



# 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 484th meeting\*

Held at the Palais Wilson, Geneva, on Monday, 4 April 2022, at 3 p.m.

*Chair:* Mr. Corzo Sosa

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\* No summary record was issued for the 483rd meeting.

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*The meeting was called to order at 3 p.m.*

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

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

1. *At the invitation of the Chair, the delegation of Paraguay joined the meeting.*
2. **Mr. Taboada Insfrán** (Paraguay), introducing his country's second periodic report (CMW/C/PRY/2), said that the principle of equality enshrined in the Constitution of Paraguay guided initiatives that guaranteed the basic rights of the most vulnerable members of society, including migrants. The Government sought to ensure universal access to State services and the highest possible level of well-being, despite the lack of anti-discrimination legislation. The Government prioritized compliance with the recommendations of the United Nations treaty bodies, and the publicly accessible online SIMORE Plus platform played a central role in that regard, by facilitating the participation of civil society and allowing for greater transparency.
3. Through the migration policy of 2015, the Government sought to guarantee the human right to move freely, within a regulatory framework that ensured the highest possible quality of life. To that end, the policy was governed by the principles of equality, equity, non-discrimination, respect for cultural diversity, respect for the rights of children and adolescents, social integration, reciprocity and respect for labour rights. The principle of respect for labour rights covered the right to decent work for all people, regardless of their migration status. Consequently, every person living in Paraguay had the right to formal work, a decent wage, access to regularization procedures and free professional training opportunities.
4. The situation of Paraguayan migrants abroad was a central pillar of the Government's foreign policy. Communities of Paraguayans in other countries were seen as integral members of national society. Embassies and consulates provided specialized support in social, legal, migration and administrative matters, including to persons deprived of their liberty. In countries where Paraguay did not have a consular presence, assistance was provided via consular cooperation mechanisms. The Secretariat for Paraguayan Returnees and Refugees defined repatriation policy and worked to remove obstacles to resettlement. The Government was working to ensure that Paraguayans abroad were able to vote in the upcoming elections.
5. The coronavirus disease (COVID-19) pandemic had undoubtedly deepened pre-existing vulnerabilities and inequalities, and the Government had made efforts to ensure the full enjoyment of human rights, both for persons in Paraguay and for Paraguayans abroad. At the beginning of the pandemic, a consular protocol had been introduced to assist Paraguayans living abroad, and the Government had worked with neighbouring countries to ensure that land and air travel remained accessible. The Government had acted with flexibility in order to facilitate the return of more than 17,000 Paraguayans in 2020.
6. The Ministry for Children and Adolescents sought to combat human trafficking by working to protect unaccompanied or separated minors. Over 200 such minors had been returned, of whom 70 had been identified as victims of international trafficking in persons and had received the appropriate care. Despite the challenges related to the COVID-19 pandemic, progress had been made in the areas of health and education. The Government had made significant efforts to mitigate the impact of the pandemic on the population, especially the most vulnerable members of society.
7. **Mr. García Sáenz** (Country Rapporteur) said that he would like to know why the 2016 migration bill had not yet been enacted and whether it could be amended to reflect the spirit of the Convention. He wished to know if there was a policy in place to support the reintegration of Paraguayans returning to the country. It would also be useful to know if there was a similar policy to support the integration of migrant workers in Paraguay.
8. He hoped that the delegation could provide statistics on the countries of destination of Paraguayan migrant workers and on the fields in which they worked. He wished to know whether the Government had agreements with countries of destination to ensure Paraguayan

migrant workers were receiving the assistance they needed, and whether similar agreements existed for migrant workers in Paraguay.

9. It would be interesting to know whether there was a policy in place to support unaccompanied minors in Paraguay. He would like to know what measures were taken to ensure that they did not fall victim to trafficking in persons. Given the progress made in the areas of health and education, he would like to know whether there were any programmes to ensure the access of migrants to those services.

10. **Mr. Charef** (Country Rapporteur) said that the Government was to be commended for its commitment to human rights and its support for the Committee. The development of effective policies for migrant workers required reliable statistics, and he hoped that the delegation could explain why such statistics were lacking and how the Government intended to ensure the collection of data on all aspects of the Convention, disaggregated by sex, nationality and migration status. He wished to know if the Government had any data on the migration of women and children, including information about their ages, skills and geographic location. He would like to know whether any structures existed to conduct research into migration, including as part of academic institutions.

11. Given the multiple challenges faced by migrants and the importance of national human right institutions in protecting the rights of all people living in a country, he would like to know how the legislation governing the Paraguayan human rights institution guaranteed respect for the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). He wished to know more about the national human rights institution of Paraguay, including its mandate, resources and whether it had any initiatives for the protection of migrants.

12. **The Chair**, speaking as Country Rapporteur, said that he welcomed the State party's positive attitude towards human rights and its adoption of several International Labour Organization (ILO) Conventions, including the ILO Domestic Workers Convention, 2011 (No. 189). However, it was important to ensure that domestic workers were informed of their rights. It was encouraging to see that public defenders specialized in migration matters had been appointed and special days for migration regularization were being organized. Nevertheless, a greater focus on migrants in an irregular situation was needed.

13. The roll-out of the SIMORE Plus platform was also a positive step. However, the system needed to be refined in order to improve access to information, and he was concerned that persons without Internet access would not be able to use the platform. According to the periodic report, a workshop had been held with civil society organizations with the aim of exchanging observations on the contents of the report. In that connection, he wished to know whether the Government might consider involving civil society in other more meaningful ways.

14. He would like to know whether the Government was planning to ratify the ILO Migration for Employment Convention (Revised), 1949 (No. 97); the ILO Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); the ILO Private Employment Agencies Convention, 1997 (No. 181); the ILO Violence and Harassment Convention, 2019 (No. 190); and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. The Committee considered those instruments to be of the utmost importance and complementary to the Convention.

15. He wished to know to what extent people were protected from discrimination, particularly in the light of the fact that legislation on discrimination had not yet been adopted. He hoped that the delegation could tell the Committee why such legislation was still pending, and whether the State party required the Committee's support in that regard, and provide any data the Government had on cases of discrimination.

16. According to the periodic report, upon entry into the country, issues related to migration status were not grounds for detention per se, but rather for delay. He would like to know how long that delay might last and under what conditions it was imposed. He wished to know whether migrants were ever detained and, if so, where they were held and whether they were separated from persons convicted or suspected of crimes. Did they have the right

to an interpreter? Lastly, he would like to know how the Government cooperated with other States to restrict the travel of individuals with criminal records.

17. **Mr. Ceriani Cernadas** said that he would like to know what steps were being taken to ensure that the Convention and other human rights instruments were included in the text of the migration bill. The principle of reciprocity was mentioned in the bill but, since reciprocity was not applicable to human rights, he wished to know how the Government interpreted that principle. It appeared that the Government could decide where migrants must live, which ran counter to article 39 of the Convention, and he hoped that the delegation could address the Committee's concerns in that regard. The delegation should also comment on troubling reports the Committee had received to the effect that State authorities could carry out migration inspections in educational institutions and expel migrants for being in an irregular situation or for committing serious crimes. The latter, in particular, raised questions about proportionality.

18. The residency regulations in the migration bill concerned only persons carrying out a lawful activity, and he wished to know whether the Government was considering adding other categories of residency, such as for family reunification or under MERCOSUR agreements. According to the periodic report, nationals of MERCOSUR States were eligible for permanent residency only if they exercised activities considered useful for the development of the country. However, such a provision was not part of MERCOSUR agreements, and he hoped the delegation could explain why it had been added. He would also like the delegation to clarify the requirement that migrants should be free of infectious-contagious diseases.

19. Given that Paraguay had a dual-nationality agreement only with Spain, he would like to know how the nationality acquisition process worked in practice for other countries and whether Paraguayans had to renounce their nationality in order to gain another. Did the Government have plans to conclude more agreements on dual nationality? He would like the delegation to provide further clarification on how the right to vote was guaranteed in practice for Paraguayans living abroad. He wished to know what measures were in place to ensure Paraguayans were able to renew their identity documents abroad, particularly in the light of reports that Paraguayan migrants in Argentina were obliged to travel to Buenos Aires to renew their documents, even though there were Paraguayan consulates in other cities. He would like to know if Paraguayans received consular assistance if they were subject to an expulsion order in another country.

20. The delegation should provide an update on the investigation into the murder of two Argentinian girls by State security forces in September 2020 and explain how Paraguayan authorities were cooperating with Argentinian authorities in that regard.

21. **Mr. Babacar** said that, in the light of the fact that the ILO Domestic Workers Convention, 2011 (No. 189) had entered into force in Paraguay, he would like to know what measures the State party had taken to ensure that rights under that instrument were being respected. He wished to know whether the Government kept statistics on labour migration, specifically for domestic work. Given the central role played by labour inspectors, he would like to know whether they had sufficient financial resources to ensure their impartiality. Lastly, he hoped the delegation could inform the Committee about the legal remedies available in cases of administrative detention.

22. **Mr. Zounmatoun** said that he would like to know what progress had been made in the implementation of the Convention since the previous review of the State party by the Committee.

*The meeting was suspended at 4.05 p.m. and resumed at 4.35 p.m.*

23. **Ms. Arriola** (Paraguay) said that the migration bill, amending Act No. 978/96, had been submitted to Congress. The bill, which addressed migration policy and respect for the human rights of migrant workers, had already been approved by five committees within the Chamber of Deputies. Work on the bill was currently ongoing with the involvement of deputies and representatives of civil society. The term "reciprocity" had been used erroneously; the text in fact referred to "equality of treatment". The provisions of the bill

concerning the residency of nationals of MERCOSUR countries did not override MERCOSUR agreements.

24. The special days for migration regularization aimed to guarantee that migrants with an irregular status enjoyed the same rights as Paraguayan nationals. Teams were sent to the different regions of the country to undertake that work and regularize the situation of each migrant, with the support of the Directorate-General for Migration. Individuals subject to an expulsion order were not held in detention. The authorities did not actively seek out such individuals, but rather notified them of the order to give them time to regularize their situation. If a person was guilty of a crime in another country, the expulsion process was carried out with the cooperation of the security services of that country. Expulsion could be delayed when individuals contested an expulsion order and requested the assistance of their embassy or consulate.

25. **Ms. Paredes Benítez** (Paraguay) said that, according to United Nations figures, over 800,000 Paraguayans were living abroad although, based on information from its own consular services, the Government estimated a higher figure of 1.3 million. Most lived in Argentina, where there were approximately 1.1 million Paraguayans. In addition, there were around 80,000 in Spain, 52,000 in Brazil and 34,000 in the United States of America. Paraguayans in Spain, who were mostly female, generally undertook domestic work or cared for older persons. In Brazil, Paraguayan migrants were mostly young and employed in the clothing industry. In Argentina, Paraguayan men worked mostly in construction while women were employed as domestic workers. Further information was needed from the destination countries to flesh out those general statistics.

26. Consulates provided legal assistance to Paraguayans detained abroad who, as of 2021, numbered around 3,360. Such assistance consisted in visits to prisons to ensure that detainees had access to a public defender; however, the number of detainees was too high to provide all of them with a lawyer. Social assistance and assistance in contacting the relatives of the detainee were also provided, if permitted by the prison and requested by the detainee.

27. A social fund existed to support efforts made by consulates and diplomatic representations to assist Paraguayans abroad. Small sums were distributed to help cover medical or housing costs, alongside support for extremely vulnerable persons. Paraguayan consulates and the Ministry of Foreign Affairs held special events in towns abroad where high numbers of Paraguayan migrants lived. The events were also attended by representatives of the police and the civil registry, so that migrants could obtain identity papers and civil registration documents, such as birth and marriage certificates. Criminal record certificates, which were required for settlement in other countries, could be obtained through the Secretariat for Paraguayan Returnees and Refugees.

28. Dual nationality agreements had been signed with Spain and Italy. The application of the principle of *jus soli* meant that not all children born to Paraguayan nationals abroad were entitled to Paraguayan nationality. Parents could register their children with the Paraguayan consulate or embassy where they lived, but in order to obtain nationality, children had to make an application on their return to Paraguay, through either the Secretariat for Paraguayan Returnees and Refugees or the Supreme Court of Justice. The process was free of charge and took approximately three to six months. Children born abroad who became stateless could be issued with a temporary passport to return to Paraguay where they could apply for nationality. If they then needed to leave the country before the process was complete, they could be issued with an emergency passport that was valid for one year and stated that they were expected to acquire Paraguayan nationality. Act No. 6149 provided for the naturalization of stateless persons and allowed children born abroad to acquire Paraguayan nationality.

29. **Ms. Martínez López** (Paraguay) said that the Secretariat for Paraguayan Returnees and Refugees, which had been established in 1993, offered returning citizens four forms of support: certificates to allow the repatriation of spouses and children, the tax-free import of property and vehicles, and the recognition of educational qualifications; social support for complex cases and vulnerable family members, talented Paraguayans who had been awarded grants or fellowships, and for the repatriation of human remains; economic subsidies to help the most vulnerable buy a ticket home and to support persons who were unable to work or

provide for themselves, for up to six months; support, provided free of charge, to undertake the naturalization process for children born abroad to Paraguayan nationals.

30. As part of efforts to promote the formal sector, the Secretariat had recently created a programme to support returnee entrepreneurs, offering training and subsidies with a view to attracting business into the country. It also maintained a register of returning Paraguayans who received services from the Secretariat. The average profile for a female returnee was a head of household – and therefore single – who was between 31 and 45 years old and had adult children. She had emigrated for economic reasons, had no disabilities and the work that she had performed abroad was typically in the fields of domestic assistance or clothing manufacture.

31. Deprivation of nationality was addressed in article 147 of the Constitution, according to which Paraguayans retained their nationality unless they chose to relinquish it. The procedure for relinquishing nationality had been set out in a ruling of the Supreme Court of Justice and, unless that procedure was followed, Paraguayan nationality was retained, even in the event that another nationality had been acquired.

32. **Mr. Brítez** (Paraguay) said that an inter-institutional agreement had been signed by the Ministry of Foreign Affairs and the Ministry of Justice to facilitate voting from abroad in the forthcoming elections. The civil registry for Paraguayans abroad was being used to facilitate digital voter registration, and voting centres would be set up in cities around the world that had large concentrations of Paraguayan migrants. A law had been approved in March 2022 that provided for the automatic registration in the civil registry of all Paraguayans living abroad.

33. **Mr. Mancuello** (Paraguay) said that the SIMORE Plus online platform for compiling the recommendations of international human rights bodies was constantly being improved, with the support of the United Nations Development Programme. A module on accessing the platform had been developed for the use of civil society in 2017, thanks to which a network of focal points at civil society organizations had access to the recommendations and could use the platform to make suggestions. Their inclusion in the platform helped to motivate follow-up on human rights-related recommendations. The Ministry for Women and the Ministry for Children had protocols and inter-institutional agreements in place on assistance for unaccompanied minors. Access to health care and education services had been maintained during the coronavirus pandemic and had been provided to all residents, regardless of migration status.

34. **Mr. Taboada Insfrán** (Paraguay) said that he had been one of the original supporters of anti-discrimination legislation in the 2000s and he regretted that no consensus had yet been reached on the issue. However, a law had been approved in 2019 that amended article 9 of the Labour Code to prohibit discrimination towards workers based on ethnicity, nationality, gender or religion.

35. **Ms. Arriola** (Paraguay) said that, Venezuelan migrants who did not hold refugee status were not exempt from the relevant fees; however, they had only to meet certain minimum requirements in order to obtain regular status in the country. The certificate on the absence of disease reflected one of the changes made to migration law. In 2022, her Government, together with the International Organization for Migration, had opened an assistance office for residents, which worked with other institutions to ensure that foreign nationals residing in Paraguay received health care and education services.

36. **Mr. García Sáenz** said that he wished to know whether migrants in the State party had access to information about their rights and could seek advice if they encountered difficulties. Was there a register of migrants and the sectors in which they worked in the State party? It would be interesting to know whether the Government maintained connections with the diplomatic representatives of migrants' countries of origin in Paraguay.

37. **Mr. Charef** said that the delegation should comment on reports the Committee had received indicating that Arab migrants living in the town of Ciudad del Este suffered discrimination and stigmatization. He would be interested to hear about any measures the Government was planning to take concerning the cost of transferring remittances from abroad. He also wished to know what steps it was taking to encourage the transfer of

remittances, how it helped Paraguayan migrants participate in collective transfers made through migrant workers' associations and how such transfers were incorporated into development plans. Given the double discrimination faced by female migrants, he wished to know what action was taken by consulates to reach out to women migrants who were domestic workers. The provision of any data available on that group would be appreciated.

38. **The Chair**, speaking in his capacity as a member of the Committee, said that it would be interesting to learn why a woman who was a head of household was assumed to be single. The reference in the temporary passport to the expectation that children would be granted Paraguayan nationality upon their return to Paraguay suggested that such children might be at risk of statelessness, particularly as the granting of nationality appeared to be conditional on permanent return to the country. It would be useful to know what measures had been taken in respect of Act No. 6149 concerning naturalization.

39. He hoped to hear more information about the independence of the Ombudsman's Office and about what needed to be done to raise its status as a national human rights institution. He invited the delegation to comment on whether the five public defenders specializing in the rights of migrants and refugees would be better placed to defend migrants' rights if they were located in border areas and fell under the purview of the Ombudsman's Office. Information would be appreciated on the treatment and situation of internally displaced persons, and on the resources of the National Commission for Refugees and the challenges that it faced. He wished to know whether, once refugee status had been requested through that National Commission, applicants were able to access the labour market. The delegation was invited to comment on legislation that permitted pushbacks when carrying out migration assessments, in view of the principle of non-refoulement.

40. **Ms. Dzumbur** said that, given the high participation of women in migration from Paraguay, it would be useful to know how their rights were protected in the absence of anti-discrimination legislation. She wished to know if the State party had bilateral agreements with Argentina and Brazil, as the countries with the highest numbers of Paraguayan migrants, and similarly, whether there were agreements in place with the countries of origin of migrants in Paraguay. Details of the coordination between different institutions that dealt with issues affecting migrants and the involvement of civil society organizations would be welcome. She would appreciate it if the delegation could provide information on the scale of remittances to the State party and any problems associated therewith, as well as information on the rights of migrant workers to join trade unions.

41. She would also welcome information on the situation of lesbian, gay, bisexual and transgender migrants and migrants with disabilities, and any protection afforded to them. She wished to know whether the State party had ratified the United Nations Convention against Transnational Organized Crime and the related Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children and Protocol against the Smuggling of Migrants by Land, Sea and Air, and if so, whether it had introduced an action plan to combat trafficking. Was data on trafficking in persons and the smuggling of migrants available and which institutions were responsible for work in that area?

42. **Mr. Soualem** said that he wished to know whether a national committee on human trafficking had been established. He hoped that the delegation could inform the Committee about how many Venezuelans had sought refuge in the State party and about whether the Convention had ever been invoked before the courts, and with what results. He would be interested to hear about steps taken to disseminate the Convention, including which State institutions were involved and whether specific professionals, such as politicians and the police, were targeted. Given the large number of Paraguayans living abroad, he looked forward to hearing about the support available to prospective migrants in the State party and to newly arrived migrants in their countries of destination, also in relation to social security.

43. **Mr. Ceriani Cernadas** said that he would be interested to hear more about the online system for issuing Paraguayans abroad with criminal record certificates, particularly in the light of reports that such certificates included a clause to the effect that they were not valid for the purposes of settlement in another country. Information would be appreciated on initiatives to support Paraguayan migrants who were victims of xenophobia in their countries of residence. The delegation was invited to describe any action taken to overcome the

obstacles faced by children whose fathers were unwilling or unable to cooperate in administrative matters, such as the renewal of identity or residency documents. Such cases were common in female-led households where fathers were absent for reasons of domestic violence or because they were working and living elsewhere. He wished to know if the State party had accepted article 77 of the Convention, on individual communications, and how that article was applied. Details would be appreciated of how the Multilateral Social Security Agreement among MERCOSUR countries was implemented in the State party.

44. **Ms. Poussi** said that she would appreciate information as to what happened to persons who attended the special days for migration regularization but were unable to regularize their situation. Did they risk expulsion as a result? She hoped to receive data on migrant women and violence, ill-treatment and sexual exploitation by employers and, in the event that such data was not available, an explanation of the obstacles in that connection. She wished to know if the 25 women at a temporary shelter who had benefited from a programme to help them establish micro-enterprises were foreign migrants or Paraguayan returnees. What arrangements were in place to monitor the development of such micro-enterprises and ensure their sustainability?

45. She wished to commend the State party for collecting data on children whose parents were working abroad, since those children were at particular risk of neglect and violence. It would be helpful to know what measures were taken for child victims of trafficking and sexual exploitation who could not be reintegrated into their families.

46. **Mr. Frasheri** said that he had been impressed by the description of policies to support Paraguayan migrants who returned to the State party and requested some examples of how those policies worked in practice.

47. **Mr. Babacar** said that he wished to know whether the State party had ratified the ILO Worst Forms of Child Labour Convention, 1999 (No. 182), and what programmes had been set up to combat the exploitation of migrant children within national territory.

*The meeting rose at 6 pm.*