



**Convention on the Elimination
of All Forms of Discrimination
against Women**

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**Committee on the Elimination of
Discrimination against Women**

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**Concluding observations of the Committee on the
Elimination of Discrimination against Women**

Paraguay

1. The Committee considered the sixth periodic report of Paraguay (CEDAW/C/PAR/6 and Corr.1) at its 1000th and 1001st meetings, on 5 October 2011 (CEDAW/C/SR.1000 and 1001). The Committee's list of issues and questions is contained in CEDAW/C/PRY/Q/6 and the responses of the Government of Paraguay are contained in CEDAW/C/PRY/Q/6/Add.1.

A. Introduction

2. The Committee expresses its appreciation to the State party for its sixth periodic report, which includes detailed information on the implementation of the Committee's previous concluding observations (CEDAW/CRC/PAR/CO/3-5); however it does not strictly follow the Committee's guidelines for the preparation of reports. The Committee commends the State party for its oral presentation, the written replies to the list of issues and questions raised by its pre-session working group and the honest and frank answers provided to the questions posed orally by the Committee.

3. The Committee also commends the State party for its high-level delegation, headed by the Executive Secretary for the Women's Secretariat of the Presidency of the Republic (*Secretaría de la Mujer de la Presidencia de la República*), which included the Minister of Public Administration and representatives of the Ministry of Public Administration (*Secretaría de la Función Pública*), the Supreme Court of Justice (*Corte Suprema de Justicia*), the Ministry of Justice and Labour (*Ministerio de Justicia y Trabajo*), the Ministry of Public Health and Social Welfare (*Ministerio de Salud Pública y Bienestar Social*), the Ministry of Industry and Trade (*Ministerio de Industria y Comercio*), the Ministry of Foreign Affairs (*Ministerio de Relaciones Exteriores*), the Presidency of the Republic (*Presidencia de la República*) and the Permanent Mission of Paraguay in Geneva. The Committee commends the State party on its demonstrable political will and commitment, expressed during the constructive dialogue.

B. Positive aspects

4. The Committee notes with satisfaction the adoption of the Public Policy for Social Development 2010-2020 (*Política Pública de Desarrollo Social 2010-2020*), which complements the Economic and Social Strategic Plan 2008-2013 (*Plan Estratégico Económico y Social*), which recognizes the right to live a life without violence as a prerequisite for development. This policy includes among its purposes the “Eradication of all forms of violence against women, assuring State protection for them” and also includes other rights of women, as cross-sectional topics of social policy. The Committee also notes with satisfaction the adoption of the National Plan for Equality of Opportunities 2008-2017 (*Plan Nacional de Igualdad de Oportunidades*).

5. The Committee notes with satisfaction the establishment of strategic lines for the prevention, sanction and elimination of violence against women. It welcomes the fact that five police stations had been specially equipped to deal with complaints; and the establishment of an Interinstitutional Technical group to draw up a combined register of public services provided to victims of gender-based, domestic and inter-family violence.

6. The Committee welcomes the increase in the budget allocated to the Women’s Secretariat. It also welcomes the establishment of entities responsible for gender and women’s rights in the Ministry of Foreign Affairs, the Superior Court of Electoral Justice, the Supreme Court of Justice, the Ministry of Defence and also the strengthening of the Women’s Secretariat in all regions of the country, as well as in 134 out of 237 municipalities in the country.

7. The Committee welcomes the adoption of inter-institutional agreements between the branches of Government in order to promote advances regarding sensitive topics that face resistance in society. One such inter-institutional agreement is the Inter-institutional Council for gender equality (*Consejo Interinstitucional de igualdad de género*), and its Follow-up Committee (*Comité de Acompañamiento*) which have a mandate to evaluate, contribute to, monitor and make recommendations regarding the implementation of the National Plan for Equality of Opportunities.

C. Principal areas of concern and recommendations

8. The Committee recalls the State party’s obligation to systematically and continuously implement all the provisions of the Convention on the Elimination of All Forms of Discrimination against Women and views the concerns and recommendations identified in the present concluding observations as requiring the State party’s priority attention between now and the submission of the next periodic report. Consequently, the Committee urges the State party to focus on those areas in its implementation activities and to report on the action taken and the results achieved in its next periodic report. The Committee calls upon the State party to submit the present concluding observations to all relevant ministries, to both chambers of the legislature and to the judiciary, in order to ensure their full implementation.

Parliament

9. While reaffirming that the Government has the primary responsibility for, and is particularly accountable for, the full implementation of the State party’s obligations under the Convention, the Committee stresses that the Convention is binding on all branches of the State apparatus, and invites the State party to encourage both chambers of the legislature, in line with their procedures and where appropriate, to

take the necessary steps with regard to the implementation of the present concluding observations and the Government's next reporting process under the Convention.

Visibility of the Convention and the Optional Protocol

10. The Committee takes note of the information provided by the State party on measures in place, such as the dissemination of the Convention and its Optional Protocol, in Spanish and translated into Guaraní, among public officials at national, provincial and municipal levels of the country. The Committee also notes the audio productions of the Convention made by the State party for blind and visually impaired Paraguayans. However, the Committee is concerned that these measures have not given sufficient prominence to the two instruments, especially in society at large. It is particularly concerned that women themselves are not sufficiently aware of their rights under the Convention or of the complaints procedure under the Optional Protocol, and thus lack the capacity to claim the full promotion, protection and fulfilment of their rights on an equal basis with men.

11. The Committee recommends that the State party take measures to increase awareness of and adequately disseminate the Convention, its Optional Protocol and the Committee's general recommendations among all stakeholders, including Government ministries, parliamentarians, the judiciary and law enforcement officers, with a view to creating awareness of women's human rights. The Committee further urges the State party to undertake awareness-raising campaigns targeted at women, judiciary and legal professionals, and to ensure that women can avail themselves of procedures and remedies in relation to violations of their rights under the Convention.

Principle of equality

12. The Committee is concerned that, despite the prohibition contained in article 48 of the Constitution, the State party's legislation does not provide a definition of discrimination in accordance with article 1 of the Convention. The Committee is further concerned that, despite the preparation of draft laws on equality and against all forms of discrimination against women, endorsed by ministerial entities, several commissions of the legislative branch and civil society, these drafts have not been approved by the legislature. The lack of a comprehensive law disproportionately affects disadvantaged groups of women, including indigenous and rural women, lesbians and transsexuals, who are particularly vulnerable to discrimination. The Committee is further concerned at the persistence of discriminatory provisions in the legislation which denotes a need to further harmonize domestic legislation with international instruments ratified by the State party.

13. The Committee reiterates its recommendation to the State party to take effective steps to prohibit discrimination against women in line with article 1 of the Convention through the adoption of appropriate national legislation, such as the drafting of a comprehensive law on discrimination that awaits the approval of parliament. The Committee also recommends that the State party review its domestic legislation in order to harmonize it with the Convention.

National machinery

14. The Committee takes note of the information provided by the delegation regarding the budget and human resources allocated to the Women's Secretariat and regrets that its status does not enable it to influence the decisions made by the Government's cabinet. The Committee also notes the significant increase in the budget of the Secretariat for Women, but it regrets that this increase mainly comes from external sources which may not be sustainable.

15. The Committee recommends that the State party consider:

- (a) Raising the status of the Women's Secretariat in the current process of modernization of the State;**
- (b) Integrating the Women's Secretariat into the Ministerial Cabinet; and**
- (c) Allocating, from its national budget in a sustainable manner, sufficient human, technical and financial resources to the Women's Secretariat and other entities with gender-related mandates, and coordinating the latter, as well as the improvement of the necessary statistical data.**

Temporary special measures

16. The Committee is concerned about the lack of awareness of the importance of temporary special measures in accelerating the achievement of substantive gender equality in all areas of the Convention. The Committee takes note of the adoption of special measures with respect to women's participation in political life, which provide for a 20 per cent minimum quota for women on lists of candidates for primary elections and also in the application of the agrarian statute, which gives preferential treatment to women-headed households. The Committee is however concerned that these measures have not been effective in enhancing equality in the participation of women in political life, or achieving substantive equality for all women in accordance with article 4(1) of the Convention.

17. The Committee recommends that the State party take further steps to expand the acceptance of temporary special measures and their wider application, in accordance with article 4(1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, as part of a necessary strategy in accelerating the achievement of women's substantive equality, in particular for disadvantaged groups of women, in all areas of life such as health, education and employment.

Stereotypes

18. The Committee is concerned about the persistence of discriminatory traditional attitudes and the prevailing negative influence of some manifestations of religious beliefs and cultural patterns in the State party that hamper the advancement of women's rights and the full implementation of the Convention, in particular sexual and reproductive health and rights. The Committee expresses concern about the lack of regulation of the media, which allows stereotypical images of women to be reproduced. Stereotypes are further reproduced in the educational system throughout the country.

19. The Committee recommends that the State party:

- (a) Step up its efforts in conducting awareness-raising and public educational campaigns addressing the population at large, and in particular, political and religious leaders and Government officials, with a view to bringing about changes in traditional attitudes associated with discriminatory gender roles in the family and in society at large, in accordance with articles 2(f) and 5(a) of the Convention; and**
- (b) Encourage media self-regulation and the adoption of a code of conduct for advertising with a view to avoiding stereotypes and gender-discriminatory practices.**

Violence against women

20. The Committee notes that the State party has adopted various measures to protect women from domestic violence, such as the strengthening of complaint-receiving mechanisms at five police stations, further to which, between February 2010 and March

2011, a total of 7,066 complaints were recorded, of which 64.6 per cent were from women. However, the Committee is concerned about the lack of a coordinated and coherent system for collecting data on gender-based violence. It also notes the existence of the National Programme for Prevention and Comprehensive Care of Women, Children and Adolescents in Situations of Gender-based Violence, Domestic and Family Violence, a service which has been set up in seven hospitals throughout the country, and the standardization of profiles for health-care personnel. However, the Committee is concerned about the need to further train medical personnel in order to properly receive women. The Committee also notes the recent establishment of the first shelter for women in situations of violence. Despite the adoption of these measures, the incidence of violence against women remains high and the Committee remains concerned about the lack of a comprehensive law on domestic violence.

21. The Committee recommends the State party to:

(a) Expedite the adoption of a comprehensive law to prevent, sanction and eradicate violence against women, in line with the Convention and the Committee's general recommendation No. 19 (1992) on violence against women;

(b) Effectively combat all forms of violence against women, including physical, psychological and economic violence, by ensuring that the perpetrators of such acts are prosecuted and punished and that women are effectively protected against reprisals;

(c) Intensify its efforts to increase awareness among public officials, especially law enforcement officials, the judiciary, health-care providers and social workers and to reinforce awareness of the fact that such violence is socially and morally unacceptable and constitutes discrimination against women and violates their human rights; and

(d) Enhance its collaboration and coordination with civil society organizations, in particular women's associations, to strengthen the implementation and monitoring of legislation and programmes aimed at eliminating violence against women.

Trafficking and exploitation of prostitution

22. While appreciating the State party's efforts to address the issue of trafficking in women and girls, the Committee remains concerned about the alarming scale of trafficking, as the State party is a host, source, transit and transborder country in this regard. The Committee is further concerned about the lack of a comprehensive law on trafficking which fully complies with article 6 of the Convention. The Committee notes the establishment of a Directorate for the Prevention and care of Victims of Trafficking (*Dirección de Prevención y Atención a Víctimas de Trata de Personas*); however, it is concerned about the lack of human and financial resources to adequately combat trafficking and exploitation of prostitution and to offer shelter and services to victims. The Committee takes note of the drafting of a national plan to combat human trafficking (*Política Nacional de prevención y lucha contra la trata de personas*); however, the Committee remains concerned about its pending approval by the State party and the need to allocate sufficient resources for its implementation. It is also concerned that no trafficking offenders were convicted in 2010 and it underscores the need for further collaboration with neighbouring countries in order to adequately deal with the issue of trafficking.

23. The Committee urges the State party to:

(a) Step up its efforts with regard to anti-trafficking initiatives with a view to addressing fully and comprehensively the complexities of trafficking in women and girls and the exploitation of prostitution;

- (b) **Adopt a law on trafficking which fully complies with article 6 of the Convention;**
- (c) **Adopt effective referral and identification mechanisms for victims of trafficking;**
- (d) **Adopt the necessary measures to investigate the scope and causes of internal trafficking of children and women in order to draft and implement a comprehensive strategy to prevent trafficking and punish traffickers;**
- (e) **Strengthen its mechanisms for the investigation, prosecution and punishment of the perpetrators of trafficking; and**
- (f) **Increase its efforts with regard to international, regional and bilateral cooperation with countries of origin, transit and destination to prevent trafficking, through information exchange, and to harmonize legal procedures aimed at the prosecution and punishment of traffickers.**

Participation in political and public life

24. The Committee is concerned that the presence and participation of women in the political and public life of the country remains very limited, despite a small increase in the representation of women in the Foreign Service. The Committee is concerned about the lack of awareness and rejection of temporary special measures to accelerate the achievement of women's equality. The Committee is also concerned at the lack of monitoring mechanisms regarding the implementation of the weak and limited temporary special measures so far adopted on the participation of women in political and public life.

25. The Committee recommends that the State party:

- (a) **Implement national awareness-raising campaigns on the importance of women's participation in political and public life, especially in rural areas;**
- (b) **Increase women's representation in political and public life, including at the international level;**
- (c) **Review the use of temporary special measures according to article 4(1) of the Convention and in view of the Committee's general recommendations No. 25 (2004), and No. 23 (1997) on women in political and public life; and**
- (d) **Include in the application of such measures the establishment of benchmarks with timetables and increased quotas with the aim of increasing women's political representation.**

Education

26. The Committee is concerned about the high rate of teenage pregnancy, which affects the continuation and completion of education for girls. It is also concerned about the lack of appropriate disaggregated data and information on reasons for dropping out in relation to pregnancy. The Committee is further concerned about the suspension of the implementation of the Pedagogical Framework for comprehensive education on sexuality (*Marco Rector Pedagogico para la educacion integral para la sexualidad*) which had been drawn up by the Ministry of Education with the participation of several institutions, in order to provide comprehensive education to children and to avoid risk behaviours and abuses that persist in society. The Committee is further concerned about the gap with regard to the education of indigenous girls.

27. The Committee recommends the State party to:

- (a) **Implement specific policies to enforce and implement Act No. 4084/2010 in order to facilitate school enrolment and continuation, as well as support academic**

performance during pregnancy and maternity, and also implement special measures to encourage pregnant schoolgirls to stay in school;

(b) Implement a data collection system regarding reasons for dropping out in relation to early pregnancy and other contributing factors;

(c) Consider the relevance of reinstating the Pedagogical Framework for comprehensive education on sexuality and adopt the necessary measures towards implementing it; and

(d) Step up its efforts towards implementing equal education opportunities for indigenous girls.

Employment

28. The Committee expresses its concern at the precarity of working conditions for women in both the formal and informal sectors of the economy, the persistence of occupational segregation and the concentration of women in low-paid and informal jobs and wage disparities between women and men in the public and private sectors. It is concerned about the situation of domestic workers, a high proportion of whom are women, legal provisions which allow for working days of up to 12 hours, a salary which is 40 per cent of the legal minimum wage, as well as the lack of job security and pension benefits. The Committee is deeply concerned about the persistence of unpaid domestic child labour (known as *criadazgo*); despite *criadazgo* being forbidden by law, and the fact that enforcement mechanisms are not effective or concrete and that actionable policies have not been implemented. It is further concerned about the lack of sanctions for non-compliance with the legislation which establishes the requirement for the availability of childcare services (*guarderías*) in companies with more than 50 employees.

29. The Committee recommends the State party to:

(a) Take all the necessary steps to ensure the implementation of its labour legislation, to address pay gaps and to encourage women to take up employment in non-traditional fields;

(b) Amend its legislation in order to improve the conditions of work for domestic workers, including access to social security benefits;

(c) Strengthen its monitoring on unpaid domestic child labour (*criadazgo*) and implement policies aiming at eradicating this practice, as well as conduct awareness-raising campaigns through the media and public education programmes on the situation of girls performing domestic work and their rights;

(d) Strengthen its labour inspection mechanisms and establish sanctions for companies with more than 50 people which do not comply with the legal obligation to provide childcare services; and

(e) Ratify International Labour Organization Convention No. 189 concerning decent work for domestic workers.

Health

30. The Committee welcomes the State party's efforts to improve access to and use of public services, through the adoption of measures such as free access to primary health-care services, which includes reproductive health care. However, the Committee remains concerned about the insufficient health-care budget, the lack of a comprehensive law on sexual and reproductive health and rights, as well as the lack of specific policies mainstreaming human rights and gender perspectives in health plans and programmes. The Committee is alarmed that the maternal mortality rate remains very high, particularly as a result of unsafe abortions. The Committee is also concerned that the lack of a

confidentiality code/policy in medical centres violates patients' privacy rights, in particular for women who are admitted to hospitals for complications of abortion.

31. The Committee, reiterating its recommendations from previous concluding observations and recalling its general recommendation No. 24 (1999) on women and health and the Beijing Declaration and Platform for Action, recommends the State party to:

(a) Act without delay and implement effective measures to deal with the high maternal mortality rate, prevent women from having to resort to unsafe abortions and remove punitive provisions imposed on women who undergo abortion;

(b) Adopt a policy for patient privacy, to safeguard doctor-patient confidentiality specifically when treating women for abortion complications;

(c) Strengthen institutional health-care capacity and the implementation of programmes and policies aimed at providing effective access for women to health-care information and services, in particular regarding reproductive health and affordable contraceptive methods, with the aim of preventing clandestine abortions; and

(d) Approve the implementation regulation for Law No. 2907/06 in order to ensure the necessary budget for providing contraceptive methods.

Rural women

32. The Committee welcomes the efforts by the State party to implement action to improve institutional services for rural women, such as the drafting of the Specific Policy for Rural Women (*Política Específica para Mujeres Rurales*). However, the Committee remains concerned about the disadvantaged position of women in rural areas, who are most affected by poverty, challenges in access to health and social services and a lack of access to land, not due to legal impediments, but to traditional practices and cultural patterns, which are stronger in rural areas and indigenous communities. The Committee is further concerned that, despite the measures implemented to regulate the use of agro-toxic products, their misuse in agriculture can negatively impact on the health of rural women.

33. The Committee recommends the State party to:

(a) Implement specific policies with a view to advancing the realization of women's rights, including through effective temporary special measures to accelerate the achievement of substantive equality;

(b) Strengthen its efforts to implement comprehensive nationwide health and educational programmes, including programmes in the areas of functional literacy, enterprise development, skills training and microfinance, as a means of poverty alleviation; and

(c) Undertake a comprehensive study on the probable negative causes of the misuse of agro-toxic products in agriculture in order to implement the necessary measures to eradicate their impact on the health of women and their children.

Disadvantaged groups of women

34. The Committee welcomes the efforts by the State party to improve the living conditions of indigenous women, including monolingual Guaraní women. However, the Committee reiterates its concern about the persistence of illiteracy, low school enrolment rates, poor access to health care and significant levels of poverty. The Committee is deeply concerned about the high levels of vulnerability in relation to the right to adequate food and to safe drinking water, especially in the Chaco region, which has been repeatedly affected by droughts. The Committee is also concerned about indigenous women's wages, which are usually below the national average.

35. The Committee recommends the State party to:

(a) Adopt temporary special measures, in accordance with article 4, paragraph 1, of the Convention and the Committee's general recommendation No. 25 (2004) to accelerate the realization of the rights of indigenous women;

(b) Ensure that indigenous women have easy access to schools and health services, in an affordable manner – both physically and financially – with bilingual services, which take into account the special needs of women from monolingual indigenous communities; and

(c) Strengthen its efforts to realize the right to adequate food and water in a consultative and participatory manner, involving indigenous women in order to achieve culturally adequate outcomes.

Discrimination against women in marriage and family relations

36. The Committee reiterates its concern about the minimum legal age of marriage, which remains at 16 years for both girls and boys. The Committee notes that the Divorce Law (No. 45/91) provides for equality in marriage; however it is concerned that the three existing marital property regimes are not adequately known to the public, and women are particularly unaware of the economic consequences of their choices. The Committee is further concerned that under the community property regime, the definition of property to be divided equally upon divorce does not include intangible assets, such as work-related benefits and there are no mechanisms to compensate for economic disparities between spouses. The Committee is also concerned about the insufficient legislative measures and judicial resources to enforce responsible paternity.

37. The Committee reiterates its recommendation that the State party take measures towards raising the minimum legal age of marriage for girls and boys. The Committee, recalling its general recommendation No. 21 (2004) on equality in marriage and family relations, recommends that the State party:

(a) Embark on an awareness-raising campaign for women on the choice of marital property regimes and the consequences for their economic security and welfare;

(b) Ensure that the concept of joint marital property extends to intangible property, including pension and insurance benefits and other career assets, and take further legal measures as needed in order to compensate for the unequal share of women in unpaid work, including post-separation spousal payments; and

(c) Further enhance existing legislation and administrative measures on paternity claims, including through provision for subsidizing DNA tests, and enhance judicial mechanisms entrusted with handling such cases.

Amendment to article 20, paragraph 1, of the Convention

38. The Committee encourages the State party to accelerate the consideration of amending article 20, paragraph 1, of the Convention concerning the meeting time of the Committee.

Beijing Declaration and Platform for Action

39. The Committee urges the State party, in the implementation of its obligations under the Convention, to fully utilize the Beijing Declaration and Platform for Action, which reinforce the provisions of the Convention, and requests the State party to include information thereon in its next periodic report.

Millennium Development Goals

40. The Committee emphasizes that full and effective implementation of the Convention is indispensable for achieving the Millennium Development Goals. It calls for the integration of a gender perspective and explicit reflection of the provisions of the Convention in all efforts aimed at the achievement of the Millennium Development Goals and requests the State party to include information thereon in its next periodic report.

Dissemination

41. The Committee requests the wide dissemination in Paraguay of the present concluding observations in order to make the people, Government officials, politicians, parliamentarians and women's and human rights organizations aware of the steps that have been taken to ensure de jure and de facto equality of women and the further steps that are required in that regard. The Committee recommends that dissemination should include dissemination at the local community level. The State party is encouraged to organize a series of meetings to discuss the progress achieved in the implementation of the present concluding observations. The Committee requests that the State party disseminate widely, in particular to women's and human rights organizations, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly on the theme "Women 2000: gender equality, development and peace for the twenty-first century".

Follow-up to concluding observations

42. The Committee requests the State party to provide, within two years, written information on the steps undertaken to implement the recommendations contained in paragraphs 23 and 31 above.

Preparation of next report

43. The Committee requests the State party to ensure the wide participation of all ministries and public bodies in the preparation of its next report, as well as to consult a variety of women's and human rights organizations during that phase.

44. The Committee requests the State party to respond to the concerns expressed in the present concluding observations in its next periodic report under article 18 of the Convention. The Committee invites the State party to submit its seventh periodic report in October 2015.

45. The Committee invites the State party to follow the harmonized guidelines on reporting under the international human rights treaties, approved at the fifth inter-committee meeting of the human rights treaty bodies, in June 2006 (HRI/MC/2006/3 and Corr.1). The treaty-specific reporting guidelines adopted by the Committee at its fortieth session, in January 2008, must be applied in conjunction with the harmonized reporting guidelines on a common core document. Together, they constitute the harmonized guidelines on reporting under the Convention on the Elimination of All Forms of Discrimination against Women. The treaty-specific document should be limited to 40 pages.