



## Economic and Social Council

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### Committee on Economic, Social and Cultural Rights

## Consideration of reports submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights

### Fourth periodic reports of States parties due in 2011

### Paraguay\* \*\*

[6 October 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document has not been formally edited.

\*\* The information presented in accordance with the harmonized guidelines for the initial part of the States parties' report is contained in the core document of Paraguay (HRI/CORE/PRY/2010).

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## I. Methodology

1. This report was produced by the Ministry of Public Health and Social Welfare and the Ministry of Foreign Affairs, in consultation with the Human Rights Network of the Executive Branch, the judiciary, the legislature, the Public Prosecution Service and the Ombudsman's Office. Technical assistance was provided by the Office of the United Nations High Commissioner for Human Rights (OHCHR).
2. Governmental and civil society organizations provided input for the consultation by sending institutional reports, expressing their views and making observations.
3. The common core document of Paraguay was updated in April 2010 in accordance with the requirements of the harmonized guidelines on reporting.
4. The present report was prepared using the reporting guidelines provided by OHCHR and their basic structural, processing and outcome indicators. Emphasis has been placed on the implementation of public policies, which although not far-reaching enough in some cases, do demonstrate political will inasmuch as they provide for strategies and activities based on a human rights approach. The Paraguay for All: Proposal for Public Social Development Policy for 2010–2020 (PPDS) contains flagship targets aimed at consolidating commitment to the Millennium Development Goals (MDG). The proposal includes 10 flagship programmes with objectives, indicators and specific and cross-cutting themes, which aim to meet the proposed targets on economic, social and cultural rights.

## II. Government's replies to the Committee's recommendations

<i>Articles</i>	<i>Recommendation</i>	<i>Concerning</i>	<i>Paragraphs</i>
Article 1	23 (b)	Demarcation and return of indigenous peoples' ancestral lands	5 to 13
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Article 4		Limitations on the exercise of rights	47
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Articles 6, 7 and 9	23 (e)	Guarantees for the exercise of labour and social security rights	50 to 65, 81 to 87, 91 to 93, 95 to 100
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Article 11.2	31	Adoption of measures to combat hunger and malnutrition	168 to 201
Article 12	23 (i)	Right to free, high-quality health care	221, 223 to 230, 235 to 240, 242 to 247, 249 to 251, 253 to 260, 265 to 268, 271 to 276, 279 to 285, 289, 305 to 308, 310, 323
Article 12	33	Improvement of mental health care for persons undergoing psychiatric treatment	330 to 332
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Article 14		Free, compulsory, primary education	364 to 366, 368 to 371, 375
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## Article 1

### Right to self-determination of peoples; restitution of land to indigenous peoples

5. The National Institute of Indigenous Affairs (INDI) is part of the 2020 plan<sup>1</sup> and the 2013 targets.<sup>2</sup> It was included in the context of the flagship programmes<sup>3</sup> to restore part of indigenous peoples' ancestral lands.

6. The process of allowing access and granting communal land titles to indigenous peoples has continued under the flagship Territory, Participation and Development Programme, established in 2008, which aims to initiate a process of social development and improve the quality of life of those communities. The target set for 2013 is to establish titles for 70 per cent of indigenous territories. These include territories that are the subject of complaint before international bodies.

7. The target set for 2010 was met to the extent of 88 per cent.

8. With regard to progress made towards the targets set for 2011, the purchase of 105,000 hectares of land is currently being negotiated, chiefly by the Executive Inter-Institutional Commission for Compliance with International Judgements.<sup>4</sup>

9. INDI's indigenous communities register includes 550 communities, 417 of which have legal personality with the capacity to hold title to communal land. It is estimated that approximately 60 per cent of indigenous communities have communal ownership. This figure meets the target set by the Land Acquisition Plan for indigenous communities for 2010.

10. In response to the urgent demand for land and territory, and with priority given to cases before the Inter-American Court of Human Rights and petitions submitted to the Inter-American Commission on Human Rights (IACHR), INDI acquired 8,748 hectares of land in 2011 for the Kelyenmagategma (Puerto Colón) indigenous community in the Villa Hayes District, Presidente Hayes Department, Pueblo Enxet – case No. 12629 (IACHR) “Kelyenmagategma (Puerto Colón) Indigenous Community of the Enxet People”.

11. Similarly, 1,246 hectares of land were acquired for the Arroyo Porâ indigenous community in the Corpus Christi District, Canindeyú Department.

12. In 2010, 116,348 hectares of indigenous land were acquired and land titles granted. An additional 140,013 hectares<sup>5</sup> are before the Chief Government Notary awaiting transfer of ownership.

13. Similarly, with respect to the targets set for the end of June 2011, 9,994 hectares of land were acquired, which added to the land acquired in 2010, totalled 161,302 hectares of land towards the 2011 priority targets.

14. INDI's main aim in 2011 was to enable indigenous organizations to participate as part of the “Give a voice back to the voiceless” campaign, which it achieved through the

<sup>1</sup> The 2020 plan consists of the Paraguay for All: Proposal for Public Social Development Policy for 2010–2020, a proposal for socioeconomic development focused on equity, equality and universality.

<sup>2</sup> Based on the general vision of the 2020 plan, and in particular the vision for 2013, 12 objectives have been identified along with their corresponding indicators and targets. These targets result from the commitments undertaken by the Government, and are inspired by and aligned with the Millennium Development Goals.

<sup>3</sup> The so-called “flagship” programmes have been designed to help achieve the 2013 priority targets.

<sup>4</sup> See annex I, figure 1.

<sup>5</sup> See annex I, figures 2–5.

adoption of a direct consultation policy. The institute maintains links with more than 34 indigenous organizations.

15. In 2010, 116 community leaders were registered; 4,000 births were entered in the Civil Registry; 10,047 national identity cards were issued to indigenous persons, and 12,600 indigenous identity cards were issued.

16. In 2010, it was established that INDI should participate in all indigenous community consultation processes authorized by the Assembly of Indigenous Organizations.

## **Article 2**

### **Adoption of measures and guarantee for the exercise of rights**

17. Paraguay is a signatory to economic and technical assistance and cooperation agreements with countries in Europe, Asia and America and with international and multilateral organizations, primarily in areas such as public investment loans, strengthening of democracy, consolidation of new institutions and support for social programmes, technical assistance, equipment supplies and human resources development.<sup>6</sup>

18. Public policy to finance and improve statistics is now incorporating a gender perspective. An intersectoral research panel has been established and its findings are reflected in the “Inclusion of the gender perspective in the public budget” publication, which details the training to be given to state officials on the subject. As a result of the panel’s work, article 26 of Decree No. 6495/11 on guidelines for the preparation of the Annual Operating Plan and Annual Investment Plan for the 2012 national budget addresses the subject by expressly including, from this year onwards, a fourth government guideline under the title: “Promoting equality, eliminating discrimination and eradicating violence against women”. It is also stipulated that the data used for drawing up the two plans for the national budget must be disaggregated by gender.

#### **1. Trafficking in persons**

19. In accordance with the recommendation contained in paragraph 25 of the Committee’s concluding observations, the Criminal Code has been amended in regard to trafficking in persons. Previously, cases were only classed as acts of trafficking if carried out for the purpose of sexual exploitation, but following the amendment (Act No. 3440/08) the definition has included all forms of personal or labour exploitation or removal of human organs and tissue. The reform was carried out in line with the provisions of the Palermo Protocol, pursuant to the requirements of United Nations Security Council Resolution 1373.<sup>7</sup>

#### **2. Domestic work**

20. The Tripartite National Commission to analyse and promote equal participation of women in employment addressed the idea of “paid domestic work” in the national agenda. Thematic round tables, such as the national round table on job creation for young people and on the link between civil society and State institutions led by the Documentation and Study Centre (CDE), have been established to address the issue of domestic child labour and the problems of vulnerable young people, including single mothers and domestic workers. Ethnic groups and persons with disabilities are also on the agenda.

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<sup>6</sup> Details of areas of cooperation and projections are set out in annex II.

<sup>7</sup> The amendments to the Criminal Code relating to the offence of trafficking are contained in annex III.

21. The Ministry of Justice and Labour consulted domestic workers in the capital and leaflets were distributed explaining their labour rights and where and how they could submit complaints. In partnership with the Documentation and Study Centre, the Ministry also held workshops for labour officials, inspectors and mediators.

22. At the Specialized Meeting of Women of MERCOSUR and Latin American Countries, the Secretariat for Women of the Office of the President of the Republic issued a declaration on domestic work, in response to a recommendation of the International Labour Conference. It was endorsed by the joint ministers and high-level authorities and presented at 100th World Conference of the International Labour Organization (ILO), where it was duly approved and proclaimed.

23. The PARES project (by the NGO Alter Vida) for gender equality at work made domestic employment a priority on the national and regional agenda. As part of dissemination and awareness-raising activities, a short film was made on domestic workers and the situations and legal discrimination to which they are exposed. The project led to the creation of joint machinery (State/civil society) in the interior of the country and promoted good labour practices at the municipal level.

24. Civil society organizations have issued publications such as “What needs to change – for the legal equality of workers in domestic service” (CDE/PARES/Alter Vida/European Union/Inter-church Organization for Development Cooperation (ICCO)) and “Necessary, Invisible, Discriminated – domestic workers in Paraguay” (CDE/ILO). National State institutions, such as the Social Security Institute (IPS) and the Ministry of Justice and Labour, analysed the demands put forward, which were subsequently expressed in IPS resolution No. 089-012/09 on national health coverage for paid domestic workers.

25. In July 2011, a Subcommittee on Fundamental Rights at Work and the Prevention of Forced Labour was formed in response to complaints brought before the international courts concerning alleged cases of debt bondage in the Paraguayan Chaco and relegation to rural work sites in Paraguay. With support from ILO, a regional office was established, to monitor the application of standards in the affected areas, and to disseminate regulations to protect workers as well as international agreements signed by Paraguay. A regional action plan is to be drawn up on these rights.

### **3. Indigenous peoples**

26. INDI takes protective measures through appeals lodged with the courts in order to safeguard the rights of indigenous peoples. It deals with cases where those rights are threatened, such as those of forced evictions or displacements of indigenous communities by landowners, ranchers, soy farmers and peasants.

27. In 2010, the National Centre for Indigenous Affairs (CENADI) was established to meet the specific demands of indigenous individuals, leaders and communities and to expedite formalities to deal with their claims, by providing follow-up and registering responses.

### **4. Ombudsman’s Office<sup>8</sup>**

28. Between 2008 and 2010, the Ombudsman’s Office acted in defence of health, labour, education, social security and housing rights, in coordination with the Ministry of Education and Culture, the Ministry of Public Health and Social Welfare, the Ministry of

<sup>8</sup> Detailed analysis of the cases considered and the results of activities undertaken by the Ombudsman’s Office are contained in annex IV, pursuant to the recommendation contained in paragraph 35 of the Committee’s concluding observations.

the Interior, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice and Labour and the Municipality of Asunción.

29. The Office of the Ombudsman has representatives in towns of the divisional departments of Paraguay and carries out coordinated actions with state establishments.

30. In accordance with paragraph 35 of the Committee's concluding observations on the third periodic report of Paraguay (E/C.12/PRY/CO/3), details of cases examined by the Ombudsman and the measures taken by the Ombudsman's Office for the years 2008, 2009 and 2010 are annexed herewith.<sup>9</sup>

31. In accordance with paragraph 36 of the Committee's concluding observations, the Human Rights Commission was replaced by the Human Rights Network of the Executive Branch,<sup>10</sup> established in 2009 and coordinated by the Ministry of Justice and Labour. This network coordinates and implements the executive's policies, plans and programmes, aimed at improving the mechanisms for promoting, protecting and exercising human rights and publicizing human rights activities. Several state institutions have set up human rights offices as a result.

## **5. Dissemination of the Committee's concluding observations**

32. The State is aware of its obligations to disseminate and implement the Committee's recommendations and concluding observations in all the areas specified. The content of this report reflects the efforts made by the State to implement the Committee's recommendations and concluding observations to the best of its abilities.

33. Furthermore, the establishment of the human rights network provides an ideal space for dialogue between state institutions and civil society, in order to organize the measures required to effectively apply the Convention and the Committee's recommendations and observations on the State's efforts to enforce the economic, social and cultural rights of the population.

## **6. Legislature**

34. The bill on sexual, reproductive, maternal and perinatal health was submitted to the Legislation, Codification, Justice and Labour Committee for consideration. The bill against all forms of discrimination was submitted to the Constitutional Affairs, National Defence and Security Forces Commissions for consideration. Both bills are currently pending before the Human Rights Commission.

35. The Ministry of Education and Culture, in resolution No. 35635 of 21 September 2011, terminated the socialization process set out in the Pedagogical Framework for comprehensive education on sexuality and its implementation, which was due to follow its review by the national education system, and charged a commission with the task of

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<sup>9</sup> See annex IV.

<sup>10</sup> The Human Rights Network of the Executive Branch is composed of representatives from the Ministry of Foreign Affairs, the Ministry of the Interior, the Ministry of Defence, the Ministry of Public Health and Social Welfare, the Ministry of Trade and Industry, the Ministry of Finance, the Ministry of Agriculture and Livestock, the Ministry of Education and Culture, the Secretariat for Women of the Office of the President of the Republic, the Secretariat for Information and Communication, the Vice-Ministry for Youth, the National Secretariat for Childhood and Adolescence, the Public Service Secretariat, the Secretariat for Paraguayan Returnees and Refugees, the Secretariat for Social Action, the Sports Secretariat, the Office of the Procurator-General, the National Institute of Indigenous Affairs, the Directorate-General of Statistics, Surveys and Censuses, the National Secretariat for Culture, the Supreme Court of Justice and the Attorney-General's Office.



preparing guidelines within eight months. Thereupon, human rights organizations, in support of the introduction of the existing Pedagogical Framework's socialization process and effective implementation in 2012, opposed the decision and issued a communiqué urging the Minister for Education and Culture to assume responsibility and to reconsider his decision.

### **Article 3**

#### **Equality between men and women**

36. The Secretariat for Women of the Office of the President of the Republic set up the Inter-Agency Board for monitoring the application of the Convention on the Elimination of All Forms of Discrimination against Women, the aim of which is to promote and monitor compliance with the Convention.

37. By Act No. 3338/07, the Republic of Paraguay ratified the International Labour Organization (ILO) Equal Opportunities and Equal Treatment for Workers with Family Responsibilities Convention, 1981 (No. 156).

38. In keeping with the recommendation contained in paragraph 23 (d) of the Committee's concluding observations, by Act No. 3440/2008, amending Act No. 1160/97 — the Criminal Code — psychological violence with prison sentences of up to two years were added to article 229 concerning domestic violence. Previously, the article in question only covered physical violence and only handed down fines as punishment.

39. Within the framework of the National Plan for Equal Opportunities between Women and Men (PNIO 2008–2017), the Ministry of Justice and Labour, through the National Labour Training System, designed 39 training courses for female household administrators in 14 of the country's departments.

40. A number of institutional communication programmes on violence against women have been developed through campaigns, programmes and projects, details of which can be found in annex V.

41. The Media Observatory was set up within the Secretariat for Women of the Office of the President of the Republic (2009) to help change the social and cultural patterns that foster discrimination and violence against women, in conjunction with the Spanish Agency for International Development Cooperation (AECID).

#### **1. Access to justice**

42. The judiciary's main achievement in that regard has been the creation of the "Secretariat for Gender Issues", which comes under the authority of the Supreme Court (2010) and promotes women's human rights in the administration of justice; it identifies strategic areas and actions for increasing gender equality and equal opportunities for the users of the justice system and for justice officials, by collaborating in designing a comprehensive gender policy for the judiciary.

43. The Supreme Court has ordered the opening of a 24-hour unit (2010) to receive complaints relating to domestic violence filed outside normal working hours.

44. Graphs showing the action taken by the judiciary to address domestic and intrafamiliar violence are shown in annex VI.

#### **2. Pension rights**

45. The legal framework of the Social Security Institute makes no distinction on the grounds of gender with regard to the age and contribution requirements for accessing long-

term benefits. However, for access to social security benefits, while men are required to prove that they are insolvent and financially dependent upon a woman, women are not subject to the same requirement, which shows that women are still not regarded as being the breadwinners of the household.

46. In 2011, the Secretariat for Women of the Office of the President of the Republic and the Ministry of Defence signed an agreement on incorporating the gender perspective into the policies and activities of the Ministry of Defence, the military and the Armed Forces Academies by setting up a Gender Unit within the Ministry.

#### **Article 4**

##### **Limitations on the exercise of rights**

47. From 2008 to the present day, none of the provisions of any of the international treaties ratified by the State of Paraguay have been suspended, restricted or limited.

#### **Article 5**

##### **Criteria for interpreting the Covenant**

48. The Constitution enshrines the *pro persona* principle in the second paragraph of article 1 by recognizing human dignity. Furthermore, article 45 establishes that if certain rights are not expressly mentioned, that does not imply that they are not recognized, in keeping with the *pro persona* principle. In addition, the absence of regulatory legislation cannot be invoked either to deny or to undermine any right or guarantee.

49. The Constitution recognizes, at a higher hierarchical level, the existence of a supranational legal order guaranteeing the exercise of human rights (art. 145).

#### **Article 6**

##### **The right to work**

50. The flagship temporary work programme Ñamba'apo Paraguay (Let's work Paraguay) affords persons in a precarious employment situation opportunities that will provide them with or strengthen their occupational skills and that will allow them to gain employment by means of socioeducational strategies aimed at decent work and local development. The programme focuses on training participants and on concluding agreements with companies to find places for participants.<sup>11</sup>

51. In 2010 and during the first half of 2011, the Secretariat for Women of the Office of the President of the Republic and the Ministry of Agriculture and Livestock provided training on gender issues to 512 public servants of the Ministry, 300 staff from the Crédito Agrícola de Habilitación, extension workers, planners, managers, regional coordinators and 50 extension fieldworkers.

52. The Secretariat for Women of the Office of the President of the Republic is implementing the Regional Programme on Gender of the Specialized Meeting on Family Farming of the Southern Common Market (MERCOSUR) under the project entitled "Technical assistance for the participation of rural women in agricultural development and food security in Paraguay", which is funded by the Food and Agriculture Organization of the United Nations (FAO).

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<sup>11</sup> See annex VII.

53. A total of 2,424 women enjoy microcredit in Asunción and in the Central Department (Agreement between the Secretariat for Women of the Office of the President of the Republic and Fundación Microsol/Jogueraha).

54. The Secretariat for Women of the Office of the President of the Republic, the Ministry of Trade and Industry and the MERCOSUR Structural Convergence Fund (FOCEM) provided support for four women's organizations, namely "Mujeres Costureras de Vallemí", "Asociación Popular de Mujeres", "Comité de Mujeres Kuña Guapa" and "Comisión de Mujeres de Yrybucua", by helping them acquire machines for industrial sewing workshops in Concepción and San Pedro.

55. The National Institute of Indigenous Affairs, through its Ethno-Development Directorate, promotes the productive work of indigenous families in accordance with guidelines drawn up with the communities. It assists community organizations to generate income; develop programmes specifically tailored to each indigenous community in rural and urban areas; and organizes craft fairs.

56. The Ministry of Justice and Labour, with the support of the United Nations, designs programmes for developing policies to eradicate forced labour and other forms of servitude. The programme to strengthen the National Centre for Indigenous Affairs channels the complaints, requests and submissions made by indigenous communities.

57. The creation, within the Ministry of Justice and Labour, of the Inter-Agency Commission for Combating Forced Labour led to the adoption of the National Strategy for the Eradication of Child Labour and the Protection of Adolescents in 2010, in conjunction with the National Secretariat for Children and Adolescents and the National Institute of Indigenous Affairs.

## **1. Access to employment for persons with disabilities**

58. In 2009, the Public Service Secretariat was appointed as the institution responsible for applying Act No. 3585/08, amending Act No. 2479/04 that establishes the obligation to employ persons with disabilities in public institutions.

59. The Public Service Secretariat has requested 66 institutions to make the necessary budgetary provisions to ensure that 5 per cent of the public servants employed are persons with disabilities, in accordance with the aforementioned legislation. In August 2008, there were 186 persons with disabilities employed in the public sector. By March 2010, the total number of public servants with disabilities stood at 553, having increased by almost 200 per cent in the space of 18 months.

60. In 2011, the Supreme Court and the Sarakí Foundation planned to sign an agreement that would launch the programme entitled "Effective Inclusion at Work", which would allow persons with disabilities to be recruited as public servants in the judiciary in an effort to reach the quota of 5 per cent established by law.

## **2. Inclusion of older persons**

61. The Project for the Advancement and Social Integration of Older Persons, which was launched in 2009, funds 14 social projects aimed at assisting older persons to participate in their communities and to take on new roles in the face of poverty. The project also provides health-care services to those living in a situation of poverty or dependence. Some 7,700 persons could potentially benefit from the project.

## Article 7

### Working conditions

62. Training was provided to labour inspectors, mediators and monitors on the norms governing female domestic workers and dangerous child labour. Activities were carried out to raise awareness within the Paraguayan Industrial Union regarding dangerous child labour and Act No. 1657/01, by which the ILO Worst Forms of Child Labour Convention, 1999 (No.182) and the Recommendation on Immediate Action for the Elimination of the Worst Forms of Child Labour, 1999 (No. 190) were adopted, in accordance with ILO Conventions Nos. 138 and 182 respectively. Decree No. 4951/2005 regulates Act No. 1657/01 and establishes the list of dangerous forms of child labour. Furthermore, a greater number of inspections were carried out in the Vallemí limestone quarries, the brick factories of Tobatí and the sugar cane plantations.

63. With regard to women's participation in the structured labour market and the continuing gender wage gap, forums for dialogue were set up with the business and union sectors, as well as with civil society as part of the ratification process for ILO Convention No. 156.

64. An interministerial body, composed of the Ministry of Justice and Labour, the Secretariat for Women of the Office of the President of the Republic, the Ministry of Education and Culture and the Ministry of Public Health and Social Welfare, was created to enforce the legislation regulating the requirement for companies that employ 50 or more workers, whether male or female, to run a nursery.

65. Within the framework of an agreement concluded between the Secretariat for Women of the Office of the President of the Republic and the Social Security Institute, in 2009, health-care coverage, including dental and hospital care, medication, prostheses and orthopaedic aids, maternity care, assistance during labour, and the provision of milk following breastfeeding complications, was extended to the whole country. It is estimated that in the year 2011, 13,640 female workers and their families, and 26,377 insured persons benefited from the increased health-care coverage. However, there is still a need for greater coverage of retirees and to add more than 150,000 female workers to the country's social security system.

66. Tables showing the activity rate, the employment rate, the open unemployment rate and the number of self-employed workers, as well as additional tables that correspond to the points covered below, are shown in Annex VIII.

#### 1. Activity rate of persons aged 10 and over<sup>12</sup>

67. The population's general activity rate increased over the period 1997/98–2009 from 57.9 per cent to 62.9 per cent. An increasing activity rate also indicates that more people are going out to look for work. Since 2003,<sup>13</sup> the gross domestic product in Paraguay has experienced sustained growth.<sup>14</sup>

68. The activity rate increased in both urban and rural areas, although the increase was greater in the rural sector, where the rate rose from 54.4 per cent to 63.8 per cent, while the rate in the urban sector only rose from 60.6 per cent to 62.3 per cent. A gender-based analysis shows an increase in the activity rate among both men (from 74.4 per cent to 75.9

<sup>12</sup> See annex VIII, figure 1.

<sup>13</sup> The second half of 2003 compensated for the negative first half and led to positive growth for the year as a whole.

<sup>14</sup> Which was only interrupted by an international economic crisis and a serious drought in 2009.

per cent) and women, although the rise among the latter was proportionally greater (from 41.4 per cent to 49.7 per cent). However, the male activity rate remained traditionally well above that of women.

## 2. Employment rate among persons aged 10 and over<sup>15</sup>

69. The employment rate underwent a gradual decline during the period 1997/98–2002, falling to its lowest point in 2002, the year in which Paraguay also experienced its greatest increase in poverty.<sup>16</sup> From 2003 onwards, the employment rate began to rise, nearing that of 1997/98 in 2005. From 2005 onwards, the employment rate remained above 93 per cent. In 2007, when the Paraguayan economy achieved the best growth in 26 years, the employment rate rose to 94.5 per cent. In 2009, it fell back to 93.6 per cent.

70. Over the period 1997/98–2009 little change occurred in the rural and urban activity rates, although the urban employment rate decreased slightly more than the rural employment rate (by 1.3 and 0.5 percentage points respectively). A similar effect may be observed among the poor and the non-poor population. The activity rate of the poor population fell by 2 percentage points, while the activity rate of the non-poor population fell only slightly (0.5 percentage points).

71. A gender-based analysis shows that the employment rate for both men and women fell by 1 percentage point. The female employment rate fell from 93.2 per cent in 1997/98 to 92.2 per cent in 2009, while the male employment rate fell from 95.5 per cent to 94.5 per cent.

## 3. Open unemployment rate for persons aged between 15 and 24 years<sup>17</sup>

72. The open unemployment rate, which represents the proportion of the workforce that is unemployed but that wishes to work and is actively seeking to do so, in keeping with the employment rate, steadily increased during the period 1997/98–2002, as shown in the graph. The open unemployment rate rose from 10.3 per cent to 18.6 per cent during that period, before undergoing a gradual decline from 2003 to 2008, the year in which it fell to 11.9 per cent. In 2009, the unemployment rate picked up, standing at 13.4 per cent at the close of the year while the gross domestic product fell by 3.8 per cent compared with 2008.

73. During the period under examination, urban areas were the worst affected by unemployment, as the unemployment rate there rose by 4.4 percentage points from 12.7 per cent to 17.1 per cent, while in rural areas, the rate rose only from 6.6 per cent to 7.7 per cent. According to socioeconomic situation and gender, the poor population and women were worst affected by open unemployment, as the indicator increased from 12 per cent to 16.7 per cent and from 12.3 per cent to 17.9 per cent among the two groups respectively.<sup>18</sup>

74. The percentage of the population who were employed but living in poverty increased by 2.4 percentage points (20 per cent more), rising from 12.1 per cent to 14.5 per cent during the period 1997/98–2009. Rural areas experienced the greatest increase, which amounted to 4.1 percentage points with a rise from 23.2 per cent to 27.3 per cent. Based on gender analysis the greatest increase was among the female population, where it rose by 69.6 per cent in 2009 compared with 1997/98, which represented an increase from 7.1 per

<sup>15</sup> See annex VIII, figure 2.

<sup>16</sup> It was also one of the most difficult years for the region as a whole.

<sup>17</sup> See annex VIII, figure 3.

<sup>18</sup> See annex IX, figure 1.

cent to 12.1 per cent. Among men, there was an increase of 1.3 percentage points, from 14.6 per cent to 15.9 per cent.<sup>19</sup>

#### **4. Percentage of employed persons working as self-employed or as unpaid family members<sup>20</sup>**

75. The number of persons who were self-employed or worked as unpaid family members fell from 48.6 per cent to 46.2 per cent during the period 1997/98–2009, which represents a decrease of 2.5 percentage points. However, in 2009, there were almost twice as many employed persons who were self-employed or worked as unpaid family members (67.8 per cent) in the rural sector compared with the urban sector (30.5 per cent).

76. From the point of view of the socioeconomic situation, the proportion of the poor population working as self-employed decreased by 3.1 percentage points, compared with the proportion of the non-poor population, which decreased by 4.2 percentage points. Based on gender, the number of men working as self-employed or as unpaid family members decreased by 3.9 percentage points, while among women the percentage decreased by only 0.2 percentage points,<sup>21</sup> taking the beginning and end of the period under examination.

#### **5. Percentage of women in non-agricultural paid employment<sup>22</sup>**

77. At the national level, between 2005 and 2009, the percentage of women in non-agricultural paid employment fell from 42.9 per cent to 40.1 per cent. Employment among urban women also fell, from 43.9 per cent in 2005 to 40.6 per cent in 2009. In the rural sector, the proportion of women in non-agricultural paid employment fell from 38.7 per cent in 2005 to 38.1 per cent in 2009.<sup>23</sup>

78. From the point of view of the socioeconomic situation, during the period under consideration, the number of non-poor women in non-agricultural paid employment fell from 39.9 per cent in 2005 to 39.2 per cent in 2009. Similarly, the proportion of poor women undertaking that type of work decreased from 40.5 per cent in 2005 to 37.4 per cent in 2009.

79. The percentage of women in non-agricultural paid employment has grown steadily over the last decade in Paraguay. However, only 50 per cent or less of economically active women have managed to enter that type of activity. On the other hand, it is important to complement the information provided by this indicator with other aspects that would value the quality and type of unpaid work available to women, particularly poor or rural women.

## **Article 8**

### **The right to form trade unions and to strike**

80. Activities leading to the formation of trade unions have been encouraged and 136 unions have been established, of which 82 per cent are in the private sector and 18 per cent in the public sector.<sup>24</sup>

<sup>19</sup> See annex IX, figure 2.

<sup>20</sup> See annex VIII, figure 4.

<sup>21</sup> As a sample, the change is insignificant.

<sup>22</sup> See annex X.

<sup>23</sup> Ibid.

<sup>24</sup> Third Presidential Report to Congress, 2010–2011, p. 101.

## Article 9

### The right to social security

81. The Social Security Institute amended its rules of procedure to incorporate domestic workers into the national health insurance scheme and lobbied the legislature to pass legal reforms to guarantee domestic workers their right to social security. With the adoption of resolution No. 089-012/09, the restrictions that had prevented domestic workers from receiving social security benefits were lifted nationwide, making 230,000 domestic workers and approximately 400,000 relatives eligible for enrolment in the Institute's health insurance scheme.

82. With the passage of Act No. 3856/09, time worked became recognized across the various pension schemes of the Paraguayan social security system, enabling Paraguayans who had previously been excluded from the system to claim retirement benefits once they met the corresponding age and contribution requirements. That Act and the budget law that sets the minimum retirement pension at G300,000 are currently the only laws governing the system in the country.

83. Under Act No. 3990/10, the comprehensive health and pension scheme was extended to teachers working in the private sector, which made 15,000 more persons eligible for retirement benefits as soon as they fulfil the age and service requirements.

84. The Institute stepped up inspections of employers with a view to formalizing the employment status of more workers and ensuring that their right to social security was respected. From June 2009 to May 2010 1,666 companies were inspected and, as a result, 43,147 workers were incorporated into the Institute's pay-as-you-go social security scheme in 2009 and 14,601 more in the period January–May 2010, bringing the total number of workers covered by social security to 500,415.

85. By extending social security benefits to the relatives of the persons enrolled in the Institute's health insurance scheme for workers, the number of persons covered by social security rose to 992,000, i.e. 24 per cent of the Institute's target population. Employer and worker contributions to social security between June 2009 and April 2010 totalled G1,921,155 million (US\$ 302 million).

86. Access to health services for older adults has improved overall thanks to the MEDICASA programme, which aims to improve health care, as well as access to it, and has helped reduce the number of consultations made in the Central Hospital and the outlying clinics. The number of beneficiaries rose to 1,770 persons, who between them have received over 20,000 home visits under the programme.

87. Self-employed workers (34.9 per cent of the workforce in 2009) are generally not covered by social security and they rarely have steady incomes or decent working conditions.

88. In the public policy arena, the modernization of the social security system with integrated coverage is established as national objective 1.3 under line of action No. 1, "quality for all", of the Paraguay for All: Proposal for Public Policy on Social Development for 2010–2020, drawn up by the executive. That objective is being pursued through five priority policies, which cover: the right to have access to a single obligatory social security system; the reduction of the evasion of social security payments by employers; benefit increases; the incorporation of wage earners, as well as independent and subsistence workers; and the integration of existing social protection systems and mobility and transfer of rights between them.

89. The executive oversees the implementation of these five policies through the Office of the Deputy Minister for Labour and Social Security, which is the ultimate authority in

the matter. On the part of the legislature, support is provided through the Congressional Committees on justice, labour and social welfare and the Senate Committees on public health, social security, and the prevention and suppression of drug trafficking.

90. To link up the different policies, the Office of the Deputy Minister for Labour and Social Security has recently set up a new administrative body, the Directorate-General for Social Security, to coordinate the action of the public agencies involved. Little has been achieved so far, however, because the hierarchical status of the Directorate is too low and it has not been assigned sufficient resources. The Social Security Institute has therefore been leading the consolidation of the social security system since 2000, by drafting bills to expand the system's scope in terms of the persons covered (to include artists, workers in the public prosecution service and the judiciary) and the jurisdictions covered (to include the home), to establish new long-term benefits (proportional retirement pensions) and to strengthen the system financially (through the disposal of real estate).

91. Paraguay has not ratified the ILO Social Security (Minimum Standards) Convention, 1952 (No. 102) or any of its updates, but it does use them as a framework of reference. The level of coverage provided by the social security system, however, is still inadequate whether measured in terms of risks or branches. If the minimum coverage established in ILO Convention No. 102 is taken as a point of reference, the Social Security Institute is the only one of the eight official social security funds that make up the system (Caja Fiscal, Social Security Institute, Caja Bancaria, Caja Municipal, Caja Parlamentaria, Caja Ferroviaria, Caja Itaipú and Caja Ande) that provides seven of the nine types of minimum protection: medical care, cash sickness benefit, old-age benefit, employment injury or sickness benefit, maternity benefit, invalidity benefit and survivor's benefit.

92. The areas that are currently not yet covered by the Social Security Institute include unemployment and family child benefits, except for specialized family planning services and full paediatric care.

93. The Social Security Institute also covers and provides benefits for ordinary and work-related illnesses, old age (ordinary, extraordinary and proportional retirement benefits) health care and accidents at work and maternity. It also provides widow's and orphan's pensions, as well as health-related benefits and financial support (grants) to persons with work-related and other kinds of disabilities.

94. The tables in annex XI show the total population covered by medical insurance from 2005 to 2009.

95. Attending the health-care needs of underprivileged individuals and families who do not pay into a social security scheme is the responsibility of the medical services of the Ministry of Public Health and Social Welfare and the hospital attached to the medical school of the National University of Asunción. The veterans and wounded of the Chaco War are the only group of non-contributors for which the Social Security Institute provides comprehensive medical coverage.

96. In terms of financial benefits, members of the aforementioned group receive only the grace and favour pension granted by the legislature, which comes out of the national budget determined by the Ministry of Finance, and the State pension for older adults, which also comes out of the national budget, as set forth in the paragraphs on older adults in article 10.

97. As far as the relationship between public and private social security schemes is concerned, the protection offered by the eight State schemes and the long-term benefits offered in the private sector, which are usually established on purely contractual bases through mutual funds or cooperatives, do not complement one another.

98. There are no social security programmes for workers in the submerged economy, such as the persons classified in the "hidden underemployed and openly unemployed"



segment of the population, but they do have the same access as other persons to the universal health services provided by the State.

99. Foreign workers based in Paraguay also have unrestricted access, on a par with nationals, to the benefits provided under the social security schemes in the regulated sector.

100. According to the regulations governing the Social Security Institute, a person's access to social security depends solely on that person being employed by an employer that is registered with the social security system, so that nationality has no bearing on the matter.

## **Article 10**

### **Family protection**

#### **1. Child labour**

101. Within the framework of the Statistical Information and Monitoring Programme on Child Labour (SIMPOC) of ILO, the Directorate-General of Statistics, Surveys and Censuses is preparing a survey and developing a database on child labour with a view to compiling quantitative and qualitative information on children and adolescents aged 5–17 who are engaged in economic and non-economic activities, as well as their households, throughout the country, except in the Departments of Boquerón and Alto Paraná. The variables include: household and housing characteristics, health and safety, education, workplace violence against working children, migration, child labour characteristics and children's working careers. Approximately 6,000 households will make up the survey sample.

102. The minimum age for remunerated work is 14, and guarantees are set forth in Act No. 1680/2001. Remunerated work under the age of 14 is prohibited.

103. The Ministry of Justice and Labour is responsible for punishing those who violate the provisions of Decree No. 4.951/05, regulating Act No. 1657/2001 and establishing the list of dangerous forms of child labour. The competent courts, on the other hand, are responsible for determining if any rights have been violated. The Committee on the Rights of the Child of the United Nations recommended prohibiting the exploitation of child domestic workers (*criadazgo*), but no initiatives have been undertaken in that respect.

104. The National Secretariat for Children and Adolescents is responsible for implementing the public policies of the National System for the Comprehensive Protection and Advancement of Children and Adolescents, such as the 2003–2013 National Policy on Children and Adolescents, the 2003–2008 National Action Plan and three sectoral plans: the Plan for the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers; the Plan for the Prevention and Elimination of the Sexual Exploitation of Children and Adolescents, and the Plan for the Prevention and Elimination of the Ill-Treatment and Sexual Abuse of Children and Adolescents.

105. The National Policy on Children and Adolescents aims to “ensure the integral development of children and adolescents in Paraguay, as well as the effective and full realization of their rights”. Two types of policies are pursued: universal and targeted. The universal policies promote the broad-based protection of all children and adolescents, and the targeted policies promote the protection of children in specific situations of risk.

106. As part of the strengthening of the National System for the Comprehensive Protection and Advancement of Children and Adolescents, the National Policy on Children and Adolescents promotes the training of the counsellors of the Municipal Advisory Services on the Rights of Children and Adolescents (CODENIs), with a view to instilling a

clear vision of how to handle child labour cases and implement child protection measures in such cases.

107. The social programme *Abrazo* (“embrace”) has four work streams: the street, open centres, the family, and inter-agency coordination. Its objective is to reduce child street labour and to protect children aged 0–14 years who live with their families and work in the streets, as well as to improve their living conditions. The Paraguay office of the United Nations Children’s Fund (UNICEF) supports the programme, which runs 14 open centres where, inter alia, remedial academic support, meals, recreational activities and health and hygiene classes are provided to school-age children, who attend the centre for one shift and regular school for the other. Each family receives psychosocial support and draws up a development plan with social workers to try to address its particular problems. The programme supports their economic activities and seeks to ensure that they are integrated into the community and connected with basic services. The *Abrazo* programme has become a flagship for the Government’s public policy on social development, and the goal is to extend its coverage to 5,630 children, or approximately 93.8 per cent of the target population.

108. The programme currently covers 1,904 children and 1,051 families in 15 districts.

109. The National Commission for the Prevention and Eradication of Child Labour and the Protection of Adolescent Employment (CONAETI-Py) began a review of the National Plan for the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers in 2009, through consultations with children and adolescents, as well as adults, from various organizations and movements, with a view to raising the issue of child labour, obtaining their input and ensuring that they participated fully and played a leading role in the review process.

110. Joint implementation by the local municipality and the NGO *Crece con Futuro* of the project to eradicate child labour in the garbage dump of Encarnación, which provides general assistance to families with the support of the binational entity Yacyretá.

111. The 2011–2016 National Plan for the Prevention and Elimination of the Sexual Exploitation of Children and Adolescents, for which the National Secretariat for Children and Adolescents is the lead agency, was evaluated in 2010 and is currently in the consultation phase. The Secretariat convened the Inter-Sectoral Board for Combating the Sexual Exploitation of Children and Adolescents to further their joint activities, with support from the Inter-American Children’s Institute.

112. An Anti-Trafficking Unit was set up within the National Secretariat for Children and Adolescents under the authority of the Directorate-General of the Cabinet of the Secretariat. The purpose of the Unit is to assist victims by receiving them when they are repatriated and providing emotional and material support until they are socially reintegrated. Regional offices were set up in the border Departments of Alto Paraná, Ciudad del Este and Encarnación to further prevention work, and there is now an operational plan that proposes strengthening the Unit by hiring skilled staff and supporting both the work of the Inter-Agency Board on Human Trafficking and efforts to coordinate regional, national and international anti-trafficking programmes and projects.

113. The cooperation project undertaken with the Argentina Fund for Horizontal Cooperation (FOAR), with support from the Technical Commission of Niñ@sur, to train the staff of the Anti-Trafficking Unit and members of the Inter-Agency Board is ongoing.

114. The Secretariat uses the official mechanism for transferring funds to not-for-profit organizations to support actions taken within the strategies to prevent the commercial sexual exploitation and trafficking of children and the associated protection and care strategies.

115. In 2009, an agreement to train trainers, mainly in the municipalities of Capiatá, Itauguá and Caaguazú, was signed with the NGO Global Infancia within the framework of the project *Para llegar a tiempo* (“to get there in time”), which aims to improve the system for promoting and protecting the rights of the child and its capacity to respond to the exploitation of children as labour and in domestic work and to trafficking in persons.

116. One of the actions taken by the judiciary to tackle child abuse is the development of the Family Placement Programme, which provides a model for intervention and serves as a tool for the juvenile courts, in order to promote alternatives to institutionalization for children who enter the judicial system with a history of ill-treatment at the hands of family members.

117. The Programme team includes experts from the Child Abuse Office of the Supreme Court and the NGOs Enfoque Niñez and Corazones por la Infancia, who coordinate their activities and carry out the established work programme.

118. The statistical records show that between January and October 2010, the Office of Psychological Support for Victims of Child Abuse diagnosed and assessed 235 persons, 8 of whom were referred by the Family Placement Programme and 227 by other mechanisms.

119. Of those 235 persons, 69 were young girls, 39 young boys, 30 adolescent girls, 13 adolescent boys, 55 women and 29 men.

120. Social services attended 22 children and adolescents referred by the Family Placement Programme and made 38 home visits: 33 in the Metropolitan Area and Greater Asunción and 5 outside the capital.

121. Of the 38 visits, 33 were made to follow up on specific cases and 5 were carried out as part of activities undertaken with other State agencies and with NGOs.

122. By mid-October 2010, the team of psychologists specialized in child abuse had made 235 psychological evaluations.<sup>25</sup> In 2010, of the 22 children and adolescents whose cases were handled by the Family Placement Programme, 14 were placed with their own families and 8 were institutionalized.<sup>26</sup>

123. Under Executive Decree No. 1799 of 2009, the Social Affairs Cabinet was restructured as a technical-political branch of the Office of the President of the Republic that heads the definition, implementation, monitoring and evaluation of public policies. It was in that context that the programme *Sasó Pyahu* (“new liberation”) – *Paraguay Solidario* was devised as a model for implementing a social protection system for families living in extreme poverty.

## 2. Sexual and reproductive rights

124. In 2010, a campaign called *¡Responsabilízate Ya!* (“take responsibility now”) was launched to prevent unwanted pregnancies among adolescents by raising awareness among 15–19 year olds of their responsibilities in the matter. The campaign targeted students in 10 high schools and reached 2,910 pupils.

125. Act No. 3.440/08, modifying several provisions of Act No. 1.160/97 (the Criminal Code), including the provision on domestic violence, was passed into law.

126. The 2008–2017 National Plan for Equal Opportunities between Women and Men, the 2009–2013 National Plan for Sexual and Reproductive Health, the Paraguay for All:

<sup>25</sup> See annex XII, figures 1 and 2.

<sup>26</sup> See annex XII, figure 3.

Proposal for Public Policy on Social Development, and the 2010–2015 National Programme for the Prevention of Gender-Based, Domestic and Intra-family Violence and the Comprehensive Care of Women, Children and Adolescents Living with Such Violence were established.

127. Statistical data are provided in annex XII.

### **3. Older persons**

128. The State of Paraguay has promulgated various laws and statutes to fulfil its obligations with regard to older persons, such as: Act No. 3728 of 24 August 2009, which establishes the right to food allowances for older persons living in poverty; Decree No. 4542 of 11 June 2010, which regulates Act No. 3728/2009; Ministry of Finance Resolution No. 254 of 30 July 2010, which establishes the administrative procedure for implementing Decree No. 4542/2010; the Resolution of the Directorate of Non-Contributory Pensions – B. No. 380 of 31 March 2011, whereby the food allowance granted to older persons living in poverty is set at G376.871 per month; and Act No. 4290 of 1 April 2011, which establishes the right to request that the Social Security Institute acknowledge prior service. The provisions of these instruments are hardly ever applied in practice, however, since only a tiny fraction of the older adult population is eligible for the benefits they establish, which means that no real effect is given to the rights they guarantee.

129. Applications for constitutional *amparo* and a declaration of unconstitutionality were filed with a view to updating the retirement benefits and pensions regime and have been before the constitutional division for admissibility of the Supreme Court of Justice since March 2010 and December 2010, respectively. However, the court has yet to rule on the matter.

### **4. Migrants and their national integration**

130. Through Act No. 3452 of 2008, Paraguay ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

131. The authorities issued 1,512 official documents in relation to repatriation procedures, corresponding to over 3,478 persons: 1,319 were related to the legal settlement of foreign relatives; 184 were to recognize university qualifications obtained abroad by repatriated Paraguayans pursuant to an agreement with the Ministry of Education and Culture; 74 were customs exemptions granted for importing household and personal items belonging to repatriated Paraguayans, as well as work tools and machines related to the occupational activities they planned to undertake in Paraguay; 2,010 were waivers of consular fees for the legalization and stamping of documents; 10 were requests for scholarships for attending regular courses provided by the National Career Development Service; 224 were related to humanitarian aid for the repatriation of mortal remains, trafficking in persons cases and professional advice on the needs, expectations and possibilities facing repatriated returnees; and 18 were associated with interactions with other agencies to provide official backing, certificates of status and transportation fares. Within the scheme to repatriate professionals, support was also provided to young professionals who had graduated in Cuba, in the form of State aid. Assistance for voluntary returnees was continued, and was extended to over 3,478 Paraguayans who returned to the country on a voluntary basis.

132. The passage of the general Act No. 978/96 on migration implemented a flexible migration policy that streamlines and expedites the procedures followed by foreign citizens to obtain residency status in Paraguay.

133. The Directorate-General for Migration of the Ministry of the Interior forms part of the Inter-Agency Committee on Population and is responsible for the Government's

population policy, which covers migration and the geographical distribution of persons, in accordance with the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

134. The integration of Southern Common Market (MERCOSUR) countries facilitates the regularization of migration by providing for the issue of temporary or permanent residence permits to over 4,000 persons. The corresponding provisions are set forth in the following laws: Acts Nos. 3565/08 and 3578/08, on residence in MERCOSUR, and Acts Nos. 3486/08, 3577/08 and 3579/08, on the regularization of migration.

135. The Directorate-General for Migration took several steps to facilitate the documentation of migrants in the country, such as lowering the fines for those who overstay their residence visas, registering migration in border areas where there are no migration controls, shortening the residence permit application process, registering agents and issuing visas to postgraduate students.

136. Under Decree No. 3514/09, a Directorate for Paraguayan Communities Abroad was established as a unit within the Ministry of Foreign Relations. The Directorate works with the country's consulates and embassies to provide assistance, information and advice to citizens and to monitor the migratory status of Paraguayans abroad, in conjunction with their family members who are living in Paraguay.

137. The Secretariat for Paraguayan Returnees and Refugees responds to requests for assistance made by Paraguayans who run into problems abroad by providing them with travel tickets for returning to Paraguay, mainly from Spain, and by supporting the establishment of small and medium-sized enterprises when they return.

138. The housing programme *Mi País, Mi Casa* ("my country, my home") set up to help Paraguayans living abroad who wish to return as well as those who have returned, has 300 houses to allocate according to the number of applications filed. To date, 20 per cent of the total number of houses have been assigned.

## 5. Trafficking in persons and violence

139. As mentioned in the paragraph concerning article 2, article 1 of the Criminal Code on trafficking in persons was amended, pursuant to Recommendation 25. Prior to the amendment, trafficking was considered to have occurred only if the purpose was sexual exploitation, whereas, the amended version also considers personal and labour exploitation to be human trafficking.

140. With regard to the recommendations, in 2009 the Secretariat for Women of the Office of the President of the Republic set up the Directorate of Prevention and Support for Victims of Human Trafficking, whose chief mission is to respond appropriately to complaints by victims of human trafficking. The Directorate runs a reference centre for the comprehensive care of women victims of trafficking, where a team of experts puts into practice the social reintegration model. Plans are under way to establish four regional reference centres (in Ciudad del Este, Canindeyú, Pedro Juan Caballero and Filadelfia) and two additional shelters (in Ciudad del Este and Pedro Juan Caballero).

141. The Inter-Agency Board on Human Trafficking was established in 2005. Public policies on trafficking in persons are currently being designed with a focus on the following areas: prevention; protection and comprehensive care for victims; investigation, prosecution, conviction and criminal punishment; local, national and international cooperation; and tracking and monitoring.

142. According to data collected by the National Secretariat for Children and Adolescents, the Secretariat for Women and the Public Prosecution Service, between 2004 and 2008 there were 84 reported cases of trafficking for the purpose of sexual and labour

exploitation, 90 per cent of which were from Argentina and involved victims from the interior. Some 32 victims had been repatriated, most of them women. Of the repatriated victims, 58 per cent were from Argentina, 23 per cent from Bolivia, 15 per cent from Spain and 4 from other countries.

143. In 2009, as part of the MERCOSUR Programme to Provide Comprehensive Assistance to the Victims of Trafficking in Persons in the Area of the Triple Frontier (Argentina, Brazil and Paraguay), plans were made to provide assistance to 80 victims, and by November of that year, 25 per cent of the target had been met.

144. The Directorate-General for Statistics, Surveys and Censuses established a statistical register of trafficking victims for use by institutions that provide care, which made it possible to systematize data and produce a database, updated annually, and a trafficking road map. The Secretariat for Women signed an agreement with the Directorate-General to systematize data regarding trafficking cases and prepare a road map of human trafficking, which were published in "Human Trafficking in Paraguay: Results Obtained by Analysing Information from Institutional Registries and the Road Map" and presented at a public meeting in September 2010.

145. Regarding public policy, inter-institutional boards have been established at department level.

146. In December 2009, a draft special bill on trafficking in persons was submitted to the coordinating committee of the inter-institutional board on preventing and combating trafficking in persons, and a comprehensive Act on trafficking in persons has been in preparation since 2010.

147. A national policy on preventing and combating trafficking in persons was prepared in conjunction with key government and civil society actors. The final document has been sent to the Office of the President of the Republic for adoption by decree.

148. According to the statistics department of the criminal division of the Supreme Court, the legal action management system only itemizes the annual number of reported offences, but neither the gender, nor the age of victims, nor the penalties applied in each case.

149. Numbers of cases of trafficking in persons brought before the courts in the jurisdictions of Asunción, Central and Cordillera:

	2007	2008	2009	2010	2011
Trafficking in persons	9	17	12	15	1

*Source:* Human Rights Department – Supreme Court.

150. The Coordinating Office for Oral Proceedings has indicated that since 2007 only one case identified as trafficking in persons has actually gone to oral trial in the capital. The accused was acquitted in June 2008 for lack of evidence of a punishable offence. Two cases of trafficking for the purpose of sexual exploitation were scheduled, one for November 2011 and the other for March 2012.

151. The numbers of complaints of domestic and family violence and ill-treatment of children and adolescents brought before the courts, by offence and year, for the jurisdictions of Asunción, Central and Cordillera were as follows:

	2007	2008	2009	2010	2011
Family violence	122	136	130	159	44
Ill-treatment of minors	71	63	62	55	12

*Source:* Human Rights Department – Supreme Court.

152. The core document of the draft amendment of Act No. 1600/00 on domestic violence, which was submitted to the Senate Commission on Equality, Gender and Social Development in November 2007 and was aimed at bringing about legislative reform, is at the review stage. This core document was submitted by the consultant to the drafting committee, made up of two representatives of each branch of Government appointed to prepare the draft bill. On 20 December 2010, an agreement was signed between the Senate Commission on Equity, Gender and Social Development, the Chamber of Deputies Commission on Social Equality and Gender, the Secretariat for Women and the Supreme Court with a view to coordinating the actions of the signatories regarding the mobilization of support for the public consultation process and the preparation of the draft bill.

153. On 26 November 2010, the Secretariat for Women inaugurated the Mercedes Sandoval shelter for women in situations of violence as the country's first shelter for female victims of violence. The shelter is located in the Central Department, has a capacity of 50 and offers comprehensive assistance, counselling and psychological and legal services, provided free of charge by an all-female multidisciplinary team consisting of a social worker, a psychologist and lawyers, and is designed to provide temporary shelter to women in extreme situations, guaranteeing them refuge, care and protection.

154. Data regarding domestic and family violence for 2010 and 2011 are given in annex XIII.

## **Article 11**

### **The right to an adequate standard of living**

155. Of the total population of Paraguay, 35.1 per cent (approximately 2,191,000 people) live in poverty.<sup>27</sup> On the national level, the total poverty rate decreased by approximately 3 per cent, from 38 per cent in 2008 to 35 per cent in 2009. Extreme poverty remains at 19 per cent.

156. Between 2005 and 2009, the overall poverty rate varied in phases. From 2005 to 2006, the rate increased by more than 10 percentage points, from 38.6 per cent to 43.7 per cent. This was followed by a sustained decrease until 2009. In rural areas, total poverty affects half the population (49.8 per cent), while Asunción is the geographical area with the lowest proportion of inhabitants living in poverty (21.1 per cent).

157. Seventy-one per cent of extremely poor and indigent people live in rural areas of the country (835,000 out of a national total of approximately 1,175,000 extremely poor people).

<sup>27</sup> Poverty levels are estimated using "Poverty Line" methodology, which defines a poor community as a group of people living in households whose level of well-being (measured by income) is lower than the cost of a basic consumption basket (food and non-food items), and a community in extreme poverty as a group of people who live in households whose income is lower than the cost of a food basket.

158. The decrease in total poverty nationwide is mainly due to the reduction recorded in urban areas (5 percentage points between 2008 and 2009). In rural areas, there was a slight increase from 48.8 per cent in 2008 to 49.8 per cent in 2009.

159. Extreme poverty in rural areas increased slightly from 31 per cent in 2008 to 32.4 per cent in 2009, while in urban areas it decreased from 10.6 per cent to 9.4 per cent. The increase in extreme poverty in rural areas was, to a certain extent, balanced by the decrease in urban areas.

160. Poverty is not only more widespread in rural areas, but also deeper and more severe in comparison within urban areas: incomes are insufficient to cover a third of the value of a basic consumption basket and there is greater income disparity among the rural poor.

161. One of the causes of the persistently high poverty levels lies in the unbalanced income distribution among the population. In the year 2008–2009, the Gini coefficient<sup>28</sup> in rural areas decreased from 0.557 to 0.554, while in urban areas it decreased from 0.453 to 0.423. On the national level, the Gini coefficient for 2009 was 0.487.

162. It is likely that other factors, such as the sustained increase in remittances from abroad, the implementation of the conditional cash transfer programme and the increase in prices of some agricultural products on the international level helped avoid an increase in extreme poverty rates.<sup>29</sup>

163. According to the 2008 human rights report, there are marked inequalities between households. Households headed by women, that are Guaraní-speaking, that live in rural areas and that belong to the poorest 20 per cent of the population have a monthly per capita income of G106,092 (approximately \$26). In contrast, households headed by men, that are Spanish-speaking, that live in urban areas and that belong to the richest 20 per cent of the population, have a monthly income of G2,611,269 (approximately \$653). The report also indicates that gender factors contribute to inequalities that deepen imbalances when combined with other aspects, such as place of residence and income.

164. As the national objective of its number one strategy, “Quality of Life for All”, the Public Policy on Social Development (PPDS) puts forward the flagship water supply and sanitation programme, which aims to provide access to these services, while maintaining appropriate standards of quality, quantity and sustainability, in urban areas with fewer than 10,000 inhabitants and in rural and indigenous communities that meet technical eligibility criteria.

165. The 2010 goal of the water supply and sanitation programme, developed by the National Animal Quality and Health Service (SENACSA), was to extend the coverage of the water supply system to 52,820 inhabitants and that of other services to 5,869 inhabitants, achieving a 55.22 per cent coverage of the population. In the sanitation sector, the goal was to provide 11,812 inhabitants with individual solutions (60.5 per cent of requirements) and to extend coverage of the sewerage system to 12,500 inhabitants.

166. By 2009, 75.2 per cent of the population were expected to be connected to the drinking water system, although coverage of the sanitation system remained at 25.6 per cent, well below what is needed to meet the target set out in the Millennium Development Goals.

<sup>28</sup> The Gini coefficient indicates how fair income distribution is, on a scale of 0 to 1. The closer to zero, the greater the equality in income distribution and the closer to one, the greater the inequality in income distribution.

<sup>29</sup> The increase in food prices during 2006 and 2007 left both winners and losers in the country.



## 1. Food distribution

167. In 2008, the Executive Coordinator for Agrarian Reform (CEPRA) was established with the objective of coordinating and promoting economic, social, political and cultural development and improving the management of public policy in newly-created settlements, thus contributing to agrarian reform. Although the implementation of agrarian reform strategies has been delayed, among the activities developed by CEPRA is the collection of data concerning the needs of families in six Departments (San Pedro, Canindeyú, Caazapá, Caaguazú, Concepción and Misiones) in terms of food security, basic infrastructure, the supply of drinking water and land tenure.

168. The Government has drawn up the National Plan for Food and Nutritional Sovereignty (PLANAL), whose objective is to eradicate food insecurity, loss of food sovereignty and the resulting hunger and malnutrition in vulnerable sections of the population, in order to reduce the incidence of malnutrition, deficiencies and diet-related illnesses.<sup>30</sup>

169. The National Observatory on the Food Sovereignty and Security System has been set up and an online platform for accessing information on food security is being implemented. Municipal plans are also being drawn up in 10 municipalities selected from among the country's 66 poorest districts: Caaguazú, Concepción, Itakyry, Jesús, José Falcón, Nueva Alborada, Repatriación, San Juan Nepomuceno, San Estanislao, and Villa Hayes. Additionally, plans have been drawn up for the municipalities of Ayolas and Paraguarí and the Department of Canindeyú.<sup>31</sup>

170. Hunger is measured using two indicators: one relating to the "percentage of children aged under 5 suffering from general malnutrition"<sup>32</sup> and another to the percentage of malnourished pregnant women. General malnutrition among children aged under 5 increased between 1990 and 1998 and then began to decrease. However, despite the downward trend of the preceding seven years, the indicator in 2005 was still above that recorded in 1990, with a peak of 5.1 per cent in 1998. In 1990 it affected 3.7 per cent of children under 5, and 4.2 per cent in 2005.

171. From the point of view of residential area, the urban sector recorded lower malnutrition rates, that did not increase during the period studied. In rural areas, however, the rate increased steadily, from 4.3 per cent in 1995 to 5.7 per cent in 2005.

172. According to gender, the increase was more marked in the malnutrition rate among boys, where it rose from 3.3 per cent to 5.2 per cent, while malnutrition among girls decreased from 4.1 per cent to 3.1 per cent.

173. There are very significant differences when malnutrition rates are analysed according to poverty level. General malnutrition affected 6.4 per cent of children under 5 who lived in poverty, but only 2.1 per cent of children who did not.

<sup>30</sup> Government of the Republic of Paraguay — Technical Planning Secretariat — Food and Agriculture Organization of the United Nations (FAO). National Plan for Food and Nutritional Sovereignty of Paraguay (PLANAL). June 2009. 213 p.

<sup>31</sup> Government of the Republic of Paraguay. Office of the President of the Republic. Technical Planning Secretariat for Economic and Social Development (STP) – General Secretariat of the Office of the President 2009 Report. National Government. July 2009. 87 p.

<sup>32</sup> Height/weight ratio. No data are available after 2005 (in that year a programme started that was specifically designed to reduce malnutrition, for which around \$6 million were invested in 2010).

174. General malnutrition in children aged under 5 is important due to its impact on health and educational performance in the short term, while in the long term it affects socio-affective skills and work capacity.

175. The proportion of pregnant women suffering from malnutrition rose from 28 per cent to 34.5 per cent between 2000 and 2003. It then began to decrease until it reached 30 per cent in 2009. When the monitoring of malnutrition among pregnant women began in 2000, data were obtained from seven regional hospitals, selected from the health regions with the highest rates of infant and maternal mortality (San Pedro, Cordillera, Guaira, Caaguazú, Paraguari, Amambay and Canindeyú). In 2008, coverage was increased to 12 health regions (to include Concepción, Caazapá, Misiones, Alto Paraná and Central) and currently a nutritional evaluation of pregnant women is carried out in the 18 health regions, although the sample numbers vary greatly. The indicators used to measure nutritional status are weight, height and gestational age, within the framework devised by Rosso and Mardones (Chilean Ministry of Health, 1986).

176. From 2009 there was a significant increase in conditional allowance programmes, to which 50 per cent of the population in extreme poverty currently have access, while it is predicted that coverage will rise to 100 per cent in the coming years. There was also a considerable increase in social investment and an economic upturn.

177. There are various possible reasons why poverty has not decreased. In urban areas, the scarcity of professional resources, which in turn leads to low productivity, has prevented young people and adults from accessing better working conditions. In rural areas, low levels of education and the lack of access to land, information, technical knowledge and funding prevent farm workers from earning a higher income.

178. The increase in food prices by approximately 40 per cent between 2006 and 2007 affected both urban and rural areas, eroding purchasing power, especially among those with few resources.

179. Tables showing percentages of the population in extreme poverty, and of the total population according to place of residence and sex according to poverty status from 2005 to 2009 are given in annex XIV.

180. The Public Policy on Social Development (PPDS) flagship programme is the Tekoporá programme, which is implemented through the Secretariat for Social Action (SAS), and is aimed at improving the quality of life of those in poverty and extreme poverty, using conditional allowances to promote enjoyment of the right to food, health and education.

181. At present, the Tekoporá programme directly helps 446,529 people in 15 of the country's Departments, including 44,554 children aged between 0 and 5 years and 133,512 children aged between 6 and 14 years. Of the total beneficiaries of conditional allowances, 215,833 are women.

182. The basic food voucher is worth G80,000 per family, with an additional G35,000 for each child aged under 18, for up to four children per family. The maximum amount allowed per family is G290,000 (\$72).<sup>33</sup>

183. The programme in the Department of Alto Paraná covers families from the indigenous communities in the district of Puerto Casado.

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<sup>33</sup> Source: SAS.

184. Coverage of the conditional allowances programme was extended to persons with physical disabilities. The programme helps 8,178 such persons (3,596 women and 4,582 men), who receive a total of G35,000 (around \$9).<sup>34</sup>

185. The Tekoporá programme currently covers 24,840 older people (65 years and over), including 11,795 women and 13,044 men, who receive G35,000 per month. Although the conditional allowances are not large, they make a significant contribution to the protection of the rights of vulnerable groups, not only those living in poverty or extreme poverty, but also other groups, such as older people and persons with disabilities. The programme's budget was cut by the legislative branch in 2011 (Secretariat for Social Action).

186. Efforts are still being made to increase the number of beneficiaries, given that in the country 35.1 per cent of the population, equivalent to 2,191,000 people, live in poverty or extreme poverty.<sup>35</sup>

187. The table below shows the total number of beneficiaries of the programme, according to gender:

**Tekoporá Programme – total beneficiaries (family members) May 2011**

	<i>Total</i>	<i>Women</i>	<i>Women with disabilities</i>	<i>Men</i>	<i>Men with disabilities</i>
<b>Total beneficiaries</b>	<b>446 529</b>	<b>215 833</b>	<b>3 596</b>	<b>230 694</b>	<b>4 582</b>
0–5 years	<b>44 554</b>	21 569	127	22 985	180
6–14 years	<b>133 512</b>	64 892	524	68 620	699
15–18 years	<b>51 931</b>	24 666	271	27 264	358
19–64 years	<b>191 692</b>	92 911	1 715	98 781	2 291
65 years and over	<b>24 840</b>	11 795	959	13 044	1 054

*Source:* Tekoporá Programme IT Department.

188. The Ministry of Agriculture and Livestock (MAG) has been fostering agrarian development using an approach combining sectoral domestic product growth with social and environmental aspects.

189. In accordance with the objectives outlined in the PPDS and the Strategic Economic and Social Plan (PEES), in the 2009/2018 Strategic Agrarian Framework, the course of action comprises five strategies: (a) Institutional adaptation in the sector and MAG restructuring; (b) development of family farming and food security; (c) development of competition in the agricultural sector; (d) development of agroenergy; and (e) development of the livestock and farming sectors.

190. The following strategic programmes of the Ministry of Agriculture and Livestock have been set up: Support for Family Farming; Biofuel; Indigenous Agriculture and Economy; Livestock Sector Development; Rural Land Development with emphasis on Comprehensive Agricultural Reform; Development of Food Production in Family Farming; Development of Competitiveness in Agricultural Products; Promotion of Agricultural and Environmental Sustainability of Farm Lands; Promotion and Development of Gender

<sup>34</sup> Refers to recommendation No. 5.

<sup>35</sup> *Source:* Continuous household survey (EPH) 2009.

Equity and Rural Youth; Support for the Production and Marketing of Paraguayan Vegetables 2010–2014.

191. The objective of the flagship housing improvement programme is to reduce the housing deficit faced by families in poverty and extreme poverty in urban and rural areas, as well as indigenous communities, through the construction and improvement of housing, expansion of basic services and regularization of land tenure.

192. Tables referring to the general status of the flagship housing improvement programme of the National Housing and Habitat Secretariat are shown in annex XV.

193. In the past, the State has invested little to solve the country's housing problem. However, while in 2008 only 294 housing projects were launched, in 2011 resources have been made available to undertake 5,310 housing projects, an increase of 1,806 per cent, which is, however, insufficient to meet demand.

194. Through its Ethno-Development Directorate, the National Institute for Indigenous Affairs (INDI) promotes productive work among indigenous families in accordance with guidelines set out in conjunction with the communities. The aim is to admit 175 indigenous communities to the Promotion of Food Production in Family Farming programme, through planned action that is geographically focused on specific groups of family farmers, one of which comprises indigenous peoples, and aims to improve the availability, quality and quantity of food, thereby contributing to nutrition and food security and reducing rural poverty.

195. In its indigenous policy, the Government has provided support for indigenous communities in order to complement INDI's work, strengthen community organizations and associations and alleviate the poverty affecting the indigenous population. One of the priorities of the National Programme for Indigenous Peoples (PRONAPI), established by Decree No. 1945/09 and whose activities are coordinated by INDI, is to provide support for communities that are in a state of emergency, especially with regard to food, health, water and housing.

196. Community projects, such as the breeding of small animals in the indigenous settlement of Taruma Poty (Luque), have been carried out. Additionally, social projects have been undertaken with the support of Itaipú Binacional, such as the construction of schools and wells, the equipment of classrooms and the distribution of school supplies. A school building and a submersible pump were rehabilitated and furnishings were delivered to the school in Katueté, Department of Canindeyú.

197. In the community of Fortuna in the district of Curuguaty (Department of Canindeyú), community projects such as the construction of 16 communal wells have been carried out. In addition, communal wells were dug in the communities of Rio Corrientemi, in the district of Capibary (Department of San Pedro) and in the indigenous communities of Mytuy and Espagin (Department of San Pedro).

198. Artesian wells were dug in the Department of Canindeyú, while in the Department of Caaguazú, Coronel Oviedo district in the indigenous community of Arroyo Guazú San Isidro, nine dwellings were constructed, including six houses on stilts and three raised units. Two dwellings were constructed in the Maka Viñas Cue community.

199. The project to regularize indigenous lands with the objective of establishing infrastructures was undertaken for the benefit of indigenous communities in the Department of Boquerón in order to meet the basic need for decent housing and to improve the quality of life. Property was fenced off; access paths to buildings were laid and wells with the necessary equipment (motors, pipes and taps) were dug. The construction of enclosures and gated passageways for livestock, irrigation systems and improvements to existing water supply networks were financed. Within the framework of the same project, in the

Department of Caaguazú, productive projects were carried out, such as the breeding of small and large livestock, the provision of agricultural tools for small-scale farming and training in self-sufficiency for indigenous people.

200. Food support was provided to indigenous communities in the eastern and western regions in the form of food kits containing five kilograms of sugar, flour, mate herbs, salt, bread, beans, oil and noodles, as well as powdered milk, preserved meat, seeds, seedlings, small tools, medicines and hospital materials. Indigenous families were given maternity and health care and assisted after the deaths of members. In 2009, G198.3 million were spent on burial services, and technical advice was provided on agriculture and farming.

201. Around 365 indigenous communities in nine departments were assisted through PRONAPI. A total of 11,392 families received 31,291 subsistence food kits, 2,852 toolkits and 11,392 seed kits for their own consumption.

## **2. The right to water**

202. Act No. 1614/2000 on the Sanitation Service Regulatory Body (ERSSAN) defines the regulations for drinking water and sewerage services, regulated by Decree No. 18880/2002, and other regulations, such as those on quality for authorized suppliers and licensees, pricing for authorized suppliers and licensees, offences and penalties, and users.

203. Act No. 3239 was approved and promulgated in 2007 in order to regulate the use and exploitation of the country's water resources. The Act filled a gap in the legislative framework, as although according to the Civil Code water resources were the public property of the State, it did not regulate their use and exploitation and there were no controls or limits, particularly for groundwater resources. Extraction was a concern in the sector owing to the excessive increase in the drilling of wells by drinking water suppliers, private companies and other persons needing to use them.

204. The objective of ERSSAN is to regulate the supply of services, supervise the quality and efficiency of services, protect community and user interests, and monitor and verify the correct application of existing regulations which fall under its responsibility. As such, it has regulatory, supervisory and administrative powers and obligations and is able to issue general or specific rules to supervise, guide, monitor and penalize the conduct of service suppliers, users or third parties, including the designated owner.

205. As its responsibilities include enforcing precautionary measures, monitoring service quality and ensuring correct application of existing provisions of the regulatory framework for drinking water and sewerage services, ERSSAN is considering the implementation of a Monitoring and Quality Control Programme, to supervise authorized suppliers and licensees of drinking water and/or sanitation services.

206. ERSSAN's responsibilities cover the identification of suppliers, including licensees, to district hospitals, regional hospitals, assistance centres and maternity and children's hospitals, among others.

207. ERSSAN reported a concern regarding the expiration of service provider permits for 2012, which would provide an opportunity to amend certain aspects of the Act in order to guarantee the sustainability of the sector over time.

208. Claims submitted to ERSSAN, either externally or ex officio, are dealt with in cases of irregularities and/or alterations reported by suppliers, users or third parties concerning appropriate standards of service, throughout the area covered by drinking water and sanitation services. Altogether 218 inspections were performed.

209. Drinking water quality based on studies carried out by the Monitoring and Control Department of ERSSAN during the 2010 financial year are shown in annex XVI.

210. In the last two decades, the drinking water and sanitation sector has not been considered a priority area in national development plans, as the works required to extend the infrastructure and improve the efficiency and quality of services in the main areas of the country were not carried out at the appropriate time, which has compounded a lack of public policies and sectoral modernization and development plans.

211. Society is generally not aware of the sector's problems, except at times of crises related to the operation of the drinking water and sewerage systems, such as water shortages, obstructed sewers and overflowing septic tanks.

212. In the recent past, medium- and long-term institutional, financial and physical planning for the sector has been insufficient and the challenge remains to improve sectoral information systems that provide support to such planning and reflect the impact of policies and plans.

213. Drinking water supply coverage in urban areas through connection to distribution networks is estimated to be almost 80 per cent, which would be seen as a positive aspect so long as service quality is not taken into account.

214. The majority of the country's urban population lives within a very small area of the national territory. Approximately 36 per cent of the total population and 58 per cent of the urban population are concentrated in 0.6 per cent of the total territory, while 47 per cent of the total population and 70 per cent of the urban population are concentrated in only 4.2 per cent of national territory.

215. The largest population and majority of economic activity in the country are centred around Asunción and its metropolitan area, which means that the area should enjoy extensive coverage in terms of drinking water and sewerage supply and that those supplies should be efficient and of good quality in accordance with the importance afforded to the area at the national level and its condition as capital of the Republic.

216. The sewerage systems in urban areas service only approximately 15 per cent of the population, which is causing environmental degradation of the water supply (surface and groundwater) in these areas and is affecting public health. Due to soil conditions, the use of individual waste water disposal systems in urban areas also gives rise to a significant cost for homes owing to the need for regular maintenance.

217. The municipal governments do not assume responsibility for land use and land management planning in urban areas, although these are basic for planning expansion of the infrastructure needed for drinking water and waste water collection and treatment systems.

218. In this respect, municipalities still do not insist that urban developers install the requisite basic sanitary infrastructure when they implement their new housing developments.

219. A significant threat for the development of the drinking water and sanitation sector resides in the fact that the Government still has difficulty allocating sufficient resources to subsidize the construction of sewerage systems in the main urban areas of the country. The development of public policies for the sector aimed at providing drinking water and sewerage services is the first step required for the management of a sectoral planning system, since it allows the identification of areas requiring action and the strategic activities that should be prioritized.

220. Tables containing data related to the right to water are given in annex XVI.

## Article 12

### The right to free, high-quality health care

221. In 2011, and with the support of scientific organizations, NGOs and the general public, the executive successfully vetoed the draft law on the prevention and control of smoking on the grounds that it clashed with the World Health Organization (WHO) Framework Convention on Tobacco Control, which has been ratified by Paraguay, and with other constitutional provisions and principles, as well as with effective measures to combat the harm caused by tobacco to the health of the population.

#### 1. Improvement of maternal and child health

222. According to public policies on quality of life and health with equity (2008), health is a human right, and they contain an undertaking to guarantee access to public health services. Consultation services, auxiliary diagnostic tests, surgical procedures and medications are declared free of charge.

223. A system of health service networks has been developed, which includes more than 500 Family Health Units distributed across the country since December 2008. Coverage has increased, to include women and their sexual and reproductive health needs and people living in poverty and extreme poverty, benefiting approximately 500,000 women of childbearing age and 600,000 children under the age of 15.

224. Quality of care includes ensuring that care is humane, so that the work is performed by health professionals, regardless of their moral and religious beliefs, to ensure an ethical approach that guarantees protection for the human rights of the women, children and adolescents that use the health services.

225. According to the Survey on Demographics and Sexual and Reproductive Health (2008), 79 per cent of women aged between 15 and 44 use contraceptive methods for family planning and the overall fertility rate is 2.5 children per woman. Approximately 80 per cent of women aged between 15 and 24 reported having received sexual education courses (at school or college), which represents a significant increase compared with earlier surveys, from 52 per cent in 1995 to 61 per cent in 1998, 80 per cent in 2004 and 82 per cent by 2008.

226. Owing to the mortality rate among women practising abortions in unsafe conditions, the Ministry of Public Health and Social Welfare has included contraceptives on the list of essential medicines. Under Act No. 4313 of 2011 on budgetary provision for reproductive health programmes and the distribution of midwifery kits by the Ministry of Public Health and Social Welfare, a dedicated budget has been earmarked for the purchase of medications and supplies for attending vaginal births, caesarean births and obstetric emergencies, together with contraceptives (Depo-Provera, combined oral hormonal contraceptives, condoms, the TCU 380a intrauterine device and emergency contraceptive pills). There has been a call for the reform of the legislation on sexual and reproductive health in order to improve social protection for mothers and newborns and to make progress in eliminating geographic barriers.

227. The Ministry of Public Health and Social Welfare is in the process of adapting, developing and disseminating material for women concerned with abortion and is trying to promote a more integrated and humanized approach among professionals dealing with such patients.

228. The National Centre for Addiction Control, which operates under the auspices of the Ministry of Public Health and Social Welfare, is a specialized hospital that was established 12 years ago and develops national programmes to reduce the use and abuse of alcohol and

dangerous drugs through teamwork and social participation. It also focuses on the recovery and biological, psychological and social reintegration of users.

229. The Centre has a multidisciplinary team and a walk-in programme that offers individual psychological, psychiatric and toxicological medical care, family therapy, self-help groups, dental care, legal assistance to monitor cases of patients sent to the centre by court order, and legal advice for users and their families.

230. The Centre runs an inpatient programme in the two voluntary or court-ordered detoxification units, which each have a capacity of 15 beds, for either sex and different age groups. Unit I is intended for young people and adults and Unit II for children and adolescents, the majority of whom are living on the streets, institutionalized or brought in by their families. They receive medical, psychological and dental care, legal aid and personalized care, and assistance from security and containment personnel and from psychoeducational support groups for users and their families. They have a recreation area, where they can practise sport or grow a vegetable garden as occupational therapy.

231. The measures adopted to prevent inappropriate use of alcohol and other harmful substances, particularly by children and adolescents, include treatment and rehabilitation for drug users and support for their families.

232. The Centre provides comprehensive, personalized care to users with addictive and dual pathology in different areas, and to their families, with the provision of medications free of charge.

233. Despite the opening of the unit for children and adolescents, the Centre is facing difficulties arising from the refurbishment, rebuilding and extension of the building and the hiring of human resources (doctors, psychologists and others), owing to the fact that the available resources continue to be insufficient to address such a complex problem without other mechanisms and because addiction is a chronic disease that ideally requires a long period of treatment, consisting of multiple phases (detoxification, stabilization, rehabilitation and reintegration into society). In addition to this, the Centre has been affected by budget cuts for the current financial period with regard to food, basic office furniture, equipment for the units and staff benefit payments. There are also difficulties related to inter-institutional coordination, particularly with judges and prosecutors, who send patients from different parts of the country without checking whether there is room available, in view of the overpopulation and long waiting lists.

234. A statistical summary by year related to the National Centre for Addiction Control is given in annex XVII.

## **2. Universal access to vaccination**

235. The National Programme to Control Vaccine-Preventable Diseases was launched between 2009 and 2011 in order to guarantee universal access to vaccination and introduce new vaccines, ensuring cost-effectiveness and reducing the morbidity and mortality associated with vaccine-preventable diseases.

236. In 2009, the inactivated polio vaccine (IPV) against poliomyelitis was introduced in order to protect HIV-positive children and those with whom they come into contact.

237. As a result of the vaccination campaign against measles and rubella aimed at children aged between 1 and 8, Paraguay has been free of measles since 1998 and of rubella since 2005.

238. In 2010, the following vaccines were introduced: the rotavirus vaccine for children under the age of 8, aimed at avoiding complications and deaths related to diarrhoea due to the rotavirus; the vaccine against influenza A (H1N1) for groups at risk such as pregnant



women, children aged between 6 and 35 months, older persons and the chronically ill; vaccines for special groups (chronically ill and immunocompromised patients), such as the haemophilus influenzae type B conjugate vaccine (Hib); the typhoid fever vaccine; the diphtheria, tetanus toxoids and acellular pertussis vaccine; and the hepatitis A vaccine.

239. During 2010, a 4 per cent increase in coverage for the under-5s was achieved and the proportion of municipalities with low coverage was reduced by 10 per cent.

240. In 2011 the pneumococcal polysaccharide vaccine (Pneumovax 23) was introduced for older persons, the chronically ill and immunocompromised patients.

### **3. Indigenous health**

241. The Ministry of Public Health and Social Welfare is responsible for implementing new public policies relating to the Plan to Ensure Quality of Life and Health with Equity (2008–2013) and the National Policy on Indigenous Health, whose objective is to increase the universality, equity, comprehensiveness and strength of citizen participation, through positive action measures to extend coverage to groups whose right to health care has not been respected in the past.

242. The Ministry set up the Directorate-General for Indigenous Health in June 2010 in order to attend to the health needs of this group, estimated to number 108,000 according to the latest official census, and to implement strategies and actions to meet the objectives of the National Policy on Indigenous Health, which is subsidized by the Spanish Agency for International Development Cooperation (AECID). Support is provided for health professionals in order to ensure effective and efficient care while respecting indigenous cultures.

243. There are plans for the training of health promoters and to monitor performance in health regions, services and Ministry of Public Health and Social Welfare programmes.

244. Achievements include contact, dialogue and work carried out with representatives of indigenous organizations from the western and eastern regions of Paraguay, allowing the indigenous population to participate in Ministry of Public Health and Social Welfare decisions and to be consulted with regard to the Ministry's planned initiatives and projects.

245. In 2010, the Indigenous Health Congress was organized in conjunction with indigenous representatives from the supporting board of the Directorate-General for Indigenous Health created by the Ministry of Public Health and Social Welfare, the National Tuberculosis Programme and the San Roque González Hospital, which specializes in care for indigenous persons. The Congress was attended by 150 leaders from most of the regional and national indigenous organizations and representatives from governmental and non-governmental institutions and cooperation agencies.

246. Training workshops on interculturalism, which were developed in their introductory phase with the regional authorities of the Departments of Caazapá, Itapúa, Boquerón and Central (an average of 50 civil servants per health region), were held with 224 family health units, the 50 new indigenous health promoters and the 120 community health workers hired in November of the current year.

247. Fifty indigenous health promoters were hired from December 2010 to work in their communities in coordination with the nearest family health units.

248. An agreement was signed between the Ministry of Public Health and Social Welfare and the National Institute of Indigenous Affairs for the latter to provide medicines to the Ministry for distribution to the country's health regions destined exclusively for indigenous patients.

249. The Directorate-General for Indigenous Health persuaded the authorities to construct new facilities to extend and improve others (Irala Fernández Hospital in the Paraguayan Chaco) and to build two accommodation blocks for patients and their companions.

250. The Indigenous Health Board was created in 2011 through Ministerial Decision No. 01, fulfilling one of the proposals made at the Indigenous Health Congress. The Board functions as an advisory body and consultant to the Directorate-General for Indigenous Health on the implementation of the National Health Policy, which must be carried out in consultation with indigenous organizations.

251. The main challenges for 2011 include structuring the Indigenous Health Board, while reaching agreement with indigenous organizations on: participation mechanisms; ensuring that 100 per cent of indigenous communities are regularly attended to by a family health unit providing high-quality and friendly care that is free from discrimination; and organizing a forum with regional authorities and indigenous organizations in each region to include leaders of all the indigenous communities, primary health-care teams, service managers, health promoters, midwives and indigenous shamans.

252. Other challenges include: organizing work meetings with directors of specialized and regional hospitals (and other key officials) to monitor the care given to indigenous people who attend health centres, and to agree on a training plan on interculturalism with each hospital (2010–2011); to reinstate the Interministerial Board with the participation of indigenous organizations in order to link up public policies, projects, initiatives, programmes and actions that are being carried out with indigenous communities; to increase the hiring and training of indigenous health promoters until all the country's indigenous communities are covered; to draft culturally appropriate protocols for indigenous communities; to operate a communication network with health promoters; and to carry out a training and awareness campaign concerning non-discrimination of indigenous communities in health services.

#### **4. HIV/AIDS: epidemiological situation**

253. The National Programme to Control HIV/AIDS and Sexually Transmitted Diseases (PRONASIDA) coordinates collaborative work and carries out activities with governmental and civil society organizations and persons living with HIV/AIDS. It promotes the inclusion of HIV/AIDS on local government agendas through the Local Health Councils, part of the National Health System.

254. According to the epidemic classification set out by the World Health Organization and the Joint United Nations Programme on HIV/AIDS (UNAIDS), which defines characteristics by the prevalence detected in certain population groups, and the data available to date, Paraguay is experiencing a concentrated epidemic.

255. Up to December 2009, 7,932 people were registered as living with HIV/AIDS; 35.5 per cent, or 2,621 people, were notified as AIDS cases; 59.9 per cent, or 5,193 people, were infected with HIV; and 554 people had an unknown status. With 1,641 deaths, a total of 9,573 people were registered as suffering from HIV/AIDS.

256. Of the total number of registered cases broken down by gender and type of exposure, 86 per cent of cases in men resulted from sexual transmission, including 55.5 per cent through heterosexual contact, 37.5 per cent through homosexual contact and 7 per cent through bisexual contact. Two per cent were due to perinatal infection and 3 per cent to transmission through contact with contaminated blood or fluids. Regarding cases recorded among women by type of exposure, 88 per cent were through heterosexual contact, 2 per

cent through transmission between mother and child and 2 per cent through the blood and/or use of injectable drugs.<sup>36</sup>

257. As regards the prevalence of HIV among pregnant women over the age of 15, the studies carried out to date do not allow the prevalence in the 15–24 age group to be determined.<sup>37</sup>

258. The reported incidence of HIV in the 15–19 and 20–24 age groups increased between 2000 and 2009, from 4.54 to 8.99 per 100,000 inhabitants in the 15–19 age group and from 12.27 to 25.91 per 100,000 inhabitants in the 20–24 age group. The increase in new infections is linked to two factors: partly the improvement in the recording and notification system and partly the population's greater access to diagnostic HIV tests, which introduce additional considerations for evaluating progress towards the set target.<sup>38</sup>

259. Taking into account the improvements made to the consistency and reliability of data between 2005 and 2009, there was a 71 per cent increase in newly diagnosed HIV cases in 2009 compared with 2005.

260. Access to and the use of HIV and syphilis tests has improved due to the implementation, from the end of 2005 onwards, of a programme to prevent HIV transmission from mother to child and the transmission of syphilis to pregnant women, as well as the opening of voluntary HIV testing centres and comprehensive care services in other health regions that have recently joined the initiative.

261. The first official estimates of the number of people living with HIV/AIDS were made in 2002–2003. The computer programme that carried out the calculations was developed by the UNAIDS/WHO Technical Working Group on Global HIV/AIDS and STD Surveillance. These estimates are made every two years.

262. The last estimate, made in 2009, placed the number of persons, including adults and children, living with HIV/AIDS at 13,000.

263. Between 2005 and 2009, the gap between the estimated number of people living with the AIDS virus and the recorded number decreased from 71 per cent to 40 per cent, thanks to improvements to the strategies implemented by the Ministry of Public Health and Social Welfare through the PRONASIDA programme and improvements in the data of the surveys used as a basis for estimates.<sup>39</sup>

264. In 2009, 63 per cent of people with advanced infection had access to medicines, representing a threefold increase compared with 2005.

265. The access of people living with HIV/AIDS to anti-retroviral therapy increased thanks to measures including: improved access to HIV diagnosis and anti-retroviral treatment for the most exposed members of the population; expansion of the comprehensive care services for people living with HIV/AIDS in Paraguay and decentralization of anti-retroviral drugs; improved logistics and distribution of anti-retroviral medicines; improved preventive measures and comprehensive care in the health regions; and gradual incorporation of the area of HIV/AIDS/sexually-transmitted diseases (STDs) into primary health care.

266. To comply with one of the Millennium Development Goals, the Ministry of Public Health and Social Welfare is endeavouring to strengthen women's access to HIV detection

<sup>36</sup> See annex XVIII, figure 1.

<sup>37</sup> See annex XVIII, figure 2.

<sup>38</sup> See annex XVIII, figure 3.

<sup>39</sup> See annex XVIII, figure 4.

through its national programme to combat HIV/AIDS and STDs, with the aim of avoiding transmission to their offspring, which has led to the current increase in detected cases due to heterosexual transmission.

267. The Strategic Plan for a National Response to Sexually Transmitted Infections HIV/AIDS 2008–2012, which is currently in effect, sets out as the Vision for Paraguay for 2012: curbing the advance of the HIV epidemic and sexually transmitted diseases among the general public, with special emphasis on the most vulnerable, with a view to achieving universal access to prevention and comprehensive care and improving the quality of life of people living with HIV, within the framework of a broad, comprehensive and committed national response that is focused on rights, equity and gender and that incorporates the efforts of the State, civil society and the international community, under the strengthened authority of the Ministry of Public Health and Social Welfare. The proposal presents strategic priorities relating to: public policy and human rights; promotion, prevention, protection, diagnosis, care and treatment; institutional development and management; strategic epidemiological information; harmonization and intersectoral approach; monitoring and evaluation.

## **5. AIDS and HIV legislation**

268. In 2009, Act No. 3940/09 was approved, establishing “rights, obligations and preventive measures concerning the effects of the human immunodeficiency virus and the acquired immunodeficiency syndrome”, with the aim of guaranteeing respect for human rights and their protection and promotion in the treatment of people living with and affected by HIV and AIDS, while establishing measures to prevent transmission. It is a State policy for which the Ministry of Public Health and Social Welfare is responsible, acting through PRONASIDA and other government institutions, in coordination with and according to the strategic plan for the national response. The Ministry will ensure access to information and inputs for the prevention, care and treatment of HIV/AIDS, as well as of STDs due to their involvement and importance as facilitators of HIV transmission.

269. The Act also establishes that, where necessary, public and private health institutions at all levels must provide information, guidance, health supplies, treatment and care to people with HIV, in accordance with the level of complexity of the infection and in line with the protocols established and disseminated by PRONASIDA.

270. Furthermore, all forms of discrimination or degrading acts against people with HIV or AIDS are prohibited. Restrictions and coercive measures affecting their rights and guarantees are also prohibited if imposed solely on grounds of real or presumed serostatus. The accompanying regulations provide for: universal health care in public hospitals and universal access to treatment free of charge for all people with HIV; access to education regarding the illness; and the right to decent work. In order to implement this state policy, the executive and legislative branches will take steps to ensure that sufficient financial resources are available in the national budget each year for the development of the programme and the strengthening of the national response to the epidemic.

## **6. The National Institute for the Protection of Exceptional Persons (INPRO)**

271. According to data from the National Institute for the Protection of Exceptional Persons (INPRO), attached to the Ministry of Education and Culture, the country does not have a specific programme that deals with the subject of disability overall. The figures indicate that in Paraguay there are 44,421 people with some kind of disability, of whom 51 per cent are under the age of 18.

272. INPRO submitted preliminary draft legislation to the executive for the creation of the National Secretariat for the Human Rights of Persons with Disabilities, as it does not

currently have the necessary authority to act on its own on behalf of other sectors. This bill, which is currently under examination in the Chamber of Deputies, recognizes rights and guarantees relating to the areas of health, habilitation and rehabilitation, work and training, education, social integration, access to an adequate standard of living and social protection.

273. Since last year, the rehabilitation services offered by INPRO have been decentralized, with services being offered in San Estanislao, Caacupé and Villarrica and before long in Pilar and Coronel Oviedo.

274. Regarding statistical data, the Directorate-General for Statistics, Surveys and Censuses (DGEEC) has included questions in the national census questionnaire aimed at identifying persons with disabilities, taking into account the difficulties experienced in the previous census. After workshops with civil organizations, the questionnaire was revised by state institutions working in the area of disability.

275. The Social Welfare Institute, which is attached to the Ministry of Public Health and Social Welfare, is currently drawing up the Public Disability Policies in conjunction with governmental bodies, organizations of persons with disabilities and civil society organizations from the country's different Departments, through regional forums. The policies cover health, education, legislation, access to services, and community and social environments, among others.

276. The demographic indicators per five-year period and for individual years corresponding to the 2011–2015 period are given in annex XIX.

## **7. Measures taken and progress achieved through programmes to control vector-borne diseases**

277. The National Service for the Eradication of Malaria, as a technical body of the Ministry of Public Health and Social Welfare, is implementing the Plan to Eradicate Malaria, which is present in 90 per cent of the national territory except in the capital, nationwide.

278. The Service is currently under the technical control of the Directorate-General for Health Monitoring and under the direct administrative control of the Office of the Deputy Minister. Its organizational structure is adapted to the current needs of the country and was adopted on 30 March 2009 through Ministerial Decision No. 162/09.

279. The National Programme to Control Malaria seeks to prevent mortality and decrease morbidity and socioeconomic losses resulting from malaria by progressively improving and strengthening the capacity to respond at the local and national levels, in order to continue the sustained efforts since 2002 to implement the Millennium Development Goals. Target 6 of the Millennium Development Goals is to reduce malaria by more than 50 per cent worldwide by 2015, starting from a baseline of 9,946 cases for Paraguay in 1999.

280. With regard to the epidemiological situation and the results obtained, in 2010 the Programme managed to decrease the number of malaria cases by 70 per cent compared with the previous year (27/91).

281. Currently, malaria is considered to be endemic only in the Departments of Alto Paraná and Caaguazú.

282. The 18 indigenous cases confirmed in 2010 were all in the Department of Alto Paraná. Among those cases, 61 per cent (11) of the persons infected were male and 39 per cent (7) were female.

283. Unlike in past decades, the new strategy to control malaria focuses on the early diagnosis and immediate treatment of cases, including residual and space spraying.

284. The Programme's success is due to epidemiological monitoring by searching for cases both actively and passively. This monitoring is conducted by volunteers, who are ultimately responsible for maintaining the information network and ensuring the early diagnosis and prompt treatment of cases.

285. In 2011, up to the twenty-first week of the year just one indigenous case and two imported cases of malaria had been reported. This achievement prompted the Programme to refocus its activities, and it is currently implementing the Plan to Eliminate Malaria in Paraguay, with technical support from the Pan American Health Organization and the World Health Organization.

286. Prevention mechanisms: vector control through chemical spraying: in 2010 a total of 7,207 households and 1,573 sites were sprayed. Altogether, 6,679 litres of Lambda-cyhalothrin 10 per cent PM were used, which is a residual action insecticide belonging to the pyrethroid group.

287. Epidemiological monitoring: in 2010 the network of diagnostic units of the National Programme to Control Malaria analysed 56,827 blood samples from persons living in areas where malaria is endemic, in order to detect cases early so that they may be treated promptly. Of all the samples analysed, 0.03 per cent tested positive for *P. vivax* (18 cases) and 0.014 per cent (8 cases) tested positive for *P. falciparum*, imported from Africa.

288. Promotion: The National Programme to Control Malaria designed and distributed about 2,000 pamphlets to be handed out to persons travelling to the 2010 World Cup in South Africa, to the National Secretariat for Tourism and to travel agencies, in addition to spreading the message about prevention measures through television. Talks were given on prevention of the disease, and drugs were provided to 1,550 military personnel deployed to Haiti. In 2010, a total of 614 educational talks were attended by 8,217 participants, and 100 radio interviews and 53 television interviews were conducted.

289. Treatment: Since 2007 the radical 7-day treatment has been used. This has helped patients to complete their drug regimen, reducing the number of patients who stopped taking their medication, which had been a frequent practice with the previous 10-day regimen. All the positive cases were treated with the radical drug regimen, with 150 mg of chloroquine and 15 mg of primaquine. The drug regimen used for patients with *P. falciparum* consists 50 mg of Artesunate and/or Coartem (20 mg of Artemether + 120 mg of Lumefantrine) for adults, for three days.

290. The National Programme for the Vector Control of Dengue Fever seeks to keep the incidence of dengue fever low and reduce the socioeconomic impact of the disease, as set forth in the national integrated management strategy, and to strengthen the national integrated and multisectoral management strategy, in line with the country's commitment within the framework of the Southern Common Market (MERCOSUR) for a period of five years (2007–2011), in order to supplement vector control activities aimed at reducing the morbidity, mortality, and socioeconomic impact of dengue fever in Paraguay.

291. As for the epidemiological situation and the results obtained, prevention efforts show that, with regard to vectors, in 2010 all planned entomological monitoring actions were completed.

292. Despite the campaigns to eradicate breeding grounds, the density of vectors remained very high, largely on account of the rapid replacement of the vector populations.

293. Entomological monitoring activities were planned for high-risk areas, with priority districts and departments identified. In order to effectively implement those activities, civil servants in all parts of the country were trained at workshops held for regional managers and entomological experts.

294. In 2010 the Plan for the Integrated Control of Vectors was established, which focuses on specific high-risk areas and situations and identifies strategic locations, such as tyre repair shops, cemeteries, schools, religious festivities and places where large numbers of people gather. In some 80 per cent of confirmed cases of dengue fever, prompt action was taken to contain the disease, such as by spraying within 20 to 48 hours of the case being reported. In addition to focused control measures such as containment actions, cooperative efforts known as “*Mingas y Rastrillajes*” (community canvassing drives) were initiated jointly with other sectors such as municipal administrations in the capital, Central Department and some municipalities in the interior of the country.

295. As for participation and communication with communities, the National Service for the Eradication of Malaria gave talks at educational institutions and with neighbourhood committees and local and municipal authorities throughout the year. At national level, 972 radio shows and 292 television programmes were broadcast on various stations and channels on topics related to dengue fever. These broadcasts and talks are used to inform and educate the public about ways to prevent diseases dealt with by the National Service for the Eradication of Malaria and about the services it offers.

296. In order to assist the efforts to communicate with and raise awareness among the general public about the use and ultimate fate of disused tyres that could become breeding grounds for mosquitoes, the National Service for the Eradication of Malaria, with financial support from the Pan American Health Organization for the printing work, prepared a guide on alternative uses for tyres, focusing on proper ways of handling them.

297. As a result of the restructuring initiated by the National Service for the Eradication of Malaria, rapid response teams from the Ministry of Public Health and Social Welfare have now been established in all Departments of the country. As there are 18 zones, 18 rapid response teams have been established to carry out containment efforts when cases of dengue fever are reported.

298. The National Programme to Control Chagas Disease seeks to prevent the mortality and reduce the morbidity and socioeconomic impact of the disease by preventing its transmission through vectors or blood transfusion and by monitoring congenital transmission, in accordance with the commitment made under the Southern Cone Initiative to Control and Eliminate the Transmission of Chagas Disease (INCOSUR).

299. The epidemiological situation and the results obtained show that Chagas disease poses a significant public health problem, as it is a chronic condition, which can easily go unnoticed and affects socially and economically disadvantaged populations, and for which there is no proper aetiological treatment, while serious obstacles hinder the availability, development, and supply of suitable treatment.

300. In the east of the country, no new acute cases resulting from vector-borne transmission by *Trypanosoma cruzi* have been registered since 2008.

301. Following a drastic decrease in the presence of *Triatoma infestans* in departments identified as having a higher endemic risk (Cordillera, Paraguari and Concepción), starting from a baseline of up to 15 per cent of homes infested in 2000, only few communities now remain infested, amounting to only 1.1 per cent, and infestations are almost exclusively contained in the area around households. The species *Triatoma sordida* is gradually appearing in places previously infested with *T. infestans*, and this is generating a keen interest in close observation and research of this species, so as to clarify its potential as a possible secondary vector.

302. In the Chaco or Western Region, the continuous control measures and monitoring system implemented have led to a significant decrease in the rate of home infestations, amounting in the 2002 baseline to up to 40–60 per cent, compared with a current rate of 1

to 12 per cent, and those infestations are limited to the area immediately around the home and mainly involve the native species *Triatoma sordida* and *Triatoma gusayana*.

303. Transmission by blood transfusion has been controlled, in accordance with the obligation to conduct serological screening of all blood destined for transfusion. The current prevalence rate of *Trypanosoma cruzi* is 2.8 per cent nationwide, with 1,907 chronic cases diagnosed among blood donors in the current year. Congenital or transplacental transmission is the most prevalent form of transmission. The seroprevalence among pregnant women in departments where the disease is endemic stands at: 6.3 per cent in Cordillera and 5.5 per cent in Paraguairí, with an incidence of 410 cases. In the Department of Boquerón (Filadelfia-Neuland) the seroprevalence is 15 per cent.

304. Since 2010, the health services have been reporting confirmed cases of Chagas disease, including 77 chronic cases, 68 per cent of which were asymptomatic and 23 per cent symptomatic (of those, heart disease was present in 24 per cent of cases and megacolon in 7 per cent).

305. A vector monitoring system has been implemented to identify, measure and monitor home infestations of triatomines, categorized by risk areas.

306. Guidelines and indicators have been introduced in blood banks to ensure that the disease is not transmitted by blood transfusion.

307. Preventive action focuses on community monitoring in departments in the Eastern Region where the disease is endemic. The monitoring network is made up of reporting centres set up in each district (20 in Cordillera, 17 in Paraguairí and 7 in Concepción), with a total of 1,892 reporting posts staffed by trained and monitored leaders.

308. In the Chaco or Western Region, the monitoring network is managed with the active participation, accompaniment and direct monitoring of trained leaders assigned to reporting posts. Four reporting centres (in Neuland, Loma Plata, Filadelfia, and Mariscal Estigarribia) and 88 reporting posts have been established and are manned by 141 leaders.

309. Institutional monitoring is carried out in accordance with the annual housing evaluation plan, based on the analysis of the risk level in each locality. This monitoring is conducted by staff of the National Service for the Eradication of Malaria in the three affected zones of the area where the disease is endemic, namely Concepción, Cordillera and Paraguairí.

310. In 2010, 27 children were treated for congenital Chagas disease.

311. The National Programme to Control Leishmaniasis sets out the following objectives: decreasing the morbidity, mortality and transmission of leishmaniasis; objectively diagnosing as many cases as possible; effectively treating all cases diagnosed; training staff in local and regional health centres; and coordinating, organizing and carrying out activities to monitor and control leishmaniasis.

312. The epidemiological situation and the results obtained show that in 2010 a total of 145 cases of visceral leishmaniasis were reported, mostly in districts of Central Department and in the Departments of Concepción, Cordillera, Paraguairí, Caaguazú, Misiones, Itapúa, Guairá, Capital, Presidente Hayes and Alto Paraná, in addition to 264 cases of cutaneous leishmaniasis. As at the twenty-first week of the current year, a total of 38 cases of visceral leishmaniasis and 30 cases of cutaneous leishmaniasis have been reported.

313. In 2010, 70 per cent of confirmed cases were found in men and 30 per cent in women. The age bracket most seriously affected was 1 to 4 years, while that least affected was 15 to 19 years.



314. The increase in reported cases is probably due to increased detection, because the capacity to diagnose the disease has been strengthened in observation centres (the National Hospital, the Institute of Tropical Medicine, the Clinics Hospital, the Mother and Child Health Centre and the General Paediatric Hospital) and in other public and private centres (the Social Security Institute, the Barrio Obrero Hospital, the San Roque Clinic, the Private Children's Institute and the Encarnación Regional Hospital).

315. The mortality rate recorded for human visceral leishmaniasis in 2010 was 6.2 per cent, which represents a drop compared with previous years. For 2011, as at the twenty-first week of the year, the recorded mortality rate is 4.80 per cent, with two deaths. This is considered to be the result of improved handling of cases of human visceral leishmaniasis in observation centres, as well as a stronger tendency to diagnose cases early.

316. Lectures and training sessions on preventing leishmaniasis have been held in various places around the country where the disease is endemic. Health-care professionals and staff of the National Service for the Eradication of Malaria have also been trained in diagnosing and treating the disease, and 126,274 copies of training materials have been distributed.

317. The percentage of children of 1 year of age who have been vaccinated against measles is indicated in annex XX.

318. The percentage of children of 1 year of age vaccinated against measles rose from 71 per cent nationwide to 77 per cent from between 1990 and 2008, falling back to 71 per cent the following year. According to the statistics available from benchmark health regions, in 2009 Asunción and Caazapá achieved 81 per cent coverage in both urban and rural areas. Although coverage is increasing, it has not reached 95 per cent, which is the figure considered optimal for meeting the goal of eradicating diseases.

319. In order to reduce the percentage of persons susceptible to the disease, improve access to vaccines and ensure compliance with vaccination coverage, since 2004 the Ministry of Public Health and Social Welfare has participated in Vaccination Week in the Americas, which aims to reduce inequality of access to vaccination.

320. No cases of measles have been reported since 1998, when a national vaccination campaign was waged to eliminate the disease through full vaccination coverage. Between 2003 and 2009, various vaccination campaigns were carried out with the MR/MMR vaccine in order to ensure coverage for susceptible population groups, with the following results: 93 per cent coverage for children 1 to 4 years of age in 2003, 99.7 per cent coverage for persons 5 to 39 years of age in 2005 and 99 per cent coverage verified by rapid monitoring among children 1 to 8 years of age during the 2009 campaign.

321. While significant progress has been made in responding to the challenges involved in reducing child mortality, as well as mortality of children under 5 years of age, expanding health coverage in the poorest regions of the country is essential.

322. Another challenge to overcome in reducing infant mortality is met by the country's health promotion programme, which has generated demand for preventive care, from the community level to the health-care system. It is important to focus on topics related to the healthy growth and development of children under 5 years of age and the control of preventable diseases that are causes of mortality among this age group.

323. A pending task, which is altogether necessary, would consist in improving registration and the collection of information in the health-care system and keeping that information up-to-date with consistent and reliable data, since doing so would make it possible to design and implement plans and programmes that respond to the needs and realities in the country.

324. Another priority that must be dealt with is to develop indicators for the health of indigenous children and to devise plans and programmes that take into account the cultural aspects of indigenous communities.

325. Local governments must make a greater effort to meet the challenge of decentralizing health care by establishing their own health plans, programmes and specific targets for reducing child morbidity and mortality.

326. It is very important to focus on comprehensive care for mothers, infants and children in order to succeed in providing health-care services to everyone in the country.

327. For this, it is essential to ensure that each health region has access to the necessary skills, resources, supplies and infrastructure and the ability to take decisions at the local level.<sup>40</sup>

328. It is extremely important to train health-care professionals to improve their management skills and resource management, because these types of limitations have a serious impact on the availability of resources and supplies needed to carry out health-care work, chiefly in the interior of the country.

329. Organizing health-care service networks to implement, inter alia, the Strategy for the Comprehensive Care of Common Childhood Diseases and the National Programme on Vaccine-Preventable Diseases still poses a major challenge for the health-care system. The registration systems for these programmes are at various stages of development in the different health regions, so that action is needed to ensure that both programmes meet their objectives throughout the country.

## **8. Improving the mental health of persons undergoing psychiatric treatment**

330. The National Mental Health Policy 2011–2020 represents another commitment made by the Ministry of Public Health and Social Welfare. The National Mental Health Policy was developed, approved and published in the context of South-South cooperation within the Pan American Health Organization through an agreement signed between the Ministry of Public Health of Paraguay and Brazil.

331. In 2011 the Ministry of Public Health and Social Welfare established a Directory of Mental Health Services within the Network of Integrated Health Services, which provides basic data concerning the services, specializations and days and hours of attendance, allowing access to members of the network of health services at all levels, from primary care and family health units up to the most complex services.

332. The lifting of the precautionary measures imposed on the Psychiatric Hospital by the Inter-American Commission on Human Rights in 2010 constitutes a positive accomplishment, which recognizes the improvements made in this institution to protect the life and personal safety of the patients.

## **Article 13**

### **The right to education**

333. The State of Paraguay has made progress in establishing an obligation to respect not only the right to education but also the right to human rights education. In 2009 it established the Directorate-General of Human Rights Education, whose main mission is the

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<sup>40</sup> Ministry of Public Health and Social Welfare, “National Plan for Children’s Comprehensive Health 2008–2012”, Asunción, 2008, p. 9.

design and participative implementation of the National Plan for Human Rights Education, the first draft of which has been submitted for consultation in order to collect expectations and suggestions about teacher training, educational materials, the official curriculum, the learning environment, policies and their implementation in human rights education. The first phase of the plan is scheduled to begin in 2012.

334. The official version of the principles and tenets of the Paraguayan education system clearly reflects the search for the full development of the human personality. In this respect, the Directorate-General of Human Rights Education has made a great effort to include and give visibility to material related to human rights education, including some related to economic, social and cultural rights. However, the more definitive work will await the implementation of the National Plan for Human Rights Education, which calls for a full, gradual and systematic rights-focused review of the national curriculum, in order to introduce adjustments where necessary. Meanwhile, as part of its routine activities, the Directorate-General of Human Rights Education holds workshops for educators, students and members of civil society on the scope and implications of human rights education.

## **1. Literacy at the macro level**

335. The literacy rate in the country stood at 98.3 per cent for persons between 15 and 24 years of age in 2008. Reducing the illiteracy rate among indigenous peoples poses a challenge, as it currently stands at 38.9 per cent and among some ethnic groups exceeds 40 per cent.

336. The Ministry of Education and Culture continues to implement the “Programme to Redefine Secondary Education”, through which support materials for secondary schoolteachers have been developed and annual plans have been proposed for various areas of study, of which 25,000 digital copies have been distributed.

337. The National Literacy Campaign, using the programmes “Paraguay Reads and Writes” and “Literacy for Young People and Adults”, seeks to meet the educational needs of young people and adults who have not learned to read and write, through joint efforts by the Ministry of Education and Culture and the Social Affairs Cabinet. The “Literacy for Young People and Adults” programme was implemented in 13 Departments in the country in 2010, benefiting more than 10,500 people, 70 per cent of whom were women.<sup>41</sup>

338. A total of G101,977,438,420 was invested in building 1,271 new schools through the “Decent Schools” programme in 2010. In 2013 there are plans to build 30,000 classrooms and 9,000 toilet facilities and to provide 1,570,000 articles of furniture to help develop educational activities.

339. The Directorate-General for Indigenous Schooling, established under Act No. 3.231/07, promotes and develops education with and for indigenous peoples using an intercultural and multicultural approach, while respecting the diversity and strengthening of their cultures. Decree No. 50/2008 allocated funds to ensure the participation of indigenous peoples in educational policies through consultation with their communities and allowed 35 secondary school graduates working in indigenous schools to receive training in multicultural and multilingual education.

340. The “Formal Literacy and Bilingual Basic Education Programme” seeks to raise the education level of 43,000 Paraguayans and foreigners living in the country by improving their bilingual literacy skills and educating them in a self-care approach to reproductive

<sup>41</sup> Third Presidential Report to Congress, July 2011.

health, cultural identity and gender equity. There are currently 1,000 bilingual literacy centres in the various departments of the country.

341. The objective of the “Information and Communication Technologies in Schools Programme” is to develop educational policies to gradually incorporate technology in the school system, focusing on remote areas, border areas, and poverty-stricken areas. It seeks to provide technology infrastructure by installing 20 videoconference centres and 400 wireless Internet hotspots in public institutions, implementing a one-computer-per-student model and distributing a Paraguayan virtual encyclopaedia and a programme for teachers called “Technology for All”.

## **2. Promotion of literacy**

342. The Ministry of Education and Culture is responsible for the following programmes: Bilingual Youth and Adult Basic Education, which aims to improve the educational standard of Paraguayan citizens of 15 years of age who have neither begun nor completed basic education. Alternative Secondary Education for Youth and Adults, which responds to the specific needs of young people and adults 18 years of age or older who do not have access to or did not complete secondary education within the normal time frame. This programme is implemented in both public and private institutions in all departments of the country. Secondary Distance Education with an Emphasis on New Technologies for Young People and Adults, which is aimed at young people and adults in the country who are interested in receiving training and improving themselves, and who are 18 years of age or older or have completed the fourth cycle of bilingual basic education (or its equivalent). Vocational Training, which aims to improve the availability and quality of vocational training and vocational guidance for young people and adults who attend continuing education programmes, official, subsidized and private vocational institutes or vocational training centres, which have been established by a ministerial decision throughout the country except in Alto Paraguay. The target population for the various vocational training specializations consists of persons of 17 years of age or older, who may or may not have completed primary education, the third cycle of basic education, the fourth cycle of bilingual basic education, and/or secondary education. Initial Vocational Training, which is an informal module-based programme that seeks to teach trainees: to develop key competencies, which are understood to be technical and social skills that reflect attitudes, behaviours and abilities needed to obtain a job, keep a job or find a new one; and to acquire specific competencies, understood in the sense of a body of knowledge and skills that make it possible to carry out a professional activity, in accordance with production and employment needs. This training is provided in Centres for Youth and Adult Education, Model Centres and Resource Centres for a total of 80 hours per year.

## **3. Mother-tongue instruction**

343. There are 456 indigenous institutions throughout the country, including 403 schools that provide initial education and basic education, 18 high schools and 35 continuing education centres, 97 per cent of which are in rural areas and 3 per cent in urban areas. As many as 97 per cent of educational institutions for the indigenous sector are public, while 2.74 per cent are subsidized private institutions and only 0.25 per cent private establishments.

344. There are currently 22,332 children enrolled in State schools, compared with 19,970 in 2008. One of the major goals of the Directorate-General for Indigenous Schooling is to raise the enrolment rate and reduce the number of overage students in indigenous schools in the country.

345. In 2009 a total of 15 new schools were established and made operational, while in 2010 a total of 38 new schools were established and made operational. Five new high schools were established in 2010.

346. In 2009 the Directorate-General for Indigenous Schooling began a process of dialogue with the Directorate-General for Initial and Basic Education and the Directorate-General for Educational Planning on the procedures and requirements that must be met for indigenous schools to benefit from the Microplanning in Education process. As a result, indigenous educational establishments received allocations from the 2010 National Budget at the various levels of government and in the various departments of the country. In the period 2010–2014, the Directorate-General for Indigenous Schooling will receive funds to train and certify 700 indigenous teachers working in indigenous schools with training in bilingual intercultural education.

347. The National Institute of Indigenous Affairs promotes the right of access to higher education by sending indigenous youth to universities. In the 2009/10 school year, 26 indigenous youth were found places in universities. The National Institute of Indigenous Affairs provides monthly grants to 55 indigenous young people and a one-time grant to 64 secondary students for technical training.

348. The National Institute of Indigenous Affairs builds schools in communities across the country. Local schools were built and furniture and school supplies provided to the following five communities in the Departments of Alto Paraná and San Pedro: Ka'a Poty community (Itakyry district), Loma Tajy community (Itakyry district), Formosa community (Itakyry district), Ysati community (Itakyry district) and Gua'ay Kapi'i Tindy community (Tacuatí district).

#### 4. Universal basic education: assessment and trends<sup>42</sup>

349. The net enrolment rates for preschool and basic education are given in annex XXI, figure 1.

350. From 1992 to 2009, the net preschool enrolment rate increased from 17 per cent to 68 per cent, whereas from 1990 to 2009 the enrolment rates for the first and second cycles of education fell by 8.3 percentage points (from 93 per cent to 84.7 per cent), and the rate for the third cycle rose by 31.5 percentage points (from 27 per cent to 58.5 per cent).<sup>43</sup>

351. Significant increases were seen in the coverage of preschool and the third cycle, disaggregated by the students' place of residence; the most noticeable jump in net enrolment rates at these levels occurred at the preschool level; from 1992 to 2009, net preschool enrolment rose from 34 per cent to 71.8 per cent in urban areas and from 6 per cent to 63.8 per cent in rural areas. The first and second cycles have shown a stable trend of more than 90 per cent net enrolment in urban areas (except in 2006 when the rate fell to 88.1 per cent, rising again in 2007 to 92 per cent and dropping back in 2008 to 88.9 per cent and again in 2009 to 86.2 per cent). In rural areas the pattern has been more irregular,

<sup>42</sup> General observation pertaining to all indicators from the Ministry of Education and Culture: Data are collected annually by census; that is, each year every institution enters its data on statistical forms, which must be submitted to a central processing unit. Therefore, a lower rate (especially in the last year of the series) does not necessarily imply a drop, but might instead mean that some institutions had not yet submitted their forms by the cut-off date.

<sup>43</sup> The Paraguayan educational reform was introduced in classrooms in 1994. Under this reform, the primary education system went from a six-year system to a nine-year system. Thus, primary education is now divided into three cycles. The first cycle, known as basic education, goes from the first to the third grade, the second cycle from the fourth to the sixth grade and the last cycle from the seventh to the ninth grade (also known internationally as lower secondary school).

ranging from 83 per cent to 89 per cent in the 1990s and then climbing to more than 98 per cent until 2005, after which it dropped gradually to 83 per cent in 2009.

352. In terms of gender, there was parity in 2009 in terms of net enrolment at the preschool level and in the first and second cycles, but not in the third cycle, where the rate for girls was 5.2 percentage points higher than the rate for boys.

353. The school survival rate from the first to the fifth grade improved for both boys and girls, rising from 70 per cent in 1990 to 81.3 per cent in 2005. It then fell to 75 per cent, remained stable until 2008 and improved slightly in 2009 to stand at 76.8 per cent. The data disaggregated by area of residence show that in urban areas the rate fell by almost 5 percentage points in the period from 1990 to 2009, while in rural areas it increased by 8.8 percentage points, from 56 per cent in 1990 to 64.8 per cent in 2009, peaking in 2004 at 82.6 per cent. Gender differences in enrolment were minimal and the trend towards parity continued up to 2005. However, indicators for 2009 show a little more than 4 percentage points advantage for girls, while the survival rate at the fifth grade shows an upward trend.

354. Out of every 100 students who enrolled in the first grade in 2000, 49 entered the ninth grade of basic education in 2008 and 45 completed that grade.

355. The gross enrolment rate for secondary education rose remarkably, from 22 per cent in 1990 to 55.6 per cent in 2009, although coverage needs to be expanded further. In rural areas, the enrolment rate for secondary education increased fivefold, from 6 per cent in 1990 to 30.4 per cent in 2009, while in urban areas it increased by 38.4 percentage points. The gross enrolment ratio stands at 57.7 per cent for girls and 53.6 per cent for boys.

356. The literacy rate stood at 98.2 per cent in 2009 for persons of 15 to 24 years of age, and in recent years equity has been maintained in terms of gender, area of residence and poverty level. Given this trend, it is expected that universal literacy will be achieved before 2015.

357. It was proposed that illiteracy should be eradicated by 2008, and although this goal was not 100 per cent achieved, progress was evident in the rate for that year – the fruit of the policies and programmes implemented. The illiteracy rate among people of 15 years of age and older was 8.2 per cent in 1995 but had fallen to 5.2 per cent by 2009. Analysing the data by area of residence, social status and sex reveals increasing levels of illiteracy, with the rate being highest among poor women living in rural areas.

358. The indigenous population remains the farthest behind; according to the survey of indigenous households conducted in 2008, 40.2 per cent of indigenous people of 15 years of age and older are illiterate, i.e. around 4 of every 10 people have not completed the second grade of primary education.

359. Between 1996 and 2009, the country moved closer towards achieving gender parity in access to education, especially in terms of the combined gross enrolment rate, including basic and secondary education.<sup>44</sup>

360. Nationwide, for every 100 boys in the combined gross enrolment figure for 2009, there were 97 girls. It is in rural areas that the disparity in enrolment persists; in the same year, for every 100 boys in rural areas there were 91 girls. The data for urban areas, on the other hand, indicate that the gender disparity has been successfully eliminated, since for every 100 boys represented there were an equal number of girls.

361. The literacy ratio for men and women aged between 15 and 24 is shown in annex XXI, figure 5.

<sup>44</sup> See annex XXI, figure 4.

362. The ratio reveals that, in 2007 and 2008, there were significantly more literate women than literate men nationwide, with 102 literate women for every 100 illiterate men. The situation in urban areas was similar; in 2007 there were 123 literate women for every 100 literate men and in 2008, there were 106 literate women for every 100 literate men. In rural areas, in 2007 there were 82 literate women for every 100 literate men and in 2008, 96 literate women for every 100 literate men.

363. However, nationwide data for gender parity in literacy in 2009 reveal a re-emerging disparity in the literacy rate, indicating that for every 100 literate men there were just 94 literate women. The situation was the same in both rural and urban areas. In rural areas for every 100 literate men there were 89 literate women and in urban areas for every 100 literate men there were 98 literate women.

## **Article 14**

### **Free, compulsory primary education**

#### **Compulsory nature of access to education**

364. The Constitution of the State of Paraguay establishes the principle that basic education shall be free of charge from the first to the ninth grade.

365. The principle that education should be free and compulsory was extended to apply also to preschool and secondary education in 2010, with the adoption of Act No. 4,088 of 13 September 2010, which establishes that preschool education and secondary education shall be free of charge. Under this Act, all students attending state schools are exempt from the payment of all enrolment fees, examination costs and diploma expenses, school materials and supplies, which represent a substantial investment. For the first time all secondary school classrooms will have libraries, TVs, DVDs, PCs, and other equipment that should enable schools to improve implementation of curricula. The exercise book allowance per pupil was also increased. Each school will also receive an allowance of between 20 and 60 dollars per pupil depending on the type of school. Provided that school directors can attest to having students that regularly attend classes, they receive this allowance to help keep the students in the educational system.

366. The exemption from fees is effective for all public secondary schools. The classroom libraries (themed classrooms) each have approximately 150 books, giving a total of around 400 per school, on the basis of an average of 130 books per classroom. The first set for 500 schools is at the tender stage. The first consignment consists of approximately 250 books.

367. As part of the themed classroom programme, each classroom is equipped with a TV, DVD players and computer, while each school is provided with a projector, sound equipment, musical instruments, sports equipment (balls, nets), paints, basic science lab equipment, maps and globes.

368. No examination fees are charged in state-run public schools.

369. The Ministry of Education and Culture issues student ID cards to secondary school pupils, that entitle them to travel at half fare.

370. Each year the Ministry of Education and Culture arranges for a set of basic school materials sufficient to cover the whole academic year to be distributed to all girls and boys in preschool, basic and secondary education. This provision was extended to secondary education in 2011 under the law which establishes that education shall be free at the secondary level. The area where improvement is needed is the timely delivery of these packages.

371. A scholarship system is in place to enable third-grade and secondary pupils to enter and remain in secondary school until they finish their studies. The scholarships are intended to benefit children from underprivileged backgrounds.

372. Non-university tertiary education, i.e. teacher training and technical colleges, also fall under the Ministry of Education and Culture's responsibility. These establishments are not totally free, because, although there are no enrolment fees, students are required to pay for registration, educational materials and food. However the Ministry of Education and Culture's scholarship system provides that scholarships may be granted to students who wish to continue their studies at a university.

373. The National Literacy Plan (2004–2008) was implemented mainly through: (a) Guaraní-Spanish biliteracy and community organization, in order to contribute to the human development of the illiterate Guaraní speaking peoples of Paraguay by building capacity in bilingual literacy, education for production, care for the environment and reproductive health, while at the same time ensuring respect for cultural identity and promoting gender equity. The educational model chosen is an extramural one designed for older adults in rural areas; (b) the Prodepa<sup>45</sup> — Ko'e Pyahu — Nuevo Amanecer (New Dawn), Bilingual Basic and Secondary Education Programme for Young People and Adults – a formal programme of bilingual education under which persons aged over 15 years receive a basic education certificate after completing four years of study.

374. The National System for the Assessment of the Education Process (SNEPE) oversees the implementation of educational reforms and compiles statistics on the academic achievements of students within the national education system, using the grades awarded at the end at each year at the different levels of basic and secondary education. The work carried out by SNEPE has made it possible to gauge educational quality as well as the limitations of the educational system in the years during which the educational reforms were being implemented.

375. The Secular Viva Hekokatuva (Living School) Programme is designed to strengthen the reform of basic school education. It works on a specific individualized basis with schools that cater for the country's neediest population groups.

376. The tables containing the data corresponding to these sections can be found in annex XXI.

## Article 15

### The right to culture<sup>46</sup>

377. As the State's policymaking body for cultural issues, the National Secretariat for Culture follows closely the discussions led by the Independent Expert in the field of cultural rights and the reports she issues. Drawing on specialized advice on human rights, the Secretariat takes a rights-based approach to the formulation, implementation and evaluation of the country's cultural policy.

<sup>45</sup> In the four years in which the first phase of PRODEPA Ko'ê Pyahu ran and in the additional transition year, the Programme was assessed by the Paraguayan Centre for Sociological Studies. Programme Proposal for January 2007–March 2011. Asunción, 21 March 2007, p. 6.

<sup>46</sup> Annexes:

1. Bicentennial Report National Secretariat for Culture.
2. Declaration of the Second Meeting of Guaraní Peoples.



## 1. General measures: legal alignment

378. To ensure compliance with the Government's obligations under article 15 of the Covenant, Paraguay approved the National Act on Culture No. 3051 in 2006.

379. In view of Paraguay's multiculturalism, in 2010 the executive branch enacted the Languages Act No. 4251 in order to ensure the promotion and development of the country's two official languages and the preservation of indigenous cultures.

## 2. Cultural policy: institutional alignment

380. In order to implement the State's obligations in the field of culture, in application of the National Act on Culture, the National Secretariat for Culture was established under the Office of the President in 2007. The Secretariat, which has ministerial status, is the lead agency for public policies related to culture and has had its own budget since 2008.

381. The National Act on Culture also provided for the establishment of a National Council for Culture to serve as the National Secretariat's advisory and consultative body. The Council's composition is intersectoral and includes civil society organizations.

382. In conjunction with the National Secretariat for Culture, these organizations have been working to raise awareness of the National Act on Culture (Act No. 3051) and to prepare the organizations that will form part of the National Council for Culture for their role. To do so, they organized sector-specific expert round tables, workshops and pre-workshop briefings in the departmental capitals and various districts of a number of the country's Departments (Ñeembucú, Paraguari, Misiones, Itapúa, Alto Paraná and Central).

383. The difficulty at the institutional and policy level is the lack of alignment with the new National Act on Culture. The establishment of the National Secretariat for Culture as the lead agency for public policies on culture has created a situation of overlap with the Ministry of Education and Culture, which maintains the "Culture" designation in its title and serves as the policy oversight body for the sector. The National Commission for cooperation with UNESCO continues to form part of the Ministry, as do a number of programmes that might enhance the National Secretariat for Culture's ability to perform its role as the implementing and coordinating body for these Conventions.

## 3. Data collection

384. Identification, inventory and national registry of cultural heritage: The National Secretariat for Culture has established a cultural heritage documentation system, created a library specializing in heritage and developed a national records system. It makes contributions to the heritage in connection with the Historic Memory. It has a database of imports and exports of "cultural property" made between 2000 to 2009, organized into three categories – printed materials, audiovisual materials and sound materials.

## 4. Budget allocation

385. Three years ago (2008) the National Secretariat for Culture was a newly created institution with limited resources to finance its operations and officers without sufficient training to implement the policies and programmes called for under the National Act on Culture. Although greater financial resources are still needed today, considerable progress has been made in terms of securing funding from the State as well as international cooperation assistance, with support from the Itaipú and Yacyretá binational entities, both of which provide funding for social and cultural activities.

386. Budget of the National Secretariat for Culture/2008–2011

<i>Year</i>	<i>Guaraníes</i>	<i>Dollars</i>
2008	10 588 238 536	2 647 059
2009	12 389 143 868	3 097 285
2010	15 543 969 018	3 885 992
2011*	18 014 730 173	4 503 682

\* NB: The figure for 2011 does not include bicentennial funds.

387. These amounts include international cooperation funds, specifically for institutional capacity-building, received from Spain (the Spanish Agency for International Development Cooperation, AECID), Taiwan and Harvard University (for the digitization of the civil and legal section of the Asunción National Archive under the Programme and for Latin American Libraries and Archives).

388. In 2011, the National Secretariat for Culture was responsible for organizing the majority of the Bicentenary celebrations and received funds of \$11,321,000 for this purpose. Responsibility for managing and organizing the principal events was shared with the Cabildo Foundation, an organization under parliamentary authority.

389. Cultural policy still remains severely limited by the shortage of adequate material resources. The National Secretariat for Culture now has five administrative offices (housed in rented buildings), compared with just two in 2008, but they are still insufficient and are all located in the state capital, Asunción. In spite of the fact that in 2008 there were no means of transport, and that there are now five offices, both the number of offices and the specific business equipment are insufficient.

390. There are other state agencies working in the field of culture, such as the Ministry of Education and Culture and the Parliamentary Fund for Education and Culture (FONDEC), that carry out important work and invest considerable financial resources in culture.

391. Municipal and departmental governments have cultural departments or directorates. Agreements between the National Secretariat for Culture and these governments are starting to be implemented with a view to establishing a national system of culture.

392. Since social security entitlements for artists are either limited or completely lacking, the usual solution is to seek an *ex gratia* pension from the legislative branch. This mitigating measure is not a solution for the fact that artists do not have the right to social security benefits.

393. Technical and financial support for the implementation of cultural policy has been received from AECID, Taiwan, the Korea International Cooperation Agency (KOICA), the Japan International Cooperation Agency (JICA), the Italo-Latin American Institute (ILLA), UNESCO, the Organization of American States (OAS), and the Organization of Ibero-American States (OEI).

## **5. Regional and international coordination**

394. The National Secretariat for Culture's contributions to international affairs fall into three areas: (a) policy, where it works with three organizations: OAS, the Forum of Ministers of Culture and Officials in Charge of Cultural Policies of Latin America and the Caribbean, ARPA; (b) technical, where it works with six organizations: the Regional Centre for the Safeguarding of the Intangible Cultural Heritage of Latin America (CRESPIAL), the Regional Center for the Promotion of Books in Latin America and Caribbean (CERLALC), IILA, UNESCO, the Ibero-American University Foundation (FUNIBER) and Harvard University; and (c) mixed (technical and policy matters), where it

works with six bodies: the MERCOSUR Cultural Network, the ALBA (Bolivarian Alliance of the Peoples of Our America) Cultural Project, the Union of South American States (UNASUR), Association of Ibero-American States for the Development of Ibero-American National Libraries (ABINIA) and OEI. In total, the National Secretariat works with 14 international bodies.

## **6. Independent national human rights institution**

395. The State has established an Ombudsman's Office, which has constitutional status, to monitor respect for human rights. However, the Office does not have sufficient technical expertise in the defence of human rights related to the cultural field. The defence of culture as a human right is a concept that needs to be more formally instilled within the Ombudsman's Office.

396. The Truth, Justice and Reparation Commission (CVJR), within the Ombudsman's Office, has established an inter-agency network for sites of historical memory and conscience, of which the National Secretariat for Culture forms part.

397. Rulings of the Inter-American Court of Human Rights (IACHR) against the State of Paraguay that are linked to the field of culture have been singled out, as well as monuments, squares, signs, research and awareness-raising projects, in memory of victims of the dictatorship and others. The National Secretariat for Culture is also part of the national investigative team tasked with finding and identifying victims of detentions, disappearances and extrajudicial killings carried out in the 1954–1989 period. The National Secretariat for Culture has included these responsibilities in its workplan for 2012.

## **7. Executive agencies' human rights network**

398. The National Secretariat for Culture's participation in meetings of this network has provided an opportunity to: share the commitments made by the State of Paraguay in relation to cultural rights; identify other stakeholders in the executive branch linked to cultural rights; include relevant information on cultural rights in the State party's reports to the human rights treaty bodies; work together on the preparation of the Universal Periodic Report to the Human Rights Council of the United Nations; analyse proposed legislation related to human rights, such as the proposed law against all forms of discrimination; ensure parliamentary follow-up on policy initiatives related to cultural rights, such as preparations for the ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Languages Act; and contribute to the development and implementation of the National Human Rights Plan.

## **8. Awareness-raising**

399. Examples of materials produced and disseminated between 2008 and 2011: the competitive grants fund approved projects involving the dissemination of information through written, audio and audiovisual media; the National Secretariat for Culture's web page (in Spanish and Guaraní: [www.cultura.gov.py/lang](http://www.cultura.gov.py/lang)); an information profile on the Facebook social network was approved; a National System of Cultural Information overseen by the National Secretariat for Culture; the Ibero-American Cultural Charter on the radio and in printed media; publication of the Convention on the Protection and Promotion of the Diversity of Cultural Expressions; production of TV spots on five aspects of diversity in Paraguay (for broadcast on public TV); leaflets on museums, libraries and national archives; development of a photographic and audiovisual record about popular and indigenous festivals; allocation of funding to the Coalition for Cultural Diversity and other civil society organizations for the purpose of raising awareness of the National Act on Culture and for the dissemination of the National Act on Culture and the Convention on the Protection and Promotion of the Diversity of Cultural Expressions.

## **9. Training**

400. Training courses have been run for public officials from various ministries to teach them about cultural rights, the UNESCO conventions and other international instruments related to cultural heritage. A total of 500 cultural managers in Caazapá, Caaguazú, Alto Paraná, Guairá, Misiones, Itapúa, Amambay, Paraguari, Ñeembucú and Capital Departments have received training on cultural management; 50 officials from different governmental organizations have received training on cultural legislation and various other managers have received training on consultation with indigenous peoples. Training on the right of persons with disabilities is provided for officers of the National Secretariat for Culture. Social and cultural promoters working in social territories and officers of the Secretariat for Social Action (SAS) receive training in the inclusion of cultural rights in housing development projects. Also covered are the ILO Convention No. 169, the culture and rights of children and adolescents in Mercosur States and the Niñ@sur initiative.

401. Training in how to formulate a diversity policy is currently being given to 100 officers of the National Secretariat for Culture and 50 civil society representatives.

## **10. Cooperation with civil society**

402. The National Secretariat for Culture has links with civil society organizations, having come into being as a result of community-led action to promote culture, principally the arts. The National Secretariat for Culture maintains cooperative relationships with, among others: the civil society Coalition for Cultural Diversity, Permanent Forum of Culture, Paraguay Forum for Dance, Paraguayan Theatre Centre, Movie People, the Paraguayan Organization of Audiovisual Professionals (OPRAP), the Paraguayan Chamber of Film and Television Production Companies (CAMPRO), Paraguayan Writer's Society, Associated Women Writers of Paraguay, Pen Club of Paraguay, Paraguayan Chamber of Publishers, Booksellers and Associated Professions, Associated Writers of Paraguay, Paraguayan Musician's Association, the Collective of Independent Musicians, Artists and Performers, and Afro-descendants Groups. Civil society representatives have been invited to sit on the National Council for Culture.

403. Only 25 per cent of the grants made available through the Competitive Funds is awarded to legal entities involved in cultural activities, due to the institutional weakness of organizations of artists and cultural managers, which is not in line with the State's requirements. However, most of the grants made through the funds are awarded to individuals involved in cultural activities. Approximately 20 per cent of the funds is allocated to civil society organizations that although not principally engaged in cultural activities, propose culture-related projects.

404. The Competitive Funds' first call for tenders, issued in July 2010, attracted 427 project bids. Of this total, 106 projects were approved and between them received a combined award of G2,469,000,000. The majority of the projects (60 per cent) are in Asunción and Central Department. The remaining 40 per cent are spread across 14 other Departments.

405. Examples of projects that received investments: Research and publishing projects were awarded a total of G345 million (\$86,250). Management projects linked to the management of spaces and community development received a total of G867,970,000 (\$216,992). Creative projects covering various artistic areas received G1,665,500,000 (\$416,375) and management, creative and research projects involving indigenous peoples obtained funding of G368,970,000 (\$92,242).

## 11. Bicentenary, diversity and citizenship

406. The Bicentenary celebrations provided an opportunity to showcase the country's cultural diversity and its citizens' proactive participation. Sign language and bilingualism were a feature. A variety of sectors took part, including indigenous peoples, people of African descent, persons with disabilities, older persons, the peasant population, immigrants, children and young people. Access was facilitated for persons with disabilities and a preferential seating area was provided.

407. Artists took part in round-table discussions as a prelude to sector-wide dialogue. The main events involved contributions from around 2,000 people, including artists and experts. More than 100,000 people attended the events each day of the three-day celebration, while a live, continuous television broadcast ensured access to the events for the entire country.

## 12. Principle of non-discrimination

408. The adoption of a rights-based approach in the National Secretariat for Culture's institutional policy has made it possible to identify and prioritize areas in which access to cultural goods and services is more difficult, such as active participation in cultural expressions and involvement in the formulation of public policies on culture.

409. The Competitive Funds have themed focuses designed to ensure the inclusion of these sectors. Although the rural peasant population and the indigenous population still receive insufficient attention, the National Secretariat for Culture runs programmes targeting these sectors.

410. Events are also organized for older adults, including events to raise the profile of kygua vera dancing (a traditional form of dance). In indigenous Guaraní communities the role of elders and sages has been strengthened by the construction of traditional places of prayer, where they can sing and dance as part of their religious rituals. The indigenous elders recently asked to have their sacred chants recorded in printed form for use in their communities, for example as teaching materials for their children in indigenous schools.

411. With regard to sexual preference, "Cuchillo de Palo", a film by a Paraguayan director which fosters debate about the treatment meted out to the GLT community by society and the State, has been screened at a variety of events.

412. The National Secretariat for Culture has taken various actions for persons with disabilities and to help promote their rights, including running training courses for government officers, incorporating sign language in a number of programmes and adapting the physical environment in offices, museums, archives and cultural centres. Three officers with a disability of some form have been appointed at the Secretariat to guide and implement its institutional responsibilities in respect of this population group.

413. A number of population groups that still require greater attention or affirmative measures have been identified. These include women, children and young people, GLT people and, to a lesser extent, older persons and people of African descent.

## 13. Access to cultural goods and services, active participation and involvement in cultural life<sup>47</sup>

414. Access to, active participation in and input to cultural life are key issues that correspond to strategic objectives of institutional policy, such as: encouraging and

<sup>47</sup> Refers to the Committee's general comment No. 21, on the right of everyone to take part in cultural life (article 15, paragraph 1 (a) of the Covenant).

promoting cultural initiatives and activities; protecting and showcasing the cultural heritage and diversity of Paraguay; and fostering citizen participation in the design and implementation of cultural policies.

415. The Bicentenary provided an opportunity for artists to move around the country, thanks to the presence of the National Secretariat for Culture in the most remote areas, with free, easily accessible activities being organized in open spaces, that made it possible for most of the community to access and take part in the festivities, which helped them to experience cultural diversity, social cohesion and a sense of belonging. For the first time, the National Secretariat for Culture paid royalties to the artists whose works were disseminated or reproduced.

416. A total of 12,200 citizens benefited from competitive funding, including artists and communities from different parts of the country. Technical assistance and support in resources was provided to 160 community cultural centres and spaces in Asunción and the country's 17 Departments. The Symphony Orchestra and National Ballet gave 200 performances. A total of 5,000 representatives of Paraguayan civil society and well-known international figures signed up to the campaign to secure the enactment of the Languages Act.

417. Community cultural events are being organized in excluded communities where people live in a situation of risk, and are being attended by men, women, older people, children and young people from urban and rural communities. Events for peoples of African descent are also organized, in coordination with their community organizations. Participation, inclusion and diversity are cross-cutting elements of popular culture and bilingualism. With its existing human resources the National Secretariat for Culture is serving 10 communities nationwide.

418. Local thespians, musicians, ceramists, storytellers and other artists receive support in their own communities. Orchestral concerts and ballet shows, traditionally performed in theatres only, are staged in non-conventional spaces in the provinces. Libraries are being set up as part of a national programme to encourage reading in Guaraní and Spanish. Other initiatives include: storytelling events in libraries; training and workshops for reading promoters; the "Danza Joven" community dance project for primary and secondary school students; the "Canto de Todos" programme for secondary school students; other activities such as storytelling competitions; and a competition for initiatives in artistic education, culture and citizenship.

419. The Museums and Archives Directorate has succeeded in preserving and restoring key documents of great historical significance. Improvements are under way at 12 heritage sites of particular historical importance and physical accesses are being adapted for persons with disabilities.

420. The National Library made 69,443 bibliographic texts available for the use of national and international researchers and acquired 3,874 new publications.

421. The National Archive received 2,455 visits in 2010 – 1,206 by researchers, 19 by foreign nationals and 1,249 by students of the different educational institutions.<sup>48</sup>

422. Cinema: Domestic film production has improved in recent years, in terms of both the number of films produced and their quality. Cinema facilities have been brought to various Departments of the country, including to indigenous communities, to the Eastern Region and the Chaco, screening national and foreign films about the communities' cultural

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<sup>48</sup> See annex.

life as well as about other cultures. The radio and television production sector is due to become part of the National Secretariat for Culture.

423. New technologies and television channel: The National Secretariat for Culture supports access to the cultural heritage of humanity, for example, by making new technology available through the allocation of computer equipment to cultural centres in the provinces. Competitive funds are also used to support this objective and a project named Ciudadela — the aim of which is to regenerate the historic centre of Asunción — envisages the establishment of a high-tech lab that will be open to the public. The TV Pública television network screens national and universal cultural content through programmes that are currently being selected by tender. The senior management of the National Secretariat for Culture's Telecultura project has strengthened its team responsible for the development of audiovisual materials.

424. Paraguay ratified the Convention on the Protection and Promotion of the Diversity of Cultural Expressions on 2 July 2007 through Act No. 3229/07. To ensure compliance with the Convention and implement its provisions, an inter-agency working group was established, which includes representatives of the Paraguayan Indigenous Institute, the National Secretariat for Culture, the Ministry for Education and Culture, the Ministry for Industry and Trade, the Ministry of Foreign Affairs, National Television, the Paraguayan Handicrafts Institute and the National Fund for Culture and the Arts, among others.

425. The department of the National Institute of Indigenous Affairs (INDI) responsible for ethno-development and support programmes for craftspeople has completed the construction of a crafts exhibition centre in Laurety (Luque), upgraded the handicrafts centre of the Association of Indigenous Peoples (Luque), and provided support for craftspeople in the indigenous settlement of Cerro Poty, Lambaré, and for the Nivacle craftspeople in Puerto Botánico.

426. INDI works with the Paraguayan Handicrafts Institute to develop and implement support programmes, the same as the National Television Service, and the National Fund for Culture and the Arts, especially in the form of support for the exhibition of handicrafts.

427. The programme of indigenous cultures of the National Secretariat for Culture, though limited in terms of human and financial resources, works in favour of the self-determination, funding and revitalization of indigenous cultures, as well as their promotion and visibility for the purpose of furthering their cultural rights, in conjunction with indigenous organizations, other state bodies and civil society organizations. It defends the principles of participation, consultation and prior, free and informed consent. Its goals include the recovery of collective memory, interculturalism, and setting up mechanisms to safeguard peoples in a situation of voluntary isolation, encouraging contact with the rest of society in order to create awareness of indigenous peoples' rights.

428. The National Secretariat for Culture gave its legal support to the complaints of the Totobiegosode and the Paĩ Tavyterã, related to various territorial claims and sacred sites. Cultural territories have been identified, mapped and located, including both those that can still be recovered and those that belong to them but can no longer be recovered.<sup>49</sup>

429. A meeting of Guaraní peoples of the MERCOSUR region brought together 1,300 indigenous Guaraní (including men, women, young people, children and older people) from Bolivia, Paraguay, Brazil and Argentina. The meeting took place in April 2011 on Paraguayan territory, in the Department of Amambay, in the Jaguati community, on ancestral lands belonging to the Paĩ Tavyterã Guaraní people, for which eight Ogaguasu

<sup>49</sup> See annexed Replies to the questions of the United Nations Permanent Forum on Indigenous Issues.

(large traditional houses) were built, where the indigenous families were accommodated. Five days were spent in social exchanges, sharing, storytelling, singing, dancing and rituals, cures and prayer. The participants discussed their situation and compared their struggles and achievements.<sup>50</sup> They also discussed state policies that affected them and what positions and claims they could bring before the authorities. The National Secretariat for Culture will continue to sponsor such meetings and those of other indigenous peoples, including those that extend across borders.

430. Right to freedom of religion. The United Nations Special Rapporteur on freedom of religion or belief visited the country in 2011 and drew attention to the economic, social and religious dependence of indigenous people in relation to the Mennonite economic domains in the Central Chaco, situated on traditional indigenous lands. The Rapporteur commented that, although they received economic assistance from the Mennonites, indigenous people did not enjoy the necessary conditions of freedom to exercise their own worships and beliefs.

431. In its early years (2008–2010), the National Secretariat for Culture gave priority to the internal restructuring of the institution, but did not overlook the need to maintain contacts with local governments through forums and cultural programmes, such as culture points, cultural centres and spaces, the training of cultural managers and libraries. The initial plans for joint activities with municipal authorities and governors led to disappointment at the fact that the National Secretariat for Culture would not be able to offer economic resources for any new initiative, but the Secretariat did its best to replace the model of a centralizing dispenser with that of a decentralized, participative, transparent and inclusive system.

432. The National Secretariat for Culture's participation in the Bicentenary celebrations in the 17 Departments in the course of 2011 has had the effect of encouraging local and regional authorities to engage in dialogue and cooperation. The Vy'a Guasu festivities held in the departmental capitals and the funds allocated to those events provided an opportunity for working together and making use of the resources of local governments to organize cultural programmes, which were extremely well received by the public. The National Secretariat for Culture was furthermore able to give support to local initiatives with substantial local components, which reflected the local authorities' commitment to incorporate cultural considerations in their policies, making use of their own resources, opening up the possibility of synergies conducive to the establishment of a national culture system.

#### **14. Implementation of article 15 of the Covenant on Economic, Social and Cultural Rights**

433. With regard to the Committee's concluding observations: no recommendations of the Committee were found that were specifically related to article 15 of the Covenant, although some recommendations did affect cultural rights and have been dealt with in this report.

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<sup>50</sup> See annexed Declaration.