



**International Convention on the
Protection of the Rights of
All Migrant Workers and
Members of Their Families**

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**Committee on the Protection of the Rights of All
Migrant Workers and Members of Their Families**
Thirty-fourth session

Summary record of the 485th meeting

Held at the Palais Wilson, Geneva, on Tuesday, 5 April 2022, at 10 a.m.

Chair: Mr. Corzo Sosa

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 73 of the Convention *(continued)*

Second periodic report of Paraguay (continued) (CMW/C/PRY/2;
CMW/C/PRY/QPR/2)

1. *At the invitation of the Chair, the delegation of Paraguay joined the meeting.*
2. **Ms. Arriola** (Paraguay) said that, whereas in the past migrant workers had received administrative information through social media and email, the Directorate General for Migration had recently opened a one-stop contact centre where migrant workers could obtain information on administrative procedures and services. In addition, the website of the Directorate General was a comprehensive source of information to migrants, notably on the current health regulations.
3. The Arab population, which had experienced stigmatization in the past, now accounted for some 70 per cent of the business activity in the district of Alto Paraná. Most of the members of that group were covered by the provisions of Act No. 2193/03, which facilitated the issuance of an identity card and permanent residence permits to persons married to a Paraguayan national, or their children. As a result, like members of the Asian population, they had put down roots and were now well established in the eastern part of the country.
4. Under the Migration Act (No. 978/96), a person could be turned back at the border if their documentation was not in order. Asylum applications were, however, duly dealt with through the appropriate channels. With regard to good practices, the Directorate General conducted workshops on the regularization of migrants at the local, regional and central levels. Those whose documentation was not complete could obtain a dispensation allowing them 60 days to regularize their situation and, in such cases, the Directorate General was authorized to issue up to five documents in order to facilitate regularization. Temporary residence was also an option for those wishing to work: migrants from MERCOSUR countries had an automatic entitlement to two years' residence and others to one year.
5. In addition, under a resolution of 2016, victims of trafficking in human beings could, if they so desired, obtain residence in the country. The Directorate General was working at the borders with partner institutions such as the national police and the Public Prosecution Service to identify potential victims. In response to the Committee's offer of assistance, it would be useful if it would recommend adoption of the amendments to the 1996 Migration Act intended to bring it into line with the Convention. A further recommendation to convert the Directorate General for Migration into a national directorate or a ministry would also be helpful.
6. **Ms. Zayas** (Paraguay) said that associations of Paraguayans abroad were in permanent contact with the local consulates and they helped to publicize the services provided by the Directorate General for Migration. Paraguayans deprived of their liberty abroad were given advice on how to assert their rights and on due process safeguards. Consular representatives could make prison visits, while the Directorate for Paraguayan Communities Abroad was responsible for coordinating with family members in the country and keeping them informed.
7. Paraguayans wishing to migrate could obtain information from the International Affairs Department of the Directorate General. Assistance might take the form of verification that an employment offer had come from a bona fide company, for example, or help with visas for visiting a sick relative abroad. In addition, in places where there were large Paraguayan communities, consulates could provide legal advice.
8. The emergency passport could be issued to children born abroad to one or two Paraguayan parents. Since, in the determination of nationality, Paraguay applied *jus soli* and not *jus sanguinis*, under the Constitution, article 146, such children were not deemed to have Paraguayan nationality by birth until their parents returned to settle permanently in the country. However, if the family came to Paraguay on a temporary visit, for example, they could apply for nationality for the child and obtain free legal help to do so from the Secretariat

for Paraguayan Returnees and Refugees. The procedure took some months, so in the meantime an emergency passport, valid for one year, would be issued to enable the child to return to the country of residence with its parents. By the time the family returned to Paraguay again the nationality formalities should have been completed and they would be able to collect the child's Paraguayan identity card.

9. In that connection, it would be helpful if the Committee could recommend the adoption of regulations to Act No. 6149, on protection and naturalization facilities for stateless persons, which might make it possible for Paraguayans living abroad to complete the procedural formalities from their country of residence. The Directorate for Paraguayan Communities Abroad also helped parents obtain special authorization for minor children to travel or to obtain a consular passport. For example, the Directorate could issue a parent who was still in Paraguay with a document to demonstrate to a consulate abroad that the parent in Paraguay was in agreement with the issuing of a particular document. The service was free of charge and obviated the need to pay a notary to draw up the agreement.

10. The volume of migrant workers' remittances to Paraguay was the fourth largest in the world, standing at \$487 million in 2021. Policies were needed to facilitate the sending of remittances and, in particular, to help direct them to precisely the desired recipient, although in practice some Paraguayans abroad had set up a company to do just that, for a reasonable fee.

11. As part of its efforts to attain substantive equality between women and men before 2030, Paraguay was currently implementing its fourth equal opportunities plan, covering the period 2018 to 2024. The COVID-19 crisis had exacerbated existing forms of discrimination, including intersectional discrimination against women and in some cases had caused setbacks in terms of equality and women's and girls' empowerment. On a positive note, however, the implementation of Act No. 5777/16, on the Comprehensive Protection of Women against All Forms of Violence, had facilitated reporting of cases of domestic violence by Paraguayans abroad: consulates had assisted in 22 cases during 2021, while the Directorate for Paraguayan Communities Abroad had coordinated communication with the families concerned in the country. It was regrettable, however, that there were no shelters for female victims of domestic violence in the country itself despite the fact that the problem was on the rise.

12. By way of clarification regarding the online issuance of certificates, the Directorate General for Migration permitted three documentation services to be outsourced: identity cards, civil registry, i.e., birth, marriage and death registration, and police certificates, which, it should be noted, were not the same as criminal records. Paraguay also had an office of identification in Buenos Aires, which issued identity cards and police certificates necessary for settlement. There was also a service for issuing police certificates online, but that was purely for internal use within the country. Alternatively, families abroad could submit their documents for resettlement to the Directorate for Paraguayan Communities Abroad through the diplomatic pouch. The Ministry of Foreign Affairs and the Ministry of Justice had signed an agreement to permit Paraguayan consulates abroad to issue birth, marriage and death certificates.

13. **Ms. Paredes Benítez** (Paraguay) said that it was true that female heads of household were usually assumed to be single. That reflected a deep-rooted cultural assumption that, in a household where a man lived, he would be the head of the household.

14. The Secretariat for Paraguayan Returnees and Refugees held four meetings a year for returnee entrepreneurs, of which one was held in a border area and was for women only. The aim was to help businesses to remain sustainable so that their owners would not need to emigrate again. More generally, over 600 returnees had benefited from financial assistance to help them set up their own businesses. It was one way of helping those who had been away for a long time to move back into the labour market, as it was often difficult to find employment. The support took the form of a contribution to capital expenses such as equipment or renovation of premises and was not intended for the purchase of inputs or raw materials.

15. Experience had shown the scheme to be a good solution to returnees' employment problems. It would be possible to expand it further if it had a bigger budget. It would be helpful if the Committee could make a recommendation to that effect.

16. **Mr. Britéz** (Paraguay) said that asylum seekers were entitled to work in Paraguay and could also register with the tax office in order to access social services. There were currently 3,411 Venezuelan refugees and 804 Venezuelan asylum seekers in Paraguay.

17. As to trafficking in human beings, the Comprehensive Act against Trafficking in Persons (Act No. 4788/12) had established the Inter-Agency Board on Human Trafficking, which was the national advisory body on trafficking and also coordinated implementation of the National Strategy against Trafficking in Human Beings. The Board had put in place the National Action Plan to Combat Trafficking, 2020-2024, and the National Programme to Prevent and Combat Trafficking and Support Victims.

18. There were several bodies addressing the issue of forced labour and child labour. The National Commission on Fundamental Rights at Work and the Prevention of Forced Labour formulated public policy and ran a comprehensive support programme for rescued people. There was also a National Commission on the Prevention and Elimination of Child Labour and the Protection of Adolescent Workers. In 2019, Paraguay had been recognized by the United States Labour Department as one of seven countries that had made significant progress towards eradicating child labour and protecting adolescent workers.

19. The Ministry of Labour, Employment and Social Security and the Ministry for Children and Adolescents had signed an agreement to coordinate their efforts to eradicate child labour. Training had been provided to the staff of the relevant commissions.

20. **Mr. Mancuello** (Paraguay) said that, in the view of the Ministry of Labour, Employment and Social Security, the Convention already covered the subject matter of the International Labour Organization (ILO) Migration for Employment Convention (Revised), 1949 (No. 97), the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143) and the ILO Private Employment Agencies Convention, 1997 (No. 181). The Committee's opinion on the complementarity of those instruments would provide welcome input to his Government's analysis and consultation with the stakeholders involved.

21. A consultation had been launched with the relevant government bodies on the question of making the declaration under article 77 of the Convention, recognizing the Committee's competence to receive and consider individual communications. On the subject of training and of dissemination of the Convention, the Ministry of Foreign Affairs and the Ministry of Justice, with the support of the Office of the United Nations High Commissioner for Human Rights, had for the third time run a course on human rights for civil servants. One module of that course covered migrant workers' rights, the Convention and the Committee, trafficking in human beings and migrant smuggling. The Directorate General for Migration was also looking into the possibility of courses for civil servants on the prevention of trafficking and, with support from the International Organization for Migration, on statelessness, refugees and migrants.

22. The Ministry of Education and Science also ran a support programme for migrant workers' families which included training for technical teams and community and health workers. In addition, the staff of the Supreme Court received training in topics relating to the Convention and the Committee's recommendations. Numerous government bodies had published the text of the Convention on their websites as a means of keeping migrant workers and their families, and the population at large, informed. The various measures and action plans the Government had put in place in relation to vulnerable groups did not link specifically to migrant workers. There was a proposal to place the issue on the agenda of the National Commission on the Rights of Persons with Disabilities.

23. **Mr. Taboada Insfrán** (Paraguay) explained that the civil registry came under the aegis of the Ministry of Justice.

24. In implementation of the ILO Domestic Workers Convention, 2011 (No. 189), the Ministry of Labour, Employment and Social Security had run an information campaign on collective bargaining, using online channels to describe the process and the necessary procedures. The Ministry intended to sign an agreement with the Secretariat for Paraguayan Returnees and Refugees to help returning migrants obtain vocational and entrepreneurship training and assist them in setting up micro-enterprises.

25. As part of efforts to strengthen the Ombudsman's Office, a new Ombudsman and Deputy Ombudsman had been appointed. The Office's budget allocation had gradually increased: in 2020 it had been 7.85 per cent higher than in 2016. Compliance with the Paris Principles would require a constitutional amendment, since the Ombudsman was defined in the Constitution as a parliamentary commissioner and it was the legislature that had the power of selection, appointment and dismissal.

26. In 2020 the Directorate General of Statistics, Surveys and Censuses had become the National Institute of Statistics, with legal responsibility for the production and publishing of official statistics. That was an important step forward as in the past the various agencies had produced their own statistics using a variety of different techniques and standards. In addition, data had not been gathered frequently enough to be able to make historical comparisons, which in turn had hampered decision-taking and policymaking. Approval had been given for a national census, which would include questions designed to identify migrants. However, the questions as they stood would not help analyse that variable in great detail and the Committee's guidance on formulating questions that would improve the data obtained would be much appreciated.

27. In 2019, the Office of the Chief Public Defender had set up a public defender unit specifically for migrants and refugees, comprising five defenders with a range of legal specialities. The unit had given assistance of many different kinds, notably during the period when international borders had been closed due to the pandemic, to Paraguayans anxious to return and foreigners resident in Paraguay wishing to return home. Individuals of all ages and many nationalities had received help. The specialist unit had also provided advice and representation to foreigners in court cases in a range of judicial areas, including criminal trials, civil proceedings and cases of violence against women; and had helped with applications for residence or birth registration, and with support in situations of deprivation of liberty.

28. Through the Directorate of Human Rights, support and advice on human rights had also been given by telephone, messaging services and email. In 2021 the Ministry of Public Defence had advised foreigners resident in Paraguay on civil or labour issues.

29. **Mr. García Sáenz** (Country Rapporteur), noting the delegation's point that there were no shelters for female victims of domestic violence, asked what provision existed for women migrant workers to obtain protection regardless of their migration status. He said that there appeared to be a certain stigmatization of Venezuelan migrants based on the xenophobic perception that they might take work from Paraguayans, and he would like to know how the State party was addressing that problem.

30. **Mr. Charef** (Country Rapporteur) said that the existence of associations of Paraguayans abroad was mirrored by the existence of very dynamic associations of various nationalities in Paraguay. It showed the importance of memory to those who had left their country. He would be interested to know of any initiatives in the State party to celebrate those cultures more formally, for example by creating museums, as had been done in other countries. With regard to women's shelters, he was under the impression that the State party did in fact have shelters for female victims of violence. He would welcome clarification of that point.

31. **The Chair**, speaking as Country Rapporteur, said that he understood that cases of trafficking in human beings could be reported by telephone. He would like to know whether the staff responsible for taking such calls had specialist training in dealing with such sensitive situations. He would welcome any further information the delegation could provide on measures to combat trafficking, such as criminal legislation or action plans and policies, and in particular on the outcomes of any such measures.

32. He was pleased to hear that asylum seekers were permitted to work but he would welcome an explanation of the benefit, to an individual whose main concerns were existential in nature, of registering with the tax authorities, unless it gave some generalized access to other services.

33. He wished to know whether people smuggling was criminalized in the State party, if so, what the penalties for that offence were, and whether any prevention policies had been

adopted. Lastly, it appeared that social assistance programmes primarily targeted Paraguayan migrants abroad and that there was far less support for foreign migrants in the State party.

34. **Mr. Frasher** said that the Committee would be pleased to provide any assistance it could, including advice on the drafting or amendment of laws as well as scholarly articles on issues and practices in areas such as remittances and support of migrant entrepreneurship. In order to make the appropriate recommendations, it would be useful to learn more about the State party's existing data collection practices.

35. **Mr. Ceriani Cernadas** said that he wished to know whether there were plans for an agreement with Argentina on dual nationality and how the State party took account of the fact that some Paraguayan migrants might not have the resources or ability, due to their migratory status, to make the two trips back to the country that were necessary to obtain Paraguayan nationality for their children born abroad. Similarly, given that certain administrative procedures regarding minors were contingent on the authorization of both parents, he wondered what the process was in cases where one parent was absent or there were legitimate reasons for contact between the parents to have been broken.

36. It was a good practice that the State party did not automatically expel migrants in an irregular situation who filed a complaint as victims of a criminal offence and instead assisted them in regularizing their situation. However, it was unclear why the judicial authorities had to verify their migratory status in the first place. It would be helpful to know why not all consulates issued civil status documents, as providing that service not only protected migrant workers and their families but also had advantages for the State party in the form of higher remittance flows and returnees with greater skills and experience.

37. It would be useful to know whether the agreement with Argentina concerning female domestic workers had been renewed and whether its impact had been assessed. Lastly, he would welcome more information on the recent initiative to prevent forced displacement of indigenous persons due to deforestation and climate change, as it could be a model for other countries in the region.

38. **Mr. Oumaria** asked why so many foreign migrants sought to leave Paraguay after two years and whether there was a freedom of movement in MERCOSUR.

39. **Mr. Soualem** said that he would like confirmation that the State party approved the issuance of civil status documents to Paraguayans abroad only once a year, as the usual practice was to provide such services on an ongoing basis.

The meeting was suspended at 11.40 a.m. and resumed at noon.

40. **Ms. Arriola** (Paraguay) said that the 2018 policy to allow any Venezuelan national to claim asylum in Paraguay remained in place – in fact, a family without any documentation had recently been granted refugee status in view of the children's particular vulnerability – and the Directorate General for Migration was in continuous communication with the association of Venezuelans in Paraguay to ensure that that population's needs were met. The centre that received trafficking complaints had six staff members who had undergone special training to handle such cases and who were assisted by a psychologist from the Directorate General. In addition, communications with the centre were recorded for transmission to the relevant authorities.

41. In the past five years, faculties of medicine had been established in several locations, which were chiefly attended by Brazilian students. It was the remit of the Migration Security Unit to monitor the situation of migrants and, to that end, it had begun to organize on-campus regularization workshops. She agreed that it was generally preferable for children to be officially registered in the country, but the law required the authorization of both parents for the relevant procedures to be completed.

42. The temporary residence permit for nationals of MERCOSUR countries lasted two years and was extendable. Any foreign national could apply for a six-month provisional residence permit, for which the requirements were minimal. It was also possible to apply for permanent residence, but the criteria were much stricter. The regularization process in Paraguay was not cumbersome, so migrants in an irregular situation should not allow concerns about their status in the country to prevent them from filing a complaint, if they

were victims of an offence. Indeed, as illustrated by the recent case of a complaint against Spanish nationals who were in an irregular situation, even when migrants committed an offence, they received information on how to regularize their situation.

43. Lastly, while foreign nationals could always obtain assistance from their consulate, a resident assistance office was also available to provide them with support.

44. **Ms. Zayas** (Paraguay) said that a multidisciplinary inter-institutional group had been set up in the capital and the Central Department to respond to cases of violence against women and would be expanded to other parts of the country. Other specialized services were also available, including to help women break free from the cycle of violence. In 2020/21, the Directorate of Women's Support Services had provided assistance to more than 3,760 women in situations of violence, and more than 34,190 women had called the helpline.

45. The main problems with remittances were the cost of money transfers and the fact that the funds were often not spent according to the migrant's intentions. Plans to open a branch of a Paraguayan bank in Argentina had not materialized. Paraguay was eager to hear suggestions on how to collect data on its citizens living abroad, especially in view of the large number who were in an irregular situation and not necessarily registered with the consular authorities.

46. Cases of statelessness among children born to Paraguayans abroad were mainly found in Asian countries; there were no particular issues in that regard with Argentina and Brazil and no plans for an agreement with Argentina on dual nationality. Cases where the father was absent or his whereabouts were unknown were common. Therefore, when a father's authorization was required for a procedure, the Directorate for Paraguayan Communities Abroad undertook the necessary steps to locate him and obtain the written authorization, which was then transmitted by monthly diplomatic pouch. In urgent cases, the mother was recommended to take steps in her country of residence to have the father declared missing.

47. Limited documentation services at consulates were due to budgetary constraints. Moreover, the law did not empower consuls to issue civil status documents, only to register births and other life events. Nevertheless, efforts were under way to streamline the process through the country's diplomatic missions.

48. **Ms. Martínez López** (Paraguay) said that programmes and services for returnees and their families were financed through a tax on tobacco products and sugary drinks. She would welcome the Committee's suggestions on how to increase the funds available to cover services for the families of deceased migrants. The children of returnees could enrol in school, even without documentation or permanent residence, thanks to the repatriation certificate. Physical presence in the country during the nationality procedure was a requirement under the Constitution and therefore could not be avoided. The Secretariat for Paraguayan Returnees and Refugees had a team of lawyers to address all nationality-related issues.

49. **Mr. Mancuello** (Paraguay) said that the misconception about the availability of public assistance services for foreign migrants in Paraguay probably stemmed from the fact that none of the relevant institutions were represented in the delegation. However, the Committee could be assured that, by law, everyone in the country had the right to access the same services.

50. **Mr. Taboada Insfrán** (Paraguay) said that most of the beneficiaries of the Casa de Justicia programme, which facilitated exchanges between the public and State institutions and promoted access to justice, were from indigenous communities. In 2021, individuals from over 30 indigenous communities, including some that were the subject of judgments of the Inter-American Court of Human Rights, had received various forms of assistance through the programme.

51. **Mr. Charef** said that he would have appreciated more information about how the State party supported academic research on migration issues, the large number of Brazilian migrants who had arrived in the country in the 1970s and the situation of women migrants, especially those engaged in domestic work. He applauded the State party for its gender-balanced delegation, and the Committee remained at the State party's disposal for assistance in improving its implementation of the Convention.

52. **The Chair** said that the Committee had worked with the Senate of Chile on a specific piece of legislation and would be pleased to do the same with the State party, in particular to expedite the adoption of several pending laws and assist with the drafting of new laws to fill certain gaps in the Constitution. He commended the State party for the exemplary manner in which it had participated in the constructive dialogue.

The meeting rose at 12.55 p.m.