



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-fifth session

**List of issues to be taken up in connection with the consideration
of the second periodic report of PARAGUAY**

(CCPR/C/PRY/2004/2)

**Constitutional and legal framework within which the Covenant
and the Optional Protocol are implemented (art. 2)**

1. Please indicate to what extent the recommendations adopted by the Committee in 1995 on the basis of the initial report submitted by the State party (CCPR/C/84/Add.3) have been implemented.
2. Please provide information on the activities carried out by the Ombudsman's Office concerning compensation to victims of past human rights violations (second report, paras. 26-30, 72 and 78). Please also provide concrete information on the activities that have been carried out by the Truth and Justice Commission and indicate whether it has sufficient budget to fulfil its tasks. What other measures have been adopted, in accordance with the Committee's previous recommendations, to combat impunity?
3. Under the Constitution there is no statute of limitations for certain crimes. However, the new Code of Criminal Procedure provides for the termination of proceedings on the grounds of judicial delays. Have such terminations been imposed in cases of human rights violations?

Equality between the sexes and non-discrimination (arts. 2.1, 3, 25 and 26)

4. Please provide information on the activities of the Executive Secretariat for Women, and on the objectives of the second National Plan for Women, particularly as regards female participation and representation in public institutions. What are the results of the State party's action to raise the percentage of women in political and public administration posts

(report, paras. 34, 135-139, 143-147 and 589-590)? Please report on whether, in accordance with the Committee's previous recommendations, labour laws and practices discriminating against women as regards work remuneration, especially in domestic work, have been revised.

Domestic violence (arts. 3, 7 and 24)

5. Please provide updated information on cases of domestic violence, and on steps taken to enforce legislation against the perpetrators. Has training been given to the police to prevent such acts from being treated as private matters and the cases from being routinely closed? What other steps are planned to reduce the incidence of domestic violence against women (report, para. 140)?

States of emergency (art. 4)

6. Please provide information on whether armed forces personnel participate in combating common crime, notwithstanding provisions of the law which limit their intervention to states of emergency (report, paras. 154 and 159).

Right to life and prohibition of torture or cruel, inhuman or degrading treatment (arts. 6, 7 and 9)

7. What steps has the State party taken to reduce maternal and infant mortality? Does the State party plan to make contraceptive methods accessible with the aim of combating abortion and infectious diseases? In accordance with the Committee's previous recommendations, please provide information on the repercussions of the fact that abortion is illegal on maternal mortality (report, paras. 134 and 198-203).

8. Have any measures been undertaken to prevent the excessive use of force and firearms by police forces and military personnel in dispersing demonstrations, which have sometimes caused the death of participants, as was the case of the anti-government demonstrations of March 1999 when several students taking part died? Ill-treatment is allegedly common in prisons, where prisoners are reported to have died. What measures have been adopted to clarify and, where appropriate, punish these incidents and what are the results achieved?

9. With regard to the information provided on 56 torture cases investigated by the Special Human Rights Units of the Public Prosecutor's Office, please clarify whether the alleged perpetrators have been punished, following the Committee's recommendations (report, para. 227).

Prohibition of slavery and forced labour (arts. 8 and 24)

10. Paraguay is said to be a country of origin for trafficking in human beings, especially girls, for purposes of sexual exploitation. What steps are the Paraguayan authorities taking to prevent and punish such trafficking? What steps has the State party taken to eliminate child labour and the economic exploitation of children (report, paras. 247, 253 and 255)?

11. The practice of forcibly recruiting minors into the military and using them as forced labour has apparently not yet been eradicated. Corporal punishment inflicted on children is also said to be a deep-rooted practice within military service and in military schools. Please provide information on steps taken to eliminate these practices.

Security of person and protection from arbitrary arrest (art. 9)

12. A large proportion of the prison population in the State party appears to consist of persons in pretrial detention, and their rights, such as the right of access to legal defence, appear to be subject to restrictions. Following the Committee's previous recommendations, please provide information on the measures taken in this regard.

13. How does the State party justify the length of provisional detention (up to 15 days) bearing in mind article 9, paragraph 3, of the Covenant (report, para. 264)? Detention based on mere suspicion is also reported to be frequent. Please justify the compatibility with article 9, paragraph 1, of the Covenant of the powers of the National Police, pursuant to the first part of article 239 (c) of the Code of Criminal Procedure, to arrest individuals other than in cases of *flagrante delicto* or under a court order (report, para. 265).

Prison conditions (art. 10)

14. Prisons in Paraguay apparently suffer from serious problems such as overcrowding, inadequate or obsolete infrastructure and poor sanitary conditions. Furthermore, it appears that accused persons are not always separated from convicts. Please provide information on steps taken to solve these problems, following the Committee's previous recommendations and budgetary estimates for that purpose (report, paras. 323-325).

Right to a fair trial (art. 14)

15. The judiciary appears to be experiencing serious problems including the lack of objective criteria for the appointment of judges, short terms of office, alleged interference by other branches of the State, the fact that the military courts handle cases which should be heard by the ordinary courts, the fact that the disciplinary powers of the Judges Investigation Panel allegedly infringe the independence of the judiciary, and the slow pace of judicial proceedings. Please provide specific information on difficulties in the functioning of the judiciary, and steps taken to improve the situation.

Right to freedom of thought, conscience and religion (art. 18)

16. Does the State party plan to adopt specific rules relating to conscientious objection? The constitutional right to conscientious objection appears to be in practice restricted by the authorities and taxes are said to be imposed on conscientious objectors. Provide specific information as to the type of taxes imposed and the steps taken by the State party to guarantee the exercise of the right in question (report, paras. 457-461).

Right to freedom of expression (art. 19)

17. Please provide information on any cases of threats to or assaults on journalists and press personnel by individuals or bodies linked to the State authorities. It is alleged that complaints have been brought against journalists for defamation and libel. What measures have been taken by the State party, where appropriate, to ensure observance of the right to information and freedom of the press? Please also indicate the judicial response to the above-mentioned complaints.

Right to freedom of peaceful assembly (art. 21)

18. How does the State party justify the strict conditions imposed on the right to demonstrate by Act No. 1066/1997, especially in the form of time limits, bearing in mind article 21 of the Covenant (report, para. 488)?

Rights of the child and of minorities (arts. 24 and 27)

19. Please explain the programmes carried out by the National Secretariat for Childhood and Adolescence to secure the application of the rules governing protection of children, and the results obtained (report, para. 538).

20. A large number of children, especially in rural areas and indigenous communities, have apparently not been entered on the Civil Register, because Civil Register offices are so far away and registration is not free. Please provide information on any measures planned to guarantee the registration of children throughout the country and to boost its importance (report, paras. 535 and 536).

21. Is instruction in Guaraní offered in schools in practice, thus guaranteeing official bilingualism in keeping with article 77 of the Constitution? To what extent are other languages belonging to cultural minorities recognized? Please provide statistics and information on the languages of instruction in schools (report, para. 96).

22. How does the State party justify the fact that the age of criminal responsibility is set at 14, bearing in mind article 24, paragraph 1, of the Covenant? Please provide explanations of extenuating factors applied to minors under article 322 of the Criminal Code (report, para. 398).

23. Please provide specific information on problems affecting the indigenous communities, such as the non-recognition of their rights to ancestral lands, internal displacement, lack of access to health and unequal working conditions. Please specify the measures that may have been taken in this respect.
