	Shadow	report	presented	to the	Human	Rights	Counc
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38th Round of the Universal Periodic Review

Paraguay

Right to Comprehensive Sexuality Education

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Introduction

- 1. Paraguay has regulations in the national internal sphere¹ that protect the right to receive Comprehensive Sexuality Education (CSE). Likewise, it has ratified numerous human rights instruments that oblige the country to adopt measures for the application of this policy² within formal education at all levels. However, there is no policy in the scope of the Ministry of Education and Sciences (MEC).
- 2. These barriers and omissions of the right to Comprehensive Sexuality Education reinforce the lack of protection and violation of the right to quality education, the right to health and particularly the right to sexual and reproductive health, the right to non-discrimination on grounds of sex, sexual orientation and gender identity. This report will address the situation of the lack of this public policy and the consequences for the lives of children, adolescents and youth in Paraguay.

Barriers to the implementation of the CSE

Sex education is led by churches that apply programs without scientific basis, gender perspective or rights approach.

- 3. Research³ published in February 2019 showed that for 6 years (2013-2019) the National Congress granted public funds and MEC allowed entry to educational institutions (primary and secondary schools) to a religious entity called "Decisiones". Under the slogan "*Imparting biblical values in youth sexuality*", Decisiones held talks and distributed materials that questioned the use of condoms to prevent HIV and pregnancies. This organization promoted narratives among students that blame women who suffer sexual abuse and "conversion therapies" as a supposed "cure" for homosexuality. Between 2017 and 2018 alone, Decisiones gave talks, distributed magazines and provided counseling services to at least 25,000 students between the ages of 13 and 18 in public and private educational institutions in the capital and other 41 cities.⁴
- 4. Another evangelical entity that operates in a similar way is the Foundation Funda Joven (previously called Foundation Vuelve a Soñar [dream again]), which has an agreement with the MEC since 2015⁵ to develop training for teachers on topics such as suicide, cutting, sexual abuse and prevention, bullying, leadership and values. Another report showed that this foundation also promotes talks given by pastors and chaplains without training or scientific criteria to teachers and students, with the convocation and endorsement of the MEC Pedagogical Supervisions.⁶ According to the information obtained, during one of these talks, a pastor made a justification of child abuse as a way to "cure" suicide. The program of the Funda Joven organization includes referring cases of students to churches⁷, bypassing state protection agencies such as the General Directorate for the Promotion and Protection of the Rights of Girls, Boys and Adolescents of the MEC; that has an intervention protocol established in the "Inter-institutional intervention guide for the attention of cases of violation of sexual and reproductive rights"⁸.

- 5. The MEC incorrectly entrusts its own functions by delegating teacher training and the preparation and distribution of sexuality education materials aimed for students to religious entities without a rights perspective. During 2011, the MEC made progress towards the formulation of the National Plan for Human Rights Education (PLANEDH)⁹ but this was never approved nor implemented. Within its axes is the Comprehensive Sexuality Education.
- 6. In accordance with the provisions of Law No. 6,202/18, which "adopts regulations for the prevention of sexual abuse and care for girls, boys and adolescents victims of sexual abuse", the MEC must establish measures to early identification in the classroom of sexual abuse cases. At the close of the report, this policy had not been formulated or effectively implemented.
- 7. The Paraguayan state is sponsoring, promoting and favoring activities with religious sectors that carry out colonization based on dogmatism within the public school ¹⁰, which promotes religious control of social morality, hindering the development of scientific knowledge (precisely in the Ministry of Education and Sciences).

MEC decisions that threaten the implementation of the CSE

- 8. In October 2017, the MEC, due to pressure from anti-rights groups¹¹, issued resolution No. 29,664 "That prohibits the dissemination and use of printed and digital materials referring to gender theory and/or ideology, in educational institutions dependent on the Ministry of Education and Science"¹². This resolution was issued after a public hearing called by a Deputy based on the dissemination of false information about educational materials¹³. At the hearing, the Minister of Education stated "I can burn the books with you in the square" referring to alleged materials on gender ideology¹⁴. This resolution prohibits materials that contain "gender theory and/or ideology" and requests a MEC Direction to conduct the study on the materials. At the time of closing the report, the MEC had not specified which materials had been identified from this resolution¹⁵.
- 9. In March 2019, the MEC issued another resolution, No. 1,761/19 "Whereby the non-use of the material called "Guide for teachers on Comprehensive Sexuality Education Permanent Education" is provided, for educational institutions of official, private and subsidized private management throughout the country" This prohibition is based on prejudice, it is not based on a technical opinion as a reason for its prohibition 17, and it violates academic freedom and the autonomy of teachers to teach 18.

Reiterated recommendations to the Paraguayan State related to the CSE

10. Paraguay has received repeated recommendations on issues that must be addressed with CSE, both from treaty bodies and special rapporteurs of the United Nations, the Inter-American Commission on Human Rights, and the Universal Periodic Review (UPR). Specifically, several

Committees generally recommended the application of education policies¹⁹, as well as access to sexual and reproductive health services to the communities²⁰. Likewise, it has been repeatedly recommended to repeal resolutions 29,664/17²¹ and 1,761/19²² of the MEC.

Consequences of the lack of Comprehensive Sexuality Education

Sexual violence against children and adolescents

11. The Public Ministry registered 4,439 complaints of sexual violence against children and adolescents in 2019. In 80% of cases, the aggressor is from the immediate family or close environment (school, family or community).²³

Increased risk behaviors and transmission of STIs, including HIV / AIDS.

12. Three out of 10 students between 12 and 18 years old have already had some sexual relationship²⁴. Among adolescents between 12 and 18 years of age, 30% of them stated that they already had sexual intercourse at least once in their life, 39% of which are male and 21.5% female. Among these children and adolescents, 21.5% said they had started before the age of 14 and 14% said they had had more than two sexual partners²⁵. Misinformation and lack of protection lead to an increase in HIV infections and other STIs in the young population. According to the Ministry of Public Health and Social Welfare, the highest frequency of HIV diagnoses is observed in the age group 20-29 years²⁶ and the rate of new HIV diagnoses shows an upward trend. In the last decade, it has tripled among people in the age ranges between 15 to 19 years and 20 to 24 years²⁷. Of the new diagnoses in pregnant women during 2019, 63% are between 15 and 30 years old²⁸. The rate of new HIV diagnoses in children under 5 years old showed an increase in relation to 2018²⁹.

Pregnancy in girls and adolescents

13. Sexual abuse and early initiation of uninformed sexual relations lead to an alarming number of girls and adolescent pregnancies. Paraguay has the highest adolescent fertility rate in the southern cone.³⁰ Since 2013, an average of 2 daily births of girls between 10 and 14 years old have been maintained, as one of the consequences of the high rates of sexual abuse³¹. The births of daughters and sons of girls between 10 and 14 years old constitute one fifth of all births that occur annually in the country. Between the years 2010 to 2016, 18.7% of all registered births corresponded to live births of girls and adolescents aged 10 to 19 years³².

Violence and discrimination against children, adolescents and LGTBIQ people

14. One of the consequences of the prohibition of gender theory in the educational system is the deepening of the exclusion of LGTBIQ people and particularly of trans people from the educational system. There are no official statistics on the situation of this population³³. Family and school are the main areas of discrimination exercised by relatives, teachers and students. Discrimination in the school environment causes school dropout, which also influences access to the world of work, in addition to other factors such as social rejection. The expulsion from the family is related to that of the school, and these in turn with the exposure to commercial

sexual exploitation as girls and/or adolescents. Although there are general statements in Paraguayan legislation and in educational plans that speak about inclusion and universality, the mention of the LGTBIQ population is null. Their right to education is conditioned³⁴ at the cost of denying their identity at school and blend in, for example: for trans people to dress according to their biological sex or not to use their chosen names. The impossibility of addressing the issue of discrimination in the classroom prevents LGTBIQ girls, boys and adolescents from having a space of containment and support.

Mental health effects: bullying, cutting, suicide, depression

15. In June 2019, two adolescents from a school in Nemby (Central department) committed suicide because they could no longer bear the bullying exerted by their classmates in relation to their physical appearance³⁵. Around 25% of the students said they had had feelings related to depression in the last week and two out of five, feelings of anxiety³⁶. The country leads the Latin American ranking of disability due to depression³⁷. Every day, one person dies by suicide in Paraguay, 74.4% of suicides in the country occur among adolescents and young people between 14 and 29 years old, especially men.³⁸

The COVID-19 pandemic context

- 16. During the pandemic, face-to-face classes have been suspended in all educational institutions in the country and the Ministry of Education and Sciences (MEC) has been implementing the Education Plan in Times of Pandemic "Your school at home!". Since its inception, the effectiveness of this plan has been questioned by unequal access to the Internet between the richest and poorest households. Before the pandemic, only 19% of children and adolescents between the ages of 5 and 17 had an internet connection in their homes³⁹. 92% of students enrolled in the public sector do not have Internet access at home⁴⁰. Only 22% access education through web platforms enabled for virtual classes and 52% of students said that their teachers send them assignments by WhatsApp or by email⁴¹. Almost 40,000 students from all over the country have not reported since the closure of educational institutions, that is, they are in danger of dropping out of the educational system⁴².
- 17. With the suspension of face-to-face classes and the implementation of distance education, the lack of access to Comprehensive Sexuality Education deepens. The MEC launched a PREVENTION GUIDE "Safety at home", a short 4-page brochure on accident prevention at home, which mentions the telephone numbers where you can report sexual abuse and child abuse⁴³, but that is insufficient in the general context of the lack of information and orientation on issues related to sexuality and violence.
- 18. During the pandemic, the alliance and collaboration of the MEC with Funda Joven also continued. This religious NGO organized a cycle of four virtual conferences for teachers on "Teacher's Emotional Health" 44. One of the seminars was the "Comprehensive Child Health" aimed at educators and parents 5. During the presentation of La Chilindrina on prevention of abuse, she had an approach contrary to what psychology recommends when dealing with the subject with children. She positioned a narrative where the alleged abuser is "always a man" and is a stranger, knowing that in 80% of the cases 6 is someone known and from the family environment. She used a euphemism to refer to the genitals when it is recommended to teach children the parts of the body with their names and without taboos 7. It is important to mention that La Chilindrina together with the FundaJoven Foundation have been carrying out the "Yo

- Amo a la Familia" (I love the family) project for the prevention of child sexual abuse and that it reached 50,000 children in Paraguay through the storybook that bears the same name as the initiative. Also during the seminars broadcasted by the official fan page of the MEC, Funda Joven promoted its confessional counseling centers and no mention was made of official state agencies to monitor mental health and violence issues.
- 19. Schools were one of the few areas where girls, boys and adolescents had the possibility to report situations of sexual abuse and mistreatment in their homes and communities. In global emergencies such as COVID-19, gender-based violence and child abuse and mistreatment increased. The quarantine forces many women, children and adolescents to remain confined to their homes and with their aggressors. Only within the first month of the pandemic, the Ministry of Public Defense has received more than 200 complaints of mistreatment and/or abuse of girls, boys and adolescents and 987 complaints of domestic violence⁴⁸. Between January and April 2020, 869 complaints of child sexual abuse were made⁴⁹ and 462 people disappeared, of which 216 are missing girls and adolescents. It is presumed that human trafficking networks could have captured them⁵⁰. 47% of the parents surveyed during the pandemic did not answer the question of whether they punished or yelled at their children the same or less than before the quarantine⁵¹.
- 20. Despite the situation, the State insists on presenting information on biological aspects of reproduction, health care and the prevention of sexually transmitted infections only in some subjects of the Third cycle of Basic School Education and Secondary Education and not intervene in earlier stages. The content that has been provided to the teaching staff so far is limited and insufficient so that they can have theoretical, pedagogical and methodological tools that broaden their gaze towards aspects of sexual and reproductive rights and criticism of gender roles and culturally constructed inequalities. Comprehensive sexuality education with a gender perspective is a right and is a powerful tool that will allow girls, boys, adolescents, women and LGTBIQ people to recognize, to report and to protect themselves from all types of violence. At the same ztime, it will contribute to a more egalitarian, democratic and respectful coexistence among the entire population.

RECOMMENDATIONS

The Paraguayan State should:

- 21. Prepare and implement a National Policy for comprehensive sexuality education that is scientific, secular, with a gender and human rights perspective, in coordination with the Ministry of Public Health and Social Welfare and the Ministry of Children and Adolescence for all educational institutions of the country, which includes teacher training at all levels.
- 22. Approve the National Human Rights Education Plan and implement a national human rights education policy.
- 23. Repeal the Resolution of the Ministry of Education and Sciences No. 29,664 of 10/05/2017, "by which the dissemination and use of printed and digital materials referring to gender theory and/or ideology is prohibited in educational institutions dependent on the Ministry of Education

and Sciences".

- 24. Repeal the Resolution of the Ministry of Education and Sciences No. 1,761/19 "Whereby the non-use of the material called Guide for teachers on Comprehensive Sexuality Education Permanent Education is provided for educational institutions of official, private and private subsidized management throughout the country".
- 25. Prohibit the implementation of training and the distribution of materials to teachers and students on sexual education and related topics without a rights perspective and based on prejudices and information without scientific basis.

¹ National Constitution (Art. 61)

Law No. 1,680/01 "Code of Childhood and Adolescence" (Art. 14)

General Education Law No. 1264/98 (Art. 10)

Law No. 3,940 / 09 Establishing rights, obligations and preventive measures in relation to the effects produced by the Human Immunodeficiency Virus (HIV) and the Acquired Immunodeficiency Syndrome (AIDS). (Art.12)

Law No. 4,084/10, "On the protection of students in a state of pregnancy and maternity"

Law No. 4,633/12, "Against bullying in public and private educational institutions"

Law No. 5,777/16 "On comprehensive protection for women against all forms of violence" (Art. 13)

Law No. 6,202/18 "Adopt standards for the prevention of sexual abuse and comprehensive care of children and adolescent victims of sexual abuse" (Art. 6).

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CDE. Gender Censorship in Public Education, Paraguay. Retrieved from: https://www.cde.org.py/tema-de-censura-de-genero-en-ensenanza-publica-en-paraguay-sera-presentado-el-marco-de-la-iii-conferencia-de-poblacion-y-desarrollo-en-peru/

¹⁴ Ültima Hora (05/10/2017) Minister said he could burn books on gender ideology. Retrieved from: https://www.ultimahora.com/ministro-dijo-que-podria-quemar-libros-ideologia-genero-n1111464.html ABC (06/10/2017) Minister Riera offered to burn books on gender ideology. Retrieved from: <a href="https://www.abc.com.py/edicion-impresa/locales/ministro-riera-se-ofrecio-a-quemar-libros-sobre-ideologia-de-podria-quemar-libros-sobre-podria-quemar-libros-sobre-ideologia-de-podria-quemar-libros-sob

² Among others, the International Covenant on Economic, Social and Cultural Rights (ICESCR), the Convention on the Elimination of Discrimination against Women (CEDAW).

³ Investigation of the independent journalistic medium El Surtidor, available online: https://archivo.elsurti.com/decisiones/

⁴ Retrieved from Manzoni, Maximiliano. The evangelical NGO that messes with your children using state money 02/20/2019 https://elsurti.com/

⁵ Ministry of Education and Sciences Resolution 12595 06/10/2015, Resolution 15973 of 08/30/2016 and Resolution 14686 of 05/23/2017

⁶ Retrieved from Manzoni, Maximiliano. Petta's plan for children's mental health: an evangelical NGO 08/13/2019 https://elsurti.com/

⁷ Ibid

⁸ Resolution of the MEC no. 5731/2015.

⁹ Retrieved from: https://www.mec.gov.py/cms v2/adjuntos/6127

¹⁰ Entenza, Adelaida y Oliva, Carlos (2014) La laicidad en la educación pública. Desde la perspectiva de la educación como derecho humano. Campaña Latinoamericana por el Derecho a la Educación [Laicism in public education. From the perspective of education as a human right. Latin American Campaign for the Right to Education]

¹¹ Vera, M. G., Mereles, M. M., & Guinea, R. P. (2017) La igualdad de género en el estado paraguayo: Los peligros ante las oleadas anti-derechos [Gender equality in the Paraguayan state: The dangers of anti-rights waves]. CODEHUPY, Asunción

¹² Retrieved from https://www.mec.gov.py/cms/?ref=298357-mec-resuelve-prohibicion-y-difusion-de-materiales-sobre-ideologia-de-genero Retrieved from https://www.mec.gov.py/cms/?ref=298357-mec-resuelve-prohibicion-y-difusion-de-materiales-sobre-ideologia-de-genero Retrieved from https://www.mec.gov.py/sigmec/resoluciones/29664-2017-RIERA.pdf

¹³ Public Hearing on "Gender ideology in education programs" (05/10/2017). Retrieved from: https://www.youtube.com/watch?v=5oh9TDo6iX8

genero-1638050.html

- ¹⁵ A request for information was made through the Portal for Access to Public Information. The MEC responded but did not provide the requested information.
- ¹⁶ Retrieved from https://mec.gov.py/sigmec/resoluciones/1761-2019-PETTA.pdf
- ¹⁷ Retrieved from Serpaj Py. Statement 03/14/2019 We take ourselves for granted. https://www.serpajpy.org.py/nos-damos-por-aludidos/
- ¹⁸ National Constitution of Paraguay, Articles 73, 74, 75, 76.
- ¹⁹ Among others, see: HRC, 2013: paragraph 13; CSCER, 2015: paragraph 29 d); UPR, 2016: paragraph 102.157 (UK recommendation); Special Rapporteur on the Right to Health (Pūras, 2016: paragraph 60);
- ²⁰ Among others, see: CRC, 2010: paragraph 53 d);
- ²¹ Among others, see: CEDAW, 2017: paragraph 9; Press Release of the Inter-American Commission on Human Rights (Retrieved from Press Release. IACHR regrets the prohibition of gender teaching in Paraguay. December 15, 2017. Retrieved from: https://www.oas.org/es/cidh/prensa/comunicados/2017/208.asp); HRC, 2013 and 2019.
- ²² Among others, see: HRC, 2019.
- ²³ CDIA Observatory on Public Policies and Rights of Children and Adolescents Retrieved from La Nación 04/25/2019 Prosecutor's Office received 2,608 complaints of sexual abuse of children in 2018 https://www.lanacion.com.py/judiciales/2019/04/25/fiscalia-recibio-2608-denuncias-de-abuso-sexual-en-ninos-en-2018/
- ²⁴ PAHO / WHO Global School Health Survey https://www.mspbs.gov.py/dependencias/portal/adjunto/e1e76b-EncuestaGlobalGSHSvistaporpagina.pdf
- ²⁵ Ibid.
- ²⁶ Ministry of Public Health and Social Welfare (2019) Report on the Epidemiological Situation of HIV / AIDS in Paraguay.
- ²⁷ Ibid.
- ²⁸ Ibid
- ²⁹ Ibid.
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- ³² Centro de Documentación y Estudios (CDE) 2018 Embarazo y maternidad de niñas en Paraguay [Pregnancy and motherhood of girls in Paraguay]. Asunción: CDE. Retrieved from: http://www.cde.org.py/wp-content/uploads/2018/12/Embarazo-nin%CC%83as-FINAL-web-1.pdf
- ³³ In the systematizations of the years 2018 and 2019 of the ROHENDU hotline service, they present an analysis of the cases and queries received from LGBTI people (Lesbians, gays, bisexuals, trans and transvestites and intersex) to the hotline and mention complaints from teachers and students on various cases of discrimination in colleges and universities. Retrieved from: https://www.aireana.org.py/documentos/accede-al-informe-ro-hendu-2018/
- ³⁴ Bareiro, L. (2016). La exclusión de las personas trans del sistema educativo: Un análisis de la experiencia en la educación de personas jóvenes y adultas en Paraguay [The exclusion of trans people from the educational system: An analysis of the experience in the education of young people and adults in Paraguay]. Asunción: Consejo Latinoamericano de Ciencias Sociales.

http://biblioteca.clacso.edu.ar/clacso/becas/20160401010040/informefinaldeinvestigacionlaurabareiro.pdf

- ³⁵ https://www.hoy.com.py/nacionales/criminal-bullying-alumnos-de-colegio-de-nemby-se-quitan-la-vida
- ³⁶ MEC (2019) Education in Paraguay Report. Findings from the PISA for Development experience. P. 87
- ³⁷ Pan American Health Organization (2018) The burden of mental disorders in the Region of the Americas. P. 15. Retrieved from:

https://iris.paho.org/bitstream/handle/10665.2/49578/9789275320280 spa.pdf?sequence=9&isAllowed=y

³⁸ Statistical Analysis of Violent Deaths in Paraguay 2006-2018. National Observatory of Citizen Security and Coexistence. Ministry of Interior. Retrieved from:

 $http://www.mdi.gov.py/images/Observatorio_files/2018/Ana\%CC\%81lisis\%20Estadi\%CC\%81stico\%20de\%20Muertes\%20Violentas\%20en\%20Paraguay\%202006-2018.pdf$

- ³⁹ Permanent Household Survey, 2019
- ⁴⁰ Retrieved from TEDIC, May 7, 2020. Retrieved from: https://www.tedic.org/como-es-la-infraestructura-de-internet-en-paraguay/

https://www.unicef.org/paraguay/media/5431/file/Informe%20del%20Estudio%20de%20percepci%C3%B3n%20sobre%20COVID-19%20en%20Paraguay.pdf

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https://www.mec.gov.py/cms/?ref = 299724-seminario-virtual-manejo-del-estres-ansiedad-y-depresion-con-gran-convocatoria-de-docentes

1 Teacher's emotional mental health, The importance and benefits of good emotional health 07/14/2020 https://www.facebook.com/161896953845363/videos/711846576029073/

2 Seminar "Management of Stress, Anxiety and Depression" 07/17/2020

https://www.facebook.com/161896953845363/videos/707632016479912

3 Seminar "Conflict Management" 07/21/2020

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4 Seminar "The Importance of Teacher Self-care" 07/23/2020

https://www.facebook.com/161896953845363/videos/3243601412396869/

5 Comprehensive Health and Prevention 08/15/2020

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- ⁴⁵ Held on August 22 through the teams platform with live broadcast on Facebook https://www.facebook.com/161896953845363/videos/3110272745695352. With the dissertations of the Psychiatrist Dr. Cynthia Oviedo, the Mag. Psychologist Patricia Cañiza, the Psychologist Christian Verdún and the special participation of the Mexican actress Maria Antonieta de las Nieves better known as La Chilindrina from the television series El Chavo del 8.
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- ⁵⁰ Flyer published by El Surtidor. Sources: Department of Statistics, General Directorate of Prevention and Security, National Police 05/08/2020
- ⁵¹ UNICEF (2020) Survey of perception about COVID-19 in Paraguay. Impact of the coronavirus on Paraguayan families who have children or adolescents in their care. Retrieved from:

https://www.unicef.org/paraguay/media/5431/file/Informe%20del%20Estudio%20de%20percepci%C3%B3n%20sobre%20COVID-19%20en%20Paraguay.pdf

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⁴² Última Hora (22/07/2020) Education establishes guidelines to evaluate in pandemic. Retrieved from: https://www.ultimahora.com/educacion-establece-orientaciones-evaluar-pandemia-n2896139.html

⁴³ Retrieved from https://www.mec.gov.py/cms/?ref=299586-el-mec-comparte-guia-de-prevencion-la-seguridad-en-casa

⁴⁴ Virtual Seminars "Emotional Health of the Teacher".