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Paraguay

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Introduction

1. The Working Group on the Universal Periodic Review (UPR), established in accordance with Human Rights Council resolution 5/1 of 18 June 2007, held its tenth session from 24 January to 4 February 2011. The review of Paraguay was held at the 16th meeting on 2 February 2011. The delegation of Paraguay was headed by His Excellency, Humberto Blasco, Minister of Justice and Labour. At its 17th meeting held on 4 February 2011, the Working Group adopted the report on Paraguay.
2. On 21 June 2010, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Paraguay: Chile, Spain and Thailand.
3. In accordance with paragraph 15 of the annex to resolution 5/1, the following documents were issued for the review of Paraguay:
 - (a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/10/PRY/1);
 - (b) A compilation prepared by the Office of the High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/10/PRY/2);
 - (c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/10/PARY/3).
4. A list of questions prepared in advance by Canada, Czech Republic, Denmark, Germany, Netherlands, Norway, Slovenia, Sweden, Switzerland and the United Kingdom was transmitted to Paraguay through the troika. These questions are available on the extranet of the UPR.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. While welcoming the opportunity to participate in the interactive dialogue to exchange views on actions taken to improve the human rights situation of Paraguayan citizens, the delegation of Paraguay reminded that 2011 commemorated the bicentennial of its national independence and that, for the first time in its history, an alternative government had gained power in August 2008 by peaceful and democratic means.
6. The Paraguayan Government had been firmly engaged with the UPR mechanism in the understanding that this experience would allow it to extract best practices, observations and recommendations to be implemented in order to advance the human rights agenda in Paraguay. The preparation of the UPR had permitted to have an assessment of the situation and identify achievements and challenges; in particular the need to adjust the legal framework to the current human rights standards. The Government was working with the other Branches of the State in this regard, trying to overcome legal, institutional and cultural obstacles and build a solid institutional framework in the area of human rights.
7. Regarding the national report, the Administration had created a task force for its preparation. After drafting it, the task force had embarked in consultations with civil society organizations. The delegation acknowledged with appreciation the cooperation of the Governments of Argentina and Brazil and of the Office of the High Commissioner for human rights in the preparation of the UPR.

8. The promotion and protection of human rights was an important component of the agenda of the Paraguayan State. Paraguay was party to the core international human rights instruments and was in full compliance with its reporting obligations to the Treaty Bodies.
9. At the institutional level, a Vice-Ministry for Justice and Human Rights had been established in March 2009, and human rights offices had been incorporated in several branches of the Executive, including the most recent one in the Supreme Court of the Military Justice (November 2010). Moreover, in June 2009 a Human Rights Network at the Executive level had been set up to articulate policies, plans and programmes aimed at promoting and protecting human rights. The Network had prepared a Plan of Action 2010-2011, which expresses the determination of the Administration to comply with its international obligations. The Network was composed of several public agencies, supported by the international technical cooperation, and received the positions of civil society organizations, considered key actors in building democratic institutions.
10. Similarly, an Inter-Agency Executive Commission for the compliance of International Rulings had been set-up, under the coordination of the Prosecutor General. The Commission would ensure compliance with the rulings rendered against Paraguay by international courts as well as with the recommendations of the Inter-American Commission on Human Rights.
11. In reference to access to justice, the delegation mentioned the Judicial Branch Strategic Plan aimed at consolidating the independence, respect, prestige, reliability and transparency of the Judiciary. The plan sought to integrate qualified and efficient judges in the courts to facilitate timely and indiscriminate access to justice as well as legal certainty. Also, criminal procedures had changed from the inquisitorial system to the adversarial system, which was considered more effective with regard to respect for freedom, personal security and the observance of due process.
12. Similarly, prison reform was a priority. The penitentiary regime dated from the 1970's and had become outdated. Thus, the Executive had decided to launch a comprehensive reform. Congress had also created a Commission for the Study of the system and drafted a bill to adopt a new code of penal execution inspired by the new internationally accepted doctrines.
13. Public safety was also of concern to the Government. The Ministry of Interior had concluded the elaboration of the Concept Paper for a National Policy on Public Safety. Its main elements were: citizen participation, human rights, gender violence, impunity and communication. The Paper had been subject to extensive consultations with scholars as well as political and social organizations.
14. Regarding the right to work, the Government had signed the National Pact for Decent Work with the main workers and employers organizations. The agreement was rooted in a public policy based on tripartite social dialogue, which had resulted in the absence of strikes in almost three years since the beginning of its implementation.
15. For its part, the Economic Stimulus Plan, intended to cushion the social impact of the global economic crisis and focused on the generation of temporary employment through public works infrastructure, which, for better coverage, was executed in a decentralized manner through the municipalities and governorates, with input from the central government. Thanks to this and other policies, poverty had been reduced by 3 per cent in 2010.

16. Under the right to health, the Ministry of Public Health and Social Welfare had launched the Plan for Quality of Life and Health Equity, to lessen and eventually eliminate health disparities. Primary Health Care was led by Family Health Units, assigned to a particular territorial division and consisting of: a physician, a nurse or midwife, a nurse assistant and health promoters. Each such unit served 3,200 persons. Until mid-2010, 276 units had been established in 17 provinces and 144 districts, providing coverage to 1,104,000 people. By the end of 2011, 500 units were to be established, benefitting two million people who were below the poverty line.

17. For the Paraguayan Government, there was no doubt that education was critical when talking about human rights. The Constitution had established that Basic Public Education should be free and compulsory. Also, Paraguay offered a program of bilingual education, in both Guarani and Spanish. The program was aimed at the entire school population at all educational levels. In addition, there was also a specific education program for indigenous peoples.

18. The delegation had also dwelled on the human rights situation of certain groups or sectors.

19. In January 2010, Paraguay had presented its most recent report to the Committee on the Rights of the Child and given significant priority to this issue.

20. The National System for Integral Protection and Promotion of Children and Adolescents (SNPPI) and the National Council for Childhood and Adolescence were incorporated in the Code of Childhood and Adolescence. The Strategic Plan 2008 - 2013 focused on the implementation of public policies for integral protection, the effective functioning of institutions and the restoration of rights of children and adolescents in situations of vulnerability.

21. With respect to the rights of women, the Women's Bureau of the Presidency of the Republic was charged with the development, coordination and implementation of public policies, incorporating a gender component to eliminate all forms of discrimination against women and promote equal opportunities. This secretariat implemented the First, Second and Third National Plan for Equal Opportunities between Women and Men (I, II and III PNIO), following the Fourth World Conference on Women held in Beijing (China).

22. As for the rights of persons with disabilities, the National Institute for the Protection of Exceptional People (INPRO) was responsible for diagnosis and rehabilitation work. Between 2009 and 2010, the Institute had served approximately 187,000 persons, a historical record.

23. With respect to the rights of indigenous peoples, in recent years the Executive had enacted important Presidential Decrees to establish policies, such as Decree No. 1.945/09 which created the National Integral Programme of Indigenous Peoples (PRONAPI). The consultation process established in the ILO Convention No. 169 had also been established.

24. The delegation concluded by saying that Paraguay was a small country, with just over 6 million inhabitants, without direct access to the sea, and which had endured two international wars that had decimated its population. Still it had been able to maintain its independence, defeat dictatorships, and find a way towards a more just social coexistence on the basis of the respect for fundamental rights. The delegation was ready to answer questions, bearing in mind the limitations produced by this historical context, and requested

respectfully the support and assistance of all States present during the interactive dialogue for the consolidation of policies to promote and protect human rights in Paraguay.

25. The Minister presented to the consideration of the Delegations the following documents: 1) Resolution No. 2039 of 2010 of the Paraguayan Indigenous Institute, establishing compliance with the minimum requirements and obligations of the Consultation on the framework of ILO Convention No. 169 and its direct application. 2) Concept Paper on National Public Security Policy. 3) Resolution of the Interamerican Commission on Human Rights, revoking preventive measures on the case "Hospital Neuropsiquiátrico".

B. Interactive dialogue and responses by the State under review

26. During the interactive dialogue, 44 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

27. A number of delegations thanked the Government of Paraguay for its comprehensive national report, its inclusive preparation, its presentation and the high level of its delegation. Delegations also welcomed the positive steps taken by the country to consolidate democracy and the rule of law. Many States noted the importance of the 2008 presidential elections and recognized the commitment of the administration to the promotion and protection of human rights.

28. Brazil acknowledged the fact that the election of a democratic Government in Paraguay renewed expectations in the area of human rights. It highlighted the Human Rights Network of the Executive, the Human Rights Plan, the HIV/AIDS National Programme and the Cash Transfers Program "Tekoporã". Brazil noted it was working in partnership with Paraguay a process of regularization of the Brazilian community, recovering the dignity of up to 8,000 people. Brazil was concerned about the high poverty levels, gender violence, pay gap between men and women, use of torture in prisons, child labour and domestic workers' vulnerability. Brazil made recommendations.

29. Venezuela acknowledged Paraguay's commitment with human rights. Venezuela noted its challenges on domestic violence and highlighted several gender programs such as the Third National Plan of Action on Equal Opportunities among Men and Women, the Gender Unity of the Electoral Justice Court favouring the inclusion into the electoral lists of 20% of women, and the public awareness campaigns. Venezuela made recommendations.

30. Guatemala congratulated Paraguay's standing invitations to Special Procedures. Guatemala noted the plans, programs and campaigns aimed at strengthening the protection and promotion of human rights, particularly women and children rights, elderly, health, education, housing, work, migrants and human trafficking. Guatemala encouraged Paraguay to implement CRC's recommendations; to protect children against trafficking and sale; and to set up its National Plan to prevent children and adolescent's sexual exploitation. Guatemala was concerned about the rights of indigenous people and requested information about the measures adopted to support indigenous people.

31. Algeria encouraged Paraguay to go forward in the implementation of the reinforcement plan for the structure of the National Human Rights Network, making appropriate institutional resources available. Algeria also encouraged Paraguay to speed up the works to finalise the national public security policy, where human rights are an essential component, as well as its plan for the reform of the penitentiary system. Algeria made recommendations.

32. Moldova acknowledged the visible commitment of Paraguay with human rights, which it could also be seen through the adoption of the main international human rights

instruments and its cooperation with international mechanisms. Moldova made recommendations.

33. India noted that Paraguay had made significant progress in establishing democratic institutions. India highlighted the establishment of the Truth and Justice Commission and the adoption of a Constitution establishing a pluralistic form of Government. India also welcomed the establishment of the Human Rights Network of the Executive Branch. India stated that meaningful efforts had been made to foster gender equality. However, India made reference to concerns regarding the law participation of women in decision-making and public life, and asked about measures to promote equal remuneration for equal work for both men and women.

34. Palestine highlighted efforts by the Secretariat for Women of the Presidency of the Republic in designing, coordinating and implementing policies which incorporate a gender component to eliminate all forms of discrimination and promote equal opportunities. Palestine also appreciated efforts to reduce poverty and improve the quality of life of citizens through the National Strategy to reduce poverty and inequality. Palestine further noted efforts to improve access to education, with due regard to cultural specificities. Palestine made a recommendation.

35. Morocco asked whether the National Plan of Action for Human Rights foresees the inclusion of human rights education and training in other areas like school programmes, in addition to programmes for civil servants. Morocco also asked further information concerning the follow-up of recommendations contained in the final report of the Truth and Justice Commission. Finally, Morocco enquired about the difficulties that the Government generally had to face in the promotion and protection of human rights. Morocco made a recommendation.

36. Nicaragua acknowledged the achievements reached by Paraguay in the social and economic fields despite the turbulences of the present economic crisis. It highlighted the remarkable efforts and the advancements made in the modernization of the State, which has been provided with its own institutional and normative framework. While applauding Government's efforts in the struggle against poverty, Nicaragua stated that Paraguay had still important challenges to face in order to guarantee the full enjoyment of human rights to all its citizens. Nicaragua made recommendations.

37. The Holy See appreciated progress on human trafficking and highlighted the introduction in 2005 of the Inter-Institutional Forum to Combat Trafficking in Persons. It also welcomed the adoption of a decree in 2010 which authorizes the National Commission to review the prison system in the light of contemporary conditions of detention. Finally, the Holy See appreciated the efforts made to guarantee a national healthcare system. It made recommendations.

38. Thailand noted that Paraguay established a number of executive and judicial human rights mechanisms, as well as national plans, and encouraged the Government to implement and enforce those mechanisms to their fullest capacity. Thailand asked Paraguay about the implementation of the Programme to Provide Comprehensive Assistance to the Victims of Trafficking in Persons and any constraint it may face in combating trafficking of women and children. Thailand expressed its readiness to share its experiences in assisting victims of human trafficking. Thailand made recommendations.

39. Slovenia noted with interest efforts to provide officials, prosecutors and police forces with human rights training, and to introduce human rights education in schools' curricula. It welcomed legislative changes made in order to implement the CRC, although the Committee on the Rights of the Child had noted that the legislation was not yet in full compliance with the Convention, and the Special Rapporteur on the sale of children and child prostitution had criticized the practice of using children for domestic tasks in exchange

- for board and lodging. Slovenia inquired about steps to prevent child labour. Slovenia made recommendations.
40. Canada welcomed the efforts made by Paraguay to address indigenous rights and land settlement issues. It noted with concern that despite the equal status of women under Paraguay's Constitution, discrimination against women and domestic violence continue both in the workplace and in the home. While applauding efforts to develop legislation aimed at restoring the rights of, and protection for, children and adolescents, Canada noted reports about a large percentage of unreported births due to a lack of committed resources and the absence of registration offices in rural areas. Canada made recommendations.
41. Panama recognized Paraguay's cooperation with the United Nations system by adopting all human rights instruments, by the standing invitation to the Special Procedures and by establishing the OHCHR in the country. Panama noted Paraguay's challenges and achievements on human rights and welcomed its Human Rights Action Plan. Panama requested information about the scope of such Plan. It made a recommendation.
42. Poland noted with appreciation the fact that the rights of indigenous peoples had been set as a priority, and encouraged Paraguay to continue its efforts to eliminate discrimination by the indigenous population resulting in various inequalities for children. With regard to concerns expressed by the CRC on human trafficking, Poland asked what steps Paraguay intended to take to ensure protection of children from trafficking. Poland made recommendations.
43. Cuba highlighted efforts of the Truth and Justice Commission. It recognized that Paraguay had not adopted any amnesty law to exonerate serious crimes committed during the dictatorship. Cuba noted progress made in the fight against poverty and the increase in social investment. It noted the remaining challenge to address illiteracy among the indigenous populations. Cuba made recommendations.
44. Ghana asked about measures taken to respond to requests made by the ILO Committee and the Human Rights Committee to enforce the legislation prohibiting the recruitment of children by the military. It referred to the gap that exists between men and women's income at almost all levels, despite legal provisions on equal remuneration. Ghana made recommendations.
45. The United Kingdom of Great Britain and Northern Ireland noted that Paraguay had a good record of ratifying human rights treaties and welcomed its cooperation with OHCHR. While noting the legal recognition of indigenous rights in Paraguay, the United Kingdom encouraged more effective protection and promotion of these rights, in particular to resolve land claims, through the institutional framework. It asked what steps the Government was taking to implement the judgments of the Inter-American Court of Human rights with regard to the Yakye Axa and Sawhoyamaya communities. It further inquired about measures to implement the Basic Document for a national policy on public security. The United Kingdom made recommendations.
46. Malaysia noted positive steps taken as well as the continuous commitment in the promotion and protection of human rights since its democratic revival in 1989, and as evidenced through its ratification of various international human rights Conventions and instruments. It noted measures taken to address the problem of poverty and social inequality in the country. Malaysia made recommendations.
47. Germany noted that Paraguay had come a long way from a dictatorial system to a democracy that is respecting human rights. Referring to large disparities in the enjoyment of economic and social rights, Germany asked how the Government intended to secure necessary budgetary means to more effectively grant such rights. With reference to concerns expressed by the Special Rapporteur on Torture with regard to human rights

violations and corruption in prisons, Germany also wished to know how the Government addressed corruption in the prison, police and justice systems. Germany made a recommendation.

48. Norway noted Paraguay's constructive participation in the UPR. It referred to issues regarding gender equality, criminalization of abortion, inequality and limited public revenue, as well as the participation of civil society in the UPR preparatory process. Norway commended Paraguay for the efforts to enhance the human rights situation of indigenous peoples. Norway made recommendations.

49. Switzerland drew attention to deplorable conditions and overcrowding in prisons, as well as to the use of torture, especially in police stations, often with impunity. Switzerland also noted that corruption was widespread, and that the reinforcement of the rule of law and of an independent and impartial judicial system would be a fundamental condition for ensuring respect for human rights. Finally, Switzerland observed that the recognition of the rights of the indigenous population was not always fully ensured. Switzerland made recommendations.

50. The delegation of Paraguay proceeded to answer questions and address concerns raised during the interactive dialogue.

51. Regarding the Penitentiary System, it reminded that the Special Rapporteur on Torture and the Subcommittee on Torture had recently visited Paraguay. The Paraguayan government had received the recommendations of both mechanisms with great interest and was committed to progressively improve prison conditions. In this regard, by Decree No. 4674 dated 9 July 2010, a National Commission for Prison Reform had been established as a technical forum for discussion and support for the development of a plan to reformulate the treatment of persons deprived of liberty and the management of prisons. Likewise, the Government had decided to close by 2013 the first national penitentiary in Paraguay, named "Tacumbú National Penitentiary, which hosted half of the penitentiary population in the country. The Government would invest 35 million dollars in the next years to transfer the detainees to more adequate facilities that comply with international standards. Also it was worth noting that there was a bill on the implementation of a National Mechanism for the Prevention of Torture in Congress, which had already been preliminarily approved by the Senate.

52. With regard to cases of torture, the delegation explained the process followed to investigate allegations by the Office of the Prosecutor General and Units tasked with investigating human rights violations. According to statistics, every allegation had been officially investigated.

53. In response to queries about the situation of children and adolescents, the delegation further explained the institutional functioning of the National System for the Promotion and Protection of the Rights of Children and Adolescents. In addition, from 2008 to 2011, the budget of the National Secretariat for Children and Adolescents had increased by 400 per cent. The increase had been primarily devoted to the program "Abrazo" aimed at reducing child labor. For its part, the National Council for Childhood and Adolescence put forward programmes for the period 2009-2010 to address birth registration and the situation and rights of children and adolescents in the street, among others.

54. One of the most important accomplishments of the current Administration was having achieved free education until the secondary level, which encompassed full exemption from tuition, examination fees and costs of qualifications, together with the provision of resources and school supplies, for all students attending public schools. Investment in education and culture had risen by an average of 18.5 per cent annually. The Ministry of Education and Culture had a budget equivalent to 17.7 per cent of the general budget, representing 4.9 per cent of the GDP. With regard to the inclusion of human rights

content in schools curricula, the Ministry of Education and Culture, established in February 2009, had tasked the Directorate General of Human Rights with the mission of developing a National Plan on Human Rights Education.

55. The delegation reminded that the Constitution recognized the right of indigenous peoples and that Law No. 904/81 on the Status of Indigenous Communities recognized the legal status of these communities, 60 per cent of which had already obtained a legal title. In this regard, in 2010, 156 000 718 hectares had been granted to 17 communities. For its part, the Paraguayan Indigenous Institute had worked on three strategic areas since August 2009: land and territory, participation and ethnic development. For 2011, the Institute was planning the establishment of a protocol for consultations. Provisionally, it had adopted Resolution No. 2039 of 2010, establishing compliance with the minimum requirements and obligations of the Consultation on the framework of ILO Convention No. 169 and its direct application.

56. In relation to women's rights the Constitution had established the principle of equality and non-discrimination and urged the three branches of government to promote real and effective conditions for freedom and equality, remove obstacles that prevented or disrupted its enjoyment, and facilitate the participation of all citizens in political life. The Women's Secretariat of the Presidency of the Republic was of fundamental importance to the promotion of measures to help eliminate discrimination against women, for which it had implemented two plans for Equal Opportunity in earlier stages and to date was running the Third National Plan for Equal Opportunities between Women and Men 2008-2017. The Secretariat was also charged with the definition and implementation of the policy of prevention, care and protection for victims of gender violence. A service providing support for victims had been established in 2003. Currently, the Secretariat for Women was defining a policy of prevention, punishment and eradication of gender violence. In the judiciary, a series of measures to ensure access to justice for victims had been set up. On the other hand, in 2008 the National Police had launched a first specialized unit providing special care for women, children and adolescents victims of domestic and gender violence. In 2010, 6 such units had already been created in different parts of the country. The Government had the intention to open 11 more in the course of 2011.

57. Spain highlighted efforts for the promotion and protection of human rights made by Paraguay, in particular the creation in 2010 of the Human Rights Network of the Executive Branch and the elaboration of the Plan of Action 2010-2011. Spain also highlighted the important work of the Truth Commission and its 2008 report and recommendations which should be implemented. Spain made recommendations.

58. France noted that, according to the Permanent Forum on Indigenous Issues, nearly 90 percent of the indigenous population did not have access to medical services. In addition, according to the Special Rapporteur on the right to education, the illiteracy rate among the indigenous population over the age of 15 had risen to 40 per cent. France also highlighted continuing difficulties faced by the Yakya Axa and Sawhoyamaxa communities regarding access to land. It further drew attention to concerns expressed by the CRC on the problems of street children and child labour. France welcomed initiatives for the protection of rights in connection with sexual orientation and gender identity. France made recommendations.

59. Turkey commended Paraguay's efforts to establish institutional mechanisms for the promotion and protection of human rights, in particular, for creating a system to follow-up on the recommendations of the treaty bodies. Turkey asked about progress made in the implementation of the Judicial Assistance Service which provide channels of communication those who provide justice and their community. Turkey made a recommendation.

60. Argentina commended Paraguay for the adoption of the UN Plan of Action on human rights education in primary and secondary levels. It congratulated Paraguay for the recent ratification of the International Convention for the Protection of All Persons from Enforced Disappearance. Argentina also referred to efforts to address gender violence, including the trafficking of women and children. Argentina made recommendations.

61. Azerbaijan noted the institutional and legal reforms undertaken by Paraguay in the promotion and protection of human rights. It commended Paraguay for fulfilling its commitment to submit reports to the treaty bodies, the establishment of the Ombudsman Office with A status and the integration of human rights education in primary and secondary schools curriculum. It noted challenges of poverty. Azerbaijan made a recommendation.

62. The Republic of Korea welcomed the continuous efforts and determination of Paraguay to promote and protect human rights. The Truth and Justice Commission had played a crucial role in the establishment of democratic institutions. However, it was concerned that torture and ill-treatment still usually took place at the initial stage of police custody, and that impunity in the criminal justice system reportedly remained widespread. The persistence of the use of children for domestic work was also worrying. Finally, ROK observed the marginalization of indigenous groups in the areas of land opportunities and education. It made recommendations.

63. Hungary commended Paraguay for the comprehensive report and for the establishment of the Truth and Justice Commission. While acknowledging the legal recognition of indigenous peoples and their collective right to land, but noted remaining concerns. Hungary further raised concerns on prison conditions, and the delay in enacting legislation to establish a national system for the prevention of torture. Hungary made recommendations.

64. Bolivia valued the normative framework on the rights of indigenous peoples. It noted that Paraguay had ratified most core international human rights instruments, had submitted its due reports to treaty bodies, had an A-status Ombudsman and is working with the support of a National Human Rights Network in the Executive Branch. It encouraged Paraguay to continue with its efforts. Bolivia made recommendations.

65. China expressed appreciation for the efforts undertaken by Paraguay to promote and protect human rights. It also commended efforts by the Government to fight poverty and social injustice through State institutions. China made recommendations.

66. Slovakia noted positively that Paraguay was a party to most core international human rights instruments and that it had an A-status accredited Ombudsman. It expressed concern about reported persistence of child labour and noted that the CRC had in 2010 regretted that its national legislation was not fully in conformity with the Convention. Slovakia made recommendations.

67. The United States of America requested information on plans to combat violence; plans for greater transparency and modernization in the judiciary and weaknesses in the judicial system; as well as to address official corruption. It also asked about efforts to further eliminate torture and cruel, inhuman or degrading treatment in prisons and in detention. It made recommendations.

68. Japan commended Paraguay's commitment with human rights, including through the ratification of a wide range of international instruments, the submission of reports to treaty bodies, and its acceptance of visits of Special Rapporteurs. It looked forward to the steady implementation of the international human rights treaties. Japan welcomed changes to the criminal code since 1997, in particular the criminalization of domestic violence, sexual abuse and trafficking in persons. Japan remained concerned about the wide use of

preventive detention of youths and the frequent use of torture in police custody. Japan made recommendations.

69. Ecuador commended Paraguay for its efforts during the last ten years in the consolidation of a comprehensive policy for the protection of human rights. It noted the role played by the Human Rights Network within the Executive Power in the coordination of human rights policies. Ecuador highlighted progress made in the areas of education and social programmes to assist families in need, which demonstrate Paraguay's commitment.

70. Sweden asked Paraguay about actions to combat gender-based discrimination in law and practice. While referring to provisions in the Constitution regarding discrimination on a number of grounds, it also noted that socio-cultural traditions that discriminate against women persist. It also noted that there are no laws explicitly prohibiting discrimination against LGBT persons in employment, housing, access to education or health. Sweden made recommendations.

71. Honduras noted the recent creation of a number of human rights bodies, including the Human Rights Network of the Executive Branch. The commitment of the Government was also demonstrated by the elaboration of the Human Rights Action Plan 2010-2011. Honduras appreciated that Paraguay had extended a standing invitation to Special Procedures and increased cooperation with OHCHR and the UN country team. However, Honduras shared concerns expressed by CRC and CEDAW on human trafficking and legislation on sexual exploitation and encouraged Paraguay to take increased efforts to address these concerns. Honduras made recommendations.

72. Mexico recognized progress made by Paraguay in the recognition of the right of indigenous people to collective land property and the implementation of policies to fight poverty and social inequality. It took note of efforts to investigate, punish, redress and prevent human rights violations by state and non-state agents during the dictatorship. Mexico made recommendations.

73. Australia recognized ongoing efforts to strengthen human rights legislation and establish related institutions. It also welcomed efforts to meet the needs of all Paraguayans, especially rural and indigenous communities. Australia further welcomed the existing freedom of assembly, association and religions, as well as efforts to end discrimination based on sexual orientation and gender. However, it was concerned by harassment of and discriminations against women, minorities and indigenous peoples. It also welcomed progress in bringing perpetrators of past human rights abuses to justice, but was concerned by reports of security force heavy-handedness, as well as unacceptable prison conditions. Australia made recommendations.

74. Colombia commended Paraguay for its national report. It highlighted the firm commitment of Paraguay to ensure that violations committed during the military dictatorship do not occur again. Colombia welcomed efforts to address all forms of discrimination. Colombia reiterated its willingness, within the framework of bilateral agreements to continue cooperating with Paraguay on efforts to counter terrorism and common crime. Colombia made recommendations.

75. Costa Rica congratulated Paraguay on the greatly improved human rights situation since the end of the dictatorship and for the ratification of international human rights instruments. It recognized the enormous efforts undertaken in this regard and expressed understanding that full implementation would need time and resources. Costa Rica also appreciated the establishment of an independent human rights institution. It expressed satisfaction concerning the adoption of the Action Plan for human rights education, which requires the teaching of human rights at primary and secondary school levels. It made recommendations.

76. Peru highlighted the inclusive process for the elaboration of the national report, which also describes the challenges faced by Paraguay in the promotion and protection of human rights. It noted progress, such as the establishment of the Truth and Justice Commission, important efforts to address poverty, as well as efforts to ensure free and mandatory basic education and bilingual education in Guaraní and Spanish. Peru made recommendations.

77. Uruguay recognized efforts made by Paraguay to provide human rights training to government officials and poverty reduction strategies and programs. It highlighted the importance of incorporating the recent history in the school textbooks, as well as the search of disappeared persons. It shared concerns in the region regarding the security of persons and asked if Paraguay had an official registry of police arms. Uruguay made recommendations.

78. The Dominican Republic acknowledged the progress made by Paraguay in the area of human rights and made a number of recommendations.

79. At the beginning of the concluding remarks, the delegation addressed the issue of public safety. The Ministry of Interior had developed and recently submitted a Concept Paper on National Public Security Policy, which aimed to outline general guidelines for specifying levels of public safety and governance that allow the full exercise of rights and liberties. The application of this basic document explicitly implied protecting, promoting and protecting human rights. It focused on the prevention and investigation of the crime in line with recognized international standards. In line with the modernization and reform of the National Police of Paraguay, the Ministry had the goal of preparing policing protocols (none previously) in order to provide both, a practical tool and a monitoring and control device which will allow the police to attain the highest standards in the area of promoting and protecting human rights.

80. The delegation also referred to the issue of trafficking in persons and described the efforts undertaken to combat it. At the international level it called for enhanced cooperation to comply with the international instruments on this issue. At the national level, it explained that from 2009 the Paraguayan police had established a special unit to combat trafficking.

81. The delegation also mentioned the fact that recently mass graves belonging to political prisoners of the dictatorship have been discovered. Currently the competent authorities were digging them and trying to identify the remains.

82. Finally, the delegation answered the questions relating to the rulings of the Inter-American Court on Human Rights related to indigenous issues in Paraguay. In order to facilitate their compliance it was necessary to reach consensus with various stakeholders within Paraguayan society. The cases were complex and required a high content of mutual understanding and concessions from all parties.

83. The delegation acknowledged all delegations for the fruitful interactive dialogue and for the recommendations put forward, that would be carefully considered.

II. Conclusions and/or recommendations

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

- 84.1. Implement all provisions in the Convention on the Rights of Persons with Disabilities, among others, elimination of physical barriers to information, public transportation and buildings (Thailand);

- 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);
- 84.3. Continue its efforts in order to strengthen legislation to prevent and punish the use of boys and girls in pornography (Argentina);
- 84.4. Continue to consolidate the Human Rights Network of the Executive Branch (Venezuela 2, Honduras 3, Dominican Republic);
- 84.5. Take additional efforts on children's issues, including the compilation of statistical data, establishment of a monitoring system and overall enhancement of child protection measures (Japan);
- 84.6. Ensure, within the mandate of the Department for the Rights of Children and Adolescents of the Ombudsman, that children's rights complaints mechanisms are easily accessible and child-sensitive (Slovakia);
- 84.7. Strengthen the national system of protection and promotion of childhood and adolescence (Peru);
- 84.8. Continue to make progress in the institutional consolidation of the mechanisms responsible for protecting and promoting the rights of persons with disabilities (Colombia);
- 84.9. Further improve human rights records in the country (Azerbaijan);
- 84.10. Put into practice the plan to establish a system of human rights indicators (Algeria);
- 84.11. Make the National Plan for the Prevention and Eradication of Commercial Sexual Exploitation of Children operational by ensuring public funding (Poland);
- 84.12. Expand the coverage of programs that combat poverty, such as "Tekoporã" (Brazil);
- 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 programs for the promotion and protection of human rights of persons that are in conditions of vulnerability (Panama);
- 84.16. Continue implementing programmes and measures to improve the enjoyment of the right to education and the right to health, including for the indigenous peoples (Cuba);
- 84.17. Continue full cooperation with the international human rights mechanisms (Honduras, Dominican Republic);
- 84.18. Continue with its full cooperation with the human rights international mechanisms, particularly with the Treaty Bodies (Venezuela);

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- 84.19. Continue efforts to ensure the submission of national reports to the treaty bodies (Honduras, Dominican Republic);
- 84.20. Undertake a participatory and inclusive process with civil society organizations, including indigenous peoples organizations, in the implementation of UPR recommendations (Norway);
- 84.21. Continue to strengthen the gender approach in all spheres of national life with positive measures to achieve the effective promotion and protection of the rights of women (Venezuela);
- 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);
- 84.23. Continue affirmative action measures to strengthen the participation of women in publicly elected posts (Costa Rica);
- 84.24. Continue promoting the prompt adoption of a law against all forms of discrimination, in accordance with its international human rights commitments (Bolivia);
- 84.25. Continue to make progress in measures to prevent discrimination against any person due to its sexual orientation or gender identity (Colombia);
- 84.26. Ensure that persons with disabilities have appropriate access to facilities and services, including education, information, and public transportation (United States);
- 84.27. Abolish the death penalty under the military legislation (Slovenia and Spain);²
- 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 the 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 (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 as well as 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);

² The recommendation as read by Spain during the interactive dialogue: Adopt legislative measures with a view to abolish the death penalty for all instances Adopt legislative measures with a view to abolish the death penalty for all instances.

- 84.32. Redouble its efforts to eradicate child labour, and accord all possible protection and assistance to children living or working in the streets (Republic of Korea);
 - 84.33. Continue working on the implementation of the recommendations of the Truth and Justice Commission, including the search for those who disappeared during the dictatorship (Cuba);
 - 84.34. Continue efforts to investigate human rights violations committed during the military dictatorship and provide victims and their families with the corresponding reparations (Uruguay);
 - 84.35. That the family, as defined in the Constitution, remains the genuine expression of national culture (Holy See);
 - 84.36. Continue with the design and implementation of programs fighting poverty and extreme poverty with a human rights approach to overcome structural inequality (Uruguay);
 - 84.37. Continue with its plans and policies to ensure that economic improvements benefit socially all the population (Cuba);
 - 84.38. Strengthen policy that would protect, promote and facilitate the implementation of the right to food, especially for the population who live below poverty line (Malaysia);
 - 84.39. Continue promoting programmes protecting the right to food, through sustainable agriculture that preserve the eco-system (Bolivia);
 - 84.40. Continue strengthening the decentralization of healthcare services to increase coverage, particularly in rural areas (Bolivia);
 - 84.41. Take on board the concerns expressed in connection with the implementation of the right to education for all citizens (Algeria);
 - 84.42. Step up efforts to improve the literacy rate among the indigenous communities and the people who live in rural areas (Malaysia);
 - 84.43. Continue with its literacy efforts, access to bilingual education and the promotion and protection of the Guaraní language, in all its territory (Bolivia);
 - 84.44. Consider taking comprehensive measures to address indigenous peoples' claims, giving due consideration to the UN Declaration on the Rights of Indigenous Peoples (Republic of Korea);
 - 84.45. Redouble efforts to resolve the problem of indigenous lands and prioritize support for the National Indigenous Institute (Switzerland);
 - 84.46. Take further measures to protect the collective property rights of all indigenous citizens (Hungary);
85. The following recommendations enjoy the support of Paraguay which considers that they are already implemented or in the process of implementation.

- 85.1. Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (Moldova);³
- 85.2. Conclude as soon as possible the ratification process of the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights (Spain);⁴
- 85.3. Adopt, as soon as possible, a bill against all forms of discrimination (Uruguay);
- 85.4. Pass legislation implementing the Rome Statute of the International Criminal Court into domestic law (Australia);
- 85.5. Adopt promptly the bill that brings the definitions of torture and enforced disappearances in line with the human rights international instruments (Peru);
- 85.6. Ensure the full incorporation of CRC into its domestic legislation (Slovakia);
- 85.7. Put into practice the plan to set up an institution dealing with matters related to justice and human rights (Algeria);
- 85.8. Adopt and implement at soon as possible the draft law for the creation of the national mechanism for the prevention of torture (Mexico);
- 85.9. Fully implement the National System for Comprehensive Protection and Advancement of Children and Adolescents to help protect vulnerable children and adolescents (Canada);
- 85.10. Strengthen the role of the National Council for Childhood and Adolescence (Poland);
- 85.11. Designate an appropriate institution for the implementation and observance of the Convention on Rights of Persons with Disabilities (United Kingdom);
- 85.12. Develop and implement gender equality policies, particularly in the labour market, and policies to fight sexual and domestic violence (Brazil);
- 85.13. Designate a coordinator for the implementation of the Convention on the Rights of Persons with Disabilities; establish indicators for compliance and supervision; ensure that the oversight mechanism has an adequate status to contribute and follow up on a national policy on disability, and ensure that disability is considered as a cross-cutting issue in its public policies (Spain);
- 85.14. Continue to submit its reports on the implementation of the CEDAW (Norway);⁵

³ The recommendation as read during the interactive dialogue: Ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the International Convention for the Protection of All Persons from Enforced Disappearances.

⁴ The recommendation as read during the interactive dialogue: Conclude as soon as possible the ratification process of the Optional Protocol to the International Covenant of Economic, Social and Cultural Rights and to the International Convention for the Protection of All Persons from Enforced Disappearance.

⁵ The recommendation as read Turing the Interactive dialogue: Submit its report on the implementation of the CEDAW.

- 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 International Convention on the Elimination of Discrimination Against Women (Sweden);
- 85.17. Take measures to rectify the situation of low participation of women in decision-making bodies and public life, the wage gap between women and men, and the high illiteracy rate among women (Norway);
- 85.18. Address the problem of low participation of women in the political life and in the decision-making bodies, in particular through the consideration of affirmative measures (Slovenia);
- 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);
- 85.20. Continue its efforts in order to increase the participation of women in decision-making bodies and public institutions (Argentina);
- 85.21. Adopt new measures to ensure greater participation and representation of women in the Public Administration, as well as equal remuneration for men and women (Peru);
- 85.22. Ensure equal remuneration between men and women in practice (Slovenia);
- 85.23. Promote gender equality, including equal remuneration for men and women for equal work (Ghana);
- 85.24. Pursue the necessary measures to promote the principle of equal remuneration between women and men (Turkey);
- 85.25. Take measures to end discrimination based on race and ethnicity (Sweden);
- 85.26. Adopt and promulgate as soon as possible the draft law on all forms of discrimination and to include in this draft law discrimination on the basis of sexual orientation and gender identity (France);
- 85.27. Take the necessary measures to effectively combat discrimination based on sexual orientation in law as well as practice (Sweden);
- 85.28. Stipulate a clear definition of the crime of torture in its national legal framework in compliance with CAT and ensures investigation of all allegations of torture and ill-treatment, bring perpetrators to justice in compliance with international fair trial standards, providing rehabilitation to victims (Slovakia);
- 85.29. Consider adopting legislation or other new measures to more fully monitor, report, investigate, and prosecute all allegations of torture, extrajudicial execution, or other abuse of those in prison (United States);

- 85.30. Fully investigate all allegations of torture or ill-treatment and, if appropriate, bring the perpetrators of such acts to justice, and consider bringing the Criminal Code into compliance with CAT (Republic of Korea);
- 85.31. Ensure that cases of torture and ill-treatment are effectively investigated and that the perpetrators are prosecuted; and adapt the national definition of torture to that contained in the Convention against Torture (Switzerland);
- 85.32. Take effective steps in order to halt and prevent the frequent use of torture during the first days of police custody, in a manner which is consistent with its obligations under the Convention Against Torture (Japan);
- 85.33. Adopt measures to fight impunity in cases of torture (Costa Rica);
- 85.34. Ensure that the complaints mechanisms of the Ombudsman are easily accessible to all in need, including children (Slovenia);
- 85.35. Ensure the effective exercise of the right to conscientious objection and ensure that no minor (under 18) is recruited into the armed forces (Slovenia);
- 85.36. Implement effectively the legislation prohibiting the forced military recruitment of children under the age of 18 (Ghana);
- 85.37. Comply with the legislation prohibiting the forced military recruitment of children (Hungary);
- 85.38. Put in place measures to effectively prevent under-age military recruitment (Japan);
- 85.39. That the country's judicial and prison systems work toward the improvement of prison conditions in line with international standards (Holy See);
- 85.40. Take the necessary measures to ensure conditions of detention in prisons in conformity with the international standards (Switzerland);
- 85.41. Step up efforts to end abusive practices by security forces and improve prison and detention centre conditions (Australia);
- 85.42. Adopt a new prison policy in order to improve prison conditions and, if possible, increase the salaries of prison guards and administrative staff (Hungary);
- 85.43. Amend the penal code and domestic abuse laws to prohibit all forms of domestic abuse, not just abuse deemed habitual or excessive (Canada);
- 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, healthcare, education and shelter (Hungary);
- 85.51. Apply its anti-corruption legislation in a rigorous manner and ensure the effectiveness, independence and impartiality of the judicial system (Switzerland);
- 85.52. Continue to promote the modernization of the country's judicial and administrative systems (China);
- 85.53. Consider enacting and implementing objective and balanced criteria for the seating and removal of judges that limit political interference and place an emphasis on improving the objectivity and effectiveness of Paraguay's justice system (United States);
- 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);
- 85.55. Ensure the right to equal and satisfactory working conditions, particularly to domestic workers (Brazil);
- 85.56. Intensify its efforts regarding the fight against poverty with the aim of achieving the pertinent objectives of the Millennium Development Goals (Morocco);
- 85.57. Step up programmes against extreme poverty and improve the quality of life of the population (Algeria);
- 85.58. Take effective measures to reduce the high maternal mortality rate (Slovenia);
- 85.59. Make further efforts to ensure free education for all, since much of the burden still remains with the families (Nicaragua);
- 85.60. Step up its efforts in providing equal opportunities to education and work to both vulnerable groups and minorities (Thailand);
- 85.61. Accord special attention, within its public policy on teaching, to the education of indigenous persons and children living in poverty (Costa Rica);
- 85.62. That constant protection be provided to indigenous people and their rights over their lands and the preservation of their culture (Holy See);
- 85.63. Strengthen its efforts for the protection of the rights of the indigenous population. Create a specific national mechanism to address any complaint by the indigenous population in

relation to the use of its traditional land, and ensuring the participation of indigenous groups and their representatives (Spain);

- 85.64. Strengthen implementation of the comprehensive public policy for indigenous peoples, with a view to promoting and protecting all their rights, and strengthen the Paraguayan Indigenous Institute to ensure the right to consultation and participation of indigenous peoples in decision-making, in accordance with its obligations under the 169 ILO Convention (Bolivia);
- 85.65. Establish an effective mechanism to address the claims of indigenous people to their traditional lands, with the appropriate participation of indigenous groups, and that resulting decisions are implemented (United Kingdom);
- 85.66. Take measures in order to ensure the compliance with the ILO convention 169 and the Declaration on the Rights of Indigenous Peoples, including the recognition of the right to land and natural resources of all indigenous peoples in Paraguay (Norway);
- 85.67. Develop a comprehensive and forgery-proof land registry to enable indigenous communities to hold legal titles to their ancestral land (Germany);
- 85.68. Fully implement the rulings of the Inter-American Court on Human Rights regarding indigenous land claims by the Yakye Axa and Sawhoyamaxa indigenous communities quickly and effectively (Canada);
- 85.69. Take measures to implement rulings from the Inter-American Court of Human Rights on land rights of indigenous communities in Paraguay (Norway);
- 85.70. Implement the rulings of the Inter-American Court of Human Rights relating to the Yakya Axa and Sawhoyamaxa communities, rendered in 2005 and 2006 respectively, which stipulate, particularly, that the lands claimed by these two communities must be restored to them (France);
- 85.71. Institutionalize a consultation mechanism with indigenous community assemblies in order to include them in any decision-making that might affect their rights and interests (Mexico);
- 85.72. Pursue appropriate, efficient policies to address the access of its indigenous population to employment, medical services, education and housing (Slovakia);
- 85.73. Ensure the enjoyment of all human rights by migrants and strengthen the efforts to regularize them (Brazil);

86. The following recommendations will be examined by Paraguay which will provide responses in due time, but no later than the 17th session of the Human Rights Council in June 2011.

- 86.1. Brief regularly the Council on the follow up of UPR recommendations (Hungary);
- 86.2. Develop an action plan to address disparities in socio-economic indicators between persons belonging to indigenous communities and non-indigenous persons (Sweden);
- 86.3. Incorporate a section on rehabilitation of victims of torture into the draft bill on the national system for the prevention of torture (Hungary);

86.4. Survey the extent of unsafe illegal abortions and introduce measures to safeguard women's universal right to life and health (Norway);

86.5. Take the necessary measures to eliminate the socio-economic disparities affecting indigenous populations (France);

87. All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.

Annex

Composition of the delegation

The delegation of Paraguay was headed by His Excellency, Humberto Blasco, Minister of Justice and Labour and composed of the following members:

- Mr. Jorge Lara Castro, Ambassador, Vice-Minister of Foreign Affairs;
- Mr. Carmelo Caballero, Vice-Minister of Internal Security of the Ministry of Interior;
- Mr. Federico González, Ambassador, Permanent Representative of Paraguay;
- Ms. Lida Acuña, President of the Paraguayan Indigenous Institute (INDI).
- Ms. Tania Abdo, Director General for Human Rights, Ministry of Justice and Labour;
- Ms. Inés Martínez, Minister, Director for Human Rights, Ministry of Foreign Affairs;
- Ms. Nury Montiel, Director for Human Rights, Supreme Court of Justice;
- Ms. María Elena Rivarola Cáceres, Director of the Human Rights Office, Ministry of Public Health and Welfare;
- Mr. Ricardo González Borgne, Director of the Cabinet, National Secretariat for Childhood and Adolescence;
- Ms. Teresita Silvero, Director of the Cabinet, Secretariat for Women;
- Mr. Jorge Rolón Luna, Advisor of the Vice-Minister of Internal Security, Ministry of Interior;
- Mr. Roberto Zacarías, Legal Advisor of the Attorney General;
- Mr. Juan Ángel Delgadillo, Minister, Permanent Mission of Paraguay;
- Mr. Señor Raúl Martínez, First Secretary, Permanent Mission of Paraguay;
- Mr. Luis Carlos García, Third Secretary, Private Secretary of the Minister of Foreign Affairs;
- Ms. María Noelia López, Third Secretary, Chief of Cabinet of the Vice-Minister of Foreign Affairs;
- Mr. Luis Romero, Chief of Press of the Ministry of Foreign Affairs.

