access to medication for people living with HIV/AIDS (PLH)<sup>41</sup> in comparison with 2010, the distribution of 2,800,000 condoms, expanded coverage of HIV screening for pregnant women from 4 per cent in 2005 to 64 per cent in 2007, when an estimated 1,100,000 pregnant women were screened and a 33 per cent improvement in prevention of mother-to-child transmission of HIV between 2005 and 2007.

135. The National Plan for Sexual and Reproductive Health provides for preventive measures and care for people affected by sexual and gender-based violence. It carries out activities in eight areas in order to improve sexual and reproductive health in relation with MDGs 5 and 6. A total of 90.5 per cent of women now undergo an antenatal medical examination and maternal mortality had fallen to 26 per cent by 2008.

136. The State operates facilities with a capacity of 306 beds in which acutely mentally disturbed persons are interned. There are also five homes and three community mental health centres for their rehabilitation.

137. Paraguay has an integrated health services network, as recommended by WHO. This consists of a chain of services structured to address the most elementary to the most complex individual and collective health problems. Decentralization of health services in each territorial unit is another challenge that has to be met.

138. In 2009 the Ministry of Health and Social Welfare decided to exempt from tax all medical and dental services, medicines, consumables, biological products and ambulance services provided throughout the health service network. Ensuring all users have access to drugs is a further challenge. It is estimated that by the end of 2010 users of health services will be exempted from paying US\$ 1,649,484 in taxes.

139. A noteworthy development has been the recent establishment of the Directorate-General for Indigenous Peoples' Health Care, tasked with gradually including indigenous people in the health services operated by the Ministry of Health and Social Welfare. This will directly benefit the health care provided for members of indigenous communities and will provide reproductive health coverage for indigenous women.

#### **D. The right to water**

140. Coverage of drinking-water supply and of proper black water disposal was expanded with the introduction of 25 new drinking-water supply systems benefiting 11,120 inhabitants and of 3 new drinking-water networks for 1,050 people in indigenous communities in the Boquerón-Chaco department. Proper black water disposal was increased thanks to the building of 9,103 safe latrines for 45,515 people living in extremely poor communities in the departments in which the National Programme to Provide Comprehensive Support for Indigenous Peoples is being implemented.<sup>42</sup>

141. The sanitation service regulatory body (ERSSAN) carried out 59 inspections of water-supply systems for which it required submission of analyses of the physical, chemical and bacteriological properties of the water supplied by the utilities concerned. A total of 135 laboratory tests were carried out in 2009–2010, thereby safeguarding access to health.

142. The Secretariat for Social Action is implementing the MERCOSUR – Ypora (good water) project, involving the provision of access to drinking water and basic sanitation for poor communities. The project will benefit 24,300 people living in 40 communities and will provide 5,858 connections to drinking-water networks, 40 water-supply systems (wells and drinking-water tanks), 3,038 black water disposal units and 1,012 ventilated latrines. During its four-month period of implementation 45 sanitation boards will be set up.

143. Act No. 3239/07 on water resources regulates the sustainable and comprehensive management of all water resources and the territories that produce them to ensure that water resources are managed in a socially responsible and economically and environmentally sustainable manner. This will make it possible to meet the challenge of providing sustainable access to water and sanitation of proper quality and in sufficient quantity in urban, indigenous and rural areas.<sup>43</sup>

#### **E. The right to education**

144. In accordance with the national Constitution, basic education in State schools is both obligatory and free of charge. Paraguay offers a bilingual education curriculum in Guaraní and Spanish for all pupils and at all levels of the education system. Literacy programmes in their mother tongue are available for indigenous populations, who may choose another official language as their second language.

145. In 2008, 98.3 per cent of the population between the ages of 15 and 24 were literate.<sup>44</sup> Reducing the level of illiteracy among the indigenous population, where it is 38.9 per cent and even higher than 40 per cent among some ethnic groups, is a further challenge.

146. The efforts made by the State to improve the conditions determining access to education while respecting cultural characteristics are reflected in the improvements made to policies for access to education for students at all levels, as a result of which 1,432 teachers' posts and classrooms have been provided to cater for 3,000 students. In 2010 improvements were made to the infrastructure of 1,271 educational establishments. There are plans to build 30,000 classrooms and 9,000 sanitary facilities and to purchase 1,570,000 items of furniture for use in schools by 2013. Free school kits have been distributed to 1,000,400 pupils at the preschool, basic and secondary levels. During 2010, 20 videoconference centres were set up and 400 wireless Internet connections provided in State schools to improve access to the new information and communication technologies.

147. In 2010 the population benefiting from the literacy programme increased to approximately 20,000 vulnerable persons throughout the country, their ages ranging from 13 to 17 years.

148. As regards intermediate education, a significant development has been the exemption from payment of taxes, examination fees and certification of diplomas at the secondary level, from which 50,000 students have benefited.

149. Act No. 3231/07 established the Directorate-General for Indigenous Schooling (DGEEI) to foster and develop education with the participation and for the benefit of indigenous peoples through an inter- and multicultural approach. In order to institutionalize this effort it was necessary to provide it with an independent operating budget to enable indigenous communities to manage their own education policies autonomously.<sup>45</sup>

150. In 2007, the indigenous school census registered 18,139 pupils, a number that had increased to 22,332 in 2009, with 517 indigenous teachers. Nationwide, there are 456 indigenous establishments: 403 primary schools, 18 secondary schools and 35 further education centres. Of this number, 97 per cent are State establishments and in 2009–2010 58 new establishments were opened. Permanent positions were created for 35 graduates working in multicultural education in indigenous schools in the Pa'i Tavyterá community.<sup>46</sup>

151. Investment in education and culture has increased by an average of 18.5 per cent each year. The Ministry of Education and Culture's budget represents 17.7 per cent of the overall State budget and 4.9 per cent of GDP.

152. The project A Gender Perspective for our Teacher Training, undertaken by the Presidential Office Secretariat for Women and the Ministry of Education and Culture has examined and put forward proposals to include the gender perspective within the initial teacher-training curriculum. Workshops to raise awareness have been organized for 1,842 officials of the Ministry of Education and Culture.

153. Notwithstanding these efforts, we still face the challenge of establishing new schools and continually improving the infrastructure of Paraguay's educational services.

## **F. The right to work**

154. The programme to provide work, a part of the Economic Revival Plan has been introduced by the departmental and municipal governments which have invested US\$ 6,000,000 in 500 projects providing more than 100,000 jobs, equivalent to one month's work.<sup>47</sup>

155. The Ministry of Justice and Labour's National Employment Service promotes government employment policies. It has carried out surveys to determine the needs of the labour market and workshops to provide guidance in seeking employment which were attended by 2,867 people, 1,235 of whom found jobs. The total number of job seekers is 3,526.

156. The National Vocational Advancement Service has set up job training and skill programmes to achieve gender equity, which have benefited 82,213 people (46 per cent of them women and 54 per cent men) which have helped to narrow the gender gap. It has also provided modular training to teach professional skills and managerial and entrepreneurial development for 26,938 persons.

157. The National Labour Skills and Training Service ran 855 courses providing training courses for 3,000 middle-management trainees, 15,810 small entrepreneurs, 3,390 small rural farmers and 6,360 young persons seeking their first job – a total of 25,560 beneficiaries.

158. Decree No. 18835/02 established the National Commission for the Elimination of Child Labour (CONAETI) tasked with eradicating this scourge. Approval of two manuals on appropriate measures to deal with children performing dangerous work, in conformity with Decree No. 4951/05, which lists the worst forms of child labour as required by ILO Convention No. 182, is now being finalized.

159. By Decision No. 230/09 the Ministry of Justice and Labour established the Inter-Institutional Commission to Protect Fundamental Rights at Work and to Prevent Forced Labour. The regional labour office has been set up in Chaco Central to control traditional forms of indigenous forced labour to pay off debts. However, this office needs to be strengthened. ILO Convention No. 169 is currently being translated into Guaraní and Nivaclé.

160. The Ministry of Industry and Trade has organized the How to be an Entrepreneur programme, which has carried out 20 activities through which 453 persons have been trained in order to build up entrepreneurship among persons with a capacity for self-employment.

161. The Social Security Institute has amended its internal regulations applicable to the provision of health insurance for domestic workers. Decision No. 089-012/09 extended mandatory social security insurance to persons in domestic service, for the benefit of 230,000 workers and 400,000 family members. The amendments to legislation required to guarantee these rights to insurance have been submitted to parliament.<sup>48</sup>

162. In 2009–2010 the Social Security Institute carried out inspections of 1,666 firms to regularize the situation of workers and to affiliate them to the social security system. As a result, social security coverage was provided for 500,415 workers. The number of people with social security coverage increased to 992,000, 24 per cent of the target population set for the Social Security Institute. In 2009–2010, revenue from employers' contributions to social security for their employees amounted to US\$ 302,000,000.

163. Paraguay attaches considerable importance to strengthening national employment policy to promote equal opportunities, and in particular to ensuring the legal minimum wage and better working conditions for domestic employees.

## **G. The right to housing**

164. The National Housing and Habitat Secretariat was established by Act No. 3909/10 as the body responsible for housing policy in place of the former National Housing Council.<sup>49</sup>

165. The National Housing Fund (FONAVIS), which was set up by Act No. 3637/09, makes available an annual fund for social housing programmes via a direct housing subsidy amounting to 30 billion guaraníes, equivalent to 0.1 per cent of GDP. In 2010 a public call for applications was made and 7,000 people applied for the housing subsidy.

166. In 2009 an estimate of the housing deficit was made as part of the housing policy. The estimate was based on data from the 1992–2002 censuses which allow a close estimate to be made of the actual deficit in terms of both quality and quantity for each zone, department and district.

167. The Improving the Community programme for the construction of social housing was approved. The programme is carrying out the following projects: Ñande Rogará (target 495 units – 460 completed); Ñande Vya Renda (target 201 units); Cobañados (80 units built); Meeting the Needs of the Aboriginal Populations (252 units built) and CEPRA (target 712 units). A total of 805 housing units, 70 per cent of the target figure, were built under the MERCOSUR Róga project (Casa MERCOSUR – 2007) for vulnerable sectors of the urban population on estates in frontier towns and in the metropolitan area of Asunción.

168. The mutual-assistance housing cooperatives programme, which relies on the capacity for self-management of homeless inhabitants organized into cooperatives, received 134 houses.

169. The Binational Yacyretá Entity and the National Housing and Habitat Secretariat are currently building 248 housing units (target 2,000 units), worth a total of US\$ 711,340. Two other programmes are under way: the mortgage credit programme, which provides for the building, extension and improvement of housing and which has issued 264 loans and the low-cost housing programme intended for the middle class, under which 348 housing units have been built.

170. Thanks to the National Housing and Habitat Secretariat, the number of housing units provided by the State for indigenous communities has increased by approximately 500 per cent in comparison with the numbers built in previous years.

171. The Secretariat for Social Action has implemented the mutual aid and sustainable housing construction programme – 2004, to provide decent housing for poor and extremely poor families. In 2009 an amount of US\$ 13,849,266 was invested and 1,618 housing units were built for 8,075 direct beneficiaries.

172. The State is doing everything possible to satisfy the actual demand for 10,000 housing subsidies in 2010.

## Notes

- <sup>1</sup> DGEEC, Censo Nacional de Población y Viviendas 2002.
- <sup>2</sup> DGEEC, Encuesta Permanente de Hogares 2009.
- <sup>3</sup> La CN recoge los derechos, deberes y garantías relativos a: la vida, ambiente, libertad, igualdad, familia, pueblos indígenas, salud, educación y cultura, trabajo, derechos económicos, reforma agraria y derechos y deberes políticos.
- <sup>4</sup> Los objetivos específicos de la Red de Derechos Humanos del Poder Ejecutivo son: elaborar el Plan Nacional de Derechos Humanos; elaborar un Informe Anual de carácter general por capítulos temáticos de los Derechos Humanos en el Paraguay, a partir de los informes específicos de las instituciones que conforman la Red; promover la cultura del respeto y la práctica de los Derechos Humanos; velar por la vigencia y aplicación de los Tratados y Convenios internacionales de Derechos Humanos, adecuando el accionar del Estado paraguayo a las exigencias del ordenamiento internacional; colaborar en los procesos de elaboración de informes para los organismos regionales e internacionales de Derechos Humanos; conformar un observatorio permanente de Derechos Humanos; formular e impulsar proyectos de ley de adecuación normativa a partir de los instrumentos internacionales ratificados por el Estado paraguayo; articular acciones con los gobiernos departamentales y locales, a fin de promover la vigencia de los Derechos Humanos. En cuanto a la Atención a la población indígena, cabe destacar la creación de la Dirección General de Educación Escolar Indígena y el fortalecimiento de la Dirección General de Atención a grupos Vulnerables en el Ministerio de Salud. En un marco más general, se ha creado el Programa Nacional para Pueblos Indígenas.
- <sup>5</sup> Instituciones que integran la Red de Derechos Humanos del Poder Ejecutivo:
- Ministerio de Justicia y Trabajo
  - Ministerio de Relaciones Exteriores
  - Ministerio de Salud Pública y Bienestar Social
  - Ministerio de Defensa
  - Ministerio del Interior
  - Ministerio de Industria y Comercio
  - Ministerio de Agricultura y Ganadería
  - Ministerio de Hacienda
  - Ministerio de Educación y Cultura
  - Viceministerio de la Juventud
  - Secretaría de la Mujer
  - Secretaría de Información y Comunicación
  - Secretaría Nacional de Antidrogas
  - Secretaría Nacional de la Niñez y la Adolescencia
  - Secretaría de la Función Pública
  - Secretaría de Desarrollo para Repatriados y Refugiados Connacionales
  - Secretaría de Acción Social
  - Secretaría Nacional de Deportes
  - Secretaría de Emergencia Nacional
  - Procuraduría General de la República
  - Instituto Paraguayo del Indígena
  - Dirección General de Estadística, Encuestas y Censos.
- <sup>6</sup> La DDH cuenta con funciones de: monitoreo, información, investigación, análisis y difusión.
- <sup>7</sup> La Dirección de Derechos Humanos se encuentra dentro del presupuesto de la CSJ.
- <sup>8</sup> Es nombrado por mayoría de 2/3 de la Cámara de Diputados de una terna propuesta por la Cámara de Senadores y dura 5 años en sus funciones.
- <sup>9</sup> La CVJ fue presidida por el MRREE e integrada por: un representante del PL, cuatro personas propuestas por las Comisiones de Víctimas de la Dictadura y tres personas propuestas por organizaciones de la sociedad civil que relacionadas con la Memoria Histórica y la instauración de esa Comisión.
- <sup>10</sup> En caso de ordenarse la prisión preventiva, el juez podrá ordenar un informe pericial sobre las condiciones de vida del procesado en prisión que considere las características culturales del imputado y, en su caso, formule las recomendaciones tendientes a evitar la alienación cultural. El juez antes de

- resolver cualquier cuestión esencial deberá oír el parecer de un perito.
- <sup>11</sup> El tribunal militar se ubica en una función administrativa y no jurisdiccional, siendo nombrados y removidos los jueces por decretos.
- <sup>12</sup> Con acciones de: mejoramiento al acceso a la información del ciudadano/a a través de la renovación de su página Web y habilitación del número gratuito INFO-JUSTICIA.
- <sup>13</sup> Resolución No. 531/09.
- <sup>14</sup> Academia Nacional de Policía, Colegio de Policía, Escuela de Administración y Asesoramiento Policial.
- <sup>15</sup> Desde el año 2009.
- <sup>16</sup> Dichas dependencias cuentan con una estructura orgánica, funcional y procesos definidos, ajustados a los requerimientos del debido proceso, los principios de celeridad y eficiencia.
- <sup>17</sup> Por Resolución No. 176/10 la PN.
- <sup>18</sup> El mismo fue debidamente notificado a las instancias internacionales en atención a lo prescripto en instrumentos ratificados por el Paraguay.
- <sup>19</sup> Libertad de manifestación, la privación de libertad por decreto presidencial, entre otros.
- <sup>20</sup> A dicho efecto se realizó una alianza estratégica con la Defensoría del Pueblo, quien colaboró con las Oficinas establecidas en las ciudades capitales de los Departamentos de Amambay y Concepción.
- <sup>21</sup> La información incluye también a Agentes Militares.
- <sup>22</sup> En una penitenciaria se cuenta con la oportunidad de cursar a distancia la carrera de derecho.
- <sup>23</sup> Se intercambia buenas prácticas con el Servicio Penitenciario Federal Argentino, mediante la capacitación del personal destinado a trabajar con las madres y sus hijos, con cooperación de COMJIB (Conferencia de Ministros de Justicia de los Países Iberoamericanos).
- <sup>24</sup> En la Penitenciaría Regional de Coronel Oviedo y en el Centro Educativo de Villarrica.
- <sup>25</sup> Este fortalecimiento, impulsado por el firme compromiso del Gobierno Nacional con el mejoramiento de las condiciones en las que se encuentran los pueblos indígenas, se visualiza claramente en el Presupuesto de esa Institución para el Ejercicio Fiscal 2011, se ha triplicado el Presupuesto en relación a los años anteriores.
- <sup>26</sup> *Entre 2006–2007 se realizaron seminarios a fin de facilitar a las mujeres un espacio de debate e intercambio de experiencias, que contribuya a impulsar la participación igualitaria, desarrollando las capacidades y liderazgo de las mujeres, capacitando a 1000 lideresas políticas.*
- <sup>27</sup> *Se proyecta su extensión a todos los departamentos del país brindando servicio especializado en coordinación con los demás actores.*
- <sup>28</sup> Otros avances legislativos fueron la promulgación de las siguientes normativas: Ley N° 1938/02 *Sobre asilo infantil*; Ley N° 2169/03 *Que establece la mayoría de edad*; Ley N° 3156/06 *Que modifica la Ley N° 1266/97 que facilita el registro de niños y niñas que no tienen certificado de nacimiento*; Ley N° 3360/07 *Que deroga el Art. 10 y modifica el Art. 5 de la Ley N° 569/75 del Servicio Militar Obligatorio* y la Ley N° 3929/09 *Que modifica el procedimiento para la prestación de alimentos.*
- <sup>29</sup> Cuenta con profesionales en las áreas de derecho, psicología y asistencia social, que brindan a los Juzgados de niñez y adolescencia; dictámenes, diagnósticos y evaluaciones multidisciplinares.
- <sup>30</sup> Dicha Dirección depende del MI y forma parte del Comité Interinstitucional de Población.
- <sup>31</sup> La misma trabaja en coordinación con los Consulados y Embajadas del país, dependientes del MRREE.
- <sup>32</sup> Liberación arancelaria para la introducción al país de enseres personales, elementos de trabajo y vehículo utilitario.
- <sup>33</sup> El MEC y la Secretaria de la Función Pública (SFP) publicaron 500 ejemplares del Manual y Diccionario de lengua de señas y libros hablados: materiales adaptados en braille y gráficos en relieve incluidos al sistema educativo nacional, para 150 personas.
- <sup>34</sup> En relación al total del presupuesto de salud del 2009.
- <sup>35</sup> La política deberá tener un especial énfasis a la accesibilidad y basarse en los principios de la CRPD.
- <sup>36</sup> Resolución N° 96/08.
- <sup>37</sup> PNUD, Informe de Desarrollo Humano 2008.
- <sup>38</sup> Se impulsó la formulación de la propuesta de la Política Pública para el Desarrollo Social *Paraguay para Todos y Todas 2010–2020* que se encuentra en proceso de consulta. La misma buscará articular iniciativas y recursos para atender demandas de la población en el ejercicio y goce de los derechos.
- <sup>39</sup> Ejecutado por la SAS desde el 2005.

- <sup>40</sup> Ejecutado por el Ministerio de Agricultura y Ganadería.
- <sup>41</sup> Personas que Viven con el Virus del SIDA.
- <sup>42</sup> DGEEC, Encuesta Permanente de Hogares 2008.
- <sup>43</sup> En concordancia con ella, se incluye el derecho al agua en todos los proyectos ejecutados por la SENAVITAT.
- <sup>44</sup> Índice de Priorización Geográfica (IPG).
- <sup>45</sup> Por Decreto N° 50/08.
- <sup>46</sup> La comunidad se encuentra establecida en el departamento de Amambay.
- <sup>47</sup> Informe Presidencial, Periodo 2009–2010.
- <sup>48</sup> Entre ellas: Ley N° 3856/09 *De Reconocimiento del Tiempo de Servicios entre Cajas del Sistema Previsional Paraguayo* y Ley N° 3990/10 *Que Incorpora al Seguro Integral de Salud y Jubilaciones a los Docentes Privados*, beneficiando a 15000 docentes.
- <sup>49</sup> Por Resolución N°1622/09 se crea la Unidad Técnica de Gestión Socio Ambiental, encargada de promover el desarrollo sustentable del Hábitat.
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