



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture Sixty-first session

### Summary record of the 1546th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 26 July 2017, at 10 a.m.

*Chair:* Mr. Modvig

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

**Consideration of reports submitted by States parties under article 19 of the Convention** *(continued)*

*Seventh periodic report of Paraguay (CAT/C/PRY/7; CAT/C/PRY/QPR/7)*

1. *At the invitation of the Chair, the delegation of Paraguay took places at the Committee table.*
2. **Mr. Blanco** (Paraguay), introducing the seventh periodic report of Paraguay (CAT/C/PRY/7), said that torture and cruel, inhuman and degrading forms of treatment and punishment were prohibited under the Constitution. In order to adapt the national legal system to the requirements of the human rights treaty body system, the National Reform Commission was revising and updating the criminal justice system, the Criminal Code, and legislation regulating the prison system and the judiciary. In cooperation with the Office of the United Nations High Commissioner for Human Rights, the Government had also developed a publicly accessible mechanism for following up and monitoring the implementation of international human rights recommendations, which involved international South-South cooperation.
3. The Penal Enforcement Code, introduced in 2014, provided for the monitoring of prison conditions, as well as the effective legal protection of accused persons. Moreover, a law introduced in December 2016 had established policies and strategies for preventing violence against women, as well as support mechanisms, protective measures, penalties and comprehensive reparations.
4. Another law had been adopted on the proper treatment of children and adolescents and their protection from corporal punishment or any other form of violence as a disciplinary measure. Domestic work for persons under 18 years of age had also been prohibited.
5. Moreover, legislation introduced in 2014 guaranteed the effective exercise of the rights of all persons to public information, and established a mandatory obligation to provide information on the use of public resources.
6. Numerous bodies had been strengthened in order to improve institutional protection and promotion of human rights. In accordance with the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the country had also established a national preventive mechanism, which was the region's first independent monitoring mechanism. It enjoyed budgetary and operational independence, and had expert staff.
7. In 2012, the Ministry of the Interior had established the Department to Combat Trafficking in Persons and Related Offences within the National Police, as well as new offices to provide assistance for women and children who had been victims of violence. The National Secretariat for Children and Adolescents had also established an inter-institutional programme to prevent trafficking and sexual exploitation, and provide assistance to victims.
8. In addition, the Second Action Plan of the Human Rights Network of the executive branch aimed to strengthen human rights within institutions. A committee had also been created to monitor the implementation of the National Human Rights Plan, in cooperation with civil society representatives, and the Inter-institutional Commission on Compliance with International Judgments and Recommendations had been restructured.
9. Following consultation with government bodies, the private sector and civil society organizations, the Paraguay National Development Plan 2030 had been developed as a road map for implementation of the 2030 Agenda for Sustainable Development, and was being harmonized with the National Human Rights Plan. In addition, the Strategic Plan for the period 2016-2020 had been introduced, which prioritized compliance with, inter alia, the recommendations of United Nations committees and the Brasilia Regulations Regarding Access to Justice for Vulnerable People.

10. Challenges had been overcome in order to allocate sufficient resources to the National Programme to Prevent and Combat Trafficking in Persons and Provide Victim Support, as well as to the National Fund for Prevention and Victim Support.

11. **Mr. Martínez** (Paraguay) said that the National Observatory on Security and Civic Harmony had been established in order to develop evidence-based public policies on security and crime prevention through interministerial cooperation. Moreover, in 2016, a letter of intent to establish a permanent mechanism on the safety of journalists had been signed by the three branches of Government, the Attorney General's Office and the United Nations Educational, Scientific and Cultural Organization. In June 2017, the National Police had introduced a security protocol for journalists in high risk situations.

12. The Government continued to work towards implementation of the National Action Plan for Indigenous Peoples with the participation of indigenous communities. Lawyers, anthropologists and experts in indigenous culture were working within the justice system to guarantee protection for the rights of indigenous peoples.

13. The Ministry of Justice had developed a strategic plan for the period 2017-2021 which provided for the progressive implementation of international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (Bangkok Rules). Moreover, the Government had been working with the regional office of the United Nations High Commissioner for Human Rights to develop a high-level course on human rights, focusing on the follow-up to the recommendations of international bodies.

14. Since November 2016, the Government had been gradually implementing a unified Police Information System which allowed complaints to be digitally processed and stored. Police forces were thus able to access reliable information about offences, while also assisting persons reporting crimes. In addition, the Public Prosecution Service had issued instructions on improving the administration of justice and access to the legal system, which had emphasized targeting vulnerable sections of the population.

15. In order to prevent torture in the justice system, the Government carried out periodic monitoring of the judicial process and prison conditions. The Supreme Court, in cooperation with other bodies, had prioritized actions to reduce delays in the legal system. Significant efforts had also been made to modernize and digitize the legal system, including the selective introduction of court hearings conducted by videoconference.

16. Approximately US\$ 18 million had been invested in the prison system to improve living conditions and reduce overcrowding. The Government was also working with the private sector to promote the social reintegration of prisoners, and the Women's Coordination Unit highlighted the rights of women deprived of their liberty.

17. Efforts were being made to implement the recommendations of the national preventive mechanism, inter alia through the introduction of legislation to protect the rights of vulnerable persons deprived of their liberty, including persons with disabilities and indigenous persons.

18. During the reporting period, the Truth and Justice Commission had identified the remains of four people who had disappeared during the dictatorship and Operation Condor, and had returned them to their families. The first gene bank for the families of the disappeared had also been established.

19. Specialized investigative units had been set up in State institutions with the aim of combating corruption. In the period 2012-2016, 139 people had been sentenced in corruption cases and approximately US\$ 48 million had been recovered by the State. Moreover, the specialized unit to combat trafficking in persons had rescued 318 victims in the period 2011-2016, and 88 convictions had been obtained. International cooperation, notably with the European Police Office (Europol), had reduced the cost of trafficking investigations.

20. **Mr. Heller Rouassant** (Country Rapporteur) said that he commended the State party for its efforts to promote human rights. However, the Joint Task Force continued to commit acts of torture in the north of the country, affecting the local population. Acts of torture and ill-treatment disproportionately affected marginalized groups, including persons with disabilities, older persons and lesbian, gay, bisexual, transgender and intersex (LGBTI) persons.

21. The police force had also been accused by NGOs of using excessive force, including arbitrary detention, acts of torture and ill-treatment, against persons protesting a constitutional amendment in March and April 2017. Those actions had been denounced by the national preventive mechanism and the Inter-American Commission on Human Rights, which, in June 2017, had asked the Government about the progress made in identifying and punishing the members of the security forces involved in aggression against the press and the murder of a leader of the Liberal Party. The murders of human rights defenders and attacks against journalists were also of great concern.

22. Torture and ill-treatment continued to be used in prisons to manage and control inmates. Despite many complaints, there had been few investigations or convictions, and the Government had not taken sufficient action to end the practice and punish those responsible. Moreover, methods to identify abusive practices in prisons and educational centres were not yet fully implemented, and the investigations carried out by the Specialized Unit on Human Rights Offences of the Public Prosecution Service had failed to make significant progress.

23. Acknowledging the legal framework in place in Paraguay to prevent and punish torture, he enquired about the extent of implementation of the Rome Statute of the International Criminal Court. Moreover, although legislation had been revised to incorporate the Committee's previous recommendations, it did not specify the maximum punishment for torture or whether there were specific criteria to ensure that the punishment was in line with the seriousness of the offence. He requested further information in that regard.

24. In accordance with the Committee's previous recommendations, the State party had developed indicators of access to justice and monitoring mechanisms for the implementation of constitutional provisions on deprivation of liberty. He asked how far those indicators and mechanisms had been implemented, and requested examples of their use. Moreover, he wished to know why the Constitution did not include the right of a detainee to be examined by a doctor, and whether that right was covered by another instrument.

25. The National Police showed a disturbing lack of respect for the due process rights of persons deprived of their liberty, and detainees were often held in police stations for longer than was legally allowed owing to inadequate infrastructure and lack of suitable accommodation. It also remained difficult for detainees to have access to legal or medical assistance, or to contact their families.

26. Moreover, according to the national preventive mechanism, the National Police continued to be the main perpetrator of torture and ill-treatment, which took place primarily in police detention facilities. It was recommended that the State party increase its efforts to prevent torture.

27. The complete lack of holding facilities for women and of female police staff outside Asunción had led to female detainees being subjected to abuse when guarded by male staff. Protective mechanisms for women and other vulnerable detainees, including adolescents and transgender persons, therefore needed to be strengthened.

28. Despite the introduction of registers of detainees, in some police stations they had not been used correctly or at all. There was no plan for monitoring the use of registers or assessing their implementation. He therefore wished to know how registers were currently used, how many registers there were in police stations nationwide, and whether a national register was planned.

29. The National Human Rights Plan had been adopted in 2013 with amendments that did not fully reflect the consensus achieved during the inclusive drafting process. The

delegation should explain why that was the case, and provide further information about the Plan and the efforts undertaken to prevent torture. Furthermore, it would be helpful to have an account of how well the Human Rights Network of the executive branch was operating, as well as its objectives for 2017-2018.

30. Further information on the human and financial resources of the Public Defender Service, which, according to the State party, was financially independent, would be welcome. Moreover, the State party should provide additional details on the observatory of prisons and the number of reports of cases of torture that it had received. Although the Ombudsman's Office had a mandate that was in conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles), it had withdrawn from the Global Alliance of National Human Rights Institutions in April 2014, on the recommendation of the Subcommittee on Accreditation, given that the Ombudsman's post had remained vacant since 2008. As that post had recently been filled, could the State party provide an update on the current status of the Ombudsman's Office and its relationship with the Global Alliance of National Human Rights Institutions?

31. He would appreciate information on how many complaints the Ombudsman's Office had received, how many times it had applied to the authorities for information and access to sites where crimes had allegedly been committed, on which occasions it had publicly censured acts or conduct contrary to human rights, and whether it issued reports on aspects of human rights as a matter of course.

32. The national preventive mechanism, which had been carrying out prevention, monitoring, recommendation and follow-up activities since 2013, had certainly gained credibility in the country. However, it was not achieving all its objectives, and the low level of compliance with its recommendations demonstrated a generally low level of commitment by the State party to upholding the Convention against Torture. Despite the fact that articles 3 and 9 of Act No. 4288/11 protected the mechanism's mandate and provided for its adequate funding and staffing, its budget had been cut by one quarter in the past four years, which imposed serious limitations on its operations. The State party was invited to explain the situation and describe the measures it envisaged introducing to ensure that the mechanism would be able to carry out its functions in compliance with the law.

33. Many of the recommendations made by the mechanism in the context of its visits to detention centres had gone unheeded, such as the recommendation made to the Supreme Court to restrict the use of pretrial detention, and the recommendation made to the Attorney General's Office to investigate and punish acts of torture that had taken place in two prisons. Equally, many recommendations designed to reduce violence in the Itauguá rehabilitation centre had not been implemented, and the deaths of six adolescents there had not been properly investigated. The majority of the recommendations issued following visits to police and military facilities had received scant or no response. Thus, although the law established that the mechanism's recommendations were binding, there had been many delays that were not always justified. Could the State party clarify the legal value of the recommendations?

34. One of the national preventive mechanism's main concerns was the excessive use of pretrial detention by the judiciary, which occurred throughout the country and led to serious overcrowding in prisons. Over three quarters of all detainees in Paraguay in 2016 had been in pretrial detention. The laws on some types of crimes, such as those relating to drug use, left judges with no alternative but to use that measure. The national preventive mechanism had recommended that the legislature should amend the Code of Criminal Procedure to prevent such an extensive use of pretrial detention.

35. He would be grateful to learn whether issues related to prison overcrowding and compliance with the mechanism's recommendations were being examined in the framework of the Human Rights Network of the executive branch, whose primary purpose was to coordinate policies, plans and programmes on the promotion and protection of human rights. The Committee was also alarmed to see that the State party was using imprisonment as a tool to tackle social problems through a disproportionate rate of imprisonment of members of certain social groups.

36. Torture in places of detention continued to be a major problem. In a survey carried out by the national preventive mechanism, just over half the detainees interviewed claimed to have been struck, mistreated or insulted by National Police officers at the time of their arrest, while 70 per cent of respondents claimed to have suffered such treatment during their detention in prison. The high figures showed the need for the institutions tasked with preventing, investigating and punishing such acts to take urgent measures.

37. He would welcome information on the progress made towards the final adoption, as recommended by the national preventive mechanism, of a police intervention protocol for adolescents in conflict with the law in order to guarantee their rights. It had been reported that many of them were not told the reason for their detention, given access to a lawyer of their choice, or accorded the right to contact a relative or undergo a confidential medical examination. Only five per cent of minors in detention had received a conviction; the rest were being held in pretrial detention. The various authorities involved did not have sufficient awareness of the rights and guarantees afforded to juveniles under the Code of Criminal Procedure (article 427) and the Code on Children and Adolescents (Book V).

38. The Joint Task Force, a special unit composed of elements of the armed forces, the National Police and the National Anti-Drugs Secretariat, continued to be active in the north of the country, where drug cartels were currently fighting for control of territory. It had reportedly carried out practices akin to those of an authoritarian regime, including the use of force. The State party should provide further information on the situation in the north of the country, the actions of the Joint Task Force, and reports of violations of human rights, particularly cases of torture. Had any investigations into such acts been conducted? In the same connection, Act No. 5036/13, adopted in 2013, had been challenged on grounds of unconstitutionality, as it granted the armed forces the power to keep the public order, effectively putting them in competition with the National Police. The Committee would welcome comments from the State party on the current status of that legislation.

39. In relation to criminal justice, he would like to highlight the case of Curuguaty, in which more than 300 police officers had attempted to evict 70 campesinos occupying lands in the district of the same name. Although six law enforcement officers and 11 campesinos had been killed in the violence, the Attorney General's Office had only investigated the deaths of the six police officers. A number of campesinos had been found guilty and, in July 2016, had received sentences ranging from four to 30 years. The United Nations High Commissioner for Human Rights had raised concerns that rights of due process had not been respected during the trial of the campesinos. Moreover, more than five years after the events, none of the law enforcement officers accused had yet been prosecuted. The State party, in keeping with the principles of the rule of law, had an obligation to conduct an exhaustive and impartial inquiry into acts of violence, and to punish those responsible. The delegation should provide the Committee with more information on the case, which had provoked international condemnation.

40. Lastly, in relation to Article 3 of the Convention against Torture, the State party had made progress in recognizing the rights of refugees and migrants through domestic legislation and the ratification of international instruments. Nevertheless, the authorities still violated their rights by treating them in an irregular, discriminatory and unsystematic fashion. According to the Office of the United Nations High Commissioner for Refugees (UNHCR), a growing number of Syrian asylum seekers were entering Paraguay via the border with Brazil, where there was no mechanism for identifying and registering arrivals or putting them in contact with the asylum authorities. The Committee recommended that the State party should improve the procedures in place for determining the status of refugees, including in border zones.

41. Paraguay continued to be both a source and destination country for human trafficking. Refugees and asylum seekers were vulnerable to becoming victims of trafficking in persons and sexual exploitation at the hands of criminal organizations. The Committee therefore recommended that the State party should adopt protection measures and establish the appropriate mechanisms of identification, assistance and support for the victims of human trafficking. In addition, the State party should develop a policy for recognizing refugees, which took into account the elements mentioned, and current trends in the country, in order to ensure that their rights were upheld.

42. **Ms. Belmir** (Country Rapporteur), thanking the delegation for the ample information it had provided, said that the State party had made great strides towards the fulfilment of its human rights obligations since submitting its previous report under article 19 of the Convention, particularly by bringing its legislation into line with the Convention, developing the National Human Rights Plan and other initiatives, improving access to justice, and reviving the Ombudsman's Office. The State party was making greater progress than many others. However, it was the Committee's job to point out areas in which further improvements could be made, for the State party's benefit.

43. A number of provisions in the Constitution of Paraguay prohibited torture, as did the Criminal Code, although the Military Criminal Code did not. In its report, the State party had indicated that, in the implementation of legislation, the focus should be on training. Several methods, programmes and information systems had been developed involving the police, members of the military, prosecutors, and judges. Training was also given on the Istanbul Protocol. The extensiveness of the training provided showed that Paraguay was actively engaging with its responsibilities and making efforts to honour its commitments.

44. There were concerns that the accusatory approach used in the judicial system in the State party led to the prioritization of prosecutions over the provision of fundamental legal safeguards including access to a lawyer from the outset of proceedings. Although law enforcement officials received training on the Istanbul Protocol, its provisions were not effectively implemented in practice. The Committee would welcome an update on the outcome of the investigation into allegations of widespread corruption in the judiciary and the prison system.

45. She would be interested to hear about the progress the Government had made in implementing the provisions of the legislation adopted in 2015 in connection with the enforcement of sentences. The total capacity of prisons in the State party and the number of square metres allocated to each prisoner needed to be clarified. It was unclear whether *pasilleros* (prisoners who slept in the corridor) still existed or whether a solution to that phenomenon had been found. Details would be welcome on the amount of funding the Government had provided for the renovation of existing detention facilities or the construction of new ones.

46. Noting the excessive use of pretrial detention in the State party, she wished to hear about any plans to amend the provisions of the Code of Criminal Procedure which prohibited the use of alternative measures for offences punishable by a prison sentence of more than 5 years. It would be interesting to learn whether any temporary solutions were in place pending amendment of the legislation and whether the authorities had identified any other factors that were contributing to the problem of prison overcrowding.

47. The Committee would like to hear the delegation's response to reports that the separation of male and female prisoners and of adults and minors in detention did not always happen in practice and that there were not enough doctors to provide care to prisoners. There were also concerns that prisoners had to pay in order to obtain food or to receive visitors. The Committee would appreciate the delegation's comments with regard to reports of the prolonged use of isolation cells and the arbitrary transfer of detainees, including minors, with no judicial authorization or oversight.

48. She would be grateful for information on the progress made in the investigations into the 166 deaths in custody that had reportedly occurred between 2013 and 2016 as a result of violence between prisoners, inadequate access to health care and arbitrary executions. Clarification would be welcome of whether the families of the deceased had received compensation.

49. The Committee had received reports that although the Human Rights Division of the Public Prosecution Service had received more than 800 complaints of human rights violations, only a small number of cases had gone to trial and no judgments had been handed down. An update on any progress made in that regard would be welcome. The Committee would appreciate information on the cases of Gumersindo Toledo, Antonio Benítez and Marcial Martínez and on the outcome of any investigations carried out in connection with them.

50. She would be interested to receive further information on the legislation in place in connection with the forms of reparation available to victims of offences committed during the dictatorship. It would also be useful to learn about the remedies available to victims of acts of torture or ill-treatment committed by law enforcement officers outside the time frame of the dictatorship.

51. In connection with minors in conflict with the law, she was concerned about reports that in some places of detention they were not held separately from adults and that there had been cases of mistreatment of juvenile detainees by the prison guards who were employed to care for them. She would like to hear the delegation's comments on any investigations carried out into those allegations.

52. She would be grateful for information regarding the progress made in the investigations into the excessive use of force by the police during demonstrations in March and April 2017, including in particular the operation carried out against the opposition party which had allegedly resulted in the extrajudicial killing of the party's leader, Rodrigo Quintana.

53. She was concerned about reports that human rights defenders and journalists frequently suffered ill-treatment. She would welcome the delegation's comments on the deaths of the four journalists killed in 2014, namely Fausto Gabriel Alcaraz Garay, Edgar Pantaleón Fernández Fleitas, Pablo Medina Velázquez and Antonia Maribel Almada.

54. Although some victims of the dictatorship had sought redress in the Venezuelan courts for the harm they had suffered, it remained unclear how the State party applied the concept of universal competence.

55. While she welcomed the State party's efforts in the areas of truth and reconciliation, much work remained to be done, notably in connection with the identification of human remains found in mass graves.

56. **Mr. Bruni** said that information from a number of sources indicated that the rate of overcrowding in the State party's prison system stood at 179 per cent. He would appreciate confirmation from the delegation of the accuracy of that information and would welcome details of any measures the authorities had taken to alleviate the problem, particularly in Tacumbú prison and the prison in Ciudad del Este. He would like to hear the delegation's comments on the report submitted to the Committee by the Ombudsman in October 2015, in which one of the root causes of the high rate of overcrowding had been identified as the excessive use of preventive detention. Noting reports that Tacumbú prison was due to be closed down once the expansion of Emboscada prison had been completed, he requested information on the planned date for the closure of Tacumbú prison and the transfer of the more than 3,000 prisoners housed in Emboscada prison.

57. Were any measures being taken to prevent deaths from violence or suicide in custody? The Committee would appreciate additional information on the number of complaints made concerning violence between prisoners, the measures taken to tackle the phenomenon and the evaluation of the effectiveness of those measures.

58. He would welcome the delegation's comments on the Ombudsman's finding that the improvements made to the living conditions in prisons, such as the renovation of the kitchen facilities at Tacumbú and Buen Pastor prisons, had not proved sufficient. He would be interested to learn whether the Government intended to implement the recommendations of the Ombudsman in connection with the lack of medicines and medical care in prisons. He also had concerns regarding the lack of beds and mattresses in prisons and the shortcomings in the care of prisoners with psychosocial disabilities.

59. **Ms. Racu** said that, in the light of the report by the Rapporteur for the Rights of Persons Deprived of Liberty of the Inter-American Commission on Human Rights on his visit to the State party in 2014, the Committee had serious concerns about the situation of juveniles in detention, particularly in relation to the fact that 93 per cent of the juvenile prison population was being held in pretrial detention. There were reports that minors were beaten and abused by prison guards and placed in unauthorized isolation cells. She would be grateful for information on the measures being taken to improve the situation of



juveniles in Itauguá educational facility. Details would also be welcome on the investigation into the deaths of four teenagers at that facility in 2014.

60. It would be useful to learn about any positive developments in education and rehabilitation programmes for juveniles in the State party. The Committee would welcome an update on the situation of women at Buen Pastor prison, including the measures taken by the Government to put an end to vaginal searches and enforced stripping.

61. **Mr. Zhang** said that he would like to know whether the results of the training offered to the police, the military and prosecutors had been evaluated, and if it had been found to have any effect on reducing torture. It was commendable that a handbook for investigating cases of torture should make reference to the Istanbul Protocol and he hoped that the delegation could provide information about any training on the Protocol available to medical personnel, investigators and judges. The State party was also to be commended for having ratified the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, and he wished to know if officials received any specific training on those instruments.

62. However, despite the commitments all Latin American and Caribbean States had made in the Brazil Declaration and Plan of Action, which identified statelessness as a major regional concern, the State party did not seem to have established a procedure for determining statelessness and no statistics on the number of stateless persons in the country were available. He understood that a bill on statelessness was about to be presented to the National Congress and that it reflected the guidelines contained in the Global Action Plan to End Statelessness 2014-2024 of the Office of the United Nations High Commissioner for Refugees (UNHCR). However, he was unclear about the details and would welcome any further information the delegation could provide. In particular, he was concerned about stateless persons who did not have refugee status, as their rights were not covered by the international refugee protection regime.

63. **Mr. Touzé** said that the State party was to be commended for being up-to-date in its reporting obligations under the human rights treaties to which it was a party. Very few States were in a position to make the same claim. However, if the report currently before the Committee had a flaw, it was that it focused excessively on laws, bills and other legislative measures but gave scant details about how those provisions were enforced in practical terms. For example, on the basis of the information provided by the State party, the Committee was unable to determine how much reparation was available to victims of torture or how that reparation was provided.

64. In that regard, he wished to know whether the comprehensive health care available to the victims of the dictatorship of 1954-1989 under Act No. 4793/12 could also be accessed by persons who had suffered torture or ill-treatment in the period after the dictatorship. Moreover, according to the national preventive mechanism, there was no rehabilitation programme in place for victims of torture. Could the delegation throw any light on that issue? Specifically, he looked forward to receiving disaggregated data and quantified examples of reparation and other forms of redress the courts had awarded to victims.

65. **Ms. Gaer** said that, as the Truth and Justice Commission had already issued its final report documenting 336 cases of enforced disappearance during the 1954-1989 dictatorship, she would like to know how the authorities dealt with new cases dating from the dictatorship that had arisen since then, or might subsequently arise. In that connection, had the genetic profiling of human remains revealed that the victims were predominantly from indigenous communities?

66. She wished to know whether the two persons tried in connection with a child pornography ring in Tacumbú prison were guards or inmates. If the latter, was their sentence of 20 years' imprisonment additional to the sentence they had already been serving? Were measures in place to prevent similar incidents occurring in the future? She was grateful to the State party for having provided detailed statistics concerning domestic and sexual violence, but she was puzzled by some of the figures. How was it possible, for example, that the 32,883 emergency calls relating to domestic violence had resulted in just 1,405 cases being reported to the police? Conversely, how could the number of cases

concerning domestic violence to come before the courts — 4,689 — be more than three times as many as those reported to the police? Any clarification the delegation could provide would be very welcome.

67. The statistics on sexual abuse provided by the State party were not disaggregated by age but would she be right in thinking that most of the victims were minors? The organization Equality Now had drawn attention to the issue of the sexual abuse of young girls, which it described by as an “epidemic”. In one case, a girl called Mainumby had become pregnant following alleged abuse by her stepfather. When her mother had sought to procure an abortion for her the authorities had intervened to prevent the procedure and the mother had been imprisoned. She would like to hear more about the case and to know whether the stepfather had been investigated or prosecuted. More generally, what did the Government do to protect and care for girls who fell pregnant as a result of rape or incest?

68. **Mr. Hani** said that he wished to commend the State party for its constructive approach to the treaty body system and, in particular, for ratifying the Optional Protocol to the Convention against Torture and recognizing the competence of the Committee under articles 21 and 22 of the Convention. He was very impressed by the system for monitoring the implementation of recommendations issued by the treaty bodies. In that regard, he would be interested to know if the system also covered recommendations emanating from the national preventive mechanism.

69. Members had been surprised by the disproportionate use of pretrial detention. Before a person was tried, liberty should be the norm and detention the exception, but in Paraguay the opposite seemed to be the case and he would be interested to learn the reasons for that practice. Particularly troubling was the fact that 85.5 per cent of minors in conflict with the law were held in pretrial detention. Moreover, according to information the Committee had received, no education programmes were made available for children deprived of liberty, even though many of them were in an especially vulnerable position, having not even completed compulsory primary schooling. He hoped that the delegation could provide detailed statistics on the social background of minors in conflict with the law; such information would also help the authorities formulate well-targeted rehabilitation policies.

70. He was extremely concerned about the high rate of deaths in custody, two or three per month according to official statistics. Was it due to difficult living conditions, inter-prisoner violence or coercive interrogation techniques? In that regard, he sought assurances that specialized civil society stakeholders were able to visit places of deprivation of liberty. He would also be interested to hear about any recent review of interrogation methods, in line with article 11 of the Convention. Another point in need of clarification was the low rate of success of investigations carried out by the human rights unit within the Public Prosecution Service. According to the national preventive mechanism, of the 873 cases of human rights abuse referred to the unit between 2013 and 2016, only ten had come to trial.

71. **The Chair** said that the effectiveness of the Convention depended on the existence of a reliable complaints system that persons could use to report cases of torture without risk of reprisal. He was concerned, then, that in reply to paragraph 23 of the list of issues CAT/C/PRY/QPR/7, the State party had indicated that only 18 complaints and 33 internal investigations had been referred to the Internal Affairs and Anti-Corruption Directorate.

72. He understood that the maximum period for which solitary confinement could be imposed as a disciplinary measure was 30 days. That, however, was double the international standard. Could the delegation provide information about how often solitary confinement was used, and in how many cases it extended to the maximum duration?

73. **Mr. Heller Rouassant** said that he was particularly concerned about impunity, especially regarding personnel of prisons and rehabilitation centres for juvenile offenders where, according to the information available to the Committee, torture and ill-treatment were most prevalent. The national preventive mechanism had highlighted two cases in which prison directors had remained in office despite having been accused of torture. The excessive use of solitary confinement as a disciplinary measure was also troubling, particularly in detention centres for women where inmates were exposed to physical, psychological and sexual abuse. In particular, the national preventive mechanism had

recommended that an isolation cell, colloquially known as “Alcatraz”, in Tacumbú prison should be demolished. However, that recommendation did not seem to have been followed. A protocol governing the actions of police in dealings with juveniles in conflict with the law, which had been issued in November 2016, was apparently still awaiting final approval from the Office of the National Police Commander. Could the delegation inform the Committee when that approval was likely to be given?

74. **Ms. Belmir** said that, according to information from a number of sources, foreign nationals in the State party were not entitled to a judicial review of their asylum applications and could therefore be summarily deported to their countries of origin where they might be at risk of torture or ill-treatment. She was aware of a number of citizens of Middle Eastern countries who had found themselves in that situation and was concerned that persons from the Syrian Arab Republic currently seeking refugee status might face the same fate if the State party failed to honour its humanitarian obligations.

*The meeting rose at 12.55 p.m.*