



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

Distr.: General  
16 July 2013  
English  
Original: Spanish

---

**Committee against Torture**

**List of issues prior to the submission of the seventh periodic  
report of Paraguay as adopted by the Committee at its  
fiftieth session (6–31 May 2013)**

At its thirty-eighth session (A/62/44, paras. 23–24), the Committee against Torture established a new optional procedure consisting of the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their periodic reports. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

## Articles 1 and 4

1. With reference to the Committee's previous concluding observations (CAT/C/PRY/CO/4-6, para. 10), please provide information on the content and scope of Act No. 4614 of 22 May 2012, which amended articles 236 and 309, on enforced disappearance and torture, of the Criminal Code (Act No. 1160/97).<sup>1</sup> Please also provide information on the progress and outcome of the work of the committee of experts set up to assess the possibility of amending the Military Criminal Code to include a new definition of torture.<sup>2</sup> Is there a timetable for the amendment of this Code?

## Article 2<sup>3</sup>

2. With reference to the Committee's recommendation in its previous concluding observations (para. 11), please provide information on the measures adopted and procedures already in place to guarantee, in practice, the rights of all detainees to be informed of the reason for their detention, to have access to a lawyer of their choosing, to contact a relative or trusted individual, and to promptly undergo an independent medical examination in accordance with the principles of confidentiality and privacy.<sup>4</sup> Please also provide updated information on the implementation of the project to standardize detainee registers in all the country's police stations, as described in the follow-up report submitted by the State party.<sup>5</sup> Please also specify what measures have been adopted, in compliance with the Committee's recommendation, to review and modify the provisions governing the remedy of habeas corpus.<sup>6</sup>

3. Please indicate whether the State party has adopted the national human rights plan which, according to the State party's previous periodic report, was being prepared by the Human Rights Network of the Executive Branch (CAT/C/PRY/4-6, para. 289 and CAT/C/PRY/CO/4-6, para. 9 (f)). If so, please provide information on the main elements of the plan that are designed to prevent the commission of acts of torture or other cruel, inhuman or degrading treatment or punishment, particularly against detainees and prisoners.

4. Bearing in mind the Committee's previous concluding observations (para. 12), please indicate the status of the draft Organization Act on the Public Defender Service.<sup>7</sup>

---

<sup>1</sup> A/HRC/13/39/Add.6, para. 64 and table p. 144; A/HRC/WG.6/10/PRY/3, para. 1; CAT/OP/PRY/2 and Corr.1, paras. 17 and 18; CAT/OP/PRY/2/Add.1, para. 8 and annex II.

<sup>2</sup> CAT/OP/PRY/2 and Corr.1, para. 19; CAT/OP/PRY/2/Add.1, para. 9.

<sup>3</sup> The issues raised under article 2 may also relate to other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007), on the implementation of article 2 by States parties: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter 'ill-treatment') under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture [...] In practice, the definitional threshold between ill-treatment and torture is often not clear." See also chapter V of the same general comment.

<sup>4</sup> A/HRC/13/39/Add.6, table p. 146; CAT/OP/PRY/2, paras. 42 and 46.

<sup>5</sup> CAT/C/PRY/CO/4-6/Add.1, p. 1. See also A/HRC/13/39/Add.6, table p. 146; CAT/OP/PRY/2 and Corr.1, paras. 44 and 45; CAT/OP/PRY/2/Add.1, paras. 59–62.

<sup>6</sup> See "Indicadores sobre el derecho a un juicio justo: Presentación de la matriz de indicadores de derechos humanos para el Poder Judicial" (Indicators on the right to a fair trial: Presentation of the matrix of human rights indicators for the judiciary), Supreme Court of Justice and OHCHR Paraguay.

<sup>7</sup> CAT/OP/PRY/2 and Corr.1, para. 38; CAT/OP/PRY/2/Add.1, para. 57.

Please include information on the measures adopted by the State party to ensure that the Public Defender Service has the necessary human, financial and material resources to enable it to guarantee free legal assistance for all persons deprived of their liberty who require it.<sup>8</sup>

5. Please provide information on the measures adopted to ensure that the activities of the Office of the Ombudsman are in compliance with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights adopted by the General Assembly in its resolution 48/134 (Paris Principles). Please also indicate what human, financial and material resources were allocated to the Office of the Ombudsman during the reporting period. Please provide statistics on the number and type of complaints received during the reporting period and on the follow-up given to any complaints of torture or ill-treatment.<sup>9</sup> Please indicate what steps have been taken by the Office of the Ombudsman to implement the recommendations contained in the final report of the Truth and Justice Commission.<sup>10</sup>

6. With reference to the follow-up information provided by the State party on the establishment of the National Commission for the Prevention of Torture under Act No. 4288/11 “On the National Mechanism for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”,<sup>11</sup> please provide updated information on the measures adopted to ensure the allocation of a sufficient budget and resources to allow the Commission to operate effectively, in accordance with the provisions of the Optional Protocol to the Convention and the Guidelines on National Preventive Mechanisms (CAT/OP/12/5).<sup>12</sup> Please provide information on the level of follow-up being given to the recommendations made by the National Commission in connection with its visits to detention centres. Please also indicate what measures have been taken to make the reports published by that national preventive mechanism available to the general public and public officials.

7. With reference to the Committee’s previous concluding observations (para. 16), please provide information on the measures taken to prevent and punish acts of corruption committed by national police officers and prison officials, as well as detailed information on the number of such persons prosecuted and punished during the reporting period. Please also indicate what difficulties the public authorities have encountered in this area.

8. In the light of the previous concluding observations (para. 21), in which the Committee expressed its concern at the lack of a specific law to prevent and eradicate violence against women and to punish perpetrators of such violence, particularly sexual abuse, domestic violence and death by violence, please provide updated information on the measures taken by the State party to counter the high level of violence against women.<sup>13</sup> Please provide statistics for the reporting period on the number of complaints concerning the different forms of violence against women and the preventive measures adopted, as well

<sup>8</sup> A/HRC/13/39/Add.6, table p. 145.

<sup>9</sup> Ibid., para. 65 and table p. 145; A/HRC/17/18, paras. 64, 66 and 75; CAT/OP/PRY/2 and Corr.1, para. 23 (a); CAT/OP/PRY/2/Add.1, para. 10.

<sup>10</sup> Truth and Justice Commission, *Informe Final: Anive haguā oiko* (final report: never again), of the conclusions and recommendations chapter, 2008.

<sup>11</sup> CAT/C/PRY/CO/4-6/Add.1, pp. 1 and 2; CAT/C/PRY/CO/4-6, para. 15. See also Official Gazette, 27 April 2011; A/HRC/13/39/Add.6, para. 66 and tables pp. 146 and 148; A/HRC/17/18, paras. 51 and 63; A/HRC/WG.6/10/PRY/3, paras. 15 and 16.

<sup>12</sup> CAT/OP/PRY/2 and Corr.1, paras.11–16; CAT/OP/PRY/2/Add.1, paras. 6 and 7 and annex I.

<sup>13</sup> CEDAW/C/PRY/CO/6, paras. 20 and 21; A/HRC/17/80, paras. 40, 56, 60, 67 and 68; A/HRC/WG.6/10/PRY/3, paras. 21 and 25; UNICEF, annual report on Paraguay, 2010, available at: [www.unicef.org/about/annualreport/files/Paraguay\\_COAR\\_2010.pdf](http://www.unicef.org/about/annualreport/files/Paraguay_COAR_2010.pdf), p. 2.

as the number of decisions handed down by the courts in this regard, including the number of convictions and the corresponding penalties and the redress and reparative measures granted.

9. With reference to the follow-up information provided by the State party on human trafficking,<sup>14</sup> please provide updated information, disaggregated by sex, age, and ethnic origin or nationality of the victims, on the number of complaints, investigations, prosecutions, convictions and sentences imposed in cases of trafficking in persons since the consideration of the State party's previous periodic report in 2011. Please also provide additional information on:

(a) The content and implementation of the Comprehensive Act against Trafficking in Persons No. 4788, adopted in October 2012, and Decree No. 8/2012 of 19 January 2012, by which the national policy for preventing and combating trafficking in persons in the Republic of Paraguay was approved;<sup>15</sup>

(b) An evaluation of the effectiveness and impact of the prevention and training campaigns conducted during the reporting period;<sup>16</sup>

(c) The measures taken to ensure that victims of human trafficking have access to effective remedies and redress. Please include an estimate of the number of applications submitted, the number of beneficiaries and the measures of redress actually granted;

(d) The conclusion of bilateral and subregional agreements with other countries to prevent and combat human trafficking.<sup>17</sup>

### Article 3

10. In the light of the previous concluding observations (para. 17), please provide detailed information on new normative and institutional developments in the areas of asylum and refugee status. Please indicate how many refugees, asylum seekers and other non-citizens, such as immigrants or stateless persons, are present on the State party's territory. Please also provide statistics on the number of persons, disaggregated by sex and country of origin, who have been granted asylum or humanitarian protection and on the number of persons returned, extradited or expelled since the consideration of the previous periodic report. Please provide details of the grounds on which they were sent back and a list of the countries to which they were returned. Please provide detailed information on the types of appeal mechanisms in place and indicate whether any appeals have been filed and, if so, what their outcomes were.

11. Please indicate how many persons have been returned, extradited or expelled by the State party during the reporting period on the basis of its acceptance of diplomatic assurances or the equivalent thereof, as well as providing information on any instances in which the State party has offered such diplomatic assurances or guarantees. What are the minimum contents of such assurances or guarantees, whether given or received, and what measures with regard to subsequent monitoring have been taken in such cases?

---

<sup>14</sup> CAT/C/PRY/CO/4-6/Add.1, pp. 3–10; CAT/C/PRY/CO/4-6, para. 23.

<sup>15</sup> CAT/C/PRY/CO/4-6/Add.1, pp. 9 and 10.

<sup>16</sup> *Ibid.*, pp. 3 and 4.

<sup>17</sup> See also CEDAW/C/PRY/CO/6, paras. 22 and 23; CRC/C/PRY/CO/3, paras. 72 and 73; A/HRC/17/18, paras. 30, 37, 38, 42, 60, 63, 68, 71 and 80; and A/HRC/WG.6/10/PRY/3, para. 23.

## Articles 5–9

12. Please indicate what legislative or other measures have been taken to implement article 5 of the Convention. Under national law, are acts of torture considered offences over which the State party should have universal jurisdiction, regardless of where they occur and regardless of the nationality of the perpetrator or victim? Please provide relevant examples of any prosecutions of such offences.

13. Please inform the Committee as to what extradition treaties have been concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in those treaties.

14. Please clarify what mutual judicial assistance agreements or treaties Paraguay has entered into with other entities, such as countries, international tribunals or international institutions, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. Please provide a list of such cases.

## Article 10

15. With reference to the previous concluding observations (para. 24), please provide updated information on the training programmes established by the State party to ensure that all public servants, in particular police and other law enforcement officers, are fully familiar with the provisions of the Convention and of the fact that breaches will not be tolerated and will be investigated and that offenders will be prosecuted.<sup>18</sup> Please clarify whether civil society organizations and academic institutions were involved in the development of these programmes. Please also indicate whether the State party has developed a methodology to assess the effectiveness and impact of training programmes in terms of a reduction in cases of torture and ill-treatment and, if so, provide information on the content and implementation of that methodology.

16. Please provide updated information on training programmes designed to teach judges, prosecutors, forensic doctors and medical personnel who deal with detainees how to detect and document the physical and psychological after-effects of torture. Do such programmes include specific training with regard to the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol)?<sup>19</sup>

## Article 11

17. Please provide information on the procedures in place to ensure compliance with article 11 of the Convention, as well as updated information on any new rules, instructions, methods, practices or arrangements for custody that have been introduced since the consideration of the previous periodic report in 2011.<sup>20</sup> Please also indicate how often they are reviewed. In particular, please provide information on the prison reform process initiated in 2010.<sup>21</sup> Please also indicate what conclusions have been reached by the inter-

<sup>18</sup> A/HRC/13/39/Add.6, table pp. 145 and 146; A/HRC/WG.6/10/PRY/3, para. 19; CAT/OP/PRY/2 and Corr.1, para. 25; CAT/OP/PRY/2/Add.1, paras. 19–31 and 80–83.

<sup>19</sup> A/HRC/WG.6/10/PRY/3, para. 15.

<sup>20</sup> A/HRC/13/39/Add.6, table p. 147.

<sup>21</sup> Decree No. 4674 of 9 July 2010. See A/HRC/WG.6/10/PRY/1, para. 53.

institutional working group concerning the transfer of prisoners and what follow-up action has been taken.<sup>22</sup>

18. Please provide updated information, including statistics disaggregated by sex, age, and ethnic origin or nationality, on the number of pretrial detainees and convicted prisoners<sup>23</sup> and the occupancy rate of all places of detention.

19. With reference to the Committee's previous concluding observations (para. 19), please indicate what measures have been taken to improve the infrastructure of prisons and other places of detention.<sup>24</sup> Please evaluate the effectiveness of the measures taken to ensure that juveniles and adults are held separately<sup>25</sup> and to ease overcrowding in the State party's prisons. Please also provide information on efforts made by the State party to increase the health-care resources available in prisons.<sup>26</sup>

20. Please provide information on the disciplinary sanctions applicable to persons deprived of their liberty. Please evaluate the current practice of using solitary confinement and provide detailed statistics on its use. What control mechanisms and legal remedies are in place?

21. Please provide statistics on the deaths that have occurred during custody in the reporting period, disaggregated by sex, age, and ethnic origin or nationality of the deceased, place of detention and cause of death. Please supply detailed information on the outcome of the investigations into these deaths and on the measures taken to prevent the reoccurrence of similar cases. Please indicate whether relatives have received compensation in any of these cases.

22. Please provide information on how frequently violence among prisoners occurs, in particular on any cases involving possible negligence on the part of law enforcement personnel, and on the number of complaints made in this regard. What preventive measures have been taken and how is the effectiveness of these measures assessed?

### Articles 12 and 13

23. Please provide statistical data, disaggregated by sex, age, ethnic origin or nationality and place of detention, on the number of complaints of acts of torture or ill-treatment recorded during the reporting period. Please include information on investigations, disciplinary and criminal proceedings, convictions and the criminal or disciplinary sanctions applied.<sup>27</sup>

24. With reference to the information provided by the State party in the follow-up report, please provide more detailed information on the measures taken to ensure that all complaints of torture or ill-treatment are promptly and impartially investigated by an independent body.<sup>28</sup> Please also indicate what measures have been taken to ensure the

<sup>22</sup> CAT/OP/PRY/2 and Corr.1, para. 33; CAT/OP/PRY/2/Add.1, paras. 55 and 56.

<sup>23</sup> A/HRC/13/39/Add.6, table p. 147.

<sup>24</sup> CAT/OP/PRY/2 and Corr.1, paras. 26, 47–49, 52–56; CAT/OP/PRY/2/Add.1, paras. 67–74 and 84–87.

<sup>25</sup> UNICEF, annual report on Paraguay, 2010 (see footnote 13 above), p. 2.

<sup>26</sup> A/HRC/17/18, paras. 49, 51, 63 and 73; A/HRC/WG.6/10/PRY/3, para. 19; A/HRC/13/39/Add.6, table p. 147. On the prison reform process, see A/HRC/17/18, paras. 31, 37 and 51.

<sup>27</sup> CAT/C/PRY/CO/4-6/Add.1, p. 3; A/HRC/17/18, paras. 49, 62, 67, 68 and 73; A/HRC/WG.6/10/PRY/3, paras. 18 and 20; A/HRC/13/39/Add.6, table p. 144; CAT/OP/PRY/2 and Corr.1, paras. 28, 29, 39 and 57; CAT/OP/PRY/2/Add.1, paras. 34–42 and 88 and 89.

<sup>28</sup> CAT/C/PRY/CO/4-6/Add.1, pp. 2–3; CAT/C/PRY/CO/4-6, para. 18. See also A/HRC/13/39/Add.6,

effectiveness and independence of the internal complaints procedure available to persons deprived of their liberty.<sup>29</sup>

25. Please provide information on the investigations and any disciplinary or criminal action taken in relation to the child pornography ring that was uncovered in Tacumbú Prison in September 2010.<sup>30</sup>

26. Please provide information on the serious events that took place in Curuguaty on 15 June 2012, in which 11 campesinos and 6 police officers were allegedly killed and at least 20 other people were injured. Please include information on the outcome of the investigation into the murder on 1 November 2012 of Mr. Vidal Vega, a campesino leader and a key witness in the investigation into the massacre of June 2012.

## Article 14

27. With reference to the request for information contained in the previous concluding observations (para. 25), please provide statistics and full details on redress and compensation measures, including rehabilitation measures, ordered by the courts and actually provided to victims of torture, or their family members, since the consideration of the previous periodic report. This information should include the number of claims lodged, the number admitted and the amounts granted and those actually provided in each case.<sup>31</sup>

28. Please provide information on reparation programmes, including the treatment of physical and psychological trauma, and other forms of rehabilitation provided to victims of torture or ill-treatment and on the allocation of sufficient resources to ensure the effectiveness of these programmes. Please also supply information on the extent of cooperation with specialized non-governmental organizations in this area and indicate whether the State party provides financial and/or other support for their effective implementation.<sup>32</sup>

29. Please provide updated information on the implementation of the recommendations of the Truth and Justice Commission, in particular in relation to the adoption of measures to: (a) impose sanctions on those responsible for the serious human rights violations committed in Paraguay between 1954 and 2003,<sup>33</sup> (b) search for disappeared persons,<sup>34</sup> and (c) provide redress to victims,<sup>35</sup> taking into consideration the Committee's general comment No. 3 (2012) on the application of article 14 by States parties (CAT/C/GC/3).

## Article 15

30. With reference to the Committee's recommendation in its previous concluding observations (para. 20), please provide information on the specific measures adopted to ensure observance, in practice, of the principle of inadmissibility of evidence obtained

---

table p. 144; A/HRC/17/18, para. 52; CAT/OP/PRY/2 and Corr.1, paras. 30 and 51; CAT/OP/PRY/2/Add.1, para. 46.

<sup>29</sup> A/HRC/WG.6/10/PRY/3, para. 16.

<sup>30</sup> CAT/OP/PRY/2 and Corr.1, para. 63; CAT/OP/PRY/2/Add.1, para. 93.

<sup>31</sup> A/HRC/13/39/Add.6, table p. 144.

<sup>32</sup> A/HRC/WG.6/10/PRY/3, paras. 15 and 17.

<sup>33</sup> Truth and Justice Commission, final report (see footnote 10 above), pp. 94–98.

<sup>34</sup> *Ibid.*, p. 91. See also A/HRC/17/18, paras. 77 and 81.

<sup>35</sup> *Ibid.*, pp. 88 ff. See also A/HRC/17/18, paras. 33, 35, 57 and 76 and A/HRC/13/39/Add.6, table p. 145.

through torture. Since the consideration of the previous periodic report, in how many criminal proceedings has it been ruled that the evidence against the accused was obtained under duress or torture? Please provide data on cases dismissed by the courts for this reason.

## Article 16

31. With regard to the previous concluding observations (para. 26), please provide information on the measures taken by the State party to explicitly prohibit corporal punishment of children in all settings.<sup>36</sup>

32. With reference to the Committee's previous concluding observations (para. 27), please provide information on the measures taken by the State party to eliminate all forms of exploitation of minors<sup>37</sup> and members of the Guaraní ethnic group and other indigenous peoples for their labour.

33. Please comment on reports indicating that journalists and other media professionals continue to be subjected to intimidation and harassment. Please provide detailed information on the results of criminal investigations and prosecutions, including the sentences imposed, in cases of attacks and threats against members of this profession. In particular, please provide information on the outcome of the investigations and disciplinary and/or criminal proceedings in relation to:

(a) The attack on the premises of Radio Guyra Campana in Horqueta, Department of Concepción, on 4 October 2012;

(b) The alleged acts of intimidation and physical aggression against Ms. Nilza Ferreira and Ms. Ana Antúnez, journalists with the newspaper *La Nación*, in September 2012.

34. Please provide information on the fulfilment by Paraguayan armed forces deployed abroad in peacekeeping missions of their obligations under the Convention.<sup>38</sup>

35. Please provide updated information on the measures taken by the State party in response to the threat of terrorism and describe how these measures, if any, have affected human rights safeguards in law and in practice and how the State party has ensured that the counter-terrorism measures it has adopted are in compliance with its obligations under international law, particularly the Convention.<sup>39</sup> Please describe the training given to law enforcement officers in this area, the number and types of persons convicted under counterterrorism legislation, and the legal safeguards and remedies available to persons subject to antiterrorism measures in law and in practice. Please indicate whether there have been complaints of non-compliance with international standards and, if so, describe the outcome of those complaints.<sup>40</sup>

---

<sup>36</sup> A/HRC/WG.6/10/PRY/3, para. 22.

<sup>37</sup> UNICEF, annual report on Paraguay, 2010 (see footnote 13 above), p. 2.

<sup>38</sup> *Monthly summary of contributions to the United Nations Peacekeeping Operations*: [www.un.org/en/peacekeeping/contributors/2012/Dec12\\_1.pdf](http://www.un.org/en/peacekeeping/contributors/2012/Dec12_1.pdf); for information on the United Nations Stabilization Mission in Haiti, see also: [www.un.org/en/peacekeeping/missions/minustah/facts.shtml](http://www.un.org/en/peacekeeping/missions/minustah/facts.shtml).

<sup>39</sup> S/2001/1293; S/2002/878; S/2003/700; S/2004/375 and Add.1; S/2005/516; and S/2006/395.

<sup>40</sup> A/HRC/WG.6/10/PRY/3, paras. 50 and 51; A/HRC/17/18, para. 74.



**General information on other measures and developments relating to the implementation of the Convention in the State party**

36. Please provide detailed information on any other legislative, administrative, judicial or other measures taken since the consideration of the previous report that implement the provisions of the Convention or the Committee's recommendations. This may include institutional developments, plans or programmes, including resources allocated, and statistical data or any other information that the State party considers relevant.

---