



Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities

Concluding observations on the combined second and third periodic reports of Paraguay*

I. Introduction

1. The Committee considered the combined second and third periodic reports of Paraguay¹ at its 676th and 677th meetings,² held on 30 and 31 August 2023. It adopted the present concluding observations at its 685th meeting, held on 6 September 2023.
2. The Committee welcomes the combined second and third periodic reports of Paraguay, which were prepared in accordance with the Committee's guidelines on reports submitted in response to a list of issues prior to reporting.³ It also acknowledges the additional written information provided to the Committee.
3. The Committee appreciates the fruitful and sincere dialogue held with the State party's delegation, which included representatives of the Ministry of Foreign Affairs, the Supreme Court of Justice and the National Secretariat for the Human Rights of Persons with Disabilities.

II. Positive aspects

4. The Committee welcomes the establishment of a joint working mechanism comprising State institutions in order to respond to the list of issues prepared by the Committee and the use of the Recommendations Monitoring System (SIMORE Plus) in the area of human rights, an outcome of a cooperation project between the Government of Paraguay and the Paraguay Office of the Regional Office for South America of the Office of the United Nations High Commissioner for Human Rights.
5. The Committee notes with appreciation the legislative measures taken to promote the rights of persons with disabilities, in particular the adoption of:
 - (a) Act No. 4962 of 2013, which establishes employer incentives for the recruitment of persons with disabilities in the private sector;
 - (b) Act No. 5136 of 2013, on inclusive education;
 - (c) Act No. 5362 of 2014, on accession to the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled;

* Adopted by the Committee at its twenty-ninth session (14 August–8 September 2023).

¹ [CRPD/C/PRY/2-3](#).

² See [CRPD/C/SR.676](#) and [CRPD/C/SR.677](#).

³ [CRPD/C/PRY/QPR/2-3](#).



- (d) Act No. 5421 of 2015, on equal vocational training opportunities for persons with disabilities;
- (e) Act No. 4934 of 2013 and the regulations thereto of 2015, on accessibility of the physical environment for persons with disabilities;
- (f) Act No. 5446 of 2015, on public policies for rural women;
- (g) Act No. 5777 of 2016 and the regulations thereto of 2017, on the comprehensive protection of women against all forms of violence;
- (h) Act No. 6354 of 2019, which requires all State agencies and entities that provide services to the general public to employ at least one staff member trained to communicate with persons who are deaf or have hearing disabilities;
- (i) Act No. 6486 of 2020, on the promotion and protection of the right of children and adolescents to live in a family;
- (j) Act No. 6530 of 2020, on the formal recognition of Paraguayan Sign Language;
- (k) Act No. 6667 of 2020, on the promotion of regular, large-scale campaigns to disseminate information about and raise awareness of the rights of persons with disabilities;
- (l) Act No. 6808 of 2021, on the establishment of municipal and departmental disability secretariats to liaise and coordinate measures with the National Secretariat for the Human Rights of Persons with Disabilities;
- (m) Act No. 7134 of 2023, on inclusive and accessible tourism.

6. The Committee welcomes the measures taken to establish a public policy framework for promoting the rights of persons with disabilities, which include:

- (a) The publication of the National Action Plan for the Rights of Persons with Disabilities 2015–2030 by Decree No. 5507 in March 2016;
- (b) The approval of the Second National Plan on Violence against Women 2015–2020 by Decree No. 5140 in April 2016;
- (c) The launch of the “Let’s Go!” social protection system in September 2018;
- (d) The incorporation of a variable for disability into the presidential dashboard of the results-based planning system in order to link the monitoring of the implementation of the National Action Plan for the Rights of Persons with Disabilities with State entities’ implementation of their budgets starting in January 2021;
- (e) The approval of the National Employment Plan 2022–2026 by Decree No. 7029 in May 2022.

III. Principal areas of concern and recommendations

A. General principles and obligations (arts. 1–4)

7. The Committee is concerned about:

- (a) The lack of a strategy for amending the derogatory terminology and definitions used to refer to persons with disabilities in article 58 of the Constitution and in various pieces of legislation and data-gathering instruments;
- (b) The continuing difficulties that individuals face in obtaining a disability certificate, the insufficient training of the persons who issue such certificates and the lack of clarity concerning the established criteria;
- (c) The difficulties that organizations of persons with disabilities face in being granted legal personality;
- (d) The need to update and fully implement the National Action Plan for the Rights of Persons with Disabilities;

(e) The fact that the budget of the National Secretariat for the Human Rights of Persons with Disabilities is primarily used for caregiving purposes, without that being balanced against the entity's responsibility for helping to achieve mainstreaming in all State entities.

8. The Committee recommends that the State party promote a cross-cutting and far-reaching strategy to give effect to all the rights enshrined in the Convention and, in particular, that it:

(a) **Amend article 58 of the Constitution and all other laws, policies and programmes so that they use terminology that is consistent with the Convention;**

(b) **Review and update the criteria for assessing disability and introduce a holistic and multidisciplinary rights-based assessment of protection and support needs; train staff who issue certificates and ensure that the procedure for obtaining a certificate is not centralized or bureaucratic and is available in rural and remote areas;**

(c) **Take steps to streamline and simplify the procedure for organizations of persons with disabilities to be granted legal personality and make the procedure available in rural and remote areas;**

(d) **Take steps to update all targets, baselines and indicators under the National Action Plan for the Rights of Persons with Disabilities and put in place the necessary measures and mechanisms for its full implementation;**

(e) **Endow the National Secretariat for the Human Rights of Persons with Disabilities with sufficient resources to allow it to effectively fulfil its function of mainstreaming the human rights approach to disability in the design and implementation of public policies through monitoring, oversight and the provision of technical assistance to the relevant sectors, and transfer its caregiving functions to the Ministry of Social Development.**

9. The Committee recognizes that there has been an improvement with regard to capacity to convene persons with disabilities and their organizations to participate in consultations and provide input on topics that concern them, including the national consultations on the new disability law. However, it is concerned about:

(a) The insufficient level of participation by all categories of persons with disabilities and their representative organizations in the government bodies that monitor the implementation of the Convention;

(b) The lack of clear criteria for the selection and evaluation of the members of various formal participation and consultation mechanisms and the underrepresentation of organizations of persons with disabilities in these forums;

(c) The insufficient training on the Convention for policymakers and legislators, the judiciary and justice officials, prison staff, police officers, health workers, teachers, social workers, media workers and other professionals working with persons with disabilities.

10. Recalling its general comment No. 7 (2018) on articles 4 (3) and 33 of the Convention, the Committee recommends that the State party:

(a) **Ensure close consultation with, and the active participation of, persons with disabilities and their representative organizations in the entities responsible for monitoring the implementation of the Convention;**

(b) **Ensure the establishment of clear, gender-sensitive criteria for the selection and evaluation of members of the formal mechanisms that participate in and consult on the development of policies and programmes and the effective participation of persons with disabilities in these forums;**

(c) **Step up its efforts to provide systematic training on the rights of persons with disabilities and the State party's obligations under the Convention to civil servants at all levels of the three branches of government.**

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

11. The Committee is concerned about:

(a) The failure to adopt a bill on all forms of discrimination that contains a cross-cutting obligation not to discriminate against persons with disabilities and that is gender- and age-sensitive, provides for mechanisms for the filing of discrimination-related complaints and prescribes penalties for persons who discriminate, in line with pillar 6.3 of the National Action Plan for the Rights of Persons with Disabilities;

(b) The continuing discrimination against persons with disabilities and the lack of mechanisms for victims of discrimination on the basis of disability to file complaints or obtain reparation.

12. **In line with its previous concluding observations⁴ and its general comment No. 6 (2018) on equality and non-discrimination, the Committee recommends that the State party:**

(a) **Adopt, as soon as possible, a law against all forms of discrimination that covers multiple and intersecting forms of discrimination, including discrimination against Indigenous persons with disabilities, includes the concept of reasonable accommodation in different settings and recognizes the denial of reasonable accommodation as discrimination on the basis of disability;**

(b) **Establish accessible and effective procedures, including judicial, administrative and complaints procedures, for victims of discrimination on the basis of disability and ensure that victims receive reparation and perpetrators are punished.**

Women with disabilities (art. 6)

13. Despite the efforts made by the State party, as seen in the adoption of relevant legislation, the Committee notes with concern:

(a) The paucity of cross-cutting measures to promote and protect the rights of women and girls with disabilities;

(b) The lack of empowerment of women and girls with disabilities; the lack of information on the design, implementation and holding of consultations on equal opportunity policies and plans; and the lack of a gender perspective in public policies and in the national financial inclusion strategy;

(c) The lack of information on any laws or policies that have been adopted to accelerate the de facto equality of women with disabilities in political and public life;

(d) The lack of measures to prevent and eliminate multiple discrimination and violence against women with disabilities, particularly women with intellectual, psychosocial or multiple disabilities, Indigenous women with disabilities and women with disabilities living in rural areas;

(e) The lack of information on the outcomes achieved by the Gender Observatory, especially for women and girls with disabilities.

14. **The Committee, recalling its previous concluding observations,⁵ its general comment No. 3 (2016) on women and girls with disabilities and targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals, recommends that the State party:**

(a) **Take action, with the effective participation of women and girls with disabilities, to mainstream a disability perspective in its laws and policies on gender equality and to incorporate a gender perspective into its laws and policies on disability;**

⁴ CRPD/C/PRY/CO/1, para. 14.

⁵ Ibid., para. 18.

(b) **Strengthen measures that promote the empowerment of women and girls with disabilities and include gender and disability perspectives in all public policies, especially in the national financial inclusion strategy;**

(c) **Increase support for the inclusion of women with disabilities in political and public life in the State party;**

(d) **Put in place clear policies to counter discrimination against women and girls with disabilities and mechanisms for filing and following up on complaints, imposing penalties and ensuring restoration;**

(e) **Expand the scope of the Gender Observatory to include data on women and girls with disabilities, especially Indigenous women with disabilities and women with disabilities living in rural and remote areas.**

Children with disabilities (art. 7)

15. The Committee notes with concern:

(a) The persistent poverty among children with disabilities, particularly Indigenous children with disabilities and children with disabilities living in rural and remote areas;

(b) The lack of information on: cases of ill-treatment or neglect of children with disabilities; the measures, mechanisms and resources available to prevent and combat physical and sexual abuse; and the services in place to assist children with disabilities who have been abused, particularly in rural and remote areas;

(c) The lack of statistical information on the use by children with disabilities of the 147 helpline, which can provide guidance and assistance in cases of violence;

(d) The lack of spaces provided by the State party to allow children with disabilities to express their opinions and needs and have them taken into account;

(e) The persistent institutionalization of children with disabilities and the failure to provide their families support so as to prevent such institutionalization.

16. **The Committee, recalling its 2022 joint statement with the Committee on the Rights of the Child on the rights of children with disabilities, recommends that the State party:**

(a) **Provide for immediate action to reduce poverty among children with disabilities, paying particular attention to the situations of Indigenous children with disabilities and children with disabilities living in rural and remote areas, and reinforce the Abrazo Programme;**

(b) **Put in place, in close coordination with the institutions comprising the National System for the Comprehensive Protection and Advancement of Children and Adolescents, monitoring and oversight measures to ensure strict compliance with Act No. 5659/16, on the protection of children and adolescents against physical punishment in homes, schools and institutions in both urban and rural areas, and report on complaints and the follow-up given to them;**

(c) **Improve and collect data on children with disabilities who use the 147 helpline;**

(d) **Create better conditions for children with disabilities to be able to express their views and needs and have them reflected in public policies and programmes;**

(e) **Set up a deinstitutionalization programme for children with disabilities and strengthen the foster family programme.**

Awareness-raising (art. 8)

17. The Committee takes note of the campaigns to promote and raise awareness of the rights of persons with disabilities and the training provided to government employees. However, it is concerned that:

(a) A medical and charity-based model remains prevalent in public perceptions of disability, and women and children with disabilities continue to be left behind;

(b) The Ministry of Information and Communication Technology does not encourage the media to represent persons with disabilities in a manner consistent with the standards of the Convention.

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

(a) **Adopt a national strategy to promote a gender- and age-sensitive human rights model of disability among the media, government employees, health and legal professionals, police officers, the general public and families of persons with disabilities, and effectively involve persons with disabilities in the development, implementation, and regular evaluation of the strategy;**

(b) **Ensure that the Ministry of Information and Communication Technology encourages the media to present disability in a manner consistent with the Convention.**

Accessibility (art. 9)

19. The Committee notes with concern:

(a) The little progress made with respect to Act No. 4934/13, on accessibility, including in terms of information and communications, and the implementation of the 2016–2018 Strategic Plan developed by the Advisory Council on the Accessibility of the Physical Environment and of the Paraguayan Standards for Accessibility of the Physical Environment, as well as the failure to allocate sufficient resources and the lack of monitoring or penalties for non-compliance;

(b) The failure by municipalities to integrate accessibility regulations into municipal law, in breach of Act No. 4934/13, and the lack of information on visits by the individuals responsible for conducting evaluations and for certification;

(c) The lack of compliance with Decision No. 62/14, which requires 15 per cent of all buses in a fleet to be accessible; the fact that the Decision only applies to companies operating in the capital and the metropolitan region; drivers' failure to comply with the requirement that they help users with disabilities; and the failure to penalize them for non-compliance with that requirement.

20. **The Committee, recalling its previous concluding observations⁶ and its general comment No. 2 (2014) on accessibility, recommends that the State party:**

(a) **Update the 2016–2018 Strategic Plan, in close consultation with and with the active participation of persons with disabilities and their representative organizations, and extend the Plan so that it remains valid today, covers all districts and includes indicators, resources and evaluation, follow-up and sanctioning mechanisms;**

(b) **Ensure that municipalities harmonize their laws with Act No. 4934/13 and that the Basic Guide on Accessibility of the Physical Environment for Persons with Disabilities⁷ is applied by means of a decree of the Ministry of Economic Affairs and Finance that limits resources for municipalities that do not request a certificate of conformity before and after construction;**

(c) **Ensure compliance with Decision No. 62/14; expand the scope of the decision so that there are more accessible buses around the country; provide training to drivers on helping users with disabilities; and provide for frequent monitoring to allow for the application of penalties in cases of non-compliance.**

⁶ Ibid., para. 24.

⁷ See https://www.jica.go.jp/Resource/paraguay/espanol/office/others/c8h0vm0000ad5gke-att/publication_01.pdf.

Situations of risk and humanitarian emergencies (art. 11)

21. The Committee is concerned about:

(a) The lack of involvement of persons with disabilities in the development of the Comprehensive Institutional Protocol for Emergency and Evacuation Plans;

(b) The scarcity of accessible information on the prevention of situations of risk, disasters and humanitarian emergencies, particularly with respect to emergency early warning systems;

(c) The limited access of persons with disabilities to information on the coronavirus disease (COVID-19) pandemic provided using, for example, subtitles, interpretation into Paraguayan Sign Language or plain language, and the lack of information on the impact of the crisis on persons with disabilities, particularly those living in institutions.

22. **In line with the Sendai Framework for Disaster Risk Reduction 2015–2030, the Committee recommends that the State party:**

(a) **Review and update the Comprehensive Institutional Protocol for Emergency and Evacuation Plans, providing for accessible information, meeting points, safe and accessible evacuation routes and accessible shelters with trained staff, and ensure the participation of and close consultation with persons with disabilities and their representative organizations;**

(b) **Ensure that in situations of risk and humanitarian emergencies, all persons with disabilities and their families can receive the necessary information in accessible formats and on the appropriate devices, including information from early warning systems;**

(c) **Integrate a disability perspective into COVID-19 recovery plans in connection with health, economic and social programmes; ensure that information is available in accessible formats; and disseminate statistics on the impact of the pandemic on persons with disabilities, including those living in institutions.**

Equal recognition before the law (art. 12)

23. The Committee is concerned that, although they are provided for under pillar 7 of the National Action Plan for the Rights of Persons with Disabilities:

(a) No concrete steps have been taken to harmonize the Civil Code and other laws so that substitute decision-making regimes are eliminated and the right of persons with disabilities to full equality before the law is recognized;

(b) There is no information on the number of persons placed under restricted capacity regimes, including interdiction and curatorship, and there is limited review of court decisions for purposes of restoring such persons' legal capacity.

24. **The Committee, recalling its previous concluding observations⁸ and its general comment No. 1 (2014) on equal recognition before the law, urges the State party to:**

(a) **In close consultation with persons with disabilities and their representative organizations and with their active participation, harmonize the Civil Code with the Convention as soon as possible so as to guarantee all persons with disabilities equal recognition before the law, including by eliminating provisions that allow for restrictions to be placed on their legal capacity through, for example, interdiction or curatorship, and ensure adequate support measures;**

(b) **Collect and disaggregate data on the number of persons subject to restricted capacity regimes and regularly review court decisions for purposes of restoring legal capacity.**

⁸ CRPD/C/PRY/CO/1, para. 30.

Access to justice (art. 13)

25. The Committee notes with concern that:

(a) No progress has been reported in the adoption and implementation of the protocol on access to justice for persons with disabilities;

(b) Decision No. 886/14 simply “calls on” public defenders to uphold the rights of persons with disabilities but does not require them to do so;

(c) Standards for the universal design of physical spaces have not been implemented in all places used for the administration of justice in the country, and there is a need for the judiciary to hire Paraguayan Sign Language interpreters as permanent staff members;

(d) The country’s judges receive little training on access to justice for persons with disabilities;

(e) There is no information on the progress made by the National Council for Access to Justice and on whether persons with disabilities are mainstreamed in its activities;

(f) There is no age- or gender-sensitive procedural accommodation in civil, criminal and administrative proceedings; there are few services providing assistance, reasonable accommodation or free legal representation to persons with disabilities during the proceedings; and few persons with disabilities serve as judges, paralegals or witnesses, a situation which little has been done at the provincial and municipal levels to address;

(g) The criminal laws have not been amended to make penalties applicable to persons with psychosocial or intellectual disabilities subject to the same guarantees and conditions as those applicable to any other person who is the subject of criminal proceedings, making provision as necessary for reasonable and procedural accommodation.

(h) There is no information on the procedures applicable to persons with intellectual or psychosocial disabilities who are currently in prison awaiting trial.

26. The Committee, recalling the accepted International Principles and Guidelines on Access to Justice for Persons with Disabilities of 2020 and target 16.3 of the Sustainable Development Goals, recommends that the State party:

(a) Adopt the protocol on access to justice for persons with disabilities as soon as possible and ensure that it is strictly enforced;

(b) Amend Decision No. 886/14 to make it mandatory for defence lawyers to use the rights of persons with disabilities as a basis for their work;

(c) Ensure that the buildings used by courts and other judicial and administrative bodies are physically accessible by expediting the application of standards for the universal design of physical spaces, and ensure that information about proceedings is provided in accessible formats by, for example, hiring sign language interpreters and communication facilitators as permanent staff members of the judicial branch and by using plain language;

(d) Expand the scope of the training on the rights of persons with disabilities to include all of the State party’s justice personnel, including those in rural and remote areas;

(e) Ensure that the efforts of the National Council for Access to Justice cover persons with disabilities;

(f) Put in place age- and gender-sensitive procedural accommodation in all judicial proceedings to ensure, through the delivery of support services and free legal representation, that persons with disabilities can participate effectively, including as judges, legal advisers or witnesses, in such proceedings, and make the necessary procedural changes at the provincial level to afford such accommodation;

(g) Amend its existing legislation in order to make penalties applicable to persons with psychosocial or intellectual disabilities subject to the same guarantees and

conditions as those applicable to any other person who is the subject of proceedings, making provision as necessary for reasonable and procedural accommodation;

(h) Review the procedural status of persons with intellectual or psychosocial disabilities currently in prison awaiting trial in order to safeguard their rights.

Liberty and security of person (art. 14)

27. The Committee is concerned that:

(a) Persons with psychosocial or intellectual disabilities continue to be confined without their consent and subjected to lengthy stays in psychiatric hospitals;

(b) Little information is available on many persons with disabilities who have been detained in psychiatric hospitals as a security measure under either administrative or criminal law;

(c) The National Human Rights Plan and the National Action Plan for the Rights of Persons with Disabilities do not provide for deinstitutionalization;

(d) Sixty-five per cent of the mental health budget goes to the psychiatric hospital, where persons with psychosocial disabilities continue to be confined and which is currently being expanded.

28. **The Committee, recalling its guidelines on the right to liberty and security of persons with disabilities⁹ and its guidelines on deinstitutionalization, including in emergencies,¹⁰ recommends that the State party:**

(a) Amend its laws and change its practices regarding mental health to completely eliminate the forced institutionalization of persons with disabilities and indefinite hospitalization;

(b) Collect and publish updated, disaggregated data on the number of persons with disabilities deprived of their liberty in all jurisdictions, including the number of children and adults with disabilities segregated in institutions;

(c) Include a requirement in the National Human Rights Plan and the National Plan for the Rights of Persons with Disabilities that a deinstitutionalization process be introduced, providing for time frames, budgets, targets and follow-up, including during emergencies;

(d) Consider reassigning budgetary resources currently allocated to psychiatric hospitals and the construction of new facilities in those hospitals to community support programmes in the framework of the deinstitutionalization process.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

29. The Committee notes with concern:

(a) The involuntary treatment to which persons with disabilities are subjected at the psychiatric hospital, involving, for example, isolation, the use of mechanical restraints, forced medication, electroconvulsive therapy and confinement in individual cells and isolation rooms, and the lack of legislation prohibiting such treatment;

(b) The lack of accessible mechanisms for reporting and investigating cases of involuntary treatment, the lengthy hospitalizations and maltreatment in psychiatric hospitals, the impunity in such cases and the lack of reparation for victims;

(c) The failure to implement the recommendations issued by the national mechanism for the prevention of torture together with the results of its analytical study of the living conditions of persons who have physical or psychosocial disabilities and who are deprived of their liberty;

⁹ A/72/55, annex.

¹⁰ CRPD/C/5.

30. **On the basis of the guidelines on deinstitutionalization, including in emergencies, the Committee recommends that the State party:**

(a) **Explicitly prohibit by law the use of isolation, mechanical restraints, forced medication, electroconvulsive therapy, confinement in individual cells and isolation rooms and forced treatment in crisis situations;**

(b) **Establish accessible complaint and investigation mechanisms so that persons with disabilities in institutions can report instances of cruel, inhuman or degrading treatment, receive legal assistance and have an effective remedy, victims can be provided with reparation and perpetrators can be punished;**

(c) **In coordination with the national mechanism for the prevention of torture, monitor, on an ongoing basis, the situation of persons with physical or psychosocial disabilities who are deprived of their liberty or are segregated in psychiatric hospitals or residential homes, and report on the progress made in implementing the mechanism's recommendations.**

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

31. The Committee is concerned about:

(a) The standstill in the implementation of the action lines under pillar 14 of the National Plan for the Rights of Persons with Disabilities relating to the protection of persons with disabilities, especially Indigenous persons, women and children, against exploitation, violence and abuse;

(b) The lack of accessibility of shelters for victims of exploitation, violence and abuse;

(c) The lack of protection measures for persons with disabilities who are sent out to beg by criminal organizations;

(d) The lack of information on complaints regarding acts of violence against women and girls with disabilities that have been filed with the judiciary and reported under the Single Standardized Registration System.

32. **The Committee, in line with targets 5.1, 5.2 and 5.5 of the Sustainable Development Goals and its statement of 24 November 2021, in which it called for action to be taken to eliminate gender-based violence against women and girls with disabilities, recommends that the State party:**

(a) **Increase its efforts to make progress on the action lines under pillar 14 on protection against acts of exploitation, violence and abuse, particularly those targeting persons with disabilities, especially Indigenous persons, women and children with disabilities;**

(b) **Ensure that accessible shelters with trained staff are available to persons with disabilities who are victims of exploitation, violence or abuse;**

(c) **Follow up on the previous concluding observations¹¹ and take urgent action to prevent persons with disabilities from living in conditions of neglect, becoming victims of trafficking and/or being forced into begging by criminal organizations, and establish the relevant measures for investigation and punishment;**

(d) **Collect information on complaints filed by women and girls with disabilities who have been subjected to violence, either at home, at school or in institutions, and on the follow-up action taken, the punishment imposed and the reparation provided, both in rural and urban areas; and enhance the Single Standardized Registration System so that it functions as a unified, coordinated and coherent system for obtaining data on violence against women and girls with disabilities.**

¹¹ CRPD/C/PRY/CO/1, para. 42.

Liberty of movement and nationality (art. 18)

33. The Committee is concerned about the 30 per cent underregistration rate for births in general and the lack of information on how many of those births were to persons with disabilities.

34. **The Committee recommends that the State party step up the activities of the “Right to an Identity” programme, including in rural and remote areas, and obtain reliable statistics on the current number of underregistered births, specifically births to persons with disabilities.**

Living independently and being included in the community (art. 19)

35. The Committee notes with concern:

(a) The lack of a comprehensive, national, multisectoral deinstitutionalization strategy;

(b) The lack of support for the municipal disability secretariats that were established under Act No. 6808/2022 to bolster assistance to persons with disabilities in each governorate and municipality;

(c) The establishment of home-based care facilities that do not adequately guarantee the right of persons with disabilities to live independently and be included in the community;

(d) The lack of significant budget lines to fund independent living for persons with disabilities, even though this is provided for under strategic pillar 3 of the National Policy for the Special Protection of Children and Adolescents Separated from their Families;

(e) The lack of information on accessible housing provided to persons with disabilities.

36. **The Committee recalls its general comment No. 5 (2017) on living independently and being included in the community and its guidelines on deinstitutionalization, including in emergencies, and urges the State party to:**

(a) **Working in close consultation with, and with the active participation of, organizations of persons with disabilities, adopt a national, multisectoral strategy for the deinstitutionalization of persons with disabilities, particularly children, women and persons with psychosocial disabilities, which includes specific time frames and the necessary financial resources, ensuring that persons with disabilities have access to housing alternatives in their communities that are in keeping with their wishes and preferences as well as to support networks and services, including peer support, and that they receive comprehensive assistance to meet their basic needs;**

(b) **Strengthen the municipal disability secretariats established under Act No. 6808/2022 by providing them with a sufficient budget;**

(c) **End the use of home-based care facilities, as they are not in compliance with the guidelines on deinstitutionalization and do not guarantee the right of persons with disabilities to live independently and be included in the community;**

(d) **Allocate a sufficient budget to pillar 3 of the National Policy for the Special Protection of Children and Adolescents Separated from their Families to help persons with disabilities to live independently;**

(e) **Implement an affordable credit programme to allow deinstitutionalized persons with disabilities to obtain accessible housing in their communities.**

Personal mobility (art. 20)

37. The Committee is concerned that there is no national strategy for the provision of assistive technology, and, in addition, that high-quality assistive devices and technologies are unaffordable, so that persons with disabilities themselves and their families have to bear most of the costs, which creates obstacles to their enjoyment of all aspects of personal mobility on an equal basis with others.

38. **The Committee recommends that the State party prepare a strategy to ensure the availability and affordability of and access to high-quality assistive devices and technologies throughout the country, including by providing financial aid to either fully or partially offset the costs of assistive devices and technologies.**

Freedom of expression and opinion, and access to information (art. 21)

39. The Committee is concerned about:

(a) The lack of measures to ensure that all public information, including information from the health and emergency services, the National Police and the violence response services, is available in modes and formats that are accessible, especially to blind persons, deafblind persons and persons with intellectual disabilities;

(b) The continued shortage of interpreters into Paraguayan Sign Language, despite its legal recognition, due to the lack of decentralized training and accreditation programmes;

(c) The lack of resources and trained staff at the Relay Centre to effectively offer the online interpretation system for hard-of-hearing persons throughout the country;

(d) The failure to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.

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

(a) **Ensure that all public information, including information from the health and emergency services, is accessible to persons with different types of disabilities, and allocate sufficient funding for the development, promotion and use of accessible communication formats, such as Braille, interpretation for deafblind persons, sign language, Easy Read, plain language, audio description, video transcription, captioning and tactile, augmentative and alternative means of communication;**

(b) **Promote access to and the use of sign language in all areas of life, ensure that qualified sign language interpreters are trained, accredited and available in all departments and municipalities and establish a national register of interpreters;**

(c) **Provide the Relay Centre with sufficient resources to enable it to perform its functions effectively, including with respect to running the online interpretation system, and ensure that the system is available 24 hours a day, seven days a week, including to Indigenous persons who are deaf and deaf persons living in remote and rural areas;**

(d) **Effectively enforce the copyright legislation enacted to implement the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired or Otherwise Print Disabled.**

Respect for home and the family (art. 23)

41. The Committee recognizes the efforts made to find foster families for persons with disabilities but is concerned about the poor follow-up and the paucity of financial support for those families.

42. **The Committee recommends that the State party establish a system to closely follow foster families, launch initiatives to encourage more families to become foster families and ensure that the necessary resources are provided.**

Education (art. 24)

43. The Committee is concerned that:

(a) The transformation of special education schools into educational inclusion support centres, in accordance with Act No. 5136/13 on inclusive education and Decision No. 17267/2018 approving the guidelines for an inclusive education system in Paraguay, has not been completed;

(b) The cost of having a teacher to provide individualized support must often be borne by the families of students with disabilities;

(c) There is no action plan to deliver on the human rights indicators set out under pillar 11, on the right to education, of the National Action Plan for the Rights of Persons with Disabilities and there is a lack of State party investment in the right to education of persons with disabilities;

(d) The legislation has not been amended to allow both special education teachers and regular education teachers to retire with the same number of years of service;

(e) Act No. 4934/2013, on accessibility of the physical environment, is largely not implemented in the country's schools, and information and communications are seldom accessible, especially to students with intellectual or psychosocial disabilities and students requiring extra support;

(f) The Directorate General for Inclusive Education has a minimal number of staff and vehicles and a minimal budget to serve around 8,000 schools in more than 250 districts;

(g) There are no accurate, reliable data on students with disabilities, including the number who are still in special education schools, the number benefitting from inclusion and receiving the necessary support and the number of out-of-school children and adolescents identified through the Programme for Improving Learning Outcomes for Persons with Visual Disabilities and Those around Them;

(h) The limited outcomes of the Indigenous Peoples' Multilingual Education Plan 2013–2018 and the little progress made in the capacity-building and training of teachers working in schools located in Indigenous communities under Act No. 5136/13, on inclusive education;

(i) The publication of Decision No. 29664 of the Ministry of Education and Science, which bans the teaching of topics related to gender theory in schools.

44. The Committee, recalling its general comment No. 4 (2016) on the right to inclusive education and targets 4.5 and 4.a of the Sustainable Development Goals, urges the State party to:

(a) Redouble its efforts to end segregated special education, in accordance with Act No. 5136/13, including through a national action plan on high-quality inclusive education that includes specific targets and time frames and provision for staffing and a sufficient budget, in order to ensure the delivery of support and reasonable accommodation for students with disabilities who require them at all levels of education and guarantee access to mainstream schools for all students with disabilities, including in rural and remote areas;

(b) Increase the portion of the public budget allocated for teachers supporting students with disabilities so that students needing their assistance can obtain it free of charge;

(c) Prepare an action plan, with a sufficient budget, to meet the human rights indicators related to pillar 11 of the National Action Plan for the Rights of Persons with Disabilities;

(d) Amend the relevant legislation to allow both special education teachers and regular education teachers to retire with the same number of years of service;

(e) Ensure that schools are fully accessible, that augmentative and alternative modes and systems of communication are used – such as Braille, Easy Read, education in sign language, the use of pictograms, hearing protectors and accessible signage – and that supports and reasonable accommodation are provided to those students with disabilities who require them;

(f) Increase the budget, staffing and resources allocated to the Directorate General for Inclusive Education so that it can carry out its functions throughout the country;

(g) Put in place measures to ensure the availability of reliable statistical data on students with disabilities and their places of schooling, together with information on out-of-school children and adolescents with disabilities;

(h) **Publicize the outcomes of the Indigenous Peoples' Multilingual Education Plan 2013–2018, the plans to extend it and the progress made in the capacity-building and training of teachers in schools located in Indigenous communities in accordance with the Inclusive Education Act;**

(i) **Annul Decision No. 29664 of the Ministry of Education and Science, which bans topics relating to gender theory in schools, as it is contrary to the empowerment of women and girls, especially those with disabilities.**

Health (art. 25)

45. The Committee notes with concern:

(a) The barriers encountered by persons with disabilities in obtaining health services, including the issue of physical inaccessibility, the means used for communicating and sharing information, the lack of reasonable accommodation, and the lack of training for health workers, especially in rural and remote areas, which worsened during the pandemic;

(b) The placement of health and rehabilitation services for persons with disabilities under the National Secretariat for the Human Rights of Persons with Disabilities rather than under the Ministry of Public Health and Social Welfare;

(c) The centralization of health services for persons with disabilities and the failure to take action on pillar 12, on the right to health, of the National Action Plan for the Rights of Persons with Disabilities, which affects persons with disabilities, especially Indigenous persons with disabilities and persons with disabilities living in remote and rural areas;

(d) The lack of regulation and oversight of private health insurance companies, which refuse to provide coverage for persons with disabilities;

(e) The limited implementation of the National Sexual and Reproductive Health Plan 2019–2023 and the failure to adopt the bill on sexual, reproductive, maternal and perinatal health;

(f) The persistence of the medical model of disability in Act No. 7018/2022 on mental health.

46. **Taking into account the links between article 25 of the Convention and targets 3.7 and 3.8 of the Sustainable Development Goals, the Committee recommends that the State party:**

(a) **Ensure that all persons with disabilities have access to high-quality gender-sensitive and culturally sensitive health services by, for example, ensuring that accessibility standards are applied, reasonable accommodation is provided, information is made available in accessible formats such as Braille, sign language and Easy Read and health workers are trained to treat persons with disabilities properly;**

(b) **Take the appropriate steps to place health and rehabilitation services for persons with disabilities under the Ministry of Public Health and Social Welfare instead of under the National Secretariat for the Human Rights of Persons with Disabilities;**

(c) **Implement the necessary measures to decentralize health services so that they are accessible to persons with disabilities, especially those living in remote and rural areas, and place a special focus on the care of Indigenous persons with disabilities;**

(d) **Amend the relevant legislation to introduce penalties for private health insurance companies that refuse coverage to persons with disabilities;**

(e) **Expedite the implementation of the National Sexual and Reproductive Health Plan 2019–2023 and adopt the bill on sexual, reproductive, maternal and perinatal health as soon as possible;**

(f) **Align Act No. 7018/2022 on mental health and the regulations thereto with the human rights model of disability set out in the Convention.**

Work and employment (art. 27)

47. The Committee is concerned about:

(a) The lack of compliance with Act No. 4962/13, due primarily to the failure of the Ministry of Economic Affairs and Finance to update the form needed for employers to take advantage of the incentives set out in the law when they hire persons with disabilities;

(b) The failure to apply the penalties prescribed to ensure the effective implementation of Act No. 3585/08, on the inclusion of persons with disabilities in the labour market, and, in particular, the failure to meet the 5 per cent quota established for the employment of persons with disabilities in all public institutions;

(c) The limited implementation of pillar 13 of the National Action Plan for the Rights of Persons with Disabilities with respect to the creation of more jobs for persons with disabilities in both the public and private sectors, in urban, rural and remote areas.

48. The Committee, recalling its general comment No. 8 (2022) and in line with target 8.5 of the Sustainable Development Goals, recommends that the State party:

(a) Ensure that the Ministry of Economic Affairs and Finance immediately updates the necessary form in order to promote compliance with Act No. 4962/13 and that it implements strategies to complement or supplement the tax incentives;

(b) Establish effective mechanisms for the application of the penalties provided for under Act No. 3585/08, on the inclusion of persons with disabilities in the labour market, to public institutions that fail to comply with the Act;

(c) Develop and apply a constructive strategy that will effectively implement pillar 13 of the National Action Plan for the Rights of Persons with Disabilities and that includes affirmative measures and incentives that encourage the employment of persons with disabilities in the public and private sectors, in urban, rural and remote areas, through the setting of targets and indicators and the provision of the necessary resources and training.

Adequate standard of living and social protection (art. 28)

49. The Committee is concerned about:

(a) The rate of poverty among Indigenous persons with disabilities, which has not decreased despite the inclusion of persons with disabilities in the module for the inclusion of Indigenous families in the Tekoporã Programme because of the insufficient budgetary allocations for social programmes;

(b) The lack of information on the number of accessible housing units that the State party has provided through affordable credit for persons with disabilities;

(c) The lack of a budget for the assignment of personal assistants to people who need them.

50. Taking into account the links between article 28 of the Convention and target 1.3 of the Sustainable Development Goals, the Committee recommends that the State party:

(a) Increase the budget allocated to social programmes and the amounts provided in order to achieve a real reduction in poverty among persons with disabilities, especially Indigenous persons with disabilities and persons with disabilities living in rural and remote areas;

(b) Earmark resources to enable persons with disabilities to have access to affordable credit and thus to accessible housing, and keep statistics on recipients;

(c) Establish a scheme for the assignment of personal assistants to persons with disabilities and allocate a budget to it.

Participation in political and public life (art. 29)

51. The Committee notes with concern:

(a) The failure to pass a law recognizing the civil and political rights of persons with disabilities;

(b) The terminology used in articles 55 and 61 of the Electoral Code, which is contrary to the Convention, as it restricts the ability of persons subject to a judicial declaration of incapacity to join political parties or run for party positions;

(c) The limited participation of persons with disabilities, particularly women with disabilities, in political and public life;

(d) The limited accessibility of voting procedures, facilities and materials and the insufficient election-related information for all persons with disabilities.

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

(a) **Adopt, as soon as possible, a law to amend the Civil Code and the Code of Judicial Organization and guarantee the civil and political rights of persons with disabilities;**

(b) **Change the terminology currently used in articles 55 and 61 of the Electoral Code and bring it into line with the Convention;**

(c) **Actively promote the participation of persons with disabilities, especially women with disabilities, in political parties so that they may be put forward as candidates for elected office;**

(d) **Redouble efforts to ensure that voting procedures, facilities and materials are appropriate, accessible and easy for all persons with disabilities to understand and use and that the necessary accommodation is provided with respect to election-related information, including election broadcasts and campaign information.**

Participation in cultural life, recreation, leisure and sport (art. 30)

53. The Committee is concerned about the lack of accessibility of the physical environment and of information and communications for persons with disabilities in recreation centres and the paucity of funding for the promotion of culture and recreational activities, which limits the enjoyment of this right.

54. **The Committee recommends that the State party adopt standards for the accessibility of the physical environment, information and communications to ensure that all persons with disabilities, including children with disabilities, have access to recreational activities and that it make human and financial resources available for the promotion of culture, sports and recreational activities, including for persons with disabilities.**

C. Specific obligations (arts. 31–33)**Statistics and data collection (art. 31)**

55. The Committee notes with concern:

(a) The current shortcomings with respect to the availability of reliable, disaggregated statistical data on the situation of persons with disabilities;

(b) The lack of progress in implementing the data processing indicators provided for under pillar 2 of the National Action Plan for the Rights of Persons with Disabilities;

(c) The lack of information on the implementation of the human rights indicators developed by the Ministry of Public Health and Social Welfare in 2013 with the support of the Office of the United Nations High Commissioner for Human Rights, in particular with respect to the disaggregated data that it had been agreed would be provided on persons with disabilities;

(d) The elimination from the last census, in 2022, of questions relating to persons with psychosocial or intellectual disabilities and the inclusion therein of references only to persons with visual or hearing impairments and persons with physical disabilities.

56. In the light of the Washington Group on Disability Statistics short set of questions on disability and the policy marker on the inclusion and empowerment of persons with disabilities of the Development Assistance Committee of the Organisation for Economic Co-operation and Development, the Committee recommends that the State party:

(a) **Collect comprehensive data and statistics on persons with disabilities and disaggregate them on the basis of factors such as age, sex, type of impairment, type of support required, sexual orientation and gender identity, socioeconomic status, ethnicity and place of residence, including residential institutions and psychiatric hospitals;**

(b) **Immediately proceed with the implementation of the indicators for the processing of data on persons with disabilities provided for under pillar 2 of the National Action Plan for the Rights of Persons with Disabilities;**

(c) **Implement, as soon as possible, the human rights indicators developed by the Ministry of Public Health and Social Welfare in 2013 with the support of the Office of the United Nations High Commissioner for Human Rights, in particular with respect to the disaggregated data that it had been agreed would be provided on persons with disabilities;**

(d) **Conduct, as soon as possible, a survey on persons with disabilities to supplement the 2022 census, with a breakdown by age, sex, type of disability, type of support required, sexual orientation and gender identity, socioeconomic status, ethnicity and place of residence.**

International cooperation (art. 32)

57. The Committee notes with concern:

(a) The limited nature of the consultations held with organizations of persons with disabilities regarding international cooperation strategies and programmes;

(b) The lack of information on the implementation of public policies under the United Nations Sustainable Development Cooperation Framework, in connection with the efforts that took place between 2015 and 2019, and on the participation of persons with disabilities in their development.

58. The Committee recommends that the State party:

(a) **Ensure close and effective consultation with organizations of persons with disabilities in the design, formulation, monitoring and evaluation of international cooperation strategies and programmes;**

(b) **Implement the public policies developed under the Development Cooperation Framework, in connection with the efforts that took place between 2015 and 2019.**

National implementation and monitoring (art. 33)

59. The Committee is concerned about:

(a) The failure to institute and implement a formal, clear, transparent and participatory procedure for the selection and appointment of the Ombudsman, the lack of adequate funding for the Ombudsman to carry out his or her mandate and the lack of an explicit mandate for the Ombudsman to encourage ratification of or accession to regional and international human rights instruments and to cooperate effectively with regional and international human rights systems;

(b) The lack of an independent monitoring mechanism that is compliant with the principles relating to the status of national institutions for the promotion and protection of

human rights (the Paris Principles), in violation of Ministerial Decision No. 1655/15 of the State party;

(c) The lack of progress in building the technical capacity of the focal points for monitoring implementation of the Convention.

60. The Committee recommends that the State party take into account the Committee's guidelines on independent monitoring frameworks and their participation in the work of the Committee¹² and that it:

(a) **Strengthen the role of the Ombudsman to enable her or him to carry out her or his mandate effectively and independently, in accordance with the Paris Principles and the recommendations of the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions, and seek relevant support and advice from the Office of the United Nations High Commissioner for Human Rights;**

(b) **Establish an independent monitoring mechanism within the Ombudsman's Office, in compliance with Ministerial Decision No. 1655/15, provide it with the necessary human and financial resources for it to effectively carry out its mandate and ensure that persons with disabilities and their representative organizations are closely involved in the monitoring and oversight process;**

(c) **Expedite technical capacity-building for the focal points for monitoring implementation of the Convention.**

IV. Follow-up

Dissemination of information

61. The Committee emphasizes the importance of all the recommendations contained in the present concluding observations. With regard to urgent measures that must be taken, the Committee would like to draw the State party's attention to the recommendations contained in paragraphs 24, on equality before the law, 32, on freedom from exploitation, violence and abuse, and 44, on education.

62. The Committee requests the State party to implement the recommendations contained in the present concluding observations. It recommends that the State party transmit the concluding observations for consideration and action to members of the Government and parliament, officials in relevant ministries, local authorities and members of relevant professional groups, such as education, medical and legal professionals, as well as to the media, using modern social communication strategies.

63. The Committee strongly encourages the State party to involve civil society organizations, in particular organizations of persons with disabilities, in the preparation of its periodic report.

64. The Committee requests the State party to disseminate the present concluding observations widely, including to non-governmental organizations and organizations of persons with disabilities, and to persons with disabilities themselves and members of their families, in national and minority languages, including sign language, and in accessible formats, including Easy Read, and to make them available on the government website on human rights.

Next periodic report

65. The State party has elected to follow the simplified reporting procedure. The Committee will prepare a list of issues prior to reporting and request the State party to submit its replies within one year of receipt of the list of issues. The replies of the State party, expected by 3 October 2030, will constitute its combined fourth to sixth periodic reports.

¹² CRPD/C/1/Rev.1, annex.