



# International Convention on the Elimination of All Forms of Racial Discrimination

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## Committee on the Elimination of Racial Discrimination

Seventy-ninth session

8 August–2 September 2011

### Implementation of the International Convention on the Elimination of All Forms of Racial Discrimination

#### List of themes to be taken up in connection with the consideration of the combined initial and second and third periodic reports of Paraguay (CERD/C/PRY/1-3)

The following is a list of themes identified by the Country Rapporteur in connection with the consideration of the combined initial and second and third periodic reports of Paraguay. The list is meant to guide the dialogue between the State party delegation and the Committee and *does not require written replies*. This is not an exhaustive list, as other issues may be raised in the course of the dialogue.

**1. The Convention in the domestic legal system; the institutional, legislative and policy framework for its implementation (arts. 1, 2, 4 and 6)**

(a) The relative rank of the Convention vis-à-vis national legal standards in terms of their order of precedence; the question as to whether the Convention is directly applicable in the domestic legal system and whether it can be invoked by individuals before the nation's courts;

(b) Up-to-date information about the consideration given over the past four years to a bill that would outlaw all forms of discrimination, including racial discrimination, in accordance with article 1 of the Convention, given that Paraguayan legislation makes no explicit reference to racial discrimination as such;

(c) Concrete examples of instances in which the National Institute of Indigenous Affairs has provided assistance in connection with cases and complaints concerning racial discrimination brought before public- and private-sector bodies by indigenous peoples (CERD/C/PRY/1-3, para. 43); examples of specific reports concerning discrimination received by the Ombudsman's Office and updates on the status of those cases (para. 60);

(d) Additional information about the areas of responsibility and the activities of the various departments concerned with the protection of human rights in accordance with the Convention, including the Department for Action against Discrimination and the Department for Indigenous Peoples; examples of specific activities and efforts aimed at improving the performance of this institution and the manner in which it deals with the complaints submitted to it (CAT/OP/PRY/1, para. 33);

(e) Up-to-date judicial statistics on the number and types of complaints, legal proceedings and judgements dealing with racial discrimination in Paraguay;

(f) Information about how and to what degree existing criminal laws, as applied by the courts, allow the State party to fulfil its obligations under article 4 of the Convention; information on the progress made in drafting legislation under which all forms and acts of racial discrimination listed in article 4 (a), (b) and (c) would be unlawful (CERD/C/PRY/1-3, paras. 21 to 25).

## 2. Situation of indigenous peoples

(a) Information about the various measures, including special measures, being used to combat discrimination against members of indigenous groups and particularly those being applied to counter the many different forms of discrimination against women from indigenous communities (HRI/CORE/PRY/2010, para. 39); details about the concrete measures being taken to confront the persistent inequality facing members of the indigenous community as regards the right to decent work, the quality of employment (lower wages and low-skilled jobs) and income;

(b) Details about how the Guide to Inclusive and Non-Discriminatory Practices in the Civil Service is being used and about the evaluation methods to be used for measuring its results;

(c) Examples of the State party's efforts to fight manifestations of racial prejudice that could lead to racial discrimination in the press and on the Internet, including stereotypes and degrading portrayals of members of some communities, particularly indigenous communities;

(d) Additional information about customary indigenous law in civil and criminal matters;

(e) Detailed information about the implementation of the Public Policy for Social Development: 2010–2020, known as the *Paraguay para Todos y Todas* ("Paraguay for everyone") campaign (CERD/C/PRY/1-3, para. 98) and, in particular, actions designed to promote equal opportunity;

(f) Additional information about the State party's progress in putting into practice the National Policy on Indigenous Health with a view to providing appropriate health care to members of indigenous communities (CERD/C/PRY/1-3, paras. 98 to 102);

(g) Additional information on measures that the State party has taken to ensure that the Sawhoyamaxa and Yakey Axa communities have access to health care, to housing and to sustenance (letters sent by the Committee to the State party on 31 May 2010 and 27 August 2010 under its early warning and urgent action procedures) and on the progress made towards compliance with the three rulings by the Inter-American Court of Human Rights in favour of the Xakmok Kasek, Yakey Axa, and Sawhoyamaxa communities; information on the current situation and the impact of the actions taken by the Executive Committee for Agrarian Reform;

(h) Details on the measures adopted by the State party to narrow the educational gap between indigenous and other communities and to ensure that pupils are taught in their mother tongue (HRI/CORE/PRY/2010, paras. 64 to 67); information on the measures adopted in the education system to fight against the types of prejudice that lead to discrimination; information on the content and implementation of the national human rights plan of action and the national plan of action for human rights education, as described by the State party to the Special Rapporteur on freedom of religion or belief during his visit to the country from 23 to 30 March 2011.

**3. The situation of Afro-Paraguayan communities and discrimination against persons of African descent (arts. 2, 4, 5 and 7)**

(a) Information on the various measures adopted in order to combat racial discrimination and on the progress made in countering discrimination against, inter alia, persons of African descent and other ethnic minorities (particularly persons of Asian origin and immigrants from Brazil) (CERD/C/PRY/1-3, para. 13, footnote 2, and para. 73), including the multiple forms of discrimination practised against women belonging to such communities;

(b) Information about the concrete measures to be taken in order to address the persistent inequality to which people of African descent are subject as regards access to employment, job quality (lower wages and low-skilled jobs) and income (CERD/C/PRY/1-3, para. 93);

(c) Information on supplementary measures taken in order to ensure that people of African descent have access to social security benefits (CERD/C/PRY/1-3, para. 102).

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