



Convention on the Rights of the Child

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Summary record of the 1459th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Tuesday, 12 January 2010, at 3 p.m.

Chairperson: Mr. Filali

Contents

Consideration of reports of States parties (*continued*)

Third periodic report of Paraguay

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The meeting was called to order at 3.05 p.m.

Consideration of reports of States parties (agenda item 4) (*continued*)

Third periodic report of Paraguay (CRC/C/PRY/3; initial report (HRI/CORE/1/Add.24); list of issues (CRC/C/PRY/Q/3); written replies of the State party to the list of issues discussed (CRC/C/PRY/Q/3/Add.1)) (continued)

1. *At the invitation of the Chairperson, the members of the delegation of Paraguay took places at the Committee table.*
2. **Mr. Ricardo González** (Paraguay) said that the National Secretariat for Child and Adolescent Affairs (SNNA), which fell under the executive branch of government, was aware of the need to harmonize legislation and, particularly, to align the provisions of the 1987 law on civil status with those of the Convention on the Rights of the Child and of the Constitution of 1992, in order to eliminate any distinction between children born out of wedlock and children born in wedlock. It would also be appropriate to amend the law on birth registration accordingly.
3. An executive decree prohibited the worst forms of child labour, and administrative penalties were imposed on persons who employed children. The Ministry of Labour and the Ministry of Justice were currently working to draft a law in line with the provisions of that decree, with the aim of inflicting more severe penalties on offenders.
4. The Ministry of Health and Social Welfare was looking at ways of preventing tobacco addiction among young people and penalizing the sale of tobacco to the young.
5. In the context of the national framework for the protection and promotion of the rights of children and adolescents, there were plans to create posts for community advisers for the rights of children and adolescents. SNNA had also submitted other draft laws concerning alimony and child support, among other issues.
6. Hundreds of thousands of children had neither birth certificates nor identity documents, as they had not been registered with the civil registry office. In order for the right to a name to be respected in practical terms, SNNA had set up the Inter-Agency Office on Identity, which was responsible for identifying those children, gathering updated information on them and providing them with identity documents. It was important to emphasize that access to education was guaranteed to all children aged 6 and above, whether registered or not on the civil register. Given that the remoteness of civil status services was the primary obstacle to birth registration, those services had been set up in schools in nine departments, as part of cooperation between the United Nations and various ministries, including the Ministry of Education and SNNA. That practice should be extended to the entire territory. Finally, the Ministry of Health had also begun to raise public awareness concerning the importance of birth registration by launching information campaigns directed at expectant mothers and by opening civil registry offices in hospitals and health centres.
7. **Mr. Zermatten** (Rapporteur for Paraguay) wondered whether the community advisers for the rights of children and adolescents would act as mediators at the municipal level, which would be a welcome move as the national human rights institution played a weak role and was short-staffed.
8. **The Chairperson** asked whether the State party had planned any transitional mechanisms or measures to enable children who were not yet registered at the civil registry offices to have access to education and welfare.
9. **Mr. Ricardo González** (Paraguay) said that community advisers for the rights of children and adolescents would be appointed in accordance with their competences and

expertise in the area of promotion and protection of children's rights, and would not be required to fulfil any political roles. They would, however, have responsibilities within SNNA, which would make decisions on a collective basis.

10. **Ms. Torres** (Paraguay) said that the community advisers would have a say regarding the implementation of the programmes and, therefore, would not be acting completely independently as mediators. Most of the individuals currently responsible for protecting and promoting human rights were volunteers; introducing the role of community adviser and assigning that function to professionals in the field would undoubtedly enable the local programmes to benefit from more consistent technical support. Paraguay might also consider introducing the position of ombudsman for the protection of the rights of children and youth and, to that end, it would seek guidance from the Committee's general comment No. 2 on the role of independent national human rights institutions in the promotion and protection of the rights of the child.

11. **Mr. Ricardo González** (Paraguay) said that SNNA had not been consulted with regard to the modification of the law on child pornography. Nevertheless, he hoped that the criminal legislation on that matter would be revised in order to eliminate any conflict between the various relevant legal texts.

12. A regional strategy on the fight against child and adolescent trafficking for the purposes of sexual exploitation was established in 2007 within the Common Market of the South (MERCOSUR). The MERCOSUR member countries had created a computer-based information system tracking all the vulnerable children within their territory with access to the system provided to staff at border crossings.

13. SNNA was cooperating with the Ministry of the Interior and the Secretariat for Women's Affairs to counter police violence. In addition, the Convention on the Rights of the Child and the Code on Children and Adolescents had been included in the Police Academy curriculum.

14. **Ms. Torres** (Paraguay) said that indigenous peoples, numbering approximately 100,000 in Paraguay, offered the country a great multicultural, linguistic and ethnic richness. However, those communities were divided and it was therefore difficult to adopt a collective approach. According to the National Programme for Indigenous Peoples (PRONAPI), each ministry should conceive programmes focused on defending the rights and interests of those peoples. In the context of PRONAPI, SNNA had done so by launching a food aid programme and a health-care programme aimed at indigenous youth. The Secretariat was also implementing a programme targeting young people in the Asunción metropolitan area and was seeking to create public forums where their claims, often related to land ownership, could be heard.

15. **Ms. Escobar** (Paraguay) said that the Ministry of Health and Social Welfare sought to promote health as a universal right and to fight social inequalities with regard to health-care access. Rural and indigenous populations, which were particularly isolated, faced economic and geographical barriers, blocking their access to care. To address that issue, the Ministry had set up a network of family health units throughout the country, primarily targeting the most marginalized populations. Maternal and infant mortality rates were evidence of more deep-rooted structural problems, most specifically striking inequalities in the distribution of wealth and land. As part of the campaign against infant mortality, the authorities had begun to collect statistical data on birth registration and develop indicators to assess the social situation of inhabitants by region.

16. With regard to the issue of pesticides, a recent case of fumigation using toxic agricultural products in the vicinity of inhabited areas had led to legal proceedings and the matter had been referred to the Ministry of Health. In the case of monocultures, health and environmental standards were not respected and rural communities were suffering the

effects of deforestation, non-compliance with the safety distance between the crops and residential areas and the health-related consequences associated with soil and water pollution.

17. Regarding the health of indigenous peoples, the health authorities in Paraguay, in close association with those populations, had launched a programme for the promotion and protection of traditional medicine. That was a long-term process that required a change in attitude on the part of health professionals and formed part of an integrated approach to the emancipation of the indigenous peoples, in particular with regard to territorial sovereignty, the right to water and the right to food. The Ministry of Agriculture, the Social Welfare Secretariat and the Ministry of Education were among the public bodies associated with that programme.

18. The issue of persons with disabilities, which had long been neglected, was now coming into the spotlight. The Ministry of Health, with the active participation of organizations for persons with disabilities, had set up a programme to meet the needs of those individuals and prepared a draft law to combat discrimination. The State also endeavoured to promote job security for persons with disabilities and had launched a pilot project for the educational and medical support of children under five with disabilities, with the ultimate aim of extending it to the entire population. In addition, in each of the country's health regions, hospitals screened for early childhood diseases that could give rise to mental retardation.

19. **Mr. Zermatten** (Rapporteur for Paraguay) noted that consideration of persons with disabilities in Paraguay was overdue and there was still much to be done, but he welcomed the progress achieved. Furthermore, he requested an explanation from the delegation as to how the Ministry of Health and Social Welfare and SNNA were coordinating their efforts.

20. **The Chairperson** enquired about the infant mortality rate of indigenous populations. He also wished to know whether the dissemination of toxic substances in the environment through intensive farming could cause the displacement of the indigenous populations and wondered what penalties were provided under the Criminal Code for that type of offence.

21. **Ms. Escobar** (Paraguay) said that the Ministry of Health and Social Welfare and SNNA were represented on the National Children's and Young People's Council. They coordinated their efforts in providing assistance to homeless persons and vulnerable groups, and in ensuring that the health services respected individuals' rights. SNNA was involved in the work of PRONAPI.

22. **Ms. Torres** (Paraguay) said that the National Children's and Young People's Council was the umbrella structure coordinating the activities of several public bodies concerned with health issues. The National Institute for the Disabled came under the Ministry of Education. Paraguay needed to increase its efforts to comply with legislation setting quotas on the employment of workers with disabilities in public administration and to take measures to remove the physical and material barriers barring people with disabilities from the full enjoyment of their human rights.

23. **Ms. Escobar** (Paraguay) said that family health clinics were central for the coordination of health care, aiming to provide community-based care to the population and to draw up future strategic plans by geographical area, particularly with regard to persons with disabilities. Furthermore, the authorities were conducting community projects aimed at persons with disabilities.

24. The mortality rate of indigenous children varied from one ethnic group to another. The Manjuis, native to Chaco, Paraguay, had an extremely high infant mortality rate of 400

deaths per 1,000 births, whereas the Guaranis' rate was almost the same as the national rate, namely 34 deaths per 1,000 births.

25. In Paraguay, the notion of "early childhood" referred to children under the age of 8. The national policy on early childhood (POLPI), pursued by SNNA, the Ministry of Culture and the Ministry of Health and Social Welfare, reiterated all the principles of the Convention on the Rights of the Child. That policy consisted in providing services to young children and reinforcing human resources in the light of the needs identified. With regard to education, the authorities were contemplating the creation of integrated care centres, which would prioritize issues by community.

26. Paraguayan authorities were committed to reducing the neonatal mortality rate through various means, mainly by improving the quality of care provided in hospitals, strengthening the technical competencies of the professionals involved and emphasizing prevention.

27. **Ms. Herczog** asked whether, in maternity wards, infants were separated from their mothers at birth and whether the parents had access to prenatal classes and any support during and after pregnancy.

28. **Ms. Escobar** (Paraguay) noted that the Ministry of Health endeavoured to ensure that mother and baby were not separated, although that might be necessary if the infant needed to be transferred to an intensive care unit.

29. It was necessary to increase the breastfeeding rate, which was only 26 per cent. The Ministry was collaborating to that end with the National Institute on Food and Nutrition (INAN), which was responsible for drawing up norms and regulations. Act No. 1478, on marketing of breast-milk substitutes, was infrequently applied, since the Government policy of promoting breastfeeding came up against market forces. Government authorities were taking measures to provide special training for staff of the Ministry of Industry and Commerce and INAN, with the aim of enabling those bodies to identify cases of non-compliance with the Act, in particular with regard to product labelling and advertising standards.

30. The Labour Code made provisions for two half-hour slots per day to enable women employees in the civil service to breastfeed, if they so desired.

31. Additional measures had been taken to encourage breastfeeding, such as courses for female university students, the creation of "child-friendly" hospitals and the planned opening of a milk bank to provide milk for premature infants.

32. With regard to mental health, Government authorities were committed to promoting professional employment in the mental health sector in order to encourage more students to choose that course of study and for the country to eventually benefit from a greater number of practitioners in that field. Family health units also followed treatment protocols for persons suffering from mental health problems, set up with the support of the Spanish Government. In view of the tight health budget, Paraguay had been compelled to resort to external sources of financing.

33. **Ms. Herczog** wished to receive further information on the measures taken in schools to prevent teenage pregnancies and to discuss issues related to sexuality, particularly contraception.

34. **Ms. Escobar** (Paraguay) noted that a protocol on sexual education in schools had been developed by the various ministries involved and that it was now a matter of implementing it. SNNA was collaborating to create a peer training programme, focused on spreading information on sexual and reproductive health among adolescents. That programme, entitled "Health is in your hands", would be launched in March 2010. That

type of initiative was hampered by the resistance of certain radical groups that were opposed to the distribution of contraceptives for religious reasons and advocated sexual abstinence. A national programme to combat HIV/AIDS was also in place, although at present it was not very efficient.

35. The maternal mortality rate was still very high, with 12 per cent of cases involving teenage mothers. Paraguay had launched a sexual education programme specifically aimed at adolescents and featuring regional action plans.

36. The Government authorities were working to provide free access to health care. Following suspicions of corruption in procurement, the authorities had decided to restructure the relevant department and to review all contracts relating to the provision of health services.

37. A number of vaccination campaigns had been launched to make up for the delay in handling that matter, particularly with regard to indigenous populations. The issue of abortion was one that fuelled many conflicts, with fundamentalist religious groups opposing the adoption of an abortion law.

38. **Ms. Torres** (Paraguay) noted that between 2002 and 2009 the National Commission for Refugees had only received 92 refugee status applications, of which 65 had been granted. No cases of statelessness had been recorded. Paraguay had been one of the first countries to adopt the International Convention for the Protection of All Persons from Enforced Disappearance, and parliament was currently considering a bill in that regard.

39. **Ms. Martínez** (Paraguay) explained that the Government was implementing several programmes to assist parents. Paraguay was keen to comply with Act No. 1689, which stated that children had the right to live with their families, that poverty should not be a reason for children to be separated from their parents and that the State should support families. To that end, the Secretariat for Social Action was implementing a conditional benefits programme. That programme, which would benefit 90,000 families including indigenous families, had met with staunch resistance from certain sectors and its budget had had to be reduced. The "Abrazo" programme aimed to reduce infant mortality and solve the problem of street children, also by offering conditional benefits. That programme, which concerned 2,000 children, had been extended to early childhood and was also being implemented by local authorities. Substantial support was also being provided for an integrated care programme within local communities, in which SNNA was working in collaboration with several NGOs and, in some cases, religious institutions already present locally, with the aim of offering a wider range of services (for instance, community canteens).

40. Training social workers and teachers was essential to ensure that families were supported. There was often confusion between street children, who had been abandoned, and children working in the streets, who still had ties to their family. A distinction should be made in that regard, and Paraguay was making considerable efforts to implement differentiated care programmes offering a non-judicial response to the various situations. It was important to ensure that local authorities participated actively in the implementation of those programmes and assumed their full responsibility under the law.

41. **Mr. Zermatten** (Rapporteur for Paraguay) asked whether, with the high emigration rate and the large number of children who were left behind in the country, those children benefited from special programmes.

42. **Ms. Torres** (Paraguay) noted that there are no special programmes for those children, who were covered only by the existing programmes. However, the Government was aware of the need to implement alternative protection programmes to help the relatives awarded custody of such children to cope with the situation.

43. The Government was keen to avoid placing in institutions children who were in the process of adoption. A specialized team from the Adoption Centre had been especially trained to help preserve family ties and support foster families. Significant efforts had also been made to review the applicable legislative framework in order to speed up legal proceedings related to adoption and pre-adoption custody. The adoption of children with disabilities and adolescents remained a concern.

44. In order to assist adolescents who had been abandoned, many of them drug addicts, the Government had started to rehabilitate establishments and to implement an integrated care programme for street children and, as part of that programme, planned to develop an “agro-technical” centre. Here, children would benefit from a threefold programme, involving work in small groups, life in the community and social and professional integration.

45. The Government had taken a major step forward in adopting measures to monitor privately run homes and shelters for children and adolescents. Such institutions first had to seek approval by the relevant Municipal Advisory Board for the Rights of Children and Adolescents (CODENI); the Government, in collaboration with the various municipal advisory boards and the municipalities, was committed to monitoring their activities and ensuring that they complied with the relevant recommendations and norms.

46. The Government, as part of its action to counter domestic violence and in view of some of the shortcomings of several municipal boards, had set up a centralized telephone helpline called “Fono Ayuda” (“Phone Help”). Prevention campaigns on “Living without Fear” had also been conducted, and child protection networks had been set up locally. The authorities were also committed to strengthening the competence of parents and families by offering them support and, to that end, were cooperating with religious and local organizations.

47. **Mr. Zermatten** (Rapporteur for Paraguay) asked whether the helpline service provided for aftercare and follow-up as well as offering a way of reporting abuse and violence.

48. **Ms. Torres** (Paraguay) said that the service allowed the reported cases to be referred to specialized centres or mediation and social intervention services, i.e. the municipal advisory boards (CODENI). The cases reported were automatically subject to follow-up. However, the authorities were struggling with the heavy caseload and a lack of technical and human resources. To provide better follow-up, a network of local services should be set up, as indicated by the Constitution.

49. **Mr. Ricardo González** (Paraguay) emphasized once again that the Government intended to elevate to the status of law the decree on the worst forms of child labour, which foresaw administrative sanctions for the employers, in an effort to strengthen means of coercion. The National Commission on the Prevention and Elimination of Child Labour was currently working to implement the National Plan for the Prevention and Elimination of Child Labour and to define intervention procedures for the relevant institutions when addressing complaints. It was important to specify the respective competences of the designated mediator and of the minors’ defence counsel because very often those complaints were passed on from one to the other without any certainty as to which authority they fell under. Furthermore, Paraguay complied with International Labour Organization (ILO) Convention No. 138 concerning the minimum age for admission to employment. Finally, although the decree mentioned above took account of the phenomenon of children working as domestic employees, a much more specific regulation concerning the rehabilitation and reintegration of those children was needed to eliminate that form of child labour.

50. With regard to legislation on the use of toxic pesticides, article 203 of the Criminal Code provided sanctions for the offence of compromising the safety of persons or the community, whereas article 109 focused in particular on the illicit use and sale of chemical substances; the applicable penalties were 2 to 10 years of deprivation of liberty and fines.

51. **Mr. Krappmann** said that the Committee welcomed the efforts made by the State party to combat all forms of child labour. He asked whether the children were consulted with regard to the means for putting an end to that phenomenon. He also enquired whether children who worked had access to any form of education. In some countries, there were programmes allowing children to combine working life with schooling, which was a rather ambiguous approach to the problem, but one that prevented a situation in which children had neither work nor education.

52. **Ms. Torres** (Paraguay) said that the Observatory on Children and Adolescents had conducted studies on forced child labour. Surveys had also been carried out, with the support of the International Labour Organization (ILO), on forced labour of the indigenous peoples in the Chaco region and in large farming operations. The Organization for Child and Adolescent Workers in the Informal Sector, which was part of the National Coordinating Office for Child and Adolescent Workers of Paraguay, took part in the discussion on the work of street children, which dealt with the definition of that phenomenon and the risks involved for children. The “Abrazo” programme, which the State was seeking to implement at the municipal level, aimed to gradually eliminate child labour in the streets, and today 90 per cent of the 800,000 children who worked in the streets were about to stop doing so. Authorities were exploring alternative employment solutions for children and adolescents, and also for parents. The assumption that children who worked in the streets did not go to school was a myth. Thanks to their work, the children were able to finance their schooling and attend classes. In Paraguay school was not entirely free because it was still necessary to buy a uniform, books and school supplies. The State aimed to ensure that children working in the streets could be fully reintegrated in the normal school system.

53. **Mr. Ricardo González** (Paraguay) said that adolescent workers, who formed organized groups, appealed to the authorities to address their needs, particularly with regard to their working conditions and pay. It was recommended that an administrative body be established within the Ministry of Justice and Labour with responsibility for drafting provisions regulating work relations between employers and children and adolescents.

54. Technical schools providing vocational training offered young people learning opportunities in various fields, with a view to their professional reintegration, the aim being to allow adolescents to continue their schooling while working.

55. **Ms. Torres** (Paraguay) said that the Government was gathering information on children placed as domestic servants by their families and, in order to combat that phenomenon, was seeking alternative solutions for the families and their children through specific programmes as opposed to radical measures to suppress that highly culturally specific practice.

56. The Ministry of Education and Culture had the largest staff of all the ministries. It was currently restructuring its agencies and taking action to regularize the situation of its civil servants by giving them permanent appointments, by paying them — since today a large number of them did not receive a salary — and by providing them with the training and competences required. Much remained to be done to improve the quality of the teaching and school infrastructure, particularly in the rural areas, but also in the towns and regions where some indigenous populations lived, and in that regard the authorities were looking for funding sources. Certain measures had already been taken, such as distributing milk in schools.

57. **Ms. Yambay** (Paraguay) said that Book 5 of the Code on Children and Adolescents regulated juvenile justice. The aim of the criminal justice system for minors was to facilitate the social reintegration of offenders. Adolescents were criminally liable from the age of 14. The justice system for minors was based on socio-educational and corrective measures, and on alternative measures to deprivation of liberty, with the aim of encouraging adolescents to take responsibility, imposing on them rules of conduct and improving their social skills.

58. There were also specialized technical teams, comprising psychologists, social workers and legal officers. Currently, only three of the country's territorial departments benefited from the support of those teams through a programme for delinquent children. There were plans to implement that programme in three additional departments each year, until it was gradually extended to the entire country. Ms. Torres requested the advice of the Committee on the Rights of the Child to support the creation of similar teams throughout the country and the establishment of a greater number of competent authorities on juvenile justice.

59. **Mr. Zermatten** (Rapporteur for Paraguay) asked whether a specialized police department and prosecution service were in place for minors.

60. **The Chairperson** requested further information on the training of judges, the separation of the adults and children in places of detention and the care provided to victims.

61. **Ms. Yambay** (Paraguay) said that there were no prosecutors specialized in juvenile justice. The justice system currently had 58 judges specialized in minors, 74 defence counsel for children and adolescents and specialized chambers within the Supreme Court of Justice.

62. **Mr. Ricardo González** (Paraguay) said that, owing to budget constraints, the justice system had increased the powers of certain judges to turn them into "multi-competent" judges, able to judge both civil and criminal cases and, in particular, to take cases of juvenile delinquency in the court districts that did not have juvenile judges. There were plans to increase the justice system budget to create specialized judicial bodies for minors and to provide the Public Prosecutor's Office with specialized judges.

63. There was also a need to strengthen the training of judges and to monitor the implementation of the Convention in accordance with judicial decisions. The Government had conducted studies and prepared statistics on judicial decisions invoking provisions of the Convention, and based on the best interests of the child, a principle that had to be incorporated in the positive law of Paraguay.

64. The inter-institutional commission responsible for visiting and monitoring education centres and the detention centres for juvenile offenders was composed of representatives from the Supreme Court of Justice, the Ombudsman's Office, SNNA, the Ministry of Health and the Ministry of Justice and Labour.

65. The running of detention centres and education centres was under the supervision of the Ministry of Justice and Labour, which was responsible for enforcing custodial sentences for both adults and minors; confusion could sometimes arise with regard to the two types of centres. The inter-institutional commission worked to report to the competent authorities on the conditions of the detention of young persons, primarily concerning food, education or leisure, with the aim of improving the situation of detained minors.

66. There were plans to create, in association with UNICEF, another educational detention centre in Ciudad del Este, where minors and adults would be detained in separate premises. The authorities aimed to set up, in each judicial district, centres that were truly educational for offenders.

67. **Ms. Torres** (Paraguay) said that the Government had redefined the basic mission of the national police. It had plans to purge police services and organize training aimed at preventing abuse and torture by law enforcement personnel. Complaints regarding human rights violations were given consideration, but often victims did not report the offence for fear of reprisal. The authorities intended to create reliable bodies that would receive and investigate the complaints filed by children and adolescents.

68. Units had been established within the Ministry of the Interior with the aim of ensuring respect for the rights of the most vulnerable persons, particularly children and adolescents, notably in the context of the struggle for land.

69. **The Chairperson** requested further information on the recruitment of children into the armed forces.

70. **Ms. Torres** (Paraguay) said that, owing to the lack of civil status documents showing the age of the young persons, some minors might possibly have been enrolled in the army. An initiative had been carried out in cooperation with the Ministry of Defence to trace such cases and it had emerged that some children with physical disabilities had been recruited; those situations had been rectified immediately. Conscientious objector movements played an important role in combating the recruitment of minors into the armed forces.

71. **Ms. Martinez** (Paraguay) said that the case of the child soldier named Marcelino Gomez Paredes, who had been illegally enrolled into the Paraguayan armed forces and had disappeared in 1998, had been examined by the Inter-American Commission on Human Rights and that Paraguay had recognized its responsibility in the matter and had signed an amicable agreement with the organizations representing the victim. In addition, Paraguay had undertaken to create a commission responsible for investigating cases of missing children and for punishing those responsible.

72. **Mr. Zermatten** (Rapporteur for Paraguay) appreciated the dialogue established with the Paraguayan delegation. He welcomed the numerous advances made by Paraguay with regard to the promotion and protection of children's rights and added that the Paraguayan authorities should do their utmost to reinforce the process started. He noted that the recommendations of the Committee would primarily focus on the gaps in training and resources and on harmonizing the respective legislative frameworks.

73. **Ms. Torres** (Paraguay) said that the support of the Committee was very valuable for the Paraguayan Government, which had embarked on a historic process for the benefit of children. She renewed the request made to the Committee to defend the institutional status of SNNA and requested technical support with regard to the use of pesticides and toxic agricultural products in the country.

74. *The Paraguayan delegation withdrew.*

The meeting rose at 6 p.m.