

Submission by the United Nations High Commissioner for Refugees

For the Office of the High Commissioner for Human Rights' Compilation Report

Universal Periodic Review:

2nd Cycle, 24th Session

PARAGUAY

I. BACKGROUND INFORMATION

Paraguay acceded to the *1951 Convention relating to the Status of Refugees* and its *1967 Protocol* (hereinafter jointly referred to as the *1951 Convention*) in 1970. The State has also acceded to most of the regional and international instruments on human rights. In 2012, Paraguay acceded to the *1961 Convention on the Reduction of Statelessness* and, in 2014, to the *1954 Convention relating to the Status of Stateless Persons*.

In general terms, national legislation complies with the human rights standards set forth in the *1951 Convention*, its regional complements and in the various international human rights instruments ratified by Paraguay. In practice, however, social and economic constraints hamper the Government's advancement on compliance with international human rights standards, both for nationals and foreigners.

The domestic refugee framework is set forth in *Refugee Law No. 1.938 (2002)*,¹ which established the National Refugee Commission (Comisión Nacional de Refugiados, "CONARE"). CONARE is under the authority of the Ministry of Foreign Affairs, and includes representatives from the Ministry of Foreign Affairs, the Ministry of Interior, the Ministry of Labour, Justice and Social Security, and the Human Rights Commission from both chambers of Parliament. CONARE also has representatives from an NGO and UNHCR, with voice but without vote. Under *Refugee Law No. 1.938*, CONARE is involved in refugee status determination (RSD) and finding durable solutions, as well as public policy proposals related to asylum-seekers and refugees. CONARE began deciding asylum cases in 2003.

Refugee Law No. 1.938 contains several important provisions, including some related to RSD and others related to durable solutions and resettlement. The law also includes the traditional refugee definition set forth in the *1951 Convention* and the broader definition set forth in the *1984 Cartagena Declaration on Refugees*. The law guarantees several important principles,

¹ Ley N° 1938, General Sobre Refugiados [Paraguay], 9 July 2002, available at: <http://www.refworld.org/docid/3d48f0984.html>.

including *non-refoulement*, confidentiality, family unity, and non-discrimination. The procedures and eligibility criteria stipulated in the law are generally consistent with the international protection standards set forth in UNHCR's Executive Committee Conclusions, the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*² and other UNHCR policy documents. *Refugee Law No. 1.938* also stipulates the establishment of a Technical Secretariat to support the CONARE.

The Secretariat of the CONARE carries out the registration of asylum claims, conducts eligibility interviews, and is in charge of drafting eligibility assessments on individual cases. In UNHCR's view, the intervention of CONARE and its Technical Secretariat should be strengthened at all stages of the RSD procedure, from registration to the notification of a final decision. In 2013, UNHCR concluded a cooperation agreement with the CONARE to facilitate the design and implementation of capacity building to strengthen the RSD procedure.

As of December 2014, Paraguay hosted 153 refugees and 13 asylum-seekers, mostly originating from Cuba and Colombia and 40 per cent of whom were female.

UNHCR has no presence in Paraguay and its main activities are developed through a cooperation agreement signed with a civil society organization (Comité de Iglesias para Ayudas de Emergencia – CIPAE). These activities are focused on providing assistance and support to refugees and asylum-seekers residing in the country, in order to facilitate their local integration and promote their self-sufficiency. UNHCR also supports the work of the CONARE, providing technical advice, regular training and capacity-building support to ensure the implementation of fair and efficient RSD procedures.

II. ACHIEVEMENTS AND POSITIVE DEVELOPMENTS

Paraguay had pledged at UNHCR's Ministerial Meeting held in Geneva in December 2011 to accede to the *1954 Convention relating to the Status of Stateless Persons* (the *1954 Convention*) and the *1961 Convention on the Reduction of Statelessness* (the *1961 Convention*).³ Paraguay has fulfilled its pledges by acceding to the *1961 Convention* in 2012 and to the *1954 Convention* in 2014.

Paraguay has also actively participated in the Regional Commemorative process for the 30th Anniversary of the *Cartagena Declaration*. The Government of Paraguay attended the sub-regional meetings and the final regional meeting that led to the adoption of the *Brazil Declaration and Plan of Action: "A Common Roadmap to Strengthen Protection and Promote Sustainable Solutions for Refugees, Displaced and Stateless Persons in Latin America and the Caribbean within a Framework of Cooperation and Solidarity."*⁴ Following the adoption of the *Brazil Declaration and Plan of Action* (hereinafter referred to as the

² UNHCR, *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, December 2011, HCR/1P/4/ENG/REV. 3, available at: <http://www.refworld.org/docid/4f33c8d92.html>.

³ The Government pledged to "Accede to the *1954 Convention relating to the Status of Stateless Persons* and the *1961 Convention on the Reduction of Statelessness*, once approved by the National Congress." UN High Commissioner for Refugees, Ministerial Intergovernmental Event on Refugees and Stateless Persons - Pledges 2011, October 2012, available at: <http://www.refworld.org/docid/50aca6112.html>.

⁴ *Brazil Declaration and Plan of Action*, 3 December 2014, available at: <http://www.refworld.org/docid/5487065b4.html>.

BPA), UNHCR and CONARE are currently preparing a draft national *Plan of Action* for the development of key activities to ensure the implementation of main components of the *BPA*. UNHCR commends Paraguay's involvement in this regional process, and encourages the authorities to move forward with the adoption and implementation of the joint national *Plan of Action* and the regional commitments made under the *BPA* to strengthen the protection of refugees and stateless persons.

III. KEY PROTECTION ISSUES, CHALLENGES AND RECOMMENDATIONS

Issue 1: Effective implementation of the refugee legal framework

While some provisions of *Refugee Law No. 1.938* are self-executing, other provisions require the enactment of internal regulations by Paraguay, in order to give full effect to the rights established in the law. The *Law* addresses *inter alia* the enjoyment of economic, social and cultural rights, and regulation would facilitate refugees' access to social and public programmes regarding housing, employment, and labour training. For example, Article 29 stipulates that recognized refugees may obtain recognition of their foreign education through the replacement of their official documents by national and/or international authorities.⁵ Therefore, the necessary internal regulations should be adopted to facilitate the full and effective implementation of the law. In 2014, CONARE announced its intention to draft rules of procedure to facilitate the implementation of the *Law*. However, these rules of procedure are still pending.

Recommendations:

UNHCR recommends that the Government of Paraguay:

- Adopt all necessary administrative measures and domestic regulations to facilitate the full and effective implementation of the provisions of *Refugee Law No. 1.938*; and
- Consider the inclusion of regulations to facilitate the access of refugees and asylum-seekers to personal documentation and to promote the enjoyment of their economic, social and cultural rights, in particular, access to social and public programmes regarding housing, employment, and labour training.

Issue 2: Sexual and gender-based violence

Refugee and asylum-seeking women are particularly exposed to the risk of sexual and gender-based violence (SGBV). Protection dialogues held with female refugees and asylum-seekers and participatory assessments organized to assess security concerns of persons of concern to UNHCR in the region revealed that:

- i) women face situations of domestic/interfamilial violence (physical, psychological and economic) aggravated by their displacement;
- ii) the challenges that women experience in the context of forced displacement (poor documentation, loss of family/social networks, limited access to income

⁵ Article 29, *Refugee Law No. 1.938*: "Refugees recognized as such by the National Commission for Refugees who are desirous of obtaining recognition of their foreign education certificates, diplomas and, degrees, or authenticating or certifying the signatures of their country of origin's authorities to practice their profession in the country of asylum will be granted the benefit of replacing those official instruments with documents or certificates issued by national and/or international authorities."

- generating activities, etc.) affects their capacity to perceive domestic violence as a serious situation that threatens the enjoyment of their human rights;
- iii) female refugees residing in marginalized and impoverished areas are at risk of SGBV in public spaces;
 - iv) women lack adequate and updated information about their rights and about the services available to prevent and respond to SGBV;
 - v) discriminatory attitudes prevent SGBV survivors' access to local mechanisms to respond to SGBV;
 - vi) refugee women face serious obstacles in accessing sexual and reproductive health-care services; and
 - vii) precarious labour conditions and limited access to income-generating activities increase refugee women's vulnerability, as well as their risk of SGBV and trafficking.

Poor working conditions, the concentration of women in low-wage jobs, wage disparities between refugee women and local women, lack of child care services and exposure to sexual harassment in the workplace are other challenges faced by refugee women.

Paraguay received several recommendations to prevent and address violence against women during the 1st cycle of the UPR.⁶ However, the ongoing serious risk of SGBV affecting refugee women demands the adoption of provisions for the protection of refugee and asylum-seeking women, including measures aimed at preventing and responding to situations of gender-based violence and enhancing their access to economic, social, and cultural rights, including women's access to sexual and reproductive rights and employment opportunities.

Recommendations:

UNHCR recommends that the Government of Paraguay:

- Adopt provisions for the protection of refugee and asylum-seeking women, including measures aimed at preventing and responding to situations of SGBV and enhancing their access to economic, social, and cultural rights, including women's access to sexual and reproductive rights and employment opportunities; and
- Ensure that asylum and migration authorities participate in the elaboration of these provisions for the protection of refugee and asylum-seeking women.

⁶ The following recommendations from the 1st cycle UPR enjoyed the support of Paraguay which considered that they were already implemented or in the process of implementation:

“85.12. Develop and implement gender equality policies, particularly in the labour market, and policies to fight sexual and domestic violence (Brazil);

85.44. Strengthen its efforts in prevention, punishment and eradication of all forms of violence against women (Argentina);

85.45. Consider adopting legislation or other measures that enable investigation and prosecution for gender-based violence (United States);

85.46. Develop official statistics that record cases of domestic violence, femicide, abuse, sexual abuse and sexual exploitation, the latter especially of children and adolescents, and facilitate access to justice for victims and the prosecution of the perpetrators (Uruguay);” Report of the Working Group on the Universal Periodic Review: Paraguay, A/HRC/17/18, 28 March 2011, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/44/PDF/G1112344.pdf?OpenElement>.

Issue 3: Human trafficking

Paraguay continues to be a source and destination country for human trafficking and smuggling. Paraguay received several recommendations to address trafficking in persons during the 1st UPR cycle.⁷ However, refugees and asylum-seekers continue to be particularly at risk of falling victim to trafficking or smuggling in persons due to the vulnerable and volatile situations they often face. The social situation of asylum-seekers and refugees and the absence of special programmes to facilitate their local integration in the country put refugees, particularly refugee women, at heightened risk of becoming a victim of human trafficking for sexual exploitation. For example, women refugees and asylum-seekers who participated in assessment exercises revealed that they had been offered work as a sex worker. However, no special provisions have been adopted to prevent refugees, asylum-seekers, and other persons of concern to UNHCR from being trafficked.

Trafficking and smuggling of people remains an on-going problem in Paraguay. The Government should take into account the fact that victims or potential victims of human trafficking who are at risk of persecution, if returned to their countries of origin, may qualify as refugees within the meaning of the *1951 Convention*. UNHCR's *Guidelines on Victims of Trafficking*⁸ provide guidance on the adjudication of asylum applications submitted by victims or potential victims of trafficking. There is a need to increase efforts to prevent human trafficking and establish and implement effective identification and referral mechanisms for persons in mixed migratory movements, who may be in need of international protection. This includes presumed or actual victims of trafficking who may have a well-founded fear of persecution in their country of origin or, due to the situation they have experienced, cannot return to their country of origin because their lives or physical integrity would be at risk.

In particular, Paraguay should adopt proper measures, including the development of standard operating procedures, to facilitate their prompt identification and referral to the asylum system, when appropriate. Moreover, RSD procedures should be improved to ensure that asylum claims from victims of trafficking are fairly and appropriately examined, in line with international standards. Additionally, specialized programmes and policies to protect and support victims who cannot return to their countries of origin should be adopted.

Recommendations:

UNHCR recommends that the Government of Paraguay:

- Develop a standard operating procedure for the identification of victims of trafficking and those who may be in need of international protection;

⁷ The following recommendations enjoyed the support of Paraguay following its 1st cycle UPR review:

“84.28. Continue its efforts to prevent and combat trafficking in persons, especially women and children, by entirely financing and implementing the National Plan for the Prevention and Eradication of the Sexual Exploitation of Girls, Boys and Adolescents. Amend the national legislation on the sexual exploitation and trafficking in children to bring it in line with the international instruments (Republic of Moldova);

84.29. Increase attention to the protection of trafficked women and children (Holy See);

84.30. Strengthen efforts aimed at combating trafficking in persons and sexual exploitation of women and children and the problem of street children (Malaysia);” Report of the Working Group on the Universal Periodic Review: Paraguay, A/HRC/17/18, 28 March 2011, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/44/PDF/G1112344.pdf?OpenElement>.

⁸ UNHCR *Guidelines on International Protection No.7: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of Refugees to Victims of Trafficking and Persons At Risk of Being Trafficked*, 7 April 2006, available at: <http://www.unhcr.org/443b626b2.html>.

- Establish a referral mechanism for victims of trafficking to enable them to apply for asylum, whenever appropriate;
- Improve the quality of the RSD procedure so that victims of trafficking can be recognized as refugees in appropriate circumstances; and
- Adopt measures to ensure that refugees, asylum-seekers, and other persons of concern to UNHCR do not fall victim to human trafficking.

Issue 4: State policy/strategy for the local integration of refugees

Despite the political commitment of countries of the region, including Paraguay, the difficult socio-economic context in most Latin American countries represents a serious obstacle to the successful local integration of refugees. The provision of humanitarian assistance to new asylum-seekers and the development of programmes for the local integration of refugees remain key challenges for UNHCR, civil society and Governments.

The process of local integration is primarily supported through the efforts of UNHCR and its local partner agency (CIPAE). UNHCR recognizes the importance of the direct and more active involvement of CONARE in the integration processes of refugees and in the response to the basic needs of asylum-seekers.

Although *Refugee Law No. 1.938* foresees the elaboration of public policies in order to ensure not only refugee protection, but also the search for durable solutions, the Government does not have a strategy to locally integrate recognized refugees. UNHCR highlights the importance of the involvement of the Paraguayan authorities to support and ensure the sustainable integration of refugees and their effective enjoyment of socio-economic rights. Refugees should benefit from specific assistance and care programmes and/or be included in existing ones.

Recommendations:

UNHCR recommends that the Government of Paraguay:

- Design a comprehensive social assistance programme, with UNHCR's support, in order to ensure material assistance for refugees and asylum-seekers, as well as the attainment of their local integration; and
- Inform refugees and asylum-seekers about the existence of policies and assistance programmes from which they could currently or potentially benefit, in particular, with regard to their right to adequate housing, employment, and labour training.

Issue 5: Legal framework for the protection of stateless persons

Although Paraguay has acceded to the *1954 Convention*, no legal framework has been adopted for its implementation. Stateless persons who satisfy the refugee definition contained in the *1951 Convention* are afforded the necessary international protection associated with that status. However, the international refugee protection regime does not specifically address the rights of non-refugee stateless persons, whether adult or children. In many countries, stateless persons and the children of stateless persons are often subject to discrimination. The *1954 Convention* ensures minimum standards of treatment of stateless persons in respect to a number of economic, social and cultural rights. These include, but are not limited to, the right to education, employment, housing, and public relief. Importantly, the *Convention* also

guarantees stateless persons a right to identity and travel documents and to administrative assistance. For these reasons, a legal framework to implement the *1954 Convention* would greatly improve stateless persons' full enjoyment of their rights.

Furthermore, no statelessness status determination procedure currently exists in Paraguay. Establishing a statelessness status determination procedure is the most efficient means for States party to the *1954 Convention* to identify the beneficiaries of the Convention in order to provide them with appropriate protection. It is implicit in the *1954 Convention* that States must identify stateless persons within their jurisdictions in order to provide them appropriate treatment in compliance with their commitments under the *Convention*.⁹ Recognition of statelessness plays an important role in enhancing respect for the human rights of stateless persons, including children, particularly through access to a secure legal status and enjoyment of rights afforded to stateless persons under the *1954 Convention*.

Recommendations:

UNHCR recommends that the Government of Paraguay:

- Implement legislation that codifies the protections guaranteed in the *1954 Convention* in national legislation; and
- Adopt and implement a statelessness status determination procedure to ensure the protection of stateless persons who are not refugees.

Issue 6: Improve birth registration

Birth registration is an outstanding issue in Paraguay.¹⁰ Paraguay received a recommendation on this issue during the 1st cycle UPR, which it accepted but considered the recommendation to be already implemented or in the process of implementation.¹¹ However, as of 2013, approximately 30 per cent of births were still not registered in Paraguay.

⁹ “Whilst the *1954 Convention* establishes the international legal definition of “stateless person” and the standards of treatment to which such individuals are entitled, it does not prescribe any mechanism to identify stateless persons as such. Yet, it is implicit in the *1954 Convention* that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments...recognition of statelessness plays an important role in enhancing respect for the human rights of stateless persons, particularly through access to a secure legal status and enjoyment of rights afforded to stateless persons under the *1954 Convention*.” See UNHCR *Handbook on Protection of Stateless Persons*, 30 June 2014, available at: <http://www.refworld.org/docid/53b676aa4.html>.

¹⁰ Committee on the Rights of the Child, *Concluding Observations: Paraguay*, 2010, CRC/C/PRY/CO/3, par. 34, available at: <http://www2.ohchr.org/english/bodies/crc/docs/CRC-C-PRY-CO-3.pdf> states that: “In light of article 7 of the Convention and in line with its previous recommendations, the Committee recommends that the State party take all necessary measures to ensure registration of all children, paying particular attention to indigenous children and children living in rural areas. It urges the State party to provide decentralized registration offices and units with the necessary human, material and financial resources and strengthen its awareness-raising activities in all communities on the importance of birth registration for all boys and girls. Furthermore, the Committee recommends that the State party ensure that unregistered children are not deprived of their rights, notably to health and education.”

¹¹ Paraguay received the following recommendation during the 1st cycle UPR: “85.54. Pass legislation to ensure that unregistered children are not deprived of their rights, and that concrete steps be taken to decrease current obstacles to child registration (Canada),” Report of the Working Group on the Universal Periodic Review: Paraguay, A/HRC/17/18, 28 March 2011, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/123/44/PDF/G1112344.pdf?OpenElement>.

Birth registration is fundamental to the protection of children of concern to UNHCR and to the prevention of statelessness.¹² Failure to document a person's legal existence can prevent the effective enjoyment of a range of human rights, including access to education and health care. The Human Rights Council adopted a resolution on birth registration and the right of everyone to recognition everywhere as a person before the law, calling upon "States to ensure free birth registration, including free or low-fee late birth registration, by means of universal, accessible, simple, expeditious and effective registration procedures without discrimination of any kind."¹³

Because birth registration legally establishes the place of birth, proof of age, and parental affiliation, it serves as important documentary proof to acquire the parents' nationality or the nationality of the State in which the child is born. It also provides children with a degree of protection against child labour, illegal adoption, early marriage, sexual exploitation, and trafficking.

Therefore, Paraguay should establish a birth registration system that ensures that all children, including the children of refugees, asylum-seekers and stateless persons are registered at birth without discrimination.

Recommendation:

UNHCR recommends that the Government of Paraguay:

- Ensure the issuance of birth certificates to all children born on its territory, regardless of the status of their parents.

**Human Rights Liaison Unit
Division of International Protection
UNHCR
June 2015**

¹² See: UNHCR, *Conclusion on civil registration*, 17 October 2013, No.111(LXIV)-2013, available at: <http://www.refworld.org/docid/525f8ba64.html>.

¹³ UN Human Rights Council Resolution A/HRC/RES/19/9, 3 April 2012, available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/19/9.

Excerpts of 1st Cycle UPR Recommendations, Concluding Observations from UN Treaty Bodies and Recommendations of Special Procedure mandate holders

- Universal Periodic Review:

PARAGUAY

We would like to bring your attention to the following excerpts from 1st cycle UPR recommendations, UN Treaty Monitoring Bodies' Concluding Observations and recommendations from UN Special Procedures mandate holders' reports relating to issues of interest and persons of concern to UNHCR with regards to **Paraguay**.

I. Universal Periodic Review

Below is a list of recommendations of relevance to UNHCR made to Paraguay during the 1st cycle of the Universal Periodic Review. These are divided into three sections: recommendations accepted by Paraguay; recommendations rejected by Paraguay; and recommendations which were under the consideration of Paraguay. Paraguay's views and responses to recommendations are elaborated upon (and sometimes amended) in the Addendum. Information contained in the Addendum can be found here in italics.

[Report of the Working Group on the Universal Periodic Review, seventeenth session \(28 March 2011\) A/HRC/17/18](#)

84. The recommendations formulated during the interactive dialogue and listed below enjoy the support of Paraguay:

84.2. Work towards ending all forms of discrimination by passing the current Congressional Bill outlawing discrimination and ensuring all existing legislation is in conformity with the Bill's objectives (Australia);

84.11. Make the National Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children operational by ensuring public funding (Poland);

84.13. Continue to pursue its national poverty reduction plans and promote gender equality and empowerment of women (Palestine);

84.14. Strengthen the protection of rights and interests of women and children and other vulnerable groups (China);

84.15. Continue the efforts to implement plans and programmes for the promotion and protection of human rights of persons that are in conditions of vulnerability (Panama);

84.22. Take additional measures to implement recommendations on various issues as put forward by the Committee for the Elimination of Discrimination against Women, in particular the low participation of women in decision making bodies and in public life, and the high rates of illiteracy and school drop-out among women (Moldova);

84.24. Continue promoting the prompt adoption of a law against all forms of discrimination, in accordance with its international human rights commitments (Plurinational State of Bolivia);

84.25. Continue to make progress in measures to prevent discrimination against any person due to its sexual orientation or gender identity (Colombia);

84.28. Continue its efforts to prevent and combat trafficking in persons, especially women and children, by entirely financing and implementing the National Plan for the Prevention and Eradication of the Sexual Exploitation of Girls, Boys and Adolescents. Amend the national legislation on the sexual exploitation and trafficking in children to bring it in line with the international instruments (Republic of Moldova);

84.29. Increase attention to the protection of trafficked women and children (Holy See);

84.30. Strengthen efforts aimed at combating trafficking in persons and sexual exploitation of women and children and the problem of street children (Malaysia);

84.31. Strengthen the implementation of relevant policies, such as the Plan to Prevent and Eradicate Child Labour and the empowerment of its National Commission for the Elimination of Child Labour, in particular with regard to the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, to address the phenomenon of child labour (Slovakia);

85. The following recommendations enjoy the support of Paraguay which considers that they are already implemented or in the process of implementation:

85.3. Adopt, as soon as possible, a bill against all forms of discrimination (Uruguay);

85.12. Develop and implement gender equality policies, particularly in the labour market, and policies to fight sexual and domestic violence (Brazil);

85.14. Continue to submit its reports on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (Norway);

85.15. Establish effective and speedy measures to guarantee gender equality at all levels of the civil society and State structure, bearing in mind that laws and current policies have not yet produced the desired results (Nicaragua);

85.16. Take effective measures to ensure the equal treatment of women in law and practice, in accordance with its international obligations under the Convention on the Elimination of All Forms of Discrimination against Women (Sweden);

85.19. Adopt the necessary measures to eliminate discrimination against women, both in law and practice, including with regard to remuneration, employment opportunities, access to educational and health services (Mexico);

85.44. Strengthen its efforts in prevention, punishment and eradication of all forms of violence against women (Argentina);

85.45. Consider adopting legislation or other measures that enable investigation and prosecution for gender-based violence (United States);

85.46. Develop official statistics that record cases of domestic violence, femicide, abuse, sexual abuse and sexual exploitation, the latter especially of children and adolescents, and facilitate access to justice for victims and the prosecution of the perpetrators (Uruguay);

85.47. Bring domestic legislation on sexual exploitation and trafficking of minors in line with international standards (Slovenia);

85.48. Ensure that children living or working in the street be provided with adequate protection, assistance, nutrition and shelter as well as with health care and educational opportunities (Poland);

85.49. Implement the recommendations of the Committee on the Rights of the Child, particularly with regard to street children and child labour (France);

85.50. Ensure that children living and working on the street are provided with adequate protection, assistance, health care, education and shelter (Hungary);

85.54. Pass legislation to ensure that unregistered children are not deprived of their rights, and that concrete steps be taken to decrease current obstacles to child registration (Canada);

85.73. Ensure the enjoyment of all human rights by migrants and strengthen the efforts to regularize them (Brazil).

II. Treaty Bodies

[Committee against Torture](#)

[Concluding Observations \(14 December 2011\) CAT/C/PRY/CO/4-6](#)

Trafficking in persons

23. The Committee recognizes the efforts made by the State party to address trafficking in persons, including the creation of the Inter-Agency Committee to Prevent and Combat Human Trafficking and special units in the National Secretariat for Children and Adolescents and the Secretariat for Women, the establishment of a centre to provide comprehensive support for trafficking victims and the drafting of a bill to combat trafficking in persons. The Committee notes with interest the opening of a temporary shelter for trafficking victims, but observes that the shelter has limited space and only receives female victims. The Committee is concerned that Paraguay continues to be both a source and transit country for human trafficking and regrets the lack of comprehensive information on trafficking cases and convictions (arts. 2, 10 and 16).

The State party should ensure that all allegations concerning the trafficking of persons are investigated promptly, impartially and thoroughly and that the offenders are prosecuted and punished for the crime of trafficking in persons. The State party should

continue to conduct nationwide awareness-raising campaigns, provide adequate programmes of assistance, recovery and reintegration for victims of trafficking and offer training to law enforcement officers, judges, prosecutors, migration officials and border police on the causes, consequences and repercussions of trafficking and other forms of exploitation. In particular, the State party should make every effort to implement the National Plan for the Prevention and Elimination of the Sexual Exploitation of Children and Adolescents and ensure it is allocated the necessary human and financial resources. The Committee further recommends that the State party increase its efforts to establish systems and mechanisms of international, regional and bilateral cooperation with countries of origin, transit and destination in order to prevent, investigate and punish cases of human trafficking.

29. The Committee requests the State party to provide information, by 25 November 2012, on the follow-up to the Committee's recommendations on: (a) access to and strengthening of the legal safeguards for detained persons; (b) the conduct of prompt, impartial and effective investigations; and (c) the prosecution of those suspected of committing acts of torture and other forms of ill-treatment and the punishment of those responsible for such acts, as set forth in paragraphs 11 and 18 of the present document. The Committee also requests information on follow-up to the recommendations presented in paragraph 23 of the present document regarding measures to be taken to prevent, combat and eradicate trafficking in persons.

[Human Rights Committee](#)

[Concluding Observations, 107th Session \(29 April 2013\) CCPR/C/PRY/CO/3](#)

Discrimination

9. The Committee regrets that the State party has not yet adopted the bill submitted to the Senate in May 2007 to outlaw all forms of discrimination, since stereotyping, discrimination and marginalization are still prevalent and are especially detrimental to women, persons with disabilities, indigenous people, people of African descent, and lesbians, gays, bisexuals and transsexuals (arts. 2, 26 and 27).

The State party should adopt comprehensive legislation to combat discrimination, including provisions that provide protection against discrimination on grounds of sexual orientation and gender identity, and should prioritize the implementation of programmes to eliminate stereotyping and discrimination and guarantee tolerance and respect for diversity. The State party should also adopt measures to promote equal opportunities and equal, unrestricted and non-discriminatory access to all services by women, persons with disabilities, indigenous people, people of African descent, and lesbians, gays, bisexuals and transsexuals.

10. The Committee is concerned that there are few women in Congress or in decision-making positions in the public and private sectors, and that stereotypes persist as regards the role of women in the family and in society (arts. 3, 25 and 26).

The State party should redouble its efforts to eliminate gender stereotyping in relation to the role and responsibilities of men and women in the family and in society, and should run awareness campaigns on this subject. The State party should also adopt special interim measures to increase women's participation in political and public life, as well as in the private sector.

Trafficking

17. While it is aware of the efforts made by the State party to prevent and punish human trafficking, the Committee is concerned about the large number of children and women who continue to be the victims of trafficking, and about the widespread impunity in such cases (arts. 7, 8 and 14).

The State party should step up its efforts to put a stop to human trafficking, particularly trafficking in women and children for purposes of sexual exploitation or child labour. The State party should try all alleged perpetrators of such acts and, if they are found guilty, punish them. The State party should continue training police and immigration officers and should provide protection and rehabilitation for victims. It should also strengthen its mechanisms for cooperation with neighbouring countries and run public awareness campaigns on the negative effects of human trafficking.

Birth Registration

26. The Committee takes note of the efforts by the State party to register all births, but regrets that a large proportion of children are still not registered, especially in rural areas and in indigenous communities (arts. 16, 24 and 27).

The State party should continue its efforts to ensure that all children born in its territory are registered and receive an official birth certificate. Accordingly, it should amend its legislation to allow teenage mothers to register their children without the need for a court order. It should also carry out campaigns to encourage the registration of all adults who have not yet been registered.

[Committee on the Elimination of Discrimination against Women
Concluding Observations, Fiftieth Session \(8 November 2011\) CEDAW/C/PRY/CO/6](#)

Trafficking and exploitation of prostitution

22. While appreciating the State party's efforts to address the issue of trafficking in women and girls, the Committee remains concerned about the alarming scale of trafficking, as the State party is a host, source, transit and transborder country in this regard. The Committee is further concerned about the lack of a comprehensive law on trafficking which fully complies with article 6 of the Convention. The Committee notes the establishment of a Directorate for the Prevention and care of Victims of Trafficking (*Dirección de Prevención y Atención a Víctimas de Trata de Personas*); however, it is concerned about the lack of human and financial resources to adequately combat trafficking and exploitation of prostitution and to offer shelter and services to victims. The Committee takes note of the drafting of a national plan to combat human trafficking (*Política Nacional de prevención y lucha contra la trata de personas*); however, the Committee remains concerned about its pending approval by the State party and the need to allocate sufficient resources for its implementation. It is also concerned that no trafficking offenders were convicted in 2010 and it underscores the need for further collaboration with neighbouring countries in order to adequately deal with the issue of trafficking.

23. The Committee urges the State party to:

- (a) Step up its efforts with regard to anti-trafficking initiatives with a view to addressing fully and comprehensively the complexities of trafficking in women and girls and the exploitation of prostitution;
- (b) Adopt a law on trafficking which fully complies with article 6 of the Convention;
- (c) Adopt effective referral and identification mechanisms for victims of trafficking;
- (d) Adopt the necessary measures to investigate the scope and causes of internal trafficking of children and women in order to draft and implement a comprehensive strategy to prevent trafficking and punish traffickers;
- (e) Strengthen its mechanisms for the investigation, prosecution and punishment of the perpetrators of trafficking; and
- (f) Increase its efforts with regard to international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking, through information exchange, and to harmonize legal procedures aimed at the prosecution and punishment of traffickers.

[Committee on the Protection of the Rights of All Migrant Workers and Members of their Families](#)

[Concluding Observations, Sixteenth Session \(16 May 2012\) CMW/C/PRY/CO/1](#)

Trafficking

44. The Committee takes note of the State party's efforts to address the problem of human trafficking, as demonstrated by its creation of Inter-Agency Boards on Trafficking in Persons at the departmental level, its work to systematize data on the subject and its preparation of a road map for the fight against trafficking. The Committee recalls, nonetheless, the concern expressed by the Committee on the Elimination of Discrimination against Women (CEDAW/C/PRY/CO/6, para. 22) regarding the alarming scale of trafficking in the State party, which is a host, source and transit country in this regard. It is, in particular, concerned by:

- (a) The lack of a law on human trafficking;
- (b) The lack of sufficient human and financial resources to effectively combat the problem of trafficking and of the exploitation of prostitution or to offer protection and services to victims; and
- (c) The fact that the State party has not adopted a national policy aimed at preventing and combating human trafficking, although the Committee does note that such a policy is being developed.

45. **The Committee underscores the need to continue working with neighbouring countries to tackle the problem of human trafficking. The Committee urges the State party to:**

- (a) Step up its efforts to adopt anti-trafficking measures that will enable it to take a comprehensive, exhaustive approach encompassing all the complex aspects of human trafficking and of the exploitation of prostitution;**
- (b) Expedite the passage of the comprehensive anti-trafficking bill that was submitted to the Chamber of Deputies in December 2011;**
- (c) Put in place effective referral and victim-identification mechanisms;**

- (d) Conduct research on the scale and causes of trafficking in women and children with a view to the development and implementation of a national policy to prevent and combat human trafficking;
- (e) Reinforce its mechanisms for investigating cases of human trafficking and for prosecuting and punishing traffickers; and
- (f) Intensify its cooperation at the international, regional and bilateral levels with countries of origin, transit and destination aimed at combating trafficking through information exchange.

[Committee on the Rights of Persons with Disabilities](#)
[Concluding Observations, Ninth Session \(15 May 2013\) CRPD/C/PRY/CO/1](#)

Women with disabilities (art. 6)

17. The Committee notes the adoption of the third National Plan for Equal Opportunities for Women and Men 2008–2017, which includes women with disabilities as a cross-cutting theme. The Committee is nevertheless concerned that the actions set forth in the Plan make no reference to structural factors that prevent women with disabilities from exercising their rights. The Committee is concerned at the lack of information on the risks of violence to women, including forced sterilization, sexual and economic exploitation, and abuse and trafficking in persons.

18. **The Committee recommends that the State party institute as a matter of urgency effective measures to identify, prevent and provide protection from the multiple discrimination suffered by women and girls with disabilities, in particular women and girls with intellectual and psychosocial disabilities and hearing impairments. The Committee also recommends the establishment of accessible care centres for women and girls who are victims of these forms of violence in urban and rural areas, in consultation with organizations representing women with disabilities.**

Freedom from exploitation, violence and abuse (art. 16)

39. The Committee regrets that offences of exploitation, violence and abuse against persons with disabilities are still not visible because judicial bodies do not keep systematic records of cases.

40. **The Committee urges the State party to institute a comprehensive strategy, incorporating the gender perspective and in consultation with disabled persons' organizations, to prevent and punish exploitation, violence and abuse against persons with disabilities, and social rehabilitation and reintegration programmes aiming at the full enjoyment and exercise of their human rights; it also urges judicial bodies to become involved in that strategy. The Committee asks the State party to include in its next periodic report information on complaints and decisions on behalf of persons with disabilities who are victims of offences of this kind.**

41. The Committee is concerned that the State party has not provided information on the number of persons with disabilities who are neglected, and whether they are victims of exploitation, human trafficking or abuse.

42. **The Committee recommends that the State party look closely at the situation of persons with disabilities who are neglected or the victims of trafficking and take the necessary steps to protect them, including alternative housing for those who have been neglected or are making a living by begging. It also urges the creation of reception**

centres where victims of trafficking in persons can obtain psychosocial care and legal assistance.

43. The Committee is concerned at reports from various sources — as acknowledged by the authorities of the State party who took part in the interactive dialogue — that criminal gangs in Paraguay are exploiting persons with disabilities by making them beg.

44. **The Committee recommends that the State party:**

(a) Set up a special investigation unit within the competent law-enforcement bodies to find out how these gangs operate;

(b) Take steps to protect the victims and place them in rehabilitation programmes, with the required support and reasonable accommodation, so that they can exercise their labour rights;

(c) Take criminal proceedings against those responsible for the exploitation and impose the appropriate penalties.

Liberty of movement and nationality (art. 18)

45. The Committee is concerned that children with disabilities are not registered in the State party and that there are as yet no concrete measures to encourage the registration of children with disabilities, particularly in rural areas.

46. **The Committee urges the State party to set up a programme on the civil registration of children with disabilities at birth, on an equal footing with other children, and decentralize registry procedures and ensure that they can be carried out simply, quickly and free of charge.**